PORTERVILLE CITY COUNCIL MEETING
REGULAR MEETING DECEMBER 3, 2002
CITY HALL COUNCIL CHAMBERS

Call to Order: 5:07 p.m.
Pledge of Allegiance: Mayor Pro Tem Virginia Gurrola
Invocation: Pastor John Schalembier, First Assembly of God Church
Roll Call: West, Joyner, Hamilton, Gurrola
Absent: Woods

WRITTEN COMMUNICATIONS
There were no Written Communications.

ORAL COMMUNICATIONS

A. Wayne Harris, 583 West Dexter, came forward and stated that he was there to speak on items 11 and 19 concerning financing of capital projects. Mr. Harris stated that he was a property owner on Indiana Street, and was looking forward to the completion of the Indiana Street Project which had been in the works since 1965. Mr. Harris urged the Council to keep money in the budget to keep the Indiana Street Project moving as they were within “spitting” distance of having it finished. Mr. Harris stated that opening up Indiana would aid the north/south traffic in that area.

B. Ron Irish, 768 North Prospect, came forward and spoke on the continuation of the Indiana Street Project. He stated that he had worked on the COP priority list when he was on the Council and was dismayed to find out that one of their biggest priorities, Indiana Street, was being cut. Mr. Irish stated that the new Social Security Office on Morton and Indiana will only add to the traffic in that area. Mr. Irish stated that he understood the dilemma the Council was in, but he urged the Council to keep the money on Indiana Street.

CONSENT CALENDAR

Items 8, 9 and 15 were pulled from the Consent Calendar for discussion.

1. MINUTES OF NOVEMBER 19, 2002

Disposition: Approved.
Document No.: Minute Order No. 01-120302

2. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Director of Finance to issue payment for same upon satisfactory delivery.

Disposition: Approved.
Document No.: Minute Order No. 02-120302
3. **BUDGET ADJUSTMENTS FOR THE 2002-03 FISCAL YEAR**

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

Disposition: Approved.

Document No.: Minute Order No. 03-120302

4. **AWARD OF CONTRACT FOR HENDERSON AVENUE HAZARD ELIMINATION SAFETY (HES) PROJECT**

Recommendation: That City Council:
1. Award the Henderson Avenue Hazard Elimination Safety (Hes) Project, Base Bid only, to A-C Electric Company in the amount of $353,667.25;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction cost.

Disposition: Approved.

Document No.: Minute Order No. 04-120302

5. **AWARD OF CONTRACT - ‘D’ STREET - HOCKETT STREET ALLEY RECONSTRUCTION PROJECT**

Recommendation: That City Council:
1. Award the ‘D’ Street - Hockett Street Alley Reconstruction Project to Halopoff & Sons, Inc. in the amount of $28,741.25;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction cost.

Disposition: Approved.

Document No.: Minute Order No. 05-120302


Recommendation: That the City Council:
2. Authorize staff to negotiate a contract with the second ranked firm, Quad Knopf, if staff is unable to negotiate an acceptable contract with Cotton/Bridges/Associates;

3. Authorize the Mayor to sign all contract documents; and

4. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Disposition: Approved.
Document No.: Minute Order No. 06-120302

7. ACCEPTANCE OF THE WASTEWATER TREATMENT FACILITY & RECLAMATION SITE MONITOR WELL PROJECT

Recommendation: That 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.

Disposition: Approved.
Document No.: Minute Order No. 07-120302

10. CONDITIONAL USE PERMIT 6-2001 (JEHOVAH’S WITNESS CHURCH) - ONE (1) YEAR EXTENSION OF TIME

Recommendation: That the City Council adopt the draft resolution approving a one (1) year extension of time for Conditional Use Permit 6-2001.

Disposition: Approved.
Document No.: Resolution No. 190-2002

11. JAYE STREET PROJECT – HIGHWAY 190 TO SPRINGVILLE AVENUE FINAL FINANCIAL PLAN

Recommendation: That the City Council adopt Option 1 to approve the revised financial plan (Min\(^1\)) which results in a balance of $359,500 to be targeted at future phases of the Jaye Street Project.

Disposition: Approved.
Document No.: Minute Order No. 08-120302

12. STATUS REPORT - DEVELOPER IMPACT FEES

13. FIRE DEPARTMENT OFFICES / 36 W. CLEVELAND

Recommendation: That the City Council authorize the expenditure of up to $15,000 from the Fire Department budget to remodel the building at 36 W. Cleveland into Fire Department offices.

Disposition: Approved.
Document No.: Minute Order No. 10-120302

14. AIRPORT LEASE - LOT 46C

Recommendation: That the City Council approve Lease Amendment No. 1, modifying page 2, Provision 4a of the original Lease Agreement, upon execution of said Amendment No. 1 by both Lessee and City.

Disposition: Approved.
Document No.: Minute Order No. 11-120302

15a. CLOSED SESSION PURSUANT TO GOV. CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY MANAGER; AND, GOV. CODE § 54957 - PUBLIC EMPLOYEE APPOINTMENT - TITLE: CITY ATTORNEY.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that Council approve Item Numbers 1 through 7, 10 through 14 and 15a of the Consent Calendar.

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.

8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 262-080-029 - JAMES D. AND PRUDY J. TANNER - GRANITE HILLS STREET PROJECT - PHASE II

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to James D. and Prudy J. Tanner in the amount of $19,308.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Council Member West questioned the disparity in the cost between the properties in Items 8 and 9.

The Community Development Director stated that the difference was that one property resulted in the street widening being in close proximity to the house. He stated that the City was paying for damage to the home relative to the proximity of the street to the home.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member West that Council approve Items 8 and 9 as recommended.

Resolution 188-2002

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.

9. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 254-050-23 - LUELLA CONNOR (THOMPSON) AND ALLAN L. KAISER - GRANITE HILLS STREET PROJECT - PHASE II

Recommendation: That City Council:
1. Authorize staff to make payment to Luella Connor (Thompson) and Allan L. Kaiser, owners of the property, in the amount of $500.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Disposition: Approved with Item No. 8.

15. OHV CASUAL RIDING INSURANCE

Recommendation: That City Council approve one of two options:
A) The proposal from the NOHVIS Group, Inc. for casual/practice riding at the Porterville Off Highway Vehicle Park in the amount of $11,375.00 and has been bound and filed with the Risk Manager and continue to pursue an additional $1,000,000 in coverage, or
B) Continue the item until $2,000,000 in coverage is available.

The City Manager presented the item and the Parks and Leisure Services Director gave the staff report. He stated that the total cost of the $1,000,000 Motorsports Practice Liability Insurance would be $11,375 per year, and to qualify, riders must become members of the International Motorcycle Safety Association (IMSA), which is the watchdog of motorcycle practice and racing.
which allows the insurance carrier to underwrite the insurance. He stated that the riders would pay a $23.00 per year membership fee, to be collected by the City and forwarded to the carrier. Mr. Meachum explained the dilemma facing the OHV parks due to cancellation of their liability insurance.

Council discussed their concern about having only $1,000,000 in liability insurance, and expressed that they would want to continue to look for an additional $1,000,000 policy if this was approved.

COUNCIL ACTION MOVED by Council Member West, SECONDED by Council Member Joyner that Council accept Recommendation “A”.

M. O. 12-120302

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.

PUBLIC HEARING

16. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT #24

Recommendation: That the City Council approve a resolution of the City Council of the City of Porterville, California, ordering the improvements and the Formation of Landscape and Lighting Maintenance District No. 24.

The City Manager presented the item, and the Parks and Leisure Services Director gave the staff report.

Mayor Pro Tem Gurrola opened the public hearing at 5:35 p.m. and closed the hearing at 5:36 p.m. when no one came forward or wished to speak.

COUNCIL ACTION MOVED by Council Member Hamilton, SECONDED by Council Member West that they approve a resolution of the City Council of the City of Porterville, California, ordering the improvements and the Formation of Landscape and Lighting Maintenance District No. 24.

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.
SECOND READING

17. SECOND READING - ORDINANCE NO. 1624, ZONE CHANGE NO. 4-2002 (RANDLE)

RECOMMENDATION: That Council give Second Reading to Ordinance No. 1624, waive further reading, and adopt said ordinance.

The City Manager read Ordinance No. 1624 by title only.

COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the Council waive further reading of the Ordinance.

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Ordinance No. 1624

MOVED by Council Member Joyner, SECONDED by Council Member West that the Council adopt Ordinance 1624, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 4-2002 BEING A CHANGE OF ZONE FROM R-2 (FOUR FAMILY RESIDENTIAL) FOR TWO PARCELS AND C-3 (HEAVY COMMERCIAL) FOR ONE PARCEL TO C-3(D) (HEAVY COMMERCIAL - DESIGN OVERLAY) FOR THAT SITE LOCATED AT THE SOUTHEAST CORNER OF OLIVE AVENUE AND JAYE STREET.

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

SCHEDULED MATTERS

18. “D” OVERLAY SITE REVIEW 1-92 (MODIFICATION NO. 1) - (ALPINE AUTOHAUS)

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 1-92 (Modification No. 1) subject to conditions of approval.

The City Manager presented the item, and the Community Development Director gave the staff report.
COUNCIL ACTION

MOVED by Council Member Hamilton, SECONDED by Council Member Joyner that the City Council adopt the draft resolution containing findings and conditions in support of the approval of “D” Resolution 192-2002 Overlay Site Review 1-92 (Modification No. 1) subject to conditions of approval.

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.

19. CONSIDERATION OF REALLOCATION OF A PORTION OF THE FUNDS FOR THE DATE AVENUE PROJECT TO THE INDIANA STREET PROJECT

Recommendation: That City Council approve Option No. 1.

The City Manager presented the item, and the Acting Public Works Director gave the staff report and presented the three options:

Option No. 1: Solve the drainage problem in front of Casas del Rio and proceed with construction of Indiana Street from Putnam Avenue to Thurman Avenue. Allocate $270,000 in LTF funds from Date Avenue to Indiana Street, retaining $75,000 to complete the Date Avenue Drainage Work with City staff doing the engineering design.

