Called to Order at 5:31 p.m.
Roll Call: Council Member Ward, Council Member Shelton (arrived at 5:40), Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential Plaintiffs.
   5- 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 the Council took the following action:


COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward, the Council authorized staff to make payment to Jeanne m. Siracusa, Trustee, and Joyce Munro, in the amount of $500.00; 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 92-2012
Disposition: Approved.

claimed against: City of Porterville.

COUNCIL ACTION: On a motion by Vice Mayor McCracken, seconded by Council Member Hamilton, the Council rejected the claim filed by John Duran, referred the matter to the City’s claims adjustor, and directed the City Clerk to give the Claimant proper notice. The motion carried 3/0 with Council Member Ward abstaining, and Council Member Shelton absent.

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

Documentation: M.O. 01-090412
Disposition: Approved.

Pledge of Allegiance Led by Council Member Brian Ward
Invocation – one individual participated.

PROCLAMATIONS
National Library Card Sign-Up Month – September 2012
Constitution Week – September 17 – 23, 2012

PRESENTATIONS
Employee of the Month – Cody Clem (carried over to September 18, 2012)

AB 1234 REPORTS
1. Consolidated Waste Management Authority (CWMA): Council Member McCracken reported that the Authority had discussed the Board of Supervisors’ action relative to the tipping fee increases and reduction in hours of operations at the County’s landfills, including the Teapot Dome location.
2. Tulare County Economic Development Corporation: City Manager Lollis reported on recent EDC activities and advised of the organization’s focus on prospects; advised of concern regarding the continuance of the Enterprise Zone designation in light of state budgetary issues; and informed everyone that he had been appointed to chair a subcommittee on healthcare.
3. Tulare County City Selection Committee: It was reported that Dinuba Council Member Janet Hinesly had been appointed as the at-large member.
4. Council of Cities: Mayor Gurrola reported that discussions on the MOU with the County and the CWMA issues addressed earlier had been discussed. She also advised that while the Vice Chair was to have presented an extension request to the County regarding their General Plan, that issue was now moot considering the recent Board of Supervisors’ action.

REPORTS
1. City Commission and Committee Meetings:
1. Transaction and Use Tax (“Measure H”) Oversight Committee: City Manager John Lollis reported that the Measure H Oversight Committee met on August 22nd, and had found the Measure H Fund expenses and proposed budget to be in compliance with the intent of the ballot measure.

II. Staff Informational Items
   1. County Board of Supervisor’s Meeting August 28, 2012
      Re: Informational report of action taken regarding a budget shortfall in the County’s Solid Waste Enterprise.

   **ORAL COMMUNICATIONS**
   - Roberto de la Rosa, Jr., on behalf of Ola Raza, Inc., requested that the Council authorize an item to consider approving a street closure for a community event, a mural unveiling/art walk that was scheduled to take place on September 7th from 5:00 p.m. to 8:00 p.m. on Division Street between Putnam Avenue and Mill Street.

      City Attorney Lew advised that the request would qualify as an emergency item and could be added to the Agenda as such if there was Council interest in doing so.

      **COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council add onto the agenda as Item 18 the emergency item pertaining to the consideration of a street closure of Division Street between Putnam Avenue and Mill Street on September 7, 2012 from 5:00 p.m. to 8:00 p.m.

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

      Documentation: M.O. 02-090412
      Disposition: Emergency Item added onto Agenda as Item 18.

   - Donnette Silva Carter, Porterville Chamber of Commerce CEO, invited everyone to the following events: First Friday Coffee with State Assemblywoman Connie Conway; Music on Main Street on Friday; and a Tulare County legislative session in Tulare featuring Congressman Nunez, State Senator Fuller, and State Assemblywoman Conway.

   **CONSENT CALENDAR**
   Items 3 and 4 were removed for further discussion.

   **COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Item Nos. 1, 2, and 5 through 12. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 15, 2012

   Recommendation: That the City Council approve the draft Minutes of May 15, 2012.
2. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council authorize the purchase by negotiation of the specialized equipment listed in the staff report, and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 03-090412
Disposition: Approved.

5. REJECT ALL BIDS – FIRE STATION #2 TRAINING FACILITY MEZZANINE & STAIRS PROJECT

Recommendation: That the City Council:
1. Reject all bids and direct the City Engineer to work with the Fire Department to revise construction documents; and
2. Re-advertise the project once those revisions are complete and within the original estimated amount.

Documentation: M.O. 04-090412
Disposition: Approved.

6. AIRPORT LEASE RENEWALS – LOTS 49B AND 46C

Recommendation: That the City Council approve the extension of the Lease Agreements between the City of Porterville and Mr. Michael Quatacker of Porterville for Lots 49B and 46C at the Porterville Municipal Airport.

Documentation: M.O. 05-090412
Disposition: Approved.

7. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – JAYE STREET & MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: Resolution 93-2012
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN
Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

Documentation: M.O. 07-090412
Disposition: Approved.


Recommendation: That the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A.’

Documentation: M.O. 08-090412
Disposition: Approved.

10. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP-UP” NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on September 22, 2012, in support of the planned neighborhood “Step-Up” outreach event.

Documentation: M.O. 09-090412
Disposition: Approved.

11. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – AMENDMENT NO. 9

Recommendation: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

Documentation: Resolution No. 94-2012
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 exists to continue said local emergency designation.

Documentation: M.O. 10-090412
Disposition: Approved.

3. PURCHASE OF HONDA ST1300P MOTORCYCLE FROM THE CITY OF FARMERSVILLE

Recommendation: That the City Council approve the expenditure of $11,000 in funds from the vehicle replacement account to purchase the Honda police motorcycle from the City of Farmersville.

City Manager John Lollis presented the item and indicated that it had been removed from consent calendar by Council Member Shelton. Council Member Shelton waived the staff report and lauded staff for their efforts.

COUNCIL ACTION: Moved by Council Member Shelton, seconded by Council Member Hamilton that the Council approve the expenditure of $11,000 in funds from the vehicle replacement account to purchase the Honda police motorcycle from the City of Farmersville. The motion carried unanimously.

Documentation: M.O. 11-090412
Disposition: Approved.

4. AWARD OF CONTRACT – PREPARATION AND PAINTING OF CITY HALL BUILDING

Recommendation: That the City Council:
1. Authorize the use of Risk Management funds to remediate existing lead and asbestos paint materials;
2. Award the Preparation and Painting of Porterville City Hall Building Project to U.S. National Corp in the amount of $10,400;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs and $2,250 for construction management and inspection.

City Manager John Lollis presented the item, and provided an update as to the new bid on the lead remediation. A brief discussion took place as to the necessity of the project and whether other older City facilities might have similar issues.

COUNCIL ACTION: Moved by Council Member Ward, seconded by Council Member Hamilton that the Council authorize the use of Risk Management funds to remediate existing lead and asbestos paint materials; award the Preparation and Painting of Porterville City Hall Building Project to U.S. National Corp in the amount of $10,400; authorize progress payments up
to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and $2,250 for construction management and inspection.

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

Documentation: M.O. 12-090412
Disposition: Approved.

**PUBLIC HEARINGS**

13. CONSTRUCTION OF CONCRETE IMPROVEMENTS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Take public comments, concerns and questions; and
2. Authorize staff to schedule a public hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

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

The public hearing opened at 7:23 p.m. and closed at 7:23 p.m. when nobody came forward.

A brief discussion took place regarding the process and options available to the City relative to the railroad property.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council authorize staff to schedule a public hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

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

Documentation: M.O. 13-090412
Disposition: Approved.

The Council recessed for ten minutes at 7:35 p.m.

**SCHEDULED MATTERS**
14. APPROVAL OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

Recommendation: That the City Council:
1. Review the full breadth of Amendment Two to the “Tulare County Association of Governments Joint Powers Agreement”;
2. Authorize the Mayor to execute the draft “Tulare County Association of Governments Joint Powers Agreement” resolution; and
3. Authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

City Manager Lollis presented the item and the staff report.

A discussion ensued after which time the Council provided direction to reject the proposed Agreement and bring it back.

Disposition: Direction provided.

15. APPOINTMENT OF COUNCIL MEMBER TO A GRIEVANCE APPEALS BOARD

Recommendation: That the City Council appoint one member and one alternate to serve as the City Council representative on the Grievance Appeals Board for the grievance referenced in the staff report.

City Manager Lollis presented the item, and Administrative Services Manager Hildreth presented the staff report. A brief discussion ensued as to the process.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council appoint Council Member Ward to serve as the City Council representative on the Grievance Appeals Board.

M.O. 14-090412

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

M.O. 15-090412 MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council appoint Council Member Shelton to serve as the Council’s alternate representative on the Grievance appeals board for the subject grievance.

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

Disposition: Representative and Alternate appointed to Grievance Appeals Board.
16. CONSIDERATION OF CITY COUNCIL’S PROCEDURAL HANDBOOK

Recommendation: That the City Council consider its Procedural Handbook, and direct staff accordingly.

City Manager Lollis presented the item and the staff report. A brief discussion ensued as to the potential benefits of continuing the item until after the League of California Cities Annual Conference at which some good information/ideas might be gleaned.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the matter be postponed until the next regular meeting. The motion carried unanimously.

Documentation: M.O. 16-090412
Disposition: Continued.

17. CONSIDERATION OF FINANCIAL SUPPORT FOR THE PORTERVILLE CITY FIREFIGHTERS ASSOCIATION’S “PORTERVILLE FIREHOUSE CHILI COOK-OFF”

Recommendation: That the City Council consider financial support for the Porterville City Firefighters Association’s “Porterville Firehouse Chili Cook-Off.”

City Manager Lollis presented the item and the staff report.

A discussion ensued as to the whether such support could be provided. City Attorney Lew opined that the Council must first make a finding of community benefit prior to providing such support in order to avoid a gift of public funds issue. Following the discussion, the Council directed staff to continue the matter and combine it with the Procedural Handbook item to be presented at the next meeting.

Disposition: Continued with direction given.

18. EMERGENCY ITEM: CONSIDERATION OF STREET CLOSURE OF DIVISION STREET BETWEEN PUTNAM AVENUE AND MILL STREET ON SEPTEMBER 7, 2012 FROM 5:00 P.M. TO 8:00 P.M.

Recommendation: That the City Council consider approval of the street closure of Division Street between Putnam Avenue and Mill Street on September 7, 2012, from 5:00 P.M. to 8:00 P.M.

City Manager Lollis presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve the street closure of Division Street between
Putnam Avenue and Mill Street on September 7, 2012, from 5:00 P.M. to 8:00 P.M, for the proposed event sponsored by O.L.A. Raza, Inc.

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

Documentation: M.O. 17-090412
Disposition: Approved.

ORAL COMMUNICATIONS

• Terri Irish, voiced concern that the Council had again opted to continue consideration of the Council’s Procedural Handbook. Mayor Gurrola indicated that useful information might be obtained from the League of California Cities Annual Conference which two Council Members would be attending that week. She advised that the item would be brought back at the next meeting.

OTHER MATTERS

• Council Member Shelton lauded the Firefighter’s Chili Cook-Off event; and inquired about a possible RDA training session, voicing concern with the confusion relative to conflicts and recent state legislation.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council add an item onto the October 4, 2012, City Council Agenda concerning a clarification of the laws governing Successor Agencies. The motion carried unanimously.

Documentation: M.O. 18-090412
Disposition: Item added onto October 4, 2012 Agenda.

• Council Member Hamilton lauded the recent Chili Cook-Off and thanked the Firefighters Association for a great event. He then made mention of the poor condition in which the area was left after the event. Council Member Hamilton then spoke of the recent passing of the infant child of one of the City’s Reserve Firefighters, and indicated that donations were being accepted on the family’s behalf at Crave on Main Street.

• City Manager Lollis reminded everyone that Traffic and Small Claims Court proceedings would be commencing on Friday in the Council Chambers.

ADJOURNMENT

The Council adjourned at 8:19 p.m. to the meeting of September 18, 2012.

Patrice Hildreth, Chief Deputy City Clerk

SEAL
Virginia R. Gurrola, Mayor