CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JANUARY 17, 2006 6:00 P.M.

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

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

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

JOINT ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2 - Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Porterville Citizens for Responsible Hillside Development v. City of Porterville.
   3 - Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   4 - Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.


7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION FOR REDEVELOPMENT
City Attorney Julia Lew reported that no action had been taken by the Porterville Redevelopment Agency.

The Meeting of the Porterville Redevelopment Agency adjourned at 7:06 p.m. to a Meeting of the Porterville City Council.

RECONVENE CITY COUNCIL IN 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 Mayor Pro Tem Cameron Hamilton
Invocation - one individual participated.

PRESENTATION
Employee of the Month - Donnie Moore
Mayor Martinez congratulated Mr. Moore and presented him with a Certificate.
City Manager’s Feature Project(s)
• Island Annexations
  Community Development Director Brad Dunlap presented the project.
• In Street Crosswalk Lights - Rails to Trails
• Airport Inter-tie Environmental Report

ORAL COMMUNICATIONS
• John Eby, 1557 E. Olive Avenue, President of the Porterville Area Coordinating Council
  and Treasurer of the Salvation Army, spoke of addressing homelessness, particularly of
  the local needs and gaps in currently provided services. He thanked the Council and
  staff for their efforts.
• Hope Kuzakin, came forward and identified herself as a homeless individual and spoke
  in favor of a “tent city district.”
• Elaine Harris, 1015 So. Crystal Street, spoke of the needs of the homeless and suggested
  utilizing City assets to assist them, such as vacant buildings, vacant land, or City parks.
  She spoke in favor of the City allowing a “tent city district.”
• Ben Webb, 724 W. Morton, requested that the Council give some consideration to newly
  annexed residents regarding concessions to ease transition.
• Alexandria Foster, 164 East Yates, requested that homeless individuals be allowed to
  utilize her 4 acre lot for a tent city, and spoke of the needs of those individuals. Mayor
  Martinez indicated that the City would be in touch with her.

CONSENT CALENDAR
Item Nos.1, 3, 5, 6, 7 and 9 were removed for further discussion.

2. BUDGET ADJUSTMENTS FOR THE 2005-2006 FISCAL YEAR
Recommendation: That the City Council approve the budget adjustments including increasing the
appropriations in the General Fund as follows: $25,000 to allow for completion
of Pay and Classification Plan; $20,000 to allow for completion of City-wide
rate/fee study; $27,657 to allow completion of island annexation process; and
$249,746 to allow for completion of the General Plan Update.

Documentation: M.O. 01-011706
Disposition: Approved.

4. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER
AGREEMENT - TRAFFIC SIGNAL #7 (VILLA STREET AND PUTNAM AVENUE)
Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution
authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution 01-2006
Disposition: Approved.

8. CONSIDERATION OF A POLICY FOR FLAG LOWERING TO HALF-STAFF AT CITY FACILITIES

Recommendation: That the City Council approve the flag lowering policy as presented in the staff report.

Documentation: M.O. 02-011706
Disposition: Approved.

10. STATUS REPORT ON IMPLEMENTATION ACTIONS FOR MEASURE H

Recommendation: That the City Council accept the status report as presented.

Documentation: M.O. 03-011706
Disposition: Approved.

11. JUNE 6, 2006 CITY OF PORTERVILLE GENERAL MUNICIPAL ELECTION: ELECTION PRECEPTS AND CALL FOR ELECTION

Recommendation: That the City Council:
1. Allow candidates' statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; and that the County Election Department, County Civic Center, Visalia, California, be designated as the Central Counting Place for the June 6, 2006, General Municipal Election;
2. Adopt the attached resolution calling the election, requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City relating to the June 6, 2006 Election, and setting the Election Precepts;
3. Adopt the attached resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, relating to the June 6, 2006 Election; and
4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

Documentation: Resolution No. 02-2006; Resolution No. 03-2006
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the City Council approve Item Nos. 2, 4, 8, 10 and 11. The
motion carried unanimously.

1. CITY COUNCIL MINUTES NOVEMBER 15, 2005; DECEMBER 6, 2005

Recommendation: That the City Council approve the City Council Minutes of November 15, 2005 and December 6, 2005.

Council Member West voiced disapproval of the Minutes of December 6, 2005, specifically Pages 18 through 23. He stated that he did not believe the Minutes to be correct and that there was more to come. In response to a request to narrow down his specific concerns, Council Member West cited his disagreement with the letter as one issue with which he disagreed, indicating that there had been no proof of any of the allegations.

Council Member Stadtherr suggested that approval of the December 6, 2005 Minutes could be continued so as to allow Council Member West time to compile his specific concerns and suggested corrections.

Noting that Council Member West had raised no concerns with the November 15, 2005 Minutes, Mayor Martinez suggested that action be taken on those.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the City Council approve the City Council Minutes of M.O. 04-011706 November 15, 2005.

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

Council Member West declined to submit written corrections, and again voiced his disagreement with the Minutes.

