CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 4, 2014, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Vice Mayor Ward, Council Member Shelton (arrived at 5:40 p.m.), Council Member Gurrola, Mayor Hamilton

The Council Meeting adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Agency Member McCracken, Vice Chair Ward, Agency Member Shelton (arrived at 5:40 p.m.), Agency Member Gurrola, Chair Hamilton

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

B. Closed Session Pursuant to:
   1 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
   2 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Witbro, Inc. dba Seal Rite Paving & Grading v. JT2, Inc. dba Todd Companies, City of Porterville and Fidelity and Deposit Company of Maryland, Tulare County Superior Court Case No. 255158.
3- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.
4- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Exposure to Litigation: One case concerning facts not yet known to potential plaintiff.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that no reportable action had been taken.

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

PRESENTATIONS
Employee Service Awards
Employee of the Month – Jeff Duke
Firefighter and Police Officer of the Year – Michael Brodbeck and Oscar Vargas

AB 1234 REPORTS
This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Consolidated Waste Management Authority (CWMA) – February 20, 2014: Council Member McCracken updated everyone on the Authority’s discussions of the C&D program and pharmaceutical waste (Sharps) program.
2. Tulare County Economic Development Corporation – February 26, 2014: Mayor Hamilton advised that the EDC discussed Tulare County’s withdrawal from the EDC and reviewed business prospects; and advised of an Executive Board Meeting held on March 3rd.

REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings:
   1. Parks & Leisure Services Commission: No report provided.
   2. Library & Literacy Commission: No report provided.
   3. Arts Commission: No report provided.
   4. Youth Commission: No report provided.

II. Staff Informational Reports
   1. Building Permit Activity – January 2014

Staff advised of an item that came up after posting of the agenda and required Council consideration before the next meeting.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council
Member Gurrola that the Council add an emergency item entitled Authorization to Apply for Federal Transit Administration Section 5339 Funding. The motion carried unanimously.

Documentation: M.O. 01-030414
Disposition: Approved.

ORAL COMMUNICATIONS

- Michelle Reneau and guest, spoke of an upcoming Anti-Bullying Rally, and invited all to attend and/or participate in the event planned for April 12th at Centennial Park, and advised of the group’s website: www.supportpab.org.
- Brock Neeley, spoke of the City of San Jose litigation pertaining to pensions and provided copies of the Tentative Decision in the case to the Council Members.
- Donnette Silva Carter, invited everyone to attend the First Friday Coffee, and spoke of the Business/Educator for the Day program scheduled for Friday, and made mention of the upcoming Iris Festival to take place April 26th.
- Ron Halsey, spoke regarding maintenance concerns and safety hazards in his mobile home park, indicating the park owner was purchasing new permits rather than correcting maintenance issues. He provided the Council with copies of legislation relative to mobile home parks.
- Edith LaVonne, spoke regarding the issue of water in the City of Porterville and urged the City to institute significant conservation efforts.
- Russell aka Bones aka Buck Fletcher, spoke of an upcoming Measure H Oversight Committee Meeting on March 13th and encouraged citizens to attend; requested that the City assist Mr. Halsey; and urged water conservation efforts locally.
- Danny McCormick, spoke of hazards at Golden Hills Mobile Home Park and requested the City’s assistance in addressing the safety issues.
- Christina Gillette and Jerry Stump, requested a street closure on E Street between Olive Avenue and Willow associated with Item 11.
- Jeff Szeles, spoke in favor of the Council’s approval of Item 13 and clarified that the date of the event was March 22nd, not May 22nd.

CONSENT CALENDAR

Item Nos. 2, 4, 6, and 11 were removed for further discussion. Council Member Shelton indicated that he would be abstaining from Item Nos. 3, 5, 14 and 15.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1, 3, 5, 7 through 10, and 12 through 15 with the noted abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 18, 2014

Recommendation: None. Informational Only.
3. AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT FIBER OPTIC CONDUIT INSTALLATION PROJECT

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

Disposition: Approved.

