

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 15, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Hamilton, Council Member Shelton
(arrived at 6:30 p.m.), Vice Mayor McCracken, and Mayor Gurrola

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: Member Ward, Member Hamilton, Vice Chair McCracken, Chair Gurrola
Absent: Member Shelton

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
1- Government Code Section 54956.9(a) – 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(a) – 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(a) – Conference with Legal Counsel – Existing
Litigation: California Healthy Communities Network v. City of Porterville (Walmart, etc.
Real Party in Interest), Tulare County Superior Court No. VCU246336.
3- Government Code Section 54956.95 – Liability Claims: Claimant: Andrea Gould. Agency
claimed against: City of Porterville.
4- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City
Manager.

5- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

B-3: Government Code Section 54956.95 – Liability Claims: Claimant: Andrea Gould. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a motion by Vice Mayor McCracken, seconded by Council Member Hamilton the Council unanimously approved rejection of claim filed by Andrea Gould; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notification.

Documentation: M.O. 01-01513

Disposition: Claim denied.

Pledge of Allegiance Led by Council Member Ward

Invocation – a moment of silence was observed in memory of Jim Hansen.

PRESENTATIONS

Police Officer Badge Pinning

Employee of the Month – Carlos Meza

AB 1234 REPORTS

1. Consolidated Waste Management Authority (CWMA) – Vice Mayor McCracken reported that there had not been a meeting in December.
2. Tulare County Economic Development Corporation – Mayor Gurrola reported that there was some discussion regarding policy, but the majority of discussion took place in Closed Session.
3. P.D.C. Advisory Board – Mayor Gurrola reported that the request to increase city visits was denied by the board.

REPORTS

I. City Commission and Committee Meetings:

1. Library and Literacy Commission – Commissioner Edith LaVonne reported on the activities of the commission’s last meeting; provided a mural update; and spoke of December highlights.
2. Parks & Leisure Services Commission – Commissioner Monte Moore gave a PowerPoint presentation regarding activities and efforts of Parks and Leisure Services staff.
3. Youth Commission – no report given.

II. Staff Informational Items

1. Community Development Block Grant – Business Assistance Program

Update – No verbal report was given. Staff addressed questions from the Council.

2. Reminder of Wall of Fame Nominations – No verbal report given.

ORAL COMMUNICATIONS

- Ellen Nichols, Porterville resident, extended an invitation to an event to take place at Porterville College on February 3, 2013, featuring Emerald Duo; and added that admission was free and that the event was being presented by Porterville College and Porterville Friends of Music.
- Donnette Silva Carter, Porterville Chamber of Commerce, spoke about and distributed the Sequoia Visitor Guide; announced that additional writers would be coming to Porterville; and spoke of the recent passing of Emogene McCullar.
- Glen Lily, American Legion Riders President, spoke of the organization's mission and community activities.
- Carl Borges, American Legion Rider, spoke of recent efforts to help a needy family purchase a stove.
- Will Lloyd, Porterville, spoke about the Man Alive event to take place on January 26th, at the old Port Naz church, from 9:00 a.m. to 2:00 p.m., and extended an invitation to those in attendance.

CONSENT CALENDAR

Item No. 4 was pulled for further discussion.

1. MINUTES OF SEPTEMBER 4, 2012, NOVEMBER 20, 2012, DECEMBER 11, 2012, AND DECEMBER 18, 2012

Recommendation: That the City Council approve the Minutes of September 4, 2012, November 20, 2012, December 11, 2012, and December 18, 2012.

Documentation: M.O. 02-011513

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – VETERAN'S PARK BOOSTER PUMP PROJECT – ADDITIONS OF PUMPS #2 & #3

Recommendation: That City Council:

1. Approve staff's recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

AYES: Shelton, Hamilton, McCracken, Gurrola

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 03-011513

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – WEST STREET CALEMA REPAIR PROJECT

Recommendation: That City Council:

1. Authorize Staff to appropriate \$21,200.00 from the Miscellaneous Curb and Gutter Project account to fully finance the West Street CALEMA Repair Project;
2. Approve Staff's recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids on the project.

Documentation: M.O. 04-011513

Disposition: Approved.

5. CONSULTING SERVICES FOR FULL SOLID WASTE FACILITY PERMIT

Recommendation: That Council:

1. Authorize the Mayor to execute a contract with Edgar and Associates to provide consulting services to allow the City to obtain a Full SWFP; and
2. Authorize payment of a fee not to exceed \$22,500.

Documentation: M.O. 05-011513

Disposition: Approved.

6. AUTHORIZE STAFF TO PREPARE A DRAFT COTTAGE FOOD OPERATIONS ORDINANCE IN ORDER TO CONFORM TO CHANGES IN STATE LAW PURSUANT TO ASSEMBLY BILL 1616

Recommendation: That the City Council authorize staff to prepare a draft ordinance accommodating Cottage Food Operations as a home occupation business for the City Council to consider at a future meeting.

Documentation: M.O. 06-011513

Disposition: Approved.

7. SMART VALLEY PLACES – AMENDMENT TO SUBCONTRACT AGREEMENT WITH CSU FRESNO FOUNDATION

Recommendation: That the City Council authorize the Mayor to sign the amendment to Subcontract Agreement SC360080-11-12 (Amendment #1) between California State University, Fresno Foundation and City of Porterville.

Documentation: M.O. 07-011513

Disposition: Approved.

