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

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

7:00 P.M. 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 Mr. Villicana, Principal of Olive Street Elementary School
Invocation - one individual participated

PRESENTATION
Employee of the Month - Fernando Yacuta
The Mayor informed everyone of Mr. Yacuta’s inability to attend the meeting due to a previously-scheduled family commitment.

ORAL COMMUNICATIONS
• Pete McCracken, 657 Village Green, spoke regarding Item 21, suggesting that the Council pursue an alternative course which would involve a community effort to rehabilitate the structure so as to provide a facility for public benefit.
• Elaine Harris, 1015 So. Crystal Street, provided the Council with a “30-day temporary property usage permit request,” to allow the Porterville Rescue Mission, 30 So. A Street, P.O. Box 2041, 789-9588, to temporarily house approximately 15 to 20 homeless individuals from the hours of 8:00 p.m. to 7:00 a.m. Ms. Harris then requested immediate action.
• Dick Eckhoff, 197 N. Main Street, spoke against the proposed limitations in Item 22, and spoke in favor of allowing signage proposed in Item 24.
• Teresa Jackson, 1469 N. Prospect Street, requested permission to speak when the Council addressed Item 22.
Council Member Irish advised Ms. Harris that the Council could not legally take any action on her matter that evening. He indicated that until the matter was placed on the Agenda, the Council could not discuss the matter.

Mayor Martinez indicated that the Council could discuss placing the item on the Agenda during the Other Matters portion of the Meeting. He then announced that the Porterville Redevelopment Agency would convene next – rather than at the end of the Council’s Agenda – to address Item PRA-1.

The Council adjourned at 7:21 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
March 7, 2006

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

PUBLIC HEARING
PRA-1. LEASE AGREEMENT FOR PROPERTY LOCATED AT 287 N. HOCKETT STREET

Recommendation: That the Porterville Redevelopment Agency:

1. Adopt the draft Resolution of the Porterville Redevelopment Agency authorizing the lease of property to A-Step, Inc.;
2. Approve a year-to-year Lease Agreement, including the option to purchase, with A-Step, Inc. at a rate of $1,350 per month, to be adjusted annually as outlined in the Lease Agreement; and
3. Authorize the Redevelopment Agency Chairman to sign all documents on behalf of the Agency.

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

The public hearing opened at 7:23 p.m.

• Rick Thompson, representing A-Step, Inc., came forward and requested approval of the Lease.

The public hearing closed at 7:24 p.m.

In response to Vice-Chairman Hamilton’s question, it was stated that A-Step, Inc.’s landlords in Visalia had not been contacted for references.

AGENCY ACTION:

MOVED by Vice-Chairman Hamilton, SECONDED by Agency Member Stadtherr that the Redevelopment Agency adopt the draft Resolution authorizing the lease of property to A-Step, Inc.; approve a year-to-year Lease Agreement, including the option to purchase, with A-Step, Inc. at a rate of $1,350 per month, to be adjusted annually as outlined in the Lease Agreement; and authorize the
Redevelopment Agency Chairman to sign all documents on behalf of the Agency. The motion carried unanimously.

Disposition: Approved.

The Redevelopment Agency adjourned at 7:25 p.m. to a Meeting of the Porterville City Council.

CONSENT CALENDAR
Items 1, 11 and 13 were removed for further discussion.

2. CLAIM - SBC/PACIFIC BELL

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. 01-030706
Disposition: Approved.

3. CLAIM - EVANGELINA GOMEZ

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. 02-030706
Disposition: Approved.

4. WAUKESHA ENGINE UPGRADES - WASTEWATER TREATMENT FACILITY

Recommendation: That the City Council authorize staff to begin negotiations with Valley Power to upgrade the Wastewater Treatment Facility’s Waukesha engine equipment. Further, that the Council authorize payment upon satisfactory completion of the project.

Documentation: M.O. 03-030706
Disposition: Approved.

5. AWARD OF CONTRACT - DEMOLITION PROJECT - TWO DATE AVENUE RESIDENTIAL UNITS

Recommendation: That the City Council:
1. Award the Demolition Project-Two Date Avenue Residential Units to Bowen Engineering & Environmental in the amount of $23,100;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-030706
Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE IRIS FESTIVAL APRIL 22, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements
contained in the Application, Agreement and Exhibit A of the Community Civic Event forms.

7. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST ROTARY CANCER RUN, MAY 6, 2006

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event forms.

Documentation: M.O. 06-030706
Disposition: Approved.

8. ENGINEER’S REPORTS AND SETTING OF A PUBLIC HEARING FOR ESTABLISHING LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS AND TAX ASSESSMENTS FOR PARCELS WITHIN: SIERRA MEADOWS, PHASE ONE SUBDIVISION; WILLIAMS RANCH, PHASES TWO AND THREE SUBDIVISION; SUNRISE VILLA, PHASE ONE SUBDIVISION; NEW EXPRESSIONS, PHASE FOUR SUBDIVISION; MEADOW BREEZE, PHASE ONE SUBDIVISION; MEADOW BREEZE, PHASE TWO SUBDIVISION; AMALENE ESTATES SUBDIVISION; AND RIVERVIEW ESTATES, PHASE FOUR SUBDIVISION.

Recommendation: That the City Council adopt:
1. A Resolution Ordering the Proceedings for Formation of Landscape and Lighting Maintenance District No. 30, 31, 32, 33, 34, 35, 36 and 37, and Ordering the Preparation of the Engineer’s Reports;
2. A Resolution Giving Preliminary Approval to the Engineer’s Reports; and

Documentation: Resolutions 28-2006, 29-2006, and 30-2006
Disposition: Approved.

9. AUTHORIZE LETTER OF SUPPORT FOR GRANT APPLICATION BY PORTERVILLE AREA WELLNESS SERVICES

Recommendation: That the City Council authorize the Mayor to sign a letter to Porterville Area Wellness Services, Inc. in support of their Planning Grant Application.

Documentation: M.O. 07-030706
Disposition: Approved.

10. DEPARTMENT OF TRANSPORTATION DRUG AND ALCOHOL REGULATIONS

Recommendation: That the City Council:
1. Approve Section II A and II B of the City’s Alcohol and Drug Abuse Policy;
2. Authorize staff to add Section II A and II B to Section IV-C-8 of the City’s Administrative Policy Manual; and
3. Authorize staff to provide designated employees with appropriate training and copies of the revised policies.

Documentation: M.O. 08-030706
Disposition: Approved.

12. PROPOSED SALE OF 1982 FIRE APPARATUS

Recommendation: That the City Council:
1. Authorize staff to negotiate the sale of the 1982 Van Pelt Ladder Truck to the City of Lindsay for $48,000;
2. Authorize the Finance Department to accept monthly payments from the City of Lindsay in the amount of $1,000 per month, for 48 months, at no interest;
3. Authorize the Mayor to sign an agreement between the City of Porterville and the City of Lindsay as long as the price or duration of the loan do not change; and
4. Authorize the funds received to be placed in the Fire Department’s Equipment Replacement Fund.

Documentation: M.O. 09-030706
Disposition: Approved.

13A. LEAGUE OF CALIFORNIA CITIES’ REQUEST FOR SUPPORT REGARDING FEDERAL TELECOMMUNICATIONS

Recommendation: That the City Council approve the request as presented by the League of California Cities, and direct the City Manager to contact the League by March 10, 2006 for inclusion in the letter to the California congressional delegation.

Documentation: M.O. 10-030706
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Item Nos. 2 through 10, 12, and 13A. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 7, 2006 AND FEBRUARY 13, 2006

Recommendation: That the City Council approve the City Council Minutes of February 7, 2006 and February 13, 2006.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the City Council Minutes of February 7, 2006 and February 13, 2006.

M.O. 11-030706

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

Disposition: Approved.
11. AMENDMENT TO THE CITY’S CONTRACT WITH CALPERS LOCAL SAFETY MEMBERS AND LOCAL MISCELLANEOUS MEMBERS

Recommendation: That the City Council:

1. Approve the draft Resolution of Intent authorizing the amendments to the City’s Contract with CalPERS to provide public safety employees with the 3% @ 55 full formula retirement benefit, and to provide miscellaneous employees with the 2.7% @ 55 full formula retirement benefit, to become effective July 1, 2006; and

2. Authorize the Mayor to execute these documents and the amended Contract upon receipt, on behalf of the City of Porterville; and

3. Give first reading to the Enabling Ordinance, waive further reading and order the Ordinance to print.

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the City Council approve the draft Resolution of Intent authorizing the amendments to the City’s Contract with CalPERS to provide public safety employees with the 3% @ 55 full formula retirement benefit, and to provide miscellaneous employees with the 2.7% @ 55 full formula retirement benefit, to become effective July 1, 2006; authorize the Mayor to execute these documents and the amended Contract upon receipt, on behalf of the City of Porterville; and give first reading to the Enabling Ordinance, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF PORTERVILLE AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES’ RETIREMENT SYSTEM. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved.

13. CURBSIDE RECYCLE SELECTION COMMITTEE STATUS REPORT RESPONSES TO REQUESTS FOR PROPOSALS FOR COLLECTION OF RESIDENTIAL RECYCLABLES

Recommendation: The status report is made for informational purposes only.

City Manager John Longley presented the item.

Mayor Pro Tem Hamilton questioned the need for a Selection Committee when only two proposals had been submitted.

City Attorney Julia Lew indicated that the Selection Committee had been formed and utilized due to previous Council direction. She then informed the Council that the Committee had completed its initial review of the proposals and that questions had been prepared for each participant. A discussion ensued as to details of the process.

In response to a request made by Council Member Stadtherr, Ms. Lew presented the Selection Committee’s status report.
Mayor Pro Tem Hamilton requested a copy of the questions to be asked of the participants, to which Ms. Lew agreed.

Council Member Irish inquired whether the process would be handled differently if the City had not been a participant. Ms. Lew indicated that she believed the process would not be handled in a different manner.

Disposition: No action required.

PUBLIC HEARINGS

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

Recommendation: That the City Council:
1. Adopt the draft resolution certifying the Environmental Impact Report prepared for General Plan Amendment 1-2006(A) and Zone Change 1-2006.
2. Adopt the draft resolution approving General Plan Amendment 1-2006(A);
3. Approve the draft ordinance approving Zone Change 1-2006; give first reading; waive further reading, and order the order the ordinance to print.

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

The continued public hearing re-opened at 7:40 p.m.

- John Hale, a Bakersfield resident and applicant, spoke in favor of the item and requested the Council’s approval of the General Plan Amendment and Zone Change. He advised the Council of inaccurate square footages on the overhead and indicated that the actual size was not as large. He informed the Council that in response to concerns raised at the previous public hearing, the project’s scope had been reduced. Mr. Hale then commented that he believed the project to be consistent with the goals of the General Plan, and pointed to other intersections in the City which he believed supported his contention. He stated that in response to the comments previously made, the Oak tree would not be removed, as had previously been proposed. Mr. Hale then addressed the concerns regarding traffic issues, stating that the proposed project would trigger needed improvements. Mr. Hale lastly spoke of the economic advantages that would be gained by the City through tax dollars generated by prospective tenants, Taco Bell, Carl’s Jr., and Starbucks.

- Mitchell Wolf, a Pismo Beach resident and owner of Taco Bell in Porterville, voiced support for the item, informed the Council of his need to relocate from the Olive Avenue location to the proposed Porterville Commercial Center (“PCC”) due to growth, and advised of a tentative agreement to sell the Olive Avenue site to Walgreen’s.

- Dave Mossman, a Newport Beach resident and Vice-President of Development at Donahue Schriber, came forward in support of the proposed GPA and Zone Change and disagreed with previous commentary that the proposed PCC would negatively impact the tenanting of the proposed Riverwalk development.

- Martha Olmos, a Springville resident and a Taco Bell Vice-President of Operations, spoke in favor of the item, noting the City’s need for the extra tax dollars the center would bring.

- Ben Ennis, 643 North Westwood Street, voiced opposition to the GPA and Zone Change, and spoke of the importance of maintaining critical mass for his proposed Riverwalk project. He then commented on the City’s industrially-zoned inventory, suggesting that the subject site was the premier industrial site in the City and that it should remain industrial. Mr. Ennis then addressed
traffic issues and suggested that the report prepared for the subject applicant by Omni Means was likely flawed. He lastly noted the time and effort put forth toward Riverwalk to date.

• Pete McCracken, 657 Village Green, voiced concern with approving the proposed GPA without the review or consent of the General Plan Advisory Committee. He spoke of the importance of the General Plan and requested that the Council proceed cautiously.

The public hearing closed at 8:01 p.m.

In response to a question posed by Council Member Stadtherr, Mr. Dunlap indicated that no industrial applications were outstanding at the present time. Council Member Stadtherr then questioned if the City was saving industrial lands for industry that was not coming, and confirmed with staff that the trend had been the relocation of industrial uses to locations outside of California due to the high costs of energy, workers’ compensation and health care. Council Member Stadtherr then commented that the determination as to the land use designation might have already been determined when The Home Depot was approved.

Council Member West questioned whether Council Member Stadtherr was suggesting that because a mistake had been made with The Home Depot, that the Council should continue the same mistake. He then commented that everything on the east side of Jaye Street was industrial.

Mayor Pro Tem Hamilton confirmed with staff that the City had approved four General Plan Amendments in the past ten years, three of which changed the land use designation to Industrial. He commented that there must have been a reason for such change into industrial. He then voiced concern with depleting the City’s inventory of industrial land, and the consequences with regard to traffic generation if the subject property was changed from industrial to commercial. Mayor Pro Tem Hamilton then voiced concern with the prospect of the proposed plans changing in the event the GPA was approved, suggesting that the plans had already changed from what was previously presented to the Council.

Council Member Irish commented that both Mr. Hale and Mr. Ennis had attempted to meet with him, but that he had intentionally not met with the parties, as he did not think it was a matter of what projects were developed, but rather an issue of process. He commented that in his view, good planning was planning that adhered to the City’s General Plan. Council Member Irish then stated that he would actually like to see both sides of Jaye Street built up, however development should move forward through the appropriate process, which meant waiting for the General Plan Update.

Council Member West moved that the Council deny the General Plan Amendment and Zone Change 1-2006 and that such consideration for the subject property be brought back to the Council when the Council considered the entire General Plan.

Council Member Irish seconded Council Member West’s motion.

Mayor Pro Tem Hamilton invited Mr. Hale to come forward and address the discrepancy in the plan before the Council that evening compared to the plan discussed the previous Friday.

• Mr. Hale came forward and indicated that the site plan was incorrect and had not been provided by him. He attributed the mistake to staff and stated that he had requested it be removed from the agenda packet due to the inaccuracies. Senior Planner Julie Boyle confirmed Mr. Hale’s contention.

