PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - MARCH 29, 2005
CITY HALL COUNCIL CHAMBERS
6:00 P.M.

Call to Order: 6:10 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

Pledge of Allegiance Led by Mayor Martinez
Invocation - a Moment of Silence was observed when nobody came forward to offer an Invocation.

ORAL COMMUNICATIONS
• Greg Shelton, 888 North Williford Drive, came forward and requested that the Council consider: 1) removing the residency requirement for members of the Redevelopment Advisory Committee; 2) expanding the Redevelopment Area; and 3) implementing a “fast track” processing program for development projects.

In response to a question posed by Council Member Stadtherr, City Manager John Longley confirmed that all fees that the City charged for services must be related to the cost of providing those services. However, Mr. Longley pointed out, there was potential for developing some additional capacity outside of the City, such as through the use of consultants, that would allow for expedited services at a higher per unit cost. He stated that if the Council wished to pursue that option, staff could proceed in that direction. Mr. Longley added that often times the City did not fully recover its costs for services provided. He indicated that City fees had not been reviewed for quite some time, and that a comprehensive fee review was currently under way, the results from which would be brought back to Council in the next few months.

CONSENT CALENDAR
1. RATIFY INTENT TO PARTICIPATE IN COLLABORATIVE PROCESS, AND AUTHORIZE DISCUSSIONS TO ACHIEVE A MEMORANDUM OF UNDERSTANDING WITH PORTERVILLE UNIFIED SCHOOL DISTRICT (PUSD) FOR CONTINUATION OF THE YOUTH EXPERIENCING SUCCESS (Y.E.S.) PROGRAM

Recommendation: That the Council ratify the intent of the City of Porterville to participate in a collaborative process and authorize discussions with PUSD for the continuation of the Y.E.S. Program.

At the request of Council Member Hamilton, the item was removed from Consent Calendar for discussion.

Mr. Longley clarified that the level of reimbursement to the City was actually higher in the proposed contract than it had been in past years. He stated that the City would recover a portion of the overhead cost, which the City had not recovered previously.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council ratify the intent of the City of Porterville to participate in a collaborative process, and authorize discussions with PUSD for continuation of the Y.E.S. Program. The motion carried unanimously.
SCHEDULED MATTER

2. UPDATE REGARDING VARIOUS PROPOSED GENERAL PLAN AMENDMENTS

Recommendation: That the City Council:

1. Review each of the pending and potential General Plan Amendments relative to the information presented above, and provide direction to staff on each item;

2. Determine whether it is advisable at this time to prioritize the General Plan Amendments, combine several projects into a single proposal, and/or to defer any of the proposals to the Comprehensive General Plan Update; and

3. Provide direction to staff on how to process future proposed General Plan Amendments during the comprehensive update to the General Plan.

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

Mr. Dunlap identified the proposed General Plan Amendments (“GPA”) as follows:

1. Porterville Commercial Center - a proposed GPA from Industrial to General Commercial for a 10.7 acre, 75,000 sq. ft. commercial shopping center proposed at the northeast corner of State Highway 190 and Jaye Street (west and north of the existing Home Depot).

2. Prospect Street North of Henderson Avenue - a proposed GPA from High Density Residential to General Commercial for approximately 2 acres of vacant land on the east side of Prospect Street, north of Henderson Avenue.

3. Daybell Nursery - a proposed GPA from Heavy Commercial to High Density Residential for approximately 0.7 acre site located at the Southwest corner of Willow Avenue and E Street. Mr. Dunlap indicated that this item could be pulled, adding that upon further evaluation, staff determined that the site was already designated as High Density Residential in the General Plan.

4. Northeast Corner of Prospect and Morton - a proposed GPA from PO (Professional Office) to C-1 (Neighborhood Commercial) for approximately 2.5 acres of vacant land located on the northeast corner of Prospect Street and Morton Avenue.

5. Southwest Corner of Olive Avenue and Mathew Street - a proposed GPA from High Density Residential to General Commercial for approximately 12 acres of vacant land located at the southwest corner of Olive Avenue and Mathew Street.

6. Northwest, Southwest and Southeast Corner of Scranton Avenue and SH 65 - a proposed GPA from Highway Commercial to Industrial for approximately 270 acres located at the intersection of Scranton Avenue and State Highway 65.

7. Southwest Corner of Westwood Street and Olive Avenue - a proposed GPA from Residential to General Commercial for an approximate 2.5 acre site located at the southwest corner of Westwood Street and Olive Avenue.

In response to Mayor Pro Tem Irish’s question, Mr. Dunlap offered further explanation as to why the Daybell Nursery site could be handled through a zone change rather than with a GPA.
Regarding staff’s proposal of an interim urgency ordinance which would preclude further application submittals for new proposals until a Zoning Ordinance Amendment could be prepared, Mayor Martinez confirmed that staff had envisioned a sixty day period.

- Greg Shelton, address on record, voiced opposition for any type of moratorium on processing GPAs. Mr. Shelton then voiced concern with placing further limitations on C-3 Zoned properties.
- Jim Winton, business address of 150 W. Morton Avenue, voiced concern with the length of time it might take to proceed with the General Plan Update, and requested an anticipated schedule.
- Ben Ennis, 643 North Westwood, voiced support for stricter regulations on development, citing residential developments with driveways backing out onto streets. Mr. Ennis then spoke against the proposed GPA No. 1 - Porterville Commercial Center.
- Daryl Nicholson, 26914 Avenue 140, came forward and requested that the Council approve proposed GPA No. 2 - Prospect Street North of Henderson Avenue. Mr. Nicholson then voiced concern with the lengthy duration of, and perceived favoritism in, the approval process. He then spoke against a moratorium on processing GPAs and requested the Council consider each item on an individual basis.
- Johnny Bartlett, 355 South Main Street, requested that the Council approve the proposed GPA - No. 2.
- John Hale, a Bakersfield resident and co-owner of Porterville Commercial Center, came forward and requested that the Council approve proposed GPA No. 1. Mr. Hale then informed Council that his group was willing to participate in street improvements affecting that area as a whole and had also agreed to proceed with phased development.

The Council recessed for ten minutes.

The Council commenced with a more extensive review of each proposed General Plan Amendment.

1. Porterville Commercial Center

Council Member West voiced support for moving forward with the GPA, with the requirement that the developer enter into a development agreement with the City to address the timing of different phases of the project, including concurrent development of improvements.

Council Member Hamilton confirmed with staff that the proposed GPAs would need to be grouped and that the City could require that certain improvements be completed as a component of the first phase. He then voiced caution over hindering the tenanting of a 675,000 sq. ft. project because of a 75,000 sq. ft. project. He then voiced support for the development agreement, suggesting that it might eliminate that problem.

Mayor Pro Tem Irish voiced concern with being fair and consistent to all of the developers. He added that he would like the City Attorney to review and advise whether the City had created an unfair situation in which one developer was placed at a disadvantage.

Council Member West moved that the Council direct staff to move forward with processing the General Plan Amendment for the Porterville Commercial Center, bundled with all of the entitlement applications, which would include a development agreement to address phasing.
Council Member Hamilton seconded the motion.

Mayor Martinez then opened up the discussion to include comments from the audience.

- Daryl Nicholson, address on record, came forward and voiced concern with the traffic situation on Jaye Street. He then voiced caution in relying upon “D” Overlays for protection, suggesting that the Council historically had not used that tool effectively.
- Greg Shelton, address on record, confirmed with the Council that the proposed GPAs could be prioritized that evening, particularly if the Council desired to move forward with four or more of the projects. He then agreed that the City would need to address some of the traffic issues raised by citizens.
- Ben Ennis, address on record, voiced concern with the City treating developers fairly, and cited the ease with which The Home Depot site had been developed with no requirements for street improvements. He then pointed out that amassing commercial in one area was beneficial to the community and would create regional appeal. He voiced concern with the proposed project negatively affecting his ability to tenant Riverwalk Market Place.
- John Hale, address on record, agreed with Mr. Ennis’ comments in that commercial should be amassed in one area, suggesting that his project would assist in creating a regional hub for that area. He added that there were plenty of tenants to fill both projects.

In response to Council Member Hamilton’s question, Mr. Hale then explained that he and his partners had paid for all of the necessary reports and were currently waiting for completion of those reports.

