CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AND 1155 KELVIN ROAD
EL SOBRANTE, CA 94803
MARCH 6, 2012, 5:30 P.M.

Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton (joined the meeting via teleconference during Closed Session), Council Member Shelton, Council Member McCracken, Mayor Irish

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

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 McCracken
Invocation – one individual participated.

Mayor Irish advised that Vice Mayor Cameron Hamilton was attending the meeting via teleconference that evening, and requested that everyone speak clearly.

PROCLAMATIONS
Boyd and Mary Leavitt

PRESENTATIONS
Employee of the Month – Debbie Salter
Employee Services Awards
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:
   A. Tulare County Economic Development Corporation – February 22, 2012. City Manager Lollis reported that the work plan was presented and discussed.
   B. Council of Cities – February 29, 2012. Council Member McCracken advised that there was nothing to report.

II. City Commission and Committee Meetings:
   A. Youth Commission – February 27, 2012. Commissioner Cassidy Vanasen advised that new officers had recently been elected; spoke of the upcoming Youth Conference; indicated results are currently being compiled for the survey of students; and invited all to attend the Commission meetings which took place in the Council Chambers every Monday at 4:00 p.m.

 Council Member Shelton began to 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 Council Member McCracken, SECONDED by Mayor Irish M.O. 01-030612 that the City Council immediately commence with the Oral Communications portion of the meeting.
AYES: McCracken, Hamilton, Irish
NOES: Shelton, Ward
ABSTAIN: None
ABSENT: None
Disposition: Approved.

ORAL COMMUNICATIONS
• Barry Caplan, lauded Ms. Salter and Ms. Farnsworth noting they were both exemplary employees; and spoke of the need to enforce the new Sign Code, stating that there were instances of unpermitted signage throughout the City.

CONSENT CALENDAR
Items 2, 3, 4, 5, 6, 9 and 10 were removed for further discussion.

Council Member McCracken moved to approve Item Nos. 1, 7, 8 and 11, and to move consideration of Item Nos. 2, 3, 4, 5, 6, 9 and 10 to after Scheduled Matters. The motion was seconded by Vice Mayor Hamilton.

A discussion took place regarding the order of business on the agenda and whether moving consideration of the pulled Consent Calendar Items was justifiable. City Attorney Lew advised that
the Council had the ability to change the order of the Agenda procedurally, and that Public Hearing items should be considered as soon after the beginning of the meeting as possible.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken that Item No. 9 be considered prior to the Public Hearing item.

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

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 7, 8 and 11, and move consideration of the pulled items to after Scheduled Matters, as amended to allow for consideration of Item No. 9 prior to the Public Hearing.

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

Disposition: Approved.

1. **CITY COUNCIL MINUTES OF FEBRUARY 27, 2012**

Recommendation: That the City Council accept the draft minutes of February 27, 2012.

Documentation: M.O. 03-030612

Disposition: Approved.

7. **AIRPORT LEASE RENEWAL – LOT 45**

Recommendation: That the City Council approve the extension of the Lease Agreement between the City Porterville and Gillespie Ag Service of Porterville, CA, for lot 45 at the Porterville Municipal Airport.

Documentation: M.O. 04-030612

Disposition: Approved.

8. **AIRPORT LEASE RENEWAL – FBO LOT 9**

Recommendation: That the City Council approve the ten year extension of the Lease Agreement between the City of Porterville and Arrow Falcon Exporters, Inc., for Fixed Base Operator Lot 9 at the Porterville Municipal Airport.

Documentation: M.O. 05-030612

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. 06-030612
Disposition: Approved.


Recommendation: That the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton expressed his support of the event.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Rotary Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit “A”. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

12. 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.

The City Manager introduced the item, and the staff report was presented by City Planner Bill Nebeker.
The public hearing was opened at 9:07 p.m.

- Jim Winton, 150 W. Morton, on behalf of the applicant Greg Woodard, requested approval.