City Attorney Julia Lew recommended that in the event Council Member West’s motion passed, a formal resolution containing the findings for denial be brought back to the Council. The Council concurred.
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish that the Council deny the General Plan Amendment and Zone Change 1-2006 and that such consideration for the subject property be brought back to the Council when the Council considered the entire General Plan.

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

Disposition: Denied.

The Council recessed for ten minutes.

15. GENERAL PLAN AMENDMENT 1-2006 (B) AND ZONE CHANGE 2-2006 (PACIFIC WEST ARCHITECTURE)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2006(B) and Zone Change 2-2006;
2. Adopt the draft resolution approving General Plan Amendment 1-2006(B);
3. Approve the draft ordinance approving Zone Change 2-2006, give first reading, waive further reading, and order the ordinance to print.

City Manager John Longley requested that the public hearings for Items 15 and 16 be consolidated inasmuch as they pertained to the same project. Upon the approval of the Council, Community Development Director Brad Dunlap proceeded to present both staff reports.

16. CONDITIONAL USE PERMIT 1-2006 (PACIFIC WEST COMMUNITIES, INC.)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 1-2006 subject to conditions of approval.

The consolidated public hearing opened at 8:34 p.m.

- Caleb Roope, an Idaho resident and representative for applicant Pacific West, requested approval of the item, and briefly spoke of the City’s support through the HOME Program and its award of one million dollars for financing of the project. He commented on the benefits of development in that area, and of the quality of projects undertaken by his company, citing Farmersville and Woodlake projects as examples.
- Pete McCracken, address on record, indicated that he wasn’t necessarily against the proposed GPA, and questioned if the Redevelopment Agency had approved a redevelopment plan for the subject area, why the General Plan had not been amended accordingly.

Mr. Dunlap indicated that the Redevelopment Strategic Plan had been adopted in 1992, and he was unaware as to why the General Plan had not been amended in accordance.

- Joe Guerrero, 332 South “F” Street, noted his neutrality on the subject, and spoke in favor of low income homes versus apartments. He then commented on the Council’s voiced concern and recent action to save the City’s industrial inventory, and noted that the subject GPA would further reduce it.
The consolidated public hearing closed at 8:44 p.m.

Council Member Stadtherr confirmed with Mr. Dunlap the trend towards clustering high density residential near light rail, and spoke of the potential future benefits of proceeding with the proposed GPA, particularly if in the future a light rail was developed throughout the state. He also noted the benefits of having industrial properties near rail lines.

Council Member West opined that the GPA considered immediately prior to the subject GPA differed. He indicated that the subject industrial property was located within a residential area, whereas the Jaye Street property was located in an industrial park.

Mayor Pro Tem Hamilton disagreed with Council Member West’s comments and stated that he did not see a difference in the two proposed General Plan Amendments. He stated that while he thought that a housing development would likely be beneficial in that particular area, he stated his desire to be consistent and wait until the General Plan Update.

Council Member Irish noted that the process had not changed, and regardless of what type of project was being proposed, he supported adhering to the General Plan. He spoke in favor of consistency and waiting for the completion of the General Plan Update.

City Manager requested that staff be allowed to address on the urgency of the project. A discussion ensued as to the process of General Plan Amendments, during which Mayor Pro Tem Hamilton voiced concern over staff’s methodology as to the staging of efforts to move towards compliance as stated by Mr. Longley.

Mr. Dunlap proceeded to elaborate on pertinent factors in the proposed General Plan Amendment. He indicated the proposed project would provide a significant number of low-income housing units toward the goal of the City’s Housing Element. He spoke of the Council’s somewhat recent approval of the HOME applicant for the subject project, noted the City’s award of $1 Million, and indicated that if the entitlements were not in place by March 21, 2006, the monies would be lost and the applicant would not be able to compete for tax-credit financing, which was the applicant’s remaining financial step to proceed with the project. He summarized that the proposed GPA would meet the goals of the City’s Housing Element, and would bring the land use into compliance with the Strategic Plan. Mr. Dunlap then elaborated on the Housing Element specifications as to target goals.

Mayor Pro Tem Hamilton acknowledged the benefits that could be gained in terms of redevelopment, however voiced concern with the land use inconsistencies with the General Plan.

COUNCIL ACTION:  MOVED by Mayor Martinez, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2006(B) and Zone Change 2-2006; adopt the draft resolution approving General Plan Amendment 1-2006(B); approve the draft ordinance approving Zone Change 2-2006, give first reading, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2-2006 FROM M-1 (LIGHT MANUFACTURING) TO R-2 (FOUR FAMILY RESIDENTIAL) FOR THAT 4.48± ACRE VACANT SITE LOCATED GENERALLY ON THE SOUTHEAST CORNER OF DATE AVENUE AND “E” STREET; and approve the draft resolution approving Conditional Use Permit 1-2006 subject to conditions of approval.
AYES: West, Stadtherr, Martinez
NOES: Irish, Hamilton
ABSTAIN: None
ABSENT: None

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

The Council recessed for five minutes.

