Called to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA
JULY 5, 2011

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

ORAL COMMUNICATIONS

• Luisa Herrera, Leadership Porterville Class of 2011 Member, updated the Council on the class’s recent efforts with respect to their fundraising and community service projects. Ms. Herrera spoke of the scheduled renovations at the Women’s Shelter, and extended an invitation to the Council to attend the class’s graduation scheduled for July 15th at River Island Country Club.

REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

CITY COUNCIL CLOSED SESSION:

B. Closed Session Pursuant to:
   3- Government Code Section 54956.95 – Liability Claims: Claimants: Buddy Edward Hatcher
4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
Deputy City Attorney Steve Kabot reported the following action:

Item B-2: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANT: JASON CORRIGAN. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the City Council reject the claim submitted by Jason Corrigan. M.O. 01-070511 The motion carried unanimously.

Disposition: Approved.

Item B-3: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIMS: CLAIMANTS: BUDDY EDWARD HATCHER AND HOLLY HATCHER. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward, that the City Council approve rejecting the claims submitted by Buddy Edward Hatcher and Holly Hatcher. The motion carried unanimously.

Disposition: Approved.

Pledge of Allegiance Led by Council Member Ward
Invocation – one individual participated.

PROCLAMATIONS
National Parks & Recreation Month – July 2011

PRESENTATIONS
Employee of the Month – David Payne
Office Depot
Chamber of Commerce’s Annual Report
Southern California Edison’s State of the Utility

REPORTS
- Council Member Ward advised of the coordinating community services meeting scheduled for 12:00 p.m. at the Police Department Briefing Room on July 6th; and lauded the Freedom Fest event, and thanked Police Department and Fire Department staff for their hard work.
- Council Member Shelton spoke of various events he attended, including: two sesquicentennial committee meetings; a mixer at the Tule River Indian Reservation; Pioneer Days; a Victory Outreach fundraiser; Freedom Fest; a fireworks show at the Tule
River Indian Reservation; and a Tea Party Rally.

- Vice Mayor Hamilton lauded the Freedom Fest event and thanked staff for their hard work; and spoke of the Chamber’s involvement in Music on Main Street.

**ORAL COMMUNICATIONS**

- Felipe Martinez, former City Council Member and Porterville resident, 1) thanked the City for the Freedom Fest and requested the total amount spent on the event be provided; 2) spoke in favor of Item No. 18 pertaining to PetSmart; 3) requested that the Council behave with decorum; and 4) lauded City staff and requested that they be allowed to perform their jobs.
- Gary Giraudi, past Chamber Board Chair and Porterville resident, voiced support for the Chamber of Commerce, noting its many contributions to the community.
- Randy Wallace, Tulare County Office of Education, spoke in favor of the Chamber of Commerce and its many partnerships.
- Tony Cervantes, Jr., a Tracy resident and former Porterville resident, spoke of the need to rehabilitate Lime Street Park and requested that the Council approve Item 7.
- Edith LaVonne, a Porterville resident, lauded the Chamber of Commerce’s efforts in the community.
- Dr. Andrea Espinoza, spoke of the Chamber’s many contributions to the community and local businesses.
- Imran Noorali, a student ambassador to business, lauded the Chamber and the opportunities the organization provides to the youth in the community.
- Shelina Noorali, California State President of the Future Leaders of America, spoke in favor of the Chamber of Commerce and the contributions it makes to youth in the community.
- Kay Garrett, identified herself as a current Paradise resident, former Porterville resident, and Council Member Shelton’s mother, and lauded the Freedom Fest event.
- Kevin Bonds, Tule River Tribal Council Member, thanked the City for their partnership in the Freedom Fest event; spoke favorably of the Chamber of Commerce; and urged the City and Chamber to work together.
- Dan Hackey, Tule River Tribal Public Relations, spoke of the collaboration between the Tribe, City and Chamber, and encouraged the continuation of the partnerships.

**CONSENT CALENDAR**

Item Nos. 1 (Minutes of June 28, 2011 only), 2, 2a, 3, 4, 6, 7, 8 and 15 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF APRIL 12, 2011**

   Recommendation: That the City Council approve the Minutes of April 12, 2011.

