CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
NOVEMBER 1, 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  
None

CLOSED SESSION:  
A. Closed Session Pursuant to:  
1- Government Code Section 54956.8 - Conference with Real Property Negotiators/Property:  
2- Government Code Section 54957 - Public Employment - Golf Course Interim Manager.  
3- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.  
4- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation:  
Porterville Citizens for Responsible Hillside Development v. City of Porterville et al.

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.

Pledge of Allegiance Led by Council Member Pete Martinez  
Invocation - one individual participated.

PRESENTATION  
Employee of the Month - Clyde Tillery  
Mayor Pro Tem Hamilton presented Mr. Tillery with a Certificate.

PROCLAMATION  
Gilbert Ynigues  
Mayor West presented Mr. Ynigues with the Proclamation.

ORAL COMMUNICATIONS  
• Greg Shelton, 888 N. Williford Drive raised concerns with Item 15, specifically subsection (d) of Ordinance 1682; and voiced concern with the draft Minutes of the Parks & Leisure Services Commission provided in the staff report for Item 18.  
• Linda Woods, a Sacramento resident and property owner at 347 W. Mulberry, came forward and voiced opposition to the proposed development, Item 12.
• Dick Eckhoff, Chairman of the Downtown Porterville Association, 180 N. Main Street, voiced agreement with staff’s recommendation regarding Item 22 and spoke in favor of a thorough study prior to making any changes.

CONSENT CALENDAR
Items 4 and 6 were removed for further discussion.

1. CITY COUNCIL MINUTES OF SEPTEMBER 6, 2005 AND SEPTEMBER 6, 2005
Recommendation: That the City Council approve the City Council Minutes of September 6, 2005 and September 6, 2005.
Documentation: M.O. 01-110105
Disposition: Approved.

2. REQUEST TO FILE LATE CLAIM - JOHN DURAN
Recommendation: That the City Council reject said request and direct the City Clerk to give the claimant proper notification.
Documentation: M.O. 02-110105
Disposition: Approved.

3. BUDGET ADJUSTMENT
Recommendation: That the City Council:
1. Authorize staff to accept the grant funds; and
2. Authorize a budget adjustment to the Fire Department in the amount of $2,000.
Documentation: M.O. 03-110105
Disposition: Approved.

5. AWARD OF CONTRACT - WELL NO. 29 PROJECT
Recommendation: That the City Council:
1. Award the Well No. 29 Project to Zim Industries, Inc. in the amount of $358,275;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.
Documentation: M.O. 04-110105
Disposition: Approved.

7. STATUS REPORT -- CURBSIDE RECYCLE SELECTION COMMITTEE
Recommendation: Presented for informational purposes only.
Disposition: Informational item only.

8. AGREEMENT WITH BURTON SCHOOL DISTRICT

Recommendation: That the Council approve the Agreement between the City of Porterville and Burton School District for the provision of special services for the City After-School Program.

Documentation: M.O. 05-110105

Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council approve Items 1 through 3, 5, 7 and 8. The motion carried unanimously.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - HERITAGE CENTER TOT PLAYGROUND

Recommendation: That the City Council:
   1. Approve the estimated costs and project; and
   2. Authorize staff to advertise for bids on the project.

City Manager John Longley presented the item.

In response to Council Member Irish’s inquiry, Parks & Leisure Services Director Jim Perrine indicated that the original gates that had been installed with the project needed to be replaced because they did not meet fire code requirements.

In response to questions posed by the Council, Fire Chief Frank Guyton advised the Council that the original plans had changed halfway through the project. He indicated that the use of the occupancy also changed after construction had been started, which necessitated the implementation of additional Codes, which caused the change before the Council that evening. He then informed the Council that the change in occupancy of the building had necessitated the addition of panic hardware on the playground gates.

In response to Council Member Irish’s comments pertaining to the trash enclosure, Mr. Perrine explained that the original plan, as proposed by his predecessor had been to share a trash enclosure with the school. He voiced concern with potential liability in obtaining keys to the school’s storage area, particularly in the event the City leased the building to another party.

Council Member Irish commented that because staff had overlooked several items, the City would bear the brunt of spending an additional $77,000. He then requested that when future projects were presented to the Council, that staff present cost estimates believed to be as close to the final figure as possible.
Mr. Longley indicated that the amount included the playground and stated that the expenditure was more a result of staging, rather than an additional expenditure. Staff added that the Tot Lot was never a part of the original project and was always going to be a separate component. It was also pointed out that the project was under budget in an amount greater than the $77,000.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council approve the estimated costs and project; and authorize staff to advertise for bids on the project.

M.O. 06-110105

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

Disposition: Approved.

6. SALE OF PROPERTY LOCATED AT THE SOUTHWEST CORNER OF MAIN STREET AND THURMAN AVENUE

Recommendation: That the City Council approve the sale of the approximate 8,800 square foot parcel located at the southeast corner of Main Street and Thurman Avenue to the Porterville Redevelopment Agency and authorize the Mayor to sign all necessary documents to complete the transaction.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. It was noted that a typographical error existed in the Item’s title and within the staff report, and that “Southwest” should read “Southeast.”

Mayor Pro Tem Hamilton confirmed with staff and noted for the record that only one offer had been received by the City.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council approve the sale of the approximate 8,800 square foot parcel located at the southeast corner of Main Street and Thurman Avenue to the Porterville Redevelopment Agency and authorize the Mayor to sign all necessary documents to complete the transaction. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

9. SEWER USER SURCHARGE FEES FOR INDUSTRIAL DISCHARGERS

Recommendation: That the City Council:
1. Open the Public Hearing and accept public comments; and
2. Adopt the resolution setting new sewer user surcharge rates for Industrial Users.
City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing opened at 7:26 p.m. and closed at 7:27 p.m. when nobody came forward.

Mayor Pro Tem Hamilton confirmed with staff that the fee increase would affect only one user, that being Foster Farms. Staff confirmed that Foster Farms had been notified of the public hearing.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the resolution setting new sewer surcharge rates for Industrial Users. The motion carried unanimously.

Disposition: Approved.

10. CONDITIONAL USE PERMIT 6-2005 - 102 FEET HIGH COMMUNICATIONS TOWER (JAMES STRACHAN)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration prepared for Conditional Use Permit 6-2005; and
2. Adopt the draft resolution conditionally approving Conditional Use Permit 6-2005 subject to conditions of approval.

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

The public hearing opened at 7:29 p.m.

- James Strachan, a Fresno resident and representative of applicant Ubiquitel, came forward and spoke in favor of the Council’s approval of the C.U.P., adding that interference with Clevenger Ford’s frequency, as was suggested by Mr. Clevenger, was not possible.
- Ethel Quiram, 1028 N. Highland Drive, owner of the subject property, voiced support for approving the tower, noting that the City could utilize the tower for its own communication system.
- Truman Clevenger, 701 North Main Street, came forward in opposition of the proposed communications tower, citing the possibility of interference to his business’s satellite transmissions to Detroit. He pointed to the 30-foot limitation on signage and questioned why a 102-foot tower should be allowed. He then warned that the dealership – along with the taxes it generated – might relocate into the County.

The public hearing closed at 7:36 p.m.

Council Member Irish voiced concern with potential frequency interference and locating such a tall structure in such close proximity to Downtown.
Mayor Pro Tem Hamilton commented that few conditions had been included in the C.U.P, such as to address aesthetics. He voiced support for camouflaging the towers, and commented that he would not be opposed to the tower if additional conditions were in place.

Council Member Martinez agreed with Mayor Pro Tem Hamilton’s concerns with respect to aesthetics. He then confirmed with staff the next nearest tower of similar height was located in a County pocket near Cloverleaf and Olive Avenue.

