CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
FEBRUARY 7, 2006, 6:00 P.M.

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

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

JOINT ORAL COMMUNICATIONS
None

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


The Redevelopment Meeting closed and then reconvened during Closed Session.

7:00 P.M. RECONVENE REDEVELOPMENT IN OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION FOR REDEVELOPMENT

City Attorney Julia Lew reported that the Redevelopment Agency had approved the request of United Hearts Center for Healing for early termination of its lease.

Documentation: M.O. PRA-01-020706
Disposition: Approved.

The Council adjourned the Porterville Redevelopment Agency meeting to a meeting of the City Council at 7:07 p.m.

RECONVENE CITY COUNCIL IN OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

The City Attorney reported that no action had been taken.

Pledge of Allegiance Led by the Leadership Porterville Class of 2006
Invocation - one individual participated.

At the Council’s request, Members of the Leadership Porterville Class of 2006 introduced themselves:
• Valentina Renteria-Godoy, Family Healthcare Network
• April Black, Woodard Homes
• Emelina Martinez, Porterville Developmental Center
• Ronnie Witzel, Family Healthcare Network
• Patrick Braddock, Home Realty & Land Company
• Karen Contreras, Family Healthcare Network
• Josef Guerrero, Porterville Feed
• Patrice Hildreth, City of Porterville

ORAL COMMUNICATIONS
• Wayne Harris, 583 W. Dexter Avenue, requested that he be allowed the opportunity to speak on Item No. 24 when the Council addressed the matter.
• Rick Patterson, 12228 Road 296, came forward and voiced concerns with a notice he recently received from the City regarding the required clean up of his property adjacent to the Porter Slough. He then provided photos to the Council of other properties allegedly not in compliance. A discussion ensued as to staff’s action and the current status of the matter. Mr. Patterson was requested to provide his contact information to the City Manager or Clerk for follow-up.
• Jeff Fong, Unity Marketing of Visalia, came forward and spoke against the fingerprinting requirement of the recently adopted Ordinance pertaining to Vendors and Solicitors.
• Dick Eckhoff, 197 North Main requested that he be allowed the opportunity to speak on Item No. 23 when the Council addressed that item. He then voiced concerns with Item No. 30, suggesting that the matter should be dropped.
• Donnette Silva-Carter, Chamber of Commerce CEO, 91 N. Main Street, came forward and informed everyone of 3 upcoming gang prevention forums and invited all to attend: 1) February 13, 2006, 6:00 p.m. to 8:00 p.m. at Bartlett Middle School;
2) March 13, 2006, 6:00 p.m. to 8:00 p.m. at Burton Middle School; and
3) April 10, 2006, 6:00 p.m. to 8:00 p.m. at Pioneer Middle School.

- Jim Winton, business address of 150 W. Morton Avenue, requested the opportunity to speak on Item No. 25 when the matter was before the Council.
- Dorothy Broome, 863 S. Crystal Street, praised the Leadership Porterville Class of 2006, and voiced support for Flag Design “F” in Item No. 22.
- Greg Shelton, 888 N. Williford Drive, requested that he be allowed the opportunity to address the Council on Item No. 26 when the matter was being considered.

PRESENTATION
Employee of the Month - Glenn Irish
CAFR - Auditor Steve Presley came forward and provided a brief presentation.

CONSENT CALENDAR
Item Nos. 1, 9, and 10 were removed.

2. CLAIM - JOSE SANDOVAL

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

Documentation: M.O. 01-020706
Disposition: Approved.

3. CLAIM - DANIEL CABALLERO

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

Documentation: M.O. 02-020706
Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - DEMOLITION PROJECT - TWO DATE AVENUE RESIDENTIAL UNITS

Recommendation: That the City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids.

Documentation: M.O. 03-020706
Disposition: Approved.

5. APPROVAL OF BICYCLE TRANSPORTATION ACCOUNT GRANT AGREEMENT

Recommendation: That the City Council:
1. Approve the Bicycle Transportation Account Grant Agreement; and
2. Authorize the Mayor to sign the agreement on behalf of the City of Porterville.

Documentation: M.O. 04-020706
Disposition: Approved.

6. REQUEST FOR ONE (1) TEMPORARY MODULAR STRUCTURE TO BE UTILIZED AS A SALES OFFICE

Recommendation: That the City Council adopt the resolution and conditions of approval for the temporary modular structure for a period of time not to exceed six months from the date of approval.

