

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 18, 2013, 5:30 P.M.**

Call to Order at 5:31 p.m.

Roll Call: Council Member Ward, Vice Mayor McCracken, Council Member Shelton (arrived at 6:30 p.m.), 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 Chairperson McCracken, Agency Member Shelton (arrived at 6:30 p.m.), 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 54956.8 – Conference with Real Property Negotiators/Property: 200 N. “D” Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Ken Lansford. Under Negotiation: Terms and Price.
  - 3 - 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, Tulare/Kings Counties Area Agency on Aging, and CSET. Under Negotiation: Terms and Price.
  - 4- Government Code Section 54956.95 – Liability Claims: Claimant: Maria Ramos. 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: Two Cases.

**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-4 4- Government Code Section 54956.95 – Liability Claims: Claimant: Maria Ramos. 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 Maria Ramos, 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: None  
ABSENT: Shelton

Documentation: M.O. 01-061813  
Disposition: Approved.

Pledge of Allegiance Led by Council Member Greg Shelton  
Invocation – two individuals participated.

**PRESENTATIONS**

Recognition of Charles Webber  
Badge Pinning of Police Officer Janet Ayala

**AB 1234 REPORTS**

1. Tulare County Local Agency Formation Commission (LAFCO)- June 5, 2013  
Council Member Hamilton reported that the Commission was looking at the draft Municipal Service Review, and that the matter had been continued to the next meeting.
2. Tulare County Association of Governments (TCAG) – June 17, 2013  
Mayor Gurrola reported that TCAG had discussed the Regional Transportation Plan roundtable, the increase in Measure R funds, and the Scranton widening project; and acknowledged TCAG Member Dennis Townsend in the audience.

**REPORTS**

- I. City Commission and Committee Meetings:
  1. Library and Literacy Commission:  
Commissioner Alan Bailey reported on recent library events.
  2. Transactions and Use Tax (“Measure H”) Oversight Committee – June 13, 2013:  
Committee Chair Charles Webber reported that the Committee had reviewed the

2012/2013 Measure H expenditures as of April 30<sup>th</sup>, and the proposed 2013/14 Measure H Budget and had found them to be in compliance with the intent of the ballot measure.

**COUNCIL ACTION:**      MOVED by Council Member Hamilton, SECONDED by Council Member Shelton that the Council extend Oral Communications to one hour, with M.O. 02-061813      thirty minutes allowed for each side of the LGBT Proclamation issue. The motion carried unanimously.

**ORAL COMMUNICATIONS**

- Charles Keen, spoke against item 12, and provided the Council with a petition in favor of returning the control of the senior center building back to the senior citizens.

**The following individuals came forward and spoke in favor of rescinding the LGBT Pride Proclamation:**

- Dennis Townsend
- Cece Townsend
- Kathleen Adams
- Rodney Martin
- Mr. Medraza
- Henry Aguilar
- Johnna Keye
- Kenneth Avila
- Randy Minnick
- Nester Lamborina
- Brian Johnson
- (Name inaudible)
- Terry Baton

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

**The following individuals came forward and spoke in opposition of rescinding LGBT Pride Proclamation:**

- Melissa McMurry
- Nicole Celaya
- Timothy Rich
- Kelly Teeter
- John Coffee
- Connie Richards
- Jordan Codd
- Katherine McGuire
- Lisa Duncan
- Lisa Marie Smith
- Jessica Mahoney
- Rosanna Soto
- Teresa Carpenter
- Karen Bishop

**CONSENT CALENDAR**

Items 3, 5, 14, 17 and 18 were removed for further discussion. At staff's request, Item 12 was removed from the agenda. Council Member Shelton noted his abstention on Items 2, 7, and 18.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve Items 1, 2, 4, 6 through 13, 15, 16 and 19. The motion carried unanimously.

1.      BUDGET ADJUSTMENT FOR THE 2012-13 FISCAL YEAR

Recommendation:      That the Council approve the proposed budget adjustment and authorize staff to modify the expenditure estimates as described on the schedule attached to staff's report.

Documentation:      M.O. 03-061813

Disposition:      Approved.

2.      AUTHORIZATION TO ADVERTISE FOR BIDS – OLIVE AVENUE REHABILITATION PROJECT – MAIN STREET TO PLANO STREET

Recommendation:      That the City Council:  
1.      Approve an appropriation of \$40,250 from the Water Operating Fund and \$19,550 from the Sewer Operating Fund for the Olive Avenue Rehabilitation Project;  
2.      Approve staff's recommended plans and project manual; and  
3.      Authorize staff to advertise for bids on the project.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council Approve an appropriation of \$40,250 from the Water Operating Fund and \$19,550 from the Sewer Operating Fund for the Olive Avenue Rehabilitation Project; approve staff's recommended plans and project manual; and authorize staff to advertise for bids on the project.

AYES:      Ward, McCracken, Hamilton, Gurrola

NOES:      None

ABSTAIN:      Shelton

ABSENT:      None

Documentation:      M.O. 04-061813

Disposition:      Approved.

4.      AWARD OF CONTRACT – WELL NO. 32 (DRILLING PHASE) PROJECT

Recommendation:      That the City Council:  
1.      Award the drilling phase of the Well No. 32 Project to Zim Industries, Inc. in the amount of \$473,125.00;  
2.      Authorize progress payments up to 95% of the contract amount; and

3. Authorize a 10% contingency to cover unforeseen construction costs and \$19,536 for construction management, quality control and inspection services.

Documentation: M.O. 05-061813  
Disposition: Approved.

6. REQUEST FOR APPROVAL TO PURCHASE ZALUD PARK SHADE STRUCTURE

Recommendation: That the City Council approve the purchase of the \$26,512.20 Zalud Park shade structure from GT Shade.

Documentation: M.O. 06-061813  
Disposition: Approved.

7. REQUEST FOR APPROVAL TO PURCHASE AUTOMATIC CARPET EXTRACTOR

Recommendation: That the City Council approve the purchase of the Waxie Pony 20 SCA.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Shelton that the Council approve the purchase of the Waxie Pony 20 SCA.

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

Documentation: M.O. 07-061813  
Disposition: Approved.

8. APPROVAL OF THE FOURTH AMENDMENT TO THE AGREEMENT FOR TRANSIT SERVICES FOR COLLEGE OF SEQUOIA STUDENTS

Recommendation: That the City Council:

1. Approve the draft Fourth Amendment to Agreement for Transit Services;
2. Authorize the Mayor, City Clerk, and City Attorney to execute the Amended Transit Services Agreement for transit services; and
3. Authorize staff to forward the executed Amended Agreement for Transit Services to TCAG.

Documentation: M.O. 08-061813  
Disposition: Approved.

9. AUTHORIZATION TO PURCHASE DIGITAL PHONE SYSTEM FOR BUSLINE SERVICE

Recommendation: That the City Council:

1. Authorize staff to purchase a small business ShoreTel IP telephone system from Global CIT at a cost of \$8,303.80; and
2. Authorize the Public Works Director to sign all contract documents.

Documentation: M.O. 09-061813

Disposition: Approved.

10. REQUEST TO RECEIVE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:

1. Authorize the filing of the grant paperwork;
2. Authorize the Mayor to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment of \$18,067 upon receipt of the funds.

Documentation: Resolution 37-2013

Disposition: Approved.

11. REQUEST TO PURCHASE EQUIPMENT TO REPLACE COMPUTER AIDED BOOKING SYSTEM

Recommendation: That the City Council:

1. Authorize the purchase of the Computer Aided Booking System;
2. Authorize Police Department staff to enter into direct negotiations with the vendors of these items; and
3. Authorize payment upon satisfactory delivery of the products/services.

Documentation: M.O. 10-061813

Disposition: Approved.

12. LICENSE AGREEMENT BETWEEN THE PORTERVILLE SENIOR COUNCIL, COMMUNITY SERVICES EMPLOYMENT TRAINING, AND THE CITY OF PORTERVILLE

Recommendation: That the City Council approve the license agreement between the Porterville Senior Council, Community Services Employment Training, and the City of Porterville.

Disposition: No action taken. Item was removed from Agenda pursuant to staff's request.

13. REQUEST TO REPLACE POLICE DEPARTMENT RADIO FREQUENCY REPEATERS

Recommendation: That the City Council:

1. Authorize the purchase of the equipment from SC Communications in the amount of \$53,411.30; and
2. Authorize the acceptance of the lowest bid on installation services in the amount of \$1,040.00 which was offered by County of Tulare IT Radio Comm.

Documentation: M.O. 11-061813

Disposition: Approved.

15. STANDARD AGREEMENT ALLOWING USE OF POLICE FACILITY BY STAFF OF THE WOODLAKE POLICE DEPARTMENT

Recommendation: That the City Council:

1. Approve the Agreement for the period of 7/1/13 through 6/30/14; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 12-061813

Disposition: Approved.

16. STANDARD AGREEMENT ALLOWING USE OF POLICE FACILITY BY STAFF OF THE LINDSAY POLICE DEPARTMENT

Recommendation: That the City Council:

1. Approve the Agreement for the period of 7/1/13 through 6/30/14; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 13-061813

Disposition: Approved.

19. 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.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council receive the status report and review of the

designated local emergency; and 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, McCracken, Hamilton, Gurrola  
NOES: None  
ABSTAIN: Shelton  
ABSENT: None

Documentation: M.O. 14-061813  
Disposition: Approved.

**PUBLIC HEARINGS**

20. ADOPTION OF FISCAL YEAR 2013-2014 BUDGET

Recommendation: The City Manager recommends that the City Council consider adoption of the proposed 2013/2014 Fiscal Year Budget, including any modifications and for the time period designated by Council.

City Manager John Lollis presented the item and the staff report. A discussion ensued as to the City’s pending receipt of PTAF funds and the utilization of same to supplement funds already on hand to proceed with the construction of an animal shelter on property adjacent to the City’s corporation yard. The Council further discussed the Chamber of Commerce’s service contract and whether the \$35,000 allocation should be reduced.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council consider the Chamber of Commerce’s allocation separately from the budget.  
M.O. 15-061813

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council reduce the Chamber of Commerce’s \$35,000 allocation by five or six percent, to match the mandated cap on departmental expenditures.  
(Motion failed)

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

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council approve the Chamber’s contract and allocation of \$35,000 for FY 2013/2014.  
M.O. 16-061813



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

Council Member Hamilton moved that the Council approve the budget, as amended to also include the animal shelter project with 40 units and support station, utilizing the expected PTAF funds of approximately \$600,000. Vice Mayor McCracken seconded the motion. At Council Member Shelton's request, the motion and second was withdrawn so as to separate the two proposed actions.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve the animal shelter project with 40 units and support station, utilizing the funds previously allocated for the project, as well as the expected PTAF funds of approximately \$600,000. The motion carried unanimously.

M.O. 17-061813  
Resolution 38-2013  
Resolution 39-2013

MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council approve the FY 2013/2014 Budget, as amended.

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

Disposition: Budget approved, as amended.

21. MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION ON RESIDENTIAL AND COMMERCIAL ZONED LAND ON THE WEST SIDE OF CONNER STREET BETWEEN MORTON AND OLIVE AVENUES

Recommendation: That the City Council:

1. Adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval; and
2. Provide direction to staff regarding connections to City water.

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

The public hearing opened at 9:03 p.m.

