CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
AUGUST 2, 2005 6:00 P.M.

Call to Order:  6:00 p.m.  
Roll Call: Council Member Irish, Council Member Martinez (arrived 7:00 p.m.), Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1 - Government Code Section 54956.9(c) - 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 no action had been taken.

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation - one individual participated.

PRESENTATION
Employee of the Month - Bubba Frasher

ORAL COMMUNICATIONS
  • Patrick Greene, 1343 W. Morton Avenue, invited everyone to a cross cleaning at Murry Park on August 7, 2005 at 1:00 p.m.
  • Russell “Buck” Fletcher, 1662 W. Morton Avenue, spoke regarding the ½ cent sales tax measure and cautioned of a slippery slope.

CONSENT CALENDAR
Item 6 was removed for discussion.

1. CITY COUNCIL MINUTES OF JUNE 21, 2005

Recommendation: That the Council approve the City Council Minutes of June 21, 2005.

Documentation: M.O. 01-080205
Disposition: Approved.
2. ACCEPTANCE OF TRAFFIC SIGNAL #7 PROJECT

Recommendation: That City Council:
1. Accept Traffic Signal #7 as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 02-080205
Disposition: Approved.

3. ACCEPTANCE OF THE WILLIFORD DRIVE STREET RECONSTRUCTION AND DRAINAGE PROJECT

Recommendation: That the City Council:
1. Accept the Williford Drive Street Reconstruction and Drainage Project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-080205
Disposition: Approved.

4. COMMUNITY DEVELOPMENT DEPARTMENT REORGANIZATION

Recommendation: That City Council:
1. Adopt the draft resolution providing for the reorganization of City forces;
2. Authorize staff to implement the modifications; and
3. Approve the use of one time funds, as shown on Attachment No. 3 of the Staff Report, for the reorganization of the Community Development Department.

Documentation: Resolution 109-2005
Disposition: Approved.

5. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE DOWNTOWN ASSOCIATION CRAZY DAYS, AUGUST 6, 2005

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Downtown Association, subject to the stated requirements contained in the Application, Agreement and Exhibit “A.”

Documentation: M.O. 04-080205
Disposition: Approved.
7. SELECTION OF A MANAGEMENT CONSULTANT FOR THE PURPOSE OF STAFF DEVELOPMENT AND TEAM BUILDING

Recommendation: That the City Council:
1. Authorize the City Manager to negotiate a contract with the consulting firm of The Centre for an amount not to exceed $15,000 for management consulting services; and
2. Authorize the Mayor to sign the final contract upon completion of the aforementioned negotiations.

Documentation: M.O. 05-080205
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council approve Items 1 through 5, and 7. The motion carried unanimously.

6. CONSOLIDATED WASTE MANAGEMENT AUTHORITY POSITION

Recommendation: That the City Council:
1. Direct the Public Works Director to enter into negotiations with the CWMA to allow the City of Porterville to host the position of CWMA Administrator;
2. Authorize that the current City employee performing the duties of CWMA administrator be reclassified from an Administrative Aide to the level of Administrative Analyst, and that pay and benefits be commensurate with the duties and responsibilities expected of a program administrator;
3. Authorize that the Administrative Aide position vacated by the step outlined in Recommendation #2 be backfilled immediately as a one year provisional position to ensure continuity in the City’s Solid Waste Division;
4. Authorize that the negotiated contract clearly specify that the CWMA Administrator’s actual wages, fringe benefits and overhead costs shall be appropriately borne by the member agencies;
5. Authorize that the contract not extend beyond one year without Council’s approval;
6. Authorize that the contract include language that the “Authority” inform the City by March 31, 2006 of its intent to either renew or terminate the contract at the end of the one year term; and
7. Authorize that the contract include language that failure by the “Authority” to properly notify the City of the Authority’s intention to terminate or renew the contract will automatically renew the contract and its terms for another year.
The City Manager John Longley presented the item and the Public Works Director Baldo Rodriguez presented the staff report.

Council Member Irish voiced concern with relinquishing an employee to the CWMA when the City was short-staffed. He requested further explanation as to why the position would report to the City Manager if the individual would be a CWMA employee, and inquired as to the consequences if the Council chose not to proceed.

