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

The Council adjourned at 5:31 p.m. to a Joint Meeting of the City Council and the Porterville Redevelopment Agency.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
OCTOBER 18, 2011

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

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:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

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


7- Government Code Section 54957 - Performance Evaluation - Title: City Manager.

During Closed Session the Joint City Council/Redevelopment Agency Meeting adjourned to a meeting of the City Council.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL AND/OR AGENCY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member Pete V. McCracken

Invocation – a moment of silence was observed.

PROCLAMATIONS

National Friends of the Library Week

PRESENTATIONS

Employee of the Month – Jenni Byers

REPORTS

• Council Member McCracken advised that the Consolidated Waste Management Authority (CWMA) would be discussing a change in the authority’s fee structure, pursuant to the City’s request, at its upcoming meeting scheduled for October 20th.

• Council Member Shelton spoke of various community events he recently attended, including: a meeting held regarding the status of the South County Justice Center; First Friday Coffee hosted by the Imagine Arts Center; a 4H breakfast; the Homeless Connect event; Buzzardfest event at the Barn Theatre; a tour of the City’s Shooting Range; brunch at Sierra Hills Retirement Facility during which he met former Mayor and Council Member Mac Williams; a Setco dinner at Don Vino’s; and Music on Main Street.

ORAL COMMUNICATIONS

• Rick Elkins and Wendi Taylor of the Sesquicentennial Committee spoke of the upcoming Royal Porter Putnam Day event, and a dinner theater event sponsored by the Porterville Museum to be held on October 29th at the Elks Lodge.

• John Coffee requested that the Council remove Item 11 from consideration, adding that the matter was a federal issue and the City should not get involved.

• Brock Neeley, provided a brochure to the Council regarding H.R. 1183, The Suzanne Gonzales Suicide Prevention Act, and requested that the Council Members, as private citizens, consider supporting the legislation.
• Juan Rodriguez, came forward on behalf of the Porterville Softball Association, and requested that the Council consider approving the lighting of the softball fields as proposed in Item 15.
• An unidentified individual came forward and voiced concern over the manner in which the City provides public notice.

CONSENT CALENDAR

Items 2, 3, 5, 11 and 12 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JUNE 21, 2011

Recommendation: That the City Council approve the draft Minutes of June 21, 2011.

Documentation: M.O. 01-101811
Disposition: Approved.

4. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

Recommendation: That the City Council authorize the fifth Annual Food for Fines Campaign to run October 24 through December 19, 2011.

Documentation: M.O. 02-101811
Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT – NEW HOPE CHRISTIAN FELLOWSHIP SKATEBOARD DEMO – OCTOBER 29, 2011

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the New Hope Christian Fellowship, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 03-101811
Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT – VETERANS’ HOMECOMING COMMITTEE VETERANS’ DAY PARADE – NOVEMBER 11, 2011

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Veterans’ Homecoming Committee, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 04-101811
Disposition: Approved.
8. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE AND ROTARY CLUB OF PORTERVILLE – ANNUAL CHILDREN’S CHRISTMAS PARADE – DECEMBER 1, 2011

Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement 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 and Exhibit B 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 1, 2011; 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.

Documentation: M.O. 05-101811
Disposition: Approved.

9. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN – PORTERVILLE POLICE OFFICERS ASSOCIATION

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution 63-2011
Disposition: Approved.

10. 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. 06-101811
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve Items 1, 4, and 6 through 10. The motion carried unanimously.

2. AWARD OF CONSULTANT SERVICE AGREEMENT CONTRACT FOR ARCHITECTURAL & ENGINEERING SERVICES FOR THE PUBLIC SAFETY BUILDING PROJECT
Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with Taylor-Teter Partnership at an agreed fee of $342,870 for the services described in the staff report;
2. Authorize a 5% contingency to cover unforeseen design issues that may arise once the design effort begins; and
3. Authorize progress payments up to 100% of the fee amount.

City Manager introduced the item and indicated it had been removed from Consent Calendar by Council Member Shelton. Council Member Shelton voiced concern with the timing, expense, and use of Measure H funds for the project.

A brief discussion ensued as to whether an agreement had been reached with the Fire Association relative to staffing the station with current staff and the organization’s commitment to vacation restrictions due to meeting the minimum required staffing levels.

- Nick Purdue, President of the Porterville City Firefighters Association (PCFA), came forward and advised the Council that the Association was in agreement with the proposal and was awaiting receipt of a written agreement for signature.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council, contingent upon a fully executed agreement between the City and the applicable fire labor organizations relative to staffing, authorize the Mayor to execute the Consultant Service Agreement with Taylor-Teter Partnership at an agreed fee of $342,870 for the services described in the staff report; authorize a 5% contingency to cover unforeseen design issues that may arise once the design effort begins; and authorize progress payments up to 100% of the fee amount.

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

3. AUTHORIZATION TO TRAVEL – OUT OF STATE TRAINING

Recommendation: That the City Council approve of staff’s travel to Las Vegas, Nevada and attendance at the “Improving Public Works Construction Inspection Skills.”

City Manager Lollis presented the item, and indicated the item had been removed from Consent Calendar at the request of Council Member Shelton. Council Member Shelton voiced concern with the location and questioned the necessity of such training. A brief discussion ensued relative to the difference between building inspectors and public works inspectors, the workshop’s curriculum, and the necessity for staff to stay current with new regulations and issues impacting public works.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member...
5. ANNUAL CALIFORNIA LIBRARY ASSOCIATION CONFERENCE

Recommendation: That the City Council authorize the estimated travel expenditure of $1,317 from the Library Division’s general fund to send three members of the Library and Literacy Commission to the 2011 California Library Association Conference.

City Manager Lollis 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 proactive approach of the Commission.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the Council authorize the estimated travel expenditure of $1,317 from the Library Division’s general fund to send three members of the Library and Literacy Commission to the 2011 California Library Association Conference. The motion carried unanimously.

Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF AUTHORIZING A RESOLUTION OF SUPPORT FOR H.R. 1837 (NUNES), “SAN JOAQUIN VALLEY WATER RELIABILITY ACT”

Recommendation: Vice Mayor Hamilton makes the motion that the City Council authorize the scheduling on the November 1st Council Agenda the consideration of authorizing a resolution of support for H.R. 1837 (Nunes), now as the “San Joaquin Valley Water Reliability Act.”

City Manager Lollis presented the item, and indicated that it had been removed from Consent Calendar by Vice Mayor Hamilton. In response to Mr. Coffee’s comments, Vice Mayor Hamilton clarified that the Council was not considering the resolution of support that evening, but rather considering whether to add the item onto the next agenda.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the Council authorize the scheduling on the November 1st Council Agenda the consideration of authorizing a resolution of support for H.R. 1837 (Nunes), know as the “San Joaquin Valley Water Reliability Act.” The motion carried unanimously.

Disposition: Approved.

12. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF AUTHORIZING AN AUDIT OF THE CITY’S HOUSING PROGRAMS

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the November 1st Council Agenda the consideration of authorizing an audit of the City’s housing programs.

City Manager Lollis presented the item, and advised that it had been removed from the Consent Calendar by Council Member McCracken. Council Member McCracken inquired, and staff confirmed, that the City’s housing programs are audited during the normal course of the City’s annual audits conducted by the auditing firm.

Council Member McCracken moved that the Council deny authorizing an item being placed on the next agenda to consider an audit of the City’s housing programs, noting that an audit would already take place.

Following concern being voiced and comments being made by Council Member Shelton, a brief discussion took place relative to what extent the item could legally be discussed that evening. It was noted that the information on the programs was readily available at anytime upon request. Vice Mayor Hamilton requested that the Porterville Recorder request the information and publish their findings.

Council Member Ward requested that the Council consider amending the motion to include providing direction to the auditor relative to the audit of the housing programs and a presentation thereof to Council.

Council Member McCracken amended his motion to include direction to the Audit Committee to direct the auditor to be prepared to make a special presentation relative to the City’s housing programs during their annual presentation to the Council of the completed audit.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council deny authorizing an item being placed on the next agenda to consider an audit of the City’s housing programs; and direct the Internal City Audit Committee to direct the City’s auditor to make a special presentation on the City’s housing programs during its annual presentation to the Council of the completed audit.
AYES: Ward, Hamilton, McCracken, Irish
NOES: Shelton
ABSTAIN: None
ABSENT: None

Disposition: Item Denied.

SCHEDULED MATTERS
13. CONSIDERATION OF APPOINTMENTS TO THE PARKS & LEISURE SERVICES COMMISSION

Recommendation: That the City Council appoint two individuals to fill the seats vacated by Mr. Charles Webber and Mr. Donald Beardsley, with four-year terms to expire in October 2015.

City Manager Lollis presented the item, and Administrative Services Manager Patrice Hildreth presented the staff report. Mrs. Hildreth advised that subsequent to the distribution of the agenda packets, staff received one additional Request for Appointment, from Mr. Shannon Bennett, and indicated that copies had been distributed to the Council for its consideration and were also available for the public.

- Mr. James Carson came forward and requested the Council’s consideration for his appointment to the Commission.

Utilizing a written ballot, the Council then cast their votes which were read and tallied by Administrative Services Manager Hildreth as follows:

Round One:
Council Member Ward: James Carson
Shannon Bennett
Vice Mayor Hamilton: Carroll Land
James Carson
Mayor Irish: Carroll Land
James Carson
Council Member Shelton: James Carson
Council Member McCracken Carroll Land
Shannon Bennett

The votes were tallied as follows: James Carson – four votes; Carroll Land – three votes; Shannon Bennett – two votes; Eric Mendoza – no votes.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council appoint Mr. James Carson and Mr. Carroll Land to the seats vacated by Mr. Charles Webber and Mr. Donald Beardsley, with four-year terms to expire in October 2015. The motion carried unanimously.
Disposition: James Carson and Carroll Land appointed.

14. SPORTS COMPLEX LIGHTING OPTIONS

Recommendation: That the City Council accept staff’s report and provide direction on the appropriate lighting option or options.

City Manager Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report, which included the following options:

Option 1: Light the existing softball fields (2) - $300,000.

Option 2: Light the soccer field located adjacent to and immediately north of the new football field using same lighting criteria as was used on the football field - $150,000. This amount includes the cost of a new complete lighting system.

Option 3: Install perimeter lighting along the fence line immediately south of the existing softball fields. Lighting of this area will allow the adjacent open space area to be used as lighted soccer practice fields. Open field lighting for this purpose is less intense as would be expected for competitive football or soccer use - $50,000.

Option 4: Light two additional softball fields adjacent and immediately east of the existing softball fields - $515,000. This figure includes lighting of the softball fields plus softball related improvements such as but not limited to backstops, dugouts, benches, chain link fence, relocation of irrigation, etc. This figure is in addition to the cost to light the softball fields described in Option 1.

A lengthy discussion ensued as to the various options available, budgetary constraints, the electrical capacities for the different scenarios, and the need for lighted ball fields and soccer fields.

At the request of the Council, Juan Rodriguez of the Porterville Softball Association came forward and stated that 600 amps should be sufficient for lighting three softball fields, and commented that softball and soccer could co-exist as discussed.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council approve Option Nos. 1 and 3.

M.O. 13-101811

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

Disposition: Approved.
15. CONSIDERATION OF SUPPORT FOR APPOINTMENT TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT

Recommendation: That the City Council:
   1. Determine if there is interest in supporting one of the candidates to serve on the Governing Board of the San Joaquin Valley Air Pollution Control District; and
   2. In the event there is Council interest, support one candidate for appointment, approve the draft resolution nominating said candidate; and direct the City’s member or alternate member to vote in accordance with the Council’s selection at the appropriate San Joaquin Valley Special City Selection Committee Meeting.

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

Utilizing a written ballot, the Council then cast their votes which were read and tallied by Administrative Services Manager Patrice Hildreth as follows:

Round One:
- Council Member Ward: Francis S. Ortiz
- Vice Mayor Hamilton: Melvin “Skip” Barwick
- Mayor Irish: Francis S. Ortiz
- Council Member Shelton: Francis S. Ortiz
- Council Member McCracken: Melvin “Skip” Barwick

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that that Council nominate Francis S. Ortiz and approve the draft resolution nominating said candidate; and direct the City’s member or alternate member to vote in accordance with the Council’s selection at the appropriate San Joaquin Valley Special City Selection Committee Meeting. The motion carried unanimously.

Disposition: Francis S. Ortiz nominated.

ORAL COMMUNICATIONS
- John Coffee, voiced concern with vehicles speeding on North Grand, and commented that the signage and curb striping/painting was in need of work in the vicinity of Lotus and Reed.

OTHER MATTERS
- Council Member Shelton, spoke of various upcoming events, including a showing of the Rocky Horror Picture Show in Lindsay; a Haunted House sponsored by the Kiwanis Club; a murder mystery dinner at the Elks Lodge; and an event to fight homelessness. Council Member Shelton then read a letter from an individual who lauded a recent road project.
- Council Member McCracken advised of the upcoming meeting of the Consolidated
Waste Management Authority scheduled to take place Thursday, October 20th.

- Council Member Ward wished everyone a Happy Halloween, and thanked Fire Department personnel for their prompt response over the weekend.
- Vice Mayor Hamilton spoke of his presentation to the outgoing Homecoming Queen, his attendance at a recent 4H Pancake Breakfast, and voiced his confidence in Porterville’s youth.

ADJOURNMENT

The City Council Meeting adjourned at 8:09 p.m. to the meeting of October 25, 2011 at 6:00 p.m.

_________________________________
Patrice Hildreth, Chief Deputy City Clerk

SEAL

_________________________________
Ronald L. Irish, Mayor