

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CA 93257  
AND  
1155 KELVIN ROAD  
EL SOBRANTE, CA 94803  
MAY 7, 2013, 5:30 P.M.**

Called to Order at 5:32 p.m.

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

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 93257; AND  
1155 KELVIN ROAD, EL SOBRANTE, CA 94803**

Roll Call: Agency Member Ward, Agency Member Shelton (arrived during Closed Session), Agency Member Hamilton (via teleconference), 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)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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 54956.8 – 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, and Tulare/Kings Counties Area Agency on Aging. Under Negotiation: Terms and Price.
  - 2 - 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.

- 3- 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.
- 4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation (Not Yet Served): Amy Duran v. City of Porterville et al., United States District Court, Eastern District, Case No. 1:13-CV-00370-AWI-BAM.
- 5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Conner et al. v. City of Porterville et al., Tulare County Superior Court, Case No. 10-239413.
- 6- Government Code Section 54956.95 – Liability Claims: Claimant: Josephine Luisa Acevedo. Agency claimed against: City of Porterville.
- 7- Government Code Section 54956.95 – Liability Claims: Claimant: Juan Martinez; Cosme Martinez; Marco Antonio Martinez; Jose Carmen Martinez; Reina Abundia Martinez; Carlos Alfonso Martinez; Gabriel Guadalupe Martinez; Jesus Adan Martinez; Alexis Kristina Martinez; and Adenis Joanna Martinez. Agency claimed against: City of Porterville.
- 8- 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 plaintiff.
- 9- 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 Lew reported that the following reportable action had taken place:

- B-6 Government Code Section 54956.95 – Liability Claims: Claimant: Josephine Luisa Acevedo. 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 Josephine Luisa Acevedo, referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notice. The motion carried unanimously.

Documentation: M.O. 01-050713  
Disposition: Approved.

- B-7 Government Code Section 54956.95 – Liability Claims: Claimant: Juan Martinez; Cosme Martinez; Marco Antonio Martinez; Jose Carmen Martinez; Reina Abundia Martinez; Carlos Alfonso Martinez; Gabriel Guadalupe Martinez; Jesus Adan Martinez; Alexis Kristina Martinez; and Adenis Joanna Martinez. Agency claimed against: City of Porterville.

**COUNCIL ACTION:** On a motion by Council Member Ward, seconded by Vice Mayor McCracken, the Council rejected the claim filed by Juan Martinez et al, referred the matter to the City’s claims adjustor; and directed the City Clerk to give the Claimant proper notice.

AYES: Ward, McCracken, Hamilton, Gurrola  
NOES: None

ABSTAIN: Shelton  
ABSENT: None

Documentation: M.O. 02-050713  
Disposition: Approved.

Pledge of Allegiance Led by Council Member Greg Shelton  
Invocation – the Mayor participated

**PROCLAMATIONS**

Water Awareness Month

**PRESENTATIONS**

California Cadet Corps  
Employee of the Month – Josie Castaneda

**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 Committee (LAFCO) – May 1, 2013  
Council Member Hamilton reported that previous action regarding the Municipal Services Review had been reversed; and spoke of discussion about AB853.
2. Consolidated Waste Management Authority (CWMA) – April 18, 2013  
No report due to absence of Porterville representatives at the meeting.
3. Tulare County Economic Development Corporation – April 24, 2013 and April 30, 2013  
Mayor Gurrola acknowledged staff and members of the Council for their attendance at meetings. She then reported on discussion regarding Enterprise Zone workshops, legislative updates, and review of the 2013-2018 Economic Development Strategy; and spoke of a low turnout at the Leadership Forum.
4. Victims' Memorial Quilt Unveiling Ceremony – April 23, 2013  
Vice Mayor McCracken spoke of the annual event that consists of the unveiling of a memorial quilt for victims of crime; and encouraged attendance at future unveilings.

**REPORTS**

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

- I. City Commission and Committee Meetings:
  1. Arts Commission – April 17, 2013: No report.
  2. Youth Commission – April 22, 2013: Commissioners Fuentes, Martinez, Perez, Campos, Lusk, and Holloway gave a presentation regarding high school drop out rates.
  3. Parks and Leisure Services Commission – May 2, 2013 (Rescheduled to May 9, 2013): No report.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council postpone the Staff Informational Items until after the Scheduled Matters, so as to allow the Oral Communications to

begin. With no objection, the motion carried by unanimous consent.

