CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 2, 2012, 5:30 P.M.

Call to Order
Roll Call

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

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
   5- Government Code Section 54956.95 – Liability Claims: Claimants: Maria Dolores Santoyo, Jose Alfredo Santoyo, Francisco Santoyo, Jacqueline M. Garibay, Maria Isabel Felix, Rosaura Santoyo, Guadalupe Jackson, and Maria Magdalena Santoyo. Agency claimed against: City of Porterville.
   8- 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 ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation
PROCLAMATIONS
 Relay for Life
 Teen Read Week – October 15 – 20, 2012

PRESENTATIONS
 Employee of the Month – Robert Meier
 Swearing In of New Police Officers

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

2. P.D.C. Advisory Board – September 26, 2012
3. Tulare County Economic Development Corporation – September 26, 2012

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

I. City Commission and Committee Meetings:
1. Arts Commission – September 27, 2012
2. Youth Commission – September 24, 2012

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

CONSENT CALENDAR
 All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar.

1. City Council Minutes of June 5, 2012

2. Authorize Staff to Approve the Purchase of GFI Genfare Equipment
 Re: Considering authorization to begin negotiations for the purchase of automatic farebox collection equipment.

3. Award of Service Agreement Contract for the Design and Fabrication of Transit System Signage
 Re: Considering authorization to execute a Service Agreement with CHK America for a period of three years for design build services for transit signage.

4. Acceptance of Project - 2011/2012 Micro-Surfacing (Olive Avenue & Henderson Avenue)
 Re: Considering accepting project as complete from Intermountain Slurry Seal, Inc., and
authorizing the filing of the Notice of Completion for the project consisting of the installation of a durable thing asphalt overlay on several streets within the City.

5. **Authorization to Temporarily Increase Division Staffing Levels**  
   Re: Considering approval to increase Engineering and Building Division staffing levels temporarily to aid in the preparation of landscape and irrigation construction documents for Parks and Leisure Services capital improvement projects.

6. **Ratification of Expenditure – SCE Power for the Chase Avenue Neighborhood Park Project**  
   Re: Considering approval of the $20,142.57 in costs associated with providing electrical services to the Chase Avenue Neighborhood Park.

7. **State Department of Finance – Population Estimates**  

8. **Authorize Parks and Leisure Services Acting Director to Apply for MRC Stimulus Play Matching Funds Grant and Purchase Equipment**  
   Re: Considering authorization to proceed with an application for $21,000 in grant funds for the purchase of playground equipment at the future park on Chase Avenue, and authorization to purchase said equipment utilizing the U.S. Communities contract.

9. **Library and Literacy Commission Vacancies**  
   Re: Consideration of authorization to solicit applications for the purpose of filling vacancies on the Library and Literacy Commission.

10. **Policy Concerning Acceptance of Tickets by Council Members to City or City-Sponsored Events**  
    Re: Considering approval of a resolution establishing a policy which would limit a Council Member to accepting no more than two complimentary tickets to a City or City-sponsored event.

11. **Council Member Requested Agenda Item – Request for the City Council to Reconsider its Adoption of the City Council Handbook**  
    Re: Consideration of a request to schedule on the October 16th Council Agenda, the reconsideration of the City Council Handbook for October 16, 2012.

12. **Council Member Requested Agenda Item – Request that the City Council Reconsider its Decision to Utilize Wireless Headset Microphones**  
    Re: Consideration of a request to schedule on the October 16th Council Agenda, the reconsideration of the utilization of wireless headset microphones.

13. **Council Member Requested Agenda Item – Request for the City Council to Consider Implementing the Use of Online Registration for City Sports and Activities**  
    Re: Consideration of a request to schedule on the October 16th Council Agenda, the consideration of implementing the use of online registration for City sports and activities.
14. Council Member Requested Agency Item – Request for the City Council to Consider Establishing a Local Community Event Support Budget for Each Member of Council
Re: Consideration of a request to schedule on the October 16th Council Agenda, the reconsideration of the establishment of a Local Community Event Support Budget for each Member.

15. Council Member Requested Agenda Item – Request to the City Council to Consider the Appointment of Both a Council Representative and an Alternate to Attend California League of Cities – South San Joaquin Valley Division Meetings
Re: Consideration of a request to schedule on the October 16th Council Agenda, the appointment of a Council Representative and Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

16. Review of Local Emergency Status
Re: Reviewing the City’s status of local emergency pursuant to Article 14, Section 8630 of the California Emergency Services Act.

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

SCHEDULED MATTERS
17. Consideration of Ordinance to Amend Chapter 2, Article I, Section 2-1 of the Porterville Municipal Code Pertaining to the Adjournment Time of City Council Meetings
Re: Consideration of a draft ordinance amending the Municipal Code to remove the requirement that Council Meetings adjourn no later than 9:45 p.m.

Adjourn to a meeting of the Successor Agency.

SUCCESSOR AGENCY AGENDA
291 N. MAIN STREET, PORTERVILLE, CA

Roll Call: Agency Members/Chairman

WRITTEN COMMUNICATIONS
ORAL COMMUNICATIONS

SCHEDULED MATTER
SA-01. Conflicts of Interest (Health & Safety Code Sections 33130 and 33130.5) in Regard to the Former Redevelopment Agency and City Council Acting as Successor Agency to the Porterville Redevelopment Agency
Re: Informational report from Special Counsel to the City regarding Conflicts of Interests as they pertain to the City Council Acting as Successor Agency.

Adjourn the Successor Agency Meeting to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
OTHER MATTERS
CLOSED SESSION

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

ADJOURNMENT - to the meeting of October 16, 2012.

Pursuant to Ordinance No. 1766, the Council Meeting shall adjourn no later than 9:45 p.m.,
unless otherwise approved by a majority of the Council Members present.

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

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City’s website at www.ci.porterville.ca.us.
Call to Order at 5:30 p.m.
Roll Call: Council Member Ward, Vice Mayor Hamilton, Council Member Shelton, Council Member McCracken, Mayor Irish

**ORAL COMMUNICATIONS**
None

**CITY COUNCIL CLOSED SESSION:**
A. Closed Session Pursuant to:
3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, CA, et al., Los Angeles Superior Court,-CCW, Case No. BC 462270.
4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Cynthia Bowles and Antonio Sousa v. City of Porterville, et al., U.S. District Court, Eastern Division, Case No. F CV 10-0937 LJO GSA.
5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning facts not yet known to potential plaintiff.
6- 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 ACTION TAKEN IN CLOSED SESSION**
City Attorney Julia Lew reported that the Council took the following action:

A2: On a motion made by Council Member McCracken, seconded by Vice Mayor Hamilton, the Council unanimously rejected the claim of May 22, 2012, submitted by Ms. Malia Sanchez in the amount of $205.28, referred the matter to the City’s claims adjustor, and directed the City Clerk to give the claimant proper notice.

Documentation: M.O. 01-060512
Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Pete V. McCracken
Invocation – one individual participated.
PROCLAMATIONS
Bank of the Sierra – Continued to a future meeting.

PRESENTATIONS
Employee of the Month – Janie Rodriguez
Outstanding Business – Continued to a future meeting.

AB 1234 REPORTS
1. Council of Cities – May 16, 2012: Council Member McCracken advised that the negotiations with the County continue relative to the County’s General Plan and impact fees.
2. Consolidated Waste Management Authority (CWMA) – May 17, 2012: Council Member McCracken advised that the Authority was currently working on fees with one agency member.
3. Tulare County Association of Governments (TCAG) – May 21, 2012: No report was provided.

REPORTS
A. City Commission and Committee Meetings:
   1. Library and Literacy Commission – May 16, 2012: Commissioner Allen Bailey updated the Council on National Library Week events; advised of the planned attendance by some Commissioners and staff at an upcoming Conference in Anaheim; and indicated that the Hot Spot Competition was in full swing.

