CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
MAY 17, 2005 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that the City Council approved the purchase of property located at APN: 251-202-027 from Iqbal Singh and Parmjit Kaur for the Indiana Street Project in the amount of $198,656.00.

Documentation: Resolution 64-2005
Disposition: Approved.

Pledge of Allegiance Led by Council Member Hamilton
Invocation - One individual participated.

PROCLAMATION
“Freedom Days in Porterville” - June 14 to July 4, 2005
Dick Eckhoff, Chairman of the Downtown Porterville Association, came forward to receive the Proclamation and thanked the Council for their support.
PRESENTATION
Certificate - Joe Soto
- Mayor Martinez acknowledged the accomplishments in wrestling of Porterville High School student Joe Soto.

La Barca Trip
- City Manager John Longley and Mayor Martinez informed everyone of the recent trip to Sister City La Barca, Mexico. A slide show was presented depicting photographs from the trip and gifts from La Barca officials were displayed.

Downtown Porterville Association
- Association President Dick Eckhoff presented the Council with a $1001.72 donation for trees at Centennial Park.

City Manager’s Featured Projects for May, 2005
- Trailhead Park Tree Planting
- Olive/Indiana Streets Property Negotiation
- Stout Building Lease

Mayor Martinez commented that in the event the Council reorganized that evening, he wished to voice his appreciation in serving as the Mayor of Porterville. He apologized to the Council, and to Mayor Pro Tem Irish specifically, for comments he had made, and then thanked his family for their support.

ORAL COMMUNICATIONS
- Cathy Capone, 806 W. Westfield, on behalf of Heritage Oak Preservation Effort, voiced support for a heritage tree ordinance.
- Gerry Quinn, 734 W. Putnam, spoke on various issues
- Pat Reed, Springville resident and President of the Porterville Garden Club, voiced support for a tree ordinance.
- Jim Innis, 1148 W. Glenn Court, voiced support for a tree ordinance.
- Russell “Buck” Fletcher, 1662 W. Morton Avenue, spoke regarding Council reorganization and requested that the Council cease any “backroom dealing.”
- April Tolson, 246 S. Chestnut, thanked the Council for their progress on the Skate Park.
- Jamie Hunt, 302 W. Grand Avenue, voiced support for a tree ordinance.
- Nathan Delk, 330 Lindley Drive, came forward as a member of Leadership Porterville Class of 2004.
- Bethany Ambrosini, a Strathmore resident, came forward as a member of Leadership Porterville Class 2004.
- Mary Hodges, a Terra Bella resident, came forward as a member of Leadership Porterville Class 2004.
- Stephanie Gibson, 291 S. Reservation Road, came forward as a member of Leadership Porterville Class 2004, and thanked the Council for their hard work.
- Judy Sarber, a Springville resident, came forward as a member of Leadership Porterville Class of 2004 to fulfill a class challenge.
- Jonathan Schalembier, 5091N. Salisbury, came forward and spoke in favor of a tree ordinance.
- Mbete Kiamba, a member of Leadership Porterville Class of 2005 came forward to fulfill a class challenge.
- Ann Jacobs, 1431 E. Roby Avenue, a member of Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
- Steve Schnars, 1995 West Wall, a member of Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
- David Coy, 934 W. Henderson Avenue, a member of Leadership Porterville Class of 2005, came forward to fulfill a class challenge.
Gregory Gillett, 302 N. Second Street, Leadership Porterville Class of 2005, came forward to fulfill a class challenge, and requested that the Council begin construction on the Skate Park post-haste.

Grace Munoz-Rios, 345 W. Belleview, came forward and identified herself as a member of Leadership Porterville Class of 1991.

Fred Beltran, came forward and identified himself as a member of Leadership Porterville Class of 1999.

Dennis Townsend, business address of 633 N. Westwood, came forward and identified himself as a member of Leadership Porterville Class of 1993, and thanked the Council, and Mayor Martinez specifically, for their time and effort.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF APRIL 12, 2005

Recommendation: That the Council approve the City Council Minutes of April 12, 2005.
Documentation: M.O. 01-051705
Disposition: Approved.

2. BUDGET ADJUSTMENTS FOR THE 2004/2005 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments and authorize staff to modify revenue and expenditure estimates for work relating to the Henderson Avenue Project, by increasing the appropriations for the Sewer Revolving Fund by $3,241; Storm Drain Development Fund by $71,459; Water Replacement Fund by $181,741; Transportation Development Fund by $115,000; and Local Transportation Fund by $127,125.
Documentation: M.O. 02-051705
Disposition: Approved.

3. APPROPRIATION OF ADDITIONAL FUNDS FOR WILLIFORD DRIVE RECONSTRUCTION AND DRAINAGE PROJECT

Recommendation: That the City Council approve an appropriation of $53,000 from Local Transportation Funds for completing the Williford Drive Reconstruction and Drainage Project.
Documentation: M.O. 03-051705
Disposition: Approved.