Option No. 2: Proceed with the Date Avenue Project as budgeted, authorize staff to negotiate a service agreement with Quad Knopf and authorize the Mayor to sign the service agreement.

Option No. 3: Use of Date Avenue funds to be determined by City Council.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council proceed with Option No. 1.

M. O. 13-120302

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.
20. TULE RIVER PARKWAY STATUS REPORT

Recommendation: That City Council approve the Tule River Parkway Status Report.

The City Manager presented the item, and the Parks and Leisure Services Director presented the status report.

Council asked Mr. Meachum to explore putting the Tule River Parkway along the north side of the river instead of the south side, west of Plano Street to Main Street, to have the least impact on the adjacent property owners.

The City Manager stated that staff would focus on the feedback they had received.

21. CONSIDERATION OF A LEASE PURCHASE FOR 169 ACRES, FARM MANAGEMENT AGREEMENT TO SUPPORT EFFLUENT DISCHARGE FOR THE CITY’S SEWER SYSTEM; AUTHORIZATION TO SIGN A TRANSFER FOR A DEED OF TRUST; AUTHORIZATION TO SIGN A FLOW EASEMENT; AND PAYMENT FOR CUSTOM WORK TO SUPPORT EFFLUENT DISCHARGE FARMING OPERATIONS

Recommendation: 1. Authorize the Mayor and City Clerk to sign the lease/purchase agreement for 169 acres of property owned by Mr. And Mrs. Nuckols conditioned upon the satisfactory verification of financial factors and preliminary title report.

2. Authorize the Mayor and City Clerk to sign a farm management agreement with Mr. Robert Nuckols with the business points outlined earlier in the staff report.

3. Authorize the Mayor/City Clerk to sign the transfer of the deed of trust and the note, known as a “Note Sale Agreement”; Authorize the Mayor/City Clerk to sign the flow easement.

4. As an aspect of closing escrow, authorize the payment of $37,442.04 to Mr. Robert Nuckols for early custom work on condition that the escrow is closed successfully. This amount should be reduced by $1,717.80, which is owed to the City for Sewer Flow Charges.

The City Manager requested that this item be rescheduled to the next meeting, at which time they would give a full presentation on the items, including possible annexation of the area. The City Manager stated that they were requesting consideration on Item 4 only this evening.

Council concurred on continuing all the items but No. 4.

COUNCIL ACTION MOVED by Council Member Joyner, SECONDED by Council Member Hamilton that the Council authorize the payment of $37,442.04 to Mr. Robert Nuckols for early custom work on condition that the escrow is
closed successfully, with the amount to be reduced by $1,717.80, which
is owed to the City for Sewer Flow Charges.

M. O. 14-120302

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.

The City Council adjourned at 6:25 p.m. to a meeting of the Porterville Redevelopment
Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
December 3, 2002

Roll Call: Redevelopment Agency: West, Joyner, Gurrola, Hamilton
Absent: Woods

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. CASAS DEL RIO - CONSIDERATION OF ESTABLISHING A LANDSCAPE
MAINTENANCE DISTRICT VERSUS HOMEOWNERS ASSOCIATION

Recommendation: That Agency approve:
1. The concept of establishing a Landscape Maintenance District; and
2. Direct staff to bring the concept to the Casas Del Rio homeowners and
reschedule for Council consideration and formal action.

The Agency Secretary presented the item and the Community Development Director gave the
staff report which gave two options: continue with the establishment of a Homeowners Association,
or consider the concept of a Landscaping Maintenance District and bring this concept to the Casas
Del Rio homeowners.

Vice-Chairman Gurrola stated that she would like to be present at the first meeting with the
homeowners.

AGENCY ACTION MOVED by Agency Member Joyner, SECONDED by Agency Member
West that the Redevelopment Agency approve the concept of establishing
a Landscape Maintenance District; and direct staff to bring the concept to the Casas Del Rio homeowners and reschedule for Council consideration and formal action.

PRA M.O. 01-120302

AYES: West, Joyner, Hamilton, Gurrola
NOES: None
ABSENT: Woods
ABSTAIN: None

Disposition: Approved.

The Porterville Redevelopment Agency adjourned at 6:40 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
Council Member West commended the staff on the new sign in the Council Chambers.

CLOSED SESSION

15A. CLOSED SESSION PURSUANT TO GOV. CODE § 54957 - PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY MANAGER; AND, GOV. CODE § 54957 - PUBLIC EMPLOYEE APPOINTMENT - TITLE: CITY ATTORNEY.

Mayor Pro Tem Gurrola stated that there would be no report of action after the Closed Session, and the City Council adjourned to the Closed Session at 6:42 p.m.

The Council reconvened at 7:20 p.m.

ADJOURNMENT

The Council adjourned at 7:20 p.m. to December 17, 2002.

____________________________________
John Longley, City Clerk

SEAL

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Virginia R. Gurrola, Mayor