CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
APRIL 5, 2005 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 a few minutes late)

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   2 - This item has been pulled.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that the Council had accepted Mr. Macomber’s counter-offer of $56,000 and approved the resolution accepting a Grant Deed in fee for the real property at APN 261-080-012.

Documentation: Resolution 40-2005
Disposition: Approved.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation - One individual participated.

PROCLAMATIONS
Margaret Slattery - April 23, 2005
   • Mayor Pro Tem Irish received the Proclamation on behalf of Bill Slattery
Cinco de Mayo - April 28 - May 5, 2005
   • Fred Beltran came forward to receive the proclamation and invited everyone to the Cinco de Mayo festivities, including “Child’s Day” on April 29th, the parade on April 30th and the Fiesta to take place from April 29th through April May 1st.

PRESENTATION
Employee of the Month - Rose Olmos
ORAL COMMUNICATIONS

- Greg Shelton, 888 North Williford Drive, requested that he be allowed to speak on various items and voiced concern with funding projects that benefitted a minority – such as the proposed skate park, while cutting back programs that benefitted all – such as the library.
- Dick Eckhoff, Downtown Porterville Association, 180 North Main Street, spoke regarding Item 18 - General Plan Update Advisory Committee Appointments, and voiced concerns with the DPA having only one representative. It was pointed out that this item had been removed from the Agenda that evening and would be brought back to Council.
- Donnette Silva-Carter, Porterville Chamber of Commerce, invited everyone to the upcoming community forum “Preventing Your Children From Becoming Involved in Gangs” to be held on April 11, 2005, from 6:30 p.m. to 8:30 p.m. at Santa Fe Elementary School.

CONSENT CALENDAR

Items 1, 4, 7, and 16 were removed.

2. CLAIM - LEEANA BARNES

Recommendation: That the City Council reject said claim, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

Documentation: M.O. 01-040505
Disposition: Approved.

3. APPROVE AMENDMENT NO. 1 TO THE SERVICE AGREEMENT WITH ROBERTS ENGINEERING FOR THE LIBRARY RESTROOM RENOVATION PROJECT

Recommendation: That the City Council approve Amendment No. 1 to the Service Agreement with Roberts Engineering for the Library Restroom Renovation Project.

Documentation: M.O. 02-040505
Disposition: Approved.

5. AUTHORIZATION TO NEGOTIATE A CONTRACT - ENGINEERING SERVICES FOR THE DESIGN OF ROCKY HILL ZONE 1 RESERVOIRS PROJECT

Recommendation: That the City Council:
1. Authorize staff to negotiate a contract with Roberts Engineering, Inc.;
2. Authorize staff to negotiate a contract with the second or third ranked firm if staff is unable to negotiate an acceptable contract with Roberts Engineering, Inc.;
3. Authorize the Mayor to sign all contract documents; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: M.O. 03-040505
Disposition: Approved.

6. AUTHORIZATION TO NEGOTIATE CONTRACT FOR CONSULTANT SERVICES FOR THE UPDATE TO THE GENERAL PLAN
Recommendation: That the City Council:
1. Approve the expanded scope of work to include the preparation of an Economic Impact Analysis;
2. Approve the expanded scope of work to include the preparation of the Noise Element Update in conjunction with the Land Use and Circulation Element Updates;
3. Authorize staff to negotiate a contract with Dyett and Bhatia for the General Plan Update;
4. Authorize staff to negotiate a contract with the next highest ranked firm (Design, Community, and Environment) in the event a contract cannot be negotiated with Dyett and Bhatia;
5. Authorize the Mayor to sign all contract documents; and
6. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: M.O. 04-040505
Disposition: Approved.

8. AWARD OF CONTRACT - WATER MAIN (F STREET - GIBBONS AVENUE - MAIN STREET) PROJECT

Recommendation: That the City Council:
1. Award the Water Main (F-Gibbons-Main) Project to Halopoff & Sons, Inc. in the amount of $172,693.65;
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. 05-040505
Disposition: Approved.

