

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET AND  
657 VILLAGE GREEN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 3, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

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

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

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE  
PORTERVILLE REDEVELOPMENT AGENCY AGENDA  
291 N. MAIN STREET AND 657 VILLAGE GREEN STREET,  
PORTERVILLE, CA**

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

**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 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and R & B Resources, Inc. Under Negotiation: Terms and Price.  
2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 253-192-006, 253-192-007, 253-192-008, 253-192-009 and 253-192-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Smith Commercial Properties, Inc. Under Negotiation: Terms and Price.  
3 - 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.  
4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Julia Lew. Employment Contract: Title: City Manager.

1. CITY COUNCIL MINUTES OF NOVEMBER 5, 2013, NOVEMBER 19, 2013, AND MAY 27, 2014

Recommendation: That the City Council approve the draft Minutes of November 5, 2013, November 19, 2013, and May 27, 2014.

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

Documentation: M.O. 02-060314

Disposition: Approved.

3. RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS AND ELECTRICAL SERVICE FOR THE PUBLIC SAFETY BUILDING PROJECT

Recommendation: That the City Council:

1. Approve the SCE invoice for supplying new electrical service to the Public Safety Building and issue a \$4,888.68 payment;
2. Approve the SCE invoice for relocating existing utility poles and issue a \$32,075.39 payment;
3. Approve the SCE invoice for installing new street lights and issue a \$9,744.71 payment; and
4. Authorize the City Engineer to sign the applicable SCE contracts and/or agreement.

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

Documentation: M.O. 03-060314

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS FOR AIRPORT ENGINEERING SERVICES

Recommendation: That the City Council:

1. Authorize staff to advertise for Statement of Qualifications; and
2. Direct staff to present the results of the Statement of Qualifications for Council's direction related to the award of a professional services contract.

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

Documentation: M.O. 04-060314  
Disposition: Approved.

5. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSAL (RFP) FOR CONSULTING SERVICES TO UPDATE THE HOUSING ELEMENT

Recommendation: That the City Council authorize staff to distribute a Request for Proposal for Consulting Services to update the City of Porterville's Housing Element.

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

Documentation: M.O. 05-060314  
Disposition: Approved.

6. ACCEPTANCE OF PROJECT – ANNEXATION SEWER PROJECT (AREA 455A)

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.

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

Documentation: M.O. 06-060314  
Disposition: Approved.

7. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND PACIFIC BELL TELEPHONE COMPANY

Recommendation: That the City Council:  
1. Accept AT&T's request to have the City convey an easement for the installation and maintenance of aboveground and underground electrical and communication facilities;  
2. Accept AT&T's \$4,000 easement compensation;  
3. Authorize the Mayor and City Clerk to sign the Grant of Easement; and  
4. Authorize the City Clerk to mail the signed Grant of Easement to AT&T for recordation.

AYES: Shelton, Gurrola, Ward, Hamilton  
NOES: None

ABSTAIN: None  
ABSENT: McCracken

Documentation: Resolution 31-2014  
Disposition: Approved.

9. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:  
1. Authorize the filing of the grant application;  
2. Authorize the City Manager to sign all necessary documents as they pertain to the grant; and  
3. Authorize a budget adjustment upon receipt of funds.

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

Documentation: Resolution 32-2014  
Disposition: Approved.

10. FIRST FIVE GRANT AWARD

Recommendation: That the City Council approve acceptance of the First 5 grant and authorize use of matching funds to purchase the specified playground equipment.

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

Documentation: M.O. 07-060314  
Disposition: Approved.

11. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 39

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Ben Favrholt for Lot 39 at the Porterville Municipal Airport.

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

Documentation: M.O. 08-060314  
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH –  
CHURCH COMMUNITY OUTREACH – JUNE 28, 2014

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.

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

Documentation: M.O. 09-060314  
Disposition: Approved.

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

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

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

Documentation: M.O. 10-060314  
Disposition: Approved.

14. 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: Gurrola, Ward, Hamilton  
NOES: None  
ABSTAIN: Shelton  
ABSENT: McCracken

Documentation: M.O. 11-060314  
Disposition: Approved.

**PUBLIC HEARINGS**

15. AMENDMENT TO CHAPTER 13 OF THE PORTERVILLE MUNICIPAL CODE BY ADDING A HOME-GENERATED SHARPS DISPOSAL PROGRAM

- Recommendation: That the City Council:
1. Approve the proposed Ordinance Amendment;
  2. Give first reading to the Ordinance Amending Chapter 13, Section 13-23, in the City Code; and
  3. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and presented the staff report. The public hearing was opened at 7:38 p.m.

- Russell Fletcher, Porterville, spoke of the different types of sharps and in support of the proposed disposal program.

The public hearing was closed at 7:40 p.m.

Council Member Gurrola and Vice Mayor Ward spoke in support of the ordinance and of the need in the community.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council approve and give first reading to the ordinance, being AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 13 OF THE PORTERVILLE MUNICIPAL CODE BY ADDING SECTION 13-23 ESTABLISHING A HOME-GENERATED SHARPS WASTE MANAGEMENT PROGRAM, waive further reading and order the ordinance to print.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1814  
 Disposition: Approved.

**SECOND READINGS**

16. SECOND READING – ORDINANCE 1810, MODIFYING ORDINANCE 1796, RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z

- Recommendation: That the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance, 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.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1810  
Disposition: Approved.

- 17. SECOND READING – ORDINANCE 1811, AMENDING CHAPTER 7, ARTICLE XV, SECTION 17-15, CONCERNING PRIMA FACIE SPEED LIMITS

Recommendation: That the Council give Second Reading to Ordinance No. 1811, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1811, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1811  
Disposition: Approved.

- 18. SECOND READING – ORDINANCE 1812, ESTABLISHING AN ANIMAL CONTROL COMMISSION

Recommendation: That the Council give Second Reading to Ordinance No. 1812, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1812, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VII – ANIMAL CONTROL COMMISSION TO CHAPTER 5 OF THE PORTERVILLE MUNICIPAL CODE.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1812  
Disposition: Approved.

19. SECOND READING – ORDINANCE 1813, ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION

Recommendation: That the Council give Second Reading to Ordinance No. 1813, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1813, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1813  
Disposition: Approved.



**SCHEDULED MATTERS**

20. CONSIDERATION OF FY 2014/2015 PROPOSED BUDGET AND SETTING DATE OF PUBLIC HEARING

Recommendation: The City Manager recommends that the City Council consider the proposed 2014-2015 Fiscal Year Budget, include any modifications so directed by the Council, and schedule a Public Hearing on the proposed Budget for Tuesday, June 17, 2014.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council set a Public Hearing on the proposed Budget for Tuesday, June 17, 2014.

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

Documentation: M.O. 12-060314  
Disposition: Approved.

Council Member Shelton indicated that he had a conflict of interest relative to Item No. 21, and he left the dais for the discussion and vote.

21. ANNUAL REVIEW AND REQUEST TO EXTEND TEMPORARY USE PERMIT FOR STORAGE AND CONSIGNMENT OF EQUIPMENT AT 952 WEST NORTH GRAND AVENUE

Recommendation: That the City Council adopt the draft resolution approving a temporary use permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

City Manager Lollis introduced the item, and Interim Community Development Director Jenni Byers presented the staff report.

Council Member Gurrola expressed satisfaction with the property owner's compliance with City regulations, and Mayor Hamilton inquired about the mobile home located on the property.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council adopt the draft resolution approving a temporary use permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

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

ABSENT: McCracken

Documentation: Resolution No. 33-2014  
Disposition: Approved.

Council Member Shelton returned to the dais for consideration of Item No. 22.

22. REQUEST FOR WATER SERVICES IN VARIOUS MANNERS

Recommendation: That the City Council:  
1. Address the four issues addressed in staff's report; and  
2. Provide direction to staff on how to proceed on each of the three issues.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Mr. Rodriguez explained various regulations of the City and the Local Agency Formation Committee (LAFCo) relating to the provision of water services beyond City limits.

**Issue #1: Provision of water for commercial use outside Urban Development Boundary:** Council Member Shelton spoke in favor of approval, while Vice Mayor Ward and Mayor Hamilton stated their desire to wait for LAFCo's decision on the extension of the UDB. Council Member Gurrola expressed concern for the precedent that would be set by the Council, and inquired about the strain that would be placed on the City's water system if commercial connections were allowed.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the provision of water for commercial use to 814 E. Date Avenue, contingent upon LAFCo authorization for an extension of the Urban Development Boundary and the property owner's consent to annex.

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

Documentation: M.O. 13-060314  
Disposition: Approved, with contingencies.

**Issue #2: Connection of water to a mobile home park within the City, and associated connection fees:** The Council discussed the property owner's pending grant application with the California Department of Public Health, which may be able to pay for all connection fees. The Council directed that this issue be brought back in three months after the status of the CDPH grant application is confirmed.

Disposition: Direction given.

**Issue #3: Proposed water system on East Vandalia, west of Plano Street:** The Council discussed various options concerning the proposed water system, noting that the best financing solution would be the formation of a water utility district. The Council directed that staff continue to analyze the

possible district formation and return to Council for consideration.

Disposition: Direction given.

**Issue #4: Water delivery station requested by Council Member Shelton:** Mayor Hamilton expressed concern for “privateers” who may attempt to profit from City-provided water. The Council discussed possible water delivery methods and rates, and directed that staff continue researching options to bring back for Council consideration.

Disposition: Direction given.

**CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)**

**2. AUTHORIZATION FOR PURCHASE OF LIBRARY FURNITURE**

Recommendation: That the City Council authorize staff to move forward with negotiations for acquisition and installation of materials with CalBennetts for the Local History Room area.

City Manager Lollis introduced the item. The Council stated their desire to appropriate the requested funds, but to postpone the expenditure until the library remodel project moved forward.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the appropriation of funds for the purchase of library furniture, but bring the item back to the Council for consideration prior to expenditure.

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

Documentation: M.O. 14-060314

Disposition: Approved.

**8. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT FOR AN INSPECTOR OF RECORD FOR THE PUBLIC SAFETY BUILDING AND THE ANIMAL SHELTER PROJECTS**

Recommendation: That the City Council:  
1. Authorize the Public Works Director to negotiate a “not to exceed” \$100,000 Consultant Service Agreement with Mr. Steve Forcum; and  
2. Authorize the Mayor to execute the Consultant Service Agreement with Mr. Steve Forcum.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez addressed Vice Mayor Ward’s questions regarding the cost of the Consultant Service Agreement. City Attorney Lew requested that the Council allow final review and approval of the contract terms by the City Attorney before initiating the contract.

**COUNCIL ACTION:**        MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward, that the City Council authorize the Public Works Director to negotiate a “not to exceed” \$100,000 Consultant Service Agreement with Mr. Steve Forcum and authorize the Mayor to execute the Consultant Service Agreement with Mr. Steve Forcum, contingent upon final review and approval by the City Attorney.

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

Documentation:        M.O. 15-060314  
Disposition:          Approved.

**ORAL COMMUNICATIONS**

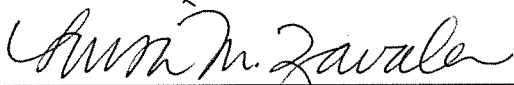
None.

**OTHER MATTERS**

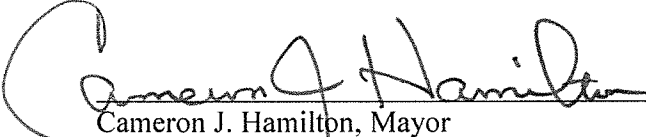
- Council Member Gurrola lauded the performance of the string orchestra in Centennial Park.
- Council Member Shelton reminisced about serving on the Council, and announced the upcoming Flag Day.
- Vice Mayor Ward thanked Parks & Leisure Services staff for their efforts during the summer months, and recommended that the City include promotional materials for City services in packets for new residents.
- Mayor Hamilton congratulated all candidates in the election.
- City Attorney Lew announced the first report of election results from the County Registrar’s website.

**ADJOURNMENT**

The Council adjourned at 8:54 p.m. to the meeting of June 17, 2014.

  
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Luisa M. Zavala, Deputy City Clerk

SEAL

  
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Cameron J. Hamilton, Mayor