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

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- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Patrick Greene v. City of Porterville.

7:04 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
The City Attorney reported no action was taken.

Pledge of Allegiance Led by Council Member Richard Stadtherr
Invocation - One Person Participated.

PRESENTATIONS
• Employee of the Month - Paul Sewell (not present)

• Richard Tree, Transit Manager for Sierra Management, 61 West Oak Avenue, came forward and briefly explained a little about the program they were putting their drivers through to better serve their passengers. Mr. Tree stated that security had been increased with GPS Tracking Systems being added to the vehicles, security cameras at the Transit Center, and now they were adding new communications system to connect police, fire, and communications directly to the transit drivers. He went on to explain the increased training given to the drivers regarding disabled passengers and how to deal with emergencies. Mr. Tree stated that the drivers would
be receiving hands on training in this area to sensitize them to the barriers faced by handicapped riders.

**ORAL COMMUNICATIONS**

- Greg Shelton, 888 North Williford Drive, stated that if the Council decided to do anything on the farming operation, June the worst time and he recommended making any changes in November or December of this year or next.

- Dick Eckhoff, Chairman of the Downtown Porterville Association, 180 North Main Street, came forward to address three items. He invited everyone to attend the Nuestro Pride Car Show, Item 11A, held downtown on September 25, 2005. Mr. Eckhoff spoke in favor of Item 22 as an asset to the Downtown. Mr. Eckhoff questioned whether the Council would be limited to a 70% registered voters/30% business owner ratio on appointees, no matter what, as stated in Item 23.

- Dot Broome, 863 South Crystal, questioned the Council on Item 9 and the location of the bicycle paths along the south side Morton Street to the College. Public Works Director Baldo Rodriguez stated that it would be the return trip as well, and they were looking at that as a corridor, so the streets may be slightly different.

- Peter Schalembier, 1591 South Salisbury, President of the Porterville Area Ministerial Association, invited the Mayor and Council to the October 13, 2005, Annual Mayor’s Prayer Breakfast at the Grand Avenue Methodist Church at 7:30 a.m. He stated that everyone in Porterville was invited. Pastor Schalembier also spoke regarding the Hurricane Katrina devastation in Louisiana, Mississippi and Alabama, and stated that they had started collecting food, clothing and hygiene products at their church to deliver to the victims of the Hurricane. He stated that they would appreciate everyone joining them to assist those people in need.

- Donette Silva-Carter, 97 North Main Street, Porterville Chamber of Commerce, stated that she was joining Pastor Schalembier to let the Council know what was happening. She stated that the Chamber, along with KTIP, the Porterville Recorder, and the Bank of the Sierra are joining in an event for drive-by donations on Monday, September 12, from 6:00 a.m. to 9:00 a.m. at the Longs Drug Store on Henderson. She stated that it would be in conjunction with the American Red Cross, and they had already received $3,500 to open the savings account.

**CONSENT CALENDAR**

Items 1, 5 and 9 were removed.

2. **BUDGET ADJUSTMENTS FOR THE 2005/06 FISCAL YEAR**

Recommendation: That the Council approve the attached budget adjustments and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

Documentation: M.O. 02-090605

Disposition: Approved.
3. PROPOSAL FOR HERITAGE CENTER TOT LOT AND ASSOCIATED LANDSCAPING DESIGN

Recommendation: Approve the Service Agreement with Sierra Design, Inc. for the design of the Heritage Center Tot Lot and Landscape improvements.

Documentation: M.O. 03-090605
Disposition: Approved.

4. ACCEPTANCE OF PORTERVILLE CIVIC DEVELOPMENT FOUNDATION LOAN

Recommendation: That the City Council:
1. Adopt the Resolution approving the Loan Agreement and Unsecured Promissory Note in the amount not to exceed $65,000.00 from the Porterville Civic Development Foundation;
2. Authorize staff to continue negotiation for an interest rate not to exceed 7% per annum;
3. Authorize the Mayor to sign all documents to complete the transaction.

Documentation: Resolution No. 130-2005
Disposition: Approved.

6. PROPERTY LICENSE AGREEMENT AND AGREEMENT CONCERNING RIGHTS AND OBLIGATIONS WITH SENIOR CITIZEN AGENCIES

Recommendation: Approve the Agreement, authorizing and directing its signing and implementation.

Documentation: M.O. 04-090605
Disposition: Approved.

7. AIRPORT LEASE - LOT 32C

Recommendation: 1) That the City Council approve the assigning of the lease agreement between the City of Porterville and Mr. Wayne Ross to Mr. John Loomis, Jr.
2) Approval is also contingent upon Mr. Loomis, Jr. providing verification of insurance within ten (10) days of Council action.

Documentation: M.O. 05-090605
Disposition: Approved.

8. PORTERVILLE TRANSIT PROMOTIONS

Recommendation: That the City Council:
1. Approve the implementation of a “Free” Transit Day for students on September 21, 2005; and
2. Authorize Staff to utilize the “Free” Transit Day concept for additional targeted groups, as staff deems advisable and appropriate in promoting public transportation.

Documentation: M.O. 06-090605
Disposition: Approved.

10. AMENDMENT OF ADMINISTRATIVE POLICY II-E-1, TRAVEL AND CONFERENCE EXPENSES

Recommendation: Request Council approve the draft resolution amending Administrative Policy II-E-1, Travel and Conference Expenses, to include authorization for air travel, mileage reimbursement, and a stipend should an overnight stay be avoided, and include the requirement that conference and meeting attendees request room sales tax waivers when applicable.

Documentation: Resolution No. 131-2005
Disposition: Approved.

11. This item has been removed.

11a. APPROVAL FOR COMMUNITY CIVIC EVENT DOWNTOWN PORTERVILLE ASSOCIATION NUESTRO PRIDE SHOW, SEPTEMBER 25, 2005

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

Documentation: M.O. 07-090605
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council approve Items 2 through 4, 6 through 8, 10 and 11a. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JULY 5, 2005 AND AUGUST 26, 2005

Recommendation: That the Council approve the City Council Minutes of July 5, 2005.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council approve the City Council Minutes of July 5, 2005. M.O. 08-080205 The motion carried unanimously.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council approve the City Council Minutes of August 26, 2005.

