CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
OCTOBER 18, 2005 6:00 P.M.

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

ORAL COMMUNICATIONS
City Manager John Longley indicated that there had been an interest in removing an item from Scheduled Matters to Closed Session.

City Attorney Julia Lew noted that personnel issues had been raised regarding Item 21 after the Agenda had been distributed. She clarified that a 4/5ths vote would be required to remove the item from Scheduled Matters to Closed Session, and that the new item would be entitled “A-5 - Government Code Section 54957 - Public Golf Course Manager and Interim Manager.”

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council move Item 21- Golf Course Management from M.O. 01-101805 Scheduled Matters to Closed Session.

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

Disposition: Approved to move Item 21 to Closed Session.

Council Member Stadtherr confirmed with Ms. Lew that a discussion pertaining to Golf Course Operations could still take place during Scheduled Matters.

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   5- Government Code Section 54957 - Public Employment - Golf Course Manager and Interim Manager.

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

City Attorney Julia Lew reported that no action had been taken. She then informed everyone that Item 21 had been moved from Scheduled Matters to Closed Session, citing the new item number and title.

Pledge of Allegiance Led by Council Member Ron Irish
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS

- Carolyn Giddings, spoke of obstacles she had encountered in attempting to gain City approval for a proposed business at 25 West Bellview. Staff was directed to meet with Ms. Giddings and apprise the Council of the situation.
- Tiffany Ross, 8 South Park, voiced concerns regarding potential closure of the Golf Course.
- Dot Broome, 863 South Crystal, agreed with Ms. Ross’ comments and voiced concern with what she perceived was short notice for the General Plan Update Meeting held the previous week.
- Fernando Martinez, 292 South Plano, spoke in opposition to the potential closure of the Golf Course, and questioned why it was suddenly losing money when it had been successful in the past.
- Doug Johnston, 35 Fairway Drive, voiced concerns with the potential closure of the Golf Course and posed questions to the Council regarding the Golf Course’s budget, funding sources and capital improvements. He then opined that the City only spent money on the west side of Porterville.

Mayor West stated that the Council was not looking into selling the Golf Course property to developers, and indicated that the Council represented everyone in the City, both east and west.

Council Member Irish commented that while rumors of selling the Golf Course to developers were rampant, he had never seen documents, nor had he had any conversations with any developers. He then clarified that the City of Porterville had spent far more money in the previous 15 years on the eastside than on the westside.

CONSENT CALENDAR

Item 3 was removed for further discussion.

1. CITY COUNCIL MINUTES OF AUGUST 2, 2005; SEPTEMBER 20, 2005; OCTOBER 11, 2005 AND OCTOBER 11, 2005


Documentation: M.O. 02-101805
Disposition: Approved.

2. CLAIM - JERRY BALLEW
Recommendation: That the Council reject the claim, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 03-101805
Disposition: Approved.

4. CONTRACT FOR STREET TREE TRIMMING AND MAINTENANCE SERVICES

Recommendation: That the City Council authorize the City Purchasing Agent to enter into the agreement effective November 1, 2005 until October 31, 2006 with West Coast Arborists, Inc. for maintenance of street trees throughout the City at the unit costs contained in the City of Visalia Agreement, at a total cost not to exceed $90,000.

Documentation: M.O. 04-101805
Disposition: Approved.

5. AUTHORIZATION TO AWARD A CONTRACT FOR ENGINEERING SERVICES FOR THE AIRPORT WATER INTER-TIE PROJECT

Recommendation: That the City Council:
1. Authorize the Mayor to execute the “Service Agreement” for the Airport Water Inter-Tie Project, to the firm of Dee Jaspar & Associates at an agreed fee of $81,952.00; and
2. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: M.O. 05-101805
Disposition: Approved.

6. ACCEPTANCE OF THE SLUDGE BED EXPANSION PROJECT

Recommendation: That the City Council:
1. Accept the 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.

Documentation: M.O. 06-101805
Disposition: Approved.

7. ACCEPTANCE OF THE PUTNAM AVENUE RECONSTRUCTION PROJECT (FOURTH STREET TO HENRAHAN STREET)

Recommendation: That the City Council:
1. Accept the 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.

8. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - PREPARATION OF ONE SULEV HYBRID VEHICLE

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

9. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION 461

Recommendation: That the City Council adopt a resolution authorizing initiation of preliminary proceedings and the filing of the necessary application with LAFCo.

10. THIS ITEM WAS PULLED AT THE REQUEST OF THE APPLICANT

11. APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS’ HOMECOMING COMMITTEE, VETERANS’ DAY PARADE - NOVEMBER 11, 2005

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Veteran’s Homecoming Committee, subject to the stated requirements contained in Exhibit A.

12. PORTERVILLE MUNICIPAL AIRPORT RENTAL - ATMOSPHERICS, INC.

Recommendation: That the Council approve the temporary rental of a portion of Lot 7 to Atmospherics, Inc. for a rental fee of $150 per month, as well as compliance with the City’s policy on liability insurance.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Item Nos. 1, 2, and 4 through 12. The
motion carried unanimously.

3. RESCIND SKATEBOARD PARK PARKING LOT CONTRACT AND AWARD CONTRACT TO NEXT LOW BIDDER

Recommendation: That the City Council:
1. Rescind the contract to Sierra Range Construction of Visalia for the Skate Board Park Parking Lot Project;
2. Award the Skate Board Park Parking Lot Project to Black Stone Asphalt Construction, Inc. of Bakersfield in the amount of $103,831.00;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs.

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

Council Member Irish clarified with staff that the 7 additional parking spaces was a part of the first bid and would not be included in the Sierra Range Construction bid.

Mayor Pro Tem Hamilton commented that several months before, the Council had authorized an additional $25,000 so that an additional 7 parking spaces could be constructed. Now, he stated, the $25,000 would still be utilized yet the 7 additional parking spaces would not be constructed.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council rescind the contract to Sierra Range Construction of Visalia for the Skate Board Parking Lot Project. The motion carried unanimously.

M.O. 10-101805

M.O. 11-101805

MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council award the Skate Board Park Parking Lot Project to Black Stone Asphalt Construction, Inc. of Bakersfield in the amount of $103,831.00; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs.

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

Disposition: Approved.

PUBLIC HEARINGS

COMMUNITY DEFINING PROCESS AND CRITERIA FOR THE DEVELOPMENT
OF HILLSIDE PROPERTIES WITHIN THE CITY OF PORTERVILLE URBAN
DEVELOPMENT BOUNDARY

Recommendation: That the City Council hold a public hearing, and adopt the Ordinance of the City of Porterville Extending Interim Ordinance for the Protection of the Hillside Area of the Community.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The public hearing opened at 7:32 p.m.

- Jim Winton, business address of 150 W. Morton Avenue, spoke against the Interim Ordinance, citing concerns with: 1) additional costs to applicants by the filing of Conditional Use Permit Application along with a Tentative Subdivision Map; 2) requiring a comprehensive grading and drainage plan; and 3) requiring applicants to submit information on residential units and amenities.
- Greg Shelton, 888 N. Williford Drive, voiced opposition to the Interim Ordinance, alleging that the Ordinance targeted only a few, and spoke in general against the increasing use of Conditional Use Permits and “D” Overlays.

The public hearing closed at 7:40 p.m.

Ms. Lew clarified that an alternative course available to the City was to have prohibited all hillside development until such time as a permanent standards could be established. She stated that staff had not wanted to proceed in that fashion, and therefore proceeded with the Interim Urgency Ordinance placing restrictions on development, rather than outright prohibiting it.

City Engineer Mike Reed came forward and addressed the concerns raised by Mr. Winton as to the comprehensive grading and drainage requirement. It was stated that the elevation or degree of slope at which the requirements would be triggered had not yet been determined, and therefore the Interim Ordinance required the grading and drainage plan on all development until the permanent standards were established. A discussion ensued as to the merits and demerits of placing such restrictions on development of all parcels despite the degree of slope, during which it was clarified that the “hillside area” in question encompassed the area from Olive Avenue north, east of Granite Hills High School.

Next, a discussion ensued as to the degree of slope that would trigger the specific grading and drainage work. Staff indicated that the exact degree had not been determined and that emphasized that in the meantime, until those parameters could be set, it was imperative that the hillside developments worked comprehensively.

Council Member Irish commented that he had believed “hillside development” constituted development occurring on a slope of at least 6%. Mr. Reed confirmed that in the development meetings, conversations had taken place in which a 7.5% cutoff had been discussed, but that a comprehensive approach needed to be taken. It was noted that if the higher elevations were not developed properly, the lower elevations might be negatively affected.
Mayor Pro Tem Hamilton proposed setting the moratorium on only higher elevations.

Mayor West commented that staff’s concerns made sense, yet he too believed “hillside” pertained to a 6% slope. He then noted the duration of the issue to date and indicated that it needed to progress.

A discussion as to the term of the Interim Urgency Ordinance ensued next, during which City Attorney Julia Lew clarified the extension process and requirements. She indicated that the Council could only extend the term once more after that evening, elaborating that the term could be extended up to 10 months and 15 days that evening, and then 1 more year after that.

Council Member Irish voiced concern with straying from the cooperative effort of working with the developers. He then invited Mr. Greg Woodard to come forward and offer his comments.

- Greg Woodard, Woodard Homes, 1055 West Morton Avenue, commented that if the Council proceeded with the same requirements as they had in the past, they could expect the same results. He voiced support for participation in the field trip to Southern California scheduled for October 31, 2005, and spoke in favor of taking the time necessary to develop appropriate standards for the City’s hillside development. He then voiced support for reevaluating the progress in 45 days.

Mayor Pro Tem Hamilton voiced concern with the Ordinance, as drafted, asserting that it stopped development rather than restricted it. He then spoke in favor of a 45 day extension, rather than a 10 month extension.

Mayor West agreed with Mayor Pro Tem Hamilton’s concerns and invited Ms. Donna Shamley of Roberts Engineering to come forward and offer her comments.

- Donna Shamley, Roberts Engineering, voiced support for an Ordinance that provided the City some control, while at the same time did not unduly encumber the developers with paperwork. She commented that the City ought to take its time in adopting a permanent Ordinance so that hillside developments in other cities could be examined. Ms. Shamley then voiced agreement with Mr. Woodard’s comments in terms of a 45 day extension.

City Manager John Longley noted the lengthy projected timeframe for drafting and adopting a permanent Ordinance, pointing to the technicalities of writing the document and meeting the procedural requirements. He suggested that the process might be expedited if City Attorney Julia Lew were to employ an individual to draft the document on a full-time basis.

City Attorney Julia Lew indicated that information was still being gathered for the Ordinance, and elaborated on various specific elements, pointing out the complexities involved. She estimated that 90 days would be the soonest, yet warned it might not be realistic.

Mr. Longley estimated 10 months to be more realistic and cautioned over creating expectations that could not be met.
A discussion then ensued as to staff’s recommendation pertaining to the Conditional Use Permit requirement. Ms. Lew indicated that it had been included so as to ensure that a proposed Tentative Map would comply with the regulations, and to keep the process distinguishable. Mr. Longley stated that the Council had only limited discretion with a Tentative Map in the event the applicant met all City standards, which was why staff had recommended approval of the Canyon Springs Subdivision. He added that a CUP would provide additional discretion to the Council that it would not otherwise have.

With regard to the concerns raised as to submitting designs of units and amenities, Ms. Lew indicated that explicit detailed plans would not sought. She stated that the requirement would be flexible, depending on what the proposed development entailed.

- Jim Winton, address on record, came forward and spoke on the grading and drainage plan requirement. He agreed with staff’s comments regarding the special requirements for hillside development, and suggested that the first sentence in Section 6(c) be stricken. He then questioned the necessity of also requiring a CUP, and inquired why the Council could not make modifications to the Ordinance that evening. (It was later noted that the subsections in Section 6 were misnumbered, and listed two (b)s. Section 6(c) to which Mr. Winton referred should have actually read Section 6(d).)

The discussion concerning grading issues on the hillside continued. City Engineer Mike Reed spoke of the types of issues specific to hillside development, such as how slope degree affected lot size and circulation patterns, and the subdivision as a whole. He then reemphasized the complex nature of hillside development.

