PORTERVILLE CITY COUNCIL MINUTES  
REGULAR MEETING - FEBRUARY 17, 2004  
COUNCIL CHAMBERS - 7:00 P.M.

Pledge of Allegiance Led by Mayor Pro Tem Pete Martinez  
Invocation by Pastor Peter Schalember, First Assembly of God Church  
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PRESENTATIONS  
City Manager Featured Projects for February, 2004

ORAL COMMUNICATIONS
• Cathy Capone, 806 W. Westfield, spoke regarding Item 21 and the Trailhead Park, and asked for Council’s approval.  
• Dick Eckhoff, 30 E. Oak, came forward and spoke regarding 1- Inviting Council and citizens to City of Hope Spectacular on February 28, 2004 at 8:00 pm at the Buck Schaefer Theater Memorial Auditorium; 2-Questions on Item 20, 3- In support of Item 12; and, 4- In support of Item 21.  
• Donnette Silva-Carter, Chamber of Commerce, 93 N. Main, spoke regarding Item 12 and Item 21.

CONSENT CALENDAR
Items 4, 5, 9 and 11 were removed from the Consent Calendar.

1. CITY COUNCIL MINUTES OF JUNE 21, JULY 12 AND NOVEMBER 1, 2003 AND FEBRUARY 3, 2004
   
   Documentation: Minute Order 01-021704  
   Disposition: Approved

2. CLAIM – KIMBERLY MARTIN
   
   Recommendation: That the Council reject said claim, and refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.
   
   Documentation: Minute Order 02-021704  
   Disposition: Approved

3. AUTHORIZATION TO ADVERTISE FOR BIDS – DEVELOPMENT OF WATER WELL TEST HOLES
   
   Recommendation: That City Council:  
   1. Approve the Project Manual; and  
   2. Authorize Staff to advertise for bids on the project.
   
   Documentation: Minute Order 03-021704  
   Disposition: Approved
6. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN NO. 245-060-026 – FIRST CHURCH OF GOD – HENDERSON AVENUE STREET CONSTRUCTION PROJECT

Recommendation: That City Council:
1. Authorize staff to make payment to First Church of God, owner of the property, in the amount of $300.00; and
2. Accept the Grant Deed and authorize staff to record with the County Recorder.

Documentation: Resolution 13-2004
Disposition: Approved

7. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN. NO 260-320-026 – SEQUOIA APPAREL, INC. – JAYE STREET PROJECT

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Sequoia Apparel Inc. in the amount of $6,000.00 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.

Documentation: Resolution 14-2004
Disposition: Approved

8. AUTHORIZATION FOR CITY MANAGER TO ENDORSE INSURANCE CHECK FOR FIRST TIME LOW INCOME HOMEBUYER PARTICIPANT

Recommendation: That the City Council:
1. Authorize the City Manager, as the representative for the City as second trust deed holder, to endorse the insurance check for $4,122.76 for water damage that occurred in the home of Mr. Juan Cordero, a participant in the First Time Low Income Homebuyer Program; and
2. Authorize the City Manager, as the representative for the City, to endorse any future insurance checks that include the City as a payee for a claim payment for property damage to houses that are part of the City’s First Time Low Income Homebuyer Program.

Documentation: Minute Order 04-021704
Disposition: Approved

10. RESCIND RESOLUTION ESTABLISHING THE LONG RANGE PLANNING COMMITTEE
Recommendation: That the City Council adopt a resolution rescinding Resolution No. 80-2001, which established the Long Range Planning Committee.

Documentation: Resolution 15-2004
Disposition: Approved

12. APPROVAL FOR COMMUNITY CIVIC EVENT PORTERVILLE CHAMBER OF COMMERCE IRIS FESTIVAL, APRIL 24, 2004

Recommendation: That the Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit “A” of the Community Civic Event forms.

Documentation: Minute Order 05-021704
Disposition: Approved

13. SHORT-RANGE TRANSIT PLAN

Recommendation: That the City Council:
1. Approve the 2004 Short Range Transit Plan for the City of Porterville; and
2. Authorize Staff to file the 2004 Short Range Transit Plan with the Federal Transit Administration in accordance with Section 5307 requirements, and with the Tulare County Association of Governments (TCAG).

Documentation: Minute Order 06-021704
Disposition: Approved

14. C.O.L.T. FIXED ROUTE BUS STOP LOCATIONS

Recommendation: Information item only – no action required.

15. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN AND EMPLOYEE HEALTH PLAN DOCUMENT

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2003-04 and 2004-05, and the Employee Plan Document, and authorize the Mayor to execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 16-2004
Disposition: Approved

Recommendation: That the City Council accept Addendum No. 2 to the M.O.U. with the P.C.F.A., dated August 6, 2002; and adopt the Draft Resolution amending Resolution No. 116-2002.

Documentation: Resolution 17-2004

Disposition: Approved

16a. CLOSED SESSION PURSUANT TO: 1- GOVERNMENT CODE § 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 1.72 ACRE SITE EAST OF 1813 THUNDERBOLT. AGENCY NEGOTIATOR: BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND RUSSKEN HOLDINGS, LLC. UNDER NEGOTIATION: TERMS AND PRICE;


3- GOVERNMENT CODE § 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: TWO ADJACENT TRIANGULAR SITES LOCATED WEST OF OLIVECREST AVENUE, BETWEEN CRESTVIEW & OAK AND RUTH STREET & OLIVE AVENUE – AGENCY NEGOTIATOR: JOHN LONGLEY. NEGOTIATING PARTIES: CITY OF PORTERVILLE, PORTERVILLE PUBLIC CEMETARY DISTRICT. UNDER NEGOTIATION: TERMS AND PRICE;

4- GOVERNMENT CODE § 54956.9(a) – CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION: CITY OF PORTERVILLE V. TULARE VALLEY RAIL ROAD;

5- GOVERNMENT CODE § 54956.9(c) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION: ONE CASE

6- GOVERNMENT CODE § 54956.9(a) – GOVERNMENT CODE 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR/AGENCY NEGOTIATOR: DARREL PYLE EMPLOYEE ORGANIZATION: PUBLIC SAFETY UNREPRESENTED EMPLOYEES.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to approve Items 1, 2, 3, 6, 7, 8, 10 and 12 through 16a. The motion carried unanimously.

Disposition: Approved

4. AWARD OF CONTRACT – DESIGN AND INSPECTION SERVICES FOR WELL NO. 28 AND FOUR FUTURE WELLS

Recommendation: That City Council:

1. Authorize the Mayor to execute the “Service Agreement” for the Well No. 28 Project, to the firm of Dee Jaspar & Associates at an agreed fee of $38,792.00; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

Mayor Stadtherr asked when the next Water Report would be presented, and City Manager Longley stated that the presentation should take place in March of this year.

Mayor Stadtherr asked if it would be detrimental to postpone voting on this item until the Water Report could be heard. Public Works Director Baldo Rodriguez stated that the report will touch on the City’s need for wells.

Council Member West asked why there was only the one bid given to Council, and stated that he would like to see the other bids.

Public Works Director Baldo Rodriguez explained the bid process to Council, stating that staff did not know the amounts of the other bids.

Council Member Irish stated that if Council wished to change the selection process that it should be considered for future bids, but at this time, to avoid hindering the process, this bid should be considered. Council Member Irish requested that staff follow up with Council to measure the amount of money saved by implementing this process.

Council Member West requested that when considering future bids, all bids should be opened and considered.

Council Member Irish stated that in order to help Council understand the bid review process, that a Council Member be present during the review to observe.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept staff’s recommendation. The motion carried unanimously.