4. ASSISTANCE TO FIREFIGHTERS GRANT PROGRAM 2004 NEGOTIATED BIDS

Recommendation: That the City Council authorize staff to purchase firefighting equipment under the negotiated bid process for all purchases subject to the terms and conditions of the grant funding.
Documentation: M.O. 04-051705
Disposition: Approved.

5. AWARD OF CONTRACT FOR CONSULTANT SERVICES FOR THE DEVELOPMENT OF A STORM WATER MANAGEMENT PLAN
Recommendation: That the City Council:
1. Authorize staff to enter into a contract with Quad Knopf Inc. for the development of a Storm Water Management Plan that will meet the requirements of the RWQCB;
2. Authorize the Mayor to sign all contract documents; and
3. Authorize staff to make payments up to 100% upon satisfactory completion of the work.

Documentation: M.O. 05-051705
Disposition: Approved.

6. AWARD OF CONTRACT - MUNICIPAL WATER WELL NO. 28 PROJECT (PUMPING PLANT)

Recommendation: That the City Council:
1. Award the Municipal Water Well No. 28 Project (Pumping Plant) to Valley Pump and Dairy Systems in the amount of $560,509.67;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize staff to appropriate $520,000 in Water Developer Fees to finance both construction phases.

Documentation: M.O. 06-051705
Disposition: Approved.

7. RESOLUTION MAKING A LOCAL DETERMINATION OF COST EFFECTIVENESS FOR THE USE OF FORCE ACCOUNT, AND AUTHORIZE OBTAINING BIDS FOR THE LIGHTING EQUIPMENT TO CONSTRUCT FOUR LIGHTED PEDESTRIAN CROSSWALKS

Recommendation: That the City Council adopt the resolution making a local determination of cost effectiveness for the use of force account, and authorize obtaining bids for the lighting equipment to construct four lighted pedestrian crosswalks.

Documentation: Resolution 65-2005
Disposition: Approved.

8. AGREEMENT TO MAINTAIN CASTLE AVENUE AND PROSPECT STREET RELATED TO THE PORTERVILLE UNIFIED SCHOOL DISTRICT (PUSD) MIDDLE SCHOOL

Recommendation: That the City Council:
1. Approve the Agreement Regarding Portions of Prospect Street and Castle Avenue, City of Porterville, as written; and
2. Authorize the Mayor to sign the Agreement with the County.

Documentation: M.O. 07-051705
Disposition: Approved.

9. STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATES
Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville January 1, 2005, population of 44,496.

Documentation: M.O. 08-051705
Disposition: Approved.

11. FIRE FIGHTER - ELIGIBILITY FOR EMPLOYMENT

Recommendation: That the City Council approve the modification to the classification plan to require, Certified Fire Fighter 1 or successful completion of an approved Fire Fighter academy and eligibility for a Fire Fighter 1 certification or graduation from an approved college with at least a two-year degree.

Documentation: M.O. 09-051705
Disposition: Approved.

12. 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, 2005 to June 30, 2006 in the amount of $29,871;
2. Encumber $29,871 in monies from the booking fee reimbursement during Fiscal Year 2004/2005 to be used in Fiscal Year 2005/2006 to fund the Agreement; and
3. Authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 10-051705
Disposition: Approved.

14. OFF HIGHWAY VEHICLE GRANT PROGRAM

Recommendation: That the City Council:
1. Adopt a Resolution approving the grant application entitled Porterville Facility Operation and Maintenance for Fiscal year 2005-2006;
2. Approve in concept the 2005/2006 OHV budget; and
3. Authorize the Director of Parks and Leisure Services to act as agent to the City for the grant.

Documentation: Resolution 66-2005
Disposition: Approved.

15. AMENDMENTS TO EMPLOYEE PAY AND BENEFIT PLAN, EMPLOYEE BENEFIT TRUST FUND, AND THE PERSONNEL SYSTEM RULES AND REGULATIONS

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay and Benefit Plan for Fiscal Years 2004/2005 and 2005/2006, the Employee Benefit Trust
Fund, and the Personnel System Rules and Regulations, and authorize the Mayor to 
execute these and other documents necessary to implement the provisions thereof.

Documentation: Resolution 67-2005
Disposition: Approved.

16. CONSIDERATION OF CONSULTING SERVICE AGREEMENT FOR SALES TAX 
INITIATIVE SUPPORT

Recommendation: That the City Council:
1. Authorize the Mayor to sign the Service Agreement with Lew Edwards Group;
2. Authorize staff to begin the public education process to facilitate a November 
2005 ballot measure; and
3. Direct staff to prepare a budget adjustment from booking fees received in the 
General Fund to cover the cost of the service.

Documentation: M.O. 11-051705
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr 
that the Council approve Items 1 through 9, 11, 12, and 14 through 16. The motion 
carried unanimously.

10. MODIFICATION OF RESOLUTION 2-99 FOR A ONE-YEAR SUSPENSION OF 
ENGINEERING NEWS RECORD INCREASE IN THE PARK IMPACT FEE

Recommendation: That the City Council adopt the draft resolution resulting in a one-year suspension in 
the ENR increase in the Park Impact Fee.

City Manager John Longley presented the item, and indicated that the City Attorney had an 
amendment to the item.

City Attorney Julia Lew indicated that an amended resolution had been drafted and provided to the 
Council that evening so as to ensure that the City followed its own Ordinance. She stated that the automatic 
adjustment was also found in the Ordinance provisions, therefore revisions to the draft resolution provided in 
the Agenda packets had been necessary. She explained that Nos. 1 and 2 had been amended to read:

1. Collection of the automatic annual adjustment portion to the Park 
Impact fee for the 2005-2006 Fiscal Year shall be suspended for the 
2005-2006 Fiscal Year only.
2. The City will resume collection of the automatic annual adjustments 
for the 2006-2007 Fiscal Year (as adjusted for the years 2005-2006 
and 2006-2007) in accordance with the Engineering News Record 
Construction Cost Index, as described by Resolution 2-99.

Ms. Lew explained that the increase would be eliminated for one year, and then resumed the 
following year. She stated that unless the Council wanted to adopt an Ordinance to completely eliminate the 
fee for that year, the proposed amended Resolution was the way to proceed.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution, as amended, resulting in a one-year suspension in the ENR increase in the Park Impact Fee.

Disposition: Approved.

13. PORTERVILLE COLLEGE SOFTBALL FIELDS LIGHTING

Recommendation: That the City Council declare the lighting equipment at the Porterville College east diamond softball field as surplus, and direct the Purchasing Agent to advertise the equipment for bid, as is.

City Manager John Longley introduced the item.

Council Member Hamilton commented that a staff report would not be necessary, rather he wished to make an observation to the Council. He indicated that the Council had discussed the ball field lights several months before and that he felt the perfect spot for them was the motocross track. He voiced disappointment that staff had not brought back that plan as an option for consideration. He requested that the Item be brought back with a cost analysis of moving the light fixtures to the OHV Park.

City Manager John Longley responded that there were two different sets of lights defined in the staff report: the westerly lights and the easterly lights. He stated that the westerly lights had been removed and would potentially be available for that use. He stated that staff could bring back additional information on the easterly lights. It was then stated that staff’s view was that the older set of lights, the easterly lights, were of questionable value and that the integrity of the wooden poles was suspect.

Council Member Hamilton stated that the lights currently in storage would not be sufficient to light a 2½ mile track, but rather all of the lights would be needed. He requested that a cost analysis of utilizing all of the lights be brought back to the Council for consideration.

City Manager John Longley confirmed that a cost analysis of using of the light fixtures at the OHV Park would be brought back to Council.

Disposition: Continued.

PUBLIC HEARING

17. CURBSIDE RECYCLING ANALYSIS

Recommendation: That the City Council issue a Request for Proposals to haulers (including the City) for collection of curbside recycling, and issue a second Request for Proposals for processing.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez then turned the floor over to staff member Lori Mercado who proceeded to review the options before the Council, which were:

Option 1: Direct staff to implement curbside recycling collection with City forces and send out a Request For Proposals (“RFP”) for processing.
Option 2: Direct staff to implement curbside recycling collection and negotiate with the Porterville Sheltered Workshop for processing of recyclable materials in accordance with the Welfare and Institutions Code.

Option 3: Issue an RFP to haulers (including the City) for collection of curbside recycling and issue a second RFP for processing.

Option 4: Do not implement curbside recycling at this time, and direct City staff to continue researching alternative recycling programs.

The public hearing opened at 8:16 p.m.

- Russell “Buck” Fletcher, address on record, voiced concern with the City having to pay for recycling services and spoke in favor of pursuing the program through a non-profit organization.
- Gerri Quinn, address on record, spoke in favor of a recycling program.
- Boyd K. Leavitt, 457 East Porterville, spoke against a mandatory recycling program and voiced support for Option No. 2 at no charge to customers and on a voluntary basis.
- Pete McCracken, 657 Village Green, questioned why the City would charge and spoke in favor of Option No. 2 at no charge to customers. He suggested staff speak with the City of Visalia.
- Cathy Capone, 806 West Westfield, spoke in favor of recycling and questioned why the City would increase fees.
- Jim Vagim, 70 South Main Street, commented that the City of Porterville did not meet the standards of recycling pursuant to AB939, and recommended that the Council proceed with the RFP process for recycling.

The public hearing closed at 8:28 p.m.

A discussion ensued regarding Option No. 2 and whether the program would be delayed due to the current lack of a processing plant. It was stated that staff believed a processing plant could be implemented within the same time frame as the program could be implemented. It was pointed out that because the plant would not be a “dirty MRF,” significantly less permitting would be required, thereby reducing the time frame for implementation. Staff clarified that all Options presented to the Council, with the exception of the Option No. 1, called for source-separation in a blue container.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that the Council adopt Option No. 3 to direct staff to issue an RFP to haulers (including the City) for collection of curbside recycling and issue a second RFP for processing.

