

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
APRIL 16, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Ward, Council Member Shelton (arrived after roll call), Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

The City 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, Agency Member Shelton (arrived after roll call), 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.
  - 2 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning facts not yet known to potential plaintiffs.

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: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.
  - 3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Allstate Insurance Company v. City of Porterville, Tulare County Superior Court Case No. PCL158272.
  - 4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Porterville City Firefighters Association; Fire Officer Series; All Unrepresented Management Employees.

5 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Five cases concerning facts not yet known to potential plaintiffs.

### **6:30 P.M. RECONVENE OPEN SESSION**

### **REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew stated that no reportable action had taken place in Closed Session. She added that the Council would need to return to Closed Session following Open Session.

Pledge of Allegiance Led by Mayor Virginia Gurrola

Invocation – one individual participated, after which a moment of silence was observed for the victims of the recent bombing in Boston.

### **PROCLAMATIONS**

Sutton’s Iris Gardens Day – April 23, 2013

National Library Week – April 15-20, 2013

National Volunteer Week – April 21-27, 2013

Porterville Denim Day – April 24, 2013

Arbor Day – April 26, 2013

Iris Festival Day – April 27, 2013

Cinco de Mayo Week – April 29-May 5, 2012

### **AB 1234 REPORTS**

1. Tulare County Local Agency Formation Committee (LAFCO) – April 3, 2013: Council Member Hamilton reported on an adopted policy change.
2. Tulare County Association of Governments (TCAG) – April 15, 2013: Mayor Gurrola announced that Congressman Nunes was accepting internship applications; provided an update regarding Buy America waivers; and spoke of discussion regarding inequity of funds.
3. Council of Cities – April 10, 2013: Vice Mayor McCracken reported that the Agenda consisted of one Closed Session item.
4. CALED Award Luncheon – April 11, 2013: Mayor Gurrola reported her attendance at the luncheon, and the Vice Mayor spoke of the Award of Excellence for the Porterville Marketplace Public-Private Partnership Project presented to the City.

### **REPORTS**

- I. City Commission and Committee Meetings:
  1. Library and Literacy Commission – April 9, 2013: Commissioner Bailey updated the Council on Library and Literacy Commission activities, which included working on a revised MOU for the Margaret J. Slattery Library, and conference attendance. He also spoke of March Library highlights, volunteer hours logged, National Library Week events, and the mural dedication.
  2. Parks & Leisure Services Commission – April 4, 2013: Commissioner Mendoza presented the commission’s report of department efforts which included: reworking the Zalud Park infields; spring planting at the Zalud House; preparation of the Municipal Pool for the summer season; top dressing of the golf course greens; Spring Fishing Derby; City Youth Track and Field Meet; Music on Main Street; and Corporate Games.

3. Youth Commission – April 8, 2013: No report given.

City Manager Lollis notified the Council of an emergency item, and requested that its addition be considered prior to Oral Communications.

Emergency Item: ENGINE #4 COMPLETE OVERHAUL

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept the emergency item for addition to the evening's agenda as Item No. 20. The motion carried unanimously.

Documentation: M.O. 01-041613

Disposition: Item Added.

**ORAL COMMUNICATIONS**

None

**CONSENT CALENDAR**

Items 2, 3, 5, 6 and 7 were removed for further discussion. Council Member Shelton indicated his abstention on Item No. 12 due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the City Council approve Items 1, 4, and 8 through 12. The motion carried unanimously, with the exception of the aforementioned abstentions.

1. MINUTES OF MARCH 19, 2013

Recommendation: That the City Council approve the Minutes of March 19, 2013.

Documentation: M.O. 02-041613

Disposition: Approved.

4. APPROVAL OF SPORTS COMPLEX CONCESSION LICENSES

Recommendation: That the City Council approve the concession license with American Youth Soccer Organization for the spring of 2013, and the concession license with South Valley Chivas Academy for fall of 2013, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 03-041613

Disposition: Approved.

8. CITY-FUNDED SUPPLEMENTAL INSURANCE COVERAGE FOR HISTORICAL PARADES

Recommendation: That the City Council:

1. Accept the quote submitted by Burlington Insurance Company in the amount of \$2,346.57; and
2. Authorize the Risk Manager to purchase said policy for supplemental insurance coverage for the three historical City parades for calendar year

2013.

Documentation: M.O. 04-041613  
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT – FAMILY CRISIS CENTER – MUD RUN – JUNE 1, 2013

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

Documentation: M.O. 05-041613  
Disposition: Approved.

10. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER OFFERING ONLINE PRE-SALE TICKETS TO CITY EVENTS

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the May 7<sup>th</sup> Council Agenda the consideration of offering online pre-sale tickets to City events.

Documentation: M.O. 06-041613  
Disposition: Approved.

11. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER IMPLEMENTING LOCAL GOVERNMENT MOBILE APPLICATION

Recommendation: Council Member Ward makes the motion that the City Council authorize the scheduling on the May 7<sup>th</sup> Council Agenda the consideration of implementing a local government mobile application.

Documentation: M.O. 07-041613  
Disposition: Approved.

12. 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.

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

Documentation: M.O. 08-041613  
Disposition: Approved.

## **PUBLIC HEARINGS**

### **13. SEWER UTILITY DISTRICT AREA 458**

Recommendation: That the City Council:

1. Open the Public Hearing and take comments and accept any ballots;
2. Instruct the City Clerk to receive all ballots, count said votes on April 17, 2013, in the La Barca Room at 1:30 pm and report to the Council the outcome of the voting at the May 7, 2013, Council meeting; and
3. If there is a majority favorable vote, the City Council shall consider the Resolution Approving the Formation of the District and the Levying of the Assessment.

Council Member Ward reported a conflict of interest, recused himself from the discussion, and joined the audience to participate as a member of the public.

In response to Council Member Shelton's inquiry as to his potential conflict of interest due to a trust deed he holds on property within the subject area, City Attorney Lew recommended that Council Member Shelton recuse himself from the discussion and exit the Council Chambers. Council Member Shelton disagreed with Ms. Lew's opinion as to the need to exit the Chambers, recused himself from the discussion, left the dais, and joined the audience to participate as a member of the public.

City Manager Lollis introduced the item. Public Works Director Rodriguez presented the staff report and advised that ballots could be submitted until the close of the meeting. Mr. Rodriguez then elaborated on the requirements and fee assessment process for property owners in the area to connect to the sewer lines, noting that an assessment of fees for the connections could not be imposed on the property owners if the majority of ballots submitted were in opposition to the assessment.

The public hearing was opened at 7:36 p.m.

- Reynold Rutledge, 366 N. Lindale, inquired about fees if the formation of the utility district does not pass the vote of the residents.
- Brian Ward, inquired into the 3% interest rate to be applied to the residents' sewer connection fees; and stated that the City should not be making money off of the residents who pay back the bonds issued.
- Ida Gomez, questioned the differences in costs between residents in the district.

The public hearing was closed at 7:38 p.m.

A brief discussion ensued regarding the fees and the applicable 3% interest rate. Mayor Gurrola called for any final ballots to be presented to the City Clerk.

The Council recessed for 15 minutes at 7:49 p.m.

The Public Hearing was re-opened at 8:08 p.m. to allow audience members to submit any final ballots. The Council proceeded with the agenda until all ballots were collected.

### **14. LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION**

Recommendation: That the City Council:

1. Open the public hearing to hear public comment on the proposed consolidation of Landscape and Lighting Maintenance Districts

Westwood Estates (D1), Westwood Estates Unit 4, Phase 5 (A5), and Westwood Estates Unit 5, Phase 2 (D12).

2. Announce the last call for ballot submission, receive written ballots from affected property owners, and close the public hearing;
3. Authorize the City Clerk's Office to commence tabulation of the ballots; and
4. Adopt the resolution approving the Engineer's Report, diagram, and assessment method, pending ballot tabulation results of affirmative approval.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Moore presented the staff report, which consisted of a review of the purpose for the creation of Landscape and Lighting Maintenance Districts, the functions of such Districts, the fees for services, and the proposed plan for consolidation.

The public hearing was opened at 8:10 p.m.

