PORTERVILLE CITY COUNCIL AGENDA
ADJOURNED MEETING - OCTOBER 26, 2004
PORTERVILLE PUBLIC LIBRARY
41 W. THURMAN AVENUE
6:00 P.M.

Roll Call: City Council

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

SCHEDULED MATTER

1. Lake Success Remediation Project
   Re: Discussion with the Corps of Engineers, the Tule Lake Basin Committee
   and the public regarding Success Dam’s current condition, a detailed review
   of the tentative remediation solution, time schedules, design details and
   construction concerns.

ORAL COMMUNICATIONS

ADJOURNMENT - to November 2, 2004

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown
Act, if you need special assistance to participate in this meeting, or to be able to access
this agenda and documents in the agenda packet, please contact the Deputy City Clerk
at (559) 782-7442. Notification 48 hours prior to the meeting will enable the City to make
reasonable arrangements to ensure accessibility to this meeting and/or provision of an
appropriate alternative format of the agenda and documents in the agenda packet.
JANUARY 6, 1998

17. JOINT POWERS AGREEMENT (JPA) - TULE RIVER MAINTENANCE

Recommendation: That the City Council:

1. Rescind Resolution No. 41-97 approving the Joint Powers Authority and Resolution No. 41-A97 appointing a Council Representative and an alternate to the Joint Powers Authority;
2. Adopt the attached Resolution of Approval for the “Tule River Improvement Joint Powers Agreement;”
3. Authorize the Mayor to sign all necessary documents;
4. Appoint a Council Member and alternate by Resolution as the City of Porterville Representative to sit on the Executive Committee for the administration of the Tule River Improvement Joint Powers Agreement; and
5. Make all approvals conditional upon all entities receiving approval to sign the subject agreement.

Disposition: Approved.

Document No.: Resolution 4-98
File No.: 450-75

April 21, 1998

OTHER MATTERS

Council Member Choate stated that he had received a letter from Don Stover regarding the Success Dam and its capacity. He stated that Mr. Stover had made some accusations about the Army Corp of Engineers’ policy not being followed, as they were not releasing water from the dam as they should for this time of the year. Council Member Choate stated that perhaps the staff could look into this and check about the policy.

Mayor Gibbons stated that the Council could have the staff check into that.

Mr. Irish stated that if the Council wanted the staff to look into those issues appropriate to concerns of the City, then they would do so.

Mayor Pro Tem Leavitt stated that he had discussed this matter with the Water Master, R. L. Schafer, who said that the lake had an additional capacity of 20,000 acre feet, with another 10,000 acre feet available if they sandbagged the spillway an additional four feet, which they were prepared to do.
Mayor Pro Tem Leavitt stated that the Army Corp of Engineers has a water diagram that they are following. He stated that they City could request a copy of the diagram.

Council Member Choate stated that the Army Corp of Engineers was not following their own policy.

Mayor Gibbons stated that staff could ask the Army Corp of Engineers the questions raised by Mr. Stover’s statements and they would have an answer for him and any others with questions.

MAY 6, 1999

ORAL COMMUNICATION

C. ART COWLEY

Art Cowley, 1681 West Memory Lane, came forward representing the Tule River Parkway Association. He stated that they had a dedication two weeks ago, and they were very pleased with the progress. He stated that they encouraged the Council to keep it moving. He stated that there were two other items on his mind, not necessarily relative to the Parkway. One, using the National Forest as an employment opportunity; and, Two, the Corp of Engineers raising Success Dam ten feet.

Mr. Cowley stated that trees could be harvested for the power plant, dead trees could be removed, and other kinds of opportunities which would provide jobs were available in the National Forest. He stated that this could be done if the City worked closely with the Forest Service and Federal representatives.

Mr. Cowley stated that they would like to see the Tule River Parkway extended to Success Lake and around the west side, with a fishery. He stated that the opportunity to raise the spillway should be an opportunity to look at opportunities for economic development. He stated that the Corp of Engineers was looking at raising the spillway in a way that resulted in less of a use for the people of Porterville, and he wasn’t sure why they should allow that to happen. Mr. Cowley stated that if the spillway is raised, the City should maintain that the facilities are not to be reduced. He stated that this should be a chance to enhance recreation and not just find out the impacts on those things.

Council Member Leavitt stated that he remembered a few years back getting into a discussion with the Corp of Engineers and the Lower Tule Irrigation District about the minimum pool. The Corp and the District said they would maintain the minimum pool except in drought years, but that was when they needed it.

Mr. Cowley stated that there were discrepancies on the Corp of Engineers report, such as the location of the Sierra National Forest, and the removal of sand and gravel.

Council Member Leavitt questioned why they couldn’t take out the silt instead of raising the spillway.
Mr. Cowley stated that they said it was not economically feasible, even through Mr. Brown is working on taking sand and gravel out. Mr. Cowley stated that Mr. Brown has considerable support, and a place for sand, gravel and top soil.

Mr. Cowley stated that if anyone was interested, he had pamphlets on the Tule River Parkway.

SEPTEMBER 21, 1999

24. TULE RIVER IMPROVEMENT JOINT POWERS INTERIM PROJECT AGREEMENT NO. 2

Recommendation: That the City Council:

1. Select Option No. 1 and authorize the Mayor or designee to sign Agreement No. 2 and authorize payment of $9,000;
2. Authorize the Mayor or designee to sign Agreement No. 2 to pay $13,500, the City’s share of $90,000 based on 15% of the local share; and
3. Authorize the Mayor or designee to sign a project agreement for the Success Reservoir Enlargement Project with the City’s share not to exceed 15% of locals share and not to exceed $300,000, and subject to the JPA providing a means of financing, acceptable to the City of Porterville, for its local share, and subject to the Success Reservoir Enlargement receiving approval for construction funding from the State and Federal Government.

The City Manager presented the agenda item.

Mayor Pro Tem Woods stated that this dissertation was vague on the payback on the preliminary engineering and design costs, but he understood that upon commencement of construction, that those costs would very probably be repaid—all the PED costs. He stated that the expenditures they were committing to right now are for preliminary engineering and design costs; it was his understanding that those costs have to be provided by the participants, but when the project was approved, when the design was approved and construction actually commences, he understood there was a mechanism wherein the Corps of Engineers or Federal Government will repay them for the preliminary costs.

The Director of Community Development and Services stated that he couldn’t recall what Dick said on that, and he would have to contact Mr. Schafer.

Mayor Pro Tem Woods stated that irrespective of whether they were repaid or not, he was in favor of going ahead with this project. But he did believe there was a mechanism.

Council Member Irish stated that he didn’t have a problem with spending $6,000, but the possibility that they may have to spend $300,000 with money they didn’t have, was a problem.

Mayor Pro Tem Woods stated that it would be budgeted probably over a five-year span.

The City Manager stated that it was at least two years away, and he thought Mr. Unser has had some preliminary discussions about the possibility of receiving terms from the other participants.
Council Member Irish stated that regardless of what the terms are, the citizens would be paying the $300,000.

Mayor Pro Tem Woods stated that the $300,000 was only 15% of the cost, and relative to the participants in the program, the City derives more benefit than any one of the other five, especially respective to recreation. He stated that one of the most contentious points in this entire episode has been when the Corps said they would remove the well, the flush toilets, and one boat ramp, but since then they backed up and said they would provide facilities equal to, or superior to, the facilities up there at the present time. He stated that the recreational benefit and the draw that the lake brings into the community, respective the economics, certainly merits consideration. Mayor Pro Tem Woods stated that he thought they had spent $300,000 with less results.

The City Manager stated that the City probably wouldn’t even be asked for the money for a minimum of two years, maybe longer.

The Director of Community Development and Services stated that it would be at least two years for the funding of construction, as there has not even been a vote on the funding at the government level.