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

Disposition: Approved.

The Council recessed for 15 minutes.
18. RIVERVIEW ESTATES PHASE 4 (WOODARD HOMES)

Recommendation: That the Council:

1. Adopt the draft resolution approving the Negative Declaration for Riverview Estates Phase 4 Tentative Subdivision Map; and
2. Adopt the draft resolution approving Riverview Estates Phase 4 Tentative Subdivision Map.

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

The public hearing opened at 8:50 p.m.

- Mike Arndt, Interim Superintendent of Burton School District, came forward and voiced concerns that Mathew Street was only a 3/4 road, yet would need to service both the proposed development and the new Summit Charter Academy. He then reviewed the concerns raised in his letter previously submitted to the City.
- Bob Lewis, 1955 W. Orange Avenue, a resident and Chairman of the Interim Board of Directors of the Summit Charter Academy voiced concern with increased traffic along Orange Avenue due to the proposed development. Citing traffic safety concerns, he then requested that the Council require development of another access way to Olive Avenue prior to approving the proposed residential development.
- Milo Jenkins, 29161 Highway 190, Interim Board Member and future teacher at Summit Charter Academy, voiced safety concerns with the intersection of Olive Avenue and Mathew Street.
- Susanna Stoll, 1908 Memory Lane, Interim Board Member, voiced concerns with Mathew Street being only a 3/4 street and spoke against the proposed subdivision citing safety issues with children due to increased traffic.
- Jim Winton, Winton & Associates, 150 W. Morton Avenue, came forward on behalf of the applicant, Woodard Homes. He stated that the applicant had agreed to all of the conditions required by the City, such as the repair and ongoing maintenance of the adjacent access road. He clarified that Mathew Street was a 3/4 street, which meant there were 2 full lanes of travel way and a parking lane on the east side. He stated that making the street a full street would not increase the travel way, but only add a parking lane on the west side.
- Bob Lewis, 1955 W. Orange Avenue, commented that the gravel access way to which Mr. Winton referred was presently not travelable and would not provide an adequate exit out of the development.
- Greg Shelton, 888 N. Williford Drive, voiced support for approval of the Subdivision, noting that the applicant had met all of the conditions.

The public hearing closed at 9:06 p.m.

In response to Council Member Hamilton’s question regarding Condition 14, City Engineer Mike Reed stated that the applicant’s engineer would be required to provide topography maps for development which would detail the location of each well. He stated that the applicant would be required to abandon the wells pursuant to the procedure designated by the Tulare County Health Department.

Council Member Hamilton commented that he recalled that Burton School District had been identified as the party responsible for fully developing Mathew Street. Staff confirmed that widening the street had been a mitigation measure in the school’s environmental document due to the projected impact that the school would have on the surrounding streets. Mr. Dunlap stated that City staff had in fact voiced concerns to
the District early on in the process, but that it was his understanding that the District was not going to widen Mathew Street.

Council Member West commented that the applicant had met all of the City’s criteria and questioned how the Council could refuse it.

Mayor Pro Tem Irish questioned if the School District and Woodard Homes had met to discuss concerns.

- Greg Woodard, Woodard Homes, 1055 West Morton Avenue, came forward and commented that he had not met with the School District as he had just learned of any opposing contingent.

Mayor Pro Tem Irish voiced support for continuing the item so as to allow time for the parties to meet and work out some of the concerns.

Mr. Dunlap stated that staff did not believe the traffic impact from the 17 proposed residential lots would be significant. He stated that staff had concluded that the Subdivision would generate less than 165 daily trips in a 24 hour period, including outbound and inbound. He stated that the project was not of the proportion that would elevate itself to carry the burden of widening the street; however, he stated this was not the case for the Summit Charter Academy. He stated that the projected intensity of pedestrian and vehicular traffic attributed to the school would prove to be substantial. He indicated that staff had been present at a meeting between the School District and developers Nicholson & Smee regarding the proposed residential Subdivision on a lot adjacent to the Academy’s property. He stated that it was his understanding that the two parties had reached an agreement as to the development of Mathew Street and that he had only just heard that evening that there might still be an issue.

- Mike Ardnt, Interim Superintendent of Burton School District, came forward and commented that the District was not contesting the Subdivision. He stated that the District had agreed to pay for one-half of the cost of widening Mathew Street, and that Nicholson & Smee had agreed to pay for the cost of a sidewalk. He stated that a substantial amount of funding was still needed to complete the street. He indicated that the School Board was willing to pay for half of the cost for the curbs, gutters and sidewalks, but not the entire cost of the street.

Council Member West questioned the difference in cost of the Nicholson & Smee Subdivision compared to the Woodard Subdivision, pointing out that Mr. Ardnt had suggested that Nicholson & Smee pay for a sidewalk, while proposing that Woodard Homes funded the cost of one-half of a street.

Mayor Martinez confirmed with staff that a meeting between Woodard Homes and Burton School District could be scheduled at the early possible date for all attendees. He voiced concerns with the safety due to traffic and also noted the importance of proceeding quickly for the developer. He then questioned how the development of Mathew Street would fit into the City’s Circulation Element.

Mr. Dunlap indicated that Mathew Street was identified as a Collector Street, which indicated it to be a sixty-foot wide street, forty-feet curb to curb.

- Greg Woodard, Woodard Homes, came forward and commented that the School District knew when the property had been purchased that they would need to widen the street, yet the District still purchased the property, yet they now did not want to pay for the widening. He questioned why Woodard Homes should have to pay. He then commented that grant funding was available for installing a signal light at the Olive/Mathew intersection and suggested that if the District widened the street, it could pursue reimbursement from both developers. He stated
that it was unfortunate that the District chose a location for its school that was not appropriate for students without counting the cost, but he did not believe Woodard Homes should bear its burden.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving the Negative Declaration for Riverview Estates Phase 4 Tentative Subdivision Map; and adopt the draft resolution approving Riverview Estates Phase 4 Tentative Subdivision Map.

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

Disposition: Approved.

Mayor Martinez encouraged all parties to meet and work out the traffic issues.

19. ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That the City Council open the public hearing and continue Zoning Ordinance Amendment 01-2005 to June 7, 2005.

City Manager John Longley presented the item, and indicated that staff was currently in discussions with the Building Industry Association and that staff recommended that the public hearing be opened and then continued to June 7, 2005 to allow enough time to complete the discussions.

The public hearing opened at 9:24 p.m.

When nobody came forward, Mayor Martinez noted that the public hearing would be continued until June 7, 2005.

Disposition: Continued.

SECOND READINGS

20. ORDINANCE 1667, ZONE CHANGE 1-2005 (CAMARENA)

Recommendation: That the Council give Second Reading to Ordinance No. 1667, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council give second reading to Ordinance 1667, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 1-2005 FROM C-3 (HEAVY COMMERCIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL), AS AMENDED, FOR THOSE THREE (3) PARCELS LOCATED ON THE WEST SIDE OF SUNNYSIDE STREET, EXTENDING SOUTH OF BELLEVIEW AVENUE, waive further reading, and adopt said Ordinance. The motion carried unanimously.
Mr. Longley read the Ordinance by title only.

Disposition: Approved.

21. ORDINANCE 1668, ZONE CHANGE 2-2005 (SMEE BUILDERS)

Recommendation: That the Council give Second Reading to Ordinance No. 1668, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the Council give second reading to Ordinance No. 1668, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE

Ordinance 1668 APPROVING ZONE CHANGE 2-2005 FROM M-1 (LIGHT MANUFACTURING) TO RE (ONE FAMILY ESTATE) FOR THAT 40± ACRE VACANT SITE LOCATED ON THE NORTHWEST CORNER OF SOUTH JAYE STREET (UNIMPROVED) AND GIBBONS AVENUE, waive further reading and adopt said ordinance. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

22. REQUEST FOR VOTE OF CONFIDENCE FOR MAYOR

Recommendation: To be determined by Council.

City Manager John Longley presented the item and indicated that the item had been placed on the Agenda pursuant to the Mayor’s request at the May 3, 2005 Council Meeting.

Mayor Martinez indicated that he had requested that the item be placed on the Agenda. He stated that evaluation of any position was important and that he had discussed the issue of continuing to serve as Mayor with his family and had received their blessing. He stated that pursuant to the Charter, Mayors serve for a two-year term, but that he also served at the pleasure of the Council. He suggested that future Mayors should also seek a vote of confidence. He stated that he would not take the outcome personally and understood that sometimes change was good, but at the same time, he believed that the community also needed stability. He then reiterated that the Charter called for two-year terms and that the Charter should be changed if that was not the case. Mayor Martinez then commented on what he perceived to be his strengths and weaknesses and stated that he hoped he had served honorably.

Council Member Hamilton requested legal clarification as to a vote of confidence.

City Attorney Julia Lew responded that a vote of confidence was not an affirmative action to either keep or remove a Mayor, and that the Council could legally opt not to proceed with the vote of confidence if the Council so chose.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council not proceed with a vote of confidence.

M.O. 13-051705
AYES: West, Irish, Hamilton  
NOES: Stadtherr, Martinez  
ABSTAIN: None  
ABSENT: None

Disposition: Approved motion for no vote.

23. CONSIDERATION OF REQUEST REGARDING CITY COUNCIL REORGANIZATION

Recommendation: To be determined by Council.

City Manager John Longley presented the item and indicated that two Council Members had requested that the item be placed on the Agenda.

