CITY COUNCIL AGENDA MINUTES  
PORTERVILLE, CALIFORNIA  
AUGUST 17, 2004 6:00 P.M.

Call to Order: 6:02 P.M.  
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

 CLOSED SESSION - CITY COUNCIL:

A. CLOSED SESSION PURSUANT TO:
   2 - GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 252-200-039 & 252-200-053. AGENCY NEGOTIATOR: DARREL PYLE. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND NEIL SMITH, SMITH ENTERPRISES. UNDER NEGOTIATION: PRICE AND TERMS.  
   3 - GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR. AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE ORGANIZATIONS: PORTERVILLE CITY EMPLOYEES ASSOCIATION, PORTERVILLE POLICE OFFICERS ASSOCIATION, AND POLICE SUPERVISOR SERIES.

7:00 P.M. RECONVENE OPEN SESSION  
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION  
The Mayor stated that there was no action to report, and that Item A3 would be continued at the end of the Meeting.

Pledge of Allegiance led by Joshua, Boy Scouts of America  
Invocation by Mayor Martinez

Mayor Martinez greeted Mr. Pete McCracken and recognized him as an important member of the community who frequently volunteers his time for the benefit of the community.

PRESENTATIONS  
City Manager’s Featured Project - Hiring of Deputy City Clerk, Patrice Hildreth

ORAL COMMUNICATIONS  
• Greg Shelton, 888 N. Williford, thanked the Council for approving the Williford Street Project.  
• Dick Eckhoff, 30 E. Oak, spoke in support of funding for an ordinance enforcement officer. Mr. Eckhoff stated that the downtown area was in need of code enforcement. Mr. Eckhoff also requested Council look into restoring library hours.
• Ed Patino, Jr., 1218 ½ W. Tomah, spoke regarding Item 18 as to the lack of signs and crosswalks at Santa Fe School, and requested a temporary remedy until permanent signage was installed.

CONSENT CALENDAR

Items 7 and 13 were removed.

1. COUNCIL MINUTES OF JULY 20 AND AUGUST 3, 2004


Documentation: Minute Order 01-081704

Disposition: Approved

2. AUTHORIZE DISTRIBUTION FOR A REQUEST FOR PROPOSALS AND FUNDING FOR AN ISLAND ANNEXATION CONSULTANT

Recommendation: That the City Council authorize the distribution of the request for proposals for preparing and processing island annexations, and authorize the use of the consultant for processing of the Waste Discharge Requirement Annexation.

Documentation: Minute Order 02-081704

Disposition: Approved

3. AUTHORIZE ON-CALL ENGINEERING SERVICES ASSISTANCE FOR PARKS AND LEISURE SERVICES PROJECTS AND ACTIVITIES

Recommendation: That the Council authorize on-call engineering services assistance for Parks and Leisure Services Department projects and activities.

Documentation: Minute Order 03-081704

Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS - PORTER SLOUGH DITCH PIPING PROJECT

Recommendation: That the Council approve the Plans and Project Manual, and authorize staff to advertise for bids on the project.

Documentation: Minute Order 04-081704

Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS - SLUDGE DRYING BED EXPANSION PROJECT
Recommendation: That the Council approve the Plans and Project Manual, and authorize staff to advertise for bids on the project.

Documentation: Minute Order 05-081704
Disposition: Approved.

6. CONFIRMATION OF BUDGET AND AUTHORIZATION OF DESIGN SERVICES FOR CENTENNIAL PLAZA

Recommendation: That the Council adopt a Resolution confirming the project budget and authorizing the City Manager to execute the Professional Services Supplement with *hma landscaping architecture* for the Centennial Plaza design work.

Documentation: Resolution No. 107-2004
Disposition: Approved.

8. PHASING OF PORTERVILLE HERITAGE CENTER PROJECT

Recommendation: That City Council approve the Porterville Heritage Center project to be completed in two (2) phases; Phase I being the parking lots, and Phase 2 being the building and landscape.

Documentation: Minute Order 06-081704
Disposition: Approved.

9. SELECTION OF CITY VOTING DELEGATE TO LEAGUE OF CALIFORNIA CITIES MEETING

Recommendation: That the City Council select Council Member Kelly West as the voting delegate to represent the City at the League of California Cities’ Meeting, September 19, 2004, and authorize City Manager to attest to same.