M.O. 09-080205

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

Disposition: Approved.

5. REQUEST FOR A ONE (1) YEAR EXTENSION OF TIME FOR THREE (3) TEMPORARY MODULAR UNITS FOR THE PORTERVILLE EVANGELICAL FREE CHURCH

Recommendation: That the City Council adopt the draft resolution approving a one (1) year extension of time commencing on September 16, 2005 and terminating on September 16, 2006.

The Community Development Director stated that the resolution should extend the time for three units, but the rest of the resolution would remain the same.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council adopt the draft resolution approving a one (1) year extension of time commencing on September 16, 2005 and terminating on September 16, 2006, as amended. The motion carried unanimously.

Disposition: Approved.

9. APPROVAL OF THE REMOVE II PROGRAM - CLASS II BICYCLE LANE AGREEMENT

Recommendation: That City Council:
1. Approve the attached agreement; and
2. Authorize the Public Works Director to sign the agreement on behalf of the City of Porterville.

Mayor Pro Tem Hamilton asked for clarification on the question of getting to College Street.

Public Works Director Baldo Rodriguez stated that they were reviewing the routing and looking at the latitude and flexibility of staying along the corridors. He stated that they had been told that they could stay within 1/4 mile of the corridor and still be successful with the grant, and he was checking to see if that was still correct so they could be eligible for the grant. He stated that it was their intention to take the corridor from Westwood east to the college. Mr. Rodriguez stated that Council would have some flexibility on where the routes would go. He stated that the application for the grant was time sensitive. Mr. Rodriguez stated that if it was not possible to get along these corridors, and get them where they say, his question would be whether they could take the money and
utilize what they can and the rest given back to the San Joaquin Valley Unified Air Pollution Control
District, or go to the larger grant match. He stated that information would be passed on to the Council.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member
Irish that the Council approve the draft Agreement and authorize the Public
Works Director to sign the agreement on behalf of the City of Porterville.

The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

12. INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE FOR THE
PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY DEFINING
PROCESS AND CRITERIA FOR THE DEVELOPMENT OF HILLSIDE
PROPERTIES WITH THE CITY OF PORTERVILLE URBAN DEVELOPMENT
BOUNDARY

Recommendation: Staff recommends that the City Council hold a public hearing and adopt the
proposed Interim Urgency Ordinance defining a process and establishing
criteria for hillside development as defined.

The City Manager presented the item and Brad Dunlap, Community Development Director,
presented the staff report. Mr. Dunlap stated that there was also a third area on Main Street, north of
Reid Avenue extending to the northerly City boundary, which was inadvertently overlooked and could
be added, or staff could be directed to bring it back.

The City Attorney stated for clarification purposes that also included in the packet was a letter
from the developer’s attorney, and since the developer was present in the audience, the Council had
been advised that there are some issues with regard to the status of their application because it did
appear that it had been deemed complete back in May. Ms. Lew stated that it was the advice of
Counsel that this particular subdivision could be heard later, and would be considered notwithstanding
whether or not the moratorium was adopted. She stated that it was the advice of Counsel that the
subdivision would not be reviewed under the moratorium because the application has already been
deemed complete.

Ms. Lew clarified that the public hearing could be held, and what the Community Development
Director had mentioned was that there was a specific section of the hillside that he was suggesting
should be added to this, and that certainly could be done and they would then follow, for the purposes
of the interim ordinance and if the Council wished to add that particular area, and proceed under the
moratorium process.

Mayor West opened the public hearing at 7:42 p.m. and asked those in favor to come forward.

Dick Eckhoff, 197 North Main Street, stated that they had very little hillside development at
that time, and he didn’t recall any major developments going in on them any place. He stated that most
of the hillside development had been large lots which could easily be landscaped to 5%, 10%, 15%
grades. Mr. Eckhoff stated however, then they got down to small lots, 10,000 sf or less, and a 15%
grade would be difficult to landscape effectively, and terraced landscaping would be expensive when added to the cost of the lot. He stated that there was also the problem of accelerated drainage coming off the streets, sidewalks, roofs, patios, etc. which were all going to be impermeable and increase the amount of run-off. He stated that it might not be too much of a problem on 2%, but on 10% or 12% it was quite a problem. Mr. Eckhoff stated that the Council had something here that needed to be handled differently than had been handled in the past, and on that basis he was strongly in favor of the moratorium to get this worked out. He stated that especially with eastside development now, with Granite High going in over there, there would be a lot more development going up that direction.

Mayor West asked those in opposition to come forward.

Chris Hall, 5 River Park Place, Fresno, came forward appearing on behalf of Bill Abbott, attorney for Canyon Springs Estates. He stated that he did not have an opposition given the City Attorney’s comments, he just wanted to note their presence for the record and join in Ms. Lew’s analysis of whether or not the ordinance could be retroactively applied to the existing project.