Documentation: M.O. 22-050713  
Disposition: Approved.

**ORAL COMMUNICATIONS**

- Brock Neeley, Porterville, requested that Item No. 15 be pulled to address an inconsistency between the two letters.
- Ellen Nichols, Porterville, spoke with regard to Item No. 23, requesting that some trees be left standing to screen the solar cells.
- Gary Hunt, introduced himself as the new Station Commander at the Porterville Sheriff Substation, and offered his assistance.

**CONSENT CALENDAR**

Items 1, 2, 3, 9 and 15 were removed for further discussion. Council Member Shelton noted his abstention on Items 4, 8, and 16 due to conflicts of interest. Council Member Ward noted his abstention on Items 1, 8, and 14 due to conflicts of interest.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve Items 4 through 8, 10 through 14, and 16. The motion carried unanimously, with the aforementioned abstentions.

4. ACCEPTANCE OF PROJECT – WEST STREET CALEMA REPAIR

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five days after recordation, provided no stop notices have been filed.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff’s recommendation.

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

Documentation: M.O. 03-050713  
Disposition: Approved.

5. ACCEPTANCE OF PROJECT – NEWCOMB STREET AND BEVERLY STREET SHOULDER STABILIZATION

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and

3. Authorize the immediate release of final payment, provided no stop notices have been filed.

Documentation: M.O. 04-050713  
Disposition: Approved.

6. ACCEPTANCE OF FINAL SUBDIVISION MAP – SUMMIT HERITAGE VILLAS (GARY SMEE)

Recommendation: That the City Council:

1. Approve the final subdivision map of Summit Heritage Villas;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: M.O. 05-050713  
Disposition: Approved.

7. ACCEPTANCE OF IRREVOCABLE OFFER TO CONVEY REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO PARCEL MAP NO. 5037, JAYE STREET AND VANDALIA AVENUE – TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC

Documentation: Resolution 26-2013  
Disposition: Approved.

8. FINAL BALLOT RESULTS - AREA 458 SEWER UTILITY DISTRICT

Recommendation: That the City Council accept the voting results of Area 458 Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 458.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

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

Documentation: Resolution 27-2013  
Disposition: Approved.

10. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE

Recommendation: That the City Council:

1. Enter into an Agreement with the County of Tulare for FY 2013/2014 to provide service to County residents within the Service Area Boundary; and

2. Authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 06-050713  
Disposition: Approved.

11. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 07-050713  
Disposition: Approved.

12. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 08-050713  
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT – TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR – PORTERVILLE FAIR – MAY 15, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in Application, Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 09-050713  
Disposition: Approved.

14. EMERGENCY REQUEST FOR AUTHORIZATION TO REPLACE THE LABORATORY BIOLOGICAL OXYGEN DEMAND (BOD) REFRIGERATED INCUBATOR

Recommendation: That the City Council authorize:  
1. The purchase of a replacement BOD refrigerated incubator not to exceed \$6,000; and  
2. Payment for said equipment upon satisfactory delivery.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

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

Documentation: M.O. 10-050713  
Disposition: Approved.

16. 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.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve staff's recommendation.

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

Documentation: M.O. 11-050713  
Disposition: Approved.

**PUBLIC HEARINGS**

17. VACATION OF EASEMENTS FOR TEMPORARY TURN AROUND AND TEMPORARY DRAINAGE RESERVOIR RELATED TO SUMMIT HERITAGE VILLAS SUBDIVISION (NICHOLSON & SMEE)

Recommendation: That the City Council:

1. Conduct a Public Hearing;
2. Adopt the Resolution of Vacation for the easements described in the legal description; and
3. Authorize the City Clerk to record the Resolution of Vacation.

City Manager Lollis introduced the item. Public Works Director Rodriguez presented the staff report.

The Public Hearing was opened at 7:19 p.m, and closed at 7:20 p.m. when no one came forward.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council adopt the Resolution of Vacation for the easements described in the legal description; and authorize the City Clerk to record the Resolution of Vacation. The motion carried unanimously.

Documentation: Resolution 28-2013  
Disposition: Approved.