The Council next returned to staff’s estimation of time needed to draft the permanent Ordinance. Ms. Lew indicated that she would do what she could to complete the task in 120 days, noting the uncertainty of issues that might arise during the process. She then pointed out that the Interim Ordinance had been drafted so as to provide the Council with flexibility to end the restrictions and/or to modify them. She cautioned, however, any modification would constitute one of the two extensions.

Council Member Irish moved that the Council approve staff’s recommendation, amended to extend the Ordinance for 120 days, and direct staff to return to the Council with a status report in 45 days.

Council Member Stadtherr seconded Council Member Irish’s motion.

Council Member Martinez noted Mr. Winton’s comments regarding the Council’s ability to make appropriate modifications to the Ordinance that evening and evinced an interest in establishing a degree of slope by which “hillside” could be defined. He inquired whether Mr. Woodard believed there to be some middle ground in determining what degree of slope should trigger the drainage and grading plan requirements.

- Greg Woodard, address on record, came forward and voiced agreement with staff’s assessment that a comprehensive approach must be taken. He pointed out that the grading and drainage plans of higher lots greatly affected the lots situated below.

Mayor Pro Tem Hamilton questioned the process for addressing drainage and grading on higher lots that were situated above already-developed lots. City Engineer Mike Reed indicated that the
drainage and grading would be planned so as to accommodate everyone, yet emphasized that such a circumstance might constrain proper development of the hillside and was not ideal.

Council Member Irish noted his edification on the issue gained from serving on the Development Committee and voiced agreement with staff’s assessment that planning and development of both the higher and lower elevation lots in a comprehensive fashion was optimal.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the Ordinance of the City of Porterville M.O. 12-101805 Extending Interim Ordinance for the Protection of the Hillside Area of the Community, as amended to extend the term for 120 days, and to direct staff to return to the Council with a status report in 45 days.

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

Mayor Pro Tem Hamilton moved that the Council adopt the Ordinance of the City of Porterville Extending Interim Ordinance for the Protection of the Hillside Area of the Community, as amended to extend the term for 120 days and to strike the first sentence in Section 6, being “[c]oncurrently with the processing and consideration of a tentative or vesting tentative subdivision map, proposed projects will require discretionary approval of a conditional use permit (CUP) to address factors related to protecting the public health, safety and general welfare of the community.”

After some discussion as to the numbering of Sections 6, Mayor Pro Tem Hamilton continued with his motion, stating that he would like to also strike reference to the comprehensive grading and drainage plan requirement set forth in Sections 6(b) and 6(c) of the draft Ordinance (renumbered as Sections 6(c) and 6(d)).

Mr. Longley clarified with Ms. Lew that the Ordinance was not technically a moratorium. Ms. Lew stated that development would actually be allowed provided the standards set forth in the Interim Ordinance had been met. She indicated that a statement to that effect should be included in the Ordinance. Mr. Longley then questioned whether the Ordinance, with the amendments proposed by Mayor Pro Tem Hamilton, would accomplish anything. A discussion ensued as to the intent of the restrictions included by staff in the Interim Ordinance.

Mayor Pro Tem Hamilton voiced displeasure with the Interim Ordinance as presented by staff, asserting that none of the provisions would have been included in a permanent Ordinance and that staff had intended to stop development.

Mr. Longley indicated that the purpose was to provide more control by the Council over hillside development until such time as permanent standards were set. He stated that the two main control devises providing the Council discretion were the comprehensive grading and drainage plan and the Conditional Use Permit, which Mayor Pro Tem proposed to strike.
Ms. Lew clarified that comprehensive drainage plans, as well as other extensive additional information, were often required by other cities during the early stages of hillside development, adding that, conceivably, such requirement could ultimately be provisions in a permanent Ordinance. She then stated that if modifications as proposed by Mayor Pro Tem Hamilton were made, she recommended that language be included stating that “the new property uses shall not be permitted in the area unless these following criteria are met.”

Mayor Pro Tem Hamilton conceded that the language proposed by the City Attorney could be added to the Ordinance. At his request, Ms. Lew then restated Mayor Pro Tem Hamilton’s motion for clarification.