Jim Winton, 150 West Morton Avenue, stated that he was there on behalf of the area shown as area two. He stated that his first comments relate to the public notice he saw in the Porterville Recorder on August 27, 2005. He stated that the description was totally inadequate, which he could understand after seeing the map and comparing it to the description. Mr. Winton stated that on Monday he attempted to get a copy of the map, or the ordinance, or something, and was told that it was not available. He stated that he didn’t get a copy until Thursday, so he thought in this particular case, even though as Counsel has suggested it was not required that Council hold a public hearing on this matter, the extensions of the ordinance did change based on whether they held a public hearing or not. Mr. Winton stated that in relation to area two, he had been involved in some development proposals for two the of the properties lying between Scenic Heights, or Highland Hill, and Main Street. Those properties comprise about 60 acres, with one parcel of ten acres that he had not been involved in, which was pretty much 100% of the large parcels that lie between Scenic and Reid Avenue. He suggested that the fact that there were development proposals, at least on the two properties he was involved with, it shouldn’t be a surprise to the staff. The northerly forty acres, which presently have an application in process, or under discussion with staff, for Jerome Staley and Brent Grizzle, who were also present in the audience, presently has an approved subdivision map from February of 1994. He stated that a mobile home park application was submitted and the project was denied by a former Council in April of 2001. Mr. Winton stated that following the purchase of the property by Mr. Staley and Mr. Grizzle, they actually started discussions with the City in August of 2004. They had submitted two actual development proposals for the property—the first proposal submitted was the originally approved tentative map which they submitted for discussion purposes to determine what the present direction of thoughts for the City were in relation to the development of that property. In December of 2004 they actually prepared to submit a tentative map and it went to a Project Review Committee meeting, they got comments from staff and they went back and addressed those comments and resubmitted the map in May of 2005. They then went to the Project Review Committee and got some more comments, some not discussed the first time, and they revised that map and last week submitted a development proposal which they felt addressed the comments that the staff had made at both the December and May Project Review Committee considerations. Mr. Winton stated that in relation to the theme or part of what the urgency ordinance seemed to be asking for, they really didn’t have an issue with. He stated that they didn’t have an issue with the grading concerns or with the themes that they were trying to address in relation to grading on the hillsides. He stated that they were confused
as to why a conditional use permit would be required when the ordinance itself sets forth the items that
the Council was wanting to consider and allowing the staff to ask for in relation to the additional
information as it relates to hillside grading. Mr. Winton stated that on the first hand they would not
disagree with the direction of staff as it relates to grading, and addressing the uniqueness of hillside
grading in Porterville, but they did question the necessity for the conditional use permit process when
it didn’t seem to have any relationship to the grading.

Greg Shelton 888 N. Williford Drive, stated that it seemed that this was something that was
just brought up and came out of nowhere and rushed through. He stated that the law said 14 days and
they couldn’t get it until four days before the hearing which didn’t give them much time. He stated
that it looked to him that this was just directed toward a couple of pieces, almost like the other ones
were just thrown in for fluff. He stated that he had some railroad property over there, now that whole
map encompasses the whole hillside area, but ironically there were only two or three pieces, two of
which Mr. Winton was dealing with right now, that were actually under the auspices of the City, the
rest of it was County. Mr. Shelton stated that he didn’t understand what a hillside ordinance was
going to do when the City had no jurisdiction over it. He stated that it almost looked like they were
going to throw everything in the kitchen sink and try to look like they were not trying to stop one or
two projects. He stated that it looked like they were trying to stop one or two projects, and so he had
concerns with the whole thing all the way through. He stated that they needed to look at this before
they did anything.

Jerome Staley, 32542 Aquaduct Road, Palmsville, owner of the property at Main and Reid
came forward and reiterated that they had no problems with the grading and had been sensitive to
staff’s concerns and tried to work with them on this. He stated that they were surprised to receive this
or get notified by Mr. Winton that this was happening. Mr. Staley stated that he had some concerns
because in the comments it talked about the recreational facilities, transportation, City schools and all
of those necessities needed in a hillside ordinance, but then you get to the document it only talked
about grading, so it seemed to him that the conditional use permit may be being used to circumvent
the Subdivision Map Act or regulations the City already has in place to implement other conditions
on anyone who has a little slope to their property. Mr. Staley stated that this would put them at unfair
competition with people who have flat land, and would put more regulations on them when they think
they have been sensitive to the grading. Mr. Staley stated that he didn’t have a problem with that, he
just had a problem with the conditional use permit because it gives a wide open array of requirements
staff could put on there—on their wish list. He stated that their project was sided by three public streets,
and they were accessing two streets and improving three, which would be a big improvement—including improving and widening Main Street and Reid to the standards. Mr. Staley
stated that they wanted to work with the City, but the conditional use permit might be to burdensome
and unfair competition.

Brent Grizzel, 1036 Capra Way, Fallbrook, stated that he and Mr. Staley were partners on the
project he just spoke about. He asked the Council that since Canyon Springs was so far through the
pipeline that this may not apply to them, they had also been working with the staff for a whole year
now and wonder if it could be possible for them to continue the track they were on. He stated that they
had been complying with almost everything they City had asked for at this time, and was looking
forward to more iterations. Since properties were being added tonight to this urgent moratorium, he
wondered if their property could be pulled out so they could going with staff and giving the City what
they wanted, but not be subject to a conditional use permit.
Julia Lew, City Attorney, stated that she was not exactly where they were in the process. She stated that she didn’t think there was a legal obligation to do that unless there was a situation where the application was deemed complete, but she didn’t think that was the case. She stated that it was up to the Council to decide if it wants to create exceptions, however at a certain point they start creating so many exceptions that the remainder does become a discriminatory act, and that was what they were trying to avoid. She stated that they wanted this to apply to all future developments. She reiterated that it was a temporary measure to give the Council time to figure out what needs to happen up there so development could be what the City was foreseeing for the future. She stated that it was not meant to be a permanent occasion—the staff tried to come up with something that would also give further flexibility in that it would not be an outright, complete prohibition. Ms. Lew stated that in regard to the conditional use permit, the City would have to apply the conditional use permit process in a fashion that does not create a discriminatory situation, and staff was well aware of that.

Mayor West closed the public hearing at 7:57 p.m.

Council Member Irish asked if the Council utilized conditional use permits, could they be based on slope and elevation. The City Attorney stated that it could.

Brad Dunlap, Community Development Director, provided further elaboration on this issue as he had developed the regulations. He stated that the question seemed to be whether they could use the conditional use permit as a tool to address the development criteria as relates to the slope, loss of grading, etc. He stated that the answer was absolutely. He stated that the question was, or the concern may be at this point, why that and not just the map. He stated that there were some unforeseen issues here when they start working with people and the conditional use permit gives them flexibility to apply conditions to the public maps that works at integrating it into the surrounding lots, or those beside it. Mr. Dunlap stated that the idea was not to be ambiguous or arbitrary, the idea was to simply make sure they had the elements in place to make the maps fit the contour of the site itself as well the surrounding site.