- John Coffee, spoke against approval of the item, and requested that the Council consider the homeowners in proximity to the subject location.
- Brock Neeley, spoke against approving the minor CUP and providing the applicant with reduced water rates.
- Rodney Martin, spoke against the proposed minor CUP.
- Greg Woodard, applicant, 1055 W. Morton Avenue, requested the Council's approval of

the proposed minor CUP, and spoke of the limited water usage of the project compared to single family residences.

- Jessica Mahoney, inquired about potential environmental impacts.

The public hearing closed at 9:10 p.m.

A discussion ensued as to impacts of the proposed use, particularly with regard to water usage, water supply, and the fact that the City did not currently have an applicable rate to apply.

**COUNCIL ACTION:**      MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving the minor Resolution 40-2013 Conditional Use Permit for commercial crop cultivation subject to conditions of approval; and direct the Public Works Director to calculate a fee and meet with the applicant regarding same. The motion carried unanimously.

Disposition:    Approved.

**SCHEDULED MATTERS**

22.    APPOINTMENTS TO THE TRANSACTIONS AND USE TAX (MEASURE H) OVERSIGHT COMMITTEE; MEASURE R CITIZENS' OVERSIGHT COMMITTEE; AND CITY'S INTERNAL AUDIT COMMITTEE

Recommendation:    That the City Council:

1.    Consider the appointment of an interested individual to the Transactions and Use Tax Oversight Committee to fill the seat with an unexpired term ending in May 2014;
2.    Consider the appointment of an interested individual to the Measure R Citizens' Oversight Committee to fill the seat with a two-year term expiring in June 2015; and
3.    Consider the appointment of an interested individual to the City's Internal Audit Committee to fill the vacancy with an unspecified term.

City Manager John Lollis presented the item, and Administrative Services Director Patrice Hildreth presented the staff report.

**COUNCIL ACTION:**      MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council appoint Kathleen "Kat" Harris to the Transactions and Use Tax Oversight Committee to fill the seat vacated by Mr. Charles Webber with a term ending in May 2014; and direct staff to re-advertise the remaining vacancies. The motion carried unanimously.

Disposition:    Kathleen Harris appointed to Transactions and Use Tax Oversight Committee.

23.    RESOLUTION APPROVING AMENDMENT #3 TO MEASURE R EXPENDITURE PLAN

- Recommendation: That the City Council:
1. Affirm by resolution all aspects of the amendments, Amendment No. 3, to the Measure R Expenditure Plan;
  2. Authorize the Mayor to sign the draft resolution; and
  3. Direct the City Clerk to transmit the executed resolution to the attention of Ted Smalley, Tulare County Transportation Authority.

Council Member Shelton noted a conflict of interest due to property ownership within 500 feet, recused himself from the discussion, and exited the Council Chambers. City Manager Lollis presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor McCracken that the Council affirm by resolution all aspects of the amendments, Amendment No. 3, to the Measure R Expenditure Plan; authorize the Mayor to sign the draft resolution; and direct the City Clerk to transmit the executed resolution to the attention of Ted Smalley, Tulare County Transportation Authority.

Resolution 41-2013

Disposition: Approved.

The Council recessed for ten minutes at 9:50 p.m.

24. CONSIDERATION OF ESTABLISHING A COMMITTEE FOR A COMPREHENSIVE REVIEW OF CITY CHARTER

- Recommendation: That the City Council:
1. Establish a Charter Review Committee and provide direction to staff as the committee's charge and scope;
  2. Determine the committee's composition and appointment method; and
  3. Approve the proposed ballot measure timeline.

City Manager Lollis presented the item, and Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that the Council establish a Charter Review Committee comprised on nine members; that no restrictions be placed on said Committee's focus; that the Council approve the proposed ballot measure timeline; and direct staff to bring back consideration of the member appointment method.

M.O. 19-061813

Disposition: Approved, direction provided.

25. DESIGNATION OF VOTING DELEGATES AND ALTERNATES FOR LEAGUE OF CALIFORNIA CITIES 2013 ANNUAL CONFERENCE

Recommendation: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and two City Council Members to serve as alternate voting delegates at the Conference.

City Manager Lollis presented the item and staff report.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council appoint Council Member Hamilton to serve as the delegate, and authorize Council Members Ward, McCracken, Shelton and Mayor Gurrola to serve as alternates. The motion carried unanimously.  
M.O. 20-061813

Disposition: Delegate appointed.

### 26. CONSIDERATION OF CANCELLING JULY 2, 2013 CITY COUNCIL MEETING

Recommendation: That the Council provide direction to staff.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the Council cancel the regular City Council Meeting of July 2, 2013. The motion carried unanimously.  
M.O. 21-061813

Disposition: July 2, 2013 Council Meeting Cancelled.

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

#### 3. AWARD OF CONTRACT – INFLUENT PUMP PROJECT

Recommendation: That the City Council:

1. Award the Wastewater Treatment Facility Influent Pump Project to HPS Mechanical in the amount of \$766,570;
2. Authorize \$15,000 for construction management, quality control and inspection services;
3. Authorize progress payments up to 95% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs.

Council Member Ward noted a conflict of interest due to property ownership in proximity to the project area, recused himself from the discussion, and exited the Council Chambers.

City Manager Lollis presented the item, indicating it had been removed from Consent Calendar by Council Member Shelton. Council Member Shelton lauded the fact that the winning bid had been submitted by a company from Bakersfield.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council award the Wastewater Treatment Facility Influent Pump Project to HPS Mechanical in the amount of \$766,570; authorize \$15,000 for construction management, quality control and inspection  
M.O. 22-061813

services; authorize progress payments up to 95% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs.

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

Disposition: Approved.

5. CITY WELL NO. R-12 – EMERGENCY REPAIR AND ADVERTISE FOR ANNUAL SERVICE CONTRACT FOR WELL REPAIRS

Recommendation: That the City Council:

1. Approve emergency work to be completed by S.A. Camp Pump Company on City Well No. R-12 at a cost not to exceed \$35,000; and
2. Authorize Public Works to advertise for an annual service contract for well repair.

City Manager Lollis presented the item, indicating it had been removed from Consent Calendar at Council Member Shelton’s request. A brief discussion ensued as to the emergency and need for an annual service contract.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve emergency work to be completed by S.A. Camp Pump Company on City Well No. R-12 at a cost not to exceed \$35,000; and authorize Public Works to advertise for an annual service contract for well repair. The motion carried unanimously.

M.O. 23-061813

Disposition: Approved.

14. STANDARD AGREEMENT ALLOWING USE OF POLICE FACILITY BY STAFF OF THE PORTERVILLE COLLEGE

Recommendation: That the City Council:

1. Approve the Agreement for the period of 7/1/13 through 6/30/14; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

City Manager Lollis presented the item, indicating it had been removed from the Consent Calendar by Council Member Shelton. Council Member Shelton lauded staff for negotiating the contract.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor McCracken that the Council approve the Agreement for the period of 7/1/13 through 6/30/14; and authorize the Chief of Police to execute the agreement on behalf of the City of Porterville. The motion carried unanimously.

M.O. 24-061813

Disposition: Approved.

17. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER THE PROCESS WHEREBY CITY PROCLAMATIONS ARE APPROVED

Recommendation: Council Member Shelton makes the motion that the City Council authorize the scheduling on the next Council Agenda the consideration of the process whereby City Proclamations are approved.

City Manager Lollis presented the item, indicating it had been removed from the Consent Calendar at Vice Mayor McCracken’s request.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that the Council reject scheduling on the next Council Agenda the consideration of the process whereby City Proclamations are approved.  
(Motion failed)

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

M.O. 25-061813 MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the Council approve scheduling on the next Council Agenda the consideration of the process whereby City Proclamations are approved.