Mr. Longley indicated that the position and process were essentially transitional. He stated that in the course of a year, the matter would be resolved with the individual either working full-time for the CWMA or full-time for the City. He added that he believed that the individual proposed for the position had a great deal to offer to both the CWMA and the City. He then recommended that the City participate in the proposed transitional program, noting that it was supportive of the individual and the CWMA. He stated that the workload would be covered by a provisional position, and that proposed Administrator would provide services through the CWMA and would report to the City Manager’s Office. He then indicated that if the City chose not to proceed, some other agency within the County would.

Mayor Pro Tem Hamilton commented that Council Member Irish had brought up some valid concerns. He then stated that he would like to review the item more closely.

Council Member Stadtherr stated that the CWMA would not meet again until September 25, 2005. Responding to concerns voiced by Council Member Irish and Mayor Pro Tem Hamilton, Council Member Stadtherr indicated that because the City would be hosting the CWMA employee, and because the CWMA only met once per month, the position was set up to report to the City Manager’s Office. He added that CWMA was anxious to move forward and that Porterville had been selected because in the past a Porterville employee had provided most of the CWMA services. Council Member Stadtherr then warned that if the City did not proceed, it might miss out to the City of Visalia. A discussion as to the timelines involved in the process ensued.

Mayor Pro Tem Hamilton reiterated his concerns and commented that he would like to look into the matter further.

Council Member Irish agreed with Mayor Pro Tem Hamilton’s comments.

In response to Mayor West’s question as to how the proposal would benefit the City, Mr. Longley indicated that the CWMA benefitted the City, and the more the City was able to support the CWMA, the more effective the agency would be. He added that the City would essentially be held harmless since all costs would be reimbursed by the CWMA.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Stadtherr that the Council direct the Public Works Director to enter into negotiations with the CWMA to allow the City of Porterville to host the position of CWMA Administrator; authorize that the current City employee performing the duties of CWMA administrator be reclassified from an
Administrative Aide to the level of Administrative Analyst, and that pay and benefits be commensurate with the duties and responsibilities expected of a program administrator; authorize that the Administrative Aide position vacated by the step outlined in Recommendation #2 be backfilled immediately as a one year provisional position to ensure continuity in the City’s Solid Waste Division; authorize that the negotiated contract clearly specify that the CWMA Administrator’s actual wages, fringe benefits and overhead costs shall be appropriately borne by the member agencies; authorize that the contract not extend beyond one year without Council’s approval; authorize that the contract include language that the “Authority” inform the City by March 31, 2006 of its intent to either renew or terminate the contract at the end of the one year term; and authorize that the contract include language that failure by the “Authority” to properly notify the City of the Authority’s intention to terminate or renew the contract will automatically renew the contract and its terms for another year.

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

Disposition: Approved.

PUBLIC HEARINGS

8. ANNUAL ENGINEERS REPORT AND ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS

Recommendation: That the City Council:
1. Adopt a Resolution of Preliminary Approval of the Engineer’s Report for fiscal year 2005-2006 for the Landscape and Lighting Maintenance Districts;
2. Open the public hearing on the 2005-2006 Assessments for the Landscape and Lighting Maintenance Districts to take comments and receive protests on the proposed assessments; and
3. Continue the Public Hearing to August 16, 2005.

City Manager John Longley presented the item, and Parks & Leisure Services Director Jim Perrine presented the staff report.

The public hearing opened at 7:30 p.m. When nobody came forward, the public hearing was continued until August 16, 2005.

Mayor Pro Tem Hamilton voiced support for the item.
COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council adopt a Resolution of Preliminary Approval to the Engineer’s Report for fiscal year 2005-2006 for the Landscape and Lighting Maintenance Districts; and continue the Public Hearing to August 16, 2005. The motion carried unanimously.

Disposition: Approved.

9. PRE-ZONING AND ANNEXATION OF TWELVE UNINCORPORATED “ISLANDS” IN SIX ANNEXATION PROPOSALS

Recommendation: That the City Council:
2. Adopt the draft resolutions authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexations 446, 455, 456, 457, 458 and 459;
3. Approve the draft ordinances approving Zone Changes 04-2005, 05-2005, 06-2005, 07-2005, 08-2005 and 09-2005, waive further reading and order the ordinances to print; and
4. Approve the use of the additional Utility User’s Tax revenue derived from these annexations be directed to the Police Department for additional staffing.

The City Manager presented the item and Brad Dunlap, Director of Community Development, presented the staff report. Mr. Dunlap stated that the island annexation program established by the City Council consisted of twelve separate areas, which had been organized into the following six proposed annexation projects:

Project No. 1: (Annexation #446 and Zone Change 04-2005)
One annexation area located generally at the northeast corner of State Route 190 and Main Street.

Project No. 2: (Annexation #455 and Zone Change 05-2005)
Two annexation areas located south of North Grand Avenue and generally west of State Route 65 in the northerly portion of the community.

Project No. 3: (Annexation #456 and Zone Change 06-2005)
Three annexation areas located south of Olive Avenue and west of Jaye Street in the southerly portion of the community.

Project No. 4: (Annexation #457 and Zone Change 07-2005)
One annexation area generally located at the southeast corner of State Route 65 and Highway 190.
Project No. 5: (Annexation #458 and Zone Change 08-2005)  
Two annexation areas generally located south of Morton Avenue and west of Prospect Street, in the westerly portion of the community.

Project No. 6: (Annexation #459 and Zone Change 09-2005)  
Three annexation areas generally located west of Mathew Street and east of Westwood Street in the westerly portion of the community.

Mr. Dunlap then referenced for the record that the City had received some written correspondence from individuals pertaining to the proposed annexations, which were:

- E-mail dated August 2, 2005 from Ms. Lopez, Walsh Street, in opposition to the proposed annexation;
- Letter dated July 14, 2005 from Mr. Harvey Montoya, 179 E. Vandalia Avenue, in opposition to the proposed annexation;
- Letter dated July 5, 2005 from Mr. Arthur Baxter, 366 N. Lotus Street, in opposition;
- Letter dated July 5, 2005 from Mrs. Barbara Hodge, Chess Terrace, in opposition; and
- Letter dated July 27, 2005 from California Regional Quality Control Board (“CRQCB”) restating existing policies.

Mr. Dunlap recommended that the Council consider each project separately, and following public comments, take action on each of the projects separately.

Project No. 1 - Annexation #446 and Zone Change 04-2005

The public hearing opened at 7:56 p.m.

- Gordon Uzzell, 202 Chase Avenue, came forward and spoke against the proposed annexation, commenting that there were no advantages only expenses.
- Linda Morton, 617 South Plano, spoke against the proposed annexation, suggested that the City waive any charges to affected residents, and requested a copy of the July 27, 2005 letter from the CRQCB.
- An individual who did not identify himself came forward and spoke in opposition to the annexation.
- Linda Morton, address on record, questioned the City’s reasons for pursuing the annexations.
- Sola Eaves, 605 Grace Circle, spoke against the annexation and commented that in the event of annexation, the City would not further develop or maintain her street.

The public hearing closed at 8:02 p.m.

A discussion ensued as to the location of Grace Circle, during which it was stated that the street was privately-owned and, therefore, the City would not develop nor maintain the street, unless at some point in the future the City deemed it necessary to acquire it for public purposes.
Mayor Pro Tem Hamilton commented that he continued to hear misinformation regarding the annexations. He clarified that nobody would be required to hook up to water or sewer unless a failure occurred, and commented that annexing a property was not the same as “taking a property.” He indicated that as the City grew around County islands, residents in those islands used the City services – like City streets – that were paid for by the property taxes of City residents. He added that there were also issues with septic tanks leaching into and contaminating the groundwater. He then commented that the City should move forward with the project.

Council Member Stadtherr pointed out that the annexation issue was not something new and that it had been a long time coming. He commented that the City had grown around the County islands and that he did not see how the annexations could be avoided. He then stated that during the last campaign, he and Mayor Pro Tem Hamilton had both identified the “squaring of the City boundaries” as a priority.

In response to a question posed by Council Member Martinez, staff indicated that in the event of septic failure, the estimated cost to connect to the City’s sewer system – based on a 6,000 sq. ft. lot – was approximately $2,800 to $3,200, not including the cost to construct the sewer lateral. A discussion ensued as to the potential cost of replacing a septic system. It was stated that there were financial assistance programs through the City for those who could not afford the improvements, including a loan at 10% interest; and another loan with payment deferred until sale of the property.

Council Member Irish questioned whether any commercial lots were located in the area of Project No. 1, and if so, how those lots would be affected.

Mr. Dunlap indicated that there were commercial lots in the subject area, and as long as those uses were consistent with the General Plan, the lots would be zoned to allow the commercial use to continue. He noted that if a commercial use did not conform to the General Plan, the use would be grandfathered in.

A discussion then ensued regarding how the annexations would affect demands on City employees. It was stated that the Fire Department, Police Department, and Public Works Department, specifically Streets, would be affected and would be addressed through the budgetary process. City Manager John Longley indicated that the most immediate impact would be on the Police Department, and modifications to increase Sworn Officer staffing would be brought to the Council.

At the request of Council, City Attorney Julia Lew explained the process by which the Council could take action. It was decided that the Council would take action on each of the projects separately.

COUNCIL ACTION:  MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Resolution 111-2005 Declaration for Zone Change 04-2005 and Annexation 446; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexation 446; and approve the draft ordinance approving Zone Change 04-2005, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE
CHANGE 04-2005 (PRE-ZONING) CONSISTING OF 73.3± ACRES AND CONTAINING APPROXIMATELY 113 PARCELS LOCATED GENERALLY AT THE NORTHEAST CORNER OF STATE ROUTE 190 AND MAIN STREET. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

**Project No. 2 - Annexation No. 455 and Zone Change 05-2005**

Citing a conflict of interest, Mayor West recused himself from the discussion and left the Council Chambers. It was noted that Mayor West owned property within 500 feet of the subject property.

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

- Donald Su, came forward and requested clarification as to the repair and maintenance of infrastructure such as sidewalks, curbs and gutters.

Public Works Director Baldo Rodriguez indicated that the property owner adjacent to any damaged concrete would bear the cost for repair. He added that the City also actively sought grants to implement repair work, and in that event, the City would bear the cost. Mr. Rodriguez estimated the costs of sidewalk, curb and gutter work and explained the City’s concrete improvement reimbursement process.

Mr. Dunlap clarified for Mr. Su that he would not be required to put in new sidewalks nor hook up to City water upon annexation.

- Ed Gibson, 1436 N. Lowery, spoke against the proposed annexation, suggesting hidden costs to residents were likely.
- Maria E. Aguilera, 1488 N. Lowery, spoke against the proposed annexation.
- Linda Morton, 617 South Plano Street, questioned the cost of installing sidewalks, curbs and gutters.
- Teresa Jackson, 1469 N. Prospect Street, indicated she was neither for nor against the annexation and voiced concerns with excessive costs for individuals who could not afford it, and the proposed 0% interest rate.

The public hearing closed at 8:36 p.m.

Council Member Irish pointed out that individuals had the ability to install sidewalks, curbs and gutters on their own, if they so chose. He then requested information as to any commercial properties in the subject area and the impact on those properties.

Staff indicated that the property located on the northwest corner of Prospect Street and Westfield Avenue was commercial, and would result in a non-conforming use, based on the current
General Plan designation. A discussion ensued as to events that could cause the property owner to lose the legal non-conforming status.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Resolution 113-2005 Declaration for Zone Change 05-2005 and Annexation 455; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexation 455; and approve the draft ordinance approving Zone Change 05-2005, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 05-2005 (PRE-ZONING) CONSISTING OF TWO UNINCORPORATED ISLANDS CONSISTING OF 4.2± ACRES AND FOUR (4) PARCELS AND 141.0± ACRES AND APPROXIMATELY 293 PARCELS GENERALLY LOCATED SOUTH OF NORTH GRAND AVENUE AND GENERALLY WEST OF PROSPECT STREET IN THE NORTHERLY PORTION OF THE COMMUNITY.

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

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

Mayor West returned to the Council Chambers.

**Project No. 3 - (Annexation #456 and Zone Change 06-2005)**

Mayor Pro Tem Hamilton confirmed with staff that the location of his property was in excess of 500 feet from the proposed annexation area, and therefore no potential conflict of interest existed.

The public hearing opened at 8:41 p.m.

- Verne Chapman, 904 S. Western Street, voiced concerns with the cost of sewer laterals and the timing of installation in the event of sewer failure.

Staff offered clarification as to Mr. Chapman’s concerns.

- Lloyd Crabtree, 485 W. Montgomery, spoke against the proposed annexations, voicing concerns with associated costs to residents. He requested that the Council defer the annexations or waive any fees imposed on newly annexed residents.
- Bud Wickempleck, 173 S. Chess Terrace, spoke against the proposed annexation, stating that residents should have a say.
• Joe Guerrero, 332 South F Street, pointed out that residents should have voiced opposition when the State Legislature adopted Government Code Section 56375.3 in 2000 (which simplified the annexation process for cities).
• Elva Beltran, a Terra Bella resident, requested that efforts be made to inform Hispanic citizens that might be affected.

The public hearing closed at 8:53 p.m.

A discussion ensued as to the definition of “septic tank failure,” during which it was suggested that the lifetime of a septic tank system was 25 to 30 years.

In response to Council Member Irish’s questions posed to audience members, more than half of the individuals present indicated that they utilized City water; while only a few indicated they used both City water and sewer services. Council Member Irish then noted the awkward nature of the situation in which so many individuals, who were not constituents of the Council, were being affected by the Council’s actions. He then spoke of the necessity of the annexations.

At the request of Council Member Stadtherr, City Attorney Julia Lew clarified for the audience why the City could not waive fees, explaining that City fees were legally tied to the cost of providing the services. Council Member Stadtherr then commented that the City would continue to grow and the need for annexing County islands would not go away.

A discussion ensued as to what year in the future the City of Porterville would surpass the 100,000 mark in its population, during which it was stated that projections showed a population of approximately 64,000 to 67,000 in the year 2014. Staff added that a new population projection would be developed as a part of the General Plan Update.

Mayor West commented that he represented the taxpayers of the City of Porterville, and pointed out that County residents did in fact have representation: a Fifth District Supervisor, an Assemblyman, and a State Senator.

In response to a question posed by Council Member Martinez as to whether the City would make money from the annexation process, staff indicated that the costs of providing the additional services would likely exceed the revenue generated. Council Member Martinez then spoke of the importance of prioritizing those newly annexed areas that were economically challenged and lacked public improvements.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Resolution 115-2005 Declaration for Zone Change 06-2005 and Annexation 456; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexation 456; and approve the draft ordinance approving Zone Change 06-2005, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 06-2005 (PRE-ZONING) CONSISTING OF THREE
UNINCORPORATED ISLANDS CONSISTING OF: 11.1± ACRES AND APPROXIMATELY 35 PARCELS; 25.7± ACRES AND APPROXIMATELY 41 PARCELS; AND 89.8± ACRES AND 211 PARCELS LOCATED SOUTH OF OLIVE AVENUE AND WEST OF JAYE STREET IN THE SOUTHERLY PORTION OF THE COMMUNITY. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

The Council recessed for ten minutes.

Mayor West indicated that Project No. 4 would be heard last, with Project No. 5 being next.

City Attorney Julia Lew clarified the process for that evening, explaining that the projects and the public hearings had been segregated so that the testimony would be project-specific. Ms. Lew explained that this process had been pursued so as to allow the Council to consider each project and testimony separately. She added that the process provided for great efficiency, allowed the public to be heard on specific projects, and also allowed for the recusal of staff and Council Members on certain projects in which conflict of interest issues existed. Ms. Lew then clarified that with regard to Project No. 3, the Annexation Number was 456, and did not refer to Project Nos. 4, 5 and 6, which had yet to be heard.

Project No. 5. - (Annexation #458 and Zone Change 08-2005)

The public hearing opened at 9:21 p.m.

• Joanne Fletcher, 1662 W. Morton Avenue, spoke against the proposed annexation.
• Gene Stone, 2036 W. Cleveland, spoke in opposition to the proposed annexation, questioned whether public commentary would even be considered by the Council, and requested at least one “no” vote.
• Jewel Gordan, 71 N. Newcomb Street, spoke against the proposed annexation.
• Reynold Rutlage, 336 N. Lindale, spoke in favor of the proposed annexation, citing numerous expensive repairs to his septic and the benefits of hooking up to the City’s sewer system.
• John Lopez, 518 N. Walsh, spoke against the proposed annexation, and voiced displeasure with the contention that County residents did not pay their share for City services. He then requested that his wife’s E-Mail referenced by Mr. Dunlap earlier be read into the record.
• Tony Mock, 1407 W. Thurman, spoke generally regarding misinformation circulating in the community and requested that written information be provided to island residents.

Pursuant to Mr. Lopez’s request, Community Development Director Brad Dunlap proceeded to read Mrs. Debbie Lopez’s E-mail sent to the City on August 2, 2005 at 3:51 p.m.
Hello. As it is quite probable that many of us opposed to annexation will not be able to attend the Council Meeting tonight because of lack of seating, I would like to remind you that the County residents you are to vote to incorporate into your City had no voice in putting you in office. Just because you can do something, doesn’t mean that you should. What is legal is not always right. Annexing these islands without the residents’ approval is wrong. If you can put a sales tax measure on the ballot, there is no reason why you cannot, as they did in Bakersfield, poll the County residents on this issue. John and Debbie Lopez, 518 North Walsh Street.

The public hearing closed at 9:48 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Negative Declaration for Zone Change 08-2005 and Annexation 458; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexation 458; and approve the draft ordinance approving Zone Change 08-2005, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 08-2005 (PRE-ZONING) TWO UNINCORPORATED ISLANDS CONSISTING OF 62.8± ACRES AND APPROXIMATELY 193 PARCELS AND 86.2± ACRES AND APPROXIMATELY 289 PARCELS, LOCATED SOUTH OF MORTON AVENUE AND WEST OF PROSPECT STREET, IN THE WESTERLY PORTION OF THE COMMUNITY.

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

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

Project No. 6: - (Annexation #459 and Zone Change 09-2005)

The public hearing opened at 9:50 p.m.

• Brian Morrow, spoke against the proposed annexations, and compared that evening’s events to a February 26, 1998 Council Meeting in the City of Bakersfield during which annexations were also approved despite opposition.

• Paula Tuala, 2160 W. Harrison, voiced opposition to the proposed annexation and displeasure with the Council’s comments that evening.
The public hearing closed at 9:57 p.m.

In response to Council Member Irish’s question, staff indicated that the subject area consisted of residential properties.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Negative Declaration for Zone Change 09-2005 and Annexation 459; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexation 459; and approve the draft ordinance approving Zone Change 09-2005, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 09-2005 (PRE-ZONING) CONSISTING OF THREE UNINCORPORATED ISLAND CONSISTING OF: 88.7± ACRES AND APPROXIMATELY 363 PARCELS; 1.2± ACRES AND ONE (1) PARCEL; AND 9.0± ACRES AND APPROXIMATELY 33 PARCELS GENERALLY LOCATED WEST OF MATHEW STREET AND EAST OF WESTWOOD STREET IN THE WESTERLY PORTION OF THE COMMUNITY. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

Project No. 4 - (Annexation #457 and Zone Change 07-2005)

City Manager John Longley informed the Council that he resided in the subject area, and therefore would recuse himself from the discussion. He then left the Council Chambers.

The public hearing opened at 10:00 p.m. and closed at 10:01 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Declaration for Zone Change 07-2005 and Annexation 457; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary applications with LAFCo for Annexation 457; and approve the draft ordinance approving Zone Change 07-2005, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 07-2005 (PRE-ZONING) CONSISTING OF ONE UNINCORPORATED ISLAND CONSISTING OF 90.8± ACRES AND APPROXIMATELY 119 PARCELS, GENERALLY LOCATED AT THE
Deputy City Manager Darrel Pyle read the Ordinance by title only.

Disposition: Approved.

City Attorney Julia Lew noted that one final action needed to take place that evening which involved all of the Projects, Nos 1 through 6. Ms. Lew indicated that since Mayor West had a conflict of interest as to Project No. 2, and City Manager John Longley had a conflict of interest as to Project No. 4, they would both need to recuse themselves from the discussion. With Mr. Longley remaining outside of the Council Chambers, Mayor West then recused himself and left the Chambers. Ms. Lew stated that the action before the Council was to approve that the additional Utility User’s Tax revenue derived from the annexations be directed to the Police Department for additional staffing.

A discussion ensued as to the projected revenue, estimated to be approximately $468,000, and the reasons for diverting the funds to the Police Department. It was stated that upon the annexation of County islands, the Police Department staffing would fall below the staffing ratio of 1 Police Officer to every 1,000 residents. Mr. Pyle indicated that the UUT revenue would allow for the hiring of an additional 5 Sworn Officers, which would enable the Police Department to maintain its staffing ratio. It was further added that population projections were only estimates and actual population figures would not be known for probably a year.

Mayor Pro Tem Hamilton spoke in favor of looking at ways in which the User’s Utility Tax might be waived or phased in for newly annexed residents. He then confirmed with staff that the proposed 5 additional Sworn Officers would be above and beyond the positions proposed to be funded by the tax measure.

Council Member Irish voiced concerns with the proposed diversion of UUT funds towards the hiring of five Sworn Officers, citing the potential permanence of the action. He stated that rather than earmarking the funds strictly for the Police Department, he would rather consider using some of the funds for infrastructure improvements in the newly annexed areas. It was pointed out that the diversion of funds could be changed at any future time via Council action. A discussion then ensued as to the process by which the User’s Utility Tax was established in Porterville.

In response to Council Member Martinez’s question regarding other options for funding additional Sworn Officers, Mr. Pyle indicated that staff would be presenting the results of Maximus’ Fee Study and Cost Allocation Plan in the near future and that fees could generate revenue. Mr. Pyle then pointed out that most of the fees pertained to the Planning and Engineering Divisions, and not the Police Department, which generated only a small portion of revenue.

A discussion next ensued regarding the crime rates in the County islands to be annexed. Police Captain Steve Schnars came forward and indicated that pursuant to an assessment recently conducted by the Porterville Police Department, staff estimated that calls for service would likely increase by approximately 2,700 calls per year. He noted this would be a 10% increase, as the Police Department
currently responded to approximately 27,000 calls per year. Captain Schnars added that 17 registered sexual offenders resided in the areas to be annexed. He stated that some Police services might be compromised if the ratio fell below 1:1,000, response times might increase, and the Department would become less proactive and more reactive.

Council Member Irish withdrew his concerns with the item.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council approve the use of the additional Utility User’s Tax revenue derived from the annexations be directed to the Police Department for additional staffing.

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

Disposition: Approved.

Mayor West and City Manager John Longley returned to the Council Chambers.

10. ZONE CHANGE 10-2005 (PRE-ZONING) AND ANNEXATION 460 (GIBBONS AND INDIANA)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460;
2. Adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; and
3. Approve the draft ordinance approving Zone Change 10-2005, waive further reading and order the ordinance to print.

The City Manager presented the item and Director of Community Development Brad Dunlap presented the staff report.

The public hearing opened at 10:24 p.m. and closed at 10:25 p.m. when nobody came forward.

In response to a question posed by Council Member Irish, Mr. Dunlap summarized staff’s discussions to date with the Applicant regarding pocket parks and Landscape Maintenance Districts.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the City Council adopt the draft resolution approving the Negative Declaration for Zone Change 10-2005 and Annexation 460; adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo; and approve the draft ordinance, waive further reading and order the Ordinance to print, BEING AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
PORTERVILLE APPROVING ZONE CHANGE 10-2005 (PRE-ZONING) CONSISTING OF 87± ACRES AND CONTAINING SIX (6) PARCELS LOCATED GENERALLY EAST AND WEST OF INDIANA STREET AND NORTH OF GIBBONS AVENUE. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

SECOND READING

11. ORDINANCE 1670, ZONE CHANGE 3-2005 (MRS. NEAL DAYBELL)

Recommendation: That Council give Second Reading to Ordinance No. 1670, waive further reading, and adopt said Ordinance.

The City Manager presented the item and staff report, and read the Ordinance by title.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council give Second Reading to Ordinance No. 1670, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 3-2005 BEING A CHANGE OF ZONING FROM CITY C-3 (HEAVY COMMERCIAL) TO R-4 (MULTIPLE FAMILY RESIDENTIAL) FOR THOSE EIGHT (8) LOTS LOCATED ON THE WEST SIDE OF NORTH “E” STREET EXTENDING SOUTH OF WILLOW AVENUE. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

12. REQUEST FOR PROPOSALS (RFP) FOR CURBSIDE RECYCLING - CONTINUED FROM JULY 19, 2005

Recommendation: That the City Council:
1. Approve Option No. 1 and authorize staff to advertise for Processing and Residual Disposal as detailed in the official RFP that incorporates any comments provided by Council;
2. Appoint the City Attorney and City Auditor to the Curbside Recycle Selection Committee; and
3. Authorize the bids be processed through the selection committee with a recommendation to be returned to City Council for consideration.
City Manager John Longley presented the item and the staff report, which included the following Options:

Option No. 1: Direct staff to advertise for RFP for Processing and Residual Disposal, process bids through the selection committee, and provide City Council with the committee’s recommendation.

Option No. 2: Direct staff to advertise both the RFP for Processing and Residual Disposal and the RFP for Collection of Residential Recyclables at the same time. For there to be an accurate and competitive bid, staff will have to select a processor from which to build a collection and processing proposal.

Council Member Irish spoke in favor of proceeding with the two-RFP process, and requested clarifications as to options in working with a non-profit organization.

At the request of Mayor Pro Tem Hamilton, Mr. Longley clarified that the staff recommendation was to first issue an RFP for processing, and then after the processor and processing details were determined, issue an RFP for hauling.

Council Member Stadtherr spoke of the concept of checks and balances, and commented that reasonable men can differ on the issue.

Mayor Pro Tem Hamilton voiced concerns with elements of the staff report, including reference to the importance of bidding the processing first so as to establish whether the City could expect revenue from recyclable materials. He then stated concerns with the omission in the staff recommendation of requiring second RFP for hauling.

City Manager clarified for the record that the intention was to initially advertise for RFP for processing; and after that bidding process was completed and the parameters were understood, then a bidding process for hauling would commence.

Mayor Pro Tem Hamilton voiced displeasure with the fact that the direction to initiate the RFP process for hauling had not been included in the staff recommendation. He then spoke in favor of having one RFP for both processing and hauling, even if the City first bid out processing alone, stating that combing the services might prove more cost effective.

In response to a question posed by Council Member Irish, a discussion ensued regarding the anticipated timeline for completing the bidding for processing and starting the RFPs for hauling. It was stated that 1 month would be a reasonable expectation. Council Member Irish voiced support for having two separate RFPs, one for processing, and one for hauling.

City Attorney Julia Lew indicated that if bids for processing were opened, a decision would first need to be made on those bids prior to issuing a re-bid for processing, as a part of the hauling RFP.
City Manager John Longley spoke of the necessity of understanding the process, rather than merely receiving a price at the end of the process. He then provided a spreadsheet prepared by the City of Visalia entitled “Exhibit A - Recycling Fee Comparison” that detailed comparative processing fees and material payments by various vendors for several cities throughout California. Mr. Longley pointed to the tremendous variation in whether cities were paid for their recyclable materials or had to pay for processing their recyclable materials. He then pointed out that while other factors such as contamination rates affected the fees/payments, the spreadsheet did provide a glimpse of the potential for extreme variation. He stated that the staff recommendation for 2 RFPs was to make the process as transparent as possible.

Mayor Pro Tem Hamilton noted that the spreadsheet did not contain contamination rates, and commented that according to previous information, Visalia’s contamination rate was 34%, which likely accounted for their higher processing fee reflected on the spreadsheet. A discussion then ensued as to how Porterville’s contamination rate would be determined. Mayor Pro Tem Hamilton commented that if the City wanted to do its own hauling, as it so appeared, then staff should say so.

Council Member Irish commented that the Council did not have to authorize any RFPs, and could chose to proceed with a non-profit organization.

Mayor Pro Tem Hamilton stated that the Council chose not to go with a non-profit because of the lengthy timeframe in commencing services.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council direct staff to advertise for RFP for Processing and Residual Disposal, process bids through the selection committee, and provide City Council with the committee’s recommendation; to direct staff to advertise for RFP for Hauling following the acceptance of the processing bid; appoint the City Attorney and City Auditor to the Curbside Recycle Selection Committee; and authorize the bids be processed through the selection committee with a recommendation to be returned to City Council for consideration.

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

Disposition: Approved.

ORAL COMMUNICATIONS

• Greg Shelton, 888 N. Williford Drive, complimented the Council on tackling the difficult task of annexations.
• Tony Mock, requested information regarding the time frame for completing the annexation process. He then applauded the Council for their hard work.
OTHER MATTERS

• Council Member Irish commented on the necessity of the annexations.

• Mayor Pro Tem Hamilton voiced empathy for the affected individuals and spoke of the necessity of the annexations. He then indicated that Steve Samuelian, now a lobbyist, had requested a meeting with Council representatives. It was suggested that the Mayor and Mayor Pro Tem meet with him.

• Council Member Martinez informed everyone of the recent visit by guests from Sister City La Barca, Mexico, and thanked Fire Chief Guyton, Asst. Fire Chief Garcia, Public Works Director Baldo Rodriguez and Felipe Martinez for hosting the visitors. He then indicated that an invitation had been extended to Fire Chief Guyton to attend the groundbreaking of a regional fire facility in La Barca.

ADJOURNMENT

The Council adjourned at 11:11 p.m. to the meeting of August 16, 2005

Patrice Hildreth, Deputy City Clerk

Patrice Hildreth, Deputy City Clerk

SEAL

Kelly West, Mayor