

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 4, 2014, 5:30 P.M.**

Called to Order at 5:31 p.m.

Roll Call: Council Member McCracken, Council Member Shelton (arrived at 6:15 p.m.),
Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton

Adjourn 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 McCracken, Agency Member Shelton (arrived at 6:15 p.m.),
Agency Member Gurrola, Vice Chair Ward, Chair Hamilton

ORAL COMMUNICATIONS

- Felipe Martinez, spoke of a burned property in the vicinity of Villa and Belleview and requested that the City address the issue; and thanked the Council and staff for their prompt handling of another matter he had recently brought to the City's attention.
- Jonathan Zimmerman and Jenna Salazar, on behalf of Enspirit Inc., spoke briefly of the impetus and vision of the non-profit and invited the Council to attend its launch party on February 20th at Nuckols Ranch.

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.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-122-007 and 261-122-008. Agency Negotiators: John Lollis and Brad Dunlap. Negotiating Parties: Successor Agency to the Porterville Redevelopment Agency and Porterville Hotel Investors. Under Negotiation: Terms and Price.

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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Andrea Gould v. City of Porterville, Tulare County Superior Court Case No. PCL 159739.

3 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Roger Cortez v. City of Porterville, U.S. District Court, Eastern Division, Case No. 1:14-CV-00061-LJO-GSA.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

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

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

PRESENTATIONS

Employee of the Month – Michael Patterson
Introduction of New Employee – Morton Campbell IV
Outstanding Business – Stafford’s Famous Chocolates

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Economic Development Corporation – January 22, 2014
City Manager Lollis reported on presentation of quarterly business activity report.
2. Council of Cities – January 22, 2014
Mayor Hamilton reported on the Council of Cities participation in a lawsuit regarding SB7; and spoke of discussion regarding the County’s landfill operations.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
 1. Parks & Leisure Services Commission – no report.
 2. Library & Literacy Commission – no report.
 3. Arts Commission – Commissioner Givan reported that the commission as working on establishing long-term goals to promote local artists.
 4. Youth Commission – no report.
- II. Staff Informational Reports
 1. Street Performance Measure - 2nd Quarter Report
 2. Code Enforcement Report, Second Quarter of FY 2013-2014
 3. Attendance Records for Commissions & Committees – 2nd Quarter – FY 2013/14
 4. Report on Charitable Car Washes
 5. Building Permit Activity – December 2013

6. 'Wall of Fame' Honor Designations

ORAL COMMUNICATIONS

- Edith LaVonne, spoke of severity of drought to farmers and encouraged water conservation in the city and by the City.
- Brock Neeley, spoke of comments made by Mayor Hamilton on Facebook.
- Buck Fletcher, spoke in favor of a zero fee permit for pool draining in light of current drought.
- Tamaralynn Smith, spoke in support of safe access for medical marijuana users.
- Lisa Sparks, spoke in support of the use of medical marijuana, and voiced opposition to individuals with a large number of plants.
- Joe Sparks, spoke in favor of an open market for marijuana.
- Teri Irish, inquired about presentation of staff informational reports, specifically the 'Wall of Fame' Honor Designations.
- Gary Wilson, spoke in favor of medical marijuana regulation.
- Mike Pezzi, spoke in support of a local medical marijuana collaborative and distributed a plan to Council.
- Deborah Hulsey, spoke in support of a dispensary and against personal cultivation.

CONSENT CALENDAR

Council Member Shelton announced that he would be abstaining from Item Nos. 10 and 11.

1. REQUEST FOR APPROVAL TO PURCHASE A NETGEAR PROSAFE XSM7224S FIBER SWITCH

Recommendation: That the City Council approve the purchase of the Netgear ProSafe XSM7224S from Softchoice at a cost of \$6,436.11, which includes applicable sales tax and shipping.

Documentation: M.O. 01-020414

Disposition: Approved.

2. REQUEST FOR APPROVAL TO PURCHASE DELL OPTIPLEX 7010 WORKSTATIONS AND MICROSOFT SURFACE PRO 2 TABLETS FOR THE POLICE DEPARTMENT

Recommendation: That the City Council approve the purchase of 18 Dell Optiplex 7010 USFF workstation from Dell at a total cost of \$12,175.97 and 6 Microsoft Surface Pro tablets from Softchoice Corporation for \$8,381.07.

Documentation: M.O. 02-020414

Disposition: Approved.

3. AUTHORIZATION FOR EMERGENCY TRANSIT ENGINE REPLACEMENT

Recommendation: That the City Council authorize:
1. The transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$15,786.80; and
2. Payment of said equipment upon satisfactory delivery.

Documentation: M.O. 03-020414
Disposition: Approved.

4. APPROVAL OF RESOLUTION ADOPTING CITY ATHLETIC FIELDS LIGHTING FEES

Recommendation: That the City Council approve the draft resolution adopting City Athletic Fields Lighting Fees.

Documentation: Resolution No. 11-2014
Disposition: Approved.