Mr. Dunlap added that staff was unable to proceed with the traffic study for Porterville Commercial Center because staff was still waiting for the Riverwalk traffic study, the results from which needed to be plugged into Porterville Commercial Center’s environmental document. He then added that the traffic issue would be addressed in the environmental report and indicated that when the matter was before Council for approval, the exact point at which mitigation measures would be triggered would be known.

Council Member Stadtherr agreed with Council Member Hamilton’s comments regarding the need to address the traffic issue at that intersection. He then commented that he did not believe the Porterville Commercial Center project would in any way jeopardize the Riverwalk project.

A discussion ensued as to whether the item should be brought back so as to allow time for the Council to obtain answers to some of their questions prior to making a decision.

Mayor Martinez confirmed with staff that the traffic issues would be dealt with prior to the project being developed and opened to the public.

After concerns were raised by Mr. Ennis as to using his traffic report for Porterville Commercial Center’s project, Mr. Dunlap clarified that the analysis that was being prepared for the Riverwalk project had to be defined prior to its traffic numbers being plugged into the traffic study being prepared for the Porterville Commercial Center.

City Manager John Longley added that because of the interrelationship of each of the projects at the intersection of Jaye Street and Highway 190, namely The Home Depot, Riverwalk Market Place and Porterville Commercial Center, the decision had been made not to make the street improvements until such time as traffic impact studies that included all development could be analyzed.
A discussion ensued as to what a “no” vote would mean, after which City Attorney Steve Kabot suggested that in the event of a “no” vote, the Council should provide staff with an alternative direction.

In response to a question posed by Mayor Martinez, applicant John Hale came forward and clarified that approval of his project was not being sought that evening, but rather whether the project had enough merit to proceed with the application and environmental studies process.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council direct staff to move forward with processing the General Plan Amendment for the Porterville Commercial Center, bundled with all of the entitlement applications, which would include a development agreement to address phasing and a “D” Overlay.

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

Disposition: Approved.

2. **Prospect Street North of Henderson Avenue**

Council Member Hamilton moved that the Council direct staff to move forward with processing the General Plan Amendment at Prospect Street North of Henderson Avenue.

Council Member West seconded Council Member Hamilton’s motion, after which Mayor Martinez invited comments from the audience.

Daryl Nicholson, the applicant, address on record, came forward and requested that the Council approve the GPA for the project, adding that he had not received any opposition from adjacent property owners.

Greg Shelton, address on record, came forward and voiced support for moving forward with the GPA for this location.

A discussion then ensued as to the different types of development allowed in C-2 Zoning and the traffic impact for residential development versus commercial development.

Mayor Pro Tem Irish voiced concern with traffic issues, particularly in the areas of Prospect Street and Mulberry Avenue, and Prospect Street and Morton Avenue.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council direct staff to move forward with processing the General Plan Amendment for the project located at Prospect Street north of Henderson Avenue, bundled with all of the entitlement applications, which would include a “D” Overlay. The motion carried unanimously.

Disposition: Approved.
3. **Daybell Nursery Site**

   City Manager John Longley confirmed that this proposed GPA had been removed from consideration.

4. **Northeast Corner of Prospect Street and Morton Avenue**

   A discussion ensued regarding the issue of ingress and egress at this particular site and traffic issues in general on Prospect Street.

   Mr. Dunlap suggested that the Council consider requiring a development agreement and indicated that staff also recommended a “D” Overlay.

   Council Member Stadtherr confirmed with staff that PO uses typically generated lower traffic flow, with different peak times for activity than did general Commercial uses.

   Daryl Nicholson, address on record, spoke against the proposed GPA, asserting that changing the site from PO to Commercial was not conducive to the overall General Plan.

   Jim Winton, address on record, came forward to clarify the manner in which the Council was proceeding that evening. He voiced concern that the Council was focusing on approving or denying projects, rather than proceeding with prioritizing GPAs and/or considering a moratorium so as to allow the Council time to thoroughly review each proposed GPA.

   Greg Shelton, address on record, agreed with Mr. Winton’s comments and suggested that all individuals should at least be allowed to have their applications moved appropriately through the process. He then voiced concern with Commercial uses at that location.