8. ASSISTANCE TO FIREFIGHTERS GRANT AWARD

Recommendation: That the City Council:

1. Accept the Assistance to Firefighters Grant award from the Federal Emergency Management Agency and the Department of Homeland Security in the amount of \$23,600;
2. Authorize the use of the local 20% share (\$5,900) from the Fire Department's training expense budget account; and
3. Authorize a budget adjustment to reflect the addition of \$23,600 to the Fire Department budget.

Documentation: M.O. 08-011513

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 Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 09-011513

Disposition: Approved.

PUBLIC HEARINGS

10. BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

Recommendation: That the City Council:

1. Conduct the public hearing to receive public comment; and
2. Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Approve a budget adjustment reducing the Police Department's 2012-2013 General Fund budget by \$100,000 and increasing the Police Department's Special Safety Grants-Citizens' Option for Public Safety (COPS) budget by \$100,000.

City Manager Lollis introduced the item, and Police Chief Chuck McMillan presented the staff report.

The public hearing was opened at 7:12 p.m.

- Edith LaVonne, Porterville resident, spoke in support of funding community service officers.

The public hearing was closed at 7:13 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council authorize use of grant funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and approve a budget adjustment reducing the Police Department's 2012-2013 General Fund budget by \$100,000 and increasing the Police Department's Special Safety Grants-Citizens' Option for Public Safety (COPS) budget by \$100,000. The motion carried unanimously.

Documentation: Resolution 01-2013

Disposition: Approved.

SCHEDULED MATTERS

11. APPOINTMENT TO THE TRANSACTIONS AND USE TAX ("MEASURE H")
OVERSIGHT COMMITTEE

Recommendation: That the City Council appoint an individual to the vacant position on the Transactions and Use Tax Oversight Committee with a term to expire in May 2014. The motion carried unanimously.

City Manager Lollis introduced the item, and the Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council appoint Mr. Bill Nebeker to the vacant position on the Transactions and Use Tax Oversight Committee with a term to expire in May 2014. The motion carried unanimously.

Documentation: M.O. 10-011513

Disposition: Approved.

12. DRAFT ORDINANCE ADDING PENALTY PROVISIONS TO THE MUNICIPAL CODE RELATED TO PORTERVILLE MUNICIPAL CHARTER SECTION 67 (INTERFERENCE WITH PERFORMANCE OF DUTIES OF CITY MANAGER/POLITICAL ACTIVITIES OF COUNCIL, ADMINISTRATIVE OFFICERS, AND EMPLOYEES)

Recommendation: The City Attorney/Committee is requesting that the City Council consider this report and the draft ordinance and provide further direction, including whether the Council wishes to consider the attached ordinance for first reading at a future City Council meeting.

City Manager Lollis introduced the item, and City Attorney Julia Lew presented the staff report.

Following the report a discussion ensued regarding potential amendments and the costs of election. City Attorney Lew spoke of previous Charter amendment efforts.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve consideration of the draft ordinance and options regarding the charter amendment process. The motion carried unanimously.

Documentation: M.O. 11-011513

Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

4. AWARD OF CONTRACT: ON-CALL CONSULTING SERVICES

Recommendation: That the City Council:

1. Authorize staff to negotiate on-call contracts with Provost & Pritchard Consulting Group, LSA, and Quad Knopf;
2. Authorize the Mayor to sign contract documents;
3. Authorize the Community Development Director to sign task orders; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

City Manager Lollis introduced the item and then recused himself due to a perceived conflict of interest. City Manager Lew disclosed that Mr. Lollis had a relative who worked for one of the firms. Community Development Director Brad Dunlap presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council authorize staff to negotiate on-call contracts with Provost & Pritchard Consulting Group, LSA, and Quad Knopf; authorize the Mayor to sign contract documents; authorize the Community Development Director to sign task orders; and authorize staff to make payments up to 100% upon satisfactory completion of tasks. The motion carried unanimously.

Documentation: M.O. 12-011513

Disposition: Approved.

The Council adjourned at 7:35 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Public Improvement Corporation

WRITTEN COMMUNICATION

ORAL COMMUNICATIONS

None

PUBLIC IMPROVEMENT CORPORATION SCHEDULED MATTER

PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2012 Status Report for Certificates of Participation Projects.

Secretary Lollis introduced the item. Director Shelton recused himself, and the staff report was presented by Public Works Director Baldo Rodriguez.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the election of officers as indicated in the attached draft resolution; and approve the 2012 Status Report for Certificates of Participation Projects.

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

Documentation: Resolution PIC 2013-01

Disposition: Approved.

The Public Improvement Corporation adjourned at 7:40 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Shelton spoke of the following: the swearing in of the Under Sheriff; warming centers; card game event at the library; upcoming Step Up meeting and Man Alive events; and

his attendance at recent funerals. He then proposed a joint meeting with the Lindsay City Council to explore and identify mutual needs.

Following a discussion regarding potential agenda items and Brown Act requirements associated with the proposed joint meeting, the Council authorized the Mayor, Vice Mayor, and the City Manager to meet with their counterparts from the City of Lindsay.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the addition of an animal control update item to the February 5th Agenda. The motion carried unanimously.

Documentation: M.O. 13-011512

Disposition: Approved.

- Mayor Gurrola congratulated the Tule River Tribe on their recent transit grant award, and extended birthday wishes to Council Member Shelton and City Manager Lollis' wife.

ADJOURNMENT

The Council adjourned at 7:55 p.m. to the meeting of February 5, 2013.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor