

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
MAY 21, 2013, 5:30 P.M.**

Call to Order at 5:33 p.m.

Roll Call: Council Member Ward (arrived at 5:37 p.m.), Vice Mayor McCracken, Council Member Shelton, Council Member Hamilton, Mayor Gurrola

The 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 (arrived at 5:37 p.m.), Vice Chairperson McCracken, Agency Member Shelton, Agency Member Hamilton, Chairperson 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 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kobot, and Patrice Hildreth. 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; and all Unrepresented Management Employees.
  - 3- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases: One case concerning facts not yet known to potential plaintiff; and one case pertaining to 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.

**4-** 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 Julia Lew reported that no reportable action had taken place.

Pledge of Allegiance Led by Council Member Cameron Hamilton

Invocation – one individual participated. A moment of silence was also observed in recognition of those impacted by the tornado event in Moore, OK.

### **PROCLAMATIONS**

Freedom Days – June 14 – July 4, 2013

### **PRESENTATIONS**

2013 Springville Rodeo Queen and Princess

2013 Cinco De Mayo Queen and Court

Employee Service Awards

### **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) – May 20, 2013: Mayor Gurrola advised that TCAG had approved the Measure R Amendment and indicated that she had advocated for an open dialog with regard to future funding.
2. Consolidated Waste Management Authority (CWMA) – May 16, 2013: Vice Mayor McCracken stated the CWMA discussed and considered a variety of items, including the Sharps disposal program; Construction and Demolition waste; and the evaluation of the Administrator.
3. Tulare County Economic Development Corporation – May 17, 2013: Mayor Gurrola reported on her attendance at the Economic Summit.
4. Indian Gaming Local Community Benefit Committee – May 15, 2013: Council Member Hamilton briefly spoke of his resignation from the Committee.

### **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 – May 15, 2013: No report was presented.
  2. Library and Literacy Commission – May 18, 2013: Commissioner Catherine May reported on recent library activities.

3. Parks & Leisure Services Commission – May 9, 2013: Commissioner Monte Moore updated everyone on the recent accomplishments and upcoming P&L events.

II. Staff Informational Items:

1. Upcoming Vacancies on Internal City Audit Committee, Transactions and Use Tax (Measure H) Oversight Committee; and Measure R Citizens' Oversight Committee

**ORAL COMMUNICATIONS**

- John Coffee, voiced concern with the action proposed in Item 18, and spoke against de-prioritizing work on North Grand.
- Brock Neeley, spoke against the proposed un-allocation of funds from North Grand, and presented the Council with a petition in opposition of said diversion signed by residents in the vicinity.
- Hilario Aparicio, spoke in favor of Item 7 regarding the expansion of transit services.
- Maria Sanchez, voiced support for the expansion of transit services as proposed in Item 7.
- Grace Munoz, spoke in favor of Item 7.
- Mario Fernandez, (translated from Spanish to English by Ms. Munoz) thanked the City Council, and voiced support for expanding transit services; and requested that a stop in the location of Plano Street and Olive Avenue be considered.
- Lori Hansen, requested that the Council approve Item 7 to expand transit services.
- Michelle Farnsworth, spoke in favor of Item 7.
- Gloria Calderon, requested that the Council approve expanding bus service hours.
- (Name inaudible), voiced support for Item 7.
- Robert Atkinson, spoke in favor of expanding transit services, noting the need for same.
- Johnny Hearst, voiced support for Item 7 and requested the Council's approval.
- Pamela Delaire, spoke in favor of Item 7.
- (Name inaudible) spoke in favor of expanding transit services, and requested that newer model buses be utilized.

**CONSENT CALENDAR**

Items 6 and 11 were removed for further discussion. Council Member Shelton noted his abstention on Items 9 and 12; and Mayor Gurrola noted her abstention from Item No. 4.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Items 1 through 5, 7 through 10, and 12 through 13. Motion carried unanimously, with the aforementioned abstentions.

1.      MINUTES OF NOVEMBER 6, 2012 AND APRIL 23, 2013

Recommendation:      That the City Council approve the minutes of November 6, 2012 and April 23, 2013.

Documentation:          M.O. 01-052113

Disposition: Approved.

2. REQUEST FOR APPROVAL TO PURCHASE AVATAR II TACTICAL ROBOT AND CUSTOMIZED ATTACHMENTS

Recommendation: That the City Council:

1. Authorize Staff to enter into negotiations with Robotex Technology Solutions to purchase the Avatar Robot and customized attachments; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 02-052113

Disposition: Approved.

3. REQUEST FOR APPROVAL TO PURCHASE FIREFIGHTER PROTECTIVE CLOTHING

Recommendation: That the City Council approve the purchase of ten (10) sets of turnout coats and pants from L.N. Curtis and Sons for \$15,938.65.

Documentation: M.O. 03-052113

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – ISLAND ANNEXATION SEWER PROJECT (AREA 455A)

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.

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

Documentation: M.O. 04-052113

Disposition: Approved.

5. AWARD OF CONTRACT – ON-CALL SERVICES

Recommendation: That the City Council:

1. Authorize Staff to negotiate on-call contracts with Kimley-Horn, Moore & Associates, and TRC; and
2. Authorize Staff to negotiate a contract with Kimley-Horn at an anticipated fee not to exceed \$45,000 for traffic and civil engineering services for the Transit Signal Priority Project;

3. Authorize Staff to negotiate a contract with Kimley-Horn at an anticipated fee not to exceed \$545,000 for security design services for the Transit Security Project;
4. Authorize Staff to negotiate a contract with Moore & Associates at an anticipated fee not to exceed \$20,000 for general transit consulting services for the Transit Title VI Program Update;
5. Authorize Staff to negotiate a contract with the 2<sup>nd</sup> ranked firm, in its respected field, if Staff is unable to negotiate an acceptable contract with the top ranked firm;
6. Authorize the Mayor to sign all contract documents;
7. Authorize progress payments that concur with design services up until proper closeout of the work and not to exceed 100% of the contract fee; and
8. Authorize a 10% contingency to cover unforeseen changes to the scope of work required.

Documentation: M.O. 05-052113  
Disposition: Approved.

7. 2013 UNMET TRANSIT NEEDS – REQUEST FOR TRANSIT SERVICE EXPANSION

Recommendation: That the City Council:

1. Authorize Staff to extend weekday transit service to 10:00 p.m. and implement Sunday service from 9:00 a.m. to 5:00 p.m., effective July 1, 2013;
2. Authorize Staff to negotiate a contract change order with Tree’s Sierra Management, Inc. at an anticipated fee not to exceed \$164,219 for the expansion of transit service;
3. Authorize Staff to sign all contract documents;
4. Authorize a 10% contingency to cover unforeseen changes to the scope of work required; and
5. Authorize staff to update the Council in six (6) months to demonstrate the ridership growth/pattern.

Documentation: M.O. 06-052113  
Disposition: Approved.

8. STATE DEPARTMENT OF FINANCE – POPULATION ESTIMATES

Recommendation: That the City Council authorize the Mayor to sign a request for State certification for the City of Porterville, January 1, 2013, population of 55,490.

Documentation: M.O. 07-052113  
Disposition: Approved.

9. WILDPLACES MURAL MAINTENANCE AGREEMENT

Recommendation: That the City Council approve the mural maintenance agreement with WildPlaces, and authorize and direct the Mayor to execute the same.

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

Documentation: M.O. 08-052113  
Disposition: Approved.

10. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING WITH UNIVERSITY OF PHOENIX

Recommendation: That the City Council authorize the Mayor to sign the Memorandum of Understanding with University of Phoenix.

Documentation: M.O. 09-052113  
Disposition: Approved.

12. 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.

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

Documentation: M.O. 10-052113  
Disposition: Approved.

13. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ADOPTING A RESOLUTION OF OPPOSITION TO AB 667 (HERNANDEZ) REGARDING LAND USE: DEVELOPMENT PROJECT REVIEW: SUPERSTORES

Documentation: M.O. 11-052113

Disposition: Approved.

**PUBLIC HEARINGS**

Council Member Shelton reported a conflict of interest relative to Item No. 14, recused his self and left the Council Chambers.

- 14. REQUEST FOR A CONDITIONAL USE PERMIT TO ALLOW FOR AN UPGRADE OF AN OFF-SALE TYPE 20 (BEER AND WINE) LICENSE TO AN OFF-SALE TYPE 21 (BEER, WINE AND DISTILLED SPIRITS) LICENSE FOR THE PORTA VILLA MARKET LOCATED AT 34 E. HENDERSON AVENUE

Recommendation: That the City Council:

- 1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-008C) subject to conditions of approval; and
- 2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

The Public Hearing was opened at 7:42 p.m. When no one came forward to speak, Mayor Gurrola closed the Public Hearing at 7:43 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving Conditional Use Permit (PRC 2013-008C) subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Documentation: Resolution 32-052113

Disposition: Approved.

**SCHEDULED MATTERS**

- 15. CONSIDERATION OF OFFERING ONLINE VOUCHERS TO CITY ACTIVITIES AND EVENTS

Recommendation: That the City Council consider offering online vouchers to City activities and events, and provide staff direction.

City Manager Lollis introduced the item, presented the staff report, and addressed the Council's questions.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve a pilot program of online vouchers for special events, commencing with the 2013 Freedom Fest.

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

Documentation: M.O. 12-052113

Disposition: Approved.

16. CONSIDERATION OF IMPLEMENTING A LOCAL GOVERNMENT MOBILE APPLICATION

Recommendation: That the City Council consider the implementation of a local government mobile application, and provide staff direction.

City Manager Lollis introduced the item, presented the staff report, and addressed the Council's questions.