Council Member Leavitt stated that he had debated this before with Mr. Schafer. As far as flood control, if we keep the channels clear, the chances of the City flooding would be very nil. He stated that in 1966 the City had no flooding, and that was a 200 year flood. Council Member Leavitt stated that when they talk about flooding, its Tule Lake and agriculture they are referring to. He stated that he had no problem with them wanting to prevent that, but he had a problem with the people of Porterville paying for it. He stated that they get little or no water recharge, because it is too far away. He stated that what concerned him was that if they raise the spillway ten feet, it’s another ten feet behind that earthen dam; if it ever breaks, they would have an additional 24,000 acre feet, on top of the 82,000 acre feet, and that would create more of a problem than anything else. He stated that when the dam was designed, it was designed where the spillway is so that water could go around the dam when there was too much water behind it. He stated that the dam was designed to hold so much water, and what they were doing was going around the design. Council Member Leavitt stated that the Corps had also said the dam had been built on a fault. He stated that there had never been an earthquake in Tulare County, but it could happen. Council Member Leavitt stated that he didn’t feel the City would benefit as this was laid out. He stated that 15% or $300,000 was too much for Porterville to pay. He stated that he was more concerned with the extra storage than anything. He stated that the extra storage boiled down to protecting Tule Lake, and to the power generation plant—being able to hold more water back so they could generate power. He stated that they weren’t offering 15% of the electricity that’s generated. Council Member Leavitt stated that he was opposed to it on that basis. As far as the Corps of Engineers backing off, he didn’t know that next year they won’t turn around and change their minds. He stated that he could see some benefit recreationally, but the year they had a drought, the City tried to have them keep a minimum pool, but irrigation interests said it was their water and they took it. He stated that without some kind of guarantees on a minimum pool, or some other things for which they could show a benefit, he had concerns with it. Council Member Leavitt stated that he had a problem with spending $300,000 and not getting flood control for the City. He stated that keeping the channel clear, which they should participate in, was the best protection they could ever have. He stated that when they had the 200 year flood they never had anyone flooded in the City.
Council Member Irish asked if they were talking about any type of safety issue here–any possibility of flood damage in the City limits.

Mayor Pro Tem Woods stated that flood control was one of the principle purposes–to raise the dam ten feet.

The City Manager stated that if it wasn’t flood control, it wouldn’t happen.

Council Member Irish asked if they had $300,000 to spend, now or in two years.

The City Manager stated that they may, and they would work with the JPA.

Council Member Irish stated that he would feel better with a grant in advance.

Mayor Gurrola asked if the channel was clear when they lost the Jaye Street bridge a few years back.

Council Member Leavitt stated that it wasn’t clear, but that wasn’t a flood, it was poor design.

The Director of Community Development and Services stated that problem was caused by the diversion of irrigation water onto the bridge structure.

Mayor Gurrola stated that there was a problem with water almost reaching the Westwood bridge a couple of years ago.

Council Member Leavitt stated that he saw this as corporate welfare–take from the poor to give to the rich. He stated that he didn’t mind the folks down stream preserving water and preventing the flooding, and he thought that if they wanted it they should pay for it. Council Member Leavitt stated that he had a feeling that if the City didn’t, they would anyway.

Mayor Pro Tem Woods stated that there was a lot of subsistence fishing going on at the lake.

Mayor Gurrola stated that people had approached her on this particular issue, and she was surprised by the number supportive of raising the spillway, and of course there were those who feel we shouldn’t be doing this on the same basis as Council Member Leavitt’s reasons. She stated that they do benefit from the recreation at the lake, and the tourism, and the businesses in the community do benefit from that. She stated that when she looks back at the Westwood bridge and how close it was coming to that level, she saw this as a benefit to the community. Mayor Gurrola stated that they might not have the opportunity to do this again for 15%. She stated that they might come in and pick up the $300,000, but she was supportive of the project itself, and having the enlargement of the reservoir.

Council Member Leavitt stated that the few times the Corps was fearing flooding, they put up a temporary wall to raise the level ten feet, and the Corps of Engineers approved it and it was a temporary basis. He stated that the advantage of the temporary wall is if the dam appeared to start having a breach in it, they could take the wall down very rapidly and release that stress on the dam. He stated that if there was a permanent raising of the spillway, they could not do that.
COUNCIL ACTION  MOVED by Mayor Pro Tem Woods, SECONDED by Mayor Gurrola that Council select Option No. 1 as recommended.

________________________  AYES:  Woods, Gurrola  
NOES:  Irish, Leavitt 
ABSENT:  Wilson 
ABSTAIN:  None 

Disposition:  Failed on a two/two vote.

