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:
   4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
   5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation: Claim against the City by Maria Dolores Santoyo, et al.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Lew reported that the following reportable action took place:

   A3: On a motion by Council Member Ward, seconded by Council Member Hamilton, the Council rejected the claim filed by Theresa Breckenridge; 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. 01-101612
Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation – one individual participated.
PROCLAMATIONS
Freedom from Workplace Bullies Week – October 14-20, 2012
Friends of the Library Week – October 21-27, 2012
Make a Difference Day – October 27, 2012

PRESENTATIONS
Police Officer Badge Pinning Ceremony

AB 1234 REPORTS
This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) – October 15, 2012: Mayor Gurrola reported on: Senate Bill 375, the formation of the Regional Transportation Plan Roundtable, Measure R, and a Tulare County Bridge Maintenance Program.
2. Tule River Improvement JPA – October 11, 2012: John reported on discussions regarding Success Dam seepage and overtopping.

REPORTS
This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings:
   1. Library and Literacy Commission – October 9, 2012: No verbal report.
   2. Parks & Leisure Services Commission – October 4, 2012: Commissioner Monte Moore reported on the 15th Anniversary of the Youth Center; anniversaries of various Parks employees; and announced that Porterville Youth Football would be donating a new flag pole to be located at the Sports Complex.
   3. Youth Commission – October 8, 2012: Commissioner Oscar Arroyo provided an update on the commission’s activities and reported improved participation amongst the high schools.

II. Staff Informational Items:
   1. City Attorney’s Report of Closed Session Action on September 26, 2012: City Attorney Lew reported that on the 26th of September, on a motion made by Vice Mayor McCracken, and seconded by Council Member Hamilton the Council did vote 3/0 to authorize the initiation of litigation with regard to the dispute between the City and the County of Tulare regarding the General Plan that they adopted in September. She noted the absence of Council Members Ward and Shelton.

      Mayor Gurrola took a moment to wish Council Member Hamilton a happy belated birthday.

ORAL COMMUNICATIONS
- Sheryl Anderson, 851 Jaye Street, expressed safety concerns regarding traffic in the area of her residence, and stressed a need for improvements.
Jason Underwood, spoke of the hazardous condition of the old drive-in theater lot, and expressed concerns for the safety of children and individuals.

Brad and Melanie Dunlap, Porterville residents, lauded the efforts of the Police Department following the assault of their two sons.

The Council took a short recess at 7:02 p.m.

**CONSENT CALENDAR**

Item Nos. 4, 7 and 9 were removed for further discussion.

1. **AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS (RFQ) FOR ON-CALL CONSULTING SERVICES**

Recommendation: The City Council authorize staff to distribute a Request for Qualifications for On-Call Consulting Services.

Documentation: M.O. 02-101612
Disposition: Approved.

2. **AWARD OF CONTRACT – CALEMA REPAIR PROJECTS**

Recommendation: The City Council:

1. Award the CalEMA Repairs Project to Greg Bartlett Construction in the amount of $95,391.71;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize an appropriation of $20,819.23 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project; and
4. Authorize a 10% contingency to cover unforeseen construction costs and $11,736 for construction management, quality control and inspection.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve staff’s recommendation.

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

Documentation: M.O. 03-101612
Disposition: Approved.

3. **AWARD SERVICE AGREEMENT CONTRACT FOR ELECTRONIC FAREBOX EQUIPMENT**
Recommendation: That the City Council:
1. Authorize the Mayor to execute the Service Agreement with GFI Genfare for a period of three (3) years for the equipment described herein; and
2. Authorize progress payments up to 100% of the fee amount.

Documentation: M.O. 04-101612
Disposition: Approved.

5. ACCEPTANCE OF PROJECT – PREPARATION AND PAINTING OF PORTERVILLE CITY HALL BUILDING

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 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-101612
Disposition: Approved.

6. RESOLUTION APPROVING THE APPLICATION FOR CALIFORNIA STATE PARKS LAND AND WATER CONSERVATION FUND

Recommendation: That the City Council adopt the resolution approving the application for Land and Water Conservation Fund Grant-In-Aid Program, for the Sports Complex Lighting Project.

Documentation: Resolution 100-2012
Disposition: Approved.

8. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

Recommendation: That the City Council authorize the sixth Annual Food for Fines Campaign to run October 22 through December 22, 2012.

Documentation: M.O. 06-101612
Disposition: Approved.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Veterans’ Homecoming 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. 07-101612
Disposition: Approved.


Recommendation: That the City Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce and Rotary Club subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application;
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 29, 2012; and
3. Restrict closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m., to those at the north end of City Hall along Main Street.

Documentation: M.O. 08-101612
Disposition: Approved.

12. 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 still exists to continue said local emergency designation.

Documentation: M.O. 09-101612
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1-3, 5, 6, 8, and 10-12. The motion carried unanimously; with the exception of Council Member Shelton’s abstention from Item No. 02.

PUBLIC HEARINGS

13. VARIANCE, CONDITIONAL USE PERMIT AND TENTATIVE SUBDIVISION MAP FOR THE DEVELOPMENT OF SIXTEEN (16) REDUCED LOT SIZE SINGLE FAMILY LOTS

Recommendation: That the City Council:
1. Adopt the draft resolution approving Variance 2011-022-V;
2. Adopt the draft resolution approving Conditional Use Permit 2011-022-C; and
3. Adopt the draft resolution approving Tentative Subdivision Map 2011-022-M.

City Manager Lollis introduced the item, and the staff report was presented by City Planner Julie Phillips.

The public hearing was opened at 7:19 p.m.

- Jim Winton, 150 W. Morton, voiced his appreciation of staff’s efforts with regard to the project.
- Jason Moyes, 444 W. Morton, representing Smee Builders, thanked staff for their work and expressed his excitement about the project.

The public hearing was closed at 7:22 p.m.

Council Member Shelton voiced his support for the proposed development, while Council Member Ward expressed concern with the lack of play area for kids. A brief discussion followed regarding open space requirements and staff noted the proximity of Summit Charter Academy

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving Variance 2011-022-V; adopt the draft resolution approving Conditional Use Permit 2011-022-C; and; and adopt the draft resolution approving Tentative Subdivision Map 2011-022-M. The motion carried unanimously.

Disposition: Approved.

14. ADOPTION OF THE SECOND AMENDMENT OF THE NONDISPOSAL FACILITY ELEMENT

Recommendation: That the City Council:
1. Conduct a public hearing to receive public input; and
2. Approve the second amendment of the Nondisposal Facility Element.

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

The public hearing was opened at 7:31 p.m., and closed at 7:32 p.m. when no one came forward.
COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the second amendment of the Nondisposal Facility Element. The motion carried unanimously.

Disposition: Approved.

SECOND READING

15. ORDINANCE 1792, AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1 OF THE MUNICIPAL CODE CONCERNING ADJOURNMENT TIME

Recommendation: That the City Council give Second Reading to Ordinance No. 1792, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1792, waive further reading, and adopt said 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. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

16. CONSIDERATION OF REORGANIZATION OF THE PARKS AND LEISURE SERVICES DEPARTMENT

Recommendation: That the City Council adopt the draft resolution authorizing a change in the City’s Departmental Table of Organization; and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan.

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

Council Member Shelton expressed concern that the Parks and Leisure Services Department was taking a disproportionate share of the hit, and Council Member Ward voiced his desire to make leisure programs more affordable for families and more efficient overall.

Council Member Hamilton noted that cost savings relative to personnel had always been part of the budget plan. Council Member Ward spoke in favor of a reduced salary range for the proposed
Leisure Services Specialist.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council reject the draft resolution authorizing a change in the City’s Departmental Table of Organization; and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve the draft resolution authorizing a change in the City’s Departmental Table of Organization; and amending the Position Allocation Schedule and Position Pay Plan of the City’s Employee Pay and Benefit Plan, as amended to include a cap of $55,000 for the Leisure Services Specialist.

Disposition: Approved.

17. ENVIRONMENTAL REVIEW OF THE JAYE STREET/MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Jaye Street/Montgomery Avenue Roundabout Project.

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

COUNCIL ACTION: Resolution 106-2012 MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Jaye Street/Montgomery Avenue Roundabout Project. The motion carried unanimously.

Disposition: Approved.

City Attorney Lew communicated a concern from staff regarding a misstatement relative to the CEQA exemption cited. They requested that Council reconsider the item for clarification and readoption with correct language.

14. ADOPTION OF THE SECOND AMENDMENT OF THE NONDISPOSAL FACILITY ELEMENT
Recommendation: That the City Council:
1. Conduct a public hearing to receive public input; and
2. Approve the second amendment of the Nondisposal Facility Element.

Community Development Director Dunlap clarified that there was a specific statutory exemption, which was more applicable to the situation; and recommended that the Council reconsider the resolution as amended to cite CEQA Section 15282(p).

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council rescind Council action pertaining to Item 14 and reconsider the item. The motion carried unanimously.

The public hearing was re-opened at 7:58 p.m., and was closed at 7:59 p.m. when no one came forward.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the second amendment of the Nondisposal Facility Element, as amended to cite CEQA Section 15282(p). The motion carried unanimously.

Disposition: Approved.

The Council recessed for five minutes at 7:59 p.m.

18. AUTHORIZATION TO ESTABLISH THE PORTERVILLE TRANSIT ADVISORY COMMITTEE

Recommendation: That the City Council:
1. Approve the draft resolution creating and establishing the Transit Advisory Committee; and
2. Authorize the mayor to execute the resolution.

City Manager Lollis introduced the item, and the staff report was presented by Transit Manager Richard Tree.

Council inquired about the proposed make-up of the committee, costs, and staff time. Mr. Tree elaborated on the demographics of transit users. Council Member Ward moved to approve, which was then seconded by Vice Mayor McCracken. A discussion followed regarding the concept of representation of all user groups on the committee, including youth.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council amend the draft resolution to strike Section 3.A.a-c., and replace with language indicating that the Transit Manager shall determine the make-up of constituents on the seven (7) member committee taking into account transit user demographics.
AYES: Ward, Shelton, McCracken, Gurrola
NOES: None
ABSTAIN: None
ABSENT: Hamilton

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve the draft resolution creating Resolution 107-2012 and establishing the Transit Advisory Committee, as amended to allow Transit Manager to determine make-up of constituents on the committee taking into account transit user demographics; and authorize the mayor to execute the resolution.

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

Disposition: Approved, as amended.

19. RECONSIDERATION OF THE CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council reconsider its adoption of the City Council Procedural Handbook.

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

Council Members Ward and Shelton spoke in favor of postponing the item to the next meeting in light of Council Member Hamilton’s absence. Mayor Gurrola noted that Council Member Hamilton had voted to approve the handbook when it was last considered. A discussion followed regarding comments made on KTIP, the intent of the handbook, and peace on the Council.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council postpone the item to the next Council meeting.

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

A discussion ensued regarding future reconsideration of the handbook and which members of the Council were able to bring it back. City Attorney Lew advised that Council Members Ward and Shelton, and Mayor Gurrola had voted in favor of its reconsideration.

Disposition: No action.
20. CONSIDER IMPLEMENTING THE USE OF ONLINE REGISTRATION FOR CITY SPORTS AND ACTIVITIES

Recommendation: That the City Council:
1. Provide direction regarding implementing online registration; and
2. If approved, identify a funding source to provide the service.

City Manager Lollis introduced the item, and Acting Parks and Leisure Services Director Donnie Moore presented the staff report.

Council Member Ward spoke in support of making registration for sports and activities more convenient for the public, but voiced opposition to spending $8,000.

Mayor Gurrola voiced support for the use of online registration, noting that the Leisure Services Department had limited staff and a more efficient system would be beneficial. Staff elaborated on the use of existing recreation software modules; costs/staff time associated with the use of an additional provider versus Active Network; and previous attempts to provide multiple registration sites.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council reject the implementation of online registration for City sports and activities.

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

Disposition: Denied.

21. CONSIDERATION OF ESTABLISHING A LOCAL COMMUNITY EVENT SUPPORT BUDGET FOR EACH MEMBER OF CITY COUNCIL

Recommendation: That the City Council consider the establishment of a Local Community Event Support Budget for each Member of Council.

City Manager Lollis introduced the item. Council Member Shelton requested that the item be postponed due to Council Member Hamilton’s absence, noting that he had voted in favor or considering the item.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council postpone consideration of the item to the November 6, 2012, meeting.
22. CONSIDERATION OF APPOINTMENT OF BOTH A CITY COUNCIL REPRESENTATIVE AND AN ALTERNATE TO ATTEND CALIFORNIA LEAGUE OF CITIES – SOUTH SAN JOAQUIN VALLEY DIVISION MEETINGS

Recommendation: That the City Council consider the appointment of both a Council Representative and Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

City Manager Lollis introduced the item.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council reject the appointment of both a Council Representative and Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

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

Disposition: Denied.

4. ACCEPTANCE OF PROJECT – 2012/2013 MICRO-SURFACING PROJECT (OLIVE AVENUE & INDIANA STREET)

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. Vice Mayor McCracken recused himself due to proximity of the project to his residence.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton 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.

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

Disposition: Approved.

7. CONSIDERATION OF STREET CLOSURE FOR PROJECT HOMELESS CONNECT OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of “B” Street between Olive Avenue and Vine Avenue on Thursday, November 1, 2012, in support of the planned Project Homeless Connect outreach event.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton voiced support for the temporary street closure and lauded staff’s efforts. He then recused himself due to a conflict with regard to property ownership.

Transit Manager Rich Tree informed the Council that City Transit Route 4, but indicated that it could be re-routed to accommodate the closure.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that the City Council authorize the temporary closure of “B” Street between Olive Avenue and Vine Avenue on Thursday, November 1, 2012, in support of the planned Project Homeless Connect outreach event.

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

Disposition: Approved.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the O.L.A. Raza, Inc. subject to the stated requirements contained in the Application, Agreement and Exhibit A.

City Manager Lollis introduced the item, and the staff was waived at the Council’s request.
Council Member Shelton recused himself due to a conflict of interest relative to property ownership.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that the City Council approve the Community Civic Event Application and Agreement submitted by the O.L.A. Raza, Inc. subject to the stated requirements contained in the Application, Agreement and Exhibit A.

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

Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Shelton reported his attendance at the following: Relay for Life, Tribe’s Mural Dedication, Pioneer Days Rib Cook-Off; applauded those who attend local events; and noted the upcoming Candlelight Vigil at Centennial Park and Indian Gaming Local Benefit Committee meeting.
- Mayor Gurrola reported that she attended the same events, and lauded the efforts of those responsible for the events.
- Council Member Ward requested that an item requesting reorganization of the City Council be added to the next agenda.
- City Manager Lollis reported that Sunburst Packing would be moving into the old Goodell Packing facility at Orange Avenue and E Street.

ADJOURNMENT
The Council adjourned at 9:07 p.m. to the meeting of November 6, 2012.

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Luisa M. Herrera, Deputy City Clerk
SEAL

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Virginia R. Gurrola, Mayor