Call to Order at 5:50 p.m.
Roll Call: Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish
Absent: Council Member Ward

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA
JUNE 7, 2011

Roll Call: Vice Chairman Hamilton, Agency Member Shelton, Agency Member McCracken, 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 – Initiation of Litigation: One Case.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
9- 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
The City Attorney reported that the following action had taken place:

Item B4: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Angie Castro, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Documentation: M.O. 01-060711
Disposition: Approved.

Item B5: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Lorie Arias, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Documentation: M.O. 02-060711
Disposition: Approved.

Item B6: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Laura Rojas, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

AYES: Hamilton, Shelton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Ward
Item B7: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council reject the claim filed by Ms. Manuela Tapia, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the claimant proper notification.

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

Deputy City Manager Milt Stowe advised the Council of an emergency item, “Emergency Work – Repair of Waukesha Air Blower,” which required Council action. He requested that the Council consider adding the item onto the Agenda.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council add the Emergency item onto the agenda.

Pledge of Allegiance Led by Mayor Ronald L. Irish
Invocation – a moment of silence was observed.

PRESENTATIONS
Fire Season Update – Cal Fire

REPORTS
Council Member Shelton spoke of his attendance at the following meetings and events: Sesquicentennial Meeting; Imagine Arts Mixer; Memorial Day Avenue of Flags at the Cemetery; First Friday Coffee; Happy Trails Fundraiser; Ceremony for Porter Putnam at the Cemetery; and a Display at the Porterville Museum.
• Vice Mayor Hamilton reported on his attendance at the Economic Development Corporation Meeting and a recent LAFCO Meeting.

**ORAL COMMUNICATIONS**
- Donnette Silva Carter, Porterville Chamber of Commerce, came forward and introduced new Chamber staff member Deborah Sierra; clarified that the Sesquicentennial Committee was technically not a Chamber Committee; and informed the Council of the Porterville Chamber’s award for advocating for businesses and assisting with labor law compliance.

**CONSENT CALENDAR**
Item Nos. 2, 3, 4 and 6 were pulled for further discussion.

1. CITY COUNCIL MINUTES OF SEPTEMBER 29, 2010 AND OCTOBER 19, 2010

   Recommendation: That the City Council approve the draft Minutes of September 29, 2010 and October 19, 2010.

   Documentation: M.O. 07-060711
   Disposition: Approved.

5. ACCEPTANCE OF PUBLIC IMPROVEMENTS – FAIRWAY TRACT WATER DISTRIBUTION SYSTEM

   Recommendation: That the City Council accept the public improvements of Fairway Tract Water Distribution System for maintenance.

   Documentation: M.O. 08-060711
   Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE SESQUICENTENNIAL COMMITTEE AND FRATERNAL ORDER OF EAGLES, #1352 – PORTERVILLE’S PIONEER DAYS CELEBRATION

   Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce Sesquicentennial Committee and the Fraternal Order of Eagles, #1351, subject to the restrictions and requirements set forth in the Application, Agreement, and Exhibit ‘A’ of the Community Civic Event Application.

   Documentation: M.O. 09-060711
   Disposition: Approved.

7A. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH – JUNE 25, 2011
Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the restrictions and requirements set forth in the Application, Agreement, and Exhibit ‘A’ of the Community Civic Event Application.

Documentation: M.O. 10-060711
Disposition: Approved.

8. 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. 11-060711
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve Item Nos. 1, 5, 7, 7a, and 8.

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

2. PURCHASE OF (4) TOYOTA HIGHLANDER HYBRID VEHICLES FROM CITY OF LINDSAY

Recommendation: That the City Council approve the expenditure of $30,000 from the General Fund to purchase four (4) hybrid vehicles from the City of Lindsay.

City Attorney Julia Lew noted a conflict of interest in that she serves as City Attorney for the City of Lindsay, recused herself from the discussion, and exited the Council Chambers.

Deputy City Manager Milt Stowe presented the item and indicated that the item had been removed from Consent Calendar by Council Member McCracken. A discussion ensued as to the mileage of the vehicles, which staff estimated to be approximately 100,000 miles, and potential issues with the inverter on that particular year and model of vehicle. Police Captain Chris McGuire elaborated on the proposed purchase, advising that there were no reported problems with the vehicles, and that purchasing them at such a significant savings presented a good opportunity to test whether hybrids would be a good fit for some uses within the Police Department.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve the expenditure of $30,000 from the General Fund to purchase four hybrid vehicles from the City of Lindsay.

M.O. 12-060711
AYES: Hamilton, McCracken, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: Ward

Disposition: Approved.