18. REQUEST TO ESTABLISH A CONDITIONAL USE PERMIT (PRC 2013-022-C) TO ALLOW FOR THE SALE OF ALCOHOL WITHIN AN EXISTING RESTAURANT

BUILDING WITH A SEPARATE BAR AREA (OAK PIT STEAKHOUSE) UNDER A TYPE 47 ALCOHOL LICENSE (BONA FIDE PUBLIC EATING PLACE) LOCATED AT 615 N. MAIN STREET.

Recommendation: That the Council approve Conditional Use Permit PRC 2013-022-C to allow for on-sale alcohol sales in conjunction with a restaurant use under a Type 47 license for a bona fide eating place, subject to conditions of approval.

City Manager Lollis introduced the item and Community Development Manager Phillips presented the staff report.

The Public Hearing was opened at 7:25 p.m.

- One individual, whose name was inaudible, spoke in favor of approving the item.

The Public Hearing closed at 7:26 p.m.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the Council approve Conditional Use Permit PRC 2013-022-C to allow for on-sale alcohol sales in conjunction with a restaurant use under a Type 47 license for a bona fide eating place, subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 29-2013

Disposition: Approved.

The Council recessed for 10 minutes at 7:30 p.m.

#### 19. PROPOSED AMENDMENT TO 2010 CONSOLIDATED PLAN

Recommendation: That the City Council:

1. Conduct a public hearing to solicit comments on the proposed Amendment to the 2010 Consolidated Plan;
2. Approve the Amendment to the 2010 Consolidated Plan; and
3. Authorize the City Manager to execute all necessary documents.

City Manager Lollis introduced the item and Community Development Director Dunlap presented the staff report.

The Public Hearing was opened at 7:44 p.m. and closed at 7:45 p.m. when no one came forward to speak.

A brief discussion ensued regarding the members of the CDBG Advisory Committee, as well as the process and cost estimates for the replacement of the Santa Fe School Facility flooring.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Shelton that the Council approve the Amendment to the 2010 Consolidated



Plan, and authorize the City Manager to execute all necessary documents.  
The motion carried unanimously.

Documentation: Resolution 30-2013  
Disposition: Approved.

## 20. CDBG 2013/2014 ACTION PLAN

Recommendation: That the City Council:

1. Conduct a public hearing to solicit comments on the 2013/14 Action Plan;
2. Adopt the 2013/14 Action Plan resolution of approval reflecting the 5% reduction of Entitlement allocation.
3. Approve the Amendment to the 2010 Consolidated Plan; and
4. Authorize the City Manager to execute all necessary documents.

City Manager Lollis introduced the item and Community Development Director Dunlap presented the staff report.

The Public Hearing was opened at 8:01 p.m, and closed at 8:02 p.m. when no one came forward.

A discussion ensued regarding the possibility of building pocket parks with the CDBG funds.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council adopt the 2013/14 Action Plan resolution of approval reflecting the 5% reduction of Entitlement allocation; approve the Amendment to the 2010 Consolidated Plan; and authorize the City Manager to execute all necessary documents. Motion carried unanimously.

Documentation: Resolution 31-2013  
Disposition: Approved.

## SCHEDULED MATTERS

### 21. CONSIDERATION OF GENERAL PLAN CONSISTENCY AND REQUEST TO PROVIDE EXTRA-TERRITORIAL CITY SERVICES TO A PROPOSED SCHOOL AT THE NORTHEAST CORNER OF REDWOOD STREET AND THURMAN AVENUE, WEST OF THE CITY OF PORTERVILLE

Recommendation: That the City Council:

1. Determine that the proposed elementary school to be located on the northeast corner of Redwood Street and Thurman Avenue is consistent with the City's General Plan;
2. Approve the request of Burton Elementary School District to connect to City services contingent on submitting a consent to annexation, and a commitment to apply to annex upon eligibility;
3. Authorize Staff to submit an application to LAFCO to provide extra-territorial services for Burton Elementary School District; and
4. Require payment of all requisite service connection fees.

City Manager Lollis introduced the item and Community Development Manager Phillips presented the staff report. A discussion ensued regarding traffic circulation at Olive Avenue and Redwood Street when the new campus is constructed.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the Council determine that the proposed elementary school to be located on the northeast corner of Redwood Street and Thurman Avenue is consistent with the City's General Plan; approve the request of Burton Elementary School District to connect to City services contingent on submitting a consent to annexation, and a commitment to apply to annex upon eligibility; authorize staff to submit an application to LAFCO to provide extra-territorial services for Burton Elementary School District; and require payment of all requisite service connection fees. The motion carried unanimously.