OCTOBER 5, 1999

OTHER MATTERS

2. Council Member Wilson stated that he would like to see the item on Success Dam brought back before the Council for reconsideration.

The City Attorney stated that regarding Roberts Rules of Order, he had reviewed it in case of a tie vote, but there was no application rule dealing with a request from a Council Member not present at the vote.

Mayor Pro Tem Woods stated that an individual on the losing side could request reconsideration.

The City Attorney stated that as he recalled it was two votes for and two votes against the motion. He stated that he would look into the matter and provide a written analysis to the Council Members.

Mayor Pro Tem Woods asked the City Attorney to provide that by the next meeting.

NOVEMBER 16, 1999:

21. TULE RIVER IMPROVEMENT JOINT POWERS INTERIM PROJECT AGREEMENT NO. 2

Recommendation:  To be determined by the City Council.

The City Manager gave the staff report, which included the staff recommendation from September 21, 1999 as follows:

That the City Council:
1. Select Option No. 1 and authorize the Mayor or designee to sign Agreement No. 2 and authorize payment of $9,000;
2. Authorize the Mayor or designee to sign Agreement No. 2 to pay $13,500, the City’s share of $90,000 based on 15% of the local share; and
3. Authorize the Mayor or designee to sign a project agreement for the Success Reservoir Enlargement Project with the City’s share not to exceed 15% of locals share and not to exceed $300,000, and subject to the JPA providing a means of financing, acceptable to the City of Porterville, for its local share, and subject to the Success Reservoir Enlargement receiving approval for construction funding from the State and Federal Government.

Charles Keen, 320 South Jaye Street, stated that as he lives below the dam, the safety factor was of great concern to him. Mr. Keen spoke in length regarding his opposition to the expansion of the dam. He stated that in November of 1965 the County entered into an agreement with the Tule River Association whereby they exchanged the rights to 35/100th inch of flow for a guarantee to maintain a minimum pool of 5,000 acre feet at all times, and not to release the water below 6800 acre feet except during extremely dry years. He stated that the way the lake was measured now was deceiving, as it was done by elevation, and the minimum pool is mostly silt. Now after 30 years a generation plant had been put in below the dam and it depends on water fall. There is no benefit from the plant to the City or County, it goes directly to the Lower Tule Irrigation District. He stated that it would be 300,000 extra megawatts of power that would be generated by raising the dam, and he had tried to find out what that benefit would be to the Lower Tule Irrigation District to offset the recreation facilities that would be destroyed. Mr. Keen stated that people bought their fishing licenses, and there were people with boats and water skies who used the lake. He stated that you could look now and see that there was not a 5,000 acre minimum pool, and it would still not be there if the dam was raised, because they will drain the water down to run the generators. He stated that they would spend between $20 and $30 million dollars to raise the dam to run generators for free power for the Lower Tule Irrigation District. He stated that the other party was Boswell, who keeps 1200 acres of land from flooding when the river overflows. He stated that Council should consider the 50,000 people in the Porterville area over the 1,200 acres of land that might flood down there. He stated that they had an earthquake in April, and if they raised the dam ten feet, in the last report Council got there is nothing in there that says the dam is safe. He stated that the report from May stated there was a softness in the center of dam, and they said it would be fixed if the dam was raised or not, but has the Council heard anything about when it would be done? Mr. Keen stated that the Council should ask for a safety review before the dam was filled up again, and that would trigger a whole new action. He stated that the Dam Safety Review Board would look into the matter. He suggested using the $300,000 for the Tule River Parkway recreation area.

Mayor Gurrola stated that the Council had a recommendation to bring the Success Reservoir Enlargement Project back to the Council.

Mayor Pro Tem Woods stated that he was still strongly in favor of the dam. He stated that they had people tell them about the safety of the dam, and if the lake was full of silt, then they didn’t have the water they need to capture for irrigation. He stated that he was strongly in favor of the enlargement.

Council Member Wilson stated that he wanted this brought back because of a letter to the editor that Mr. Keen wrote regarding the minimum pool. He stated that he was interested in the minimum pool for recreational needs, and by participating in the enlargement, the City would have more of say in what the minimum pool would be. Council Member Wilson stated that he felt they should pursue the matter.