Documentation: Resolution 15-2006
Disposition: Approved.

7. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY


Documentation: M.O. 05-020706
Disposition: Approved.

8. CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:
1. Adopt the 2006 Citizen Participation Plan; and
2. Appoint Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, John Dennis, and Robert Ruentes to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

Documentation: M.O. 06-020706
Disposition: Approved.

11. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application; and
2. Authorize the Mayor to sign all necessary documents as pertains to the grant.

Documentation: M.O. 07-020706
Disposition: Approved.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Item Nos. 2 through 8, and 11.

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

10. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, EMPLOYEE BENEFIT TRUST FUND, EMPLOYEE RETIREMENT SYSTEM AND THE PERSONNEL SYSTEM RULES AND REGULATIONS

Recommendation: That the City Council:
1. Adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2005-2006 and 2006-2007, the Employee Benefit Trust Fund, the Employee Retirement System, and the Personnel System Rules and Regulations; and
2. Authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2005-2006 and 2006-2007, the Employee Benefit Trust Fund, the Employee Retirement System, and the Personnel System Rules and Regulations; and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

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

Disposition: Approved.

1. CITY COUNCIL MINUTES OF DECEMBER 20, 2005; AND JANUARY 3, 2006

Recommendation: That the City Council approve the City Council Minutes of December 20, 2005 and January 3, 2006.

City Manager John Longley introduced the item.

Council Member West voiced disagreement with a portion of the Minutes of January 3, 2006. He then referenced his letter to the Council dated February 7, 2006, and requested that Mr. Longley read said letter into the record.

To: Porterville City Council
From: Council Member Kelly West

With regard to the leadership reorganization I recognize that according to the City’s Charter that the Mayor serves at the pleasure of the Council and that the leadership may be changed at any time. At the same time I must object to the portrayal of this change in the Council minutes. The minutes, while themselves accurate, are a record of an inaccurate discussion.

Any reader of the minutes might conclude that a violation of the City’s Charter had taken place. I would like to reiterate that no violation was ever established. The minutes as presented are nothing more than the permanent documentation of hearsay.

I would like to repeat my challenge to any other Council Member to investigate the allegations independently and they will see for themselves that the alleged events never took place.

I accept my recall as the “pleasure of the Council” but am confident that this action was a personal attack rather than any decision made based on fact.

Kelly West
February 7, 2006

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the City Council Minutes of December 20, 2005 and January 3, 2006.

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

Disposition: Approved.

9. REQUEST FOR SPECIAL FIREWORKS PERMIT

Recommendation: That the City Council approve the request for a special fireworks permit to the Exchange Club of Porterville for Calendar Year 2006, give First Reading to the draft ordinance and order it to print.

Mayor Pro Tem Hamilton thanked the Exchange Club for its efforts over the last several years.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council approve the request for a special fireworks permit to
Ordinance 1690

the Exchange Club of Porterville for Calendar Year 2006, being AN
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS,
OF THE PORTERVILLE MUNICIPAL CODE.

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

Disposition: Approved.

PUBLIC HEARINGS
12. GENERAL PLAN AMENDMENT 1-2006 (A) (FORMERLY 5-2004) AND ZONE
CHANGE 1-2006 (PORTERVILLE COMMERCIAL CENTER)

Recommendation: That the City Council:
1. Take an option as outlined in the options section of the report; or
2. Adopt the draft resolution approving the Environmental Impact Report
prepared for General Plan Amendment 1-2006(A) and Zone Change 1-
2006;
3. Adopt the draft resolution approving General Plan Amendment 1-
2006(A);
4. Adopt the draft revised ordinance approving Zone Change 1-2006 and
give first reading to the draft ordinance; and
5. Waive further reading of the draft ordinance and order it to print.

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

Mr. Dunlap noted the written request – copies of which were provided to the Council – of
Applicant John Hale, JLH Properties, to continue the public hearing until March 7, 2006. He then
provided a brief overview of the other General Plan Amendments before the Council that evening and
spoke of the importance of proper timing and clustering of the GPAs to adhere to the four per year
maximum. He informed the Council that staff recommended that each of the GPAs before the Council
that evening be considered as one, and the two additional GPAs – A and B – be continued to the
Meeting of March 7, 2006. Mr. Dunlap concluded that if in the event the Council chose not to
continue the items, he would present the full staff report.

