

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 2, 2013, 5:30 P.M.**

Called to Order at 5:31 p.m.

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

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

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

CITY COUNCIL CLOSED SESSION:

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(1) – 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(d)(1) – 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.
 - 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and the United States Department of Agriculture – Forest Service. Under Negotiation: Terms and Price.
 - 4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency

Negotiator: John Lollis. Employee Organization: All Unrepresented Management Employees.

5- Government Code Section 54956.95 – Liability Claims: Claimant: Central Valley Mortgage Service and its insurer Federal Insurance Company. Agency claimed against: City of Porterville.

6 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases concerning facts not yet known to potential plaintiffs.

6:44 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew announced that there was no reportable action taken in Closed Session.

Pledge of Allegiance Led by Vice Mayor Pete V. McCracken
Invocation --- the Mayor participated.

PROCLAMATIONS

Muscular Dystrophy Association’s “Fill the Boot”
Child Abuse Awareness and Prevention Month

City Manager Lollis acknowledged the efforts of fire personnel during a recent fire incident on Main Street.

PRESENTATIONS

Employee of the Month – Michael Brodbeck
Outstanding Business Presentation – Bank of the Sierra

AB 1234 REPORTS

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

1. Council of Cities – March 27, 2013: Vice Mayor McCracken reported that the discussion that took place at the meeting was in Closed Session.
2. Consolidated Waste Management Authority (CWMA) – March 21, 2013: Vice Mayor McCracken reported on the following: the Tulare County RMA was looking for ideas to finance Household Hazardous Waste; a Sharps Program model ordinance had been adopted; discussion regarding C&D subsidy; and efforts to ban plastic bags in grocery stores.
3. Tulare County Economic Development Corporation - March 27, 2013: Mayor Gurrola reported on the review of the SWOT analysis.

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Arts Commission – no report was provided.

2. Youth Commission – Commissioners Perez and Campos reported on their recent Youth Conference, and spoke of an upcoming report on drop-out rates.

City Manager Lollis indicated the existence of an Emergency Item, and requested that the Council consider adding it to the Agenda as Item 15: Authorization for Engine #4 Top End Overhaul. Council Member Ward noted that he would be abstaining due to a conflict relative to property ownership.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the addition of Authorization for Engine #4 Top End Overhaul to the Agenda as Item No. 15.

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

Documentation: M.O. 01-040213
Disposition: Item added.

ORAL COMMUNICATIONS

- Mohammed Khalique, spoke of an event on April 4th at Porterville College to encourage high school students to pursue a career in the medical field, and requested that the City provide free transportation to the event.
- Brock Neeley, Porterville, extended an invitation to the free showing of the movie Bully at the Unitarian Universalist Fellowship of Porterville on April 25th and May 4th; requested that the City’s website be updated; and expressed concerns regarding the resale of water.
- Will Lloyd, extended an invitation to the Rotary Club’s 9th Annual Spring Ball on April 13th, and spoke of the event.
- Patricia Thompson, Porterville, thanked the Council for supporting Proposition 8.
- Ellen Nichols, Porterville, expressed concern for the safety of cyclists.
- Donnette Silva Carter, announced that Music on Main Street would kick off Friday at Centennial Park; thanked fire personnel for their recent fire suppression efforts; and congratulated Bank of the Sierra for being recognized as the City’s Outstanding Business.

Council Member Hamilton noted the request made by Mr. Khalique during Oral Communications. Mayor Gurrola recused herself due to a perceived conflict of interest, and exited the Council Chambers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the addition of Request to Provide City Transit to the Agenda for immediate consideration.

AYES: Ward, Shelton, Hamilton, McCracken
NOES: None

ABSTAIN: Gurrola
ABSENT: None

Documentation: M.O. 02-040213
Disposition: Added to the Agenda for immediate consideration.

16. REQUEST TO PROVIDE CITY TRANSIT

Recommendation: That the Council consider the request to provide City Transit Service.

Transit Manager Rich Tree elaborated on the request; addressed questions regarding associated costs and distribution of passes; and identified accommodations which could be provided.

A discussion ensued regarding the event, which was to take place at Porterville College during school hours. Mr. Khalique addressed questions from the Council regarding planning of the event, and conversations with the schools. Council Member Ward expressed concern regarding truancy; and Council Members Shelton and Hamilton spoke of the merits of the event.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council approve free transit passes from the high schools to Porterville College valid after school through the end of transit service hours on the day of the event.

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

Documentation: M.O. 03-040213
Disposition: Approved.

The Council recessed for ten minutes at 7:54 p.m.

CONSENT CALENDAR

Item Nos. 2, 3, 5, 6 and 7 were pulled for further discussion.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Agenda Item Nos. 1, 4, and 8 through 13. The motion carried unanimously, with the exception of Council Member Shelton's abstention from Item No. 13.

