CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
DECEMBER 7, 2004 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez (arrived late)

CLOSED SESSION - CITY COUNCIL:

A. Closed Session Pursuant to:
   1 - Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
   6 - Gov. Code § 54957 - Public Employee Performance Evaluation - Title: City Manager.

7:00 P.M. RECONVENE OPEN SESSION

AND REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Partially concluded, continued to the end of open session with any reports done at that time.

Pledge of Allegiance Led by Rebecca Acosta from Roche Avenue School
Invocation by Pastor Steve Walker, Valley Oak Community Church

PRESENTATION

• Employee of the Month - Russell Searle
• Employees’ Service Award - Sgt. John Hall - 10 Years of Service
• Friends of the Library - award of $5,275 for children’s books at the Heritage Center and $7,969 towards the Literacy Reading Program.

ORAL COMMUNICATIONS

• Hector Figueroa, 5th grade student at Roche Avenue School, spoke in favor of the new Heritage Library being open in the evenings.
• Nathaniel Rodgers, 5th grade student at Roche Avenue School, also spoke in favor of the Heritage Library being open in the evenings.
• Da DaHing, 2721 E. Pershing Court, voiced her support of bike paths.
• Della Gil, Roche Avenue School, spoke in favor of the Heritage Library being open in the evenings.
• Kiana, Sarah and Joseph from Roche Avenue School, submitted the balance of the letters written in favor of the Heritage Library being open in the evenings.
• Wendall Wall, 1305 N. Scenic Dr., spoke in favor of bike trails.
• Henry Reneau, 331 N. Larson, spoke in favor of bike paths.
• Deborah Harris, 68 N. Jaye Street, spoke in favor of bike paths.
• Lester Lamborina of Victory Outreach spoke against proposed restrictions on charitable car washes.
• Jay Kelly, 1389 N. Linda Way, spoke in support of bike lanes.
• Robert Krase, 132 E. Morton Avenue, spoke in favor of bike lanes, indicating that they would enhance Porterville’s amenities, thereby increasing its ability to draw industry.
• Dick Eckhoff, 197 N. Main Street, spoke in favor of bike lanes, and also spoke regarding Item 25 citing the potential loss of County fire personnel.
• Cathy Capone, 806 W. Westfield, gave historical information relating to bike paths, referring to a 1980 letter. (Ms. Capone to provide the City with a copy of the letter.)
• Dennis Mills, TCAG, offered to help the City develop a plan, as well as $4,000 of TDA funds towards the project dealing with bike paths.
• Carla Barta, Bellevue School, spoke on behalf of the school children, in favor of bike paths.
• Greg Shelton, 888 N. Williford, urged the Council to be careful about acquiring private property for right-of-way relating to bike paths.
• Jim Innis spoke about the traffic problem at the Westfield School area and the bike paths possibly helping the situation.
• Rachel Berry, 98 N. Taylor Way, voiced her support of bike paths.
• Lisa Shepard, 681 N. Sunnyside, voiced her support of bike paths.
• Eddie Carbajal, 2498 W. Westfield, voiced his support of bike paths.
• Deborah Harris, 68 N. Jaye, voiced her support of a Mosquito Abatement District.

CONSENT CALENDAR
Items 1, 9, 11 and 12 were removed.

2. BUDGET ADJUSTMENTS FOR THE 2004-05 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments and authorize staff to modify revenue and expenditure estimates, described as:

   1. To increase the revenue in the General Fund Budget to account for the donation of $7,969 from the Friends of the Library;
   2. To increase the revenue in the General Fund Budget to account for the donation of $5,275 from the Mr. and Mrs. Charles Patmore Family Memorial Trust;
   3. To increase the appropriation in the Library budget, Literacy Program to allow for the expenditure of $7,969 of the Friends of the Library donation;
   4. To increase the appropriation in the Library budget to allow for the purchase of children’s books with the donation of $5,275 received from the Mr. and Mrs. Charles Patmore Family Memorial Trust.

Documentation: M.O. 01-120704
Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - AERIAL LADDER TRUCK

Recommendation: That the Council authorize Staff to advertise for bids for a new 75-foot quint aerial ladder truck.
4. AWARD OF CONTRACT - TRANSIT SURVEILLANCE SYSTEM

Recommendation: That the Council:
1. Authorize staff to negotiate a contract with Industrial Electronic Systems, Inc., of Fresno, California, to provide and install a closed circuit television system at the Transit Center; and
2. Authorize payment for said work upon satisfactory completion of the project.

Documentation: M.O. 03-120704
Disposition: Approved.

5. AWARD OF CONTRACT - TRANSIT VEHICLE LOCATION SYSTEM

Recommendation: That the Council:
1. Authorize Staff to negotiate a contract with Teletrac of Garden Grove, California to provide and install an automatic vehicle location (AVL) system at the Transit Center; and
2. Authorize payment for said work upon satisfactory completion of the project.

Documentation: M.O. 04-120704
Disposition: Approved.

6. AWARD OF CONTRACT - VELB MITIGATION WATER WELL PROJECT

Recommendation: That the City Council:
1. Award the VELB Mitigation Water Well Project to Johnson Drilling in the amount of $30,300.16;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 05-120704
Disposition: Approved.

7. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 245-390-007 - STEVE D. AND MELISSA R. KRIGBAUM - HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Steve D. and Melissa R. Krigbaum in the amount of $10,887.80, 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.

Documentation: Resolution 144-2004
Disposition: Approved.
8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 245-040-005 - RALPH M. & JANET HOVANNISIAN - HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Ralph M. and Janet Hovannisian in the amount of $4,756.40, 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.

Documentation: Resolution 145-2004
Disposition: Approved.

10. LIMITED OPENING OF THE HERITAGE CENTER LIBRARY

Recommendation: That the Council authorize the limited opening of the Heritage Community Center Library for two evenings per week, commencing February 1, 2005.

Documentation: M.O. 06-120704
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve Item Nos. 2 through 8, and Item No. 10. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF NOVEMBER 9, 2004 AND NOVEMBER 16, 2004

Recommendation: That the Council approve the City Council Minutes of November 9, 2004 and November 16, 2004.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr that Council approve the City Council Minutes of November 9, 2004 and November 16, 2004.

M.O. 07-120704

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

Disposition: Approved.

