CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MARCH 6, 2007, 7:00 P.M.

Call to Order at 7:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived at 7:55 p.m.), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance Led by Mayor Pro Tem Felipe Martinez
Invocation - one individual participated.

PRESENTATIONS
City Employee of the Month - Linda Wammack
Recognition of Smith's Alley
County General Plan Update Presentation Slides
It was noted that the County’s presentation would be postponed until April 3, 2007.

ORAL COMMUNICATIONS

• Greg Shelton, 888 North Williford Drive, spoke regarding the City’s farming operation, voicing concern with the City’s renewal of its farm management contract with Mr. Nuckols without using the bid process. He indicated that local farmers who might be interested in bidding on the contract were in the audience that evening.
• Rick Perigo, a Terra Bella resident and local hay farmer, spoke against the City awarding the farm management contract without the bid process. He voiced his interest in bidding on the contract.
• Jeff Sheets, came forward and identified himself as the individual currently contracted with the City to dry farm its land at the Airport. He agreed with Mr. Perigo’s comments and voiced his interest in bidding on the farm management contract.
• Gene Badders, came forward and identified himself as a local hay farmer. He stated that he too was qualified to bid on the farm management contract and requested the opportunity to do so. He then spoke against “no-bid contracts.”
• Boyd K. Leavitt, 457 East Oak Avenue, spoke of the need for an ordinance regulating the parking of commercial vehicles in residential areas. He spoke in favor of a strict distinction between commercial and residential zones.
• Derrick Morris, a Lancaster resident, came forward and indicated he might be relocating to the area. He spoke of the need for infrastructure and suggested ways in which the City could raise funds to address the needs in the community.
• Matt Rogers, 496 East Putnam Avenue, spoke on Item No. 22, indicating his property was adjacent to the Putnam Community Center. He inquired as to the proposed food distribution, parking, hours of operation and clean-up at the facility.

CONSENT CALENDAR
Item Nos. 7 and 8 were removed for further discussion.

1. CITY COUNCIL MINUTES OF OCTOBER 20, 2006; DECEMBER 1, 2006; AND DECEMBER 5, 2006
Recommendation: That the City Council approve the City Council Minutes of October 20, 2006; December 1, 2006; and December 5, 2006.

Documentation: M.O. 01-020607
Disposition: Approved.

2. CLAIM - PHELPS

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. 02-020607
Disposition: Approved.

3. CLAIM - LONG

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. 03-020607
Disposition: Approved.

4. CLAIM - SNYDER

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. 04-020607
Disposition: Approved.

5. BUDGET ADJUSTMENTS FOR THE 2006-2007 FISCAL YEAR

Recommendation: That the City Council approve the proposed budget adjustments, and authorize staff to modify revenue and expenditure estimates as described on the schedule presented.

Documentation: M.O. 05-020607
Disposition: Approved.

6. AUTHORIZATION TO ADVERTISE FOR BIDS - WELL NO. 29 PROJECT (PUMPING PLANT)

Recommendation: That the City Council:
1. Approve the Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize staff to appropriate the necessary Water Replacement Funds during the construction award process.
9. ACCEPTANCE OF FINAL SUBDIVISION MAP - SIERRA ESTATES

Recommendation: That the City Council:
1. Approve the Final Map of Sierra Estates Subdivision;
2. Accept all offers of dedication shown on the Final Map; and
3. Authorize the City Clerk to file said Map with the County Recorder.

Documentation: M.O. 07-020607
Disposition: Approved.

10. 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.

Documentation: Resolution 13-2007
Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE HISTORICAL MUSEUM, INC. AND PORTERVILLE HARLEY RIDER’S ASSOCIATION - HOT AUGUST BIKE SHOW - AUGUST 25, 2007

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Museum for a Bike Show on Saturday, August 25, 2007, subject to the insurance requirements stated therein, and the Restrictions and Requirements contained in Exhibit “A” of the Community Civic Event Application and Agreement.

Documentation: M.O. 08-020607
Disposition: Approved.

12. ASSIGNMENT OF AIRPORT LEASE - LOT 38

Recommendation: That the City Council:
1. Approve the assigning of the Lease Agreement between the City of Porterville and Barbara Dillard to Mr. & Mrs. Cundiff; and
2. Approve the modification to the Lease revising the term and allowing for future extension of the Lease.

