

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 6, 2013, 5:30 P.M.**

Call to Order at 5:30 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton,  
Council Member Hamilton, Mayor Gurrola

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 Members Ward, Vice Chair McCracken, Agency Member Shelton,  
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 54956.8 – Conference with Real Property  
Negotiators/Property: 466 East Putnam Avenue and 280 North Fourth Street. Agency  
Negotiators: John Lollis. Negotiating Parties: City of Porterville, Comision Honorifica  
Mexicana Americana, Porterville Senior Council, Kings/Tulare County Area Agency on  
Aging, and CSET. Under Negotiation: Terms and Price.

3- Government Code Section 54956.95 – Liability Claims: Claimant: Antonio Lara.  
Agency claimed against: City of Porterville.

4- Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor.  
Agency claimed against: City of Porterville.

5- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning the May 9, 2013 written request by Tulare County Council on behalf of the Tulare County Local Community Benefit Committee for the City to return the 2011 and 2012 grant funds awarded to it totaling \$217,313.

6- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

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

Pledge of Allegiance Led by Council Member Brian Ward  
Invocation – the Mayor participated.

### **PRESENTATIONS**

Employee of the Month – Jesus Guzman

Swearing In Ceremony – Police Officer Enrique Lara

Citrus Pest and Disease Prevention Program – Asian Citrus Psyllid

### **AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG)—July 22, 2013  
Mayor Gurrola reported on: resolution for work program; her appointment to Railway Advisory Committee; and informational items.
2. Consolidated Waste Management Authority (CWMA) – July 18, 2013  
Vice Mayor McCracken indicated that there was no meeting due to lack of a quorum, and noted that the next meeting was scheduled for August 15, 2013.
3. Tulare County Economic Development Corporation – July 24, 2013  
Mayor Gurrola reported on discussion regarding Enterprise Zone transition; the relocation of the EDC office; and budget revisions.

### **REPORTS**

- I. City Commission and Committee Meetings:
  1. Library & Literacy Commission – no report.
  2. Parks & Leisure Services Commission – August 1, 2013  
Commissioner Moore reported on monthly activities of Parks and Leisure Services staff.
  3. Arts Commission – July 17, 2013 – no report.
- II. Staff Informational Items:
  1. Building Permit Activity – May 1, 2013 to June 30, 2013
  2. Street Performance Measure – 4<sup>th</sup> Quarter Report
  3. Report on Charitable Car Washes
  4. Code Enforcement Report
  5. Attendance Report for City Commissions and Committees – 4<sup>th</sup> Quarter

Council Member Shelton commented on reports regarding building permit activity, streets, and attendance.

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

City Attorney Lew reported that the following reportable action took place:

3- Government Code Section 54956.95 – Liability Claims: Claimant: Antonio Lara. 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 Mr. Antonio Lara. The motion carried unanimously.

Documentation: M.O. 01-080613  
Disposition: Approved.

4- Government Code Section 54956.95 – Liability Claims: Claimant: Catherine Lawlor. Agency claimed against: City of Porterville.

COUNCIL ACTION: On a MOTION by Council Member Hamilton, SECONDED by Council Member Ward, the Council rejected the claim filed by Ms. Catherine Lawlor. The motion carried unanimously.

Documentation: M.O. 02-080613  
Disposition: Approved.

**ORAL COMMUNICATIONS**

- Amber Bush, requested that the Council consider her appointment to the Charter Review Committee.
- Gary Giraudi, requested that the Council consider his request for appointment to the Charter Review Committee.
- Brock Neeley, spoke of bullying via Craigslist and provided documentation to the City Council.
- Richard Saldivar, spoke against the rescission of the LGBT Proclamation, and encouraged inclusion of LGBT residents in the community.
- Richard Hatfield, Mural Committee, requested the opportunity to speak during Council consideration of Item No. 37.
- Stephanie Cortez, made note of the presence of Leadership Porterville 2013 class members.
- Michael Knight, Leadership Porterville Class of 2013, introduced himself to the Council.
- Chris Craig, Leadership Porterville Class of 2013, introduced himself to the Council; and announced the class would be updating the Tulare County display located within the State Capital as their community service project.
- Jenna Salazar, Leadership Porterville Class of 2013, introduced herself and requested Council consideration of her request for appointment to the Charter Review Committee.
- Jessica Mahoney, spoke against Item 12 and of privacy rights; and noted that wasps were

utilized as a biological control for psyllid.

