

**CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CA 93257 and
1155 KELVIN ROAD
EL SOBRANTE, CA 94803
AUGUST 7, 2012, 5:30 P.M.**

Call to Order at 5:35 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived at 6:00 p.m.), Council Member Hamilton (attended via teleconference), Mayor Gurrola

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 625 Oakmont Avenue. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Tulare County Employees Credit Union. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 261-200-005, and 261-200-006. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Robert C. and Eduarda Stevens. Under Negotiation: Terms and Price.

3- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiators: John Lollis, Steve Kabot and Patrice Hildreth. Employee Organizations: Porterville City Employees Association.

4- 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.

5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member Greg Shelton

Invocation – one individual participated.

AB 1234 REPORTS

1. Council of Cities: Council Member McCracken reported that a Memorandum of Understanding was on the Agenda that evening, Item 30, pertaining to the ongoing

negotiations between the County and the Council of Cities relative to development and revenue sharing.

2. Consolidated Waste Management Authority (CWMA): Council Member McCracken spoke of information received from County staff regarding potential fee increases and reduced days of operation at the Teapot Dome landfill, and that the CWMA would be discussing the matter.
3. Indian Gaming Local Community Benefit Committee: Council Member Ward reported that the Committee was currently reviewing its by-laws.
4. Tulare County Economic Development Corporation: City Manager Lollis advised the TCEDC's annual meeting had been held during which time the election of officers took place, as well as a review of the annual report and work plan for the upcoming year.
5. Business Incentive Zone: City Manager Lollis reported that the transition from BIZ to Enterprise Zones was discussed at the recent meeting.

REPORTS

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission: Acting Parks & Leisure Services Director Moore updated the Council on the Commission's activities, including a review of the budget and various division reports.
 2. Transactions and Use Tax (Measure H) Oversight Committee: No report was provided.
- II. Staff Informational Items:
 1. Street Performance Measure – 4th Quarter Report
 2. Code Enforcement Quarterly Update
 3. Attendance Report for City Commissions and Committees
 4. Car Wash Permits/Approvals
 5. Update on Status of Transit Grant Applications

ORAL COMMUNICATIONS

- Isabel Olmos, Family Healthcare Network, invited everyone to the opening of their new dental office to take place at the FHCN site on Highway 190 on Wednesday, August 15th at 3:30 p.m.
- Bob Keenan, Home Builders Association of Tulare/Kings County, requested and was granted the opportunity to speak during the Council's consideration of Items 30 and 31.
- Nancy Dye, a Porterville resident, spoke of toxic mold in classrooms within the Porterville Unified School District and of the District's inaction; and requested the City's assistance in moving forward legislation to require school districts to protect children from exposure to toxic molds.
- Terri Irish, 786 North Prospect, spoke of the need for transparency with regard to Council Members receiving free tickets to events; and requested that the Council consider adopting a policy addressing same.
- John Coffee, a Porterville resident, 1) requested that the City send condolences to

the Sikh community in Wisconsin and engage the local Sikh community regarding any safety concerns; 2) spoke of the need for increasing awareness of bicycle safety and more stringent enforcement of violations; and 3) spoke of traffic flow/parking concerns at Sequoia Middle School and the need for new striping/curb painting to better distinguish no-parking areas.

- Brock Neeley, a Porterville resident, thanked Council Member Ward and Mayor Gurrola for their disclosure regarding their receipt of tickets to the Freedom Fest event.
- Tiffany Camat came forward on behalf of former Youth Commission Chairman Dalton Rogers and voiced support for the appointment of Sandra Romero as the youth representative on the Arts Commission.

CONSENT CALENDAR

Item No. 8 was removed by staff and continued to the next meeting.

Council Member Shelton advised of conflicts of interest with Item Nos. 3, 5, 6, 9 and 13 and noted his abstention from the vote on those items.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 7, and 9 through 23.

1. CITY COUNCIL MINUTES OF JULY 31, 2012

Recommendation: That the City Council approve the Minutes of July 31, 2012.

Documentation: M.O. 01-080712

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – DIGESTER TRANSFER LINE PROJECT

Recommendation: That the City Council:

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

Documentation: M.O. 02-080712

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – MILL STREET SEWER PROJECT

Recommendation: That the City Council:

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

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

Documentation: M.O. 03-080712
Disposition: Approved.

4. AWARD OF CONTRACT – NEWCOMB STREET & BEVERLY STREET SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:
1. Award the Newcomb Street and Beverly Street Shoulder Stabilization Project to Central Valley Asphalt in the amount of \$728,347.36; and
2. Authorize a 10% contingency to cover unforeseen construction costs and \$57,180.62 for construction management, quality control and inspection.

Documentation: M.O. 04-080712
Disposition: Approved.

5. AWARD OF CONTRACT – OLIVE AVENUE COURTHOUSE BUS TURNOUT

Recommendation: That the City Council:
1. Award the Olive Avenue Courthouse Bus Turnout Project to Halopoff & Sons in the amount of \$30,752.30; and
2. Authorize a 10% contingency to cover unforeseen construction costs and \$7,000 for construction management, quality control and inspection.

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

Documentation: M.O. 05-080712
Disposition: Approved.

6. AWARD OF CONTRACT – RAILS TO TRAILS CLASS I TRAIL EXTENSION PROJECT (CMAQ PORTION) (OLIVE AVENUE TO HERITAGE CENTER)

Recommendation: That the City Council:
1. Award the Rails to Trails Class I Trail Extension Project to Halopoff & Sons in the amount of \$75,195.10; and
2. Authorize a 10% contingency to cover unforeseen construction costs and \$11,000 for construction management, quality control and inspection.

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

Documentation: M.O. 06-080712
Disposition: Approved.

7. AWARD CONTRACT – TRIPLE COMBINATION PUMPER

Recommendation: That the City Council:

1. Award the contract for a new Triple Combination Pumper Fire Apparatus to Fire Trucks West of Meridian, ID, in the amount of \$375,258.37; and
2. Authorize pre-payment of the chassis and progress payments as required upon satisfactory build-out of the equipment.

Documentation: M.O. 07-080712
Disposition: Approved.

9. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT – DESIGN EFFORTS FOR VARIOUS PARKS AND LEISURE SERVICES DEPARTMENT PROJECTS

Recommendation: That the City Council:

1. Approve the draft resolution affirming the City Council’s support of the Tule River Parkway Projects and the Veteran’s Park Trailway Improvement Project;
2. Authorize the Mayor and City Manager to execute the Supplemental Agreement for design of each project; and
3. Direct the City Clerk to transmit the executed Supplemental Agreements to the Local Transportation Authority.

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

Documentation: Resolutions 82-2012, 83-2012 and 84-2012
Disposition: Approved.

10. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – NEWCOMB STREET AND BEVERLY STREET SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:

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

Documentation: Resolution 85-2012

Disposition: Approved.

11. SUPPORT TO AMEND THE FINAL 2006 ½ CENT TRANSPORTATION SALES TAX MEASURE EXPENDITURE PLAN

Recommendation: That the City Council:

1. Approve the draft resolution affirm the City Council's support of the proposed amendment to the 2006 Measure R Expenditure Plan;
2. Authorize the Mayor and City Manager to execute the draft resolution; and
3. Direct the City Clerk to transmit the executed resolution to Tulare County Transportation Authority for consideration.

Documentation: Resolution 86-2012

Disposition: Approved.

12. AUTHORIZATION TO SEND TWO (2) TRANSIT EMPLOYEES TO GFI GENFARE FAREBOX TRAINING

Recommendation: That the City Council:

1. Approve the travel expenses for one (1) transit and one (1) maintenance employee for the three-day training class on the GFI electronic fareboxes; and
2. Authorize staff to schedule training with GFI Genfare and prepare all training and travel documents.

Documentation: M.O. 09-080712

Disposition: Approved.

13. AUTHORIZATION TO ENTER INTO A MEMORANDUM OF UNDERSTANDING FOR TRANSIT SERVICE TO THE TULE RIVER INDIAN RESERVATION

Recommendation: That the City Council:

1. Approve the draft Memorandum of Understanding between the Tule River Indian Reservation and the City of Porterville for transit service to the Reservation; and
2. Authorize the Mayor to sign the Memorandum of Understanding.

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

Documentation: M.O. 10-080712
Disposition: Approved.

14. 2011 SAFER GRANT (STAFFING FOR ADEQUATE FIRE AND EMERGENCY RESPONSE)

Recommendation: That the City Council:
1. Accept the 2011 SAFER Grant Award;
2. Authorize an increased allocation of reserve (part-time) firefighters from 20 to 30; and
3. Authorize staff to implement the grant-funded stipend program for reserve firefighters.

Documentation: M.O. 11-080712
Disposition: Approved.

15. LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND DONALD'S CHILDREN'S AMUSEMENT FOR THE OPERATION OF A TRACKLESS TRAIN

Recommendation: That the City Council approve the License Agreement between the City of Porterville and Donald's Children's Amusement.

Documentation: M.O. 12-080712
Disposition: Approved.

16. RENEWAL OF PERSONNEL EXAMINING SERVICES AGREEMENT BETWEEN CITY OF PORTERVILLE AND COOPERATIVE PERSONNEL SERVICES

Recommendation: That the City Council approve the draft resolution authorizing the renewal of the Test Security Agreement with Cooperative Personnel Services, and authorize the City Manager or his designee to sign on behalf of the City.

Documentation: Resolution 87-2012
Disposition: Approved.

17. PRELIMINARY INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the preliminary interim financial status reports as presented.

Documentation: M.O. 13-080712

Disposition: Approved.

18. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 14-080712

Disposition: Approved.

19. APPROVAL FOR COMMUNITY CIVIC EVENT – AMERICAN CANCER SOCIETY – BARK FOR LIFE – AUGUST 11, 2012

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit ‘A’ of the Community Civic Event Application.

Documentation: M.O. 15-080712

Disposition: Approved.

20. APPROVAL FOR COMMUNITY CIVIC EVENT – THE AMERICAN CANCER SOCIETY – RELAY FOR LIFE – OCTOBER 5-7, 2012

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement submitted by the American Cancer Society, subject to the stated requirements contained in the Application, Agreement and Exhibits ‘A’ and ‘B’; and
2. Allow for Veteran’s Park to remain open at all hours of the day during the event.

Documentation: M.O. 16-080712

Disposition: Approved.

21. APPOINTMENT OF MEMBERS TO THE ARTS COMMISSION

Recommendation: That the City Council approve the appointment of Roger Merryman, Alex Schooler, Monte Reyes, and Sandra Romero to the Arts Commission for a one year term.

Documentation: M.O. 17-080712

Disposition: Approved.

22. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 18-080712

Disposition: Approved.

23. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER THE DRAFTING AND ADOPTION OF A RESOLUTION OF SUPPORT FOR CEQA REFORMS

Recommendation: Council Member Ward makes the motion that the City Council approve the drafting and consideration of the adoption of a Resolution of Support for CEQA reforms.

Documentation: M.O. 19-080712

Disposition: Approved.

8. AWARD AIRPORT DRY FARM LEASE

Recommendation: That the Council approve the award of a five-year lease between the City of Porterville and Justin Nuckols Farming, of Porterville, CA, for dry farming at the Porterville Municipal Airport and authorize the Mayor to execute the Lease Agreement.

Disposition: Continued to August 21, 2012.

PUBLIC HEARINGS

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

Recommendation: That the City Council:

1. Consider the proposed amendments to the Development Ordinance and, if approved, give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

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

The public hearing was opened at 7:12 p.m.

- Rhonda Hunter, Tule River Tribal Council, reiterated the Tribe's opposition to the proposed code amendment.

The public hearing was closed at 7:13 p.m.

A discussion took place regarding the process. Staff clarified what was being considered by the Council, and advised that the Council could reconsider the item at a later time should no action be taken. Council Member Shelton then spoke in favor of waiting on any amendments to the code relative to card tables.

