

**ADJOURNED CITY COUNCIL MINUTES
HAMAMATSU CONFERENCE ROOM
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 11, 2013, 6:00 P.M.**

Called to Order at 6:00 p.m.

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

ORAL COMMUNICATIONS

None

CLOSED SESSION:

- A. Closed Session Pursuant to:
1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville, Porterville Senior Council, Tulare/Kings Counties Area Agency on Aging, and CSET. Under Negotiation: Terms and Price.

6:36 P.M. RECONVENE OPEN SESSION

REPORT ON ANY REPORTABLE COUNCIL ACTION TAKEN IN CLOSED SESSION

No reportable action took place.

Pledge of Allegiance Led by Mayor Virginia Gurrola
Invocation – the Mayor participated.

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

1. Budget and Capital Project Study Session – FY 2013-2014

Recommendation: That the City Council accept staff's presentation, and give direction accordingly.

City Manager Lollis introduced the item, stating that the following economic improvements would positively affect the City's finances in the next fiscal year: increased sales taxes, increased property taxes, stable utility users' taxes, refinancing of Certifications of Participation, Rabo Bank refinancing of public safety PERS side fund, and no direct financial challenges from the State.

The City Manager explained recent changes to the State Enterprise Zone Program, and the cessation of State funding for the Off Highway Vehicle (OHV) Park, noting an option to privately lease out the park's future operations or seek grant funding. Of further note were recent developments in the disputed Vehicle License Fee (VLF) funds between the City and the State.

A discussion ensued regarding cost increases for PERS and employee health insurance, including the estimated \$60,000 fee required to maintain the City's health insurance plan under the Patient

Protection and Affordable Care Act. The Council discussed, at great length, possible reforms to the current health insurance program, including: joining a group insurance program instead of being self-insured; scaling back coverage for dependents; promoting mail-order and phone-order prescriptions; and updating the PPO policy.

Mayor Gurrola inquired about the status of the worker's compensation program, and Administrative Services Director Hildreth provided an update, noting that there have been some issues with fraudulent claims and malingering, but overall the City has fared well with the program in the past year.

The Mayor inquired about the new compressed natural gas buses, and a brief discussion ensued regarding the ability of the City to sell the old buses.

The Council discussed the costs, funding sources, and timelines for the following Capital Projects:

- Public Facilities- Chase Avenue Park, Sports Complex concession stands, Public Safety Station, Library and Literacy Development, and Zalud House
- Street Projects- monumentation of streets leading to Granite Hills High School
- Water Projects- Replacement of water pipes

With regard to the Public Safety Station project, Council Member Ward expressed concerns about exhausting Measure H funds, suggesting the use of reserve funds to advance the project timeline.

Council Member Shelton inquired about the operation costs for solid waste management, the Airport, and the Golf Course.

A brief discussion ensued regarding Risk Management expenses for the Liability Program and Health & Life appropriations, with Administrative Services Director Hildreth noting significant impacts from several fatalities and litigation cases in the past year.

The Council lauded the efforts of Parks & Leisure Services Director Moore for improvements made to the Landscape Maintenance District.

The Council took a ten minute recess at 7:50 p.m.

Council Member Shelton inquired about changes in the Water Replacement Fund, Solid Waste Capital Reserve Fund, Transportation Development Fund, Park Development Fund, Building Construction Fund, and Putnam property improvements.

The Council discussed the maintenance of the Off-Highway Vehicle Park, directing Parks & Leisure Services Director Moore to bring back options for staffing solutions.

Council Member Shelton inquired about funding for the Porterville Chamber of Commerce, noting his intent to bring the item up for discussion during the next City Council meeting.

Mayor Gurrola inquired about the Economic Development Action Plan Program, and Community

Development Director Dunlap provided clarification.

With regard to the proposed Animal Shelter project, the Council expressed support and directed staff to bring back updated information on the project's progress.

Disposition: No action.

ORAL COMMUNICATIONS

- Barry Caplan, spoke about the City as a corporation and the residents as stockholders, and requested that the Council explain the level of service being provided to constituents.

OTHER MATTERS

- Mayor Gurrola announced Flag Day coming up on June 14th.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve the scheduling of an item on the next Agenda to consider rescinding the LGBT proclamation, and propose a resolution to unite the community.

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

Council Member Ward indicated that he had language for the proposed resolution.

Documentation: M.O. 01-061113
Disposition: Approved.

ADJOURNMENT

The Council adjourned at 8:20 p.m. to the meeting of June 18, 2013.

Luisa M. Zavala, Deputy City Clerk

SEAL

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 6, 2013, 5:30 P.M.**

Call to Order at 5:30 p.m.

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

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 Members Ward, Vice Chair McCracken, Agency Member Shelton,
Agency Member Hamilton, Chair Gurrola

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 466 East Putnam Avenue and 280 North Fourth Street. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville, Comision Honorifica Mexicana Americana, Porterville Senior Council, Kings/Tulare County Area Agency on Aging, and CSET. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54956.95 – Liability Claims: Claimant: Antonio Lara. Agency claimed against: City of Porterville.
 - 4- Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor. Agency claimed against: City of Porterville.

5- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013 written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.

6- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

6:30 P.M. RECONVENE OPEN SESSION

Pledge of Allegiance Led by Council Member Brian Ward

Invocation – the Mayor participated.

PRESENTATIONS

Employee of the Month – Jesus Guzman

Swearing In Ceremony – Police Officer Enrique Lara

Citrus Pest and Disease Prevention Program – Asian Citrus Psyllid

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG)—July 22, 2013
Mayor Gurrola reported on: resolution for work program; her appointment to Railway Advisory Committee; and informational items.
2. Consolidated Waste Management Authority (CWMA) – July 18, 2013
Vice Mayor McCracken indicated that there was no meeting due to lack of a quorum, and noted that the next meeting was scheduled for August 15, 2013.
3. Tulare County Economic Development Corporation – July 24, 2013
Mayor Gurrola reported on discussion regarding Enterprise Zone transition; the relocation of the EDC office; and budget revisions.

REPORTS

- I. City Commission and Committee Meetings:
 1. Library & Literacy Commission – no report.
 2. Parks & Leisure Services Commission – August 1, 2013
Commissioner Moore reported on monthly activities of Parks and Leisure Services staff.
 3. Arts Commission – July 17, 2013 – no report.
- II. Staff Informational Items:
 1. Building Permit Activity – May 1, 2013 to June 30, 2013
 2. Street Performance Measure – 4th Quarter Report
 3. Report on Charitable Car Washes
 4. Code Enforcement Report
 5. Attendance Report for City Commissions and Committees – 4th Quarter

Council Member Shelton commented on reports regarding building permit activity, streets, and attendance.

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that the following reportable action took place:

3- Government Code Section 54956.95 – Liability Claims: Claimant: Antonio Lara. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a MOTION by Vice Mayor McCracken, SECONDED by Council Member Ward, the Council rejected the claim filed by Mr. Antonio Lara. The motion carried unanimously.

Documentation: M.O. 01-080613

Disposition: Approved.

4- Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a MOTION by Council Member Hamilton, SECONDED by Council Member Ward, the Council rejected the claim filed by Ms. Catherine Lawlor. The motion carried unanimously.

Documentation: M.O. 02-080613

Disposition: Approved.

ORAL COMMUNICATIONS

- Amber Bush, requested that the Council consider her appointment to the Charter Review Committee.
- Gary Giraudi, requested that the Council consider his request for appointment to the Charter Review Committee.
- Brock Neeley, spoke of bullying via Craigslist and provided documentation to the City Council.
- Richard Saldivar, spoke against the rescission of the LGBT Proclamation, and encouraged inclusion of LGBT residents in the community.
- Richard Hatfield, Mural Committee, requested the opportunity to speak during Council consideration of Item No. 37.
- Stephanie Cortez, made note of the presence of Leadership Porterville 2013 class members.
- Michael Knight, Leadership Porterville Class of 2013, introduced himself to the Council.
- Chris Craig, Leadership Porterville Class of 2013, introduced himself to the Council; and announced the class would be updating the Tulare County display located within the State Capital as their community service project.
- Jenna Salazar, Leadership Porterville Class of 2013, introduced herself and requested Council consideration of her request for appointment to the Charter Review Committee.
- Jessica Mahoney, spoke against Item 12 and of privacy rights; and noted that wasps were

utilized as a biological control for psyllid.

- Sarah Villicana, thanked Mayor Gurrola for her actions related to the LGBT Pride Proclamation, and spoke of her respect for her.
- Brenda Pierce, proposed an East Porterville and Highway Clean-up Committee, noting the prevalence of litter in the community.
- Angel Martinez, LA resident, spoke against the rescission of the LGBT Proclamation.
- Barry Caplan, spoke of the power of Council action beyond the Porterville Community; and requested that the Council consider his appointment to the Charter Review Committee.
- Chris Caldwell, a LGBT community member and inner city youth pastor, and spoke of the importance of acceptance and leadership.

CONSENT CALENDAR

Items 3, 4, 6, 15 and 19 were removed for further discussion. Council Member Shelton noted his abstention on Items 5, 7, 26, and 27; Mayor Gurrola noted her abstention on Items 7 and 20; and Council Member Ward noted his abstention on Item 10.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve Items 1, 2, 5, 7, 8 through 14, 16 through 18, and 20 through 27. Motion carried unanimously, with the aforementioned abstentions.

1. MINUTES OF APRIL 16, 2013, MAY 7, 2013, AND JULY 30, 2013

Recommendation: That the City Council approve the Minutes of April 16, 2013, May 7, 2013, and July 30, 2013.

Documentation: M.O. 03-080613

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:

1. Authorize staff to de-obligate \$71,000 for storm drain Improvements currently allocated in the FY 13/14 Annual Budget;
2. Authorize staff to appropriate \$9,192 from the Water Replacement Fund and \$20,671 from Sewer Revolving Fund for non-participating items of work;
3. Authorize the appropriation of \$133,415.77 in unallocated local transportation funds if the AMOD is not approved by Caltrans;
4. Approve Staff's recommended Plans and Project Manual; and
5. Authorize Staff to advertise for bids on the project.

Documentation: M.O. 04-080613

Disposition: Approved.

5. AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT
– MAIN STREET TO PLANO STREET

Recommendation: That the City Council:

1. Award the Olive Avenue Rehabilitation Project to Bowman Asphalt in the amount of \$503,600.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection.

Documentation: M.O. 05-080613

Disposition: Approved.

7. AWARD OF CONTRACT – ISLAND SEWER ANNEXATION (AREA 455A)

Recommendation: That the City Council:

1. Award the Island Annexation Sewer Project, Area 455A, to Todd Companies, in the amount of \$1,095,325.68;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 5% for construction management, quality control and inspection.

Documentation: M.O. 06-080613

Disposition: Approved.

8. AWARD OF CONTRACT – W. NORTH GRAND AVENUE
RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE ROUTE
65

Recommendation: That the City Council:

1. Award the W. North Grand Avenue Reconstruction Project to Seal Rite Paving & Grading in the amount of \$598,586.00;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 5% for construction management, quality control and inspection.

Documentation: M.O 07-080613

Disposition: Approved.

9. REQUEST FOR AUTHORIZATION TO REPAIR PNEUMATIC WHEEL
ROLLER

Recommendation: That the City Council authorize the repair to be completed by Pepé Machinery at a cost not to exceed \$17,000.

Documentation: M.O. 08-080613

Disposition: Approved.

10. PRE-PURCHASE OF PRE-SELECTED SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

Recommendation: That the City Council:

1. Direct the Finance Director to issue a Purchase Order in the amount of \$390,000 to Huber Technologies (screw press) and issue a Purchase Order in the amount of \$772,599 to Piller TSC (three electric blowers); and
2. Direct the Public Works Director to prepare or have prepared a "Commitment" document that commits the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and a commitment to honor all equipment guarantees and warranties.

Documentation: M.O. 09-080613

Disposition: Approved.

11. REQUEST TO PURCHASE SOLAR POWERED BUS STOP LIGHTING

Recommendation: That the City Council:

1. Authorize Staff to enter into the InterCity Cooperative Purchasing Agreement for the purchase of solar-powered bus stop lighting modules from UrbanSolar; and
2. Authorize payment upon satisfactory delivery of the solar equipment.

Documentation: M.O. 10-080613

Disposition: Approved.

12. APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

Recommendation: That the City Council:

1. Authorize the purchase of the Cellebrite System; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 11-080613

Disposition: Approved.

13. APPROVAL TO PURCHASE UNDERCOVER VEHICLES

Recommendation: That the City Council:

1. Accept \$80,000 from the Tulare County Auto Theft Fund;

2. Authorize a budget adjustment to the Police Equipment Replacement Fund in the amount of \$80,000;
3. Authorize police staff to identify and enter negotiations for the purchase of the two vehicles under the criteria set forth above;
4. Authorize the purchase/installation of emergency equipment on the vehicles; and
5. Authorize payment upon satisfactory delivery of the vehicles/equipment.

Documentation: M.O. 12-080613
Disposition: Approved.

14. REQUEST TO PURCHASE ANIMAL CONTROL VEHICLE

Recommendation: That the City Council:

1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of the specified animal control truck; and
2. Authorize payment when purchase process is completed.

Documentation: M.O. 13-080613
Disposition: Approved.

16. APPROVAL TO PURCHASE UNMARKED VEHICLE

Recommendation: That the City Council:

1. Authorize Police staff to identify and enter negotiations for the purchase of this vehicle under the criteria set forth above;
2. Authorize the purchase/installation of emergency equipment of this vehicle; and
3. Authorize payment upon satisfactory delivery of the vehicle/equipment.

Documentation: M.O. 14-080613
Disposition: Approved.

17. REQUEST FOR APPROVAL TO PURCHASE MICROSOFT OFFICE 2013 AND WINDOWS 8 LICENSING

Recommendation: That the City Council approve the purchase of 190 Licenses of Office 2013 and 190 Licenses of Windows 8 from Dell at a cost of \$69,838.80 plus the applicable sales tax and shipping.

Documentation: M.O. 15-080613
Disposition: Approved.

18. AUTHORIZATION TO "PIGGY BACK" ON EXISTING CONTRACTS

- Recommendation: That the City Council:
1. Authorize the purchase of containers utilizing the existing contract between Rehrig-Pacific Company and the City of Lompoc; and
 2. Authorize the purchase of cold mix asphalt utilizing the existing contract between Tulare County and Jaxson Enterprises.

Documentation: M.O. 16-080613

Disposition: Approved.

20. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 455

- Recommendation: That the City Council:
1. Set a Public Hearing for October 15, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 455;
 2. Approve the Engineer's Report for Sewer Utility District Area 455; and
 3. Authorize staff to notify all affected property owners of the Public Hearing, via regular mail, including sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

Documentation: Resolutions 51-2013 and 52-2013

Disposition: Approved.

21. INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY - W. NORTH GRAND RECONSTRUCTION PROJECT - PROSPECT STREET TO STATE ROUTE 65

- Recommendation: That the City Council:
1. Set a Public Hearing for September 3, 2013, to discuss the proposed construction of concrete improvements for the subject project; and
 2. Authorize staff to publish the public notice and notify all affected property owners of the Public Hearing.

Documentation: M.O. 17-080613

Disposition: Approved.

22. RETIREMENT OF POLICE SERVICE DOG "DIAGO"

- Recommendation: That the City Council:
1. Approve the sale of "Diago" to Chris Contreras for one dollar (\$1.00); and

2. Authorize the Mayor to execute the agreement and document to sell "Diago" to Chris Contreras.

Documentation: M.O. 18-080613
Disposition: Approved.

23. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, DELINQUENT DEVELOPMENT FEE PAYMENT PLAN AGREEMENTS AND MISCELLANEOUS LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the draft resolution authorizing the County Auditor to place the proposed items on the property tax rolls for collection.

Documentation: Resolution 53-2013
Disposition: Approved.

24. PRELIMINARY INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 19-080613
Disposition: Approved.

25. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 20-080613
Disposition: Approved.

26. APPROVAL OF COMMUNITY CIVIC EVENT – KIWANIS CLUB OF PORTERVILLE - AMERICAN CROWN CIRCUS, INC. – AUGUST 8 – 12, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 21-080613
Disposition: Approved.

27. 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 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 22-080613

Disposition: Approved.

Sergeant Contreras presented retired K9 Diago to the Council and audience.

PUBLIC HEARINGS

28. MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A NEW WENDY'S RESTAURANT AND DRIVE THROUGH

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

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

The public hearing was opened at 8:03 p.m.

- Robert (last name inaudible), Project Architect, spoke briefly about the project and made himself available for any questions the Council may have.

The public hearing was closed at 8:05 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 54-2013

Disposition: Approved.

29. LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:
1. Conduct a public hearing on the 2013-2014 assessments for the Landscape and Lighting Maintenance Districts to take comments or

- receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year.

City Manager Lollis introduced the item, and the staff report was presented by Parks and Leisure Services Director Donnie Moore.

The public hearing was opened at 8:10 p.m. Seeing no one, the Mayor closed the public hearing at 8:11 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year. The motion carried unanimously.

Documentation: Resolution No. 55-2013
Disposition: Approved.

30. ARTS COMMISSION ORDINANCE AMENDMENT

Recommendation: That the City Council:

1. Approve the draft ordinance amending Ordinance 1767; and
2. Give first reading of the proposed ordinance and order it to print.

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

The public hearing opened at 8:15 p.m. Seeing no one, the Mayor closed the public hearing at 8:16 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the draft ordinance amending Ordinance 1767, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING CHAPTER 5A, ARTICLE I, SECTION 5A-1 THROUGH 5A-8 TO THE PORTERVILLE MUNICIPAL CODE REGARDING THE FORMATION OF THE ARTS COMMISSION; give first reading of the ordinance and order it to print. The motion carried unanimously.

The City Attorney read the ordinance by title only.

Documentation: Ordinance 1797
Disposition: Approved.

The Council took a ten minute recess at 8:18 p.m.

SCHEDULED MATTERS

31. LETTER OF MAP REVISION – “MONACHE” SPECIAL FLOOD HAZARD AREA (SFHA)

Recommendation: That the City Council provide direction regarding the most appropriate funding source for the \$5,300 LOMR application filing fee.

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

Mayor Gurrola recognized four residents of the area in question to address the Council.

- Sarah May Maculie, 1046 N. Wilson Place, spoke about the financial burden of flood insurance for residents and her efforts to have the zone re-surveyed; and requested the City’s assistance.
- Alberta White, San Lucia St., explained her past efforts to have the flood zone status changed.
- Margaret Shaeffer, 1026 N. Wilson Place, expressed her frustration with having to pay flood insurance to FEMA, and requested that the City pay for the map revision.
- Linda Hoy, 1015 N. Wilson Place, spoke about the beauty and safety of her neighborhood, the homeowner hardship experienced from the flood zone designation, and the challenges she has faced in pursuing a zone change; and appealed to the Council for assistance.

The Council discussed costs associated with the preparation of the LOMR package, and staff efforts to date. The Council debated, at great length, whether payment of the FEMA application review fee of \$5,300 was the responsibility of property owners or the City; and concerns were raised regarding setting a precedent. City Attorney Lew addressed questions pertaining to the gifting of public funds. A discussion ensued regarding the finding of public necessity for paying the fee.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve utilization of storm drain funds for payment of the \$5,300 FEMA application review fee, due to a finding of public necessity. The motion carried unanimously.

Documentation: M.O. 28-080613
Disposition: Approved.

The Council took a five minute recess at 9:32 p.m.

32. ACCEPTANCE OF THE STATE ROUTE 190 CORRIDOR STUDY AND COMMENCEMENT OF NEAR TERM PROJECTS

- Recommendation: That City Council:
1. Accept Caltrans' State Route 190 Corridor Study;
 2. Approve moving forward with the Near Term Projects;
 3. Approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents;
 4. Authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements;
 5. Authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG;
 6. Approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and
 7. Authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest pertaining to property ownership and exited the council chambers. The staff report was then presented by Public Works Director Rodriguez. Council Member Hamilton inquired about the project's relationship to a similar State Route 65 project, and a discussion ensued regarding Measure R funding.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept Caltrans' State Route 190 Corridor Study; approve moving forward with the Near Term Projects; approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents; authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements; authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG; approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

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

Documentation: M.O. 29-080613
 Disposition: Approved.

33. DETERMINATION OF ZONING CONFORMANCE – DEFINITION OF PERSONAL LAND USE CLASSIFICATION

Recommendation: That the City Council determine whether a florist constitutes a personal service and/or is an approved use in the D-PO and PO zones.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest pertaining to property ownership and exited the council chambers. The staff report was then presented by Community Development Manager Philips.

With no objection from the Council, Mayor Gurrola recognized three members from the audience to speak on this item.

- Maria Mena, representing the business owners, requested Council approval for determining a florist as a personal service.
- Alma Mejia, business owner, expressed her desire to expand her business to the vacant lot.
- Rafaella Woods, representing the land owner, explained the benefits of having the business at the proposed location.

The Council discussed: possible alternatives to the definition of personal land use; the zoning status of the Chevron station near the site; city-wide implications of changing the personal land use classification; and costs associated with an application for zone change.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the determination that a florist is not a personal service.

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

Documentation: M.O. 30-080613

Disposition: Approved.

34. CONSIDERATION OF OPTIONS FOR CITY SMART PHONE APP

Recommendation: That the City Council accept the presentation of options for a City smart phone application, and provide staff direction.

City Manager Lollis introduced City Intern Dalton Rogers, who presented the staff report. Following the staff report, Mr. Rogers addressed questions from the Council regarding PublicStuff tools and features. The Council then directed that staff bring back an item for a budget adjustment.

Disposition: Direction given.

35. DINNER AND ARTS ON MAIN STREET

Recommendation: That the City Council consider the Arts Commission recommendation to sponsor the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve sponsoring the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support. The motion carried unanimously.

Documentation: M.O. 31-080613

Disposition: Approved.

36. APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE AND CITY'S INTERNAL AUDIT COMMITTEE

Recommendation: That the City Council appoint nine members to the Charter Review Committee; and provide direction to staff regarding the Internal City Audit Committee.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report. Following the staff report, the following individual appointments were announced:

- Mayor Gurrola - Stephanie Cortez
- Vice Mayor McCracken - Milt Stowe
- Council Member Hamilton - Gary Giraudi

Council Members Ward and Shelton indicated that they had not yet secured their individual appointments.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council appoint Teri Irish, Jenna Salazar, Matthew Green and Amber Bush to the Charter Review Committee. The motion carried unanimously.

Documentation: M.O. 32-080613

Disposition: Approved.

37. CONSIDERATION OF REQUEST FOR FINANCIAL SUPPORT FOR THE
"MARCHING THROUGH TIME" MURAL PROJECT

Recommendation: That the City Council:

1. Consider the request of the Porterville Mural Committee to financially support the "Marching Through Time" mural project; and
2. If approved, please identify funding source, and authorize appropriate budget adjustment.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. A discussion ensued regarding the improvements made by the committee and identified for reimbursement. Various Council Members expressed dissatisfaction with the timing of the request, which they believed should have been presented to the Council for approval prior to installation of the improvements.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council approve financial support in the amount of \$10,000 from the Special Purposes Fund. The motion carried unanimously.

Documentation: M.O. 35-080613

Disposition: Approved.

CONSENT CALENDER ITEMS REMOVED FOR FURTHER DISCUSSION

3. AUTHORIZATION TO ADVERTISE FOR BIDS – REHABILITATION OF RUNWAY 25-7

Recommendation: That the City Council:

1. Approve the proposed plans and project manual; and
2. Affirm staff's decision to begin advertisement of July 25, 2013.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the status of the project grant.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the proposed plans and project manual; and affirm staff's decision to begin advertisement on July 25, 2013. The motion carried unanimously.

Documentation: M.O. 36-080613

Disposition: Approved.

4. REJECT ALL BIDS – MAIN STREET BUS TURNOUT AND AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET AND PLANO STREET BUS TURNOUTS

- Recommendation: That the City Council:
1. Reject all bids for the Main Street Bus Turnout;
 2. Authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project;
 3. Approve the combined Plans and Project Manual; and
 4. Authorize staff to advertise for bids on the project.