Mayor Pro Tem Hamilton confirmed that the public hearing had been noticed and that staff had
received the applicant’s request for continuance that day. He noted that individuals were present to
testify and indicated that he would like to at least open the public hearing.

The Council concurred with opening the public hearing.

The public hearing opened at 7:36 p.m.
• John Hale, Bakersfield resident and applicant, came forward and requested that the item be continued to the meeting of March 7, 2006. He indicated that he had arranged for approximately five or six individuals from throughout California to attend the meeting to speak in support of the project, but because of staff’s recommendation to continue the item so as to coincide with other GPAs, he had advised the individuals not to come that evening. After confirming with the Mayor that the public hearing would continue, Mr. Hale spoke of the lengthy process to date, and voiced support for the item, noting how the project would benefit the City and its residents.

• Ben Ennis, 643 North Westwood, voiced displeasure with the City’s past approval of The Home Depot project, and spoke against the proposed GPA, suggesting that the project would negatively impact Riverwalk’s ability to secure tenants.

• Daryl Nicholson, 26914 Avenue 140, came forward in opposition to the proposed GPA. He then reiterated his concerns raised during the public hearing of December 20, 2005, and suggested deficiencies existed in the traffic mitigation, particularly as to the left turn lanes on eastbound Highway 190 at the Jaye Street intersection.

• Greg Shelton, 888 North Williford Drive, voiced concern with reducing the City’s inventory of industrially-zoned property.

The public hearing closed at 7:57 p.m.

Mayor Pro Tem Hamilton cautioned that the City might dilute its M-1 inventory, and commented that he would prefer to at least complete the land use portion of the General Plan Update before the Council considered the proposed GPA. He then voiced displeasure with how The Home Depot project had previously been processed.

Council Member West agreed with Mayor Pro Tem Hamilton’s comments.

Mayor Martinez noted the applicant’s request for continuance to March 7, 2006 and commented that he did not feel comfortable voting on the item until a full Council was present.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the City Council closed the public hearing and proceed with M.O. 09-020706 voting on the item that evening.

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

Mayor Martinez confirmed with the City Attorney that a vote was not necessary to continue the item.

Disposition: Direction given to staff to continue the item to March 7, 2006.

13. GENERAL PLAN AMENDMENT 1-2006 (B) AND ZONE CHANGE 2-2006 (PACIFIC WEST ARCHITECTURE)
Recommendation: That the City Council:
1. Take an action as outlined in the options section of the report; or
2. Adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2006 (B) and Zone Change 2-2006;
3. Adopt the draft resolution approving General Plan Amendment 1-2006 (B);
4. Approve the proposed Zone Change and give first reading to the draft ordinance; and
5. Waive further reading of the draft ordinance approving Zone Change 2-2006, and order it to print.

Mayor Pro Tem Hamilton suggested that the Council at least open the public hearing and allow testimony.

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

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

- Celinda Lopez, 420 Camellia, voiced concern with traffic.

At the Mayor’s request, Community Development Director confirmed that a traffic study had been conducted and the impact was found not to be significant. It was stated that a copy of said study was available for the public to view.

- Felipe Martinez, 195 East Putnam Avenue, voiced concern with increased traffic on Date Avenue.
- Josef Guerrero, 332 South F Street, voiced support for the project, but noted traffic issues.

Mayor Pro Tem Hamilton voiced concern with losing an M-1 zoned property with railway access. A discussion ensued as to other properties with railway access. He then noted the high quality of other projects built by the developer.

Council Member West voiced concern with traffic issues, specifically on E Street. Staff indicated that the traffic volumes associated with the project were believed to be relatively incidental on the overall streets, and commented the project was one of the lowest intense uses available.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West to continue the public hearing until the meeting of March 7, 2006.

M.O. 10-020706

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

Disposition: Approved.
14. GENERAL PLAN AMENDMENT 1-2006 (C) AND ZONE CHANGE 3-2006 (SMEE BUILDERS)

Recommendation: That the City Council open the public hearing for General Plan Amendment 1-2006 (C) and Zone Change 3-2006 and continue the item until staff has received comments, if any, on the modified Environmental Initial Study, and re-notice the continued public hearing.

Mayor Martinez noted staff’s request to continue the item.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council continue the public hearing until the meeting of M.O. 11-020706 March 7, 2006.

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


The Council recessed for ten minutes.