ORAL COMMUNICATIONS
• Virginia Gurrola, 1441 W. Brian, thanked the Porterville Recorder, KTIP, and Will Lloyd for their work relative to the Candidate Forums.
• Brock Neely, requested that Items 4 and 14 be removed from Consent Calendar for further discussion; and requested that he be allowed to address the Council during their consideration of Items 24 and 25.
• Rhoda Hunter, Tule River Tribal Council Member, voiced opposition on behalf of the Tribal Council to Item 23, and provided written correspondence to the Council regarding same.

At the Mayor’s request, due to the large number of people in attendance for Item 17, that item was presented next.

PUBLIC HEARINGS
17. INITIATION OF PRELIMINARY PROCEEDINGS AND RESOLUTIONS OF APPLICATION FOR NORTH MAIN STREET ANNEXATION NO. 475

Recommendation: That the City Council:
   1. Adopt the draft resolution approving the Negative Declaration for Annexation 475; and
2. Adopt the draft resolution(s) authorizing initiation of preliminary proceedings and filing of the necessary application with LAFCo for Annexation 475.

City Manager Lollis introduced the item. Staff advised that there would be no additional costs for approving more than one resolution initiating the annexation provided they were processed together at LAFCo. He added that staff had prepared separate resolutions for Areas A-1 through A-4, and Area B, should the Council choose to consider separately due to a potential conflict of interest for Council Member Shelton.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council bifurcate Area C from the others.

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

Council Member Shelton recused himself due to a conflict of interest and exited the Council chambers.

The staff report was presented by Community Development Director Brad Dunlap.

The public hearing was opened at 7:01 p.m.

- Pastor Stephen Marchbanks, Life Tabernacle Church, voiced concerns with requiring his church to hook up to the City’s storm drain system, and begin subject to the City’s regulations relative to the sale of firework sales; and spoke in opposition to the proposed annexation and the timing of its consideration.

- Rick Patterson, spoke against the proposed annexation, and requested that the Council deny this item.

- Roy Macomber, voiced his opposition to being annexed into the City due to the increased regulations.

- Philip Munoz, spoke against the proposed annexation, and voiced concern with the lack of Police Department assistance with regard to drug activity at a nearby residence.

- Mary McClure, voiced concern with zoning; spoke in favor of addressing zoning in conjunction with annexation; and communicated her displeasure with the condition of Main Street.

The public hearing was closed at 7:13 p.m.
A discussion ensued during which Council Member Ward voiced his opposition, and Vice Mayor Hamilton spoke of the pros and cons of the proposed annexation. Mayor Irish and Vice Mayor Hamilton spoke in favor of continuing the item to allow for another public meeting. The meeting was tentatively scheduled for June 28, 2012, in Council Chambers at 6:00 p.m. Council Member McCracken suggested circulation of a petition by property owners.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve continuance of the public hearing to July 17, 2012; and authorizing the scheduling of an additional public information meeting to take place on June 28, 2012, at 6:00 p.m. in the Council Chambers.

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

Disposition: Item continued.

The Council recessed for fifteen minutes.

At Mayor Irish’s request, Item 21 was presented next.

**SCHEDULED MATTERS**

21. GENERAL PLAN REFERRAL – TULARE COUNTY DETENTION FACILITY

Recommendation: That the City Council:
1. Determine the location on the northwest corner of Scranton Avenue and Newcomb Street for a proposed detention facility would be consistent with the General Plan of the City of Porterville; and
2. Affirm the determination of the Zoning Administrator that a correctional facility is consistent with other uses allowed in the Industrial Park Zone.

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

- Ben Kimball, Tulare County, came forward and spoke in support of Council approval.
- Jake Raper, RMA Director of Tulare County, spoke of the proposed concept of site development.
- Kristen Bennett, spoke of the planned buffer and design of the project.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council determine the location on the northwest corner of Scranton Avenue and Newcomb Street for a proposed detention
facility would be consistent with the General Plan of the City of Porterville; and affirm the determination of the Zoning Administrator that a correctional facility is consistent with other uses allowed in the Industrial Park Zone. The motion carried unanimously.

Disposition: Approved.

COUNCIL ACTION: On a motion by Council Member McCracken, seconded by Council Member Shelton, the Council unanimously approved removing Item 14 from Consent Calendar for further discussion.

Disposition: Approved.

CONSENT CALENDAR
Item Nos. 2, 3, 4, 7, and 14 were removed for further discussion.

1. CITY COUNCIL MINUTES OF MAY 22, 2012
Recommendation: That the City Council approve the Minutes of May 22, 2012.
Documentation: M.O. 05-060512
Disposition: Approved.

5. APPROVAL OF AMENDMENT NO. 3 TO JOINT POWERS AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY
Recommendation: That the City Council approve and authorize the Mayor to sign Amendment No. 3 to the Agreement with Tulare County Health and Human Services Agency.
Documentation: M.O. 06-060512
Disposition: Approved.

6. APPROVAL OF A RESOLUTION PROCLAIMING THE CITY OF PORTERVILLE AS A “SHARE THE ROAD” CITY
Recommendation: That the City Council:
1. Approve the draft resolution affirming the City Council’s support and proclaim the City of Porterville as a “Share the Road” City;
2. Support the goals and ideals of the “Share the Road” designation as outlined by the Tulare County “Share the Road” Committee; and
3. Improve the safety and enjoyment of all modes of transportation that utilize the City’s roadway system.

Documentation: Resolution 50-2012
8. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE

Recommendation: That the City Council:
1. Enter into an agreement with the County of Tulare for FY 2012/2013 to provide service to County residents within the Service Area Boundary; and
2. Authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 07-060512
Disposition: Approved.

9. CHANGE THE PROJECT DESCRIPTION OF THE 2010-2011 PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT PROJECT

Recommendation: That the City Council:
1. Approve the proposed resolution in support of amending the project description for the 2010-2011 Transit project; and
2. Authorizing staff to submit the required corrective action plan.

Documentation: Resolution 51-2012
Disposition: Approved.

10. AUTHORIZATION TO SUBMIT A LETTER OF NO PREJUDICE (LONP) TO CALTRANS FOR BUS STOP IMPROVEMENTS AND CNG BUS PURCHASE IN ORDER TO USE FUTURE PROPOSITION 1B TRANSPORTATION BOND ACT (PROP 1B) FUNDS

Recommendation: That the City Council:
1. Approve the draft Resolution approving a Letter of No Prejudice from the City of Porterville;
2. Authorize the submission of the proposed required Letter of No Prejudice (LONP) to Caltrans; and
3. Authorize the submission of the proposed Letter of Advance – Measure R Transit Funds to TCAG.

Documentation: Resolution 52-2012
Disposition: Approved.

11. CALTIP BOARD MEMBER SELECTION

Recommendation: That the City Council:
1. Approve the proposed Resolution designating Patrice Hildreth as the
City’s CalTIP Board Member and Baldo Rodriguez as the alternate
designee; and
2. Authorize the Mayor to execute the Resolution for submission to CalTIP.

Documentation: Resolution 53-2012
Disposition: Approved.

12. AIRPORT LEASE RENEWAL – LOT 31A

Recommendation: That the City Council approve the extension of the Lease Agreement between
the City of Porterville and Mr. James Costa, Costa Spraying, Inc., of Tulare,
CA, for Lot 31A at the Porterville Municipal Airport.