9. ZALUD HOUSE MUSEUM MAINTENANCE GRANT

Recommendation: That the City Council:
1. Adopt a resolution approving the filing of an application for a Roberti-Z’Berg-Harris Open Space and Recreation Program Grant; and
2. Authorize the Parks and Leisure Services Director to execute all necessary documents on behalf of the City of Porterville.
Director of Parks and Leisure Services Jim Perrine explained that the figures provided in the staff report had been originally derived from an architectural assessment conducted in 1996/1997 and from a grant application that had been submitted in 2001.

Mayor Pro Tem Irish confirmed with staff that the Zalud House was not currently operating with the aid of any grant funds. He then voiced concern that regardless of how much grant money the City secured for the Zalud House, the City would continue to have to pour money into it and warned that the Zalud House would be a constant drain on the City. He then suggested that if the Zalud House was maintained only to support the artifacts it held, those artifacts could instead be transported to and displayed at the museum.

Council Member Hamilton commented that the Zalud House was a historic piece of Porterville, but pointed out that the Zalud Trust was nearly depleted and that the committee formed to locate future funding sources had not been successful. He then voiced support for receiving public comments on how the upkeep of the Zalud House should be addressed.

Council Member West pointed out that the proposed repairs would likely last at least fifty years and that the proposed repairs were not something that would be required every year.

Council Member Stadtherr confirmed that the $36,000 in Zalud House funds identified in the staff report actually came from the Zalud Trust, not from the City’s taxpayers. He commented that the Zalud House was the only purpose for which the Zalud House funds could be spent, so nothing was lost by moving forward with staff’s recommendation. He stated that at least applying for the grant would buy the Council enough time to determine whether there was sufficient community interest in keeping the Zalud House operational.

In response to Council Member West’s question, City Manager John Longley responded that the arrangements for the use and upkeep of the Zalud House were provided for in the Zalud Will. He stated that staff would provide a copy of that Will document to Council. He explained that the Will essentially required that the property be used for the furthering of the Arts.

Mayor Martinez voiced support for moving forward with Council’s recommendation and receiving input as to whether or not the community had interest in maintaining the Zalud House.

In response to Mayor Pro Tem Irish’s question, Mr. Perrine confirmed that the Zalud House Fund had been established in 1977 with $200,000.

Deputy City Manager Darrel Pyle confirmed that the annual expenditures for the operation and the janitorial service at the facility ran approximately $36,000, which was offset by a several thousand dollars in ticket and admission sales, and approximately $6,000 in interest on the balance of the endowment.

City Manager John Longley pointed out that weddings and other special events held at the Zalud House also provided funds.

Mayor Pro Tem Irish commented that the proposed grant was just another grant that would cost the City money. He cautioned that in approximately four more years, the Zalud House funds would be depleted. He voiced support for opening the matter up for a public hearing so that the Council could receive input. He then questioned how long staff had been aware of the availability of the grant. He then warned Council that if the item was approved, the City would then be “stuck,” suggesting that there would be strings with the grant money. He then questioned whether there were long term commitments as to the upkeep of the Zalud House.

Council Member Hamilton commented that the Zalud House needed to be self-sustaining.
Mr. Perrine confirmed that the grant was a competitive grant and that the application was due by
December 10, 2004. He stated that he had been aware of the grant for a few months. He stated that he believed
the grant required a three year commitment, and that he was unaware of any further requirements of the City in
terms of preservation of the facility if the City accepted grant funds.

Council Member West moved that Council approve staff’s recommendation and direct staff to provide
a comprehensive report to Council.

City Manager John Longley pointed out that if Council should approve filing the application, Council
would still be required to accept the grant. He explained that at that time, the specific conditions of the grant
would be provided.

Council Member Hamilton commented that in the case of competitive grants, if the City submitted an
application and then turned down the grant, the City would not be considered for future grants.

Mayor Pro Tem Irish commented that he was not pleased with receiving this item three days before the
grant application was due.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr
that Council adopt a resolution approving the filing of an application for a
Resolution 146-2004 Roberti-Z’Berg-Harris Open Space and Recreation Program Grant and authorize
the Parks and Leisure Services Director to execute all necessary documents on
behalf of the City of Porterville.

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

Disposition: Approved.

11. CITY OF PORTERVILLE EMERGENCY OPERATIONS PLAN

Recommendation: The report was provided for informational purposes only, therefore no action was
necessary.

City Manager John Longley presented the item, and Fire Chief Frank Guyton presented the staff report
for informational purposes only.

Disposition: No action requested.

12. THIS ITEM WAS PULLED.

PUBLIC HEARINGS

13. ZONE CHANGE 6-2004 (STEVE VANG)

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration of Environmental Impact prepared for Zone Change 6-2004;
2. Approve the proposed Zone Change and give first reading to the draft ordinance;
3. Waive further reading of the draft ordinance approving Zone Change 6-2004 and order to print.

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

The public hearing opened at 8:05 p.m.

Mark Hillman, 620 West Olive Avenue, came forward as a representative of the applicants and spoke in favor of the project. He then responded to several questions posed by Council.

Deborah Harris, 68 North Jaye Street, came forward and spoke against the proposed project.

Greg Shelton, 888 North Williford Drive, spoke in favor of the proposed project.

Cecilia Estrada, 176 North Kessing voiced opposition to the zone change and the proposed project.

Robin Crillo, 139 North H Street, spoke against the zone change.

The public hearing closed at 8:18 p.m.

Council Member Hamilton suggested that the matter be continued as to allow the applicant to meet with the concerned residents and attempt to resolve the matter.

Steve Vang, 40 North Kessing, came forward and identified himself as the applicant. He stated that his proposal would be beneficial and help clean up the area. In response to Council Member Stadtherr’s question, Mr. Vang then indicated that he had not yet met with any of the local residents.

Council Member Stadtherr suggested that Mr. Vang meet with the local residents and explain to them what he proposed.

Council Member Hamilton agreed that Mr. Vang should meet with the residents, to which Mr. Vang responded that he would.

Mark Hillman came forward and commented that if required to meet with the residents, Mr. Vang would be at a disadvantage. He suggested that the concerned residents be invited to participate and offer comments when the “D” Overlay was before the PRC.

