PORTERVILLE CITY COUNCIL MINUTES  
ADJOURNED MEETING - APRIL 27, 2007  
CITY HALL COUNCIL CHAMBERS  
291 NORTH MAIN STREET, PORTERVILLE  
FRIDAY - 10:00 A.M.

Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

Pledge of Allegiance led by Mayor Pro Tem Felipe Martinez
Invocation - a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

1. STUDY SESSION - REVIEW RE-ESTABLISHMENT OF A PLANNING COMMISSION

Recommendation: That the City Council consider the information presented and direct staff accordingly.

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

Mayor Hamilton began the discussion by asking which Council Members were in favor of re-establishing the Planning Commission.

Council Member McCracken indicated that he was in favor of a Planning Commission as long as it was established in a manner that made sense, emphasizing the need to keep the process efficient. He commented that re-establishing the Commission should provide for more public input, while at the same time take some of the workload off of the Council. A brief discussion ensued, during which Council Member McCracken spoke of the benefits a Commission would provide, suggesting that a body dedicated to matters of planning could provide the additional scrutiny needed to develop the City appropriately.

Mayor Hamilton disagreed with Council Member McCracken’s contentions.

Mayor Pro Tem Felipe Martinez voiced support for proceeding with the re-establishment of the Planning Commission, noting the changing make-up of the Council and the varying time each Council Member could devote to planning matters. He then suggested that the Commission would create a buffer.

Mayor Hamilton noted that the Council relied upon a staff of professionals, and inquired how a non-professional body would be beneficial to the process. He commented that the Commission
would create additional costs and increase time spent by staff on projects, and suggested that spending approximately $150,000 on the re-establishment of a Planning Commission might have ill effects on the Meet and Confer process which he stated was currently under way with the City’s bargaining units. Mayor Hamilton indicated that if it was the intent of the Council to streamline its application process, then it should consider proceeding as the Cities of Tulare and Visalia had.

Mayor Pro Tem Felipe Martinez commented that his motive for re-establishing the Planning Commission was not to streamline the process, but rather to have an additional body to review planning items. He then disagreed that the cost of re-establishment might negatively affect the Meet and Confer process.

Council Member Pedro Martinez requested clarification as to what authority would be transferred from the Council to the Commission. Mr. Dunlap stated that typically any legislative acts, including ordinances, general plan amendments, zoning map changes, etc. would move through the Planning Commission up to the City Council for action; whereas conditional use permits, design review overlays, variances, subdivision maps, and associated environmental documents – unless there was also a legislative action as a part of the project – would stop at the Planning Commission level. City Attorney Julia Lew noted that in situations in which an applicant appealed the decision of the Planning Commission, the City Council would have final say.

A discussion then ensued as to the possibility of forming an advisory committee which would provide for another layer of review, yet allow the Council to retain its authority. Mr. Dunlap indicated that the Long Range Planning Committee had been an advisory committee appointed by the Council to review proposed general plan amendments, other planning studies, and long range planning items. He stated that there were several occasions on which the Committee’s recommendation conflicted with staff’s recommendation, and that when the Council opted to follow staff’s recommendation, the Council’s action affected the Committee’s enthusiasm for continuing in its advisory capacity. Mr. Dunlap noted that rather than providing more clarity, the Committee actually created more controversy as many of the items resulted in split recommendations to the Council.

Mayor Hamilton reiterated his opposition to re-establishing the Planning Commission. He then stated that former Mayor Pro Tem Ron Irish had contacted him that day and had requested that the Council postpone any action on the item so as to provide him the opportunity to speak on the matter. He noted that he and Mr. Irish had opposing view points on the topic, but requested that the Council considering continuing the item.

Mr. Longley stated that the item would need to be looked at in terms of what the budgetary bottom line was. He elaborated on ways the item could be budgetarily addressed, those being either “above the line” or “below the line.” He stated “above the line” would entail adding a new line item in Community Development for $140,000, which would then pull the bottom line down by that same amount. He stated that the “below the line” approach was to not add a line item in the budget, and that the Council could then determine what actions to take to fund the item. He indicated that there were a number of items, such as Johnson Controls, that would be “below the line” items. A brief discussion ensued, during which Mr. Longley stated that there were two options – one in which the City paid a penalty, and one in which the City paid debt service.
A discussion next ensued as to the typical make-up of a Planning Commission, during which Mr. Dunlap indicated that staff had suggested a body of five, which he stated was a representative number that could effectively make decisions. He added that the previous Planning Commission had been comprised of seven members.

Council Member McCracken spoke against moving forward with an advisory committee, commenting that it would be a waste of time and expense. He stated, however, that a Planning Commission would be beneficial in that the Council could delegate approximately 40% to 60% of the planning items to the Commission.

Mayor Hamilton disagreed with Council Member McCracken’s contention, and stated that by re-establishing the Planning Commission the Council would merely be delegating its authority. He added that approximately one-half of the planning items would still go to the Council for approval.