Documentation: M.O. 08-060512
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE
AND THE TULE RIVER TRIBE – FREEDOM FEST AND FIREWORKS SHOW

Recommendation: That the City Council:
1. Approve the Community Civic Event Application and Agreement
submitted by the City of Porterville and the Tule River Tribe, subject to
the stated requirements contained in Exhibit ‘A’;
2. Authorize staff to operate a shuttle route to and from the Transit Center
and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 30, 2012; and
3. Authorize staff to operate a free parking lot shuttle to and from the
Porterville Fairgrounds and Sports Complex during the event.

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

Documentation: M.O. 09-060512
Disposition: Approved.

15. DEFERRED COMPENSATION PROGRAM FOR NEW HIRES

Recommendation: That the City Council:

1. Approve the deferred compensation plan for new hires effective July 1,
2012;
2. Approve ICMA and Strategic Retirement Advisors as authorized vendors
for said 457 plan; and
3. Authorize the City Manager or his designee to execute all necessary
documents.
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.

COUNCIL ACTION: MOVED by Mayor Irish, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 5-6, 8-13, 15 and 16. The motion carried unanimously, noting the abstention of Council Member Shelton from Item No. 13.

2. ADJUSTMENT TO SMART VALLEY PLACES GRANT FOR AN INDUSTRIAL LAND ANNEXATION PROJECT

Recommendation: That the City Council approve the proposed Industrial Land Annexation project as described with funding from the SVP Grant Program.

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

Council Member Shelton inquired about the level of interest in annexation amongst property owners in the area. Staff was directed to conduct a poll to ascertain interest in the proposed annexation prior to moving forward in the process.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the City Council approve the proposed Industrial Land Annexation project as described with funding from the SVP Grant Program. The motion carried unanimously.

Disposition: Approved; and direction given.

3. ACCEPTANCE OF PROJECT – MARTIN HILL AND ROCKY HILL WATER RESERVOIR PROJECTS

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

The item was introduced by the City Manager, and the staff report was waived at the Council’s request. Council Member Shelton lauded staff for completion of the project on time and under budget.

Council Member Ward requested that Council discuss Item Nos. 3 and 4 concurrently. Staff elaborated on conditions of the proposed maintenance agreement; and spoke of possible future annexations in the area.

Council Member Shelton recused himself and exited the Council chambers upon realizing he had a conflict of interest relative to ownership of real property.

COUNCIL ACTION: MOVED BY Council Member Ward, SECONDED by Council Member McCracken that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Disposition: Approved.

4. CITY-COUNTY AGREEMENT FOR PORTIONS OF YATES AVENUE, ROCHE STREET, WORTH AVENUE AND PLANO STREET

Recommendation: That City Council:
1. Approve the City/County Agreement for a portion of Yates Avenue, Roche Street, Worth Avenue and Plano Street as written;
2. Authorize the Mayor and City Clerk to execute two (2) agreements; and
3. Authorize the City Clerk to forward the agreements to the Tulare County Board of Supervisors for their action.

The staff report was waived at the Council’s request. Council Member Ward expressed concern with the County’s tactics, and staff spoke of difficulties that could arise in the future if the agreement was not approved. Council Member McCracken noted that the City was not required by the agreement to improve the roads, but had the ability to do so.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council approve the City/County Agreement for a portion of Yates Avenue, Roche Street, Worth Avenue and Plano Street
as written; authorize the Mayor and City Clerk to execute two (2) agreements; and authorize the City Clerk to forward the agreements to the Tulare County Board of Supervisors for their action.

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

Disposition: Approved.

Council Member Shelton rejoined the meeting.

7. AUTHORIZATION TO NEGOTIATE A CONTRACT – TRANSIT ADMINISTRATOR

Recommendation: That the City Council:
1. Direct the Public Works Director to meet with Sierra Management for the purpose of negotiating a 5-year Transit Administrator Services contract;
2. If successful, authorize the Mayor to execute the Transit Administrator Services contract with Sierra Management;
3. Authorize the Public Works Director to negotiate a Transit Administrator Services contract with MV Transportation if negotiations with Sierra Management are unsuccessful; and
4. If successful, authorize the Mayor to execute the Transit Administrator Services contract with MV Transportation.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton shared his contentment in seeing a local resident score highest amongst the proposers and lauded Richard Tree’s abilities. Staff then elaborated on the proposed 5-year option.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council direct the Public Works Director to meet with Sierra Management for the purpose of negotiating a 5-year Transit Administrator Services contract; if successful, authorize the Mayor to execute the Transit Administrator Services contract with Sierra Management; authorize the Public Works Director to negotiate a Transit Administrator Services contract with MV Transportation if negotiations with Sierra Management are unsuccessful; and if successful, authorize the Mayor to execute the Transit Administrator Services contract with MV Transportation. The motion carried unanimously.

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY
Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event Application.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. In response to an inquiry by Mr. Brock Neely, staff clarified that the certificate of insurance had been corrected.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit ‘A’ and Exhibit ‘B’ of the Community Civic Event Application. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS

18. ORDINANCE 1789, AMENDMENTS TO DEVELOPMENT ORDINANCE IN RELATION TO MINOR CONDITIONAL USE PERMITS

Recommendation: That the City Council give Second Reading to Ordinance No. 1789, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1789, waive further reading, and adopt said ordinance, 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 PENALTIES. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

19. CONSIDERATION OF THE CITY MANAGER’S PROPOSED BUDGET FOR FISCAL YEAR 2012-2013 AND SETTING A PUBLIC HEARING DATE
Recommendation: That the City Council schedule the Public Hearing on the Fiscal Year 2012-2013 Budget on June 19, 2012.

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

COUNCIL ACTION: MOVED Council Member Ward, SECONDED by Council Member McCracken that the City Council schedule the Public Hearing on the Fiscal Year 2012-2013 Budget on June 19, 2012. The motion carried unanimously.

Disposition: Approved.

20. APPOINTMENT TO THE TRANSACTION AND USE TAX (“MEASURE H”) OVERSIGHT COMMITTEE

Recommendation: That the City Council consider the appointment of an individual to the Transactions and Use Tax Oversight Committee to fill the vacant position with a four-year term to expire in May 2016.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council appoint Janet Meister to the Transactions and Use Tax Oversight Committee to fill the vacant position with a four-year term to expire in May 2016. The motion carried unanimously.

Disposition: Approved.

22. This item was removed.

23. PROPOSED ORDINANCE AMENDMENT TO THE MUNICIPAL CODE PERTAINING TO CARD TABLES

Recommendation: That the City Council provide direction to staff regarding the submittal of the draft ordinance to the State Department of Justice, Bureau of Gambling Control for review and approval by the State Gambling Commission.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a potential conflict of interest pertaining to real property ownership. The staff report was presented by Community Development Director Dunlap.

City Attorney Lew spoke of Proposition 26, which became effective January 1, 2012 and affected the ability to charge fees tied to revenues.
COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council authorize staff to proceed with the submittal of the draft ordinance to the State Department of Justice, Bureau of Gambling Control for review and approval by the State Gambling Commission.

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

Disposition: Approved.

Council Member Shelton rejoined the meeting.

24. 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, authorize appropriate budget adjustment.

City Manager Lollis indicated that the applicant has requested a continuation of the item. Without objection it was continued to the meeting of June 19, 2012.

Disposition: Item continued to June 19, 2012.

25. AB 1234 EXPENSE REIMBURSEMENT REQUIREMENTS FOR ELECTED OFFICIALS

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

Council Member Shelton requested that Item No. 25 be continued to the meeting of July 17, 2012. Without objection, the item was continued.

Disposition: Item continued to July 17, 2012.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Shelton acknowledged staff for their efforts at the Range, noting it was a great amenity for the City, and lauded the recent shooting event held there.
• Council Member Ward, thanked everyone for voting in the election.
• City Manager Lollis, advised that Police Captain Silver Rodriguez would be leaving Porterville to assume the position of Police Chief with the City of Sanger; indicated that Dalton Rogers and Tiffany Camat would be coming on board as Interns with the City; and reminded everyone of the Airshow to take place on Saturday.

