

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 18, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member McCracken, Council Member Shelton (arrived during Closed Session), Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton

Adjourn 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: Member McCracken, Member Shelton (arrived during Closed Session), Member Gurrola, Vice Chair Ward, Chair Hamilton

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.9(d)(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.
 - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-122-007 and 261-122-008. Agency Negotiators: John Lollis and Brad Dunlap. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.

During Closed Session, the Joint Council/Successor Agency Meeting shall adjourn 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: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: City of Porterville Water Rights. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Allan Lombardi. Under Negotiation: Terms and Price.

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

5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Witbro, Inc. dba Seal Rite Paving & Grading v. JT2, Inc. dba Todd Companies, City of Porterville and Fidelity and Deposit Company of Maryland, Tulare County Superior Court Case No. 255158.

6 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases. Two cases with facts not yet known to potential plaintiffs; and one case concerning a letter dated February 28, 2014 from the State of California regarding state funding restrictions for charter cities regarding payment of prevailing wage pursuant to Senate Bill 7.

6:35 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

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

Pledge of Allegiance Led by Council Member Shelton
Invocation - - a moment of silence was observed.

AB 1234 REPORTS

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

1. Tulare County Local Agency Formation Commission (LAFCO)
Mayor Hamilton spoke regarding the Public Member Selection Committee and the Executive Officer's Report.
2. Tulare County Association of Governments (TCAG)
Council Member Gurrola spoke of a resolution approving Transportation Development Plans for Porterville, and thanked Richard Tree for allocating LTF funds for streets.

REPORTS

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

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission
Commissioner Moore reported on the following: recent motocross event at the OHV Park; upcoming movie at the park, Spring Kid's Fest, and 4th Annual Corporate Games; Parks maintenance efforts; and Parks and Leisure Services recommendations. Parks and Leisure Services Director Donnie Moore noted the Wall of Fame Ceremony to take place on the 19th.

2. Library & Literacy Commission
Chair Figueroa spoke of: presentations by library staff regarding the English Language and Literacy Intensive Program and the Summer Skill Building Program; City Librarian Cervantes' report regarding Senate bills; and February highlights.
3. Arts Commission
Commissioner Reyes presented the Commission's Long-Term Work Plan.
4. Youth Commission – no report given.
5. Transactions and Use Tax Oversight Committee (TUTOC) – no report given.

ORAL COMMUNICATIONS

- Jerry Stump, thanked the Council for approving the Crossfit 559 event and spoke of its success.
- Robert Johnson, spoke of the CrossFit 559 event; thanked the Council; distributed photos of the event and t-shirts to the Council; and spoke of future events.
- Linda Nichols, recreation therapist, spoke of youth participation in CrossFit and the importance of a healthy lifestyle; and encouraged joining CrossFit 559.
- Arlie Landis, spoke of his participation in the recent WOD Wars/Crossfit 559 event and other competitions.
- Donna Landis, spoke of the CrossFit 559's impact on her family and her son Arlie.
- Michael Thurston, CrossFit 559 trainer, thanked the Council for approving the CrossFit WOD Wars event; spoke of his participation and of the benefits.
- Joanie Stump, spoke of the many successes of Arlie Landis relative to his participation in the CrossFit program.
- Rita Santos, South Valley Chivas Soccer Academy, on behalf of the various soccer organizations in the community, presented a petition requesting lighting of the soccer fields at the Sports Complex.
- Brock Neeley, noted that President Obama had awarded 24 Medals of Honor to veterans, three of which were still living; and requested that a moment of silence be observed.
- Larry Long, commented on the poor quality of the road work on North Main near the solar field.
- Milt Stowe, on behalf of the Porterville Chamber of Commerce, spoke of the upcoming Iris Festival and its significance; and requested continued support of the event.
- Jenna Salazar, Enspirit, Inc., requested support for Festival of Colors Run, Item No. 12.
- Barry Caplan, requested Item Nos. 7-10 be pulled; suggested Council had not followed its own rules relative to the proclamation process and adding items to the agenda.
- Greg Casada, spoke in support of legal methods of obtaining medicinal marijuana; spoke of public safety concerns; and requested compassion.
- Lisa Sparks, spoke of her medical marijuana use and in support of safe access and collectives; and requested that the Council find a happy median.
- Teri Irish, requested that comments regarding Item No. 19 be postponed to the item's consideration.
- Mr. Romaine, a Hanford attorney, spoke regarding legal aspect of proposed Alternative 3; advised that the California Constitution granted the Council authority to regulate dispensaries; and advocated use of J & M Med, Corp.
- Unidentified individuals, spoke in support of marijuana use in moderation.
- Joseph Collins, spoke in favor of outdoor cultivation and in opposition to dispensaries due to

costs.

- Wendall Par, spoke of his back surgeries and use of marijuana for pain management.
- Ron Hulseley, spoke in support of dispensaries and shared negative experience with neighbor who was growing marijuana and taking part in other illegal activities.
- Shawna McGill, spoke in support of cultivation because dispensaries are costly.
- Deborah Hulseley, expressed support for medicinal users; spoke of her own prescription expenses; and voiced support for dispensaries.
- Martha A Flores, spoke of marijuana growth in her neighborhood; and asked that the Council keep in mind community health, safety, economic vitality, and quality of life during its consideration of Item No. 19.
- Deanna Worthington, expressed concerns regarding water being wasted and encouraged public outreach.

The Council recessed for fifteen minutes at 7:55 p.m.

CONSENT CALENDAR

Item Nos. 2, 5, 6 and 12 were removed for further discussion. Council Member Shelton noted his abstentions relative to Item Nos. 14 and 15; and Vice Mayor Ward noted his abstention relative to Item No. 1.

1. PURCHASE OF SPECIALIZED EQUIPMENT

Recommendation: That the City Council authorize purchase by negotiation of the specialized equipment list and authorize payment for said equipment upon satisfactory delivery.

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

Documentation: M.O. 01-031814

Disposition: Approved.

3. APPROVAL OF AMENDMENT NO. 5 TO JOINT POWERS AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY

Recommendation: That the City Council approve and authorize the Mayor to sign Amendment No. 5 to the Agreement with Tulare County Health and Human Services Agency.

Documentation: M.O. 02-031814

Disposition: Approved.

4. LONG-TERM WORK PLAN FOR THE ARTS COMMISSION

Recommendation: That the City Council approve the proposed Long-Term Work Plan as presented by the Arts Commission.

Documentation: M.O. 03-031814

Disposition: Approved.

7. REQUEST FOR PROCLAMATION – IRIS FESTIVAL DAY

Recommendation: That the City Council consider approval of the request to proclaim April 25, 2014, as Iris Festival Day.

Documentation: M.O. 04-031814

Disposition: Approved.

8. REQUEST FOR PROCLAMATION – NATIONAL LIBRARY WEEK

Recommendation: That the City Council consider approval of the request to proclaim April 13-19, 2014, as National Library Week.

Documentation: M.O. 05-031814

Disposition: Approved.

9. REQUEST FOR PROCLAMATION – NATIONAL VOLUNTEER WEEK

Recommendation: That the City Council consider approval of the request to proclaim April 13-19, 2014, as National Volunteer Week.

Documentation: M.O. 06-031814

Disposition: Approved.

10. REQUEST FOR PROCLAMATION AND PROMOTIONAL DISPLAY IN PUBLIC RIGHT-OF-WAY – CHILD ABUSE PREVENTION MONTH

Recommendation: That the City Council:

1. Consider approval of the request to proclaim April 2014 as Child Abuse Prevention Month; and
2. Authorize the non-advertising displays commemorating the Child Abuse Awareness month subject to the recommended conditions of approval.

Documentation: M.O. 07-031814

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL – APRIL 26, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in the Application, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 08-031814

Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF PORTERVILLE – PARENTS AGAINST BULLYING RALLY – PERFORMING ARTS FESTIVAL – APRIL 12, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Boys and Girls Club of Porterville and Parents Against Bullying, subject to the Restrictions and Requirements contained in the Application, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 09-031814

Disposition: Approved.

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

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

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 10-031814

Disposition: Approved.

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

Recommendation: That the City Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 11-031814
Disposition: Approved.

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER THE DEVELOPMENT OF A SWIMMING POOL DRAINING PERMIT

Recommendation: Vice Mayor Ward makes the motion that the City Council authorize a Scheduled Matter on the next Council Agenda to consider the development of a swimming pool draining permit.

Documentation: M.O. 12-031814
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council approve Item Nos. 1, 3, 4, 7 through 11, and 13 through 16. The motion carried unanimously, noting the abstentions above.

SCHEDULED MATTERS

17. CEQA MITIGATION BALLFIELD LIGHTING OPTIONS

Recommendation: That the City Council:

1. Consider the options and give staff direction on the remaining balance in the CEQA mitigation ballfield lighting account; and
2. Provide staff direction on the Sports Complex softball diamonds amenities.

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

The Council discussed the proposed softball diamond amenities and associated costs, funds for the next phase of perimeter lighting, the Council Special Purposes Reserves Account, and submittal of an application for MLB Baseball Tomorrow Fund grant monies.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the City Council approve the purchase of two light trailers.

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

Documentation: M.O. 13-031814

Disposition: Approved.

Concerns were expressed regarding the use of perimeter lighting versus multi-field lighting, and the use of Special Purposes Reserves funds in the absence of MLB grant funds. Staff advised that the MLB grant funds awarded required a match and were typically smaller in size; and should a grant be awarded, it could be used towards the proposed softball amenities.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council authorize leaving remaining balance of \$55,000 in account until \$146,500 is available to complete the next phase of perimeter lighting; and authorize use of \$26,883 from Council Special Purposes Reserves for proposed softball amenities.

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

Documentation: M.O. 14-031814
Disposition: Approved.

18. SCHEDULING OF CITY COUNCIL STUDY SESSIONS ON "WATER" FOR TUESDAY, APRIL 8, 2014, AND TUESDAY, APRIL 22, 2014

Recommendation: That the City Council:

1. Approve the scheduling of City Council Study Sessions on "Water" for Tuesday, April 8, 2014, and Tuesday, April 22, 2014 (if necessary), beginning at 5:30 p.m. in the Library Community Room; and
2. Consider the schedule of a City Council Study Session to receive a presentation by Mr. Santoyo on the evening of Monday, March 24, 2014.

City Manager Lollis introduced the item and presented the staff report. The Council discussed the proposed speakers and the extent of information to be covered. Council Member Gurrola spoke in support of Mr. Santoyo's participation.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the scheduling of City Council Study Sessions on "Water" for Tuesday, April 8, 2014, and Tuesday, April 22, 2014 (if necessary), beginning at 5:30 p.m. in the Library Community Room.

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

Documentation: M.O. 15-031814

Disposition: Approved.

19. MEDICAL MARIJUANA – DRAFT – SAMPLE PROVISIONS CONCERNING CULTIVATION AND DISPENSARIES; REQUEST FOR FURTHER DIRECTION

Recommendation: That the City Council review the alternatives provided by staff and provide direction to staff on developing an ordinance for consideration at a public hearing.

City Manager Lollis introduced the item, and the staff report was presented by City Attorney Lew and Community Development Director Dunlap.

Following the staff report there was extensive discussion regarding the proposed provisions. Council Member Shelton suggested that reducing the number of plants allowed would solve most current issues; and Mayor Hamilton inquired about the absence of a permit or registry process in the options presented.

City Attorney Lew elaborated on the meanings of co-ops and collectives and closed loop dispensaries. City Manager Lollis noted that the Delano dispensaries had been issued a cease and desist order from the Department of Justice, but were still in operation.

The Council voiced concerns regarding conflicting State and Federal laws, medical marijuana abusers, and the proposed distance requirements. Staff was then directed to revise the draft provisions to limit the number of plants to 16, prohibit collective grow sites, incorporate a registry/permit requirement, and allow for indoor and outdoor cultivation. Once revised staff would bring the provisions back to the Council for consideration.

Disposition: Direction given.

CONSENT CALENDAR

2. ACCEPTANCE OF THE STATE ROUTE 190 PROJECT INITIATION DOCUMENT (PID) AND COMMENCEMENT TO PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PA&ED) STAGE FOR NEAR TERM PROJECTS

Recommendation: That the City Council:

1. Accept Caltrans' State Route 190 PID;
2. Authorize the City Engineer to sign the State Route 190 PID;
3. Approve moving towards the Project Approval-Environmental Document (PA&ED) phase of the identified Near Term Projects;
4. Approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Approval-Environmental Document (PA&ED);
5. Authorize the Mayor and City Manager to execute the Cooperative Agreement with Caltrans; and

6. Authorize the Mayor and City Manager to execute the draft Resolution and Measure R Supplemental Agreement and Cooperative Agreement for the purpose of financing the PA&ED at an estimated cost of \$680,000.

The City Manager introduced the item, and the staff report was waived at the Council's request. Council Member Gurrola indicated that she had pulled the item to note that Measure R monies were coming.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the City Council accept Caltrans' State Route 190 PID; authorize the City Engineer to sign the State Route 190 PID; approve moving towards the Project Approval-Environmental Document (PA&ED) phase of the identified Near Term Projects; approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Approval-Environmental Document (PA&ED); authorize the Mayor and City Manager to execute the Cooperative Agreement with Caltrans; and authorize the Mayor and City Manager to execute the draft Resolution and Measure R Supplemental Agreement and Cooperative Agreement for the purpose of financing the PA&ED at an estimated cost of \$680,000.

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

Documentation: M.O. 16-031814; and Resolution 18-2014
Disposition: Approved.

5. APPROVAL OF CITY CONCESSION LICENSES

Recommendation: That the City Council approve the concession licenses with American Youth Soccer Organization, Porterville Youth Soccer League, and South Valley Chivas Academy, and authorize and direct the Mayor to execute the same.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton, who had pulled the item, lauded Parks and Leisure Services Director Moore for his work with the organizations.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor Ward that the City Council approve the concession licenses with American Youth Soccer Organization, Porterville Youth Soccer League, and South Valley Chivas Academy, and authorize and direct the Mayor to execute the same. The motion carried unanimously.

Documentation: M.O. 17-031814
Disposition: Approved.

6. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the City Council adopt the draft resolution approving the application for State Off-Highway Vehicle Grant Funds.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Parks and Leisure Services Director Moore addressed questions regarding projected operation costs.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution approving the application for State Off-Highway Vehicle Grant Funds. The motion carried unanimously.

Documentation: Resolution 19-2014

Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE AND ENSPIRIT, INC. – FESTIVAL OF COLORS 5K RUN – APRIL 26, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce and Enspirit, Inc., subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton, who pulled the item, commended Enspirit, Inc. for putting on the event.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce and Enspirit, Inc., subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B. The motion carried unanimously.

Documentation: M.O. 18-031814

Disposition: Approved.

ORAL COMMUNICATIONS

- Dawn Jobe, thanked the Council and City staff for their work; suggested that a marijuana grower be consulted when drafting provisions; spoke in favor of co-operatives and collectives; and spoke in opposition to dispensaries and proposed restrictions relative to number of plants and square footage.
- Les Cannon, asked when the proposed restrictions would be effective.

- Jeff Faure, thanked City Attorney Lew for her hard work; and spoke in favor of voluntary registration and patient's rights.
- Mike Pezzi, spoke in favor of co-ops and dispensaries for those who cannot grow themselves, such as the disabled.
- Christian Carrera, spoke in support of a collective.
- Jim Rhodee, voiced his support for collectives.

OTHER MATTERS

- Council Member Gurrola announced that the Senior Center was now open.
- Council Member Shelton reported his attendance at Monster Mammoth Motocross event and Crossfit 559 WOD Wars Fitness Competition.

The Council took a ten minute recess at 10:54 p.m. then reconvened in Closed Session.

CLOSED SESSION

No reportable action took place during Closed Session.

ADJOURNMENT

The Council adjourned at 11:36 p.m. to the meeting of April 1, 2014.

SEAL

Luisa M. Zavala, Deputy City Clerk

Cameron J. Hamilton, Mayor