Mayor Pro Tem Irish agreed with Mr. Hillman’s comments and suggested that the zone change be continued until such time as the “D” Overlay was before PRC. He proposed that the local residents be sent notice so that they could participate at the PRC.

Mr. Hillman confirmed with Council that the public hearing on the Zone Change would be continued to allow the “D” Overlay to be reviewed at PRC, and that the concerned residents would have an opportunity to participate at that meeting.

Disposition: Continued.

The Council recessed for ten minutes.

14. CHARITABLE CAR WASH ORDINANCE
Recommendation: That the City Council, after receiving testimony, determine whether to accept the draft ordinance for first reading.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:44 p.m.

Dick Eckhoff, 197 North Main, came forward and questioned whether church grounds would be classified as commercial or non-commercial. He then pointed out that Section 15-90(c)(9) of the draft ordinance did not require the applicant to identify the proposed location of the car wash, nor did it require the applicant to indicate whether the applicant had obtained prior approval from the property owner. He then commented that the permit should include the address that had been approved for the car wash, along with a contact number.

Public Works Director Baldo Rodriguez confirmed that churches would be classified as commercial, thereby falling under the restrictions proposed by the draft ordinance. He stated that the actual car wash application had not yet been drafted, but that Mr. Eckhoff brought up good points.

Lester Lamborina, 1192 East Jasmine, came forward on behalf of Victory Outreach. Mr. Lamborina voiced opposition to the car wash ordinance, as his organization frequently held fund raising car washes at Gray’s Chili Dogs. He then questioned how the City would enforce the ordinance in County pockets.

Staff explained that if the water from a car wash in a County pocket had been discharged into a City storm drain, enforcement by the City could be possible. Staff then confirmed that water discharged from car washes held at Gray’s Chili Dogs entered the City’s storm drain.

Deborah Harris, 68 North Jaye Street, voiced opposition to the car wash ordinance, pointing out that she believed charitable car washes enhanced the community spirit and family-oriented activities in Porterville.

The public hearing closed at 8:49 p.m.

Council Member West voiced concern that the ordinance would restrict the ability of charitable organizations to raise funds. He stated that he was one hundred percent opposed to the ordinance.

Mayor Pro Tem Irish pointed out that the City of Delano enforced a very similar ordinance, and that ordinance had not hurt the charitable organizations, but instead those organizations worked with commercial car washes to utilize facilities to continue their fund raising.

Council Member West commented that the ordinance raised other issues such as how car dealers would be affected by washing their vehicles, as well as citizens washing personal vehicles in driveways. He then suggested that residents washing their vehicles in their driveways might also pose problems. He stated that the ordinance would cost too much money to enforce and that it was not worth it. He stated that there were better uses for the police officers’ time rather than spending it on enforcing a car wash ordinance.

Mayor Martinez voiced concern with restricting the charitable organizations’ ability to raise funds. He pointed to the distinction between charitable organizations asking for donations and commercial businesses charging fees for profit. He then questioned if the impact from water discharged by charitable car washes could be quantified.
City Manager John Longley responded that the impact was actually not on the sewer system, but rather on the ground water due to the leaching through the storm drains into the ground.

Public Works Director Baldo Rodriguez explained that if the ordinance was adopted, and people abided by that ordinance, car wash water would not be discharged into the storm drain. He explained that once the water had been discharged into the storm drain, most of the City’s storm drains discharged into the open water, being the Tule River, Porter Slough, or to some other retention basin. He stated that this was what needed to be protected. He contended that if the ordinance was adopted, the discharge into the ground water would be dramatically reduced. He explained that other than the fact that the EPA had stated that City should not allow this, quantifying such an impact would prove extremely difficult.

At Council’s request, Mr. Longley then explained the proposed application and enforcement procedures, as well as police staffing elements.

In response to Mayor Martinez’s question, Police Chief Silver Rodriguez confirmed that crime had significantly increased in Porterville, keeping up with the population growth and City size.

Mayor Martinez commented that he might have to abstain from this vote, and that after his comments that would be up to the City Attorney. He then stated that as an adolescent, he had personally benefitted from Victory Outreach’s program because of all of the individuals who donated to fund raising efforts like car washes. However, he stated, he was also a businessman and attempted to view this matter objectively. He stated that he believed that the ordinance might be appropriate in a community that did not have the economic challenges that Porterville had; however, it was not appropriate for Porterville. He stated that he did not support the ordinance.

City Attorney Julia Lew stated that Mayor Martinez did not have a conflict of interest.

Council Member Stadtherr commented that if an organization held more than one car wash per month, that organization was essentially in the business of washing cars, and perhaps they should be required to get a business license to operate a car wash.

Mayor Martinez pointed out that his daughter was in band and that she sold chocolate on a constant basis, yet asserted that this did not equal being in the chocolate selling business.

Council Member West agreed with Mayor Martinez’s comments and suggested that holding car washes was a constructive activity for Porterville’s youth, as opposed to adolescents spending time burglarizing stores.

Council Member Stadtherr stated that he disagreed with Council Member West’s comments in that he did not feel it was a fair assumption that if some youth groups were not able to hold more than one car wash per month they would be out burglarizing stores. He asserted that if an organization began to hold car washes on a regular and frequent basis, that organization became a business.

Council Member Hamilton agreed with Council Member Stadtherr.

Mayor Martinez stated that a problem existed because some of the charitable organizations did not have a tax ID number that identified the status of that organization as tax-exempt. He stated that as the ordinance was currently written, those organizations were limited to using their one tax ID number to once per month. He stated that he participated in many of the car washes and that often times different groups with different funds within the same organization held car washes, but each different group used the same tax ID number.
Council Member West commented that he doubted if any of the commercial car washes would insure the charitable organizations if they held car washes at their locations.

Mayor Pro Tem Irish stated that he appreciated the personal testimonies on this item, and that the matter was a very volatile and emotional. He commented that the Council should not only be looking out for children, but instead everybody in Porterville. He stated that Porterville had approximately six or seven commercial car washes in town that were regulated financially and questioned why those legitimate businesses were being regulated, when at least ten to fifteen non-profit car washes operated in Porterville without being regulated. He stated that while he understood the emotions behind the comments, he did not believe it was fair to only regulate a few. He then stated it was his understanding that enforcement of the ordinance would be handled on a complaint basis and only if an officer was available. He suggested that car wash ordinance enforcement would be handled in the same manner as the enforcement regarding burning fireplaces on non-burn days. He asserted that this ordinance would not stop the charitable car washes, but instead would make the situation more equitable. Mayor Pro Tem Irish then commented that the water discharged by charitable car washes probably exceeded that discharged from the commercial car washes. He commented that the current situation was simply not fair.