Mayor Martinez suggested that Council Member West’s disagreement with the Minutes could be noted for the record.

Council Member West commented that he wanted the Minutes removed, adding that he did not believe the content should be there. It was stated that despite Council Member West’s concerns, the Minutes were not a verification of the content but rather a record of the discussion. At Council Member West’s request, Mr. Longley informed the Council that Council Member West had voiced concern to him that day over the truth of what was stated in the Minutes.

Mayor Pro Tem Hamilton stated that although Council Member West had concerns with the validity of the allegations discussed during the December 6, 2005 City Council Meeting, the Minutes accurately depicted the discussion and action that evening. He added that Council Member West’s comments would be noted and that if further documentation arose supporting Council Member West’s
contention, such information would be brought before the Council.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council approve the City Council Minutes of December 6, 2005.

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

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - INDIANA STREET RECONSTRUCTION PROJECT, PUTNAM TO OLIVE AVENUE

Recommendation: That the City Council:
1. Approve the Plans and Project Manual for the Indiana Street Reconstruction Project, Putnam Avenue to Olive Avenue;
2. Set the proper priority between the Jaye Street Corridor Project and the Indiana Street Extension Project; and
3. Authorize staff to advertise for bids if Council determines that the Indiana Street Extension Project is a higher priority than the Jaye Street Corridor Project.

City Manager John Longley presented the item and Public Works Director Baldo Rodriguez presented the staff report. Options for the Council’s consideration included:

Option No. 1: Fund the $661,850 from the refinance of the COP’s, which would leave approximately $1,806,000 for the Jaye Street Corridor instead of the $2,468,177, approved during the November 15, 2005 Council meeting.

The Jaye Street corridor is defined as Jaye Street from Orange Avenue south to Gibbons Avenue and Gibbons Avenue west to Indiana Street. The cost for street improvements alone exceeds $3.5 million dollars and this figure does not include the cost to widen the Jaye Street Bridge over the Tule River, nor does it include any improvements that might be required by Caltrans within their right-of-way, nor does it include costs beyond a standard arterial width street between State Route 190 and Springville Avenue. It is known that the Riverwalk traffic analysis recommends that this section of street be significantly wider than a standard arterial street.

Option No. 2: Re-visit the Indiana Street Extension Project during the 2006/2007 budgeting process at which time other funding options may become available.
Council Member Irish commented that while he supported the Indiana Street Project, the Jaye Street Project was the City’s priority. He noted the revenue that would be generated by proceeding with the Jaye Street Project.

Mayor Pro Tem Hamilton voiced disagreement and suggested that the City could proceed with both projects. He stated that some of the City’s reserves should be spent to fix both streets, noting that the Indiana Street’s current status creating circulation problems. He then confirmed that staff had not sought CMAQ funding.

Council Member West agreed that the City should spend some reserve funds, but only to proceed with Jaye Street so as to generate revenue. Council Member West then moved that the Council approve spending all of the funds on the Jaye Street Project.

Council Member West’s motion died for lack of a second.

Council Member Stadtherr voiced agreement with Mayor Pro Tem Hamilton that both projects should be pursued utilizing reserve funding.

City Manager John Longley commented that he was unaware of available reserve funds, but that staff would provide a list of balances by fund to the Council. He cautioned that borrowing funds from the Equipment Replacement Fund or the Insurance Fund would undermine the City financial position.

Public Works Director Baldo Rodriguez commented that CMAQ funding requests were currently being taken, and noted that the Indiana Street Project might decrease dust levels, and therefore might possibly qualify for CMAQ funding. He stated that he would investigate further.

Council Member Irish commented that if the Council had to choose one project over the other, the Jaye Street Project should be the project that moved forward first. He then noted the importance of both projects and cautioned that if the City did not find a way to fund the Indiana Street Project, it might never get finished.

Mr. Longley confirmed that if the Council so desired, staff could put together some options and bring the matter back to the Council, adding that he was unaware of what those options might be.

Mr. Rodriguez informed the Council that CMAQ funds could not be utilized for certain aspects of the Indiana Street Project, but that he would look into the requirements further.

The consensus of the Council was to continue the item to the next meeting so as to allow staff time to investigate other funding options.

Disposition: Continued to February 7, 2006.

5. REQUEST FOR A STAY OF EXPIRATION OF TENTATIVE MAP

Recommendation: That the City Council adopt the draft resolution approving a stay of expiration during the period of time that litigation is pending.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report regarding Canyon Springs Subdivision.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution approving a stay of expiration during the period of time that litigation is pending.

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

Disposition: Approved.

6. DECLARE COMMUNITY CENTER PROPERTY SURPLUS AND INITIATE PROCESS TO DISPOSE OF REAL PROPERTY

Recommendation: That the City Council:
1. Declare the real property located at 466 East Putnam Avenue as surplus; and
2. Authorize the City Purchasing Agent to initiate the statutory process and coordinate efforts to dispose of that real property.