Documentation: M.O. 12-050713  
Disposition: Approved.

22. CONSIDERATION OF TEMPORARY/INTERIM USE AT 952 WEST NORTH GRAND AVENUE

Recommendation: Provide direction to staff on whether to move forward considering the application as an interim use, or require that the applicant develop permanent improvements and request a Conditional Use Permit to accommodate the use.

Council Member Shelton noted a perceived conflict of interest, recused himself from the discussion, and exited the Council Chambers.

City Manager Lollis introduced the item and Community Development Manager Phillips presented the staff report.

The Council recessed for five minutes at 8:47 p.m.

A discussion ensued as to potential hazardous waste associated with a lawnmower repair business at the subject site, the regular of hazardous waste, the status of the applicable business licenses, and the entrances to the site.

- Steve Penn, applicant, addressed the Council and spoke in regards to the entrances to the subject site.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Gurrola that the Council direct staff to bring back a Temporary Use Permit for consideration.

AYES: Hamilton, Ward, Gurrola  
NOES: McCracken  
ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 13-050713  
Disposition: Approved.

23. NORTH MAIN STREET PHOTOVOLTAIC ELECTRICAL GENERATION FACILITY (SOLAR FARM) – STREET TREE REMOVAL REQUEST

Recommendation: That the City Council:

1. Designate a ten (10) foot “Clear Zone” along N. Main Street between W. North Grand Avenue and W. Linda Vista Avenue;
2. Authorize staff to implement the AASHTO design policies specific to creation of a safe “Clear Zone”; and
3. Authorize staff to direct the developer of the N. Main Street Solar Farm to remove existing large trees within the designated “Clear Zone”.

City Manager Lollis introduced the item and Public Works Director Rodriguez presented the staff report. A discussion ensued as to proposed project and potential safety hazards associated with the trees at the subject site.

- Jim Winton, applicant’s representative, stated that all of the trees were in the City’s right of way, and noted that six of the trees would need to be removed in order to construct the curb and gutter.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council approve the removal of six trees; allow the removal of the other five trees at the developer’s discretion; and require the developer to replace all trees that are removed.

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

Documentation: M.O. 14-050713  
Disposition: Approved.

24. FREEDOM FEST AND FIREWORKS SHOW

Recommendation: That the City Council:

1. Consider an appropriation of \$7,500 to the Freedom Fest account from the Council’s Special Purpose Reserve;
2. Authorize staff to operate a shuttle route to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 29, 2013; and
3. Authorize staff to operate a free parking lot shuttle to and from the Porterville Fairgrounds and Sports Complex during the event.

City Manager Lollis introduced the item and Parks & Leisure Services Director Moore presented the staff report.

A discussion ensued regarding the proposed \$1,500 for transit services for the event. City Transit Director Tree addressed the issue and provided clarification.

- Kevin Bonds, Tule River Indian Tribal Council Member, addressed the City Council and spoke in favor of continuing the event and partnership.

Council Member Shelton made the motion to appropriate \$15,000 to the Freedom Fest account from the Council's Special Purposes Reserve Fund. The motion died for lack of a second.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council appropriate \$10,000 to the Freedom Fest account from the Council's Special Purposes Reserve; authorize staff to operate a shuttle to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 29, 2013; and authorize staff to operate a free parking lot shuttle to and from the Porterville Fairgrounds and Sports Complex during the event. The motion carried unanimously.

Documentation: M.O. 15-050713

Disposition: Approved.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council postpone Items 25 and 26 until the meeting of May 21, 2013.

AYES: Hamilton, Shelton, Ward, Gurrola

NOES: McCracken

ABSTAIN: None

ABSENT: None

Documentation: M.O. 16-050713

Disposition: Postponed.

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

1. AUTHORIZATION TO ADVERTISE FOR BIDS – WASTEWATER TREATMENT FACILITY INFLUENT PUMP REPLACEMENT PROJECT

Recommendation: That the City Council:

1. Approve Staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Direct the Finance Director to prepare a budget adjustment in the amount of \$387,000 to the Influent Pump Replacement project; and
4. Authorize the Public Works Director to execute an amendment to Carollo Engineer's design contract in an amount not to exceed \$25,000.

City Manager Lollis introduced the item and Public Works Director Rodriguez addressed the Council's questions.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve Staff's recommended Plans and Project Manual; authorize staff to advertise for bids on the project; direct the Finance Director to prepare a budget adjustment in the amount of \$387,000 to the Influent Pump Replacement project; and authorize the Public Works Director to execute an amendment to Carollo Engineer's design contract in an amount not to exceed \$25,000.

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

Documentation: M.O. 17-050713  
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – WELL NO. 32 PROJECT (DRILLING PHASE)

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.

City Manager Lollis introduced the item and Public Works Director Rodriguez addressed the Council's questions.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council 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. 18-050713  
Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT – CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE CHASE PARK IMPROVEMENTS PROJECT

Recommendation: That the City Council:  
1. Authorize staff to negotiate a contract with Omni-Means at an anticipated fee not to exceed \$90,000 for construction management and inspection services for the Chase Park Improvements Project;  
2. Authorize staff to negotiate a contract with the 2<sup>nd</sup> ranked firm if staff is unable to negotiate an acceptable contract with Omni-Means;  
3. Authorize the Mayor to sign all contract documents;

4. Authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee; and
5. Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

City Manager Lollis introduced the item, and Public Works Director Rodriguez addressed the Council's questions.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the Council authorize staff to negotiate a contract with Omni-Means at an anticipated fee not to exceed \$90,000 for construction management and inspection services for the Chase Park Improvements Project; authorize staff to negotiate a contract with Omni-Means; authorize staff to negotiate an acceptable contract with the 2<sup>nd</sup> ranked firm if staff is unable to negotiate an acceptable contract with Omni-Means; authorize the Mayor to sign all contract documents; authorize progress payments that concur with construction progress up until proper closeout of the work and not to exceed 100% of the contract fee; and authorize a 10% contingency to cover unforeseen changes to the scope of work required. The motion carried unanimously.

Documentation: M.O. 19-050713  
Disposition: Approved.

9. AUTHORIZE STAFF TO OPERATE SHUTTLE SERVICE TO THE PORTERVILLE FAIR

Recommendation: That the City Council authorize staff to operate one (1) shuttle bus to the Porterville Fairgrounds.

City Manager Lollis introduced the item and City Transit Director Tree addressed the Council's questions and announced corrections to the Staff Report. A brief discussion ensued as to the demand for the shuttle service.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council authorize staff to operate one (1) shuttle bus to the Porterville Fairgrounds.

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

Documentation: M.O. 20-050713  
Disposition: Approved.

15. RESPONSE TO GRAND JURY REPORT – HOLDING CELLS

Recommendation: That the Council:

1. Consider the draft "Response to the Grand Jury" letter regarding the 2012-2013 Report on Holding Cells; and
2. Authorize the Mayor to sign the Response letter.

City Manager Lollis introduced the item. A brief discussion ensued as to the City's responses.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council consider the draft "Response to the Grand Jury" letter regarding the 2012-2013 Report on Holding Cells; and authorize the mayor to sign the Response letter. The motion carried unanimously.

Documentation: M.O. 21-050713

Disposition: Approved.

### **REPORTS (Continued)**

- II. Staff Informational Items:
1. Street Performance Measure – 3<sup>rd</sup> Quarter Report
  2. Code Enforcement Update
  3. Attendance Records for Commissions and Committees
  4. Report on Charitable Car Washes
  5. Report on Recent CalPERS Board Action
  6. Library Borrower – Update

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

- Council Member Hamilton – requested that the Council send a congratulatory letter to twins David and Kathryn Ivancovich, who were selected to represent Monache High School as delegates to Boys State and Girls State 2013; announced that Porterville High Graduate Alex Gonzalez was named Kern County Teacher of the Year, and Porterville High Graduate Warren Gubler was appointed Mayor of Visalia.

The Council recessed for five minutes at 10:21 p.m. and reconvened in Closed Session.

### **CLOSED SESSION**

It was reported that no reportable action took place.

**ADJOURNMENT**

The Council adjourned at 10:55 p.m. to the meeting of May 21, 2013.

SEAL

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Patrice Hildreth, Chief Deputy City Clerk

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Virginia Gurrola, Mayor