9. AUTHORIZATION TO APPROPRIATE ADDITIONAL FUNDS FOR THE MITIGATION WATER WELL PROJECT

Recommendation: That the City Council:
1. Authorize an extension to Johnson Drilling Company’s contract by Change Order;
2. Authorize staff to direct Johnson Drilling Company to continue drilling until water is encountered; and
3. Authorize staff to expend up to a total of $82,329.23.

Documentation: M.O. 06-040505
Disposition: Approved.

10. ACCEPTANCE OF THE WELL NO. 27 PROJECT

Recommendation: That the Council:
1. Accept the Well No. 27 Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
11. ACCEPTANCE OF FINAL SUBDIVISION MAP - SUNRISE VILLA, PHASE ONE SUBDIVISION (OZ SERVICES, INC. - THOMAS J. O’SULLIVAN)

Recommendation: That the City Council:
1. Approve the final map of Sunrise Villa, Phase One Subdivision;
2. Accept all offers of dedications shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 08-040505
Disposition: Approved.

12. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-092-009 - ARTURO MEDRANO AND DELIA MEDRANO - DATE 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 Arturo and Delia Medrano, owners of the property, in the amount of $14,500, 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 40-2005
Disposition: Approved.

13. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-080-032 - GIL D. AND LOUISA A. DOMINGO - DATE 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 Gil D. and Louisa A. Domingo, owners of the property, in the amount of $8,500, 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 41-2005
Disposition: Approved.

14. INTENT TO VACATE SANITARY SEWER AND WATER EASEMENTS RELATED TO TARGET STORE EXPANSION BUILDING PERMIT

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate Sanitary Sewer and Water Easements described in a Partnership Grant Deed recorded February 18, 1992 as Document No. 92-011075 of Tulare County Official Records; and
2. Set the Council meeting of May 3, 2005 as the time and place for a public hearing.

Documentation: Resolution 42-2005  
Disposition: Approved.

15. APPROVAL OF RELOCATION HARDSHIP CLAIM PROPERTY LOCATED AT APN 245-040-017 - TENANTS PEDRO M. AND MARIA GALVEZ

Recommendation: That the City Council:
1. Approve the Hardship Advance Claim; and
2. Authorize staff to make an advance payment to Pedro M. and Maria Galvez, tenants.

Documentation: M.O. 09-040505  
Disposition: Approved.

17. REQUEST FOR ENCROACHMENT PERMIT - NEW BUILDING FOR STEWART TITLE COMPANY

Recommendation: That the City Council:
1. Approve the encroachment request subject to the terms of the Encroachment Agreement and in compliance with all applicable City Building Codes and Ordinances; and
2. Authorize the Mayor to sign Encroachment Agreement No. 34-2004.

Documentation: M.O. 10-040505  
Disposition: Approved.

18. THIS ITEM WAS PULLED.

19. RATIFY PERMISSION FOR TULE RIVER PARKWAY ASSOCIATION CONDUCTING THREE PUBLIC EVENT TREE CARE TRAINING DAYS

Recommendation: That the City Council ratify permission for the Tule River Parkway Association conducting three public event Tree Care Training Days.

Documentation: M.O. 11-040505  
Disposition: Approved.

20. RESOLUTION OF SUPPORT FOR PROTEUS, INC.

Recommendation: That the Council adopt the proposed resolution in support of maintaining Proteus, Inc. in downtown Porterville.

Documentation: Resolution 43-2005  
Disposition: Approved.
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council approve Items 2, 3, 5, 6, 8 through 15, 17, 19 and 20. The motion carried unanimously.

Mayor Pro Tem Irish noted for the record that he would abstain from the vote on Item 17, citing a conflict of interest.

1. APPROVAL OF CITY COUNCIL MINUTES OF MARCH 1, 2005 AND MARCH 15, 2005

Recommendation: That the City Council approve the City Council Minutes of March 1 and March 15, 2005.

