CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
FEBRUARY 2, 2010, 6:00 P.M.

Called to Order at 6:00 p.m.  
Roll Call: Council Member Hamilton, Council Member Pedro Martinez (arrived during Closed Session), Council Member Felipe Martinez, Vice Mayor Ward, Mayor McCracken

ORAL COMMUNICATIONS  
None

CLOSED SESSION:  
A. Closed Session Pursuant to:  
2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.  
3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.  
4- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.  
5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

7:00 P.M. RECONVENE OPEN SESSION  
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance led by Mayor Pete V. McCracken  
Invocation – a moment of silence was observed.

PRESENTATIONS  
Employee of the Month (January) – Gregg Kroutil

ORAL COMMUNICATIONS  
- Augie Gonzalez, 1405 W. White Chapel Avenue, Chair of the Iris Festival, spoke of the annual event to take place on April 24th, and extended an invitation to all in attendance.  
- Ron Irish, 768 N. Prospect, requested permission to speak during consideration of Item No. 27 and 28.  
- Jim Oakley, 29053 Avenue 176, requested permission to speak during consideration of Item No. 28.

CONSENT CALENDAR
Items 12, 18, and 20 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JANUARY 12, 2008, JULY 7, 2009, AND JANUARY 12, 2010


Documentation: M.O. 01-020210
Disposition: Approved

2. CLAIM – ELVIN WEAVER

Recommendation: After consideration and investigation, staff recommends that Council reject said claim; refer the matter to the City’s insurance adjustor; and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-020210
Disposition: Approved

3. AWARD OF CONTRACT – MORTON AVENUE BUS TURNOUTS

Recommendation: That the City Council:
1. Award the Morton Avenue Bus Turnout projects to Sierra Range Construction in the amount of $45,252.75;
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. 03-020210
Disposition: Approved

4. AWARD OF CONTRACT – MAINTENANCE GARAGE NATURAL GAS DETECTION PROJECT

Recommendation: That the City Council:
1. Reject the bid received from Dayco Construction, Inc.;
2. Authorize the Public Works Director to formally notify Dayco Construction, Inc. of Council’s decision to reject their bid;
3. Award the Maintenance Garage Natural Gas Detection Project to Webb & Son in the amount of $180,588.33; and
4. Authorize a 9% contingency to cover unforeseen construction costs.

Documentation: M.O. 04-020210
Disposition: Approved

5. ACCEPTANCE OF IMPROVEMENTS – SUNRISE VILLA, PHASE TWO & THREE (GARY SMEE – GIBBONS 20, LLC)
Recommendation: That the City Council:
1. Accept the public improvements of Sunrise Villa, Phase Two and Three 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. 05-020210
Disposition: Approved


Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Richard J. Hardaway & Nadine Hardaway AKA Margaret Nadine Hardaway, Co-Trustees of the Richard and Nadine Hardaway Revocable Living Trust, in the amount of $9,977.00 after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 09-2010
Disposition: Approved

7. NEGOTIATED PURCHASE – SEWER LIFT STATION #3 EQUIPMENT

Recommendation: That the City Council authorize the purchase of equipment from MuniQuip, Inc. of USEMCO-Fairbanks Morse for approximately $5,781.00.

Documentation: M.O. 06-020210
Disposition: Approved

8. INTERIM FINANCIAL STATUS REPORTS AND GRANTS SUMMARY REPORT

Recommendation: That the City Council accept the interim financial status reports and grants summary report as presented.

Documentation: M.O. 07-020210
Disposition: Approved
9. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 08-020210
Disposition: Approved

10. STREET PERFORMANCE MEASURE – 2ND QUARTER UPDATE

Recommendation: Information Only

Documentation: M.O. 09-020210
Disposition: Approved

11. CODE ENFORCEMENT UPDATE

Recommendation: Information Only

Documentation: M.O. 10-020210
Disposition: Approved

13. AMENDMENT NO. 1 TO SUB-LEASE AGREEMENT WITH GREATER PORTERVILLE SENIOR CITIZENS’ COUNCIL

Recommendation: That the City Council approve Amendment No. 1 and authorize and direct the Mayor to sign the document.

Documentation: M.O. 11-020210
Disposition: Approved

14. ATTENDANCE REPORT FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 2ND QUARTER UPDATE

Recommendation: Information Only

Documentation: M.O. 12-020210
Disposition: Approved

15. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY


Documentation: M.O. 13-020210
Disposition: Approved
16. CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:
1. Adopt the 2010 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, John Dennis, Rebecca Vigil, and Kelle Jo Lowe to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

Documentation: M.O. 14-020210
Disposition: Approved

17. RESOLUTION APPROVING THE APPLICATION FOR STATEWIDE PARK PROGRAM GRANT FUNDS UNDER PROP 84

Recommendation: That the City Council adopt the respective resolutions approving the application for Statewide Park Program Grant Application for the Heritage Ball fields project.

Documentation: Resolution No. 10-2010; and Resolution No. 11-2010
Disposition: Approved

19. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL, APRIL 24, 2010

Recommendation: That the City Council approve the Community Civic Event application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in application, agreement and exhibit “A” of the Community Civic Event forms.

Documentation: M.O. 15-020210
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Felipe Martinez, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1 through 11, 13 through 17, and 19. The motion carried unanimously.

12. AMENDMENT TO CONSULTANT SERVICE AGREEMENT OF TPG CONSULTING, INC.

Recommendation: That the City Council:
1. Authorize the Mayor to execute Addendum No. 1 to the Consultant Services Agreement for TPG Consulting, Inc., at an agreed fee not to exceed a total of $129,600 for both projects; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Vice Mayor Ward inquired about staff’s availability and capability to perform the work requested of the consultants. City Manager Lollis indicated that TPG had been the designers of both projects, and the expansion of the project would be a continuance of their design efforts.

**COUNCIL ACTION:** MOVED by Council Member Felipe Martinez, SECONDED by Mayor McCracken that the City Council authorize the Mayor to execute Addendum No. 1 to the Consultant Services Agreement for TPG Consulting, Inc., at an agreed fee not to exceed a total of $129,600 for both projects; and authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen costs.

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

Disposition: Approved

18. PORTERVILLE MUNICIPAL AIRPORT OPEN HOUSE

**Recommendation:** That the City Council offer its support for an Open House to be held at the Porterville Municipal Airport on Saturday, March 13, 2010.

City Manager Lollis introduced the item, and Airport Manager John Longley spoke about the purpose and details of the event.

**COUNCIL ACTION:** MOVED by Council Member Pedro Martinez, SECONDED by Council Member Felipe Martinez that the City Council offer its support for an Open House to be held at the Porterville Municipal Airport on Saturday, March 13, 2010. The motion carried unanimously.

Disposition: Approved

20. ADOPTION OF 2010 PRIORITY PROJECTS AND OBJECTIVES

**Recommendation:** That the City Council adopt the 2010 Priority Projects and Objectives.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s
Council Member Pedro Martinez stated that due to scheduling issues he was unable to attend the study session, and lauded the Council for a balanced list of priorities.

Council Member Hamilton stated that he recalled there being discussion at the study session regarding ball field lighting.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council adopt the 2010 Priority Projects and Objectives, as amended to include ball field lighting. The motion carried unanimously.

Disposition: Approved, as amended.

PUBLIC HEARINGS

21. ZONING ORDINANCE TEXT AMENDMENT TO AMEND SECTION 801.1 OF THE PORTERVILLE ZONING ORDINANCE TO ALLOW RECYCLING CENTERS AS CONDITIONAL USES IN THE CENTRAL COMMERCIAL (C-2) ZONE

Recommendation: That the City Council:
1. Approve the proposed Ordinance Amendment and give first reading to the draft ordinance; and
2. Waive further reading of the draft ordinance, approve Ordinance Amendment 2010-01 and order to print.

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

Staff provided clarification regarding planned zone changes, in response to Vice Mayor Ward’s questions regarding the differences between Downtown Retail and C-2 Zones. It was also noted that recycling centers would always require a conditional use permit, unless they were within an industrial zone.

Council Member Pedro Martinez expressed concern with the aesthetic effect of recycling centers, and Community Development Director Brad Dunlap elaborated briefly on the characteristics of indoor facilities.

The hearing was opened to the public at 7:26 p.m. Seeing no one, the Mayor closed the public hearing at 7:27 p.m.

Council Member Felipe Martinez stated that he had visited the site and spoke to neighbors who were generally in favor of a recycling center.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member
Ordinance 1760 Felipe Martinez that the City Council approve the proposed Ordinance Amendment and give first reading to the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE APPENDIX A – ZONING ORDINANCE SECTION 801 PERTAINING TO RECYCLING CENTERS IN THE CENTRAL COMMERCIAL (C-2) ZONE; waive further reading of the ordinance and order the ordinance to print.

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

The City Manager read the ordinance by title only.

Disposition: Approved

22. DEVELOPMENT OF FIVE YEAR CONSOLIDATED PLAN (2010-2015) AND 2010-2011 ANNUAL ACTION PLAN FOR INVESTMENT OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ENTITLEMENT FUNDS

Recommendation: That the City Council conduct a Public Hearing for discussion of the types of projects and programs to be included in the CDBG Five Year Consolidated Plan and 2010/2011 Action Plan.

City Manager Lollis introduced the item, and the staff report was presented by Development Associate Denise Marchant.

The public hearing was opened at 7:37 p.m. Seeing no one, the Mayor closed the public hearing at 7:38 p.m.

Council Member Pedro Martinez requested that staff look into using funds for the rehabilitation of Lime Street Park, and Community Development Director Dunlap indicated that eligibility would first need to be determined.

Council Member Pedro Martinez then expressed concern with the lack of public comment, and a discussion ensued regarding staff’s efforts to solicit citizen input and identify areas in need of improvements and lacking infrastructure.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Pedro Martinez that the City Council direct staff to identify neighborhoods with the greatest need for improvements. The motion carried unanimously.
23. SEAFOOD CAFÉ/EL REVENTON UPDATE

Recommendation: That the City Council receive the report as presented and as a result of the ABC violation in August 2009, consider setting a public hearing to consider modification or revocation of CUP 5-2007.

City Manager Lollis introduced the item. City Attorney Lew noted that Council Member Hamilton had a business within 500 feet of the establishment, and Council Member Felipe Martinez would be abstaining due to a perceived conflict of interest. Both Council Members recused themselves and exited the Council Chambers. The staff report was presented by Associate Planner Jose Ortiz.

Community Development Director Brad Dunlap informed the Council that the applicant had pursued an application or request for an extension of their hours while the staff report was being prepared, but that they had withdrawn their request after the hearing had been noticed.

At the request of Mayor McCracken, City Attorney Lew advised that the Council not conduct a public hearing for modification of the conditional use permit, since the request had been withdrawn. The Mayor then inquired if there were any members of the public in the audience who had come specifically to speak at the public hearing. Four individuals were present, but indicated that they would come back if another public hearing was scheduled.

Council Member Pedro Martinez made a motion to set a public hearing, and withdrew it shortly thereafter. He also made a motion to continue the public hearing to the next quarterly update, which died for lack of a second. He then requested that staff provide the information within their updates with a less negative outlook.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Mayor McCracken that the City Council schedule a public hearing for the March 2, 2010, City Council meeting.

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

Disposition: Public hearing scheduled.

The Council recessed for ten minutes at 8:17 p.m.

SCHEDULED MATTERS

24. THIS ITEM HAS BEEN REMOVED.

25. PROPOSED CHANGES TO CHAPTER 12 OF THE CITY OF PORTERVILLE MUNICIPAL CODE
Recommendation: Information Only

The City Manager introduced the item, and Battalion Chief/Fire Marshal Loran Blasdell presented the staff report.

Disposition: No action required.

26. IMPACTS OF A NON-CERTIFIED HOUSING ELEMENT

Recommendation: That the City Council:
1. Consider the information provided and direct staff accordingly; and
2. If the Council chooses to proceed with the Certified Housing Element, approve the following actions:
   a. Direct staff to map out a program to rezone and annex enough land to accommodate at least 1100 units of high-density residential for the immediate planning period; and
   b. Direct staff on whether to consider a second phase of rezones and annexations to accommodate the subsequent planning period.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Hamilton indicated that he understood that the Council had to proceed, but requested that the City take the issue to the Council of Cities to communicate the Council’s concerns about the matter.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Pedro Martinez that the City Council approve proceeding with the Certified Housing Element; and direct staff to take the issue to the Council of Cities. The motion carried unanimously.

Disposition: Approved, and direction given.

27. SKATE PARK VANDALISM

Recommendation: That the City Council consider skate park vandalism and potential projects as part of regular budget preparation.

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

- Ron Irish, address on record, stated that motion sensors were not a feasible option due to traffic, and commented on the lack of cost figures in the staff report.
Vice Mayor Ward and Council Member Felipe Martinez both indicated that the purpose of the lighting was not just for security, but to also light the park for use in the evening hours. A discussion ensued with regard to possible staff direction, and methods of addressing security issues.

The Council directed staff to bring back cost figures for activity lighting.

Disposition: Direction given.

28. LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT ANALYSIS AND CONSOLIDATION OPTIONS

Recommendation: That the City Council:
1. Consider the options;
2. Authorize Staff to proceed with Option 3, which includes re-bidding the contracts with negative fund balances; and
3. Provide further direction regarding the options presented or combinations thereof.

City Manager Lollis introduced the item, and Administrative Aide Vangie Ramirez presented the staff report.

Council Member Hamilton inquired about the assessment of an incorrect amount of lots. Parks and Leisure Services Director Jim Perrine stated the past practice was to create an assessment district based on the tentative development plan, which at times differed from the final map and resulted in an incorrect assessment. A discussion ensued with regard to administrative efforts to identify and correct such errors.

- Ron Irish, address on record, indicated that he was not notified in advance of the item as he had previously requested; spoke about the lack of information regarding the City’s performance and defined standards; and stated that there were too many inadequacies.

- Jim Oakley, address on record, owner of Annexation 14, expressed disappointment about not being notified of the item in advance; commented on options presented; and spoke in favor of landscape maintenance districts when properly implemented.

Council Members apologized for failure to notify Mr. Irish and Mr. Oakley of the item in advance. A discussion then ensued regarding the development of standards, and the need to consider replacements costs in the assessments. Council Member Felipe Martinez recommended reviewing the issues at a slower pace in order to make the proper corrections, while Council Member Pedro Martinez spoke in favor of expediting review of the problems.

City Attorney Lew addressed questions regarding the need for a public hearing in the event standards were set, indicating that a public hearing would be required if an increase in the assessment were proposed. She also noted that maintenance standards could be difficult to adhere to in the long-term due to Proposition 218 requirements.
Parks and Leisure Services Director Perrine addressed the Council’s comments regarding the importance of standards in justifying an increase in fees, and spoke of the need to research costs to adhere to any maintenance standards that may be adopted.

COUNCIL ACTION:

MOVED by Council Member Felipe Martinez, SECONDED by Council Member Hamilton that the City Council approve Option 3: Address LMDs with negative fund balances individually, with the inclusion of Annexation No. 14.

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

Disposition: Approved, as amended.

29. CONSIDERATION OF RESOLUTION IN SUPPORT OF THE LOCAL TAXPAYER, PUBLIC SAFETY AND TRANSPORTATION PROTECTION ACT OF 2010

Recommendation: That the City Council consider the Resolution of Support for the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010.

City Manager Lollis introduced the item and announced that Hilary Baird, Regional Representative for League of California Cities had planned to be in attendance but fell ill. He apologized on her behalf and presented the staff report.

COUNCIL ACTION:

MOVED by Council Member Hamilton, SECONDED by Council Member Felipe Martinez that the City Council approve the Resolution of Support for the Local Taxpayer, Public Safety, and Transportation Protection Act of 2010. The motion carried unanimously.

Disposition: Approved

30. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF RESOLUTION IN SUPPORT OF THE “SAFE, CLEAN, AND RELIABLE DRINKING WATER SUPPLY ACT OF 2010”

Recommendation: That the City Council consider the adoption of a Resolution of support for the “Safe, Clean, and Reliable Drinking Water Supply Act of 2010.”

City Manager Lollis introduced the item and presented the staff report.

Council Member Felipe Martinez spoke in support of the item and requested Council’s support.
Council Member Hamilton requested additional information and time to review, and staff was directed by the Council to continue the item to the next meeting to allow the Council the opportunity to read the bill. City Attorney Lew stated that she would look for a summary.

Disposition: Item continued to February 16, 2010.

31. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF LETTER OF SUPPORT FOR MR. NICK J. CANATA AS MEMBER OF THE DELTA STEWARDSHIP COUNCIL

Recommendation: That the City Council consider the letter of support for Mr. Nick Canata in his nomination to the Delta Stewardship Council.

City Manager Lollis introduced the item and presented a brief staff report.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council approve a letter of support for Mr. Nick Canata in his nomination to the Delta Stewardship Council.

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

Disposition: Approved

The Council adjourned at 10:08 p.m. to a Meeting of the Porterville Redevelopment Agency.

REDEVELOPMENT AGENCY MINUTES
February 2, 2010

Roll Call: Agency Member Hamilton, Member Pedro Martinez, Member Felipe Martinez, Vice Chair Ward, and Chair McCracken

ORAL COMMUNICATIONS

WRITTEN COMMUNICATIONS
None

PUBLIC HEARINGS

PRA-01 2010-2014 IMPLEMENTATION PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1

Recommendation: That the Redevelopment Agency approve and adopt the 2010-2014 Implementation Plan for the Porterville Redevelopment Project No. 1.

Staff indicated that Chair McCracken had property within the Redevelopment Project Area and Member Felipe Martinez had property within 500 feet. Both Council Members recused
themselves and exited the Council Chambers.

Agency Secretary Lollis introduced the item, and Community Development Director Dunlap presented the staff report.

Steve Duckett from Urban Futures made a presentation to the Council about the Implementation Plan.

**AGENCY ACTION:** MOVED by Member Pedro Martinez, SECONDED by Member Hamilton that the Redevelopment Agency approve and adopt the 2010-2014 Implementation Plan for the Porterville Redevelopment Project No. 1.

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

Disposition: Approved

The Council adjourned at 10:27 p.m. to a Meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Council Member Hamilton, requested that the Council consider purchasing a bench in Centennial Park.
- Council Member Pedro Martinez, spoke of the 50th wedding anniversary of Mr. and Mrs. Ramon Camarena and requested the Council send them their congratulations; and announced the near completion of the Ceremonial Room at the Elks Lodge.
- Council Member Felipe Martinez, spoke about census efforts at Vallarta Market and lauded Administrative Aide Lupe Diaz for her efforts as the City’s representative.
- Vice Mayor Ward, inquired about the 150-yr anniversary of the founding of Porterville; suggested that a committee be formed to look at the placement of plaques on historical buildings; and inquired about the identification of City Council members on Council Member requested agenda items.

**CLOSED SESSION**

At 10:38 p.m. the Council took a five minute break and reconvened in Closed Session.

**ADJOURNMENT**

The Council adjourned at 11:55 p.m. to the meeting of February 16, 2010, at 6:00 p.m.