M.O. 07-021704

Disposition: Approved

5. AWARD OF CONTRACT – HOCKETT AND DIVISION PARKING LOT – DOWNTOWN PARKING PROJECT

Recommendation: That the Council:
1. Award the Hockett and Division Parking Lot – Downtown Parking Project to Central Valley Asphalt in the amount of $179,126.50;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Council Member Irish asked for an explanation of why the engineer’s estimate was two percent below what the bid came in at, and he asked that staff provide Council with the engineer’s estimate cost.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West to accept staff’s recommendation. The motion carried unanimously.
9. APPROVAL TO ENTER INTO AN AGREEMENT FOR THE REMOVAL OF ENCROACHING STRUCTURES AT THE NEIGHBORHOOD COMMUNITY CENTER SITE

Recommendation: That the Council approve the agreement regarding removal of encroaching structure at the Santa Fe School/Neighborhood Community Center Joint Project site, and authorize the Mayor to sign all necessary documents.

Council Member Irish asked for clarification on the encroaching structures.

Community Development Director Brad Dunlap elaborated for Council.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to accept staff’s recommendation. The motion carried unanimously.

Disposition: Approved

11. ADOPTION OF THE REVISED REASONABLY AVAILABLE CONTROL MEASURES (RACMs) FOR THE EXTREME AREA OZONE ATTAINMENT PLAN FOR THE SAN JOAQUIN VALLEY AIR BASIN.

Recommendation: That City Council adopt the draft resolution implementing the revised control measures identified in Exhibit “A”.

Mayor Stadtherr presented a short video presentation about the use of roundabouts, and asked Council to consider including roundabouts as a RACM.

COUNCIL ACTION: MOVED by Mayor Stadtherr, SECONDED by Council Member Hamilton to accept staff’s recommendation and to add the roundabout as a RACM, Resolution 18-2004 with flexibility to write what the RACM is. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARING

17. AN ORDINANCE AMENDING THE GENERAL PLAN AMENDMENT PROCESS (ZONING ORDINANCE AMENDMENT 1-2004)

Recommendation: That the City Council:
1. Approved the proposed Ordinance; and
2. Give first reading to the Ordinance amending Article 27 of the Zoning Ordinance pertaining to the General Plan Amendment process.
The staff report was presented by the Community Development Director.

Mayor Stadtherr opened the public hearing at 7:50 p.m.

Cathy Capone, 806 W. Westfield, requested that more information about the item be provided to the audience in order to allow audience participation in the public hearing.

The Community Development Director briefly explained what the ordinance entailed.

Mayor Stadtherr closed the hearing to the public at 7:52 p.m.

Council Member West requested that Council explain to the public why this committee is being deleted.

Council Member Hamilton explained that it was a way of streamlining the process.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Irish to accept staff’s recommendation.

**Ordinance 1649**

AYES: Hamilton, Irish, Martinez, Stadtherr
NOES: West
ABSTAIN: None
ABSENT: None

Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Irish to waive further reading and order this ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE NO. 1198, BEING THE ZONING ORDINANCE OF THE PORTERVILLE MUNICIPAL CODE, PERTAINING TO CONSIDERATION OF GENERAL PLAN

**Ordinance 1649 AMENDMENTS.** The motion carried unanimously.

Disposition: Approved

**SECOND READINGS**

18. ORDINANCE 1647, ZONE CHANGE 6-2003 (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That Council give Second Reading to Ordinance No. 1647, waive further reading, and adopt said ordinance.

The City Manager read the ordinance by title only.
COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to waive further reading, and adopt Ordinance 1647, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 6-2003, BEING A CHANGE OF ZONE FROM R-1 (ONE FAMILY RESIDENTIAL) TO PO (PROFESSIONAL OFFICE) FOR THAT 1.4± ACRE SITE LOCATED ON THE WEST SIDE OF KESSING STREET, BETWEEN PUTNAM AVENUE AND OAK AVENUE. The motion carried unanimously.

Disposition: Approved

19. ORDINANCE 1648, REQUEST FOR SPECIAL FIREWORKS PERMIT

Recommendation: That Council give Second Reading to Ordinance No. 1648, waive further reading, and adopt said ordinance.

The City Manager read the ordinance by title only.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to waive further reading.

Ordinance 1648

AYES: West, Hamilton, Martinez, Stadtherr
NOES: None
ABSTAIN: Irish
ABSENT: None

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to adopt Ordinance 1648, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE II, FIREWORKS, OF THE PORTERVILLE MUNICIPAL CODE.

Ordinance 1648

AYES: West, Hamilton, Martinez, Stadtherr
NOES: None
ABSTAIN: Irish
ABSENT: None

Disposition: Approved

SCHEDULED MATTERS

20. POLICY FOR NAMING OF DEDICATION OF CITY FACILITIES

Recommendation: Adopt the Policy for Naming or Dedication of City Facilities without the Financial Contribution Naming Guidelines, and with the staff suggested revised language for the fifth point of Section 1.
The City Manager presented the item, and the Parks and Leisure Services Director gave the staff report. Director Perrine also reviewed the provisions of the draft policy. He reviewed the revision of Section 1, point five, by removing the sentence “See attached Financial Contribution Naming Guidelines,” and adding “In general, 100% of the land, facility, or necessary funding would be expected for favorable consideration to the naming of the facility after an individual.” He also stated that the last provision under Section 2, Dedication of Buildings and Facilities, should be changed to “The City will make reasonable efforts to preserve plaques but if necessary, due to constructions or repairs, the plaque may be relocated. The City Council also reserves the right to remove the plaque.”

Council questioned the procedure as it related to public input.

Mayor Pro Tem Martinez expressed his concern for consistency. He recommended omitting the term “non-controversial” from Section 1, point one, and stated that was a motion. He then thanked the Parks and Leisure Services Commission for their work.

Council clarified that they had the flexibility to name a facility or place after whomever living person they wished, without the requirement of donating the land or money. It was also clarified that the Council would have the final say.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Stadtherr to amend the motion by Mayor Pro Tem Martinez by adding the amendment of the second sentence of Section 1, point eight, to read, “The City Council shall establish the name after receiving a recommendation from the Parks and Leisure Services Commission.” The motion carried unanimously.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Hamilton that Council amend the proposed policy by omitting the term “non-controversial” from Section 1; and amend the second sentence of Section 1, point eight, to read, “The City Council shall establish the name after receiving a recommendation from the Parks and Leisure Services Commission.” The motion carried unanimously.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Irish to approve the staff recommendation as amended by Council. The motion carried unanimously.

Disposition: Approved

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member West to adopt the policy as amended. The motion carried unanimously.

M.O. 13-021704
21. A PLAN FOR NELSON BUILDING DEMOLITION, FIRST PHASE DEVELOPMENT OF CENTENNIAL PLAZA, AS WELL AS TRAILHEAD PARK TREE INSTALLATION

Recommendation: Staff believes that this combination of project would be an enhancement to both an entrance to the City and the downtown area. Staff is cautious that should this project be designated as a Council priority the parks administrative and engineering resource commitments to other projects would need to be adjusted. It is recommended that the City Council:
1. Direct the designation of the demolition of the Nelson Building, the design of the plaza park, and the tree planting at ‘Trailhead Park’ to be a priority project, and
2. Authorize the use of a $180,000 loan from the Equipment Replacement Fund for the preparation of a building demolition estimate, construction plans, and necessary project manuals, for the anticipated City expenditure line items as shown on the Preliminary Estimate.

Council Member Hamilton asked why it was necessary to use an outside engineering evaluation.

Parks and Leisure Services Director Perrine explained that it was to obtain a realistic engineer’s estimate in order to advise Council on the budgeting and funding needs for this project.

Council Member Irish suggested putting the demolition of the building out to bid in order to have the contractors sharpen their pencils and give a more precise bid for the job.

Council Member Hamilton asked why there would need for drilling to be done again if it had been done when the property was initially purchased.

Mr. Perrine stated that the results of the testing and analysis could help describe the scope of the work for the contractors and allow them to bid realistically.

City Manager John Longley clarified that staff has not been able to find any document that defines the inspection and clarifies it.

Council Member Irish asked for the fees involved in demolishing a building, and if the fees could be waived for the City.

The City Manager explained that there are no provisions to waive fees any more, in order to implement consistency.

Council Member Hamilton seconded Council Member Irish’s motion to accept staff recommendation, and asked if Council could approve the names Centennial Plaza and Trailhead Park at tonight’s meeting.
James Lessinger, 841 W. Morton, spoke on behalf of the Rotary Club and asked if the Council could approve the naming of the stage as the Homer Wood Stage, so that other rotary clubs could be approached for funding.

Neil Smith, Parks and Leisure Commissioner and Rotarian, stated that the naming of the stage after Homer Wood would allow the City’s Rotary Club to ask the San Francisco Rotary for matching funds.

Mayor Pro Tem Martinez stated that he did not feel comfortable approving the proposed names without public input.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Hamilton to accept staff’s recommendation and the names proposed; Centennial Plaza, Trailhead Park, and the Homer Wood Rotary Stage.

M.O. 15-021704

AYES: West, Hamilton, Irish, Stadtherr
NOES: Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved

Council took a ten minute recess at 8:50 p.m.

22. NORTH MAIN STREET TRAFFIC STUDY AND ANALYSIS

Recommendation: That City Council:
1. Direct staff (Police, Public Works, Community Development) to meet once more with the tavern principals and interested members of the public with the hope that parking and pedestrian issues can be resolved; and
2. Have the Council designate two Council members as an ad hoc subcommittee to participate in resolving the parking and pedestrian concerns.

Council Member Irish stated that there were two issues being addressed here. A safety issue, and a parking issue for Charlie’s Engine House #5. The discussion of safety he would participate in, but would refrain from discussing the parking issue due to the business being a customer of his.

Council Member Irish requested that Council be consistent when implementing no parking on vacant lots.

Council Member Hamilton stated that the distinguishing factor would be safety, and the no parking signs would be considered when it warrants it.

Council Member West asked that Council consider changing the speed limit on North Main Street, because he feels that 35 miles per hour is too slow.
COUNCIL ACTION: MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Irish to nominate Council Members Hamilton and West to the Ad Hoc Sub Committee. The motion carried unanimously.

Disposition: Approved

23. GRANT MANAGEMENT

Recommendation: That the City Council authorize the inclusion of the Grant Matrix to be included as part of the Quarterly Financial and Portfolio Updates.

COUNCIL ACTION: MOVED by Mayor Stadtherr, SECONDED by Mayor Pro Tem Martinez to accept staff’s recommendation and to include new grants in bold face and the inclusion of costs of matching grants. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS

• Dick Eckhoff, 30 E. Oak, stated that on Item No. 5 it is 2.12%. He thanked Council for approving Items 12 and 21.
• Felippe Martinez, 195 W. Putnam, spoke regarding Plaza Park. He then questioned Council on Item #20, and issued an invitation to Council from the Tulare/Kings Hispanic Chamber of Commerce which was holding a business emporium on March 18, 2004, from 9:00 am to Noon, at the Employment Connection.

OTHER MATTERS

None

COUNCIL COMMENTS

• Mayor Pro Tem Martinez requested that letters of congratulation be sent to the winners of the Breakfast Lions’ Speech Contest held that evening, signed by all the Council.
• Mayor Stadtherr stated that next Tuesday, a number of Mr. Hill’s government class has asked for a forum at Porterville College regarding Prop 56.

CLOSED SESSION

The City Council adjourned to Closed Session at 9:29 p.m. The Council then reconvened at 10:30 p.m.

The City Attorney reported that the City Council took action to expend $2,500 to participate in the Cerritos Lawsuit.

Documentation: Minute Order 14-021704

**ADJOURNMENT**

The Council adjourned at 10:33 p.m. until the meeting of February 23, 2004 at 6:00 p.m.

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Georgia Hawley, Deputy City Clerk
SEAL
By Luisa Herrera

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Richard M. Stadtherr, Mayor