Council Member Stadtherr referred to the Oral Communications portion on Page 2 of the March 15, 2005 Minutes and noted that “Carrie” should be spelled “Carry.”

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the Council approve the City Council Minutes of March 15, 2005, as amended. The motion carried unanimously.

M.O. 12-040505

M.O. 13-040505 MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council approve the City Council Minutes of March 1, 2005.

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

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 28 PROJECT (PUMPING PLANT)

Recommendation: That the City Council:
1. Approve the Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.

Council Member Stadtherr noted that in the past, the City had spent approximately $400,000 on wells with the capacity of 1,000 GPM, and that Well No. 28 was estimated to run $915,000 for a 550 GPM capacity. He pointed out that this equated to a quadruple increase.

Staff confirmed that the numbers were correct and a discussion ensued as to probable costs moving forward.

Mayor Pro Tem Irish observed that if the cost for the City’s wells was quadrupling, then the conservation efforts should also quadruple.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council approve the Plans and Project Manual, authorize staff to advertise
M.O. 14-040505 for bids on the project; and authorize staff to appropriate the necessary Water Replacement Funds during the construction award process. The motion carried unanimously.

Disposition: Approved.

7. APPROVE SERVICE AGREEMENT WITH SITE DESIGN GROUP, INC. FOR DESIGN OF THE SKATE PARK

Recommendation: That the City Council approve the Service Agreement with Site Design Group, Inc. for the design of the skate park.

In response to Mayor Pro Tem Irish’s question, Parks and Leisure Services Director Jim Perrine explained that to date, the City had invested a limited amount of money on the Skate Park Project, which he estimated to be no more than $5,000, including staff time. A discussion ensued as to the estimated final cost of the Project. Mr. Perrine indicated that staff was still working with the figure of $495,000, which included design and construction of both the actual Park and the adjacent parking lot.

Mayor Pro Tem Irish voiced concerns with possible increased maintenance costs due to the design change, as well as the impact on traffic at the proposed location.

Council Member West voiced support for moving forward with the project.

In response to Council Member Stadtherr’s question, staff explained the difference in the figure of $36,240 mentioned in the Service Agreement, and the $30,475 figure referenced in the staff report.

Mayor Martinez commented that he had reservations with respect to the proposed location for the Park, but that he understood much time and analyses had been spent researching other viable areas, to no avail.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council approve the Service Agreement with Site Design Group, Inc. for the design of the skate park.

M.O. 15-040505

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

Disposition: Approved.

16. AUTHORIZATION TO PROVIDE WATER TO MULTI-FAMILY RESIDENCE OUTSIDE CITY LIMITS

Recommendation: That the City Council grant approval of a water connection to the property at 41-45 South Chess Terrace contingent upon:
1. Proper execution of a “Consent to Annex” form by Mr. and Mrs. Sung; and
2. Payment of all pertinent water connection fees by the property owners prior to connecting to City water facilities.

In response to a question posed by Council Member Stadtherr, staff explained that the subject residences consisted of three single family residences on one lot, all with the same APN.
COUNCIL ACTION: MOVED by Council Member Hamilton, Council Member Stadtherr that the Council grant approval of a water connection to the property at 41-45 South Chess Terrace contingent upon 1) proper execution of a “Consent to Annex” form by Mr. and Mrs. Sung; and 2) payment of all pertinent water connection fees by the property owners prior to connecting to City water facilities. The motion carried unanimously.

Council Member Hamilton commented that the authorization was somewhat unusual, however, the subject property was to be annexed by the City in the very near future.

Disposition: Approved.

Mayor Martinez noted the arrival of Mr. Longley, who remained in the audience as an observer, and requested that Deputy City Manager Darrel Pyle inform everyone of the reason for Mr. Longley’s absence.

Mr. Pyle explained that Mr. Longley had just returned from attending a session of the State Legislature during which a bill proposing access to Bachelor’s degrees in Tulare County was brought forth. He added that Mr. Longley had been the originator of that bill.