Council Member Irish stated that Mayor Pro Tem Woods had mentioned a mechanism to repay the money to the City.
Mayor Pro Tem Woods stated that he didn’t find out about that, but he found out that the downstream users divided the proceeds from the generation plant and it went into a maintenance fund, and right now there was a contingency fund of $250,000. He stated that they would use their money and allow the City to phase their $300,000 over five years. He stated that the preliminary engineering design costs were reimbursable upon commencement of construction. Mayor Pro Tem Woods stated that he could be in error—but whether it was or was not refunded, it was a good project.

Council Member Irish stated that this wouldn’t happen for a couple of years, so the next Council would pay for it, with the $300,000 coming from the General Fund. He stated that whenever they talked about recreational programs in the City limits, they were told that they have a budget to look at and they couldn’t just spend the money. He stated that they have baseball fields to light and such—so where will the money come from except from the citizens. Council Member Irish stated that Walter McKinsey from the Corps stated that whether or not the City put money in, it would not have an impact one way or another. He questioned why they would do it if they would not have any impact on it. He stated that he was interested in the money being spent in the City. He stated that there didn’t seem to be a safety factor there, and he was having a difficult time spending $300,000 just for recreational purposes. He stated that he thought they could get more bang for their bucks.

Mayor Pro Tem Woods stated that he hadn’t heard Mr. McKinsey’s statement. He stated that the Congress had earmarked the money, and the project was a go. He stated that the consensus was that the project would probably go with or without the City’s money, so they could back out and they could stick their partners with the bill, or they could maintain an ethical position and contribute their share that they said they would contribute for some years.

Council Member Leavitt stated that they had been discussing this for several years, but he didn’t think the City promised to participate. He stated that if they said they didn’t need our money either way, why would they put money into something that wasn’t in the City. He questioned why the City would spend their money when they had never been guaranteed a minimum pool, and in fact they said it was their water and they would do whatever they want, and he didn’t think that attitude had changed. Council Member Leavitt stated that if the City put in $300,000, they would be told thank you and they would go about their business. He stated that if they had a guarantee of a minimum pool of 8,000 or 10,000 acre feet, he might reconsider, but he had never heard any guarantee. He stated that if they put up 30% of the funds, why didn’t the City get 30% of the electricity from the generation plant below the dam. He stated that it was a one-way street, and that had been his concern since the beginning. Council Member Leavitt stated that the Corps of Engineers issued a statement that there was an earthquake fault near the dam, and he had seen pictures of what broken earth dams can do. He stated that they were told that the spillway was only for emergencies, but if they raise it, that will increase the dam. Council Member Leavitt stated that he could see how it was going, and he could count to three, but he thought they were taking money and throwing it down a rat hole.

Council Member Irish asked if they could get a written guarantee that there would be a minimum pool.

Mayor Pro Tem Woods asked if they could get a guarantee on snow pack and rain fall. He stated that the City would be contributing 15% of the cost. He stated that he agreed that they needed to get a larger pool again, but they needed to be a voice at the table.
Mayor Gurrola stated that they had three choices—to participate, not participate, or take no action. She stated that to participate would cost $300,000, and based on the information in the paper, the project would go with or without them. She stated that she had also been asked if the money could be used for something else. Mayor Gurrola questioned whether spending the 15% would give the City any say.

Mayor Pro Tem Woods stated that it would definitely give them a say with the Joint Powers Authority.

Mayor Gurrola clarified that without the $300,000 the City would be voiceless.

Council Member Leavitt stated that when they worked out the JPA, they said people would be involved in different areas. He stated that the City would be involved in the channel clearing, and that would continue to happen.

Council Member Irish asked if this matter could be brought back when they got some assurances.

The City Manager stated that it was up to the Council if they wanted it brought back.

Council Member Wilson stated that he wouldn’t have a problem with bringing it back, but if they couldn’t get anything in writing, then why wait. He stated that there were no promises made, but there seemed to be gestures in that direction that the City would participate.

Mayor Pro Tem Woods stated that the JPA would continue to work.