The City Manager introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the potential time and cost savings of combining the projects. Council Member Ward inquired about bus stops in commercial centers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council reject all bids for the Main Street Bus Turnout; authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project; approve the combined Plans and Project Manual; and authorize staff to advertise for bids on the project.

Documentation: M.O. 37-080613
Disposition: Approved.

6. AWARD OF CONTRACT – SIX (6) COMPRESSED NATURAL GAS TRUCKS

- Recommendation: That the City Council award contracts for:
1. One (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services;
 2. One (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp;
 3. Four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and
 4. Authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis introduced the item, and the staff report was waived. Council Member Shelton inquired about the use of multiple vendors.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve awarding contracts for: one (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services; one (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp; four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Documentation: M.O. 38-080613
Disposition: Approved.

15. REQUEST TO PURCHASE THREE MARKED POLICE VEHICLES

Recommendation: That the City Council:

1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeek's Dodge at contract price; and
2. Authorize payment when the purchase process is completed.

City Manager Lollis introduced the item, and the staff report was waived. Council Member Shelton inquired about the vehicle features.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeek's Dodge at contract price; and authorize payment when the purchase process is completed. The motion carried unanimously.

Documentation: M.O. 39-080613
Disposition: Approved.

19. NOTICE OF TERMINATION OF PIONEER WATER COMPANY AGREEMENT

Recommendation: That the City Council:

1. Authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and
2. Authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton expressed his satisfaction with the renegotiations.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014. The motion carried unanimously.

Documentation: M.O. 40-080613
Disposition: Approved.

ORAL COMMUNICATIONS

- Catherine Hall, voiced disappointment with the Council’s rescission of the LGBT Proclamation.
- Russell Fletcher, aka Buck, aka Bones, spoke of the recent “good will” resolution and suggested a lack of good will given the recent homicides in the community.
- Barry Caplan, lauded Mr. Roger’s presentation on the options for a City smartphone application; suggested he could provide expertise; and made note of the LGBT event at Centennial Plaza during the meeting.

OTHER MATTERS

- Council Member Shelton, lauded the Police Chief and his department for their handling of the recent homicides.
- Council Member Ward noted that school would be starting the following week.
- Council Member Shelton, requested that the Council acknowledge Sierra View District Hospital’s recent contribution towards the Freedom Fest.
- Mayor Gurrola, spoke of the generosity of others in the community, and spoke in favor of the clean-up event proposed by Ms. Pierce during Oral Communications.

ADJOURNMENT

The Council adjourned at 11:46 p.m. to the meeting of August 20, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Virginia R. Gurrola, Mayor

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 17, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

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

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 Members Ward, Agency Member Shelton (arrived at 6:00 p.m.), Agency Member Hamilton, Vice Chair McCracken, Chair Gurrola

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 200 N. “D” Street. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of Porterville and Ken Lansford. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54956.95 – Liability Claims: Claimant: State Farm Insurance, Subrogee for Barbara Bardwell. Agency claimed against: City of Porterville.
 - 4- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013, written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.
 - 5- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated

Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action had taken place.

Pledge of Allegiance Led by Council Member Shelton
Invocation – one individual and the Mayor participated.

PRESENTATIONS

None

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) – September 16, 2013
Mayor Gurrola reported on workshops regarding the 2014 Regional Transportation Plan, Sustainable Communities, and Regional Housing Needs Assessment Update.

REPORTS

- I. City Commission and Committee Meetings:
 1. Arts Commission: No report was provided.
 2. Library and Literacy Commission – September 10, 2013
Commissioner Allan Bailey reported on the review of the MOU with PUSD for the Margaret J. Slattery Library; spoke of efforts relative to planning for a new library facility, and of activities at the Library. Commissioner Bailey then thanked Council Member Shelton for attending the recent meeting and providing input as to the proposed new library facility.
 3. Parks & Leisure Services Commission – September 5, 2013
Commissioner Monte Moore reported on recent activities, including: Music on Main Street, Adult Flag Football League registration, Pioneer Days on Saturday, October 5th to benefit the Zalud House, work done at the Sports Complex with airport runway grindings to mitigate dust, landscaping work done at Olive Avenue, and repairs done at pavilion no. 2 at Murry Park.
 4. Youth Commission – September 16, 2013: No report provided.
 5. Charter Review Committee – September 11, 2013: No report provided.
- II. Staff Informational Items
 1. Vacancies on the Library and Literacy Commission: No verbal report was provided.

Without objection, Mayor Gurrola announced that public comment regarding Agenda Items 11 and 13 would be accepted during consideration of the items.

ORAL COMMUNICATIONS

- Rodney Martin, a Porterville resident, spoke of bank-owned homes being eyesores and requested that the Council enforce the local ordinances to ensure the vacant and unmaintained residences be addressed, noting illegal activities at them. Spoke of local smoke shops and requested the Council take action to prohibit such businesses in Porterville.
- John Coffee, a Porterville resident, voiced concern with the condition of the sidewalks in the vicinity of Veterans' Park; spoke of the funding of CalPERS, and spoke against any potential action in the Charter update to pull the City out of PERS.
- Donna Campbell, a retired Porterville teacher, came forward on behalf of several animal groups, and inquired as to the status of the animal shelter, noting the Lindsay Shelter is inadequate, despite staff's hard work, and posed various specific questions.
- Carolyn Khuns, Arts Consortium Director, based in Visalia, spoke of upcoming Fall Festival to take place on October 19th, and invited all to attend to celebrate Tulare County art.
- Brock Neeley, a Porterville resident, provided a written communication and voiced concern with the City allegedly underfunding CalPERS, and suggested that CalPERS was strong, and that staff had misrepresented facts to the Charter Review Committee; voiced concern with previous Council action related to Prop 8 and legislative bills put forth by Leno; patching over newly striped roadway; ticketgate; and the City's Agreement with the Chamber of Commerce.
- Belinda Toledo, spoke of difficulties in obtaining an upright headstone for her mother's gravesite.
- Leticia Lupio, Parks and Leisure Services Commissioner, thanked the Council for her recent re-appointment.
- Felipe Martinez, spoke of the Step-Up Program, and made himself available for questions.
- Martha Atchison, a Lindsay resident and senior citizen, came forward to speak in favor of keeping senior services at the Putnam Community Center.
- Barry Caplan, requested that items 7 and 9 be removed, and requested that an explanation be provided as to the difference between a proclamation and a resolution.
- Dan (last name inaudible), spoke of the seniors desire to remain at the Putnam Center.
- Juanita Baldo, spoke in favor of senior services remaining at the Putnam Center.

CONSENT CALENDAR

Items 2, 4, and 9 were pulled for further discussion. Council Member Shelton noted his abstention on Item 8 due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve Items 1, 3, and 5 through 8. Motion carried unanimously, with the aforementioned abstention.

1. AUTHORIZATION TO ADVERTISE FOR BIDS – CHASE PARK IMPROVEMENT 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. 01-091713
Disposition: Approved.

3. AWARD OF CONTRACT – MAIN STREET AND PLANO STREET BUS
TURNOUTS

Recommendation: That the City Council:

1. Award the Main Street and Plano Street Bus Turnouts Project to Hobbs Construction in the amount of \$107,676.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs and a 10% retainer to cover construction management, quality control and inspection services.

Documentation: M.O. 02-091713
Disposition: Approved.

5. CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP UP”
NEIGHBORHOOD OUTREACH EVENT

Recommendation: That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on September 19, 2013, in support of the planned neighborhood “Step Up” outreach event.

Documentation: M.O. 03-091713
Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN
ASSOCIATION OF CALIFORNIA – FILIPINO-AMERICAN WEEK, SEPTEMBER
28-29, 2013

Recommendation: That the Council approve the attached Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit A.

Documentation: M.O. 04-091713
Disposition: Approved.

7. APPROVAL OF PROPOSED PROCLAMATION – DOMESTIC VIOLENCE
AWARENESS MONTH

Recommendation: That the City Council consider the approval of the proposed Proclamation declaring October 2013 as Domestic Violence Awareness Month.

Documentation: M.O. 05-091713
Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS

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.

Documentation: M.O. 06-091713
Disposition: Approved.

SCHEDULED MATTERS

10. CONSIDERATION OF APPOINTMENT TO THE ARTS COMMISSION

Recommendation: That the City Council appoint one (1) student to the Arts Commission to fill the student/youth seat, with a one-year term, vacated by Miss Sandra Romero.

City Manager Lollis introduced the item and Administrative Services Director Hildreth presented the staff report, noting that the following individuals had submitted requests for appointment:

- Brenda Carrasco, a senior at Monache High School
- Darion Viguera, a junior at Monache High School
- Rhiannon Wright, a junior at Monache High School

Mayor Gurrola inquired if any candidates were present at the meeting and wanted to come forward and introduce themselves. No candidates were present.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton, that the Council appoint Brenda Carrasco to the Arts Commission to fill the student/youth seat, with a one-year term, vacated by Miss Sandra Romero.

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

Documentation: M.O. 07-091713
Disposition: Approved.

The Council took a five minute recess at 7:11 p.m.

11. PROVISION OF SENIOR CITIZEN PROGRAMS AND SERVICES

Recommendation: That the City Council consider and provide direction on the provision of programs and services for the benefit of the community's senior citizens.

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

Mayor Gurrola opened the floor to public comments and the following individuals came forward to speak:

- Lloyd Winter, past president of the Senior Council, spoke about meetings between the Senior Council and KTAAA, and stated that centralization of senior programs was not possible.
- Winnie (last name not given), spoke of the convenience of the current Senior Council location at the Putnam Center.
- Fred Beltran, CHMA, addressed the Council's questions; stated that he would like to see a variety of programs provided for the community, not only for seniors; and said he didn't want the seniors to lose their services either.
- Tim Lutz, director of KTAAA, stated that the organization's goal is to expand services in Porterville, as in Visalia and Tulare; elaborated on Visalia and Tulare's programs; and addressed the Council's questions.
- Mary Esgarza, executive director of CSET, expressed the need for more hours and weekends for CSET programs; stated they would "make it work" wherever they are placed; stated CSET's desire to expand services; and addressed the Council's questions.

Mayor Gurrola explained her observations from meetings with the parties involved; stated that everyone's goal was to provide the best services to senior citizens; and proposed the formation of a Senior Commission in the future. Council Member Hamilton suggested that the City take control of the facility.

Council Member Ward expressed his concerns about maintaining services to seniors after the City assumed control of the building. Council Member Hamilton commented that the action would entail financial costs for the City, but that seniors would still have access to services.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Gurrola, that the Council return control of the Santa Fe Depot to the Parks & Leisure Services Department; prepare a 90-day notice to all relevant parties; and revisit the issue in one year.

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

Documentation: M.O. 08-091713
Disposition: Approved.

12. CONSIDERATION OF PROHIBITING CITY COUNCIL MEMBER ATTENDANCE AT MEETINGS OF THE CHARTER REVIEW COMMITTEE

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew reported that while there was no legal prohibition of Council members attending the meetings, there were ethical issues that the Council members should take into consideration. She advised that Council members could pursue other means of obtaining information on the Committee, such as through committee reports or meeting minutes.

Council Member Hamilton stated his opinion that the Committee should have autonomy in reviewing possible changes to the Charter.

Council Member Ward expressed concerns regarding Council Members' First Amendment rights of free speech, and a discussion ensued regarding the possibility of Council Members making a pledge to not attend the Committee's meetings, instead of taking a legislative action.

City Attorney Lew and City Manager Lollis noted that periodic updates on the Committee's progress would be presented to the Council.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the Council prohibit City Council Member attendance at meetings of the Charter Review Committee. The motion carried unanimously.

Documentation: M.O. 09-091713
Disposition: Approved.

The Council took a five minute recess at 8:08 p.m.

13. CONSIDERATION OF REORGANIZATION OF THE CITY COUNCIL

Recommendation: That the City Council consider reorganization, including its appointed positions and assignment to committees.

City Manager Lollis introduced the item and presented the staff report. Mayor Gurrola opened the floor to public comments, and Council Member Ward requested that the Council limit public comments to thirty minutes. Without objection from the Council, the Mayor announced a thirty minute time limit.

- Brock Neeley, spoke against the proposed reorganization.
- Nikki Edwards, requested that the Council not reorganize, and suggested that the City of Porterville does not measure up to other Valley cities.
- Teresa De La Rosa, voiced concern that the proposed reorganization was driven by Ms. Gurrola's gender and ethnicity, noting that this was not the first time.
- Melissa McMurry, spoke against the proposed reorganization.
- Rodney Martin, commented that the matter of reorganization was not an LGBT issue, nor was it an anti-Latino woman issue, but rather a routine matter done pursuant to the City Charter; and suggested that perhaps Council Member Ward was being discriminated against due to his religious beliefs.
- Felipe Martinez, stated that the decision was the Council's, and requested that the Council take the matter seriously.

- Anne Marie Wagstaff, spoke against the proposed reorganization and in favor of Mayor Gurrola.
- Ken Medina, spoke in favor of the Council voting with their heart.
- Vanessa Mesa, spoke against the proposed reorganization and requested that the Council consider the will of the people.
- Edith LaVonne, spoke against the proposed reorganization and lauded Ms. Gurrola's integrity and dedication to the City.
- Barry Caplan, read statement from Tino Hernandez in support of Mayor Gurrola and about growing up gay in Porterville.
- Lana, read statement from Army Service Member Christine Madrid, currently serving in Afghanistan, commending Mayor Gurrola for her integrity, values, and her support of equality.
- Roberto De la Rosa, voiced concern that the proposed reorganization was driven by Ms. Gurrola's gender and ethnicity, and spoke of political games being played by the Council.

Council Member Ward spoke about: the Council's history of reorganization; his support for annual rotation; the traditions of other local governing bodies; and his irritation with false accusations from the public. Council Member Shelton spoke about his past efforts to request Council rotations.

Council Member Hamilton noted that the comments from the public on this matter affirmed his desire for reorganization.

Mayor Gurrola commended each member of the Council for their values and contributions to the community; expressed confidence in her decisions as Mayor; shared her faith in God; noted the positive outlook of the City's future; and stated that the reorganization should not detract from the Council's responsibilities to the community.

Council Member Ward stated his desire to not be considered for the Mayorship due to health concerns. Council Member Shelton likewise expressed that he did not want to be considered for Mayor, suggesting that the position adversely affects the Council Member who occupies it.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton, that the Council dissolve and reorganize its position appointments and committee assignments; and appoint Council Member Hamilton as Mayor.

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

Documentation: M.O. 10-091713

Disposition: Council organization dissolved; Council Member Hamilton appointed as Mayor.

Council Member Gurrola vacated the seat of the Mayor, and newly-appointed Mayor Hamilton assumed the position.

Mayor Hamilton thanked Council Member Gurrola for her service as Mayor, and called for nominations for Vice Mayor.

COUNCIL ACTION: NOMINATED by Council Member Shelton that the Council appoint Council Member Ward to serve as Vice Mayor.

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

Documentation: M.O. 11-091713
Disposition: Council Member Ward appointed as Vice Mayor.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council continue the existing committee assignments with the following changes: Mayor Hamilton- 1) Tulare Co. Economic Development Corporation (EDC) as Member; 2) Business Incentive Zone (BIZ) Council as Member; and 3) Council of Cities as Member; and Council Member Shelton-Joint City/School Committee as Member. The motion carried unanimously.

Documentation: M.O. 12-091713
Disposition: Appointments made by the Council.

The Council took a 5 minute recess at 9:06 p.m.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

2. AWARD OF CONTRACT – JAYE STREET AND MONTGOMERY AVENUE
ROUNDAABOUT PROJECT

Recommendation: That City Council:

1. Award the Jaye Street & Montgomery Avenue Roundabout Project to Central Valley Asphalt in the amount of \$1,330,547.21;
2. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection; and
3. Authorize the appropriation of \$290,000 of unallocated Local Transportation Funds if Caltrans does not approve the AMOD.

City Manager Lollis introduced the item. Council Member Shelton lauded the use of a local business for the project.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council award the Jaye Street & Montgomery Avenue Roundabout Project to Central Valley Asphalt in the amount of \$1,330,547.21; authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection; and authorize the appropriation of \$290,000 of unallocated Local Transportation Funds if Caltrans does not approve the AMOD. The motion carried unanimously.

Documentation: M.O. 13-091713
Disposition: Approved.

4. APPROVAL TO PURCHASE RANGE TARGET SYSTEM

Recommendation: That the City Council:
1. Authorize the purchase and installation of the target system from Advanced Training System; and
2. Authorize payment upon satisfactory delivery and installation of the equipment.

City Manager Lollis introduced the item. Council Member Shelton requested that staff elaborate on the proposed target system. Police Captain Dempsie provided clarification.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council authorize the purchase and installation of the target system from Advanced Training System; and authorize payment upon satisfactory delivery and installation of the equipment. The motion carried unanimously.

Documentation: M.O. 14-091713
Disposition: Approved.

9. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ADOPTING A RESOLUTION OF RECOGNITION FOR THE DONATION OF A SIREN TO BE INSTALLED AT FIRE STATION #1

Recommendation: Council Member McCracken moves to set a Scheduled Matter on the Agenda of the regularly scheduled City Council meeting of October 1, 2013, to consider the adoption of a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council's Special Purposes Fund.

City Manager Lollis introduced the item. Council Member Shelton lauded the recognition of the community organizations for their contribution.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken, that the Council set a Scheduled Matter on the Agenda of the regularly scheduled City Council meeting of October 1, 2013, to consider the adoption of a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council's Special Purposes Fund.

Documentation: M.O. 15-091713
Disposition: Approved.

The Porterville City Council adjourned to a meeting of the Successor Agency to the Porterville Redevelopment Agency at 9:22 p.m.

**SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
SEPTEMBER 17, 2013**

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

WRITTEN COMMUNICATIONS

None

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY 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, Exhibit A, for the period of January 1, 2014, through June 30, 2014, 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 the discussion due to a conflict of interest. Community Development Project Manager Jenni Byers presented the staff report.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Ward that the Successor Agency approve the proposed Administrative Budget for the period of January 1, 2014, through June 30, 2014, 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: McCracken, Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: Resolution 2013-03

Disposition: Approved.

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

- Recommendation: That the Successor Agency:
1. Approve the Recognized Obligation Payment Schedule for the second half of the fiscal year 2013-14 (ROPS 13-14 B) provided that should any modification be required to the ROPS 13-14 B 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 ROPS 13-14 B to requirements imposed by the DOF; and
 2. Adopt a Resolution approving the ROPS 13-14 B for the period of January 1, 2014, through June 30, 2014, and directing Successor Agency staff to submit the ROPS 13-14 B to the Oversight Board.

City Manager Lollis introduced the item and Community Development Project Manager Jenni Byers presented the staff report, noting that the California Department of Finance recently approved the Finding of Completion for the Porterville Successor Agency, allowing the Agency to utilize remaining bond proceeds for projects such as the Porterville Hotel.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Ward that the Successor Agency approve the Recognized Obligation Payment Schedule for the second half of the fiscal year 2013-14 (ROPS 13-14 B) provided that should any modification be required to the ROPS 13-14 B 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 ROPS 13-14 B to requirements imposed by the DOF; and adopt a Resolution approving the ROPS 13-14 B for the period of January 1, 2014, through June 30, 2014, and directing Successor Agency staff to submit the ROPS 13-14 B to the Oversight Board.

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

Documentation: Resolution 2013-04
Disposition: Approved.

The Successor Agency to the Porterville Redevelopment Agency adjourned to a meeting of the Porterville City Council at 9:24 p.m.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member McCracken, stated that he would be attending the League of California Cities Conference in Sacramento.
- Council Member Gurrola, reminded Mayor of KTIP Talk with the Mayor at 7:30 a.m. on Fridays; and spoke of upcoming Neon Run for Valley Children's Hospital.
- Council Member Shelton, spoke of the following upcoming events: Tule River Indian Pow Wow, Tim Vanni Fundraiser BBQ, and Step Up event on September 19th.
- City Manager Lollis, noted upcoming IGLBC meeting, League Conference, and Charter Review Committee meeting on September 25th.
- Vice Mayor Ward, recognized National Suicide Prevention Month and event in Tulare.

ADJOURNMENT

The Council adjourned at 9:31 p.m. to the meeting of October 1, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Cameron Hamilton, Mayor

**MINUTES
EMERGENCY MEETING OF THE
PORTERVILLE CITY COUNCIL
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 26, 2013, 10:00 A.M.**

Called to Order at 10:02 a.m.

Roll Call: Council Member McCracken, Council Member Shelton (arrived at 10:07 a.m.), Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton

ORAL COMMUNICATIONS

None

SCHEDULED MATTERS

1. **DECLARATION OF LOCAL EMERGENCY**

Administrative Services Director Hildreth introduced the item and presented a brief report regarding a fire at the Porterville Hotel which occurred early Thursday morning.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the draft resolution declaring the existence of a local emergency.

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

Documentation: Resolution 85-2013

Disposition: Approved.

2. **AUTHORIZING EMERGENCY MITIGATION/DEMOLITION OF BURNED STRUCTURE, THE PORTERVILLE HOTEL DUE TO PUBLIC SAFETY THREAT**

Administrative Services Director Hildreth introduced the item, and Public Works Director Baldo Rodriguez gave a report regarding the structural integrity of the building and potential safety hazards. He advised that demolition of the remaining walls and installation of fencing to secure the property were of the utmost importance, due to their proximity to public right-of-way at a major City intersection; but added that asbestos mitigation was an additional concern. Mr. Rodriguez added that he had spoken with Bowen Engineering who was ready to move pending Council action.

Community Development Director Brad Dunlap participated via telephone and updated the Council on recent conversations with owner Cyrus Youssefi, who had indicated that he was already in contact with his insurance.

Council Member Shelton arrived at 10:07 a.m. Staff noted Council Member Shelton's history of abstaining from participation in matters pertaining to the Porterville Hotel. He indicated that while he had abstained in the past, he did not feel a conflict of interest existed and requested that staff verify that he did not own property within 500 feet of the hotel.

Mr. Dunlap reported that Successor Agency legal counsel Vanessa Locklin wished to speak with him. The Council recessed at 10:18 a.m. to allow Community Development Director Dunlap time to speak with legal counsel, and to allow staff the opportunity to verify that Council Member Shelton did not have a conflict with regard to property ownership.

After the break, Mr. Dunlap advised of language Ms. Locklin had recommended be included in the resolution, and of the subsequent need for a Successor Agency Oversight Board meeting to approve the contract with Bowen. Staff confirmed that Council Member Shelton did not own property within 500 feet.

Council Member Shelton then recommended that the City only mitigate those hazards which were absolutely necessary to ensure that there would be no challenges from the property owner's insurance company when reimbursement was sought; and suggested means of mitigating asbestos and hot spots.

Administrative Services Director Hildreth then read language to be added to the draft resolution based on the recommendations of Ms. Locklin.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve reconsideration of Item No. 1.

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

Documentation: M.O. 01-122613
Disposition: Approved reconsideration of Item No.1.

1. DECLARATION OF LOCAL EMERGENCY

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the draft resolution, as amended to include additional detail with regard to the hazardous condition as advised by legal counsel.

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

Documentation: Resolution No. 85-2013
Disposition: Approved resolution, as amended.

2. AUTHORIZING EMERGENCY MITIGATION/DEMOLITION OF BURNED STRUCTURE,
THE PORTERVILLE HOTEL DUE TO PUBLIC SAFETY THREAT

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve immediate safety mitigation of the structure by Bowen Engineering, which includes demolition of the remaining standing structure, potential removal of asbestos, and fencing of site to secure the property.

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

Documentation: M.O. 02-122613
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Mayor Hamilton spoke of the fire investigation, which would be difficult due to the extent of the damage.
- Vice Mayor Ward commended staff for their swift action.
- Council Member Shelton commended the Council for making it to the meeting on such short notice.

ADJOURNMENT

The Council adjourned at 10:45 a.m. to the meeting of January 7, 2014.

SEAL

Luisa M. Zavala, Deputy City Clerk

Cameron Hamilton, Mayor