**ADJOURNMENT**

The Council adjourned at 8:50 p.m. to the meeting of June 19, 2012.

____________________________
Luisa Herrera, Deputy City Clerk

SEAL

Cameron Hamilton, Vice Mayor
SUBJECT: AUTHORIZE STAFF TO APPROVE THE PURCHASE OF GFI GENFARE EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: On August 21, 2012, staff received authorization from City Council (see attached) to advertise for a Request for Proposals (RFP) for automatic farebox collection equipment. During the solicitation, staff and legal counsel determined that the City's current transit farebox collection system is proprietary and there is only one vendor, GFI Genfare, which is capable of providing the same or additional equipment that will be compatible with the City's current system.

Although there are approximately ten automatic farebox collection system vendors, staff has determined that each vendor's system is also proprietary and not available for open competition. With this information, staff subsequently cancelled the request for proposals.

It is staff's opinion that this is a case of what the Federal Transit Administration describes as a "follow-on contract for the continued production of highly specialized equipment." It is also staff's recommendation that the award to another contractor would result in substantial duplication of costs that will not be recovered through competition.

RECOMMENDATION: That the City Council:

1) Authorize staff to begin negotiations for the purchase of GFI Genfare equipment; and

2) Authorize payment upon satisfactory delivery of the equipment.

ATTACHMENT: August 21, 2012, City Council Meeting Staff Report

P:\pub\work\ch\General\Council\Transit - Award of Contract - GFI GENFARE Farebox Equipment - 2012-10-02.doc

Dir Appropriated/Funded CM

Item No. 2
COUNCIL AGENDA: AUGUST 21, 2012

SUBJECT: AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR TRANSIT AUTOMATIC FAREBOX COLLECTION EQUIPMENT

SOURCE: Public Works Department - Transit

COMMENT: Throughout the year, the Transit System is in need of various automatic farebox collection equipment, such as spare parts, fare media, upgrades, and additional fareboxes for on-going maintenance and support. The City awarded a one-year contract to GFI Genfare on April 5, 2011, and this contract has now expired.

It is staff’s recommendation to advertise for proposals for automatic farebox collection equipment for a base period of three years. A three-year contract will enable the City to purchase equipment for a longer period of time and potentially receive discounted pricing from a long-term contract.

This project is funded in part by FTA Section 5307 funds with a 20 percent local match. For the transit automatic farebox collection equipment, staff has budgeted $150,000 for maintenance, support, and upgrades in fiscal year 2012/2013.

RECOMMENDATION: That the City Council:

1. Authorize staff to issue a request for proposals for Transit Automatic Farebox Collection Equipment.

P:\pub\works\General\Council\Transit - Authorization to Issue a Request for Proposal for Transit Automatic Farebox Collection Equipment - 2012-08-31.doc

Dir [signature] Appropriated/Funded [signature] CM [signature] Item No. 2

MO # 02-082112
COUNCIL AGENDA: OCTOBER 2, 2012

SUBJECT: AWARD OF SERVICE AGREEMENT CONTRACT FOR THE DESIGN AND FABRICATION OF TRANSIT SYSTEM SIGNAGE

SOURCE: Public Works Department - Transit Division

COMMENT: On July 17, 2012, City Council authorized staff to issue a Request for Proposals for the Transit System Signage Design and Installation. Requests for Proposals were issued on July 18, 2012, to a number of consultants, including all eligible local firms.

On September 13, 2012, staff received proposals from TPG Consulting, Inc and CHK America. After staff's rating of the two firms, CHK America scored the highest.

The anticipated fee for requested design build services was $125,000, and as such, the selection policy directs that City Council must authorize the negotiation and execution of a service agreement.

The proposing firms were evaluated based on the City's Consultant Selection Rating form and their respective rankings are as follows:

<table>
<thead>
<tr>
<th>Rank</th>
<th>Consultant</th>
<th>Score</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>CHK America</td>
<td>98.5</td>
</tr>
<tr>
<td>2.</td>
<td>TPG Consulting, Inc.</td>
<td>92.5</td>
</tr>
</tbody>
</table>

Staff is pleased with the consultants' interest in this project and recommends entering into a service agreement with the top-ranked firm.

CHK America has provided a comprehensive "Scope of Services" covering all crucial tasks that staff feels is necessary for a successful project. The complete scope of services and fixed costs, for a period of three years, is available in the LaBarca Conference Room for Council's review and understanding.

Funding is provided from the 2012/2013 FTA Section 5307 capital funds approved by Council at the time of authorization to advertise for bids for the Transit System Signage Design and Installation.
RECOMMENDATION: That the City Council:

1. Authorize the Mayor to execute the Service Agreement with CHK America for a period of three years for the services described herein; and

2. Authorize progress payments up to 100% of the fee amount.
SUBJECT: ACCEPTANCE OF PROJECT – 2011/2012 MICRO-SURFACING PROJECT (OLIVE AVENUE & HENDERSON AVENUE)

SOURCE: Public Works Department - Engineering Division

COMMENT: Intermountain Slurry Seal, Inc. has completed the 2011/2012 Micro-Surfacing Project per plans and specifications. The project is part of the City’s Measure “R” street maintenance program, which consists of a durable thin asphalt overlay on several streets within the City. An important project component is the removal and replacement of badly distressed asphalt concrete, along with the sealing of significant cracks. New pavement markings were placed once each street received the thin asphalt overlay. Removal of median island grass and placement of artificial turf was another component of the project. Streets and project limits are as follows:

- Olive Avenue – Cobb Street to Salisbury Street
- Henderson Avenue – Patsy Street to Prospect Street
- Henderson Avenue – Beneath State Highway 65

Staff carefully tracks construction costs of all Capital Improvements Projects. Consistent with Council’s direction, staff has commenced with the reporting of project construction expenditures. On August 16, 2011, City Council authorized expenditure of $861,591.40 for construction, construction management and quality control services for the 2011/2012 Micro-Surfacing Project. On September 6, 2011, City Council authorized expenditure of $394,713.44 for installation of median island artificial turf. The following itemizes the construction-related costs in two categories: 1) the construction contract, and 2) a combination of construction management and quality control.

1) Final construction cost is $753,503.38 for the Micro Surfacing and related work. Final cost of median island turf installation is $394,713.44.

2) Construction management and quality control costs are $25,192.45, which is 3.4% of the awarded construction contract. This amount is lower than the 5% construction management and quality control amount requested at the time of award.

Total project construction costs equate to $1,173,409.27 which is less than the $1,256,304.84 overall budget approved by Council at the time of award.

Item No. 4
Several years ago a water main rupture damaged Henderson Avenue beneath SR 65 Overpass. The Water Replacement Account funded this repair work due to the significant damage caused by uplifting pressures associated with the water main break. Removal of the existing sod and placement of artificial turf within the median islands bounded by the project limits was financed by Local Transportation Funds. "Local" Measure 'R' tax revenue funded the remainder of the project. The project funding sources were approved during the FY 2011/2012 budget process and subsequent City Council meeting (median island sod replacement). Construction was postponed to the current fiscal year due to inclement fall weather conditions.

Intermountain Slurry Seal, Inc. requests that the City accept the project as complete. Staff reviewed the work and found it acceptable.

RECOMMENDATION: That 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.

ATTACHMENTS: Locator Maps
SUBJECT: AUTHORIZATION TO TEMPORARILY INCREASE DIVISION STAFFING LEVELS

SOURCE: Public Works Department - Engineering Division

COMMENT: Parks and Leisure Services Department and Public Works Department staff have met several times to establish design schedules for park oriented projects identified in the 2012/2013 FY Budget. Scheduling Engineering's participation has been difficult due to other pressing needs within the entire City organization.

