

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

Call to Order at 5:30 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived after roll call), 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, Vice Chair McCracken, Agency Member Shelton (arrived after roll call), 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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, Tulare County Superior Court Case No. VCU 246336.
  - 4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing

Litigation: Maria Dolores Santoyo, et al. v. City of Porterville, et al., Tulare County Superior Court Case No. 249462.

**5-** Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, 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.

**6-** Government Code Section 54956.95 – Liability Claims: Claimant: Norma Fox. Agency claimed against: City of Porterville.

**7-** 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.

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

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

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

City Attorney Julia Lew reported on the following action:

**B6** Government Code Section 54956.95 – Liability Claims: Claimant: Norma Fox. Agency claimed against: City of Porterville.

On a MOTION by Vice Mayor McCracken, SECONDED by Council Member Ward, the Council rejected the claim filed by Ms. Norma Fox. The motion carried unanimously.

Documentation: M.O. 01-071613

Disposition: Approved.

Pledge of Allegiance Led by Council Member Cameron Hamilton  
Invocation – two individuals participated.

### **PROCLAMATIONS**

National Parks & Recreation Month – July 2013

### **PRESENTATIONS**

Employee of the Month – Rita Gilmer

### **AB 1234 REPORTS**

1. Tulare County Economic Development Corporation – June 26, 2013: City Manager Lollis reported on the discussion related to Governor Brown’s proposal regarding targeted employment areas. Mr. Lollis advised of a planned visit to Tulare County by representatives from the Governor’s Office.

### **REPORTS**

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission – July 3, 2013: Commissioner Vafeades provided an update of recent Leisure Services activities.

II. Staff Informational Items:

1. 2013 Freedom Fest Report

Re: Informational report on the 3<sup>rd</sup> annual event held on June 29, 2013.

City Manager Lollis advised that staff had received a request by the Mural Committee to postpone consideration of Item 25.

**ORAL COMMUNICATIONS**

- Natalie Worrel, expressed concern with Agenda Item No. 21.
- Rodney Martin, voiced concern with a large number of unmaintained bank-owned properties in the City and requested that the City enforce ordinances to protect the adjacent neighbors.
- Russell Fletcher, voiced displeasure with the Council and warned that their actions will affect whether they are re-elected.
- Denise Marchant, President of Kings/Tulare Area Agency on Aging, requested approval of Item 26.
- Brock Neeley, requested an opportunity to address the Council when the Council considered Items 21, 22, and 23. He then provided statistical reports with regard to homosexuality, spoke against rescission of the LGBT proclamation, and against the proposed resolution.
- John Coffee, spoke of the Council's prior support of Proposition 8, a failed attempt to oppose SB 54 (Leno), and the proposed rescission of the LGBT Proclamation, and inquired when enough would be enough as to anti-LGBT actions by the Council.
- Trina Leon, commented that Mayor Gurrola had abused her power, spoke against the LGBT Proclamation, spoke of the Bible, and implored the Council to rescind the proclamation.
- Ann Marie Wagstaff, identified herself as a lesbian, spoke of living in Porterville, and requested that the Council serve all of the citizens of Porterville and treat all as equal.
- Kathryn Hall, a Lindsay resident and pediatrician in Tulare County, spoke of the harm that rescinding the LGBT proclamation would do to the LGBT community, and requested that the Council not rescind the proclamation.
- Christy Burkhart, spoke against rescinding the LGBT proclamation.
- Cindy Dominguez, spoke in favor of rescinding the LGBT proclamation, stated that the Mayor had abused her authority and violated the City Charter, and quoted the Bible.
- Lisa Smith, spoke of Prop 8, DOMA, in opposition to rescinding the LGBT proclamation, and requested that the Council focus on other matters of City business.
- Brad Davis, spoke of Christians and in favor of rescinding the proclamation because it violates the teachings of God.
- Jessica Mahoney, spoke of the proclamation process, admonished the Council for their behavior, and spoke against rescission.
- Maria Ennis, spoke of the importance of tolerance, and spoke against rescission of the LGBT proclamation.
- Sidney Pedraza, spoke in favor of consideration of amending the proclamation process, voiced support for rescinding the proclamation and approval of an all-inclusive resolution.
- Cici Townsend, spoke in favor of rescinding the proclamation and asserted that the

proclamation violated the City Charter because it had not been approved by a majority of the Council, and spoke of various lawsuits concerning alleged discrimination against LGBT individuals.

- Dennis Townsend, spoke in favor of amending the process for approving proclamations, voiced support for rescinding the LGBT proclamation, and alleged that the Mayor had violated the City Charter in approving said proclamation.
- David Harris, spoke in favor of rescinding the proclamation, and voiced opposition to the City celebrating anyone's sexual preference.
- Rodney Martin, commented that he believed the process had been followed; however he requested that the proclamation be rescinded as it did not reflect the beliefs of the community. He then suggested that the people held the power, not the government, and spoke in favor of the proposed replacement resolution.
- Christine Harris, spoke in favor of rescinding the proclamation, voiced concern with making sex a public issue, and suggested that she felt bullied by the LGBT community due to her beliefs.
- Laura Grabowski, a Springville resident, suggested that the Mayor had bullied the citizens into the LGBT proclamation; spoke against governmental action in support of LGBT individuals; and requested that the Council rescind the proclamation.
- Lois Ennis, spoke against rescinding the LGBT proclamation and commented that many of her fellow senior citizens were also against rescission.
- Dave Mast, spoke of the divisiveness of the matter, and suggested the topic ought to be debated outside of the Council Chambers as it was not a debate that either side would win, citing religious differences in the Middle East as an example.
- Martin (last name inaudible), spoke in favor of rescinding the LGBT proclamation, and spoke of bias in the media.
- Bob Ruckson, spoke in favor of rescinding the LGBT proclamation, and quoted from the Bible.
- Melissa McMurry, a LGBT community member, requested that the Council not rescind the proclamation, and spoke of the positive influence it has had.
- John Holberg, spoke of the power of the people, suggested that the Mayor was attempting a "power grab," implored the Council to stand up for what mattered, and rescind the LGBT proclamation.
- Mahmet McMillan, a Springville resident, agreed that the people ought to stand up, suggested that rescission of the LGBT proclamation was mean-spirited, and spoke against such rescission, stating that the citizens of Porterville owed it to themselves to be inclusive.
- Maureen Cruess, voiced appreciation to the Council for their hard work, and commented that any proclamation of the City Council should reflect the beliefs of the entire community.
- Carlos Gomez, a Springville resident, suggested that Porterville had borderline institutionalized racism and discrimination; spoke of the issue of suicide of gay youths, and questioned what message would be sent to LGBT youth if the Council proceeded to rescind the proclamation.
- Jesus Garcia, spoke of what the proclamation meant to him as a young gay man growing up and living in Porterville, of the importance of working to create change, and his frustration and his desire to be proud of Porterville.
- Barry Caplan, commented that City Hall was not a church, spoke of the legalities and

unconstitutionality of Proposition 8, spoke of the duties of the Mayor which included approving proclamations, and requested that the Council do the right thing.

**CONSENT CALENDAR**

Items 2, 3, 6, 10, 11, 16, 18 were removed for further discussion. Council Member Shelton noted his abstention due to conflicts of interest on Items 9 and 20. Council Member Ward noted his abstention due to conflicts of interest on Items 4 and 6.

**COUNCIL ACTION:**     MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the Council approve Items 1, 4, 5, 7-9, 12-15, 17, and 19-20. The motion carried unanimously.

1.     MINUTES OF JUNE 18, 2013

Recommendation:     That the City Council approve the Minutes of June 18, 2013.

Documentation:        M.O. 02-071613

Disposition:          Approved.

4.     REQUEST TO ADVERTISE FOR ANNUAL CONTRACTS

Recommendation:     That the City Council authorize Public Works Field Services Division to advertise for the stated annual contracts.