In response to a question posed by Council, Parks and Leisure Services Director Jim Perrine stated that the subject building was in a state of deterioration and that rehabilitation of the building would be costly. He indicated that funds had not been budgeted for ongoing maintenance and that the City did not have the funds for work that would be necessary to utilize the building. He added that the City did not currently have a need for the building.

Council Member West commented that bringing the building up to code would take a significant amount of money.

In response to Mayor Pro Tem Hamilton’s question as to why staff’s estimate appeared to be higher than what building a facility from scratch would cost, staff indicated that renovations were often more costly, often due to the necessary removal of asbestos and lead-based paints. Staff indicated that while the presence of asbestos had not been confirmed, in all likelihood, it was present. A discussion then ensued as to the property’s appraisal, which staff indicated it had on file and copies would be provided to the Council. Mayor Pro Tem Hamilton reiterated his concerns with the validity of the estimates provided and with disposing of the property when, in the future, the asset would likely be needed.

Council Member Irish requested that a breakdown of staff’s estimate for renovations be provided to the Council, and that outside estimates also be obtained.

Mr. Longley indicated that staff had pursued an economical approach, but confirmed that staff could obtain an outside estimate. He added that staff had proposed disposing of the asset because no
immediate utilization of the building – for which there was funding – could be identified. A discussion then ensued as to another City structure currently being used for storage and its likely disposition.

Mayor Pro Tem Hamilton suggested that more thought be given on the subject before making any decision.

Council Member Irish requested that staff obtain two additional estimates for renovating the building.

Mr. Longley requested that staff be allowed to obtain a professionally prepared estimate for the rehabilitation of the structure. He added that staff had hoped to liquidate the asset so as to apply the proceeds toward needed maintenance on City Hall, other City facilities, and potentially other development projects.

Mayor Martinez commented that he would like to hold off until the needs of the community could be assessed. He then agreed that an estimate should be provided to the Council.

Council Member West requested that the Council also be provided with the appraisal.

It was decided that the estimate would be based on general repairs to make the facility useable.

Disposition: Continued, with direction provided to staff.

7. AUTHORIZE LEASE AGREEMENT WITH NATHAN WOBROCK FOR A PORTION OF ZALUD PARK

Recommendation: That the City Council approve the Lease Agreement and authorize and direct the Mayor to execute it on behalf of the City of Porterville.

_____Council Member Irish voiced concern with the proposed length of the lease term and the proposed rent, which was stated to equate to approximately $.02 per sq. ft. In response to Council Member Irish’s question, Mr. Longley indicated that the rent amount had been proposed by Mr. Wobrock. He added that staff had verified with a local broker that the proposed amount was fair market value.

Council Member West clarified with staff that there were no maintenance costs currently being expended on the property.

Mayor Pro Tem Hamilton questioned why the property should be leased, when the proposed lessee already had access to property. At the Council request, Mr. Wobrock came forward to respond.

• Nathan Wobrock, 1451 Median Court, indicated that he sought to lease the property so that he could maintain the property so as to ensure the safety of the children. He indicated that he had would like to either extend his fence to the edge of the subject property, or have a new fence installed on the property. He stated that if secured, the property would be utilized as a garden.
Mayor Pro Tem Hamilton voiced caution that such action might set precedent and questioned if the City had done anything similar in the past.

Mr. Longley indicated that he was not aware of any other bare ground leases, but noted the several hangar leases at the Municipal Airport currently in place.

Council Member Irish noted that the letter provided to the Council in support of the proposed rent was not from an appraiser and was merely a suggested rent. He spoke against renting anything for $.02 per sq. ft. A discussion ensued as to the proposed rate and current rates at the airport, during which it was stated that they were consistent with one another. He then commented that he would support approving the lease, if the term was reduced to three years and annual CPI rate increases were built in.

City Attorney Julia Lew clarified that annual CPI increases were included in the draft lease, set to commence on February 1, 2007.

Council Member Stadtherr questioned whether three years would be enough time for Mr. Wobrock to recoup the costs of the fence.

Parks and Leisure Services Director Jim Perrine noted the value to Mr. Wobrock’s business if the lease was approved, stating that the expanded open space square footage might allow for greater enrollment. He suggested that the shortened term might affect that potential.

Mr. Wobrock came forward and elaborated on the State requirement, stating that the extra square footage would allow an increase in enrollment by 5 children, from 115 to 120. He added that the fence would likely cost approximately $2,000.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council approve the Lease Agreement, as amended to reduce the lease term to 36 months, and direct the Mayor to execute it on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved.

9. RESOLUTION IN SUPPORT OF A PROPOSED JUVENILE COURT WORK PROGRAM BY THE TULARE COUNTY PROBATION DEPT.

Recommendation: That the City Council approve the draft resolution in support of the proposed Juvenile Court Work Program.

Mayor Pro Tem Hamilton noted that the item would be going before the Board of Supervisors, and voiced concern with giving the appearance of pressing the Board into a decision. He suggested approving the item as a letter of interest rather than a resolution.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council approve a letter of interest regarding the proposed Juvenile Court Work Program. The motion carried unanimously.
Disposition: Approved.