When no member of the audience came forward to speak, City Attorney Lew advised Mayor Gurrola to keep the Public Hearing open until all ballots were collected. Seeing that there were no more ballots to be collected, the Public Hearing was closed at 8:11 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council authorize the City Clerk to commence tabulation of the ballots. The motion carried unanimously.

Documentation: M.O. 09-041613  
Disposition: Approved.

The Council proceeded with the agenda while the ballots were being tabulated by City Clerk staff.

### **SCHEDULED MATTERS**

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve Items 15, 16, and 18. The motion carried unanimously.

15. STATUS OF DELISTING PROCESS FOR VALLEY ELDERBERRY LONGHORN BEETLE

Recommendation: That the City Council adopt the draft resolution supporting the delisting of the valley elderberry longhorn beetle from the Federal List of Endangered and Threatened Wildlife.

Documentation: Resolution 21-2013  
Disposition: Approved.

16. REQUEST BY WILDPLACES TO WAIVE FEES FOR USE OF CITY DUMPSTER – CLEANUP PROJECT ALONG TULE RIVER WALKWAY

Recommendation: That the City Council provide direction to staff.

Documentation: M.O. 10-041613  
Disposition: Approved.

18. CONSIDER RESOLUTION OF OPPOSITION TO SB 7 (STEINBERG) REGARDING PUBLIC WORKS: CHARTER CITIES

Recommendation: That the City Council adopt a Resolution of Opposition to SB 7 (Steinberg).

Documentation: Resolution 22-2013  
Disposition: Approved.

17. IDENTIFYING AREAS FOR POCKET PARKS/LIBRARY USERS ANALYSIS

Recommendation: That the Council provide further direction on how staff is to proceed with the Pocket Park Project and Library User Analysis item.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Shelton that the City Council separate Item No. 17 into two separate items for consideration. Item No. 17a will be “Identifying Areas for Pocket Parks”. Item No. 17b will be “Library Users Analysis”. The motion carried unanimously.

Documentation: M.O. 11-041613  
Disposition: Approved.

17a. IDENTIFYING AREAS FOR POCKET PARKS

Recommendation: That the City Council provide further direction on how staff is to proceed with the Pocket Park Project.

City Manager Lollis introduced the item and provided a brief staff report. A discussion ensued as to the responsible parties for the construction, maintenance, and composition of, and the liability for, pocket parks. The Council further discussed the need to obtain property owner input in the design and location; the process for forming an assessment district, and whether pocket parks conformed to the City’s General Plan.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council refer the matter of pocket parks to the Parks and Leisure Services Commission with the direction of identifying locations for the parks and developing ideas for how they could be constructed.

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

Documentation: M.O. 12-041613  
Disposition: Approved.

17b. LIBRARY USERS ANALYSIS

Recommendation: That the City Council provide further direction on how staff is to proceed with Library User Analysis.

A discussed ensued regarding Council Member Ward’s interest in identifying neighborhoods that were not utilizing library services; the number of library users that were City residents as opposed to County residents; and the potential opportunity to partner with the local schools for the purposes of creating “literacy centers” throughout the City.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council direct staff to collect data regarding Library card users.

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

Documentation: M.O. 13-041613  
Disposition: Approved.

Upon the recommendation of the City Attorney, the Council returned to Item 13.

13. SEWER UTILITY DISTRICT AREA 458

The public hearing closed at 8:52 p.m.

Disposition: Ballot tabulation to occur on April 17, 2013 at City Hall.

Upon confirmation that the ballot tabulation had been completed, the Council returned to Item No. 14.

14. LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS CONSOLIDATION

Mayor Gurrola called for the results of the ballot tabulation. Administrative Services Director Hildreth reported that the total valid ballots received totaled 90. Of the 90 ballots submitted, 73 voted “yes” and 17 voted “no”. One ballot submitted was disqualified due to no vote being indicated on the ballot. The consolidation passed with 81 percent approval of the voters.

City Attorney Lew stated that staff recommended adding the following line to the Resolution for Item No. 14: “The certification of the assessment election results affirming the formation of the district is attached to this Resolution as Exhibit A.”

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the City Council adopt the resolution approving the Landscape and Lighting Maintenance Districts Consolidation, as amended to include reference to the certification of the assessment election results affirming the formation as



Exhibit A. The motion carried unanimously.

Documentation: Resolution 23-2013  
Disposition: Approved.

19. PORTERVILLE COLLEGE “STEP UP” PARTNERSHIP PROPOSAL FOR SPONSORSHIP OF “COLLEGE 4 KIDS SUMMER CAMP”

Recommendation: That the City Council consider the partnership proposal from Porterville College for sponsorship of the upcoming “College 4 Kids Summer Camp”.

Mayor Gurrola recused herself from the discussion due to a conflict of interest, and exited the Council Chambers. Vice Mayor McCracken assumed mayoral duties as Mayor Pro Tempore.

City Manager Lollis provided the staff report, after which a brief discussion ensued as to the summer program.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve the partnership proposal for the “College 4 Kids Summer Camp”.

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

Documentation: M.O. 14-041613  
Disposition: Denied.

City Attorney Lew and Community Development Manager Phillips advised Council Member Ward regarding a conflict of interest with Items 20 and 3.

20. ENGINE #4 COMPLETE OVERHAUL

Recommendation: That the City Council approve additional work to be completed by Valley Power on Engine #4 at cost of \$45,000.

Council Member Ward recused himself from the discussion due to a conflict of interest and exited the Council Chambers.

City Manager Lollis presented the item and a brief staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the City Council approve additional work to be completed by Valley Power on Engine #4 at cost of \$45,000.

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

Documentation: M.O. 15-041613  
Disposition: Approved.

**CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)**

3. ENGINE #3 TOP END OVERHAUL

Recommendation: That the City Council approve Valley Power to perform the top end overhaul on Engine #3 at a repair cost of less than \$30,000.

City Manager Lollis introduced the item indicating it had been removed from Consent Calendar at the request of Council Member Shelton. A brief discussion ensued as to the gas used and produced by the engines.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve Valley Power to perform the top end overhaul on Engine #3 at a repair cost of less than \$30,000.

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

Documentation: M.O. 17-041613  
Disposition: Approved.

2. PURCHASE OF POLICE AMMUNITION

Recommendation: That the City Council approve the Police Department's purchase of the required ammunition in the amount of \$8,467.88.

City Manager Lollis introduced the item. Council Member Shelton inquired about the price of the ammunition.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the Police Department's purchase of the required ammunition in the amount of \$8,467.88. The motion carried unanimously.

Documentation: M.O. 16-041613  
Disposition: Approved.

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

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

City Manager Lollis introduced the item. A brief discussion ensued as to the loss of funding for

the Off-Highway Vehicle Park.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds. Motion carried unanimously.

Documentation: Resolution 24-2013

Disposition: Approved.

6. AGREEMENT TO ALLOW USE OF PORTERVILLE POLICE RANGE FACILITY BY STAFF OF THE CALIFORNIA HIGHWAY PATROL

Recommendation: That the City Council:

1. Approve the Agreement with the California Highway Patrol for the period of July 1, 2013, through June 30, 2015; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

City Manager Lollis introduced the item. A brief discussion ensued as to where participating CHP officers would store their gear at the range facility.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the Agreement with the California Highway Patrol for the period of July 1, 2013, through June 30, 2015; and authorize the Chief of Police to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Documentation: M.O. 18-041613

Disposition: Approved.

7. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – UNREPRESENTED MANAGEMENT

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all unrepresented management employees.

City Manager Lollis introduced the item. In response to Council Member Shelton’s inquiry, staff confirmed that there was no associated salary increase and that the amendment required executive management staff to contribute one additional percent towards their retirement.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all unrepresented management employees. Motion carried unanimously.

Documentation: Resolution 25-2013

Disposition: Approved.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Council Member Shelton reported his attendance at the following community events: Spring Fishing Derby; Tea Party rally; Porterville Celebrates Reading; and a carnival at Belleview School.

The Council recessed for five minutes at 9:19 p.m. and reconvened in Closed Session.

**CLOSED SESSION**

It was reported that no reportable action took place during Closed Session.

**ADJOURNMENT**

The Council adjourned at 9:50 p.m. to the meeting of May 7, 2013.

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Patrice Hildreth, Chief Deputy City Clerk

SEAL

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Virginia R. Gurrola, Mayor