The Council recessed for ten minutes.

PUBLIC HEARING

21. REVISION OF TAXICAB/VEHICLE FOR HIRE ORDINANCE

Recommendation: That the City Council:
   1. Hold a public hearing to receive comments from interested persons; and
   2. Approve the draft ordinance and order it to Second Reading.

Deputy City Manager Darrel Pyle presented the item, and Sgt. John Hall presented the staff report.

The public hearing opened at 7:48 p.m. and closed at 7:49 p.m. when nobody came forward.

A discussion ensued regarding notification of the meeting held prior to that evening, during which Sgt. Hall confirmed that he had personally notified the invitees.

Council Member Hamilton pointed out that one of the limo companies parked its vehicles on private property at the end of Cloverleaf, next to the Tule River. He confirmed with staff that that particular address was located within a County island that would ultimately be annexed by the City.

Staff indicated that when the proposed Ordinance passed, that location would only be “grandfathered” in if the activity was legal in the County.

City Attorney Julia Lew added that regulatory ordinances were a little different, and that the City would likely still be able to regulate the number of vehicles on the property. She stated, however, if it was a use issue, grandfathering might apply.

Council Member Hamilton voiced concern with creating unfair competition.

Ken Fowler, 21919 Avenue 168, came forward and identified himself as a limousine service operator. He indicated that his operation consisting of 8 limousines was currently based out of a location outside of the City limits. He stated that he would be also leasing space in Porterville for a portion of his fleet. He then informed the
Council of the various regulations to which limousine operators were required to adhere and cautioned over some disreputable operations.

In response to Council Member West’s question, Ms. Lew confirmed that the City could enforce the regulatory requirements, such as licensing, permitting and conditions for operations. She clarified that use issues were somewhat more ambiguous. She stated that if the Council so desired, she should could look into how the County currently regulated such activity.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE, CHAPTER 23, TAXICABS AND OTHER VEHICLES FOR HIRE. The motion carried unanimously.

Ordinance 1666

M.O. 17-040505 MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council waive further reading and order the Ordinance to print. The motion carried unanimously.

Deputy City Manager Darrel Pyle read the Ordinance by title only.

Disposition: Approved.

22. CRESTVIEW PARK TENTATIVE SUBDIVISION MAP (EASTBAY PROPERTIES - LISA JORDAN)

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

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 8:04 p.m.

Daryl Jordan, a resident of Atwood, identified himself as the applicant and spoke in favor of the proposed project.

Francisca Charles, 1090 East Putnam Avenue, spoke against the proposed development, citing safety concerns with children due to increased traffic.

The public hearing closed at 8:10 p.m.

Council Member Hamilton voiced concern with cars backing out onto Putnam Avenue, specifically lots 1 through 4. He indicated that he would support requiring a hammerhead driveway on those particular lots.

A discussion ensued regarding the flow of traffic on Putnam Avenue from Crestview Street, northward past Ruth Street. Mr. Dunlap indicated that Putnam Avenue would be fully developed north to Lot 45, and that staff did not anticipate the flow of traffic to occur in a northerly direction, as no development existed to the north at that time.
Council Member West commented that the Subdivision should not be held up because of 4 lots backing out onto Putnam Avenue, pointing out that Putnam Avenue was not an arterial street nor a collector street.

At Council Member Hamilton’s request, Applicant Daryl Jordan came forward to address possibly incorporating hammerhead driveways into Lots 1 through 4. Mr. Jordan suggested that such a requirement would be an encumbrance and make it difficult to situate the product that the developer had planned for those lots. He then pointed out that the proposed design met all current City standards.