3. AWARD OF CONTRACT – SPORTS COMPLEX AND SKATE PARK LIGHTING PROJECT

Recommendation: That the City Council:
1. Award the Sports Complex and Skate Park Lighting Project to G&S Electric in the amount of $169,777.28;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection; and
4. Authorize the Public Works Director, with assistance from the City Engineer, to evaluate potential savings for the Skate Park lighting system, and initiate a formal change order if said changes satisfy all aspects of the City’s technical requirements.

Deputy City Manager Milt Stowe presented the item and indicated that it had been removed from the Consent Calendar at the request of Council Member McCracken. A brief discussion ensued as to any deadlines in the event the Council rejected all bids and directed staff to re-advertise for bids.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council reject all bids; direct staff to separate the project M.O. 13-060711 into two separate lighting projects; and re-advertise for bids.

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

Disposition: Approved.

4. AWARD OF CONTRACT – PEARSON DRIVE BUS TURNOUT

Recommendation: That the City Council:
1. Award the Pearson Drive Bus Turnout project to Halopoff & Sons in the amount of $27,294.57;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and 15% for staff time, testing and construction engineering.
Deputy City Manager Milt Stowe 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 winning bid which was both from a local bidder and under the Engineer’s estimate.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the Council award the Pearson Drive Bus Turnout project to Halopoff & Sons in the amount of $27,294.57; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 15% for staff time, testing and construction engineering.

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

Disposition: Approved.

6. TRANSFER CONTRACT FOR ON CALL PLANNING AND ENGINEERING CONSULTING SERVICES

Recommendation: That the City Council:
1. Authorize staff to prepare a revised agreement with Planning Tree Consulting transferring the agreement from Provost & Pritchard; and
2. Authorize the Mayor to sign all necessary documents.

Deputy City Manager Milt Stowe presented the item and indicated that Council Member Shelton had requested the item be removed from Consent Calendar. Council Member Shelton spoke against the item and inquired as to the need for the use of consultants, particularly in the current economic environment. A brief discussion ensued during which staff elaborated on staffing levels of the Community Development Department overall, and the Planning Division in particular, and of the types of City projects on which the consultant has worked in the past.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council authorize staff to prepare a revised agreement with Planning Tree Consulting transferring the agreement from Provost & Pritchard; and authorize the Mayor to sign all necessary documents.

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

Disposition: Approved.

PUBLIC HEARINGS

9. PUBLIC HEARING TO ADOPT REVISED SIGN CODE
Recommendation: That the City Council:
1. Conduct a public hearing to receive input regarding the adoption of the revised Sign Code; and
2. Adopt the draft ordinance repealing the current Sign Code and adopting the new Sign Code; give first reading; and order the ordinance to print.

Deputy City Manager Milt Stowe presented the item, and City Planner Bill Nebeker presented the staff report.

The public hearing opened at 7:06 p.m.

- Brian Ennis, came forward on behalf of HBA and the local builders and voiced support for the proposed new Sign Code, with three minor changes: 1) Section 305.11(a) – confirm that this section also applies to subdivisions; 2) Section 305.11(d)(1) – increase number of allowable on-site signs from two to three; and 3) Section 305.11(d)(2) – increase number of allowable off-site signs from up to three to up to four.
- Brock Neeley, voiced support for the proposed Sign Code, and suggested utilizing the “grouped” signage for subdivisions such as in the City of Visalia.
- Brian Ennis, clarified that Visalia had discontinued the use of “kiosk” signage for subdivisions to which Mr. Neeley referred due to a change in the market and issues with vandalism.
- Donnette Silva Carter, Chamber of Commerce, voiced support for the proposed changes, particularly with regard to A-Frame/Sandwich Board signage.

The public hearing closed at 7:16 p.m.

A brief discussion ensued during which staff confirmed that the changes proposed by Mr. Ennis and the HBA were minor in nature and acceptable to staff.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council adopt the draft ordinance repealing the current Sign Code and adopting the new Sign Code, as amended to also apply Section 305.11(a) to subdivisions; to increase the number of allowable on-site signs in Section 305.11(d)(1) from two to three; and to increase the number of allowable off-site signs in Section 305.11(d)(2) from “up to three” to “up to four”; give first reading; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING AND REPLACING SUBCHAPTER 305 OF CHAPTER 21 OF THE MUNICIPAL CODE REGARDING SIGNS.

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

City Attorney Julia Lew read the ordinance by title only.
Disposition: Approved.

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

**SCHEDULED MATTERS**

10. **CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2011-2012 AND SETTING A PUBLIC HEARING DATE**

Recommendation: That the City Council schedule the public hearing on the Fiscal Year 2011-2012 Budget on June 21, 2011.

Deputy City Manager Milt Stowe presented the item and the staff report.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the Council schedule the public hearing on the Fiscal Year 2011/2012 Budget on June 21, 2011.

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

Disposition: Approved.

11. **TRANSACTIONS & USE TAX OVERSIGHT COMMITTEE (“TUTOC”) VACANCY**

Recommendation: That the City Council provide direction to staff for the purposes of filling the seat vacated by Ms. Shirley Hickman, with a term expiring in May, 2012, on the Transactions and Use Tax Oversight Committee.

Deputy City Manager Milt Stowe presented the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council direct staff to provide public notice of the vacancy and solicit applications from interested individuals for consideration at a future meeting.

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

Disposition: Approved.
12. CONSIDERATION OF SETTING A PUBLIC HEARING FOR MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 5-2010 (EL RINCONCITO COSALA)

Recommendation: That the City Council direct staff on how to proceed.

Deputy City Manager Milt Stowe presented the item, and Associate Planner Jose Ortiz presented the staff report, which included the following options for Council’s consideration:

**Option No. 1:** Schedule a public hearing to consider modification or revocation of CUP 5-2010. Following the public hearing, the City Council would choose whether to impose new conditions of approval, suspend or revoke the CUP.

**Option No. 2:** Take no action. The Conditional Use Permit would remain in effect as-is. Direct staff to continue to monitor Police Department incident reports and bring back future violations to the City Council for consideration.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council direct staff to schedule a public hearing at the earliest possible date to consider modification or revocation of CUP 5-2010.

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

Disposition: Approved.

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

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

Deputy City Manager Milt Stowe presented the item and the staff report. A discussion ensued during which concern was expressed by Council Member Shelton with regard to the language “to acquire, maintain, and dispose of real property or an interest in real property…” Council Member Shelton suggested the proposed language was overly broad, inquired why “acquire” and/or “dispose” was necessary if TCAG was only interested in leasing or renting property, and moved that the Council send the Amendment back to TCAG for revisions. The motion was seconded by Mayor Irish.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Mayor Irish that the Council send the Amendment back to TCAG for revisions to tighten up the language.
AYES: Shelton
NOES: Hamilton, McCracken, Irish
ABSTAIN: None
ABSENT: Ward

After some discussion, Mayor Irish suggested that the Council recess for ten minutes so as to allow an opportunity to obtain clarification from TCAG Executive Director Ted Smalley. Deputy City Manager Stowe confirmed that Mr. Smalley was available by telephone to answer any questions that the Council might have.

The Council recessed for ten minutes.

Mayor Irish advised that he and Vice Mayor Hamilton had discussed with Mr. Smalley the concerns with regard to the language in the proposed amendment, and indicated that Mr. Smalley had assured them that the language was boilerplate and that the intent was to lease or rent office space for TCAG personnel.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council approve the Amendment No. One to the Tulare County Association of Governments Joint Powers Agreement.

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

Disposition: Amendment approved.

14. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO RECONSIDER AUTHORIZING PAYMENT TO THE TULARE COUNTY REGISTRAR OF VOTERS

Recommendation: Council Member Shelton makes the motion that the City Council reconsider authorizing payment to the Tulare County Registrar of Voters

Deputy City Manager Milt Stowe presented the item. A discussion ensued during which Council Member Shelton voiced concern with the approximate $14,000 increase from the last election and inquired whether staff had any further information regarding the invoice received from the County Registrar for the June 2010 election. Administrative Services Manager Patrice Hildreth elaborated on the detail of the charges, offered a comparison to prior years, and indicated that the increase was primarily due to labor charges, for which County staff indicated had been undercharged in prior years. Ms. Hildreth advised that future costs might be significantly reduced if the city’s election was held in November of even years rather than in June of even years with the State primary; however such a change would require a Charter Amendment which could only be approved by a vote of the people. The Council directed staff to provide an analysis at a future meeting of potential cost savings if the election was moved to November of even years.

Disposition: Direction given to staff.
EMERGENCY ITEM:  EMERGENCY ACTION – REPAIR OF WAUKESHA AIR BLOWER

Recommendation:   That the Council ratify staff’s emergency repair of the Waukesha Air Blower in the amount of $18,422.

COUNCIL ACTION:  MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council ratify staff’s emergency repair of the Waukesha Air Blower in the amount of $18,422.

M.O. 21-060711

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

Disposition:   Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
•   Council Member Shelton spoke of the upcoming Sesquicentennial Meeting; a Clampers’ meet and greet; a Car Show at Holy Cross Church; and Leadership Porterville’s Government Day.

ADJOURNMENT
The Council adjourned at 8:30 p.m. to the meeting of June 21, 2011 at 5:30 p.m.

______________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

______________________________
Ronald L. Irish, Mayor