Council Member Irish confirmed that if the Council so desired, language could be added back in at a later time. He then pointed out that staff would be returning to the Council in 45 days with a status report.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the Ordinance of the City of Porterville Extending Interim Ordinance for the Protection of the Hillside Area of the Community, as amended to extend the term for 120 days; to strike the first two sentences in Section 6, and replace them with “[t]he new property uses shall not be permitted in the area unless the following criteria are met. In addition Ordinance 1680 to the existing Municipal Code standards for development, the following criteria are required to address the issues unique to hillside development within the community.”; to strike the renumbered Sections 6(c) and 6(d) referencing the comprehensive grading and drainage plan requirement; and to direct staff bring a status report to the Council in 45 days.

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

Disposition: Approved, as amended.

14. **REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY CITY - WILLIFORD DRIVE STREET RECONSTRUCTION AND DRAINAGE PROJECT**

Recommendation: That the City Council:
1. Open the public hearing, take public comments, concerns and questions;
2. Approve the Resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, Drive Approaches, Water Services and Sewer Services; and
3. Authorize staff to record a general notice of “Reimbursement Fee” with the Office of the Tulare County Clerk-Recorder.
City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. He noted a typographical error in staff’s recommendation and stated that No. 2 should be amended to remove reference to “Water Services and Sewer Services.”

The public hearing opened at 8:30 p.m.

• Greg Shelton, address on record, came forward and thanked the staff for their efforts.
• Debbie Keeler, 840 North Second Street, voiced opposition to the reimbursement fee and spoke of problems with the project and the cost to residents.

The public hearing closed at 8:34 p.m.

Mayor Pro Tem Hamilton reminded everyone that the reimbursement fee would not need to be paid, unless $15,000 of improvements were done over a 2-year period.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council approve the resolution, as amended to strike reference to “Water Services and Sewer Services,” and authorize staff to record a general notice of “Reimbursement Fee” with the Office of the Tulare County Recorder. The motion carried unanimously.

Disposition: Approved, as amended.

15. CONSIDERATION OF DRAFT ORDINANCE ADDRESSING NEGLECT OF REAL PROPERTY

Recommendation: That the City Council hold a public hearing concerning proposed regulations, and approve and give first reading to the draft ordinance.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The public hearing opened at 8:51 p.m.

• Dick Eckhoff, 180 N. Main Street, came forward and spoke in favor of the proposed Ordinance.
• Dorothy Broome, address on record, voiced support for the Ordinance.
• Greg Shelton, address on record, spoke against the Ordinance, citing vagueness and the subjective nature of defining “neglected.” He hypothesized of potential situations that could arise and suggested placing limitations on the Ordinance so as to avoid abuse and frivolous complaints.

The public hearing closed at 8:55 p.m.

City Attorney Julia Lew indicated that she did not interpret the Ordinance to govern situations in which somebody intentionally peered over a fence and then complained, but rather to apply to
situations in which neglected property was clearly visible from an adjoining property. Ms. Lew then clarified that if the Council so desired, that language could be modified.

Mayor Pro Tem Hamilton suggested that “separated by a fence in good repair” could be included in the definition.

Council Member Irish voiced concern with Section 18-26(b) (2) (a) in which the improvements on real property to which the Ordinance would apply were set forth. He commented that the Ordinance might be too restrictive and could potentially harm individuals who simply could not afford to paint, for example. He then noted that somebody would need to enforce the Ordinance.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s concerns and stated that some individuals might be able to abuse the Ordinance in order to harm another.

Ms. Lew suggested that, if the Council so desired, the definition of neglected could be amended to pertain to items “…visible from a public street or sidewalk, or from adjoining property unless separated by fence at the height otherwise required pursuant to City regulations and standards.”

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve the draft ordinance, as amended to change the definition of neglected, set forth in Section 18-26(b)(2)(d) to read “[p]roperty with excessive trash and debris, visible from a public street or sidewalk, or from adjoining property unless separated by fence at the height otherwise required pursuant to City regulations and standards.”; waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 18-26 TO CHAPTER 18, OFFENSES – MISCELLANEOUS OF THE PORTERVILLE MUNICIPAL CODE CONCERNING NEGLECT OF REAL PROPERTY.