Mr. Dunlap explained that the City’s policy had been to discourage lots fronting out onto arterials and collectors and that in the past years the City had enforced that policy for lots on arterials, yet had been flexible on collectors. Mr. Dunlap continued that the Council had approved prior Maps on the subject site which had included lots fronting out onto Olivecrest Avenue, but that with this Map, the applicant avoided that situation. He stated that while the Council had apprehension with Lots 1 through 4 fronting out onto Putnam Avenue, Putnam Avenue was not included in the City’s General Plan Circulation Element as a collector or an arterial. He stated that it was staff’s contention that the current condition of Putnam Avenue as a half-street posed a more hazardous situation than did the proposed Map. Mr. Dunlap requested direction from the Council for future policy in terms of how to deal with the development community prior to getting to the current stage.

Mayor Pro Tem Irish again voiced concern with lots fronting out onto busy thoroughfares, citing Westfield Avenue as an example. He indicated that at the time those houses had been approved, the Council likely did not envision the growth that had since taken place.

COUNCIL ACTION: 

MOVED by Council Member West, SECONDED by Mayor Martinez that the Council adopt the draft resolution approving the Negative Declaration for Crestview Resolution 44-2005 Park Tentative Subdivision Map and adopt the draft resolution approving Crestview Resolution 45-2005 Park Tentative Subdivision Map.

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

Disposition: Approved.

23. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON HENDERSON AVENUE STREET PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions;
2. Authorize staff to start the construction of the concrete improvements for the project; and
3. Authorize staff to schedule a public hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

Deputy City Manager Darrel Pyle presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 8:29 p.m.
Ben Ennis, 643 North Westwood Street, came forward and voiced concerns with the concrete improvements, specifically with the cost of said work, that would then be reimbursed to the City by property owners.

A discussion ensued as to the anticipated cost for the concrete improvements and the ability for individuals to perform their own work if those individuals decided to do so.

Scott Beutler, 2127 West Henderson, came forward and confirmed with staff that two approaches would remain post completion of the improvements, if two approaches existed prior to the work commencing. He then voiced concern with the requirement of property owners to reimburse the City for concrete improvements upon pulling a building permit (or permits) exceeding $15,000 in a two year period. Mr. Beutler lastly voiced general displeasure with the Henderson Avenue Street Project and the City’s annexation of property in that area.

Paul Cardwell, 2272 and 2278 West Henderson Avenue, requested clarification from staff as to who would be financially responsible for improvements for the approach that both he and another property owner shared. Mr. Cardwell then requested information from staff on a possible agreement between the City and the previous property owner to waive the fees in exchange for right of way.

Mr. Pyle informed Council that staff would research that issue and get back to Mr. Cardwell.

Russell “Buck” Fletcher, 1662 West Morton Avenue, came forward and clarified with staff the specific area on the overhead map that was being discussed.

Greg Shelton, 888 North Williford Drive, came forward and suggested that Mr. Cardwell would likely not be the responsible party for paying for the improvements as the 10 foot strip of land to which Mr. Cardwell referred was a different APN.

The public hearing closed at 8:48 p.m.

The Council recessed for ten minutes.

Council Member Hamilton suggested that the Council might consider triggering reimbursement of the fees at the time of sale of the property. He requested that the Council continue the public hearing until the next meeting so as to allow time for the City Attorney to research the viability of that option.

Disposition: Continued.

SCHEDULED MATTERS
24. THIS ITEM WAS PULLED.

25. AUTHORIZE ENVIRONMENTAL REVIEW OF IMPROVEMENT CONCEPT FOR AN UPDATED MURRY PARK MASTER PLAN

Recommendation: That the City Council review the improvement concept for an updated Murry Park Master Plan, provide direction, and authorize environmental review of the improvement plan, as modified.

Deputy City Manager Darrel Pyle presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.
Council Member Hamilton commented that he would prefer to begin with development of the new section of the park.

A discussion ensued regarding the various options in terms of which areas of Murry Park should be prioritized for renovation. Mr. Perrine then pointed out that prior to proceeding with the new phase, several properties fronting Plano Street would need to be required.

Mayor Pro Tem Irish voiced concern with how the City would pay for the proposed renovations and the additional amount of staff that would be required to maintain the proposed expanded Murry Park area.

