Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation by Pastor Paulette Blaylock, Landmark Christian Fellowship Church
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PRESENTATION

City Manager’s Featured Projects for October 2003 - Presented by Brad Dunlap
• Neighborhood Community Center Environmental

ORAL COMMUNICATIONS

• Dustin Scheller, Porterville, addressed council regarding his Fright Festival. He requested that Council co-sponsor the event in order to allow the Festival to run as scheduled, from Oct. 24th through Nov. 1st, 2003 at the Porterville Fairgrounds. Stated that due to miscommunication between himself and the Park’s and Leisure Department, a Community Civic Event Application was not submitted for Council’s approval in advance. He stressed that the event was important to the community and that the profits from the event are distributed to non-profit organizations in Porterville.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton to add the Fright Festival to the agenda for consideration as No. M.O. No. 01-102103 Item 21. The motion carried unanimously.

Disposition: Approved

CONSENT CALENDAR

Items No. 2, and 12 were pulled from the Consent Calendar.

1. MINUTES OF SEPTEMBER 16 AND 23 AND OCTOBER 7, 2003

Disposition: Approved
Documentation: Minute Order No. 02-102103

3. AUTHORIZATION TO ADVERTISE FOR BIDS – ORANGE AVENUE RECONSTRUCTION

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
1. Authorize staff to advertise for bids on the project.

Disposition: Approved
Documentation: Minute Order No. 03-102103
4. AUTHORIZATION TO ADVERTISE FOR BIDS – NEIGHBORHOOD COMMUNITY CENTER

Recommendation: That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Disposition: Approved
Documentation: Minute Order No. 04-102103

5. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 246-070-006 - GERDON - MILO STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Accept the property owner’s counter offer for $2,750.00 for the required right-of-way and improvements;
2. Authorize staff to begin escrow, with the City paying half of the escrow fees;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved
Documentation: Resolution No. 137-2003

6. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 246-070-028 - MILLER – MILO STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with City paying escrow fees;
2. Authorize staff to make payment to Willie S. Miller in the amount of $6,000.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents, and
4. Authorize staff to record all documents with the County Recorder.

Disposition: Approved
Documentation: Resolution No. 138-2003

7. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-106-001 - REYNOSO – ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to make payments to Jamie Reynoso and Olga Reynoso, owners of the property, in the amount of $145.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Disposition: Approved
Documentation: Resolution No. 139-2003

8. AMENDMENT TO THE COMMUNITY DEVELOPMENT DEPARTMENT WORK PROGRAM TO EXPEDITE A ZONING ORDINANCE AMENDMENT REGARDING THE SALE OF ALCOHOL.

Recommendation: That the City Council:
Select Option 1 to direct Staff to prepare a Zoning Ordinance Amendment to enact the changes as recommended by the Ad Hoc Alcohol Regulation Committee. Forego the request requested Interim Report on signage.

Disposition: Approved
Documentation: Minute Order No 05-102103

9. APPROVAL FOR COMMUNITY CIVIC EVENT PORTERVILLE CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE, AND DOWNTOWN PORTERVILLE ASSOCIATION ANNUAL CHILDREN’S CHRISTMAS PARADE - DECEMBER 2, 2003

Recommendation: That Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit “A” of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 6:00 p.m. on December 2, 2003.
3. Deny the closure of parking spaces in front of City Hall from 3:30 p.m. to 5:00 p.m., and permit the use of parking spaces in front of the Nelson Building; and
4. Discuss and define any desired changes to the December 2, 2003, City Council meeting to mitigate the conflict between the parade and the regularly scheduled meeting.

Disposition: Approved
Documentation: Minute Order No. 06-102103

10. APPROVAL FOR COMMUNITY CIVIC EVENT – BARN THEATER – ANTIQUE AND COLLECTIBLES SALE, NOVEMBER 1, 2003

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and
Requirements contained in the Application, Agreement an Exhibit “A” of the Community Civic Event Application.