Council Member Irish explained how he felt about the hillside and why it looked to be bogging down. He stated that the Council looks at the hillside as the jewel of Porterville. They are one of the few valley cities that have the hills to look up at. Council Member Irish stated that the Council didn’t envision the hillside like those of Southern California that were roof to roof, and a lot of people in Porterville didn’t want to see that, so they were proceeding gingerly. He stated that four years ago no one wanted to talk about building anything on the hill, and now its coming very fast and they were just proceeding with caution and were not trying to be discriminatory against particular development or any particular group. Council Member Irish stated that they just wanted to know that fifteen-twenty years from now they made the right decision.

Mayor Pro Tem Hamilton stated that the moratorium had come upon them pretty quick, but the hillside ordinance has been a three year process so far. He stated that concerned property owners on the hillside had come to the Council and asked them to slow the process down until the ordinance was passed. However with Canyon Springs, he did want to compliment Council Member Irish and Mayor West and the people from Canyon Springs who had come to compromise with each other, and the developer had added amenities the City had dearly wanted and they appreciated that. He stated that as far as the moratorium went, right now it was only a forty-five day moratorium.
Jim Winton stated that the initial period was forty-five days, but he did feel history would bear out that the hillside ordinance would be done in thirty-five days. He stated that the ordinance could actually be extended for twenty-two months and fifteen days beyond the forty-five day period, so they were really talking about two years. That was the maximum. He stated that they would not have a problem with this being over in forty-five days, but they did not think it would happen.

Mayor Pro Tem Hamilton clarified that they could kill this anytime the Council wanted.

Mayor Pro Tem Hamilton made a motion to approve the Interim Urgency Ordinance for the Protection of the Hillside Area of the Community. The City Attorney asked for clarification purposes whether the Council wished to add the third area.

Mr. Dunlap clarified that it would be east of Main Street, north of Reid Avenue.

Ms. Lew stated for clarification purposes that the ordinance as read would apply to the three areas, it was just that the third area was not in the public notice. She stated that if the motion passes, it would come back within forty-five days with a report that would have to be prepared as well, with another notice of public hearing, and at the time the Council would decide if it wanted to extend up to ten months and fifteen days. She further clarified that Council had to bring it back in forty-five days, and if extended, could set periodic checks or set a time up to ten months and fifteen.

Council Member Irish asked if he could add an amendment that if it was not done within 120 days they would cancel it. He stated that he didn’t want it to go more than 120 days.

Ms. Lew stated that it would be more appropriate to do that at the next stage where it would be easier to decide how long and what conditions would be placed. It was a little difficult to interpret now.

COUNCIL ACTION

MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that Council approve the proposed Interim Urgency Ordinance for Ordinance 1680 the Protection of the Hillside Area of the Community.

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

Disposition: Approved

The Council took a recess from 8:07 p.m. to 8:18 p.m.

13. CANYON SPRINGS ESTATES TENTATIVE SUBDIVISION MAP (CONTOUR DEVELOPMENT INC.)

RECOMMENDATION: That the City Council:

(1) Adopt the draft resolution approving the Negative Declaration for Canyon Springs Estates Tentative Subdivision Map; and
(2) If the Interim Urgency Ordinance is not adopted, adopt the draft resolution approving Canyon Springs Estates Tentative Subdivision Map; and

(3) If the Interim Urgency Ordinance is adopted, deny the draft resolution approving Canyon Springs Estates Tentative Subdivision Map without prejudice.

(4) Approve the draft resolution approving Canyon Springs Estates Tentative Subdivision Map without prejudice.

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

Mayor West opened the public hearing at 8:24 p.m. and asked those in favor to come forward.

David Store, with Contour Development, representing the subdivision, came forward. He thanked Mr. Dunlap for meeting with them, since their meeting of July 5, with the City Manager, and communicating with him today regarding some projects that had been approved that they were not able to get physically that evening to hand out for the record—the Northgate Estates Tentative Subdivision Map and the El Dorado Estates Tentative Subdivision Map, which were subdivisions approved in the hillside area. He stated that there were other applications pending before the City in the hillside area, including theirs, which resulted in the interim urgency measure adopted that evening, and he would like those added to the record, as they could not physically get them. Mr. Store gave the chronology of their application beginning on February 4, 2005, and the steps taken to conform to City requirements, requests from the Hillside Committee, and requests from Council. He stated that 46% of the lots in the Canyon Springs Subdivision were 10,000 sf. or more, with the average 9,590 sf. He stated that there were lots with a minimum size of 6,487 sf. with lots with a maximum of 19,000 to 20,000 sf. range. Mr. Store asked that the Council approve the Canyon Springs Tentative Subdivision Map that evening, and asked for clarification of approval without prejudice. He stated that he was present to answer any questions Council might have.

Mayor West then asked those in opposition to come forward.

Dick Eckhoff, 197 North Main Street, came forward stated that he wasn’t saying he was speaking in opposition, but he had some questions or concerns mainly with storm drainage and lot size. He stated that in the subdivision 14 acres were streets and 12 acres were developed areas, so 25 acres, or over 1/3, of the development was non-permeable with 100% runoff. He stated that heavy rains were not the real common here, but they did get an occasional gusher, and a half inch of rain could in a short time could generate a lot of water out of there—something in the neighborhood of 13 second feet. Mr. Eckhoff stated that there was a 18" storm drain that the subdivision would feed into, and that was a lot of water to put into one 18" line. Regarding sizes there, lots are up to 20,000 sf., the grading plan shows ten to fifteen feet usable in front and ten to fifteen to twenty feet usable in the back yard before it breaks into a 15%, or three to one, slope, which was pretty much limited to terracing. He questioned the problems and costs of landscaping on slopes, and he questioned the usable space on the 19,000 to 20,000 sf. lots. Mr. Eckhoff asked inquired about Condition 7, and the expansive soils item, and similar items which he feel would be higher. He asked what would happen if someone went in and removed landscaping which was originally done for mitigation purposes. Mr. Eckhoff stated that he was concerned that with the smaller lots like this that the landscaping, to take advantage of the slopes
would swipe out the area and be very expensive for the size home involved. He also questioned whether the 7% slope on the roads running up the hill was being covered.

Mayor West closed the public hearing at 8:35 p.m. when no one else came forward to speak.