Documentation: M.O. 09-020607
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 1 through 6, and 9 through 12.

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

7. REJECT ALL BIDS FOR THE RETAINING WALL AT CHURCH OF JESUS CHRIST OF LATTER DAY SAINTS (LDS) – 837 E. MORTON

Recommendation: That the Council:
1. Reject all bids; and
2. Direct Engineering to re-advertise for bids.

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

Council Member Hernandez commented that Mr. Prado’s bid did not significantly exceed the engineer’s estimate, and inquired as to the timeline to re-bid the project, which staff provided.

Mayor Hamilton queried staff as to whether the retaining wall was still necessary due to the lack of rainfall. Mr. Rodriguez indicated that it would likely hold-up, but that the costs would continue to increase. He then noted the difficulty in obtaining bids on projects such as the subject project, due to their small size. Mr. Rodriguez indicated that the engineer’s bid was possibly low, and informed the Council of the City’s commitment to the Church to remedy the situation. A discussion ensued as to the cost of re-bidding the project versus awarding the contract to Mr. Prado.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member McCracken that the Council award the LDS Retaining Wall Project to David Prado, Masonry Contractor, in the amount of $8,000; authorize a 10% contingency to cover unforeseen construction costs; authorize progress payments up to 90% of the contract amount; direct staff to fund $5,775 from interest earned on the C.O.P.s and fund $2,225 from Engineering “carry-over” to pay for the project; and that the 10% contingency be funded from Engineering’s “carry-over.”
AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: P. Martinez

Disposition: Alternative option approved.

8. ACCEPTANCE OF THE EFFLUENT OUTFALL DELIVERY SYSTEM

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.

City Manager John Longley presented the item.

Council Member Hernandez thanked staff for a job well done.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council 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 no stop notices have been filed.

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

Disposition: Approved.

PUBLIC HEARINGS

13. URGENCY ORDINANCE EXTENDING INTERIM URGENCY ORDINANCE OF THE CITY OF PORTERVILLE PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

Recommendation: That the City Council hold the public hearing concerning the extension, consider and adopt the proposed Ordinance Extending the Interim Ordinance Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes, read by title only, and waive further reading.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The public hearing opened at 7:39 p.m.
• Rick Morse, a Visalia resident, came forward as President of the Tulare County Chapter of Americans for Safe Access, and spoke in favor of the proposed moratorium. He provided the Council with Americans for Safe Access literature, and spoke of meetings recently held with representatives from Tulare County. He commented on his personal knowledge of the benefits derived from use of medical marijuana, and on the need in the community for dispensaries. He stated that his organization’s desire was to work with local governments to ensure dispensaries were operated appropriately. He then spoke of expert testimony given during meetings with the County, and suggested that the Council listen to audio tapes of that testimony prior to making a decision.

Council Member Pedro Martinez arrived and took his seat at the dias.

• Brandon Morse, a Visalia resident, Vice President of the Tulare County Chapter of Americans for Safe Access, commented that there were many individuals in the Porterville community that would benefit from local access to medical marijuana. He spoke in favor of the proposed moratorium, and commented on the need for a properly drafted ordinance to regulate the dispensaries.

• Derrick Morris, a Lancaster resident, inquired whether there was a charitable organization that could assist with the effort.

• Jose Alvarez, a Lindsay resident, indicated that he was interested in operating a dispensary in Porterville and spoke of his desire to work with the City. He spoke of the suffering of his mother due to cancer and of the relief that medical marijuana could provide to her and others in the area. He commented on the benefits of providing a safe venue for patients seeking medical marijuana, rather than relying on the black market and being exposed to criminal elements. He provided the Council with a copy of a list of California cities and counties that had adopted medical marijuana guidelines.

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

Council Member Pedro Martinez spoke against regulating medical marijuana dispensaries. He indicated that he would support an ordinance that banned them pursuant to Federal law. He noted that while the advocates for dispensaries claimed many individuals in Porterville were in need of access to medical marijuana, he had not seen an outcry from such individuals. He stated that with the information he had received thus far, he was in favor of adopting a ban.

