CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 4, 2011, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.
3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270.
4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Tule River Tribal Public Relations Administrator Dan Hackey
Invocation given by Tule River Tribal Council Member Rhoda Hunter and Mr. Dan Hackey

PROCLAMATIONS
Maria del Pilar Lozano Avila – 90th Birthday
Domestic Violence Awareness Month - October

REPORTS
- Council Member Shelton spoke of the following events he attended: WalMart Distribution’s 20th Anniversary Celebration; the motorcade and memorial services for Army Spc. Jeffries; an Ag luncheon; a pet parade at Centennial Park; mud bogs at Rocky Hill; and a Lindsay City Council Meeting.
- Mayor Irish lauded the September 11th memorial service at Port Naz, and thanked all that were involved.
ORAL COMMUNICATIONS

- Juan Rodriguez and Craig McLaughlin of Porterville Softball Organization came forward, spoke of the need for lighted fields in Porterville, and requested that the Council consider lights at the Sports Complex. Mayor Irish requested that Mr. Rodriguez contact the City Manager for assistance and to receive an update on the matter.
- (Name inaudible), voiced concern with the accessibility of the transit stop in its current location near the Morton Avenue and Douglas Street intersection, and requested that the Council relocate it. Mayor Irish requested that City Manager Lollis speak with the gentleman to obtain additional information.
- Don Mortensen, 1004 South Westwood, indicated that his wife had been bitten by an unleashed dog while walking their dog at the Sports Complex. He commented that on many occasions dogs were unleashed at the location, and requested that the City police the area and enforce the posted rules.
- Brock Neeley, a Porterville resident, 1) invited everyone to attend the upcoming Festival of Hope to benefit suicide prevention to be held at the Tulare Outlet Mall; and 2) lauded the Chamber of Commerce for its successful Business Showcase event.
- Felipe Martinez, 195 W. Putnam Avenue, requested that the City revise Section 6 of Ordinance 680 pertaining to sewer lines.
- Catherine May, Library and Literacy Commissioner, along with fellow Commissioners Ellen Nichols and Mary Leavitt, voiced support for Item 10, and advised that they were available to answer any questions that the Council might have.

CONSENT CALENDAR

Item Nos. 5, 6, 8 and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF SEPTEMBER 20, 2011

Recommendation: That the City Council approve the Minutes of September 20, 2011.

Documentation: M.O. 01-100411
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – REPEATER TOWER PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended project manual; and
2. Authorize staff to advertise for bids on the Repeater Tower Project.

Documentation: M.O. 02-100411
Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR DESIGN – CHASE PARK
Recommendation: That the City Council:
1. Approve the “Request for Qualification” proposal; and
2. Authorize staff to advertise for design services on the Chase Avenue Neighborhood Park project.

Documentation: M.O. 03-100411
Disposition: Approved.

4. AWARD OF CONTRACT – DESIGN SERVICES FOR SLUDGE DE-WATERING & ELECTRIC BLOWER SYSTEM

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with AECom at an Agreed fee of $353,918 for the described herein;
2. Authorize a 5% contingency to cover unforeseen design issues that may arise once the design effort begins; and
3. Authorize progress payments up to 100% of the fee amount.

Documentation: M.O. 04-100411
Disposition: Approved.

7. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSALS FOR THE 2012 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council authorize staff to issue a Request for Proposals for the 2012 Short Range Transit Plan.

Documentation: M.O. 05-100411
Disposition: Approved.

9. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation: That the City Council:
1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of $164,065.00; and
2. Make a budget adjustment to reflect the addition of $164,065.00 to the Police Department budget.

Documentation: M.O. 06-100411
Disposition: Approved.

10. LIBRARY AND LITERACY COMMISSION MEASURE H FACT SHEET

Recommendation: That the City Council approve the definition of literacy as presented and endorse the Library and Literacy Commission Fact Sheet for public use.
11. APPROVAL FOR COMMUNITY CIVIC EVENT – C-SET AND COCOLA BROADCASTING COMPANY – FIESTA DE LA FAMILIA – OCTOBER 9, 2011

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by C-Set and the CoCola Broadcasting Company, subject to the stated requirements contained in Exhibit A of the Community Civic Event Application.

Documentation: M.O. 08-100411
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – BARN THEATER – PORTERVILLE BLUEGRASS BUZZARD FESTIVAL – OCTOBER 8, 2011

Recommendation: That the City Council approve the Civic Event Application and Agreement from the Barn theater, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 09-100411
Disposition: Approved.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Sesquicentennial Committee and the Fraternal Order of Eagles subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 10-100411
Disposition: Approved.

15. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 11-100411
5. APPROVE REPAIRS – CITY HALL NORTH MAIN ENTRANCE

Recommendation: That the City Council award the contract to Laubacher Construction of Porterville for the repair of the North Main Entrance at City Hall in the amount of $6,870.00 and authorize payment upon satisfactory completion of the work.

City Manager Lollis presented the item, and indicated that it had been removed from Consent Calendar at the request of Council Member Shelton.

Council Member Shelton inquired whether the City was seeking the recovery of the repair costs from the at-fault driver. City Attorney Julia Lew advised that the options available to the Council for cost recovery could be brought back to the Council in Closed Session at a future meeting.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council award the contract to Laubacher Construction of M.O. 12-100411 Porterville for the repair of the North Main Entrance at City Hall in the amount of $6,870.00, and authorize payment upon satisfactory completion of the work. The motion carried unanimously.

Disposition: Approved.

6. AUTHORIZATION APPROVING THE AMENDED PTMISEA PROGRAM PROJECT DESCRIPTION FOR THE 2009-2010 PROJECT FOR THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT

Recommendation: That the City Council:
1. Approve the draft resolution in support of the amended project description for 2009-2010 PTMISEA Transit project; and
2. Authorize staff to submit the required corrective action plan.

City Manager Lollis presented the item, and indicated that it had been removed from Consent Calendar at the request of Council Member Shelton. In response to Council Member Shelton’s inquiry, staff elaborated on the program requirements.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council approve the draft resolution in support of the amended Resolution No. 60-2011 project description for 2009-2010 PTMISEA Transit project; and authorize staff to submit the required corrective action plan. The motion carried unanimously.
8. STATUS REPORT ON SPORTS FIELD LIGHTING OPTIONS

Recommendation: Informational item only.

City Manager Lollis presented the item, and indicated it had been removed from Consent Calendar at the request of Council Member Shelton. In response to a question posed by Council Member Shelton, staff offered further elaboration on the scope of their research.

Disposition: Informational item only.

14. PROPOSED POSITION ALLOCATIONS FOR THE PORTERVILLE FIRE DEPARTMENT AND PORTERVILLE POLICE DEPARTMENT

Recommendation: That the City Council adopt the draft resolution approving the position allocations of Public Education Officer for the Porterville Fire Department and Community Services Officer I for the Porterville Police Department.

City Manager Lollis presented the item, and indicated that it had been removed from Consent Calendar at the request of Council Member Shelton. Council Member Shelton lauded the grant.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council adopt the draft resolution approving the position allocations of Public Education Officer for the Porterville Fire Department and Community Services Officer I for the Porterville Police Department. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

16. ADOPTION OF AMENDED NONDISPOSAL FACILITY ELEMENT

Recommendation: That the City Council:
1. Conduct a public hearing to receive public input; and
2. Approve the amended Nondisposal Facility Element.

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

The public hearing opened at 7:20 p.m.; and closed at 7:21 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve the amended Nondisposal Facility Element. The motion carried unanimously.

Disposition: Approved.
17. CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP

Recommendation: That the City Council:
1. Direct City staff to work with the CWMA to develop an alternative membership dues structure that recognizes consumption and incentives diversion; and
2. Report back to Council with CWMA Board’s response at the first available City Council meeting.

City Manager Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report, which included the following three options:

Option No. 1: The current 2011/2012 membership fee for the City of Porterville including Bottle Bill funds is $66,189. The CWMA expenditure budget is $533,761. Porterville’s share is approximately 12.0% of the budget. However, our disposal is only 11.6% of the CWMA member’s total disposal.

Option No. 2: The letter requesting the CWMA Board of Directors consider alternative member dues structure was mailed and will be presented to the Board at their October meeting. In the meantime, CWMA Staff (including representatives from all the cities in the CWMA and the county) have already met and began discussions on how a restructure of the dues should be approached.

The majority of the staff agreed that, in concept, this appears to be the equitable and proper thing to do. A staff report will be presented to the board with the City of Porterville City Council’s letter requesting the consideration of alternative member dues structure.

Preliminary estimates on the reduction to the City of Porterville’s membership fees range from $5,000 to $15,000. There is still some debate about basing the membership calculation on disposal tonnages and/or also including the Household Hazardous Waste (HHW) component in the calculation. Also being considered is a running 3 or 5 year average on the tonnage figures to lessen the impact of fluctuations from year to year. Staff will review the various scenarios with Council at the Council meeting.

Option No. 3: If the City were to leave the CWMA, the additional City staff time required to prepare the annual report, coordinate with State staff, track regulatory issues, verify tonnage disposals attributed to the City at the landfill and manage the disposal of the Household Hazardous Waste is estimated at $16,744. The majority of this monetary figure represents the equivalent of one staff person at the landfill one day per week.
verifying tonnage. In the event significant discrepancies are noted between County assigned tonnage to the City versus City staff documented tonnage, the cost to verify tonnage can be as high as $45,000 to place a full time staff member at the landfill.

Another scenario that the City must entertain if it leaves the JPA is the possibility of paying a different (higher) tipping fee on its solid waste disposed at the County landfill. Presently, the City pays $31 per ton on its solid waste but, it is not inconceivable that the County may explore charging a different “tipping” fee to non JPA members.

In addition, the City would, in all likelihood, lose the benefit afforded CWMA for bulk purchases such as mass printing of education & outreach materials and ordering large quantities of items such as recycling containers. The cost estimate for this category of expenditure is $5,000.

The County has indicated that should the City withdraw from the CWMA, the County in all likelihood will want to negotiate to recover the cost of the Construction & Demolition (C&D) program at Tea Pot Dome landfill. It is possible that the City will experience a rate increase for C&D at the landfill or a limitation in the accepted tonnage of C&D. Staff estimated the cost of C&D at the current subsidy rate for a cost of $20,565.

The cost of the HHW program is also unknown until negotiations with the County are completed. The City may be responsible for the cost of disposal of materials collected at our HHW site. The HHW cost is estimated at $18,000. This assumption is based on the City having to pay for the mobile events in our area as well as our own center’s cost. The total estimated cost to the City if we leave the CWMA would be $60,309. If the City were to leave the CWMA, notification must be made by December 31, 2011, in order to terminate our membership in the JPA by July 1, 2012.

The Council engaged in a discussion regarding the various options presented.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council direct City staff to work with the CWMA to develop an alternative membership dues structure that recognizes consumption and incentives diversion; and report back to Council with CWMA Board’s response at the first available City Council meeting.

AYES: Ward, Hamilton, McCracken, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None
Prior to the presentation of Item 18, Council Member McCracken distributed a spreadsheet he had prepared containing diversion rate data of the CWMA members.

18. UPDATE ON DEVELOPMENT ORDINANCE AND ZONING MAP AND SCHEDULING A STUDY SESSION FOR UPDATING THE ZONING MAP

Recommendation: That the City Council set October 25, 2011, at 6:00 p.m. as the date and time for a Study Session, or an alternate date and time if preferred by the Council.

City Manager Lollis presented the item, and City Planner Bill Nebeker presented the staff report.

A discussion ensued during which Council Member Shelton voiced concern with the proposed method of noticing the public of the study session.

Council Member McCracken moved that the Council set October 25, 2011, at 6:00 p.m. as the date and time for a Study Session for updating the Zoning Map. Vice Mayor Hamilton seconded the motion.

Council Member Shelton moved to amend Council Member McCracken’s motion to direct staff to provide notification by mail of the study session and the public hearing to all property owners affected by the proposed zoning map update. The motion died for lack of a second.

Council Member Ward moved to amend Council Member McCracken’s motion to direct staff to notice all affected property owners of the public hearing. After it was acknowledged that such action could be taken at the study session when more information was available, Council Member Ward withdrew his motion to amend.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council set October 25, 2011, at 6:00 p.m. as the date and time for a Study Session. The motion carried unanimously.

Disposition: Approved.
ADJOURNMENT

The Council Meeting adjourned at 8:03 p.m. to the meeting of October 11, 2011 at 6:00 p.m.

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Patrice Hildreth, Chief Deputy City Clerk

SEAL

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Ronald L. Irish, Mayor