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

M.O. 13-101805 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council waive further reading and order the ordinance to print.

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

City Manager John Longley read the Ordinance by title only.

Disposition: Approved, as amended.
SECOND READINGS

16. ORDINANCE 1671, ZONE CHANGE 4-2005 (ANNEXATION 446)

Recommendation: That the Council give Second Reading to Ordinance No. 1671, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council give Second Reading to Ordinance 1671, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE Ordinance 1671 CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 04-2005 (PRE-ZONING) CONSISTING OF 73.3± ACRES AND CONTAINING APPROXIMATELY 113 PARCELS LOCATED GENERALLY AT THE NORTHEAST CORNER OF STATE ROUTE 190 AND MAIN STREET. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

17. ORDINANCE 1677, ZONE CHANGE 10-2005 (ANNEXATION 460)

Recommendation: That the Council give Second Reading to Ordinance No. 1677, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council give Second Reading to Ordinance 1677, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE Ordinance 1677 CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 10-2005 (PRE-ZONING) CONSISTING OF 87± ACRES AND CONTAINING SIX (6) PARCELS LOCATED GENERALLY EAST AND WEST OF INDIANA STREET AND NORTH OF GIBBONS AVENUE. The motion carried unanimously.

City Manager John Longley read the Ordinance by title.

Disposition: Approved.

SCHEDULED MATTERS
18. APPOINTMENT TO PARKS AND LEISURE SERVICES COMMISSION AND LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council consider the Requests for Appointment and take action to:

1. Appoint four (4) residents to the Parks & Leisure Services Commission;
2. Appoint Joe Moreno to the 3-year term on the Library Board of Trustees; and
3. Offer the remaining position on the Library Board to the un-appointed Commission applicant, or direct that further advertisement effort be made for the Library Board.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report. He advised that two additional applications had been received subsequent to the distribution of the Agenda. Mr. Perrine stated the additional applications were from Ms. Ellen Nichols and Ms. Cathy Capone and that copies of their applications had been provided to the Council.

Council Member Stadtherr proposed that each Council Member simply write down their top choices, and then have staff ascertain the top selections. City Attorney Julia Lew pointed out that deliberations were required to be public and that the Council could not proceed in the manner proposed by Council Member Stadtherr due to the requirements of the Brown Act.

Council Member Stadtherr moved that Mr. Tom O’Sullivan, Mr. Christopher Edwards, Ms. Ellen Nichols and Ms. Cathy Capone be appointed to the Parks & Leisure Services Commission. The motion died for a lack of a second.

Council Member Irish suggested that each applicant be considered one at a time.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council appoint Mr. Tom O’Sullivan to the Parks & Leisure Services Commission.

M.O. 14-101805

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

Council Member Martinez suggested that the Council begin with the first applicant listed in the staff report and work their way down from there.

M.O. 15-101805 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council reappoint Mr. Greg Shelton to the Parks & Leisure Services Commission.

AYES: Irish, Martinez, Hamilton, West
NOES: Stadtherr
ABSTAIN: None
ABSENT: None
Council Member Irish confirmed that Mr. Joe Ruiz currently served as Chairperson on the Parks and Leisure Services Commission.

M.O. 16-101805  
MOVED by Council Member Martinez, SECONDED by Council Member Stadtherr that the Council appoint Ms. Cathy Capone to the Parks & Leisure Services Commission.

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

M.O. 17-101805  
MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council appoint Ms. Ellen Nichols to the Parks & Leisure Services Commission.

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

M.O. 18-101805  
MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council reappoint Mr. Joe Ruiz to the Parks & Leisure Services Commission.

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

M.O. 19-101805  
MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council appoint Mr. Christopher Edwards to the Parks & Leisure Services Commission.

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

M.O. 20-101805  
MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council appoint Ms. Ellen Nichols to the Library Board for a 3-year term. The motion carried unanimously.
Mayor Pro Tem Hamilton moved that the Council also appoint Mr. Joe Moreno to a 3-year term on the Library Board. Staff clarified that there was only a 1-year term remaining. As such, Mayor Pro Tem indicated that he would like to retract his previous action of appointing Ms. Nichols to the 3-year term.

City Attorney Julia Lew clarified that Mayor Pro Tem Hamilton could move to rescind the previous action.

M.O. 21-101805 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council rescind the Council action appointing Ms. Ellen Nichols to the 3-year term seat on the Library Board.

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

M.O. 22-101805 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council appoint Ms. Ellen Nichols to the Library Board for a one-year term. The motion carried unanimously.

M.O. 23-101805 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council appoint Mr. Joe Moreno to the Library Board for a three-year term. The motion carried unanimously.

Disposition: Mr. Tom O'Sullivan, Mr. Greg Shelton, Mr. Joe Ruiz and Mr. Christopher Edwards appointed to the Parks & Leisure Services Commission; and Ms. Ellen Nichols and Mr. Joe Moreno to the Library Board, for a one-year term and three-year term, respectively.

19. REQUEST TO ADDRESS CONCERNS IN REGARD TO PROPERTY LOCATED AT 379 N. HOCKETT STREET

Recommendation: That the City Council direct staff to provide the property owner with one of the following options for resolution of the matter:

1. Continue enforcement of the City Standards for PO use at 379 N. Hockett Street, which would allow non-medical uses with the existing number of parking spaces;
2. Provide property owner with the option to remodel the garage to allow access to/from the alley. This action may require improvements to alley per City Standards, but would increase the available parking spaces to seven (7) and suit the existing Zoning Ordinance;
3. Recommend application for a variance to allow one (1) less parking space than required by the City’s Zoning Ordinance.

City Manager John Longley presented the item, and called on Acting Community Development Director Susan Duke for the staff report. Ms. Duke introduced Senior Planner Julie Boyle, who presented the staff report.
Mayor Pro Tem Hamilton moved that the Council approve staff’s recommendation, pointing out that Ms. McClure could apply for a variance if she so chose.

Council Member Martinez seconded Mayor Pro Tem Hamilton’s motion.

Mayor West clarified with staff that Ms. McClure currently met the parking requirements for a PO use – other than for medical or financial, in which case she would need one additional parking space.

Council Member Irish noted the close proximity of the City parking lot to Ms. McClure’s property and inquired if the Police Department had depended on use of a City lot to meet its parking requirement. A discussion ensued during which it was stated that the Council would not be denying Ms. McClure’s use of her property, but rather requiring her to submit an application for a variance.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council direct staff to continue enforcement of the City Standards for PO use at property located at 379 North Hockett Street, which would allow non-medical uses with the existing number of parking spaces; provide the property owner with the option to remodel the garage to allow access to/from the alley, which might require improvements to the alley per City Standards, but would increase the available parking spaces to seven and suit the existing Zoning Ordinance; and recommend application for a variance to allow one less parking spaces than required by the City’s Zoning Ordinance. The motion carried unanimously.

Disposition: Approved.

Mayor West requested that staff provide the Council with an update as to whether the church located on the northeast corner of Hockett Street and Harrison Avenue complied with parking requirements. City Manager John Longley confirmed that a memorandum would be provided to the Council.

20. CONSIDERATION OF DRAFT ORDINANCE FOR CONSTRUCTION AND DEMOLITION RECYCLING

Recommendation: That the City Council review and provide comment on the Consolidated Waste Management Authority’s model Construction and Demolition Recycling Ordinance.

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

Council Member Irish spoke against the proposed Ordinance, suggesting it was additional bureaucracy.
Mayor Pro Tem Hamilton spoke against the Ordinance, particularly as to Sections C&D-3 through C&D-8, noting the substantial documentation requirements. He suggested that the Ordinance was a revenue-generating mechanism for the Consolidated Waste Management Authority.

Disposition: No action was taken.

21. GOLF COURSE MANAGEMENT

Recommendation: That the Council consider the Golf Course management issues and take action to:
1. Authorize the recruitment of a new PGA Golf Pro; and

(This item was moved to Closed Session pursuant to M.O. 01-101805. See Closed Session Item A-5.)

22. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the Quarterly Portfolio Summary in accordance with SB 564 and SB 866.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council accept the Quarterly Portfolio Summary for period ended September 30, 2005 in accordance with SB 564 and SB 866. The motion carried unanimously.

Disposition: Approved.