Documentation: Minute Order 07-081704
Disposition: Approved.

10. CORRECTIVE GRANT DEED - ROBERT L. AND DIANE C. FIELDS

Recommendation: That the City Council accept the Corrective Grant Deed and authorize the City Clerk to record said document with the County Recorder’s Office.

Documentation: Resolution No. 108-2004
Disposition: Approved.

11. CORRECTIVE GRANT DEED - MIKE DIAZ SR. AND RAQUEL D. WILLIAMS

Recommendation: That the City Council accept the Corrective Grant Deed and authorize the City Clerk to record said document with the County Recorder’s Office.
12. INTENT TO VACATE PUBLIC VEHICULAR ACCESS, STORM WATER RUNOFF AND TEMPORARY STORM WATER STORAGE RELATED TO MEADOW BREEZE, PHASE 1 (NICHOLSON & SMEE, LLC)

Recommendation: That City Council:
1. Pass a Resolution of Intent to Vacate Parcel B and Parcel C of Exhibit “A” of the Grant of Easement conveyed to the City of Porterville recorded June 14, 2000, as Document No. 2000-0037339 of Tulare County Official Records;
2. Set the Council meeting of September 7, 2004 as the time and place for a public hearing.

14. REQUEST TO APPLY FOR FEDERAL LOCAL LAW ENFORCEMENT BLOCK GRANT (LLEBG) FUNDS

Recommendation: That City Council:
1. Authorize the filing of the grant application;
2. Authorize the Mayor to sign all necessary documents pertaining to the grant;
3. Confirm the appointment of the Advisory Board as recommended above; and
4. Set the public hearing for September 7, 2004

15. ORANGE AVENUE RECONSTRUCTION PROJECT STATUS REPORT

Recommendation: Status report only. No action recommended.

16. APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION MAIN STREET CAR SHOW-OCTOBER 23, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the Application, Agreement and “Exhibit A”.

Documentation: Minute Order 09-081704
Disposition: Approved.
17. AWARD OF CONTRACT - TULE RIVER PARK, PHASE II

Recommendation: That the City Council postpone the award of contract for the Tule River Parkway, Phase II Project until September 7, 2004, to allow staff to determine the amount of grant funds available to the City for construction of the Project.

Documentation: Minute Order 10-081704
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to approve items 1 through 6, 8 through 12, and 14 through 17. The motion carried unanimously.

7. AUTHORIZATION TO NEGOTIATE A CONTRACT - APPRAISAL, ACQUISITION, AND RELOCATION SERVICES FOR THE DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to negotiate a contract with Paragon Partners, Ltd.;
2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff is unable to negotiate an acceptable contract with Paragon Partners, Ltd.;
3. If necessary for budget considerations, authorize staff to negotiate the individual services separately with the firms in ranking order;
4. Authorize the Mayor to sign all contract documents; and
5. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Council Member Hamilton requested an overhead view of the project, and asked if this project involved a 60 foot road.

Brad Dunlap, Director of Community Development, provided an overhead view and confirmed that it is currently designated as a 60 foot wide right of way, and referred to the cross-hatched area in red on the map attachment (located on Date between Main St. and A St.) which indicates the additional right of way required to reach the desired width.

Council Member Hamilton questioned how many lots would the City need to purchase to reach the desired width. Mr. Dunlap stated approximately 2 to 3, and indicated that staff would like the proposed consultant to review exactly what the City would need to acquire for right of way.

Council Member Hamilton asked if there was a designated set-back once the street is put in, to which Mr. Dunlap responded that the current required set-back on City residences is 5 feet, but there are situations where the set-backs are less than that, and some may be in this particular area.
Council Member Hamilton then asked if the required 5 foot set back would then be an upgrade to the standards, and Mr. Dunlap responded that if the financial costs of the project allowed for it, yes it would. Mr. Dunlap stated that the purpose of this agenda item was to gain access to information as to what the project would cost, so there are a few borderline sites.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that Council accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved.

13. INTENT TO ABANDON AN ALLEY BOUNDED BY LOCUST AVENUE, PLANO STREET, DATE AVENUE AND HOWARD ST. - SET FOR PUBLIC HEARING (FELIX & COMISION HONORIFICA MEXICANA AMERICANA, INC.)