The recently retired Parks and Leisure Services Director was contacted by a gentleman with experience designing trails, park amenities, landscape and irrigation plans. This gentleman has prepared plans on past City of Porterville projects, such as, but not limited to, Rails to Trails, Heritage Center Trailway Extension, Tule River Parkway, Phase 1, and Tule River Parkway, Phase II. Upon a thorough interview, staff agreed that he has the knowledge and tools to produce quality construction documents.

This position or staffing increase is solely contingent upon funding for capital improvement projects that match his experience and abilities. The position will work under the supervision of the Engineering and Building Division specifically for preparing landscape and irrigation construction documents for Park and Leisure Services capital improvement projects.

The position is a Engineering Specialist III, Step A position with a monthly salary of $3,832 per month. City Council and the Tulare County Transportation Authority (TCTA) have executed the necessary documents (Measure R Supplemental Agreements) to fund design efforts for the Tule River Parkway, Phase III, Tule River Parkway, Phase IV and Veteran's Park Trailway Improvements. These three projects will be the initial focus of this position should Council authorize this temporary position.

RECOMMENDATION: That City Council:

1. Temporarily approve the increase of the Engineering and Building Division Staffing levels.

[Signatures and initials]

Item No. 5
COUNCIL AGENDA: OCTOBER 2, 2012

SUBJECT: RATIFICATION OF EXPENDITURE - SCE POWER FOR THE CHASE AVENUE NEIGHBORHOOD PARK PROJECT

SOURCE: Public Works Department - Engineering Division

COMMENT: The Plans and Project Manual are nearing completion for the Chase Avenue Neighborhood Park Project. The project consists of the construction of a new park generally located on the north side of Chase Avenue, west of Plano Street. The new park design includes lighting and several other amenities requiring electric service from our local area provider, Southern California Edison (SCE).

Southern California Edison's cost to provide power to the Chase Avenue Neighborhood Park is $20,142.57 and the invoice is attached for the Council's reference.

This project is part of the 2012/2013 Annual Budget and the funding source approved by City Council is Proposition 84 Funds.

RECOMMENDATION: That the City Council:

1. Approve the costs associated with providing electrical services to the Chase Avenue Neighborhood Park; and

2. Authorize the City Engineer to process the SCE invoice for $20,142.57.

ATTACHMENTS: SCE Invoice
Locator Map

P:\pub\works\General\Council\Ratification of Expenditures - For SCE Power to the Chase Avenue Neighborhood Park Project - 2012-10-02.doc

Dir Appropiated/Funded MP CM Item No. 10
July 24, 2012

Milt Stowe
City of Porterville
291 N. Main St.
Porterville, CA 93257

Subject: SCE Project Number: TD606823
SUBJECT: Chase Avenue Park, 356 Chase Ave, Porterville

Thank you for the opportunity to assist you with your electrical needs. The information provided below indicates requirements needed to complete your project. Please read and follow the directions so that your project may be completed in a timely manner.

- ENCLOSED ARE TWO COPIES OF OUR INVOICE. RETURN ONE COPY OF THE INVOICE WITH YOUR PAYMENT.

- PLEASE RETURN ALL APPLICATIONS AND/OR AGREEMENTS FULLY COMPLETED.

- CALL THE EDISON COMPANY AT 800-655-4555 TO MAKE APPLICATION FOR ELECTRICAL SERVICE.

- FINAL ELECTRICAL INSPECTION FROM THE LOCAL GOVERNMENTAL BUILDING AND SAFETY DEPARTMENT MUST BE RECEIVED BEFORE WE CAN ENERGIZE YOUR SERVICE.

Please return the documents and/or payment in the enclosed self-addressed envelope. After receipt of the required documents, your project will be scheduled for construction. If you have any questions, feel free to call me at (559) 684-3558.

Sincerely,

[Signature]

DUSTIN UNDERWOOD
Customer Service Planner

Enclosures
2425 So. Blackstone Ave.
Tulare, CA 93274
# Southern California Edison

**MILT STOWE**

291 N MAIN ST
PORTERVILLE CA 93257 3737

**Invoice #** | 123843
---|---
**Invoice Date:** | 07/24/2012
**SCE Contact:** | Dustin Daniel Underwood
**Telephone:** | (559)-684-3558

**Install - Billing Option:** SCE INSTALL -

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<th>Amount</th>
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<td>Project: NEW PADMOUNT XFMR AND U/G SERVICE TO FEED PARK</td>
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<tr>
<td>356 CHASE AVE PORTERVILLE CA 93257</td>
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<td>Item # 131441</td>
<td>Product: 606823 - NEW METER &amp; SERVICE</td>
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<tr>
<td>Design # 433349</td>
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</tr>
</tbody>
</table>

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Previous Payment

* Enclosed are 2 copies of our invoice. Please return 1 copy of the invoice with your payment.
* Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
* All prices are applicable for a period of 90 days from this date and are subject to change thereafter.
* An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
* Call the Edison company at 1-800-655-4555 to make application for electrical service.

---

**Invoice Total** | **$20,142.57**

---

Please detach and return payment stub with payment.
CITY COUNCIL AGENDA: OCTOBER 2, 2012

CONSENT CALENDAR.

SUBJECT: STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

COMMENT: The Planning Division has received a summary report of Porterville’s estimated population and housing data prepared by the State Department of Finance (DOF). The DOF prepares these estimates based upon information supplied by the City during the previous year, such as new housing units, demolitions, conversions, annexations and other factors, and comparing figures from the 2011 benchmark or a prior year’s estimate. Annually, the Planning Division reviews these estimates and forwards them to the City Council for review and adoption. After Council adoption, the City submits a request for certification to the State Controller.

After certification by the State, the January 1, 2012, population estimate of 55,107 for the City of Porterville becomes the basis used to distribute certain State subvention revenues to the City. The 2011 estimate was 54,843. This is an increase of .48% or 264 persons.

RECOMMENDATION: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2012, population of 55,107.

ATTACHMENTS:
1. Department of Finance Tables dated 2012, 2011, 2010 with 2010 Census Benchmark, and 2010 showing population change
2. Draft Letter
<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>HOUSEHOLD TOTAL</th>
<th>GROUP QUARTERS TOTAL</th>
<th>DETACHED</th>
<th>ATTACHED</th>
<th>2 TO 4</th>
<th>5 PLUS</th>
<th>MOBILE HOMES</th>
<th>OCCUPIED</th>
<th>PCT VACANT</th>
<th>PERSONS PER HOUSEHOLD</th>
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<tbody>
<tr>
<td>Tulare County</td>
<td></td>
<td></td>
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<td>110</td>
<td>204</td>
<td>159</td>
<td>80</td>
<td>2,632</td>
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<td>Lindsay</td>
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<td>12,166</td>
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<td>279</td>
<td>538</td>
<td>143</td>
<td>3,155</td>
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<td>1,645</td>
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<td>10,408</td>
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</table>
Table 2: E-5 City/County Population and Housing Estimates, 1/1/2011

<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>Total Population</th>
<th>Total Housing Units</th>
<th>Total Households</th>
<th>Vacant Units</th>
<th>Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County</td>
<td></td>
<td></td>
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<tr>
<td>Dinuba</td>
<td>21,950</td>
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<td>5,693</td>
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<tr>
<td>Lindsay</td>
<td>12,020</td>
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<td>Tulare</td>
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<td>Balance of County</td>
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Table 2: E-5 City/County Census Population and Housing Counts, 4/1/2010

