

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 3, 2013, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member McCracken, Council Member Shelton (arrived at 5:34 p.m.),
Council Member Gurrola (arrived at 5:32 p.m.), Vice Mayor Ward, Mayor Hamilton

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: Member McCracken, Member Shelton (arrived at 5:34 p.m.), Member Gurrola
(arrived at 5:32 p.m.), Vice Chair Ward, Chair Hamilton

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 shall adjourn 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: 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price.
 - 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A Portion of APN 197-090-005. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and City of Lindsay. Under Negotiation: Terms and

Price.

4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 280 North Fourth Street. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville and CSET. Under Negotiation: Terms and Price.

5- Government Code Section 54956.95 – Liability Claim: Claimant: Jesus Alvarado. Agency claimed against: City of Porterville.

6- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organization: Fire Officer Series.

7- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Chico, et al. v. John Chiang, Sacramento County Superior Court, Case No. 34-2013-80001593.

8- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Donald Sipple, et al. v. City of Alameda, et al., Los Angeles Superior Court, Case No. BC462270.

9- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

The following action was reported:

B5- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: JESUS ALVARADO. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Council Member McCracken, SECONDED by Vice Mayor Ward, the Council rejected the claim filed by Jesus Alvarado. The motion carried unanimously.

Documentation: M.O. 01-120313

Disposition: Claim rejected.

B3- GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: A PORTION OF APN 197-090-005. AGENCY NEGOTIATOR: JOHN LOLLIS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND CITY OF LINDSAY. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: On a MOTION by Council Member Shelton, SECONDED by Council Member Gurrola the Council approved moving forward with property acquisition. The motion carried unanimously.

Documentation: Resolution No. 79-2013

Disposition: Approved.

Pledge of Allegiance Led by Council Member Gurrola
Invocation – one individual participated.

PRESENTATIONS

Employee of the Month – Ramon Velasco
Employee Service Awards
Southern California Gas Company (Continued)

AB 1234 REPORTS

1. Council of Cities – November 20, 2013: Council Member McCracken advised that the Council of Cities discussed the impacts of SB 7 and EDC matters.
2. Consolidated Waste Management Authority (CWMA) – November 21, 2013: Council Member McCracken indicated that the CWMA had discussed the distribution of a qualified hauler list for Sharps disposal; and announced that there would be five meetings in 2014.
3. Tulare County Association of Governments (TCAG) – November 25, 2013
Council Member Gurrola advised of the recent TCAG discussions, which included approving an increase in the overall work program to cover the 2015 County Long Range Transit Plans; and a retreat update.

REPORTS

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – no report.
 2. Library & Literacy Commission – no report.
 3. Arts Commission – no report.
 4. Youth Commission – no report.

- II. Staff Informational Items
 1. Building Permit Activity – October 2013: No verbal report provided.
 2. Wall of Fame Nomination Period: No verbal report provided.

ORAL COMMUNICATIONS

- Russell aka Bones aka Buck Fletcher, spoke of the train show at the Porterville Museum and invited everyone to attend and support the Museum.
- Terri Parker, a County resident, spoke of health issues with her mother and an issue with being out of compliance with the keeping of multiple dogs and the rejection of an application as a kennel due to zoning. She requested the Council's assistance.
- Donnette Silva Carter, Porterville Chamber of Commerce CEO, reported on a successful Music on Main Street season, and spoke of upcoming community events, including: the Children's Christmas Parade scheduled for Thursday, December 5th, a Centennial Park Santa Visit, and other upcoming networking opportunities and workshops.
- Teri Irish, Charter Review Committee Member, advised of the next Charter Review Committee meeting; and requested that the Council refrain from throwing candy, noting its danger and violation of the liability insurance policies in place for the parade.
- Sheriff Mike Boudreaux, spoke of the efforts by the Sheriff's Department in the Porterville Community and of the collaborative relationship he is interested in fostering with the City of Porterville.

CONSENT CALENDAR

Item Nos. 4, 5 and 6 were removed for further discussion.

1. MINUTES OF NOVEMBER 13, 2013

Recommendation: That the City Council approve the Minutes of November 13, 2013.

Documentation: M.O. 02-120313

Disposition: Approved.

2. THIS ITEM HAS BEEN REMOVED.

3. EMERGENCY ROOF REPAIR AT AIRWAY RESTAURANT

Recommendation: That the City Council:

- 1. Award the Airway Restaurant Re-Roofing Project to Double J’s Roofing in the amount of \$16,000;
- 2. Authorize a 5% contingency (\$775) to pay for unforeseen construction issues; and
- 3. Authorize progress payments up to 95% of the contract amount.

Documentation: M.O. 03-120313

Disposition: Approved.

7. 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: McCracken, Gurrola, Ward, Hamilton
 NOES: None
 ABSTAIN: Shelton
 ABSENT: None

Documentation: M.O. 04-120313

Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1, 2, 3, and 7, noting Council Member Shelton’s abstention from Item No. 7. The motion carried unanimously.

PUBLIC HEARINGS

8. CONTINUANCE OF PUBLIC HEARING FOR THE ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

Recommendation: That the City Council continue the Public Hearing to December 17, 2013.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council continue the Public Hearing to December 17, 2013. The motion carried unanimously.

Documentation: M.O. 05-120313

Disposition: Approved

9. RIVERVIEW ESTATES – TENTATIVE SUBDIVISION MAP NO. 5

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Riverview Estates No. 5 Tentative Subdivision Map; and
2. Adopt a draft resolution approving Riverview Estates No. 5 Tentative Subdivision Map, subject to conditions of approval.

City Manager Lollis introduced the item, and the staff report was presented by Community Development Manager Julie Phillips. During the staff report, Ms. Phillips indicated that staff had met with the applicant subsequent to the agenda packet distribution to clarify conditions for the tentative map, which led to staff amending the draft resolution. Some of which included: removing references to inapplicable improvements; and specifying required compliance with all Mitigation Measures contained in the Mitigation Monitoring Program.

The public hearing was opened at 7:26 p.m. Seeing no one, the Mayor closed the public hearing at 7:27 p.m.

Council Members Shelton and Gurrola inquired about the temporary drainage basins and fencing around said basins.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the City Council adopt draft resolution approving the Negative Declaration for Riverview Estates No. 5 Tentative Subdivision Map, as amended by staff; and adopt a draft resolution approving Riverview Estates No. 5 Tentative Subdivision Map, subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution 80-2013; and Resolution 81-2013
Disposition: Approved.

SECOND READINGS

10. ORDINANCE 1801 – DEVELOPMENT ORDINANCE AMENDMENT

Recommendation: That the Council give Second Reading to Ordinance No. 1801, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1801, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE PERTAINING TO CHAPTER 21, DEVELOPMENT ORDINANCE, waive further reading, and adopt said Ordinance.

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

The ordinance was read by title only.

Documentation: Ordinance 1801
Disposition: Approved.

11. ORDINANCE 1802 – ZONE CHANGE 2012-020-Z

Recommendation: That the Council give Second Reading to Ordinance No. 1802, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council give Second Reading to Ordinance No. 1802, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 2012-020-Z REDUCING THE ACREAGE OF PUBLIC/SEMI-PUBLIC (PS) ZONING AND INCREASING THE ACREAGE OF GENERAL INDUSTRIAL (IG) ZONING FOR THAT 13.15± ACRE SITE GENERALLY LOCATED AT THE SOUTHEAST CORNER OF JAYE STREET AND MONTGOMERY AVENUE, waive further reading, and

adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance 1802

Disposition: Approved.

SCHEDULED MATTERS

12. AMENDMENT TO CITY POLICY RELATED TO USE OF CARGO/SHIPPING CONTAINERS

Recommendation: That the City Council adopt the draft modifications to Resolution 29-2005, amending regulations related to the temporary use of cargo containers for storage for commercial and industrial uses.

City Manager Lollis introduced the item, and the staff report was presented by Community Development Manager Phillips. Prior to the presentation of staff's report, Council Member Shelton indicated that he would be abstaining from the item due to his personal use of a cargo container and left the dais.

