CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
SEPTEMBER 18, 2007, 6:00 P.M.

Called to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived immediately after roll call), Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Kincheloe v. City of Porterville.
   4- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

City Manager John Longley advised that Closed Session Item A2 had been removed.

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 Eddie Hernandez
Invocation –one individual participated.

PROCLAMATION
Filipino-American Week – September 29 through October 6, 2007

PRESENTATION
- City Managers Featured Projects for September 2007
  1. Re-Codification of Municipal Code
  2. Development Agreement Ordinance
- Introduction of New City Employees
ORAL COMMUNICATIONS

- April McLaughlin, 1110 Greenfield, spoke regarding Item No. 17, requested that the Council regulate yard sale signage and suggested time limits on signage rather than an outright ban.
- Dick Eckhoff, 197 North Main Street, spoke of the need for enforcement of the City’s regulations pertaining to yard sale signage.
- Marylou Agpaoa, Filipino-American Association of California, thanked the Council for the Proclamation, and extended an invitation to everyone to attend the Filipino-American Weekend event to take place at Veterans’ Park, September 29th -30th, as well as the coronation event to be held on October 6th, at 344 East Morton Avenue.

CONSENT CALENDAR

Items 1, 2, 4, 6, 8 and 11 were removed for further discussion.

3. AWARD OF CONTRACT – OAK AVENUE IMPROVEMENT PROJECT

Recommendation: That City Council:
1. Award the Oak Avenue Improvement Project Base Bid and Add Alternate A to Halopoff & Sons, Inc. in the amount of $259,427.01;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 01-091807
Disposition: Approved

5. ACCEPTANCE OF IMPROVEMENTS – MEADOW BREEZE, PHASE TWO (GARY SMEE – SMEE BUILDERS)

Recommendation: That City Council:
1. Accept the public improvements of Meadow Breeze, Phase Two Subdivision for maintenance.
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 02-091807
Disposition: Approved

7. INITIATE PROCESS FOR LIBRARY BOARD OF TRUSTEES AND PARKS AND LEISURE SERVICES COMMISSION APPOINTMENTS

Recommendation: That City Council:
1. Announce the two pending term expirations on the Library Board of Trustees and the three pending term expirations on the Parks & Leisure Services Commission; and
2. Direct staff to advertise for interested residents to submit a ‘Request for Appointment’ by October 9, 2007 for City Council consideration of appointments at the October 16, 2007 meeting.
9. APPROVAL OF STREET CLOSURE FOR ‘MUSIC ON MAIN STREET’ EVENTS

Recommendation: That the City Council authorize the Parks & Leisure Services Department to sign Cleveland Avenue from Main Street easterly one-half block for ‘No Parking’, and to close the same portion of the street to vehicular traffic from the hours of 5:00 PM to 8:30 PM each Friday evening from September 7, 2007 through October 26, 2007.

Documentation: M.O. 04-091807
Disposition: Approved

10. NIMS/SEMS/EOC TRAINING

Recommendation: That the City Council:
1. Approve the study session in NIMS/SEMS/EOC set for 6:00 p.m. on Thursday, September 27, 2007; and
2. Direct Department Staff to make the necessary arrangements to provide the training.

Documentation: M.O. 05-091807
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept Items 3, 5, 7, 9 and 10. The motion carried unanimously.

1. CITY COUNCIL MINUTES SEPTEMBER 4, 2007

Recommendation: That the Council accept the minutes for the September 4, 2007 City Council Meeting.

City Manager John Longley presented the item.

Council Member Pedro Martinez requested that the motion regarding the contribution to The Boys and Girls Club on page 11 be amended to include the conditions set forth by Council.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Minutes of September 4, 2007, as amended to include the conditions of the contribution set forth by Council in relative to Item 24. The motion carried unanimously.

Disposition: Approved
2. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council:
1. Authorize the purchase by negotiation of the specialized equipment and authorize payment for said equipment upon satisfactory delivery; and
2. Approve a modification to the existing Measure H 5-year Plan and appropriate the necessary funds to purchase the said equipment.

The City manager presented the item.