<table>
<thead>
<tr>
<th>County/City</th>
<th>Total Population</th>
<th>Total Housing Units</th>
<th>Total Households</th>
<th>Vacant Units</th>
<th>Vacancy Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dinuba</td>
<td>21,453</td>
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<tr>
<td>Exeter</td>
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<td>Farmersville</td>
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<tr>
<td>Lindsay</td>
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<td>44,440</td>
<td>39,093</td>
<td>5,347</td>
<td>12.03%</td>
</tr>
</tbody>
</table>

County Total
  | 442,179          | 141,696           | 130,352           | 11,344       | 8.01%        |
Table 2: E-5 City/County Population and Housing Estimates, 1/1/2010

<table>
<thead>
<tr>
<th>COUNTY/CITY</th>
<th>TOTAL HOUSEHOLD</th>
<th>GROUP QUARTERS</th>
<th>TOTAL DETACHED</th>
<th>ATTACHED 2 TO 4</th>
<th>5 PLUS</th>
<th>MOBILE HOMES</th>
<th>OCCUPIED</th>
<th>PCT VACANT</th>
<th>PERSONS PER HOUSEHOLD</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tulare County</td>
<td></td>
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<td></td>
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<td></td>
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<td>205</td>
<td>192</td>
<td>3.113</td>
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<td>235</td>
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October 3, 2012

Department of Finance
Demographic Research Unit
915 “L” Street, 8th Floor
Sacramento, Ca 95814

To Whom It May Concern:

On September 14, 2012, the City of Porterville received Porterville’s estimated population and housing data for 2012 from the State Department of Finance.

On October 2, 2012, the Porterville City Council adopted Porterville’s new estimated population of 55,107 and authorized transmittal of this correspondence requesting the State Controller to certify Porterville’s January 1, 2012, population as 55,107 by Minute Order No. ____________________.

Sincerely,

Virginia R. Gurrola, Mayor
SUBJECT: AUTHORIZE PARKS AND LEISURE SERVICES ACTING DIRECTOR TO APPLY FOR THE MRC STIMULUS PLAY MATCHING FUNDS GRANT AND PURCHASE EQUIPMENT

SOURCE: PARKS AND LEISURE SERVICES DEPARTMENT

COMMENT: Parks and Leisure Services is interested in applying for a $21,000 grant that would be applied toward purchase of the playground equipment at the future park on Chase Avenue. The Marturano Recreation Company (MRC) helps communities support their commitment to local children's need for safe, creative, affordable play through the Stimulus Play Matching Funds Grant program. MRC has partnered with GameTime to provide this grant.

The park has plans for an ages 2-5 playground as well as a 5-12 playground. A 40% match is required in the grant and will be paid out of the Prop 84 funding being used to construct the park. Savings resulting from the grant award may be used to further enhance the play area.

GameTime participates in the US Communities government discount program which the City of Porterville has been a member of for several years. The cost of this equipment will be significantly reduced as the US Communities contract pricing, along with the MRC grant, may both be applied.

RECOMMENDATION: 1. That the City Council authorize the Parks and Leisure Services Acting Director to proceed with the grant process; and

2. That the City Council authorize the purchase of the playground equipment utilizing the US Communities contract.
SUBJECT: LIBRARY AND LITERACY COMMISSION VACANCIES

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: On September 11, 2012, Stephanie Cortez tendered her resignation from the Library and Literacy Commission thereby creating a vacancy with a term due to expire in October 2013.

In addition, four positions on the Commission have terms expiring at the end of October 2012. The City Clerk’s office has yet to receive a Request for Appointment from any of the incumbents.

There are currently no active applications on file for this Commission. At the Council’s direction, staff can provide notice to the public and solicit applications by way of a Press Release. This would allow individuals interested in serving on the Commission the opportunity to submit an application for the Council’s consideration at a future meeting date.

RECOMMENDATION: That the City Council direct staff to solicit applications to fill the seat vacated by Ms. Stephanie Cortez on the Library and Literacy Commission, and the four seats with terms to expire at the end of October 2012; and bring the item back to the Council for appointment.

Item No. 9
SUBJECT: POLICY CONCERNING ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR CITY-SPONSORED EVENTS

SOURCE: CITY ATTORNEY

COMMENT: Per the action by the City Council at the September 18, 2012 City Council Meeting, the proposed policy is before the Council in the form of a Resolution for consideration.

As directed by the Council, the policy provides that a Council Member may accept no more than two tickets issued by the City to a City event or a City-sponsored event, and any tickets in excess of two shall be paid for by the Council Member from non-City funds at the time of acceptance. The attached Resolution also provides that it would be attached to the City Council Procedural Handbook as an appendix.

RECOMMENDATION: That City Council: Consider and approve the Resolution establishing a policy concerning the acceptance of tickets by Council Members to City or City-sponsored events.

ATTACHMENT: Draft Resolution

ITEM NO. 10
RESOLUTION NO. _____-2012

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A POLICY CONCERNING THE ACCEPTANCE OF TICKETS BY COUNCIL MEMBERS TO CITY OR CITY-SPONSORED EVENTS

WHEREAS, at its regular meeting of September 18th, 2012, the City Council of the City of Porterville authorized the drafting of a policy limiting the acceptance of tickets by City Council Members to City and City-sponsored events;

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PORTERVILLE:

SECTION 1. The City Council hereby establishes a policy as follows: a Council Member may accept no more than two (2) tickets issued by the City to a City event or a City-sponsored event. Any tickets in excess of two (2) accepted by a Council Member shall be paid for by the Council Member from non-City funds at the time of acceptance of the tickets.

SECTION 2. This resolution establishing the above policy shall be attached as an appendix to the City Council Procedural Handbook.

PASSED, APPROVED AND ADOPTED this 2nd day of October, 2012.

_________________________________________________________________

Virginia Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk
COUNCIL AGENDA: October 2, 2012

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Reconsider Its Adoption of the City Council Handbook.

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the Council reconsider its adoption of the City Council Handbook.

RECOMMENDATION: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the reconsideration of its adoption of the City Council Handbook.

ATTACHMENT: None
COUNCIL AGENDA: October 2, 2012

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Reconsider Its Decision to Utilize Wireless Headset Microphones

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the Council reconsider its decision to utilize wireless headset microphones.

RECOMMENDATION: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the reconsideration of its decision to utilize wireless headset microphones.

ATTACHMENT: None

Item No. 12
COUNCIL AGENDA: October 2, 2012

SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Implementing the Use of Online Registration for City Sports and Activities

SOURCE: City Manager

COMMENT: City Council Member Ward has requested that the Council consider implementing the use of online registration for City sports and activities.

RECOMMENDATION: Council Member Ward makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the consideration of implementing the use of online registration for City sports and activities.

ATTACHMENT: None

C/M  Item No. 13
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider Establishing a Local Community Event Support Budget for Each Member of Council

SOURCE: City Manager

COMMENT: City Council Member Shelton has requested that the Council reconsider establishing a Local Community Event Support Budget for each Member of Council.

RECOMMENDATION: Council Member Shelton makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the establishment of a Local Community Event Support Budget for each Member of Council.

ATTACHMENT: None

Item No. 14
SUBJECT: COUNCIL MEMBER REQUESTED AGENDA ITEM – Request for the City Council to Consider the Appointment of Both a Council Representative and an Alternate to Attend California League of Cities-South San Joaquin Valley Division Meetings

SOURCE: City Manager

COMMENT: Vice Mayor McCracken has requested that the City Council consider the appointment of a Council Representative and an Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

RECOMMENDATION: Vice Mayor McCracken makes the motion that the City Council authorize the scheduling on the October 16th Council Agenda the consideration of appointing both a Council Representative and an Alternate to attend California League of Cities-South San Joaquin Valley Division meetings.