17. GENERAL PLAN AMENDMENT 1-2006 (C) AND ZONE CHANGE 3-2006 (SMEE)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2006(C) and Zone Change 3-2006;
2. Adopt the draft resolution approving General Plan Amendment 1-2006(C);
3. Approve the draft ordinance approving Zoning Change 3-2006, give first reading, waive further reading, and order the ordinance to print.

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

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

- Jim Winton, business address of 150 West Morton Avenue, came forward on behalf of applicant Smee & Nicholson and requested the Council’s approval.
- Ben Ennis, address on record, voiced support for the proposed GPA, noting the positive effects on traffic generation a commercial project would have versus a high density residential development.
- Mary Martin, 1914 W. Forrest Avenue, spoke against the proposed GPA, citing concerns with traffic issues.

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

Mayor Pro Tem Hamilton noted for the record that he and Mr. Smee attended the same church, but informed everyone that he had no financial interest in the property whatsoever. He then voiced support for the proposed GPA, suggesting it was consistent with what was happening in that vicinity.

Council Member West stated that he too attended the same church as the applicant, Mr. Smee, and also had no financial interest in the subject property.

Council Member Stadtherr acknowledged Ms. Martin’s concerns with regard to increased traffic, yet noted that a high density residential project would likely generate as much, and likely more traffic than the proposed commercial zone. He pointed out that not developing the site was not an option.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2006(C) and Zone Change 3-2006; adopt the draft resolution approving General Plan Amendment 1-2006(C); approve the draft ordinance approving Zoning Change 3-2006, give first reading, waive further
Ordinance 1695 reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2006 FROM R-3(D) MULTIPLE FAMILY RESIDENTIAL WITH A “D” OVERLAY SITE REVIEW TO C-3 (HEAVY COMMERCIAL) FOR THAT SITE LOCATED ON THE SOUTHWEST CORNER OF MATHEW STREET AND WEST OLIVE AVENUE. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

18. IRIS HILL ESTATES TENTATIVE SUBDIVISION MAP (JEROME STEHLY)

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Irish Hills Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Iris Hills Estates Tentative Subdivision Map.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap added that staff had received a letter from the applicant that day in which the applicant proposed a pocket park on Parcel 19 of the Map in exchange for crediting the park fees, which were required to be paid at the time of building permit issuance. Mr. Dunlap indicated that the current park fees were $525 per house and were utilized to support the debt service payments on the COP issuance used to construct the Sports Complex. He stated that staff did not recommend supporting a waiver of said fees as was proposed by the applicant.

Mr. Dunlap then advised of a typographical error in Condition No. 9 of the draft Resolution Containing the Findings and Conditions in Support of Approval of the Tentative Subdivision Map. It was stated that language should be added to the second sentence in the second paragraph of Condition No. 9 amending it to state, “[t]he Lighting and Landscape Maintenance District shall be established for the annexation into an existing District and Landscape and Lighting improvements shall be completed and accepted concurrently with the other improvements in the subdivision.” (Emphasis added for clarity.)

The public hearing opened at 9:24 p.m.

- Jerome Stehly, a Bonsall, California resident and applicant, spoke of the proposed Tentative Map and requested the Council’s approval. He spoke of his company’s efforts to work with the City with regard to a pocket park. Citing the Quimby Act, he suggested that as a compromise they had proposed the park in lieu of the park fees. He then noted the other obligations for improvements for which his company would be responsible, such as sidewalks and improvements on Main Street.
- Jim Winton, address on record, came forward on behalf of the applicant, spoke in favor of the proposed Tentative Subdivision Map, noted the additional acreage that would need to be dedicated, and spoke of the excessive depths of some of the lots, which he stated were necessary to eliminate the need for retaining walls.
- Greg Shelton, address on record, inquired as to the City’s intentions with regard to a road depicted on the Map that was not currently in existence. He then voiced support for the proposed Map.
Dick Eckhoff, 197 North Main Street, noted the steeper elevations toward the southern border of the proposed Subdivision and inquired as to the resulting profiles of the slopes and the effects on development of the lots and the road in that specific area.

The public hearing closed at 9:34 p.m.

Council Member Irish commented that while the applicant had perhaps followed the letter of what the City had sought in terms of a pocket park, it had not followed the spirit. He suggested that the proposed pocket park was somewhat small for the size of the development and inquired as to whether the City was seeking improvements above and beyond those required of other applicants.

Mike Reed, City Engineer, came forward and explained that Reid Avenue would require typical improvements, while required improvements to Main Street were unique, primarily due to topographical issues.

Council Member Stadtherr commented that smart growth clustered development around schools, and that the proposed Subdivision was not in close proximity to a school. He suggested that if approved, an unfair burden might be placed on the school district to transport the students.

City Attorney Julia Lew clarified that denial of the proposed Map could not be based on such an argument. It was further stated that the school districts had been notified and had not commented.

Mayor Pro Tem Hamilton voiced concern with language included in the Negative Declaration with regard to the Mitigation Measure stated for Impact No. 15a,b - Transportation/Traffic, specifically the pooling of the project proponent’s traffic impact fees with other collected funds and capital funds. Mr. Dunlap clarified that the funds would more accurately service the debt on the COPs. Mayor Pro Tem Hamilton suggested that the fees should go towards Main Street and not debt service on the COPs.