- Sarah Villicana, thanked Mayor Gurrola for her actions related to the LGBT Pride Proclamation, and spoke of her respect for her.
- Brenda Pierce, proposed an East Porterville and Highway Clean-up Committee, noting the prevalence of litter in the community.
- Angel Martinez, LA resident, spoke against the rescission of the LGBT Proclamation.
- Barry Caplan, spoke of the power of Council action beyond the Porterville Community; and requested that the Council consider his appointment to the Charter Review Committee.
- Chris Caldwell, a LGBT community member and inner city youth pastor, and spoke of the importance of acceptance and leadership.

### **CONSENT CALENDAR**

Items 3, 4, 6, 15 and 19 were removed for further discussion. Council Member Shelton noted his abstention on Items 5, 7, 26, and 27; Mayor Gurrola noted her abstention on Items 7 and 20; and Council Member Ward noted his abstention on Item 10.

**COUNCIL ACTION:**      MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve Items 1, 2, 5, 7, 8 through 14, 16 through 18, and 20 through 27. Motion carried unanimously, with the aforementioned abstentions.

#### 1.      MINUTES OF APRIL 16, 2013, MAY 7, 2013, AND JULY 30, 2013

**Recommendation:**      That the City Council approve the Minutes of April 16, 2013, May 7, 2013, and July 30, 2013.

**Documentation:**      M.O. 03-080613

**Disposition:**      Approved.

#### 2.      AUTHORIZATION TO ADVERTISE FOR BIDS – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

**Recommendation:**      That the City Council:

1. Authorize staff to de-obligate \$71,000 for storm drain Improvements currently allocated in the FY 13/14 Annual Budget;
2. Authorize staff to appropriate \$9,192 from the Water Replacement Fund and \$20,671 from Sewer Revolving Fund for non-participating items of work;
3. Authorize the appropriation of \$133,415.77 in unallocated local transportation funds if the AMOD is not approved by Caltrans;
4. Approve Staff's recommended Plans and Project Manual; and
5. Authorize Staff to advertise for bids on the project.

**Documentation:**      M.O. 04-080613

**Disposition:**      Approved.

5. AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT  
– MAIN STREET TO PLANO STREET

Recommendation: That the City Council:  
1. Award the Olive Avenue Rehabilitation Project to Bowman Asphalt in the amount of \$503,600.00; and  
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection.

Documentation: M.O. 05-080613

Disposition: Approved.

7. AWARD OF CONTRACT – ISLAND SEWER ANNEXATION (AREA 455A)

Recommendation: That the City Council:  
1. Award the Island Annexation Sewer Project, Area 455A, to Todd Companies, in the amount of \$1,095,325.68;  
2. Authorize progress payments up to 95% of the contract amount;  
3. Authorize a 10% contingency to cover unforeseen construction costs; and  
4. Authorize 5% for construction management, quality control and inspection.

Documentation: M.O. 06-080613

Disposition: Approved.

8. AWARD OF CONTRACT – W. NORTH GRAND AVENUE  
RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE ROUTE  
65

Recommendation: That the City Council:  
1. Award the W. North Grand Avenue Reconstruction Project to Seal Rite Paving & Grading in the amount of \$598,586.00;  
2. Authorize progress payments up to 95% of the contract amount;  
3. Authorize a 10% contingency to cover unforeseen construction costs; and  
4. Authorize 5% for construction management, quality control and inspection.

Documentation: M.O 07-080613

Disposition: Approved.

9. REQUEST FOR AUTHORIZATION TO REPAIR PNEUMATIC WHEEL  
ROLLER

Recommendation: That the City Council authorize the repair to be completed by Pepé Machinery at a cost not to exceed \$17,000.

Documentation: M.O. 08-080613

Disposition: Approved.

10. PRE-PURCHASE OF PRE-SELECTED SLUDGE DEWATERING EQUIPMENT AND ELECTRIC BLOWERS

Recommendation: That the City Council:

1. Direct the Finance Director to issue a Purchase Order in the amount of \$390,000 to Huber Technologies (screw press) and issue a Purchase Order in the amount of \$772,599 to Piller TSC (three electric blowers); and
2. Direct the Public Works Director to prepare or have prepared a "Commitment" document that commits the equipment manufacturer to the prices quoted in their proposal, to an acceptable delivery schedule and a commitment to honor all equipment guarantees and warranties.

Documentation: M.O. 09-080613

Disposition: Approved.

