Called to Order at 5:30 p.m.
Roll Call: Council Member Ward, Council Member Shelton, 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(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(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

**6:30 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported the following action:

A1: On a motion by Council Member Hamilton, seconded by Council Member Ward, the Council authorized staff to make payment to Thea Jane Widener, 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.

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

Documentation: Resolution 108-2012
Disposition: Approved.
A3: On a motion by Vice Mayor McCracken, seconded by Council Member Hamilton, the Council rejected the claim filed by Smith Care Sun Villa; referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notification. The motion carried unanimously.

Documentation: M.O. 01-110612
Disposition: Claim rejected.

A5: City Attorney Lew reported that the Council had approved the potential initiation of litigation, details to be disclosed later to preserve the City’s ability for settlement discussions.

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

Documentation: M.O. 02-110612
Disposition: Approved.

Pledge of Allegiance Led by Vice Mayor McCracken
Invocation – the Mayor participated.

PROCLAMATIONS
America Recycles Week – November 11-17

PRESENTATIONS
Employee of the Month – Darren Maddox
Outstanding Business Presentation – Basra Enterprises, Inc.

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

1. Consolidated Waste Management Authority (CWMA) – Public Works Director Rodriguez reported on discussion regarding the implementation of a Sharps Program.
2. Tulare County Economic Development Corporation – City Manager Lollis reported on the receipt of quarterly reports, and an update on the Enterprise Zone certification process.
3. Local Agency Formation Commission – Council Member Hamilton reported that there was no action taken with regard to annexations and stated that the next meeting had been cancelled.
4. Tule River Improvement JPA – John reported that there had not been a meeting since the last meeting of the Council.
5. Indian Gaming Local Community Benefit Committee – Council Member Hamilton reported that there was discussion regarding legal counsel for the committee.
6. Council of Cities – Vice Mayor McCracken reported on the release of Special Legal Counsel and discussion of legislation regarding disadvantaged communities.

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 – Commissioner Figueroa reported on the Commission’s review of a proposed mural project.

II. Staff Informational Items:
1. Street Performance Measure – 1st Quarter Report
2. Code Enforcement Update – staff addressed questions.
3. Attendance Report for City Commissions and Committees – staff addressed questions.
5. Library Mural

The Mayor noted a request for an emergency item to be added to the agenda. It was indicated that the item required action prior to the next regular meeting.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council approve the addition of the Emergency Item – Approval for Community Civic Event – Parents Against Bullying Rally – November 17, 2012, as Item 22. The motion carried unanimously.

Documentation: M.O. 04-110612
Disposition: Item added.

ORAL COMMUNICATIONS
- Edith La Vonne, Porterville resident, thanked the Council for approving the addition of the Emergency Item; and spoke in support of Item 15.
- Donnette Carter, Chamber of Commerce, recognized the following honorees: Volunteer of the Year - Agustin Gonzalez, Jr.; Male Student of the Year - Milton Ramirez; Female Student of the Year - Madeline Garcia; Community Service Project of the Year – Marching Through Time Mural; Small Business of the Year - Sutton's Iris Gardens; Large Business of the Year - Sierra Forest Products; Man of the Year - Jeff Edwards; and Woman of the Year - Eleanor Foerster. She announced the new Chamber Board Chair – Stephanie Cortez, and Board Chair-Elect – Milt Stowe.
- Brock Neeley, Porterville resident, spoke about the Suicide Prevention Task Force and noted that materials and resources were available.
Terri Irish, 768 N. Prospect, spoke in opposition of Council dictating to parents about their children (Item 15); and spoke in opposition to Item 21.

Kevin Gibson, Freeway Auto Parts, 92 S. Main Street, spoke of zoning issue with his business.

Carol Wilkins, 1843 W. Monache, expressed her interest in being appointed to the Library and Literacy Commission and spoke of the importance of the library.

Dick Eckhoff, requested clarification regarding Item 8, and spoke in opposition of Items 14 and 21.

Mary McClure, spoke regarding code enforcement.

Anthony Andrighetto, spoke regarding difficulties with his business license and the zoning of his business location.

The Council recessed for five minutes at 7:25 p.m.

CONSENT CALENDAR
Items 6, 8, 12, 14 and 15 were pulled for further discussion. Council Members Ward noted his abstention from Items 2 and 4; and Council Member Shelton announced he would be abstaining from Item No. 2 as well.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 5, 7, 9 through 11, 13 and 16. The motion carried unanimously, with the exception of the noted abstentions.


Documentation: M.O. 04-110612
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – ISLAND ANNEXATION SEWER PROJECT (AREA 458A & AREA 458B)

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

AYES: Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: Ward, Shelton
ABSENT: None
3. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSIT TICKET PRINTING SERVICES

Recommendation: That the City Council authorize staff to issue a request for proposals for transit ticket printing services.

Documentation: M.O. 05-110612
Disposition: Approved.

4. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE PURCHASE AND INSTALLATION OF SECURITY EQUIPMENT

Recommendation: That the City Council authorize staff to issue a request for proposals for the purchase and installation of security equipment.

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

Documentation: M.O. 06-110612
Disposition: Approved.

5. AUTHORIZATION TO NEGOTIATE A CONTRACT – DESIGN SERVICES FOR THE SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

Recommendation: That the City Council:
1. Authorize staff to define a scope for design services and negotiate a contract with an electrical engineering consultant; and
2. Authorize the Mayor to execute all contract documents.

Documentation: M.O. 07-110612
Disposition: Approved.

7. APPROVAL OF THE MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT FOR VARIOUS TRANSIT PROJECTS

Recommendation: That the City Council:
1. Authorize the Mayor and City Manager to execute the Supplemental Agreement; and
2. Direct the City Clerk to transmit the executed Supplemental Agreement to the Local Transportation Authority.
9. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 10-110612
Disposition: Approved.

10. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 11-110612
Disposition: Approved.

11. REQUEST FOR STREET CLOSURE – MYERS EIGHTEENTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam and Cleveland, on December 4, 2012, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Documentation: M.O. 12-110612
Disposition: Approved.

13. CONSIDERATION OF CANCELLING JANUARY 1, 2013 CITY COUNCIL MEETING

Recommendation: That the City Council cancel the January 1, 2013, Council Meeting.

Documentation: M.O. 13-110612
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. 14-110612
Disposition: Approved.
PUBLIC HEARINGS

17. ZONE CHANGE AT CHASE AVENUE AND PLANOS STREET (PRC 2012-008-Z)

Recommendation: That the City Council:
1. Conduct a Public Hearing to receive input regarding the proposed zone change;
2. Adopt the draft resolution approving the Negative Declaration for the project; and
3. Approve the draft Ordinance, give first reading and order the ordinance to print.

City Manager Lollis introduced the item, and the staff report was presented by Assistant Planner Jenni Byers.

The public hearing was opened at 7:41 p.m. Seeing no one, the Mayor closed the public hearing at 7:42 p.m.

Council Member Ward expressed concerns regarding S canopies and other aesthetic requirements, and requested a report of the Project Review Committee meeting scheduled to take place the following day. In response to comments made, staff noted that there was no S canopy and spoke of the administration of the code.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving the Negative Declaration for the project; and approve the draft Ordinance, give first reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2012-008-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THAT .44± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF CHASE AVENUE AND PLANOS STREET. The motion carried unanimously.

The City Manager read the ordinance by title only.

Documentation: Resolution 109-2012; and Ordinance 1793
Disposition: Approved.

SCHEDULED MATTERS

18. CONSIDERATION OF APPOINTMENTS TO THE LIBRARY AND LITERACY COMMISSION

Recommendation: That the City Council:
1. Appoint one individual to the Library and Literacy Commission to fill a vacancy with a term due to expire in October 2013;
2. Appoint four individuals to the Library and Literacy Commission to fill vacancies with terms to expire October 2015; and
3. If necessary, authorize an extension of the terms of Ellen Nichols and/or Joe Moreno to allow their participation at the Library and Literacy Commission meeting on November 7, 2012.

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

Council Member Shelton made a motion, which was seconded by Council Member Hamilton that the Council approve appointment of the five candidates present at the meeting. It was noted that one of the five vacancies expired in October 2013, and discussion ensued regarding the appointment of an individual to the shorter term. The motion was withdrawn.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the Council approve appointment of Allen Bailey, Esther Figueroa, Edith LaVonne and Carol Wilkins to terms due to expire in October 2013; and Tamara Bishop to the term due to expire in October 2013. The motion carried unanimously.

Documentation: M.O. 15-110612
Disposition: Commissioners appointed.

19. AUTHORIZATION TO NEGOTIATE AN AMENDMENT TO EXISTING CONTRACT WITH PENA’S DISPOSAL SERVICE

Recommendation: That the City Council:
1. Authorize the Public Works Director to negotiate amending the contract by adding transfer and disposal of additional solid waste streams to the existing transfer and processing contract with Pena’s Disposal Service; and
2. Provide a proposed draft contract amendment at the November 20, 2012, Council meeting.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council authorize the Public Works Director to negotiate amending the contract by adding transfer and disposal of additional solid waste streams to the existing transfer and processing contract with Pena’s Disposal Service; and provide a proposed draft contract amendment at the November 20, 2012, Council meeting. The motion carried unanimously.
20. CONSIDERATION OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

Recommendation: That the City Council:
1. Consider Amendment Two to the Tulare County Association of Governments Joint Powers Agreement, as modified;
2. Authorize the Mayor to execute the “Tulare County Association of Governments Joint Powers Agreement” Resolution; and
3. Authorize the Mayor to execute the Master Agreement when made available to the City for signature.

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew spoke of previously expressed legal concerns, and elaborated on the amendment of verbiage regarding the RTIF. Council Member Shelton spoke in opposition of the proposed Amendment Two Agreement. The City Manager addressed questions regarding the adoption of development impact fees, Measure R allocations and Expenditure Plan, and the authority being sought by TCAG. Council Member Hamilton spoke of the City’s efforts to protect its interests, and spoke in favor of approval.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council reject Amendment Two to the Tulare County Association of Governments Joint Powers Agreement, as modified.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Amendment Two to the Tulare County Association of Governments Joint Powers Agreement, as modified; authorize the Mayor to execute the “Tulare County Association of Governments Joint Powers Agreement” Resolution; and authorize the Mayor to execute the Master Agreement when its made available to the City for signature.

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: Shelton
ABSTAIN: None
ABSENT: None
The Council recessed for ten minutes at 8:37 p.m.

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, and Council Member Shelton elaborated on his request to establish a budget for each member of the Council to support local community events. A discussion ensued regarding use of tax payer dollars to support/attend events, during which the Mayor voiced her opposition to the proposed. Council Member Hamilton noted that each member of the Council has a $4,500 budget, which could be used for the proposed purpose.

Disposition: No action.

22. APPROVAL OF COMMUNITY CIVIC EVENT – PARENTS AGAINST BULLYING RALLY – NOVEMBER 17, 2012

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by Parents Against Bullying, on the condition that the applicant finds a non-profit organization to sponsor the event and provide insurance before the day of the event and subject to the stated requirements contained in Exhibit A.

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

Council Member Ward MOVED that the City Council approve the Community Civic Event Application and Agreement submitted by Parents Against Bullying, and designated the City as sponsor the event. The motion was SECONDED by Council Member Shelton. Discussion ensued about the lack of information regarding the event, City liability exposure, the importance of education about bullying and the timing, and the ability to conduct a rally with an assembly permit. City Manager Lollis advised that it was the interest of the applicant to have vendors at the event. Following the discussion, the motion was withdrawn.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the Community Civic Event Application and Agreement submitted by Parents Against Bullying, on the condition that the applicant complies with the City requirements for a community civic event prior to the event. The motion carried unanimously.

Documentation: M.O. 17-110612
6. ACCEPTANCE OF PROJECT – WEST NORTH GRAND AVENUE RECONSTRUCTION PROJECT (HIGHWAY 65 TO FORMER RAILROAD TRACKS)

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion;
3. Authorize an appropriation of $62,406.84 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project; and
4. 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. Council Member Shelton suggested that staff advertise the completion of the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that he City Council accept the project as complete; authorizing the filing of the Notice of Completion; authorize an appropriation of $62,406.84 from Storm Drain Developer Fees to fund the Master Plan Storm Drain portion of the project; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

Documentation: M.O. 18-110612
Disposition: Approved.

8. APPROVAL OF THE INTERGOVERNMENTAL AGREEMENT WITH THE TULE RIVER INDIAN TRIBE FOR TRANSIT SERVICE TO THE TULE RIVER INDIAN RESERVATION

Recommendation: That the City Council:
1. Approve the Intergovernmental Agreement between the Tule River Indian Tribe and the City of Porterville for transit service to the Reservation;
2. Accept funding from the Tule River Indian Tribe in the amount of $110,000 for transit service; and
3. Authorize the Mayor to execute the Agreement.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton stated that he would be abstaining from the item, and recused himself. The City Manager and Transit Manager Tree addressed questions posed by Mr. Eckhoff during Oral Communications regarding route stops and Council Member Ward with regard to City compensation.
COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the Intergovernmental Agreement between the Tule River Indian Tribe and the City of Porterville for transit service to the Reservation; accept funding from the Tule River Indian Tribe in the amount of $110,000 for transit service; and authorize the Mayor to execute the Agreement.

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

Documentation: M.O. 19-110612
Disposition: Approved.

12. APPROVAL OF REVISED PARKS AND LEISURE SERVICES CLASSIFICATION

Recommendation: That the City Council adopt the draft resolution authorizing a change in the Parks and Leisure Services Department’s Table of Organization; and amend the Position Allocation Schedule and Position Pay Schedule of the City’s Pay and Benefit Plan.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. The Council requested clarification regarding the revisions made to the proposed position following approval of a reduced salary range, which restructured the position from a mid-management to a support classification. Mayor Gurrola spoke in support of increasing the salary range to 182. A discussion followed regarding Equal Opportunity Law and uniform pay schedules.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council approve proceeding with the establishment of a Leisure Services Specialist at salary range 182.

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

Documentation: M.O. 20-110612
Disposition: Approved.

14. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER AMENDMENTS TO ITS ADOPTED CITY COUNCIL HANDBOOK

Recommendation: Council Member Ward makes a motion that the City Council authorize the
scheduling on the November 20th Council Agenda the consideration of amendments to its adopted City Council Handbook.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Vice Mayor McCracken stated that in the absence of proposed amendments, approval of the request would open up the entire handbook for discussion; and recommended the identification of specific amendments for 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 November 20th Council Agenda the consideration of amendments to its adopted City Council Handbook. The motion carried unanimously.

Documentation: M.O. 21-110612
Disposition: Request denied.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER THE ADOPTION OF AN ORDINANCE THAT WOULD HOLD PARENTS ACCOUNTABLE FOR THEIR CHILDREN’S DELINQUENT BEHAVIOR

Recommendation: Council Member Ward makes a motion that the City Council authorize the scheduling on the November 20th Council Agenda the consideration of adopting an Ordinance that would hold parents accountable for their children’s delinquent behavior.

City Manager Lollis introduced the item, and Council Member Ward elaborated on his request. Council Member Shelton made a motion to authorize the scheduling on the November 20th Council Agenda the consideration of adopting an Ordinance that would hold parents accountable for their children’s delinquent behavior. The motion was seconded by Council Member Ward. Following discussion regarding the formation of a subcommittee, Council Members Shelton and Ward withdrew their motion.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council approve a subcommittee to consist of Council Members Ward and Hamilton. The motion carried unanimously.

Documentation: M.O. 22-110612
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, referenced the Education Code as it pertained to cyber bullying.
- Dick Eckhoff, spoke about the need for public transportation from the new courthouse to the downtown area; and spoke in support of transit service to the reservation.
OTHER MATTERS

- City Manager Lollis – spoke of efforts to conduct a community forum regarding suicide.
- Council Member Shelton – reported his attendance at Dia de Los Muertos festivities by Comision Honorifica and Imagine Community Arts; and noted the upcoming Veteran’s Day parade.
- Council Member Ward – noted that suicides outnumber homicides this year; thanked the Police Department, school districts, and community for their efforts following recent tragedies; requested that staff follow up on comments made regarding zoning of business; and requested the addition of an item on the agenda regarding flags honoring veterans.
- Council Member Hamilton – spoke about his attendance at the Chamber Awards event; noted the upcoming Veteran’s Day Race on 11/11 and parade on 11/12; and encouraged downtown merchants to work together towards the betterment of downtown.
- Vice Mayor McCracken – spoke about the American Legion’s Veteran’s Memorial event held every year on the Sunday before Veteran’s Day.

ADJOURNMENT

The Council adjourned at 10:04 p.m. to the meeting of November 20, 2012.

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Luisa M. Herrera, Deputy City Clerk

SEAL

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Virginia R. Gurrola, Mayor