The City Manager indicated that COP funds were basically for regional improvements. He stated that without the revenue streams from impact fees, the debt service payments on the COPs would not be met. A discussion ensued as to whether Main Street would see any improvements based on the impact fee revenue generated by the proposed Subdivision. Mr. Longley spoke of how the impact fees of the subject project tracked no differently than had other projects’ impact fees. He opined that the fees would likely have a beneficial impact on Main Street, and stated that the impact should be viewed from a systems concept, rather than one particular piece of asphalt in front of a project.

Council Member Stadtherr reiterated his concerns with regard to a school not being in close proximity and the subsequent safety issues that might consequently arise.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member West that the City Council adopt the draft resolution approving the Negative Declaration Resolution 37-2006 for Irish Hills Estates Tentative Subdivision Map; and adopt the draft resolution Resolution 38-2006 approving Iris Hills Estates Tentative Subdivision Map.

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

Disposition: Approved.
Recommendation: That the City Council conduct a public hearing and adopt the draft resolution adjusting City facility reservation and rental charges effective May 1, 2006.

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

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

• Greg Shelton, Parks & Leisure Services Commissioner, address on record, spoke of the deliberations of the Commission, and the difficult decision to support a fee increase. He stated that while some of the proposed increases seemed substantial, he noted the increased costs of providing the services and the low rate of cost recoveries for many of the services.

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

Mayor Pro Tem Hamilton voiced concern with the proposed increase for pool rental fees, as well as charging for ball field preparation and lighting, in addition to the fee for the field itself. He suggested that maintaining the field was already the City’s responsibility. A discussion ensued during which Mr. Perrine indicated that preparation of the fields pertained to getting the field ready for a particular sport. He stated that some leagues did the prep work themselves, while others requested the City handle the task. With regard to lighting, Mr. Perrine stated that because of the additional energy costs incurred by the City for lighting fields for evening play, the City charged for lighting. Mayor Pro Tem Hamilton pointed out the disparity in lighting fees for youth versus adults.

Council Member Irish commented that if the proposed fee increases were passed, the Council would have approved every fee and tax increase brought before them in the last three years.

• Greg Shelton, spoke of the methodology in some of the suggested fee increases, specifically the attempt to subsidize some fees, and noted the excessive cost for renting the pool facility, which he attributed to the cost of the lifeguards. He then noted that while he was not typically in favor of increasing fees, he pointed out that unfortunately everything had gotten more expensive.

Council Member inquired as to the disparity between commercial use and non-profit use in the cost of renting a meeting room. It was stated that the proposed fees were based on the idea that since non-profit groups would be utilizing the facility for non-profit/charitable activities, such organizations should not have to pay as much as a commercial organization who would be utilizing the facility for profit-based activities.

Council Member Irish questioned whether parking fees at the pool had been considered.

Mayor Pro Tem Hamilton suggested a more philosophical question as to why the City would charge the public for using a facility that technically belonged to the public.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council deny the proposed resolution adjusting City facility reservation and rental charges effective May 1, 2006.

AYES: Irish, Hamilton, Martinez
NOES: West, Stadtherr
ABSTAIN: None
ABSENT: None
20. CONSIDERATION OF POLICE FEE ADJUSTMENT

Recommendation: That the City Council review and adjust the Police Department fees as recommended in the MAXIMUS schedule, with the following exceptions:
1. Adjust the fee for LiveScan fingerprinting to $15.00;
2. Retain the Police/Crime/Accident Report copying fee at $25.00; and
3. Adjust the False Alarm Service Fee to $50.00.

City Manager John Longley presented the item.

Council Member Irish commented that he might have a conflict of interest with a portion of the item, specifically with regard to No. 3 of staff’s recommendation for False Alarm Fees.

Mayor Pro Tem Hamilton requested that the False Alarm Service Fee portion be continued. The Council concurred.

At Police Chief Silver Rodriguez’s request, Captain Steve Schnars came forward and presented the staff report.

The public hearing opened at 9:56 p.m. and closed at 9:57 p.m. when nobody came forward. It was noted that the public hearing would be re-opened on the items pertaining to No. 3 in the staff report.

A discussion ensued as to how the fee revenue would be allocated, during which Mr. Longley stated that in the past, fee revenue went into the General Fund, however he was considering allocation to the various departmental budgets.

Council Member Irish questioned whether departmental budgets would be offset by the amount of collected fees, to which Mr. Longley indicated that in the first year, the change would likely not make a difference, however in the future, because of fee revenue increasing and decreasing, it would make a difference.

Mayor Pro Tem Hamilton pointed out that departmental funding came from the General Fund.

Council Member Irish moved that the Council deny the proposed fees until the language was revised to reflect the allocation of fee revenue as was suggested by Mr. Longley. The motion died for lack of a second.

Mayor Pro Tem Hamilton moved that the Council approve the proposed fee adjustment for LiveScan fingerprinting to $15.00; retain the Police/Crime/Accident Report copying fee at $25.00; and that the False Alarm Service Fees be brought back in July 2006.

Council Member Stadtherr seconded the motion.

Mr. Longley pointed out that the staff recommendation actually included approval of all of the Police Department Fees, in addition to the LiveScan fingerprinting and Police/Crime/Accident Report fees. The Council pointed out that no fee schedule had been attached to the staff report.

Mayor Pro Tem Hamilton clarified his motion to include direction to staff to bring the other fees to which Mr. Longley referred back to the Council for consideration, and include the fee schedule in the staff report.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the proposed adjustment to the LiveScan fingerprinting to $15.00; retain the Police/Crime/Accident Report copying fee at $25.00; continue the False Alarm Service Fees until July 2006; and to direct staff to bring the remaining fees back to the Council for consideration. The motion carried unanimously.

Disposition: Approved, as amended, with direction to staff for continued items.

SCHEDULED MATTERS
21. 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 the subject real property.

It was stated that the item had been removed and deferred until July 2006.

Disposition: Continued to July 2006.

22. PROPOSED AMENDMENT TO THE PORTERVILLE MUNICIPAL CODE SECTION 12.2.1, ARTICLE II, “FIREWORKS”

Recommendation: That the City Council:
1. Approve Option No. 1, or Option No. 2, and direct staff to bring back a draft ordinance modifying Porterville Municipal Code Section 12.2.1 for Council consideration; or

City Manager John Longley presented the item.

Mayor Martinez stated that he had heard many comments from participants in the lottery and that they supported maintaining the status quo. He then spoke of the fairness of the current process.

Council Irish commented that he too had overwhelmingly heard that no change in the process was desired.

Council Member West agreed.

The Council concurred that no action would be required on the item.

Disposition: No action taken.

23. AFFIRM USE OF CALTRANS PROCEDURES FOR ACQUISITION OF RIGHT OF WAY

Recommendation: That the City Council:
1. Affirm by resolution that right of way negotiations and acquisition procedures will adhere to Caltrans procedures;
2. Direct the City Clerk to transmit said resolution to Caltrans Right of Way Division; and
3. Direct the Public Works Director to transmit under separate cover a letter to the Caltrans right of way agent requesting that Caltrans remove the hold on all City projects.

City Manager John Longley presented the item, and the Council waived the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council affirm by resolution that right of way negotiations and acquisition procedures will adhere to Caltrans procedures; direct the City Clerk to transmit said resolution to Caltrans Right of Way Division; and direct the Public Works Director to transmit under separate cover a letter to the Caltrans right of way agent requesting that Caltrans remove the hold on all City projects. The motion carried unanimously.

Disposition: Approved.

24. INTERPRETATION OF AMBIGUITY - ELECTRONIC READER BOARD SIGN

Recommendation: That the City Council direct staff to:

1. Address the sign and future signs of the subject nature as an allowable sign as long as it/they fall within the standards (height, size, allowable square footage, etc to include limitations on message action) of Article Twenty (Signs and Advertising Structures) of the Porterville Zoning Ordinance; and

2. Direct staff to clarify the use of electronic reader boards in the Sign Ordinance amendment which is currently underway.

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

Council Member Irish commented he did not have a problem with signs that scrolled.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s comments. He then moved that the Council approve staff’s request, and indicated that he would even support the allowance of scrolling signs.

Council Member Stadtherr suggested that brightness be addressed in the standards, with which Mayor Pro Tem Hamilton and Council Member Irish disagreed.

City Attorney Julia Lew clarified that scrolling was explicitly disallowed under the current regulations, however regulations pertaining to a reader panel were ambiguous. She then suggested that in the event the Council wished to also allowing scrolling, the best course of action would be to direct staff to bring back an ordinance.

A discussion ensued as to L.E.D. lighted signs versus standard lighted signs, during which it was suggested that the scrolling L.E.D. signs and reader boards could be interpreted as allowable.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the City Council address the sign and future signs of the subject nature as an allowable sign as long as it/they fall within the standards (height, size, allowable square footage, etc to include limitations on message action) of Article Twenty (Signs and Advertising Structures) of the Porterville Zoning Ordinance; and direct staff to clarify the use of electronic reader boards in the Sign Ordinance amendment which is currently underway. The motion carried unanimously.
25. WORKFORCE HOUSING REWARD GRANT PROGRAM

Recommendation: That the City Council:
1. Authorize the application submittal to the Department of Housing and Community Development for the Workforce Housing Reward Grant Program;
2. Approve the draft resolution authorizing the execution of the standard agreement and any other documents necessary to secure a Workforce Housing Reward Grant from the State of California; and
3. Authorize the Mayor to sign the application, the Standard Agreement and all other participation documents and the Community Development Director to sign all drawdown requests and other administrative documents required for the Workforce Housing Reward Grant Program.

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

It was stated that the funds would be utilized to finish a portion of Indiana Street.

Mayor Pro Tem Hamilton commented that he would prefer that the Council determined that evening which capital project would benefit in the event the funds were awarded.

Council Member West voiced concern with locking in the funds for a particular project, when some other emergency situation could arise.

The City Manager reviewed the capital project options available for Council’s consideration.

Mayor Pro Tem Hamilton voiced support for designating the funds towards the Hockett/Mill parking lot.

Mr. Longley advised the Council that while staff had committed to locating funds to complete the Indiana Street project, the project was not yet funded. In response to a question posed by Council Member Irish, he indicated that there were not sufficient unrestricted funds that could be utilized to fund the Indiana Street Project. A discussion ensued as to the definition of “unrestricted funds” during which Mr. Longley suggested a difference between unrestricted funds in an auditing sense and unrestricted funds as applicable to funding projects.

Mayor Pro Tem Hamilton confirmed with staff the estimated costs and details of the Indiana Street Project. He then commented that the equipment replacement fund was regenerated on an annual basis and suggested that those funds were actually unrestricted funds.

Council Member Irish noted the importance of finishing Indiana Street.

- Felipe Martinez, 195 West Putnam Avenue, spoke against designating the funds towards the Indiana Street Project. He noted that the grant was a Workforce Housing Grant and spoke of the needs in that area. He spoke against building streets without curbs and gutters.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council authorize the application submittal to the Department of Housing and Community Development for the Workforce Housing Reward Grant Program; approve the draft resolution authorizing the execution of the standard Resolution 41-2006 agreement and any other documents necessary to secure a Workforce Housing Reward Grant from the State of California; authorize the Mayor to sign the
application, the Standard Agreement and all other participation documents and the Community Development Director to sign all drawdown requests and other administrative documents required for the Workforce Housing Reward Grant Program; and to designate the funds for the Indiana Street Project.

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

Disposition: Approved.

26. AUTHORIZATION TO SUBMIT APPLICATION FOR “HELEN PUTNAM AWARD FOR EXCELLENCE”

Recommendation: That the City Council establish the submission of an application packet for the “Helen Putnam Award of Excellence” to the California League of Cities as a priority.

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

Mayor Pro Tem Hamilton confirmed with Mr. Dunlap that staff would be able to dedicate time towards the application packet while at the same time maintaining other responsibilities. He then confirmed that pursuing the award would have no impact with regard to the speed at which the General Plan Update proceeded.

Staff time on the application process was estimated to be approximately 40 hours, which at the hourly fee derived in the MAXIMUS Fee Study of $78.42, was approximately $3,000.

Council Member Irish suggested that $1,500 come out of the Council’s budget and the remaining $1,500 come from the City Manager’s budget to fund the application.

Mayor Pro Tem Hamilton noted the economic development achievements in the City of Clovis and spoke of benefits of that City’s constant self promotion. He suggested that if the City was successful in getting the award, it would likely be beneficial to the City of Porterville.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the City Council establish the submission of an application packet for the “Helen Putnam Award of Excellence” to the California League of Cities as a priority. The motion carried unanimously.

Disposition: Approved.

27. A REPORT RELATING TO OPTIONS REGARDING ENHANCED SERVICES FOR AN INTERNAL AUDITOR

Recommendation: Report provided pursuant to the Council’s request.

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

Council Member Stadtherr suggested that a committee could be formed to investigate whether it would be beneficial to proceed with an internal auditor.
Mayor Pro Tem Hamilton commented that the Council could request further audit functions through the City Auditor, which would accomplish the same thing.

Council Member Irish spoke against proceeding with an internal auditor, stating his desire not to micro manage. He suggested that in the event a red flag arose, an audit could be requested of the City Auditor.

Mayor Pro Tem Hamilton thanked Council Member Stadtherr for his efforts and research on the matter.

Disposition: No action taken.

ORAL COMMUNICATIONS

• Joe Guerrero, 332 So. F Street, commented on the need for street improvements in the vicinity of the project proposed in Items 15 and 16; and requested that the traffic lanes on Olive Avenue between G Street and Highway 65 be re-striped, suggesting the current condition posed a danger.

• Greg Shelton, address on record, agreed that the Indiana Street Project needed to be completed, and noted his agreement with commentary made that evening regarding the need for widening the street near the proposed apartment complex near Jaye Street.

OTHER MATTERS

• Council Member Irish noted the difficulty in viewing the vote display panel from his location on the dais and requested that it be relocated to the easterly wall in the Chambers. The City Manager suggested that a mirror could be utilized.

• Council Member Irish requested that the Council reactivate Council acknowledgment of local high school and college students for State Championship victories, and suggested that the Monache High School student recently profiled in the newspaper be acknowledged.

• Mayor Pro Tem Hamilton noted that Michael Pavone’s son also did well and should be acknowledged.

• Mayor Martinez noted that there was also a female athlete from Alta Vista that would be participating in the State Championships.

ADJOURNMENT

The Council adjourned at 10:58 p.m. to the meeting of March 14, 2006 at 5:00 p.m.

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Patrice Hildreth, Deputy City Clerk

SEAL

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Pedro R. Martinez, Mayor