Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived during Closed Session), Council Member Hamilton, Mayor Gurrola

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Agency Member Ward, Vice Chair McCracken, Agency Member Shelton (arrived late), Agency Member Hamilton, Chair Gurrola

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning a dispute with the County of Tulare regarding the Redevelopment Project Area Amendment.

   During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1- 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.
   2- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: John Duran v. City of Porterville et al., United States District Court, Eastern District, Case No.: 1:12-CV-01239-LJO-BAM.
   3- 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.
   4- 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 Hamilton
Invocation – one individual participated.

PROCLAMATIONS

PRESENTATIONS
Employee Service Awards

Mayor Gurrola took a moment to recognize staff that were attending their last meeting before retirement, and thanked them for their hard work.

AB 1234 REPORTS
1. Tulare County Local Agency Formation Committee (LAFCO) – Council Member Hamilton reported that he was now Chair of LAFCO.

2. Tulare County Association of Governments (TCAG) – Mayor Gurrola reported on discussion regarding the amendment to the usage of Measure R Regional funds.

3. Indian Gaming Local Community Benefit Committee – Council Member Hamilton spoke of new members, and reported that the vast majority of the discussion that took place was during Closed Session.

REPORTS
I. City Commission and Committee Meetings:
1. Library and Literacy Commission – Chairwoman Figueroa presented a story map to the Council which illustrated the many ways libraries were adapting; provided an update on the mural; and spoke of November highlights.

2. Parks & Leisure Services Commission – Chairman Vafeades reported on November and December activities and efforts of the Parks and Leisure Services staff.

Following Mr. Vafeades’ report, Council Members Hamilton and Shelton lauded the Studio Band and the caterer for their services at the Annual Senior Christmas Dinner.

3. Transactions and Use Tax (“Measure H”) Oversight Committee (“TUTOC”) – Chairman Webber informed the Council that the TUTOC had unanimously found the Measure H expenditures to be consistent with the intent of Measure H.


II. Staff Informational Items:
1. Vacancy on Transactions and Use Tax (“Measure H”) Oversight Committee – Acting City Manager Patrice Hildreth provided a brief verbal report.

**ORAL COMMUNICATIONS**
- Brock Neeley, Porterville resident, spoke about Item No. 3, recommending that language be amended in the agreement; and encouraged Council support of Mayors Against Illegal Guns.
- Johnna Key, requested clarification regarding Item Nos. 10 and 18.

**CONSENT CALENDAR**
Items 4, 9, 10 and 12 were removed for further discussion.

1. **AUTHORIZATION TO ADVERTISE FOR BIDS – PLANO STREET BRIDGE AT TULE RIVER PROJECT**

Recommendation: That the City Council:
1. Approve Staff’s Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 01-121812
Disposition: Approved.

2. **AWARD OF CONTRACT - DIGESTER TRANSFER LINE PROJECT**

Recommendation: That the City Council:
1. Award the Digester Transfer Line Project to W. M. Lyles Co., in the amount of $85,800;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 02-121812
Disposition: Approved.

3. **AWARD OF CONTRACT FOR PORTERVILLE MUNICIPAL AIRPORT DRY FARM LEASE**

Recommendation: That the City Council award the 4 ½ year lease between the City of Porterville and Perigo Roadsiding for dry farming at the Porterville Municipal Airport and authorize the Mayor to execute the Lease Agreement.

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

Documentation: M.O. 03-121812
Disposition: Approved.
5. ADDENDUM NO. 1 TO LEGAL SERVICES AGREEMENT

Recommendation: The City Attorney is requesting that the City Council approve the Addendum extending the term of the Legal Services Agreement through February 28, 2013, pending completion of the performance evaluation process.

Documentation: M.O. 04-121812
Disposition: Approved.

6. ACCEPTANCE OF PROJECT - OLIVE AVENUE COURTHOUSE BUS TURNOUT

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

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

Documentation: M.O. 05-121812
Disposition: Approved.

7. ACCEPTANCE OF PROJECT - MILL AVENUE SEWER

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.

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

Documentation: M.O. 06-121812
Disposition: Approved.

8. ACCEPTANCE OF PROJECT - CALEMA REPAIR 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 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

11. AIRPORT LEASE RENEWAL – SEWER OPERATING FUND

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City of Porterville – Sewer Operating Fund and the Airport Enterprise Fund, and authorize the Mayor to sign said Lease Agreement.

Documentation: M.O. 08-121812
Disposition: Approved.

13. ASSIGN AIRPORT LEASE – LOT 40

Recommendation: That the City Council approve the assignment of the Lease Agreement for Airport Hangar Lot 40 between the City of Porterville and Dr. and Mrs. Dale to Dana Gillespie and Susan Peck of Springville, CA.

Documentation: M.O. 09-121812
Disposition: Approved.

14. 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. 10-121812
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve Item Nos. 1-3, 5-8, 11 and 13. The motion carried unanimously, with the exception of Council Member Shelton abstaining from Item Nos. 3, 6, 7, and 8.

PUBLIC HEARINGS
15. REIMBURSEMENT AGREEMENT FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY – WEST NORTH GRAND AVENUE RECONSTRUCTION PROJECT, SR 65 TO RAILROAD TRACKS

Recommendation: That the City Council:
1. Open the Public Hearing; take public comments, concerns and questions;
2. Approve the resolution Implementing the Development Charges for Construction of Curbs, Gutters and Drive Approaches; and
3. Authorize staff to record a “General Notice of Reimbursement Fee” with the office of the Tulare County Clerk-Recorder.

Acting City Manager Patrice Hildreth introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened at 7:08 p.m. Seeing no one, the Mayor closed the public hearing at 7:09 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council approve the resolution Implementing the Development Charges for Construction of Curbs, Gutters and Drive Approaches; and authorize staff to record a “General Notice of Reimbursement Fee” with the office of the Tulare County Clerk-Recorder. The motion carried unanimously.

Disposition: Approved.

16. PUBLIC TRANSIT SYSTEM MODIFICATIONS

Recommendation: That the City Council:
1. Hold the required Public Hearing, and after consideration of any comments regarding these matters, direct staff to implement the modifications to the City’s Public Transit System as follows:
   a. Increase General Transit Service fares from $1.25 to $1.50;
   b. Increase Reduced Transit Service fares from $0.50 to $0.75;
   c. Increase General Transit 31-Day Pass from $36.00 to $40.00;
   d. Increase General Demand Response fares from $3.00 to $5.00;
   e. Increase Reduced Demand Response fares from $2.00 to $2.50;
   f. Eliminate transfers;
   g. Implement General Transit 1-Day Pass for $3.00;
   h. Implement Reduced Transit 1-Day Pass for $1.50;
   i. Implement Student Transit 31-Day Pass for $25.00;
   j. Implement Reduced Transit 31-Day Pass for $20.00;
   k. Increase Senior age from 62 to 65 years and older;
   l. Increase Free Children age from 4 to 5 years and younger;
   m. Increase Reduced Transit Fare from 9:00 am to 1:00 pm to all day.
Acting City Manager Patrice Hildreth introduced the item, and Public Works Director Baldo Rodriguez introduced Transit Manager Steve Tree, who presented the staff report.

The public hearing opened at 7:25 p.m. Seeing no one, the Mayor closed the public hearing at 7:26 p.m.

Mr. Tree announced that no written comments had been received with regard to the proposed changes, and addressed Council questions regarding student and senior ridership, the elimination of transfers, and General Demand Response Fees. Council Members Ward and Shelton expressed their concerns with the fares for student riders and the age requirement for seniors.

Council Member Hamilton moved, and Vice Mayor McCracken seconded that the Council approve staff’s recommendation. City Attorney Lew noted that a draft resolution had been provided to the Council for its consideration. Council Member Shelton then made a motion to amend the age for classification as a senior to remain 62, which died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council adopt the draft resolution approving the proposed modifications to the City’s Public Transit System.

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

Disposition: Approved.

17. ADOPTION OF DEVELOPMENT AGREEMENT FEE

Recommendation: That the City Council adopt the draft resolution setting forth the fee at $1,211.00 (rounded to the nearest dollar) for a Development Agreement Application as required by Chapter 609 of the Porterville Development Ordinance.

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

The public hearing was opened at 7:57 p.m.

- Dennis Townsend, noted that all fees were eventually passed on to the end user; commented that there was not a great need for Development Agreements due to the specificity of the Development Ordinance; and encouraged the Council to be developer friendly and to not adopt any new fees.

The public hearing was closed at 8:02 p.m.
Vice Mayor McCracken moved to approve staff’s recommendation, which was seconded by Council Member Hamilton. The Vice Mayor then made a motion to amend his original motion by striking the $1,211.00 and inserting $2,480 for full cost recovery. The motion died for lack of a second.

Council Member Shelton voiced his opposition to the proposed fee. City Attorney Lew and Community Development Director Dunlap addressed comments made by Council Member Shelton regarding the use of development agreements. They clarified that it was not meant to grant variances, but instead had to do with vested rights and was initiated by a developer, and added that it was not tied to building permit fees. Mayor Gurrola spoke in favor of development agreements as a tool for developers.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution setting forth the fee at $1,211.00 (rounded to the nearest dollar) for a Development Agreement Application as required by Chapter 609 of the Porterville Development Ordinance.

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

Disposition: Approved.

The Council recessed for five minutes.

SECOND READINGS

18. ORDINANCE 1794, APPROVING ZONE CHANGE AT HENDERSON AVENUE AND PROSPECT STREET

Recommendation: That the City Council give Second Reading to Ordinance No. 1794, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council give Second Reading to Ordinance No. 1794, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2012-010-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CR (RETAIL CENTERS) FOR THAT .56± ACRE SITE LOCATED GENERALLY
AT THE NORTHEAST CORNER OF HENDERSON AVENUE AND PROSPECT STREET.

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

The Ordinance was read by title only.

Disposition: Approved.

Council Member Hamilton requested that staff monitor Walgreen’s following the company’s payment of $16 million to settle a suit regarding alleged illegal dumping of hazardous materials.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

4. AWARD OF CONSULTANT SERVICE AGREEMENT – PLANO STREET/TULE RIVER BRIDGE WIDENING & REHABILITATION PROJECT

Recommendation: That the City Council:
1. Award the Plano Street/Tule River Widening and Rehabilitation Consultant Assistance Service Agreement to the firm of Nolte & Associates in the amount of $80,444;
2. Authorize a 10% contingency to cover unforeseen issues that might arise;
3. Authorize progress payments up to 100% of the contract amount; and
4. Authorize the Mayor to execute the Service Agreement.

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

Public Works Director Baldo Rodriguez explained the need for the consultant, who designed the bridge, at the request of Council Member Shelton.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council award Plano Street/Tule River Widening and Rehabilitation Consultant Assistance Service Agreement to the firm of Nolte & Associates in the amount of $80,444; authorize a 10% contingency to cover unforeseen issues that might arise; authorize progress payments up to 100% of the contract amount; and authorize the Mayor to execute the Service Agreement.

Disposition: Approved.
Recommendation: That the City Council approve the City of Porterville remaining a member of the CWMA for FY 2013/2014.

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

Council Members Shelton and Hamilton questioned Vice Mayor and CWMA Chair McCracken regarding the decrease in membership dues, and spoke in favor of the City implementing their own programs.

Public Works Director Baldo Rodriguez spoke about options available to the Council, and of recent efforts which resulted in a modification to the dues formula. In response to questions posed by the Council, Field Services Manager Bryan Styles spoke about the handling of household hazardous waste and the funding of said program by the County.

Council Member Shelton made a motion that the City Council serve the CWMA with an intent to withdraw pending further negotiations. The motion died for lack of a second. Vice Chair McCracken clarified that should the Council give a notice of withdrawal the City would still be required to pay dues through the end of the 2012/2013 Fiscal Year. Council Member Shelton then made a motion to withdraw, which also died for lack of a second. At the Council’s request, staff advised that a copy of the JPA would be provided to each member for review.

Mayor Gurrola then made a motion to accept staff’s recommendation, which was seconded by Council Member Hamilton. Council Member Ward expressed concern with the item being brought to the Council for consideration so near the deadline to withdraw.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council approve amending the motion to include bringing back the item for consideration in November of 2013. The motion carried unanimously.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council approve the City of Porterville remaining a member of the CWMA for FY 2013/2014; and direct staff to schedule the next consideration of CWMA membership in November 2013.

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

Disposition: Approved.

10. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD
Recommendation: That the City Council:
1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of $69,609; and
2. Authorize a budget adjustment to reflect the addition of $69,609 to the Police Department Budget.

Acting City Manager Hildreth introduced the item, and the staff report was presented by Police Captain Eric Kroutil. At the request of the Council, staff elaborated on the purchase of supplies associated with DUI checkpoints.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept the STEP Grant funding from the California Office of Traffic Safety in the amount of $69,609; and authorize a budget adjustment to reflect the addition of $69,609 to the Police Department Budget. The motion carried unanimously.

Disposition: Approved.

12. AIRPORT LEASE RENEWAL – SPORTS COMPLEX PARKING

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City of Porterville and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement.

Acting City Manager Hildreth introduced the item, and the staff report was waived at the Council’s request. In response to an inquiry made by Council Member Shelton, staff attributed the decrease in the annual lease agreement to a recent market rent appraisal of airport land properties.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the renewal of the Lease Agreement between the City of Porterville and the Airport Enterprise Fund and authorize the Mayor to sign said Lease Agreement. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 9:12 p.m. to a meeting of the Porterville Public Financing Authority.

PORTERVILLE PUBLIC FINANCING AUTHORITY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Public Financing Authority

WRITTEN COMMUNICATION
None
ORAL COMMUNICATIONS
None

PUBLIC FINANCING SCHEDULED MATTER
PFA-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC FINANCING AUTHORITY

Recommendation: That the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-laws, accept the public comment, and approve the 2012 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

Acting City Manager Hildreth introduced the item, and Community Development Director Dunlap presented the staff report.

AUTHORITY ACTION: MOVED by Vice Chair McCracken, SECONDED by Director Ward that the City Council, sitting as the Porterville Public Financing Authority, hold a public meeting in accordance with the Authority’s By-laws, accept the public comment, and approve the 2012 Status Report for the Redevelopment Bond Issue #1 and refinance of Tax Allocation Bond Projects.

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

Disposition: Approved.

The Public Financing Authority adjourned at 9:15 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS
- Johnna Key, spoke about Oregon permitting the use of marijuana in public.

OTHER MATTERS
- Council Member Shelton: spoke about a conversation with the new District Attorney regarding office space, and requested that the City consider preparing available properties for potential buyers and/or lessees; spoke of his attendance at the funeral of Alyssa Celaya, and provided an update on the medical condition of her two surviving siblings.

After a brief discussion the Council directed staff to schedule a Study Session regarding the Industrial Park and other available properties.

- Council Member Ward spoke of the recent tragedies at the Tule River Indian Reservation and Sandy Hook Elementary in Connecticut, and gave his condolences.
Mayor Gurrola also expressed her sadness and disbelief following the recent tragedies; and thanked the Area Coordinating Council for their distribution of goods to needy families.

CLOSED SESSION
At 9:24 p.m. the Council reconvened in Closed Session. Upon their return, it was reported that no reportable action was taken.

ADJOURNMENT
The Council adjourned at 9:55 p.m. to the meeting of January 15, 2013.

_____________________________
Luisa M. Herrera, Deputy City Clerk

SEAL

Virginia R. Gurrola, Mayor