The Council recessed for ten minutes.

**SCHEDULED MATTERS**

At the Mayor’s request, staff presented Item 24 next.

24. OPTIONS FOR HOMELESS ASSISTANCE

Recommendation: Discussion item only.

City Manager John Longley presented the item and called on Community Development Director Brad Dunlap for the staff report. Mr. Dunlap called upon Development Associate Denise Marchant for the staff report. Ms. Marchant presented the report and then invited Mr. John Davis of Tulare County Health and Human Services Department to come forward.

- John Davis, Tulare County Health and Human Services Department, came forward and spoke of the County programs that assist the homeless.

In response to a question posed by Mayor Pro Tem Hamilton, Mr. Dunlap indicated that the census of the homeless was taken on an annual basis and was required by the Department of Housing and Urban Development.

Mayor Martinez commented on the importance of outreach to ensure that homeless individuals were taking advantage of the available programs. He then commented that he was aware of a meeting being scheduled between homeless individuals and the Porterville Area Ministerial Association, and suggested that a City representative also participate. He then spoke of the challenges of meeting the needs of the homeless population and stressed the importance of finding a way.

Mayor Pro Tem Hamilton noted the importance of the issue, yet informed the audience that the item was before Council as a discussion item only and that no action would be taken that evening. He stated that the Council would continue to look at the matter.

Council Member Stadtherr commented that he would be interested in hearing about the viability of some of the potential courses of action raised that evening, noting that there were individuals looking for a place to sleep that evening. He then stated that he believed the Council Members were unified in their desire to help the homeless help themselves, and questioned how that could be done.

Council Member Irish commented that he supported finding a solution that did not perpetuate homelessness.

- Elva Beltran, Coordinating Council President, came forward and spoke of the challenges of homelessness facing the community and the efforts by local non-profit organizations.

Mayor Martinez requested that a regular meeting be set up between himself and Mr. Longley so as to discuss homelessness issues. He then noted the bureaucratic process and speed by which the
government moved, spoke of the assistance he personally gained through the system, and urged those to take advantage of programs in place.

Mayor Pro Tem Hamilton suggested that the non-profit organizations be kept apprised of the situation.

- An unidentified individual came forward and requested that the Council help Ms. Foster with her plans to allow the homeless access to her property.

Mayor Martinez requested that the individual contact the City Manager in order to schedule a meeting with himself and Mr. Longley.

- An unidentified individual came forward and stated that his organization, Christian Bicyclists Association, had agreed to provide security on Ms. Foster’s property in the event the tent city was approved.

Disposition: Informational item only.

PUBLIC HEARINGS

12. CONDITIONAL USE PERMIT 11-2005 TO ALLOW FOR THE OFF-SALE OF BEER AND WINE AND LETTER OF PUBLIC CONVENIENCE OR NECESSITY FOR THE TARGET DEPARTMENT STORE LOCATED AT 1363 WEST HENDERSON AVENUE

Recommendation: That the City Council:
1. Adopt the draft resolution conditionally approving Conditional Use Permit 11-2005; and
2. Authorize the Mayor to sign a Letter of Public Convenience or Necessity.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report. He then suggested that Condition No. 2 which stated, “consumption of alcoholic beverages should be prohibited at all locations within the shopping center” should be amended to add “within Target’s control.” He noted that Target should not be responsible for areas of the shopping center for which Target had no authority.

Mayor Martinez left the Council Chambers at 9:04 p.m. to take an emergency telephone call. He then returned, informed everyone of a family emergency and excused himself from the meeting. Mayor Pro Tem Hamilton presided over the remainder of the meeting.

The public hearing opened at 9:05 p.m.

- Beth Aboulafia, San Francisco resident and Target representative, informed the Council of Target’s current experience with selling wine, which she indicated was taking place at approximately twenty locations throughout California. She requested the Council’s approval.
The public hearing closed at 9:10 p.m.

Council Member Stadtherr voiced concern with not abiding by the Council’s desire to hold everyone to the same rules and limit the number of exceptions. He indicated that if the Council approved the item, they would go against that rule. He added, however, that he was not morally opposed to Target selling alcohol.

Council Member West agreed with Council Member Stadtherr’s comments regarding limiting exceptions and suggested that the Council reject the C.U.P.

Council Member Irish noted that there would be no increase in licenses, as Grocery Warehouse was closing. He commented that he did not see how the Council could reject the item, pointing to other instances throughout the City.

In response to comments made by the Council, Mr. Dunlap indicated that the Council would not be granting an exception if the subject C.U.P. was approved that evening. He indicated that the C.U.P. was nothing more than a tool for use by the Council. He emphasized that the C.U.P. merely placed certain conditions on the use, but did not mean that the facility could not exist within 600 feet.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the City Council adopt the draft resolution conditionally approving Conditional Use Permit 11-2005, as amended to add “within Target’s control” to Condition No. 2; and authorize the Mayor to sign a Letter of Public Convenience or Necessity.

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

Disposition: Approved, as amended.