Public Works Director Baldo Rodriguez informed Council that he had previously misspoken and that the EPA did not regulate charitable organizations. He pointed out that although charitable organizations were not regulated by the EPA, that did not necessarily mean that the City could not regulate their activities and restrict discharge.

Mayor Martinez commented that some states actually prohibited individuals from washing cars on their own lawn.

In response to Mayor Pro Tem Irish’s question, staff confirmed that if a car wash business opened up with the intent to hold car washes for charitable organizations, that business would still be required to pay the fees because it would be connected to public services.

Mayor Pro Tem Irish stated that if the Council did not pass this ordinance, it was not being fair nor consistent.

Mayor Martinez disagreed with Mayor Pro Tem Irish’s comments, pointing out that one car wash was for profit and the other car wash was not. He stated that organizations frequently changed the location of their car washes and that limiting the number of car washes that could be held at any particular location to one every three months was ridiculous. He stated that he believed Porterville had bigger problems to worry about. He stated that he also had a problem with the proposed fines and revocation language, which he found to be excessive. He pointed out that a business caught selling alcohol to minors was only prohibited from selling alcohol for three months, yet the ordinance proposed a one year permit revocation for violating the car wash ordinance. He asserted that common sense must be applied and that perhaps in the future Council could look at this, but now there were other priorities before the City.

Council Member West agreed with Mayor Martinez’s comments.

Council Member Hamilton commented that he did not understand the reasoning of allowing an organization to pollute the ground water simply because that organization was non-profit. He stated that when the Council first took up this issue, Council understood that the charitable organizations would be affected, and as such, Council spoke with the owners of the commercial car washes in town and were told that they were more than willing to work with the non-profit car washes. He stated that this arrangement would be beneficial and that the non-profit organizations would not be hurt if a partnership was built between the ones that paid the fees and the ones that were not required to pay the fees. He commented that this issue was initiated due to
commercial car washes that were not in compliance, but that the issue grew from there because of the over-abundance of weekend car washes that took away the profits of those business that were paying the huge fees. He then complimented Mr. Lamborina on the work that he and his organization had done. Council Member Hamilton then commented that the Lord also wanted individuals to be good stewards of the land, which was what the Council was attempting to do by protecting the ground water.

Mr. Lamborina of Victory Outreach came forward and expressed concern that the ordinance would greatly diminish his organization’s ability to make enough money to support their efforts. He asserted that the car washes were not about making a profit, but instead about helping individuals.

Deborah Harris, 68 North Jaye Street, again voiced opposition to the ordinance and commented that there was no comparison between commercial car washes operating for profit and car washes held by charitable organizations for fund raising.

Council Member West commented that he did not believe that commercial car washes wanted non-profit groups washing cars at their places of business.

Mayor Pro Tem Irish responded that there were already four commercial car washes that committed to the arrangement.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member West to reject the draft ordinance.

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

Council Member Hamilton then moved that the Council approve the draft ordinance. The motion was seconded by Mayor Pro Tem Irish.

Council Member Stadtherr stopped the vote and commented that he believed that he had misunderstood the first motion. He indicated that on the first vote, he believed he was voting on a motion to accept the ordinance, not to reject it. He then requested that Mayor Martinez restate his motion and that the vote be taken again.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member West to reject the draft ordinance.

M.O. 08-120704

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

Disposition: Denied.

15. VERITAS ESTATES TENTATIVE SUBDIVISION MAP & CONDITIONAL USE PERMIT 9-2004 (LEE JONES)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004;
2. Adopt the draft resolution approving Veritas Estate Tentative Subdivision Map; and
3. Adopt the draft resolution approving Conditional Use Permit 9-2004.

City Manager John Longley presented the item, and Associate Planner Randy Rouda presented the staff report.

The Public Hearing opened at 9:19 p.m.

Jim Winton, 150 West Morton, came forward on behalf of Dr. Jones, the applicant. He stated that the applicant had several meetings with the City staff and that the staff had been extremely helpful in assisting Dr. Lee with meeting all of the set-back requirements on this unique property.

Lee Jones, 315 Tulare Street, Visalia, came forward and voiced support for the project. He commented that this project was intended for entry level home owners and would benefit the community. He requested that the Council approve the project.

Pete McCracken, 657 Village Green, came forward and indicated that he was not speaking in favor or against the project before Council, but cautioned the developer that the CC&Rs provided to Council might be out of compliance with the current California Code.

Dr. Jones came forward and commented that the CC&Rs provided to staff were generated by Mr. Ingram, the title officer at North American Title. He explained that these were standard, boiler-plate CC&Rs.

The public hearing closed at 9:27 p.m.

Council Member West commented that he only could identify one fire hydrant for the entire complex.

Director of Community Development Brad Dunlap responded that this issue had been reviewed at both the PRC and the Subdivision Review Committee, in addition to being specifically reviewed by the City’s fire personnel, and that one fire hydrant had been determined to be fully acceptable.

In response to Council Member Hamilton’s question, Mr. Dunlap explained that the proposed building would be stucco with wood trim around the facia. He stated that he was unsure as to what material was proposed for the roof.

Council Member Hamilton questioned the height of the proposed building, how close it would be to the Bellevue properties, and if the unit nearest Bellevue would have the ability to look down onto the adjacent properties.

Staff responded that the building would be 17 feet high, and would be located be approximately 17 feet from the facia and approximately 25 feet from the ridge line of the roof to the property line. He then commented that there was a second story, 4’ x 4’ master bedroom window that was at the rear of the building, and that the building had a ten foot set back in the rear.

Council Member Hamilton commented that this part of the design disturbed him. He then questioned if a masonry block wall separated this development from the adjacent property owners.
Staff explained that because this project was consisted of residential property abutting residential property, rather than commercial property abutting residential, the City did not require a block wall.