Disposition: Approved
Documentation: Minute Order No. 07-102103

11. VEHICLE IMPOUND PROGRAM

Recommendation: That the Council set the date of November 18, 2003 as the date for the Public Hearing required to establish the administrative fee, and direct staff to prepare the appropriate resolution required to establish the fee.

Disposition: Approved
Documentation: Minute Order No. 08-102103

12a. CLOSED SESSION PURSUANT TO GOVERNMENT CODE § 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUP: PORTERVILLE CITY FIREFIGHTERS ASSOCIATION, PORTERVILLE POLICE OFFICERS ASSOCIATION, AND PORTERVILLE CITY EMPLOYEES; AND, PURSUANT TO GOVERNMENT CODE § 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS PROPERTY: NEIGHBORHOOD COMMUNITY CENTER LOCATED ALONG ORANGE AVENUE NEAR PLANIO STREET. AGENCY NEGOTIATOR: BRAD DUNLAP NEGOTIATING PARTIES: CITY OF PORTERVILLE AND PORTERVILLE UNIFIED SCHOOL DISTRICT. UNDER NEGOTIATION: TERMS OF ACQUISITION

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to approve Consent Calendar Items 1, 3 through 11, and 12 A. The motion carried unanimously.

2. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.

Council Member Hamilton requested the Fire Chief to come up and share with the public how well the Fire Department is doing with what they have.

The Fire Chief stated that the fire truck is 20 years old; it has a life span of 20 to 25 years, and should remain in service for up to 30 years with proper care of maintenance.

Council Member Hamilton commended the Fire Department for keeping the truck in such good condition and extending the trucks lifespan.

COUNCIL ACTION MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member West to approve purchases as listed.
M.O. 09-102103

AYES: West, Hamilton, Irish, Martinez, Stadtherr

NOES: None

ABSTAIN: None

ABSENT: None

Disposition: Approved

12. AMENDMENTS TO CITY’S CONTRACT WITH CALPERS

Recommendation: That the City Council approved the attached Resolution of Intent and Enabling Ordinance authorizing the City’s Contract with CalPERS to be amended to provide the Fourth Level Survivor Benefits optional benefit provision for Local Miscellaneous Plan Members, to become effective on January 1, 2004; and authorize the Mayor to execute the necessary documents, and the amended Contract upon receipt, on behalf of the City of Porterville.

The City Manager requested that the City Council accept the Ordinance for first reading. The City Manager then read the Ordinance by title only.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez that Council approve Ordinance 1639 for first reading, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN Ordinance No. 1639 THE CITY COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

13. MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 4-2000 (FRANK’S STOP AND GO MARKET)

Recommendation: That the City Council revoke Conditional Use Permit 4-2000.

Community Development Director Brad Dunlap, presented the staff report to Council.

Mayor Stadtherr opened the public hearing at 7:37 p.m. No one came forward to speak in favor. The Mayor then asked if anyone wished to come forward in opposition.

Randall Thomas, 256 S. Chess Terrace, has known Ali, owner of Frank’s Stop and Go Market as a customer, for two years. Mr. Randall explained that Ali had called him to let him know that his son had tried to purchase tobacco in his store. Ali had refused him. Mr. Randall also stated
that he was there the day of the Decoy Operation, and was witness to the circumstances surrounding the violation. He explained that Ali was overwhelmed with customers at the time the minor was trying to purchase the alcohol. He did not believe that Ali intentionally sold the alcohol to the minor, and that he had been witness to many occasions when Ali refused minors.

Greg Shelton, 888 N. Wilford Drive, stated the previous violation was the purchase of tobacco from an unlicensed vendor.

Novroz Ali Rahim, Owner of Frank’s Stop and Go Market, came up to speak on his behalf. He explained to Council that on the day in question he was overwhelmed with customers, and inadvertently sold alcohol to the minor. He has since attended ABC classes to further educated himself, and he has changed the way in which he handles sales to customers. He also showed the Council that he has purchased a machine that reads the back black strip of Identification Cards and Driver’s Licenses, providing the cashier with the age of the customer. He stated that without alcohol sales his business will not survive. In closing he stated that he has sought education and assured Council that violations will not occur in the future.