   Documentation: Minute Order No. 03-070511
   Disposition: Approved.

5. **NEGOTIATE FOR CONSULTANT SERVICES – SLUDGE DE-WATERING & ELECTRIC AIR BLOWER PROJECT**
Recommendation: That the City Council:
1. Authorize the Public Works Director to negotiate a contract with AECom for design services related to the Sludge De-Watering & Electric Blower Design Project;
2. Authorize the Public Works Director to negotiate a contract with PACE Engineering if negotiations with the top rated firm are not successful;
3. Authorize the Public Works Director to negotiate a contract with Carollo Engineering if negotiations with the 2\textsuperscript{nd} rated firm are not successful; and
4. Authorize the Mayor to execute a Professional Services Agreement with the selected Engineering Firm once negotiations are successfully completed.

Documentation: Minute Order No. 04-070511
Disposition: Approved.

9. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application; and
2. Authorize the Mayor to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment upon receipt of the funds.

Documentation: Resolution No. 29-2011
Disposition: Approved.

10. AUTHORIZE TRANSIT STAFF TO APPLY FOR TRANSIT SECURITY GRANT PROGRAM FUNDING

Recommendation: That the City Council authorize City staff to apply for the Transit Security Grant funds for fiscal years 09/10 and 10/11.

Documentation: Resolution No. 30-2011
Disposition: Approved.

11. AUTHORIZATION OF REQUEST FOR FUNDS FROM SAN JOAQUIN VALLEY LIBRARY SYSTEM AND BUDGET ADJUSTMENT

Documentation: That the City Council:
1. Authorize a request for funds from the San Joaquín Valley Library System for the purchase of six Early Literacy Stations; and
2. Authorize staff to make the appropriate budget adjustment upon receipt of funds to the Library Division 2010-11 General Fund.

Documentation: Minute Order No. 05-070511
Disposition: Approved.
12. RESOLUTION OPPOSING SENATE BILL 469 (VARGAS)

Recommendation: That the City Council approve the draft resolution in opposition to Senate Bill 469 (Vargas).

Documentation: Resolution No. 31-2011
Disposition: Approved

13. AIRPORT LEASE RENEWAL – LOT 43

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Leonard Alogna of Los Angeles, CA, for lot 43 at the Porterville Municipal Airport.

Documentation: Minute Order No. 06-070511
Disposition: Approved.

14. AIRPORT LEASE RENEWAL – LOT 47

Recommendation: That the Council approve the extension of the Lease Agreement between the City of Porterville and James Costa of Tulare, CA, for Lot 47 at the Porterville Municipal Airport.

Documentation: Minute Order 07-070511
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 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: Minute Order 08-070511
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 (April 12, 2011 Minutes only), 5, 9 through 14, and 16. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JUNE 28, 2011

Recommendation: That the City Council approve the Minutes of June 28, 2011.

City Manager Lollis indicated that staff wished to remove the Minutes of June 28th and bring back for consideration at the next meeting. Without objection the item was continued.
2a. FISCAL YEAR 2011/2012 STREET WORK PLAN

Recommendation: That the City Council:
1. Approve the 2011/2012 Streets Work Plan; and
2. Amend the 2011/2012 Capital Improvement Program to accurately reflect the projects undertaken in Fiscal Year 2011/2012.

City Manager Lollis introduced the item, and Council Member Shelton questioned whether he was within 500 feet of the streets referred to in Items 2a and 2. It was suggested that Council Member Shelton abstain from voting as a precaution. He recused himself and exited the Chambers.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the 2011/2012 Streets Work Plan; and amend the 2011/2012 Capital Improvement Program to accurately reflect the projects undertaken in Fiscal Year 2011/2012.

M.O. 09-070511
AYES: Ward, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: None

Disposition: Approved.

2. ASPHALT OVERLAY PROGRAM 2011/2012

Recommendation: Information only.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council accept the informational report.

M.O. 10-070511
AYES: Ward, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: None

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – 2011/2012 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
1. Approve Staff’s recommended Plans and Project Manual for the 2011/2012 Micro-Surfacing Project;
2. Approve the advancement of 2011/2012 “Local” Measure ‘R’ Funds as
approved by TCAG;
3. Approve the appropriation of Water Reserve Funds for that portion of the remediation work beneath State Route 65 Overpass caused by the water main fracture;
4. Authorize the Finance Director to adjust the 11/12 Fiscal Year Budget to account for the appropriation of Water Replacement Fund; and
5. Authorize Staff to advertise for bids on the project.

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

Council Member Ward, who pulled the item, requested that a Council Member Requested Agenda Item regarding the creation of an “in-house road department” and an analysis of the prior five years. Staff then addressed questions regarding the use of “local” Measure ‘R’ funds.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve staff’s recommended Plans and Project Manual for the 2011/2012 Micro-Surfacing Project; approve the advancement of 2011/2012 “Local” Measure ‘R’ Funds as approved by TCAG; approve the appropriation of Water Reserve Funds for that portion of the remediation work beneath State Route 65 Overpass caused by the water main fracture; authorize the Finance Director to adjust the 11/12 Fiscal Year Budget to account for the appropriation of Water Replacement Fund; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – OLIVE AVENUE REHABILITATION

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.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton, who pulled the item, stated that he was pleased to see money budgeted for roads and looked forward to seeing more of it.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve staff’s recommended plans and project manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.

7. LIME STREET PARK IMPROVEMENT PROJECT UPDATE
Recommendation: That the City Council authorize staff to proceed with plans for Lime Street Park Improvements including cost estimates for filling the storm drain basin and continuing seeking sources of financing to complete the project.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton expressed his concerns regarding the rehabilitation of the park and the preparation of plans. Staff indicated that the funds allocated in the CDBG Action Plan would not be sufficient for the improvements, and that they were exploring additional funding options. A discussion followed regarding what “proceed with plans” entailed, and the ability of Zalud Park to handle the additional water. Council Member Ward stated that he felt the money would be better spent on the community parks. Public Works Director Baldo Rodriguez estimated that City staff could provide a budget estimate at an approximate cost of $3,500.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council authorize staff to proceed with plans for Lime Street Park Improvements including cost estimates for filling the storm drain basin and continuing seeking sources of financing to complete the project, with the understanding that no additional funds will be expended out of the budget. The motion carried unanimously.

Disposition: Approved.

8. TULARE COUNTY AGENCIES REGIONAL GANG ENFORCEMENT TEAM – MEMORANDUM OF UNDERSTANDING

Recommendation: That the City Council:
1. Approve the Memorandum of Understanding for the Tulare County Agencies Regional Gang Enforcement Team; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

City Manager Lollis introduced the item and presented the staff report. He informed the Council of a significant reduction in the Department of Justice’s budget, which had been adopted June 30th, and subsequently led to all enforcement teams being put on hold. The City Manager added that it remained staff’s recommendation to proceed.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the Memorandum of Understanding for the Tulare County Agencies Regional Gang Enforcement Team; and authorize the Chief of Police to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved

6. PLANO BRIDGE WIDENING PROJECT: ADDENDUM TO THE NEGATIVE DECLARATION OF ENVIRONMENTAL IMPACT
Recommendation: That the City Council approve the addendum to the Negative Declaration for the Plano Street Bridge Widening Project.

City Manager Lollis introduced the item, and indicated that the item has been pulled at the request of Council Member Shelton. Council Member Shelton inquired about regulations pertaining to Elderberry bushes.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the addendum to the Negative Declaration for M.O. 15-070511 the Plano Street Bridge Widening Project. The motion carried unanimously.

Disposition: Approved

15. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of $49,693,348 for the 2011/2012 fiscal year.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Staff provided additional explanation of the item at the request of Council Member Shelton

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve the draft resolution adopting the appropriation limit of $49,693,348 for the 2011/2012 fiscal year. The Resolution 32-2011 motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

18. CONSIDERATION OF APPOINTMENT OF MAYOR

Recommendation: That the City Council consider the appointment of Mayor.

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

Vice Mayor Hamilton made a MOTION to re-affirm the Council as presently seated, which was SECONDED by Council Member McCracken.

Council Member Shelton MOVED to amend the motion by appointing Vice Mayor Hamilton for Mayor.

A discussion then ensued regarding the concept of a rotation, and the stance of Council members on the matter. Council Members Ward and Shelton referenced a Porterville Recorder article from 2005 in which current Mayor Irish commented about the rotation of mayor.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council amend the initial motion by appointing Cameron Hamilton for Mayor.

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 re-affirm the current seating of the Council.

M.O. 16-070511

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

Disposition: Current seating of the Council re-affirmed.

The Council recessed for ten minutes at 8:40 p.m.

17. AMENDMENT TO LOAN AGREEMENT AND APPROVAL OF REQUEST FOR PARTIAL RELEASE OF LAND

Recommendation: That the City Council:

1. Approve Amendment No. 1 to the Loan Agreement between the City of Porterville and Prospect-Henderson Partners dated December 20, 2009 Part I Section D as depicted in Exhibit A; and

2. Approve a Release and Reconveyance for the 19,025± square food parcel to Prospect-Henderson Partners in exchange for the repayment of $6.00 per square ($114,500); and

3. Authorize the Mayor to sign all documents necessary to complete this transaction.

City Manager Lollis introduced the item. Mayor Irish stated that he had a conflict of interest due to being within 500 feet of the subject property, and exited the chambers. Community Development Director Brad Dunlap presented the staff report. Following the staff report he noted that the following motion was on the table from the meeting of June 28, 2011:

Council Member McCracken MOVED to approve staff’s recommendation, which was SECONDED by Vice Mayor Hamilton.

Council Member McCracken thanked staff for their efforts, and requested that “iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property” be included in the proposed Exhibit A.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council amend the motion on the table to include “iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property”.

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

Council Member Shelton expressed his concerns regarding the following: the loan to value ratio; a parking deficit; and cost of appraisals. He spoke in favor of securing the loan and of protecting tax payer dollars.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve Amendment No. 1 to the Loan Agreement between the City of Porterville and Prospect-Henderson Partners dated December 20, 2009 Part I Section D as depicted in Exhibit A, as amended to include “iii) develop other terms as mutually agreed upon by the City and Borrower prior to the release of any portion of the property”; approve a Release and Reconveyance for the 19,025± square food parcel to Prospect-Henderson Partners in exchange for the repayment of $6.00 per square ($114,500); and authorize the Mayor to sign all documents necessary to complete this transaction.

M.O. 17-070511

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

Disposition: Approved, as amended

Mayor Irish returned to the Council chambers.

19. CONSIDERATION OF APPOINTMENT TO THE TRANSACTIONS & USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council provide direction to staff for the purposes of filling the seat vacation by Ms. Shirley Hickman, with a term expiring in May, 2012, on the Transactions and Use Tax Oversight Committee.

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

Following the staff report Vice Mayor Hamilton stated that Kent Hopper had communicated an interest in serving on the committee, and nominated him for appointment. Council Member Shelton seconded the nomination. The nominations were then closed without objection.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the City Council appoint Kent Hopper to the Transactions and M.O. 18-070511 Use Tax Oversight Committee. The motion carried unanimously.

Disposition: Appointment made.

20. CONSIDERATION OF APPOINTMENT TO THE MEASURE R CITIZENS’ OVERSIGHT COMMITTEE

Recommendation: That the City Council provide direction to staff for the purposes of filling the seat vacation by Mr. Kent D. Hopper, with a two-year term expiring in June, 2013, on the Measure R Citizens’ Oversight Committee.

City Manager Lollis introduced the item, and Administrative Services Manager Hildreth presented the staff report. Council inquired about the next Measure R Citizens’ Oversight Committee meeting, and it was determined that the Council had approximately 90 days to appoint and individual.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council direct staff to re-notice the vacancy and bring M.O. 19-070511 back the item for consideration of appointment. The motion carried unanimously.

Disposition: Direction given.

21. CONSIDERATION OF LEAGUE OF CALIFORNIA CITIES ANNUAL MEMBERSHIP

Recommendation: That the City Council consider maintaining its membership to the League of California Cities.

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

Council Member Shelton questioned paying the membership fees in light of the budget deficit. Vice Mayor Hamilton spoke about the importance of having a voice in Sacramento, and of the services offered by the League.

- Hillary Baird, Regional Representative for League of California Cities, spoke on behalf of the league about the services and activities.

The Council recessed for 20 seconds.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve maintaining its membership to the M.O. 20-070511 League of California Cities.

