CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MAY 19, 2009, 7:00 P.M.

Call to Order at 7:00 p.m.
Roll Call: Vice Mayor McCracken, Council Member Pedro Martinez, Council Member Felipe Martinez, Council Member Ward, Mayor Hamilton

Pledge of Allegiance Led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS
Freedom Days – June 14th - July 4th, 2009

ORAL COMMUNICATIONS
None

CONSENT CALENDAR
Items 5 and 13 were removed for further discussion.

1. CITY COUNCIL MINUTES OF APRIL 21, 2009
Recommendation: That the City Council approve the Minutes of April 21, 2009.
Documentation: M.O. 01-051909
Disposition: Approved

2. BUDGET ADJUSTMENT IN SUPPORT OF TULARE COUNTY WORKFORCE INVESTMENT BOARD YOUTH@WORK COMMUNITY IMPROVEMENT PROJECTS PROGRAM IN THE CITY OF PORTERVILLE
Recommendation: That the City Council ratify the proposed budget adjustment with expenditure from the City Council budget with funding from unallocated General Fund Reserves.
Documentation: M.O. 02-051909
Disposition: Approved

3. APPROVAL OF BUDGET AMENDMENT AND AUTHORIZATION TO ADVERTISE FOR BIDS – COMMUNITY CENTER PARKING LOT PROJECT
Recommendation: That the City Council:
1. Authorize staff to appropriate $42,985.38 from the COP refinance fund to finance the construction of the project;
2. Approve staff’s recommended plans and project manual; and
3. Authorize staff to advertise for bids on the project.
4. AWARD OF CONTRACT – INDIANA STREET SHOULDER STABILIZATION PROJECT (OLIVE AVENUE TO PUTNAM AVENUE)

Recommendation: That the City Council:
   1. Award the Indiana Street Shoulder Stabilization Project to Halopoff and Sons in the amount of $78,468.82; and
   2. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-051909
Disposition: Approved

6. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – INDIANA STREET SHOULDER STABILIZATION

Recommendation: That the City Council:
   1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
   2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution 40-2009
Disposition: Approved

7. AMENDMENT NO. 1 TO AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND SUNSET WASTE PAPER, INC.

Recommendation: That City Council authorize the Mayor to sign Amendment No. 1 to the Agreement between the City of Porterville and Sunset Waste Paper, Inc.

Documentation: M.O. 05-051909
Disposition: Approved

8. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT – MORTON AND MATHEW WATER TRUNK LINE PROJECT

Recommendation: That the City Council:
   1. Authorize the Mayor to execute the Consultant Service Agreement with Dee Jaspar at an agreed fee of $52,062 for the services described herein;
   2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts; and
   3. Authorize staff to appropriate $57,268.20 from the Water Replacement Reserve.
9. AIRPORT LEASE RENEWAL – LOT 34C

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Gary Musseen of Exeter, CA, for Lot 34C at the Porterville Municipal Airport.

Documentation: M.O. 07-051909
Disposition: Approved

10. AIRPORT LEASE RENEWAL – LOT 34E

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Glenn Ricketson of Porterville, CA, for Lot 34E at the Porterville Municipal Airport.

Documentation: M.O. 08-051909
Disposition: Approved

11. AIRPORT LEASE RENEWAL – LOT 34F

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Steven Huth and Mr. Mike Quatacker of Porterville, CA, for Lot 34F at the Porterville Municipal Airport.

Documentation: M.O. 09-051909
Disposition: Approved

12. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 251-350-016 GRAND PROSPECT PARTNERS, L.P., CALIFORNIA LIMITED PARTNERSHIP – ANIMAL SHELTER AND DOG PARK PROJECT

Recommendation: That City Council:
   1. Authorize budget adjustment of $150,000 (plus an even split of escrow fees) from Measure H Funds;
   2. Authorize budget adjustment of $150,000 (plus an even split of escrow fees) from Waster Water Treatment Capital Reserve;
   3. Authorize staff to begin escrow, with the City paying escrow fees;
   4. Authorize staff to make payment to Grand Prospect Partners, L.P., California Limited Partnership, in the amount of $300,000.00 after completion of escrow;
   5. Authorize the Mayor to sign all necessary documents; and
   6. Authorize staff to record all documents with the County Recorder.
14. PURCHASE OF COMMAND VEHICLE FOR FIRE DEPARTMENT

Recommendation: That the City Council authorize staff to purchase a 2009 4-wheel drive Ford Expedition utilizing State of California contract; and further, that Council authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 11-051909
Disposition: Approved

15. MEMORANDUM OF UNDERSTANDING TO PARTICIPATE IN BUREAU OF INDIAN AFFAIRS INDIAN RESERVATION ROADS PROGRAM

Recommendation: That the Council ratify the proposed Memorandum of Understanding, and authorize the Mayor to sign all necessary documents.

Documentation: M.O. 12-051909
Disposition: Approved

16. APPROVAL FOR COMMUNITY CIVIC EVENT – EAGLE MOUNTAIN FLY IN AND AIR SHOW – PORTERVILLE MUNICIPAL AIRPORT – JUNE 13, 2009

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tule River Economic Development Corporation, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit “A” of the Community Civic Event Application.

Documentation: M.O. 13-051909
Disposition: Approved

5. APPROVAL OF CONSULTING SERVICES AGREEMENT FOR LIBRARY SERVICES AND FACILITIES NEEDS ASSESSMENT

Recommendation: Approve the Consulting Services Agreement with Page+Moris, and authorize and direct the Mayor to execute same.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and Parks and Leisure Services Superintendant Donnie Moore presented the staff report.

Council Member Ward inquired about the utilization of the Library Facilities Planning Committee for those services that would be provided by a consultant firm.

City Librarian Vikki Cervantes stated that the committee was made up of individuals representing the community of Porterville, and not necessarily those with the type of experience needed to complete the scope of work being proposed.
At the request of Mayor Hamilton, Finance Director Maria Bemis elucidated that the $80,000 being proposed for consultant services were part of the $220,000 that had been set aside in the capital project budget for the project.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor McCracken that the City Council approve the Consulting Services Agreement with Page+Moris, and authorize and direct the Mayor to execute same.

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

Disposition: Approved

13. AUTHORIZATION FOR RISK ASSESSMENT OF PLAYGROUND EQUIPMENT

Recommendation: That the City Council:
1. Authorize the expenditure of $5,850 from risk management to Bickmore Risk Services for a playground safety inspection; and
2. Authorize the Administrative Services Manager to execute the Authorization to Proceed for said safety inspection.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and the staff report was waived at the Council’s request.

Council Member Ward asked why a risk assessment of the safety equipment was not done prior to the purchase of the equipment. Administrative Services Manager Patrice Hildreth indicated that the safety inspection was to ensure proper installation of the equipment, and Public Works Director Baldo Rodriguez concurred.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Felipe Martinez that the City Council authorize the expenditure of $5,850 from risk management to Bickmore Risk Services for a playground safety inspection; and authorize the Administrative Services Manager to execute the Authorization to Proceed for said safety inspection. The motion carried unanimously.

Disposition: Approved

PUBLIC HEARINGS
17. IMPACT FEES DEFERRAL CODE AMENDMENT – FIRST READING
Recommendation: That the City Council:
1. Hold the public hearing;
2. Consider any and all public testimony;
3. Approve the Impact Fee Deferral Code Amendment Draft Ordinance; and
4. Set the June 9, 2009 City Council meeting as the time and place for the second public reading of the proposed code amendment.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and Deputy Public Works Director/City Engineer Mike Reed presented the staff report.

The hearing opened to the public at 7:18 p.m. Seeing no one, the Mayor closed the public hearing at 7:19 p.m.

In response to a question posed by Council Member Pedro Martinez, Mr. Rodriguez explained the benefits of the proposed ordinance.


The acting City Manager read the ordinance by title only.

Disposition: Approved

18. WATER CONSERVATION

Recommendation: That City Council approve:
1. The above revisions to the Water Conservation Plan; and

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item.

A motion was made by Vice Mayor McCracken to waive presentation of the staff report. A brief discussion ensued as to whether the staff report could be waived for a public hearing item, and City Attorney Mauer recommended that the staff report be presented.

Deputy Public Works Director/Field Services Manager Bryan Styles presented the staff report.
The public hearing opened at 7:26 p.m. Seeing no one, the Mayor closed the public hearing at 7:27 p.m.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Member Ward that the City Council approve the above revisions to the Water Conservation Plan; and move into Phase II of the Water Conservation Plan. The motion carried unanimously.

Disposition: Approved

19. CONDITIONAL USE PERMIT 1-2009 – UNIFORM SIGN PROGRAM (CITY OF PORTERVILLE – PARKS & LEISURE SERVICES)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 1-2009, subject to conditions of approval.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and City Planner Ben Kimball presented the staff report.

The hearing opened to the public at 7:31 p.m. Seeing no one, the Mayor closed the public hearing at 7:32 p.m.

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Council Resolution 42-2009 Member Ward that the City Council adopt the draft resolution approving Conditional Use Permit 1-2009, subject to conditions of approval. The motion carried unanimously. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

20. REQUEST TO ACCEPT FOR FIRST READING AN ORDINANCE PROHIBITING THE FLYING OF RADIO CONTROLLED AIRCRAFT AT PORTERVILLE AIRPORT

Recommendation: That the City Council:

1. Approve the draft Ordinance prohibiting the flying radio controlled airborne vehicles at the airport or on city property near the airport for first reading, and order the ordinance to print; and
2. Direct the Airport Area Manager and Public Works Director under the direction of the City Manager to coordinate with a remote control aircraft association to utilize property near the City’s sewer ponds for the activity.

Acting City Manager/Public Works Director Baldo Rodriguez introduced the item, and Airport Area Manager John Longley presented the staff report.
A discussion ensued regarding available land in the area of the airport, and Mr. Rodriguez indicated that it could be looked into if that were the Council’s direction.

- Mr. David Frankiewich, 31061 Success Valley Drive, representing Porterville Area Radio Control Flyers Organization, indicated that he understood that the City had no choice but to respond accordingly to the FAA’s request; thanked the City for 50 years of support; spoke in favor of the City finding a new location; and stated that a ground area of 300 feet by 70 feet would be sufficient.

The Council discussed the possibility of finding another site with staff and posed questions of Mr. Frankiewich. There was also some discussion regarding whether when the ordinance would take effect if approved, and if approval of the ordinance should be postponed.

A motion was made by Council Member Pedro Martinez, and seconded by Council Member Felipe Martinez to hold off on approving the ordinance. The City Attorney advised that the Council could bring the ordinance back for approval at any time, but that the Council had to consider the correspondence received from the FAA.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council approve the draft Ordinance 1755
M.O. 17-051909 Ordinance prohibiting the flying radio controlled airborne vehicles at the airport or on city property near the airport for first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 4-11.35 TO CHAPTER 4, ARTICLE XI, AIRPORT – ILLEGAL ACTIVITIES, OF THE PORTERVILLE MUNICIPAL CODE, TO PROHIBIT MODEL AND RADIO CONTROLLED AIRCRAFT AT OR NEAR THE PORTERVILLE MUNICIPAL AIRPORT; and direct the Airport Area Manager and Public Works Director under the direction of the City Manager to coordinate with a remote control aircraft association to utilize property near the City’s sewer ponds for the activity. The motion carried unanimously.

The acting City Manager read the ordinance by title only.

Disposition: Approved

ORAL COMMUNICATIONS

- Morris (last name inaudible), 19459 Avenue 144, radio airplane enthusiast, voiced support for a City-sanctioned property, and suggested that an area of three to five acres was needed.

OTHER MATTERS

- Council Member Felipe Martinez, inquired about who had attended the LAFCO City Selection Committee Meeting; and offered his condolences to the Mayor on the passing of his father.
- Council Member Pedro Martinez inquired about upcoming events, and noted the Porterville firefighters’ “Fill the Boot” event.
• John Longley, Airport Manager, spoke about the Fly In on June 13th, and a dinner recognizing aerobatic pilot Wayne Handley on June 12th.
• Mayor Hamilton requested that the sound system be repaired.

ADJOURNMENT
The Council adjourned at 8:09 p.m. to the meeting of June 2, 2009 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk
SEAL

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Cameron Hamilton, Mayor