Council Member McCracken reiterated his position, adding that if the Council wanted professionals handling the City’s planning, then it should delegate the more ministerial items, such as conditional use permits, to staff, or place them on Consent Calendar. A discussion ensued during which the Council debated whether or not the re-establishment of the Planning Commission would provide for more public input. Mr. Dunlap shared his experience in working with Planning Commissions in other cities, and noted that during approximately 8 of his 13 years the Planning Commissions were comprised of good Commissioners and operated with relative efficiency. He stated that the appointment of Commissioners then became highly politicized, with each individual Council Member appointing one Commissioner. Council Member McCracken commented that he would not support a Planning Commission in which its Commissioners were appointed in such a fashion. He stated that the Council as a whole should have the authority to appoint and remove the Commissioners.

Mr. Dunlap also stated that the Council might wish to consider the fact that a comprehensive zoning ordinance update was budgeted, and that it would likely change based on the direction of the General Plan. He stated that there was the ability in the process of that update to build into that performance standards, which could remove the requirement of some items coming before the Council. He stated that developing good performance standards could assist in achieving some of what the Council was seeking. He indicated that there were ways to build into the Code standards of expectation that would be established by the City Council in policy, and that could be effectively implemented by staff in working with developers. Mr. Dunlap added that as the City proceeded with large scale or sensitive projects, staff had employed the process of holding a community meeting, such as with the recent annexations and the Riverwalk Project. This, he stated, provided an opportunity for additional public input on sensitive projects. He stated that there were ways in which to accomplish what the Council sought to accomplish without re-establishing a Planning Commission. He added that he was not advocating any position, but merely providing information to the Council to aid in its decision.

Council Member Hernandez acknowledged the pros and cons of re-establishing the Planning Commission and voiced concern with possibly jeopardizing the Meet and Confer process, by sending the message that the City had funds available to spend on the re-establishment of the
Planning Commission to alleviate some of the Council’s workload, but not to spend on employees. He spoke of the aptitude of staff, and questioned if another layer of government was necessary.

Mayor Hamilton commented that he did not want the decision on the matter to be solely based on funding, but instead on whether the benefits would outweigh the costs and/or the cons associated with re-establishment. He suggested that if the Council could not come to a determination that re-establishing the Commission would be beneficial to City government and the people whom the Council represented, then the Council should not move forward.

Council Member McCracken noted that despite the notice to the public of the meeting, no developers had attended to protest. He then suggested that in the event the meeting was continued, the local developers should be contacted so as to provide public input, with which some Council Members disagreed. Council Member McCracken then requested that the next meeting be held after 3:00 p.m.

Council Member McCracken then informed the Council that he needed to excuse himself from the current meeting. A brief discussion ensued during which the Mayor reiterated that he had received a request from a former Council Member that the Council continue the meeting so as to allow for his commentary. Council Member McCracken noted that he too had received a couple of requests to continue the meeting.

Council Member Hernandez stated that he also had received requests.

Council Member McCracken moved that the Council continue the study session to after 3:00 p.m. on a future date.

City Manager John Longley advised the Council on the budget timeline.

Council Member Hernandez seconded the motion.

Mayor Hamilton commented that he believed that continuing the item would place on the Council an unnecessary timeline and would put Mr. Longley in a precarious position with regard to the budget. He suggested that the matter could be brought back for discussion at any time, and the Council need not impetuously act thereby creating an unnecessary timeline.

Council Member McCracken disagreed with Mayor Hamilton’s comments.

Mayor Pro Tem Felipe Martinez commented that when the Council Members were elected, the people gave them the authority to make decisions on their behalf.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Hernandez to continue the study session on the re-establishment of the Planning Commission to a time after 3:00 p.m. on an unspecified date.

**AYES:** McCracken, Hernandez
Disposition: Study Session will not be continued.

Mayor Hamilton noted that while the Study Session would not be continued, the matter could be brought back at a later time.

Council Member McCracken advised the Council that he needed to leave, and exited the Council Chambers.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Council Member Pedro Martinez:
  1. Requested that an item be placed on the Agenda to consider the removal of the parking fees at the Sports Complex. Mr. Longley suggested, and Council Member Martinez agreed, that an analysis could be provided during the budget study session.
  2. Advised everyone that a theme for the softball game against the City of Tulare was “Cream of the Crop Cup” with a logo comprised of an orange with udders.

- Mayor Pro Tem Felipe Martinez thanked City Attorney Julia Lew for the information she provided on requirements for pet owners to remove pet feces. He spoke of the problem of inconsiderate pet owners in City parks, and requested that an item on possible regulations be brought to the Council. Ms. Lew clarified that the City could post a rule in the City parks, and stated she would confirm whether violation of a posted rule would be prosecutable. She added that either the Council or the Parks and Leisure Services Commission would need to authorize the rule.

- Mayor Hamilton thanked Police Chief McMillan and his staff, as well as the school districts, for their efforts in keeping Porterville’s children safe. He commented that the recent attempted abductions had turned out to be a success story.

**ADJOURNMENT**

The Council adjourned at 10:45 a.m. to the Council Meeting of May 1, 2007.

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor