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

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

**JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES**

291 N. MAIN STREET, PORTERVILLE, CA 93257

Roll Call: Agency Member McCracken, Vice Chairman Hamilton, Agency Member Shelton, Chairman Irish
Absent: Agency Member Ward

**ORAL COMMUNICATIONS**
None

**REDEVELOPMENT AGENCY CLOSED SESSION:**
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

During Closed Session, the Joint Redevelopment/City Council Meeting adjourned to a City Council Meeting.

**CITY COUNCIL CLOSED SESSION:**
B. 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 – 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 was taken.
Pledge of Allegiance Led by Council Member Hamilton
Invocation – a moment of silence was observed.

PROCLAMATIONS
Army Corp. Brett Land
W. Jaxon Baker, Inc.

REPORTS
- Council Member McCracken reported on the recent TCAG meeting he attended during which it was announced that the Board of Supervisors had approved the Joint Powers Agreement that was before the Council that evening as Item No. 20. He added that the intent of the majority requirement in the JPA was also clarified to require a majority of both the cities within the County, as well as a majority of the population. Additionally, he advised that a committee had been formed to conduct a performance evaluation of Executive Director Ted Smalley, and that the next TCAG meeting would begin early to allow time for project review.

ORAL COMMUNICATIONS
- Boyd K. Leavitt, a Porterville resident, voiced support for e-billing for City utilities.
- Jim Podergoisis, requested that the Council place on a future agenda an item to consider amending the City’s ordinance regarding the location of card rooms and the number of allowable card tables.

CONSENT CALENDAR
Items 1, 2, 8, 9 and 10 were removed for further discussion.

3. ACCEPTANCE OF PROJECT – MATHEW STREET & MORTON AVENUE WATER TRUNK LINE PROJECT
Recommendation: That the City Council:
   1. Accept the project as complete;
   2. Authorize the filing of the Notice of Completion; and
   3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 01-111610
Disposition: Approved.

4. ACCEPTANCE OF PROJECT – OLIVE AVENUE WATER PROJECT
Recommendation: That the City Council:
   1. Accept the project as complete;
   2. Authorize the filing of the Notice of Completion; and
   3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
5. ACCEPTANCE OF PROJECT – AIRPORT ELECTRICAL UPGRADES

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

6. INTENT TO VACATE A PUBLIC UTILITY EASEMENT PREVIOUSLY RESERVED AND EXCEPTED FROM A VACATED ALLEY RELATED TO THE VILLA SIENNA APARTMENT COMPLEX (PORTERVILLE HOUSING PARTNERS, LP)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate a public utility easement described in Document No. 1998-0042856, recorded June 17, 1998, in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of December 21, 2010, or as soon thereafter, as the time and place for a public hearing.

7. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – JAYE STREET BRIDGE OVER THE TULE RIVER

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

11. Community Conveners Workshop

Recommendation: That the City Council allow staff to participate in the Community Conveners Workshop and support the request for travel and lodging expenses.
12. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE ANNUAL CHILDREN’S CHRISTMAS PARADE – DECEMBER 2, 2010

Recommendation:  That the City Council:
1. Approve the Community Civic Event Application from the Porterville Chamber of Commerce and Rotary Club of Porterville subject to the restrictions and requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on December 2, 2010; and
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

12A. REQUEST FOR STREET CLOSURE – MYERS’ SIXTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation:  That the City Council approve the closure of “E” Street, between Putnam and Cleveland, on December 7, 2010, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

12B. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE AREA MINISTERIAL ASSOCIATION – TREE LIGHTING CEREMONY, NOVEMBER 26, 2010

Recommendation:  That the City Council approve the Community Civic Event Application and Agreement submitted by the Porterville Area Ministerial Association, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

COUNCIL ACTION:  MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council approve Item Nos. 3 through 7, 11, 12, 12a and 12b.
AYES: McCracken, Hamilton, Shelton, Irish
NOES: None
ABSTAIN: None
ABSENT: Ward


City Manager Lollis presented the item and indicated that the item had been pulled for abstention by Council Member Shelton and Mayor Irish for the Council Minutes of January 30, 2008. A brief discussion ensued during which City Attorney Lew advised that Council Members need not abstain on Minutes for meetings that took place prior to their taking office.

COUNCIL ACTION: MOVED by Council member McCracken, SECONDED by Council Member Hamilton that the Council approve the City Council Minutes of January 30, 2008, October 12, 2010 and November 2, 2010, noting the abstention of Council Member Shelton and Mayor Irish from the Minutes of January 30, 2008.

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

Disposition: Approved.

2. REJECT ALL BIDS – SOUTH JAYE STREET & POPLAR DITCH BOX CULVERT CROSSING

Recommendation: That the City Council reject all bids and direct the City Engineer to re-advertise the project.

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

Vice Mayor Hamilton inquired about the engineer’s estimate and asked if a trend in higher bids was taking place. Public Works Director Baldo Rodriguez noted that it was customary for staff to recommend rejection of bids over 10% of the engineer’s estimate, and indicated that he suspected the next round of bids would come back at around the same cost if not higher.

Council Member Shelton questioned Public Works Director Rodriguez and requested that he share his opinion with regard to the matter. Council Member McCracken objected.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve Council Member Shelton’s request to ask the opinion of a staff member.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Irish that the City Council award contract in the amount of $179,900.00 to Floyd Johnston Construction Co., Inc.

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

Disposition: Approved

8. PROCEDURES FOR SELLING CITY OWNED REAL PROPERTY

Recommendation: That the City Council approve the sale of properties APN – 263-161-006 and APN – 263-120-043.

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

Council Member McCracken communicated his reluctance to sell property due to the current condition of the market. Council Member Shelton spoke in favor of the surplussing of City-owned property. He then made a motion to continue the item, which died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the sale of properties APN – 263-161-006 and APN – 263-120-043.

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

Disposition: Denied

9. RECLAMATION EXTRACTION WELL
Recommendation: That the City Council authorize adjusting the 2010/2011 Capital Improvement Project budget by $50,000 for the refurbishing and conversion of an existing well into an effluent extraction well.

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

Council Member Shelton spoke in favor of the item, and requested that staff monitor incidents of vandalism at well sites.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council authorize adjusting the 2010/2011 Capital Improvement Project budget by $50,000 for the refurbishing and conversion of an existing well into an effluent extraction well

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

Disposition: Approved

10. JUVENILE DIVERSION PROGRAM

Recommendation: That the City Council discontinue funding for the Thunderbolt officer assigned to the Department and divert funding to the Juvenile Diversion Program.

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

Council Member Shelton commended the Police Chief for bringing forward an in-house program.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council discontinue funding for the Thunderbolt officer assigned to the Department and divert funding to the Juvenile Diversion Program.

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

Disposition: Approved
13. ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the adoption of the 2010 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes;
2. Review and decide whether to adopt Appendices A4 and A5 in whole or in part of the 2010 California Greed Building Standards Code; and
3. Adopt the proposed Ordinances, give First Readings and order the Ordinances to print.

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

The public hearing was opened at 7:05 p.m.

- Brock Neeley, voiced opposition to making Green Building Standards voluntary.

The public hearing was closed at 7:07 p.m.

CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2010 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, INC.; 4) AN ORDINANCE OF

Ordinance 1773


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

The City Manager read the Ordinances by title only.

Disposition: Approved

14. REQUEST FOR CONDITIONAL USE PERMIT TO ALLOW AN ON-SALE TYPE 41 (BEER AND WINE) LICENSE TO BE SOLD IN CONJUNCTION WITH SERVING MEALS LOCATED AT 887 W. OLIVE AVENUE

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional use Permit 5-2010 subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Lollis introduced the item, and the Assistant Planner Fernando Rios presented the staff report.
The public hearing opened at 7:12 p.m. Seeing no one, the Mayor closed the public hearing at 7:13 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution approving Conditional use Permit 5-2010 subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Disposition: Approved

The Council recessed for ten minutes.

15. SIERRA VALLEY – TENTATIVE SUBDIVISION MAP 1-2010 (BOB PURKISS)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Mitigated Negative Declaration for Sierra Valley Tentative Subdivision Map 1-2010; and
2. Adopt the draft resolution approving Sierra Valley Tentative Subdivision Map 1-2010.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to his having a leasehold interest within 500 feet. Associate Planner Jose Ortiz presented the staff report.

The public hearing opened at 7:26 p.m.

- Ethel Corn, 1028 N. Highland Drive, spoke in favor of the project, but voiced concern with plans for Highland Drive.

The public hearing closed at 7:29 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the public hearing to the next City Council meeting on December 7, 2010.

AYES: McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: Ward
16. CONSIDERATION OF PARKING FEES AT THE SPORTS COMPLEX

Recommendation: That the City Council consider amending the Sports Complex parking fee to coincide with one of the suggested fees.

City Manager Lollis introduced the item, and the staff report was presented by Parks and Leisure Services Director Milt Stowe.

The public hearing was opened at 7:30 p.m.

- Khris Saleh, 1206 W. Westfield, spoke in favor of the proposed new fee structure and of the paving of an additional parking lot.
- Brock Neeley, spoke in favor of the fee with the caveat that the revenue be restricted to use at only that facility.
- Robert Rodriguez, 1117 W. Brown, requested clarification on the proposed fees and voiced opposition to adding fees to the registration.
- AYSO Representative (name inaudible), spoke against placing a fee at registration, noting that some families have multiple children.

The public hearing was closed at 7:37 p.m.

Council Member Shelton expressed his belief that the proposed action was a type of back door deficit spending.

Vice Mayor Hamilton spoke in favor of the use of the parking fees for maintenance of the Sports Complex.

COUNCIL ACTION:

M.O. 15-111610 MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the proposed fee of $1.50 per participant per game at the time of registration.

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

Disposition: Approved

16a. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (6,024 SQ. FEET) LOCATED AT APN #268-120-004,
Recommendation: That the City Council:
1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the proposed Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

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

The public hearing opened at 7:44 p.m.

- Daryl Nicholson, property owner, spoke about 1) issues with the property identified in the Resolution of Necessity; 2) issues with the appraised value of the property; and 3) concerns with the development plan.

The public hearing was closed at 7:49 p.m.

Council Member Shelton inquired about costs of improvements to the developer in the event a permit was pulled. Staff provided estimated costs for curb and gutter.

City Attorney Lew provided a brief update of activity as it pertained to this property and the previous property, for which Council had already adopted a Resolution of Necessity.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council adopt the proposed Resolution of Necessity; and authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

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

Disposition: Denied

SECOND READINGS
17. ORDINANCE 1768, RENAMING LIBRARY BOARD OF TRUSTEES AND INCREASING NUMBER OF MEMBERS

Recommendation: That the Council give Second Reading to Ordinance No. 1768, waive further reading, and adopt said Ordinance.
City Manager Lollis introduced the item and presented the staff report.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1768, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 14, ARTICLE II, LIBRARY BOARD OF TRUSTEES, OF THE PORTERVILLE MUNICIPAL CODE.

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

The City Manager read the Ordinance by title only.

Disposition: Approved

**18. ORDINANCE 1769, REGARDING OPEN BURNING, RECREATIONAL FIRES, AND PORTABLE, OUTDOOR FIREPLACES**

Recommendation: That the Council give Second Reading to Ordinance No. 1768, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1769, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 12, ARTICLE I, SECTION 12-1.8 REGARDING OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES.

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

The City Manager read the Ordinance by title only.

Disposition: Approved

**SCHEDULED MATTERS**
19. CONSIDERATION OF REFINANCING 1997 SEWER BOND ISSUE

Recommendation: That the City Council approve proceeding with the refinancing of the 1997 sewer bond, and provide direction in refinancing of either maintaining the current bond term, or extending the term and receiving new monies.

City Manager Lollis introduced the item and presented the staff report. He also spoke of favorable interest rates and construction costs.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the draft resolution to refinance the bond and extend the bond term an additional 22 years and receive monies for infrastructure (Draft Resolution No. 2).

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

Disposition: Approved

20. REVISION OF TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) JOINT POWERS AGREEMENT

Recommendation: That the City Council consider the proposed Amendments to the TCAG JPA, and give direction accordingly.

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

Council Member McCracken presented information regarding a modification to the agreement which was approved by the County Board of Supervisors, which would require a majority of the board, a majority of the cities, and a majority of the incorporated population.

Vice Mayor Hamilton and Council Member Shelton expressed concern with the proposed majority rule pertaining to JPA.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the item to the meeting of December 21st, and directed staff to request Mr. Smalley be present.

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

Disposition: Approved
The City Council Meeting adjourned at 8:20 p.m. to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY MINUTES
November 16, 2010

Roll Call: Director McCracken, Vice Chairman Hamilton, Director Shelton, Chairman Irish
Absent: Director Ward

WRITTEN COMMUNICATION
None

ORAL COMMUNICATIONS
None

PUBLIC FINANCING SCHEDULED MATTER

PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-laws, accept public comment, and approve the 2010 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

City Manager Lollis introduced the item, and Development Associate Denise Merchant presented the staff report. Following the staff report she noted that the 2008 Total Refinance Bond Issue amount on Attachment No. 1 should read $8,465,000, Redevelopment Fund should read $6,665,000, and Low and Moderate Income Housing Fund should read $1,800,000.

AUTHORITY ACTION: MOVED by Vice Chair Hamilton, SECONDED by Director McCracken that Public Financing Authority approve the 2010 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

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

Disposition: Approved

The Public Financing Authority adjourned at 8:25 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Khris Saleh, a Porterville resident, voiced concern with the lack of decorum of the
Council and urged the members to treat each other with respect and courtesy.

OTHER MATTERS

- Council Member Shelton, 1) spoke of Corp. Brett Land’s funeral and of the many residents who paid their respects; 2) spoke of the Pathways Program event recently held at the Galaxy Theater and lauded the program; 3) thanked Parks & Leisure Services Director Milt Stowe and staff, as well as the Chamber of Commerce, for their efforts with regard to the Christmas lights on Main Street; 4) requested that the City surplus the property consisting of approximately seven acres east of the armory. A brief discussion ensued regarding the status of the Prop 84 grant monies and the potential of the City obtaining funds; and 5) inquired regarding a report from the Oversight Committee for the Fair loan.

- Mayor Irish, voiced pride in the outpouring of sentiment for Corp. Brett Land’s funeral; spoke of the tremendous effort involved in executing the occasion, and extended thanks to City staff, the school districts, Chamber of Commerce, Church of the Nazarene, and many local businesses.

ADJOURNMENT

The City Council Meeting adjourned at 8:32 p.m. to the meeting of December 7, 2010.

________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

________________________________________
Ronald L. Irish, Mayor