Council Member Stadtherr commented that a renovated Murry Park would actually add value to properties in the area. He added that public recreation was one area in which the City was lacking and suggested that providing recreational opportunities for the City’s youth was a better investment than dealing with the consequences later down the road. Council Member Stadtherr added that the City should budget for playground equipment replacement in the future.

Greg Shelton, address on record, came forward and cautioned over spending too much money on one park and commented that the City would be better suited to focus efforts on perhaps three great parks, rather than on seven mediocre parks. He then suggested possibly utilizing the golf course property for a park.

At the Council’s request, Mr. Perrine explained that the funding for the environmental analysis, as well as the Master Plan Update, had been budgeted.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council authorize moving forward with the environmental review.

M.O. 18-040505  
AYES: West, Hamilton, Stadtherr, Martinez  
NOES: Irish  
ABSTAIN: None  
ABSENT: None  
Disposition: Approved

In response to Council’s question, staff estimated that the entire project would likely take 15 to 20 years to complete.

26. **DISCUSSION ABOUT CAR WASH ORDINANCE**

Recommendation: That the Council provide direction to City staff.

Deputy City Manager Darrel Pyle presented the item and Public Works Director Baldo Rodriguez presented the staff report.

Mayor Martinez indicated that he had requested that the item be brought back to Council for consideration. He commented that when the item had previously been before Council, his main concern had been to ensure that charitable organizations were allowed a manner in which to raise funds, at the same time keeping the playing field fair for all.

Mayor Pro Tem Irish commented that he would support passing the draft ordinance as it was, as long as the Council could amend sections in the future as needed.
The Council proceeded to discuss requiring the use of biodegradable soaps, and limiting the number of times any given organization could hold car washes to four per year, and limiting the number of car washes held at a given location to three per year. The sample ordinance from Killeen, Texas was cited as an example.

Mr. Pyle confirmed that staff would obtain a copy of the Killeen, Texas sample ordinance, draft an ordinance for the City of Porterville, and bring the item back to Council.

Arnie Gonzales, 59 North 3rd Street, came forward and identified himself as the operator of American Car Wash. He commented that he was more concerned with commercial operators that did not adhere to regulations than with charitable car washes and questioned who monitored operations.

Council Member West voiced opposition to moving forward with the ordinance.

The Council directed staff to prepare a draft ordinance and bring the ordinance back to Council.

Disposition: Continued.

27. CONSIDERATION OF RESIDENCY REQUIREMENTS FOR APPOINTMENT TO CITY COMMITTEES AND COMMISSIONS

Recommendation: That the Council provide direction to staff.

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

Mayor Pro Tem Irish voiced support for requiring that the majority of any City committee or commission be Porterville residents.

A discussion ensued as to various ways in which “residency” could be defined.

Council Member Hamilton commented that he believed the Council was not tapping into the entire pool of qualified individuals for its appointments.

Boyd K. Leavitt, 457 East Oak, voiced opposition to allowing non-City residents to participate on committees or commissions. He suggested that only registered voters in the City of Porterville should be eligible for appointment.

Greg Shelton, address on record, voiced support for using a “zone of influence” for eligibility and possibly including individuals with business licenses in the City.

Dick Eckhoff, address on record, came forward and voiced opposition to residency requirements suggesting that individuals who resided in outlying areas also had an interest in Porterville’s issues.

Boyd K. Leavitt, address on record, voiced opposition to using business licences for eligibility.

Russell “Buck” Fletcher, address on record, voiced opposition to limiting eligibility to only Porterville residents, commenting that individuals who resided in County pockets should not be disqualified.

Mayor Pro Tem Irish requested that the item be brought back in July for consideration, indicating that he would like to do further research on the matter.
The Council directed staff to bring the item back to the Council for consideration in July.

Disposition: Continued.

28. UTILITY USER’S TAX POLLING UPDATE

Recommendation: That the Council appoint two of its members to act as a ballot measure sub-committee to communicate with possible consultants to recommend the most desirable course of action.

