CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
JUNE 19, 2007, 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, Mayor Hamilton
Absent: Council Member Hernandez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: Three Cases.
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: Two Cases.

7:00 P.M. RECONVENE 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 the Council Member Pete McCracken
Invocation - a moment of silence was observed.

PRESENTATION
City Manager’s Featured Projects for June 2007
• Tule River Clean-Up
   Fire Chief Mario Garcia provided a visual presentation of the Nuisance Abatement Project at the Tule River.
• Murry Park Master Plan and Environmental
• Stolen Vehicle License Plate Reader
• Muni Ballpark Bleacher Removal Project
ORAL COMMUNICATIONS

- Kik Ellis, 270 N. Beverly, came forward on behalf of both the Monache Band and the Monache Band Parents Association. She requested the Council’s assistance in resolving a discrepancy as to whether the Association could proceed with its County fireworks booth at the car wash site located at Olive Avenue and Westwood Street. She indicated that despite being informed by both the County and the City that the site was in the County, an issue had arisen that day as to the jurisdiction of the location, and that such determination would affect whether the Association’s fundraising effort could proceed, since it did not have a City permit to sell fireworks in the City. Ms. Ellis noted that students had already sold a large portion of script that could only be redeemed at the Olive/Westwood location, and that the booth was scheduled to open on June 28th. She then spoke of the positive influence Band participation had on the youth, and of its reliance on the fireworks booth for fundraising.

The Council evinced an interest in finding a resolution to the quandary, and after some discussion, Mr. Longley indicated that staff would research the matter, keeping the time constraints in mind.

- Dick Eckhoff, 197 North Main Street, thanked the City and those involved in the Tule River Abatement Project, and inquired as to the total cost for the project. He then spoke of privately-owned parking lots in poor condition, specifically citing the lots near the Theater at Porter Plaza and at WalMart, and inquired whether the City could require the property owners to properly maintain them.

- Jerry Eoff, 752 East Putnam Avenue, lauded the work accomplished in the Tule River Clean-Up Project; voiced support for a noise ordinance, and spoke in favor of an ordinance prohibiting the parking of vehicles on lawns.

- Rodney Martin, 146 South Villa, requested that he have the opportunity to speak when the Council considered Item No. 20.

- Nathaniel Rogers, a 7th grader from Bartlett Middle School, came forward and inquired whether the Council had considered whether it would sponsor him to attend the National Young Leaders Conference, as he and another student had recently requested.

The Council praised Mr. Rogers for coming before the Council and for his participation in the Leaders Conference, and suggested that while they as a Council would likely not sponsor him, they would individually consider sponsorships either on a personal basis or through the service clubs in which they were involved. Mr. Longley then provided Mr. Rogers with his contact information.

- Marilyn Gentry, 1249 West Tomah, spoke of financial hardships she was enduring due to her battle with cancer, and requested the Council’s assistance.

The Council requested that Ms. Gentry contact Mr. Longley, who would research possible resources for her.

- Skip Marquez, a Visalia resident and applicant in Item No. 5, spoke briefly regarding the status of meetings related to the Three Amigos Restaurant, and provided a written timeline for the Planning Department.
• Martha Alcazar Flores, 249 South Indiana Street, praised Ms. Gentry for her bravery in coming forward seeking assistance, and indicated that she had access to resources that might be able to assist her. She requested that Ms. Gentry contact her.

• Joe Guerro, 332 South F Street, requested that the Council write Porterville’s State Legislators to oppose recently imposed regulations related to the transportation of cargo; spoke against the possible prohibition of parking on lawns, noting that it might be a necessity for some residents; and encouraged the Council to adopt a noise ordinance that was comprehensive enough to cover all noise sources, including motorcycles, music, etc.

• Angel Silva, a Porterville resident, spoke of the proposed prohibition on parking vehicles on lawn, and inquired whether, in the event it was approved, the City would be obligated to provide driveway “easements” for those residences that currently did not have concrete driveways.

Mr. Longley indicated that the City would have no obligation.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF MAY 30, 2007

Recommendation: That the City Council approve the City Council Minutes of May 30, 2007.

Documentation: M.O. 01-061907
Disposition: Approved.

2. BUDGET ADJUSTMENT FOR THE 2006-07 FISCAL YEAR

Recommendation: That the City Council approve the requested budget adjustment, and authorize staff to modify revenue and expenditure estimates as described in the schedule attached to the staff report.

Documentation: M.O. 02-061907
Disposition: Approved.

3. ACCEPTANCE OF THE LDS CHURCH RETAINING WALL PROJECT

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. 03-061907
Disposition: Approved.

4. SALE OF PROPERTY AT THE PORTERVILLE AIRPORT INDUSTRIAL PARK TO BLAIRM ELECTRIC SERVICES, INC.
Recommendation: That the City Council approve the draft resolution authorizing the sale of City property to Blair Electric Services, Inc.

Documentation: Resolution 47-2007
Disposition: Approved.

5. CONDITIONAL USE PERMIT 6-2007 - THREE AMIGOS RESTAURANT

Recommendation: That the City Council receive and file the report.

Documentation: M.O. 04-061907
Disposition: Approved.

6. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER

Recommendation: That the City Council:
1. Extend the current agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2007 to June 30, 2008 in the amount of $33,773; and
2. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 05-061907
Disposition: Approved.

7. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application;
2. Authorize the City Manager to sign all necessary documents as pertains to the grant; and
3. Authorize a budget adjustment upon receipt of the funds.

Documentation: Resolution 48-2007
Disposition: Approved.

8. ANNUAL ENGINEER'S REPORT AND ASSESSMENTS FOR LANDSCAPE MAINTENANCE DISTRICTS

Recommendation: That the City Council:
1. Adopt Resolutions:
   a. Ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2007-2008;
b. Giving preliminary approval to the Engineer’s Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2007-2008;
c. Declaring the intent to levy and collect assessments for Fiscal Year 2007-2008, and offering a time and place for hearing objections thereto; and

2. Set a public hearing for 7:00 p.m. on July 10, 2007 regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2007-2008.

Documentation: Resolutions 49-2007; 50-2007; and 51-2007
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - WORLD OF VICTORY CHURCH, COMMUNITY CHRISTIAN OUTREACH ON JUNE 23, 2007

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Barn Theater, subject to the Restrictions and Requirements contained in the Application documents and Agreement.

Documentation: M.O. 06-061907
Disposition: Approved.

10. EXTENSION OF MORATORIUM FOR USE OF CREDIT CARDS

Recommendation: That the City Council approve a two (2) month extension of the moratorium on the use of credit cards effective July 1, 2007 through August 31, 2007, with the maximum payment amount that can be charge to credit cards remaining at $250 per transaction.

Documentation: M.O. 07-061907
Disposition: Approved.

11. AIRPORT LEASE RENEWAL - LOT 46B

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Travis Bierman of Rapid City, SD, for Lot 46B at the Porterville Municipal Airport.

Documentation: M.O. 08-061907
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve Item Nos. 1 through 11.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton
PUBLIC HEARINGS

12. REQUEST TO ADOPT BUDGET FOR FISCAL YEAR 2007-08

Recommendation: That the City Council determine the “glass is half-full” and approve the draft budget as presented, modified by recommendations outlined in the Finance Letters. If the “glass is half-empty,” the staff should return with proposed resource and service level reductions.

Mayor Hamilton opened the public hearing at 7:47 p.m.

City Manager John Longley presented the item and the staff report. Mr. Longley then called on Parks & Leisure Services Director Jim Perrine to address Sections 6.9, 6.10, 6.11, and 6.12 of Finance Letter No. 6.

- Vicky Trueblood, 248 South Greenwood Street, spoke of the antiquated library facility and of the ties between illiteracy and crime. She voiced support for the 15% allocation of Measure H funds for the library, and for allocating Measure H funds for planning and site acquisition for a new library, as proposed.

- Dick Eckhoff, address on record, spoke in favor of the proposed budget, thanking staff and Council for the inclusion of the reconstruction of the Mill Street Parking Lot in the Budget, and urged for continued focus on downtown parking. He then spoke of Measure H funds, voicing support for the inclusion of the library, and voicing concern and disagreement with the allegation in Mr. McIntire’s letter that crime was rampant.

The public hearing closed at 8:21 p.m.

Mayor Pro Tem Felipe Martinez voiced support for Option 1 with regard to the Sports Complex Parking Fees (Item 6.9 in Finance Letter No. 6). A brief discussion ensued.

Mayor Pro Tem Felipe Martinez commented that he believed that the Council had directed the removal of Park Ranger allocation. Mr. Longley indicated that he understood there had been some discussion of reallocating the funds for some other purpose, but not to remove it. He stated that the budget before the Council that evening was the City Manager’s draft, but once adopted, it would be the Council’s budget. He stated that the budget should serve the Council’s goals and objectives, and requested that it remained within the spending parameters that existed in the presented draft. He then spoke of the Council’s options with regard to the Park Ranger allocation.

A discussion ensued as to the proposed Park Ranger position, during which Council Member Pedro Martinez indicated a desire to see more than one Park Ranger, with not only code enforcement type duties, but other responsibilities as needed, and as determined by the Parks & Leisure Services Director at that time. Mr. Longley indicated that the allocation could be modified to consist of part-time Park Rangers, rather than one full-time position. Council Member Martinez voiced support for
appropriating the funds that evening, and directing staff to develop a program to be brought back for Council’s review.

Council Member McCracken opined that he would like to see the funds allocated for streets maintenance increase substantially, yet he could not locate the funds within the budget. He spoke of the importance of maintaining the City’s streets, particularly noting that all of the projects identified by the Council as priorities required proper access. He indicated that the City was currently not on a program by which roads were regularly resurfaced, and stated that it would hopefully be addressed through Measure R. He then spoke favorably of the performance program implemented by the Public Works Department, adding that he would like to see the program expanded and more statistical information provided. Mayor Hamilton indicated that the entire Council agreed with Public Works expanding and formalizing the performance program, and commented that he believed Mr. Rodriguez was heading in the right direction.

Mayor Hamilton commented that his only concern was the library issue, and inquired as to the plan for funding the library, noting that Measure H funds would be insufficient. A discussion ensued, during which Mr. Longley indicated that the proposed analysis would provide information as to siting and development costs, as well as possibly the design of the structure and potential services the new library could provide. He stated that financing options would also be included in the proposed analysis. Mr. Longley agreed that Measure H funds would not be sufficient to fund the project, and that other sources of funds would need to be identified, such as geo bonds. He stated that the request that evening was that the Council approve that the item be budgeted, and that prior to the funds being expended, staff would return to the Council with a specific program defining how the money would be utilized. Mayor Hamilton confirmed that Measure H had generated more revenues than had been anticipated, and that staff would like to appropriate approximately $220,000 of that revenue towards preliminary planning for a new library. It was stated that the planning would be a multi-year project. Mr. Longley assured the Council that staff would not again come to the Council to ask for $220,000 to accomplish that type of work. Mayor Hamilton indicated that he was looking for Mr. Longley’s assurance that the proposed preliminary plan could be accomplished for $220,000. Mr. Longley gave that assurance.

Mayor Pro Tem Felipe Martinez moved that the Council approve the draft budget as presented, modified by recommendations outlined in the Finance Letters, and approve Option No. 1 in 6.9 of Finance Letter 6.

In response to a request for clarification, Mr. Longley provided summarized what he understood the Council’s direction to be. He requested that the Council approve the draft budget as presented, modified by recommendations outlined in the Finance Letters, including the deferment of the Monache Basketball Courts as presented in 6.10 in Finance Letter 6; that the Council approve Option No. 1 in 6.9 of Finance Letter 6; that the Council direct staff to prepare a Park Rangers Program to be brought back to the Council. Mr. Longley added that staff would also provide the Council with more information on the performance plan for streets maintenance which would tie in performance to need. He stated that staff would also not return to the Council requesting supplemental appropriation within the Library for the purposes that were defined in the report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve the draft budget as presented,
Resolution 52-2007 modified by recommendations outlined in the Finance Letters, including the deferment of the Monache Basketball Courts, as presented in 6.10 in Finance Letter 6; that the Council approve Option No. 1 in 6.9 of Finance Letter 6; that the Council direct staff to prepare a Park Rangers Program to be brought back to the Council; and that staff also provide information on the performance plan for streets maintenance.

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

Disposition: Approved.

13. VACATE A PORTION OF PUBLIC WATER, SEWER AND STORM DRAIN FACILITIES EASEMENT RELATED TO THE DEVELOPMENT OF THE SKILLED NURSING FACILITY (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Conduct a public hearing; and
2. Authorize the City Clerk to execute the vacation of a portion of said easement.

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

The public hearing opened at 8:41 p.m. and closed at 8:42 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council authorize the City Clerk to execute the vacation of a portion of said easement.

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

Disposition: Approved.

SECOND READING

14. ORDINANCE 1722, ZONING ORDINANCE AMENDMENT 1-2007

Recommendation: That the Council give Second Reading to Ordinance No. 1722, 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. 1722, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE NO. 1198, BEING THE ZONING ORDINANCE PERTAINING TO THE DEFINITION OF FAMILY, R-A USES IN THE SUBURBAN RESIDENTIAL ZONE, BONUS DENSITY INCENTIVES AND CONCESSIONS.

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

The City Manager read the Ordinance by title only.

Disposition: Approved.

The Council recessed at 8:44 p.m. for ten minutes.

SCHEDULED MATTERS
15. PRESENTATION OF CITY FLAGS

Recommendation: None required – Information and presentation only.

Mayor Hamilton indicated that the item consisted of a presentation of the new City flag. He then called upon Police Chief McMillan to commence the presentation. Chief McMillan introduced Ryan Smalley and Patricia Palamares of the Porterville Explorers who presented the new City flags.

Mayor Hamilton spoke briefly of the genesis and progression of the flag project, and thanked Council Member Pedro Martinez and Council Member McCracken for their efforts on the project.

Disposition: Informational report and presentation only.

16. DESIGN OVERLAY SITE REVIEW 4-2007 (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
   1. Approve the Addendum to the Final Mitigated Negative Declaration for the Sierra View District Hospital Master Plan; and
   2. Adopt the draft resolution approving “D” Overlay Site Review 4-2007 subject to conditions of approval.

City Manager John Longley presented the item, and called on Community Development Director Brad Dunlap for the staff report. At Mr. Dunlap’s request, Acting Associate Planner Jose Ortiz came forward and presented the staff report.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Addendum to the Final Mitigated Negative Declaration for the Sierra View District Hospital Master Plan; and adopt the draft resolution approving “D” Overlay Site Review 4-2007 subject to conditions of approval.

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

Disposition: Approved.

17. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, the report is provided for informational purposes. It is recommended that the City Council use the information to inform any citizens that may inquire about fee adjustments.

City Manager John Longley presented the item and informational report.

• Bob Keenan, Home Builders Association of Tulare/Kings Counties, came forward and confirmed with the Council that the reported fee adjustments would take effect on July 15, 2007. He opined that such action would be in violation of the Fee Mitigation Act, and stated that the law required a written 14-day notice prior to the public hearing for consideration of adopting the fees, after which the fee increases would become effective 60 days after adoption. Mr. Keenan asserted that there had been no public hearing, and even if the City held a public hearing that evening, the fees could not be effective until August.

Mayor Hamilton thanked Mr. Keenan for his comments and requested City Attorney Julia Lew to respond.

Ms. Lew indicated that the City’s position was that the public hearing had already been held on the fees. She stated that when the fees were adopted, they were adopted, with requisite notice and public hearings, with the auto-escalator. She stated that this was a common practice throughout California, and in fact was even proposed in Tulare County’s impact fees, which the Council would be discussing later than evening in Item No. 22.

• Mr. Keenan rebutted Ms. Lew’s comments, stating that California law prohibited the adoption of automatic inflator. He contended that if the City wished to adopt new or increase existing fees, it had to hold a public hearing, and then the fee would be effective 60 days later. He reiterated that the Council could not adopt fees with an automatic inflator.
Ms. Lew stated that the City and Mr. Keenan had a difference of opinion on the matter. She stated that the auto-escalators were acknowledged in the Mitigation Fee Act, Government Code Section 66022, and explicitly acknowledged in Proposition 218, in which automatic adjustments were specifically not included in the definition of a fee increase. She stated that she believed Mr. Keenan and the City would continue to have a difference of opinion on the subject.

- Mr. Keenan stated that they would have it settled.

Disposition: Informational report received.

18. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT, AND CONSIDERATION OF AMENDMENT TO FUTURE AGREEMENTS

Recommendation: That the City Council:
1. Accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget; and
2. Consider the Chamber’s request for amendment to the Agreement for Chamber responsibilities.

City Manager John Longley presented the item, and Acting Deputy City Manager John Lollis presented the staff report.

Council Member Pedro Martinez moved that the Council approve the item, and suggested that the Council appoint two Council Members to meet with the Chamber to discuss activities and responsibilities for the upcoming year.

Mayor Pro Tem Felipe Martinez seconded the motion.

A discussion ensued as to which Council Members should be appointed, during which the Mayor and Mayor Pro Tem volunteered to meet with the Chamber.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the Chamber of Commerce Activity Report and Financial Statements, and authorize payment consistent with the City Budget; consider the Chamber’s request for amendment to the Agreement for Chamber responsibilities; and appoint the Mayor and Mayor Pro Tem to meet with the Chamber to discuss the activities and responsibilities for the upcoming year.

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

Disposition: Approved.
19. MINOR SERVICE & REPAIR IN GENERAL COMMERCIAL AREAS (C2 ZONES)

Recommendation: That the Council defer to the Comprehensive Zoning Ordinance Update programmed for the next Fiscal Year.

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

In response to questions from the Council, Mr. Dunlap indicated that he was aware of two individuals who had inquired about the designation, and that service stations required conditional use permits, which allowed for the City Council to apply conditions. He stated that under service stations, if it was this component that didn’t include the sale of gasoline and it still required a conditional use permit, that would be one way to move forward. He added that it would take a resolution of ambiguity to clarify that.

Mayor Hamilton noted that one of the applicants was in attendance and invited him to come forward.

- Mike Ramirez, (address inaudible), indicated that he would like to proceed as soon as possible, but that he had been in escrow for four months and that he was experiencing difficulties with his seller.

Mr. Dunlap stated that a comprehensive Code update would take a substantial amount of time to prepare, and clarified that the recommendation that evening was to defer the designation until that time.

Mayor Pro Tem Felipe Martinez noted that the General Plan Update was holding up several items, and inquired whether the General Plan was on track to be before the Council in September. Mr. Dunlap indicated that pursuant to timelines provided by the Consultant, it appeared that November was a more likely date to bring the item before the Council for adoption. He pointed out that if the Council had any significant changes to the General Plan, it would obviously be delayed.

In response to a question by Mayor Hamilton, Mr. Dunlap stated that the only way to “fast track” the matter would be through a Code Amendment, or a Zone Change to C3. A brief discussion ensued as to potential options for the applicants. Mayor Hamilton noted that there were options, but that the item before the Council that evening was whether to defer the designation to the Comprehensive Zoning Ordinance Update.

Council Member McCracken commented that he was uncomfortable with proceeding with a Code Amendment with the General Plan and Comprehensive Zoning Ordinance Update just around the corner.

Mayor Hamilton spoke of his desire to work something out with those businesses affected.
COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council defer to the Comprehensive Zoning M.O. 10-061907 Ordinance Update programmed for the next Fiscal Year.

