CALL TO ORDER

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

The Council adjourned 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
JANUARY 17, 2012

Roll Call: Agency Member Ward (arrived late), 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.

During Closed Session, the joint 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.


7- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Sipple, et al. v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270

8- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential plaintiffs.

9- 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 that the following action took place:


On a motion made by Council Member McCracken, and seconded by Vice Mayor Hamilton, the Council approved the execution of the donation agreement between Wells Fargo Bank, N.A. and the City of Porterville for the acquisition of foreclosed property at 371 S. “G” Street, APN 260-173-009; adopted the draft resolution accepting the quitclaim deed from Wells Fargo Bank, N.A.; approved executing an agreement and affordability covenants to donate the property to the Porterville Unified School District for rehabilitation and sale to a low income household; adopted the draft resolution opening escrow and granting the quitclaim deed to the Porterville Unified School District; authorized the Mayor to execute all necessary documents; and authorized recording of all documents with the County Recorder.

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

On a motion by Vice Mayor Hamilton, Seconded by Council Member McCracken, the Council unanimously authorized staff to begin escrow, with the City paying the escrow fees; authorized staff to make payment to Edward Bueno and Ruth Bueno, in the amount of $19,628.00 after completion of escrow; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder.

B5- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: JOSEPH NASH. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Council Member McCracken, seconded by Vice Mayor Hamilton, the Council unanimously approved rejecting the claim filed by Mr. Joseph Nash for an undetermined amount, referred the matter to the City’s insurance adjustor, and directed the City Clerk to give the Claimant proper notification.

B6- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: LISA DUNCAN. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

On a motion by Vice Mayor Hamilton, seconded by Council Member McCracken, the Council unanimously approved rejecting the claim submitted by Ms. Lisa Duncan, and directed the City Clerk to give the Claimant proper notification.

PRESENTATIONS
Employee of the Month – Mark Knox
Project Homeless Connect – Certificates of Recognition were presented to Development
Associate Denise Marchant and Administrative Aide Lupe Diaz for their efforts on the Project.

Mayor Irish advised that staff had requested that the Council consider adding an emergency item onto the agenda, being “Consideration of Street Closure for Porterville ‘Step Up’ Neighborhood Outreach Event.” He advised that the item required Council action prior to the next regular Council Meeting.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, that the Council add, “Consideration of Street Closure for M.O. 18-011712 Porterville ‘Step Up’ Neighborhood Outreach Event” onto the evening’s agenda as Item No. 21. The motion carried unanimously.

Disposition: Item added as Item 21.

REPORTS
- Council Member Shelton spoke of recent events he had attended, including: a Toys for Tots Republican Association event; a Christmas Eve dinner; a Tulare City Council Meeting; a Friends of the Library book sale; and a train show at the Porterville Museum.

ORAL COMMUNICATIONS
- Barry Caplan, requested that the Council removed Item 12 from the Consent Calendar; and spoke of the suicide of a COS student in Visalia.
- Felipe Martinez, 195 Putnam Avenue, came forward on behalf of the Mural Committee, and advised that the Historical Band Mural at Centennial Park would be dedicated on April 21st and that planning was underway for a Spring Fling event to mark the occasion.
- Brock Neeley, requested that the Council removed Item 12 from the Consent Calendar; noted a typographical error on page two of the draft Minutes of December 20, 2011; and spoke of the suicide of Mr. Borges of Visalia.
- (Name inaudible), requested that the Council consider amending the Municipal Code to permit the keeping of hens within the City limit, and referred the Council to thecitychicken.com website for samples of ordinances.
- Tillie Tagarino, spoke in favor of Item Nos. 5 and 6 and requested the Council’s approval.
- Darrel Taylor, spoke of the recent suicide of the young man from Visalia, rehabilitation, and the importance of pedestrian safety in crosswalks.

CONSENT CALENDAR
Item Nos. 2, 3, 4, 5, 6, 7 10, 12, and 15 were removed for further discussion.

1. CITY COUNCIL MINUTES OF DECEMBER 7, 2011 AND DECEMBER 20, 2011

Recommendation: That the City Council approve the Minutes of December 7, 2011, and December 20, 2011.
8. FY2011 HOMELAND SECURITY GRANT

Recommendation: That the City Council:
1. Authorize staff to purchase the equipment under the negotiated bid process;
2. Authorize the disbursement of fund from the Fire Department’s “Firefighting and Rescue Equipment Replacement Fund #EL-2997” for initial costs; and
3. Authorize grant reimbursement funds to be deposited in account #EL-2997.

9. 2011 TULARE COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN

Recommendation: That the City Council adopt the draft resolution authorizing the 2011 Tulare County Multi-Jurisdictional Local Hazard Mitigation Plan.

11. STATUS REPORT – DEVELOPER IMPACT FEES


13. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN - UNREPRESENTED MANAGEMENT

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all unrepresented management employees.

14. REVIEW OF LOCAL EMERGENCY STATUS
Recommendation: That the 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. 06-011712
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 8, 9, 11, and 13-14. The motion carried unanimously.

2. ACCEPTANCE OF PROJECT – VETERANS PARK BOOSTER PUMP PROJECT

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton indicated that he had pulled the item in order to commend the Public Works staff for completion of the project both on time and below budget.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

Disposition: Approved.

3. ACCEPTANCE OF PROJECT – POLICE SHOOTING RANGE IRRIGATION WELL

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s
Council Member Shelton took a moment to recognize staff’s efforts, and laud the Tribe for their assistance.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

M.O. 08-011712

Disposition: Approved.

4. REQUEST FOR APPROVAL TO REPAIR SPECIALIZED EQUIPMENT

Recommendation: That the City Council approve the repair of the JWC Screenings Cutter Cartridge for $12,100.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. The Public Works Director then elaborated on the equipment in need of repair.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the City Council approve the repair of the JWC Screenings Cutter Cartridge for $12,100. The motion carried unanimously.

M.O. 09-011712

Disposition: Approved.

5. MOTOCROSS RACE PROPOSAL FOR FEBRUARY 2012 THROUGH DECEMBER 2012

Recommendation: That the City Council:
1. Approve the Motocross Race Proposal for February 2012 through December 2012, with Central Valley Racing at the OHV Park; and
2. Approve overnight camping for the event.

City Manager Lollis introduced the item, and the staff report was waived by the Council. Council Member Shelton spoke favorably of the promotion aspect and inquired about concessions. The Parks and Leisure Services Director elaborated on past practice.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the Motocross Race Proposal for February 2012 through December 2012, with Central Valley Racing at the OHV Park; and approve overnight camping for the event. The motion carried unanimously.

M.O. 10-011712

Disposition: Approved.
6. MONSTER ENERGY DRINK MOTOCROSS RACE PROPOSAL

Recommendation: That the City Council:
1. Approve the Motocross Race Proposal for March 10-11, 2012, with 2x Promotions at the OHV Park; and
2. Approve overnight camping for this event.

City Manager Lollis introduced the item, and the staff report was waived by the Council. Council Member Shelton voiced his support and inquired about the impetus. Parks and Leisure Services Director credited the efforts of volunteers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the Motocross Race Proposal for March 10-11, 2012, with 2x Promotions at the OHV Park; and approve the overnight camping for this event. The motion carried unanimously.

Disposition: Approved.

7. SCE COOLING CENTERS

Recommendation: That the City Council:
1. Approve the budget proposal to enter into contractual services with SCE for the operation of a Cooling Center to be located at the Santa Fe Center; and
2. Approve the request for funds and the budget adjustment.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. At Council Member Shelton’s request, Parks and Leisure Services Director Stowe elaborated on the staff hours needed for operation.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the budget proposal to enter into contractual services with SCE for the operation of a Cooling Center to be located at the Santa Fe Center; and approve the request for funds and the budget adjustment.

Disposition: Approved.

10. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM UPDATE

Recommendation: For information only.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s
request. In response to a Council inquiry, staff elaborated on one account in default. Disposition: No action required.

12. JUNE 5, 2012 CITY OF PORTERVILLE MUNICIPAL ELECTION: CALL FOR ELECTION; REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:

1. Allow candidates' statements, at no cost to the candidate, for 200 words or less with no additional mailings; that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 5, 2012, General Municipal Election;
2. Adopt the draft resolution calling the election for June 5, 2012; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
3. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 5, 2012 Election;
4. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and
5. Provide direction to staff relative to a potential ballot measure moving the City’s general election from June of even years to November of even years.

City Manager Lollis introduced the item, and clarified that staff was not recommending that the Council move the election (No. 5), only to provide direction if the Council wished to do so. A discussion ensued regarding the past invoice for services for the previous election, and the pros and cons for moving the election to November of even years.

Council Member McCracken MOVED to approve staff recommendations Nos. 1-4, and continue discussion of No. 5 to a future meeting. The motion was SECONDED by Vice Mayor Hamilton.

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Council Member McCracken that the City Council amend the motion to require candidates to pay the fees associated with candidate statements.

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

COUNCIL ACTION: Resolution 06-2012 MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council allow candidates' statements of 200 words
Resolution 07-2012 or less with no additional mailings, the cost of which shall be the responsibility of the candidates; that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 5, 2012, General Municipal Election; adopt the draft resolution calling the election for June 5, 2012; requesting and consenting to the consolidation of the election; and setting specifications of the election order; adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 5, 2012 Election; authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and direct staff to bring back an item to consider placing a measure on the June 5, 2012 ballot to move the general municipal election to November of even years.

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

Disposition: Approved.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF ALLOWING THE PARTICIPATION OF A REPRESENTATIVE OF THE CITY’S YOUTH COMMISSION AT CITY COUNCIL MEETINGS

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling of the February 7th Council Agenda the consideration of allowing the participation of a representative of the City’s Youth Commission at City Council meeting.

City Manager Lollis introduced the item. A brief exchange took place on the dais regarding the Council’s legal inability to discuss the item prior to it being considered on a future agenda.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize scheduling the consideration of allowing the participation of a representative of the City’s Youth Commission at City Council meeting on the February 7, 2012 agenda.

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

The Council recessed for ten minutes.

PUBLIC HEARINGS

16. CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE WAL-MART LOCATED AT 1250 W. HENDERSON AVENUE

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-30-C subject to conditions of approval.

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

The public hearing opened at 7:56 p.m.

- Brett McManigal, on behalf of the applicant, spoke in favor of approval and indicated that he was available for questions.

The public hearing closed at 7:57 p.m.

A brief discussion ensued relative to the location of the alcohol within the store, and the store’s proximity to Monache High School.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council adopt the draft resolution approving Conditional Use Permit PRC-2011-30-C subject to conditions of approval.

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

Disposition: Approved.

17. MULTIFAMILY HOUSING REVENUE BOND ISSUANCE BY CALIFORNIA STATEWIDE COMMUNITIES DEVELOPMENT AUTHORITY FOR VILLA ROBLES APARTMENTS, 450 W. SPRINGVILLE DRIVE

Recommendation: That the City Council:
1. Hold a Public Hearing for the sale of tax-exempt obligations for the financing of the acquisition and rehabilitation of Villa Robles Apartments;
2. Approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of Villa Robles Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and

3. Authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds.

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

- Katelyn Montel, representative of California Statewide Communities Development Authority, addressed questions from the Council regarding payment of the bonds and the estimated project costs.

The public hearing was opened at 8:10 p.m. and closed at 8:11 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve the draft resolution approving the issuance and sale of bonds by the California Statewide Communities Development Authority for the purpose of financing the acquisition and rehabilitation of Villa Robles Apartments within the City of Porterville pursuant to the Internal Revenue Code of 1986; and authorize the Mayor to execute all documents related to the City’s approval of the issuance of the tax-exempt bonds.

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

Disposition: Approved.

18. COMMERCIAL CROP CULTIVATION ORDINANCE: AN AMENDMENT TO THE DEVELOPMENT ORDINANCE TO ACCOMMODATE INTERIM AGRICULTURAL USE OF LANDS WITHIN MULTIPLE ZONE DISTRICTS

Recommendation: That the City Council:
1. Approve the proposed ordinance for the Development Code and give first reading to the draft ordinance; and
2. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and the staff report was presented by City Planner Nebeker.
The public hearing was opened at 8:22 p.m.

- Jim Winton, on behalf of Greg Woodard who could not attend, spoke in favor of approval.
- Brock Neely, Porterville resident, voiced concern with the use of contaminating chemicals.

The public hearing was closed at 8:26 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the public hearing to the meeting of February 7, 2012. The motion carried unanimously.

Disposition: Item continued.

SCHEDULED MATTERS

19. CONSIDERATION OF DESIGNATION OF WALL OF FAME HONOREES

Recommendation: That the City Council consider the nominations for the designation of “Wall of Fame” Honorees.

City Manager Lollis introduced the item, and the staff report was presented by Administrative Services Manager Patrice Hildreth. A brief discussion ensued regarding the establishment of the Wall of Fame and the initial intent for honoring individuals. Staff was requested to provide copies of the Minutes reflecting the discussion and action establishing the Wall of Fame.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Waltraut Wilson, Bill Rogers, Teresa Jackson, Orlin Hudson Shires and Helen Louise Shire, and Estha May Hinton for Wall of Fame designation.

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

Disposition: Approved.

20. CONSIDERATION OF JOINING THE “COALITION TO SAVE JOBS AND NEIGHBORHOOD RENEWAL” IN SUPPORT OF S.B. 659 (PADILLA) AND POSTPONING THE DISSOLUTION OF REDEVELOPMENT

Recommendation: That the City Council consider joining the “Coalition to Save Jobs and Neighborhood Renewal” in support of S.B. 659 (Padilla) and postponing the dissolution of Redevelopment.
City Manager Lollis introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council join the “Coalition to Save Jobs and Neighborhood Renewal” in support of S.B. 659 (Padilla) and postponing the dissolution of Redevelopment.

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

Disposition: Approved.

21. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP UP” NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Ishom Avenue between Leggett and Sierra Vista Streets on January 19, 2012, in support of the neighborhood “Step-Up” outreach event.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council authorize the temporary closure of Ishom Avenue between Leggett and Sierra Vista Streets on January 19, 2012, in support of the neighborhood “Step-Up” outreach event. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 9:15 p.m. to a Joint Meeting of the City Council and the Porterville Redevelopment Agency.
JOINT PUBLIC HEARING

PRA-01. PUBLIC HEARING TO AUTHORIZE A PURCHASE AND SALE AGREEMENT BETWEEN THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. (APN 253-138-001)

Recommendation: This item is being pulled due to the recent Supreme Court ruling concerning Redevelopment.

Disposition: No action required.

The Joint City Council/Redevelopment Agency Meeting adjourned at 9:19 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton, spoke of upcoming events, including: a Step Up meeting; a PARA meeting; Tule River Tribal elections; a Chamber Mixer; a Special City Council Meeting; a Tea Party Rally; and a Step Up event.
• Council Member Ward commented that Council Members should not be denied the opportunity, regardless of who is making the request, to discuss the merits of an agenda item a member is requesting.

ADJOURNMENT
The Council adjourned at 9:25 p.m. to the meeting of January 31, 2012 at 5:30 p.m.

____________________________________
Luisa Herrera, Deputy City Clerk

SEAL

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Ronald L. Irish, Mayor