Mayor Pro Tem Hamilton requested that Item No. 12 be reconsidered, as no action to continue the item had been taken.

12. GENERAL PLAN AMENDMENT 1-2006 (A) (FORMERLY 5-2004) AND ZONE CHANGE 1-2006 (PORTERVILLE COMMERCIAL CENTER)

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council continue the public hearing until the meeting of M.O. 12-020706 March 7, 2006.

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


Mayor Pro Tem Hamilton then noted staff’s request for the Council to re-address Item No. 9. He pointed out that the item consisted of approving an Ordinance and that as such additional action was required.

9. REQUEST FOR SPECIAL FIREWORKS PERMIT

City Attorney Julia Lew clarified for the Council what action was required.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council give first reading to the Ordinance, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE.

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

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

15. ZONE CHANGE 13-2005 (PREZONING) AND ANNEXATION 463 (BECHARA CONSTRUCTION)

Recommendation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration for Zone Change 13-2005 and Annexation 463;
2. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo;
3. Approve the proposed Zone Change and give first reading to the draft ordinance; and

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

The public hearing opened at 8:35 p.m.

• Jim Winton, business address at 150 W. Morton Avenue, came forward on behalf of the applicant and requested approval of the item.

The public hearing closed at 8:38 p.m.

A discussion ensued as to the boundaries of the property and the location at which a block wall would be required.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving a Negative Declaration for Zone Change 13-2005 and Annexation 463; adopt a resolution authorizing initiation of preliminary proceedings and filing of the
Resolution 17-2006 necessary application with LAFCo; approve the proposed Zone Change and give first reading to the draft ordinance, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 13-2005 BEING A PRE-ZONING FROM COUNTY C-3 (SERVICE COMMERCIAL) TO CITY C-3 (D)(HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) AND CITY R-1 (ONE FAMILY RESIDENTIAL) TO CITY C-3 (D)(HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR THAT SITE GENERALLY LOCATED AT THE SOUTHWEST CORNER OF WESTWOOD STREET AND OLIVE AVENUE.

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

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

16. AN EXTENSION OF AN INTERIM URGENCY ORDINANCE FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY

Recommendation: That the City Council hold a public hearing and adopt the draft ordinance extending the Interim Urgency Ordinance for the protection of the hillside areas of the community defining process and criteria for the development of hillside properties within the City of Porterville Urban Development Boundary.

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

The public hearing opened at 8:44 p.m.

• Greg Shelton, address on record, noted Mr. Winton’s prediction that the process would take two years.

The public hearing closed at 8:45 p.m.

Mayor Pro Tem Hamilton voiced concern with the lack of a specifically identified grade to distinguish “hillside” from “non-hillside,” and questioned whether language had been removed from the draft before the Council. A discussion ensued as to the general hillside classification, during which staff indicated that the draft ordinance before the Council had not been changed. In response to Mayor Pro Tem Hamilton’s concern over the development of relatively flat properties being impacted by the ordinance, it was suggested that a waiver process be included in the ordinance for those properties which fell below a six percent grade, for example. Staff indicated that a definition for calculating slope ought to also be included in the ordinance so as to provide clear direction. So as to
allow staff the time necessary to properly draft the revisions to the ordinance, it was suggested to continue the item to an adjourned meeting the following week.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West to continue the item to February 14, 2006 at 6:00 p.m.

M.O. 14-020706

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

Disposition: Continued to February 14, 2006 at 6:00 p.m.

17. BENCHMARK COST RECOVERY RATES FOR RECREATION FEES

Recommendation: That the City Council conduct a public hearing, consider the Parks and Leisure Services Commission benchmark recommendations, and adopt the draft resolution establishing benchmark cost recovery rates for recreation fees.

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

The public hearing opened at 8:59 p.m.

- Greg Shelton, Parks & Leisure Services Commissioner, came forward and spoke in favor of the proposed cost recovery rates.

The public hearing closed at 9:00 p.m.

In response to questions posed by Mayor Pro Tem Hamilton, a discussion ensued as to the inclusion of departmental administrative costs in the proposed formulas, and how the increases would impact the public. Mayor Pro Tem Hamilton voiced concern with increasing the fees too drastically, but agreed that the fees needed to be adjusted. Staff indicated that the fee adjustments would be analyzed and could be brought back for further adjustments at a later time, depending on the impact.