1. MINUTES OF FEBRUARY 12, 2013

Recommendation: That the City Council approve the Minutes of February 12, 2013.

Documentation: M.O. 04-040213

Disposition: Approved.

4. INTENT TO VACATE EASEMENTS FOR TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR RELATED TO THE DEVELOPMENT OF SUMMIT HERITAGE VILLAS SUBDIVISION (NICHOLSON & SMEE)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate Easements dedicated to the City of Porterville by document numbers 2008-0018995 and 2009-0022948 recorded March 14, 2008, and April 17, 2009, respectively in the Office of the Tulare County Recorder; and
2. Set the Council Meeting of May 7, 2013, or as soon thereafter as the time and place for a public hearing.

Documentation: Resolution 19-2013

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – BOY SCOUTS OF AMERICA – SCOUTING RECRUITMENT FAIR – APRIL 13, 2013

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Boy Scouts of America, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 05-040213

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT – ROLLIN’ RELICS CAR CLUB – ROLLIN’ RELICS CAR SHOW – MAY 4, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Rollin’ Relics Car Club, subject to the stated requirements contained in the Application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 06-040213

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT – COMISION HONORIFICA MEXICANA-AMERICANA, INC. - CINCO DE MAYO PARADE AND FIESTA – MAY 4, 2013

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 07-040213

Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER IDENTIFYING AREAS IN THE CITY FOR POTENTIAL POCKET PARKS TO RECOMMEND TO THE PARKS & LEISURE SERVICES COMMISSION FOR REVIEW

Recommendation: Council Member Ward makes the motion that the City Council authorize the schedule on the April 16th Council Agenda the consideration of identifying areas in the city for potential pocket parks to recommend to the Parks & Leisure Services Commission for review.

Documentation: M.O. 08-040213

Disposition: Approved.

12. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER AN ANALYSIS OF PORTERVILLE MUNICIPAL LIBRARY USERS TO DEVELOP OR PLAN FOR LITERACY SERVICES IN UNDER-SERVED AREAS OF THE COMMUNITY

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the April 16th Council Agenda the consideration of an analysis of Porterville Municipal Library users to develop or plan for literacy services in under-served areas of the community.

Documentation: M.O. 09-040213

Disposition: Approved.

13. 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.

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

Documentation: M.O. 10-040213

Disposition: Approved.

2. PRE-SELECTION OF RAW SEWAGE PUMPS (RSP) & VARIABLE FREQUENCY DRIVES (VFD)

- Recommendation: That the City Council:
1. Accept the Pre-Selection Matrix as presented by Carollo Engineers;
 2. Authorize the Public Works Director to execute the Pre-Procurement documents;
 3. Authorize payment in the amount of 10% of the contract amount to initiate and complete pump and VFD shop drawing; and
 4. Direct the Public Works Director to bring back an item requesting authorization to advertise for bids to install four influent pumps and companion VFDs at the Wastewater Treatment Plant.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward recused himself due to a conflict of interest relative to property ownership. City Attorney Lew advised that she was comfortable with the process and the recommendation.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council accept the Pre-Selection Matrix as presented by Carollo Engineers; authorize the Public Works Director to execute the Pre-Procurement documents; authorize payment in the amount of 10% of the contract amount to initiate and complete pump and VFD shop drawing; and direct the Public Works Director to bring back an item requesting authorization to advertise for bids to install four influent pumps and companion VFDs at the Wastewater Treatment Plant.

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

Documentation: M.O. 11-040213

Disposition: Approved.

3. AWARD OF CONTRACT – 2013/2014 FISCAL YEAR MICRO-SURFACING PROJECT

- Recommendation: That the City Council:
1. Award the 2013/2014 Fiscal Year Micro-Surfacing Project Base Bid to Intermountain Slurry Seal, Inc. in the amount of \$560,000.00;
 2. Authorize progress payments up to 95% of the contract amount; and
 3. Authorize a 10% contingency to cover unforeseen construction costs and

5% for construction management, quality control and inspection.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward inquired about the use of remaining project funds for additional street work.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council award the 2013/2014 Fiscal Year Micro-Surfacing Project Base Bid to Intermountain Slurry Seal, Inc. in the amount of \$560,000.00; authorize progress payments up to 95% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection. The motion carried unanimously.

Documentation: M.O. 12-040213

Disposition: Approved.

5. APPROVAL OF FOURTH AMENDMENT TO THE JOINT POWERS AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY

Recommendation: That the City Council approve and authorize the Mayor to sign the Fourth Amendment to Agreement with Tulare County Health and Human Services Agency.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward recused himself due to a conflict of interest relative to property ownership, and exited the Council chambers. Public Works Director Rodriguez addressed questions regarding the County’s use of grant funds to implement the program, and the benefits of having a local drop-off site.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve and authorize the Mayor to sign the Fourth Amendment to Agreement with Tulare County Health and Human Services Agency.

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

Documentation: M.O. 13-040213

Disposition: Approved.

6. REQUEST TO ACCEPT NRA FOUNDATION GRANT AWARD

Recommendation: That the City Council authorize the acceptance of the NRA Foundation Grant funding in the amount of \$19,000.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton commended the Police Department for applying for the grant funds.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council authorize the acceptance of the NRA Foundation Grant funding in the amount of \$19,000. The motion carried unanimously.

Documentation: M.O. 14-040213

Disposition: Approved.

7. SALE OF SURPLUS VEHICLES TO PORTERVILLE COLLEGE

Recommendation: That the City Council approve the sale of the two surplus vehicles identified to Porterville College for the sum of \$1.00 each.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the costs and process of stripping out the vehicles prior to sale, and the intended use of vehicles by Porterville College.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the sale of the two surplus vehicles identified to Porterville College for the sum of \$1.00 each. The motion carried unanimously.

Documentation: M.O. 15-040213

Disposition: Approved.

SCHEDULED MATTERS

14. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: That the City Council provide direction.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Vice Mayor McCracken noted that there had been a decrease in building permit activity since the Council waived the increase in 2010.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council suspend the annual adjustment of fees by application of the ENR Cost Index for Fiscal Year 2013/2014.

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

Documentation: M.O. 16-040213
Disposition: Approved.

15. AUTHORIZATION FOR ENGINE #4 TOP END OVERHAUL

Recommendation: That the City Council approve Valley Power perform the top end overhaul on Engine #4 at a repair cost of less than \$30,000.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward recused himself due to a conflict of interest with regard to property ownership and exited the chambers.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council approve Valley Power perform the top end overhaul on Engine #4 at a repair cost of less than \$30,000.

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

Documentation: M.O. 17-040213
Disposition: Approved.

The Council adjourned at 8:26 p.m. to a Joint Meeting of the Porterville City Council, the Porterville Public Improvement Corporation, and the Porterville Public Financing Authority.

**AGENDA FOR A JOINT MEETING OF THE PORTERVILLE CITY COUNCIL,
THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION, AND
THE PORTERVILLE PUBLIC FINANCING AUTHORITY
291 N. MAIN STREET, PORTERVILLE, CA 93257**

Roll Call: PIC Director Ward, Vice President McCracken, Director Shelton, Director Hamilton, President Gurrola
PFA Agency Member Ward, Vice Chair McCracken, Agency Member Shelton, Agency Member Hamilton, Chair Gurrola

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS

None

JOINT SCHEDULED MATTER

20-13, PIC/PFA01. REFINANCING 2005 CERTIFICATES OF PARTICIPATION (COP)

PIC 13-03,
PFA 13-01

Recommendation: That the City Council, also sitting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority, consider and approve the refunding of the 2005 COP through a direct lending structure with Rabobank, and authorize the Mayor and City Manager to sign all draft resolutions, agreements, and documents as may be required.

City Manager Lollis presented the item and the staff report.

Ben “Bud” Levine, of Wulff, Hansen and Co. spoke of options available for long-term if needed or desired and benefits of the proposed refunding. He also addressed questions regarding interest payments.

Council Member Shelton expressed his opposition to variable rate loans and not paying on the principal.

JOINT ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council, also sitting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority, consider and approve the refunding of the 2005 COP through a direct lending structure with Rabobank, and authorize the Mayor and City Manager to sign all draft resolutions, agreements, and documents as may be required.

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

Documentation: Resolution 20-2013;
Porterville Public Improvement Corporation Resolution 2013-03; and
Porterville Public Financing Authority Resolution 2013-01

Disposition: Approved.

The Joint Meeting of the City Council, the Porterville Public Improvement Corporation and the Porterville Public Financing Authority adjourned at 8:51 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Shelton reported on his attendance at: the Kid’s Fest, StepUp meeting; Mixer at Golden State Paint and Body, and Spring Egg Hunt. He also noted the upcoming Wall of Fame induction ceremony, a Bike and Skate event, a Tea Party rally, and Porterville Celebrates Reading.
- Council Member Ward requested that items to consider the printing of tickets to City events from home, and use of the Government 2.0 smartphone application be added to the next agenda.
- Mayor Gurrola congratulated Parks and Leisure Services Director Donnie Moore on the success of Kid’s Fest and the Spring Egg Hunt.

ADJOURNMENT

The Council adjourned at 8:56 p.m. to the meeting of April 16, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Virginia R. Gurrola, Mayor