

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 5, 2013, 5:30 P.M.**

Call to Order
Roll Call

Adjourn 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 Members/Chairman

ORAL COMMUNICATIONS

This is the opportunity to address the City Council and/or Successor Agency on any matter scheduled for Closed Session. Unless additional time is authorized by the Council/Agency, all commentary shall be limited to three minutes.

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.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-122-007 and 261-122-008. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.

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 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation: Terms and Price.

3- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Fire Officer Series; and all Unrepresented Management Employees.

4- Government Code Section 54956.95 – Liability Claim: Claimant: Caesar Espinoza. Agency claimed against: City of Porterville.

5- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013, written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.

6- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

7- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

8- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.

9- 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

Pledge of Allegiance Led by Vice Mayor Ward
Invocation

PROCLAMATIONS

Edgar Madrigal

PRESENTATIONS

Outstanding Business
Employee of the Month – Sabrina Barrios
Introduction of New Employees

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) – October 21 & 24, 2013
2. Council of Cities – October 30, 2013
3. Tulare County Economic Development Corporation – October 23, 2013

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission

2. Library & Literacy Commission
3. Arts Commission
4. Youth Commission – October 21, 2013
5. Charter Review Committee – October 23, 2013

II. Staff Informational Items

1. Street Performance Measure - 1st Quarter Report
2. Code Enforcement Quarterly Update
3. Attendance Records for Commissions, Boards and Committees
4. Report on Charitable Car Washes
5. Building Permit Activity
6. Invest from the Ground Up Grant Award
7. Installation of Street Lights Along North Plano Street and South Wisconsin Street
8. General Plan Referral - Tulare County Mental Health Offices

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **Minutes of October 24, 2013**
2. **This item has been removed.**
3. **Authorize Parks and Leisure Services Director to Purchase Shade Structure and Playground Surfacing for Chase Avenue Park**
Re: Considering authorization to purchase a shade structure from RCP Shelters, Inc. for an estimated cost of \$115,000; and playground surfacing from SofSurfaces for \$75,001.
4. **Authorization Contract Augmentation and Additional Work – Olive Avenue Rehabilitation Project**
Re: Considering authorization to augment contract with Bowman Asphalt in the amount of \$47,549.13 for the removal of existing abandoned railroad improvements and constructions of a street structural section on Henderson and Oak Avenues, immediately east of Fourth Street.
5. **First Amendment to the Agreement for Transit Service Between the City of Porterville and the Tule River Indian Tribe**
Re: Considering approval of First Amendment to Agreement for Transit Service Between the City of Porterville and the Tule River Indian Tribe to continue services through June 30, 2015; and authorizing acceptance of funding in the amount of 30% of operational costs from the Tule River Indian Tribe.

- 6. First Amendment to the Agreement for Transit Services Between the Tulare County Association of Governments and the City of Porterville**
Re: Considering approval of First Amendment to the Agreement which clarifies that price setting of the T-Pass will be under the authority of the TCAG Board.
- 7. Authorization to Continue to Advertise for Proposals – Revenue Sharing Transit Advertising**
Re: Considering authorization to distribute Requests for Proposals for the services of a qualified contractor to administer and carry out the day-to-day functions associated with the revenue sharing transit advertising program.
- 8. Final Ballot Results - Area 455A Sewer Utility District**
Re: Considering acceptance of final ballot results, and adoption of a resolution approving the formation of Area 455A Sewer Utility District and Levying of the assessment.
- 9. Consideration of a Request for an Extension to CUP 2012-010; Walgreens; APNS 246-111-007, -008, and -035**
Re: Considering adoption of a resolution approving a one year extension to the approval of CUP 2012-010 for a Type 20 off-sale alcohol license within Census Tract 35.02 for the proposed Walgreens Pharmacy.
- 10. Response to California Attorney General and State Controller Concerning Letter to the Same Entities from the Tulare County Indian Gaming Local Community Benefit Committee**
Re: Consideration of approval of the City’s response concerning the Tulare County Indian Gaming Local Community Benefit Committee’s request for the return of 60% nexus grant funds awarded to the City of Porterville for projects in 2011 and 2012.
- 11. Interim Financial Status Reports**
Re: Considering acceptance of interim financial status reports for the 1st Fiscal Quarter ended September 30, 2013.
- 12. Quarterly Portfolio Summary**
Re: Considering acceptance of the City’s quarterly investment portfolio summary for the period ended September 30, 2013.
- 13. Request for Street Closure – Myers’ 19th Annual Christmas Tree Memorial Service**
Re: Considering authorization to temporarily close “E” Street, between Putnam and Cleveland, on December 10, 2013, from 5:00 p.m. to 9:00 p.m.
- 14. Consideration of Street Closure for Project Homeless Connect Outreach Event**
Re: Considering authorization to temporarily close “B” Street between Olive Avenue and Vine Avenue on Thursday, November 7, 2013; and authorization to reroute City Transit Route 4 to use “C” Street to Vine Street.

15. **Approval for Community Civic Event – Porterville Chamber of Commerce and Rotary Club of Porterville – Children’s Christmas Parade – December 5, 2013**
Re: Considering approval of an annual event to take place on Thursday, December 5, 2013, from 5:00 p.m. to 9:00 p.m. on Main Street.
16. **Approval of Proposed Proclamation – Sierra View District Hospital Volunteer League Day**
Re: Considering approval of a request for proclamation designating November 12, 2013, as Sierra View District Hospital Volunteer League Day.
17. **Review of Local Emergency Status**
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

18. **Change in Zone from D-PO (Downtown Professional Office) to DR-D (Downtown Retail – D Street Corridor) at 73 West Cleveland Avenue (PRC 2013-035-Z)**
Re: Considering adoption of a draft ordinance approving a zone change for APN 252-186-003, located at the southeast corner of Cleveland Avenue and ‘D’ Street.

SECOND READING

19. **Second Reading, Ordinance 1798, Approving Zone Change (PRC 2013-014-Z)**
Re: Second Reading of Ordinance No. 1798, An Ordinance of the City Council of the City of Porterville Approving Zone Change (PRC2013-014-Z) From CG (General and Service Commercial) to IG (General Industrial) for that 10.21± Acre Site Located Generally at the Northwest Corner of North Grand Avenue and North Main Street, which was given first reading on October 15, 2013, and has been printed.
20. **Second reading, Ordinance 1799, Amending Chapter 12, Article II: Fireworks**
Re: Second Reading of Ordinance 1799, An Ordinance of the City Council of the City of Porterville Amending the Municipal Code, Chapter 12, Article II: Fireworks Related to Application Process, Regulations, and Penalties, which was given first reading on October 15, 2013, and has been printed.

SCHEDULED MATTERS

21. **Request for Direction Related to Use of Cargo/Shipping Containers for Storage**
Re: Consideration of policies pertaining to the use of cargo/shipping containers for storage
22. **Consolidated Waste Management Authority (CWMA) Membership**
Re: Consideration of the City’s CWMA membership for Fiscal Year 2014/2015.
23. **Approval of Porterville Golf Course Twilight Rate**
Re: Consideration of the proposed nine-hole twilight rates of \$5 greens fee and \$9 cart fee beginning at 2:00 p.m., Tuesday-Sunday, during the months of non-daylight savings time.

24. Bid Results for Mathew Street Shoulder Stabilization Project

Re: Considering rejecting all bids or awarding contract in the amount of \$316,527.70 to Lee's Paving of Visalia, CA, for the project consisting of the installation of curb and gutter, sidewalk, driveways, asphalt concrete paving, and other appurtenant construction along Mathew Street between Olive Avenue and Tomah Avenue; and the re-striping of Mathew Street between Olive Avenue and Morton Avenue.

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of November 19, 2013.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.