PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - JULY 13, 2004
CONFERENCE ROOM - 7:00 P.M.

Roll Call: West, Irish, Hamilton, Stadtherr, Martinez
Pledge of Allegiance: Council Member Kelly West
Invocation: Mayor Martinez

ORAL COMMUNICATIONS

• Dorothy Broome, 863 Crystal, questioned whether they would be talking about taxes and water taxes. She was told the water tax issue, or what level of conservation they would go to, would be on the next Council meeting as a public hearing, while the issue relative to the possible tax issue would be addressed again August 17. Mrs. Broome clarified that water pressure was not regulated by an individual residence, but by the water well system miles away. She stated that she lived in a mobile home park where years ago the water was contaminated by Beckman’s, and they were put on City water. She stated that a few days ago the water was turned off due to the water pressure being increased. She stated that she had questions about. Mrs. Broome also made comments on the new municipal pool.

    Staff stated that they would be in contact with Mrs. Broome regarding her questions on the water system at her home.

SCHEDULED MATTERS

1. ACCEPTANCE OF MUNICIPAL POOLS RENOVATION PROJECT

Recommendation: That City council:

1. Accept the project as substantially complete;
2. Authorize the filing of the Notice of Completion;
3. Allow Webb & Son to issue the City a check for all unfinished items of work; and
4. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hamilton thanked Parks & Leisure Services Director Jim Perrine for taking the Council down to the pool to show them around the new facility and answering any questions they had.

Mayor Pro Tem Irish asked what the cost to the City was for the pool project.

The City Manager stated that the entire project, including shade structure, was funded by the CDBG Grant and Park Bond Funds.

Mayor Martinez asked if the City was paying for the temporary lockers, to which Mr. Rodriguez replied that the City was not being charged.
2. SIGN ORDINANCE STUDY SESSION

Mayor Martinez stated that his main concern is that there are already many violations of the current sign ordinance and the City is unable to enforce the ordinance.

City Attorney Julia Lew stated that if any revisions were made there would be a compliance or amortization period.

Community Development Director Brad Dunlap clarified that an amortization period would only be used in cases where something that is currently allowed through the sign ordinance became a violation of the ordinance after revision.

City Manager John Longley asked the Council to consider how important, at this specific point in time, it is to change the sign ordinance. He stated that there are several levels of the ordinance, particular sections that may not be too daunting however, an overall review of the sign ordinance is a significant undertaking and would involve interaction with the Downtown Porterville Association, Chamber of Commerce, and the community in general. He continued by stating that this would require thousands of hours of staff time. He also stated that the big issue will soon be the General Plan, and asked Council to consider the priority level of this project.

Council Member Hamilton asked the City Manager if he was asking the Council to put this review off.

The City Manager stated that if there are particular targeted areas that can be taken care of by staff it can be taken care of without a problem, but would discourage a complete re-vamp at this time.

The City Attorney stated that a comprehensive overview would take a lot of staff hours to accomplish, there are constantly things going on with sign ordinances because it touches on the First Amendment, which makes it very difficult to regulate.

Council Member Hamilton asked if a review of this ordinance would be part of the re-vamp of the Master Plan, and when that will be taking place.

The City Manager stated that it would follow the Master Plan because it is an implementation item, and that the Master Plan will be worked on within the next two years.

Mayor Pro Tem Irish asked why the Council was going to go through all of this if the City can’t even enforce the ordinance. He also stated that there were a lot of ordinances that need to be reviewed, and the community would need to be involved, and it would take a very long time.
Council Member Hamilton asked what brought this to the Council in the first place.

Council Member Stadtherr stated that there were certain sign problems, specifically banners and rooftop signage, that are in violation of the current ordinance, and suggested smaller revisions to address these specific problems.

The City Attorney stated that the problem with temporary banners is that there is no way to track the amount of time a temporary sign has been up.

Mayor Pro Tem Irish suggested requiring permits for temporary banners and signage, and asked if there was a way staff could eliminate the problem at hand, and the major issues could be addressed later on down the road.

The City Manager stated that if Council gave direction to the City Attorney, and she worked together with the Community Development Director and his staff, they could provide an ordinance that would prohibit, without a permit, banners and rooftop signs.

Council Member Hamilton stated that Juicy Burger currently has two banners hanging out on the front of their property, and they are ripped to shred.

Community Development Director Brad Dunlap asked if the signage out at Juicy Burger were banners or temporary signs.

The City Attorney stated that prohibiting all temporary signs may get the City into trouble, and she wasn’t sure that it could actually be done from a legal or practical standpoint.

Brad Dunlap asked if it was more the maintenance and numbers of signs that bothered Council.

Council Member Hamilton replied that what bothers him was that our town is not aesthetically pleasing, because our merchants are not taking care of business, and he hoped to see building paint codes come out of an ordinance review.

Mayor Pro Tem Irish questioned whether or not the City could enforce the topics being addressed.

Council Member West stated that it is ridiculous to have regulations on the books if the City can’t enforce them.

Council Member Hamilton asked if a fine could be added to the ordinance requiring a permit for the temporary signage.

The City Attorney stated that there is already a fine, but no way of really knowing when a sign was put up and if it is in violation of the six months allowed by the code.

Council Member Stadtherr suggested a stamp or mark on the signage that is dated.
Mr. Dunlap stated that it could be as simple as requiring them to get approval from the Planning Department prior to putting a banner up, that would track the date of installation. Letters could then be mailed notifying the individual that there six months is up, qualitative standards could also be added to ensure maintenance of the signage, and the number of signs can be limited as well. This ordinance could be simple and not require many hours of staff time.

The City Manager stated that the ordinance would be enforced on a complain basis.

Mr. Dunlap suggested that temporary signage could be limited to 180 days per year.

Mayor Pro Tem Irish stated that most people would be self-regulating once some standards set up.

Mr. Dunlap stated that temporary signage causes visual clutter, which is why it can become egregious.

Council Member Stadtherr stated that numbered stickers could be used and placed on the signs, and there could be a charge added to the permit to cover costs.

Council Member Hamilton stated that staff could come up with the logistics.

Mr. Dunlap asked Council if they wanted to get into how the temporary signage is displayed.

The City Manager asked Mr. Dunlap how many permits he expected to process.

Mr. Dunlap stated that he estimates that the number would be in the hundreds, maybe two to three hundred per year. He stated that if the business could explain their signage needs in the context of the application, the City would try to work with them.

Council Member West asked if churches would be affected.

The City Attorney stated that when you get into non-commercial signage it can get more complicated, and that she would rather not include them in what was being discussed at this time.

Mr. Dunlap suggested that, if Council did not see a problem with signage at non-commercial sites, the ordinance could be directed toward commercial only.

Mr. Rouda stated that he believed that the temporary signage regulation was outside of the specific commercial zone, so it actually applies to any place a sign is allowed.

Mr. Dunlap stated that as long as everyone is treated consistently, the time, quality, and place could be regulated; the context however, cannot be regulated.

Mayor Pro Tem Irish asked if staff could address the inadequacies that the City has right now with the temporary signs, without trying to change the whole sign ordinance.

Mr. Dunlap stated that the temporary signage standard could be addressed.
The City Manager said that the Council told him that they have a problem with rooftop signs and banners, and those things can be taken care of. He stated that a draft ordinance could be brought to Council at the first meeting in September.

Mr. Dunlap asked for clarification on the problem with rooftop sign.

The City Attorney stated that Council could prohibit rooftop signage all together, but at this time they are not prohibited and therefore a compliance period would be required.

The City Manager summarized that Council’s direction was for an ordinance permitting of temporary signs and prohibiting rooftop signs to be brought back to Council at the first meeting of September.

Mayor Martinez asked if Council wanted to look into allowing downtown merchants to use sandwich board signs, but Council agreed that the sidewalks were not wide enough and that it will clutter the sidewalk area.

Mayor Pro Tem Irish asked why there are no banners that hang across Main Street during events.

Dick Eckhoff stated that the problem regarding banners before was that they were hanging from light posts, which were not strong enough to support them, and were the property of Southern California Edison.

Mr. Dunlap suggested a modification to the standards for guild signs, which would create more flexibility for design, a great atmosphere, accomplishes visibility, and are not trip hazards.

Council concurred that this would be a good idea.

The City Manager stated that he would add a guild sign provision to the ordinance.

Council Member Hamilton asked why rotating signs were not allowed, to which Mr. Dunlap replied that they were a distraction to motorists.

**Council Direction:** City Attorney and staff to provide an ordinance that would prohibit, without a permit, temporary banners, with set standards, and a cost, and prohibit rooftop signs; modify the guild sign provision; and bring back a draft ordinance the first meeting in Sept.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, Downtown Porterville Association, 180 N. Main, spoke to several signs issues, stating that he supports an ordinance and regulation that are enforceable; he also spoke about concerns with flyers being posted.
OTHER MATTERS
• Council Member Hamilton stated that he felt Mrs. Broome was treated rudely during tonight’s meeting.
• Council Member Stadtherr asked about the status of the Land and Water Conservation Grant for the Skateboard Park. He was told that in August or September they would be advised of status.
• Council Member West asked if a special permit was needed to let Helping Hands use a church facility. He was told that they could use the church if they had a commercial kitchen.
• Mayor Martinez meet with Ministerial Association and there is a possibility of a Mayor’s or Council’s Breakfast.
• Mayor Martinez stated that temporary signage affected the City as a whole, not just “his people.”

ADJOURNMENT
The Council adjourned at 8:05 p.m. to July 20, 2004.

Georgia Hawley, Deputy City Clerk

SEAL

Pedro R. Martinez, Mayor