Council Member Leavitt stated that the members each have a 20% say on the Council, but when the 80% didn’t see something their way, how much was one’s 20% worth. He stated that if they had the 85% more concerned with generating electricity and protecting Tulare Lake, he didn’t see that the City would have a lot to say. He stated that if they got some assurances ahead of time up front, he might change his mind, but for now he saw the $300,000 paying for the lighting of ball fields at the new recreation center at the school.

Mayor Gurrola stated that her concerns were still with the water levels in the Tule River as it heads towards the bridges and houses in that area, and possible flooding. She asked if they needed the $300,000 to be at the table to have those discussions, and to ensure that they have the enlargement.

Mayor Pro Tem Woods stated that according to the Corps of Engineers, the prime reason for raising the dam was flood control.

Council Member Irish stated that Mr. Brockman’s main emphasis was the minimum pool, and with no guarantees that they didn’t have anything, even a handshake.

Council Member Leavitt stated that they asked about this issue seven or eight years ago, and the question came up of what would happen to the recreational facilities, and the Corps said at that time that the facilities would be inundated, and they couldn’t afford to replace them. He stated that he didn’t know if they would modify that attitude or not.
Charles Keen stated that two Boards of Supervisors supported this action with a guarantee of a minimum pool, and they had their promises broken both times. He stated that it wouldn’t take much of the Council’s time or effort to request a safety review of the dam. He stated that the Council absolutely didn’t have that, and it could endanger the people the Council was supposed to protect.

Mayor Pro Tem Woods stated that the Corps absolutely assured him that the dam would be safe. He stated that it was their intention to pump cement into the questionable area of the dam. He stated that no one he knew of ever heard of a fault under the dam.

Council Member Leavitt stated that he read it in the Recorder, but he wouldn’t defend it.

Council Member Irish made a motion that Council take no action at this time. Council Member Leavitt seconded the motion.

Council Member Wilson asked what kind of time limit were they looking at to get a statement that guarantees a minimum pool.

Mayor Pro Tem Woods stated that they wouldn’t get such a statement.

Council Member Wilson asked what would be the point of waiting if they couldn’t get the guarantee Council Member Irish was asking for. He stated that he still felt their strongest argument was that they were at the table, and they were joint partners.

**COUNCIL ACTION** MOVED by Council Member Irish, SECONDED by Council Member Leavitt that Council take no action at this time.

________________________
AYES: Irish, Leavitt
NOES: Woods, Wilson, Gurrola
ABSENT: None
ABSTAIN: None

Disposition: Failed

Council Member Wilson made a motion to selection Option 1 and authorize the Mayor or designee to sign Agreement No. 2 and authorize payment of $9,000.

The City Attorney stated that the Council needed to rescind the prior action first.

Council Member Wilson withdrew his motion.

**COUNCIL ACTION** MOVED by Mayor Pro Tem Woods, SECONDED by Council Member Wilson that the previous action of the City Council as respects the Tule River JPA Interim Agreement No. 2 be rescinded; and further that Council: 1) Select Option No. 1 and authorize the Mayor or designee to sign Agreement No. 2 and authorize payment of $9,000; 2) Authorize the Mayor or designee to sign Agreement No. 2 to pay $13,500, the City’s share of $90,000 based on 15% of the local share; and 3) Authorize the Mayor or designee to sign a project agreement for the Success Reservoir Enlargement Project with the City’s share
not to exceed 15% of locals share and not to exceed $300,000, and subject to the JPA providing a means of financing, acceptable to the City of Porterville, for its local share, and subject to the Success Reservoir Enlargement receiving approval for construction funding from the State and Federal Government.

File 450-75

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Disposition: Approved.

OCTOBER 3, 2000

CONSENT CALENDAR

All items were voted upon simultaneously on a Consent Calendar basis. Items 4, 24 and 25 were removed for discussion.

Mayor Pro Tem Woods stated that, regarding the Tule River Joint Power Authority, an item needed to be added to Scheduled Matters for authorization to sign PED papers and approve a slight increase in the budget.

The City Attorney stated that the item could be added as a four-fifths, emergency item which has occurred since the posting of the Council agenda.

COUNCIL ACTION

MOVED by Mayor Pro Tem Woods, SECONDED by Council Member Wilson that Council add Item No. 36 to Scheduled Matters to consider approval of the preliminary engineering design contract for the Joint Powers Authority for Success Dam.

