CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
NOVEMBER 21, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.  
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3- 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
Deputy City Manager Frank Guyton reported that no action had been taken.

Pledge of Allegiance Led by Council Member Pedro Martinez  
Invocation - a moment of silence was observed.

PRESENTATIONS
Outstanding Business Presentation - Porterville Tire and Recapping  
City Manager’s Featured Projects
   • Skatepark Opening
   • Fire Chief
   • Reroofing of City Hall Annex and Putnam Community Center

ORAL COMMUNICATIONS
   • Rick Patterson, 12228 Road 296, voiced concern with a yet unresolved abatement issue at 228 South G Street of which he had previously informed the Council. He spoke of difficulty in reaching the City Manager and requested an update on the status of the matter.
   • Larry Long, 192 West School Avenue, requested that he be afforded the opportunity to address the Council during its consideration of Item No. 16.
   • Martha Alcazar Flores, 461 North Main Street, Frugal Fashions, came forward on behalf of the Tulare Kings Hispanic Chamber of Commerce and presented the Council with the names of its Board Members. Ms. Flores then spoke of the Chamber’s desire to work with the City for the economic betterment of the Community.
CONSENT CALENDAR

Item No. 5 was removed for Mayor Hamilton’s abstention.

1. CITY COUNCIL MINUTES OF OCTOBER 17, 2006

Recommendation: That the City Council approve the City Council Minutes of October 17, 2006.

Documentation: M.O. 01-112106
Disposition: Approved.

2. BUDGET ADJUSTMENT - POLICE DEPARTMENT

Recommendation: That the City Council:
1. Authorize staff to accept the grant funds; and
2. Authorize a budget adjustment to the Police Department in the amount of $1,000.

Documentation: M.O. 02-112106
Disposition: Approved.

3. EDISON BILL - INDIANA STREET PROJECT

Recommendation: That the City Council:
1. Authorize the payment of the estimated SCE bill of $26,000;
2. Authorize a 10% contingency; and
3. Authorize the expenditures detailed in the staff report from the Capital Projects Account No. 89-9106.

Documentation: M.O. 03-112106
Disposition: Approved.

4. ACCEPTANCE OF PROJECT - SPRAYED POLYURETHANE ROOFING SYSTEMS (CITY HALL ANNEX AND PORTERVILLE COMMUNITY CENTER)

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 04-112106
Disposition: Approved.

5. LETTER OF PUBLIC CONVENIENCE OR NECESSITY - ADEL JOUDI- EXPRESS MART AND GAS - 1060 W. OLIVE AVE.

Page 2 of 11
Recommendation: That the City Council approve a letter of public convenience or necessity supporting the issuance of a Type 21 Off-Sale of Beer, Wine, and Distilled Spirits License within the Census Tract No. 36.01 for the Express Mart and Gas, located at 1060 West Olive Avenue.

Documentation: M.O. 05-112106
Disposition: Approved.

7. REQUEST FOR ONE (1) TEMPORARY TRAILER TO BE UTILIZED AS A SALES OFFICE

Recommendation: That the City Council adopt the draft resolution and conditions of approval for a temporary trailer for a six (6) month period of time expiring on May 21, 2007.

Documentation: Resolution 141-2006
Disposition: Approved.

8. PROPOSED REORGANIZATION INCLUDING A CHANGE IN THE TABLE OF ORGANIZATION WITHIN PUBLIC WORKS DEPARTMENT

Recommendation: That the City Council adopt the draft resolution authorizing the Reorganization in the Engineering Division and a change in the Table of Organization in the Streets Section of the Field Services Division.

Documentation: Resolution 142-2006
Disposition: Approved.

9. STATE HOMELAND SECURITY GRANT - FIRE DEPARTMENT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment under the negotiated bid process; and
2. Authorize staff to do a budget adjustment in the amount of $22,600 to the Fire Department’s operating budget.

Documentation: M.O. 06-112106
Disposition: Approved.

10. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM 2006

Recommendation: That the City Council:
1. Authorize staff to purchase equipment under the negotiated bid process; and
2. Authorize staff to do a budget adjustment in the amount of $46,854 to the Fire Department’s operating budget.
11. TRANSACTION AND USE TAX OVERSIGHT COMMITTEE

Recommendation: None.

12. VOLUNTARY DONATION OF PAID LEAVE PROGRAM FOR FIRE SERIES EMPLOYEES

Recommendation: That the City Council ratify the Memorandum of Understanding to create a Voluntary Donation of Paid Leave Program.

Documentation: M.O. 08-112106
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve Item Nos. 1 through 4, and 6 through 12. The motion carried unanimously.

5. EL DORADO ESTATES TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME (DEL VALLE HOMES)

Recommendation: That the City Council adopt the draft resolution approving a one-year extension of time for El Dorado Estates Tentative Subdivision Map.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Eddie Hernandez that the Council approve Resolution 143-2006 approving a one-year extension of time for El Dorado Estates Tentative Subdivision Map.

AYES: McCracken, P. Martinez, F. Martinez, Hernandez
NOES: None
ABSTAIN: Hamilton
ABSENT: None

Disposition: Approved.

PUBLIC HEARINGS

13. CONDITIONAL USE PERMIT 7-99 MODIFICATION NO. 1 (LANDMARK CHRISTIAN CENTER)

Recommendation: That the City Council:
1. Revise the plans to omit the layout of residential units on the east end of the site; and
2. Adopt the draft resolution approving the modification to Conditional Use Permit 7-99 subject to conditions of approval.
Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

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

- Bob Bell, CITA Development of Bakersfield, project developer/contractor, came forward on behalf of the applicant and requested the Council’s approval of the requested modification to the Conditional Use Permit. He commented that the main focus that evening was to obtain approval of the two accessory buildings. He indicated that returning to the Council at a later time for the residential units was not a problem.
- Paula Blaylock, Pastor of Landmark Christian Center, thanked the Council for their past approvals and requested that the Council consider the comments of Mr. Bell.
- Donna Keen, 2217 West Della, voiced opposition to the proposed residential units included in the requested modification, citing concerns with noise, privacy issues and the potential for deceased property values.
- Paula Blaylock, Pastor of Landmark Christian Center, informed everyone that the proposed residential units would be one-story units. She stated that the intent was to rent the units to young retirees who frequently traveled, which would thereby eliminate the concern raised over increased noise levels.
- Beverly Dazzo, 2204 West Della, spoke against the proposed residential portion of the project, citing concerns with increased activity.

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

Council Member Pedro Martinez confirmed that the residential units were not going to be considered that evening.

The Council Members voiced no opposition to staff’s recommendation.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council direct that the plans be revised to omit the layout of residential units on the east end of the site; and adopt the draft resolution approving the modification to Conditional Use Permit 7-99 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved.

Mayor Hamilton commended Pastor Blaylock on the Halloween festivities at the Landmark Christian Center.

14. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the item to the December 5, 2006 City Council Meeting.

Mayor Hamilton noted that the Item would be carried over to the Meeting of December 5, 2006.
Council Member McCracken noted that the item had been continued several times, and suggested that the item be again continued to December 5, 2006, with the provision that if no action is taken, the item should then be taken off calendar until such time as the applicant requests that it be brought back. He suggested that removing the item would likely save staff time, and inquired as to whether a policy existed that limited how many times an item could be continued. City Attorney Nancy Jenner stated that at some point, the Map itself would expire.

Mayor Pro Tem Felipe Martinez voiced support for keeping the item on the Agenda, suggesting that it would keep attention focused on the item.

Community Development Director Brad Dunlap indicated that time constraints would come into play if the City had initiated the delays, however in the matter at hand, the applicant had initiated the continuances, and therefore by default the timelines were stayed. Mr. Dunlap indicated that the applicant had, on the record, requested that the timeline be extended. He then pointed out that the City Council had the ability to continue the matter until the next meeting, or to another meeting.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council continue the item and public hearing to the
M.O. 09-112106
Meeting of December 5, 2006, with direction to staff that in the event no action is taken on the item, that the item be removed from the Agenda until such time as the applicant requested that it be presented for Council’s consideration.

