Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton, Council Member Hamilton, Mayor Gurrola

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.95 – Liability Claims: Claimants: Maria Dolores Santoyo, Jose Alfredo Santoyo, Francisco Santoyo, Jacqueline M. Garibay, Maria Isabel Felix, Rosaura Santoyo, Guadalupe Jackson, and Maria Magdalena Santoyo. Agency claimed against: City of Porterville.
   8- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

City Attorney Lew noted for the record that Closed Session Item A-8 was now existing litigation between the City of Porterville and the County of Tulare with regard to the General Plan.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that the following action had taken place:

A2: On a motion by Council Member Ward, seconded by Council Member Hamilton, the Council authorized staff to make payment to Jesus Ledesma, Guadalupe Ledesma, and Guillermo Ledesma in the amount of $500 for the acquisition of right of way at the property located at APN: 269-010-004; authorized the mayor to sign all necessary documents; and authorized the City to spend up to $500 to perfect the transaction. The motion carried unanimously.

Documentation: Resolution 97-2012
Disposition: Approved.

A3: On a motion by Council Member Hamilton, seconded by Council Member Ward, the Council authorized staff to make payment to Cesar Ledesma and Sara Ledesma in the amount of $1,500 for the acquisition of right of way at the property located at APN: 269-010-031; authorized the mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder. The motion carried unanimously.

Documentation: Resolution 98-2012
Disposition: Approved.

A5: On a motion by Council Member Hamilton, seconded by Council Member Ward, the Council rejected the claims filed by Maria Dolores Santoyo, Jose Alfredo Santoyo, Francisco Santoyo, Jacqueline M. Garibay, Maria Isabel Felix, Rosaura Santoyo, Guadalupe Jackson, and Maria Magdalena Santoyo; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimants proper notice. The motion carried unanimously.

Documentation: M.O. 01-100212
Disposition: Approved.

A6: On a motion by Vice Mayor McCracken, seconded by Council Member Ward, the Council rejected the claim filed by Guadalupe Garcia; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notice. The motion carried unanimously.

Documentation: M.O. 02-100212
Disposition: Approved.

A7: On a motion by Vice Mayor McCracken, seconded by Council Member Ward, the Council denied the Application to Present Late Claim filed by Central Valley Mortgage Service and its insurer Federal Insurance Company; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimants proper notice.
notice. The motion carried unanimously.

Documentation: M.O. 03-100212
Disposition: Approved.

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation – one individual participated.

**PROCLAMATIONS**
- Relay for Life Days – October 6-7, 2012
- Teen Read Week – October 14-20, 2012

**PRESENTATIONS**
- Employee of the Month – Robert Meier
- Swearing In of New Police Officers

**AB 1234 REPORTS**
1. Council of Cities – September 19, 2012: Vice Mayor McCracken reported that no action had taken place at the last Council of Cities meeting.

2. P.D.C. Advisory Board – September 26, 2012: City Manager Lollis reported on continued discussion regarding a proposed increase in client visits to the city.

3. Tulare County Economic Development Corporation – September 26, 2012: Mayor Gurrola reported a lack of a quorum at the meeting; and shared information regarding a new database of properties and buildings available in Tulare County.

4. League of California Cities – September 6, 2012: Council Member Ward reported on sessions he attended regarding pension reform, bullying, and solar power.

**REPORTS**
City Commission and Committee Meetings:


2. Youth Commission – September 24, 2012: Youth Commissioners Oscar Arroyo and Seth Steen reported that the commission was currently exploring fundraising ideas which would encourage unification amongst the high schools; and spoke of difficulties with regard to school participation.

   Council Member Ward inquired about efforts of the previous Youth Commission with regard to high school drop out rates and requested that the information be provided to the Council if possible.

   City Manager Lollis reported the presence of airborne asbestos in the Informational
Technology Server Room, which required immediate abatement. He requested that the Council consider its addition to the Agenda.