ATTACHMENT: None
COUNCIL AGENDA: October 2, 2012

SUBJECT: REVIEW OF LOCAL EMERGENCY STATUS

SOURCE: Administration

COMMENT: In accordance with the City Council's Resolution of Local Emergency adopted on December 21, 2010, and pursuant to Article 14, Section 8630 of the California Emergency Services Act, the Council must review the status of its local emergency at every regularly scheduled meeting and make a determination whether to continue or terminate the local emergency declaration.

Since its last review on September 18, 2012, City staff has continued its coordination with both State and Federal representatives in having made claims for reimbursement for public areas reported as suffering flood damage. An estimated total of $361,750 in damage repair projects were defined and accepted by both State (CEMA) and Federal (FEMA) emergency agencies, which after final FEMA administrative review, a total of approximately $270,000 was approved. Although all repair projects were originally to be completed by no later than July 2012, the City has received a one (1)-year extension to July 2013.

As was previously reported, staff made application for almost $2 million in State Office of Emergency Services (OES) grant funds, which would provide financial assistance for mitigating repetitive flooding conditions. Considering the preliminary flood prevention measures previously presented to the Council, staff evaluated the grant application criteria, and made application for mitigation projects, specifically focusing on Downtown, Murry Park, and Zalud Park projects. Staff is pleased to report that its proposed grant-funded projects successfully passed initial screening, with staff having also attended several days of required training in preparation for administering the grant funds.

RECOMMENDATION: That the Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

ATTACHMENT: None

Item No. 16
SUBJECT: CONSIDERATION OF ORDINANCE TO AMEND CHAPTER 2, ARTICLE I, SECTION 2-1 OF THE PORTERVILLE MUNICIPAL CODE PERTAINING TO THE ADJOURNMENT TIME OF CITY COUNCIL MEETINGS

SOURCE: ADMINISTRATIVE SERVICES DEPARTMENT

COMMENT: At its meeting of September 18, 2012, the City Council approved an amendment to the City Council's Procedural Handbook removing the requirement that the Council adjourn its meetings no later than 9:45 p.m. Chapter 2, Article I, Section 2-1 of the Municipal Code sets forth said adjournment requirement, and as such, an ordinance amending the Code must be adopted to effectuate this change.

Copies of Section 2-1 of the Code, as well as the draft ordinance amending same, are herein provided for Council's reference and consideration.

RECOMMENDATION: That the City Council approve the draft ordinance amending Chapter 2, Article I, Section 2-1 of the Porterville Municipal Code to remove the requirement that Council Meetings adjourn no later than 9:45 p.m.; give first reading of the ordinance; and order it to print.

ATTACHMENT: 1) Municipal Code Section 2-1
2) Draft Ordinance
2-1: TIME AND PLACE OF REGULAR MEETINGS

Pursuant to section 10 of the city charter, regular meetings of the Porterville city council shall be held on the first and third Tuesday of each month in the city hall, at 291 North Main Street in the city. The regular meetings will commence at five thirty o'clock (5:30) P.M., with closed sessions commencing at five thirty o'clock (5:30) P.M., and open session commencing at six thirty o'clock (6:30) P.M. The council meetings shall adjourn no later than nine forty five o'clock (9:45) P.M. unless otherwise approved by a majority vote of the city council members present. (Ord. 1766, 8-17-2010)

Footnotes - Click any footnote link to go back to its reference.

Footnote 1: See charter sections 8 and 9.
Footnote 2: See charter sections 9, 10 and 11.
Footnote 3: See charter section 10.
Footnote 4: See charter section 10.
ORDINANCE NO. ______

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, ARTICLE I, SECTION 2-1, TIME AND PLACE OF REGULAR MEETINGS, OF THE PORTERVILLE MUNICIPAL CODE

THE COUNCIL OF THE CITY OF PORTERVILLE DOES HEREBY ORDAIN AS FOLLOWS:

A. That Chapter 2, Article I, Section 2-1, Time and Place of Regular Meetings, of the Porterville Municipal Code is hereby amended to read as follows:

   Sec. 2-1. Time and Place of Regular Meetings.

   Pursuant to Section 10 of the City Charter, regular meetings of the Porterville City Council shall be held on the first and third Tuesday of each month in the City Hall, at 291 North Main Street in the City. The regular meetings will commence at 5:30 p.m., with closed session commencing at 5:30 p.m., and open session commencing at 6:30 p.m.

B. This Ordinance and Code amendment shall be in full force and effect thirty (30) days from and after its publication and passage.

PASSED, APPROVED, AND ADOPTED this _____ day of October, 2012.

Virginia R. Gurrola, Mayor

ATTEST:

John D. Lollis, City Clerk

By: Patrice Hildreth, Chief Deputy City Clerk

ATTACHMENT NO. 2
AGENDA: OCTOBER 2, 2012

JOINT CITY COUNCIL/SUCCESSOR AGENCY

SUBJECT: CONFLICTS OF INTEREST (HEALTH & SAFETY CODE SECTIONS 33130 AND 33130.5) IN REGARD TO THE FORMER REDEVELOPMENT AGENCY AND CITY COUNCIL ACTING AS SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY

SOURCE: COMMUNITY DEVELOPMENT DEPARTMENT

COMMENT: On September 4, 2012, City Council requested an information item be scheduled for Council/Board discussion in regards to Successor Agency (formerly Redevelopment Agency) Conflicts of Interest (Health & Safety Code Sections 33130 and 33130.5) as it pertains to City Council and City Council Acting as Successor Agency to the Porterville Redevelopment

Attached is a memorandum from Vanessa Locklin, Special Counsel to the City, summarizing the provisions of the above mentioned Health & Safety Code Sections. Special Counsel will be present to present this information and to discuss and answer any questions in regard to potential Conflicts of Interest.

RECOMMENDATION: For City Council/Successor Agency information only.

ATTACHMENT: Memorandum from Vanessa Locklin, Special Counsel to City
MEMORANDUM

TO: Porterville City Council
    and
    Porterville City Council,
    Acting as Successor Agency to the
    Porterville Redevelopment Agency

FROM: Vanessa S. Locklin, Special Counsel to City

DATE: September 25, 2012

SUBJECT: Health & Safety Code Sections 33130 and 33130.5 and applicability after the
dissolution of the former Porterville Redevelopment Agency

Following is a summary outline of the provisions of Health & Safety Code1 Sections 33130 and
33130.52 and an analysis of the applicability of these provisions following the dissolution of the
former Porterville Redevelopment Agency ("Former Agency").

Health & Safety Code Section 33130

I. Applicable to Successor Agency and City Officials and Employees. Section 33130 applies to
officers and employees of the “agency or community.” Section 33130.5 applies to officers,
employees, consultants, or agents of the “agency or community.” Prior to the dissolution of all
redevelopment agencies in the state on February 1, 2012 pursuant to AB1x 26, “agency” referred to
redevelopment agencies (such as the Former Agency) and “community” referred to cities and
counties that formed redevelopment agencies (such as the City of Porterville). Now, this language
applies to officers and employees of the Successor Agency to the Former Agency ("Successor
Agency") and the City.