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

Disposition: Approved.

20. PROPOSED CITY ORDINANCE SECTION 17-11.13

Recommendation: That the City Council consider the draft provisions. The Council may either approve and give first reading to the draft ordinance, or provide further direction.

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

In response to Council Member McCracken’s inquiry regarding the definition of a driveway, Ms. Lew indicated that the ordinance would need to include a definition. She stated that she had attempted to use reasonable layman’s terms in the draft before the Council, and noted that interpretation of the ordinance would take some discretion.

Council Member Pedro Martinez commented that he believed that some of the proposed regulations went beyond what had been requested.

Mayor Hamilton commented that the proposed language was a least a start in the right direction.

Ms. Lew indicated that if the Council wished to acknowledge the aesthetics issue, then the ordinance could only focus on lawns, and should provide a definition of lawn. She stated that the problem was that if the ordinance was based on the environmental issue of leakage of oils, there was no difference between a lawn and an unpaved surface in that regard.

• Rodney Martin, 146 South Villa Street, commented that the City of Santa Maria was pretty clear in that its legislative intent was aesthetics, and that it appeared to be the Council’s intent as well. He commented that if a dirt driveway was going to be exempt, then establishing the ordinance under the cloak of protecting the environment would be difficult. Mr. Martin stated he as a new resident, he believed that a “bottom up,” rather than a “top down” approach would prove successful. He stated that the focus should be instead on establishing a community dialog on ways in which to instill pride, adding that pride could not be legislated from above. He suggested that the Council table the proposed legislation and instead select members from the community to form a blue ribbon panel to discuss the issue and develop a series of proposals from which the Council could choose.
Mayor Hamilton commented that he hoped that the proposed ordinance, while addressing an environmental concern, would also have provided an aesthetic benefit.

Mayor Pro Tem Felipe Martinez indicated that he had received numerous phone calls from residents on this topic. He suggested that a committee be established, and nominated Mr. Martin as one of the community members to serve on the committee. He then suggested that perhaps Mr. Ramirez and Mr. Eoff might also be interested in serving on the committee.

A discussion ensued as to options for forming a committee to address the issue of parking on lawns. It was pointed out that a standing commission, such as the Parks & Leisure Services Commission, might be appropriate. The Council opted to form an ad hoc committee comprised of seven members. The Council directed staff to issue a notice to the public that volunteers were being sought to serve on the committee and that interested individuals should contact the City Clerk’s Office. Mr. Longley confirmed staff’s direction.

Disposition: Direction given to staff.

21. REQUEST FOR APPROPRIATION TO DEVELOP A FIRST PHASE BUSINESS PLAN FOR A POTENTIAL HEALTH CAREERS ACADEMY

Recommendation: From either non-appropriated reserve or “Rainy Day Reserve,” allocate $5,000 to be used to develop a first phase business plan for a potential health careers academy; and authorize the City Manager to retain a consultant to prepare the plan. This should be initiated immediately.

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

In response to questions from the Council, Mr. Longley indicated that the scope of the consultant’s services would be to develop a business plan for a health careers academy for approximately 500 and 1000 vocational healthcare workers. He stated that the business plan would make assumptions, including 1) that the staffing for the academy would be retained through a contract with the Department of Corrections or the Receiver; 2) that vacant space in the community would be utilized, but would need to be redeveloped to serve the purpose; and 3) that the individuals coming out of the academy would be contracted to work for the Department of Corrections. He emphasized that the business plan would be general in nature, and would need to be completed within a very short time period.

Mayor Pro Tem Felipe Martinez spoke of his vision and of the need to provide the Receiver with a written business plan.

Mayor Hamilton suggested that travel for the students should also be an aspect of the plan, to which Mr. Longley agreed.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council, from non-appropriated reserves, allocate $5,000 to be used to develop a first phase business plan for a potential health careers academy; and authorize the City Manager to retain a consultant to prepare the plan.

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

Disposition: Approved.

22. TULARE COUNTY DRAFT PUBLIC FACILITIES IMPACT FEE STUDY REQUEST FOR COMMENTARY

Recommendation: That the City Council:
1. Authorize staff to prepare a letter to the County of Tulare outlining the concerns as stated in the staff report regarding the Tulare County Draft Public Facilities Impact Fees Study; and
2. Authorize the Mayor to sign the letter on behalf of the City.

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

Council Member McCracken voiced concern with the proposed fee to developers of $479 per household for County parks. He commented that Porterville citizens would not benefit and suggested that the fees would fund Mooney Grove Park in Visalia. Mr. Dunlap indicated that the County would need to look at a proportional distribution of funds to service the different geographical areas. He added that the County’s proposed fees would be in addition to the fees charged by the City, and pointed out that an automatic inflator was also being proposed.

The Council requested that the letter be drafted for all of the Members’ signatures.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize staff to prepare a letter to the County of Tulare outlining the concerns as stated in the staff report regarding the Tulare County Draft Public Facilities Impact Fees Study; and authorize the Council to sign the letter on behalf of the City.

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

Disposition: Approved.
23. SET STUDY SESSION TO REVIEW PROPOSED FALSE ALARM FEES

Recommendation: That the Council set a date and time for the proposed study session.

City Manager John Longley presented the item, and Police Chief Chuck McMillan presented the staff report.

The Council requested that Mr. Longley have Ms. Bodine contact them to schedule the meeting.

Disposition: Direction given to staff.

24. COUNCIL REQUEST - CENTENNIAL PLAZA STATUS REPORT

Recommendation: None

City Manager John Longley presented the item.

Council Member Pedro Martinez indicated that he was interested in staff preparing a status report to include parameters for usage of the park. A brief discussion ensued as to public access.

Mr. Longley confirmed that the item would appear on a future agenda.

Disposition: Direction given to staff.

Adjourn to a Joint Meeting of the Porterville Redevelopment Agency and City Council.

**JOINT PORTERVILLE REDEVELOPMENT AGENCY/CITY COUNCIL AGENDA**

June 19, 2007

Roll Call: Member McCracken, Member Pedro Martinez, Vice-Chairperson Felipe Martinez, Chairperson Hamilton

Absent: Member Hernandez

**WRITTEN COMMUNICATIONS**

None

**ORAL COMMUNICATIONS**

None

**JOINT SCHEDULED MATTER**

PRA-1. Legal Findings for Financing the Construction of Parking Lot Improvements in the Redevelopment Area (East Side of Hockett Street Between Mill and Oak Avenues and Authorization to Enter into a Loan Agreement between the City of Porterville and the Porterville Redevelopment Agency
Recommendation: That the Porterville Redevelopment Agency:
1. Request a loan in the amount of $405,000 with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues; and
2. Approve repayment of said loan on an escalating schedule as provided for in Option 3 of the Hockett Street Parking Lot Repayment Options as shown on Exhibit 2.

That the City Council:
1. Approve the Porterville Redevelopment Agency’s request for assistance in the amount of $405,000 to reconstruct the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues, with payments to be made annually beginning one-year from the time of acceptance of the completed parking lot for a term of ten (10) years. Payments will be made on an escalating schedule, as provided for in Option 3 shown on Exhibit 2, with an interest rate equivalent to the Local Agency Investment Fund rate as reported at the time of acceptance of the completed parking lot. Annual payments are to include any interest accumulated during each year of the loan; and
2. Adopt the draft resolution making certain findings with respect to the parking lot improvements; and
3. Amend the budget for a loan from the City’s Risk Management fund in the amount of $405,000.

Agency Member McCracken recused himself from the discussion on all Redevelopment Matters before the Agency, and left the Council Chambers for the remainder of the Redevelopment items.

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

AGENCY ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Vice-Chairperson Felipe Martinez that the Agency request a loan in the amount of $405,000 with the City of Porterville for the reconstruction of the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues; and approve repayment of said loan on an escalating schedule as provided for in Option 3 of the Hockett Street Parking Lot Repayment Options as shown on Exhibit 2.

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

Disposition: Approved by Agency.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council Approve the Porterville Redevelopment Agency’s request for assistance in the amount of $405,000 to reconstruct the parking lot located on the east side of Hockett Street, between Mill and Oak Avenues, with payments to be made annually beginning one-year from the time of acceptance of the completed parking lot for a term of ten (10) years. Payments will be made on an escalating schedule, as provided for in Option 3 shown on Exhibit 2, with an interest rate equivalent to the Local Agency Investment Fund rate as reported at the time of acceptance of the completed parking lot. Annual payments are to include any interest accumulated during each year of the loan; and adopt the draft resolution making certain findings with respect to the parking lot improvements; and amend the budget for a loan from the City’s Risk Management fund in the amount of $405,000.

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

Disposition: Approved by Council.

REDEVELOPMENT SCHEDULED MATTER

PRA-2. REDEVELOPMENT AGENCY BY-LAW AMENDMENT

Recommendation: That the Porterville Redevelopment Agency adopt the proposed amendment to the Agency’s By-Laws regarding the designation of officers.

City Manager/Executive Secretary John Longley presented the item and the staff report.

AGENCY ACTION: MOVED by Vice-Chairperson Felipe Martinez, SECONDED by Member Pedro Martinez that the Agency adopt the draft resolution amending the Agency’s By-Laws.

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

Disposition: Approved.

PRA-3 CONSIDERATION OF ORGANIZATIONAL AND ECONOMIC SCENARIOS REGARDING THE PORTERVILLE HOTEL
Recommendation: That the Agency schedule a closed session of the Redevelopment Agency to review the project and provide instructions to negotiators. A time proposed for this is 2:30 p.m. on Friday, June 29, 2007.

City Manager/Executive Secretary John Longley presented the item and the staff report.

The Agency directed staff to schedule the study session for 2:30 p.m. on Friday, June 29, 2007.

Disposition: The Agency provided direction to staff.

Council Member/Agency Member McCracken returned to the Council Chambers.

The Redevelopment Agency adjourned at 10:17 p.m. to a meeting of the City Council.

**ORAL COMMUNICATIONS**

- Dick Eckhoff, address on record, thanked the Council for its action on Item No. PRA-01; and spoke generally of Item No. 20 regarding the proposed prohibition of parking on lawns.

**OTHER MATTERS**

- Council Member McCracken stated that he regretted to inform the Council that Le Bistro was responsible for one of the false alarm calls.
- Mayor Pro Tem Felipe Martinez:
  1. Noted that water from JRU’s location at the corner of E Street and Putnam Avenue was running down the street, and requested that staff speak with the business regarding water conservation;
  2. Thanked Mr. Rodriguez and his staff for its quick response to a recent report of graffiti; and
  3. Informed the Council of an elderly man, allegedly in the Country illegally, who was recently beaten in Murry Park by thugs who claimed the park to be their territory. He spoke of the man’s reluctance of coming forward due to his undocumented status, and requested that the Police Department beef up patrols in the area.
- Mayor Hamilton:
  1. Spoke of the recent Open House at the Police Department and thanked the P.D. for hosting such a positive event for the community; and
  2. Informed everyone that the Courthouse Project had passed another hurdle by making it through the Conference Committee. He indicated that he had personally contacted those State Legislators involved and thanked them. It was suggested that the Council also send thank you letters to those legislators.

Police Chief McMillan and Fire Chief Garcia then came forward and updated the Council on the efforts and operational planning regarding the Army Corps of Engineers’ high flow testing at Lake Success which would affect water flows on the Tule River. It was indicated that the testing would commence at 4:00 a.m. the following day, Wednesday, June 20, 2007.


ADJOURNMENT

The Council adjourned at 10:39 p.m. to the meeting of June 29, 2007 at 2:30 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

______________________________
Cameron Hamilton, Mayor