5. AUTHORIZATION TO NEGOTIATE AND EXECUTE A CONTRACT – TRAFFIC SIGNAL DESIGN SERVICES FOR THE PUTNAM AVENUE/D STREET HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) PROJECT

Recommendation: That City Council:
1. Authorize staff to negotiate a contract with Omni-Means for an anticipated fee not to exceed $35,000 for traffic signal design services for the Putnam Avenue/D Street HSIP Project;
2. Authorize staff to negotiate a contract with the second ranked firm if staff is unable to negotiate an acceptable contract with Omni-Means;
3. Authorize the Mayor to execute all contract documents;
4. Authorize progress payments up to 100% of the negotiated fee amount; and
5. Authorize a 10% contingency to cover unforeseen events that relate to the design efforts

Disposition: Approved.

7. AWARD OF CONTRACT – FIRE PREVENTION WEED ABATEMENT

Recommendation: That the City Council:
1. Authorize the Fire Chief to execute an agreement with R. Stephen Richard Inc. as the primary contractor for a 3 year term;
2. Select Joe Grijalva Landscape Construction as the first alternate contractor; and
3. Selective Alvin Smith as the second alternate contractor.

Disposition: Approved.

8. RATIFICATION OF EXPENDITURE – SOUTHERN CALIFORNIA EDISON
STREETLIGHTS FOR THE PLANO BRIDGE REHABILITATION PROJECT

Recommendation: That the City Council
1. Approve the costs associated with relocation of the streetlights; and
2. Authorize the City Engineer to sign the SCE application and issue a $13,984.73 payment.

Documentation: M.O. 06-030414
Disposition: Approved.

9. SUPPORT FOR THE RE-DESIGNATION OF THE GREATER SAN JOAQUIN VALLEY RECYCLING MARKET DEVELOPMENT ZONE (RMDZ) AND TO INCLUDE AN EXPANSION IN ZONE BOUNDARIES

Recommendation: That the City Council:
1. Adopt a Resolution approving the re-designation of the Greater South San Joaquin Valley Recycling Market Development Zone (GSSJV RMDS), with an expansion of boundaries; and
2. Direct the Economic Development Corporation serving Tulare County to submit an application to CalRecycle requesting re-designation that will include the Counties of Tulare and Kings and their respective Cities in a manner that seeks to ensure the fair treatment of all people.

Documentation: Resolution No. 13-2014
Disposition: Approved.

10. REQUEST TO RE-PUBLICIZE VACANCY ON ARTS COMMISSION

Recommendation: That the City Council direct staff to re-publicize notice of the vacancy on the Arts Commission with a term to expire in August of 2016

Documentation: M.O. 06-030414
Disposition: Approved.


Recommendation: That Council approved the Community Civic Event Application and Agreement, from the Pancreatic Cancer Action Network and Crossfit 559, and subject to the Requirements contained in Application, Agreement, Exhibit A, and Exhibit B.

Documentation: M.O. 07-030414
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT – AMERICAN CANCER
Recommendation: That the Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in the Application, Exhibit B of the Community Civic Event Application.

Documentation: M.O. 08-030414
Disposition: Approved.


Recommendation: That the Council received the status report and review of the designated local emergency.

Documentation: M.O. 09-030414
Disposition: Approved.

15. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

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 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 10-030414
Disposition: Approved.

PUBLIC HEARINGS

16. MODIFICATION TO CARGO/SHIPPING CONTAINERS POLICY AND ADOPTION OF FEES FOR USE OF CARGO/SHIPPING CONTAINERS AS TEMPORARY STRUCTURES

Recommendation: That the City Council:
1. Adopt the Resolution amending the policy to use cargo/shipping containers as temporary structures; and
2. Resume the continued public hearing and adopt the Resolution establishing fees for use of cargo/shipping containers as temporary structures.