23. INTERIM FINANCIAL STATUS REPORT AND GRANT STATUS SUMMARY

Recommendation: That the City Council accept the Interim Financial Status Report for the First Fiscal Quarter ended September 30, 2005.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council accept the Interim Financial Status Report for the First Fiscal Quarter ended September 30, 2005. The motion carried unanimously.

Disposition: Approved.
24. CONSIDERATION OF SPONSORSHIP FOR SISTER CITY VISIT

Recommendation: That the City Council authorize the expenditure of $750 from the City’s Community Promotion Budget to support a BBQ for the La Barca visit.

City Manager John Longley presented the item and the staff report.

Mayor Pro Tem Hamilton clarified with staff that less money had been spent on the Mikkabi Sister City visit. It was pointed out that the reception for the Mikkabi group was impromptu and involved less people. A discussion then ensued as to the generous hospitality shown by LaBarca representatives during the Porterville contingent’s visit to Mexico.

- Felipe Martinez, 195 East Putnam Avenue, informed everyone of the generosity and respect shown by LaBarca representatives and indicated that the Porterville group had been treated as dignitaries. He spoke in favor of spending the $750 for the BBQ.

Council Member Martinez noted the graciousness with which the Porterville group had been treated and offered an anecdote of the trip. He then requested that an additional several hundred dollars be added to the $750 figure in order to purchase an official gift from the City of Porterville to the City of LaBarca.

Mayor Pro Tem Hamilton noted that the City had recently donated a surplus vehicle from the Fire Department.

Council Member Stadtherr questioned if the Council wished to add an additional $250 for the purchase of a gift. It was suggested that any additional money for a gift could come out of the City Manager’s discretionary funds.

Council Member Irish commented that the gesture was nice, yet suggested that the BBQ/reception should be sponsored by the community, stating that the effort would be more meaningful.

- Aaron Burgin, Porterville Recorder reporter, came forward and stated that The Recorder could assist in getting the word out to the community.

A discussion ensued during which it was stated that if the community were involved, a genuine cultural exchange could take place, on a much larger scale. Mr. Longley pointed out that the $750 request only represented one meal during the LaBarca contingent’s visit, and that other meals could be sponsored by different entities.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council authorize the expenditure of $750 from the City’s Community Promotion Budget to support a BBQ for the La Barca visit.
AYES: Martinez, Hamilton, Stadtherr, West
NOES: Irish
ABSTAIN: None
ABSENT: None

Disposition: Approved.

25. UPDATE ON PROPOSED LONGS DRUG STORE


City Manager John Longley presented the item, and Acting Community Development Director Susan Duke presented the staff report.

Disposition: Informational item only.

ORAL COMMUNICATIONS

• An individual came forward and informed the Council of the efforts of Noon Rotary regarding support for Sister City La Barca.

OTHER MATTERS

• Council Member Stadtherr stated that he had asked the City Manager to consider the possibility of making Thurman Avenue between Main Street and Second Street a two-hour parking zone. He stated that Mayor Pro Tem Hamilton had approached him earlier about trying to make parking available, especially in light of the new business going in there—to make sure the new business had available on street parking to try and encourage people who park there all day to move over to the City lot.

• Mayor Pro Tem Hamilton thanked Mr. Guerrero for his application and interest in serving on the Parks & Leisure Services Commission and commented that his service would be considered in the future.

• Council Member Martinez agreed with Mayor Pro Tem Hamilton’s comments and encouraged to Mr. Guerrero to look into applying for the Leadership Porterville Class.

The Council reconvened at 10:10 p.m. to the continuation of the Closed Session.

CLOSED SESSION

A. Closed Session pursuant to:

5 - Government Code Section 54957-Public Employment-Golf Course Manager and Interim Manager.

The Council approved the week-to-week Agreement with Mr. R. Dale Bartlett, amended to reflect that the Agreement could be terminated for any reason with at least seven days notice.

Documentation: M.O. 28-101805
Disposition: Approved.
ADJOURNMENT

The Council adjourned at 10:11 p.m. to the meeting of October 31, 2005

Patrice Hildreth, Deputy City Clerk

SEAL

__________________________________________
Kelly West, Mayor