Call to Order at 5:35 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:
   2- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Santoyo et al v. City of Porterville et al., Tulare County Superior Court Case No. 249462.
   3- 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.
   4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
   5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.
   6- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.
   7- Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

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 Mayor Gurrola
Invocation – one individual participated.

PRESENTATIONS
   Miss Porterville and Court
   Employee of the Month – Marshall Chairez

AB 1234 REPORTS
1. Consolidated Waste Management Authority (CWMA) – Vice Chair McCracken reported on a late objection received regarding the Sharps Program, the status of the draft ordinance, and changes to the construction and demolition subsidy paid by CWMA.

2. Tulare County Economic Development Corporation – Mayor Gurrola reported that she was unable to attend.

3. Joint City/School Committee – The Mayor reported on: discussion regarding the recent community forum and the subsequent dissemination of information to the public, the creation of a subcommittee to conduct future forums, and a future cyber-bullying workshop.

4. Council of Cities – Vice Chair McCracken reported on discussion relative to the Supreme Court ruling regarding Property Tax Administration Fees, and confusion amongst the cities regarding Sustainable Cities.

REPORTS

I. Staff Informational Reports

1. Medical Marijuana Regulations and Local Regulation – City Attorney Lew provided a verbal report on the status of State Law and pending California Supreme Court review.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville resident, requested that Item No. 5 be pulled to amend the agreement to comply with the California Government Code.
- Johnna Key, Bel Aire Circle, posed questions regarding Item Nos. 5, 10, and 15; and spoke in favor of the bifurcation of future items when a member of the Council has a conflict of interest with a particular area.
- Rhoda Hunter, Tule River Tribal Council, thanked the City for their collaborative effort with the Tribe to provide transit service to the Tule River Reservation, and spoke of the popularity of the route.

CONSENT CALENDAR

Items 3 and 7 were removed for further discussion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve Item Nos. 1-2, 4-6, 8 and 9. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF OCTOBER 16, 2012

Recommendation: That the City Council approve the minutes of October 16, 2012.

Documentation: M.O. 01-120412
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – SIX (6) COMPRESSED NATURAL GAS (CNG) VEHICLES
Recommendation: That the City Council:
1. Approve Staff’s recommended vehicle specifications; and
2. Authorize Staff to advertise for bids for six (6) Compressed Natural Gas vehicles.

Documentation: M.O. 02-120412
Disposition: Approved.

4. APPROVAL OF FUEL SOLUTIONS, INC. PROFESSIONAL SERVICE AGREEMENT – CNG FUELING FACILITY EXPANSION PROJECT

Recommendation: That the City Council:
1. Approve the proposed Professional Services Agreement with Fuel Solutions, Inc. for the CNG Fueling Facility Expansion Project;
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts; and
3. Authorize the Mayor to execute the implementation of the agreement by her signature.

Documentation: M.O. 03-120412
Disposition: Approved.

5. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT FOR THE REVISION OF THE JAYE STREET/MONTGOMERY AVENUE ROUNDABOUT PLANS AND SPECIFICATIONS

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Consultant Service Agreement with Omni Means at an agreed fee of $29,417 for the services described herein; and
2. Authorize progress payments up to 100% of the fee amount and authorize a 10% contingency to cover unforeseen design efforts.

Documentation: M.O. 04-120412
Disposition: Approved.

6. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT – SR 65 TO RAILROAD TRACKS

Recommendation: That the City Council:
1. Set a Public Hearing for December 18, 2012, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public
Hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 05-120412
Disposition: Approved.

8. AMENDING EMPLOYEE PAY & BENEFIT PLAN – PORTERVILLE CITY EMPLOYEES ASSOCIATION

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution 113-2012
Disposition: Approved.

9. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the 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. 06-120412
Disposition: Approved.

