Call to Order at 5:35 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
NOVEMBER 15, 2011

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

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not yet known to potential plaintiff.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – 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.
   2- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency
Negotiators: John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees Association, Public Safety Support Unit, Porterville City Firefighters Association, Management and Confidential Series, Fire Officers Series, and all unrepresented management employees.

3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
5- Government Code Section 54957 - 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 Mayor Ronald L. Irish
Invocation – a moment of silence was observed.

PROCLAMATIONS
America Recycles Week
National Family Caregivers Month

PRESENTATIONS
Recognition of Employees with Military Service
Employee of the Month – Mike Hildreth
Outstanding Business – Porter Street Barbeque

REPORTS
• Council Member McCracken referred everyone to the Summary Report of Recent Audit Committee Meetings which was provided in the Agenda packets; and advised that the Consolidated Waste Management Authority was to meet on November 17 and consider the modification of their fee structure to correct an error in the prior calculation.
• Council Member Ward spoke of the recent Step Up neighborhood event.
• Council Member Shelton commented on recent community events he had recently attended, including: various Day of the Dead celebrations hosted by Comision Honorifica, Porterville College and the Sesquicentennial Committee; Homeless Connect; a Step Up Neighborhood event; First Friday Coffee; a Forest Service Meet and Greet; Porterville High School v. Monache High School Football Game; Veterans Day Parade; and a Veterans and Eagles event.
• Vice Mayor Hamilton advised that he had been unable to attend the most recent LAFCo Meeting; and commended the efforts of Ed Flory and the Veterans on another successful parade.
• Mayor Irish thanked the citizens for attending the Veterans Day Parade and honoring those who have served our Country.
Mayor Irish advised that a request had been made by staff to add an item concerning a
request for street closure that was received on November 15\textsuperscript{th} and required Council action prior to the next Council meeting.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton, that the City Council add as an emergency item “Request for Street Closure – Myers’ Seventeenth Annual Christmas Tree Memorial Service” onto the agenda as the last Scheduled Matter. The motion carried unanimously.

Disposition: Item added.

**ORAL COMMUNICATIONS**

- Rick Elkins and Monte Reyes, Co-Chairs of the Sesquicentennial Committee, provided a report of the Committee’s activities throughout the year; advised that the celebration was coming to a close; and extended appreciation to the Tule River Indian Tribe, the Chamber of Commerce, the City, and participants in the events for making the sesquicentennial celebration a success.
- Donnette Silva Carter, lauded the 2011 Chamber Award honorees, Woman of the Year – Rotha Anderson; Man of the Year – Deron Johns; Large Business of the Year – Walmart Distribution Center; Small Business of the Year – Bob Ruffa Electric; Male Youth of the Year – Victor Espinoza; Female Youth of the Year – Shelina Noorali; Volunteer of the Year – Porterville High School Academy of Business Community Service Project of the Year – Project Homeless Connect; invited all to attend the Children’s Christmas Parade to take place Thursday, December 1\textsuperscript{st}; and thanked the Sesquicentennial Committee for their efforts and success.
- Brock Neeley, requested that he be afforded an opportunity to speak during the Council’s consideration of Items 10 and 11; and commented that Council Member Shelton was required to abide by all traffic laws as was everyone else.
- Wendi Taylor, invited everyone to attend the Annual Tree Lighting Ceremony to take place November 25\textsuperscript{th} at Centennial Park.
- Ronnie Hulsey, requested that the City Council consider an item to establish rent control in Porterville, and voiced concern with the frequent rent increases by the owner of Golden Hills Mobile Home Park.
- Unidentified high school students came forward and requested that they be allowed to video tape the Council Meeting, elaborated on a competition in which they were participating regarding democracy, and invited all to attend the event at the Visalia Convention Center on November 19\textsuperscript{th}. Mayor Irish advised that were permitted by law to record any and all public meetings.

**CONSENT CALENDAR**
Item No. 5 was removed for further discussion.

1. CITY COUNCIL MINUTES OF MAY 3, 2011; OCTOBER 18, 2011; AND NOVEMBER 1, 2011
Recommendation: That the City Council approve the Minutes of May 3, 2011; October 18, 2011; and November 1, 2011.

Documentation: M.O. 02-111511
Disposition: Approved.

2. AIRPORT LEASE RENEWAL – AIRWAY CAFÉ

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and Richard Chilcutt of Porterville, CA, for the restaurant, known as Airway Café, at the Porterville Municipal Airport.

Documentation: M.O. 03-111511
Disposition: Approved.

3. CALHOME PROGRAM APPLICATION

Recommendation: That the City Council:
1. Adopt the draft resolution approving the submittal of a CalHome Program Funding Application to the California Department of Housing and Community Development;
2. Authorize the Mayor to execute all documents pertaining to the CalHome Program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development for administration of the CalHome Program.

Documentation: Resolution 66-2011
Disposition: Approved.

4. EMERGENCY PIPE REPAIR WORK AT RECLAMATION AREA

Recommendation: Informational report.

Documentation: M.O. 04-111511
Disposition: Approved.

6. CANCELLATION OF JANUARY 3, 2012 CITY COUNCIL MEETING

Recommendation: That the City Council cancel the January 3, 2012 Council Meeting.

Documentation: M.O. 05-111511
Disposition: Approved.
7. 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. 06-111511
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 4, 6 and 7. The motion carried unanimously.

5. SETTING THE PUBLIC HEARING FOR THE ZONING MAP UPDATE

Recommendation: That the City Council set December 6, 2011, as the date for the public hearing to consider amending the Zoning Map using the proposed method of public notification.

City Manager John Lollis introduced the item, and indicated that the item had been pulled by Council Member Shelton. Council Member Shelton voiced his support for approval of the item, and commended staff for their efforts in noticing the item.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council set December 6, 2011, as the date for the public hearing to consider amending the Zoning Map using the proposed method of public notification. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

8. CONDITIONAL USE PERMIT PRC-2011-11-C AND VARIANCE PRC-2011-11-V TO ALLOW FOR A 100FT HIGH TELECOMMUNICATIONS TOWER TO LOCATE AT 767 PORTER ROAD FOR OLSON COMPUTER SERVICES

Recommendation: That the City Council provide direction to staff and the applicant regarding a revised application; or

1. Open the continued Public Hearing and take testimony regarding the variance and conditional use permit requests for this project;
2. Close the public hearing;
3. Adopt the Draft Resolution approving the variance for PRC-2011-11-V, subject to conditions of approval;
4. Adopt the Draft Resolution approving the conditional use permit for PRC-2011-11-C, subject to conditions of approval.

The City Manager introduced the item, and City Planner Bill Nebeker presented the staff report.

The public hearing was opened at 7:29 p.m.

- Ryan Walker, representing OACYS, the applicant, stated that camouflaging the tower would be cost prohibitive, suggesting it would cost approximately $50,000 to $80,000; and responded to Council questions regarding the proposed location and the cost projections for the project.

The public hearing was closed at 7:33 p.m.

A discussion ensued as to the proposed location of the tower, the estimated cost of camouflaging the tower, and the impact said tower would have on aesthetics of the area.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council adopt the Draft Resolution approving the variance for PRC-2011-11-V, subject to conditions of approval; and adopt the Draft Resolution approving the conditional use permit for PRC-2011-11-C, subject to conditions of approval.

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

Disposition: Approved.

SCHEDULED MATTERS
9. ANGELA VERA APPEAL TO REMOVE VALLEY OAK TREE AT MORTON AVENUE AND PEARSON DRIVE

Recommendation: That the City Council accept staff’s report and determine the status of the appeal.

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

Without objection, the Mayor invited public comment.

- Sandy Calantone, Porterville resident, spoke in favor of keeping the tree.
Angela Vera, applicant, requested that the Council approve the removal of the tree and distributed an arborist report which she had commissioned in 2009.

The Mayor then closed public comment.

A discussion then ensued as to the arborist report referenced by the applicant, how such matters are handled in other jurisdictions, and the varying costs of tree removal.

The Council recessed for five minutes.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council deny the request for appeal and sustain the decision of the Parks and Leisure Services Commission. The motion carried unanimously.

Disposition: Appeal denied.

10. AWARD OF CONTRACT – REPEATER TOWER PROJECT

Recommendation: That the City Council:
1. Consider the camouflaging of the tower;
2. Award the contract to the lowest responsible bidder, provided the lowest responsible bid is within 10% of the Engineer’s estimate;
3. Authorize a 10% construction contingency and a 5% construction management & inspection contingency; and
4. Authorize payments to the Contractor up to 90% of the contract amount.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council reject all bids.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council award the contract to the lowest responsible bidder, provided the lowest responsible bid is within 10% of the Engineer’s estimate; authorize a 10% construction contingency and a 5% construction management & inspection contingency; and authorize payments to the Contractor up to 90% of the contract amount.

AYES: Ward, Shelton, Irish
The Council recessed for ten minutes.

11. AUTHORIZATION OF A TEN-YEAR DEVELOPMENT FEE PAYMENT PLAN

Recommendation: That the City Council:

1. Authorize a ten (10) year Development Fee Payment for all commercial and industrial business and affordable housing plans within the City limits; and

The City Manager introduced the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Hamilton MOVED to authorize a ten (10) year Development Fee Payment Plan for all commercial and industrial business and affordable housing plans within the City limits; and rescind Resolutions 107-1998, 84-2011, and 64-2002. The motion was SECONDED by Mayor Irish.

A discussion ensued regarding various options that the City could implement with regard to the proposed fee payment plan. These options included different term lengths, interest rates, the effect bankruptcy would have, if any, on the City’s position on title, and structuring the policy so as to allow discretion in its application. The Council then directed staff to bring back a draft plan(s) incorporating the options discussed.

Disposition: Direction given; and item continued.

12. REVIEW OF ITINERANT VENDOR REGULATIONS

Recommendation: That the City Council consider the staff report, attachments and provide direction as it deems appropriate.

City Manager Lollis introduced the item. The staff report was presented by City Attorney Julia Lew and Community Development Director Dunlap.

In consideration of the complexity of the regulations, the Council requested that an ad hoc committee comprised of Mayor Irish and Vice Mayor Hamilton solicit comments from the Council Members, and meet with staff to discuss options for amending the City’s itinerant vendor regulations.

Disposition: Direction provided.
The Council adjourned at 8:54 p.m. to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY MINUTES
November 15, 2011

Roll Call: Director Ward, Vice President Hamilton, Director Shelton, Director McCracken, President Irish

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 2011 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

City Manager/Authority Secretary John Lollis presented the item.

AUTHORITY ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward 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 2011 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects. The motion carried unanimously.

Disposition: Approved.

The Public Financing Authority Meeting adjourned at 9:05 p.m. to a meeting of the Porterville City Council.

Emergency Item: REQUEST FOR STREET CLOSURE – MYERS’ SEVENTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam and Cleveland, on December 6, 2011, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

City Manager Lollis introduced the emergency item.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the closure of “E” Street, between Putnam and Cleveland, on December 6, 2011, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Mayor Irish requested a moment of silence for Retired Fire Captain Bob Davison be placed on a future agenda.
• Vice Mayor Hamilton, commented on the annual scheduling conflict due to the event occurring the first Tuesday in December, and requested that the Council consider rescheduling the Council meeting of December 6th. After a brief discussion, the Council directed that the meeting of December 6th be cancelled, and an Adjourned Meeting be scheduled for December 7th.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve the reconsideration of Item No. 5. The motion carried unanimously.

Disposition: Approved.

5. SETTING THE PUBLIC HEARING FOR THE ZONING MAP UPDATE

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council schedule the public hearing for the Zoning Map update for December 7, 2011. The motion carried unanimously.

Disposition: Approved.

OTHER MATTERS
• Council Member Shelton spoke of various upcoming community events, including: the final Sesquicentennial; the Chamber Mixer at Bella La Vina Farms; Grandparent Appreciation event; the Fishing Derby; a PAMA Thanksgiving Dinner; and a San Joaquin Valley Air Pollution Control District Meeting.

The Council recessed for ten minutes at 9:13 p.m., and then reconvened in Closed Session.

CLOSED SESSION
It was reported that no reportable action took place during Closed Session.

ADJOURNMENT
The Council Meeting adjourned at 9:34p.m. to the meeting of December 7, 2011 at 5:30 p.m.