Vice Mayor McCracken made the motion to appoint a committee to research the implementation of a mobile application and to report back to the Council. The motion died for lack of a second.

The Council directed staff to research options for the implementation of a mobile application and to prepare a presentation to bring back to the Council.

Disposition: Direction given.

17. POCKET PARKS ANALYSIS

Recommendation: That the City Council direct staff on the desire to further pursue the feasibility of pocket parks.

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

A discussion ensued regarding funding for the pocket park projects and the General Plan provision for open spaces.

COUNCIL ACTION: MOVED by Mayor Gurrola, SECONDED by Council Member Hamilton that the Council direct staff to prepare a proposal for pocket parks in the Porter Creek Estates neighborhood.



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

Documentation: M.O. 13-052113  
Disposition: Approved.

The Council took a ten minute recess before consideration of Item No. 18.

18. ISLAND ANNEXATION SEWER PROJECT AREA 458 – PAVING OPTIONS

Recommendation: That the City Council:

1. Authorize the Public Works Director to purchase approximately 4,000 tons of asphalt cold mix from Jackson-Baker in the amount of \$200,000, utilizing the existing contract between Tulare County and Jackson-Baker; and
2. Direct the Finance Director to prepare a budget adjustment to the Field Services Overlay Budget in the amount of \$200,000 for the purchase and placement of an asphalt overlay along the streets contained within Sewer Utility District No. 458; or
3. Authorize the Public Works Director to amend Todd Plumbing’s contract in the amount of \$750,000;
4. Direct Todd’s Plumbing to resurface the streets within Area 458 as selected by the Public Works Director using asphalt concrete; and
5. Direct the Finance Director to prepare a budget adjustment transferring Special Gas Tax funds from the W. North Grand Reconstruction project to the Area 458 Sewer Utility District project.

City Attorney Lew advised Council Members Shelton and Ward regarding possible conflicts of interest. Council Members Shelton and Ward acknowledged the conflicts and recused themselves from the discussion and vote.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report and addressed the Council’s questions.

A discussion ensued regarding the timeline, cost, and funding for the proposed project.

City Attorney Lew advised the Council regarding the contracts for the proposed project.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council the authorize the Public Works Director to purchase approximately 4,000 tons of asphalt cold mix from Jackson-Baker in the amount of \$200,000, utilizing the existing contract between Tulare County and Jackson-Baker.

AYES: Hamilton, McCracken, Gurrola  
NOES: None

ABSTAIN: Shelton, Ward  
ABSENT: None

Documentation: M.O. 14-052113  
Disposition: Approved.

19. CONSIDERATION OF REFINANCING UNFUNDED CALPERS PUBLIC SAFETY PLAN SIDE FUND OBLIGATION

Recommendation: That the City Council consider proceeding with Rabobank in the refunding of the CalPERS Public Safety Side Fund, and authorize the City Manager to sign the offered Term Sheet.

City Manager Lollis introduced the item and presented the staff report.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve proceeding with Rabobank in the refunding of the CalPERS Public Safety Side Fund, and authorize the City Manager to sign the offered Term Sheet. Motion carried unanimously.

Documentation: M.O. 15-052113  
Disposition: Approved.

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

6. CITY WELL #22 – EMERGENCY REPAIR

Recommendation: That the City Council approve emergency repairs to be completed by S.A. Camp Pump Company on City Well #22 at a cost not to exceed \$45,000.

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

Council Member Shelton inquired into whether the item was for an emergency repair or for a regular repair.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council approve the emergency repairs to be completed by S.A. Camp Pump Company on City Well #22 at a cost not to exceed \$45,000. Motion carried unanimously.

Documentation: M.O. 16-052113  
Disposition: Approved.

11. PARKS & LEISURE SERVICES COMMISSION MEETINGS

Recommendation: That the City Council approve the Parks and Leisure Services Commission go dark June and July 2013, with the Commission being available to meet if necessary.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton spoke in favor of approval.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council approve the Parks & Leisure Services Commission go dark June and July 2013, with the Commission being available to meet if necessary. Motion carried unanimously.

Documentation: M.O. 17-052113

Disposition: Approved.

### **ORAL COMMUNICATIONS**

- John Coffee, thanked the Council for not un-allocating the funds for North Grand improvements; and thanked Mr. Lollis and City staff for the clean up at Veteran's Park parking lot and noted the need for further clean up.

### **OTHER MATTERS**

- Vice Mayor McCracken spoke of the upcoming Avenue of Flags event at 10:00 a.m. on Memorial Day.
- Council Member Hamilton lauded Fire Department personnel for their handling of the recent apartment fire.
- Council Member Shelton thanked Interim Fire Chief Irish for the Annual Fire Department Report.

### **ADJOURNMENT**

The Council Meeting adjourned at 9:15 p.m. to the meeting of June 4, 2013.

SEAL

---

Patrice Hildreth, Chief Deputy City Clerk

---

Virginia R. Gurrola, Mayor