Mayor Pro Tem Irish identified himself as one of those Council Members. He commented that he did not believe the current process was working as it created large egos. He stated that he supported selection of the Mayor on a rotational basis. He then thanked the Mayor for his apology and stated that he believed that he and the Mayor had worked well together during the past year. However, he commented, while he thought Mayor Martinez had done a good job, the position should still be rotated. He then clarified that the previous year, he had agreed to support Mayor Martinez for Mayor on the condition that he only serve for one year. Mayor Pro Tem Irish asserted that Mayor Martinez had agreed to that and that there had been no quid pro quo agreement. He added that he had recently withdrawn his name from consideration of Mayor so as to avoid any misunderstanding as to his motivation. He stated that he currently had no agreements with any of the Council Members.

Mayor Pro Tem Irish moved to nominate Council Member Hamilton as Mayor.

Mayor Martinez stated that in order to proceed with Mayor Pro Tem Irish’s motion, a motion first needed to be made to remove him as Mayor. He then stated that he would accept such a motion, but that he first wished to dispute the allegation made by Mayor Pro Tem Irish that an agreement had been made in which he had allegedly agreed to serve as Mayor for only one year. He indicated that during that conversation, he had stated that he would consider only serving a year, but that he had never agreed to it.

Council Member West commented that he too understood that Mayor Martinez would only serve as Mayor for one year. He stated that he also supported a rotational system which he believed would eliminate the “peacock dance.”

City Attorney Julia Lew stated that there were two issues at hand: one being the potential removal of the Mayor; and the second being a nomination process for the Mayor Pro Tempore position.

Council Member Hamilton commented that as Council Member Stadtherr’s term as Mayor came to an end the previous year, Mayor Martinez had also sought his support for Mayor, which at that time he had been proud to give.

Mayor Martinez responded that he had not asked Council Member Hamilton for support.

Council Member Stadtherr moved to affirm Mayor Martinez’s position. The motion died for lack of a second.
COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council remove Mayor Martinez from the position of Mayor.

M.O. 14-051705

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

Mayor Pro Tem Irish nominated Council Member Hamilton for Mayor.

Council Member Hamilton nominated Council Member West.

Council Member Stadtherr nominated Council Member Martinez.

Council Member Martinez nominated Council Member Stadtherr.

Mayor Pro Tem Irish moved that the Council appoint Council Member Hamilton as Mayor. The motion died for lack of a second.

M.O. 15-051705

MOVEd by Council Member Hamilton, SECONDED by Council Member Irish that the Council appoint Council Member West as Mayor.

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

Mayor Pro Tem Irish stated that he was officially stepping aside as Mayor Pro Tem.

Mayor West nominated Council Member Hamilton for Mayor Pro Tem.

Council Member Martinez nominated Council Member Stadtherr.

M.O. 16-051705

MOVEd by Mayor West, SECONDED by Council Member Irish that the Council appoint Council Member Hamilton as Mayor Pro Tem.

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

Disposition: Approved.

The Council recessed for ten minutes.

24. CHARITABLE CAR WASH ORDINANCE

Recommendation: That the City Council:
1. Review the draft ordinance and provide any additional direction; and
2. If the Council desires, that a public hearing be set for the June 7, 2005 Council Meeting, and that it consider the ordinance for first reading at that time.
City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

Mayor Pro Tem Hamilton commented that the proposed Ordinance covered everything that the Council had requested. He then moved that the Council accept the draft Ordinance as proposed and order it to print.

Council Member Martinez seconded Mayor Pro Tem Hamilton’s motion and stated that he believed the proposed Ordinance would work for Porterville.

City Attorney Julia Lew clarified that due to the fact that a significantly different Ordinance had been considered at the previous public hearing, she recommended that the Council direct staff to set a new public hearing and proceed with the first reading at that time.

Mayor Pro Tem Hamilton withdrew his motion and then moved that the Council direct staff to set a public hearing for June 7, 2005.

Council Member Martinez seconded Mayor Pro Tem Hamilton’s motion.

Council Member Stadtherr suggested that the Council consider adding a sunset clause to the Ordinance in the event the Ordinance was ultimately not as effective as the Council had originally intended.

Council Member Irish clarified with City Attorney Julia Lew that the Council had the opportunity to adjust the Ordinance as needed without including a sunset clause.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council set a public hearing for June 7, 2005. The motion M.O. 17-051705 carried unanimously.

Disposition: Approved.

25. **RECONSIDERATION OF BIDS - PUTNAM AVENUE RECONSTRUCTION PROJECT (FOURTH ST. TO HENRAHAN ST.)**

Recommendation: That the City Council, compliant with City policy and practice, reject all bids for the Putnam Avenue Reconstruction Project.

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

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council award the contract to Central Valley Asphalt. The motion M.O. 18-051705 carried unanimously.

Disposition: Approved.

26. **AUTHORIZATION TO APPROVE SUCCESS DAM SEISMIC REMEDIATION JOINT POWERS AGREEMENT**
Recommendation: That the City Council:

1. Direct the Mayor to execute the “Tule River Improvement Joint Powers Project Agreement for the Success Dam Seismic Remediation Project”;
2. Appoint the Public Works Director as the City of Porterville’s representative on the Seismic Remediation Committee;
3. Authorize the City Manager to release the first payment installment in the amount of $6,250 to the Seismic Remediation Committee to cover the City’s 2004/2005 share of expenses related to the Success Dam Remediation Project; and

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Longley added that funding from the Water Fund for the item would be appropriate due to the recharge benefit received from the dam.