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

Mayor Pro Tem Irish commented that he would only support a tax increase if the revenue was earmarked exclusively for police and fire.

City Attorney Julia Lew clarified that if the City considered a sales tax measure, accompanying State legislation would include language conditioning the use of the net revenues on police and fire.

Council Member Hamilton voiced concern with the State devising a method by which they could access the funds generated by any increase in taxes. A discussion ensued as to various ways in which the State could hypothetically proceed.

The Council appointed Mayor Pro Tem Irish and Council Member Hamilton to act as a ballot measure sub-committee to communicate with possible consultants to recommend the most desirable course of action.

City Manager John Longley confirmed that staff would provide Council with an analysis reflecting a comparison of expected revenue for a sales tax increase (½ cent and ¼ cent) and a UUT increase.

Disposition: Approved.

29. APPOINTMENT OF MEMBERS TO THE REDEVELOPMENT ADVISORY COMMITTEE

Recommendation: That the Mayor appoint Francisco Madrigal and Daren Griswold to the Redevelopment Advisory Committee for an initial term expiring July 10, 2006.

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Hamilton supported the appointment of Francisco Madrigal and Daren Griswold to the Redevelopment Advisory Committee, but voiced concern with Resolution 148-89 which limited eligibility for appointment to only those individuals who either lived or worked in the Redevelopment Area. He requested that Resolution 148-89 be brought back before Council for reconsideration.

The Mayor appointed Francisco Madrigal and Daren Griswold to the Redevelopment Advisory Committee for an initial term expiring July 10, 2006.

Disposition: Approved.

30. AUTHORIZATION TO INVEST STAFF TIME TO COMPLETE A SECOND CLASS II BICYCLE LANE APPLICATION
Recommendation: That the City Council:
1. Direct staff to invest the necessary time to properly complete the REMOVE grant application for the full amount of $50,000;
2. Hold in reserve approximately $30,000 to use as the City’s 10% (10.4%) local match for a 2005/2006 BTA grant application in the amount of approximately $273,000;
3. Direct staff to invest the time to properly complete a Fiscal Year (FY) 2005/2006 BTA grant application in the amount of approximately $273,000; and
4. Direct staff to invest the time to properly complete a FY 2005/2006 REMOVE grant application with the purpose in mind to use the grant monies to cover the City’s 11.5% local match CMAQ requirement as it relates to the purchase of hybrid vehicles and refuse trucks.

Deputy City Manager Darrel Pyle presented the staff report, and Public Works Director Baldo Rodriguez presented the staff report.

Council Member Stadtherr moved that the Council approve staff’s recommendation with the understanding that the application for the 2004/2005 BTA grant is not contingent upon the REMOVE grant.

Council Member West seconded Council Member Stadtherr’s motion.

Mayor Pro Tem Irish questioned how the item related to the City’s Circulation Element, to which staff responded that the current Circulation Element needed some changes.

Council Member Hamilton voiced concern with using funds earmarked for the reduction of emissions for bicycle lanes, when nobody in Porterville rode bicycles. He then questioned whether the purpose of the bicycle lanes would be for infrastructure or for recreation.

Council Member Stadtherr responded that individuals in Porterville rode bicycles for both recreation and transportation, and cited safety concerns due to a lack of bicycle lanes throughout the City.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council direct staff to invest the necessary time to properly complete the REMOVE grant application for the full amount of $50,000; hold in reserve approximately $30,000 to use as the City’s 10% (10.4%) local match for a 2005/2006 BTA grant application in the amount of approximately $273,000; direct staff to invest the time to properly complete a Fiscal Year (FY) 2005/2006 BTA grant application in the amount of approximately $273,000; and direct staff to invest the time to properly complete a FY 2005/2006 REMOVE grant application with the purpose in mind to use the grant monies to cover the City’s 11.5% local match CMAQ requirement as it relates to the purchase of hybrid vehicles and refuse trucks with the understanding that application for the 2004/2005 BTA grant is not contingent upon the REMOVE grant.