Council Member Hamilton then clarified with the applicant that to the north of the property, a ten foot set back existed and that the units would not look onto the Belleview property owners.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish that the Council adopt the draft resolution approving the Negative Declaration for Resolution 147-2004 Veritas Estates Tentative Subdivision Map and Conditional Use Permit 9-2004. The motion carried unanimously.

Resolution 148-2004 MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council adopt the draft resolution approving Veritas Estate Tentative Subdivision Map. The motion carried unanimously.

Resolution 149-2004 MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council adopt the draft resolution approving Conditional Use Permit 9-2004. The motion carried unanimously.

Disposition: Approved.

16. VACATE PUBLIC VEHICULAR TURNAROUND EASEMENTS RELATED TO THE DEVELOPMENT OF RIVER SPRINGS, PHASE THREE SUBDIVISION (G.W. HOMES, INC.)

Recommendation: That the City Council:
1. Conduct a Public Hearing; and
2. Authorize the City Clerk to execute the vacation of easements dedicated to the City of Porterville as Parcel 1 and Parcel 2 of Document No. 2000-0072322, recorded November 7, 2000, in the Office of the Tulare County Recorder, by signing the appropriate statement on the Final Map.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 9:36 p.m. and closed at 9:37 p.m. when nobody came forward.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council authorize the City Clerk to execute the vacation of easements dedicated to the City of Porterville as Parcel 1 and Parcel 2 of Document No. 2000-0072322, recorded November 7, 2000, in the Office of the Tulare County Recorder, by signing the appropriate statement on the Final Map. The motion carried unanimously.

Disposition: Approved.

**SCHEDULED MATTERS**

17. CONSIDERATION OF REQUEST REGARDING BICYCLE TRANSPORTATION ACCOUNT/REVIEW OF BLUE SKIES COALITION PETITION
Recommendation: That the City Council discuss the appropriate current priority for pursuing funding and construction of bicycle lanes, review the bicycle lane alignments as proposed by the Blue Skies Coalition and City Staff and provide appropriate direction to Staff. The options include:

1. Adopt a network of bicycle lanes within existing alignments and direct staff to pursue funding through the BTA Grant and/or the SJVUAPCD Grant. Estimated date to install paths/lanes/routes is the final quarter of 2005.

2. Amend the Community Development Department and Public Works Department work programs and direct staff to prepare the comprehensive bicycle plan called for in the Circulation Element of the General Plan. Defer the pursuit of funding until such a plan has been adopted. Estimated date to install bicycle paths/lanes/routes is 2007/2008.

3. Adopt a network of bicycle lanes within existing alignments and encourage the Blue Skies Coalition to pursue SJVUAPCD Grant funding as a private organization. Because it is a nonprofit, private effort, no date for installation is specified.

4. Take no action at this time. Defer consideration of enhanced bicycle transportation to the comprehensive General Plan Update, currently in its initial stages.

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

Mayor Pro Tem Irish requested that Mayor Martinez invite public commentary.

Boyd K. Leavitt, 457 East Oak Street, came forward and cautioned over hastily proceeding with bike paths that were disjointed and might create a false sense of safety for bike riders. He requested that the Council instead consider bike routes, running both north and south, as well as east and west. He indicated that he preferred the proposed “circulation element” plan. He requested that the bike routes be considered as a first alternative and that the Council put any grant monies received towards the Rails to Trails program. Mr. Leavitt then cautioned that proceeding with bike lanes might increase the City’s liability in the event of a vehicle vs. cyclist accident.

In response to Mayor Martinez’s question, City Attorney Julia Lew clarified that painted bike lanes were just like any other road condition/striping issue and did it not prevent the City from being sued.

Greg Shelton, 888 North Williford Drive, commented that the issue came down to money and that as with the Rails to Trails program, he was not optimistic with the success of an interconnected system due to development issues in the City.

Jim Vagim, 70 South Main Street, voiced support for approving the proposed bike lanes.

Dick Eckhoff, 197 North Main Street, voiced support for approving the circulation element plan and stated that the program should continue into the future. He commented that Council should have a desirable plan in place that connected developments and schools so that as funds were made available, portions of that plan could be completed.

Deborah Harris, 68 Jaye Street, cautioned over safety issues with riding bikes on secluded bike paths and trails such as what was being proposed. She suggested that bike paths could be incorporated into sidewalk areas rather than made a part of the street.
Mayor Martinez commented that while he agreed with Ms. Harris’s suggestion, the cost factor made the plan prohibitive.

Felippe Martinez, 195 West Putnam, voiced support for incorporating bike paths into Porterville’s General Plan.

Council Member Stadtherr referenced the 1980 letter provided to Council by citizen Cathy Capone and commented that he believed 24 years was enough time to wait. He then commented that if the Circulation Plan had been such a great plan, why had the City not moved on it in the twelve years since the plan was adopted. He then voiced support for approving staff’s plan, commenting that this plan was a good place to start.

Council Member Stadtherr moved to approve Option No. 1, utilizing staff’s plan. The motion was then seconded by Council Member West.

Council Member Stadtherr commented that the majority of the funds available — particularly from the San Joaquin Valley Air Pollution Control District — were specifically marked for pollution mitigation. He stated that the problem with the river pass and the Fourth Street route was that it did not lead somewhere, such as to shopping or neighborhoods. These routes, Council Member Stadtherr pointed out, were recreational routes rather than air pollution mitigation routes.

Council Member Hamilton voiced support for approving the Circulation Element Plan.

Mayor Pro Tem Irish voiced doubt as to whether bike paths would solve problems such as childhood obesity as had been previously suggested.

Council Member Hamilton stated that he agreed with Mr. Krase in that the bike paths were really about recreation, and possibly reducing air pollution. He then questioned what the Council was attempting to accomplish: bike paths for recreational purposes, or bike paths to support infrastructure.

Council Member West commented that the bike paths could serve a duel purpose.

Council Member Stadtherr explained that the bike lane paths within the City would connect shopping areas to residential areas, and that those lanes could also connect to the recreational paths, thereby providing a duel purpose.

Council Member Hamilton commented that the Circulation Element Plan called for 34.2 miles of bike paths at a cost of $12,227,000 and questioned how the City could pay for that. He then commented that he would love for the City to have a recreational bike path and contended that this was the direction in which the City should proceed.

Council Member Stadtherr responded that the City would need to be aggressive.