Mayor Pro Tem Hamilton thanked the Parks & Leisure Services Commission for their work and moved that the Council accept the Commission’s recommendation. He then requested that midway through the pool season, the Council be provided a memorandum summarizing the impact.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council adopt the draft resolution establishing benchmark cost recovery rates for recreation fees as recommended by the Parks & Leisure Services Commission.

Resolution 19-2006

AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish
18. SPORTS COMPLEX FEES AND CHARGES

Recommendation: That the City Council conduct a public hearing on Sports Complex Fees and Charges, consider the Parks and Leisure Services Commission recommendation to increase the parking fees, and adopt one of the three draft resolutions.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report, which included the following options:

Option No. 1: Eliminate parking fees and transfer revenue burden as follows:

- Parking Fees: Eliminated
- Participant Use Fee (per game)
  - Youth event: $4.50
  - Adult event: $10.00
- Field reservation for practice (per day, per team)
  - Youth team: $24.00
  - Adult team: $48.00

Option No. 2: Adjust parking fees as follows:

- Recreational vehicle or bus: $10.00
- Other motor vehicle: $3.00
- Seasonal pass per game day: $1.50

Option No. 3: Eliminate parking fees without transferring revenue burden.

The public hearing opened at 9:13 p.m.

- Greg Shelton, Parks & Leisure Services Commissioner, voiced support for the Commission’s recommendation to approve Option No. 2.

The public hearing closed at 9:15 p.m.

Mayor Pro Tem Hamilton noted the considerable maintenance costs of the Sports Complex and agreed that the costs needed to be offset.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Option No. 2, as recommended by the Resolution 20-2006 Parks & Leisure Services Commission.

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

Disposition: Option No. 2 approved.

19. COST ALLOCATION PLAN AND USER FEE STUDY, INCLUDING, ALL OTHER FEES

Recommendation: That the City Council open the public hearing on the Cost Allocation Plan and User Fee Study, including the Police Department Fees and Miscellaneous Fees, and continue the item to the City Council Meeting of February 21, 2006.

City Manager John Longley presented the item, and Deputy City Manager Frank Guyton presented the staff report. Mr. Guyton then requested that an adjourned meeting be set for February 28, 2006 so as to allow sufficient time to discuss the item.

The public hearing opened at 9:18 p.m. and was continued when nobody came forward.

Mayor Pro Tem Hamilton voiced concern with again continuing the matter, and commented that he would not be in favor of continuing it again past the February 28th meeting.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council continue the public hearing until February 28, 2006 at 6:30 p.m.

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

Disposition: Continued to February 28, 2006 at 6:30 p.m.

SECOND READINGS

20. ORDINANCE 1687, CANCELLATION OF WILLIAMSON ACT CONTRACT NO. 10699

Recommendation: That the City Council give Second Reading to Ordinance No. 1687, 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 Stadtherr that the City Council give Second Reading to Ordinance No. 1687, waive further reading and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CANCELLING WILLIAMSON ACT CONTRACT NUMBER 10699, CONSISTING OF APPROXIMATELY 37.44 ACRES WEST OF HILLCREST AND NORTH AND SOUTH OF MORTON AVENUE.
AYES: West, Hamilton, Stadtherr, Martinez
NOES: None
ABSTAIN: None
ABSENT: Irish

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

21. ORDINANCE 1688, ZONE CHANGE 11-2005 (PRE-ZONING)

Recommendation: That the Council give Second Reading to Ordinance No. 1688, 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 West that the City Council give Second Reading to Ordinance No. 1688, waive further reading and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 11-2005 (PRE-ZONING) CONSISTING OF 704± ACRES AND CONTAINING NINE (9) PARCELS LOCATED GENERALLY SOUTH AND WEST OF THE PORTERVILLE MUNICIPAL AIRPORT.

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

The City Manager read by title only.

Disposition: Approved.

The Council recessed for ten minutes.

ORAL COMMUNICATIONS

• Jim Winton, 150 W. Morton Avenue, spoke regarding Item No. 25, suggesting that fee increases should not be based on the construction index, but rather tied to either the CPI or the interest rate of the amortization schedule. He also noted that subdivision maps should also be charged the impact fee.