In response to a question posed by the Council, applicant representative James Strachan came forward and indicated that the tower had been designed in conjunction with staff. He stated that the decision had been made to design a co-location facility, meaning that various carriers could be located on the same tower, thereby eliminating the need for additional towers in the area. He then proceeded to address the proposed height, explaining such height was necessary due to interference caused by tree coverage at 60 to 65 feet. He stated that camouflaging a 102-foot tower would prove to be a difficult task. Mr. Strachan then indicated that the frequencies utilized by the towers were FCC certified and monitored on a daily basis, and commented that Porterville currently did not have enough sites to provide signals and coverage to all of the cell phone users. He then confirmed that the project was time sensitive and that the majority of the construction would need to be completed prior to the end of 2005, otherwise funding would be lost.

Mayor Pro Tem Hamilton noted the contributions of Mr. Clevenger to the City and commented that his concerns were possibly legitimate concerns.

A discussion ensued as to two differing schools of thought: building a lesser number of taller, co-location towers; or building a greater number of shorter, camouflageable towers.

City Attorney Julia Lew clarified that in the event the C.U.P. was approved and the Council then later adopted an ordinance regulating cell towers, the ordinance would govern cell towers for future applications. She pointed out that the Council’s action that evening should be based on objective criteria, indicating that the action would set precedent for future similar applications until an ordinance was in place. Ms. Lew then clarified for the Council that the C.U.P. would be effective until such time as the applicant allowed the permit to lapse.

Mayor West voiced concern with losing a business that generated such a large amount of tax revenue for the City.

Mayor Pro Tem Hamilton voiced support for continuing the item until the next meeting, so as to allow him more time to review the matter.

In response to a question posed by Mayor West, applicant representative James Strachan came forward and clarified that Ubiquitel was proposing two towers, with the capability of supporting 6 carriers. He then indicated that the frequency employed by the tower would not interfere with Clevenger Ford’s frequency, as long as the dealership operated within its frequency ranges. He added that if any interference occurred, under FCC law, the tower would be required to cease and desist operations until mitigation measures eliminated the problem.
Council Member Irish agreed with Mayor Pro Tem Hamilton’s comments as to bringing the item back at a later date.

Council Member Stadtherr voiced concern with jeopardizing the project if the Council continued the matter. He then moved that the Council approve staff’s recommendation.

Council Member Martinez seconded Council Member Stadtherr’s motion, and again suggested that the Council could add conditions to the permit that evening. He then questioned why, if time was of the essence, had the applicant come to the Council so late in the year.

Mr. Strachan again came forward and offered a time line of events.

A brief review of the conditions took place, after which Mr. Truman Clevenger again came forward and addressed the Council. He spoke of the pressures placed on local business owners to make efforts to beautify the City, and that he did not believe allowing the construction of a 100-foot tower would serve to beautify Porterville.

Mayor West commented that while a 100-foot tower might not be that attractive, but it would serve the community, just as an auto dealership or furniture store served the community.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Negative Resolution 157-2005 Declaration prepared for Conditional Use Permit 6-2005; and adopt the draft Resolution 158-2005 resolution conditionally approving Conditional Use Permit 6-2005 subject to conditions of approval.

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

Disposition: Approved.

The Council recessed for ten minutes.

11. CONDITIONAL USE PERMIT 7-2005 - 100 FEET HIGH COMMUNICATIONS TOWER (RIDGE COMMUNICATIONS)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration prepared for Conditional Use Permit 7-2005; and
2. Adopt the draft resolution conditionally approving Conditional Use Permit 7-2005 subject to the conditions of approval.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.
The public hearing opened at 8:26 p.m. and closed at 8:27 p.m. when nobody came forward.

Council Member Stadtherr referred everyone to the Site Plan A-2A attached to the staff report, and clarified with staff that the three areas identified on the map as “Future Carrier” did not represent future tower locations, but rather locations for the mechanical and service equipment of future carriers.

Mayor Pro Tem Hamilton commented that during initial discussions, the Council had suggested aesthetics be included, however, he noted that nothing pertaining to aesthetics had been included in the C.U.P. He questioned how the issue aesthetics had been dropped, to which staff responded that negotiations were still open and had proceeded with a co-location tower, upon receiving no feedback.

Council Member Irish pointed out that co-location towers were more profitable for the tower owners and that the Council should have been more wary.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Negative Resolution 159-2005 Declaration prepared for Conditional Use Permit; and adopt the draft resolution conditionally approving Conditional Use Permit 7-2005 subject to conditions of approval.

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

Disposition: Approved.

12. CONDITIONAL USE PERMIT 8-2005 (MARY MCCLURE)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 8-2005.

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

The public hearing opened at 8:36 p.m.

- Mark Hillman, Hillman Building Designers, came forward on behalf of applicant Mary McClure and spoke in favor of the Council approving the C.U.P. He then noted a typographical error in Finding No. 2 of the draft resolution, being the inappropriate reference to a church.
- Mary McClure, 23149 Josef Court, the applicant, spoke in favor and requested that the Council approve the C.U.P.
- Linda Woods, a Sacramento resident and property owner at 347 West Mulberry came forward in opposition to the proposed development, citing soil and environmental issues, and safety concerns.
The public hearing closed at 8:41 p.m.

Mayor Pro Tem Hamilton voiced disappointment that no pocket park had been included in the plans.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving Conditional Use Resolution 161-2005 Permit 8-2005, as amended to correct the typographical error by removing reference to a church in Finding No. 2.

AYES: Irish, Martinez, Hamilton, West

NOES: Stadtherr

ABSTAIN: None

ABSENT: None

Disposition: Approved.

**SECOND READINGS**

13. ORDINANCE 1672, ZONE CHANGE 5-2005 (ANNEXATION 455)

Recommendation: That the City Council give Second Reading to Ordinance No. 1672, 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 No. 1672, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 05-2005 (PRE-ZONING) CONSISTING OF TWO UNINCORPORATED ISLANDS CONSISTING OF 4.2± ACRES AND FOUR (4) PARCELS AND 141.0± ACRES AND APPROXIMATELY 293 PARCELS GENERALLY LOCATED SOUTH OF NORTH GRAND AVENUE AND GENERALLY WEST OF PROSPECT STREET IN THE NORTHERLY PORTION OF THE COMMUNITY. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

14. ORDINANCE 1673, ZONE CHANGE 6-2005 (ANNEXATION 456)
Recommendation: That the City Council give Second Reading to Ordinance No. 1673, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council give Second Reading to Ordinance No. 1673, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 06-2005 (PRE-ZONING) CONSISTING OF THREE UNINCORPORATED ISLANDS CONSISTING OF: 11.1± ACRES AND APPROXIMATELY 35 PARCELS; 25.7± ACRES AND APPROXIMATELY 41 PARCELS; AND 89.8± ACRES AND 211 PARCELS LOCATED SOUTH OF OLIVE AVENUE AND WEST OF JAYE STREET IN THE SOUTHERLY PORTION OF THE COMMUNITY. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

15. ORDINANCE 1682, NEGLECT OF REAL PROPERTY

Recommendation: That the City Council give Second Reading to Ordinance No. 1682, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council give Second Reading to Ordinance No. 1682, waive further reading, and adopt said Ordinance, 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. The motion carried unanimously.

Mr. John Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

It was decided to consider Item No. 23 next.

23. AUTHORIZATION TO PREPARE AND EXECUTE DOCUMENTS RELATED TO THE REFUNDING OF CERTIFICATES OF PARTICIPATION
Recommendation: That the City Council adopt the draft resolution authorizing the preparation, circulation, and execution of the documents related to the COP refinance.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report. He indicated that the City’s bond attorney, Mr. Brian Quint, and the City’s underwriter, Mr. John Fitzgerald of Fitzgerald Public Finance Group, were present to answer any questions that the Council might have.

Mr. Longley added that he also requested the Council consider hiring a financial advisor, which had an estimated cost of approximately $5,000.

Mayor Pro Tem Hamilton voiced concern with the Jaye Street reconstruction not being mentioned, when that had been the Council’s motivation for proceeding with the refunding the COPs. He commented that he would like to tie the refunding to the Jaye Street reconstruction project.

City Manager John Longley indicated that such language would be included in the Offering Statement.

Council Member Irish confirmed with staff that the City would have a three-year time frame in which to spend the funds. A discussion ensued as to how the accounts would operate and generate interest. Council Member Irish requested a detailed breakdown of the projects and estimated costs of each, to which Deputy City Manager Darrel Pyle responded that the Council would be provided a breakdown on or about November 18, 2005.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution authorizing the preparation, circulation, and execution of the documents related to the COP refinance and to direct staff to provide the Council with a breakdown of the prioritization of projects and the projected funding. The motion carried unanimously.

Disposition: Approved.

16. REQUEST FOR A ONE (1) YEAR EXTENSION OF TIME FOR A TEMPORARY USE PERMIT FOR REMOTE CONTROL CAR TRACK

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

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving a one-year extension of time for a Temporary Use Permit for a Remote Control Car Track, commencing on November 1, 2005 and terminating on November 1, 2006. The motion carried unanimously.
17. CONSIDERATION OF RETAINING A CONSULTANT TO ASSIST WITH STATE AND LOCAL GOVERNMENT AFFAIRS

Recommendation: That the Council authorize the preparation and distribution of an RFQ/RFP for Legislative Consulting Services.

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

Council Member Irish commented that time was not of the essence on the matter, and suggested that the Council need not take action before the first of the year.

Mayor Pro Tem Hamilton commented that there were some projects that he would like to pursue, such as the low water crossing on Indiana. He then spoke in favor of looking for a consultant, yet questioned the fairness to the RFP process when the City was already in receipt of a fairly low bid.

Mayor West agreed with the comments made by Council Member Irish, and spoke in favor of taking no action until 2006. A discussion ensued as to the time frames for various grant cycles and the effect on the City’s ability to secure those grants if the Council waited until after the first of the year. It was stated that the focus of the item had been towards state agencies and not federal.

Council Member Stadtherr moved that the Council authorize staff to prepare and distribute an RFP/RFQ for Legislative Consulting Services. The motion failed for lack of a second.

Disposition: Continued to an unspecified date.

City Attorney Julia Lew noted an error in the staff recommendation for Item 16, in that it requested approval of draft resolution, when in fact the document was actually an Ordinance. Ms. Lew then recommended that the Council reconsider the Item and advised on the appropriate method of doing so.

16. REQUEST FOR A ONE (1) YEAR EXTENSION OF TIME FOR A TEMPORARY USE PERMIT FOR REMOTE CONTROL CAR TRACK

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council adopt the draft ordinance, give first reading by title only, waive further reading, and order the Ordinance to print, being AN Ordinance 1683 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL RACE TRACK AS A HOBBY/RECREATIONAL USE. The motion carried unanimously.

City Manager John Longley read the ordinance by title only.

Disposition: Approved.
18. GOLF COURSE MANAGEMENT

Recommendation: That the City Council direct staff to:

1. Keep the Municipal Golf Course open;
2. Retain the Course Enterprise Fund;
3. Prepare and initiate a recruitment effort for a Golf Pro;
4. Include provisions for the Golf Pro to utilize full discretion and authority in the scheduling of tee times to promote and broaden the opportunities for golf play; and
5. Include seasonal rates, limitations on monthly and annual pass use, and City residency as part of the next golf fee analysis.

City Manager John Longley presented the staff report, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Council Member Stadtherr questioned the cause for the significant increase in depreciation from FY 01-02 to FY 02-03 as reflected on the Golf Course Ten-Year Revenues and Expenditures Analysis. Staff was unable to pinpoint the exact cause.

A discussion ensued as to why the Commission had recommended maintaining the Enterprise Zone for the Golf Course. It was suggested that if maintained in the Enterprise Zone, the figures could be scrutinized and tracked much more closely. Deputy City Manager Darrel Pyle added that the benefit of a balance sheet would disappear if the account was merged into the General Fund.

The Council invited Mr. Shelton to come forward.

• Greg Shelton, address on record, Parks & Leisure Services Commissioner, voiced support for maintaining the Enterprise Zone, as it allowed for greater scrutiny, yet suggested the 9% administration fee be taken out. In that event, he noted the possibility of generating a positive cash flow if green fees were increased. Mr. Shelton also spoke against recruiting a Golf Pro.

Mr. Longley noted that the administrative fee was basically a journal entry, in that it was charged to the Fund, and then funded by the General Fund. He indicated that this was also the case with the Airport, another Enterprise Zone.

A discussion ensued as to the measures taken the previous year and how those measures proved unsuccessful in making the Golf Course self-sustaining.

At Mayor West’s invitation, Mary McClure came forward and addressed the Council.

• Mary McClure, address on record, questioned whether the Golf Course had ever been opened up to private enterprise, to which staff indicated that it had not.

• Fernando Martinez, 292 South Plano Street and President of the Men’s Golf Club Association and the Mexican-American Golf Association, questioned why the Golf Course
was suddenly losing money, asserting it had been profitable in the past. He suggested that something was amiss with the figures provided in the staff report.

Council Member Martinez spoke in favor of keeping the Course and of a golf professional – or knowledgeable individual – at the Course, and offered an anecdote of how he had personally benefitted from the patience and skills of the pro at the Porterville Golf Course.

Council Member Irish moved to approve the recommendation of the Parks & Leisure Services Commission.

Council Member Martinez seconded the motion.

Mayor Pro Tem Hamilton voiced distress that a member of the public had made accusations of fraudulent activities in the revenue and expenditure accounts of the Golf Course, and stated that he would like the matter investigated. He then commented that staff had brought nothing new to the table regarding bringing the Course into the black; that it would not be allowed to continue in the same fashion, and that something would be done to correct the situation.

Mayor West voiced concern with including residency as a part of the next fee analysis, as referenced in No. 5 of the staff recommendation.

City Manager John Longley clarified the motion, after which a discussion ensued as to various options for the future of the Course, including opening it up to private enterprise. It was stated that while some discussions had taken place the previous year regarding private enterprise, no action had been taken as concerns had been raised due to the deterioration of Delano’s Golf Course when taken over by the private sector.

After the Council confirmed with staff that the Golf Course fees would be brought back for the consideration in the near future, it was decided to not take action on No. 5 of the staff recommendation.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council direct staff to (1) keep the Municipal Golf Course open; (2) retain the Course Enterprise Fund; (3) prepare and initiate a recruitment effort for a Golf Pro; and (4) include provisions for the Golf Pro to utilize full discretion and authority in the scheduling of tee times to promote and broaden the opportunities for golf play.

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Council Member Irish voiced concern with protocol concerning a Commissioner coming before the Council without the support of the Commission, or the Chairperson. He suggested that in the future, Commissioners wishing to address the Council should do so along with the Chairperson.

Disposition: Approved.

19. ADOPTION OF RESOLUTION EXPRESSING CONCERN ON RIVER FLOW AND RELEASE ISSUES

Recommendation: To be determined by the Council.
City Manager John Longley presented the item and the staff report.

Mayor Pro Tem Hamilton commented that the proposed resolution was a statement of support for the Central Valley Project’s Friant Division in their ongoing litigation over water. He requested that the Council support the resolution.

Council Member Irish voiced support for the resolution.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council adopt the resolution expressing concern on river flow and release issues. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

20. CANCELLATION OF JANUARY 3, 2006 CITY COUNCIL MEETING

Recommendation: To be determined by the Council.

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

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council direct staff to cancel the City Council Meeting M.O. 09-110105 scheduled for January 3, 2006. The motion carried unanimously.

Disposition: Approved.

21. ASSEMBLYMEMBER MAZE REQUEST FOR LEGISLATIVE REMEDIES NECESSARY FOR THE CITY OF PORTERVILLE

Recommendation: Informational report only.

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

Mayor Pro Tem Hamilton thanked Mr. Maze for his support regarding a local bachelor degree program, and suggested that the Council request that the $50,000 amount be increased.

Disposition: Informational item only.

22. CONSIDERATION OF TWO HOUR PARKING ALONG THURMAN AVENUE

Recommendation: That the City Council take no action on this matter.
City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

A discussion ensued as to why the city parking lot was not being utilized, during which it was stated that trees excreting a sap-like substance were the likely culprit. Staff confirmed that the trees were to be diagnosed and treated.

Council Member Stadtherr moved that the Council approve staff’s recommendation. The motion failed for lack of a second when it was pointed out that no action needed to be taken to proceed with staff’s recommendation.

Disposition: No action taken.

The Council adjourned at 9:55 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 1, 2005

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
• Vern Onstine, property owner at 311 Second Street, voiced concern that a parking lot was not required as a part of the development proposed in Item No. PRA-1, stating that patrons would likely use his lot.

PUBLIC HEARING
PRA-1. SALE OF PROPERTY LOCATED IN PROJECT AREA #1

Recommendation: That the Porterville Redevelopment Agency approve the sale of the approximate 8,800 square foot parcel located at the southeast corner of Main Street and Thurman Avenue and authorize the Chairman to sign all necessary documents to complete the transaction.

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

Vice-Chairman Hamilton confirmed with staff that the proposed building was approximately 15,000 square feet, and that since its location was within Parking District No. 2, no parking was required. A discussion ensued as to the proposed design elements of the development and the number of existing public parking spaces in the immediate proximity.
At the request of Vice-Chairman Hamilton, City Attorney Julia Lew clarified the process by which the City and the Redevelopment Agency had followed with regard to the property.

City Manager/Agency Secretary John Longley stated for the record that on June 17, 2003, the Council had directed staff to market the property to local developers for the construction of a park and develop the commercial portion. He stated that the RFP had been noticed in a local newspaper on July 26, 2003, and based on that notice, one proposal had been received. Mr. Longley indicated that since that time frame, negotiations had been ongoing with Ennis Commercial Properties. He added that the Agency’s legal counsel had confirmed the actions to be in compliance with State regulations.

Mayor West agreed with comments made by Mr. Onstine regarding the likelihood of creating a parking problem.

**AGENCY ACTION:** MOVED by Member Stadtherr, SECONDED by Vice-Chairman Hamilton that the Redevelopment Agency approve the sale of the approximate 8,800 square foot parcel located at the southeast corner of Main Street and Thurman Avenue and authorize the Chairman to sign all necessary documents to complete the transaction. The motion carried unanimously.

Disposition: Approved.

The Porterville Redevelopment Agency adjourned at 10:08 p.m. to a Meeting of the Porterville Public Financing Authority.

It was noted by the City Attorney that Item PRA-1 had actually been scheduled as a Public Hearing, and that the Council would need to reconvene the Meeting of the Redevelopment Agency, take public comment, and then re-consider and take action on Item PRA-1.

The Porterville Financing Authority adjourned at 10:09 p.m. to a Meeting of the Porterville Redevelopment Agency. It was noted that all Agency Members were still present.

**PRA-1. SALE OF PROPERTY LOCATED IN PROJECT AREA #1**

Recommendation: That the Porterville Redevelopment Agency approve the sale of the approximate 8,800 square foot parcel located at the southeast corner of Main Street and Thurman Avenue and authorize the Chairman to sign all necessary documents to complete the transaction.

The public hearing opened at 10:09 p.m.

- Vern Onstine, property owner at 311 Second Street, voiced concern that a parking lot was not required as a part of the development proposed in Item No. PRA-1, stating that patrons would likely use his lot.
- Greg Shelton, address on record, questioned the viability of the project at such a high cost per square foot.
Dick Eckhoff, Downtown Porterville Association, 180 North Main, commented that the
DPA supported the project design as proposed, and expressed concerns regarding parking.

The public hearing closed at 10:13 p.m.

**AGENCY ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member
Stadtherr that the Redevelopment Agency rescind its prior action and approve
the sale of the approximate 8,800 square foot parcel located at the southeast
corner of Main Street and Thurman Avenue, and authorize the Chairman to
sign all necessary documents to complete the transaction. The motion carried
unanimously.

Disposition: Approved.

The Porterville Redevelopment Agency adjourned at 10:14 p.m. to a Meeting of the Porterville
Public Financing Authority.

**PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA**

November 1, 2005

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

**WRITTEN COMMUNICATIONS** - None

**ORAL COMMUNICATIONS** - None

**SCHEDULED MATTER**

PFA-1 AUTHORIZATION TO PREPARE AND EXECUTE DOCUMENTS RELATED TO
THE REFUNDING OF CERTIFICATES OF PARTICIPATION

Recommendation: That the Porterville Public Finance Authority Board adopt the draft resolution
authorizing the preparation, circulation, and execution of the documents related to the
COP refinance.

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

**BOARD ACTION:** MOVED by Vice-Chairman Hamilton, SECONDED by Council Member
Stadtherr that the Porterville Public Finance Authority Board adopt the draft
resolution authorizing the preparation, circulation, and execution of the
documents related to the COP refinance. The motion carried unanimously.

The Porterville Public Finance Authority Board adjourned at 10:17 p.m. to a Meeting of the
Porterville City Council.
ORAL COMMUNICATIONS

• Greg Shelton, address on record, spoke regarding Item 18, suggesting that the Golf Pro recruitment effort be expanded to also include interested “non-card-carrying” qualified individuals; and questioned the necessity of requiring the Parks & Leisure Services Commissioner to attend Council Meetings each time he wished to put forth a viewpoint in opposition to that of the Commission.

• Joe Guerrero, 342 South F Street, voiced displeasure with what he perceived as the Council’s desire to rush through items; suggested that Commissioners be required to attend Council Meetings; and voiced displeasure with only two Council Members attending the Hillside Development Field Trip on Monday, October 31, 2005.

• Pete McCracken, 657 Village Green, suggested that the Chairs of all City Commissions be required to attend those City Council Meetings in which pertinent Commission issues were to be addressed.

• Dick Eckhoff, address on record, voiced support with proceeding proactively on important items such as hillside development and communication towers.

OTHER MATTERS

• Council Member Irish voiced disappointment that only two Council Members had attended the Hillside Development Field Trip on October 31, 2005, and thanked staff for their efforts; He indicated that he would not be in attendance at the November 15, 2005 Meeting and thanked the Fire Department, Mr. Eckhoff and Council Members for their efforts on Measure H. He then suggested that Mayor West and Mayor Pro Tem Hamilton agree to participate in a debate on Measure H.

• Mayor West indicated he did not wish to participate in the debate.

• Mayor Pro Tem Hamilton commented that he would agree to debate Mr. McIntire.

• Aaron Burgin, Porterville Recorder reporter, came forward and requested that the Mayor and Mayor Pro Tem agree to debate, asserting it was their duty.

City Attorney Julia Lew clarified that as a Council, the Council Members could not participate, but that each individual Council Member could decide to participate as an individual private citizen.

ADJOURNMENT

The Council adjourned at 10:33 p.m. to the meeting of November 15, 2005

_________________________________________ Patrice Hildreth, Deputy City Clerk

SEAL

_________________________________________ Kelly West, Mayor