Mayor Hamilton indicated that he had pulled the item to make it clear that one of the vehicles would be funded through Measure H Funds, because the new position for which the vehicle was to be used was funded by Measure H. He stated that the second vehicle would be funded through the Vehicle Replacement Fund.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the purchase by negotiation of the specialized equipment and authorize payment for said equipment upon satisfactory delivery; and approve a modification to the existing Measure H 5-year Plan and appropriate the necessary funds to purchase the said equipment. The motion carried unanimously.

Disposition: Approved

4. AUTHORIZATION TO PARTICIPATE FINANCIALLY WITH ENNIS COMMERCIAL PROPERTIES, LLC – HIGHWAY 190 & SOUTH JAYE ST. CONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize the City to participate with Ennis Commercial Properties, LLC in the Hwy 190 & South Jaye Street Reconstruction project;
2. Authorize the City to pay ECP in the amount of $1,366,581.94 upon proof of payment by ECP to Teichert Construction;
3. Authorize the transfer of $336,600 from the Roundabout Project (#89-9133) and the additional received transportation impact fees to cover the 10% construction contingency, staff construction management time and incidentals thereof;
4. Authorize a 10% contingency to cover unforeseen construction costs;
5. Authorize staff to make progress payments up to 90% of the contract amount;
6. Direct the Deputy City Manager to reimburse the Roundabout Project fund (89-9133) with transportation impact fees generated from new businesses that locate within the Jaye Street Corridor project area (the Jaye Street Corridor Project area is defined as Jaye Street from the Tule River south to Hwy 190); and
7. In the event transportation impact fees are not generated in a timely manner, direct the Deputy City Manager to reimburse the Roundabout...
City Manager John Longley noted a conflict of interest and left the Council Chambers. The staff report was presented by Public Works Director Baldo Rodriguez, during which two additional conditions were added to staff’s recommendation:

8. Direct staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until the Lowe’s traffic impact fees due the City have been collected; and
9. Direct staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until Tiger Construction receives a permit from Caltrans to work within Caltrans right of way.

Mayor Hamilton inquired about the Roundabout Project, and Mr. Rodriguez provided him a brief update on the project.

Council Member Hernandez asked if Lowe’s was aware that they would be unable to open for business until the project was completed. Mr. Rodriguez updated Council on his most recent communication with Lowe’s in regards to the fees due, and stated that he had been informed that the payment should arrive by week’s end.

Council Member McCracken asked for clarification in regards to Condition 6 of staff’s recommendation. The City Attorney verified that Council could direct the Deputy City Manager since the City Manager was financially conflicted in the matter at hand.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize the City to participate with Ennis Commercial Properties, LLC in the Hwy 190 & South Jaye Street Reconstruction project; authorize the City to pay ECP in the amount of $1,366,581.94 upon proof of payment by ECP to Teichert Construction; authorize the transfer of $336,600 from the Roundabout Project (#89-9133) and the additional received transportation impact fees to cover the 10% construction contingency, staff construction management time and incidentals thereof; authorize a 10% contingency to cover unforeseen construction costs; authorize staff to make progress payments up to 90% of the contract amount; direct the Deputy City Manager to reimburse the Roundabout Project fund (89-9133) with transportation impact fees generated from new businesses that locate within the Jaye Street Corridor project area. The Jaye Street Corridor Project area is defined as Jaye Street from the Tule River south to Hwy 190; in the event transportation impact fees are not generated in a timely manner, direct the Deputy City Manager to reimburse the Roundabout Project fund (89-9133) with funds from the “Lock Box” should the City need funds for construction of the roundabout; direct staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until the Lowe’s traffic impact fees due the City have been collected; and direct...
staff not to initiate reimbursement payments to Ennis Commercial Properties, LLC. until Granite Construction receives a permit from Caltrans to work within Caltrans right of way. The motion carried unanimously.

Disposition: Approved

6. RIGHT OF ENTRY FORM APPROVAL FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS RELATED TO THE JAYE STREET CORRIDOR PROJECT

Recommendation: That the City Council;
1. Approve the Right of Entry form;
2. Authorize the City Engineer to sign the document on behalf of the Council; and
3. Authorize the City Attorney to obtain signature(s) from Home Depot U.S.A., Inc.

Deputy City Manager John Lollis introduced the item, and City Attorney Julia Lew presented the staff report. She indicated that there had been a small change made to the paperwork included in the agenda, which pertained to an Exhibit “C”. She stated that Exhibit “C” was a description of the actual work taking place that had been included at Home Depot’s request.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Right of Entry form; authorize the City Engineer to sign the document on behalf of the Council; and authorize the City Attorney to obtain signature(s) from Home Depot U.S.A., Inc. The motion carried unanimously.

Disposition: Approved

8. PARKS & LEISURE SERVICES DEPARTMENT MATTERS – SPORT PRACTICE FIELD RESTROOM PROVISIONS & LIBRARY FINE WAIVERS FOR FOOD DONATIONS

Recommendation: That the City Council authorize:
1. $2,300 of the savings from the funding previously allocated to the Park Ranger Program be utilized for the provision of portable restrooms at various sport practice field facilities, and
2. A ‘Food for Fines’ program for overdue Library fine credits.

City Manager John Longley introduced the item.

Mayor Hamilton requested additional information, stating that there were bathroom facilities available currently, and that there were no fees being implemented for field use.

The City Manager clarified that porta potties had not been provided for practices in the past and concerns had been raised by individuals utilizing the fields. He added that what was being
presented pertained not only to the Municipal Ball Park and Sports Field but other fields where practices occurred.

Mayor Pro Tem Felipe Martinez stated that he had brought the issue to staff’s attention after visiting the fields at the request of some parents. He suggested that Council could increase the fees in the coming years to accommodate for the cost of the restrooms, but pointed out that there was an immediate need.

Mayor Hamilton stated that he did not think that the City should be responsible for supplying the porta potties and Council Member McCracken concurred. A brief discussion ensued during which staff provided information on the current fees being charged.

At Council Member Pedro Martinez’s request, City Manager Longley elaborated on staff’s recommendation. He stated that the issue was raised in regards to only a couple of fields but that the recommendation encompassed all ballfields in order to encourage consistent application of the policy. He noted that the recommendation pertained to the City’s responsibility in terms of health and safety, and recommended that Council approve the item and allow staff to contact the groups, and work with them in terms of a fee adjustment.

Parks and Leisure Services Director Perrine clarified for Council that there were fully functional bathroom facilities provided at the Municipal Ball Field, but that they were located behind the backstop which was a remote area for non-baseball use.

Mayor Hamilton stated that he could support providing the porta potties at that time, because the restrooms available at the Municipal Ball Field were in a remote location. However, he stated he was not in support of supplying the porta potties because those using the field did not wish to pay for them. A brief discussion ensued during which it was suggested that the leagues be contacted to inform them that the field use fees may increase to cover the costs of providing the porta potties in the future.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council accept staff’s recommendation as amended to appropriate $2,300 for porta potties for current year; direct staff to notify leagues of Council action and advise that field use fees may be modified to cover cost the following year; and direct staff to provide cost analysis/fee increase to Council in 30 days.

AYES: McCracken, Hamilton, F. Martinez, Hernandez
NOES: P. Martinez
ABSTAIN: None
ABSENT: None

Disposition: Approved

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

The City Manager introduced the item.

Council Member Pedro Martinez asked if the restroom hours would be extended for the event, to which Parks & Leisure Services Director Perrine replied that staff had not intended to extend the restroom hours. Council Member Martinez then requested that the event be posted on the city’s website calendar.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit “A”; and to extend hours for restroom facilities for the event to 9:30 p.m. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS

12. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions;
2. Consider the benefits and detriments of including the concrete improvements in the Date Avenue Project but; defer Council action in this matter until item #19 is presented for Council’s action; and
3. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of the stated project.

The City Manager introduced the item and Public Works Director Rodriguez presented the staff report.

The hearing was opened to the public at 7:57 p.m. and closed at 7:58 p.m. when nobody came forward.

Mayor Hamilton asked if the affected property owners were provided an idea of what the costs may be. A discussion in regards to this matter ensued, in which City Manager Longley stated that estimates were not provided to prevent the misconception that the estimated amount would be the final amount due. Mr. Rodriguez advised Council that staff had met with the property owners, that they had been given numbers based on actual information, and that the property owners had a good idea of what the fee could amount to.
Council Member Hernandez inquired about street alignment and drainage improvements on Date Avenue.

Mayor Pro Tem Felipe Martinez requested that Mr. Rodriguez divulge to the Mayor information from a discussion he had with the County regarding CMAQ funds. Mr. Rodriguez stated that he did have a conversation with TCAG representatives in which he expressed the City’s desire to transfer CMAQ funds to another area. He added that he was informed that such plans would not be a problem if the City did not ask that the money be forwarded to an earlier year and/or ask for more money if the selected project was more.

Mayor Hamilton stated that he would prefer the CMAQ funds be used in areas that had been within the city’s limits for quite some time, as opposed to recently annexed areas such as Indiana Street.

The Council postponed action on this item until after the Council acted on Item 19.

13. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR ANNEXATION NO. 471

Recommendation: That the City Council:

1. Adopt a resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

The City Manager introduced the item and Associate Planner Jose Ortiz presented the staff report.

Community Development Director Brad Dunlap noted that a modification was needed to the language in Finding K. It was amended to read as,

“Prior to the recordation of the annexation, the new water system should be fully functional, constructed in accordance with City standards and specifications and systems improvements accepted by the City Council. Specifically, conditions required to be completed prior to recordation of the annexation are as follows:”

The hearing opened to the public at 8:12 p.m.

- Julie Boyle, a Visalia resident, Provost & Prichard, spoke in favor of the item, on behalf of the applicant. She stated that she was available to answer questions.
- Mike Porter, a Visalia resident, Provost & Prichard, came forward on behalf of the applicant to express support for the project and to answer questions if needed.

The hearing closed to the public at 8:14 p.m.

Mayor Hamilton commented that he was supportive of the annexation but questioned whether or not the $500,000 was enough money. Mr. Ortiz provided the Mayor additional
information regarding what would be covered in the $500,000, and added that the overall grant application was almost $1,000,000 to cover all the fees associated with completion.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council adopt the resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo, as amended to revise Finding K to read, “Prior to the recordation of the annexation, the new water system should be fully functional, constructed in accordance with City standards and specifications and systems improvements accepted by the City Council. Specifically, conditions required to be completed prior to recordation of the annexation are as follows.”. The motion carried unanimously.

Disposition: Approved

14. SEQUOIA VILLAGE AT RIVER’S EDGE – MODIFICATION TO CONDITIONAL USE PERMIT 1-2006 RESOLUTION 34-2006

Recommendation: That the City Council adopt the draft resolution approving the modification to Conditional Use Permit 1-2006 Resolution 34-2006 allowing request to construct a six foot wrought iron fence in lieu of a six foot masonry wall along the eastern property line.

The City Manager introduced the item and Associate Planner Jose Ortiz presented the staff report.

The hearing was opened to the public at 8:21 p.m.

- Daniel Velasquez, a resident of Merced, Pacific West Builders and Developers, came forward in favor of the item and stated that he would be available to answer questions.

The hearing was closed to the public at 8:22 p.m.

Mayor Hamilton asked if there were any requirements stating that the fencing must be maintained. Community Development Director Brad Dunlap replied that there were not any requirements that specific, but that it could be stipulated that the fencing be properly maintained.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the Draft Resolution approving the modification to Conditional Use Permit 1-2006 Resolution 34-2006 allowing request to construct a six foot wrought iron fence in lieu of a six foot masonry wall along the eastern property line, as amended to require fence be “permanently maintained in working condition.” The motion carried unanimously.

Disposition: Approved
The Council recessed for ten minutes.

**SCHEDULED MATTERS**

15. PROJECT PROPOSAL FOR INFRASTRUCTURE AND OPERATIONAL ENHANCEMENTS

Recommendation: That the City Council provide direction to staff concerning the project proposed by Johnson Controls, and identify the next steps.

The City Manager introduced the item and Deputy City Manager John Lollis presented the staff report.

The Deputy City Manager clarified for Mayor Pro Tem Martinez the financing amount, project costs and the annual service amount. He referenced an attachment provided to Council which broke down the Project Cashflow for 15 years and reiterated the options available.

City Manager Longley added that the spreadsheet provided shows three cases, containing payback on energy savings, maintenance and operations savings, debt service and service costs.

Mayor Hamilton inquired about the option of the City developing its own energy program. A brief discussion ensued in regards to what that process would entail.

Council Member McCracken commented that he had yet to receive a response to his request for Internal Rate of Return information.

- Ralph Tyrell, Johnson Controls, came forward to respond to Council Member McCracken’s comment. He explained that he misunderstood his request and apologized. He also commented on financing through the CEC.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council direct staff to bring the item back to Council for consideration at the time of the mid-year budget review. The motion carried unanimously.

Disposition: Approved

16. CONSIDER IMPLEMENTING A DOG PARK

Recommendation: That the City Council consider the input from the Parks and Leisure Services Commission, and provide direction regarding the implementation of a ‘Dog Park’.

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

Mayor Hamilton asked the Police Chief for information regarding the proposed sites relative to illegal activities and safety. Chief McMillan stated that the Olivewood location is next to
an apartment complex, was unlit, and that there might be safety issues with access and parking. He added that Zalud and Murry Parks are frequented by many people, so it might not be conducive for that use. He expressed that his main concern would be with the Olivewood location.

Council Member Pedro Martinez asked if the Sports Complex was considered, to which Mr. Perrine stated that it could be considered and that the costs would be comparable to Murry and Zalud Parks.

Mayor Hamilton stated that he was concerned with staff’s request for Council to ascertain a funding source.

Council Member Pedro Martinez suggested that the Dog Park be added to the project list to be considered during budget review.

Mayor Pro Tem Felipe Martinez informed Council that he visited the dog parks in Visalia and shared his opinion of both with the Council. He noted that the park located near the airport seemed to be utilized more and incorporated a nearby picnic area.

The Council then directed staff to add the dog park to the list of projects to be considered during the budget review.

Disposition: Direction provided to staff.

17. ENFORCEMENT ISSUES REGARDING YARD SALE SIGNS

Recommendation: That the City Council consider alternatives to address the issue.

The City Manager introduced the item and City Planner Ben Kimball presented the staff report.

Mayor Pro Tem Felipe Martinez expressed his support for the enforcement of the sign ordinance and the beautification of the city.

Council Member Pedro Martinez suggested contracting out the removal of the signage and/or the issuance of permits.

Community Development Director Brad Dunlap identified a couple of issues relative to the permit fees and the content of signs.

Council Member Hernandez informed Council that he lived in a neighborhood where yard sales were frequent, and that it was his opinion that this issue must be addressed.

Council Member Pedro Martinez suggested educating the public about the problem to see if voluntary compliance could be accomplished.

Mayor Hamilton asked Fire Chief Garcia to research the type of policy that applied to the County.
City Manager John Longley noted that in terms of timing, documentation in the form of permits were required. He proposed that the City initiate a program focused on the posting of signs offsite, take the public affairs approach, and if it is determined that these approaches were unsuccessful, proceed with looking at a regulatory program.

Council Member Pedro Martinez reiterated his suggestion about contracting the sign removal service out. Mr. Longley stated that he would contact Porterville Sheltered Workshop to request an estimated cost to do the removal as an adjunct to the Graffiti Program that they now implemented.

Mayor Pro Tem Felipe Martinez emphasized the importance of enforcing the regulations already in place and notifying the public about the issue.

The Council directed staff to enforce current regulations; provide notice to public of yard sale regulations; contact Sheltered Workshop and Victory Outreach regarding cost for yard sale sign program; and if enforcement efforts unsuccessful, return to Council to proceed with regulatory permitting program for yard sales.

Disposition: Direction provided to staff.

18. AUTHORIZATION TO PARTICIPATE IN JOINT POWERS AGREEMENT SUCCESS DAM SEISMIC REMEDIATION PROJECT

Recommendation: That City Council authorize the Mayor to execute the Seismic Remediation Agreement.

City Manager Longley introduced the item and Public Work Director Baldo Rodriguez presented the staff report.

Mayor Hamilton inquired about the Spillway Project and a brief discussion ensued in which Mr. Rodriguez clarified the status of the Spillway Project and the Seismic Remediation Project. The City Attorney noted that according to the agreement the money was going towards the Seismic Remediation Agreement and the City Manager clarified that the funding source for the $6,250 was the money that had been allocated to the dam. He added that staff would provide Council with data indicating what had been expended in the last 12 months on the Spillway Project, as opposed to the Remediation Project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize the Mayor to execute the proposed Seismic Remediation Agreement.

Disposition: Approved

19. AWARD OF ADD ALTERNATE A – DATE AVENUE RECONSTRUCTION – ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT
Recommendation: That City Council:
1. Award Add Alternate A to Mitch Brown Construction, Inc. in the amount of $89,680.47;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

The City Manager introduced the item and Public Works Director Baldo Rodriguez presented the staff report, during which the recommendation was amended to add a fourth recommendation, as follows:

4. Direct the Public Works Director to bring forth candidate streets to receive concrete improvements using CMAQ funds formerly reserved for Date Avenue.

Mr. Rodriguez indicated that he would bring the candidate streets to Council by March 2008 for consideration.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council award Add Alternate A to Mitch Brown Construction, Inc. in the amount of $89,680.47; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs.; and direct the Public Works Director to bring forth candidate streets to receive concrete improvements using CMAQ funds formerly reserved for Date Avenue. The motion carried unanimously.

Disposition: Approved

12. CONSTRUCTION OF CONCRETE IMPROVEMENTS ON DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions; and
2. Consider the benefits and detriments of including the concrete improvements in the Date Avenue Project, but defer Council action in this matter until Item No. 19 is presented for Council’s action.

City Manager John Longley presented the item.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council authorize staff to schedule a second public hearing prior to the establishment of a fee for concrete improvements in accordance with the Mitigation Fee Act, upon completion of the Date Avenue Reconstruction Project. The motion carried unanimously.

Disposition: Approved
20. FINAL CONTRACT AMOUNTS – RIVERWALK MARKETPLACE

Recommendation: That the City Council:

1. Authorize the City to pay Ennis Commercial Properties, LLC, the amount of $1,231,004, which includes $25,000 for surveying services as the City’s fair and equitable share of construction costs to reconstruct Jaye Street from Hwy 190 to approximately 400’ north of Springville Avenue and for the reconstruction of Springville, Vandalia and Poplar Avenues east of Jaye Street and as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated 16, January, 2007;

2. Authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC, to Granite Construction;

3. Authorize a 10% contingency to cover unforeseen costs; and

4. Authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the amount of $1,231,004.

City Manager Longley stepped out due to a conflict of interest. In his absence, Deputy City Manager John Lollis introduced the item. Public Works Director Rodriguez presented the staff report.

At Mayor Hamilton’s request, Mr. Rodriguez and Community Development Director Brad Dunlap provided clarification on the method used to determine the shared costs. He explained that the traffic study determined what percentage of traffic each party was responsible for, and that in theory, the City’s share would be reimbursed through the payment of traffic impact fees over time. Mr. Rodriguez added that the City’s impact fees are inadequate, especially for acquiring property and making improvements, and indicated that he could provide the information requested by the Mayor to Council in a memo by Wednesday, September 19, 2007.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Pedro Martinez that the Council authorize the City to pay Ennis Commercial Properties, LLC, the amount of $1,231,004, which includes $25,000 for surveying services as the City’s fair and equitable share of construction costs to reconstruct Jaye Street from Hwy 190 to approximately 400’ north of Springville Avenue and for the reconstruction of Springville, Vandalia and Poplar Avenues east of Jaye Street and as stipulated in the Public Improvement Agreement between Ennis Commercial Properties, LLC and the City of Porterville dated 16, January, 2007; authorize progress payments to Ennis Commercial Properties, LLC, up to 90% of the contract amount upon proof of payments by Ennis Commercial Properties LLC, to Granite Construction; authorize a 10% contingency to cover unforeseen costs; and authorize the Mayor to execute a revised contract with Ennis Commercial Properties, LLC in the amount of $1,231,004.

Disposition: Approved

Recommendation: None

City Manager Longley presented the item.

Council Member Pedro Martinez requested that the all uses of the word “gangs” be changed to “street gangs”, and that “parenting, positive mentoring and faith” be included in paragraph seven.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the draft resolution in support of the Gang Abatement and Prevention Act of 2007 as amended to change “gangs” to “street gangs” and add “parenting, positive mentoring, and faith-based solutions” to 7th paragraph. The motion carried unanimously.

Disposition: Approved

The Council adjourned at 10:13 p.m. to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Agency Member P. Martinez, Agency Member F. Martinez, Agency Member Hernandez, Chairperson Hamilton

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

None

REDEVELOPMENT SCHEDULED MATTERS

PRA-1. PORTERVILLE PACIFIC ASSOCIATES REGULATORY AGREEMENT FOR REDEVELOPMENT AFFORDABILITY COVENANTS ON UNITS IN SEQUOIA VILLAGE AT RIVER’S EDGE MULTIFAMILY DEVELOPMENT

Recommendation: That the Redevelopment Agency approve the draft resolution to enter into a Regulatory Agreement with Porterville Pacific Associates for the Sequoia Village at River’s Edge development, and authorize the Chairman to execute said Agreement.

Executive Secretary John Longley introduced the item and Project Manager Susan Duke presented the staff report.

AGENCY ACTION: MOVED by Chairperson Hamilton, SECONDED by Agency Member Felipe Martinez that the Agency approve the draft resolution to enter
into a Regulatory Agreement with Porterville Pacific Associates for the Sequoia Village at River’s Edge development and authorize the Chairman to execute said Agreement. The motion carried unanimously.

Disposition: Approved

The Redevelopment Agency adjourned at 10:17 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Director McCracken, Director P. Martinez, Director F. Martinez, Director Hernandez, President Hamilton

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

None

PUBLIC IMPROVEMENT SCHEDULED MATTER

PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation;

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2007 Status Report for Certificates of Participation Projects.

Secretary Longley presented the item and staff report.

AGENCY ACTION: MOVED by Director Felipe Martinez, SECONDED by Director Hernandez that the Corporation approve the election of officers as indicated in the draft resolution; and approve the 2007 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Disposition: Approved

The Public Improvement Corporation adjourned at 10:19 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

• Dick Eckhoff, address on record, thanked the Council for its action on Item No. 17, and suggested that an arrangement could likely be made with the Sheltered Workshop to have its workers remove yard sale signage while performing other duties.
OTHER MATTERS

• Council Member Pedro Martinez:
  1. Spoke of the Tule River Pow Wow to take place September 21, 22 and 23, 2007; and requested that the Council acknowledge the event by either resolution or proclamation. Mr. Longley confirmed that a proclamation could be prepared.
  2. Spoke of the departure of Carol Bodine, lauded her performance and suggested that the Council provide her with a token of its appreciation for her hard work. A brief discussion ensued as to possible gift ideas.

• Council Member Hernandez spoke of the Youth Services Foundation dinner held on Saturday, September 15th, and personally thanked Porterville’s public safety personnel.

• Mayor Pro Tem Felipe Martinez spoke of the session on gangs he attended while in Sacramento and suggested that an ad hoc committee be established consisting of himself and another Council Member, Mr. Longley, Mr. Lollis, Mr. Perrine, and Chief McMillan. He spoke of the great strides accomplished by the City of Paramount and proposed a review of that City’s program. A brief discussion ensued during which Mayor Hamilton recalled that staff should already have some information on the City of Paramount’s program from a previous discussion.

• Council Member Hernandez provided his AB1234 report on his recent trip to Sacramento, specifically noting the valuable information provided related to gang abatement efforts. He stated that he too found the City of Paramount’s program to be impressive, and volunteered to serve on the ad hoc committee proposed by the Mayor Pro Tem.

• Mayor Hamilton:
  1. Spoke favorably of the Youth Services Foundation Dinner honoring public safety personnel; and
  2. Advised of positive meeting he attended on Monday, September 17th with Senator Boxer’s Aide with regard to the efforts at Success Lake.

ADJOURNMENT
The Council adjourned at 10:28 p.m. to the meeting of September 27, 2007 at 6:00 p.m.

Patrice Hildreth, Acting Chief Deputy City Clerk
By: Luisa Herrera

SEAL

Cameron Hamilton, Mayor