- Barry Caplan, Porterville resident, questioned prohibition of onsite sale and spoke in support of the consumption of locally grown foods.

The public hearing was closed at 9:12 p.m.

A discussion ensured regarding on-site sales during which staff clarified that on site sale of crops would not be allowed unless otherwise approved by the City Council. Council Member Ward suggested that staff develop criteria which, if met, would allow for on site sales. Council Member McCracken spoke of the difficulty in setting parameters which would encompass all possible aspects. Staff was directed to bring back criteria for (c)(4) at the first meeting in May.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve the proposed ordinance for the Development Code and give first reading to the Draft Ordinance, being ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO ALLOW COMMERCIAL CROP CULTIVATION ON AN INTERIM BASIS IN CERTAIN ZONE DISTRICTS WITH A CONDITIONAL USE PERMIT; waive further reading and order the Ordinance to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved; and direction given.

**SCHEDULED MATTERS**

13. RE-VISIT CONSIDERATION OF STREET SELF-PERFORMANCE AND PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council provide direction.

The City Manager introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

A lengthy discussion took place about the accuracy of staff’s analysis; maintenance, operation and depreciation costs; and the validity of the alternative option proposed by staff.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council postpone the item to the second meeting in April.
14. APPOINTMENT TO CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE

Recommendation: That the City Council appoint Doug Heusdens to a one (1) year term on the CDBG Citizen’s Advisory and Housing Opportunity Committee

The City Manager introduced the item, and Community Development Director Brad Dunlap presented the staff report. At the Council’s request staff elaborated on the recommendation of an applicant, and spoke briefly about provisions specific to the committee which should be considered when appointing a replacement. It was requested that staff include eligibility criteria in future press releases when applicable.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Irish that M.O. 09-030612 the City Council appoint Doug Heusdens to a one (1) year term on the CDBG Citizen’s Advisory and Housing Opportunity Committee.

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

Disposition: Approved.

15. CONSIDERATION OF CHARGE AND SCOPE OF POTENTIAL BALLOT MEASURE REVIEW COMMITTEE; COMMITTEE’S COMPOSITION AND APPOINTMENT METHOD; AND APPROVAL OF PROPOSED TIMELINE

Recommendation: That the City Council:
1. Determine the charge and scope of the potential ballot measure review committee;
2. Determine the committee’s composition and appointment method;
3. Approve the proposed timeline; and
4. Provide direction to staff accordingly.

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

A discussion ensued regarding committee composition; methods of selection; and scope of the review.
COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve limiting the scope of the committee to impacts associated with the election and housekeeping matters to be submitted by the City Attorney; approve the establishment of a 9 member committee to be appointed by the City Council; and approve the proposed timeline, as amended to have the Committee present a recommendation to the City Council no later than June 5, 2012.

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

Disposition: Denied.

16. PROPOSED ORDINANCE CREATING GENERAL FUND RESERVE POLICY AND AUTHORIZING THE ESTABLISHMENT OF “BUDGET STABILIZATION,” “CATASTROPHIC/EMERGENCY,” “CAPITAL MAINTENANCE,” “CAPITAL CONSTRUCTION/IMPROVEMENT,” “INFRASTRUCTURE MAINTENANCE/IMPROVEMENT,” AND “SPECIAL PURPOSES” DEDICATED RESERVED FUNDS

Recommendation: That the City Council:
1. Review the draft Ordinance and provide input; and
2. Schedule a public hearing and consideration of the Ordinance for first reading.

City Manager Lollis introduced the item and presented the staff report. Following the staff report the Council took a ten minute recess.

Finance Director Maria Bemis provided a breakdown of the percentages proposed for each fund, after which time Council Member McCracken elaborated on the Audit Committee’s intent of the proposed ordinance and the definition of surplus revenues.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council schedule a public hearing for March 20, 2012. The motion carried unanimously.

Disposition: Approved.

CONSENT CALENDAR

2. ACCEPTANCE OF PROJECT – SCRANTON AVENUE & INDIANA STREET RECONSTRUCTION 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.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton inquired about a three year performance bond, and lauded staff’s efforts.

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 – JAYE STREET IMPROVEMENTS (FROM THE EASTERLY EXTENSION OF BROWN AVENUE TO GIBBONS AVENUE)

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, less $25,000.00 deduction ($25,000.00 to be held in a Trust and Agency Account), 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. Mayor Irish recused himself due to a conflict of interest. Council Member Shelton took a moment to praise staff for completing the project timely and under 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, less $25,000.00 deduction ($25,000.00 to be held in a Trust and Agency Account), thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Disposition: Approved.

4. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT
Recommendation: That the City Council:

1. Approve the draft resolution affirming the City Council’s support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project;
2. Authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and
3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority and a letter explaining the reimbursement request after expenditure of funds for a completed construction project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. At Council Member Shelton’s request, Public Works Director Rodriguez elaborated on the need for the resolution affirming City Council’s support of the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the draft resolution affirming the City Council’s support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project; authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority and a letter explaining the reimbursement request after expenditure of funds for a completed construction project. The motion carried unanimously.

Disposition: Approved.

5. PURCHASE OF POLICE VEHICLES

Recommendation: That the City Council authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of eight marked police vehicles.

The City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton commended staff for “thinking outside the box.”

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of eight marked police vehicles. The motion carried unanimously.

Disposition: Approved.

6. ABANDONED VEHICLE ABATEMENT PROGRAM

Recommendation: That the City Council:

1. Authorize the Tulare County Association of Governments, acting as the Authority, to extend the imposition of a $1.00 registration fee for an
additional 10-year period in order to fund the Vehicle Abatement Program through April 30, 2022.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton spoke in opposition of approval, and stated that the program was no longer relevant. Following some discussion regarding the need for the tax, the Council directed that: 1) the item be continued to a date following the next TCAG meeting; and 2) that the City’s TCAG representative obtain more information so that options could be explored.

Disposition: Item continued; and direction given.

10. 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 March 10, 2012, in support of the community event to recognize Bear Pasco.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Staff clarified that the event was tentative.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the City Council authorize the temporary closure of Main Street between Thurman Avenue and Cleveland Avenue on March 10, 2012, in support of the community event to recognize Bear Pasco. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS

- Yudi Martinez provided information to the Council on the “Unity One” project; spoke of the “adopt a block” effort last year and advised that she was again interested this year; and indicated she was very interested in working for the City and provided the Council with copies of her resume.

OTHER MATTERS

- Council Member Shelton spoke of various events he recently attended, including: a Chamber Mixer at Golden State Paint & Body; a Rockin’ for Alzheimer’s fundraiser; a Cadet Corp Judging; a Bill Horst history event at the library; a transit planning meeting; the public safety officer of the year event; and the Dr. Seuss reading event at the library. He then advised of upcoming community event, including: a Step-Up meeting; a realignment meeting; Youth Commission meeting; Bear Pascoe event; Mud Bogs; a memorial service for retired employee Jack Hicks; a mini Step Up event; St. Patrick’s Day events; and the Skateboard exhibition.
COUNCIL ACTION:   MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve adding the consideration of the Order of Business on the Council Agenda onto the next agenda.

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

Disposition: Approved.

• Council Ward lauded the library staff for their outreach efforts with library card sign-ups for newly registered kindergartners; and advised that a report on his recent trip to Harlem, NY to attend the Harlem Children’s Zone Workshop.

• Council Member Hamilton lauded Council Member Ward on his efforts and vision with the Harlem Children’s Zone and indicated he looked forward to hearing the report.

ADJOURNMENT
The Council adjourned at 10:05 p.m. to the Joint City Council/Parks & Leisure Services Commission Meeting of March 13, 2012 at 5:30 p.m. at the Library Community Room, 41 W. Thurman Avenue.

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Luisa Herrera, Deputy City Clerk

SEAL

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Ronald L. Irish, Mayor