Council Member Irish thanked Mr. Store for meeting with them and trying to reach some type of agreement, and doing the few extra things that they had asked. He stated that this was not exactly what he wanted, but it was more than he hoped for at the time. He asked Mr. Store how sensitive the project was to the elevation.

David Store stated that it was the most sensitive project he would ever see, and he deferred to staff on the grading as they went with the best engineering principles available. He stated that if there were things they could do post this meeting, and prior to the final map, they would do things better if possible. He stated that there was latitude beyond approval of the tentative subdivision map to work with the City Engineer and still come back with a determination that was in compliance with the Council’s approval that evening. Mr. Store stated that they were amenable to do that if there were things the Council could point out. He stated that was part of staff’s trouble, staff was trying to figure out Council’s direction and how they could implement that, notwithstanding best engineering principles. Mr. Store stated that if there were things they could do to improve the design of the map, they’ve been sensitive to it. He also pointed out that as they got to the corner, their engineer stated that they had slopes less than 5%. Mr. Store stated that when they averaged in other areas, that was there the most sensitive slopes were. He state that if there were things they could do relative to the design of the streets to be more sensitive to the lotting out there, they were open to that.

Council Member Irish thanked them again for being straight forward when they meet with them earlier, and that they would still continue to work with them means a lot.

Council Member Stadtherr asked Mr. Winton, as a local expert, as all the streets ran on a north-south access, which meant most of the houses would also be on a north-south access. Mr. Winton clarified that it would be east-west. Council Member Stadtherr confirmed with Mr. Winton that it was possible for an east-west access house to consume 30% less energy than a house on a north-south access. Mr. Stadtherr calculated that $10,000 a month was draining out of the local economy because houses were being built north-south instead of east-west. He stated that in the future those interested in community development should take that into consideration.

Jim Winton stated that when they were discussing orientation it was based on information at one time in the City ordinances, or some recommendations to orient houses a certain way, but there had been such advances in technology for those heating and cooling innovations that he wasn’t too sure that they couldn’t achieve or address nearly the same thing irregardless of the orientation of the house. Mr. Winton stated that it would take more money to do that, but it was not necessarily a cut and dried 30% loss just because of the way the house faces.

Council Member Stadtherr stated that it just struck him on the north and south access, and some places were beginning to require east-west access.

Mr. Winton stated that with the grading sensitivity there might be a real conflict between those two ideas.
Mayor West stated that he had two concerns like Mr. Eckhoff— the drainage and the retaining walls. How unsightly would the retaining walls be, and drainage was a big concern where the lots were very steep. Those were his two concerns.

**COUNCIL ACTION**

MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that Council adopt the draft resolution approving the Negative Resolution 133-2005 Declaration for Canyon Springs Estates Tentative Subdivision Map and approve the draft resolution approving Canyon Springs Estates Tentative Resolution 134-2005 Subdivision Map without prejudice. The motion carried unanimously.

Disposition: Approved

14. **INTERIM URGENCY ORDINANCE PROHIBITING CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS**

Recommendation: The City Attorney and staff recommend that the City Council hold a public hearing and adopt the attached Interim Urgency Ordinance Prohibiting the Use of Land for Construction, Operation, and Maintenance of Towers for Wireless Communications.

The City Attorney, Julia Lew, presented the item and gave the staff report. She added one caveat that came up that day—the staff wanted to make sure that there was a provision included that if a tower was being used specifically for public safety purposes the ordinance would not apply.

Mayor West opened the public hearing at 8:45 p.m. and asked those in favor to come forward. No one came forward and those in opposition were asked to come forward.

Jamie Strachan, 6399 W. Shields Avenue, Fresno, representing UbiquiTel, Inc. the Sprint carrier in the area, came forward and stated that they had an application to renew a previously approved tower application which expired because of the time it took to process the application. He stated that their funding ran year to year, and when it was not used it was taken away, and took two years to get it back with additional funding to build the tower. He stated that they would be in the same position if the moratorium went into effect. He stated that the tower was located on Doris on Ethel Attebury’s property by the railroad tracks, and would host other companies as well. Mr. Strachan stated that the tower was in a commercial area.

Mayor West closed the public hearing at 8:48 p.m. and asked for comments by Council.

Mayor Pro Tem Hamilton asked for the definition of tower. The City Attorney first explained that the moratorium would apply to new construction, and Mr. Dunlap stated that the Sprint tower would be new construction. The City Attorney gave the definition of tower and spoke about the perimeters of this issues aside from the conditional use process.

The City Manager explained that towers were being proposed for residential areas, and use permit could put conditions but could not be used to disapprove the towers.
The Community Development Director stated that the moratorium was being proposed because of towers being proposed in residential areas, and this would allow the Council flexibility to consider what they ultimately wanted to adopt. He clarified that the Council could decide the zoning, and the standards when they went in those areas. Mr. Dunlap stated that depending on what the Council wanted to do they could approach it and exempt anything in a C-3 Zone or M-1 Zone at more than 500 feet away from residential. He stated that they could do something like that. Mr. Dunlap stated that they had purposely cast the net all the way across because he didn’t know what the Council wanted. He stated that if an antenna was 100 feet tall, and was 500 feet back from residential or open space, and in a C-3 or M-1 Zone, did it need to be in the initial interim urgency ordinance. He stated that they could still adopt standards for it, but was it a pressing matter that needed to be dealt with under a moratorium.

The item failed for the lack of a motion.

Council directed staff to go back and make this subject a C-3 zone with a few perimeters they came up with and bring it back in a couple of weeks.

Mr. Strachan stated that they were ready to build their tower right now, and they had the funding which they would lose again in January if its not complete. He stated that it was a $350,000 to $500,000 investment for the company. Mr. Strachan stated that this was a capacity tower because usage in Porterville required more coverage with access to wireless internet. It is a 90 foot tower that allows for three carriers at 70, 80 and 90 feet. He stated that the tower must be complete by January 1, 2006. Mr. Strachan spoke regarding the process of designing and planning for their tower and its grid pattern.

Disposition: No action taken.