11. REQUEST TO PURCHASE SOLAR POWERED BUS STOP LIGHTING

Recommendation: That the City Council:

1. Authorize Staff to enter into the InterCity Cooperative Purchasing Agreement for the purchase of solar-powered bus stop lighting modules from UrbanSolar; and
2. Authorize payment upon satisfactory delivery of the solar equipment.

Documentation: M.O. 10-080613

Disposition: Approved.

12. APPROVAL TO PURCHASE SPECIALIZED EQUIPMENT

Recommendation: That the City Council:

1. Authorize the purchase of the Cellebrite System; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 11-080613

Disposition: Approved.

13. APPROVAL TO PURCHASE UNDERCOVER VEHICLES

Recommendation: That the City Council:

1. Accept \$80,000 from the Tulare County Auto Theft Fund;

2. Authorize a budget adjustment to the Police Equipment Replacement Fund in the amount of \$80,000;
3. Authorize police staff to identify and enter negotiations for the purchase of the two vehicles under the criteria set forth above;
4. Authorize the purchase/installation of emergency equipment on the vehicles; and
5. Authorize payment upon satisfactory delivery of the vehicles/equipment.

Documentation: M.O. 12-080613  
Disposition: Approved.

#### 14. REQUEST TO PURCHASE ANIMAL CONTROL VEHICLE

Recommendation: That the City Council:

1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of the specified animal control truck; and
2. Authorize payment when purchase process is completed.

Documentation: M.O. 13-080613  
Disposition: Approved.

#### 16. APPROVAL TO PURCHASE UNMARKED VEHICLE

Recommendation: That the City Council:

1. Authorize Police staff to identify and enter negotiations for the purchase of this vehicle under the criteria set forth above;
2. Authorize the purchase/installation of emergency equipment of this vehicle; and
3. Authorize payment upon satisfactory delivery of the vehicle/equipment.

Documentation: M.O. 14-080613  
Disposition: Approved.

#### 17. REQUEST FOR APPROVAL TO PURCHASE MICROSOFT OFFICE 2013 AND WINDOWS 8 LICENSING

Recommendation: That the City Council approve the purchase of 190 Licenses of Office 2013 and 190 Licenses of Windows 8 from Dell at a cost of \$69,838.80 plus the applicable sales tax and shipping.

Documentation: M.O. 15-080613  
Disposition: Approved.

18. AUTHORIZATION TO “PIGGY BACK” ON EXISTING CONTRACTS

- Recommendation: That the City Council:
1. Authorize the purchase of containers utilizing the existing contract between Rehrig-Pacific Company and the City of Lompoc; and
  2. Authorize the purchase of cold mix asphalt utilizing the existing contract between Tulare County and Jaxson Enterprises.

Documentation: M.O. 16-080613

Disposition: Approved.

20. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 455

- Recommendation: That the City Council:
1. Set a Public Hearing for October 15, 2013, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 455;
  2. Approve the Engineer’s Report for Sewer Utility District Area 455; and
  3. Authorize staff to notify all affected property owners of the Public Hearing, via regular mail, including sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

Documentation: Resolutions 51-2013 and 52-2013

Disposition: Approved.

21. INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY – W. NORTH GRAND RECONSTRUCTION PROJECT – PROSPECT STREET TO STATE ROUTE 65

- Recommendation: That the City Council:
1. Set a Public Hearing for September 3, 2013, to discuss the proposed construction of concrete improvements for the subject project; and
  2. Authorize staff to publish the public notice and notify all affected property owners of the Public Hearing.

Documentation: M.O. 17-080613

Disposition: Approved.

22. RETIREMENT OF POLICE SERVICE DOG “DIAGO”

- Recommendation: That the City Council:
1. Approve the sale of “Diago” to Chris Contreras for one dollar (\$1.00); and



2. Authorize the Mayor to execute the agreement and document to sell "Diago" to Chris Contreras.

Documentation: M.O. 18-080613  
Disposition: Approved.

23. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, DELINQUENT DEVELOPMENT FEE PAYMENT PLAN AGREEMENTS AND MISCELLANEOUS LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the draft resolution authorizing the County Auditor to place the proposed items on the property tax rolls for collection.

Documentation: Resolution 53-2013  
Disposition: Approved.

24. PRELIMINARY INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 19-080613  
Disposition: Approved.

25. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 20-080613  
Disposition: Approved.

26. APPROVAL OF COMMUNITY CIVIC EVENT – KIWANIS CLUB OF PORTERVILLE - AMERICAN CROWN CIRCUS, INC. – AUGUST 8 – 12, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 21-080613  
Disposition: Approved.

27. 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. 22-080613  
Disposition: Approved.