The City Manager introduced the item, and Council Member Shelton abstained from the item due to his use of cargo containers. The staff report was presented by Community Development Manager Julie Phillips.
The public hearing was opened at 7:17 p.m.

- Lynn Lasitovich, VCR, voiced displeasure with proposed fees; and accused the City of wanting a new source of revenue.
- Russell Fletcher, Porterville, stated he did not see the fees as revenue but more of cost-recovery associated with staff time involved; and indicated that he did not see a need for fees if there are less than three containers on a site.
- Greg Shelton, Porterville, does not see a need for fees, inspections or monitoring if less than three cargo containers; and suggested that inspections be complaint driven.
- Ron Lasitovich, VCR, stated the proposed fees are a revenue generator; spoke of issues with Plano Bridge Project construction; and threatened to leave the community.
- Jeff Lloyd, Porterville, requested that there be no fees for up to three containers; and spoke against fees as proposed.

The public hearing was closed at 7:28 p.m.

Council discussed the proposed fee structures and the need to differentiate between short-term and long-term use. Council Member Gurrola, Vice Mayor Ward and Mayor Hamilton spoke in favor of a one-time fee; and Council Member McCracken spoke of the use of cargo containers in lieu of building additional storage space.

Staff requested clarification regarding Council’s interest in having a one-time fee associated with long-term use of up to three containers, with no additional inspections required unless complaint driven.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward that the City Council adopt the Resolution amending the policy to use cargo/shipping containers as temporary structures; and adopt the Resolution establishing fees for use of cargo/shipping containers as temporary structures, as amended to revise the fee structure for long term (up to three containers) to a one-time fee of $138 through 12/31/14; and $217 effective 1/1/15.

AYES: Gurrola, Ward, Hamilton
NOES: McCracken
ABSTAIN: Shelton
ABSENT: None

Documentation: Resolution No. 14-2014; Resolution No. 15-2014
Disposition: Approved, as amended.

The Council recessed for ten minutes.

SCHEDULED MATTERS
17. AUTHORIZATION TO MODIFY DEVELOPMENT FEE PAYMENT PLAN AGREEMENT – HENDERSON VILLAGE APARTMENTS – PACIFIC RIM MIXED USE PROJECT (2012-002)
Recommendation: That the City Council:

1. Approve a provision that adds a seven (7) percent interest rate in the event the payment plan becomes delinquent in excess of ninety (90) days, as well as a ten (10) percent penalty on the remaining loan balance in the event of default in addition to the collection of reasonable attorney fees and the cost of evidence of title on all Development Fee Payment Plans moving forward; and

2. Provide direction to staff as to the removal of section twenty-five (25) of the Development Fee Payment Plan Deed of Trust and corresponding section of the Development Fee Payment Plan.

The City Manager introduced the item, and Development Associate Jason Ridenour presented the staff report.

A discussion ensued regarding risks associated with the removal of section twenty-five of the Development Fee Payment Plan Deed of Trust and corresponding section of the Development Fee Payment Plan.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council approve a provision that adds a seven (7) percent interest rate in the event the payment plan becomes delinquent in excess of ninety (90) days, as well as a ten (10) percent penalty on the remaining loan balance in the event of default in addition to the collection of reasonable attorney fees and the cost of evidence of title on all Development Fee Payment Plans moving forward.

AYES: McCracken, Gurrola, Ward, Hamilton
NOES: Shelton
ABSTAIN: None
ABSENT: None

Documentation: M.O. 11-030414
Disposition: Approved.

18. CHASE AVENUE PARK NAME SELECTION

Recommendation: That the City Council select a new name for the new Park on Chase Avenue.

The City Manager introduced the item, and the staff report was presented by Parks and Leisure Services Director Donnie Moore.

After some discussion of the proposed names, the opening of the park, the Council directed that the item be brought back at the first meeting in April to allow time for additional public feedback/input with regard to the name.
Disposition: No action taken; direction given.

19. AMENDED RESOLUTION PROPOSING AMENDMENTS TO CITY OF PORTERVILLE FREEHOLDERS CHARTER CONSIDERATION OF FULL AMENDMENT TEXT

Recommendation: That the City Council:
1. Review, consider and adopt the proposed Resolution; and
2. Consider whether to include the full text or the amendment in the sample ballot.

City Manager Lollis introduced the item, and the staff report was presented by City Attorney Julia Lew. During the staff report she noted the following corrections to the draft resolution that were made subsequent to agenda distribution:

1. Section A of the resolution—“The City Council of the City of Porterville, on its own motion, hereby rescinds Resolution No. 09-2014.”
2. Measure numbered 7 on page 14—“Should the Charter be amended to provide that the City has the power to perform public projects…proceed without otherwise adhering to competitive bidding requirements.”

Following the staff report there was discussion regarding the County’s policy regarding selection of arguments, the submittal of arguments in favor of the proposed amendments, and the provision of full text of amendments on the City’s website.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the City Council approve the proposed resolution, as amended by the City Attorney, and authorize that the full text of amendments not be included in the sample ballot. The motion carried unanimously.

The Council then discussed the drafting of arguments. Council Member Shelton expressed his opposition to the Council drafting any arguments in favor. Council Member Gurrola stated that she did not see a need to do so, and Vice Mayor Ward and Mayor Hamilton spoke of the importance of an argument in support of Amendment No. 8.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the City Council authorize the Mayor to draft an argument in support, and rebuttal, if applicable for Charter Amendment No. 8.

AYES: McCracken, Gurrola, Ward, Hamilton
NOES: Shelton
ABSTAIN: None
ABSENT: None
20. WATER CONSERVATION (MOVE TO PHASE 2)

Recommendation: That the City Council:
1. Encourage the community to conserve 20% of their water uses; and

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. Following the staff report, Mr. Rodriguez and Water Utility Superintendent Mike Knight addressed questions regarding water pressure, peak usage times, and the City’s proactive approach to water conservation.

The Council discussed at length the need to conserve water, methods for determining benchmarks, the status of the City’s water system, and the possible scheduling of a study session.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve urging the community to conserve 20% of their water uses and moving into Phase II of the City’s Water Conservation Plan. The motion carried unanimously.

The Council took a ten minute recess at 9:40 p.m.

21. EMERGENCY ITEM -- AUTHORIZATION TO APPLY FOR FEDERAL TRANSIT ADMINISTRATION SECTION 5339 FUNDING

Recommendation: That the City Council:
1. Approve the draft resolution authorizing staff to act on behalf of the City to apply for financial assistance; and
2. Authorize the Mayor to execute the Resolution.

City Manager Lollis introduced the item, and Transit Manager Richard Tree presented the staff report and addressed questions.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the draft resolution authorizing staff to act on behalf of the City to apply for financial assistance; and authorize the Mayor to execute the Resolution. The motion carried unanimously.

Documentation: Resolution No. 16-2014; M.O. 12-030414
Disposition: Approved.

Documentation: M.O. 13-030414
Disposition: Approved.
2. AUTHORIZATION TO ENTER INTO AGREEMENT FOR THE LEASE AND MAINTENANCE OF COPIERS

Recommendation: That the City Council:
   1. Authorize the Finance Director to execute an agreement with California Business Machines for the lease and maintenance of copiers for a 5-year term; and
   2. Authorize the Finance Director to add or delete copiers to this agreement as they are identified, without modifying the terms and conditions of the agreement.

City Manager introduced the item and the staff report was waived at the Council’s request. Vice Mayor Ward thanked staff for providing information pertaining to the maintenance of copiers.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the City Council authorize the Finance Director to execute an agreement with California Business Machines for the lease and maintenance of copies for a 5-year term; and authorize the Finance Director to add or delete copiers to this agreement as they are identified, without modifying the terms and conditions of the agreement. The motion carried unanimously.

Documentation: M.O. 14-030414
Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – PUBLIC SAFETY BUILDING

Recommendation: That the City Council:
   1. Approve Staff’s recommended Plans and Project Manual;
   2. Authorize staff to advertise for bids on the Project; and
   3. Authorize the Public Works Director to negotiate a “Not to Exceed” $30,000 “Construction Support” Services Contract with Teter & Associates and that the Council approve a 20% contingency due to the complexity of the new project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Public Works Director Rodriguez addressed questions regarding “construction support” services, and inclusion of said services as part of the project in the future.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council approve staff’s recommended Plans and Project Manual; authorize staff to advertise for bids on the Project; and authorize the Public Works Director to negotiate a “Not to Exceed” $30,000 “Construction Support” Services Contract with Teter &
Associates and that the Council approve a 20% contingency due to the complexity of the new project.

AYES: McCracken, Gurrola, Ward, Hamilton
NOES: Shelton
ABSTAIN: None
ABSENT: None

Documentation: M.O. 15-030414
Disposition: Approved.

6. PIONEER WATER COMPANY SHARE WATER

Recommendation: That the City Council:
1. Retain its PWC share water rights and direct staff to discuss with PWC when the optimal time would be for the City to take its share water delivery;
2. Direct that water flows for groundwater recharge be directed to the Porter Slough or other City reservoirs as determined by the Public Works Director; and
3. Authorize the Public Works Director, or his designee, to continue discussing with the PWC board and return with any new proposals for Council’s consideration.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Gurrola spoke in favor of the proposed arrangement, and Public Works Director Rodriguez addressed questions regarding recharge and discussions with PWC.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council retain its PWC share water rights and direct staff to discuss with PWC when the optimal time would be for the City to take its share water delivery; direct that water flows for groundwater recharge be directed to the Porter Slough or other City reservoirs as determined by the Public Works Director; and authorize the Public Works Director, or his designee, to continue discussing with the PWC board and return with any new proposals for Council’s consideration. The motion carried unanimously.

Documentation: M.O. 16-030414
Disposition: Approved.


Recommendation: That the approve the Community Civics Event Application and Agreement,
from the Pancreatic Cancer Action Network and Crossfit 559, with the closure of only the portion of the alley way directly behind Crossfit 559, and subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

The staff report was waived at the Council’s request, and Council Member Gurrola inquired about impact to the packing house.

The Council discussed the applicant’s request for street closure on E Street between Olive Avenue and Willow, which was communicated during Oral Communications. Police Chief McMillan expressed concerns regarding the requested closure, which included duration, parking and access.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Shelton that the City Council approve the Community Civics Event Application and Agreement, from the Pancreatic Cancer Action Network and Crossfit 559, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B; and authorize the street closure at the Police Chief’s discretion. The motion carried unanimously.

Documentation: M.O. 17-030414
Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member McCracken voiced support for an ongoing study session pertaining to water usage/conservation; and spoke of the Spring Ball on March 12th and a Korean Club fundraiser lunch on Wednesday.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council schedule study sessions on the second and fourth Tuesdays in April, at the City Library. The motion carried unanimously.

Documentation: M.O. 18-030414
Disposition: Study Sessions scheduled.

• Council Member Shelton noted the Famosa races.
• Council Member Gurrola spoke of the Dr. Seuss reading event at the Library and thanked Library staff for the successful event; and of the recent Step-Up event.
• Vice Mayor Ward, requested an agenda item to discuss permits for pool draining.
• Mayor Hamilton lauded the City of Hope Spectacular and spoke of the opening of Rocky Hill; PC Hall of Fame inductees.
• City Manager Lollis thanked PD, FD, and Public Works staff for their extraordinary efforts during the storm last week.

**ADJOURNMENT**

The Council adjourned at 10:25 p.m. to the meeting of March 18, 2014.

_________________________________
Luisa M. Zavala, Deputy City Clerk

SEAL

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Cameron J. Hamilton, Mayor