Recommendation: That City Council:
1. Pass a resolution of intent to abandon an alley bounded by Locust Avenue, Plano Street, Date Avenue and Howard Street; and
2. Set the Council meeting of September 21, 2004, as the time and place for the Public Hearing.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish that Council accept staff’s recommendation.

Resolution No. 111-2004 AYES: West, Irish, Hamilton, Stadtherr
NOES: None
ABSTAIN: Martinez
ABSENT: None

Disposition: Approved.

PUBLIC HEARINGS
18. ZONING ORDINANCE AMENDMENT 1-2003 - CALL CENTERS

Recommendation: Adopt the Zoning Ordinance Amendment No. 1-2003

The City Manager, John Longley, presented the item, and Director of Community Development, Brad Dunlap, presented the staff report.

The public hearing opened at 7:25 p.m.

Pete McCracken, 657 Village Green, reminded the Council of problems the City has had in the past with Conditional Use Permits regarding the sale of alcoholic beverages because of flexible ordinances. Mr. McCracken suggested that the Council clearly word the ordinance for future Council Members, and cautioned over flexible ordinances.
Dick Eckhoff, Downtown Porterville Association, 180 N. Main St., questioned how many call centers are currently operating in Porterville, and what zoning was involved in the DPA, to which it was stated that 1 call center was believed to be operating, and to which Mr. Dunlap indicated that the DPA was mostly C-2 and PO.

Mr. Eckhoff then voiced concern as to the parking situation and asked how parking would be addressed, to which Council Member Hamilton responded through the C.U.P.

Mr. Eckhoff stated that he has not had an opportunity to review the item with the Downtown Porterville Association, but indicated that, at the moment, it did not sound good.

The public hearing closed at 7:29 p.m.

Council Member Hamilton clarified that the Amendment was only to define call centers.

Mr. Dunlap stated that this Amendment would allow a mechanism to address unique situations with call centers and it was the most protective measure for the community. He indicated that this would be the best method of control because of the uniqueness of each call center.

Mayor Pro Tem Irish stated that although there must be some sort of formula that could be applied, such as number of employees per square foot, the maximum would need to be calculated, even if the business was not operating with its maximum number of employees. Mayor Pro Tem Irish then stated that call centers must be handled on an individual basis.

Mr. Dunlap stated that the problem with not doing it that way, if the City put in a standard figure, there would always be someone who comes in and does it differently. Council agreed that there was always an exception.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Mayor Pro Tem Irish to approve Ordinance 1658 for first reading, and order the ordinance Ordinance No. 1658 to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE ZONING ORDINANCE TO DEFINE “CALL CENTERS” AND IDENTIFY APPROPRIATE LOCATIONS AND TO SET PARKING REQUIREMENTS. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

19. **CONDITIONAL USE PERMIT 8-2004 AND DESIGN OVERLAY SITE REVIEW (DON FORRESTER)**

Recommendation: That the City Council:
1. Adopt the draft resolution containing findings and conditions in support of approval for Conditional Use Permit 8-2004.

2. Adopt the draft resolution containing findings and conditions in support of approval for “D” Overlay Site Review 2-2004.

The City Manager presented the item, and Mr. Dunlap presented the staff report.

The public hearing opened at 7:36 p.m. and closed to the public at 7:37 p.m.

Council Member West questioned the position of the entrance from Porter Road, stating concerns with having an entrance so close to the Morton intersection.

Mr. Dunlap responded that the driveway on Porter Road was placed as far away from the intersection as it could be placed for the site to stand alone, as it does not allow for joint access. Mr. Dunlap stated that the driveway cannot be pushed further south.

Council Member West stated that the driveway’s proposed location looks like an accident waiting to happen.

Mayor Pro Tem Irish questioned the distance between the Porter Road driveway and the Morton intersection, to which Mr. Dunlap responded approximately 80 to 100 feet.

Mayor Pro Tem Irish then questioned the distance between the Morton entrance and the intersection, to which Mr. Dunlap responded that distance was approximately 100 feet, and that the City’s requirement for separation between the driveway and the back of the curb is actually 35 feet.