PUBLIC HEARINGS

10. WALGREENS PHARMACY AT HENDERSON AVENUE AND PROSPECT STREET (PRC 2012-010)

Documentation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration of environmental impact;
2. Adopt the draft resolution approving a General Plan Amendment to change APN 246-111-008 land use designation from High Density Residential Retail Center;
3. Approve the draft ordinance approving Zone Change for APN 246-111-008 from High Density Residential Zone to Retail Center Zone contingent upon General Plan Amendment;
4. Waive further reading of the draft ordinance, approving the Zone Change, and order it to print; and
5. Adopt the draft resolution containing findings and conditions in support of approval of Conditional use Permit for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy
at the northeast corner of Henderson Avenue and Prospect Street contingent upon Zone Change and General Plan Amendment.

Acting City Manager Patrice Hildreth introduced the item. Vice Mayor McCracken and Council Member Shelton inquired about potential conflicts of interests. Council Member Shelton abstained from the item. Associate Planner Jose Ortiz presented the staff report, during which he clarified that the applicant was requesting a Type 20 (beer and wine) license, not a Type 21 as stated in the staff report.

Following the report, staff addressed questions from Council Members Ward and Hamilton regarding the proximity of sensitive uses and concerns pertaining to traffic.

The public hearing was opened at 7:24 p.m.

- Johnna Key, Porterville, commented on the location and proximity to her residence.
- Brock Neeley, Porterville, requested clarification regarding Wal-Mart representation of the Alcohol License Map within the staff report.
- Doug Lyle, Project Architect, lauded staff for a smooth process and experience; spoke of Walgreen’s new business approach; addressed questions regarding traffic, construction dust, landscaping and noise associated with store shipments; and spoke of the location of alcohol.
- Bernie Mermelstein, 2 Street Ventures, spoke regarding the status of acquisition of the parcels for the proposed development.

The public hearing was closed at 7:40 p.m.

Vice Mayor McCracken made a motion to approve staff’s recommendations, which was seconded by Council Member Hamilton.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council amend the motion to require that the alcohol be enclosed and secured.

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

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council amend the motion to require the incorporation of noise conditions.

AYES: None
NOES: Ward, Hamilton, McCracken, Gurrola
ABSTAIN: Shelton
ABSENT: None
Council Member Ward made a motion to require that the beer and wine be located behind the counter, which died for lack of a second.

Council Member Ward then expressed his concerns regarding traffic on Prospect Street and Henderson Avenue; and requested that a condition be included which would require a dedicated right turn lane to mitigate congestion. Staff indicated that the capacity of the street was adequate, and compared the level of service ranking with or without the project. They also addressed questions from the Council regarding the widening of the street and the driveway located on Prospect.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council amend the motion to require an alley approach and an additional 5 feet in width to the driveway.

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

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council adopt the draft resolution approving a Negative Declaration of environmental impact; adopt the draft resolution approving a General Plan Amendment to change APN 246-111-008 land use designation from High Density Residential Retail Center; approve the draft ordinance approving Zone Change for APN 246-111-008 from High Density Residential Zone to Retail Center Zone contingent upon General Plan Amendment; waive further reading of the draft ordinance, approving the Zone Change, and order it to print, 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; and adopt the draft resolution containing findings and conditions in support of approval of Conditional use Permit for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy at the northeast corner of Henderson Avenue and Prospect Street contingent upon Zone Change and General Plan Amendment; as amended to change Type 21 to Type 20 alcohol license; inclusion of noise conditions, an alley approach, and additional 5 ft width for driveway on Prospect.

| AYES:    | Ward, Hamilton, McCracken, Gurrola |
| NOES:    | None                               |
| ABSTAIN: | Shelton                            |
| ABSENT:  | None                               |
The ordinance was read by title only.

Documentation: Resolution No. 114-2012; Resolution No. 115-2012; Ordinance No. 1794; and Resolution No. 116-112

Disposition: Approved, as amended.

The Council recessed for ten minutes at 8:17 p.m.

SECOND READINGS

11. ORDINANCE 1793, APPROVING ZONE CHANGE AT CHASE AVENUE AND PLANO STREET

Recommendation: That the City Council give Second Reading to Ordinance No. 1793, 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. 1793, waive further reading, and adopt said Ordinance, 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 PLANO STREET. The motion carried unanimously.

The Acting City Manager read the Ordinance by title only.

Documentation: Ordinance No. 1793

Disposition: Approved.

SCHEDULED MATTERS

12. CONSIDERATION TO AMEND EXISTING CONTRACT WITH PENA’S DISPOSAL SERVICE

Recommendation: That the City Council:

1. Amend the existing contract with Pena’s Disposal Service; and
2. Authorize the Mayor to sign the necessary documents.

The Acting City Manager introduced the item, and the staff report was waived at the Council’s request. Staff addressed questions regarding the CPI, savings, and bid process.
COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council amend the existing contract with Pena’s Disposal Service; and authorize the Mayor to sign the necessary documents. The motion carried unanimously.

Documentation: M.O. 07-120412
Disposition: Approved.

13. 2012 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council:
1. Review and adopt the 2012 Short Range Transit Plan; and
2. Authorize staff to set a public hearing to address any service level increase/reductions, or fare increases/reductions that may be a part of the 2012 Short Range Transit Plan.

Acting City Manager Hildreth presented the staff report, and the staff report was presented by Transit Manager Rich Tree. He then introduced Charles Clouse from TPG Consulting, who presented the Short Range Transit Plan and addressed questions from the Council.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the 2012 Short Range Transit Plan; and authorize staff to set a public hearing to address any service level increase/reductions, or fare increases/reductions that may be a part of the 2012 Short Range Transit Plan. The motion carried unanimously.

Documentation: M.O. 08-120412
Disposition: Approved.

14. ADOPTION OF DEVELOPMENT AGREEMENT FEES

Recommendation: That the City Council adopt the draft resolution setting forth the fee at $1,211.19 for a Development Agreement Application as required by Chapter 609 of the Porterville Development Ordinance.

The Acting City Manager presented the item, and the staff report was presented by Community Development Director Dunlap. Council Member Hamilton made a motion to approve staff’s recommendation, which was seconded by Vice Mayor McCracken. City Attorney Lew advised that a public hearing was required, and as such the recommendation would need to be modified. The motion to approve was rescinded. Council Member Ward spoke in favor of CPI for all fees.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council authorize the scheduling of a public hearing for consideration of proposed fees on December 18, 2012. The motion carried unanimously.
15. CONSIDERATION OF CREATING A CITY BANNER PROGRAM TO HONOR LOCAL MILITARY VETERANS

Recommendation: That the City Council consider creating a City Banner Program to honor and recognize local military veterans.

Acting City Manager Hildreth introduced the item and presented the staff report. Council Member Ward spoke in support of the proposed program, and the Council discussed the possible implementation. City Attorney Lew advised that an ad-hoc committee be established to allow members of the Council to work with outside organizations. The Council directed that local veteran organizations and Time Marches On be involved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council approve the creation of an Ad-Hoc Committee consisting of Council Members Ward and Hamilton, to provide options for Council consideration. The motion carried unanimously.

16. CONSIDERATION OF ELIMINATING THE USE OF CITY FUNDS TO ATTEND LOCAL COMMUNITY EVENTS

Recommendation: That the City Council consider eliminating the use of City funds to attend local community events.

Acting City Manager Hildreth presented the item, and the staff report was waived at the Council’s request. The Council discussed micro-managing, use of council member budgets, and the purchase of tickets to community events. Council Member Shelton made a motion to prohibit the use of City funds for the purchase of tickets. Council Member Ward spoke in support of the Mayor and Vice Mayor attending events as representatives of the Council, and requested that the motion be amended as such.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council restrict the use of City funds for tickets to community events to only the Mayor and Vice Mayor. The motion carried unanimously.

Documentation: M.O. 09-120412
Disposition: Approved.

Documentation: M.O. 10-120412
Disposition: Approved.

