

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 3, 2013, 5:30 P.M.**

Call to Order at 5:30 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived at 6:10 p.m.), Council Member Hamilton, Mayor Gurrola

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, PORTERVILLE, CA**

Roll Call: Agency Member Ward, Vice Chair McCracken, Agency Member Shelton (arrived at 6:10 p.m.), 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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Andrea Gould v. City of Porterville, Tulare County Superior Court Case No. PCL159739.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action took place.

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

PROCLAMATIONS

Library Card Sign-Up Month – September 2013

PRESENTATIONS

Employee of the Month – Gabriela Cruz (*Employee was not in attendance, Administrative Analyst Paula David accepted the certificate on her behalf.*)

Employee Service Awards

AB 1234 REPORTS

1. Tulare County Association of Governments (TCAG) – August 21, 2013
City Manager Lollis indicated that no meeting was held.
2. Consolidated Waste Management Authority (CWMA) – August 22, 2013
Vice Mayor McCracken spoke of: the Sharps program and progress made with the County; recent litigation in Alameda County; Visalia’s implementation of RFID chips on containers to assist with tracking; and funds owed by Woodlake on household hazardous waste.

REPORTS

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – No report given.
 2. Library & Literacy Commission – August 13, 2013
Commissioner Figueroa indicated a full report would be provided at the next City Council Meeting.
 3. Arts Commission – No report given.
 4. Youth Commission – No report given.
- II. Staff Informational Items
 1. Building Permit Activity – July 2013

ORAL COMMUNICATIONS

- Chuck Keene, a Porterville resident, spoke regarding Item 17, and spoke in favor of allowing the seniors to remain at the Putnam Community Center.
- Margaret Schafer, 1026 Monache Place, thanked the Council for its support in paying the FEMA fee, and reminded the Council that representations had been made that the matter would be handled immediately.
- Sarah Mae McCauly, a Porterville resident, requested information, contact information and proof that the packet had been sent in to FEMA as was represented by City staff.
- Betty Christian, a resident of Red Oak Drive, spoke of concerns with the storage of boats and RVs on City streets and sidewalks, citing her street as an example, of the dangerous condition that it creates, and of the need for the City to be more actively involved.
- Gary Giraudi, 100 South Westwood, spoke in favor of prohibiting Council Members from attending the Charter Review Committee as was proposed in Item 10.
- Linda Hoy, voiced concerns with apparent illegal activities taking place in and around the bushes along Mulberry near WalMart, requested that the bushes be trimmed, and spoke of her intent to start a Neighborhood Watch in her neighborhood.
- Blanca Jordan, Ambassador to Girl Scout Troup 1024, spoke of her Gold Award project which consisted of donating a bench and drinking fountain to the Tule River Parkway, and invited everyone to the dedication to take place at 11:30 a.m. on September 8, 2013.
- Felipe Martinez, a Porterville resident, came forward on behalf of the Exchange Club and the American Legion Post 20, and spoke in favor of Item 2.
- Lloyd Winter, 1025 W. Roby, spoke regarding Item 17, and requested that the Council allow more time for the parties to negotiate a mutually beneficial contract.
- Barry Caplan, requested that Item 11 be removed for further discussion, suggesting the consideration be bifurcated; and spoke of Item 19.

- Teri Irish, commended Mayor Gurrola and Vice Mayor McCracken for their eye contact with the audience.

CONSENT CALENDAR

Items 1, 7, and 11 were removed for further discussion. Council Member Shelton noted his abstention on Items 2, 4, 6, and 9 due to conflicts of interest relative to those items.

COUNCIL ACTION: **MOVED** by Vice Mayor McCracken, **SECONDED** by Council Member Hamilton, that the Council approve Items 2 through 6, and 8 through 10. Motion carried unanimously, with the aforementioned abstentions.

2. ACCEPTANCE OF FUNDS TO REPLACE EMERGENCY ALERT SIREN

Recommendation: That the City Council:

1. Accept the \$3,000 donation from American Legion Post 20 and the Porterville Exchange Club; and
2. Authorize staff to purchase and install all necessary materials and equipment.

Documentation: M.O. 01-090313
Disposition: Approved.

3. RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS FOR THE WEST NORTH GRAND RECONSTRUCTION PROJECT

Recommendation: That the City Council:

1. Approve the cost associated with installation of the street lights; and
2. Authorize the City Engineer to sign the SCE application and issue a \$10,341.08 payment.

