

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET AND
657 VILLAGE GREEN STREET
PORTERVILLE, CALIFORNIA
JUNE 17, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Shelton, Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton, Council Member McCracken (entered at 7:00 p.m. via teleconference)

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, CALIFORNIA**

Roll Call: Agency Member Shelton, Agency Member Gurrola, 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: 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.

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 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations:

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission (Summer Hiatus) – none.
 2. Library & Literacy Commission (Summer Hiatus) – none.
 3. Arts Commission – none.
 4. Youth Commission (Summer Hiatus) – none.
 5. Transactions and Use Tax Oversight Committee (TUTOC) – Committee member Fletcher reported that he was actively recruiting applicants for the committee, and spoke of their upcoming meeting on August 7th.

- II. Staff Informational Reports
 1. Water Conservation Phase II, Water System Status – Public Works Director Baldo Rodriguez provided an update on conversations with the Department of Public Health regarding the 19-unit mobile home park at 40 E. Vandalia, the extension of water along East Vandalia, and the construction of a water delivery station.

ORAL COMMUNICATIONS

- Russell Fletcher, spoke of the Council’s decision to rescind a resolution observing LGBT Pride Month one year ago and stated that movements cannot be so easily squashed.
- Jessica Mahoney, expressed discontent with the pay rates of reserve firefighters (Item 13); and spoke of City Charter requirements regarding the City Manager’s residency (Item 17) and Pride Month.
- Martha Flores, spoke regarding street improvements on Indiana Street, and lauded City staff and the contractor for a pleasant experience. She also thanked the Police Department for the work they do.

The Council took a ten minute recess at 7:00 p.m. to allow Council Member McCracken the opportunity to participate via telephone.

CONSENT CALENDAR

Item Nos. 3, 6, 16 and 17 were removed for further discussion. Council Member Shelton noted conflicts of interest relative to Item Nos. 18 and 19, and indicated that he’d be abstaining from those items.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor Ward, that the City Council approve Item Nos. 1, 2, 4 through 5, 7 through 15, 18, and 19. The motion carried unanimously, with the aforementioned abstentions.

1. CITY COUNCIL MINUTES OF OCTOBER 15, 2013, AND DECEMBER 17, 2013

Recommendation: That the City Council approve the Minutes of October 15, 2013, and December 17, 2013.

Documentation: M.O. 06-061714
Disposition: Approved.

8. RENEWAL OF STANDARD AGREEMENT ALLOWING USE OF POLICE WEAPONS RANGE FACILITY BY STAFF OF PORTERVILLE COLLEGE

Recommendation: That the City Council:

1. Approve the Agreement between the City of Porterville and Porterville College for the period of 07/04/14 through 06/30/15; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 07-061714
Disposition: Approved.

9. RENEWAL OF STANDARD AGREEMENT ALLOWING USE OF POLICE WEAPONS RANGE FACILITY BY STAFF OF THE LINDSAY POLICE DEPARTMENT

Recommendation: That the City Council:

1. Approve the Agreement between the City of Porterville and the City of Lindsay for the period of 07/01/14 through 06/30/15; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 08-061714
Disposition: Approved.

10. RENEWAL OF STANDARD AGREEMENT ALLOWING USE OF POLICE WEAPONS RANGE FACILITY BY STAFF OF THE WOODLAKE POLICE DEPARTMENT

Recommendation: That the City Council:

1. Approve the Agreement between the City of Porterville and the City of Woodlake for the period of 07/01/14 through 06/30/15; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 09-061714
Disposition: Approved.

11. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LIGHTING & LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Walk with Me Family Services and Built 4 Life, Inc. subject to the Restrictions and Requirements contained in the Application and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 10-061714

Disposition: Approved.

15. CONSIDERATION OF PROCLAMATION – NATIONAL PARKS & RECREATION MONTH – JULY 2014

Recommendation: That the City Council consider approval of the request to proclaim July 2014, as National Parks and Recreation Month.

Documentation: M.O. 11-061714

Disposition: Approved.

18. 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: Gurrola, McCracken, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 12-061714

Disposition: Approved.

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

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 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: Gurrola, McCracken, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 13-061714

Disposition: Approved.

Vice Mayor Ward made a motion to reduce the Chamber of Commerce allocation in tandem with reductions in City department budgets. Council Member Shelton seconded the motion. After a lengthy discussion regarding the Porterville Chamber of Commerce and the community services they provided, Vice Mayor Ward withdrew his motion.

COUNCIL MOTION: MOVED by Mayor Hamilton, SECONDED by Council Member Shelton, that the City Council approve the \$35,000 allocation to the Porterville Chamber of Commerce, and reduce Mayor Hamilton’s budget in tandem with City department budget reductions.

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

Documentation: M.O. 15-061714
Disposition: Approved.

Council Member McCracken left the meeting at 8:01 p.m.

21. COMMUNITY DEVELOPMENT BLOCK GRANT 2014/2015 ACTION PLAN

Recommendation: That the City Council:

1. Adopt the draft resolution approving the 2014/2015 Action Plan and the proposed program models; and
2. Direct staff to submit the 2014/2015 Action Plan to the Department of Housing and Urban Development.

Administrative Services Director Patrice Hildreth introduced the item, and Interim Community Development Director Jenni Byers presented the staff report.

The public hearing was opened at 8:04 p.m. Seeing no one, the Mayor closed the public hearing at 8:05 p.m.

The Council inquired about various aspects of the Action Plan, including: funding sources and amounts; the City’s qualifications and entitlements; high-density housing; assistance for low-income and elderly residents; and the City’s outreach efforts.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton, that the City Council adopt the draft resolution approving the 2014/2015 Action Plan and the proposed program models, and direct staff to submit the 2014/2015 Action Plan to the Department of Housing and Urban Development.

Administrative Services Director Patrice Hildreth introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

The Mayor recognized the property owner and invited her to address the Council.

The Council discussed various options for the installation of a sidewalk and the removal of impeding trees on the homeowner's property. The homeowner expressed her desire to pay for the sidewalk installation herself in order to prevent the trees from being removed.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola, that the City Council direct the Public Works Director to meet with the homeowner and contractor to devise an appropriate agreement, contingent upon review and approval of the City Attorney.

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

Documentation: M.O. 16-061714
Disposition: Approved.

24. AUTHORIZATION TO MODIFY DEVELOPMENT FEE PAYMENT PLAN AGREEMENT – PACIFIC RIM MIXED-USE PROJECT (01-2014)

Recommendation: That the City Council:

1. Determine whether to approve or deny the requested amendment, making the first recurring payment due at the time of final occupancy with a time limit not to exceed three years to Payment Plan 01-2014 and authorize the Mayor to sign all necessary documents, if approved.
2. Provide staff direction regarding altering the terms of the Development Fee Payment Plan (Resolution 37-2012), making the next payment due at the time of final occupancy with a time limit not to exceed three years (and subsequent installments paid annually thereafter).

Administrative Services Director Patrice Hildreth introduced the item, and Development Associate Jason Ridenour presented the staff report. The Council discussed the several modifications that had already been approved for the project in question, and expressed their disapproval of yet another modification request.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Shelton, that the City Council reject the requested amendment, and direct staff to research options for future payment deferment plans.

26. ORDINANCE REPEALING PORTERVILLE MUNICIPAL CODE CHAPTER 18,
ARTICLE V RELATING TO REGISTERED SEX OFFENDER RESTRICTIONS

Recommendation: That the City Council adopt the draft Ordinance Repealing Chapter 18, Article V of the Porterville Municipal Code Relating to Registered Sex Offender Restrictions; give first reading; and order the ordinance to print.

Administrative Services Director Patrice Hildreth introduced the item, and City Attorney Julia Lew presented the staff report.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Shelton, that the City Council adopt the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 18, ARTICLE V OF THE PORTERVILLE MUNICIPAL CODE RELATING TO REGISTERED SEX OFFENDER RESTRICTIONS; give first reading; and order the ordinance to print.

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

City Attorney Lew read the ordinance by title only.

Documentation: Ordinance No. 1815
Disposition: Approved; restrictions repealed.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

3. AWARD OF CONTRACT – ON-CALL ENVIRONMENTAL SERVICES

Recommendation: That the City Council:

1. Authorize staff to negotiate an on-call contract with Crawford and Bowen Planning, Inc.;
2. Authorize the Mayor to sign contract documents;
3. Authorize the Community Development Director to sign task orders; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

Administrative Services Director Patrice Hildreth introduced the item, and Interim Community Development Director Jenni Byers presented the staff report.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola, that the City Council authorize staff to negotiate an on-call

16. REQUEST FOR A LETTER OF SUPPORT FOR THE TULE RIVER INDIAN TRIBE

Recommendation: That the City Council authorize the Mayor to sign the draft letter supporting the Tule River Indian Tribe's request for the conveyance of land from the Bureau of Land Management to the Bureau of Indian Affairs.

Administrative Services Director Patrice Hildreth introduced the item, and Interim Community Development Director Jenni Byers addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola, that the City Council authorize the Mayor to sign the draft letter supporting the Tule River Indian Tribe's request for the conveyance of land from the Bureau of Land Management to the Bureau of Indian Affairs.

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

Documentation: M.O. 19-061714
Disposition: Approved.

17. ADDENDUM NO. 2 – MINOR AMENDMENT TO CITY MANAGER'S EMPLOYMENT AGREEMENT

Recommendation: That the City Council consider and approve the proposed Addendum.

Administrative Services Director Patrice Hildreth introduced the item, and City Attorney Julia Lew addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Mayor Hamilton, that the City Council approve Addendum No. 2 – Minor Amendment to City Manager's Employment Agreement.

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

Documentation: M.O. 20-061714
Disposition: Approved.