

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CA  
MARCH 19, 2013, 5:30 P.M.**

Called to Order at 5:32 p.m.

Roll Call: Council Member Ward (arrived during Closed Session), Council Member Shelton (arrived during Closed Session), Council Member Hamilton, Vice Mayor McCracken, 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 during Closed Session), Agency Member Shelton (arrived during Closed Session), Agency Member Hamilton, Vice Chair McCracken, 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 54956.8 – 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.

2 - 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.

3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Dinuba et al. v. County of Tulare et al., Tulare County Superior Court Case No. 11-243161.

4- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing

Litigation: Hatcher v. City of Porterville et al., Tulare County Superior Court No. 11-244777.  
5 - Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases concerning facts not yet known to potential plaintiffs.

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

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

City Attorney Lew stated that no reportable action had taken place.

Pledge of Allegiance Led by Boy Scout Troop 3134

Invocation – the Mayor participated.

### **PRESENTATIONS**

Employee Service Awards

The Mayor acknowledged the attendance of Boy Scout Troop 3134 and the 2013 Leadership Porterville Class.

### **AB 1234 REPORTS**

1. Tulare County Local Agency Formation Committee (LAFCO): Council Member Hamilton reported on the adoption of new policy language regarding disadvantaged communities.
2. Tulare County Economic Development Corporation: Mayor Gurrola reported that Young's Trucking and Links Clothing were honored by the TCEDC at a recent event; and spoke of local high school entrepreneurs.
3. Indian Gaming Local Community Benefit Committee: Council Member Hamilton reported on Closed Session action to request the return of grant funds from the City of Porterville.
4. Tulare County Association of Governments: Mayor Gurrola reported that the City would be receiving 2.3 million in LTF funds; spoke about comments made during a transit unmet needs hearing; and noted the receipt of a report from the Measure R Oversight Committee.

### **REPORTS**

- I. City Commission and Committee Meetings:
  1. Parks and Leisure Services Commission – Commission Chair Vafeades presented the Commission report, which highlighted recent activities of Parks and Leisure Services staff.
  2. Youth Commission – no report given.
  3. Library and Literacy Commission – Commissioner Wilkins provided a report of the commission's last meeting, and presented February highlights.
  4. Transactions and Use Tax ("Measure H") Oversight Committee – no report given.

City Attorney Lew notified the Council of an emergency item, and advised that its addition be considered prior to Oral Communications.

Emergency Item: APPROVAL FOR COMMUNITY CIVIC EVENT – LEADERSHIP PORTERVILLE CLASS OF 2013 – COLOR RUN – APRIL 27, 2013

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Ward that the City Council accept the emergency item for addition to the evening’s agenda as Item No. 19. The motion carried unanimously.

Documentation: M.O. 01-031913

Disposition: Item added.

**ORAL COMMUNICATIONS**

- John Coffee, 1750 N. Lotas, spoke of the deteriorated condition of the northeast Veteran’s Park parking lot, and requested that it be addressed.
- Ellen Nichols, Porterville, spoke regarding Item 17, expressed concerns with setting precedence and spoke in favor of compromise in lieu of capitulation.
- Donnette Silva Carter, Porterville Chamber of Commerce, recognized the Iris Festival Committee members in attendance; spoke of the Iris Festival as a local attraction; and confirmed that Sutton’s Iris Gardens was leaving Porterville.
- Melissa McMurray, Porterville, extended an invitation to the Council and those in attendance to a Proposition 8 related rally on Monday, March 25<sup>th</sup>, at 5:30 p.m.
- Debbie Estrada, Leadership Porterville Lead Chair, spoke about the Leadership Porterville program, and introduced current class members in attendance.
- Jonathan Zimmerman, Leadership Porterville 2013 Class member, spoke about and in support of the approval of the proposed Color Run.
- Catherine May, spoke about and in support of the Porterville Celebrates Reading event.
- Ken Lansford, 60 N. Carmelita, spoke regarding the parking lot located at D Street and Mill Avenue, and of citations he had received from the City.

**CONSENT CALENDAR**

Items 2, 4, 5, 6, 7, 8, and 15 were pulled for further discussion. Council Member Shelton indicated that he would be abstaining from voting on Item No. 16 due to a conflict of interest. Vice Mayor McCracken reported a perceived conflict of interest relative to Item No. 12, and indicated that he would be abstaining.

COUNCIL ACTION: MOVED by Vice Mayor McCracken, SECONDED by Council Member Hamilton that the City Council approve Item Nos. 1, 11, 12, 13 and 16. The motion carried unanimously, with the exception of the aforementioned abstentions.

1. MINUTES OF MARCH 5, 2013

Recommendation: That the City Council approve the Minutes of March 5, 2013.

Documentation: M.O. 02-031913

Disposition: Approved.

- 3. This Item Has Been Removed.
- 9. This Item Has Been Removed.
- 10. This Item Has Been Removed.
- 11. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE UNIFIED SCHOOL DISTRICT – THE PORTERVILLE ROTARY CLUB AND BURTON SCHOOL DISTRICT – PORTERVILLE CELEBRATES READING – APRIL 13, 2013

Recommendation: That the Council approve the Community Civic Event Applications and Agreement submitted by the Porterville Unified School District, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 03-031913

Disposition: Approved.

- 12. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – IRIS FESTIVAL – APRIL 27, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event forms.

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

Documentation: M.O. 04-031913

Disposition: Approved.

- 13. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE BREAKFAST ROTARY CANCER RUN – MAY 4, 2013

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the Restrictions and Requirements contained in application, agreement, Exhibit A and Exhibit B.

Documentation: M.O. 05-031913

Disposition: Approved.

- 14. This Item Has Been Removed.

16. 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. 06-031913

Disposition: Approved.

**PUBLIC HEARINGS**

17. CONSIDERATION OF MODIFICATION OR REVOCATION OF CONDITIONAL USE PERMIT 8-82 (RESOLUTION 13-2008)

Recommendation: Consider the proposed corrections (if submitted) and provide directions to staff accordingly.

City Manager Lollis introduced the item. City Attorney Lew clarified that Council's deliberation of the item had been continued, not the public hearing. She suggested however, that the applicant be given the opportunity to comment. Community Development Director Dunlap presented the staff report, which consisted of the presentation of improvements proposed by the applicant.

- Mary McClure, addressed questions from the Council regarding the location of the proposed street light; and spoke of her conversations with Southern California Edison in that regard.
- Mark Hillman, building designer, spoke of the absence of the street light from the plans and City staff's failure to mention the Conditional Use Permit; confessed that he had forgotten about the CUP; spoke about the proposed improvements; and recommended that conditions be made part of the plans in the future.

The Council posed questions to City staff regarding the proposed location of the street light, easements, the absence of conduit, and code compliance. A discussion ensued regarding the conditions identified by the Council to date, and the proposed aesthetic improvements. Council Members Ward and Hamilton spoke in favor of the incorporation of brick façade; Vice Mayor McCracken requested that the street light condition be defined; and Mayor Gurrola expressed concern regarding the exposed gas meter.

City Attorney Lew advised of Condition No. 7, "Except otherwise modified herein, conditions of approval contained in City Council Resolution 13-2008 shall apply.", which was incorporated into the proposed resolution at the last meeting. She requested that the amendment be included in the modified resolution should the Council take action.

A brief discussion ensued regarding the inclusion of brick façade, in a complimentary color, and its placement on the building. Vice Mayor McCracken then inquired about the process associated with the future development of an outside dining area. Community Development Director Dunlap noted that the future development of the outside dining area depicted in the proposed plans was not required, but would be treated as a permitted phase.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council adopt a resolution approving modification to CUP 8-82, as amended to include conditions regarding: installation of a bollard in front of the gas meter; incorporation of brick façade to the front of the building (with final approval by the zoning administrator); installation of a street light (with location to be approved by PW Director); screening of roof mounted equipment; awnings; exterior lighting; and Condition No. 7, "Except otherwise modified herein, conditions of approval contained in City Council Resolution 13-2008 shall apply. The motion carried unanimously.

Documentation: Resolution 17-2013

Disposition: Approved, as amended.

The Council took a ten minute recess at 8:38 p.m.

### **SECOND READINGS**

#### 19. ORDINANCE 1796, APPROVING ZONE CHANGE 2012-002-Z

Recommendation: That the City Council give Second Reading to Ordinance No. 1796, waive further reading, and adopt said Ordinance.

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

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council give Second Reading to Ordinance No. 1796, waive further reading, and adopt said Ordinance being, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-002-Z FROM RM-2 (MEDIUM DENSITY RESIDENTIAL), RM-3 (HIGH DENSITY RESIDENTIAL), AND CN (NEIGHBORHOOD COMMERCIAL) TO CMX (COMMERCIAL MIXED USE) FOR THAT 23.4± ACRE SITE LOCATED GENERALLY AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance 1796

Disposition: Approved.

**SCHEDULED MATTERS**

**20. APPROVAL FOR COMMUNITY CIVIC EVENT – LEADERSHIP  
PORTERVILLE CLASS OF 2013 – COLOR RUN – APRIL 27, 2013**

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Leadership Porterville Class of 2013, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event forms.

The City Manager introduced the item, and the staff report was waived at the Council's request. At the Vice Mayor's request, the City Manager confirmed that the application had been routed to all departments.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council approve the Community Civic Event Application and Agreement from Leadership Porterville Class of 2013, subject to the Restrictions and Requirements contained in Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event forms. The motion carried unanimously.

Documentation: M.O. 07-031913

Disposition: Approved.

**CONSENT CALENDAR (Items pulled from Consent Calendar)**

**2. PURCHASE OF POLICE AMMUNITION**

Recommendation: That the City Council approve the Police Department's purchase of the required ammunition in the amount of \$7,331.74.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Police Chief McMillan addressed questions posed by Council Member Shelton regarding the types of rounds and their availability.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the Police Department's purchase of the required ammunition in the amount of \$7,331.74. The motion carried unanimously.

Documentation: M.O. 08-031913

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR SLUDGE DE -WATERING AND ELECTRIC BLOWER EQUIPMENT

Recommendation: That the City Council:

1. Approve the Project Specifications and Analysis Matrix for the Sludge De-Watering Machine and the Electric Blowers; and
2. Authorize Staff to advertise for “pre-selection” of a sludge de-watering machine and for the “pre-selection of three electric blowers.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward recused himself due to a conflict of interest; and Council Member Shelton requested that staff elaborate on the process.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council approve the Project Specifications and Analysis Matrix for the Sludge De-Watering Machine and the Electric Blowers; and authorize Staff to advertise for “pre-selection” of a sludge de-watering machine and for the “pre-selection of three electric blowers.

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

Documentation: M.O. 09-031913

Disposition: Approved.

5. REQUEST TO ACCEPT \$69,640.56 IN STATE GRANT FUNDS AND INCREASE POLICE SWORN STAFFING LEVEL TO SIXTY-THREE (63)

Recommendation: That the City Council:

1. Accept \$69,940.56 in State Grant Funds; and
2. Approve a resolution to increase staffing for the Police Department by one (1) sworn position, from 62 to 63 positions, effective July 1, 2013, through June 30, 2016.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton questioned staff regarding the number of offenders released, and those considered “high risk.”

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council accept \$69,940.56 in State Grant Funds; and approve a resolution to increase staffing for the Police Department by one (1) sworn position, from 62 to 63 positions, effective July 1, 2013, through June 30, 2016. The motion carried unanimously.



Documentation: Resolution 18-2013

Disposition: Approved.

6. SMART VALLEY PLACES – AMENDMENT TO SUBCONTRACT AGREEMENT WITH CSU FRESNO FOUNDATION

Recommendation: That the City Council authorize the Mayor to sign the amendment to Subcontract Agreement SC360080-11-12 (Amendment #1) between California State University, Fresno Foundation and City of Porterville.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. At Council Member Shelton's request, staff provided clarification regarding the amendment.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council authorize the Mayor to sign the amendment to Subcontract Agreement SC360080-11-12 (Amendment #1) between California State University, Fresno Foundation and City of Porterville. The motion carried unanimously.

Documentation: M.O. 10-031913

Disposition: Approved.

7. STATUS REPORT – DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2012.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton inquired about water acreage fees and losses depicted.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Hamilton that the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2012. The motion carried unanimously.

Documentation: M.O. 11-031913

Disposition: Approved.

8. APPROVAL OF PORTERVILLE GOLF COURSE TWILIGHT RATE

Recommendation: That the City Council approve the proposed nine hole twilight rates of \$5 greens fee and \$9 cart fee beginning at 3:00 p.m., Tuesday-Sunday, during the months of daylight savings.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward indicated that his questions had been answered during the break.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor McCracken that the City Council approve the proposed nine hole twilight rates of \$5 greens fee and \$9 cart fee beginning at 3:00 p.m., Tuesday-Sunday, during the months of daylight savings. The motion carried unanimously.

Documentation: M.O. 12-031913

Disposition: Approved.

15. RESPONSE TO GRAND JURY REPORT – “WAR OF THE HORSES”

Recommendation: That the City Council:

1. Consider the draft “Response to the Grand Jury” letter regarding the “War of the Horses”; and
2. Authorize the Agency Head, Mayor, and the City Manager to sign the Response Letter.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton commended staff for their proactive response to animals in distress.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the draft “Response to the Grand Jury” letter regarding the “War of the Horses”; and authorize the Agency Head, Mayor, and the City Manager to sign the Response Letter. The motion carried unanimously.

Documentation: M.O. 13-031913

Disposition: Approved.

**ORAL COMMUNICATIONS**

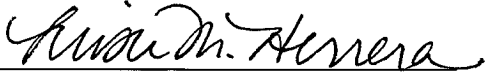
None

**OTHER MATTERS**


- Council Member Shelton reported his attendance at the following events: Crime Prevention Dinner, StepUp meeting, Rails to Trails Extension, Subway soft opening, beer fest, and Monster Races at the OHV Park. He also encouraged attendance at the upcoming Kid’s Fest.
- Council Member Ward expressed concern regarding weeds in the medians with artificial turf; inquired about playground equipment in pocket parks, and the Parks and Leisure Services Commission’s consideration of a dog park site.
- Council Member Hamilton requested that staff look into the existence of a gravel parking lot on Putnam across from the convalescent home.
- Mayor Gurrola thanked fire and ambulance personnel for services rendered.

**ADJOURNMENT**

The Council adjourned at 9:17 p.m. to the meeting of April 2, 2013.

  
Luisa M. Herrera, Deputy City Clerk

SEAL

  
Virginia R. Gurrola, Mayor