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

Disposition: Approved
Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member West, Vice-Chairman Irish, Agency Member Hamilton, Agency Member Stadtherr, Chairman Martinez

WRITTEN COMMUNICATIONS

None

ORAL COMMUNICATIONS

• Greg Shelton, address on record, voiced caution with the language used in drafting the tax measure so as to ensure the State could not indirectly access the revenue.

• Dick Eckhoff, address on record, came forward regarding Item No. PRA-01 and questioned why the City would agree to an option to purchase if it intended on constructing a parking lot on that site in the future.

Staff explained that the official development of that site into a parking lot would not take place in the near future.

PUBLIC HEARING

PRA-1. LEASE AGREEMENT FOR PROPERTY LOCATED AT 287 N. HOCKETT

Recommendation: That the Porterville Redevelopment Agency:

1. Approve a year-to-year lease agreement, including the option to purchase, with the United Hearts Center at a rate of $1,300 per month, to be adjusted annually as outlined in the lease agreement; and

2. Authorize the Redevelopment Agency Chairman to sign the lease agreement on behalf of the Agency.

Deputy City Manager Darrel Pyle presented the item, and Community Development Director Brad Dunlap presented the staff report.

City Attorney Julia Lew noted for the record that the Lease Agreement did contain a “not to exceed five year” clause so as to avoid a situation wherein the lease could continue year to year into perpetuity.

The public hearing opened at 10:54 p.m.

Shawn Beaudry, Director of United Hearts Center, came forward and thanked the Council and staff for their time and consideration.

The public hearing closed at 10:56 p.m.

AGENCY ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Redevelopment Agency approve a year-to-year lease agreement, including the option to purchase, with the United Hearts Center at a rate of $1,300 per month, to be adjusted annually as outlined in the lease agreement; and authorize the Redevelopment Agency Chairman to sign the lease agreement on behalf of the Agency. The motion carried unanimously.
Dis­pos­i­tion: Approved.

Adjourn to a Meet­ing of the Porterville City Coun­cil

ORAL COM­MUNICA­TI­ONS
• Dick Eck­hoff, add­ress on record, came for­ward and voiced sup­port for open “free use” space in Murry Park and sup­ported pri­or­i­zing the new sec­tion of the park. He spoke of the need for a code en­force­ment of­fi­cer, sugges­tion­ing that the Coun­cil treat all char­i­ta­ble or­gan­i­za­tions the same, and to con­sider only lim­it­ing char­i­ta­ble car washes held at loca­tions other than car wash fa­cil­i­ties. He then thanked the Coun­cil for re-paint­ing the park­ing lot spaces.

OTHER MAT­TERS
• Coun­cil Mem­ber Stad­therr in­formed the Coun­cil that he would be re­quest­ing a staff re­port regard­ing cost com­pa­ri­sons of dif­fer­ent types of inter­sec­tions. He then in­formed every­one of an up­com­ing Trans­porta­tion Re­search Board event to be held in May in Vail, Colora­do, sugges­tion­ing that the Coun­cil should send a mem­ber to at­tend.
• Coun­cil Mem­ber West voiced sup­port for con­sidera­tion of re­devel­op­ing the Mu­ni­cipal Golf Course into a park.
• Mayor Mar­tinez ques­tioned local pre­ference op­tions for the City’s bid­ding pro­cess. Ms. Lew ad­vised that such pre­ferences were be­com­ing ex­tremely lim­ited, but that she would look into the mat­ter.
• The Coun­cil then ap­pointed Mayor Pro Tem Irish and Coun­cil Mem­ber West to meet with local de­vel­opers to ad­dress con­cerns.

AD­JOURNMENT
The Coun­cil ad­journed at 11:05 p.m. to the meet­ing of April 12, 2005 at 6:00 p.m.

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Patrice Hildreth, Deputy City Clerk

SEAL

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Pedro R. Mar­tinez, Mayor