

**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.

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 30th, 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 thirty minutes allowed for each side of the LGBT Proclamation issue. The motion carried unanimously.

M.O. 02-061813

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

- 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.

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

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

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 of 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

\$15,000 for construction management, quality control and inspection 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

M.O. 24-061813

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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 the Council bifurcate consideration of rescission of the proclamation and adoption of a resolution into two items on the July 16, 2013 agenda.
M.O. 26-061813

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.