Documentation: M.O. 02-090313
Disposition: Approved.

4. EXTENSION OF RECLAMATION AREA LEASE AGREEMENT

Recommendation: That the City Council:

1. Approve the extension of the farm lease expiration to October 31, 2014; and
2. Approve the request for an additional lease payment of \$19,363.50 which is equivalent to three (3) months rent on the property.

Documentation: M.O. 03-090313
Disposition: Approved.

5. AUTHORIZE PARKS & LEISURE SERVICES DIRECTOR TO APPLY FOR U.S. SOCCER GRANT

Recommendation: That the City Council authorize Parks and Leisure Services Director to proceed with the grant process.

Documentation: M.O. 04-090313
Disposition: Approved.

6. CONSIDERATION OF STREET CLOSURE FOR PARKS & LEISURE SERVICES FUNDRAISER EVENT “ZALUD HOUSE MUSEUM PIONEER DAYS AND RIB COOK-OFF” – OCTOBER 5, 2013

Recommendation: That the City Council authorize the temporary closure of Main Street between Putnam and Morton and Thurman and Cleveland between Division and the alley west of Second Street in support of the planned Zalud House Museum Pioneer Days & Rib Cook-Off event.

Documentation: M.O. 05-090313
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – CENTRAL CALIFORNIA FAMILY CRISIS CENTER – ANNUAL CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE – OCTOBER 17, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 06-090313
Disposition: Approved.

9. 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. 07-090313
Disposition: Approved.

10. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER PROHIBITING CITY COUNCIL MEMBER ATTENDANCE AT MEETINGS OF THE CHARTER REVIEW COMMITTEE

Recommendation: Council Member Hamilton makes the motion that the City Council authorize the scheduling on the next Council Agenda the consideration of prohibiting Members of City Council from attending meeting of the Charter Review Committee.

Documentation: M.O. 08-090313
Disposition: Approved.

The Council took a five minute recess at 7:26 p.m.

PUBLIC HEARINGS

12. PUBLIC HEARING AND BUDGET ADJUSTMENT FOR CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) GRANT FUNDING

Recommendation: That the City Council:

1. Conduct the Public Hearing to receive public comment;
2. Authorize the acceptance of the 2013/2014 Citizens' Option for Public Safety (COPS) Grant funds;
3. Authorize use of these funds to offset costs for two (2) Community Service Officers assigned to the Department's Patrol Division; and
4. Approve a budget adjustment increasing the Police Department's Special Safety Grants – Citizens' Option for Public Safety (COPS) budget by \$100,000.

City Manager Lollis introduced the item and Police Chief McMillan presented the staff report.

The Public Hearing was opened at 7:38 p.m. When no one came forward to speak, the Public Hearing was closed at 7:39 p.m.

Council Member Shelton inquired about the future availability of the grant funds, and City Manager Lollis provided information.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward, that the City Council authorize the acceptance of the 2013/2014 Citizens' Option for Public Safety (COPS) Grant funds; authorize use of these funds to offset costs for two (2) Community Service Officers assigned to the Department's Patrol Division; and approve a budget adjustment increasing the Police Department's Special Safety Grants – Citizens' Option for Public Safety (COPS) budget by \$100,000. The motion carried unanimously.

Documentation: Resolution 56-2013

Disposition: Approved.

13. CONSTRUCTION OF CONCRETE IMPROVEMENTS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT (PROSPECT STREET TO SR65)

Recommendation: That the City Council:

1. Cancel the Public Hearing without public comment; and
2. Direct staff to cease any and all efforts to seek reimbursements for the concrete improvement associated with the W. North Grand Avenue Reconstruction project.

City Manager Lollis introduced the item and Public Works Director Rodriguez presented the staff report, noting staff's recommendation to cancel the public hearing.

Mayor Gurrola recognized a member of the public to address the Council.

- Ben Webb, a resident of the area in question, spoke of his conversations with City staff regarding the matter, and requested that the City take more time to analyze all factors of the issue.

The Council discussed: the impact that the issue would have on future development projects; the liabilities involved with the concrete improvements; the City’s right of way in the area in question; and the locations of the improvements.

Council Member Shelton MOVED that the City Council cancel the Public Hearing without public comment; and continue staff efforts on the matter of reimbursements. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council cancel the Public Hearing without public comment; and direct staff to cease any and all efforts to seek reimbursements for the concrete improvement associated with the W. North Grand Avenue Reconstruction project. The motion carried unanimously.

Documentation: M.O. 09-090313
Disposition: Public Hearing cancelled; reimbursement efforts ceased.

14. MODIFICATION OF CONDITIONAL USE PERMIT 5-2008 SPECIFIC PLAN FOR GARDEN COURT VILLAS (PRC 2013-013)

Recommendation: That the City Council review and adopt the draft resolution approving the modification of Conditional Use Permit 5-2008 Specific Plan for Garden Court Villas (PRC-2013-013) subject to conditions of approval.

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

The Public Hearing was opened at 8:07 p.m.

- Jim Winton, business owner at 150 W. Morton Ave., spoke in favor of approval of the item on behalf of the applicant.

The Council discussed the proposed changes and asked for clarification from Mr. Winton regarding the proposed modifications.

When no one else came forward to speak, the Public Hearing was closed at 8:12 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken, that the City Council adopt the draft resolution approving the modification of Conditional Use Permit 5-2008 Specific Plan for Garden Court Villas (PRC-2013-013) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 57-2013
Disposition: Approved.

The Council took a five minute recess at 8:14 p.m.

SCHEDULED MATTERS

15. CONSIDERATION OF APPOINTMENT TO INTERNAL CITY AUDIT COMMITTEE

Recommendation: That the City Council appoint one individual to serve on the Internal City Audit Committee.

City Manager Lollis introduced the item and Administrative Services Director Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward, that the City Council appoint Mr. Earl Parks to serve on the Internal City Audit Committee. The motion carried unanimously.

Documentation: M.O. 10-090313
Disposition: Earl Parks appointed.

16. ASSESSMENT DISTRICTS

Recommendation: That the City Council provide direction on the future use of Lighting and Landscape Maintenance Districts or Benefit Assessment Districts.

City Manager Lollis introduced the item and Community Development Manager Philips presented the staff report. City Attorney Lew elaborated on her Memorandum regarding the legality of specific assessments to be considered.

A discussion ensued regarding Measure R and the City's ability to maintain streets in the future. Council Member Shelton expressed his opposition to any expansion of taxes or fees on residents. Vice Mayor McCracken inquired about the fees associated with street maintenance, and City Engineer Reed addressed the question.

The Council discussed the possibility of a future City-wide road maintenance district.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the options of Tier One to continue the use of LMDs as they currently exist, with perimeter landscaping along major street frontages and a proportional share of the street light costs within and at the perimeter of the subdivision.

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

Documentation: M.O. 11-090313
Disposition: Tier One approved.

Council Member Shelton noted a conflict of interest relative to Item 17, and removed himself from the Council Chambers for the discussion and vote.

17. PROVISION OF SENIOR CITIZEN PROGRAMS AND SERVICES

Recommendation: That the City Council consider and provide direction on the provision of the programs and services for the benefit of the community's senior citizens, in addition to the City's role in providing and/or supporting such, as well as providing direction on where such programs and services would be accessed.

City Manager Lollis introduced the item and presented the staff report, noting the organizations involved in providing services to seniors: Greater Porterville Senior Citizens' Council (Senior Council), Community Services Employment Training (CSET), Kings/Tulare Area Agency on Aging (K/T AAA), and Comision Honorifica Mexicana Americana (CHMA).

The Council discussed: the facilities owned and leased out by the City for senior services; the differences between the organizations providing the services; the inability of the organizations to agree on oversight of the facilities; and the existing lease agreements between the City and these organizations.

Without objection from the Council, Mayor Gurrola recognized two members from the parties involved to address the Council.

- Lloyd Winter, past president of the Senior Council, summarized the negotiations between the Senior Council and CSET; and expressed his opinion that the City should serve as the arbitrator between the organizations.
- Fred Beltran, CHMA, spoke in support of establishing a designated senior center.

The Council discussed the possibility of allowing a final meeting for negotiations between the involved parties.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton, that the City Council continue consideration of the item to the meeting of September 17, 2013, with the intent of establishing a long-term lease for the provision of senior services.

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

Documentation: M.O. 12-090313
Disposition: Continued to September 17, 2013.

18. SPECIAL RECOGNITION OF THE TULE RIVER TRIBAL COUNCIL AND SIERRA VIEW DISTRICT HOSPITAL FOR THEIR SPONSORSHIP OF THE 2013 FREEDOM FEST

Recommendation: That the City Council consider a means of special recognition of the Tule River Tribal Council and Sierra View District Hospital for their sponsorship of the 2013 Freedom Fest.

City Manager Lollis introduced the item. Council Member Shelton spoke of the contributions of the two entities, and expressed his desire to recognize them in some way.

The Council directed the Mayor to attend a meeting of the Sierra View District Hospital Board of Directors to thank them for their contribution, and to invite them to a future City Council meeting for recognition.

Disposition: Direction given.

19. PROCESS FOR APPROVING CITY PROCLAMATIONS

Recommendation: That the City Council consider the process for approving City Proclamations, and provide direction as may be necessary.

City Manager Lollis introduced the item and presented the staff report. Council Member Ward expressed his opinion that the Mayor should have a role in screening proclamation requests prior to Council consideration for approval.

The Council directed that the item be brought back to consider Council Member sponsorship of proclamation requests, and modification of the City Council Handbook to reflect such changes.

Disposition: Direction given.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

1. AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET REPAIR PROJECT

Recommendation: That the City Council:

1. Approve an appropriation of \$14,000.00 of Local Measure R Funds for the Main Street Repair Project;
2. Approve staff's recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids on the project.

City Manager Lollis introduced the item. Staff addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken, that the City Council approve an appropriation of \$14,000.00 of Local Measure R Funds for the Main Street Repair Project; approve staff's recommended Plans and Project Manual; and authorize staff to advertise for bids on the project. The motion carried unanimously.

Documentation: M.O. 15-090313

Disposition: Approved.

The Council took a five minute recess at 9:28 p.m.

7. APPOINTMENTS TO THE PARKS & LEISURE SERVICES COMMISSION

Recommendation: That the City Council appoint Shannon Bennett, Leticia Lupio, and Monte Moore, and Rick Vafeades to serve four-year terms expiring in October 2017 on the Parks & Leisure service Commission.

City Manager Lollis introduced the item. Council Member Shelton expressed appreciation for the applicants to the Commission.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken, that the City Council appoint Shannon Bennett, Leticia Lupio, Monte Moore, and Rick Vafeades to serve four-year terms expiring in October 2017 on the Parks & Leisure Services Commission. The motion carried unanimously.

Documentation: M.O. 16-090313
Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER REORGANIZATION OF THE CITY COUNCIL

Recommendation: That Council Member Ward makes the motion that the City Council authorize the scheduling on the next Council Agenda the reorganization of the Council, including its appointed positions and assignment to committees.

City Manager Lollis introduced the item.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton, that the City Council authorize the scheduling on the next Council Agenda the reorganization of the Council, including its appointed positions and assignment to committees.

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

Documentation: M.O. 17-090313
Disposition: Item scheduled.

ORAL COMMUNICATIONS

- Barry Caplan, voiced concern with the issue of bicycling in the City of Porterville and suggested that he could assist the City in that regard.

OTHER MATTERS

- Council Member Shelton spoke of the need for transit services for youth from East Porterville to the Boys and Girls Club; made mention of the upcoming anniversary of the September 11th attacks; and inquired about the parking concerns voiced during Oral Communications.

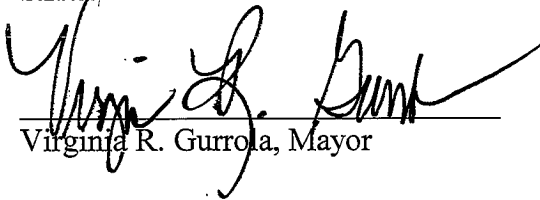
- City Manager Lollis spoke of the upcoming dedication of Ms. Jordan's Gold Award Project on September 8th, and the City Employee Picnic scheduled for September 14th at the City Pool, with golf immediately preceding it.

ADJOURNMENT

The Council adjourned at 9:50 p.m. to the meeting of September 17, 2013.


Luisa M. Zavala, Deputy City Clerk

SEAL


Virginia R. Gurrola, Mayor