Council Member McCracken spoke in favor of extending the moratorium so as to provide the Council with more time to review the matter. He then spoke of the disparity in the County’s numbers of patients – citing its need to increase the fee on Compassionate Use Cards due to only 25 cards being issued – and that of the public commentary received that evening during which it was stated that 1,200 patients in Porterville, and 15,000 patients county-wide, were in need.

City Attorney Julia Lew clarified that the current moratorium would not expire until March 26th, and in the event the Council approved the extension that evening, it would not go into effect until that time. She stated that the extension was for a time frame of 10 months and 15 days.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the proposed Ordinance Extending the
Ordinance 1717  Interim Ordinance Prohibiting the Use of Land for the Purpose of Operating a Dispensary of Marijuana for Medical Purposes, read by title only, and waive further reading. The motion carried unanimously.

Mr. Longley read the ordinance by title only.

Disposition: Approved.

14. REGULATIONS REGULATING AND/OR PROHIBITING THE USE OF LAND FOR THE PURPOSE OF OPERATING A DISPENSARY OF MARIJUANA FOR MEDICAL PURPOSES

Recommendation: That the City Council:
1. Hold the public hearing concerning the proposed Alternatives;
2. Consider and decide whether to pursue Alternative A or B (or different Alternative); and
3. Provide further direction concerning the Alternative chosen.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report, which contained two alternatives: Alternative A - the regulation of medical marijuana dispensaries; and Alternative B - the prohibition of medical marijuana dispensaries.

The public hearing opened at 8:10 p.m.

• Rick Morse, a Visalia resident, came forward as President of the Tulare County Chapter of Americans for Safe Access. He spoke of the California I.D. Program and of its loopholes. He stated that many of the patients in need of medical marijuana were not participating in that program, citing its cost prohibitiveness.

The public hearing closed at 8:15 p.m.

Council Member McCracken inquired as to whether an ordinance could be drafted that initially banned dispensaries in accordance with Federal law, but at the same time set forth regulations for the operation of dispensaries in the event Federal law changed. City Attorney Julia Lew stated that such an ordinance, which she called Alternative “C,” could be drafted.

COUNCIL ACTION:  MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council direct staff to prepare an ordinance that would ban the operation of dispensaries in Porterville, in accordance with Federal law, and including language to regulate the location and operation of dispensaries, in the event Federal law changed.

AYES: McCracken, F. Martinez, Hernandez, Hamilton
NOES: P. Martinez
ABSTAIN: None
ABSENT: None
A brief discussion ensued as to the timeline for the item, during which it was decided there was no extreme urgency. Ms. Lew stated that she would have a draft available for Council’s review as soon as possible.

Disposition: Alternative “C” approved.

15. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – INDIANA STREET PROJECT, PUTNAM AVENUE TO OLIVE AVENUE

Recommendation: That the City Council:
1. Open the public hearing; take public comments, concerns and questions;
2. Approve the Resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and
3. Authorize staff to record a General Notice of Reimbursement Fee with the Office of the Tulare County Clerk-Recorder.

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

The public hearing opened at 8:23 p.m and closed at 8:24 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the Resolution Implementing Development Charges for Construction of Curbs, Gutters, Sidewalks, and Drive Approaches; and authorize staff to record a General Notice of Reimbursement Fee with the Office of the Tulare County Clerk-Recorder.

Disposition: Approved.

16. SUBDIVISION ORDINANCE AMENDMENT – MUNICIPAL CODE AMENDMENT TO ARTICLE 21

Recommendation: That the City Council:
1. Adopt the draft ordinance approving an amendment to Chapter 21 of the Porterville Municipal Code and give first reading to the draft ordinance;
2. Waive further reading of the draft ordinance, approving an amendment to Chapter 21 of the Porterville Municipal Code, and order to print.

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

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

- Ron Irish, 768 North Prospect, 1) recognized Ms. Wammack on being selected as Employee of the Month; 2) spoke favorably of the late Mr. Howard Smith; and 3) voiced concern with the Subdivision Ordinance Amendment as drafted. Mr. Irish spoke of his
intent as a previous Council Member with regard to requiring pocket parks in new developments. He voiced concern with the proposed Park Impact Fees, and indicated that it had never been his intent to double bill a developer by requiring the inclusion of a pocket park. He suggested that as drafted, the ordinance appeared to provide another revenue source for the Parks & Leisure Services Department. He requested that the Council proceed cautiously on the item.

• Jim Winton, 150 West Morton Avenue, thanked staff for including him in the process. He then spoke against the proposed abolition of the Subdivision Review Committee (“SRC”), noting its efficiency, and stating that SRC was comprised of the same people and met at the same time as the Project Review Committee. Mr. Winton then cited various sections in the ordinance with which he took issue, those being: 1) Section 21-9(a) – the inclusion of “drainage systems” needed clarification; 2) Section 21-9(b)(2) – “etc.” should be stricken, and more specific language included; and 3) Section 21-10(a) – whether all of the amenities listed were required. He then agreed with the comments pertaining to the Park Impact Fees made by Mr. Irish, and suggested that a more appropriate fee structure would be one calculated by the number of units rather than per acre.

• Dick Eckhoff, 197 North Main Street, spoke against the per acre fee structure for the Park Impact Fees.

• Greg Woodard, 1056 West Morton, agreed with the comments made by Mr. Irish, and commented that developers should be encouraged to include pocket parks in their developments, rather than allowing an in-lieu fee to be paid. He then noted the importance of quality of life, and suggested that any developer constructing at least 49 or 50 units should be encouraged, and not discouraged, from including open space in their developments.

The public hearing closed at 8:50 p.m.

Council Member McCracken commented that if the Council wanted pocket parks, it should mandate pocket parks and forget about the in-lieu fee.

Council Member Hernandez acknowledged the concerns raised during the public commentary, and spoke of the need to continuing working on the item.

Council Member Pedro Martinez also acknowledged the concerns raised, and suggested that Mr. Irish and Council Member Hernandez work with staff, and any other interested parties, to resolve the issues. He spoke of the need for pocket parks and also for the need to fund development of additional parks to compensate for growth in the community.

Mayor Pro Tem Felipe Martinez agreed that Mr. Irish’s participation would be beneficial, and suggested that staff work with members of the public to resolve some of the concerns raised.

Mr. Dunlap spoke of the item’s relevance to the direction taken with the General Plan Update. He indicated that all of the subdivisions that had been encouraged to provide pocket parks, to date, had provided them and had also paid the Park Impact Fee. He stated that there was not a provision that one was in lieu of the other. He stated that if it was the intent of the Council to have pocket parks provide the sole recreational amenity for future growth of the community, then that would be a big problem.
He stated that pocket parks could never provide the sole recreational amenity for the community because they would not accommodate larger uses. Mr. Dunlap indicated that the only way for future growth to be accommodated was through Park Impact Fees or through debt extension. He stated that the Update of the General Plan included a significant focus on parks and recreational space planned for the growth of the community. He stated that to bring the General Plan to fruition, more than the $585 per unit in Park Impact Fees would be required. Mr. Dunlap added that the proposed ordinance would likely need to be revisited once the General Plan Update had been approved. He stated that if it was the Council’s intent to only proceed with pocket parks, then staff would need to hear that immediately so as to change the direction of the General Plan.

Council Member McCracken commented that he did not believe the intent of the previous Council was for pocket parks to replace existing or future City parks, but that they were to provide additional recreational means. He then spoke against proceeding with any in-lieu fees, stating that if the Council wanted pocket parks, then developers should be required to provide pocket parks.

Mr. Longley clarified for everyone’s edification that currently, a significant portion of the Park Impact Fees collected went towards debt service. He stated that the matter would be reconciled during the budget process.

Mr. Dunlap next elaborated on the various types and quantity of parks proposed in the General Plan. He stated that the focus of the Update was on quality of life, and as such the Preferred Plan was based on 8 acres of park/open space per 1,000 people, which he indicated was 3 acres greater than that required in the Quimby Act. He added that the City’s current Park Impact Fees were much lower than other cities surveyed, and approximately 1/3 less than the City of Tulare, which was the closest fee. He noted the importance of quality of life from a planning standpoint.

The Council Members unanimously agreed that both types of parks – pocket parks and City parks – should be pursued, and that Council Member Hernandez was to work with Former Council Member Irish, and other interested parties to revise the proposed ordinance. A discussion ensued as to the timeline for staff bringing the item back to the Council. It was decided to continue the public hearing until the second meeting in April, that being April 17, 2007.

COUNCIL ACTION:  MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council continue the public hearing to the Meeting of April 17, 2007. The motion carried unanimously.

Disposition:  Continued to April 17, 2007.

17. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation:  That the City Council continue the item to the March 20, 2007 City Council Meeting.

City Manager John Longley presented the item.

- Brian Ennis, Ennis Land Development, Inc., 643 North Westwood, updated the Council on the progress of negotiations. He clarified that the applicant on the item was not Ennis
Homes, and requested that it be corrected. He stated that the parties were still pursuing a mutually beneficial resolution, and requested that the item again be continued to a future date, without waiving any rights to proceed with the current project as previously submitted. He spoke of the 15 notice period, and further requested that the project not be subjected to any new ordinances adopted subsequent to the Map being submitted for approval.

A discussion ensued during which the ability for the applicant’s rights with regard to not being subjected to new ordinances was discussed. Ms. Lew stated that the applicant could enter into a development agreement with the City so as to trigger an earlier date for protection against new legislation.

Mayor Pro Tem Felipe Martinez moved that the Council continue the public hearing to the Meeting of March 20, 2007.

Council Member Pedro Martinez seconded the motion.

Mr. Dunlap informed the Council that a meeting would be coordinated with the applicant, during which a development agreement could be discussed.

Jim Winton, 150 West Morton Avenue, stated that he believed the Subdivision Map itself, and not the building permits that followed, were subject to the ordinances and standards that were in effect when the application was accepted as complete.

Ms. Lew indicated that Mr. Winton’s comments were correct in that the applicant would be provided certain protections pursuant to the Permit Streamlining Act, as of the date the application had been received by the City and deemed complete.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council continue the item to the Meeting of March 20, 2007. The motion carried unanimously.


The Council recessed for ten minutes.

SECOND READING

18. ORDINANCE 1714, ZONE CHANGE 3-2007

Recommendation: That the City Council give Second Reading to Ordinance No. 1714, waive further reading, and adopt said ordinance.

City Manager John Longley presented the item and the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance No. 1714, waive further reading, and adopt said ordinance, being AN

Ordinance 1714

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2007 (FORMERLY 1-2006) FROM M-1 (LIGHT MANUFACTURING) TO C-2 “D” (GENERAL COMMERCIAL DESIGN REVIEW OVERLAY) FOR THAT 10.7± ACRE VACANT SITE LOCATED ON THE NORTHEAST CORNER OF SOUTH JAYE STREET AND STATE ROUTE 190. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

19. ORDINANCE 1715, ZONE CHANGE 1-2007

Recommendation: That the City Council give Second Reading to Ordinance 1715, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1715, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL CHANGES HAVE OCCURRED AND APPROVING ZONE CHANGE 1-2007 ON PROPERTY LOCATED ON THE SOUTH SIDE OF WEST MORTON AVENUE. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

20. ORDINANCE 1716, ZONE CHANGE 2-2007

Recommendation: That the City Council give Second Reading to Ordinance 1716, waive further reading, and adopt said ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance 1716, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
Ordinance 1716  PORTERVILLE APPROVING FINDINGS SUPPORTING FACTS THAT SUBSTANTIAL CHANGES HAVE OCCURRED AND APPROVING ZONE CHANGE 2-2007 ON PROPERTY LOCATED ON THE SOUTHWEST CORNER OF WEST MORTON AVENUE AND NORTH SALISBURY STREET. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition:  Approved.

SCHEDULED MATTERS

21. MOU WITH KINGS/TULARE AREA AGENCY ON AGING, AUTHORIZATION TO EXPEND FUNDS IN SUPPORT OF SENIOR CITIZEN ACTIVITIES, AND BUDGET ADJUSTMENT FOR 06/07 FISCAL YEAR

Recommendation: That the City Council approve the Memorandum of Understanding ("MOU") with Kings/Tulare Area Agency on Aging; authorize expenditure of funds in support of senior citizen activities; and authorize the necessary budget adjustments.

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

Council Member Pedro Martinez moved that the Council approve staff’s recommendation.

Mayor Pro Tem Felipe Martinez seconded the motion.

Mayor Hamilton inquired as to whether the Senior Council’s actual utility costs had been reconciled with the $500 per month stipend. He stated that the Council was to have received the information a month and a half prior to that evening, and that he had yet to see the information. A discussion ensued during which Mr. Perrine indicated that he believed that during many months the utility bills fell into that $500 range, and that during summer months, the utility costs substantially exceeded the stipend.

Council Member McCracken suggested that, if the Council chose to not fund the Senior Council, the utility bills would likely be provided.

Mayor Hamilton commented that he wanted to be fair, but he wanted to see all of the information prior to making any determination in the matter.

Mr. Longley stated that staff had provided the information to the Council approximately 3 to 4 months prior, yet he did not recall the exact costs. A discussion ensued as to what the Council recalled previously receiving, during which the contention was that it was not sufficient.

Mayor Hamilton moved that the Council approve staff’s recommendation, amended to remove Senior Council funding so as to continue that portion until after the Council received the information from the Senior Council, as requested.
Council Member McCracken seconded the motion.

**COUNCIL ACTION:** MOVED by Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve the Memorandum of Understanding with Kings/Tulare Area Agency on Aging and authorize expenditure of funds and the necessary budget adjustments in support thereof; and direct staff to continue the item pertaining to funding senior citizen activities until such time as utility bills are provided to the Council by the Senior Council.

**M.O. 15-030607**

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

Mr. Longley clarified that the Council sought to receive copies of the actual utility bills for 2006. Mayor Hamilton added that the Senior Council was to have also provided revenue and expenditures for 2006 so that the Council could determine whether or not the Senior Council needed the subsidy.

Disposition: Partially approved, direction given to staff.

**22. LICENSE AGREEMENT WITH COMISION HONORIFICA MEXICANA, INC. FOR THE COMMUNITY CENTER LOCATED ON EAST PUTNAM**

**Recommendation:** That the Council approve the proposed License Agreement.

Council Member Pedro Martinez noted a potential conflict of interest, recused himself from the discussion, and exited the Council Chambers.

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

In response to a question posed by Council Member McCracken, City Attorney Julia Lew clarified that the Comision was not bound to any hours of operation, but rather the language referencing hours of operation in paragraph 3 was an intention statement. She added that there were other regulations in the City’s Code that would preclude certain activities and noise levels.

With regard to the comments made during Oral Communications, Mayor Hamilton stated that those types of issues should be handled on a complaint basis. He suggested that the Comision meet with their neighbors and listen to their concerns.

Mayor Pro Tem Felipe Martinez moved that the Council approve the proposed License Agreement.

Council Member Hernandez seconded the motion, and inquired as to landscape maintenance.
City Attorney proposed that the following language could be added to Section 4a, to read as follows: “The property, including all facilities located upon the property, shall be maintained in a neat and clean appearance, with all mature trees preserved, and all landscaping sustained in a healthy and vigorous growing condition by CHMA.”

- Roberto de la Rosa, 450 West Ellis Avenue, came forward on behalf of the Comision Honorifica Mexicana Americana, Inc., and thanked the Council for accepting its proposal. He indicated that he believed the Comision’s Board would agree with the proposed language regarding landscaping, and spoke favorably of the Comision’s use of the building.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez SECONDED by Council Member Hernandez that the Council approve the proposed License M.O. 16-030607 Agreement, as amended to add language to Section 4a, as follows: “The property, including all facilities located upon the property, shall be maintained in a neat and clean appearance, with all mature trees preserved, and all landscaping sustained in a healthy and vigorous growing condition by CHMA.”

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

Disposition: Approved, as amended.

23. OPTIONS FOR USE OF CDBG ENTITLEMENT FUNDS NOT UTILIZED FOR POOL WATER SLIDE PROJECT

Recommendation: That the City Council retain the CDBG funds allocated for the Water Slide Project in the Murry Park Improvement Project Fund for use on other projects that have been identified to enhance the park.

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

In response to questions posed by the Council, Mr. Perrine indicated that the Section 108 funds currently programmed for the Heritage Center Ball Field Project could only be used at the Heritage Center. He stated that the previous year staff had proposed initiating the process to use half of those Section 108 funds for downtown parking improvements. He stated that the Council’s direction at that time was to utilize those funds only at the Heritage Center. It was clarified that part of the funds were CDBG funds.

Mayor Hamilton inquired as to why a $900,000 EIR was necessary. Community Development Director Brad Dunlap indicated that the EIR was approximately $65,000, and that most of the remaining balance pertained to design and construction management. He stated that the majority of the $65,000...
represented costs associated with the archeological survey needed due to mill artifacts unearthed near the pool site. He stated that this was also the cause for the delay.

Mayor Pro Tem Felipe Martinez voiced support for keeping the focus on improving Murry Park, noting it was jewel of the community, and in need of attention.

Mr. Perrine elaborated on the efforts to date with regard to the Murry Park Improvement Project. He stated that approximately $300,000 had been spent to date in preparation of the adoption of the Master Plan. He stated that the next phase would be to commence work on the improvement designs and the implementation of those improvements, as directed by the Council. He stated that there was potentially $248,000 available for design and actual construction of specific improvements.

A lengthy discussion ensued with regard to the timeline for items identified in staff’s presentation, and the allocation of funds for each of the phases, particularly Phase I. It was determined that Phase I, which included design elements for all phases, need not be fully completed to move onto other phases identified in staff’s presentation.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council retain the CDBG funds allocated for the Water Slide Project in the Murry Park Improvement Project fund for use on other projects within Murry Park, to be identified by staff. The motion carried unanimously.

Disposition: Approved.

24. CARD TABLES – GAMBLING WAGERING LIMITS

Recommendation: That the City Council consider the proposed regulations and give first reading to the Ordinance of the City Council of the City of Porterville Replacing Article I, Section 15-20 of Chapter 15 Concerning the Regulation of Card Tables.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the draft ordinance replacing Article I, Section 15-20 of Chapter 15 concerning the regulation of card tables, give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPLACING ARTICLE I, SECTION 15-20, OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING GAMBLING REGULATIONS. The motion carried unanimously.

Mr. Longley read the ordinance by title only.

Disposition: Approved.
ORAL COMMUNICATIONS

• Dick Eckhoff, address on record, spoke of the need for parks, suggesting the City’s park acreage had remained stagnant while its population continued to grow. He then commented that the concept of pocket parks was a quality of life issue, and that developers would benefit from including such an amenity through increased sales.
• Greg Shelton, address on record, requested the Parks & Leisure Services Commission’s involvement in Item No. 23.
• Derrick Morris, a Lancaster resident, suggested a “green” approach to cleaning Murry Park’s pond by using bottom dwelling fish; and spoke of ways in which to raise funds for infrastructure and employment. He suggested imposition of vehicle fee to fund development of highway leading across Sierra Nevadas to Las Vegas.
• Mario Sides, 56 South Waukeshaw St., voiced concern with concrete improvements required by him due to his installation of a pool, and with his construction being halted by the City. He noted that he resided in a cul de sac that had no other sidewalks or curbs, and questioned the rationale behind the requirement. Public Works Director Baldo Rodriguez clarified the process with Mr. Sides and requested that he contact him the following day.

OTHER MATTERS

• Council Member Hernandez voiced his desire to make Murry Park a priority; and reminded the Council that he would not be in attendance at the next regular meeting due to his scheduled travel to the Mayor’s Conference in Miami, FL.
• Council Member Pedro Martinez:
  1. Informed the Council that he had attended a portion of the Tulare City Council Meeting that evening and had presented the softball fundraising challenge to them, which they had accepted;
  2. Updated the Council on the progress he and Council Member McCracken had made with regard to the design of the City flag; and
  3. Requested an agenda item to increase the number of fireworks permits from 11 to 12, effective 2007, suggesting a guaranteed permit for the Porterville Youth Service Foundation. City Attorney Julia Lew indicated that she would research the legality of a guaranteed permit for the organization, noting the difference with the Exchange Club’s permit.
• Mayor Hamilton spoke of his family’s bereavement and thanked the Council for the beautiful flowers.
• Council Member Pedro Martinez, spoke of the letter from Tulare County with regard to the possible closure of its Porterville clinic and CPS office in Porterville. It was requested that an item be placed on the next agenda regarding the issue.

ADJOURNMENT

The Council adjourned at 10:45 p.m. to the meeting of March 20, 2007.

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor