

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
MAY 6, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member McCracken, Council Member Shelton, Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton

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

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

Roll Call: Agency Member McCracken, Agency Member Shelton, Agency Member Gurrola, Vice Chair Ward, Chair Hamilton

**ORAL COMMUNICATIONS**

None

**JOINT CITY COUNCIL/AGENCY CLOSED SESSION:**

- A. Closed Session Pursuant to:  
1- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

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

**CITY COUNCIL CLOSED SESSION:**

- B. Closed Session Pursuant to:  
1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-003. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Johnnie Barber. Under Negotiation: Terms and Price  
2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price  
3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-182-009. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Pacifica First National, Inc. Under Negotiation: Terms and Price.  
4- Government Code Section 54956.8 – Conference with Real Property

Negotiators/Property: APN 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and R & B Resources, Inc. Under Negotiation: Terms and Price.

5 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

6- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Cynthia Bowles and Antonio Sousa v. City of Porterville, et al., United States Court of Appeals, Ninth District, Case No.: D.C. No. 1:10-cv-00937-LJO-GSA.

7- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning correspondence served from the State Department of Industrial Relations served on April 16, 2014, pertaining to wages paid on the Olive Avenue Rehabilitation Project.

**6:35 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew stated that no reportable action had taken place.

Pledge of Allegiance Led by Mayor Cameron Hamilton  
Invocation – two individuals participated.

**PRESENTATIONS**

Employee of the Month – Debbie Salter

**PROCLAMATIONS**

MDA & Firefighter Month – May 2014  
Freedom Days – June 14 - July 4, 2014

**AB 1234 REPORTS**

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

1. Consolidated Waste Management Authority (CWMA) – April 17, 2014  
Council Member McCracken reported on discussion of the new budget, the upcoming election of new officers, and review of invoices received from the County.
2. Tulare County Association of Governments (TCAG) – April 21, 2014  
Council Member Gurrola reported on a workshop to review the Work Program Draft, review of the Regional Transportation Plan (RTP), the Sustainable Communities Strategy Plan, and a Public Hearing regarding the RTP.
3. TCAG’s “One Voice Trip” – April 28 – May 1, 2014  
Council Member Gurrola spoke of efforts to educate elected officials and their staff of the need for funding for new bridges and bridge projects, and communicated concerns regarding water and transportation.
4. Tulare County Economic Development Corporation (TCEDC) – April 23, 2014  
Mayor Hamilton reported on the review of the year’s Work Plan.

## **REPORTS**

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

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission – May 1, 2014 – No report.
  2. Arts Commission – April 23, 2014 – No report.
  3. Youth Commission – April 23, 2014  
Commissioners gave a presentation regarding the year’s activities and were presented certificates of recognition for their participation in the Youth Commission.
  4. Transactions and Use Tax Oversight Committee (TUTOC) – May 1, 2014  
Committee Member Russell Fletcher reported on review of the 2014/2015 preliminary budget, questioning regarding the Public Safety Building, and review of expenditures.
  
- II. Staff Informational Reports
  1. Street Performance Measure – 3<sup>rd</sup> Quarter Report – No verbal report.
  2. Code Enforcement Report, Third Quarter of FY 2013-2014 – No verbal report.
  3. Attendance Records for Commissions, Boards and Committees – No verbal report.
  4. Report on Charitable Car Washes – No verbal report.
  5. Building Permit Activity – March 2014 – No verbal report.
  6. Pioneer Water Company – Water Shares Lease – No verbal report.

## **ORAL COMMUNICATIONS**

- Ben Ennis, Porterville, spoke on behalf of himself, his wife, and the Thompson and Calleston families, expressed discontent with the severe traffic congestion due to the new Burton campus; spoke of safety concerns and efforts to meet with school representatives to remedy the situation.
- Jason Calleston, Porterville, reported that traffic is greatly effecting their lives; and requested City assistance.
- Tony Mauck, Porterville, thanked the members of the Council for their service; requested that Item No. 25 be pulled; spoke in favor of government stewardship, public utilities, public safety and safe roads, and in opposition to funding of any new programs.
- Dennis Townsend, Porterville, requested that Item No. 25 be pulled and denied due to his belief that the proposed program was pushing a sexual lifestyle, associated with LGBTQ and an indoctrination ploy.
- Michelle Ragsdale, Parents Against Bullying, extended an invitation to the planting of the Tree of Kindness at the Heritage Center on Saturday at noon.
- Olivia Carrillo, introduced parents of the Boys and Girls Club participants.
- Alejandra Solis, indicated that she had to cut back her hours at work after the Boys and Girls Club closed; spoke of her son’s experience with the Boys and Girls Club; and expressed a willingness to help.
- Maria Diaz, spoke of her autistic son’s participation in the Boys and Girls Club and of

difficulties finding child care for children with special needs.

- Gerry Quinn, stated that the issue of the Boys and Girls Club closure needed to be dealt with administratively; presented statistics regarding participation; and spoke of activities.
- Daisy Incupus, indicated that she was a volunteer at the recently closed Boys and Girls Club; spoke in support of its re-opening, of her experience as a volunteer, and of the need in the community.
- Gaylon Quenzor, Visalia, Interim Executive Director of Boys and Girls Club of the Sequoias, indicated that the Porterville site had been closed due to lack of funding; spoke of a desire to re-open the club and of the need for community support and donations.

Mayor Hamilton spoke of the need for Boys and Girls Club in Porterville, the amount of money required per year to run the program, the need for community support and funding, and the possibility of shuttling youth to Exeter for the summer months.

### **CONSENT CALENDAR**

Item Nos. 3, 8, 14, and 25 were removed for further discussion. Council Member Shelton noted conflicts relative to Item Nos. 22 and 23. City Manager Lollis advised Council Member Ward regarding his conflicts with Item Nos. 5 and 6. The Council Members indicated their abstentions on the respective items of conflict.

**COUNCIL ACTION:**      MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward, that the City Council approve Item Nos. 1, 2, 4 through 6, 9 through 13, and 15 through 24. The motion carried unanimously, with the aforementioned abstentions.

#### 1.      CITY COUNCIL MINUTES OF OCTOBER 1, 2013 AND APRIL 15, 2014

Recommendation:      That the City Council approve the Minutes of October 1, 2013, and April 15, 2014.

Documentation:      M.O. 01-050614

Disposition:      Approved.

#### 2.      REQUEST TO PURCHASE 30 POLICE DEPARTMENT PORTABLE RADIOS

Recommendation:      That the City Council authorize the purchase of 30 portable radios by the Porterville Police Department.

Documentation:      M.O. 02-050614

Disposition:      Approved.

#### 4.      AUTHORIZATION TO ADVERTISE FOR BIDS – 2013/2014 FISCAL YEAR MICRO-SURFACING 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. 03-050614

Disposition: Approved.

5. AUTHORIZATION TO NEGOTIATE A CONTRACT WITH CAROLLO ENGINEERS – DESIGN OF WASHER/GRINDER/COMPACTOR

Recommendation: That the City Council:

1. Authorize the Public Works Director to negotiate a Consultant Service Agreement with Carollo Engineers to review and evaluate five or more washer/compactor assemblies and prepare plans and specifications;
2. Authorize a "Not to Exceed" amount of \$48,000;
3. Authorize 10% contingency to cover unforeseen design issues; and
4. Authorize the Mayor to execute the Service Agreement if all terms and conditions have been met.

AYES: Shelton, McCracken, Gurrola, Hamilton

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 04-050614

Disposition: Approved.

6. AUTHORIZATION TO NEGOTIATE A CONSULTANT SERVICE AGREEMENT – ANALYSIS OF ALTERNATIVE ENERGY PRODUCTION

Recommendation: That the City Council:

1. Authorize the Public Works Director to negotiate a "Not to Exceed" \$50,000 Consultant Service Agreement with Carollo Engineers;
2. Authorize the Mayor to execute the Consultant Service Agreement with Carollo Engineers for the services described herein;
3. Direct the Public Works Director to present the findings of Phase I work to the City Council and secure Council's authorization to proceed with Phase II work; and
4. Authorize progress payments up to 100% of the fee amount.

AYES: Shelton, McCracken, Gurrola, Hamilton

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 05-050614  
Disposition: Approved.

7. AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS (RFQ)  
FOR ON-CALL CONSULTING SERVICES

Recommendation: That City Council:

1. Authorize staff to terminate the on-call consulting services contract with Quad Knopf (signed March 13, 2013); and
2. Authorize staff to distribute a Request for Qualifications for On-Call Consulting Services to backfill the vacant position on the list of available on-call consultants.

Documentation: M.O. 06-050614  
Disposition: Approved.

9. ACCEPTANCE OF PROJECT – MAIN STREET REPAIR PROJECT (N. MAIN STREET ADJACENT TO PORTER SLOUGH & S. MAIN STREET AT STATE ROUTE 190)

Recommendation: That the 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.

Documentation: M.O. 07-050614  
Disposition: Approved.

10. ACCEPTANCE OF PROJECT – MATHEW STREET SHOULDER STABILIZATION PROJECT (OLIVE AVENUE TO TOMAH AVENUE)

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

Documentation: M.O. 08-050614  
Disposition: Approved.

11. ACCEPTANCE OF THE CNG REFUSE TRUCKS, PM10 STREET SWEEPER AND 3 AXLE DUMP TRUCK

Recommendation: That the 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.

Documentation: M.O. 09-050614

Disposition: Approved.

12. THIS ITEM HAS BEEN MOVED TO SCHEDULED MATTERS.

13. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – JAYE STREET BRIDGE REHABILITATION

Recommendation: That the City Council:

1. Approve the program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

Documentation: Resolution No. 22-2014

Disposition: Approved.

15. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 34B

Recommendation: That the City Council approve the Lease Agreement between the City of Porterville and Mr. Bruce Kaiser for Lot 34B at the Porterville Municipal Airport.

Documentation: M.O. 10-050614

Disposition: Approved.

16. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 11-050614

Disposition: Approved.

17. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 12-050614

Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT – TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR – PORTERVILLE FAIR – MAY 14-18, 2014

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 13-050614

Disposition: Approved.

19. APPROVAL FOR COMMUNITY CIVIC EVENT – TULARE COUNTY MENTAL HEALTH SERVICES – FAMILY CHAMPIONS PICNIC – MAY 15, 2014

Recommendation: That the City Council approve the Community and Civic Event Application and Agreement submitted by the Tulare County Mental Health Services, subject to the stated requirements contained in the Application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 14-050614

Disposition: Approved.

20. REQUEST FOR PROCLAMATION – COMMUNITY ACTION MONTH – MAY 2014

Recommendation: That the City Council consider approval of the request to proclaim May 2014 as Community Action Month.

Documentation: M.O. 15-050614

Disposition: Approved.

21. REQUEST FOR PROCLAMATION – OLYMPIC DAY – JUNE 23, 2014

Recommendation: That the City Council consider approval of the request to proclaim June 23, 2014, as Olympic Day.

Documentation: M.O. 16-050614

Disposition: Approved.

22. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the City Council receive the status report and review of the designated local emergency.



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

Documentation: M.O. 17-050614  
Disposition: Approved.

23. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

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.

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

Documentation: M.O. 18-050614  
Disposition: Approved.

24. PORTERVILLE BOYS & GIRLS CLUB UPDATE

Recommendation: That the City Council accept staff's report, and provide any further  
direction as appropriate.

Documentation: M.O. 19-050614  
Disposition: Approved.

**PUBLIC HEARINGS**

26. MODIFICATIONS TO THE PACIFIC RIM COMMERCIAL MIXED USE  
PROJECT (PRC 2012-002)

Recommendation: That the City Council:  
1. Approve the draft ordinance amending Zone Change 2012-002;  
2. Waive further reading of the draft ordinance, approving the modifications  
to the Zone Change and order it to print; and  
3. Adopt the draft resolution containing findings and conditions in support  
of modifications to the approval of Tentative Parcel Map 2012-002.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

Council Member Shelton inquired about possible problems with traffic circulation and public safety at the project site.

The Public Hearing was opened at 8:25 p.m.

- Scott Vincent, project architect, stated that gates will be put in at the project site to mitigate safety concerns.

When no one else came forward, the Public Hearing was closed at 8:29 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton, that the City Council approve the draft ordinance amending Zone Change 2012-002; waive further reading of the draft ordinance, approving the modifications to the Zone Change and order it to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE MODIFYING ORDINANCE 1796 RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z; and adopt the draft resolution containing findings and conditions in support of modifications to the approval of Tentative Parcel Map 2012-002. The motion carried unanimously.

City Attorney Lew read the ordinance by title only.

Documentation: Ordinance No. 1810; Resolution No. 23-2014  
Disposition: Approved.

27. MINOR CONDITIONAL USE PERMIT FOR BROADCASTING FACILITY  
LOCATED AT 362 N. PORTER ROAD

Recommendation: That the City Council adopt the draft resolution approving the minor Conditional Use Permit for a broadcasting facility located at 362 N. Porter Road subject to conditions of approval.

City Manager Lollis introduced the item and Community Development Manager Julie Phillips presented the staff report.

The Public Hearing was opened at 8:35 p.m. Seeing no one, the Mayor closed the Public Hearing at 8:36 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council adopt the draft resolution approving the minor Conditional Use Permit for a broadcasting facility located at 362

N. Porter Road subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 24-2014  
Disposition: Approved.

28. CONSIDERATION OF CONDITIONAL USE PERMIT (PRC 2014-005-C) TO ALLOW FOR THE DEVELOPMENT OF A DRIVE THROUGH CAR WASH TUNNEL WITH SELF-SERVE VACUUMS LOCATED AT PORTERVILLE WEST SHOPPING CENTER

Recommendation: That the City Council adopt the draft resolution approving the Conditional Use Permit (PRC 2014-005-C) subject to conditions of approval.

City Manager Lollis introduced the item, and Associate Planner Fernando Rios presented the staff report.

Council Member Gurrola inquired about the traffic flow and corridor improvements near the project site.

The Public Hearing was opened at 8:43 p.m.

- Fred Scott, project architect, addressed the Council's questions regarding traffic flow and water drainage.
- Russell Fletcher, expressed support for the project and commended the water conservation efforts included in the project plans.
- Tony (last name inaudible), spoke in favor of the project.

The Public Hearing was closed at 8:49 p.m.

Mayor Hamilton inquired about water drainage infrastructure at the project site, and City Engineer Mike Reed provided information.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Council Member McCracken, that the City Council adopt the draft resolution approving the Conditional Use Permit (PRC 2014-005-C) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 25-2014  
Disposition: Approved.

**SCHEDULED MATTERS**

29. INTERPRETATION OF TRANSACTIONS AND USE TAX (MEASURE H) OVERSIGHT COMMITTEE ELIGIBILITY AND CONSIDERATION OF APPOINTMENTS

Recommendation: That the City Council:

1. Provide direction to staff as to whether working as an independent contractor qualifies as operating a business;
2. Reappoint those current committee members who are interested in remaining on the Committee to four-year terms to expire in May of 2018;
3. Appoint Dr. Raheel Mann to the seat vacated by Mr. Michael McDonald for a four-year term; and
4. Direct the City Clerk to advertise, if necessary, any remaining vacancies on the Committee, and notify all interested individuals of the Council's action.

City Manager Lollis introduced the item, and Administrative Services Director Hildreth presented the staff report, pointing out ambiguities in the committee's eligibility requirements.

City Attorney Lew advised the Council that they have the ability to interpret the committee's eligibility requirements, since they adopted the requirements through their own Resolution.

The Council discussed the circumstances of Mr. Grayson's eligibility and voiced their approval of all candidates for appointment.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton, that the City Council affirm that working as an independent contractor does qualify as operating a business; re-appoint Mr. Fletcher, Ms. Harris, Mr. Nebeker, and Mr. Simonich to the Committee with four-year terms to expire in May of 2018; and appoint Dr. Raheel Mann to the seat vacated by Mr. Michael McDonald for a four-year term. The motion carried unanimously.

Documentation: M.O. 20-050614

Disposition: Approved.

### 30. AUTHORIZATION TO OPERATE SHUTTLE SERVICE TO SPECIAL EVENTS

Recommendation: That the City Council:

1. Provide direction for operating a parking lot shuttle during the 2014 Porterville Fair as requested;
2. Provide direction for expanded transit service, operating hours, and passenger fares for the 2014 Porterville Fair; and
3. Provide direction for expanded transit service, operating hours, and passenger fares to the 2014 Porterville Freedom Fest on June 28, 2014.

City Manager Lollis introduced the item, and Transit Director Richard Tree presented the staff report. Mr. Tree highlighted the success of the shuttle programs in the past and noted that the City cannot legally charge the Fair for shuttle services.

Council Member Shelton expressed his support for the shuttle services provided for the Porterville Fair and Freedom Fest, but indicated his opposition to the Fair parking lot shuttle. Vice Mayor Ward stated that he would like a cap placed on the amount of money spent by the City per passenger, and Council Member Gurrola inquired about the permanence of the shuttle routes.

Council Member McCracken inquired about the arrangement with the Tule River Indian Tribe to provide City Transit services to the Eagle Mountain Casino, asking if the Tribe pays for these services. Transit Director Richard Tree indicated that the Tribe does pay for a portion of the service cost, but that their payment is to cover the riders' fares. Council Member McCracken asked if a similar arrangement could be made with the Porterville Fair.

The Council discussed the level of ridership for these special events, pointing out that ridership has historically been very low for the Fair.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the expanded transit service, operating hours, and passenger fares to the Porterville Freedom Fest for the next five years, but limit the cost per passenger to a maximum of \$10. Should the fare per passenger need to exceed \$10 for any reason, staff must return to the Council for approval. The motion carried unanimously.

Documentation: M.O. 21-050614  
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Mayor Hamilton, that the City Council deny the request to operate a parking lot shuttle during the 2014 Porterville Fair. The motion carried unanimously.

Documentation: M.O. 22-050614  
Disposition: Request denied.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton, that the City Council approve the expanded transit service, operating hours, and passenger fares for only the "Kids Day" of the 2014 Porterville Fair. The motion carried unanimously.

Documentation: M.O. 23-050614  
Disposition: Approved "Kids Day" only.

City Manager Lollis noted that the City of Porterville's transit system had been recognized as the "Outstanding Large Transportation System" in the State of California by the California Association of Coordinated Transportation.

The Council took a five-minute break at 9:22 p.m.

31. REVIEW OF CURRENT REGULATIONS PERTAINING TO YARD SALES

Recommendation: That the City Council review and discuss the information provided in the staff report and if needed, provide direction to staff.

City Manager Lollis introduced the item, and Interim Community Development Director Jenni Byers presented the staff report, noting that the State Board of Equalization requires a Seller's Permit if sales events are three or greater in a twelve-month period.

The Council discussed the levels of enforcement of yard sale limits at the City and State levels. City Attorney Lew advised that the Council could increase its limit on the number of yard sales allowed, but will need to inform residents of the State Board of Equalization requirements.

The Council directed staff to look into the possibility of increasing the number of yard sales allowed per year, in addition to the implementation of a permit process.

Disposition: Direction given.

32. PROPOSED DRAFT REVISIONS TO CITY ANIMAL CONTROL ORDINANCE

Recommendation: That the City Council consider the proposed draft revisions to the City's Animal Control Ordinance, and provide direction to staff as appropriate.

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

Vice Mayor Ward inquired about dog licensing, vaccinations, and the frequency of residents being bitten by rabid dogs. Council Member McCracken noted increased activity among cities regulating ownership of chickens, quail, and bee hives.

Chief of Police Chuck McMillan addressed the Council's questions regarding licensing fees and vaccination requirements. Vice Mayor Ward expressed his desire for more information on this item before adopting any revisions to the Animal Control Ordinance.

Mayor Hamilton made a motion to approve the draft revisions to the City's Animal Control Ordinance; however, City Attorney Lew noted that staff would need more direction on the Council's policy preferences, particularly regarding urban farming, before the ordinance would be ready for final adoption. The motion died due to lack of a second.

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

Documentation: M.O. 24-050614

Disposition: Continued.

33. FORMATION OF AN ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the draft Ordinance, and provide any further direction as appropriate.

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

Council Member Shelton proposed that the commission consist of five members instead of seven.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola, that the City Council amend the draft ordinance to form a five-member commission instead of seven; establish a quorum requirement of three members instead of four; strike the last sentence in section 5B-2; and direct staff to bring the item back for First Reading. The motion carried unanimously.

Documentation: M.O. 25-050614

Disposition: Approved, as amended; and direction given.

34. 2014 CITY-WIDE SPEED SURVEY – AMENDMENT TO TRAFFIC ORDINANCE 1162

Recommendation: That the City Council:

1. Approve the proposed Ordinance Amendment;
2. Give First Reading to the Ordinance amending *Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets*, in the City Code;
3. Authorize the Deputy City Clerk to execute the Speed Survey Status Report; and
4. Direct the City Engineer to make appropriate changes in the posted signs when the ordinance becomes effective.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken, that the City Council approve the proposed Ordinance Amendment; give First Reading to the Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE; authorize the Deputy City Clerk to execute the Speed Survey Status

Report; and direct the City Engineer to make appropriate changes in the posted signs when the ordinance becomes effective.

City Manager Lollis read the ordinance by title only.

Documentation: Ordinance No. 1811  
Disposition: Approved.

**CONSENT CALENDAR (Items removed for further discussion)**

25. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER SPONSORING THE ESTABLISHMENT OF A COMMUNITY YOUTH SAFE ZONE PROGRAM

Recommendation: Council Member Gurrola makes the motion that the City Council authorize a Scheduled Matter on the next Council Agenda to consider sponsoring the establishment of a Community Youth Safe Zone Program.

City Manager Lollis introduced the item.

Council Member Gurrola noted that the request for a Community Youth Safe Zone Program came from a local school faculty member at a Step-Up meeting, and that a group of high school students would like to give a presentation to the Council regarding the matter of bullying and the need for safe zones beyond school campuses.

A discussion ensued, during which Mayor Hamilton suggested bullied students ought to “grow a pair” and stick up for themselves. Council Member Gurrola commented that growing a pair might prove difficult for a ten-year-old girl.

Vice Mayor Ward and Council Member Shelton expressed concern for the staff training that would be involved with the safe zones program, and questioned whether such training would provide useful information or merely propaganda.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward, that the City Council authorize a Scheduled Matter on the May 20, 2014, City Council Agenda to consider sponsoring the establishment of a Community Youth Safe Zone Program.

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

Documentation: M.O. 26-050614  
Disposition: Item scheduled.



3. AUTHORIZATION TO ADVERTISE FOR BIDS – ANIMAL SHELTER FACILITY

- Recommendation: That City Council:
1. Approve staff's recommended Plans and Project Manual;
  2. Authorize staff to advertise for bids on the project; and
  3. Authorize the Public Works Director to negotiate a "Not to Exceed" \$30,000 "Construction Support Services" contract with Teter & Associates with a 10% contingency.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola, that the City Council approve staff's recommended Plans and Project Manual; authorize staff to advertise for bids on the project; and authorize the Public Works Director to negotiate a "Not to Exceed" \$30,000 "Construction Support Services" contract with Teter & Associates with a 10% contingency. The motion carried unanimously.

Documentation: M.O. 27-050614  
Disposition: Approved.

8. AWARD OF CONTRACT – PUBLIC SAFETY BUILDING

- Recommendation: That City Council:
1. Award the Public Safety Building Project to Webb & Son in the amount of \$4,602,270;
  2. Authorize a 7.5% contingency to cover unforeseen construction costs;
  3. Authorize 3.25% for construction management, quality control and inspection; and
  4. Authorize progress payments up to 95% of the contract amount.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola, that the City Council award the Public Safety Building Project to Webb & Son in the amount of \$4,602,270; authorize a 7.5% contingency to cover unforeseen construction costs; authorize 3.25% for construction management, quality control and inspection; and authorize progress payments up to 95% of the contract amount. The motion carried unanimously.

Documentation: M.O. 28-050614  
Disposition: Approved.

14. AKIN WATER COMPANY AND CITY OF PORTERVILLE WATER SERVICE AGREEMENT

Recommendation: That the City Council:

1. Approve and authorize the Mayor to execute the Akin Water Company and City of Porterville Water Service Agreement and Resolution; and
2. Direct the City Clerk to notarize and transmit the Water Service Agreement to the California Department of Public Health.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola, that the City Council approve and authorize the Mayor to execute the Akin Water Company and City of Porterville Water Service Agreement and Resolution; and direct the City Clerk to notarize and transmit the Water Service Agreement to the California Department of Public Health. The motion carried unanimously.

Documentation: Resolution No. 26-2014

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, accused the Council of jumping to conclusions before having all the facts in relation to Item No. 25; and spoke of the absence of Council Member Shelton, Vice Mayor Ward and Mayor Hamilton at a recent Public Presentation regarding the issue of water.
- Tony Mauck, stated that he had heard no mention of sexual orientation with regard to Item No. 25; thanked the Council for their service; encouraged due diligence in review of items; and indicated that he was looking forward to seeing more information regarding the proposed Safe Zone Program.
- Dennis Townsend, spoke of Council consideration of Item No. 28, and encouraged the Council to ask many questions regarding the proposed program and City sponsorship thereof.
- Matt Green, commended the Council for standing up for what they believe in; spoke of his own internet research regarding Safe Zones, hidden agendas, support from a particular type of person and motivations; and spoke in opposition to government spending on social issues.


OTHER MATTERS

- Council Member Gurrola – none.
- Council Member Shelton spoke of his attendance at the Cinco de Mayo parade, car show, Renaissance Fair in Visalia, and race at Rocky Hill; and suggested a minstrel show at Freedom Fest.
- Council Member McCracken – none.
- Vice Mayor Ward requested information regarding the services and activities provided by the Youth Center; and reported his attendance at the Cinco de Mayo parade.


- Mayor Hamilton lauded the car show event.
- City Manager Lollis announced the scheduling of a Budget Study Session on May 14th.

**ADJOURNMENT**

The Council adjourned at 11:14 p.m. to the meeting of May 14, 2014.

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Cameron Hamilton, Mayor

