

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 21, 2012, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Hamilton, Council Member Shelton, Vice Mayor McCracken, Mayor Gurrola

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 261-200-005, and 261-200-006. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Robert C. and Eduarda Stevens. Under Negotiation: Terms and Price.

2- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiators: John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees Association and Public Safety Support Unit.

3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Lisa Duncan v. City of Porterville et al., Tulare County Superior Court Case No. 246639

4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential Plaintiff.

5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

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 occurred.

Pledge of Allegiance Led by Council Member Cameron Hamilton

Invocation – one individual participated.

PROCLAMATIONS

Bob Perez

Officer Chris McGuire

PRESENTATIONS

Employee of the Month – Javier Sanchez

Southern California Edison Update

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) – Mayor Gurrola reported the approval of a Deputy Director position, and added that the position would have no fiscal impact to cities.
2. Tulare County Local Agency Formation Commission (LAFCO) – Council Member Hamilton indicated that he was unable to attend, and reported that the next meeting would be in October.
3. P.D.C. Advisory Board – City Manager Lollis reported on discussion regarding a request to remove the cap on the number of client trips, He indicated that the board was unreceptive and the topic would re-addressed in a month.

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Library and Literacy Commission – no report.

ORAL COMMUNICATIONS

- Rick Carrillo, Rhoda Hunter and Rick Espino, representing the Leadership Porterville Class of 2012, introduced themselves.
- Anabelle Goble, Springville resident, extended invitations to the grand opening of the Tulare County Republican Headquarters at the southwest corner of Putnam and Main on September 12, 2012, at 10:00 a.m., and a luncheon for Congressman Kevin McCarthy on September 5th at Nuckols Ranch.
- Brock Neeley, Porterville resident, presented a copy of the Mental Health Services Act Prevention and Early Intervention Statewide Projects report for Fiscal Year 2010-2011; and requested that a policy regarding complimentary tickets be included in the City Council Procedural Handbook (Item 15).

The Council recessed for five minutes at 7:22 p.m.

CONSENT CALENDAR

Item Nos. 5 and 9a were removed for further discussion. Item No. 4 was removed from the agenda at the request of staff.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1 through 3, and 6 through 9; and consider Item Nos. 5 and 9a after Scheduled Matters. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF APRIL 17, 2012

Recommendation: That the City Council approve the Minutes of April 17, 2012.

Documentation: M.O. 01-082112

Disposition: Approved.

2. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSIT
AUTOMATIC FAREBOX COLLECTION EQUIPMENT

Recommendation: That the City Council authorize staff to issue a request for proposals for
Transit Automatic Farebox Collection Equipment.

Documentation: M.O. 02-082112

Disposition: Approved.

3. PURCHASE OF A GEOGRAPHIC INFORMATION MAPPING SYSTEM FOR
THE TRAFFIC UNIT

Recommendation: That the City Council approve the commencement of negotiations to
purchase a Geographic Information Mapping System with funds available
through the Selective Traffic Enforcement Program grant.

Documentation: M.O. 03-082112

Disposition: Approved.

4. AUTHORIZATION TO EXECUTE ADDITIONAL WORK – 2012/2013 FISCAL
YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:

1. Authorize staff to augment the current contract with Bowman Asphalt and initiate a change order that will utilize all or a portion of the \$25,000 held in a trust and agency account for remediation work related to the Jaye Street Improvement Project; and
2. Authorize staff to issue a change order to Bowman Asphalt in the amount of \$29,221.40 for asphalt maintenance work along Gibbons Avenue between Mesa Oak Street and Indiana Street.

Documentation: None.

Disposition: Removed at staff's request.

6. APPROVAL OF THE THIRD AMENDMENT TO THE AGREEMENT FOR
TRANSIT SERVICES FOR COLLEGE OF SEQUOIAS STUDENTS

Recommendation: That the City Council:

1. Approve the Third Amendment to Agreement for Transit Services;
2. Authorize the Mayor, City Clerk and City Attorney to execute the

- Amended Transit Services Agreement for Transit Services; and
3. Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG.

Documentation: M.O. 04-082112

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CITY FIREFIGHTER’S ASSOCIATION – PORTERVILLE FIREHOUSE CHILI COOK OFF

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Firefighter’s Association, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A’ of the Community Civic Event Application.

Documentation: M.O. 05-082112

Disposition: Approved.

8. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – BIENNIAL REPORT AND PROPOSED AMENDMENT

Recommendation: That the City Council:

1. Accept the Conflicts and Disclosure Monitor Agency 2012 Biennial Report; and
2. Direct staff to amend said report for Council’s approval within ninety (90) days.

Documentation: M.O. 06-082112

Disposition: Approved.

9. 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 Section 8630, Article 14 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 07-082112

Disposition: Approved.

PUBLIC HEARINGS

10. **CONDITIONAL USE PERMIT – 2012-007 TO ALLOW FOR A 60-FOOT HIGH COMMUNICATIONS TOWER AT 1809 SOUTH NEWCOMB STREET FOR SOUTHERN CALIFORNIA GAS COMPANY**

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 2012-007, subject to conditions of approval.

City Manger Lollis introduced the item, and the staff report was presented by City Planner Julie Philips.

The hearing was open to the public at 7:32 p.m.

- Rus (last name inaudible), Southern California Gas Company, spoke in favor of approval and elaborated on site location.
- Ernie Palmer, contractor for Southern California Gas Company, clarified that it was not a tower, but a pole design.

The public hearing was closed at 7:35 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit 2012-007, subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 90-2012

Disposition: Approved.

SECOND READINGS

11. **ORDINANCE 1791, AMENDING CHAPTER 21, DEVELOPMENT ORDINANCE – SERIES 100, 200, 600 AND 700 OF THE PORTERVILLE MUNICIPAL CODE**

Recommendation: That the Council give Second Reading to Ordinance 1791, as amended, waive further reading, and adopt said Ordinance.

The City Manager introduced the item and presented the staff report, which included the amendment to Section 201.04(c)(3) that was part of Council action on July 31, 2012.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance 1791, as amended, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 21, DEVELOPMENT ORDINANCE – SERIES 100, 200, 600 AND 700 OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

The City Manager read the ordinance by title only.

Documentation: Ordinance 1791

Disposition: Approved.

SCHEDULED MATTERS

12. APPROVAL OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AUTHORITY

Recommendation: That the City Council:

1. Review the full breadth of Amendment Two to the “Tulare County Association of Governments Joint Powers Agreement”;
2. If approved, authorize the Mayor to execute the attached “Tulare County Association of Governments Joint Powers Agreement” resolution; and
3. If approved, authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

City Manager Lollis introduced the item and the staff report.

The Council discussed concerns raised regarding unknown transportation impact fees and the potential impact to the City of Porterville should the Council reject the proposed amendment. City Engineer Mike Reed spoke of the nexus study for projects, and the proposed fees. City Attorney Lew expressed concerns regarding Page 2, Line 7, and advised that the language be revised for clarity to ensure that the City would not be pre-approving a fee.

The Council briefly discussed the bifurcation of the Central California Railroad Authority from the Regional Transportation Impact Fee.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council postpone the item to receive a recommendation from the City Attorney. The motion carried unanimously.

Documentation: M.O. 08-082112

Disposition: Item postponed.

The Council recessed for five minutes at 8:18 p.m.

13. RESPONSE TO GRAND JURY REPORT – MEASURE H

Recommendation: That the Council:

1. Consider the draft “Responses to the Grand Jury” letter regarding the 2011-2012 Report on Measure H; and
2. Authorize the Mayor and the City Manager to sign the Response letter.

The City Manager introduced the item and presented the staff report. Following the report, the Council commented on the Grand Jury's findings and recommendations, and the City's draft response.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve the draft "Responses to the Grand Jury" letter regarding the 2011-2012 Report on Measure H; and authorize the Mayor and the City Manager to sign the Response Letter. The motion carried unanimously.

Documentation: M.O. 09-082112

Disposition: Approved.

14. CONSIDERATION OF PURCHASING POLICY OF LITERACY MATERIALS INVOLVING MEASURE H FUNDS

Recommendation: That the Council provide appropriate direction.

City Manager Lollis introduced the item and presented the staff report. Council Member Ward expressed his concerns regarding a significant decrease in the General Fund budget for Library Books/Materials following the passage of Measure H. He spoke in favor of establishing a policy which would require a matching component. Council Member Hamilton suggested the use of a baseline, and Vice Mayor McCracken recommended a line item review of the entire library budget.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve a baseline General Fund budget appropriation of \$50,000 for library books. The motion carried unanimously.

The Council then directed that the Audit Committee review the entire library budget.

Documentation: M.O. 10-082112

Disposition: Approved.

15. CONSIDERATION OF CITY COUNCIL'S PROCEDURAL HANDBOOK

Recommendation: That the City council consider its Procedural Handbook, and direct staff accordingly.

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

Vice Mayor McCracken moved to adopt the City Council Procedural Handbook. The motion was seconded by Council Member Ward. The Vice Mayor then moved to amend Municipal Code Article 2, Section 1: Time and Place of Regular Meetings by striking the third sentence, which calls

for adjournment of meetings at 9:45 p.m.; and amend City Council Procedural Handbook, II Meeting of Council, A. 3. to conform with said amendment. Hardcopies of the proposed amendment were distributed by the Deputy City Clerk to the Council for review. The amendment was seconded by Council Member Ward. A brief discussion took place regarding the number of proposed amendments prepared by the Vice Mayor for the Council's consideration.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council postpone consideration of the item to the next meeting.

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

Documentation: M.O. 11-082112
Disposition: Item postponed.

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – RESOLUTION OF SUPPORT FOR COMPREHENSIVE CEQA REFORM

Recommendation: That the City Council approve the draft resolution expressing the City's support of CEQA reform, and authorize staff to send copies of the resolution to local representatives of the California Senate and the California Assembly.

The City Manager introduced the item, and indicated that the item had been requested by Council Member Ward.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the draft resolution expressing the City's support of CEQA reform, and authorize staff to send copies of the resolution to local representatives of the California Senate and the California Assembly. The motion carried unanimously.

Documentation: Resolution 91-2012
Disposition: Approved.

CONSENT CALENDAR

5. AUTHORIZATION TO PURCHASE WATER SHARES AND/OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That the City Council authorize the Public Works Director, at his discretion, to:

1. Purchase surface water for recharge; and
2. Purchase or bid on PWC shares.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton spoke in favor of staff's recommendation, as well as solicitation of shares.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council authorize the Public Works Director, at his discretion, to purchase surface water for recharge; and purchase or bid on PWC shares. The motion carried unanimously.

Documentation: M.O. 12-082112

Disposition: Approved.

- 9a. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER FINANCIAL SUPPORT FOR THE PORTERVILLE CITY FIREFIGHTERS ASSOCIATION'S "PORTERVILLE FIREHOUSE CHILI COOK-OFF"

Recommendation: Council Member Shelton makes a motion that the City Council authorize the scheduling on the September 4th Council Agenda for consideration of financial support for the Porterville City Firefighters Association's "Porterville Firehouse Chili Cook-Off."

The City Manager introduced the item, and the staff report was waived at the Council's request. A discussion took place regarding the established procedure for placing Council Member items on the agenda, and Council consideration of financially supporting community events in general.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the scheduling on the September 4th Council Agenda for consideration of financial support for the Porterville City Firefighters Association's "Porterville Firehouse Chili Cook-Off." The motion carried unanimously.

Documentation: M.O. 13-082112

Disposition: Approved.

ORAL COMMUNICATIONS

- Christine Burkhart, 1421 W. G Street, stated that the upcoming Chili Cook-Off event was in need of cooks.
- Cody Clem, 1005 W. Wisconsin, confirmed that there was a need for more cooks, and indicated that while the event welcomed sponsorship that the firefighters were not requesting financial support from the City.

OTHER MATTERS

- Mayor Gurrola, indicated that she would be making a personal donation to the Chili Cook-Off event; spoke of the Sikh candlelight service which she had attended; and disclosed that she had signed in support of the Bond Measure for Porterville Unified School District.
- Council Member Shelton spoke about the following events: memorial at the Sikh temple, Step-Up meeting, upcoming Chamber Mixer at the Airport, Summit Charter Collegiate Academy Ribbon Cutting, and Transactions and Use Tax Oversight Committee.
- Vice Mayor McCracken indicated that he had attended an event in honor of Yvonne Fiori and shared a story regarding challenge coins.
- Council Member Ward thanked the Police Department traffic unit for their efforts in the wake of back to school.
- Council Member Hamilton noted the upcoming funeral service for former City employee Randy Gray, and spoke of the recent passing of Mr. Jack Shannon.

ADJOURNMENT

The Council adjourned at 9:34 p.m. to the meeting of September 4, 2012.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor