CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 3, 2012, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member Ward (arrived immediately after roll call), Vice Mayor Hamilton, Council Member Shelton, Council Member Mc Cracken, Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case in which facts are not yet known to potential plaintiff.
   6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

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 Pete V. Mc Cracken
Invocation – a moment of silence was observed.

PROCLAMATIONS
National Public Safety Telecommunications Week – April 8-14, 2012
National Library Week – April 8-14, 2012
National Volunteer Week – April 15-21, 2012
PRESENTATIONS
Employee of the Month – Sarah Cardoza
Redevelopment Advisory Committee
Harlem Children’s Zone Practitioners Institute

REPORTS
This is the time for all reports pursuant to AB 1234; committee/commission/board reports; subcommittee reports; and other informational items.

I. City Council Committee and Commission Meetings:
   1. Consolidated Waste Management Authority (CWMA) – March 22, 2012: Council Member McCracken advised that the issue of mandatory recycling efforts had been discussed, and indicated that the Authority was in the process of purchasing receptacles for multi-family residential and commercial properties.

II. City Commission and Committee Meetings:
   1. Youth Commission – April 2, 2012: Commission Chair Dalton Rogers updated the Council on Youth Commission activities including the Voice Conference; and the Commission’s decision to undertake a project on Porterville’s high school drop out rate and contributing factors.

III. Informational Reports:
   1. Informational Report on Upcoming Vacancies on Transactions and Use Tax (Measure H) Oversight Committee: Written report provided in agenda packets.

In response to Council Member Shelton commencing with a report on community events he recently attended, Mayor Irish advised that the place to report on such activities was during the Other Matters segment at the end of the meeting.

COUNCIL ACTION:
MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken, that the Council postpone Council Members’ comments on recently attended community events until the Other Matters segment of the meeting.

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

Documentation: M.O. 01-040312
Disposition: Approved.

ORAL COMMUNICATIONS
• Richard Hatfield, came forward on behalf of the Marching Through Time Committee, thanked the Council for its consideration of Item 7, and spoke of the efforts to date with the Centennial Park mural project.
• Felipe A. Martinez, 195 Putnam Avenue, spoke on behalf of the Time Marches On
Committee of the collaborative effort in seeing the mural project through to fruition, and requested the City’s continued support.

- Rondii Nieto, Owens Valley Career Development Center, spoke of her participation in the Harlem Children’s Zone Practitioners Institute trip; advised of upcoming local events; and commented on the need to make greater connections between agencies to make progress with the collaborative effort.
- Edith LaVonne, voiced concern with individuals driving through red lights, and requested that the P.D. address the issue.
- Donnette Silva Carter, Chamber of Commerce, invited everyone to attend the kick-off of Music on Main Street with the Monache Jazz Band on Friday; spoke of the upcoming Candidate Forum hosted by the Chamber and the Porterville Recorder to be held on May 7th in the Council Chambers and invited everyone to attend; and invited everyone to attend First Friday Coffee on Friday hosted by Pena Disposal.

CONSENT CALENDAR

Items 2, 4 and 5 were removed for further discussion.

1. CITY COUNCIL MINUTES OF FEBRUARY 7, 2012

Recommendation: That the City Council approve the draft City Council Minutes of February 7, 2012.

Documentation: M.O. 02-040312
Disposition: Approved.

3. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANTS

Recommendation: That the City Council adopt a resolution approving the application for State Off-Highway Vehicle Grant Funds.

Documentation: Resolution No. 32-2012
Disposition: Approved.

6. CONSIDERATION OF A STREET CLOSURE FOR COMMUNITY EVENT IN RECOGNITION OF BEAR PASCOE, A MEMBER OF THE NATIONAL FOOTBALL LEAGUE WORLD CHAMPION NEW YORK GIANTS

Recommendation: That the City Council authorize the temporary closure of Main Street between Thurman Avenue and Cleveland Avenue on April 7, 2012, in support of the community event to recognize Bear Pascoe.

Documentation: M.O. 03-040312
Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE ART ASSOCIATION AND PORTERVILLE MURAL COMMITTEE – MARCHING
THROUGH TIME HISTORICAL BAND MURAL DEDICATION AND MUSIC FESTIVAL – APRIL 21, 2012

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Art Association and the Porterville Mural Committee, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 04-040312
Disposition: Approved.

8. 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. 05-040312
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council approve Items 1, 3, and 6 through 8. The motion carried unanimously.

2. AWARD CONTRACT – DIGESTER BIOGAS CONDENSATE/SEDIMENT TRAPS

Recommendation: That the Council award the contract for four (4) condensate/sediment traps for the Wastewater Treatment Facility to Groth Corp., of Stafford, TX, in the amount of $17,515.44. Further, that Council authorize payment upon satisfactory acceptance of the equipment.

City Manager Lollis introduced the item and indicated it had been removed from Consent Calendar by Council Member Shelton. Council Member Shelton spoke against approval of the item.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council award the contract for four (4) condensate/sediment traps for the Wastewater Treatment Facility to Groth Corp., of Stafford, TX, in the amount of $17,515.44; and authorize payment upon satisfactory acceptance of the equipment.

AYES: Ward, Hamilton, McCracken, Irish
NOES: Shelton
ABSTAIN: None
4. 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.

City Manager Lollis introduced the item, and advised that it had been removed from Consent Calendar at Council Member Shelton’s request. Council Member Shelton spoke against the proposed travel, and inquired whether past trips to the conference had garnered results. Staff elaborated that Kohl’s was one example of a contact made at ICSC and attributed that contact to the store opening earlier than planned in Porterville.

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

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

Disposition: Approved.

5. AMENDING ORDER OF BUSINESS TO BE FOLLOWED AT REGULAR CITY COUNCIL MEETINGS

Recommendation: That the City Council approve the draft Resolution Rescinding Resolution No. 101-2010 and Establishing a New Order of Business to be Followed at Regular City Council Meetings of the City Council.

City Manager Lollis introduced the item, and advised that it had been removed from Consent Calendar at Council Member Shelton’s request. Council Member Shelton spoke against the item.

Vice Mayor Hamilton moved to approve the item. Council Member Ward proposed an amendment, which Vice Mayor accepted, to change “Council Comments” to “Other Matters.”

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward, that the Council approve the draft Resolution Rescinding Resolution 33-2012 and Establishing a New Order of Business to be Followed at Regular City Council Meetings of the City Council, as amended to change “Council Comments” to “Other Matters.”

AYES: Ward, Hamilton, McCracken, Irish
SECOND READING
9. ORDINANCE 1787, RESERVE FUND POLICY

Recommendation: That the City Council give second reading to Ordinance No. 1787, waive further reading, and adopt said ordinance.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton, that the Council give second reading to Ordinance No. 1787, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CREATING GENERAL FUND RESERVE POLICY; AUTHORIZING THE ESTABLISHMENT OF “BUDGET STABILIZATION,” “CATASTROPHIC/EMERGENCY,” “CAPITAL MAINTENANCE,” “CAPITAL CONSTRUCTION/IMPROVEMENT,” “INFRASTRUCTURE MAINTENANCE/IMPROVEMENT,” AND “SPECIAL PURPOSES” DEDICATED AND RESERVE FUNDS; AND AMENDING CHAPTER 2, ARTICLE VI, BY REPEALING SECTION 2-31 AND ADDING SECTIONS 2-31.1 THROUGH 2-31.7 OF THE PORTERVILLE MUNICIPAL CODE. The motion was unanimously approved.

City Manager Lollis read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS
10. SEQUOIA VALLEY ENTERPRISE ZONE BOUNDARY EXPANSION

Recommendation: That the City Council adopt the draft resolution approving the expansion of the Sequoia Valley Enterprise Zone Boundaries.

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

Council Member Shelton voiced opposition and inquired as to the benefit to the City. Staff elaborated on how the enterprise zone has benefitted the City in the past, including attracting businesses like Walmart Distribution Center and Foster Farms to Porterville.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton, that the City Council adopt the draft resolution approving the expansion of the Sequoia Valley Enterprise Zone Boundaries.

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

Disposition: Approved.

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

Recommendation: That the City Council continue the consideration of a ten-year Development Fee Payment Program to the City Council meeting scheduled for April 17, 2012.

City Manager Lollis presented the item, and Community Development Director Brad Dunlap presented the item. At the request of staff the Council directed that the item be continued to the meeting of April 17, 2012.

Disposition: Continued to April 17, 2012.

12. CONSIDERATION OF APPOINTMENT TO THE LIBRARY AND LITERACY COMMISSION

Recommendation: That the City Council appoint one individual to the Library and Literacy Commission to fill the unexpired term of Ms. Mary Leavitt due to expire in October 2012.

City Manager Lollis presented the item, and Administrative Services Manager Patrice Hildreth presented the staff report.

Noting Ms. Figueroa’s presence in the audience, Mayor Irish provided her an opportunity to come forward and address the Council.

- Esther Figueroa, voiced her interest in serving on the Library and Literacy Commission and requested that the Council consider her appointment.

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

Council Member Ward: Esther Figueroa
Vice Mayor Hamilton: Esther Figueroa
Mayor Irish: Esther Figueroa
Council Member Shelton: Esther Figueroa
Council Member McCracken: Carol Wilkins
COUNCIL ACTION: That the Council appoint Ms. Esther Figueroa to the Library and Literacy Commission to fill the unexpired term of Ms. Mary Leavitt due to expire in October 2012.

The City Council adjourned at 8:10 p.m. to a meeting of the Successor Agency.

SUCCESSOR AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
- Council Member Shelton indicated that, for purposes of complying with Health and Safety Code Sections 33130 and 33130.5, he has owned and has purchased property located in the Redevelopment Project Area, including but not limited to the following properties: APNs 248-021-025; 248-021-026; 248-021-027; 252-186-003; 253-050-081; 253-050-089; 253-050-090; 253-050-092; 253-050-111; 253-050-110; 253-050-109; 253-050-108; 253-050-107; 253-050-106; 253-050-105; 253-050-104; 253-050-103; 253-050-093; 253-160-034; 253-160-033; 260-104-015; 260-123-006; 261-125-001; 261-125-004; and 261-125-016. Agency Member Shelton then recused himself from the discussion and exited the Council Chambers.

SCHEDULED MATTER
SA1. ACCEPT REPORT ON OVERSIGHT BOARD APPOINTMENTS AND AUTHORIZE STAFF TO SCHEDULE THE FOURTH STREET PROPERTY APN 253-138-001 SALE TO SOCIAL VOCATIONAL SERVICES FOR CONSIDERATION BY THE OVERSIGHT BOARD

Recommendation: That the Successor Agency to the Porterville Redevelopment Agency:
1. Accept the report on Oversight Board membership; and
2. Authorize staff to schedule the Fourth Street Property sale to Social Vocational Services for consideration by the Oversight Board.

City Manager Lollis presented the item, and Community Development Director Brad Dunlap presented the item.

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Vice Chairman Hamilton, that the Successor Agency to the Porterville Redevelopment Agency accept the report on Oversight Board membership; and authorize staff to schedule the Fourth Street Property sale to Social Vocational Services for consideration by the Oversight Board.
AYES: Ward, Hamilton, McCracken, Irish
NOES: None
ABSENT: None
ABSTAIN: Shelton

Disposition: Approved.

The Meeting of the Successor Agency adjourned at 8:17 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton spoke of his recent attendance at a Fishing Derby at Bartlett Park; a Step Up meeting; and the Kids Fest event at Veteran’s Park. He then requested that Finance Director Bemis provide him with reimbursement forms as he would thence forth be seeking reimbursement for his attendance at future community events.
• Council Member McCracken, spoke of his attendance at the Fabulous Studio Band fundraiser, and commented on this plans to attend the Spring Ball.
• Vice Mayor Hamilton spoke of his attendance at the Kids Fest.

ADJOURNMENT
The Council adjourned at 8:20 p.m. to the meeting of April 17, 2012.

Patrice Hildreth, Chief Deputy City Clerk

SEAL

Ronald L. Irish, Mayor