Mayor Pro Tem Irish questioned whether the City’s requirement was 35 feet on a typical corner. Mr. Dunlap confirmed 35 feet on a typical corner and stated that the applicant had exceeded the City’s minimum requirement.

Mayor Pro Tem Irish asked if the 35 foot requirement takes into consideration the stop lights, and the traffic backing up. The Director of Public Works responded that it does not, and it would make it difficult to make a left turn from the entrance.

Mayor Pro Tem Irish expressed concerns with traffic exiting the driveway onto Porter Road and indicated that there should be a left-turn only sign. Council Member Hamilton stated that this was also his concern.

Mayor Pro Tem Irish asked if the traffic counts of 300 per hour on Porter Road and 500 per hour on Morton Road were correct. The Public Works Director agreed that these were for 24 hour counts, and 300 and 500 are correct. Mr. Rodriguez pointed out that the majority of the traffic occurred within approximately 8 hours.
Council Member Hamilton asked if the applicant had responded to the City’s condition of right out, right in only, as outlined in the staff’s memo. Mr. Dunlap stated that staff was able to notify the applicant on short notice.

Council Member Hamilton then pointed out that since the project’s use was professional office with 24 parking spaces, at most 24 cars would possibly be exiting at the same time. Council Member Hamilton stated that with the condition of right-in, right-out, he saw no problem with approving staff’s recommendation. Council Member West agreed.

Mayor Pro Tem Irish stated that, as staff pointed out, much of the traffic currently on Porter Road would subside once Indiana Street was extended to Putnam Avenue, and stated that he was comfortable with the staff’s recommendation with the condition of no left turns.

Mr. Dunlap asked if Council would like the condition read into record, to which Mayor Pro Tem Irish said yes.

Mr. Dunlap stated that the wording on the 2 conditions was the same, so staff was proposing that the wording be integrated into both the CUP Resolution and the “D” Overlay Site Review Resolution, with Condition No. 29 on the CUP, and Condition No. 30 on the “D” Overlay Site Review. Mr. Dunlap said the conditions are identical and read as follows:

“Upon development of the site as proposed, the developer shall install, or cause the installation of signs and striping restricting vehicular turning movements to right-in and right-out from Porter Road and Morton Avenue due to traffic volumes and queuing patterns. After the completion of the Indiana Street project between Morton Avenue and Olive Avenue, the City Engineer shall provide a report to the City Council to determine whether it would be appropriate to maintain or remove the turning restrictions.”

Mayor Martinez thanked Mr. Dunlap.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish to adopt the draft Resolution authorizing Conditional Use Permit 8-2004, as amended. The motion carried unanimously.

Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr to adopt the draft Resolution authorizing approval for “D” Overlay Site Review 2-2004, as amended. The motion carried unanimously.

Disposition: Approved.

20. BEVERLY GLENN TENTATIVE SUBDIVISION MAP (MOHAMMAD DAVARIFAR)

Recommendation: That City Council:
1. Adopt the draft resolution approving the Negative Declaration for Beverly Glenn Tentative Subdivision Map; and
2. Adopt the draft resolution approving Beverly Glenn Tentative Subdivision Map.

Mr. Longley presented the item, and Community Development Director presented the staff report. Mr. Dunlap stated that it had been brought to his attention that there was an Elderberry Bush on the property, and he requested that the public hearing be opened for them to take testimony, and then the hearing be continued until September 7. He stated that would allow time for the staff, and the applicants, to look into the matter.

Mayor Martinez clarified that there was an Elderberry bush, but no beetle. Mayor Martinez then explained to the public that Council has had many adventures with the Elderberry bush.

City Attorney Julia Lew then recommended that the public hearing proceed this evening, and the matter be continued to the September 7, 2004 Council Meeting.

The public hearing was opened at 7:46 p.m.

Jim Winton, 150 West Morton, indicated that he was present on behalf of the applicant and had discussed the recent discovery of the Elderberry bush with staff late in the afternoon. He indicated that he and the applicant were in agreement with the continuance.

Mayor Pro Tem Irish questioned who found the Elderberry bush, to which Mr. Winton responded he did not locate the bush, but believed that the individual was present in the audience.

Council Member West questioned the location of the bush, to which Mr. Winton responded Lot 17 at the extreme south boundary.

Cathy Capone, 806 W. Westfield, indicated that she was the Elderberry bush finder, and confirmed that its location was on Lot 17, very close to the south fence. She stated that it appeared that with reasonable modifications, the plan could move forward as it is, with some small protections for the bush. She indicated that she did not believe it should stop the development in any way.

The public hearing was continued until September 7, 2004.

Mayor Martinez thanked everyone for their comments and stated that this matter was taken seriously by the Council. He then asked how large the bush was, to which Ms. Capone responded approximately 8 to 10 feet tall and about 12 to 15 feet wide.

21. NORTH GATE ESTATES PHASES 2 & 3 TENTATIVE SUBDIVISION MAP
   (JAMES KEIGHLEY/ROBERT SCHOETTLER)

Recommendation: That City Council:
1. Adopt the draft resolution approving the Negative Declaration for North Gate Estates Phases 2 and 3 Tentative Subdivision Map; and
2. Adopt the draft resolution approving North Gate Estates Phases 2 and 3 Tentative Subdivision Map.

The City Manager presented the item, and Mr. Dunlap presented the staff report.

The public hearing was opened at 7:51 p.m.

Jim Winton, 150 W. Morton, representing applicants, stated this was an eastside project and confirmed that this was a previously-approved map. He stated that the map was much the same as the original and indicated that he would be happy to answer any questions.

The public hearing closed at 7:53 p.m.

Mayor Pro Tem Irish asked why, along the west boundary of the project, was there no landscape maintenance district, and indicated that this appeared to be a good location for it as Leggett expands.

Mr. Dunlap responded that the area of right of way that extends north of Grand Avenue was under the conditions of approval on the map in an irrevocable offer of dedication, so that street segment would not be constructed as a part of this map, since it does not directly serve the subdivision. He indicated that the conditions of approval do require a landscape and lighting maintenance district to be formed for the project, but have not specified a wall or landscaping along that periphery. Mr. Dunlap stated that, in the event this was required, there would be a wall and landscaping adjacent to a residential lot not really serving an immediate need for screening from the residential properties. He then pointed out that if the wall was not constructed now, it probably would not be constructed in the future. He stated there were timing and logistical issues.

Council Member West stated that this would be a good place to start, regardless.

Mayor Pro Tem Irish questioned how the City would get this project to blend in as Leggett got built through and other landscape maintenance districts were looked at. Mr. Dunlap responded that it should be considered now.

Council Member Hamilton asked what the time frame was for the project, to which Mr. Winton responded as soon as possible, as it is moving steadily forward at this point.

Mayor Pro Tem Irish stated that he would like the item brought back so as to discuss with the developer some sort of landscape maintenance district at the location.

Council Member Hamilton asked why Council couldn’t approve the tentative map and still address landscaping issue at a later date, to which Mr. Dunlap responded that Council could approve with an amendment to Condition No. 7 that requires a landscape and lighting maintenance district. Mr. Dunlap stated that language could be added to specifically address that location.
Mayor Pro Tem Irish stated that he would like to see what happens with the extension of Leggett, because once this done, it is done. Council Member West agreed.

Mr. Dunlap explained the proposed course of Leggett and stated that it would serve its purpose.

Mayor Pro Tem Irish questioned what other landscape maintenance districts were presently on the east side, to which Mr. Dunlap responded that there were not many on the east side.

Mr. Winton stated that the lack of many landscape and lighting maintenance districts was because they were generally required for modern subdivisions and there were limited modern subdivisions on the east side. Mr. Winton pointed out that its not a lack of landscape and lighting districts, it is a lack of subdivisions.

Council Member Hamilton asked how the applicant would feel about the requirement of a landscape and lighting maintenance district, to which Mr. Winton responded the applicant was just anxious to move forward. He stated that the wall was actually a requirement on the previous subdivision conditions, and the issue was discussed at length with staff. Mr. Winton indicated that the property had no frontage on the proposed alignment at the south end, stating there is a 6 foot gap. He then pointed to an approximate 12 foot encroachment into the property at the north end. Mr. Winton explained that the real issue was that it is in the county and the adjacent property owner to the west built a new house in the middle of the proposed right of way. Mr. Winton presented an aerial photograph for the Council’s reference reflecting the location of the house. He stated that the he and the applicants assumed that because said house was situated in the middle of the right of way, that Leggett was not an immediate construction project. He stated that if Council decides a wall was required, the applicants would comply.

Council Member West stated that he agreed with Mayor Pro Tem Irish in that now was the time to start addressing those issues.

The Council took a 10 minute recess at 8:00 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that Council adopt the draft resolution approving the Negative Resolution No. 114-2004 Declaration for North Gate Estates Phases 2 and 3 Tentative Subdivision Map. The motion carried unanimously.

Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that Council adopt the draft resolution approving the North Gate Resolution No. 115-2004 Estates Phases 2 and 3 Tentative Subdivision Map, as amended to include in Condition No. 7: “...The rear of Lots 38-41 shall provide a 5 foot wide easement to accommodate for a 6 foot high masonry wall and landscaping.” The motion carried unanimously.
Disposition: Approved.

22. CONSIDERATION TO REMAIN IN PHASE II OF THE WATER CONSERVATION PLAN AND CONTINUATION OF PUBLIC HEARING

Recommendation: That the City Council:
1. Open the Public Hearing to receive comment; and
2. Remain in Phase II Water Conservation and continue current water conservation efforts.

The City Manager presented the item, and Baldo Rodriguez, Director of Public Works, presented the staff report.

The public hearing re-opened at 8:16 p.m.

Pete McCracken, 657 Village Green, spoke regarding water leaking from a man hole cover on Henderson Avenue just east of Main Street. Mr. McCracken questioned whether this was City water, and then pointed out that if the City is to be held to higher standard, perhaps this should be investigated.

Mr. Rodriguez responded that it was not City water, but irrigation water. Mr. Rodriguez stated that when the irrigation company was contacted, staff was informed that the leak was a result of the pressure needed to provide westside farmers with water.

Cathy Capone, 806 W. Westfield, stated that the water problem would not go away and would only get worse. She requested that a reduction in the use of water be prioritized, perhaps through limiting the use of water in landscaping.

Felipe Martinez, 195 W. Putnam, thanked staff for its assistance in working with Goodell Packing Shed in terms of stopping their release of water onto the streets. Mr. Martinez also thanked staff for approving the installation of a dispenser at Acapulco Car Wash.

The public hearing closed at 8:21 p.m.

Council Member Stadtherr clarified that more wells do not increase the water supply, they increase the City’s ability to tap into the existing supply of what is a fixed amount of water under the soil. He then requested that the 2002 line on the overhead graph be changed to a more visible color. Mr. Rodriguez apologized and indicated it would be changed.

Mayor Pro Tem Irish asked if letters were sent to restaurants requesting that they conserve, and stated that he had received comments by restauranteurs that they have in fact stopped serving water unless requested, to which Mr. Rodriguez confirmed that letters were sent out.

Council Member Stadtherr pointed out that it was not only the drinking water, but also the water it took to wash the glasses at the restaurants.
Mayor Martinez stated that in the upcoming meeting between the City and the school districts, the topic of water tolerant landscaping to assist with water conservation would be discussed.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to remain in Phase II of the Water Conservation Plan and to continue M.O. 12-081704 water conservation efforts. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

23. WATER SYSTEM IMPROVEMENT FINANCING

Recommendation: That City Council:
1. Direct staff to initiate communication with the CIEDB, and move forward with a loan application for the project should it be viewed as favorable;
2. In the event that the CIEDB loan is not deemed favorable, authorize staff to negotiate with John Fitzgerald and Associates for underwriting services in the issuance of Certificates of Participation totaling $9 million for water system improvements, and direct staff and Mr. Fitzgerald to move forward with the process;
3. Authorize the preparation of all documents necessary to provide for the issuance; and
4. Consider the appointment of an independent financial advisor to ensure the issuance of Certificates of Participation is done in the most efficient manner possible.

Mr. Longley presented the item, and the Deputy City Manager, Darrel Pyle, presented the staff report.

Mayor Pro Tem Irish questioned whether there would be time restraints, regardless of how the City obtained the funds, from the time of start to finish, to which Mr. Pyle responded that it was preferred that either mechanism of financing would result in the projects reaching near completion within a 3 year window.

