

**CITY COUNCIL MINUTES  
SPECIAL MEETING  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CA 93257  
AND  
1155 KELVIN ROAD  
EL SOBRANTE, CA 94803  
APRIL 23, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton, Council Member Hamilton (via teleconference), Vice Mayor McCracken, Mayor Gurrola

**ORAL COMMUNICATIONS**

None

**SCHEDULED MATTERS**

1. REQUEST FOR TEMPORARY CERTIFICATE OF OCCUPANCY (TCO) FOR CONDITIONAL USE PERMIT 8-82, MODIFICATION 2

Recommendation: Provide direction to staff.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report. Following the staff report, Mr. Rodriguez addressed questions from the Council regarding the easement for the street light, timeline for installation, City liability and recourse available.

- Mary McClure, the developer, questioned the City's estimate of \$5,000 for installation of conduit; assured the Council that the new property owner would sign the easement; and requested that her deposit be held by a neutral third party.

Following Ms. McClure's comments, Mr. Rodriguez explained how he came up with the deposit amount. Deputy City Attorney Mike Mauer recommended use of an escrow agreement in the event the deposit was held by a third party. A brief discussion ensued regarding the amount of time granted by a temporary certificate of occupancy, and communication with the current property owner. Mary McClure suggested that signing of the easement could be incorporated into the escrow instructions.

Vice Mayor McCracken MOVED that the City Council approve the issuance of a Temporary Certificate of Occupancy with the condition that the City receive an invoice and easement from Southern California Edison (SCE), or other documentation deemed sufficient by the Community Development Director; and a second condition that the developer provide a \$5,000 deposit to the City with the proviso that it be returned to the developer upon the successful completion of the street light, less any cash expended by the City to install the street light. The motion was SECONDED by Mayor Gurrola.

In response, the Public Works Director requested that he be the designated staff person with regard to the street light, and spoke of recent communications with Southern California Edison. Vice Mayor McCracken revised his motion to include the Public Works Director.

Discussion then followed regarding whether the TCO should be valid for a specific amount of time, and under what circumstances the City would allow the business to continue operating, such as delays on the part of SCE. Deputy City Attorney Mauer advised that the City could also revoke the TCO should the property owner fail to sign the easement.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward to amend the Vice Mayor's motion to include a 6-month review of the TCO to check on the status of the street light installation.

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

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that the City Council approve the issuance of a Temporary Certificate of Occupancy with the condition that the City receive an invoice and easement from Southern California Edison (SCE), or other documentation deemed sufficient by the Community Development Director or Public Works Director; a second condition that the developer provide a \$5,000 deposit to the City with the proviso that it be returned to the developer upon the successful completion of the street light, less any cash expended by the City to install the street light; and a 6-month review by the Council to check on status. The motion carried unanimously.

Documentation: M.O. 01-042313  
Disposition: Approved, as amended.

**ORAL COMMUNICATIONS**


None

**OTHER MATTERS**


None

**ADJOURNMENT**

The Council adjourned at 6:08 p.m. to the meeting of May 7, 2013.

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Virginia R. Gurrola, Mayor