Vice Mayor Ward stated that use of cargo containers compromised aesthetics and suggested that fines should be progressive and substantial enough to encourage compliance. Council Member McCracken added that use of cargo containers in lieu of building expansion resulted in a loss of property taxes and other fees. A discussion followed regarding administrative fees, flexibility, and seasonal use.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council adopt the draft modifications to Resolution 29-2005, amending regulations related to the temporary use of cargo containers for storage for commercial and industrial uses.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: Resolution No. 82-2013

Disposition: Approved.

Council Member Shelton returned to the dais.

13. SUNDAY LIBRARY SERVICE HOURS

Recommendation: That the City Council provide direction to staff on the commencement of Sunday City Library hours.

City Manager Lollis introduced the item, and the staff report was presented by Library Supervisor Tony Arellano.

Council Member Shelton lauded the Library and Literacy Commission for thinking outside the box, and suggested that staff bring back a report regarding patron attendance in six months.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the commencement of Sunday City Library hours for a six-month trial period. The motion carried unanimously.

Documentation: M.O. 06-120313

Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

4. REQUEST TO ESTABLISH A FEE FOR STAFF TO PROVIDE THE OPTIONAL SERVICE OF REVIEWING PHOTOMETRIC PLANS

Recommendation: That the City Council direct staff to schedule a public hearing to consider adoption of a fee for photometric plan review services as an option service to applicants.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Staff addressed questions from Council Member Shelton, who expressed concerns regarding the establishment of another "voluntary" fee. Staff clarified that the service was optional.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the City Council approve the scheduling of a public hearing to consider adoption of a fee for photometric plan review services as an option service to applicants.

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

Documentation: M.O. 07-120313

Disposition: Approved.

5. REVISED CHRISTMAS EVE LIBRARY HOURS

Recommendation: That the City Council authorize the closing of the City Library at 5:30 p.m. on December 24, 2013.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Shelton indicated that he had confused the item with the Item No. 13 and had no questions for staff.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola that the City Council authorize the closing of the City Library at 5:30 p.m. on December 24, 2013. The motion carried unanimously.

Documentation: M.O. 08-120313

Disposition: Approved.

6. **CONSIDERATION OF CANCELLATION OF JANUARY 7, 2014 CITY COUNCIL MEETING**

Recommendation: That the City Council cancel the January 7, 2014, Council Meeting.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member McCracken noted a need to consider an item in Closed Session and review the recommendations of the Charter Review committee. Vice Mayor Ward requested that the City Manager be authorized to schedule additional items at his discretion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council authorize the scheduling of a meeting on January 7, 2014, to consider Closed Session, Charter Committee recommendations, and any additional items at the discretion of the City Manager.

AYES: McCracken, Gurrola, Ward, Hamilton

NOES: Shelton

ABSTAIN: None

ABSENT: None

Documentation: M.O. 09-120313

Disposition: Approved.

ORAL COMMUNICATIONS

- Teri Irish, inquired of the status of the street light that was to be installed on Putnam near the Red Onion Restaurant.
- Tony Valverde, voiced his disappointment in the Council for what he perceived as disrespectful treatment of members of the public.

OTHER MATTERS

- Council Member McCracken, spoke of Pastafarians in Pennsylvania and their discrimination suit. He also advised of upcoming holiday events and invited everyone to attend.
- Vice Mayor Ward thanked the Police Department for their efforts over the holiday weekend.
- Council Member Gurrola spoke of her attendance at the soft opening of the Oak Pit and lauded the restaurant.

- Council Member Shelton, spoke of upcoming events, and of his frustration with “Christmas” being taken out of Christmas.
- City Manager Lollis, spoke of the Tribe’s “Raise the Roof Ceremony” at the Reservation Justice Center at 10:00 a.m. on Thursday; a ribbon cutting at the Transit Center on Tuesday, December 10th; and the Employee Christmas Luncheon on Wednesday, December 11th.

ADJOURNMENT

The Council Meeting adjourned at 8:20 p.m. to the meeting of December 17, 2013.

SEAL

Luisa M. Zavala, Deputy City Clerk

Cameron Hamilton, Mayor