Sergeant Contreras presented retired K9 Diago to the Council and audience.

**PUBLIC HEARINGS**

28. MODIFICATION TO CONDITIONAL USE PERMIT 1-79 TO AMEND THE SPECIFIC PLAN FOR WENDY'S RESTAURANT AT 860 WEST HENDERSON AVENUE AND ALLOW COMPLETE DEMOLITION OF THE CURRENT BUILDING AND CONSTRUCTION OF A NEW WENDY'S RESTAURANT AND DRIVE THROUGH

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval.

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

The public hearing was opened at 8:03 p.m.

- Robert (last name inaudible), Project Architect, spoke briefly about the project and made himself available for any questions the Council may have.

The public hearing was closed at 8:05 p.m.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the City Council adopt the draft resolution approving Conditional Use Permit (2013-029) subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 54-2013  
Disposition: Approved.

29. LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:  
1. Conduct a public hearing on the 2013-2014 assessments for the Landscape and Lighting Maintenance Districts to take comments or

- receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year.

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

The public hearing was opened at 8:10 p.m. Seeing no one, the Mayor closed the public hearing at 8:11 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2013-2014 Fiscal Year. The motion carried unanimously.

Documentation: Resolution No. 55-2013  
Disposition: Approved.

### 30. ARTS COMMISSION ORDINANCE AMENDMENT

Recommendation: That the City Council:

1. Approve the draft ordinance amending Ordinance 1767; and
2. Give first reading of the proposed ordinance and order it to print.

The City Manager introduced the item, and the staff report was presented by Community Development Director Brad Dunlap.

The public hearing opened at 8:15 p.m. Seeing no one, the Mayor closed the public hearing at 8:16 p.m.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council approve the draft ordinance amending Ordinance 1767, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING CHAPTER 5A, ARTICLE I, SECTION 5A-1 THROUGH 5A-8 TO THE PORTERVILLE MUNICIPAL CODE REGARDING THE FORMATION OF THE ARTS COMMISSION; give first reading of the ordinance and order it to print. The motion carried unanimously.

The City Attorney read the ordinance by title only.

Documentation: Ordinance 1797  
Disposition: Approved.

The Council took a ten minute recess at 8:18 p.m.

**SCHEDULED MATTERS**

31. LETTER OF MAP REVISION – “MONACHE” SPECIAL FLOOD HAZARD AREA (SFHA)

Recommendation: That the City Council provide direction regarding the most appropriate funding source for the \$5,300 LOMR application filing fee.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

Mayor Gurrola recognized four residents of the area in question to address the Council.

- Sarah May Maculie, 1046 N. Wilson Place, spoke about the financial burden of flood insurance for residents and her efforts to have the zone re-surveyed; and requested the City’s assistance.
- Alberta White, San Lucia St., explained her past efforts to have the flood zone status changed.
- Margaret Shaeffer, 1026 N. Wilson Place, expressed her frustration with having to pay flood insurance to FEMA, and requested that the City pay for the map revision.
- Linda Hoy, 1015 N. Wilson Place, spoke about the beauty and safety of her neighborhood, the homeowner hardship experienced from the flood zone designation, and the challenges she has faced in pursuing a zone change; and appealed to the Council for assistance.

The Council discussed costs associated with the preparation of the LOMR package, and staff efforts to date. The Council debated, at great length, whether payment of the FEMA application review fee of \$5,300 was the responsibility of property owners or the City; and concerns were raised regarding setting a precedent. City Attorney Lew addressed questions pertaining to the gifting of public funds. A discussion ensued regarding the finding of public necessity for paying the fee.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve utilization of storm drain funds for payment of the \$5,300 FEMA application review fee, due to a finding of public necessity. The motion carried unanimously.

Documentation: M.O. 28-080613

Disposition: Approved.

The Council took a five minute recess at 9:32 p.m.