Mayor Pro Tem Irish commented that the upkeep on any of the proposed plans for bike paths would likely be costly. He then commented that not everybody in the City rode bicycles and pointed out that comparing Porterville to other cities with more temperate climates was unfair. He suggested that Porterville was limited in that one could not bicycle twelve months out of the year, and stated that he was aware that individuals in Visalia now regretted installing several bike paths. Mayor Pro Tem Irish then commented that he was intrigued with the Circulation Element, but cautioned that the figures provided were only initial costs and that those costs would increase.
Council Member Stadtherr commented that the cost for the bike paths would have been a lot less if the City had acted 24 years ago.

Mayor Pro Tem Irish agreed with Council Member Stadtherr’s comments.

Mayor Martinez questioned whether the Council could proceed with a plan that included bike lanes that converted to bike routes in areas where bike lanes would negatively impact businesses or parking.

Community Development Director Brad Dunlap responded that Council could pursue such a plan and that plan would work. He explained that bike lanes could convert to bike routes in certain areas, but that staff would need to conduct further research from a connectivity and consistency standpoint.

Council Member Hamilton voiced concern with moving on this particular project in the last quarter of 2005 when Council had already identified other projects as priorities.

Mayor Pro Tem Irish stated that there were street projects that had not even been completed on which the City had lagged behind. He then questioned when Council would be setting its priorities for the coming year.

Council Member Stadtherr commented that if the City was not awarded the grant funds, the subject would be a moot point.

Council Member West agreed with Council Member Stadtherr.

Council Member Hamilton pointed out that in order to obtain the grant funds, the project needed to be lined up in order to even submit the application.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt a network of bicycle lanes within existing alignments according to the map presented by staff, and direct staff to pursue funding through the BTA Grant and/or the SJVUAPCD Grant, with an estimated date to install paths/lanes/routes in the final quarter of 2005.

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

Disposition: Approved.

The Council recessed for ten minutes.

18. BUDGET REQUEST BY THE SUCCESS RESERVOIR ENLARGEMENT JOINT POWERS AGREEMENT COMMITTEE FOR SEISMIC REMEDIATION EFFORT

Recommendation: That the City Council direct staff to:
1. Prepare a letter for the Public Works Director’s signature informing the JPA that the City will contribute $6,250 towards the Success Dam Seismic Remediation Project in Fiscal Year 2004/2005;
2. That no financial commitment towards the seismic remediation effort is offered beyond that which is expressed in the staff report; and
3. That the $6,250 and any subsequent payments made by the City of Porterville related to the Success Dam Seismic Remediation Project will be deducted from the City’s Reservoir Enlargement financial commitment of $382,421.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Mayor Pro Tem Irish moved that Council direct staff that no financial commitment towards the seismic remediation effort be offered beyond that which was expressed in the staff report, and that the $6,250 and any subsequent payments made by the City of Porterville related to the Success Dam Seismic Remediation Project be deducted from the City’s Reservoir Enlargement financial commitment of $382,421.

Council Member West seconded Mayor Pro Tem Irish’s motion.

Council Member Stadtherr questioned whether Mayor Pro Tem Irish opposed directing staff to send a letter informing the JPA that the City will contribute $6,250 towards the Success Dam Seismic Remediation Project in Fiscal Year 2004/2005.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that the Council direct staff that no financial commitment towards the seismic remediation effort be offered beyond that which is expressed in the staff report, and that the $6,250 and any subsequent payments made by the City of Porterville related to the Success Dam Seismic Remediation Project will be deducted from the City’s Reservoir Enlargement financial commitment of $382,421. The motion carried unanimously.

Disposition: Approved.

Council then agreed to direct staff to send a letter signed by all Council Members informing the JPA that the City would contribute $6,250 towards the Success Dam Seismic Remediation Project in Fiscal Year 2004/2005.

19. ESTABLISHMENT OF PARKING DISTRICT IN CENTRAL BUSINESS DISTRICT

Recommendation: The Staff Report was provided for informational purposes only. Council to provide further direction.

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

Council Member Hamilton questioned what staff was trying to accomplish with this item.

City Manager John Longley responded that staff was attempting to provide a mechanism to deal with parking in the downtown area, the maintenance of the existing parking lots, and also potentially adding additional parking lots or developing a parking structure in downtown.

Council Member Hamilton commented that metered parking might generate more money. He then asked Mr. Eckhoff of the Downtown Porterville Association whether metered parking would hurt downtown businesses.
Mr. Eckhoff responded that the concept of metered parking had been discussed for decades. He stated that while many other cities had discontinued the use of metered parking, those same cities had been recently reintroducing it. He stated that he believed many downtown business owners felt that the area was not ready for metered parking, as they were fearful that it would drive customers to outside shopping centers. He stated that the downtown area currently had a timed parking problem and no solution had yet been identified. He stated that some businesses’ customers actually took three hours or more, whereas some did not. He pointed out that if a time restriction had been placed on parking, customers might not be inclined to continue shopping from one business to another. He stated that the consensus of the Downtown Porterville Association, if asked today, would likely be against parking meters and against time restrictions. He stated that while he might not totally agree on a personal basis, he was speaking on behalf of what he had heard through the Board, and through downtown businesses owners in general.

Council Member Hamilton stated that when most businesses were developed, that business was required to have a certain amount of parking. He stated that downtown businesses did not have that restriction, but those businesses were the benefactors of the parking district itself. He stated that the only other solution would be what staff had proposed as far as an assessment fee.

Mr. Eckhoff responded that the issue was not inadequate parking downtown, but rather the location of that parking in relation to the businesses. He stated that individuals would think nothing of driving thirty to forty miles to Visalia and parking a quarter of a mile from the front door of a shopping center, but when they get to downtown, they expect to park in front of the business, and if they cannot, they drive away. Mr. Eckhoff contended that additional parking would not help this scenario. He stated that some spaces in Parking District 2 were still open. He stated that the parking lot behind the Bank of the Sierra was nearly filling up on a continual basis, but that the most heavily impacted areas, such as next to Shortman’s Cyclery, had high demand, but very limited parking. He stated that the improvement of the parking lot near the bus terminal, and the eventual removal of the old bus terminal would help the situation somewhat. He suggested that if a multi-level parking structure was being considered for the downtown area, the old bus terminal lot would be an excellent location. He then warned that the City would have a difficult time in convincing the downtown business owners to fund additional parking through additional assessments.