   Mr. Dunlap explained to Council why the change from PO to Commercial could not be handled through a zone change.

   The Council directed staff to advise the developer that this particular site would be designated as a low priority for processing.

   The Council recessed for ten minutes.

5. **Southwest Corner of Olive Avenue and Mathew Street**

   Daryl Nicholson, address on record, came forward and informed Council of an error on the map with respect to the area zoned Heavy Commercial immediately east of the subject property (shown in red on the map). He indicated that in reality that area zoned Heavy Commercial was actually much larger, extending further to the south, past the southern property line of the subject property.

   Council Member Stadtherr voiced concern with a change to Heavy Commercial at that site, particularly because of the new school under construction in such close proximity.

   Council Member Hamilton pointed out that other schools in the community were adjacent to Heavy Commercial.

   A discussion ensued as to the zoning of other sites along Olive Avenue.
Mayor Pro Tem Irish requested that in the future staff use larger, more easily readable fonts when utilizing maps in presentations.

Mr. Nicholson came forward and discussed street improvements that were to have been completed by the school district, yet had not been completed. He suggested that if the GPA were to proceed, street improvements would be completed by the developer, thereby benefitting the City. He then informed Council that the proposed development included developing the southern portion of the property into Multi-Family and Single Family Residential.

In response to Council Member West’s question, Mr. Dunlap explained that staff would recommend that the zoning be inclusive of a “D” Overlay.

Mayor Pro Tem Irish voiced concern with addressing the General Plan in the manner in which Council was proceeding.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council direct staff to move forward with processing the General Plan Amendment for the location at the Southwest Corner of Olive Avenue and Mathew Street. The motion carried unanimously.

Disposition: Approved.

6. Northwest, Southwest and Southeast Corner of Scranton Avenue and SH 65

At the Council’s request, Mr. Dunlap offered further explanation as to the proposed GPA at this location. He explained that the City would benefit from this GPA in that it would provide more acreage for potential large manufacturing/industrial users wanting to relocate to the area.

The Council took no action, however indicated that they “generally favored” prioritizing this GPA.

Greg Shelton, address on record, commented generally that this particular GPA would significantly increase the City’s M-1 inventory, thus possibly negatively impacting his M-1 zoned property located downtown. He requested that in the event the City moved forward, that the Council consider allowing a change on his M-1 property to C-3.

7. Southwest Corner of Westwood Street and Olive Avenue

Mr. Dunlap explained that this proposed GPA involved a change from Residential to General Commercial for an approximate 2.5 acre site located at the southwest corner of Westwood Street and Olive Avenue.

Mr. Winton, address on record, came forward on behalf of the developer and indicated that the application had not yet been submitted, but that the request for Project Review had been processed, the results from which he had just received. Mr. Winton added that the north half of the property was in the County and zoned Service-Commercial.

The Council took no action of this particular proposed GPA.
The Council then discussed how the GPAs would be prioritized and bundled.

Mr. Dunlap indicated that of the four GPAs allowed during a calendar year period, one slot would be filled by the two projects previously marked for prioritization by the Council, which he estimated would take place in April. Another slot would be the Riverwalk project, with could allow for additional projects to be bundled with it. He added that one slot should remain open until the end of the year, which would leave one remaining slot.

Mr. Longley recommended that the Council definitely leave one slot open until the end of the year. A discussion ensued after which it was decided that the GPAs would be bundled as follows:

1st Amendment: April 2005 (2 previously discussed projects);  
2nd Amendment: Summer (Riverwalk project);  
3rd Amendment: Projects 1, 2 and 5. These projects might proceed before Riverwalk, depending on the timing.  
4th Amendment: End of Year - To remain open.

With respect to the processing of future proposals, the Council directed staff to maintain the status quo for future processing of proposed general plan amendments.

At the request of some members of the audience, staff clarified the direction given by Council that evening.

The Council convened at 9:17 p.m. to Closed Session.

CLOSED SESSION
A. Closed Session Pursuant to:

The Council reconvened at 9:45 p.m. with no action to report.

ADJOURNMENT
The Council adjourned at 9:46 p.m. to the meeting of April 5, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk
SEAL

Pedro R. Martinez, Mayor