AYES: Ward, McCracken, Hamilton, Irish
22. CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider adoption of the proposed amended Procedural Handbook.

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

Council Member McCracken MOVED that the “shall” on Page 4, C (1) (c) be amended to “may”, so that discussion prior to a motion and a second was not mandatory. He noted that some agenda items such as Second Readings and Consent Items did not require discussion. Mayor Irish SECONDED the motion.

Council Member Shelton expressed concern that discussion would not be allowed if not required. Council Member Ward suggested as an alternative, “Council shall have the opportunity to discuss the item prior to a motion and a second on the item”, and Deputy City Attorney Kabot advised that would be the best option. Without objection from the Council, Council Member McCracken WITHDREW his motion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that Section C(1)(c), Page 4 of the handbook be amended to read, “Council shall have the opportunity for discussion on the item prior to requiring a motion and a second”. The motion carried unanimously.

Council Member McCracken requested that “she” be changed to “he/she” on the Attorney Evaluation Form.

Council Member Shelton stated that he would be more comfortable if a preamble was added which would commit members of the Council to behaving ethically and abiding by all laws. Deputy City Attorney Kabot advised that the Council was already under that obligation, so the proposed language was not necessary; however, it could be included.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council amend the handbook by adding a Preamble setting forth a statement in which the Council commits to behaving ethically and abiding by all laws and regulations.

AYES: Shelton, Ward, Hamilton, Irish
NOES: McCracken
ABSTAIN: None
ABSENT: None
COUNCIL ACTION:  MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council adopt the proposed Procedural Handbook, as amended. The motion carried unanimously.

Disposition:  Approved.

Mayor Irish noted the time, and without objection the meeting time was extended.

23. COUNCIL MEMBER REQUESTED ITEM – REQUEST FOR THE CITY COUNCIL TO AUTHORIZE AN INDEPENDENT FINANCIAL AUDIT OF THE PORTERVILLE CHAMBER OF COMMERCE

Recommendation:  Council Member Shelton makes the motion that the City Council authorize an independent financial audit of the Porterville Chamber of Commerce.

City Manager Lollis introduced the item and presented the staff report. Council Member Shelton spoke in favor of an audit of the $35,000 paid to the Chamber, and inquired about additional support given to the Chamber by the City. Staff addressed the questions and elaborated on the support provided by the City for various community organizations.

Council Member Hamilton spoke about the success of Freedom Fest and the City’s support of the event above the $15,000. He stated that he was satisfied with the information presented by the Chamber in their annual report, and added that Council Member Shelton could review the Chamber’s tax documents on his own.

Council Member Shelton made a MOTION to audit the Porterville Chamber of Commerce. The motion died for lack of a second.

Disposition:  Denied.

24. COUNCIL MEMBER REQUESTED ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER A RESOLUTION OF OPPOSITION TO THE PROPOSED SHIFT OF MANAGEMENT OF THE GRANT SEQUOIA NATIONAL MONUMENT FROM THE U.S. FOREST SERVICE TO THE NATIONAL PARK SERVICE

Recommendation:  Vice Mayor Hamilton makes the motion that the City Council adopt a Resolution in opposition to the proposed shift of management of the Giant Sequoia National Monument from the U.S. Forest Service to the National Park Service.

City Manager Lollis introduced the item, and Vice Mayor Hamilton spoke briefly in opposition of the proposed shift in management. A discussion ensued during which Council Members shared information obtained through research of the issue. Council Member McCracken stated that it was his understanding that the forest service generally manages forests, while the park service preserves, and expressed concern regarding a change in management objectives.

Brock Neely, who was seated in the audience requested permission to speak.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council allow Mr. Neely permission to speak.

M.O. 22-070511

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

- Brock Neely, stated that the U.S. Forest Service allowed free access, while the National Park Service required payment for admission.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve drafting a resolution in opposition to the proposed shift of management of the Giant Sequoia National Monument from the U.S. Forest Service to the National Park Service. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 10:00 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Meeting.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 N. MAIN STREET, PORTERVILLE, CA

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

JOINT PUBLIC HEARING
PRA-01 PUBLIC HEARING TO AUTHORIZE A PURCHASE AND SALE AGREEMENT BETWEEN THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. APN 253-138-001)

Recommendation: That the Porterville City Council:
1. Finds and determines that the conveyance of the Property to Social Vocational Services, Inc. and the development and operation of a non-residential daycare facility for disabled adults will be of benefit to the Project Area and will help to eliminate blight within the Redevelopment Project Area by providing for the development of a vacant parcel of land with a high quality professional office building;
2. Terminates the Operation, Use and Maintenance Covenants (Parking Covenant) with respect to the Property and remove the Parking Covenant from record title to the Property;

3. Adopt a Resolution approving the Purchase and Sale Agreement between the Porterville Redevelopment Agency and Social Vocational Services, Inc.;

4. Authorize the City Manager, or his designee, to sign all necessary documents to complete the transaction; and

5. Authorize staff to record all documents with the County Recorder.

That the Porterville Redevelopment Agency:

1. Finds and determines that the conveyance of the Property to Social Vocational Services, Inc. and the development and operation of a non-residential daycare facility for disabled adults will be of benefit to the Project Area and will help to eliminate blight within the Redevelopment Project Area by providing for the development of a vacant parcel of land with a high quality professional office building;

2. Adopt a Resolution approving the Purchase and Sale Agreement between the Redevelopment Agency and Social Vocational Services, Inc. for the sale of property located generally at the southeast corner of Fourth Street and Harrison Avenue (APN 253-138-001), at a price of $125,000.00;

3. Authorize the Executive Director to sign all necessary documents to complete the transaction;

4. Authorize staff to enter escrow, with the Agency paying escrow fees as described in the Purchase and Sale Agreement; and

5. Authorize staff to record all documents with the County Recorder.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest and exited the Chambers. Community Development Director Dunlap notified the Council that the State was making changes relative to the status of Redevelopment Agencies, and requested that the public hearing be opened and continued to the meeting of August 2nd to allow staff the opportunity to address those decisions.

The public hearing opened at 10:03 p.m.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the item and the public hearing to the first meeting in August.

M.O. 24-070511

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

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Agency Vice Chair Hamilton that the Redevelopment Agency continue the item and the public hearing to the first meeting in August.

PRA 01-070511
AYES: Ward, McCracken, Hamilton, Irish
NOES: None
ABSTAIN: Shelton
ABSENT: None

Disposition: Item continued to August 2, 2011.

The Joint Meeting adjourned at 10:05 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Mary McClure, admonished the Council on its behavior and commented that the Council Members should meet in a back room and work out their issues; suggested that the City was not a financial institution and that it should stop acting like one; and voiced support for auditing the Chamber of Commerce.

OTHER MATTERS

- Council Member Shelton, 1) spoke of various upcoming events, including Mr. Steve Tree’s retirement party; a BBQ fundraiser at the Zalud House; and Imagine Arts theater presentation; 2) advised that he will be requesting the Chamber’s financials; and 3) indicated that he was disappointed, but not surprised, with Mayor Irish not stepping down from the center seat.
- Council Member McCracken stated that Council Member Shelton could save a trip to the Chamber as financial information had been included in the packets provided to the Council that evening.
- Mayor Irish advised that the City had issued 15 citations for illegal fireworks on July 4th, and spoke of an incident in which a projectile had misfired into the home of a resident in proximity to where illegal fireworks were being discharged. (During Mayor Irish’s comments, Council Member Shelton exited the dais for the remainder of the meeting and sat in the audience.)
- Vice Mayor Hamilton commented that he had grown tired of misinformation; elaborated on the Chamber’s work in the community; clarified that the Council Members could not legally go in a “back room” and work out issues as had been suggested by Ms. McClure; and stated that the City had not approved a loan to an out of town developer that evening.
- Council Member McCracken advised that he had been a Planning Commissioner during the time that Mr. Paynter’s father developed the Target shopping center, and noted that the Paynters were local developers and not “out-of-town” developers as was alleged.
- City Manager John Lollis spoke of staff’s hard work with the Freedom Fest event, particularly acknowledging Leisure Superintendent Donnie Moore and his staff.

ADJOURNMENT

The Council meeting adjourned at 10:11 p.m. to the meeting of July 19, 2011 at 5:30 p.m.