Mayor Stadtherr closed the hearing to the public at 7:52 p.m., and asked the Council if they had any comments.

Council Member Hamilton asked the Police Chief how often decoy operations are performed.

The Chief stated that such operations are conducted several times per year, as a responsibility to the community and an effort to ensure that people are not selling alcoholic beverages to minors. There are different types of operations such as; bars, supermarkets, mini-marts, etc.

Council Member Irish asked if the other two establishments that failed the decoy operation had conditional use permits, to which staff responded that no, Frank’s Stop and Go was the only establishment with the conditional use permit. He expressed concern that Council has no recourse when it came to signing Letters of Necessity for establishments that do not have conditional use permits. He would like to know if it would be possible to find out if establishments requesting Letters of Necessity have had past violations.

Council Member Hamilton stated that he did feel that the violation was a serious one that had to be dealt with, but did not wish to revoke the license and hurt the store’s business. He suggested that the Council modify the conditional use permit, suspending the conditional use permit for a specified number of days, and a probation period after that.

Council Member West asked what percentage of the store’s profits were alcohol sales, to which Ali answered about 20 to 25 %. Council Member West agreed with Council Member Hamilton that a compromise could be made.

Mayor Pro Tem Martinez stated that businesses should be profitable, but that such violations need to be taken seriously. He then asked if there were any previous alcohol violations within the past five years, to which Mr. Dunlap answered that there were not. Mayor Pro Tem Martinez also supported the suggestion of Council Member Hamilton.
Mayor Stadtherr asked the Police Chief to address the identification verification technology. The Police Chief stated that he did not know what device was brought by Mr. Ali, but that the technology was out there.

Mayor Stadtherr stated that he did feel that there was a lack of intent concerning the violation.

The City Attorney stated that the grounds that the Council can consider for modification is that the grounds, which would otherwise justify the revocation of the permit can be corrected or cured by a modification imposing new or additional conditions. She then suggested that the best way to proceed at this point would be to make a motion directing what sanctions or conditions you would like to set forth into the conditional use permit. The modified resolution would then be brought back to Council.

Council Member Hamilton then rescinded his initial motion, and put forth the motion as stated by the City Attorney.

Council Member Hamilton suggested a suspension period of 60 days, instead of 90.

Mayor Pro Tem Martinez commended the business owner for improving the appearance of his store.

**COUNCIL ACTION**  
MOVED by Council Member Hamilton, SECONDED by Council Member West that the conditional use permit be modified to include a suspension period of 60 days, and a probationary period of 3 years. The motion carried unanimously.  
Disposition: Approved

**COUNCIL ACTION**  
MOVED by Council Member West, SECONDED by Council Member Hamilton to continue the public hearing to the next meeting with the resolution directed to be prepared to modify the conditional use permit to include a 60 day suspension of alcohol sales, use of the I.D. equipment, and a 3 year probationary period. The motion carried unanimously.  
Disposition: Approved

At 8:17 p.m. the Council took a five-minute recess.

14. ZONE CHANGE 3-2003 (PRE-ZONING) AND ANNEXATION 452 (BURTON SCHOOL DISTRICT)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Zone Change 3-2003 and Annexation 452.
2. Adopt the draft ordinance approving Zone Change 3-2003.
3. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

Mayor Pro Tem Martinez and Council Member Irish abstained from Item No. 14 due to a conflict of interest.

Mr. Dunlap presented the staff report to the Council. Afterwards, he mentioned that the Burton School District was on a relatively tight time frame due to potential state funding, and the annexation was brought to public hearing to streamline the process.

Mayor Stadtherr opened the item for public hearing at 8:34 p.m.

Jim Winton, 150 W. Morton, spoke in favor of the resolution. He wished to mention to Council that the pre-zoning is being requested for consistency with the general plan, and not as a precursor to a proposed project. In regards to the traffic study, a portion of the study did address circulation, and the improvement drawings did include the widening of Matthew St.

Cathy Capone, 806 W. Westfield, spoke not in opposition of the resolution, but in concern; stating that she would like to see safe access to the school, and expressed concerns for the close proximity of native plants, including Elderberry bushes.

Mr. Winton then addressed her concerns about the Elderberry bushes, stating that they are aware of the situation and are in the process of locating the plants.

Council Member West asked if sidewalks would be considered, and Mr. Dunlap confirmed that there would be sidewalks on the school’s frontage, stating that Council will review and approve on plans on the street in the future.

The public hearing closed at 8:43 p.m.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West to adopt draft Resolutions 141-2003 and 142-2003.

Resolution 141-2003

AYES: West, Hamilton, Stadtherr
NOES: None
ABSTAIN: Irish, Martinez
ABSENT: None

Disposition: Approved

City Manager read Ordinance 1640 by title only.

COUNCIL ACTION

MOVED by Council Member West, SECONDED by Council Member Hamilton to waive further reading of Ordinance 1640, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2003 BEING A PRE-ZONING FROM COUNTY AE-20 (EXCLUSIVE
Ordinance 1640

AGRICULTURAL - 20 ACRE MINIMUM) TO CITY R-3 (D) (MULTIPLE FAMILY RESIDENTIAL WITH A DESIGN REVIEW OVERLAY) FOR THAT AREA (17.11± ACRES) LOCATED ACROSS THE FULL FRONTAGE OF OLIVE AVENUE AND EXTENDING SOUTHERLY A DISTANCE OF 682± FEET IN CONJUNCTION WITH ANNEXATION 452 CONSISTING OF 81.1± ACRES GENERALLY LOCATED ON THE SOUTHWEST CORNER OF OLIVE AVENUE AND MATHEW STREET AND THE NORTHWEST CORNER OF OLIVE AVENUE AND MATHEW STREET.

AYES: West, Hamilton, Stadtherr
NOES: None
ABSTAIN: Irish, Martinez
ABSENT: None

Disposition: Approved

Mayor Pro Tem Martinez and Council Member Irish returned to the meeting.

SCHEDULED MATTERS

15. “D” OVERLAY SITE REVIEW 5-90 (MODIFICATION NO. 2) – (PAYNTER – WILSEY PROPERTIES, INC.)

Recommendation: That City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 5-90 (Modification No. 2) subject to conditions of approval.

The item was presented by Mr. Dunlap. Mr. Dunlap did want to state that in reference to September 17, 2003 within the body of the staff report regarding the resolution, this was a typographical error and it should be September 17, 1991.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West to approve draft resolution per staff’s recommendation. The motion carried unanimously.

Disposition: Approved

16. NAMING OF PROPOSED COMMUNITY CENTER

Recommendation: 1) City Council direct the following:
Select either of the two following recommendations regarding naming of the community center facility along Orange Avenue.

a) Charge the Parks and Leisure Services Commission with development of a potential name or names for the new community center for Council’s consideration at a future meeting; or
b) Direct staff in criteria for determining a name for the facility for Council’s consideration at a future meeting; and

2) City Council direct the Parks and Leisure Services Commission for development of procedures for naming of future facilities.

Council Member West stated that he felt that the name should be Neighborhood Community Center of Porterville.

Mayor Pro Tem Martinez stated that he thinks the Parks and Leisure Services Commission would be able to come up with some names for Council to consider.

Council Member Hamilton would also like to ask the Porterville Recorder to put it in a press release to get some feedback from the community.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to charge the Parks & Leisure Services Commission and others, to include a press release, with the development of potential names for Council’s consideration at a future meeting.

M.O. 12-102103

AYES: West, Hamilton, Irish, Martinez, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved

17. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866.

The staff report was presented by Deputy City Manager Darrel Pyle.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept the Quarterly Portfolio Summary as presented.

