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

Adjourn 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
DECEMBER 20, 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(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

The Council adjourned to a meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

B. Closed Session Pursuant to:
   4- Government Code Section 54956.95 – Liability Claims: Claimant: Hilda Delk. Agency
claimed against: City of Porterville.
5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
7- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.
8- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported on the following Council action:

3- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: UNION PACIFIC RAILROAD COMPANY. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Council Member McCracken, seconded by Council Member West, the City Council unanimously approved rejecting the claim filed by Union Pacific Railroad Company in an amount exceeding $10,000 in the unlimited jurisdiction of Tulare County Superior Court; referred the matter to the City’s insurance adjustor; and directed the City Clerk to give the Claimant proper notification.

Documentation: M.O. 01-122011
Disposition: Approved.

4- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: HILDA DELK. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Council Member McCracken, seconded by Vice Mayor Hamilton, the Council approved, by a 4/1 vote with Council Member Shelton dissenting, rejecting the claim filed by Hilda Delk in an amount of $322.29; referred the matter to the City’s insurance adjustor; and directed the City Clerk to give the Claimant proper notification.

Documentation: M.O. 02-122011
Disposition: Approved.

Pledge of Allegiance Led by Council Member Pete V. McCracken
Invocation – a moment of silence was observed.

PRESENTATIONS
SCE Resolution of Appreciation
REPORTS

- Council Member Shelton, spoke of various events he attended, including a meeting at Porterville High School related to curriculum for alternative energy sources; the City of Porterville’s employee Christmas luncheon; a Chamber Mixer at Sierra View District Hospital; the Senior Dinner; a food basket giveaway hosted by the Comision Honorifica; a Kiwanis fundraiser for Derby Girls; and various appearances by Santa Claus.
- Council Member Ward, voiced appreciation and lauded the efforts of KTIP, the Porterville Recorder, Love, Inc., the school districts, and all who participated in various food and toy drives to provide for those less fortunate.
- Vice Mayor Hamilton updated the Council on a recent LAFCo Meeting he attended during which new officers were elected and disadvantaged communities were discussed.

ORAL COMMUNICATIONS

- Joe Moreno, voiced support for the Council’s approval of closing the library on Christmas Eve, as was proposed in Item 7.
- David Horowitz, spoke of a recent break-in at his jewelry business on Main Street, made allegations of police misconduct regarding his detention, disrespectful treatment, and the officers’ clearing of the crime scene without permitting him entry, and stated that he was receiving legal advice regarding the matter.
- Jack Rouse, spoke of the issue of people dumping trash and hazardous waste on vacant property in the vicinity of River Springs and the Tule River, and requested that the City address the matter. Mayor Irish requested that staff meet with Mr. Rouse.
- An unidentified individual, voiced concern with proposed amendments to the ordinance regulating medical marijuana.
- Warren Garrison, spoke against proposed restrictions pertaining to medical marijuana, specifically as they relate to requiring indoor cultivation.
- Robert Mahoney, spoke against restrictions on medical marijuana dispensaries and inquired about enforcement.
- Brian (last name not provided), voiced opposition to imposing restrictions on medical marijuana cultivation.
- Patrick Woods, spoke against the prohibition on off-road vehicles in the Tule River bed, and commented that the City was in need of an OHV Park.

CONSENT CALENDAR

Item Nos. 2, 3, 4 and 10 were removed for further discussion.

1. CITY COUNCIL MINUTES OF AUGUST 16, 2011 AND NOVEMBER 15, 2011

Recommendation: That the City Council approve the Minutes of August 16, 2011 and November 25, 2011.

Documentation: M.O. 03-122011
5. REVISED SCHEDULE FOR REVIEW OF DEVELOPMENT ORDINANCE REVISIONS

Recommendation: None. For informational purposes only.

Disposition: No action required.

6. STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2011, population of 54,843.

Documentation: M.O. 04-122011

Disposition: Approved.

7. CHRISTMAS EVE LIBRARY CLOSURE

Recommendation: That the City Council authorizes the closing of the Library for Christmas Eve.

Documentation: M.O. 05-122011

Disposition: Approved.

8. REMINDER OF WALL OF FAME NOMINATIONS

Recommendation: Information only.

Disposition: No action.

9. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN

Recommendation: That the Council approve the draft resolution and authorize the City Manager to execute the modifications.

Documentation: Resolution 71-2011

Disposition: Approved.

11. 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. 06-122011
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, that the Council approve Item Nos. 1, 5 through 9, and 11. The motion carried unanimously.

2. REQUEST FOR A BUDGET ADJUSTMENT TO FORM AN ADULT BASKETBALL LEAGUE

Recommendation: That the City Council approve the request for funds and approve the adjustment.

City Manager Lollis introduced the item, and indicated that it had been removed from the agenda at the request of Council Member Shelton. Parks and Leisure Services Director Milt Stowe then elaborated on various divisions which could make up the league.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the request for funds and approve the adjustment. The motion carried unanimously.

Disposition: Approved.

3. AWARD OF CONSULTANT SERVICE AGREEMENT CONTRACT FOR THE PREPARATION OF PORTERVILLE’S 2012 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with TPG Consulting, Inc. at an agreed fee of $67,158 for the services described herein;
2. Authorize a 10% contingency to cover unforeseen preparation issues that may arise once the consulting effort begins; and
3. Authorize progress payments up to 100% of the fee amount.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton stated that he had pulled the item from the consent calendar to laud the Request for Proposals process. Staff then addressed questions from Council Member Ward regarding frequency of services, and the unfeasibility of completing the work in-house.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council authorize the Mayor to execute the Consultant Service Agreement with TPG Consulting, Inc. at an agreed
fee of $67,158 for the services described herein; authorize a 10% contingency to cover unforeseen preparation issues that may arise once the consulting effort begins; and authorize progress payments up to 100% of the fee amount. The motion carried unanimously.

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE TAX DEFAULTED PROPERTY AT 347 W. ORANGE AVENUE; APN NO. 260-187-001

Recommendation: That the City Council:
1. Adopt a Resolution objecting to the sale of a tax-defaulted property, authorizing the submittal of an application to the County of Tulare to purchase the specified tax-defaulted property, and authorizing the execution of an agreement to purchase the tax-defaulted property identified as Parcel 260-187-001; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction.

City Manager Lollis introduced the item, and advised that the item had been removed from Consent Calendar at the request of Council Member Shelton. Council Member Shelton expressed his support of the item.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council adopt a resolution objecting to the sale of a tax-defaulted property, authorizing the submittal of an application to the County of Tulare to purchase the specified tax-defaulted property, and authorizing the execution of an agreement to purchase the tax-defaulted property identified as Parcel 260-187-001; and authorize the Mayor to sign all necessary documents to complete the transaction. The motion carried unanimously.

Disposition: Approved.

10. ADDENDUM NO. 1 EXTENDING CITY MANAGER EMPLOYMENT AGREEMENT

Recommendation: That the City Council consider and approve the Addendum.

City Manager Lollis introduced the item, and indicated that it had been removed from Consent Calendar at the request of Council Member Ward. Council Member Ward lauded Mr. Lollis’ performance and expressed his desire to see the agreement amended to extend the term through 2016. Council Member Shelton spoke against a long-term contract.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor M.O. 09-122011 Hamilton that the City Council approve Addendum No. 1 Extending City
Manager Employment Agreement, as amended to extend the term of the agreement through December 31, 2016, as permitted by the City’s Charter and/or Code.

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

Disposition: Approved, as amended.

PUBLIC HEARINGS

12. LIBRARY FINES AND COLLECTION PROCEDURES

 Recommendation: That the City Council adopt a resolution of set library fines and collection procedures to become effective as early as January 3, 2012, but no later than June 30, 2012.

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

The public hearing opened at 7:44 p.m. and closed at 7:45 p.m. when nobody came forward.

A brief discussion ensued during which Council Member Shelton lauded the work of the Library and Literacy Commission, and requested information relative to the highest, lowest, and average delinquent library accounts.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt a resolution of set library fines and collection procedures to become effective as early as January 3, 2012, but no later than June 30, 2012. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS

13. ORDINANCE 1780, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-1)

 Recommendation: That the City Council give Second Reading to Ordinance No. 1780, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1780,
waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-1).

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

The City Manager read the ordinance by title only.

Disposition: Approved.

14. ORDINANCE 1781, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-2)

Recommendation: That the City Council give Second Reading to Ordinance No. 1781, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward give Second Reading to Ordinance No. 1781, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-2).

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

The City Manager read the ordinance by title only.

Disposition: Approved.

15. ORDINANCE 1782, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-3)

Recommendation: That the City Council give Second Reading to Ordinance No. 1782, waive further reading, and adopt said Ordinance.
The City Manager introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward give Second Reading to Ordinance No. 1782, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-3).

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

The City Manager read the ordinance by title only.

Disposition: Approved.

16. ORDINANCE 1783, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-4)

Recommendation: That the City Council give Second Reading to Ordinance No. 1783, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken give Second Reading to Ordinance No. 1783, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-4).

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

The City Manager read the ordinance by title only.

Disposition: Approved.

17. ORDINANCE 1784, AN ORDINANCE OF THE CITY COUNCIL AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-5)
Recommendation: That the City Council give Second Reading to Ordinance No. 1784, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward give Second Reading to Ordinance No. 1784, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE OFFICIAL ZONING MAP (PERTAINING TO PARCELS DEPICTED ON EXHIBIT A-5). The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS
18. AUTHORIZATION OF A TEN-YEAR DEVELOPMENT FEE PAYMENT PLAN

Recommendation: That the City Council adopt a resolution authorizing a no interest ten (10) year Development Fee Payment Plan for all commercial and industrial business and affordable housing developments within the City limits, with the exclusion of those businesses operating under a Home Occupancy Permit and rescinding Resolutions 107-1998, 84-2001, and 64-2002.

City Manager Lollis introduced the item, and the staff report was waived by the Council. A discussion ensued relative to the concept of a cap and the City’s subordinate position to the construction/commercial loan on the subject property. The Council directed staff to bring the item back before them at the time the State of California executes the Enterprise Zone documents.

Disposition: Item continued; and direction provided to staff.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton, spoke of various upcoming events, including a Step Up Meeting scheduled for December 21st; a Toys for Tots event; and a Christmas Eve dinner at Helping Hands.
• Council Member Ward, wished everyone a Merry Christmas and Happy New Year.
• Council Member McCracken spoke of the New Year’s Eve celebration to take place at the Veterans’ building.
• Vice Mayor Hamilton, lauded a recent Santa appearance; and wished all a Merry Christmas and Happy New Year.
• City Manager Lollis, announced that Rue 21 had signed a deal to lease space in the former Hollywood Video location in the Target Shopping Center.

ADJOURNMENT
The Council adjourned at 8:25 p.m. to the meeting of January 17, 2012.

_________________________________________
Luisa Herrera, Deputy City Clerk

SEAL

_______________________________
Ronald L. Irish, Mayor