Mayor Pro Tem Irish clarified that once the City commenced the projects, the City could place time limitations on the construction in favor of early completion, and with penalties for running late. Mr. Pyle indicated that the State of California had utilized such methods to ensure timely completion of projects, then deferred to the City Attorney, Julia Lew, for comments.

Ms. Lew stated that she believed this mechanism was available to the City, but would need to look at specifics.

Mayor Pro Tem Irish then stated that often many factors could create substantial delays, ultimately affecting how the money allocated for a particular project perhaps, 8 or 9 years ago, could
fund the project at present values. He voiced concern over that happening with this project, and requested a firm start and finish date.

Mr. Longley stated that most lost time in projects was lost in the process. He indicated that preparing a detailed estimate as to what would be required to complete the project was a good time management tool, which had already been started with Council already receiving the first iteration. Mr. Longley stated that while there was some elastic in the time management schedule, it did create accountability, which should provide assurance of timely completion.

Mr. Pyle added that this project could be designed so that only one environmental document need be prepared to encompass all of the elements of the project. He also stated that incentives and penalties could be incorporated into the bid documents.

Council Member West asked if the tanks were going to purchased from the same company, and if so, why isn’t the engineering the same. Mr. Rodriguez responded that the tanks would most likely be done by 1 firm, and explained that they were broken up to attract contractors, as many could not take on that much work at one time.

Council Member Hamilton clarified that staff was only recommending that initial communications be initiated, to which Mayor Pro Tem Irish stated that he would like staff assurances that they would carefully look into the time restraint issues, and indicated that he was not in favor of going to CIEDB again.

Mayor Pro Tem Irish made a motion to approve Recommendation No. 4, and Council Member West seconded the motion.

Council Member Hamilton asked for clarification on Recommendation No. 1, to which the City Manager clarified the staff’s recommendation.

Council Member Hamilton asked if the debt service would be the same for either a C.O.P. or a CIEDB loan, to which the City Manager explained that the debt service would be more with CIEDB because of the prevailing wage, but stated that the annual amount paid would actually be less because of the lower interest rate.

Council Member Stadtherr requested clarification of the staff’s recommendation being a 1 through 4 package. The City Manager stated that they were essentially 4 different steps of the same recommendation.

Mayor Pro Tem Irish then withdrew his motion for approval of only Recommendation No. 4, and asked about the costs of looking at CIEDB, to which the City Manager stated that it would only initially be staff time to obtain parameters from CIEDB. Mr. Longley stated that once the parameters are obtained, staff would return to Council for specific authorization to proceed with the application if the rates were consistent with preliminary findings. He then stated that a detailed budget for costs of preparation, including any consulting services, would also be presented to the Council.

Mayor Pro Tem Irish requested that a line by line comparison between the C.O.P. and the CIEDB loan also be provided at that time. Mr. Longley stated that staff would provide that.
Council Member Hamilton asked if a time restraint prevented seeking a municipal bond, to which the City Manager stated that a municipal bond was an option, although it would cause a delay because it would need to be put to election, the soonest being probably March 2005. He then stated that if the bond was unsuccessful, it might be more difficult.

Mayor Pro Tem Irish asked about a status report on the reorganizations of State agencies and how they may impact our application.

The City Manager indicated that C.O.P. are faster to issue than are CIEDB loans, and Mr. Pyle stated that the State has undergone significant restructuring and streamlining, including CIEDB. He indicated that based on the California Performance Review, it does not appear that the State intends on eliminating that function, and apparently no additional threats against CIEDB remain.

The City Manager stated, to clarify, he understood the motion as follows:

- Staff is authorized to proceed with Step 1 with staff resources only; and
- Staff will bring back a specific proposal with line items and definition on time frames for Council review.

Council Member Stadtherr confirmed Mr. Longley’s understanding of the motion.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish that Council authorize staff to proceed with Step 1 of the recommendation, with staff resources only, and to return to Council with a specific proposal containing line item comparisons and a definition of time frames. The motion carried unanimously.

Disposition: Approved.

24. REGULATION OF POCKET BIKES

Recommendation: That City Council, based on the findings of City Attorney Julia Lew, the current industry standard within the State, the availability of the educational flyer, and the training provided to our officers, not enact a City Ordinance requiring disclosure to customers, and allow the Police Department’s educational and enforcement efforts to control this issue.

The City Manager presented the item, and Captain Schnars presented the staff report.

Mayor Pro Tem Irish asked what happens on a traffic stop involving a pocket bike, to which Capt. Schnars responded that it was situational, and indicated that it was helpful that pocket bikes were covered in the Vehicle Code. Capt. Schnars stated that, on a case by case basis, when dealing with juveniles, the bike and the offender could be taken home and their parents educated as to the dangers. He stated that education is key and that enacting an ordinance would only create an additional step.

Mayor Pro Tem Irish responded that Capt. Schnars addressed procedure for juveniles, but not adults, to which Capt. Schnars stated that the adult offender would be cited and the bike towed.
Mayor Pro Tem Irish voiced concern over somebody getting killed on a pocket bike, to which Capt. Schnars agreed with the concern.

Mayor Martinez asked if the Vehicle Code only covered the gas powered pocket bikes, to which Capt. Schnars responded that the brochure the Police Department was handing out as part of its educational program lays out all of the different types of motorized scooters and bikes and what is required by law.

Mayor Pro Tem Irish commented that he is aware of a $200 fine for riding a motorcycle without wearing a helmet, and stated that he hopes the Police Department was more proactive than it has been in the past, and was doing more than passing out flyers. He voiced concern over somebody getting hurt.

Capt. Schnars responded that the Police Department was being proactive, and cited as an example successes in apprehending offenders riding in the river through education of the public. He indicated that dispatch was attempting to obtain additional information during the initial call to assist the patrols in locating juvenile offenders’ parents.

Council Member Stadtherr asked how the flyers were being distributed to the public, to which Capt. Schnars responded that the flyers were made available to everyone, in briefings, so that includes motor officers and patrol officers. Council Member Stadtherr voiced concern over the effectiveness of distribution by motor officers, and the flyer program in general as to the availability of flyers to the public.

Capt. Schnars indicated that many flyers had been distributed, and that the Police Department was also working with the Porterville Recorder.

Council Member Stadtherr stated that the City already had many unenforced ordinances, instead relying on voluntary compliance from the public. He continued that the popularity of pocket bikes would likely die out before an ordinance could be enacted, but he would like to keep the ordinance option open until such time as an ordinance enforcement officer was hired.

Council Member Hamilton stated he did not believe that an ordinance was needed at this time.

25. DISCUSSION OF DRAFT PROPOSAL PREPARED BY CITY STAFF OF JOINT POWERS AGREEMENT WITH THE COUNTY OF TULARE

Recommendation: Review the draft document and provide any direction.

The City Manager presented the item and the staff report.

Mayor Martinez stated that this was a good idea and something the Council would like to see come to fruition.

Council Member Hamilton stated that this process should be taken to the next step.

ORAL COMMUNICATIONS
• Felipe Martinez, 195 W. Putnam, on behalf of his mother residing at 316 S. Kessing, spoke regarding curbing along Kessing and requested prior notification before ticketing parked vehicles.

• Cathy Capone, 806 W. Westfield Avenue, provided a status report on the plantings at Trailhead Park.

• Mary Agpaoa, 870 N. Plano, complained of foul odor apparently emanating from the Foster Farms Plant around 9:00 p.m. each night.

OTHER MATTERS

• Council Member Hamilton asked about Proposition 1A, 65 and 86. Staff stated that it would be placed on the Agenda.

• Mayor Martinez discussed the publication in Porterville Recorder of Council editorials. Staff stated that it would be placed on the Agenda.

• Mayor Martinez mentioned the Prayer Breakfast sponsored by the Ministerial Association on October 8, 2004 at 7:30 p.m.

• Mayor Martinez also mentioned the Pow Wow on September 24-26, 2004.

• Mayor Martinez invited the Council to attend a Twirlerette function on August 27, 2004.

CLOSED SESSION

Council adjourned at 9:09 p.m. to the Closed Session Item A3 which was not completed prior to 7:00 p.m.

ADJOURNMENT

The Council reconvened at 9:28 p.m. and adjourned at 9:28 p.m. to the meeting of September 7, 2004.

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Georgia Hawley, Chief Deputy City Clerk

SEAL

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Pedro R. Martinez, Mayor