Mayor Pro Tem Hamilton questioned why lobbying was necessary if the Federal Government had already agreed to fund the project.

Mr. Longley responded that how and when the project funds were appropriated by Congress could result in significant savings. He suggested that the City would benefit from having a seat at the table, as there were many variables. For example, he indicated, the Corps of Engineers was considering incorporating a weir structure in the roller compacted concrete, and if pursued, the City could appreciate significant savings.

Council Member Irish commented that while he had not been a proponent of the project, he believed that participating in the JPA would benefit the City. He then voiced concern with automatic funding for future years, and instead proposed that each year, approval for funding should come back to Council. He stated that as long as safeguards for the City were in place, he believed the City should proceed.

Council Member Stadtherr moved that the Council approve staff’s recommendation, amended to direct staff to negotiate a revision in the language of the Agreement to require the annual approval by the Council for appropriation of funds.

In response to a question from Council, Mr. Longley stated that the proposed Agreement pertained more to negotiations at the congressional level for appropriations. He indicated that the appropriation from Congress was potentially approximately $2,000,000 and would occur in a 6 to 10 year period. He stated that the local agencies sought to incorporate language into the legislation that would economize the project and serve the community.

A discussion ensued as to ways in which the Agreement could be revised so as to require annual approval of appropriations by the Council.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Nos. 1 through 3 of staff’s recommendation, and to amend No. 4 to direct staff to negotiate a revision in the language of the Agreement to require the Council’s annual approval for appropriation of funds. The motion carried unanimously.

Disposition: Approved, as amended.
27. S.A.F.E.R. GRANT REQUEST

Recommendation: That the Council authorize staff to submit a grant request for four additional fire fighters under the terms and conditions set forth by the grant, but condition the request on the City’s ability to pass a sales tax measure on the November 2005 ballot.

City Manager John Longley presented the item, and Fire Chief Frank Guyton presented the staff report. Chief Guyton indicated that the staff report included four options for Council’s consideration, and that staff recommended that the Council approve Option No. 2.

Option 1: Authorize staff to submit a grant request for four additional fire fighters under the terms and conditions set forth by the grant, with funding to be achieved by increasing the City’s General Fund deficit.

Option 2: Authorize staff to submit a grant request for four additional fire fighters under the terms and conditions set forth by the grant, but condition the request on the City’s ability to pass a sales tax measure on the November 2005 ballot.

Option 3: Do not submit the request.

Option 4: To be determined by Council.

Council Member Irish moved that the Council authorize staff to submit a grant request.

Council Member Stadtherr seconded the motion.

In response to Mayor Pro Tem Hamilton’s question, Fire Chief Guyton explained the estimated time line for the grant application and award process, summarizing that the process could take approximately 6 to 8 months once the process began.

A discussion ensued regarding how the proposed grant funding would affect the sales tax measure efforts for hiring new firefighters. Fire Chief Guyton pointed out that the award of the SAFER Grant would actually downgrade the amount of money necessary for funding the hiring of firefighters, and could be instead used to augment other needed areas or to hire additional personnel.

Council Member Irish clarified that his motion was to approve Option No. 2 set forth in staff’s recommendation.

Council Member Stadtherr seconded the motion.

A discussion ensued as to the potential benefits of adding an additional three 3 firefighters onto the grant request, for a total of 7 firefighters. Mr. Longley indicated that if the sales tax measure did not pass, funding for all 7 firefighters would prove extremely difficult.

Mayor Pro Tem Hamilton moved to amend Council Member Irish’s motion to add an additional 3 firefighters, for a total of 7 firefighters, to the grant request.

Council Member Stadtherr seconded Mayor Pro Tem Hamilton’s motion.

City Manager John Longley recommended against adding the additional 3 firefighters to the grant request, indicating that it would create a quandary if the sales tax measure did not pass.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr to amend Council Member Irish’s motion to add an additional 3 firefighters, for a total of 7, to the grant request. The motion carried unanimously.

M.O. 20-051705

M.O. 21-051705 MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve Option No. 2, as amended to add an additional 3 firefighters, for a total 7 firefighters, to the grant request. The motion carried unanimously.

Disposition: Approved, as amended.

28. REPORT REGARDING MEETING WITH JOHNSON CONTROLS

Recommendation: That the City Council authorize the Mayor to sign a Memorandum of Understanding with Johnson Controls, once the MOU has been modified to more clearly reflect that the City of Porterville has no obligation to engage in any of the retrofit projects that may be identified in phase one of this program.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

In response to Council Member Irish’s question, Mr. Pyle explained that staff time from various departments would be involved to assist Johnson Controls’ staff in assessing all of the components in the City’s systems over the course of approximately 3 weeks, with the results being made available 30 days thereafter.

