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

Adjourned to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Agency Member Shelton, Agency Member Ward (arrived during Closed Session), Vice Chair Hamilton, Chair Irish

ORAL COMMUNICATIONS
None

REDEVELOPMENT AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

Adjourn to a meeting of the Porterville City Council.

CLOSED SESSION:
B. Closed Session Pursuant to:


6- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew stated that no reportable action had been taken.

Pledge of Allegiance Led by Council Member Shelton
Invocation – a moment of silence was observed.

PROCLAMATIONS
Law Enforcement Joint Use Helicopter Program Pilots
Recognition of Claudia Elliott

ORAL COMMUNICATIONS

Mayor Irish requested that the first Oral Communications be limited to a time of fifteen (15) minutes; three minutes per individual, unless time is extended by the Council; and that comments be limited to those items on the agenda. Council Member Shelton objected to the request.

COUNCIL ACTION:
M.O. 01-081710

MOVED by Mayor Irish, SECONDED by Vice Mayor Hamilton that the Council approve limiting the first Oral Communication portion to a total of fifteen (15) minutes, three minutes per individual, unless time is extended by the Council, and that the comments be limited to those items on the agenda.

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

Disposition: Approved

- John Coffee, Porterville, indicated that his last name was spelled incorrectly in the Minutes of May 4, 2010, and requested that it be corrected.
- Barry Caplan, Porterville, commended Council Member Shelton for objecting to Mayor Irish’s restrictions on Oral Communications; inquired about the time limits set forth; and stated that Council’s action was not in the spirit of open government.
- Dick Eckhoff, 197 N. Main, spoke in favor of the addition of Reports with regards to Item No.
19, and of time limitation for Oral Communications. He noted that Council did have the
authority to waive or extend the time for speakers.
- Steve Penn, thanked staff and the Council for the opportunity to conduct business (Item 16).

CONSENT CALENDAR

Items 5, 8, 10 and 11 were pulled for further discussion.

1. CITY COUNCIL MINUTES OF MAY 4, 2010

Recommendation: That the City Council approve the Minutes of May 4, 2010.

Documentation: M.O. 02-081710
Disposition: Approved

2. AWARD OF CONTRACT – RECLAMATION AREA MONITOR WELL

Recommendation: That the City Council:
1. Award the Reclamation Area Monitor Well Project to Consolidated Testing Laboratories in the amount of $23,743.20;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency ($2,375) to cover unforeseen construction costs; and
4. Authorize an additional 10% ($2,375) increase to the project to cover construction management costs.

Documentation: M.O. 03-081710
Disposition: Approved

3. ACCEPTANCE OF PROJECT – PORTERVILLE FAIRGROUNDS OFF-SITE IMPROVEMENT 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 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 04-081710
Disposition: Approved

4. ACCEPTANCE OF PROJECT – OLIVE AVENUE REHABILITATION PROJECT

Recommendation: That the City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.
6. STATE DEPARTMENT OF FINANCE - POPULATION AND HOUSING ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the city of Porterville, January 1, 2010, population of 52,960.

Documentation: M.O. 06-081710
Disposition: Approved

7. REQUEST FOR PROMOTIONAL DISPLAY OF PUBLIC RIGHT-OF-WAY (RELAY FOR LIFE 2010)

Recommendation: That the City Council authorize the non-advertising displays commemorating the “Paint the Town” special event subject to the recommended conditions of approval.

Documentation: M.O. 07-081710
Disposition: Approved

9. ASSIGN AIRPORT LEASE - LOT 46D

Recommendation: That the City Council approve assigning of the lease Agreement for Municipal Airport Lot 46D between the City of Porterville and Mr. William L. Vandersande to Mr. Kevin Taggard.

Documentation: M.O. 08-081710
Disposition: Approved

12. SCHEDULING OF BUDGET STUDY SESSION FOR AUGUST 24, 2010

Recommendation: That the City Council approve the focus on street maintenance and potential for surplus property in the scheduling of the August 24th Budget Study Session.

Documentation: M.O. 09-081710
Disposition: Approved

13. APPROVAL FOR COMMUNITY CIVIC EVENT – ELKS LODGE AND PORTERVILLE HIGH SCHOOL MARCHING BAND – REQUEST FOR STREET CLOSURE

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the BPOE – Porterville Elks, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A’ of the
5. I.T. SERVER ROOM (BLOCK HOUSE) AIR CONDITIONING PROJECT

Recommendation: That the City Council:

1. Approve the purchase of the cooling equipment in the amount of $4,261.63; and
2. Authorize staff to issue a Purchase Order to Gray’s Air Conditioning in the amount of $3,587 for installation.

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

A discussion took place regarding the bidding threshold, and why the server room was not part of the Johnson Controls project. The City Manager informed the Council that the installation service was under the bidding threshold of $5,000, and that the Fire Station, which the server room was a part of, was not included in the scope of the agreement with Johnson Controls.

Council Members Ward and Shelton spoke in favor of contacting other companies for quotes.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council direct staff to contact other air conditioning companies for the purpose of requesting quotes for installation.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the purchase of the cooling equipment in the amount of $4,261.63; and authorize staff to issue a Purchase Order to Gray’s Air Conditioning in the amount of $3,587.00 for installation.

AYES: McCracken, Hamilton, Irish
NOES: Shelton, Ward
ABSTAIN: None
ABSENT: None
8. REQUEST FOR AUTHORIZATION FOR EMERGENCY TRANSIT BUS REPAIR

Recommendation: That the City Council authorize the replacement of the engine with a Cummins certified remanufactured engine purchased and installed by E. M. Tharp.

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

Vice Mayor Hamilton inquired about repair to the diesel bus, and the amount required to replace it with a CNG bus. The City Manager replied that it would be phased out following receipt of four CNG buses in October, and that the diesel would serve as a spare in the meantime.

Council Member McCracken noted that the repair had been a budgeted expense, but due to the delay of the budget adoption, had to come to Council for approval.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council authorize the replacement of the engine with a Cummins certified remanufactured engine purchased and installed by E. M. Tharp. The motion carried unanimously.

Disposition: Approved

10. AMENDMENT TO INSURANCE REQUIREMENT FOR PUTNAM COMMUNITY CENTER LICENSE AGREEMENT

Recommendation: That the City Council approve the proposed Amendment No. 1 to the Property License Agreement Between the City of Porterville and Comision Honorifica Mexicana Americana, Inc. and Agreement concerning Rights and Obligations of the Parties, to reduce the required level of commercial general liability insurance from $2 million to $1 million per occurrence.

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

Council Member Ward expressed his appreciation for staff’s efforts, and suggested that the City look into implementing a uniform policy.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council approve the proposed Amendment No. 1 to the Property License Agreement Between the City of Porterville and Comision Honorifica Mexicana Americana, Inc. and Agreement concerning Rights and Obligations of the Parties, to reduce the required
level of commercial general liability insurance from $2 million to $1 million per occurrence. The motion carried unanimously.

Disposition: Approved

11. PROCTOR TRAINING FOR ADMINISTRATION OF POST ENTRY-LEVEL DISPATCHER EXAM

Recommendation: That the City Council authorize staff to proceed with POST test administration certification with Cooperative Personnel Services.

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

Council Member Ward lauded staff for saving the City money.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council authorize staff to proceed with POST test administration certification with Cooperative Personnel Services. The motion carried unanimously.

Disposition: Approved

SECOND READINGS
14. ORDINANCE 1766, TIME OF REGULAR COUNCIL MEETINGS

Recommendation: That the Council give Second Reading to Ordinance No. 1766, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1766, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, SECTION 2-1, TIME AND PLACE OF REGULAR MEETINGS, OF THE PORTERVILLE MUNICIPAL CODE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

SCHEDULED MATTERS
15. GANG INTERVENTION AND PREVENTION/YOUTH AND FAMILY LIAISON PROGRAM

Recommendation: None – presentation only.

City Manager Lollis introduced the item. Office Mariko Williams and Bob Perez presented information regarding the Gang-Resistance, Education, and Training (GREAT) Program, and Youth and Family Liaison Program activity.

Vice Mayor Hamilton thanked Mr. Perez for his years of service to the community.

Mayor Irish suggested that the Council meet with Mr. Perez and the Police Department to discuss the issue of gangs in the community.

Disposition: No action required.

16. ANNUAL REVIEW AND REQUEST FOR RENEWAL OF A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT

Recommendation: That the City Council adopt the draft resolution granting the temporary use permit for the storage and consignment of equipment.

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

Council Member Shelton made a motion to adopt the draft resolution granting the temporary use permit for the storage and consignment of equipment. The motion was seconded by Vice Mayor Hamilton.

Council Member McCracken offered a friendly amendment to the motion, which modified Condition No. 6 to read, “That a record of consignment sales listing sellers and buyers be submitted…” The friendly amendment was not accepted by Council Member Shelton.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve amending Condition #6 to read, “That a record of consignment sales listing sellers and buyers be submitted…”

AYES: McCracken, Hamilton, Irish
NOES: Shelton, Ward
ABSTAIN: None
ABSENT: None
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution granting the temporary use permit for the storage and consignment of equipment, as amended for Condition #6 to read, “That a record of consignment sales listing sellers and buyers be submitted…”.

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

Disposition: Approved, as amended.

17. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2010 ANNUAL CONFERENCE

Recommendation: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternates at the Conference.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council designate Council Member Ward to serve as a voting delegate, and designate all remaining Council Members to serve as alternates at the League of California Cities Annual Conference. The motion carried unanimously.

Disposition: Approved

18. CONSIDERATION OF RESOLUTION IN SUPPORT OF HIGH SPEED RAIL ALIGNMENT AND STATION FOR THE TULARE/KINGS COUNTY REGION

Recommendation: That the City Council consider a resolution in support of an East Hanford rail alignment and station location.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve a resolution in support of an East Hanford rail alignment and station location. The motion carried unanimously.
19. COUNCIL MEMBER REQUESTED ITEM – CONSIDERATION OF REVISIONS TO CITY COUNCIL AGENDA

Recommendation: That the Council provide direction to staff.

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

Council Member McCracken stated that limiting the first round of Oral Communications to those items on the agenda would prevent those in attendance from having to wait long periods of time for their items to be considered. He added that he believed it was important for the public to be present for AB 1234 reports and have the opportunity to comment.

Council Members Shelton and Ward spoke in opposition of limiting the first Oral Communications to agenda items only, and expressed concern with making members of the public wait for hours to address their government officials.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the draft resolution as amended to add Ordinances/Second Readings, and remove the limitation of first Oral Communications to reports and agenda items. The motion carried unanimously.

Disposition: Approved

The Council recessed for five minutes at 7:55 p.m.

20. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF DECLARING SELECTED CITY PROPERTIES FOR SURPLUS

Recommendation: That the Council consider authorizing the declaration for surplus of the selected City properties.

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

Council Member Shelton spoke in favor of discussing the possible surplus of property, and indicated that staff was working on putting together an inventory of City-owned properties.

A discussion ensued with regard to the current state of the real estate market, as well as nitrate levels at the sites identified by Council Member Shelton.

Vice Mayor Ward inquired about the process involved in the designation and selling of surplus properties. City Attorney Lew was directed to research the process and costs associated with moving forward.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council postpone consideration of the item to the meeting of September 7, 2010.

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

Disposition: Approved

The Council adjourned at 8:20 p.m. to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY COUNCIL/REDEVELOPMENT AGENCY MINUTES
August 17, 2010

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

ORAL COMMUNICATIONS
WRITTEN COMMUNICATIONS
None

SCHEDULED MATTERS
PRA-01 REDEVELOPMENT AGENCY RESTRUCTURING OF DEBT

Recommendation: That the Porterville Redevelopment Agency:
1. Approve a request to the City to restructure the RDA debt; and
2. Adopt draft Resolution Amending Resolution No. 91-2

That the City Council:
1. Approve restructuring of Agency debt to the City pursuant to Option 3;
3. Adopt draft Resolution providing a loan to the Agency for debt consolidation;
4. Authorize staff to obtain appraisals on each property; and
5. Authorize staff to market the subject properties and to bring back any offers for consideration.
City Attorney Lew indicated that Council Member Shelton owned a property within 500 feet of one of the properties, and advised him to recuse himself. Council Member Shelton exited the chambers.

The City Manager introduced the item, and the Community Development Director presented the staff report, which included the following three options for Council consideration:

**Option 1:**
Take no action and show a deficit balance in the RDA budget for fiscal years 2011/2012 through 2013/2014. The Agency would continue to retain multiple separate loans with different terms with an inability to pay down some of the loans.

**Option 2:**
Amend Resolution No. 91-2 waiving interest on the original loan of $389,347 from the period of 1981 through 1990 in the amount of $406,975. During this 9± year time period there were no sources of revenue for the Agency to service debt as the project area had not been formed. When the project area was adopted in 1990, the balance of the loan had grown to $796,322. Waiving the interest during this period in the amount of $406,975 would bring the balance of this loan from $1,145,425 to $738,450.

Approval of this option would result in all debt to the City being consolidated into one 30-year loan in the amount of $1,679,645, which shall bear interest at the rate of 3% simple interest with annual payments being made to the City and the Risk Management Fund in the total amount of $84,978 beginning in fiscal year 2014/2015. The delay of payments for four (4) years will allow the Agency’s fund balance to remain positive and continue to increase providing the Agency with funds to begin working on projects included in the RDA Five Year Implementation Plan as well as service the debt.

This option also allows for the Agency to begin payments for the Original Fund Advance Agreement Debt and the Parking Lot Improvement Debt which, without a restructure, would not be able to be paid in the foreseeable future.

**Option 3:**
This option would have the same terms as mentioned in Option 2; however it would include the sale of one or both of the following properties owned by the Agency to the City or private party:

1. Stout Building (located at the northwest corner of Hockett and Cleveland)
2. Fourth Street property (located at the southeast corner of Fourth and Harrison).

This sale of property(s) would allow for a lump sum payment to the City and the Risk Management fund. The terms of the remaining loan for the Agency would remain the same with the annual payment adjusted downward accordingly.

A discussion ensued regarding the waiving of interest as proposed in Option 2, and how it differed from suspension of the interest as suggested by Council Member Ward.
AGENCY ACTION:  MOVED by Vice Chair Hamilton, SECONDED by Member Ward that the Redevelopment Agency approve the request to restructure the RDA debt; and adopt draft Resolution Amending Resolution No. 1991-2.

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

COUNCIL ACTION:  MOVED by Vice Mayor Hamilton, SECONDED by Council Member Resolution 102-2010 Ward that the City Council approve restructuring of Agency debt to the City pursuant to Option 3; adopt the draft resolution Approving Request from Agency to Amend Resolution No. 91-2, and rescinding Resolutions 133-97, 31-2007, 56-2007, 2008-01, 75-2010, 76-2010, and 77-2010; adopt the draft resolution providing a loan to the Agency for debt consolidation; authorize staff to obtain appraisals on each property; and authorize staff to market the subject properties and to bring back any offers for consideration.

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

Disposition: Approved

The City Council/Redevelopment Agency adjourned at 8:44 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
- John Coffee, requested that the City look into the issue of AT&T high-speed internet being unavailable in certain areas of the city.
- Yuri Martinez, requested assistance implementing ideas she had for community outreach activities and events, such as an adopt-a-block program.
- Barry Caplan, requested that the City consider an item regarding Council communications via social networking as it pertains to the Public Records Act.

OTHER MATTERS
- Council Member Ward indicated that he was approached by a constituent regarding the condition of the road on Henderson by the railroad tracks and requested that staff check it out.
- Vice Mayor Hamilton lauded the Kid’s Day event at Murry Park on August 14th, and congratulated staff on a job well done.
- Council Member McCracken stated that the FPPC was to come out with regulations pertaining to internet political activities following the next election, and suggested that Council wait until that time to address the issue. He added that he might go to the League of California Cities
Annual Conference.

- Council Member Shelton shared that he had volunteered at the Kid’s Day event; complimented Parks & Leisure Services Director Milt Stowe on the new plants at City Hall; commented on the recent reggae concert at Murry Park and encouraged the scheduling of future concert at that location; and reported that Code Enforcement had resolved a parking issue on Villa Street.
- City Manager Lollis thanked Brad Dunlap for his service to the city as Community Development Director and noted that it was his last Council meeting.

The Council adjourned to Closed Session at 8:56 p.m.

CLOSED SESSION
It was reported that no reportable action took place during Closed Session.

ADJOURNMENT – at 10:15 p.m. to the meeting of August 24, 2010 at 6:00 p.m.

_________________________________________________________________

Luisa Herrera, Deputy City Clerk

SEAL

_________________________________________________________________

Ronald L. Irish, Mayor