13. CONDITIONAL USE PERMIT 12-2005 - PROPOSED SALE OF ALCOHOLIC BEVERAGES UNDER AN ON-SALE LICENSE FOR A PROPOSED RESTAURANT TO BE LOCATED AT 73 NORTH MAIN STREET (FORMERLY SCHEER’S)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 12-2005.

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

The public hearing opened at 9:20 p.m.
• Neil Smith, Smith’s Enterprise, 55 N. Hockett Street, voiced support for approval.
• Ryan Taylor, Springville resident and co-applicant, spoke of the proposed business and requested that the Council approve the item.
• Erinn Taylor, Visalia resident and co-applicant, came forward and spoke in favor of the proposed C.U.P.
• Greg Shelton, 888 North Williford Drive, voiced support for the item, noting the need for businesses that encouraged foot traffic.
• Camero Martinez, 1760 Success Drive, voiced support for the Council approving the item, citing the need for a revitalization of downtown.
• Dick Eckhoff, Downtown Porterville Association Chairman, voiced support for the item, stating that food establishments were always number one on the list of businesses needed to revitalize the downtown area. He then commented on the need for more parking.
• Felipe Martinez, 195 West Putnam, spoke in favor of the item, emphasizing the lack of local restaurants with a full bars.
• Dick Eckhoff, came forward and added that he did not believe an establishment that served both food and alcohol would pose a problem.

The public hearing closed at 9:32 p.m.

Council Member West commented that he was not opposed to an on-sale license, as long as the alcohol was served with food and not sold to take off site.

Council Member Stadtherr queried the applicants on certain language in their business plan suggesting a pricing structure to “keep out undesirables.” One of the applicants came forward and apologized, agreeing that the sentence had not been worded appropriately.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the City Council adopt the draft resolution approving Conditional Use Permit 12-2005.

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

Disposition: Approved.

14. CONDITIONAL USE PERMIT 13-2005 - TWO OFF-SITE DIRECTIONAL REAL ESTATE SIGNS (MARKETSHARE, INC.)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 13-2005.

City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.
The public hearing opened at 9:36 p.m. and closed at 9:37 p.m. when nobody came forward.

In response to a question posed by Council, Mr. Dunlap indicated that the C.U.P would be valid for 24 months, or until such time as the residences were sold, whichever occurred first.

Mayor Pro Tem Hamilton inquired as to a height restriction, to which Mr. Dunlap responded that the applicant was restricted to sign area, but not to height. Mayor Pro Tem Hamilton commented that he would feel more comfortable with a height restriction, with which staff agreed.

City Attorney Julia Lew indicated that the C.U.P before the Council that evening specifically pertained to a particular sign, therefore the applicant would be limited to the specifications that were submitted. She then suggested that an additional condition be added which would limit the height to 10 feet.

Mr. Dunlap suggested that in the alternative, language could be added that required the applicant to comply with the sign specifications as submitted.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council adopt the draft resolution approving Conditional Use Permit Resolution 07-2005 13-2005, as amended to add Condition No. 6 requiring compliance with sign specifications as submitted with the application.

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

Disposition: Approved, as amended.

15. 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 continue the item to the City Council Meeting of February 7, 2006.

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

The public hearing opened at 9:42 p.m. and was continued to the Meeting of February 7, 2006.

Disposition: Continued to February 7, 2006.

16. CARTER PROPERTY WILLIAMSON ACT CANCELLATION

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for the
Cancellation of Williamson Act Contract No. 10699;
2. Approve the proposed ordinance and give first reading; and
3. 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 to present the item. At Mr. Dunlap’s request, Senior Planner Julie Boyle presented the staff report.

The public hearing opened at 9:45 p.m.

- Jim Winton, business address at 150 West Morton Avenue, came forward in support of the item.

The public hearing closed at 9:46 p.m.

Council Member Irish requested that future visual presentations be made so that the content was legible.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Declaration for the Cancellation of Williamson Act Contract No. 10699; approve the draft ordinance, give first reading, waive reading, and order the ordinance to print, 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 OF SOUTH OF MORTON AVENUE.

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

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

17. ZONE CHANGE 11-2005 (PRE-ZONING) AND ANNEXATION 454 (WASTE DISCHARGE REQUIREMENT 05-01-103)

Recommendation: That the City Council:
1. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo;
2. Approve the proposed Zone Change and give first reading to the draft ordinance; and
3. Waive further reading of the draft ordinance approving Zone Change 11-2005 and order it to print.
City Manager John Longley presented the item and Community Development Director Brad Dunlap presented the staff report.

The public hearing opened at 9:50 p.m. and closed at 9:51 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; approve the proposed Zone Change and give first reading to the draft Ordinance 1688 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 11-2005 (Pre-Zoning) Consisting of 704± Acres and Containing Nine (9) Parcels Located Generally South and West of the Porterville Municipal Airport.

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

City Manager John Longley read the ordinance by title only.

Disposition: Approved.

18. ZALUD HOUSE GARDEN RENTAL FEES

Recommendation: That the City Council conduct a public hearing on the proposed Zalud House Garden Rental Fee and adopt the draft resolution to adjust the fee effective March 1, 2006.

The public hearing opened at 9:54 p.m.

- Greg Shelton, address on record, came forward and noted the presence of the Vice-Chairman of the Parks & Leisure Services Commission, should the Council have questions.
- Dick Eckhoff, address on record, spoke in favor of the proposed fee adjustments, and suggested that the venue was under-promoted by the City.
- Pete McCracken, 657 Village Green, spoke in favor of the fee adjustments, and suggested that the cleaning deposit might be too low.

The public hearing closed at 9:59 p.m.

Council Member Irish suggested that “security” be added to the reservation and cleaning deposit so as to clearly indicate that said amount could be applied to an outstanding balance on the account, with which the City Attorney agreed. He then spoke in favor of increasing the deposit amount to $175.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution to adjust the Zalud House Garden Rental Fee effective March 1, 2006, as amended to make the Resolution 10-2006 Reservation and Cleaning Deposit a Reservation/Cleaning/Security Deposit; to clearly indicate that said deposit may be applied to any outstanding charges; and to increase said deposit to $175.

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

Disposition: Approved, as amended.

The Council recessed for ten minutes.

19. AN EXTENSION OF AN INTERIM URGENCY ORDINANCE PROHIBITING CONSTRUCTION, OPERATION AND MAINTENANCE OF WIRELESS COMMUNICATIONS TOWERS

Recommendation: That the City Council hold a public hearing and adopt the draft ordinance extending the Interim Urgency Ordinance prohibiting the use of residentially-zoned land and land within 1,200 feet of residentially-zone land for the construction, operation, and maintenance of towers for wireless communications.

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

The public hearing opened at 10:17 p.m.

- Daryl Nicholson, 26914 Avenue 140, came forward in opposition to the restriction within 1,200 feet of residentially-zone property, suggesting that such restriction amounted to a moratorium.

The public hearing closed at 10:20 p.m.

Council Member Irish spoke of the Council’s rationale in moving forward with the Interim Urgency Ordinance with the 1,200 foot restriction.

Council Member Stadtherr invited Mr. Greg Woodard to come forward and speak of another style of communications tower that was recently viewed. He then commented on ideas to camouflage towers, such as making them appear to be water towers, or the like.

- Greg Woodard, Woodard Homes, came forward and spoke of an alternate form of communications tower that was inconspicuous and appeared to be a utility pole.
Mayor Pro Tem Hamilton commented that the Council’s intent had been to make the Interim Urgency Ordinance as restrictive as possible until permanent standards were developed.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft ordinance, being AN INTERIM ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF RESIDENTIALLY ZONED LAND FOR THE CONSTRUCTION, OPERATION AND MAINTENANCE OF NEW TOWERS FOR WIRELESS COMMUNICATIONS.

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

City Manager John Longley read the Ordinance by title only.

**Disposition:** Approved.

20. **ZONE VARIANCE 3-2005, TENTATIVE PARCEL MAP 6-2005 (JAMES SHELTON)**

**Recommendation:** That the City Council:

1. Adopt the draft resolution approving Zone Variance 3-2005; and
2. Adopt the draft resolution approving Tentative Parcel Map 6-2005.

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

The public hearing opened at 10:26 p.m.

- Jim Winton, address on record, came forward on behalf of applicant Greg Shelton, and requested approval of the item. Mr. Winton then noted the inapplicability of Condition 16 and requested its removal.
- Greg Shelton, applicant, address on record, spoke in favor of the item and requested elimination of Condition 16.

The public hearing closed at 10:29 p.m.

Council Member Irish thanked Mr. Shelton for his efforts in appropriately sizing the lots.

Council Member Stadtherr noted the proximity of the railroad line to the subject property and questioned how the proposed variance would affect the Rails to Trails Project. Community Development Director Brad Dunlap clarified that at the subject location, the Rails to Trails segment did
not actually follow the rail alignment.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish that the Council adopt the draft resolution approving Zone Variance 3-2005; and adopt the draft resolution approving Tentative Parcel Map 6-2005, as amended to strike Condition No. 16 and renumber the remaining Conditions accordingly.

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

Disposition: Approved, as amended.

21. VACATE A PORTION OF WILLOW AVENUE AND AN IRRIGATION EASEMENT RELATED TO THE DEVELOPMENT OF LONG’S DRUG STORE ON HOCKETT STREET (SMITH'S ENTERPRISES)

Recommendation: That the City Council:
1. Adopt the draft resolution ordering the vacation, including reservations, and closing to public use a portion of Willow Avenue;
2. Adopt the draft resolution ordering the vacation, including reservations, and closing to public use an easement for irrigation line purposes; and
3. Authorize the City Clerk to record the Resolutions of Vacation with the County Recorder.

Council Member Irish noted a conflict of interest, recused himself from the discussion, and left the Council Chambers.

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

At Mr. Longley’s request, City Attorney Julia Lew clarified that in order for the resolution to be approved, three affirmative votes would be needed.

The public hearing opened at 10:34 p.m.

• Donna Shamley, Roberts Engineering, 342 North Second Street, came forward on behalf of applicant Smith’s Enterprises, and requested that the Council approve the item.

The public hearing closed at 10:35 p.m.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt the draft resolution ordering the vacation, including reservations, and closing to public use a portion of Willow Avenue;
Resolution 13-2006 adopt the draft resolution ordering the vacation, including reservations, and closing to public use an easement for irrigation line purposes; and authorize the City Clerk to record the Resolutions of Vacation with the County Recorder.

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

Disposition: Approved.

Council Member Irish returned to the Council Chambers.

22. VACATE PUBLIC EASEMENTS FOR ACCESS AND MAINTENANCE OF UNDERGROUND UTILITIES, SLOPES AND PAVEMENT RELATED TO THE DEVELOPMENT OF AMALENE ESTATES, PHASE ONE SUBDIVISION (BECHARA CONSTRUCTION, INC.)

Recommendation: That the City Council:
1. Conduct a public hearing; and
2. Authorize the City Clerk to execute the vacation of easements shown on the “The Ford Estates, Unit 1” Final Map by signing the appropriate statement on the Final Map.

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

The public hearing opened at 10:38 p.m. and closed at 10:39 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish that the Council authorize the City Clerk to execute the vacation of easements shown on the “The Ford Estates, Unit 1” Final Map by signing the appropriate statement on the Final Map.

M.O. 08-011706

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

Disposition: Approved.

SECOND READINGS
23. ORDINANCE 1686, AMENDING CHAPTER 19, CONCERNING PARKS AND LEISURE SERVICES COMMISSION EX-OFFICIO MEMBERS

Recommendation: That the City Council give Second Reading to Ordinance No. 1686, waive
City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the City Council give Second Reading to Ordinance No. 1686, waive further reading and adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 19-2, 19-3, 19-4, 19-5, AND 19-7 OF CHAPTER 19, OR ARTICLE 1, OF THE PORTERVILLE MUNICIPAL CODE CONCERNING PARTICIPATION BY PORTERVILLE UNIFIED SCHOOL DISTRICT ON THE PARKS AND LEISURE SERVICES COMMISSION BOARD.

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

Council Member Irish commented that he would like to see more of the Parks and Leisure Services Department agenda items first go to the Commission for review and recommendation. He voiced concern that the Commission was not being utilized as it should. A discussion ensued as to the types of items that should and should not be sent to the Commission.

Mayor Pro Tem Hamilton commented that there were certain instances on which the Council should not waste the Commission’s time. He voiced concern with sending all Parks and Leisure Services items to the Commission.

Parks and Leisure Services Director Jim Perrine clarified that the Commission had reviewed the Ordinance before the Council and had provided a recommendation.

Mr. Longley reminded the Council that the Council had the authority to refer any Parks and Leisure Services item to the Commission.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

25. TRANSIT AGREEMENT WITH SIERRA MANAGEMENT

Recommendation: That the City Council:
1. Approve the extension of the City’s Transit Agreement with Sierra Management for an additional four years, commencing July 1, 2006, through June 30, 2010, with an additional two-year option to renew; and
2. Authorize staff to negotiate the new contract with Sierra Management
under the same terms and conditions as presently exist, and provide the council with a copy of said Agreement for final approval.

City Manager John Longley presented the item and called on Deputy City Manager Frank Guyton for the staff report. Mr. Guyton introduced Linda Clark, Assistant to City Manager, who presented the staff report.

Council Member Irish complimented Ms. Clark on her knowledge and oversight of the City’s transit services.

Council Member West complimented Sierra Management on the cleanliness of the vehicles.

Council Member Stadtherr moved that the Council approve staff’s recommendation.

Council Member West seconded the motion.

Mayor Pro Tem Hamilton spoke of the previous adjustment made to Sierra Management’s agreement to compensate for increased Workers’ Compensation rates, noted the recent decrease in Workers’ Comp costs, and questioned whether the proposed agreement accounted for that decrease.

Ms. Clark informed the Council that the agreement had been renegotiated following the decrease in rates and that the savings had already been realized by the City. She indicated that when the actual contract returned to the Council for approval, sufficient detail would be provided for review.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the City Council approve the extension of the City’s Transit Agreement with Sierra Management for an additional four years, commencing July 1, 2006, through June 30, 2010, with an additional two-year option to renew; and authorize staff to negotiate the new contract with Sierra Management under the same terms and conditions as presently exist, and provide the council with a copy of said Agreement for final approval.

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

Disposition: Approved.

26. ACCEPTANCE OF FINAL SUBDIVISION MAP - AMALENE ESTATES, PHASE ONE (BECHARA CONSTRUCTION, INC.)

Recommendation: That the City Council:
1. Approve the final map of Amalene Estates, Phase One Subdivision;
2. Accept all offers of dedications and vacations shown on the Final Map; and

3. Authorize the City Clerk to file said Map with the County Recorder.

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

Council Member Irish moved that the Council approve staff’s recommendation.

Council Member Stadtherr seconded the motion.

Mayor Pro Tem Hamilton questioned the timeline on the item.

- Jim Winton, address on record, came forward and elaborated on the applicant’s timeline and the requirements set by statute.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve the final map of Amalene Estates, Phase One Subdivision; accept all offers of dedications and vacations shown on the Final Map; and authorize the City Clerk to file said Map with the County Recorder.

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

Disposition: Approved.

27. HILLSIDE DEVELOPMENT ORDINANCE STATUS REPORT

Recommendation: That the City Council received and file the status report.

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

Disposition: No action required.

28. SUMMARY OF WALKABLE COMMUNITIES PUBLIC INFORMATION MEETING

Recommendation: Informational report only.

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

Council Member Stadtherr suggested that another meeting be held due to the low turn-out at the previous meeting, which he attributed to scheduling the meeting during the holidays. The Council
agreed.

Disposition: No action required.

29. AUTHORIZATION TO ADVERTISE FOR BIDS - TRAFFIC SIGNAL NO. 8 AND FOLLOW-UP COMMENTARY ON ROUNDABOUTS

Recommendation: That the City Council:
1. Approve the Plans and Project Manual for Traffic Signal No. 8; and
2. Authorize staff to advertise for bids to construct a traffic signal, with appurtenances, at the intersection of Plano Street and Mulberry Avenue.

City Manager John Longley presented the item. The staff report was waived by the Council.

Council Member Stadtherr commented on the estimated number of traffic lanes needed to accommodate projected traffic loads and the cost to the City if it pursued a traffic signal. The cost was estimated to be approximately $500,000 per mile. He pointed out that the costs associated with the signal did not only pertain to the intersection itself, but also to the street.

Public Works Director Baldo Rodriguez indicated that pursuant to a recently completed traffic study, the volume of traffic was not as great as staff had originally anticipated.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the Council approve the Plans and Project Manual for Traffic Signal No. 8; and authorize staff to advertise for bids to construct a traffic signal, with appurtenances, at the intersection of Plano Street and Mulberry Avenue.

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

Disposition: Approved.

City Manager John Longley requested staff be allowed to present Items 30 and 31 concurrently.

30. INTERIM FINANCIAL STATUS REPORT AND GRANT STATUS SUMMARY

Recommendation: That the City Council accept the Interim Financial Status Reports as presented.

City Manager John Longley suggested, and the Council agreed that Items 30 and 31 be presented concurrently. Deputy City Manager Frank Guyton then proceeded to present both staff reports.
COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West that the Council accept the Interim Financial Status Report and Grant Status Summary for the 2nd Fiscal Quarter Ended December 31, 2005; and accept the Portfolio Summary for the 2nd Fiscal Quarter Ended December 31, 2005, in accordance with SB 564 and SB 866.

M.O. 12-011706

31. QUARTERLY PORTFOLIO REPORT

Recommendation: That the City Council accept the Portfolio Summary for the 2nd Fiscal Quarter Ended December 31, 2005, in accordance with SB 564 and SB 866.

(Note: This item was combined with Item No. 30.)

Documentation: M.O. 12-011706
Disposition: Approved.

32. CONSIDERATION OF AN ALTERNATIVE METHODOLOGY FOR THE SELECTION OF THE MAYOR

Recommendation: Item presented for Council consideration.

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

Council Member Irish questioned what was wrong with the current system.

Council Member Stadtherr requested that the Council wait until such time as a full Council was available, noting that traditionally, the Council had deferred important issues until all five Council Members were present to participation in the discussion.

Mayor Pro Tem Hamilton commented that he believed the item to be the least important item to ever be discussed by the Council.

Council Member Irish commented that there was currently nothing wrong with the system, but rather with the players.

In response to a procedural question posed to the City Attorney, Ms Lew clarified that the Council need not vote on continuing the item, but rather the Council could simply continued the item until the next meeting.

Mayor Pro Tem Hamilton commented that the matter would be brought back for discussion.

Council Member Irish suggested that the item be brought back at the second meeting in March.

Mayor Pro Tem Hamilton responded that the date sounded good, and noted that the selection process could not then be a ballot measure for the upcoming election.
City Manager confirmed that the item would be brought back at the second meeting in March.

Disposition: Continued.

**ORAL COMMUNICATIONS**
- Greg Shelton, address on record, agreed with comments made by Council Member Irish regarding the need for greater involvement by the Parks & Leisure Services Commission. He cited the lack of the Commission’s involvement in Items 6 and 7, voicing concern with both items. Mr. Shelton then commented on Item No. 32, speaking in favor of maintaining the status quo.

**OTHER MATTERS**
- None

**ADJOURNMENT**
- The Council adjourned at 11:11 p.m. to the meeting of February 7, 2006 at 6:00 p.m.

___________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

___________________________
Cameron J. Hamilton, Mayor Pro Tem