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

Documentation:        M.O. 03-071613

Disposition:          Approved.

7.     ACCEPTANCE OF IRREVOCABLE OFFER TO CONVEY REAL PROPERTY FOR PUBLIC STREET RIGHTS OF WAY RELATED TO PARCEL MAP NO. 4996, JAYE STREET AND VANDALIA AVENUE – TOLLADAY FAMILY TRUST, CZEM PARTNERS, LLC AND JLH PROPERTIES, LLC

Recommendation:     That the City Council:

1. Accept the Irrevocable Offer of Conveyance of Real Property for Public Street Rights of Way related to Parcel Map No. 4996;
2. Authorize the City Clerk to record a Resolution accepting the offer with the County Recorder’s Office;
3. Approve a reimbursement to the developer’s financial advisor, Aztec Mustang, LLC, in the amount of \$55,848.30 for all public rights of way irrevocably offered for conveyance related to Parcel Map No. 4996; and
4. Authorize the Mayor to sign all necessary documents and the resolution accepting the Irrevocable Offer of Conveyance of Real Property.

Documentation: Resolution 42-2013  
Disposition: Approved.

8. LABORATORY INSTRUMENT SERVICE CONTRACTS

Recommendation: That the City Council:  
1. Approve the service contracts with Thermo Electron, LLC and Agilent Technologies; and  
2. Authorize payment for these services.

Documentation: M.O. 04-071613  
Disposition: Approved.

9. ASPHALT OVERLAY PROGRAM 2013/2014

Recommendation: That the City Council approve the 2013/2014 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

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

Documentation: M.O. 05-071613  
Disposition: Approved.

12. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LIGHTING AND MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:  
1. Adopt Resolutions:  
a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2013-2014;  
b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2013-2014; and  
c. Declaring the intent to levy and collect assessments for Fiscal Year 2013-2014, and offering a time and place for hearing objections thereto.  
2. Further, that the City Council set a public hearing for 6:30 PM on August 6, 2013, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2013-2014.

Documentation: Resolution 43-2013  
Resolution 44-2013  
Resolution 45-2013

Disposition: Approved.

13. REVIEW AND UPDATE STATEMENT OF INVESTMENT POLICY

Recommendation: That the City Council refer the review and update of the City of Porterville's investment policy to the Audit Committee.

Documentation: M.O. 06-071613

Disposition: Approved.

14. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of \$55,405,944 for the 2013/2014 fiscal year.

Documentation: Resolution 46-2013

Disposition: Approved.

15. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – PORTERVILLE CITY FIREFIGHTERS ASSOCIATION

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

Documentation: Resolution 47-2013

Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF PORTERVILLE – FAMILY CONCERT AT MURRY PARK – AUGUST 24,2013

Recommendation: That Council approve the Community Civic Event Application and Agreement from Boys and Girls Club of Porterville and Nico's Concessions, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 07-071613

Disposition: Approved.

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

Recommendation: That the City Council approve the refinancing of the CalPERS Public Safety Side Fund, and authorize the Mayor and City Manager to sign the draft Resolution, Agreements, and documents as may be required.

Documentation: Resolution 48-2013

Disposition: Approved.

20. 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 8603 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. 08-071613

Disposition: Approved.

Mayor Gurrola thanked the public for their attendance and participation in the Council meetings; spoke of the large number of Proclamations routinely given during Council meetings; stated that there was no “power-grab” attempt or advocacy for same-sex marriage behind the LGBT Pride Proclamation; noted that she had received emails of support from young people around the United States and Switzerland; and voiced her hope that the community would begin to heal.

**SCHEDULED MATTERS**

21. CONSIDERATION OF THE PROCESS WHEREBY CITY PROCLAMATIONS ARE APPROVED

Recommendation: That the City Council consider the process whereby City Proclamations are approved.

City Manager Lollis introduced the item and provided the staff report, noting that although there are no explicit guidelines in the City Charter for the approval process of Proclamations, the long-standing practice has been that the Mayor receives and approves all Proclamation requests.

Council Member Shelton spoke in support of amending the process, and noted that the LGBT Pride Proclamation was the only one, to his knowledge, that had not had the support of the other Council Members.

Vice Mayor McCracken stated that the practice used to be that Proclamations were signed only by the Mayor, but that this practice was later changed to include the signatures of the entire Council. Vice Mayor McCracken then stated that Proclamations had never been voted on by the Council, and spoke of options available under the current rules to control the Proclamation process.

Council Member Hamilton commented that the majority of the Council was opposed to the Proclamation but the Mayor approved it anyway.

Council Member Ward stated his belief that the Mayor was putting forth her own ideology in



approving the Proclamation, and noted that the Mayor had the Proclamation added to the agenda after the submission deadline.

Mayor Gurrola explained the procedure by which she examines and approves all requests for Proclamations.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that all City Proclamations shall require approval by three affirmative votes of the members of the City Council.

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

Documentation: M.O. 09-071613  
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council reconsider the previous action to bifurcate the rescission and the replacement resolution.

Vice Mayor McCracken requested that the Minutes of June 18, 2013, be read to determine how Council Member Hamilton voted on the previous action to bifurcate the rescission and the replacement resolution. City Attorney Lew examined the Minutes and advised that Council Member Hamilton had voted in favor of the bifurcation.

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

Documentation: M.O. 10-071613  
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council combine the consideration of Items 22 and 23.

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

Documentation: M.O. 11-071613  
Disposition: Items 22 and 23 combined.

22, 23. CONSIDER RESCINDING THE CITY PROCLAMATION OF “LGBT PRIDE MONTH” FOR JUNE 2013, AND ADOPT A RESOLUTION OF SUPPORT FOR

JUNE 2013 AS “A MONTH OF COMMUNITY CHARITY AND GOODWILL TO ALL IN PORTERVILLE”

Recommendation: That the City Council consider rescinding the City Proclamation of “LGBT Pride Month” for June 2013, and adopt a Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville.”

City Manager Lollis introduced the items.

Mayor Gurrola inquired about the nature of resolutions, and Vice Mayor McCracken requested input from the City Attorney regarding “whereas” clauses being factually inaccurate.

Council Member Shelton made a motion to replace the Proclamation of June 2013 as “LGBT Pride Month” with the Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville”. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council rescind the LGBT Proclamation, and approve the Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville”.

A discussion ensued regarding the possibility of combining the LGBT Pride Proclamation and the Resolution of Support for June 2013 as “A Month of Community Charity and Goodwill to All in Porterville”. The Council debated whether the resolution was in fact all-inclusive.

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

Documentation: M.O. 12-071613; and Resolution 49-2013  
Disposition: Proclamation rescinded, and Resolution approved.

A disruption occurred in the audience at the announcement of the Proclamation’s rescission, and the Council recessed for ten minutes at 9:18 p.m.

24. APPOINTMENTS TO MEASURE R CITIZENS’ OVERSIGHT COMMITTEE AND INTERNAL CITY AUDIT COMMITTEE

Recommendation: That the City Council consider said appointments and provide direction to staff.

City Manager Lollis introduced the item, and Administrative Services Director Hildreth presented the staff report, noting that although no requests had been submitted as of the time of agenda compilation, a request was subsequently submitted by Mr. Vonn Christensen to serve on the Measure R Citizens’ Oversight Committee.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member

Ward that the Council accept the appointment of Mr. Vonn Christensen to the Measure R Citizens' Oversight Committee. The motion carried unanimously.

The Council then directed staff to re-advertise the vacancy for the Internal Audit Committee and solicit applications.

Documentation: M.O. 13-071613  
Disposition: Approved.

25. This item was postponed to the meeting of August 6, 2013, at the request of the Mural Committee.

26. REVISED CDBG 2013/14 ACTION PLAN

Recommendation: That the City Council:

1. Consider the request by the Continuum of Care for \$5,000 allocation to continue to provide services to the homeless;
2. Adopt the Revised 2013/14 Revised Action Plan resolution of approval reflecting \$717,586 in Entitlement allocation; 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.

Council Member Shelton voiced his support for the Continuum of Care program, and inquired about the increase of funds for the Community Development Block Grant. Community Development Director Dunlap addressed the question and provided clarification.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton that the Council approve the request by the Continuum of Care for \$5,000 allocation to continue to provide services to the homeless; adopt the Revised 2013/14 Revised Action Plan resolution of approval reflecting \$717,586 in Entitlement allocation; and authorize the City Manager to execute all necessary documents. The motion carried unanimously.

Documentation: Resolution 50-2013  
Disposition: Approved.

27. CONSIDERATION OF COMPOSITION AND APPOINTMENT METHOD OF CHARTER REVIEW COMMITTEE

Recommendation: That the City Council provide direction to staff as to the composition and appointment method for the Charter Review Committee.

City Manager Lollis introduced the item and presented the staff report, recommending that members of the committee be city residents and registered voters.

A discussion ensued regarding the composition and appointment methods of past Charter Review

Committees.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that five members of the Charter Review Committee be selected by Council Members, and that four Committee members be selected by a majority of the City Council.

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

The Council directed staff to require that all applicants for the Charter Review Committee be City residents and registered voters.

Documentation: M.O. 14-071613  
Disposition: Approved.

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

**2. REQUEST FOR APPROVAL TO PURCHASE AUTOMATIC EXTERNAL DEFIBRILLATORS**

Recommendation: That the City Council:

1. Authorize the purchase of the Automatic External Defibrillators;
2. Authorize payment upon satisfactory delivery of the products, which will be 100% reimbursed with the Homeland Security Grant Funds.

City Manager Lollis introduced the item, and Fire Chief Irish addressed the Council's questions.

**COUNCIL ACTION:** MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council authorize the purchase of the Automatic External Defibrillators; and authorize payment upon satisfactory delivery of the products, which will be 100% reimbursed with the Homeland Security Grant Funds. The motion carried unanimously.

Documentation: M.O. 15-071613  
Disposition: Approved.

**3. AUTHORIZATION TO ADVERTISE FOR BIDS – SPORTS COMPLEX SOFTBALL AND SPORTS FIELD LIGHTING PROJECT**

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.

The City Manager introduced the item, and the staff report was waived at the Council's request. Council Member Ward inquired about the number of fields that the lighting would cover, and inquired

about the plans for infrastructure at the project site. Public Works Director Rodriguez and City Manager Lollis addressed the questions and provided clarification.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton 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. 16-071613  
Disposition:      Approved.

6.      AUTHORIZATION TO ADVERTISE FOR PROFESSIONAL SERVICES –  
ELECTRICAL POWER GENERATION ALTERNATIVES

Recommendation:      That the City Council authorize staff to advertise for consultant services to analyze electric power generation alternatives at the Wastewater Treatment Facility, and if necessary, prepare plans and specifications to incorporate the desired alternative into the treatment plant layout; authorize the Public Works Director to conduct oral interviews if, in the opinion of the Public Works Director, interviews are necessary; and direct the Public Works Director to prepare a staff report for a subsequent Council meeting identifying the proposers and their respective rankings.

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

Council Member Shelton commended Public Works Director Rodriguez for his efforts on the project, and inquired about the availability for solar power at the Wastewater Treatment Facility. Public Works Director Rodriguez addressed the question and provided clarification.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council authorize staff to advertise for consultant services to analyze electric power generation alternatives at the Wastewater Treatment Facility, and if necessary, prepare plans and specifications to incorporate the desired alternative into the treatment plant layout; authorize the Public Works Director to conduct oral interviews if, in the opinion of the Public Works Director, interviews are necessary; and direct the Public Works Director to prepare a staff report for a subsequent Council meeting identifying the proposers and their respective rankings.

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

Documentation:      M.O. 17-071613  
Disposition:      Approved.

10. JOINT FUNDING AGREEMENT WITH PORTERVILLE UNIFIED SCHOOL DISTRICT AND BURTON SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

Recommendation: That the City Council:

1. Approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2013, through June 30, 2014; and
2. Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

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

Council Member Shelton commended the partnership between the City and the school districts.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2013, through June 20, 2014; and authorize the Mayor to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

Documentation: M.O. 18-071613

Disposition: Approved.

11. SALE OF SURPLUS VEHICLES TO THE CITY OF LINDSAY

Recommendation: That the City Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each.

City Manager Lollis introduced the item, and the staff report was waived by the Council.

Council Member Shelton lauded Chief of Police McMillan for his efforts in selling the City's surplus vehicles.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the sale of the two above-listed surplus vehicles to City of Lindsay for the sum of \$1,500 each. The motion carried unanimously.

Documentation: M.O. 19-071613

Disposition: Approved.

16. BUDGET ADJUSTMENT FOR THE 2013-2014 FISCAL YEAR

Recommendation: That Council approve the attached budget adjustments and authorize staff to modify the expenditure estimates as described on the attached schedule.

City Manager Lollis introduced the item, and addressed the Council's questions. The staff report was waived by the Council.

**COUNCIL ACTION:**      MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve the attached budget adjustments and authorize staff to modify the expenditure estimates as described on the attached schedule. The motion carried unanimously.

Documentation:      M.O. 20-071613  
Disposition:      Approved.

18.      APPROVAL FOR COMMUNITY CIVIC EVENT – WALMART DISTRIBUTION AND VALLEY CHILDREN'S HOSPITAL – NEON CITY 5K RUN – SEPTEMBER 21, 2013

Recommendation:      That Council approve the Community Civic Event Application and Agreement from Wal-Mart Distribution Center and Valley Children's Hospital, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B.

City Manager Lollis introduced the item, and the staff report was waived by the Council.

**COUNCIL ACTION:**      MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council approve the Community Civic Event Application and Agreement from Wal-Mart Distribution Center and Valley Children's Hospital, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B. The motion carried unanimously.

Documentation:      M.O. 21-071613  
Disposition:      Approved.

**ORAL COMMUNICATIONS**

- Melissa McMurry, read a statement by LGBT community members who were removed for protesting within the Chambers which indicated they believed the injustice demanded civil disobedience.
- Russell Fletcher aka Bones aka Buck, voiced his displeasure with the Council's rescission of the LGBT proclamation, and lauded Council Member Hamilton's action in combining Items 22 and 23, and "lighting the powder keg."
- John Coffee, spoke of homosexuality not being a lifestyle or choice, and that his lifestyle was middle class American.
- Ann Marie Wagstaff, thanked Mayor Gurrola for her integrity and leadership, indicated she was appalled with the Council's behavior, and commented that the "problem" was not with the Community, but rather the Council.
- Larry Martin, thanked the Council for their commitment to the community, and apologized for his previous apathy in local government.

- Brock Neeley, voiced his appreciation for Mayor Gurrola and thanked her for her compassion; suggested Council Member Ward was a hypocrite; stated that Council Member Hamilton ought to check his Bible at the door; and stated that Council Member Shelton was a selfish little boy and a bully.
- Barry Caplan, voiced displeasure with Council Members Ward, Hamilton and Shelton, questioned how Council Member Ward could perform his job as a school Counselor; and commended Vice Mayor McCracken and Mayor Gurrola.

#### **OTHER MATTERS**

- Mayor Gurrola apologized for losing her composure during the Council Meeting.
- Council Member Shelton apologized to Mayor Gurrola and Mr. Gurrola for his behavior.
- Council Member Hamilton spoke of the history of Proposition 8, and of the concerted effort and deplorable behavior of members of the LGBT community engaged in the debate.
- Council Member Ward spoke of City events coming up, including Summer Night Lights.

#### **ADJOURNMENT**

The Council adjourned at 10:25 p.m. to the meeting of August 6, 2013.

SEAL

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Patrice Hildreth, Chief Deputy City Clerk

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Virginia Gurrola, Mayor