15. VACATION OF PORTIONS OF SCRANTON AVENUE AND HOLCOMB STREET WITHIN THE PORTERVILLE DEVELOPMENTAL CENTER (STATE OF CALIFORNIA)

Recommendation: That City Council:

1. Adopt the Resolution of Vacation, excluding reservations, for portions of Scranton Avenue and Holcomb Street; and
2. Authorize the City Clerk to record the Resolution of Vacation with the County Recorder;
3. Authorize the Mayor to execute a Quitclaim Deed, relinquishing all rights, title and interests in and to those portions of Scranton Avenue and Holcomb Street.

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

Mayor West opened the public hearing at 9:03 p.m. and closed the hearing at 9:04 p.m. when no one came forward.
COUNCIL ACTION

MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that Council adopt the Resolution of Vacation, excluding reservations, for portions of Scranton Avenue and Holcomb Street and authorize the City Clerk to record the Resolution of Vacation with the County Recorder; and, authorize the Mayor to execute a Quitclaim Deed, relinquishing all rights, title and interests in and to those portions of Scranton Avenue and Holcomb Street. The motion carried unanimously.

Disposition: Approved

The Council took a recess from 9:06 p.m. to 9:15 p.m.

16. CONSIDERATION OF MODIFICATIONS TO THE FEE SCHEDULE AS IT PERTAINS TO PLANNING SERVICES

Recommendation: (1) That the Council open the Public Hearing to take testimony regarding the proposed modifications to the fee schedule as it pertains to Planning services, and (2) Adopt the attached draft resolution implementing the proposed fees for Planning services.

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

Mayor West opened the public hearing at 9:17 p.m. and asked those in favor to come forward. No one came forward and those in opposition were asked to come forward.

Dennis Townsend, Townsend Architectural Group, 633 N. Westwood, came forward and spoke in opposition due to large increases aimed at the development community. He stated that these fees were put on the backs of the developers, but they would be passed on to the consumers. He suggested that cities get together and go to Sacramento to ask to get their property tax monies. Mr. Townsend strongly urged the Council to take back the fee schedule and take a closer look at the schedule and lighten it.

Greg Shelton, 888 North Williford, came forward and spoke in opposition. He stated that he had not been able to ascertain exactly how the fees were estimated. He spoke about the fee for a lot line adjustment which was proposed to go from $125 to $1338. He also spoke about the fees for certificates of compliance and zone variance. Mr. Shelton went on to state that if the Council wanted to help development on the east side, don’t put another burden on them.

Jim Winton, 150 West Morton, came forward and stated that he was not opposed to the City adjusting outdated fees. He stated that he was confused in several areas of the Maximus report—they were looking at lot line adjustments in Planning, but there was also lot line adjustments in Public Works, so was that a separate fee? Secondly there were areas in processing applications—why were conditional use permits less money than a design overlay? The application fee for a tentative map for a 20 lot subdivision would be $330 per lot, 40 lots was $229, up to 100 lots at $168 per lot. Recently the City had an agreement to check final maps and improvement drawings for $95 a lot—it was difficult...
to comprehend that the City would spend more time reviewing a tentative map than the details of the results of the approval. The other area was the cost for annexation—he stated that the City would have given up $15 million dollars in fees by doing the island annexations now. Mr. Winton stated in summary that his request was that the Council continue this to allow the development community further opportunity to study the report and meet with staff.

Bob Keenan, Executive Vice President of the Building Industry Association of Tulare and Kings Counties, 315 West Oak, Visalia, stated that he was amazed at the fees which had gone through a Council study session with no changes. He stated that he got the document but others did not, and it was difficult to find the information he needed. Mr. Keenan stated that State Law allows for a charge for the reasonable cost of the service, and that brought them to the reasonable cost. He questioned the control on the numbers. He stated that this was the first time the City, Maximus and the BIA met, whereas in other cities they had dialog on fees. Mr. Keenan expressed his concern about 100% cost recovery. He stated that they wanted to meet with staff, Maximus, and the Council to review this and get down to the nitty, gritty, and get explanations on overhead and what was fair and just. He stated that Council had to appreciate the fact that anything that they paid in advance of permit would quadruple to the buyer, and anything paid at permit would double to the buyer. Mr. Keenan stated that he was not sure this was right and fair.

Greg Woodard, Woodard Homes, 1055 West Morton, came forward in opposition and asked the Council to continue this to give them more time to review. Mr. Woodard spoke about the burden being placed on the building community.

Mayor West closed the hearing at 9:39 p.m.

Council Member Irish stated that just because they hadn’t done an increase fees in 17 years didn’t mean they had to hit everybody all at once. Council Member Irish then handed out a copy of some figures he had generated. He stated that if they took the current fee of $400 and changed it to the recommended fee of $3376—if they had increased that fee by 3% for the last 17 years it would only be $656 per the CPI. He stated that had gone through and done this to all the fees. Council Member Irish then reviewed some of the fees for the Council. He stated that they needed to be reasonable about this. He suggested even going back and raising the fees by 1.5% for the 15 years and starting now put a CPI on it to change 3% per year. He asked the Council to consider raising the fees by half the CPI for the last 17 years, and start from next year increasing it by 3% a year. Council Member Irish stated that might go for all the fees and taxes they charge.

Mayor Pro Tem Hamilton stated that what Council Member Irish said was true, and on the CPI 4% or 5% would be more like it.

Council Member Stadtherr stated that besides regulatory increases, there are longer forms and more paperwork to process, and more unfunded mandates from the State. He stated that it was not just the inflation factor it was also the time to complete factor.

The City Manager stated that conversation on the fees with the building industry was necessary, but the issue on the fees was the cost of the processing is reflected in the right column and that was what Maximus did. It is something to go through and issues resolved, and he did think they could get to some numbers. He stated that there was a certain amount of cost associated with the processing of
applications, part of that being the review cost of getting it to Council for their review. The City Manager stated that part of it was as Council Member Stadtherr stated—the cost of regulation. He stated that when they sat down they could pull out the numbers for review and be pretty accurate. The Manager stated that the balance here was that anything not carried by fees over time was essentially carried by the taxpayers, and in the end it had impacts on other service levels. The decision made in the end was where was money going to be spend and where were they going to derive it from—and that becomes a balancing act. He suggested that they sit down and engage in some review and consideration.

Mr. Pyle asked about analyses done by the BIA on fees by various government agencies and he asked if that report was near completion. Mr. Pyle stated that if there were instances where some of the fees looked substantially out of line, the fees adopted in 1988 were not implemented as proposed and were cut in half therefore under-funding since 1988. He stated that they could meet Building Industry Association people and any other interested parties and go through a similar meeting and go through the fees.

Mr. Keenan stated that the analysis was an impact fee comparison.

Mayor West stated that costs had gone up and he agreed with Council Member Irish that the fees needed to be adjusted.

Mayor Pro Tem Hamilton made a motion to postpone any action that night until after they met with the BIA.

They City Attorney stated that no motion was necessary, but they should continue the public hearing which needed a motion.

COUNCIL ACTION MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that Council postpone action on the fees for sixty days. The motion carried unanimously.

Disposition: Hearing continued to November 1, 2005 to allow planning community & BIA to meet with staff and consultant to review fees and methodology.

17. SUNRISE VILLA PHASE 2 & 3 TENTATIVE SUBDIVISION MAP

Recommendation: That the Mayor open the Public Hearing and continue it until the Council Meeting of September 20, 2005.

Council Member Stadtherr stated he lived within 300 feet of the project and left the room.

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

Council Member Irish asked if this could be done at the first meeting in October as he would be absent September 20.

The Mayor opened the hearing and continued it until October 4, 2005.
SECOND READINGS

18. ORDINANCE 1678, ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That Council give Second Reading to Ordinance No. 1678 and waiving further reading, and adopt said ordinance.

The City Manager presented the staff report and read the ordinance by title only,

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council give second reading to Ordinance 1678, waive further reading, and adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE

Ordinance 1678 ZONING ORDINANCE PERTAINING TO BLOCK WALL REQUIREMENTS SEPARATING RESIDENTIAL AND NON-RESIDENTIAL USES. The motion carried unanimously.

The City Manager read the ordinance by title only,

Disposition: Approved.

19. ORDINANCE 1679, ZONING ORDINANCE AMENDMENT 2-2005

Recommendation: That Council give Second Reading to Ordinance No. 1679 and waiving further reading, and adopt said ordinance.

The City Manager presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council give second reading to Ordinance 1679, waive further reading, and adopt the ordinance, being AN ORDINANCE OF THE

Ordinance 1679 CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE ZONING ORDINANCE PERTAINING TO C-2 USES IN THE CENTRAL COMMERCIAL DISTRICT. The motion carried unanimously.

The City Manager read the ordinance by title only,

Disposition: Approved.

SCHEDULED MATTERS

20. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (APPROXIMATELY 85 SQUARE FEET OF PROPERTY) LOCATED AT THE NORTHWEST CORNER OF MULBERRY AVENUE AND PLANO STREET (APN #248-010-005) FOR THE PROPOSED TRAFFIC SIGNAL NO. 8 PROJECT

Recommendation: That the City Council open and continue the hearing until September 20, 2005.
The City Manager presented the item and Public Works Director Baldo Rodriguez gave the staff report.

Mr. Rodriguez stated that this matter would be going to the Board of Supervisors on September 20 and asked that it be continued to the October 4 Council Meeting.

Mayor West opened the hearing at 10:00 p.m. and continued it to October 4, 2005.

Disposition: Item Continued to October 4, 2005.

21. CONSIDERATION OF DRAFT REGULATIONS LIMITING CONTINUOUS AND CUMULATIVE OCCUPANCY OF HOTELS, MOTELS AND MOTOR HOTELS

Recommendation: The City Attorney and staff recommend that the City Council review these draft regulations and provide additional input, and set a public hearing October 4, 2005, for consideration and first reading of an ordinance adding new regulation limiting continuous and cumulative occupancy of hotels, motels and motor hotels.

The City Manager presented the item and the City Attorney gave the staff report.

Council briefly reviewed the draft regulations and questioned its application to ‘bed and breakfast’ establishments.

Community Development Director Brad Dunlap stated that prior to the hearing they would look at the number of units, and look at existing facilities.

COUNCIL ACTION

MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that Council approve the proposed ordinance and set a public hearing October 4, 2005, for consideration and first reading of an ordinance adding new regulation limiting continuous and cumulative occupancy of hotels, motels and motor hotels. The motion carried unanimously.

Disposition: Approved

22. REQUEST FOR RESOLUTION OF AMBIGUITY REGARDING SALONS AND SPAS IN THE PROFESSIONAL OFFICE (PO) ZONE

Recommendation: That the City Council adopt the proposed resolution of ambiguity.

The City Manager presented the item and Community Development Director Brad Dunlap gave the staff report.

Dana Ramirez, 347 North D Street, Dana’s Skin Radiance, came forward with a letter of approval from surrounding tenants and asked the Council to approve the request for her business.
COUNCIL ACTION

MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that Council adopt the proposed resolution of ambiguity. The new regulation limiting continuous and cumulative occupancy of hotels, motels and motor hotels. The motion carried unanimously.

Disposition: Approved

23. RESOLUTION REQUIRING RESIDENCY OR BUSINESS OWNERSHIP NEXUS WITH REGARD TO MEMBERS OF COMMISSIONS, LEGISLATIVE COMMITTEES AND OTHER BOARDS OR COMMISSIONS UPON WHICH THE CITY COUNCIL HAS APPOINTIVE AUTHORITY

Recommendation: The City Attorney recommends that the City Council consider adoption of the Resolution Requiring Residency or Business Ownership Nexus with regard to Members of Commissions, Legislative Committees, and Other Boards or Commissions Upon Which the City Council has Appointive Authority.

The City Manager presented the item and the City Attorney gave the staff report. She stated that No. 2 of the resolution could be amended to read “The remaining members, up to thirty percent of all members of any commission, committee or other board, upon which the City Council has appointive authority, shall be required to own a business (or a substantial portion thereof), within the City of Porterville”.

Council Member Irish made a motion to adopt the resolution with the changes stated by Ms. Lew. Mayor Pro Tem Hamilton seconded the motion.

Council Member Stadtherr questioned someone not owning the business being excluded.

The City Attorney stated that the resolution could always be amended by resolution as desired by Council. She stated No. 2 could be amended to “shall be required to own a business (or a substantial portion thereof), or operate a business,”.

COUNCIL ACTION

MOVED by Council Member Stadtherr, SECONDED by Council Member Irish that Council amend the motion to add the operator of a business with business owners. The motion carried unanimously.

COUNCIL ACTION

MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that Council adopt the resolution with the proposed changes and amendment.

Resolution 138-2005

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

Disposition: Approved
24. CONSIDERATION OF SURPLUSING CITY WATER TENDER AND MAKING IT AVAILABLE TO LA BARCA, JALISCO, MEXICO

Recommendation: Surplus the 1955 Diamond Rio 6 x 6 water tender with the 1,000 gallon water and the 35 horse power tank, and make it available to La Barca, Jalisco, Mexico subject to their transportation of the vehicle from Porterville to Mexico.

The City Manager presented the staff report.

COUNCIL ACTION MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that Council amend the motion to add the operator of a business with business owners. The motion carried unanimously.

Disposition: Approved

25. CONSIDERATION OF RETAINING A CONSULTANT TO ASSIST WITH STATE LOCAL GOVERNMENTAL AFFAIRS

Recommendation: Consider retaining a Legislative representative. Conduct appropriate background and research.

The City Manager presented the staff report.

Mayor Pro Tem Hamilton introduced Steve Samuelian, 1530 E. Shaw, Suite 114, who came forward and spoke on his qualifications to the Council.

Council Member Irish asked that this matter be continued until November 1, 2005, to allow him an opportunity to check out the information and Council Member Stadtherr concurred. He stated that this might very well be what they wanted to do.

Council stated that they would leave this matter open until the first meeting in November.

Disposition: Continued to November 1, 2005.

26. CONSIDERATION OF SUPPORT FOR THE PORTERVILLE POW WOW

Recommendation: Adopt the resolution of support as presented, and provide direction to the staff regarding other activities in support of the Pow Wow.

Council Member Martinez abstained on this matter.

The City Manager presented the staff report.

COUNCIL ACTION MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that Council adopt the resolution of support as presented, and provide direction to the staff regarding other activities in support of the Pow Wow.
Resolution 139-2005   AYES: Irish, Hamilton, Stadtherr, West
NOES: None
ABSTAIN: Martinez
ABSENT: None

Disposition: Approved

27. CONSIDERATION OF DESIGNATING AN AREA COMMEMORATING CITY COUNCILS

Recommendation: To be determined by Council.

The City Manager presented the staff report.

Council Member Irish stated that the idea was to have a large plaque with small plates on it with names with the dates they were on Council starting in 1926. He stated that his thoughts were putting them on the far wall in the back of the Chambers between the two doorways. He stated that they could look into the cost and he would be glad to help lay it out and work with staff.

There was a consensus of the Council and the City Manager stated that staff would bring this back for a budget adjustment.

28. CONSIDERATION OF WIRELESS COMPUTER ACCESS FOR THE CITY COUNCIL

Recommendation: That the Council authorize staff to establish the program outlined in the report.

The City Manager presented the staff report.

Mayor West stated that this was not money well spent, and Council Member Stadtherr questioned the cost.

COUNCIL ACTION       MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that Council amend the motion to add the operator of a business with business owners.
M.O. 14-090605

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

Disposition: Approved

29. CONSIDERATION OF REIMBURSEMENT OF ADMINISTRATIVE EXPENSE TO COUNCIL MEMBERS

Recommendation: To be determined by Council.
The City Manager presented the staff report.

Council discussed the implementation of a policy. Mayor Pro Tem Hamilton stated that tonight this was to reimburse a Council Member for a $64 expenditure for aerial maps. Council Member Irish suggested that the Council Members should get permission in the future before spending money as he had a problem with cart blanca.

Council Member Statherr stated that in that instance there should be a stipend or allowance for the Council Members.

The Council concurred that the $64 should be paid to Council Member Statherr, and Mayor Pro Tem Hamilton stated that if Council wanted a policy, to be implemented with the next Council, that could be done.

Council Member Martinez stated that they should come up with a system so Council could invest in educational materials for themselves. Council concurred that there should be a policy.

The City Manager clarified that the direction was to staff was to pay the $64 and put together a draft policy for the Council to consider to become effective June 2006.

Council so directed.

The Council adjourned to a Meeting of the Porterville Redevelopment Agency at 10:56 p.m.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
September 6, 2005

Roll Call

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
Jim Cone, 118 North Second Street, came forward and spoke regarding the 8th Annual Nuestro Pride Car Show and invited everyone to attend.

SCHEDULED MATTER
PRA-1. Approval for Community Civic Event Downtown Porterville Association Nuestro Pride Show, September 25, 2005

Recommendation: That the Agency approve the use of the parking lot on Second Street, from Garden to Olive, in conjunction with the attached Community Civic Event Application and Agreement from Downtown Porterville Association, subject to the stated requirements contained in Exhibit “A”.

AGENCY ACTION MOVED by Agency Member Statherr, SECONDED by Agency Member Hamilton that Council approve the use of the parking lot on Second Street,
from Garden to Olive, in conjunction with the attached Community Civic Event Application and Agreement from Downtown Porterville Association, subject to the stated requirements contained in Exhibit “A”. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency Meeting adjourned at 10:58 p.m.

ORAL COMMUNICATIONS
• Chuck VanVliet, Essential Day Spa, 216 West Putnam, came forward and spoke regarding Dana Ramirez and her actions and statements which were unethical.
• Dick Eckhoff, 197 North Main, came forward regarding the Council and the proposed policy for reimbursements. He stated that he hoped that they would come up with something that would help future Council Members to serve.
• Joe Guerrero, 332 South F Street, commended Council on the job they did. He invited the Council to attend the Nuestro Pride Car Show.

OTHER MATTERS
None

ADJOURNMENT
The Council adjourned at 11:03 p.m. to the meeting of September 20, 2005

__________________________
Georgia Hawley, Chief Deputy City Clerk

SEAL

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Kelly West, Mayor