M.O. 13-102103

AYES: West, Hamilton, Irish, Martinez, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved

18. INTERIM FINANCIAL STATUS REPORTS

Recommendation: Accept the interim financial status reports as presented.
The staff report was presented by Deputy City Manager Darrel Pyle.

Council Member Hamilton requested from staff that he receive a break down of the expenditures from the City Council on occasion.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West to accept the interim financial status reports as presented.

M.O. 14-102103 The motion carried unanimously.

Disposition: Approved

19. **HIRING FREEZE**

Recommendation: That the Council extend the current hiring freeze through January 20, 2004, at which time staff will bring the item back to Council as part of the second budget update as prescribed during the budget adoption process.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Hamilton to extend the current hiring freeze through January 20, 2004.

M.O. 15-102103 The motion carried unanimously.

Disposition: Approved

20. **APPOINTMENT OF PARKS AND LEISURE SERVICES COMMISSIONER AND LIBRARY BOARD OF TRUSTEES**

Recommendation: City Council select and appoint one individual to the Parks and Leisure Services Commission and appoint two individuals to the Library Board of Trustees.

Cathy Capone, 806 W. Westfield, one of the individuals that expressed interest in the Parks and Leisure Services Commission vacancy.

Council Member Hamilton expressed his concerns regarding the possible conflict of interest that could occur as a result of her business relations with the City of Porterville.

The City Attorney stated that there would be a 1090 problem with her being on the Committee.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Hamilton to appoint Dave Hutchinson to the Parks and Leisure Services Commission. The motion carried unanimously.

Disposition: Approved
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to appoint Michelle Pengilly to the 3 year term on the Library Board. The motion carried unanimously.

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to appoint Hector Villacana to the Library Board of Trustees for a 1 year term. The motion carried unanimously.

Disposition: Approved

21. APPROVAL FOR COMMUNITY CIVIC EVENT – FRIGHT FESTIVAL

Recommendation: To grant this authorization to the City Manager.

Council Member Hamilton asked the Police Chief if there were any adverse activities at the Festival last year, and expressed concerns for security.

The Police Chief stated that to his understanding that it has been a pretty clean operation, and expressed his support for the event. He stated that they would stop by to check in as much as possible, but that Halloween is a busy night for the police.

Dustin Scheeler, 1018 W. Tea Pot Dome, responded to Council Hamilton’s concerns about the security at the Festival. He stated that Sheriff Rob Winters oversees the security, and is on-site. The Tulare County Sheriff’s Explorers, and other adult volunteers help with security.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Pro Tem Martinez to delegate to the City Manager the authority to approve or disapprove the Community Civic Event Application for the Fright Festival.

M.O. 19-102103

AYES: West, Hamilton, Irish, Martinez, Stadtherr
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Approved

ORAL COMMUNICATIONS

- Felipe Martinez, 195 W. Putnam, requested an update on the status of water conservation procedures. He wanted to know if the Council and staff were still looking into setting water schedules before next summer, and if once the two water wells are active if the city would still be behind schedule.
• City Manager Longley stated that staff was still proactive on developing voluntary measures for water conservation, and should be providing a status and review of measures before next summer. The activation of the two wells will significantly improve our reserve capacity.

OTHER MATTERS/COUNCIL COMMENTS

• Council Member West requested a meeting be set with the Pastor at Praise Fellowship and the City Manager regarding water concerns on the property at Hillcrest and Olive.

• Council Member Hamilton reminded everyone about the Downtown Merchants Car Show on Saturday, October 25th.

• Mayor Stadtherr announced that the next meeting would be with the Porterville Unified School District.

• City Manager Longley stated that a draft Agenda for that meeting should be in the Council Member’s mailboxes now.

CLOSED SESSION


The Mayor adjourned the Council to a Closed Session at 10:00 p.m. The Council meeting was reconvened at 11:00 p.m. No reported action was taken.

ADJOURNMENT

The Council adjourned at 11:00 p.m. to the meeting of October 28, 2003

Georgia Hawley, Deputy City Clerk
By Luisa Herrera

SEAL

Richard M. Stadtherr, Mayor