Call to Order at 5:32 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton, Council Member Ward, Mayor Irish

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

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

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

ORAL COMMUNICATIONS
None

City Attorney Julia Lew advised of a conflict of interest that Vice Mayor Hamilton had with Item B-1. Ms. Lew advised that Mr. Hamilton served on the Board of Directors for Walk with Me Family Services, and would therefore recuse himself from the discussion, and exit the closed session while the Council discussed the item.

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.

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:

3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.


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

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 took place.

Pledge of Allegiance Led by Council Member Shelton

Invocation: A moment of silence was observed in memory of Mr. Jim Cone who passed away on Monday, January 31, 2011.

PROCLAMATIONS

Tule River Tribal Council

PRESENTATIONS

Employee of the Month – Brian Herrera
Introduction of New Employees

REPORTS

- Council Member Shelton spoke of the ground-breaking ceremony at Happy Trails.
- Vice Mayor Hamilton reported on a recent Indian Gaming Local Community Benefit Committee meeting during which the committee selected a chairperson and authorized the submittal of a grant application.
- Mayor Irish reported on the recent TCAG meeting and of the issue of impact fees, and requested that Porterville residents watch the issue and provide input.
- Council Member Ward spoke of the sesquicentennial committee’s meeting during which three subcommittees were formed to target ideas and events for the celebration. He advised that the next meeting would be held on February 9th at the Chamber of Commerce and invited those interested to attend.

ORAL COMMUNICATIONS

- Ben Harvey, spoke of the history of a lease agreement for the Fire Station property at the Municipal Airport, and indicated that the Porterville Area Pilots Association was interested in either selling its interest in the lease, or subleasing the property to another group.
- Bob Nuckols, requested that he be afforded the opportunity to speak on Item 24 during the Council’s consideration of the item. The Council voiced no objections.
CONSENT CALENDAR

Items 2, 4, 6, 8, 13, 16-19, and 21 were removed for further discussion.

1. CITY COUNCIL MINUTES OF APRIL 20, 2010

Recommendation: That the City Council approve the City Council Minutes of April 20, 2010.

Documentation: M.O. 01-020111
Disposition: Approved.

3. AWARD OF CONTRACT REVISITED – CNG POWERED REFUSE COLLECTION TRUCKS

Recommendation: That the City Council:
1. Award the contracts for one (1) new CNG powered front load refuse collection truck in the amount of $242,611.51 and three (3) new CNG powered side load refuse collection trucks in the amount of $796,358.20 to Tharp’s of Porterville;
2. Authorize a 1% contingency to allow an upgrade to the axle system of all vehicles purchased, if available;
3. Further, that Council authorize payment upon satisfactory delivery of the equipment; and
4. Direct the Finance Director to prepare a budget adjustment to the 2010/2011 Annual Budget to insure that $119,169.83 from the Equipment Replacement Fund is available to satisfy the City’s funding obligation.

Documentation: M.O. 02-020111
Disposition: Approved.

5. COOPERATIVE WORK AGREEMENT (CWA) – PLANO BRIDGE PROJECT

Recommendation: That the City Council authorize the Mayor to execute the Cooperative Work Agreement (CWA) affirming the City of Porterville’s request for an extension to the Design (Preliminary Engineering) phase of the project.

Documentation: M.O. 03-020111
Disposition: Approved.

7. CITY EASEMENT CONVEYANCE TO BURTON SCHOOL DISTRICT

Recommendation: That the City Council:
1. Accept Burton School District’s request to have the City convey an easement for the installation and maintenance of a District sanitary sewer lift station;
2. Authorize the Mayor and City Clerk to sign the Grant of Easement; and
3. Authorize the City Clerk to mail the signed Grant of Easement to Burton School District for recordation.

Documentation: Resolution No. 04-2011
Disposition: Approved.

9. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 05-020111
Disposition: Approved.

10. STREET PERFORMANCE MEASURE – 2ND QUARTER REPORT

Recommendation: Information only.

Documentation: M.O. 06-020111
Disposition: Report Accepted.

11. CODE ENFORCEMENT UPDATE

Recommendation: None. Informational report only.

Documentation: M.O. 07-020111
Disposition: Approved.

12. ATTENDANCE RECORDS FOR COMMISSIONS AND COMMITTEES – 2ND QUARTER UPDATE

Recommendation: Information report only.

Documentation: M.O. 08-020111
Disposition: Approved.

14. CBDG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:
1. Adopt the 2011 Citizen Participation Plan; and
2. Appoint the existing committee members Pat Contreras, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, John Dennis, Rebecca Vigil, and Kelle Jo Lowe to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.
15. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY

Recommendation: That the City Council accept the Redevelopment Agency Annual Report for 2009-2010.

Documentation: M.O. 10-020111
Disposition: Approved.

20. REVIEW OF LOCAL EMERGENCY STATUS AND SCHEDULING OF STUDY SESSION

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency;
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; and
3. Schedule a study session for February 24, 2011 at 6:00 p.m. to review staff’s analysis of the response to the local emergency and discuss options for future mitigation of any identified issues.

Documentation: M.O. 11-020111
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve Items 1, 3, 5, 7, 9 through 12, 14, 15, and 20. The motion carried unanimously.

2. BUDGET ADJUSTMENT TO ACCEPT HUD-SCI GRANT FUNDS FOR SMART VALLEY PLACES

Recommendation: That the City Council authorize a budget adjustment to revenue in the Community Development Department in the amount of $137,460, and in the Public Works Department in the amount of $62,540, to account for the funds received from the HUD-SCI grant.

City Manager Lollis presented the item. A brief discussion ensued during which staff elaborated on the grant and indicated that regardless of the funding mechanism, the City would be required to perform the planned work.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council authorize a budget adjustment to revenue in the M.O. 12-020111 Community Development Department in the amount of $137,460, and in the Public Works Department in the amount of $62,540, to account for the funds received from the HUD-SCI grant. The motion carried unanimously.

Disposition: Approved.

Mayor Irish acknowledged the arrival of Boy Scout Troop 114 and invited them to step forward and introduce themselves. Those present were:

- Eric Ward
- Moses Power
- Mason McCracken
- Jack Sourza
- Gavry Montevan
- Isaac Nash

4. RATIFICATION OF EXPENDITURE – STREET LIGHT INSTALLATION FOR THE INDIANA STREET AND SCRANTON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Approve the costs associated with the installation of street lights; and
2. Authorize the City Engineer to sign the SCE application and issue a $30,920.89 payment.

City Manager John Lollis presented the item. Council Member Shelton lauded staff on the project’s progress.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the Council approve the costs associated with the installation of street lights; and authorize the City Engineer to sign the SCE application and issue a $30,920.89 payment. The motion carried unanimously.

Disposition: Approved.

6. REQUEST FOR WATER SERVICE OUTSIDE CITY (SCHMID FAMILY DESCENDENT TRUST – LOT 11 OF TRACT NO. 467)

Recommendation: That the City Council:
1. Approve the request on the facts presented herein; and
2. Require the requesting party to comply with all herein stated MSP
requirements and pay all applicable fees.

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

Vice Mayor Hamilton inquired about the trigger for prevailing wage, and a discussion ensued comparing this situation to that of Roby. Staff clarified that the City had purchased the water company, which served the area; and that the area could be annexed in the event the County approves the proposed Urban Development Boundary. City Attorney Lew requested additional time to research the item.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council continue the item to the next meeting; and direct the City Attorney to research the issue of prevailing wage. The motion carried unanimously.

Disposition: Item continued.

8. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member McCracken lauded the budget report and staff’s efforts.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council accept the interim financial status reports as presented. The motion carried unanimously.

Disposition: Approved.

13. REPORT ON CHARITABLE CAR WASHES

Recommendation: For information only.

The City Manager introduced the item, and noted that Mayor Irish had pulled the item for discussion. The staff report was waived at the Council’s request, and Mayor Irish spoke of the need to monitor these permits closely in an effort to give everyone equal opportunity. Staff was directed that permits in excess of that which is allowed by the ordinance be brought to Council for consideration.

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Vice Mayor Hamilton that the City Council approve the informational report; and direct staff to bring all permits that exceed the number allowed by ordinance to the Council for consideration. The motion carried unanimously.
16. COMMUNITY CLEAN UP EVENTS

Recommendation: That the City Council:
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter, and yard clippings delivered by City residents receiving City refuse service to the Spring and Fall Clean Up Events for free disposal; and
4. Authorize the cost of both events to be funded from the Solid Waste Operating budget.

The City Manager introduced the item, and noted that the item had been pulled by Council Member Ward. The staff report was waived by the Council, and Council Member Ward voiced his concern with the proposed date of April 9th conflicting with the Jack Ass Mail Run. He requested that the item be continued to allow staff the opportunity to propose another date.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council continue the item to the next meeting. The motion carried unanimously.

Disposition: Item continued.

17. AIRPORT LEASE RENEWAL - LOT 37

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Ernest Freeman, for Lot 37 at the Porterville Municipal Airport.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton indicated that he had pulled the item to commend staff for their efforts.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the extension of the Lease Agreement between the City of Porterville and Ernest Freeman, for Lot 37 at the Porterville Municipal Airport. The motion carried unanimously.

Disposition: Approved.

18. AUTHORIZATION TO TRAVEL

Recommendation: That the City Council approve travel to Las Vegas, Nevada, for the purpose
of attending the International Council of Shopping Centers Conference.

The City Manager introduced item, and the staff report was waived at the Council’s request. Council Member Shelton, who had pulled the item, asked which staff would be attending, and shared his concern regarding the benefit of such conferences. Staff and members of the Council shared their experiences at such conferences, spoke of the importance of establishing connections, and the use of the Buxton data.

Council Member McCracken made a motion to approve with an additional allocation to allow for Council Member Shelton’s attendance at the conference. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference. The motion carried unanimously.

Disposition: Approved.

19. APPROVAL OF COUNCIL MEMBER’S TRAVEL TO WASHINGTON D.C.

Recommendation: That the Council, consistent with past practice, confirm the proposed out-of-state travel for Mayor Ronald Irish on February 28 – March 4, 2011.

The City Manager introduced the item, and noted that the item had been removed from the Consent Calendar at Council Member Shelton’s request. Council Member Shelton requested staff to identify the Council Member with the least travel expenses, which staff advised was Mayor Irish.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Irish that the City Council confirm the proposed out-of-state travel for Mayor Ronald Irish on February 28 – March 4, 2011. The motion carried unanimously.

Disposition: Approved.

21. YEAR-END REVIEW OF 2010 CITY COUNCIL PRIORITY PROJECTS AND OBJECTIVES

Recommendation: None – Information Only.

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

Council Member Ward inquired about the absence of Phase I of the Library remodel on the list. It was noted that the project had not been identified as a priority by the Council, and that the Council would be considering goal setting at the next meeting.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council accept the informational report. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

22. CONSIDER ‘WALL OF FAME’ HONOR DESIGNATIONS

Recommendation: Consider the nominations and designate new ‘Wall of Fame’ honoree(s).

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

The following nominations were made:

- Council Member McCracken NOMINATED Mona Alyce Young Gauger
- Vice Mayor Hamilton NOMINATED Alice Seal and Forrest “Doc” Mock
- Mayor Irish NOMINATED Brett Land
- Council Member Shelton NOMINATED Jim Cone

Vice Mayor Hamilton proposed amending the policy to include a biography of each individual and to allow for those honored to remain on the wall. The Council was directed to bring back the policy for amendment.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve all nominations for placement. The motion carried unanimously.

Disposition: Designations approved; and direction given.

23. APPROVAL OF ZALUD PARK CONCESSION BUILDING

Recommendation: That the City Council consider approval of the Zalud Park Concession Building with Richard Sanchez, authorize and direct staff to create a Zalud Park Concession License Agreement for execution.

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

Council Member McCracken expressed concern with approving a remodel prior to approving a license agreement.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve a Zalud Park Concession Building with Richard Sanchez, contingent upon the execution of a License Agreement prior to any construction. The motion carried unanimously.

Disposition: Approved.

24. RECLAMATION AREA LEASE LAND ADJUSTMENT

Recommendation: That the City Council:
1. Adjust the Reclamation Area Lease to an annual amount of $64,824;
2. Authorize the reimbursement of $23,272 for the pro-rated 2009/2010 lease year to Rick Perigo Roadsiding; and
3. Authorize the mayor to sign the proposed Amendment No. 1 to the Lease Agreement.

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

Council Member McCracken identified two issues at hand for Council’s consideration: 1) the restructuring of the lease due to a change in the calculation of acreage; and 2) the variable quantities of discharged effluent on a year to year basis. A discussion ensued with regard to the customary method in calculating acreage in agricultural contracts, the various methods utilized in calculating acreage; and the varying amount of discharged effluent, and lack of guarantee therefore, in the subject agreement.

• Bob Nuckols, 13144 Road 216, spoke against the proposal, voicing concern with the proposed change in acreage; the current’s lessee’s stewardship of the land, and the lessee’s concern with the amount of effluent discharged.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council continue the item to the next meeting, and direct staff to provide additional information including a copy of the original Lease Agreement; the Request for Proposals, and the survey, or method utilized in calculating the acreage. The motion carried unanimously.

Disposition: Item continued to February 15, 2011.

25. MODIFICATIONS TO ASPHALT SPECIFICATION

Recommendation: None – Information Only.

The City Manager introduced the item, and the staff report was presented by the Public Works Director.
A discussion ensued regarding the nuances between the different asphalt concrete specifications American Association of State Highway & Transportation Officials (AASHTO) and a “Performance” specification, and the bonding requirements of the contractor for the work. Council Member Ward spoke in favor of increasing the required warranty to three years, which staff confirmed could be done.

Disposition: Informational Report only.

26. GOVERNOR’S PROPOSED STATE BUDGET IMPACTS

Recommendation: None – Information Only.

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

Disposition: No action required.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Ward lauded the efforts of his wife and Millie Andrews for the Robbie Burns Supper.
- Council Member Shelton: thanked Mayor Irish for bringing 12-year-old scotch to the Robbie Burns Supper; spoke of the Wolf Program in which at-risk youth work 100 hours for participating employers to gain workforce experience; advised of upcoming events including the Mixer at the Boys & Girls Club on February 27th, a PARA meeting scheduled at Helping Hands on February 20th, First Friday Coffee at the Galaxy Theater on February 4th; and Town Talk at noon on Monday, February 7th at Cherry Tree; and requested the following: 1) a report on the Fair’s capital campaign; an update on Sidley’s Chrysler; a potential Code amendment pertaining to overflow parking on dirt lots; a status report on the Neighborhood Stabilization Program; and PRC fees. Council Member Shelton then commented that the sewer bonds had sold.
- City Manager John Lollis spoke of the Tribe’s groundbreaking ceremony scheduled for February 18th at 10:00 a.m.; and of the Dedication at Edison’s Solar Farm on February 24th.

The Council recessed for ten minutes at 9:31 p.m. then reconvened in Closed Session.

CLOSED SESSION

It was reported that no reportable action took place in Closed Session.
ADJOURNMENT

The Council adjourned at 10:05 p.m. to the meeting of February 15, 2011 at 5:30 p.m.

__________________________________
Luisa Herrera, Deputy City Clerk

SEAL

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Ronald L. Irish, Mayor