Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, 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(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, CA, et al., Los Angeles Superior Court, -CCW, Case No. BC 462270.
   4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Cynthia Bowles and Antonio Sousa v. City of Porterville, et al., U.S. District Court, Eastern Division, Case No. F CV 10-0937 LJO GSA.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential plaintiff.
   6- 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 the Council took the following action:

A2: On a motion made by Council Member McCracken, seconded by Vice Mayor Hamilton, the Council unanimously rejected the claim of May 22, 2012, submitted by Ms. Malia Sanchez in the amount of $205.28, referred the matter to the City’s claims adjustor, and directed the City Clerk to give the claimant proper notice.

Documentation: M.O. 01-060512
Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Pete V. McCracken
Invocation – one individual participated.
**PROCLAMATIONS**

Bank of the Sierra – Continued to a future meeting.

**PRESENTATIONS**

Employee of the Month – Janie Rodriguez

Outstanding Business – Continued to a future meeting.

**AB 1234 REPORTS**

1. **Council of Cities – May 16, 2012**: Council Member McCracken advised that the negotiations with the County continue relative to the County’s General Plan and impact fees.

2. **Consolidated Waste Management Authority (CWMA) – May 17, 2012**: Council Member McCracken advised that the Authority was currently working on fees with one agency member.

3. **Tulare County Association of Governments (TCAG) – May 21, 2012**: No report was provided.

**REPORTS**

A. City Commission and Committee Meetings:

1. **Library and Literacy Commission – May 16, 2012**: Commissioner Allen Bailey updated the Council on National Library Week events; advised of the planned attendance by some Commissioners and staff at an upcoming Conference in Anaheim; and indicated that the Hot Spot Competition was in full swing.

**ORAL COMMUNICATIONS**

- Virginia Gurrola, 1441 W. Brian, thanked the Porterville Recorder, KTIP, and Will Lloyd for their work relative to the Candidate Forums.
- Brock Neeley, requested that Items 4 and 14 be removed from Consent Calendar for further discussion; and requested that he be allowed to address the Council during their consideration of Items 24 and 25.
- Rhoda Hunter, Tule River Tribal Council Member, voiced opposition on behalf of the Tribal Council to Item 23, and provided written correspondence to the Council regarding same.

At the Mayor’s request, due to the large number of people in attendance for Item 17, that item was presented next.

**PUBLIC HEARINGS**

17. **INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTIONS OF APPLICATION FOR NORTH MAIN STREET ANNEXATION NO. 475**

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Annexation 475; and
2. Adopt the draft resolution(s) authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation 475.

City Manager Lollis introduced the item. Staff advised that there would be no additional costs for approving more than one resolution initiating the annexation provided they were processed together at LAFCo. He added that staff had prepared separate resolutions for Areas A-1 through A-4, and Area B, should the Council choose to consider separately due to a potential conflict of interest for Council Member Shelton.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council bifurcate Area C from the others.

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

Council Member Shelton recused himself due to a conflict of interest and exited the Council chambers.

The staff report was presented by Community Development Director Brad Dunlap.

The public hearing was opened at 7:01 p.m.

- Pastor Stephen Marchbanks, Life Tabernacle Church, voiced concerns with requiring his church to hook up to the City’s storm drain system, and begin subject to the City’s regulations relative to the sale of firework sales; and spoke in opposition to the proposed annexation and the timing of its consideration.

- Rick Patterson, spoke against the proposed annexation, and requested that the Council deny this item.

- Roy Macomber, voiced his opposition to being annexed into the City due to the increased regulations.

- Philip Munoz, spoke against the proposed annexation, and voiced concern with the lack of Police Department assistance with regard to drug activity at a nearby residence.

- Mary McClure, voiced concern with zoning; spoke in favor of addressing zoning in conjunction with annexation; and communicated her displeasure with the condition of Main Street.

The public hearing was closed at 7:13 p.m.
A discussion ensued during which Council Member Ward voiced his opposition, and Vice Mayor Hamilton spoke of the pros and cons of the proposed annexation. Mayor Irish and Vice Mayor Hamilton spoke in favor of continuing the item to allow for another public meeting. The meeting was tentatively scheduled for June 28, 2012, in Council Chambers at 6:00 p.m. Council Member McCracken suggested circulation of a petition by property owners.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve continuance of the public hearing to July 17, 2012; and authorizing the scheduling of an additional public information meeting to take place on June 28, 2012, at 6:00 p.m. in the Council Chambers.

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

Disposition: Item continued.

The Council recessed for fifteen minutes.

At Mayor Irish’s request, Item 21 was presented next.

SCHEDULED MATTERS
21. GENERAL PLAN REFERRAL – TULARE COUNTY DETENTION FACILITY

Recommendation: That the City Council:
1. Determine the location on the northwest corner of Scranton Avenue and Newcomb Street for a proposed detention facility would be consistent with the General Plan of the City of Porterville; and
2. Affirm the determination of the Zoning Administrator that a correctional facility is consistent with other uses allowed in the Industrial Park Zone.

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

- Ben Kimball, Tulare County, came forward and spoke in support of Council approval.
- Jake Raper, RMA Director of Tulare County, spoke of the proposed concept of site development.
- Kristen Bennett, spoke of the planned buffer and design of the project.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council determine the location on the northwest corner of Scranton Avenue and Newcomb Street for a proposed detention facility.

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facility would be consistent with the General Plan of the City of Porterville; and affirm the determination of the Zoning Administrator that a correctional facility is consistent with other uses allowed in the Industrial Park Zone. The motion carried unanimously.

Disposition: Approved.

**COUNCIL ACTION:** On a motion by Council Member McCracken, seconded by Council Member Shelton, the Council unanimously approved removing Item 14 from Consent Calendar for further discussion.

Disposition: Approved.

**CONSENT CALENDAR**

Item Nos. 2, 3, 4, 7, and 14 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF MAY 22, 2012**

Recommendation: That the City Council approve the Minutes of May 22, 2012.

Documentation: M.O. 05-060512

Disposition: Approved.

5. **APPROVAL OF AMENDMENT NO. 3 TO JOINT POWERS AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY**

Recommendation: That the City Council approve and authorize the Mayor to sign Amendment No. 3 to the Agreement with Tulare County Health and Human Services Agency.

Documentation: M.O. 06-060512

Disposition: Approved.

6. **APPROVAL OF A RESOLUTION PROCLAIMING THE CITY OF PORTERVILLE AS A “SHARE THE ROAD” CITY**

Recommendation: That the City Council:

1. Approve the draft resolution affirming the City Council’s support and proclaim the City of Porterville as a “Share the Road” City;
2. Support the goals and ideals of the “Share the Road” designation as outlined by the Tulare County “Share the Road” Committee; and
3. Improve the safety and enjoyment of all modes of transportation that utilize the City’s roadway system.

Documentation: Resolution 50-2012
8. **APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE**

**Recommendation:** That the City Council:
1. Enter into an agreement with the County of Tulare for FY 2012/2013 to provide service to County residents within the Service Area Boundary; and
2. Authorize the Mayor to execute the Agreement on behalf of the City.

**Documentation:** M.O. 07-060512

**Disposition:** Approved.

9. **CHANGE THE PROJECT DESCRIPTION OF THE 2010-2011 PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT PROJECT**

**Recommendation:** That the City Council:
1. Approve the proposed resolution in support of amending the project description for the 2010-2011 Transit project; and
2. Authorizing staff to submit the required corrective action plan.

**Documentation:** Resolution 51-2012

**Disposition:** Approved.

10. **AUTHORIZATION TO SUBMIT A LETTER OF NO PREJUDICE (LONP) TO CALTRANS FOR BUS STOP IMPROVEMENTS AND CNG BUS PURCHASE IN ORDER TO USE FUTURE PROPOSITION 1B TRANSPORTATION BOND ACT (PROP 1B) FUNDS**

**Recommendation:** That the City Council:
1. Approve the draft Resolution approving a Letter of No Prejudice from the City of Porterville;
2. Authorize the submission of the proposed required Letter of No Prejudice (LONP) to Caltrans; and
3. Authorize the submission of the proposed Letter of Advance – Measure R Transit Funds to TCAG.

**Documentation:** Resolution 52-2012

**Disposition:** Approved.

11. **CALTIP BOARD MEMBER SELECTION**

**Recommendation:** That the City Council:
1. Approve the proposed Resolution designating Patrice Hildreth as the
City’s CalTIP Board Member and Baldo Rodriguez as the alternate designee; and
2. Authorize the Mayor to execute the Resolution for submission to CalTIP.

Documentation: Resolution 53-2012
Disposition: Approved.

12. AIRPORT LEASE RENEWAL – LOT 31A

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. James Costa, Costa Spraying, Inc., of Tulare, CA, for Lot 31A at the Porterville Municipal Airport.

Documentation: M.O. 08-060512
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE AND THE TULE RIVER TRIBE – FREEDOM FEST AND FIREWORKS SHOW

Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement submitted by the City of Porterville and the Tule River Tribe, subject to the stated requirements contained in Exhibit ‘A’;
2. Authorize staff to operate a shuttle route to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 30, 2012; and
3. Authorize staff to operate a free parking lot shuttle to and from the Porterville Fairgrounds and Sports Complex during the event.

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

Documentation: M.O. 09-060512
Disposition: Approved.

15. DEFERRED COMPENSATION PROGRAM FOR NEW HIRES

Recommendation: That the City Council:
1. Approve the deferred compensation plan for new hires effective July 1, 2012;
2. Approve ICMA and Strategic Retirement Advisors as authorized vendors for said 457 plan; and
3. Authorize the City Manager or his designee to execute all necessary documents.
16. 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.

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 5-6, 8-13, 15 and 16. The motion carried unanimously, noting the abstention of Council Member Shelton from Item No. 13.

2. ADJUSTMENT TO SMART VALLEY PLACES GRANT FOR AN INDUSTRIAL LAND ANNEXATION PROJECT

Recommendation: That the City Council approve the proposed Industrial Land Annexation project as described with funding from the SVP Grant Program.

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

Council Member Shelton inquired about the level of interest in annexation amongst property owners in the area. Staff was directed to conduct a poll to ascertain interest in the proposed annexation prior to moving forward in the process.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the City Council approve the proposed Industrial Land Annexation project as described with funding from the SVP Grant Program. The motion carried unanimously.

Disposition: Approved; and direction given.

3. ACCEPTANCE OF PROJECT – MARTIN HILL AND ROCKY HILL WATER RESERVOIR PROJECTS

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

The item was introduced by the City Manager, and the staff report was waived at the Council’s request. Council Member Shelton lauded staff for completion of the project on time and under budget.

Council Member Ward requested that Council discuss Item Nos. 3 and 4 concurrently. Staff elaborated on conditions of the proposed maintenance agreement; and spoke of possible future annexations in the area.

Council Member Shelton recused himself and exited the Council chambers upon realizing he had a conflict of interest relative to ownership of real property.

**COUNCIL ACTION:** MOVED BY Council Member Ward, SECONDED by Council Member McCracken that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Disposition: Approved.

4. CITY-COUNTY AGREEMENT FOR PORTIONS OF YATES AVENUE, ROCHE STREET, WORTH AVENUE AND PLANO STREET

Recommendation: That City Council:
1. Approve the City/County Agreement for a portion of Yates Avenue, Roche Street, Worth Avenue and Plano Street as written;
2. Authorize the Mayor and City Clerk to execute two (2) agreements; and
3. Authorize the City Clerk to forward the agreements to the Tulare County Board of Supervisors for their action.

The staff report was waived at the Council’s request. Council Member Ward expressed concern with the County’s tactics, and staff spoke of difficulties that could arise in the future if the agreement was not approved. Council Member McCracken noted that the City was not required by the agreement to improve the roads, but had the ability to do so.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the City/County Agreement for a portion of Yates Avenue, Roche Street, Worth Avenue and Plano Street
as written; authorize the Mayor and City Clerk to execute two (2) agreements; and authorize the City Clerk to forward the agreements to the Tulare County Board of Supervisors for their action.

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

Disposition: Approved.

Council Member Shelton rejoined the meeting.

7. AUTHORIZATION TO NEGOTIATE A CONTRACT – TRANSIT ADMINISTRATOR

Recommendation: That the City Council:
1. Direct the Public Works Director to meet with Sierra Management for the purpose of negotiating a 5-year Transit Administrator Services contract;
2. If successful, authorize the Mayor to execute the Transit Administrator Services contract with Sierra Management;
3. Authorize the Public Works Director to negotiate a Transit Administrator Services contract with MV Transportation if negotiations with Sierra Management are unsuccessful; and
4. If successful, authorize the Mayor to execute the Transit Administrator Services contract with MV Transportation.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton shared his contentment in seeing a local resident score highest amongst the proposers and lauded Richard Tree’s abilities. Staff then elaborated on the proposed 5-year option.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council direct the Public Works Director to meet with Sierra Management for the purpose of negotiating a 5-year Transit Administrator Services contract; if successful, authorize the Mayor to execute the Transit Administrator Services contract with Sierra Management; authorize the Public Works Director to negotiate a Transit Administrator Services contract with MV Transportation if negotiations with Sierra Management are unsuccessful; and if successful, authorize the Mayor to execute the Transit Administrator Services contract with MV Transportation. The motion carried unanimously.

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY
Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event Application.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. In response to an inquiry by Mr. Brock Neely, staff clarified that the certificate of insurance had been corrected.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event Application. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS

18. ORDINANCE 1789, AMENDMENTS TO DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS

Recommendation: That the City Council give Second Reading to Ordinance No. 1789, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1789, waive further reading, and adopt said ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS AND MONETARY PENALTIES. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

19. CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2012-2013 AND SETTING A PUBLIC HEARING DATE
Recommendation: That the City Council schedule the Public Hearing on the Fiscal Year 2012-2013 Budget on June 19, 2012.

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

COUNCIL ACTION: MOVED Council Member Ward, SECONDED by Council Member McCracken that the City Council schedule the Public Hearing on the Fiscal Year 2012-2013 Budget on June 19, 2012. The motion carried unanimously.

Disposition: Approved.

20. APPOINTMENT TO THE TRANSACTION AND USE TAX (“MEASURE H”) OVERSIGHT COMMITTEE

Recommendation: That the City Council consider the appointment of an individual to the Transactions and Use Tax Oversight Committee to fill the vacant position with a four-year term to expire in May 2016.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council appoint Janet Meister to the Transactions and Use Tax Oversight Committee to fill the vacant position with a four-year term to expire in May 2016. The motion carried unanimously.

Disposition: Approved.

22. This item was removed.

23. PROPOSED ORDINANCE AMENDMENT TO THE MUNICIPAL CODE PERTAINING TO CARD TABLES

Recommendation: That the City Council provide direction to staff regarding the submittal of the draft ordinance to the State Department of Justice, Bureau of Gambling Control for review and approval by the State Gambling Commission.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a potential conflict of interest pertaining to real property ownership. The staff report was presented by Community Development Director Dunlap.

City Attorney Lew spoke of Proposition 26, which became effective January 1, 2012 and affected the ability to charge fees tied to revenues.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council authorize staff to proceed with the submittal of the draft ordinance to the State Department of Justice, Bureau of Gambling Control for review and approval by the State Gambling Commission.

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

Disposition: Approved.

Council Member Shelton rejoined the meeting.

24. CONSIDERATION OF FINANCIAL SUPPORT FOR THE “MARCHING THROUGH TIME” MURAL PROJECT

Recommendation: That the City Council:
1. Consider the request of the Porterville Mural Committee to financially support the “Marching Through Time” mural project; and
2. If approved, authorize appropriate budget adjustment.

City Manager Lollis indicated that the applicant has requested a continuation of the item. Without objection it was continued to the meeting of June 19, 2012.

Disposition: Item continued to June 19, 2012.

25. AB 1234 EXPENSE REIMBURSEMENT REQUIREMENTS FOR ELECTED OFFICIALS

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

Council Member Shelton requested that Item No. 25 be continued to the meeting of July 17, 2012. Without objection, the item was continued.

Disposition: Item continued to July 17, 2012.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton acknowledged staff for their efforts at the Range, noting it was a great amenity for the City, and lauded the recent shooting event held there.
• Council Member Ward, thanked everyone for voting in the election.
• City Manager Lollis, advised that Police Captain Silver Rodriguez would be leaving Porterville to assume the position of Police Chief with the City of Sanger; indicated that Dalton Rogers and Tiffany Camat would be coming on board as Interns with the City; and reminded everyone of the Airshow to take place on Saturday.

ADJOURNMENT

The Council adjourned at 8:50 p.m. to the meeting of June 19, 2012.

Luisa Herrera, Deputy City Clerk

Cameron Hamilton, Vice Mayor