Mayor Pro Tem Irish commented that he did not believe any struggling downtown area would approve the implementation of parking meters. He then clarified with staff that the proposal included an assessment on every business in the downtown area, then questioned how the City could assess the Bank of the Sierra, who had just installed a new parking lot.

City Manager John Longley clarified that the item was presented only to determine whether there was interest in the matter, and the next step would be to approach the downtown businesses to determine whether they would support it.

Mayor Pro Tem Irish stated that he was not interested in moving forward with any new assessments.

Council Member Hamilton agreed that he did not wish to initiate further assessments, however he suggested that the discussion on the issue should continue with the downtown merchants.

Mayor Martinez suggested that this issue could be discussed at the next downtown business meeting.

Disposition:  Continued

20. ACCEPTANCE OF FINAL SUBDIVISION MAP RIVER SPRINGS PHASE 3 (G. W. HOMES, INC.)
Recommendation: That the City Council:
1. Approve the final map of River Springs, Phase Three Subdivision;
2. Accept all offers of dedication and vacation shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that the Council approve the Final Map of River Springs, Phase Three Subdivision; accept all offers of dedication and vacation shown on the Final Map; and authorize the City Clerk to file said Map with the County Recorder. The motion carried unanimously.

Disposition: Approved.

21. UPDATE REGARDING THE CAR WASH SLUDGE DRYING AND CONTAINMENT STRUCTURE

Recommendation: The Staff Report was provided for informational purposes only. No action is necessary at this time.

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

Mayor Pro Tem Irish questioned whether car wash businesses were going to be assessed for building the proposed structure.

Staff responded that one of the options that had been presented to Council was a fee to be paid by the car wash businesses as they unloaded. He indicated that staff would also entertain the idea of doing another City私有 venture to fund the project. He stated that staff had anticipated that the cost would fall in the range $18,000 to $25,000. He stated that there might be a few other funding options, but that they were not yet to that point.

Disposition: No action required.

22. AUTHORIZE DISTRIBUTION OF REQUEST FOR QUALIFICATIONS FOR GOLF COURSE MARKETING PLAN PREPARATION

Recommendation: That the City Council:
1. Authorize staff to distribute the Request for Qualifications for a golf course marketing plan preparation; and
2. Appoint a Member of the City Council to the Consultant Selection Panel for the golf course marketing consultant.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.
COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Mayor Martinez that the Council authorize staff to distribute the Request for Qualifications for a golf course marketing plan preparation. The motion carried unanimously.

Council Member Stadtherr suggested that Council appoint a Council Member that golfed.

Mayor Pro Tem Irish volunteered to sit on the panel as long as the panel did not meet on Mondays.

Disposition: Approved.

23. CITY/SCHOOL AGREEMENT TO ADD A SCHOOL RESOURCE OFFICER TO POLICE DEPARTMENT

Recommendation: That the City Council:
1. Authorize the Mayor to sign the City/School Agreement;
2. Authorize the City Manager and Police Chief to continue negotiations with school officials on terms and conditions of the agreement; and
3. Upon formally entering into this agreement, authorize the increase in the number of sworn police officers allocated in the Police Department to forty-five (45).

Mayor Pro Tem Irish and Mayor Martinez both identified a potential conflict of interest, recused themselves from the discussion, and left the Council Chambers.

City Manager John Longley presented the item, and Police Chief Silver Rodriguez presented the staff report.

Council Member Hamilton confirmed with staff that the position had not been budgeted for a trainee, but rather a fully-trained officer with some level of experience.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council authorize the Mayor to sign the City/School Agreement; authorize the City Manager and Police Chief to continue negotiations with school officials on the terms and conditions of the agreement; and upon formally entering into the agreement, authorize the increase in the number of sworn police officers allocated in the Police Department to forty-five (45).

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

Disposition: Approved.

24. CONSIDERATION OF SUPPORT FOR PORTERVILLE HOMECOMING CELEBRATION FESTIVAL

Recommendation: That the City Council authorize $3,000 to be allocated in the Fiscal Year 2005/2006 Budget from Community Promotion to retain a part-time individual to organize the Porterville Community Homecoming Festival.
City Manager John Longley presented the item and Parks and Leisure Services Director Jim Perrine presented the staff report.

Felippe Martinez came forward as the Chairman of the steering committee. He explained that the basis for organizing the Porterville Community Homecoming Festival was to celebrate Porterville’s history.

Mayor Pro Tem Irish commented that he understood why the festival was being proposed, but indicated that he would like to see matching funds. He stated that he would prefer to see contributions made from each of the Chambers, and then the City could match those funds. He stated that he would feel more comfortable with that approach.

Mr. Martinez commented that $3,000 would be too costly of contribution from the Chambers. He then stated that he believed the benefits to the City by having this festival would outweigh the City’s $3,000 expenditure. He indicated that if this was Council’s decision, he would bring that decision back to the Chambers. He then commented that as for the Hispanic Chamber, their buy-in actually included their labor in the promotion, as all of its members were volunteers.

Council Member Hamilton stated that he was willing to support this at least once, then they could review the item next year to determine whether the City wished to continue its support. He then commented that $3,000 was a fairly minimal amount of money.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council authorize $3,000 to be allocated in the Fiscal Year M.O. 15-120704 2005/2006 Budget from Community Promotion to retain a part-time individual to organize the Porterville Community Homecoming Festival.

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

Disposition: Approved.

25. CONSIDERATION OF LEGISLATIVE RECOMMENDATIONS

Recommendation: That the City Council:
1. Review the draft letter to Assemblyman Bill Maze;
2. Define any modifications and direct that the letter be prepared in final form for transmittal to Assemblyman Maze; and
3. Direct that the matters outlined in the letter be reviewed with Senator Ashburn.

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

City Manager John Longley pointed out that Mr. Eckhoff suggested that particular language be included in the letter that specifically addressed the CDF situation, which was exactly what the proposal regarding island annexation addressed.

Council Member Hamilton commented that the Council should not go outside the realm of what the Tulare County Board of Supervisors wanted. He stated that if the Board of Supervisors wished that the City carry their cause, they could try that, however he did not believe the City should venture outside its realm of
authority. He suggested that once the County addressed the issue with the Legislators, then at that time it might be appropriate for the City to present a letter of resolution in support.