32. ACCEPTANCE OF THE STATE ROUTE 190 CORRIDOR STUDY AND COMMENCEMENT OF NEAR TERM PROJECTS

- Recommendation: That City Council:
1. Accept Caltrans' State Route 190 Corridor Study;
  2. Approve moving forward with the Near Term Projects;
  3. Approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents;
  4. Authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements;
  5. Authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG;
  6. Approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and
  7. Authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest pertaining to property ownership and exited the council chambers. The staff report was then presented by Public Works Director Rodriguez. Council Member Hamilton inquired about the project's relationship to a similar State Route 65 project, and a discussion ensued regarding Measure R funding.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept Caltrans' State Route 190 Corridor Study; approve moving forward with the Near Term Projects; approve entering into Cooperative Agreement or Agreements with Caltrans for the preparation of Project Initiation Document or Documents; authorize the Mayor and City Manager to execute the Cooperative Agreement or Agreements; authorize the Mayor and City Manager to execute a "draw down" agreement, if requested by TCAG, to access the \$120,000 Project Initiation Document (PID) fee offered by TCAG; approve, in concept, the preservation of State Route 190 right of way between Westwood Street and Reservation Road; and authorize staff to work with the appropriate agencies to implement a State Route 190 Corridor Preservation Plan for Council's consideration at a later date.

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

Documentation: M.O. 29-080613  
Disposition: Approved.

33. DETERMINATION OF ZONING CONFORMANCE – DEFINITION OF PERSONAL LAND USE CLASSIFICATION

Recommendation: That the City Council determine whether a florist constitutes a personal service and/or is an approved use in the D-PO and PO zones.

City Manager Lollis introduced the item. Council Member Shelton recused himself due to a conflict of interest pertaining to property ownership and exited the council chambers. The staff report was then presented by Community Development Manager Philips.

With no objection from the Council, Mayor Gurrola recognized three members from the audience to speak on this item.

- Maria Mena, representing the business owners, requested Council approval for determining a florist as a personal service.
- Alma Mejia, business owner, expressed her desire to expand her business to the vacant lot.
- Rafaella Woods, representing the land owner, explained the benefits of having the business at the proposed location.

The Council discussed: possible alternatives to the definition of personal land use; the zoning status of the Chevron station near the site; city-wide implications of changing the personal land use classification; and costs associated with an application for zone change.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve the determination that a florist is not a personal service.

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

Documentation: M.O. 30-080613  
Disposition: Approved.

34. CONSIDERATION OF OPTIONS FOR CITY SMART PHONE APP

Recommendation: That the City Council accept the presentation of options for a City smart phone application, and provide staff direction.

City Manager Lollis introduced City Intern Dalton Rogers, who presented the staff report. Following the staff report, Mr. Rogers addressed questions from the Council regarding PublicStuff tools and features. The Council then directed that staff bring back an item for a budget adjustment.

Disposition: Direction given.

35. DINNER AND ARTS ON MAIN STREET

Recommendation: That the City Council consider the Arts Commission recommendation to sponsor the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support.

The City Manager introduced the item, and the staff report was waived at the Council's request.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve sponsoring the Dinner and Arts on Main event next year, with the City of Porterville providing insurance liability and staff support. The motion carried unanimously.

Documentation: M.O. 31-080613  
Disposition: Approved.

36. APPOINTMENTS TO THE CHARTER REVIEW COMMITTEE AND CITY'S INTERNAL AUDIT COMMITTEE

Recommendation: That the City Council appoint nine members to the Charter Review Committee; and provide direction to staff regarding the Internal City Audit Committee.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report. Following the staff report, the following individual appointments were announced:

- Mayor Gurrola - Stephanie Cortez
- Vice Mayor McCracken - Milt Stowe
- Council Member Hamilton - Gary Giraudi

Council Members Ward and Shelton indicated that they had not yet secured their individual appointments.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council appoint Teri Irish, Jenna Salazar, Matthew Green and Amber Bush to the Charter Review Committee. The motion carried unanimously.

Documentation: M.O. 32-080613  
Disposition: Approved.

37. CONSIDERATION OF REQUEST FOR FINANCIAL SUPPORT FOR THE  
"MARCHING THROUGH TIME" MURAL PROJECT

Recommendation: That the City Council:

1. Consider the request of the Porterville Mural Committee to financially support the "Marching Through Time" mural project; and
2. If approved, please identify funding source, and authorize appropriate budget adjustment.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. A discussion ensued regarding the improvements made by the committee and identified for reimbursement. Various Council Members expressed dissatisfaction with the timing of the request, which they believed should have been presented to the Council for approval prior to installation of the improvements.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council approve financial support in the amount of \$10,000 from the Special Purposes Fund. The motion carried unanimously.

Documentation: M.O. 35-080613

Disposition: Approved.

**CONSENT CALENDER ITEMS REMOVED FOR FURTHER DISCUSSION**

3. AUTHORIZATION TO ADVERTISE FOR BIDS – REHABILITATION OF RUNWAY 25-7

Recommendation: That the City Council:

1. Approve the proposed plans and project manual; and
2. Affirm staff's decision to begin advertisement of July 25, 2013.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the status of the project grant.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the proposed plans and project manual; and affirm staff's decision to begin advertisement on July 25, 2013. The motion carried unanimously.

Documentation: M.O. 36-080613

Disposition: Approved.

4. REJECT ALL BIDS – MAIN STREET BUS TURNOUT AND AUTHORIZATION TO ADVERTISE FOR BIDS – MAIN STREET AND PLANO STREET BUS TURNOUTS



- Recommendation: That the City Council:
1. Reject all bids for the Main Street Bus Turnout;
  2. Authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project;
  3. Approve the combined Plans and Project Manual; and
  4. Authorize staff to advertise for bids on the project.

The City Manager introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about the potential time and cost savings of combining the projects. Council Member Ward inquired about bus stops in commercial centers.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council reject all bids for the Main Street Bus Turnout; authorize staff to combine the Main Street Bus Turnout and Plano Street Bus Turnout into one project; approve the combined Plans and Project Manual; and authorize staff to advertise for bids on the project.

Documentation: M.O. 37-080613  
Disposition: Approved.

6. AWARD OF CONTRACT – SIX (6) COMPRESSED NATURAL GAS TRUCKS

- Recommendation: That the City Council award contracts for:
1. One (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services;
  2. One (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp;
  3. Four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and
  4. Authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis introduced the item, and the staff report was waived. Council Member Shelton inquired about the use of multiple vendors.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve awarding contracts for: one (1) new CNG PM10 Street Sweeper in the amount of \$282,547.02 to GCS Environmental Equipment Services; one (1) CNG Dump Truck in the amount of \$180,183.36 to EM Tharp; four (4) CNG Refuse Collection Trucks in the amount of \$1,097,004.32 to EM Tharp; and authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Documentation: M.O. 38-080613  
Disposition: Approved.

15. REQUEST TO PURCHASE THREE MARKED POLICE VEHICLES

- Recommendation: That the City Council:
1. Authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeek's Dodge at contract price; and
  2. Authorize payment when the purchase process is completed.

City Manager Lollis introduced the item, and the staff report was waived. Council Member Shelton inquired about the vehicle features.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council authorize the City's Purchasing Agent to negotiate the purchase and outfitting of three marked police vehicles from McPeek's Dodge at contract price; and authorize payment when the purchase process is completed. The motion carried unanimously.

Documentation: M.O. 39-080613  
Disposition: Approved.

19. NOTICE OF TERMINATION OF PIONEER WATER COMPANY AGREEMENT

- Recommendation: That the City Council:
1. Authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and
  2. Authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton expressed his satisfaction with the renegotiations.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council authorize the Mayor to sign a letter providing six months written notice to PWC of the City's intention not to renew the February 2009 agreement; and authorize the Public Works Director, or his designee, to negotiate a new agreement with PWC that is mutually beneficial to both parties and return it for Council's approval before February 2014. The motion carried unanimously.

Documentation: M.O. 40-080613  
Disposition: Approved.

**ORAL COMMUNICATIONS**

- Catherine Hall, voiced disappointment with the Council’s rescission of the LGBT Proclamation.
- Russell Fletcher, aka Buck, aka Bones, spoke of the recent “good will” resolution and suggested a lack of good will given the recent homicides in the community.
- Barry Caplan, lauded Mr. Roger’s presentation on the options for a City smartphone application; suggested he could provide expertise; and made note of the LGBT event at Centennial Plaza during the meeting.

**OTHER MATTERS**

- Council Member Shelton, lauded the Police Chief and his department for their handling of the recent homicides.
- Council Member Ward noted that school would be starting the following week.
- Council Member Shelton, requested that the Council acknowledge Sierra View District Hospital’s recent contribution towards the Freedom Fest.
- Mayor Gurrola, spoke of the generosity of others in the community, and spoke in favor of the clean-up event proposed by Ms. Pierce during Oral Communications.

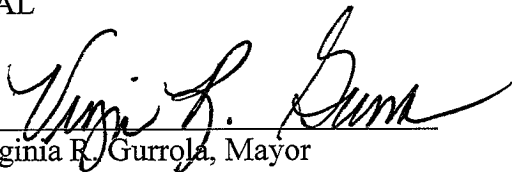
**ADJOURNMENT**

The Council adjourned at 11:46 p.m. to the meeting of August 20, 2013.



Luisa M. Zavala, Deputy City Clerk

SEAL



Virginia R. Gurrola, Mayor

