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

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 MINUTES
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call:  Agency Member Ward (arrived immediately after roll call), Vice Chair Hamilton, Agency Member Shelton, Agency Member McCracken, Chairman Irish

ORAL COMMUNICATIONS
None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:
A. Closed Session Pursuant to:

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

CITY COUNCIL CLOSED SESSION:
B. Closed Session Pursuant to:
4- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL/AGENCY ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that the following action took place:

ITEM A-1. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 253-138-001. AGENCY NEGOTIATOR: JOHN LOLLIS AND BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE/SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AND SOCIAL VOCATIONAL SERVICES, INC. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton, the Council approved the draft resolution terminating the Operation, Use, and Maintenance Covenants (Parking Covenant) with respect to the property at 253-138-001 and removing the Parking Covenant from record title to the property; authorized the Mayor to sign all necessary documents to implement the resolution; and authorized staff to record a termination and release of the Parking Covenant with the County Recorder.

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

Documentation: Resolution 43-2012
Disposition: Approved.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Hamilton, the Successor Agency to the Porterville Redevelopment Agency authorized the sale of the property located at the southeast corner of Fourth Street and Harrison Avenue (APN 253-138-001) to Social Vocational Services, Inc.; adopted the draft resolution approving the Purchase and Sale Agreement between the Successor Agency and Social Vocational Service, Inc.; authorized the Chairman and Agency Secretary or their designees, to sign all necessary documents to complete the transaction; authorized staff to prepare an item for the Oversight Board of the Successor Agency to authorize proceeding with the sale of property to Social Vocational Services, Inc., and authorized staff to open escrow and take all other actions necessary to complete the transaction contemplated by the Purchase and Sale Agreement.
AYES: Hamilton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Ward, Shelton

Documentation: Resolution SA 2012-03
Disposition: Approved.

ITEM B-1. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 841 N. BELMONT AND 321 S. GREENWOOD. AGENCY NEGOTIATOR: JOHN LOLLIS AND BRAD DUNLAP. NEGOTIATING PARTIES: CITY OF PORTERVILLE, SONYA M. FUENTES AND ELIZABETH LUCI. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken, the City Council authorized staff to open escrow in the amount of $120,000 for the property at 841 N. Belmont, with the City paying closing costs up to $3,400; authorized staff to open escrow in the amount of $165,000 for the property located at 321 S. Greenwood, with the City paying all closing costs from NSP funds; authorized the Mayor to sign all necessary documents; and authorized staff to record all documents with the County Recorder.

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

Documentation: Resolutions 44-2012 and 45-2012
Disposition: Approved.


COUNCIL ACTION: MOVED by Vice Mayor Hamilton, seconded by Mayor Irish, the City Council authorized staff to begin escrow for the property at APN 261-070-004, with the City paying escrow fees; authorized staff to make payment to Poplar Irrigation District, in the amount of $64,115.00 after completion of escrow; authorize the Mayor to sign all necessary documents; and authorize staff to record all documents with the County Recorder. The vote was 4/0 with Council Member Shelton absent.
AYES: Ward, Hamilton, McCracken, Irish
NOES: None
ABSTAIN: None
ABSENT: Shelton

Documentation: Resolution 46-2012
Disposition: Approved.

Pledge of Allegiance Led by Mayor Ronald L. Irish
Invocation – a moment of silence was observed.

**PROCLAMATIONS**
Water Conservation Month

**PRESENTATIONS**
Chamber of Commerce’s Annual Report for 2011

**AB 1234 REPORTS**
1. Tulare County Local Agency Formation Commission:
   Vice Mayor Hamilton reported on the May 2, 2012 meeting advising that the Commission had adopted policy language for disadvantaged communities.
2. Joint City/School Committee:
   Council Member Ward advised that the Committee discussed various city and school projects and Safe Routes to School.

**REPORTS**
A. City Commission and Committee Meetings:
   1. Parks & Leisure Services Commission:
      Chairman Case Lok reported on the May 2, 2012 meeting.