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36. APPROVAL OF PRELIMINARY ENGINEERING DESIGN DOCUMENTS AND APPROPRIATION OF AN ADDITIONAL $312 FOR THE COST

Mr. Unser briefly gave a background on this item.

COUNCIL ACTION

MOVED by Mayor Pro Tem Woods, SECONDED by Council Member Wilson that Council authorize the Mayor to sign the Preliminary Engineering Design Resolution 134-00 document consistent with the Success Dam Project in the new amount.

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March 26, 2001

1. DEPARTMENTAL PRESENTATIONS
(excerpt)
Dr. Stover stated that the City had a development plan for the Tule River Parkway, but not an “in the channel plan”. He asked that the Council consider applying for grant funds for such a study and plan. He stated that he realized that State money was tight, and suggested that the City apply for Federal funding.

Mayor Woods stated that was part of raising the Success Dam Project which was being done by the Joint Powers Authority for the Tule River. He stated that they were working with all the other agencies on the matter at this time.

JANUARY 7, 2003

10. CONSIDERATION OF THE CONTRACTUAL ALLOCATION FOR THE SUCCESS RESERVOIR ENLARGEMENT PROJECT

Recommendation: Allow a fifth year of participation with the Success Reservoir Enlargement Project, increasing the maximum capital participation to $382,421.

Council Member Hamilton stated that he opposed the action of spending more of the taxpayer’s dollars towards the spillway contract with the Joint Powers. He stated that they had already spent $300,000 of the taxpayer’s money for something way outside the realm of what they should be doing as the public servant of the citizens of Porterville. He stated that he would like to open it up to discussion.

Council Member Joyner and Mayor Woods spoke on the long term water level and flood control benefits to the City.

Council Member Hamilton stated that he agreed with the need to raise the water level, but he objected to who should paying for it.

COUNCIL ACTION
MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council approve Item No. 10, allowing a fifth year of participation with the Success Reservoir Enlargement Project, increasing the maximum capital participation to $382,421.

M. O. 16-010703
AYES: West, Joyner, Gurrola, Woods
NOES: Hamilton
ABSENT: None
ABSTAIN: None

Disposition: Approved.
MARCH 4, 2003

18. CONSIDERATION OF A RESOLUTION MAKING FINDINGS AND AUTHORIZING THE SIGNING OF AN AMENDED AND RESTATE Local Project Agreement for The Success Reservoir Enlargement Project

Recommendation: The City has participated in a long process to develop an agreement for the project. The request is to approve the resolution making findings and authorizing the execution of the agreement.

The City Manager presented the staff report.

Council Member Hamilton expressed his opposition to the City’s participation in this project which he felt to be the responsibility of the State.

Peter Moock, Assistant County Counsel for Kings County, and counsel for the local project group of Kings County, the Lower Tule River Irrigation District, the Tulare Lake Basin Water Storage District, the Tulare County Flood Control District, and the City of Porterville, came forward and spoke regarding the need for them to enter into this agreement which is required by the State. He stated that State and Federal law require local participation in these types of projects.

Mayor Woods stated that it should be made clear that this was a flood control project due to the lack of adequate protection for a 100 year event. He stated that it would also place a $25 million project close to the City.

The Council briefly discussed the time frame for the project to begin, and Council Member Hamilton questioned whether the local entities would gain any benefit from the Lake Success Generator revenues.

The City Manager stated that the City would receive no money--it was the flood control aspect that drove this issue.

Mayor Pro Tem Gurrola stated that there would also be a benefit from the recreational aspects of improving the reservoir.

Council Member West asked that this item be held over so the new Council could make this decision.

The other Council members stated that they would rather vote on the item that evening, as time was a issue on this project.

COUNCIL ACTION

MOVED by Council Member Joyner, SECONDED by Mayor Pro Tem Gurrola that the Council approve the resolution making findings and authorizing the execution of the agreement.

Resolution 31-2003

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

Disposition: Approved.
Mr. Moock spoke regarding the hard work and dedication of Mayor Woods, who represented the City at the project meetings. He thanked Mayor Woods on behalf of the project group.