1 Statutory references are to the Health & Safety Code unless otherwise noted.
2 The full text of Sections 33130 and 33130.5 is attached as Exhibit A to this memorandum.
A. **Applicability after Dissolution of the Former Agency.** The applicability of Section 33130 is limited to officers and employees who, in the course of their duties, are “required to participate in the formulation of, or to approve plans or policies for, the redevelopment of a project area.” Despite the dissolution of the Former Agency, the Porterville Redevelopment Project No. 1 and the Redevelopment Plan adopted with respect thereto remain in place. Further, the Community Redevelopment Law has not been repealed (except the provisions that depend on the allocation of tax increment to redevelopment agencies\(^3\)); in fact, officers and employees of the City and Successor Agency likely will have opportunities in the future to “approve plans and policies for ... the redevelopment of” Porterville Redevelopment Project No. 1.\(^4\) Therefore, Sections 33130 and 33130.5 continue to apply to officers and employees of both the Successor Agency and the City.\(^5\)

B. **Applicability to City Council Members.** Because Sections 33130 and 33130.5 apply to officers/employees of both the Successor Agency and the City, these provisions apply to City Council members regardless of whether they also serve on the governing body of the Successor Agency. Therefore, even if a City Council member withdraws from participation in the Successor Agency board as permitted by Section 33220, the City Council member will still be prohibited from acquiring property interests within Porterville Redevelopment Project No. 1 due to his or her participation on the City Council.

II. **Prohibition against Acquiring Property Interests.** Section 33130(a) prohibits the officers and officials described above from acquiring “any interest in any property included within a project area within the community.” As applied to the City of Porterville, this means no officer/employee of the

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\(^3\) Section 34189(a).

\(^4\) See Section 34191.5, which permits the Successor Agency, after obtaining a Finding of Completion pursuant to Section 34179.7, to dispose of property pursuant to a long-range property management plan that addresses the use and disposition of real properties of the Former Agency, including for purposes of future development. See also Section 34176, which permits the housing successor agency (in this case, the City of Porterville) to enforce affordability covenants and to use Housing Assets, including loan and grant repayments, to do future housing projects.

\(^5\) As used herein, “officers/employees” refers to the officers, employees, consultants and agents of the Successor Agency and City, to whom Sections 33130 and/or 33130.5 are applicable.
City of Porterville and
City of Porterville, Acting as Successor Agency to the Porterville Redevelopment Agency
Health and Safety Code Sections 33130 and 33130.5
September 25, 2012
Page Three

City or Successor Agency may acquire any property interest located within the Porterville Redevelopment Project No. 1. The prohibition broadly applies to “any interest in any property”; therefore, real property, easements, trust deeds, and other interests in property are included within the prohibition.

III. Disclosure of Property Interests. As applied to the City of Porterville, Section 33130(a) provides that, if an officer/employee has a prohibited interest, they must “immediately” disclose the interest to the Successor Agency Board and the City Council. The disclosure must be entered on the minutes and failure to make the disclosure constitutes “misconduct in office.”

IV. Exceptions. Section 33130, subdivisions (b) and (c) contain the following exceptions to the prohibition set forth in Section 33130(a):

A. Business Re-Entry. Section 33130(b) permits officers/employees to acquire otherwise prohibited interests in property for the purpose of participating as an owner or reentering into business pursuant to the Community Redevelopment Law; provided, the officer/employee must have owned substantially the same interest for the three years immediately preceding the selection of the project area.

B. Commercial Rental Agreement. Section 33130(c) permits officers/employees to enter into a rental agreement that meets all of the following conditions:

(1) “Substantially equivalent” terms must be available to members of the general public for comparable property in the project area.

(2) The agreement must prohibit any subletting or assignment at a profit.

(3) The property being rented must be used for the principal business, occupation, or profession of the officer/employee.

(4) The officer/employee must “immediately” disclose the interest to the Successor Agency and City Council.
C. **Personal Residential Use.** Section 33130.5 permits officers/employees to purchase or lease property within the Project Area for “personal residential use.” The Successor Agency must first certify that the improvements to be constructed on the subject property have been completed or that no improvements are needed on the property. The officer/employee must “immediately” disclose the interest to the Successor Agency Board and the City Council. The disclosure must be entered on the minutes and failure to make the disclosure constitutes “misconduct in office.” The officer/employee is thereafter disqualified from voting on matters directly affecting such purchase, lease, or residency.

V. **Disclosure Requirements.** An officer/employee that has or obtains an interest in property in the project area must “immediately” disclose that fact to the Successor Agency and City, in writing, in each of the following circumstances:

A. **Disclosure upon Entering Office.** Immediate written disclosure is required in the event an officer/employee owns an otherwise prohibited interest in property at the time the officer/employee enters the office or employment position that brings them within the scope of Section 33130. The disclosure must also be entered on the minutes.

B. **Disclosure upon Acquiring Property.** Immediate written disclosure is required in the event an officer/employee obtains an interest in property that would be prohibited by Section 33130(a) but falls into one of the exceptions described in Section 33130(c) or Section 33130.5.\(^6\)

C. **Acquisition of Property in Violation of Section 33130(a).** Neither Section 33130 nor Section 33130.5 provides that a violation of Section 33130(a) can be cured, by disclosing the fact that the officer/employee acquired a prohibited property interest or by re-selling the property or otherwise.

\(^6\) Section 33130.5 also requires the written disclosure to be entered on the minutes.
VI. Misconduct in Office. Both Sections 33130 and 33130.5 provide that failure to disclose "constitutes misconduct in office." The Institute for Local Government addressed the issue of misconduct in office, as follows:

The statutory language [of 33130 and 33130.5] could be clearer, but it appears that violation of these requirements constitutes misconduct in office. The usual penalty for misconduct in office is removal from office based upon grand jury proceedings and then judicial pronouncement.\(^7\)

"The apparent purpose of section 33130 is 'to prevent conflicts of interest in a member of a redevelopment agency with respect to property within the redevelopment area under the jurisdiction of that agency.'\(^8\) As noted above, neither Section 33130 nor Section 33130.5 provides a means to cure a violation of Section 33130(a).

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EXHIBIT A

HEALTH & SAFETY CODE SECTIONS 33130 & 33130.5

Section 33130.

(a) No agency or community officer or employee who in the course of his or her duties is required to participate in the formulation of, or to approve plans or policies for, the redevelopment of a project area shall acquire any interest in any property included within a project area within the community. If any such officer or employee owns or has any direct or indirect financial interest in property included within a project area, that officer or employee shall immediately make a written disclosure of that financial interest to the agency and the legislative body and the disclosure shall be entered on the minutes of the agency and the legislative body. Failure to make the disclosure required by this subdivision constitutes misconduct in office.

(b) Subdivision (a) does not prohibit any agency or community officer or employee from acquiring an interest in property within the project area for the purpose of participating as an owner or reentering into business pursuant to this part if that officer or employee has owned a substantially equal interest as that being acquired for the three years immediately preceding the selection of the project area.

(c) A rental agreement or lease of property which meets all of the following conditions is not an interest in property for purposes of subdivision (a):

1. The rental or lease agreement contains terms that are substantially equivalent to the terms of a rental or lease agreement available to any member of the general public for comparable property in the project area.

2. The rental or lease agreement includes a provision which prohibits any subletting, sublease, or other assignment at a rate in excess of the rate in the original rental or lease agreement.

3. The property which is subject to the rental or lease agreement is used in the pursuit of the principal business, occupation, or profession of the officer or employee.

4. The agency or community officer or employee who obtains the rental or lease agreement immediately makes a written disclosure of that fact to the agency and the legislative body.
Section 33130.5.

Notwithstanding any other provisions of law, an officer, employee, consultant, or agent of the agency or community, for personal residential use, may purchase or lease property within a project area after the agency has certified that the improvements to be constructed or the work to be done on the property to be purchased or leased have been completed, or has certified that no improvements need to be constructed or that no work needs to be done on the property. Any such officer or employee who purchases or leases such property shall immediately make a written disclosure to the agency and the legislative body, which disclosure shall be entered on the minutes of the agency. Any such officer or employee shall thereafter be disqualified from voting on any matters directly affecting such a purchase, lease, or residency. Failure to so disclose constitutes misconduct in office.