• Greg Shelton, address on record, came forward regarding Item 26 and noted the City’s plan was to have utilized that particular site. He spoke in favor of fewer, more realistic projections in terms of City’s General Plan, rather than planning a greater number of unattainable projects, suggesting the later was an exercise in futility.
• Pete McCracken, 657 Village Green, spoke regarding Item 30 and cautioned about moving too hastily to meet the deadlines for a June election. He suggested, in the event the Council chose to move forward, instead aiming for a November ballot measure.
• Wayne Harris, address on record, requested that the Council move forward with the Indiana Street Reconstruction project and noted the benefits of such plan.
• Dick Eckhoff, address on record, spoke regarding Item 23, suggesting revisions be made regarding 1) the terms of appointees; 2) residency requirements; 3) Council’s authority regarding appointments and removals; and 4) succession of appointees.

**SCHEDULED MATTERS**

22. **SELECTION OF CITY FLAG DESIGN**

Recommendation: That the City Council:

1. Select a flag design and authorize staff to obtain costs and time estimates to develop the design into the Official City Flag;
2. Direct staff to bring back the cost estimates for final Council approval; and
3. Direct staff to present the Council with a draft policy on the use of the Official City Flag upon the presentation of the completed project to the Council.

Mayor Martinez requested that the item be continued to the next meeting so as to allow Council Member Irish the opportunity to participate in the decision.

The Council agreed to continue the item to the meeting of February 21, 2006.

Disposition: Continued to February 21, 2006.

23. **ESTABLISHMENT OF THE INDEPENDENT CITIZENS’ OVERSIGHT COMMITTEE FOR MEASURE H**

Recommendation: That the City Council:

1. Adopt the draft resolution establishing an independent citizen’s oversight committee charged to monitor the expenditure of General Fund Revenues derived from the Transactions and Use Tax for Public Safety, Police and Fire Protection and allocated through the Public Safety Sales Tax Fund;
2. Direct staff to provide notification to the public and accept applications to serve on the Transactions and Use Tax Oversight Committee; and
3. Set the Council meeting date of May 2, 2006, to bring back a list of applications for consideration by Council.

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

A discussion ensued as to the suggested changes brought forth by Mr. Eckhoff. The possible revisions discussed included establishing the committee by allowing each Council Member to appoint
one individual to a two-year term and one individual to a four-year term so as to provide membership continuity; to provide clarification of succession of appointments, with the Council voting as a body for appointments made after the initial committee was established; and to revise the standards of residency to be consistent with the provisions set forth in the resolution.

The Council directed staff to revise the draft resolution as discussed and bring the item back to the Council on February 21, 2006.

Disposition: Continued to February 21, 2006.

24. FUNDING AND CONSTRUCTION OPTION - INDIANA STREET RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Re-affirm that the Jaye Street Corridor Project remains the priority project; and
2. Direct staff to re-visit the Indiana Street Reconstruction Project during the 2006/2007 budgeting process.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report, which included the following options:

Option No. 1: Fund the $661,850 from the refinance of the COP’s. This obviously results in under funding a portion of Jaye Street.

Option No. 2: Remove the traffic signal (Indiana & Putnam) and the concrete improvement components (curb, gutter & sidewalk) from the Indiana Street Reconstruction Project for a savings of $341,600. Fund the remaining shortfall of $320,250 ($661,850 - $341,600) from the refinance of the COP’s. Submit the Indiana Street Shoulder Stabilization Project for CMAQ grant consideration in FY 2006/2007 and install the concrete improvements in FY 2006/2007, if the project is approved by TCAG.

Option No. 3: Remove the traffic signal and concrete improvement components and construct two lanes only from Putnam to Olive Avenue for a savings of $410,140. Fund the remaining shortfall of $251,710 from the refinance of the COPs.

Option No. 4: Remove the traffic signal from the project for a savings of 253,500. Fund the remaining shortfall of $408,350 from the refinanced COP’s allocated to the Westwood Street Reconstruction project. $550,000 was allocated for the Westwood Project at the November 15, 2005 Council meeting. If the transfer is approved, $141,650 will remain in the Westwood Street Reconstruction account.
Option No. 5: Defer the Indiana Street Reconstruction Project until July 2006 and fund from next year’s Local Transportation Funds allotment. This would eliminate or curtail other capital projects as well as potentially diminish annual maintenance programs.