Mayor Pro Tem Hamilton cautioned that Johnson Controls would likely be seeking upgrades, using the anecdotal reference to free brake inspections in the auto repair industry.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that the Council authorize the Mayor to sign a Memorandum of Understanding with Johnson Controls, once the MOU has been modified to more clearly reflect that the City of Porterville has no obligation to engage in any of the retrofit projects that may be identified in phase one of the program. The motion carried unanimously.

Council Member Stadtherr stated that if anybody was interested in learning more, Johnson Controls would be making a presentation at Lindsay City Hall at 10:00 a.m. on May 24, 2005.

Disposition: Approved, as amended.

29. APPROVAL OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the Council:

1. Review the proposed modifications to the City Council Procedural Handbook; and
2. Approve the draft resolution adopting the City Council Procedural Handbook as amended; and
3. Adopt the draft resolution setting forth the Established Order of Business to be Followed at Regular Meetings of the City Council.
City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew added that pursuant to the request of Mayor Pro Tem Hamilton, Section VII, Travel and Meetings, Sub-Section A, was also revised to add:

> When making hotel reservations to attend a conference or meeting, a request for a room sales tax waiver shall be made on behalf of the applicable Council Member. If a prior room reservation is not made, the Council Member shall request a room sales tax waiver prior to payment for a room.

**COUNCIL ACTION:** MOVED by Council Member Martinez, Mayor Pro Tem Hamilton that the Council review the proposed modifications to the City Council Procedural Handbook; adopt the draft resolution adopting the City Council Procedural Handbook as amended; and adopt the draft resolution setting forth the Established Order of Business to be Followed at Regular Meetings of the City Council. The motion carried unanimously.

Disposition: Approved, as amended.

30. **UPDATE ON CERTIFICATES OF PARTICIPATION PROJECTS AND FUNDING**

Recommendation: Informational report only.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez noted for the record that Project No. 3 - Orange/Main to Plano and Project No. 6 - Henderson Piping Project – depicted on the Project Schedule as Projects in Progress – had both actually been completed.

Responding to a question from the Council, Mr. Rodriguez explained that the “COP Share Basic” column on the spreadsheet represented the cost of the project that would be funded by the COP.

Council Member Irish requested that a column be added to the spreadsheet in the future that depicted the original cost estimate for each project. City Manager John Longley confirmed that staff would add such a column.

Mayor Pro Tem Hamilton voiced concern with Project No. 85-9727 - Westwood-Henderson to Westfield depicted on the Schedule as in the design phase, when the Council had identified the project as a priority. It was confirmed by staff that the Westwood-Henderson to Westfield Project was a priority and that funding for the project had yet to be identified.

Council Member Irish cautioned in the event the City pursued COPs in the future, that often times those funds were not directed towards the Council’s intended projects. He commented that the next time the City went out for COPs, he would scrutinize the projected length of proposed projects, noting that the longer the project’s duration, the less the project was funded.

A discussion ensued regarding the various projects, including the status of the work completed to date on the Westwood-Henderson to Westfield Project and the N. Grand Hwy 65 ROW EIR & EIS Project.

In response to a question posed by Mayor Pro Tem Hamilton, Deputy City Manager Darrel Pyle explained the staff had projected approximately $700,000 in Location Transportation Funds (“LTF”) for new
projects and that a portion of the LTF went towards debt service on that particular COP issuance. He stated that further details would be provided to the Council at the upcoming Budget Study Session.

Mayor Pro Tem Hamilton commented that the Westwood-Henderson to Westfield Project was a high priority for him.

Disposition: Informational Report Only.

ORAL COMMUNICATIONS

- Dick Eckhoff, business address of 197 N. Main Street, requested clarification as to the procedure taken to remove the Mayor and reorganize the Council.
- Joseph D. Guerrero, 332 South F Street, voiced displeasure with the Council’s behavior, and requested that the City Charter be readressed to allow citizens to choose the Mayor.
- Felipe Martinez, 195 W. Putnam Avenue, requested statistical information on response times for police and fire. City Manager John Longley confirmed that this information would be made available.

OTHER MATTERS

- Council Member Irish offered clarification as to the events leading to the Council’s reorganization.
- Mayor Pro Tem Hamilton, voiced support for a noise ordinance.
- Council Member Martinez also voiced support for a noise ordinance and requested clarification by staff.

Community Development Director Brad Dunlap stated that the Zoning Ordinance contained noise standards relative to businesses. He stated that a Noise Element was also a part of the City’s General Plan, but for some reason had never been adopted. A discussion ensued regarding different elements of a noise ordinance.

City Manager John Longley confirmed that staff would prepare a memorandum on the subject and place the item on a future Agenda.

- Council Member Martinez, requested notification be sent to those committees on which he served as Mayor, and voiced support for amending the Charter regarding the rotation of the Mayor. A discussion ensued as to the process for amending the Charter.

ADJOURNMENT
The Council adjourned at 10:56 p.m. to the meeting of June 7, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Kelly E. West, Mayor