COUNCIL ACTION: On a motion by Vice Mayor McCracken, and seconded by Council Member Ward, the Council unanimously approved the addition of Emergency Item: Presence of Asbestos Materials in Information Technology (IT) Server Room to the Agenda as Item No. 18.

Disposition: Emergency Item added.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville resident, commented on the improved appearance of City Hall; spoke in opposition of the reconsideration of items due to Council Member absence; spoke of his recent lobbying trip to Sacramento; and spoke in favor of a City Council resolution supporting Proposition 30.

CONSENT CALENDAR

Items 5, 11, 12 and 14 were removed for further discussion after the last scheduled matter.

1. CITY COUNCIL MINUTES OF JUNE 5, 2012

Recommendation: That the City Council approve the Minutes of June 5, 2012.

Documentation: M.O. 05-100212

Disposition: Approved.

2. AUTHORIZE STAFF TO APPROVE THE PURCHASE OF GFI GENFARE EQUIPMENT

Recommendation: That the City Council:
1. Authorize staff to begin negotiations for the purchase of GFI Genfare equipment; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 06-100212

Disposition: Approved.

3. AWARD OF SERVICE AGREEMENT CONTRACT FOR THE DESIGN AND FABRICATION OF TRANSIT SYSTEM SIGNAGE

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Service Agreement with CHK America for a period of three years for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount.
4. ACCEPTANCE OF PROJECT - 2011/2012 MICRO-SURFACING (OLIVE AVENUE & HENDERSON 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 thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 07-100212
Disposition: Approved.

6. RATIFICATION OF EXPENDITURE – SCE POWER FOR THE CHASE AVENUE NEIGHBORHOOD PARK PROJECT

Recommendation: That the City Council:
   1. Approve the costs associated with providing electrical services to the Chase Avenue Neighborhood Park; and
   2. Authorize the City Engineer to process the SCE invoice for $20,142.57.

Documentation: M.O. 08-100212
Disposition: Approved.

7. 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, 2012, population of 55,107.

Documentation: M.O. 09-100212
Disposition: Approved.

8. AUTHORIZE PARKS AND LEISURE SERVICES ACTING DIRECTOR TO APPLY FOR MRC STIMULUS PLAY MATCHING FUNDS GRANT AND PURCHASE EQUIPMENT

Recommendation: That the City Council:
   1. Authorize the Parks and Leisure Services Acting Director to proceed with the grant process; and
   2. Authorize the purchase of the playground equipment utilizing the US Communities contract.

Documentation: M.O. 11-100212
9. LIBRARY AND LITERACY COMMISSION VACANCIES

Recommendation: That the City Council direct staff to solicit applications to fill the seat vacated by Ms. Stephanie Cortez on the Library and Literacy Commission, and the four seats with terms to expired at the end of October 2012; and bring the item back to the Council for appointment.

Documentation: M.O. 12-100212
Disposition: Approved.

10. POLICY CONCERNING ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR CITY-SPONSORED EVENTS

Recommendation: That the City Council consider and approve the Resolution establishing a policy concerning the acceptance of tickets by Council Members to City or City-sponsored events.

Documentation: Resolution 99-2012
Disposition: Approved.

13. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER IMPLEMENTING THE USE OF ONLINE REGISTRATION FOR CITY SPORTS AND ACTIVITIES

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the consideration of implementing the use of online registration for City sports and activities.

Documentation: M.O. 13-100212
Disposition: Approved.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST TO THE CITY COUNCIL TO CONSIDER THE APPOINTMENT OF BOTH A COUNCIL REPRESENTATIVE AND AN ALTERNATE TO ATTEND CALIFORNIA LEAGUE OF CITIES – SOUTH SAN JOAQUIN VALLEY DIVISION MEETINGS

Recommendation: Vice Mayor McCracken makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the consideration of appointing both a Council Representative and an Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

Documentation: M.O. 14-100212
Disposition: Approved.
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 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 15-100212
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1-4, 6-10, 13, 15 and 16. The motion carried unanimously.

SCHEDULED MATTERS
17. CONSIDERATION OF ORDINANCE TO AMEND CHAPTER 2, ARTICLE I, SECTION 2-1 OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE ADJOURNMENT TIME OF CITY COUNCIL MEETINGS

Recommendation: That the City Council approve the draft ordinance amending Chapter 2, Article I, Section 2-1 of the Porterville Municipal Code to remove the requirement that Council Meetings adjourn no later than 9:45 p.m.; give first reading of the ordinance; and order it to print.

The City Manager introduced the item, and the Administrative Services Manager presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council approve the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1, TIME AND PLACE OF REGULAR MEETINGS, OF THE PORTERVILLE MUNICIPAL CODE; give first reading of the ordinance; and order it to print. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

18. PRESENCE OF ASBESTOS MATERIALS IN INFORMATION TECHNOLOGY (IT) SERVER ROOM
Recommendation: That the City Council take immediate emergency action to:

1. Authorize the Public Works Director to negotiate a contract with a certified, licensed asbestos abatement contractor to remove the acoustical ceiling material (775SF) and floor tiles from the Computer Server Room (505SF); and
2. Authorize the Mayor to execute the Asbestos Abatement Contract.

City Manager Lollis introduced the item and presented the staff report. Council Member Shelton inquired about the initial discovery of the condition, and spoke in favor of a comprehensive search of City facilities.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council authorize the Public Works Director to negotiate a contract with a certified, licensed asbestos abatement contractor to remove the acoustical ceiling material (775SF) and floor tiles from the Computer Server Room (505SF); and authorize the Mayor to execute the Asbestos Abatement Contract. The motion carried unanimously.

Disposition: Approved.

5. AUTHORIZATION TO TEMPORARILY INCREASE DIVISION STAFFING LEVELS

Recommendation: That the City Council temporarily approve the increase of the Engineering and Building Division staff levels.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Following inquiries made by Council Member Shelton, staff elaborated on the project focus of the temporary position should it be approved by the Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council temporarily approve the increase of the Engineering and Building Division staffing levels. The motion carried unanimously.

Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO RECONSIDER ITS ADOPTION OF THE CITY COUNCIL HANDBOOK

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the reconsideration of its adoption of the City Council Handbook.
City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.

Council Members Ward and Shelton spoke in favor of reconsideration, specifically the requirement of a motion and a second prior to discussion. A lengthy discussion ensued during which the benefit of a motion and a second prior to discussion was debated. Council Members Ward and Shelton asserted that it was a cause of contention amongst members and stifled free speech, while Council Member Hamilton, Vice Mayor McCracken and Mayor Gurrola maintained that it was a means of keeping order and encouraging focused discussion.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council deny the request to reconsider its adoption of the City Council Handbook.

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

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Ward that the City Council authorize the scheduling on the October 16th Council M.O. 18-100212 Agenda the reconsideration of its adoption of the City Council Handbook.

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

Disposition: Approved.

12. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST THAT THE CITY COUNCIL RECONSIDER ITS DECISION TO UTILIZE WIRELESS HEADSET MICROPHONES

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the reconsideration of its decision to utilize wireless headset microphones.

City Manager Lollis introduced the item. Vice Mayor McCracken noted that the wireless headset microphones had already been ordered and the contract with the vendor could not be cancelled. Council Members Ward and Shelton voiced opposition to the purchase and the use of the wireless headset microphones.

Disposition: No action taken.
14. COUNCIL MEMBER REQUESTED AGENCY ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ESTABLISHING A LOCAL COMMUNITY EVENT SUPPORT BUDGET FOR EACH MEMBER OF COUNCIL

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

City Manager Lollis introduced the item. The staff report was waived at the Council’s request. Vice Mayor McCracken expressed concern with the intent of the item and the lack of information provided. Council Member Shelton spoke about various types of Council Member expenses and the importance of attending local events. Council Member Hamilton expressed his opinion that the item was not presented properly and should be drafted as a policy for future consideration. Council Member Ward spoke in support of a Council Member’s right to add items to the agenda.

City Attorney Lew recommended that there be a dollar amount included in a future report should the Council authorize its consideration.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council deny the request to authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the request to authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

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

Disposition: Approved.

The Council recessed for five minutes.
The Council adjourned at 8:15 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

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

Roll Call: Agency Member Ward, Vice Chair McCracken, Agency Member Shelton, Agency Member Hamilton, Chair Gurrola

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTER
SA-01. CONFLICTS OF INTEREST (HEALTH & SAFETY CODE SECTIONS 33130 AND 33130.5) IN REGARD TO THE FORMER REDEVELOPMENT AGENCY AND CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY

Recommendation: For City Council/Successor Agency information only.

City Manager Lollis introduced the item. Community Development Director Dunlap introduced Successor Agency Special Counsel Vanessa Locklin who gave a presentation regarding the provisions of Health & Safety Code Sections 33130 and 33130.5, and an analysis of the applicability of the provisions following the dissolution of the former Porterville Redevelopment Agency.

Agency Member Shelton inquired about his ownership of properties, the acquisition of additional property, and his participation in the Successor Agency. Counsel Locklin advised that there were three exceptions for acquiring property, one of which was for personal residential use. Member Shelton inquired as to whether the purchase of a vacant lot which he intended to live on in the future was permitted, to which Ms. Locklin replied that she would not advise it. Counsel Locklin deduced that the intent of the provision was to prevent speculation in real property by Council Members and employees, which differed from the intent of the Political Reform Act.

Special Counsel Locklin also addressed a question posed by Member Shelton regarding the existence of the Redevelopment Agency. She advised that the legislature had dissolved the Redevelopment Agencies, and provided for the winding down of its affairs; but it had not repealed Community Redevelopment Law, nullified the Redevelopment Plan or eliminated the Project Area. Member Shelton stated that he was not satisfied with the responses received, and communicated his desire to seek the opinion of the Attorney General with regard to his inquiries.

City Attorney Lew stated that the Attorney General would not assess risk, but instead would answer direct questions. A discussion then ensued regarding the questions that should be posed to the Attorney General, the dissemination of Form 700’s, and notice of disclosure in the minutes.
AGENCY ACTION: MOVED by Vice Chair McCracken, SECONDED by Member Hamilton that the City Council authorize Counsel to seek the opinion of the Attorney General regarding questions pertaining to: whether Redevelopment Agency laws, specifically Health & Safety Code §§ 33130 and 33130.5, are still in effect; disclosure requirements; if vacant properties purchased with the intent to use for personal residential use qualify as an exception; and if resignation from Successor Agency is permitted. The motion carried unanimously.

The Successor Agency Meeting adjourned at 8:52 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Shelton – reported his attendance at the Fil-Amer event and the Youth Center 15-Year Anniversary; requested a policy change regarding Council questioning of department head subordinates; and suggested that the Charter Review Committee consider an amendment regarding Council Member abstention.
- City Attorney Lew – advised that the suggestions made by Council Member Shelton could be added to the list of items considered by the Charter Review Committee.
- Mayor Gurrola – reported her attendance at the Smog “Tune In & Tune Up” emissions testing event at the Porterville Fairgrounds.
- Council Member Ward – wished Council Member Hamilton good luck with his upcoming surgical procedure.
- City Manager Lollis – spoke of the upcoming 20th Anniversary of the local Wal-Mart store on Friday, October 5th.

ADJOURNMENT
The Council adjourned at 9:00 p.m. to the meeting of October 16, 2012.

______________________________
Luisa M. Herrera, Deputy City Clerk

SEAL

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Virginia R. Gurrola, Mayor