Mayor Pro Tem Hamilton suggested an “Option No. 6” which would remove the traffic signal (Indiana & Putnam) and the concrete improvement components (curb, gutter & sidewalk) from the Indiana Street Reconstruction Project for a savings of $341,600; allocate the remaining shortfall of $320,250 ($661,850 - $341,600) out of Street Funds in the FY 2006/2007 Budget; and submit the Indiana Street Shoulder Stabilization Project for CMAQ grant consideration in FY 2006/2007, and install the concrete improvements in FY 2006/2007, if the project is approved by TCAG.

Council Member Stadtherr pointed out that Mayor Pro Tem Hamilton’s suggested Option No. 6 was basically Option No. 2 amended to remove COP refinance language and instead insert that staff would locate the funds in the 2006/2007 Budget.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council re-affirm that the Jaye Street Corridor Project M.O. 16-020706 remains the priority project; and direct staff to re-visit the Indiana Street Reconstruction Project during the 2006/2007 budgeting process.

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

Disposition: Approved, as amended.

25. HILLSIDE ORDINANCE DEVELOPMENT - COST ALLOCATION

Recommendation: That the City Council:
1. Select Option No. 2 and direct staff to borrow up to $122,000 from the Risk Management Fund to pay for the development of a hillside ordinance.
2. Direct that a public hearing be set and that a Hillside Impact Fee be proposed for consideration, based on $122,000 divided by the “per square footage” of the total area affected by the hillside ordinance. Notice will be provided to each owner of hillside property.
3. Authorize the fee to be increased July 1 of each year based on the construction index.
4. The Impact Fee shall be charged at time of permit issuance, lot split, final parcel map, or conditional use permit issuance.

City Manager John Longley presented the item and Deputy City Manager Frank Guyton presented the staff report.
Mayor Pro Tem Hamilton questioned how the City would track the fees to make them equitable and to ensure that the City did not collect more than the cost of drafting the Ordinance. Staff indicated that the process would not allow for collecting more than the $122,000. It was then suggested that the annual fee adjustment as referenced in No. 3 of staff’s report be based on the amortization schedule as opposed to the construction index.

City Attorney Julia Lew recommended that subdivision maps be added to the list outlined in No. 4 of staff’s recommendation. The Council agreed.

City Manager John Longley confirmed with the Council that the public hearing should be scheduled for the second meeting in March, 2006.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Option No. 2 and direct staff to borrow up to $122,000 from the Risk Management Fund to pay for the development of a hillside ordinance; direct that a public hearing be set for March 21, 2006 and that a Hillside Impact Fee be proposed for consideration, based on $122,000 divided by the “per square footage” of the total area affected by the hillside ordinance, with notice will be provided to each owner of hillside property; authorize the fee to be increased July 1 of each year based on the amortization schedule; and that the impact fee shall be charged at the time of permit issuance, lot split, parcel map, subdivision map, or conditional use permit issuance.

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

Mr. Guyton pointed out that staff was still developing the guidelines for determining hillside, and suggested that it might be too soon to proceed.

Mr. Longley requested that the City Attorney research the process of establishing a fee that would be imposed on a yet to be determined area. It was decided that the matter would be continued to the next meeting to address that issue.

Disposition: Continued to February 21, 2006, with direction given to staff.

26. GENERAL PLAN REFERRAL – PORTERVILLE UNIFIED SCHOOL DISTRICT

Recommendation: That the City Council determine that the proposed elementary school to be located on the northwest corner of Hillcrest and Morton Avenue is consistent with the General Plan of the City of Porterville.

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 Mayor Martinez that the Council determine that the proposed elementary school to be located on the northwest corner of Hillcrest and Morton Avenue is consistent with the General Plan of the City of Porterville.

M.O. 18-020706

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

Disposition: Approved.

27. CONSIDERATION OF A REVISED PROPERTY TAX REVENUE SHARING AGREEMENT

Recommendation: That the City Council authorize the Mayor to sign the Property Tax Agreement.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council authorize the Mayor to sign the Property Tax Agreement with the County of Tulare.

M.O. 19-020706

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

Disposition: Approved.

28. CONSIDERATION OF REQUESTING GENERAL PLAN REVIEW OF SPECIFIC DEVELOPMENT CONCEPTS FOR KEY FACILITIES WITHIN PORTERVILLE

Recommendation: For the Council’s consideration.

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

In response to a question posed by Council Member West, Mr. Longley clarified that the item was only in the concept stage and that none of the interested parties had been contacted. He indicated that the matter before the Council was to determine whether such concept would be consistent with the General Plan.

Mayor Pro Tem Hamilton moved that the Council approve the review of the concept during the course of the General Plan Update process, and that staff be directed to also lobby U.S. Representative Devin Nunes for his support.
Council Member Stadtherr commented on alternative locations for a university center, such as locating it on a high school campus or at the adult school so as to provide for a seamless transition for the student. It was noted that the facility concept presented to the Council did not preclude other options.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the review of the concept during the course of the General Plan Update process, and that staff be directed to lobby U.S. Representative Devin Nunes for his support.

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

Disposition: Approved, with direction given to staff.

29. **INTERNAL AUDIT**

Recommendation: For Council discussion only.

City Manager presented the item and the staff report.

Council Member Stadtherr spoke of the results of the survey of those cities with internal audit controls, which were generally cities with populations that exceeded 100,000. He commented that due to growth, the City would at some point need to consider moving in that direction.

Mayor Pro Tem Hamilton agreed with the concept and questioned whether the City could afford proceeding. He then confirmed with staff that no cost analysis had been done.

The Council requested that staff prepare a cost analysis and bring the item back with said analysis and the result of the survey.

Disposition: Continued with direction given to staff.

30. **REQUEST TO CONSIDER CALLING A PUBLIC HEARING REGARDING THE METHOD OF SELECTING THE MAYOR**

Recommendation: Item presented for Council’s consideration.

City Manager John Longley presented the item.

Mayor Pro Tem Hamilton noted that the item was the least important item to him.
Council Member Stadtherr spoke in favor of setting a public hearing. He stated that although the public voted on the issue three years ago, the population had grown by 10% due to the recent annexations. He added that greater voter turnout would likely occur due to the election being held in an even number year, as opposed to the last election which was held in an odd year. He advocated reactivating the Charter Commission, making the necessary changes in its membership, and direct the Commission to make recommendations for the next Council. He spoke in favor of either proceeding with a public hearing, or reactivating the Commission without a public hearing.

Mayor Pro Tem Hamilton cautioned that if the Council proceeded with a public hearing, only a few citizens that attended the meeting might sway the decision, while the majority of the residents likely had no opinion on the issue. He reiterated his contention that the system in place worked.

Council Member West commented that the next Council should decide. A discussion ensued as to whether the next Council would have time to act in order to get any Charter Amendment on the November ballot, and whether the Council should take any action.

Council Member Stadtherr moved that the Council set a public hearing for February 21, 2006 to take testimony regarding the method of selecting the Mayor.

Council Member West seconded the motion.

City Manager John Longley clarified that if the motion passed, a public hearing would be set for February 21, 2006, and that the matter would not then be considered in March. He added that in the event that the motion did not pass, then no public hearing would be set for February 21, 2006, but that the consideration previously scheduled for March would still take place.

A discussion ensued regarding moving forward with the February 21st public hearing versus considering the matter in March as was previously directed.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council set a public hearing for February 21, 2006 to take testimony regarding the method of selecting the Mayor.

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


Mayor Martinez commented that the Council had set February 14th as the time for the adjourned meeting to discuss Item No. 16, which he noted was Valentine’s Day. He requested that another date be selected. After some discussion, it was suggested to re-scheduled the meeting to February 13, 2006 at 5:00 p.m.

16. AN EXTENSION OF AN INTERIM URGENCY ORDINANCE FOR THE PROTECTION OF THE HILLSIDE AREA OF THE COMMUNITY
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Martinez that the Council continue Item No. 16, with the direction previously decided by the Council, to the adjourned meeting of February 13, 2006 at 5:00 p.m.

M.O. 22-020706

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

Disposition: Continued to February 13, 2006 at 5:00 p.m.

ORAL COMMUNICATIONS
• Dick Eckhoff, address on record, requested clarification on Item No. 23.

OTHER MATTERS
• Mayor Pro Tem Hamilton referenced Council Member West’s letter read into the record by Mr. Longley and clarified that during his own investigation of the allegations, he had been informed that Mr. West had never explicitly nor directly requested that the parking placards be installed, but rather that staff had perceived it to be Mr. West’s desire.
• Council Member Stadtherr suggested that the City should also pay the taxes on the 100% attendance prize.

ADJOURNMENT
The Council adjourned at 10:45 p.m. to the meeting of February 13, 2006.

Patrice Hildreth, Deputy City Clerk

SEAL

Pedro R. Martinez, Mayor