AYES: McCracken, F. Martinez, Hernandez
NOES: P. Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Continued to December 5, 2006, with direction given to staff.

SECOND READING
15. ORDINANCE NO. 1709, EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOTE CONTROL CAR TRACK

Recommendation: That the City Council give Second Reading to Ordinance No. 1709, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the City Council give Second Reading to Ordinance 1709, waive further reading, and adopt said Ordinance, being AN
Ordinance 1709
ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING AN EXTENSION OF A TEMPORARY USE PERMIT FOR THE CONTINUED OPERATION OF A REMOVE CONTROL RACE TRACK AS A HOBBY/RECREATION USE. The motion carried unanimously.
The Deputy City Manager read the Ordinance by title only.

Disposition: Approved.

**SCHEDULED MATTERS**

16. **REQUEST FOR WAIVER OF SIDEWALK AT 192 WEST SCHOOL AVENUE**

Recommendation: That the City Council:

1. Approve the sidewalk waiver specific to Building Permit RER-07-05-0165 and inform Mr. Long that any subsequent building permit requests for 192 W. School Avenue may trigger the concrete improvement provision;

2. Direct staff to methodically review, as time permits, the various locations throughout the City where similar physical obstruction may prevent the implementation of Section 20-40.1;

3. Direct staff to prepare a detailed report with accompanying photos identifying locations where the installation of curb, gutter and sidewalks may be problematic; and

4. Direct staff to schedule a study session to give the City Council the opportunity to discuss and act on staff’s report.

Deputy City Manager Frank Guyton presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

- Larry Long, 192 West School Avenue, applicant, requested the Council’s approval of the requested waiver, and noted that, in fact, there were six trees that obstructed the required improvements, rather than the three trees referenced in the staff report. Mr. Long then provided the Council with a letter from his neighbor, Ms. Ellen Nichols, which the Mayor read into the record, as follows:

  **November 20, 2006**

  **To:** City Council and Staff Planners  
  **From:** Ellen Nichols

  *My good neighbor, Larry Long, who resides at 192 W. School, tells me that the City of Porterville may need to add sidewalks where he lives. The beautiful trees on that property might be removed in order to facilitate the building of those sidewalks.*

  *I live at 456 North Hawaii Street, corner of School, directly across the street from Larry, and I would hate to see any of those trees removed, especially the oaks. In summer, the shade they provide helps to keep my house and yard cool, and all year they enhance the ambience of*
the neighborhood. People unfamiliar with the area often remark, upon being here for the first time, on how pleasant it is with the mature trees. Please don't take them away!

Ellen Nichols
784-5539

At the request of Mayor Hamilton, Mr. Rodriguez clarified the provisions of Municipal Code Section 20-40.1, which he indicated triggered concrete improvements upon the issuance of a permit for improvements of $15,000 or more, over a two year period.

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

Council Member Pedro Martinez seconded the motion. He then suggested that a particular shrub located on the corner of Mr. Long’s property might obstruct the vision of motorists at that intersection.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Pedro Martinez that the Council approve the sidewalk waiver specific to Building Permit RER-07-05-0165 and inform Mr. Long that any subsequent building permit requests for 192 W. School Avenue may trigger the concrete improvement provision; direct staff to methodically review, as time permits, the various locations throughout the City where similar physical obstruction may prevent the implementation of Section 20-40.1; direct staff to prepare a detailed report with accompanying photos identifying locations where the installation of curb, gutter and sidewalks may be problematic; and direct staff to schedule a study session to give the City Council the opportunity to discuss and act on staff’s report. The motion carried unanimously.

Disposition: Approved.

17. HILLSIDE DEVELOPMENT ORDINANCE UPDATE - PURPOSE AND INTENT (ZONING ORDINANCE AMENDMENT 2006-8)

Recommendation: That the City Council provide direction to staff and the consultant.

Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

Mayor Hamilton noted the importance of the decision before the Council and suggested that the Study Session currently scheduled to discuss the Noise Ordinance on December 1, 2006 at 3:00 p.m. be rescheduled for a later date, and that the December 1, 2006 date be reserved for a Study Session on the Hillside Development Ordinance.
Mr. Dunlap requested that in the event the Council chose to schedule a Study Session for December 1, 2006, that rather than simply providing direction as to purpose and intent, that the Council more specifically provide direction on the general character of the ordinance.

A discussion ensued as to the scheduling of the Adjourned Meeting, during which the Council concurred that the matter should be continued to December 1, 2006 at 12:00 p.m., so as to allow more time for discussion. It was decided to reschedule the Noise Ordinance Study Session to a date yet to be determined.

In response to a question posed by Mayor Pro Tem Felipe Martinez, Council Members Hernandez and McCracken each confirmed that the Hillside Development Ordinance Committee had not yet met.

Disposition: Continuated to an Adjourned Meeting scheduled for December 1, 2006 at 12:00 p.m.

The Council adjourned at 8:05 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
November 21, 2006

Roll Call: Agency Member McCracken, Agency Member P. Martinez, Vice-Chairman Felipe Martinez, Agency Member Hernandez, Chairman Hamilton

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. ACCEPTANCE OF PROJECT - CASAS BUENA VISTA SLURRY SEAL

Recommendation: That the Redevelopment Agency:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided to stop notices have been filed.

Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Member Hernandez that the Redevelopment Agency accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided to stop notices have been filed. The motion carried unanimously.

Disposition: Approved.
The Redevelopment Agency adjourned at 8:06 p.m. to a Meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
November 21, 2006

Roll Call: Director McCracken, Director P. Martinez, Vice President F. Martinez, Director Hernandez, President Hamilton

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-laws, accept public comment, and approve the 2006 Status Report for the Redevelopment Bond Issue No. 1 Projects.

Deputy City Manager Frank Guyton presented the item, and Community Development Director Brad Dunlap presented the staff report.

Director McCracken pointed out that the staff report recommended that the Council accept public comment.

President Hamilton invited public commentary, to which there was no response.

AGENCY ACTION: MOVED by Vice President F. Martinez, SECONDED by Director P. Martinez that the Public Financing Authority approve the 2006 Status Report PFA 01-112106 for the Redevelopment Bond Issue No. 1 Projects. The motion carried unanimously.

Disposition: Approved.

The Public Financing Authority adjourned at 8:09 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

• Greg Shelton, 888 North Williford Drive, thanked the Council for the Second Reading of Ordinance 1709; and suggested that a lack of urgency now existed with regard to adopting a Hillside Development Ordinance due to the apparent downturn in the real estate market. He then voiced caution over pursuing overly tight restrictions which he asserted would likely deter any hillside development.
OTHER MATTERS

• Mayor Pro Tem Felipe Martinez spoke of his recent trip to Sacramento for legislative days and of the valuable information with regard to new legislation gleaned from the visit.
• Council Member Pedro Martinez: 1) informed everyone of his recent trip to Anaheim; 2) requested that congratulatory letters from the Council be sent to the Porterville High School girls’ water polo team; Monache High School boys’ water polo team; and Monache High School’s band for their recent achievements; and 3) spoke of Thanksgiving and requested that everyone remember those who were less fortunate.
• Council Member McCracken spoke of his recent trip to Sacramento for legislative days and noted new legislation affecting the reporting requirements of homeowners associations.
• Mayor Hamilton: 1) advised everyone of his recent trip to Washington D.C. to secure funding for the Success Dam Remediation Project. He stated that whether the project would be fully funded was still unknown at that time; 2) requested a budget adjustment in the amount of $1,000 for a City-sponsored Toys for Tots drive; and 3) congratulated Lori Mercado, the new Parks & Leisure Services Administrative Analyst, on her new position.

ADJOURNMENT

The Council adjourned at 8:18 p.m. to the meeting of December 1, 2006 at 12:00 p.m.

_________________________________
Patrice Hildreth, Deputy City Clerk

ATTEST:

_________________________________
Cameron Hamilton, Mayor