The Council unanimously agreed with Council Member Hamilton’s comments.

City Manager John Longley explained that the follow-up was included because Proposition IA did not deal with redevelopment agencies which was critical for the City. The other reason was to make sure that the commitments and promises that were made regarding IA were follow through on.

The City Manager then confirmed that the letter would be signed by all Council Members.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that the Council approve the draft letter to Assemblyman Bill Maze and direct staff to prepare the letter in final form to be signed by all Council Members for transmittal to Assemblyman Maze, and direct the matters outlined in the letter be reviewed with Senator Ashburn. The motion carried unanimously.

Disposition: Approved.

26. CONSIDERATION OF SUPPORT FOR HIGH SPEED RAIL

Recommendation: To be determined by Council.

Deputy City Manager Darrel Pyle presented the item and indicated that a Council Member had requested that the Council consider providing support to Visalia and Tulare County as they go to Sacramento on December 15, 2004 to meet with the High Speed Rail Commission.

Council Member Stadtherr commented that City of Visalia Mayor Bob Link had requested that the Porterville City Council consider supporting Visalia and Tulare County’s efforts in promoting a high speed rail stop in Tulare County. Council Member Stadtherr explained that currently, the favored corridor actually fell to the west of Hanford because that property was inexpensive. He explained that the City of Visalia believed that by the time the high speed rail would be completed, the population of Tulare County would have reached approximately one million, which was why Mr. Link supported the use of the Union Pacific alignment through the west edges of Visalia. He surmised that by the time the rail construction commenced, the west edges of Visalia would likely become central Visalia. He indicated if the Union Pacific alignment was used, it would make the location of the rail station near the Visalia airport, which would create a unique and convenient situation. Council Member Stadtherr explained that at the previous Consolidated Waste Management meeting, Mayor Link had specifically asked each city representative to request a letter of support from their respective Councils.

In response to Mayor Pro Tem Irish’s question, Council Member Stadtherr responded that he was uncertain as to why the County Supervisors had not contacted the Council to request support, but indicated that he believed County Supervisor Connie Conway had planned on attending the meeting in Sacramento. He then confirmed that the County had not specifically requested support, but rather that the request had come from Visalia Mayor Bob Link.

Mayor Pro Tem Irish commented that while he hoped the rail would be moved closer to Visalia, he did not believe that the Commission cared about Visalia, and that the rail had simply been planned as a north-south route.
Council Member Hamilton commented that while he was not necessarily supportive of the high speed rail for reasons that he had previously mentioned in past discussions, he believed that the City of Visalia and Tulare County were simply trying to have the route moved back to Tulare County.

Mayor Pro Tem Irish stated that he would approve of supporting the effort as long as the Board of Supervisors also supported it.

Council Member Hamilton stated that Supervisor Connie Conway had been spearheading the effort.

The Council then agreed to support the effort and directed staff to draft the letter of support for the Mayor’s signature and to advise Tulare County Supervisor Jim Maples of the decision.

Council Member Stadtherr pointed out that the Visalia City Manager had a draft letter that could be obtained for signature.

Disposition: Direction provided to staff.

27. CONSIDERATION OF REQUEST FOR MOSQUITO ABATEMENT DISCUSSION

Recommendation: To be determined by Council.

City Manager John Longley presented the item and indicated that the item had been requested by a Member of Council.

Council Member Stadtherr stated that he had requested that this item be placed on the agenda. He stated that as he had explained in the memorandum provided to Council, a bat biologist would be in the Porterville area from December 10, 2004 through Christmas and she would be available for giving a presentation on the use of bats for mosquito abatement to Council. He pointed out that the Army Corps of Engineers were also currently considering bats for mosquito abatement at Lake Success and Lake Kaweah. He suggested that the bat specialist be given the opportunity make a presentation to Council on the use of bats as a natural mosquito abatement measure. He suggested that the Council could set an adjourned meeting anytime between December 10 and December 15 to hear the presentation.

Mayor Martinez requested that staff determine the best time for the meeting.

Mayor Pro Tem Irish suggested that it might be better to have an informal meeting so that no official decision could be made.

Council Member Stadtherr pointed out that decisions were generally not made during adjourned meetings, but rather those meeting were typically only study sessions. He voiced concern with proceeding with an informal meeting and then having three Council Members attend, which would then result in a Brown Act violation.

Mayor Pro Tem Irish commented that he would volunteer not to attend.

Mayor Martinez stated that he would attend, depending on the day chosen for the meeting.

Council Member Hamilton voiced an interest in hearing the presentation.

City Manager John Longley confirmed that staff would coordinate the setting of the adjourned meeting.
Disposition:  Direction provided to staff.

ORAL COMMUNICATIONS
• Deborah Harris, 68 North Jaye Street, voiced support in mosquito abatement and requested that Senator Flores also be made aware of the meeting on using bats for mosquito abatement.
• Dick Eckhoff, 197 North Main, voiced support for maintaining the Zalud House and commented on Code enforcement. He stated that whether or not the City was currently in a position to enforce a Code should never be a determining factor as to whether or not a Code should be passed. He asserted that none of the Codes were fully enforced, and voiced support for hiring a Code enforcement officer. He then voiced concern over losing the joint response between CDF and Porterville City Fire Department.

OTHER MATTERS
• Mayor Martinez volunteered to serve as an alternate on LAFCO. It was confirmed that LAFCO meetings were held one Wednesday per month at 2:00 p.m.
• Council Member Stadtherr confirmed with City Manager John Longley that Mr. Longley would prefer to conclude Closed Session Item No. 6 that evening rather than continue it.
• Mayor Pro Tem Irish commented that when the matter of sludge drying beds came before Council, he would not favor assessing impact fees on the commercial car washes and stated that he actually supported decreasing the fees currently charged to commercial car washes. He then requested guidance on the proper procedure in doing so.

CLOSED SESSION
The convened to Closed Session at 11:26 p.m. and reconvened at 1:15 a.m. with no action to report.

ADJOURNMENT
The Council adjourned at 1:15 a.m. to the meeting of December 21, 2004.

________________________________________
Patrice Hildreth, Deputy City Clerk

SEAL

________________________________________
Pedro R. Martinez, Mayor