Documentation: M.O. 11-120412
Disposition: Approved.
CONSENT CALENDAR (Pulled Items)

3. AUTHORIZATION TO REJECT ALL PROPOSALS AND RE-SOLICIT THE PORTERVILLE MUNICIPAL AIRPORT DRY FARM LEASE

Recommendation: That the City Council authorize the rejection of all proposals, and direct the re-solicitation of the Dry Farm Lease, utilizing responsible bidder requirements similar to those contained in the Reclamation Area Lease solicitation.

The Acting City Manager introduced the item, and the staff report was waived at the Council’s request. The Council discussed the issue of time and explored various options available.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the rejection of all proposals, and direct the re-solicitation of the Dry Farm Lease for award on December 18, 2012; and direct staff to contact Mr. Sheets if no bids are received to inquire about extension of agreement.

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

Documentation: M.O. 12-120412
Disposition: Approved.

7. REVISED CHRISTMAS EVE LIBRARY HOURS

Recommendation: That the City Council authorize the closing of the Library at 5:30 p.m. on Christmas Eve.

The Acting City Manager introduced the item, and the staff report was waived at the Council’s request. Council Member Ward voiced his opposition to non-safety personnel working on Christmas Eve, and requested that staff track and report on the number of individuals serviced on Christmas Eve.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council authorize the closing of the Library at 5:30 p.m. on Christmas Eve. The motion carried unanimously.

Documentation: M.O. 13-120412
Disposition: Approved.

The Council adjourned at 9:57 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency. Council Member Shelton exited the Council Chambers.
SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY
MINUTES
291 N. MAIN STREET, PORTERVILLE, CA 93257

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

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS
None

SCHEDULED MATTERS

SA-01. INDEPENDENT ACCOUNTANT’S REPORT ON APPLYING AGREED-UPON PROCEDURES (ALL OTHER FUNDS OF THE FORMER REDEVELOPMENT AGENCY OTHER THAN THE LOW AND MODERATE INCOME HOUSING FUND)

Recommendation: That the Successor Agency receive the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all other funds of the former Redevelopment Agency other than the low and Moderate Income Housing Fund) and authorize the City Manager and City Finance Director, on behalf of the Successor Agency, to transmit the Due Diligence Review and the Recognized Obligation Payment Schedule to the Oversight Board, the Tulare County Administrative Officer, the CAC, the SCO and the DOF, all in accordance with Health & Safety Code Sections 34179.5 and 34179.6.

Acting City Manager Hildreth introduced the item, and the staff report was presented by Finance Director Maria Bemis.

AGENCY ACTION: MOVED by Agency Member Ward, SECONDED by Agency Member Hamilton that the Successor Agency receive the Independent Auditor’s Report on Applying Agreed-Upon Procedures (all other funds of the former Redevelopment Agency other than the low and Moderate Income Housing Fund) and authorize the City Manager and City Finance Director, on behalf of the Successor Agency, to transmit the Due Diligence Review and the Recognized Obligation Payment Schedule to the Oversight Board, the Tulare County Administrative Officer, the CAC, the SCO and the DOF, all in accordance with Health & Safety Code Sections 34179.5 and 34179.6. The

AYES: Ward, Hamilton, McCracken, Gurrola
NOES: None
ABSTAIN: None
ABSENT: Shelton
The Successor Agency to the Porterville Redevelopment Agency adjourned at 10:01 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**
- Teri Irish, Porterville resident, commented on the Council’s use of the motion, second, and discussion during the meeting; and stated that the Council Handbook had been in existence for many years.

**OTHER MATTERS**
- Council Members Shelton and Hamilton, and Mayor Gurrola commented on the recent Christmas Parade.
- Council Member Shelton spoke of an upcoming Step Up meeting and the Senior Dinner.

**ADJOURNMENT**
The Council Meeting adjourned at 10:04 p.m. to the meeting of December 11, 2012, at 5:30 p.m. in the Community Room of the Porterville Library, 41 West Thurman Avenue.

Luisa M. Herrera, Deputy City Clerk

SEAL

Virginia R. Gurrola, Mayor