Disposition: No action taken.

The Council recessed for five minutes at 7:16 p.m.

25. CONDITIONAL USE PERMIT 2012-007 TO ALLOW FOR A 60 FT. HIGH COMMUNICATIONS TOWER AT 1809 SOUTH NEWCOMB STREET FOR SOUTHERN CALIFORNIA GAS COMPANY

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 2012-007, subject to conditions of approval.

The City Manager introduced the item, and communicated staff's request to re-notice the item for the next meeting.

Disposition: Continued to August 21, 2012.

SECOND READINGS

26. ORDINANCE 1790, ZONE CHANGE FROM VARIOUS ZONES TO RM-3 (HIGH DENSITY RESIDENTIAL) FOR MULTIPLE AREAS THROUGHOUT THE CITY

Recommendation: That the City Council give Second Reading to Ordinance No. 1790, waive further reading, and adopt said Ordinance.

The item was introduced by City Manager Lollis, and Council Member Shelton recused himself due to a conflict regarding ownership of property. Mr. Lollis then presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1790, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF

PORTERVILLE APPROVING ZONE CHANGE FROM VARIOUS ZONES TO RM-3 (HIGH DENSITY RESIDENTIAL) FOR MULTIPLE AREAS THROUGHOUT THE CITY.

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

The Ordinance was read by title only.

Documentation: Ordinance 1790
Disposition: Approved.

SCHEDULED MATTERS

27. RATIFICATION OF FISCAL YEAR 2012-2013 BUDGET

Recommendation: The City Manager recommends that the City Council consider ratification of the adopted 2012-2013 Fiscal year Budget, including any modifications and for the time period designated by the Council.

City Manager Lollis introduced the item and the presented the staff report. A discussion ensued regarding the possible taking of the City's sales tax revenues by the State, which could affect the budget by as much as 12%.

Vice Mayor McCracken moved to ratify the adopted 2012-2013 Fiscal Year Budget. The motion was seconded by Council Member Hamilton.

City Manager Lollis provided a breakdown of the Promotions Account at the request of Council Member Shelton, which included membership dues and professional services. Council Member Shelton voiced his concerns regarding funds budgeted for the Chamber of Commerce and the Tulare County Economic Development Corporation. He then made a motion to reduce the Chamber of Commerce budget allocation by \$5,000, and appropriate \$5,000 in the budget for the Porterville City Firefighter Association's annual chili cook-off. The motion died for lack of a second. Council Member Shelton spoke in favor of a bid process for community promotion services.

City Manager Lollis spoke of the Council's General Fund Reserve Policy, specifically Special Purpose Reserve Funds. Following his comments, Council Member Shelton made a motion to allocate \$5,000 to Porterville City Firefighters Association from the Special Purposes Reserve Funds. The motion died for lack of a second, and the Council discussed considering use of Special Purposes funds as a separate item on a future agenda.

Council Member Ward expressed concern regarding the proportion of Measure H to General Fund monies allocated for library materials, and proposed that a policy amendment be considered which would prevent supplanting. In response, Vice Mayor McCracken made a motion to amend the

Measure H Expenditure Plan, specifically regarding library materials, to prevent Measure H funds from being spent until the General Fund had expended an amount equal to the five-year average prior to Measure H. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council amend to suspend the \$90,000 allocated for library literacy materials from Measure H, and bring back on August 21 for consideration of possible policy.

M.O. 21-080712

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council amend to separate the Chamber allocation of \$35,000 from the Promotions Account budget for consideration and action.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve/ratify the adopted 2012-2013 Fiscal Year Budget, as amended to suspend the \$90,000 allocated for library literacy materials from Measure H.

M.O. 22-080712

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

Documentation: M.O. 21-080712; and M.O. 22-080712

Disposition: Approved.

The Council recessed for five minutes.

There was a brief discussion regarding the separate consideration of the library literacy materials line item budget, and when that would take place.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council postpone consideration of an amendment to

M.O. 23-080712 the Measure H Expenditure plan regarding library literacy materials to August 21, 2012. The motion carried unanimously.

Disposition: Postponed to August 21, 2012.

28. CONSIDERATION OF APPOINTMENT TO THE PARKS & LEISURE SERVICES COMMISSION

Recommendation: That the City Council appoint one individual to fill the seat vacated by Mr. Case Lok with a term scheduled to expire in October 2013.

City Manager Lollis introduced the item, and proposed its postponement to allow for the usual ballot voting process. Council Member Hamilton, who was participating via teleconference stated that he would not object to the Council's consideration of the item. Vice Mayor McCracken voiced his reluctance to appoint non-registered voters to boards and commissions, and noted that Mr. Bennett was a registered voter.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council appoint Mr. Shannon Bennett to the Parks and Leisure Services Commission with a term schedule to expire in October of 2013. The motion carried unanimously.

Documentation: M.O. 24-080712
Disposition: Member appointed.

29. ENVIRONMENTAL REVIEW OF THE JAYE STREET BRIDGE WIDENING PROJECT

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Jaye Street Bridge Widening Project.

City Manager Lollis introduced the item, and the staff report was presented by Assistant Planner Jenni Byers.

- Gail Lemmen, 1194 W. Glen Court, inquired about the location of the bike path.

Staff elaborated on the plans, noting that it would be the same as Main Street.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the resolution approving the Mitigated Negative Declaration for the Jaye Street Bridge Widening Project. The motion carried unanimously.

Documentation: Resolution 88-2012
Disposition: Approved.

30. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING BETWEEN COUNTY OF TULARE AND TULARE COUNTY COUNCIL OF CITIES REGARDING COUNTY GENERAL PLAN UPDATE

Recommendation: That the City Council consider the Memorandum of Understanding between the County of Tulare and the City of Dinuba, as well as proposed amendments to the agreement, and provide direction accordingly.

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

Mike Ennis, Tulare County Supervisor District No. 5, and Jean Rousseau, Tulare County Chief Administrative Officer, addressed questions regarding: the basis for the 8% calculation; the County's facilities report and nexus study; impact fees; and perceived threats by the County with regard to future City projects. Mr. Rousseau spoke of the importance of the County and City working as partners, and the intent of the MOU.

Bob Keenan, President and CEO of Homebuilder's Association of Tulare/Kings Counties, spoke in opposition of the proposed MOU, which he described as an unlawful delegation and an illegal contract which would allow the County to collect fees outside their jurisdiction.

Vice Mayor McCracken made a motion to approve as presented, which died for lack of a second.

City Attorney Lew addressed comments made regarding the legality of the proposed MOU, advising that the area was not tested and the legality was therefore unknown. Ms. Lew also spoke of language regarding indemnification, which she was not comfortable with, and the absence of an opt-out clause.

Various members of the Council shared their reservations with regard to the MOU.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council reject the proposed MOU, and direct continued negotiations.

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

After a discussion regarding Council of Cities, the Council directed that negotiations continue.

Documentation: None.
Disposition: Council direction given.

31. APPROVAL OF AMENDMENT TWO TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS JOINT POWERS AGREEMENT

- Recommendation: That the City Council:
1. Review the full breadth of Amendment Two to the "Tulare County Association of Governments Joint Powers Agreement";
 2. If approved, authorize the Mayor to execute the proposed "Tulare County Association of Governments Joint Powers Agreement" resolution; and
 3. If approved, authorize the Mayor to execute the Master Agreement when said Master Agreement is made available to the City for signature.

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

The Council discussed the proposed amendment, as well as consequences should the City decide not to approve. The Mayor noted the late hour, and inquired as to whether the item required immediate action.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve continuation of the item to August 21, 2012.

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

Documentation: M.O. 25-080712
Disposition: Continued to August 21, 2012.

32. DESIGNATION OF VOTING DELEGATE AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES 2012 ANNUAL CONFERENCE

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

City Manager Lollis introduced the item and presented the staff report. Vice Mayor McCracken confirmed his attendance.

Council Member Ward made a motion to designate the Vice Mayor as the voting delegate for the City of Porterville at the League of California Cities 2012 Annual Conference. The motion was seconded by Council Member Shelton, who then amended the motion to include the designate of Council Member Hamilton as the alternate.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council amend the motion to include the designate of Council Member Hamilton as the voting alternate. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council designate Vice Mayor McCracken as voting delegate, as amended to include designation of Council Member Hamilton as alternate. The motion carried unanimously.

Documentation: M.O. 26-080712; and M.O. 27-080712

Disposition: Voting delegates designated.

33. CONSIDERATION OF CITY COUNCIL'S PROCEDURAL HANDBOOK

Recommendation: That the City Council consider its Procedural Handbook, and direct staff accordingly.

The City Manager introduced the item.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council continue the item to the next meeting. The motion carried unanimously.

Documentation: M.O. 28-080712

Disposition: Continued to August 21, 2012.

The Council adjourned at 10:13 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY

MINUTES

291 N. MAIN STREET, PORTERVILLE, CA 93257 and

1155 KELVIN ROAD, EL SOBRANTE, CA 94803

AUGUST 7, 2012

Roll Call: Member Ward, Vice Chairman McCracken, Member Shelton, Member Hamilton, Chairwoman Gurrola

WRITTEN COMMUNICATIONS

None

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

SA-01. SUCCESSOR AGENCY REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

- Recommendation: That the Successor Agency:
1. Approve the Successor Agency's proposed Administrative Budget for the period of January 1, 2013, through June 30, 2013, prepared pursuant to Health & Safety Code section 34177(j); and
 2. Adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

City Manager Lollis introduced the item, and Member Shelton recused himself from due to a conflict to of interest. The staff report was waived at the Council's request.

AGENCY ACTION: MOVED by Vice Chair McCracken, SECONDED by Agency Member Ward that the City Council approve the Successor Agency's proposed Administrative Budget for the period of January 1, 2013, through June 30, 2013, prepared pursuant to Health & Safety Code section 34177(j); and adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

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

Documentation: Resolution 2012-04
Disposition: Approved.

SA-02. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

- Recommendation: That the Successor Agency:
1. Approve the Third Recognized Obligation Payment Schedule (Third ROPS) provided that should any modification be required to the Third ROPS by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the Third ROPS to requirements imposed by the DOF; and

2. Adopt Successor Agency Resolution approving the Third ROPS for the period of January 1, 2013 through June 30, 2013 and directing Successor Agency staff to submit the Third ROPS to the Oversight Board.

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the Third Recognized Obligation Payment Schedule (Third ROPS) provided that should any modification be required to the Third ROPS by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the Third ROPS to requirements imposed by the DOF; and adopt Successor Agency Resolution approving the Third ROPS for the period of January 1, 2013 through June 30, 2013 and directing Successor Agency staff to submit the Third ROPS to the Oversight Board.

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

Documentation: Resolution 2012-05
Disposition: Approved.

The Successor Agency adjourned at 10:16 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

None

The Council recessed for five minutes at 10:17 p.m., and then reconvened in Closed Session.

CLOSED SESSION

A-1- GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 625 OAKMONT AVENUE. AGENCY NEGOTIATOR: JOHN LOLLIS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND TULARE COUNTY EMPLOYEES CREDIT UNION. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the City Council authorize staff to open escrow in the amount of \$89,100 for the property located at 625 Oakmont Avenue, with City paying normal and customary escrow fees; authorize the Mayor to sign all necessary documents; and authorize staff to record all documents with the County Recorder to close escrow by August 10, 2012, to meet the deadline set by the Department of Housing and Community Development. The motion carried unanimously.

Documentation: Resolution 89-2012

Disposition: Approved.

ADJOURNMENT

The Council adjourned at 10:45 p.m. to the meeting of August 21, 2012.

SEAL

Luisa M. Herrera, Deputy City Clerk

Virginia R. Gurrola, Mayor