B. Informational Reports
   1. Update on Status of Transit Grant Applications: Written report provided.

**ORAL COMMUNICATIONS**
- Brock Neeley thanked the Chamber of Commerce for its hard work.
- Felipe Martinez, 195 W. Putnam, 1) thanked the Chamber of Commerce for its efforts with Step Up; 2) inquired as to the status of the Arts Commission, noting that collaboration with the Mural and Time Marches On Committees would be beneficial; and 3) thanked Ms. McClure and the Tea Party for hosting the recent Candidate Forum.
- Danny Henderson inquired as to the status of the Lime Street Park project, noting current potential safety issues.
- Case Lok, requested the opportunity to speak when the Council discussed Item No.14.
- (An unidentified individual) requested that the City install lights at the tennis courts at Zalud Park.
• Johnna Key, a Porterville resident, inquired as to the Chamber and City’s position on the State’s high speed rail project.

Noting a large number of people in attendance regarding Item No. 9, Mayor Irish requested that this Item be presented next.

9. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTION OF APPLICATION FOR NORTH MAIN STREET ANNEXATION NO. 475

Recommendation: That the City Council adopt the draft resolution authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo.

City Manager John Lollis presented the item.

Council Member Shelton advised that he owned property within 500 feet of Area “C” and therefore had a conflict of interest which would prohibit his participation on the item pursuant to regulations of the Fair Political Practices Commission. He advised that he had strong feeling/concerns regarding annexations, and requested that Area “C” be bifurcated so as to allow him the ability to participate on the remaining areas. Staff advised that LAFCo would need to be reached to determine whether the proposed annexation could be split, and in the event LAFCo would allow two separate actions, the City may be required to pay two filing fees, which could be costly. Staff indicated that in the event the Council wished to consider separating the proposed annexations, the public hearing would need to be continued so as to provide staff time to meet with LAFCo representatives. Following the brief discussion, Council Member Shelton recused himself and exited the Council Chambers.

Mayor Irish polled those present to speak on the annexations to determine if any opposed continuing the public hearing until the next Council Meeting. Nineteen individuals came forward and voiced their unanimous support for continuing the item.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council continue the public hearing to the June 5, 2012 City Council Meeting.

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

Disposition: Continued to June 5, 2012.

CONSENT CALENDAR

Item Nos. 2, 4 and 5 were removed for further discussion. Council Member Shelton further advised of his abstention on Item 3.

1. CITY COUNCIL MINUTES OF MARCH 6, 2012, MAY 1, 2012, AND MAY 8,
Recommendation: That the City Council approve the draft City Council Minutes of March 6, 2012, May 1, 2012 and May 8, 2012

Documentation: M.O. 02-051512
Disposition: Approved.

3. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENTS – OAK AVENUE AND GARDEN AVENUE PEDESTRIAN WALKWAY PROJECTS

Recommendation: That the City Council:
1. Approve the draft Resolutions affirming the City Council’s support of the Oak Avenue and Garden Avenue Pedestrian Walkway Projects;
2. Authorize the Mayor and City Manager to execute the Oak Avenue and Garden Avenue Pedestrian Walkway Project Supplemental Agreements for the design and construction of each project; and
3. Direct the City Clerk to transmit the executed Supplemental Agreements to Tulare County Transportation Authority.

COUNCIL ACTION: That the City Council approve staff’s recommendation.

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

Documentation: Resolutions 47-2012 and 48-2012
Disposition: Approved.

6. AIRPORT LEASE RENEWAL – LOT 49A

Recommendation: That the City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. And Mrs. Michael Wall of Porterville, CA for Lot 49A at the Porterville Municipal Airport.

Documentation: M.O. 03-051512
Disposition: Approved.

7. 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
2. REQUEST TO PURCHASE TACTICAL WEAPONS AND GEAR

Recommendation: That the City Council:
1. Authorize the purchase of the listed tactical weapons and gear from the City of Lindsay; and
2. Authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis presented the item and indicated it had been removed from Consent Calendar by Council Member Shelton. Council Member Shelton inquired as to the condition of the equipment and lauded staff for taking advantage of the opportunity to save the City money.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council authorize the purchase of the listed tactical weapons and gear from the City of Lindsay; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved.

4. TEMPORARY ABEYANCE OF SEWER CONNECTION POLICY AT 361 N. LINDALE STREET

Recommendation: That the City Council:
1. Authorize the abeyance of Resolution 9853 specifically for the property located at 361 N. Lindale Street for a period not to exceed one (1) year;
2. Direct the Public Works Director to issue a septic tank/leach line repair permit to the homeowner’s representative (plumbing contractor); and
3. Direct the Public Works Director to work with the escrow agent representing the homeowner of the property at 361 N. Lindale Street to formulate acceptable language in the escrow conditions that state:
   A) As a condition of approval to repair the septic tank/leach line system, homeowner agrees without reservation to pay all applicable sewer connection fees; and
   B) Connect to the City sewer system within 90-days of said sewer system being made available at 361 Lindale Street.

   City Manager Lollis presented the item, and indicated that it had been removed from Consent Calendar for further discussion by Council Member Shelton. Council Member Shelton inquired as
to the issue at the subject property and lauded staff.

COUNCIL ACTION:MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council authorize the abeyance of Resolution 9853 specifically for the property located at 361 N. Lindale Street for a period not to exceed one (1) year; direct the Public Works Director to issue a septic tank/leach line repair permit to the homeowner’s representative (plumbing contractor); and direct the Public Works Director to work with the escrow agent representing the homeowner of the property at 361 N. Lindale Street to formulate acceptable language in the escrow conditions that state: A) As a condition of approval to repair the septic tank/leach line system, homeowner agrees without reservation to pay all applicable sewer connection fees; and B) Connect to the City sewer system within 90-days of said sewer system being made available at 361 Lindale Street. The motion carried unanimously.

Disposition:Approved.

5. AUTHORIZE STAFF TO OPERATE SHUTTLE SERVICE TO THE PORTERVILLE FAIR

Recommendation:That the City Council authorize staff to operate one (1) shuttle to the Porterville Fair.

City Manager Lollis presented the item, and indicated that Council Member Shelton had removed it from Consent Calendar for further discussion. Council Member Shelton voiced concern with spending City funds on bus service for an unknown number of individuals. A discussion ensued during which it was noted that the City has provided bus service to other community civic events including the Airshow and Freedom Fest Fireworks Show. Following the discussion staff was directed to provide data relative to the ridership for community events.

COUNCIL ACTION:MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council authorize staff to operate one (1) shuttle to the Porterville Fair; and direct staff to provide data on ridership to community events.

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

Disposition:Approved.

PUBLIC HEARINGS

8. AMENDMENTS TO THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS
Recommendation: That the City Council:
1. Approve the proposed draft ordinance amending the Porterville Development Ordinance and give first reading to the draft ordinance;
2. Waive further reading and order the ordinance to print; and
3. Adopt the resolution establishing a fee for a Minor Use Permit contingent on the effective date of the above ordinance.

City Manager Lollis introduced the item, and the staff report was presented by City Planner Bill Nebeker.

The public hearing was opened at 8:03 p.m.

- Greg Woodard, 1055 W. Morton, stated that the issue had been made more complicated than necessary; and suggested that the process was not business friendly.
- Brock Neeley, spoke against allowing crops in residential areas.
- Mary McClure, spoke against the proposed language and commented that it was not business-friendly.
- Lyle Arthur, suggested that the language be simplified.

The public hearing was closed at 8:15 p.m.

A discussion ensued regarding the proposed options, the intent of the requested amendment to the conditional use permit process, and monetary penalties. Council Member Shelton voiced his opposition to the proposed language.

At 8:22 p.m. the Council recessed for 10 minutes. The public hearing was reopened at 8:35 p.m.

- Greg Woodard, spoke of a misunderstanding on his part which was clarified by Community Development Director Dunlap; and recognized staff’s efforts to streamline the process.

The public hearing was closed at 8:38 p.m.

Council Member McCracken made a motion to approve staff’s recommendation, which was seconded by Mayor Irish. Council Member Ward requested that the language pertaining to fines be amended to include “up to” before each penalty amount, and the Council concurred.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Irish that the City Council approve the draft ordinance amending the Porterville Development Ordinance, as amended to include “not to exceed” language to penalties, give first reading, waive further reading and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS AND MONETARY

Ordinance 1789
Resolution 49-2012 PENALTIES; and approve the resolution establishing a fee for a Minor Use Permit contingent on the effective date of the ordinance.

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

The City Manager read the ordinance by title only.

Disposition: Approved, as amended.

SCHEDULED MATTERS
10. APPOINTMENTS TO THE TRANSACTIONS AND USE TAX “MEASURE H” OVERSIGHT COMMITTEE

Recommendation: That the City Council:
1. Consider the appointment of interested individuals to the Transaction and Use Tax Oversight Committee to fill the two vacant positions with four-year terms to expire in May 2016; or,
2. Provide further direction to staff.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council appoint Margaret Stinson to one of the two vacant positions with a four-year term to expire in May 2016. The motion carried unanimously.

Staff was then directed to continue publicizing the remaining vacancy.

Disposition: Ms. Margaret Stinson appointed; and direction given.

11. RE-VISIT STREET SELF PERFORMANCE EQUIPMENT & OPERATION

Recommendation: That the City Council provide direction.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

The Council discussed adjustments to the matrix which included a 5-year extension of the replacement period, the exclusion of salary and benefits from the analysis, and smaller, less expensive equipment. Mayor Irish, Vice Mayor Hamilton and Council McCracken challenged the introduction of new conditions to make the purchase a good economic decision, and Council Member Ward voiced his support for the changes. Council Member Shelton commended Council
Member Ward for his efforts to address the issue of street maintenance. He then expressed concern that the equipment would be parked a majority of the time.

The Council explored the possibility of sharing equipment costs with other cities. Staff was directed to inquire about a potential joint powers agreement with other agencies and bring the item back for consideration.

Disposition: Item continued, and direction given.

12. RE-VISITED – UPCOMING CALL FOR HIGHWAY SAFETY IMPROVEMENT PROGRAM (HSIP) AND HIGH RISK RURAL ROAD (HRRR) PROGRAM PROJECTS

Recommendation: That the City Council:
1. Direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines;
2. Authorize the preparation and delivery of a HSIP and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and
3. Consider roundabouts as a viable candidate for these types of federal funds and provide direction to staff accordingly.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Rodriguez.

Council Member McCracken spoke in favor of roundabouts in high traffic areas to decrease vehicular accidents, but expressed concern with the use of roundabouts in areas where pedestrian traffic is prevalent. Council Member Ward spoke in support of applying for grant monies. At the request of Council, staff elaborated on costs of signaled intersections and roundabouts. Council Members Ward and Mayor Irish spoke in support of staff becoming more familiar with roundabouts.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council Direct the Public Works Director to review intersections within the City of Porterville that potentially could score well under the HSIP and HRRR Grant guidelines; authorize the preparation and delivery of a HSIP and/or HRRR Grant application or applications if the Director deems intersections within the City are candidates for funding; and consider roundabouts as a viable candidate for these types of federal funds and provide direction to staff accordingly.

AYES: Ward, Hamilton, Shelton
NOES: McCracken, Irish
ABSTAIN: None
ABSENT: None
13. AUTHORIZATION TO ADVERTISE FOR BIDS – 2012/2013 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended Plans and Project Manual for the 2012/2013 Micro-Surfacing Project;
2. Approve the advancement of 2012/2013 Local Measure ‘R’ Funds pending approval by TCTA; and
3. Consider authorizing 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 expressed concern with the proposed project limit of Olive Avenue from Westwood to Mathew, and inquired about the prioritization of streets. Staff elaborated on the relation of the Pavement Condition Index and pavement treatment.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council approve staff’s recommended Plans and Project Manual for the 2012/2013 Micro-Surfacing Project; approve the advancement of 2012/2013 Local Measure ‘R’ Funds pending approval by TCTA; and consider authorizing staff to advertise for bids on the project. The motion carried unanimously.

Disposition: Approved.

Council Member McCracken made note of the time, and Council Member Shelton requested that Item 14 be continued. Without objection the item was continued to the next Council meeting.

14. AB 1234 EXPENSE REIMBURSEMENT REQUIREMENTS FOR ELECTED OFFICIALS

Recommendation: That the Council consider the staff report and provide further direction as it deems appropriate.

Disposition: Item continued.

ORAL COMMUNICATIONS
None

OTHER MATTERS
None

ADJOURNMENT
The Council Meeting adjourned at 9:42 p.m. to the meeting of May 22, 2012 at 5:30 p.m.