Call to Order at 5:30 p.m.
Roll Call: Vice Mayor Hamilton, Council Member McCracken, Mayor Irish, Council Member Ward (attended from 6:10 p.m. to 6:25 p.m. in Closed Session only), Council Member Shelton (attended Closed Session only)

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

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

Roll Call: Vice Chairman Hamilton, Member McCracken, Chairman Irish, Member Ward (attended from 6:10 p.m. to 6:25 p.m. in Closed Session only), Member Shelton (attended Closed Session only)

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:
   2- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the County of Tulare’s Challenge to the Adoption of the Porterville Redevelopment Project No. 1 Amendment.
   3- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

During Closed Session, the Joint Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
   1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property:
4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported on the following action:

B3: On a MOTION made by Council Member McCracken, SECONDED by Mayor Irish, the Council, by a 3/0 vote with Vice Mayor Hamilton and Council Member Ward absent, rejected the amended claim submitted on June 7, 2012 on behalf of Zakary Jobe, a minor, in an amount exceeding $500,000; referred the matter to the City’s claims adjustor, and directed the City Clerk to give the claimant proper notice.

Documentation: M.O. 01-061912
Disposition: Approved.

Pledge of Allegiance Led Mr. Jack Irish
Invocation – one individual participated.

PROCLAMATIONS
Bank of the Sierra

PRESENTATIONS
Outstanding Business
Employee Service Awards

AB 1234 REPORTS
The following reports required pursuant to Government Code § 53232.3 were presented:
1. Local Agency Formation Commission (LAFCO) – June 6, 2012: Vice Mayor Hamilton advised that the Commission had discussed the Municipal Service Review of Dinuba.
2. Tulare County Association of Governments (TCAG) – June 19, 2012: Vice Mayor Hamilton indicated that the Board elected a new Chair, Supervisor Worthley, and a new Vice Chair, Council Member Rudy Mendoza.

REPORTS
The following verbal reports were presented:
I. City Commission and Committee Meetings:
   1. Transaction and Use Tax (“Measure H”) Oversight Committee – June 4, 2012: No report was provided.
2. Parks & Leisure Services Commission – June 7, 2012: No report was provided.

ORAL COMMUNICATIONS

- Donnette Silva Carter, Leadership Porterville Facilitator, advised that class members from the Leadership Porterville Class of 2012 were in attendance as a part of the program and requested they come forward to introduce themselves.
- Cameron Anderson, Family Healthcare Network employee and LP 2012 class member, introduced himself and voiced appreciation for the program.
- David Shimer, Burton School District administrator and LP 2012 class member came forward and introduced himself.
- Rhoda Hunter, Tule River Tribal Council Member and LP 2012 Class Member, introduced herself.
- Jessica Buchanan, S.T.O.P. Alarm employee and LP 2012 class member, came forward and introduced herself.
- Alex Reed-Krase, attorney with Law Offices of Robert Krase and LP 2012 class member, introduced himself and spoke of the class’ proposed fundraising event, a mud run, and the community services project which is proposed to consist of improvements at the Porterville Women’s Shelter.
- Tillie Tagarino, came forward on behalf of the Porterville City Employees Association (PCEA) and spoke in opposition to Item 18, alleging that staff had misrepresented the association’s position, and making reference to an approximate $3 million increase in revenues as referenced in the City’s most recent CAFR.
- Brock Neeley, requested that he be afforded the opportunity to address the Council during its consideration of Item 19.
- Barry Caplan, 1) requested that the Council continue the proposed consideration of the budget due to the absences of Council Members Ward and Shelton; and 2) spoke of the City of Visalia’s recent recognition of Lesbian, Gay, Bisexual, and Transgender (LGBT) month.
- Donnette Silva Carter, Chamber of Commerce, spoke of the Virtual Incubator Program and of the partnerships formed to bring it to fruition.

CONSENT CALENDAR

1. AUTHORIZATION TO ADVERTISE FOR BIDS – NEWCOMB STREET AND BEVERLY STREET SHOULDER STABILIZATION PROJECT

Recommendation:
1. Approve staff’s recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 02-061912
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – RAILS TO TRAILS CLASS I TRAIL EXTENSION PROJECT (CMAQ PORTION) (OLIVE AVENUE TO HERITAGE CENTER)
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.

Documentation: M.O. 03-061912
Disposition: Approved.

3. AWARD OF CONTRACT – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT – HIGHWAY 65 TO RAILROAD

Recommendation: That the City Council:
1. Award the W. North Grand Avenue Reconstruction Project to Central Valley Asphalt in the amount of $253,710.20;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and $25,000 for construction management, quality control and inspection.

Documentation: M.O. 04-061912
Disposition: Approved.

4. ACCEPTANCE OF IMPROVEMENTS – RANCH VICTORIA, PHASES 2, 3 AND 4 (GARY SMEE – SMEE BUILDERS, INC.)

Recommendation: That the City Council:
1. Accept the public improvements, including those related to the Landscape & Lighting District of Ranch Victoria, Phases 2, 3 & 4 Subdivision for maintenance;
2. Authorize the filing of the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 05-061912
Disposition: Approved.

5. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON

Recommendation: That the City Council:
1. Accept SCE’s request to have the City convey an easement for the installation and maintenance of underground electrical facilities;
2. Accept SCE’s $6,000 easement compensation;
3. Authorize the Mayor to sign the Grant of Easement and Offer to Purchase acceptance letter; and
4. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation.
6. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – RAILS TO TRAILS (OLIVE AVENUE TO HERITAGE CENTER) CLASS I TRAIL EXTENSION PROJECT

Recommendation: That the City Council:
1. Approve the subject program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct staff to return the signed program supplement to CalTrans.

7. APPROVAL TO PURCHASE SURVEYING EQUIPMENT UTILIZING THE CALIFORNIA MULTIPLE AWARD SCHEDULE CONTRACT

Recommendation: That the City Council:
1. Authorize the purchase of the Trimble S-3 Robotic Surveying equipment as quoted by California Surveying and Drafting Supply; and
2. Authorize payment upon satisfactory delivery of the equipment.

8. RELINQUISH LEASE ON PROPERTY LOCATED AT APN 261-070-004, OWNER – POPLAR IRRIGATION COMPANY, A CORPORATION

Recommendation: That the City Council:
1. Adopt the Draft Resolution Relinquishing the Lease of the portion the City purchased;
2. Authorized the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

9. REQUEST FOR APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

Recommendation: That the City Council:
1. Approve the $9,552.50 purchase from JWC Environmental for:
   a. Auger Rotor Assembly; and
   b. Weldment, Transport Segment

Documentation: Resolution 55-2012
Disposition: Approved.

Documentation: Resolution 56-2012
Disposition: Approved.

Documentation: M.O. 06-061912
Disposition: Approved.

Documentation: Resolution 57-2012
Disposition: Approved.

Documentation: M.O. 07-061912
Disposition: Approved.
10. AFFIRM RESOLUTION OF SUPPORT FOR NEW CIEDB FUNDED PROJECTS – WELL NO. 32 AND TWO (2) BOOSTER PUMPS AT VETERAN’S PARK

Recommendation: That the City Council:
1. Direct the Public Works Director to complete and transmit the “new projects” application form to the California Infrastructure and Economic Development Bank;
2. Authorize the Mayor to sign the proposed “Resolution of Support” affirming Council’s decision to fund the design and construction of a new well site and two new booster pumps using the remaining CIEDB funds from Loan Agreement CIEDB-08-092;
3. Authorize the City Engineer to negotiate and amend the existing Well Design contract with Dee Jaspar & Associates for consultant services to design Well #32 and two new booster pumps; and
4. Authorize the Mayor to execute the amended design services contract with Dee Jaspar & Associates.

Documentation: Resolution 58-2012
Disposition: Approved.

11. THIS ITEM HAS BEEN REMOVED.

12. PRELIMINARY ANNUAL ENGINEER’S REPORT OF ASSESSMENTS FOR LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:
1. Adopt Resolutions:
   a. Ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2012-2013;
   b. Giving preliminary approve to the Engineer’s Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2012-2013; and
   c. Declaring the intent to levy and collect assessments for Fiscal Year 2012-2013, and offering a time and place for hearing objections thereto.
2. Further, that the City Council set a public hearing for 6:30 PM on July 3, 2012, regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2012-2013.

Documentation: Resolution 59-2012; 60-2012; and 61-2012
Disposition: Approved.
13. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – PORTERVILLE CITY FIREFIGHTERS ASSOCIATION

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

Documentation: Resolution 62-2012
Disposition: Approved.


Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Porterville Leadership Class of 2012, subject to the stated requirements contained in Exhibit ‘A.’

Documentation: M.O. 08-061912
Disposition: Approved.

15. 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: M.O. 09-061912
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 15.

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

PUBLIC HEARINGS
16. ADOPTION OF FISCAL YEAR 2012-2013 BUDGET

Recommendation: The City Manager recommends that the City Council consider adoption of the proposed 2012-2013 Fiscal Year Budget, including any modifications and for the time period designed by Council, subject to the ratification of a newly-seated City Council at the July 3, 2012, meeting.
City Manager Lollis introduced the item and presented the staff report. Mr. Lollis advised of uncertainty with regard to the State Budget’s impact, and spoke of the State’s diversion of OHV funds, future departmental reorganizations, and a forecasted increase in personnel costs.

The public hearing was opened at 7:19 p.m. Seeing no one, the Mayor closed the public hearing at 7:20 p.m.

Council Member McCracken clarified that pursuant to the City’s Charter, the Council must pass the budget prior to June 30th.

Mayor Irish spoke briefly about the current economic situation and lauded staff for being prudent with tax payer dollars.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council adopt the proposed 2012-2013 Fiscal Year Budget, as amended to remove $50,000 allocated for a sounds system at Centennial Park, subject to ratification of a newly seated City Council at the July 3, 2012 meeting.

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

Disposition: Approved.

The Council recessed for ten minutes at 7:20 p.m.

17. CONDITIONAL USE PERMIT PRC-2012-4-C – PROPOSED RETAIL SALE OF ALCOHOLIC BEVERAGES UNDER AN OFF-SALE LICENSE AT THE DOLLAR GENERAL STORE LOCATED AT 1316 W. OLIVE AVENUE

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit PRC-2012-04-C subject to the conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Lollis introduced the item, and Associate Planner Jose Ortiz presented the staff report.

The public hearing was opened at 7:36 p.m.

• Brock Neeley, spoke against the sale due to too many already in census tract.
• Steve Rawlings, Rawlings Company, applicant, gave a brief presentation about Dollar
General.

- Barry Caplan, indicated that he was impressed with the presentation by Mr. Rawlings, and requested that the Council inquire whether benefits are paid to LGBT employees.

The public hearing was closed at 7:45 p.m.

Vice Mayor Hamilton requested that the Council consider re-evaluating the ordinance regarding alcohol sales. As a result, staff was directed to bring back options to amend the ordinance regulating alcoholic beverage sales.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving Conditional Use Permit PRC-2012-04-C subject to the conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Disposition: Approved; and direction given.

SCHEDULED MATTERS

18. CONSIDERATION OF UNILATERAL IMPLEMENTATION OF THE CITY’S LAST, BEST AND FINAL OFFER TO PORTERVILLE CITY EMPLOYEES ASSOCIATION

Recommendation: That the City Council approve the draft resolution authorizing the unilateral implementation of the City’s last, best and final offer of a three percent (3%) salary reduction, effective July 1, 2012.

Deputy City Attorney Steve Kabot introduced the item and presented the staff report.

- Tillie Tagarino, on behalf of the Porterville City Employees Association (PCEA), alleged that Mr. Kabot threatened layoffs.

Vice Mayor Hamilton responded to comments made regarding the Comprehensive Annual Financial Report, the use of General Fund Reserves, and the negotiation process.

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Vice Mayor Hamilton that the City Council approve the draft resolution authorizing the unilateral implementation of the City’s last, best and final offer of a three percent (3%) salary reduction, effective July 1, 2012.

AYES: McCracken, Hamilton, Irish
19. CONSIDERATION OF FINANCIAL SUPPORT FOR THE “MARCHING THROUGH TIME” MURAL PROJECT

Recommendation: That the City Council:
1. Consider the request of the Porterville Mural Committee to financially support the “Marching Through Time” mural project; and
2. If approved, please authorize appropriate budget adjustment.

City Manager Lollis stated that the item had been removed at the request of the applicant.

Disposition: None.

The Council Meeting adjourned at 8:01 p.m. to a meeting of the Porterville Housing Authority.
2. Authorize the Chair of the Housing Authority to sign the First Amendment to Subordination and Intercreditor Agreement on behalf of the Housing Authority, and authorize the Chair, City Manager and City Attorney to make minor and non-substantial modifications to such amendment as they deem necessary and appropriate.

City Manager Lollis introduced the item, and Community Development Director Brad Dunlap presented the staff report.

**BOARD ACTION:**

MOVED by Member McCracken, SECONDED by Vice Chair Hamilton that the Housing Authority Board approve the First Amendment to Subordination and Intercreditor Agreement between the Housing Authority (acting as successor housing agency to the Porterville Redevelopment Agency) and Rural Development, U.S. Department of Agriculture, in substantially the form referred to as Attachment No. 1; and authorize the Chair of the Housing Authority to sign the First Amendment to Subordination and Intercreditor Agreement on behalf of the Housing Authority, and authorize the Chair, City Manager and City Attorney to make minor and non-substantial modifications to such amendment as they deem necessary and appropriate.

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

Disposition: Approved.

The Porterville Housing Authority Meeting adjourned at 8:04 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

- Mary McClure, inquired as to how many federally-subsidized low income housing units were in the City, and spoke of the difficulty she has had in obtaining this information. Mayor Irish requested that staff provide information to Ms. McClure.
- Brock Neeley, commented on the smooth running of the Council Meeting that evening.

**OTHER MATTERS**

- Mayor Irish, thanked his family for their support, acknowledged staff for their hard work, professionalism, and dedicated service to the City, and thanked everyone for the opportunity to serve the community. Mayor Irish then clarified for the record that he had not received nor given away any tickets, and commented that the duty of Council Members was to serve, not be served.
- Vice Mayor Hamilton thanked Mayor Irish for his service; voiced appreciation for
the opportunity to serve with him; and clarified for the record relative to “Ticketgate” that he too had not received any free tickets nor had he given away any tickets.

- Council Member McCracken thanked Mayor Irish for his service and job well done as Mayor; and stated for the record that he had also not received any free tickets from the race promoters nor had he given any tickets away.

- City Manager Lollis informed everyone of a grand opening at the Fire Department’s Training Facility scheduled for Friday, June 22nd at 11:30 a.m.; and introduced summer interns Tiffany Camat and Dalton Rogers.

**ADJOURNMENT**

The Council adjourned at 8:13 p.m. to the meeting of July 3, 2012.

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SEAL        Luisa M. Herrera, Deputy City Clerk

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Cameron Hamilton, Vice Mayor