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

Disposition: Approved.

18. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER RESCINDING THE CITY PROCLAMATION OF “GAY 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: Council Member Ward makes the motion that the City Council authorize the scheduling on the next Council Agenda the consideration of rescinding the City Proclamation of “Gay Pride Month” for June 2013, and adopt a Resolution of Support for June 2013 for June as “A Month of Community Charity and Goodwill to All in Porterville.”

City Manager Lollis presented the item, indicating it had been removed from Consent Calendar at Vice Mayor McCracken’s request. A discussion ensued as to the merits of the item, and what action the Council could take that evening.

COUNCIL ACTION:      MOVED by Vice Mayor McCracken, SECONDED by Mayor Gurrola that  
M.O. 26-061813      the Council bifurcate consideration of rescission of the proclamation and  
                                 adoption of a resolution into two items on the July 16, 2013 agenda.

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

Disposition:    Approved.

**ORAL COMMUNICATIONS**

- Dennis Townsend, voiced concern with why the Council was unable to take action on the proclamation item that evening.
- Brock Neeley, voiced concern with developers starting projects prior to receiving City approval of their CUPs.
- John Coffee, advised that the City needed to intervene with developers who started projects prior to receiving appropriate approvals.
- Jessica Mahoney, spoke of the need for Council to abide by Roberts Rules of Order, and asked the Council to stop bickering.
- Roger Zendejo, spoke in opposition to the proposed rescission of the LGBT proclamation.
- Andre Gomez, spoke in opposition to the rescission of the LGBT proclamation.
- Barry Caplan, spoke of the need for the Council to represent all citizens of Porterville.
- Cece Townsend, spoke of fairness for all and stated that the Porterville Recorder was to blame for the current divide and controversy.
- Emily Shapiro, lauded the Mayor, and spoke against rescinding the LGBT proclamation.
- Jake (last name inaudible), spoke in favor of rescinding the LGBT proclamation, stating that it further separates individuals.
- Duane Townsend, noted that many of the proponents of rescission spoke of loving everyone and were respectful.
- Martin (last name inaudible), spoke of God's love and the roles of man and woman.
- Yvette Ward, spoke in favor of rescission of LGBT proclamation and in favor of an all inclusive version.
- Patricia Da Silva, spoke in favor of the LGBT proclamation.
- Melissa McMurry, spoke of the petition provided to the Council earlier in the evening, and that the Porterville LGBT deserves to be recognized as does everyone else.
- (Name inaudible), spoke against the LGBT proclamation, adding that you cannot un-ring a bell, just as you cannot rescind a proclamation that has already been made.

- Teri Irish, inquired how the Council could rescind something on which it did not vote.

### **OTHER MATTERS**

- Council Member Hamilton, spoke of disrespectful statements made by those in the LGBT Community and read various postings as examples.
- Council Member Shelton, spoke of the stereotyping of all Christians due to the actions of a handful of extremists; and spoke against affirmative action for the LGBT community.
- Council Member Ward, spoke of the upcoming Freedom Fest event and indicated that tickets were now available; thanked everyone for coming and for their respectful behavior.
- Council Member Shelton, thanked the Tule River Tribe for their generous donation of \$7,500 towards the Freedom Fest event, and spoke of an upcoming rodeo at the Reservation.
- Vice Mayor McCracken, commended everyone for their gracious behavior and thanked them for their participation.
- Mayor Gurrola, stated that she did not believe that the Christian community was hateful; spoke of the right of everyone to address the Council; and advised that she had no preconceived plan or prior knowledge of the LGBT proclamation until she had received the written request from City staff, and that she had followed the established protocol without any political ambitions or ulterior motives.

### **ADJOURNMENT**

The Council Meeting adjourned at 11:15 p.m. to the meeting of July 16, 2013.

SEAL

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Patrice Hildreth, Chief Deputy City Clerk

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Virginia Gurrola, Mayor