5. COMMUNITY CLEAN UP EVENTS

Recommendation: That the City Council:
1. Declare April 12, 2014, "Spring Clean Up Day" and October 18, 2014, "Fall Clean Up Day";
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating budget.

Documentation: M.O. 04-020414
Disposition: Approved.

6. CONSIDERATION OF PROPOSED BUDGET CALENDAR FOR FISCAL YEAR 2014-2015

Recommendation: That the City Council approve the proposed budget calendar for the 2014-2015 fiscal year.

Documentation: M.O. 05-020414
Disposition: Approved.

7. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports.

Documentation: M.O. 06-020414
Disposition: Approved.

8. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 07-020414
Disposition: Approved.

9. CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:

1. Adopt the 2014 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, John Dennis, Doug Heudsens, Kelle Jo Lowe, Grace Munos-Rios, Linda Olmedo, and Rebecca Vigil to the Citizens' Advisory Housing Opportunity Committee for a one-year term.

Documentation: M.O. 08-020414
Disposition: Approved.

10. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report and review of the designated local emergency.

Documentation: M.O. 09-020414
Disposition: Approved.

11. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

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.

Documentation: M.O. 10-020414
Disposition: Approved.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council approve Item Nos. 1 through 11, noting

abstention of Council Member Shelton from Item Nos. 10 and 11. The motion carried unanimously.

The Council took a ten minute recess at 7:14 p.m. Following the recess, Council Member Gurrola requested that the Wall of Fame Honorees be recognized at the next regular meeting. The Council concurred.

SCHEDULED MATTERS

12. APPOINTMENTS TO ARTS COMMISSION

Recommendation: That the City Council:

1. Reappoint Ms. Joan Givan, Mr. Monte Reyes and Ms. Deana Worthington to three-year terms ending February 15, 2017; and
2. Direct staff to publicize notice of the remaining vacancy.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council reappoint Ms. Joan Givan, Mr. Monte Reyes and Ms. Deana Worthington to three-year terms ending February 15, 2017; and direct staff to publicize notice of the remaining vacancy. The motion carried unanimously.

Documentation: M.O. 11-020414

Disposition: Approved.

13. AMENDMENTS TO CITY POLICY RELATED TO USE OF CARGO/SHIPPING CONTAINERS

Recommendation: That the City Council consider the examples and demonstrations of the use of cargo/shipping containers in accordance with standards contained in Resolution 82-2013.

Council Member Shelton indicated that he had a conflict of interest due to his use of cargo containers and recused himself. City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

Following the staff report, a discussion ensued regarding the examples provided by staff and ways to address the variations in use, while adhering to standards relative to safety, blight and site plan requirements.

The Council also discussed the authority of the Zoning Administrator, and agreed that those requests in excess of three should be brought to the Council for consideration. Community Development Director Dunlap advised that staff could amend the draft resolution to reflect

comments made by the Council. Staff was then directed to draft a resolution incorporating short-term, long-term (up to three containers), and long-term (over three containers) use of cargo containers for Council for consideration on March 4, 2014.

Disposition: Direction given.

14. AUTHORIZATION TO SUBORDINATE DEVELOPMENT FEE PAYMENT PLAN AGREEMENT – HENDERSON VILLAGE APARTMENTS – PACIFIC RIM MIXED USE PROJECT (2012-002)

Recommendation: That the City Council:

1. Approve the Subordination Agreement pursuant to the approval of the City Attorney for the Henderson Village Apartments Development Fee Payment Plan and authorize the Mayor to sign all necessary documents; and
2. Determine whether to approve the subordination of the Development Fee Payment Plans of subsequent phases of the Pacific Rim Mixed Use Project and authorize the Mayor to sign all necessary documents if approved.

The item was introduced by the City Manager, and Development Associate Jason Ridenour presented the staff report.

City Attorney Lew recommended that the staff and City Council review the loan documents prior to taking any action.

Council Member Shelton expressed concerns regarding the proposed subordination and risk to the City's collection of development fees. Staff addressed questions from the Council regarding the proposed Development Fee Payment Plan.

Council Member McCracken made a motion to continue the item to February 18, 2014. City Manager Lollis noted that the developer was trying to fund by February 12, and suggested a special meeting be scheduled to allow the City Attorney more time to review the necessary documents and Council the opportunity to question Mr. Owhadi. In response to the suggestion, Council Member McCracken withdrew his motion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council approve the scheduling of a special meeting on February 10, 2014, at 5:30 p.m. The motion carried unanimously.

Documentation: M.O. 12-020414

Disposition: Approved scheduling of meeting.

The Council took a short recess at 8:17 p.m.

The Council adjourned at 8:25 p.m. to a meeting of the Successor Agency to the Porterville

Redevelopment Agency.

SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
FEBRUARY 4, 2014

Roll Call: Agency Member McCracken, Agency Member Gurrola, Agency Member Shelton,
Vice Chair Ward, Chair Hamilton

Agency Member Shelton recused himself due to a conflict of interest and exited the chambers.

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-1. SUCCESSOR AGENCY REVIEW AND APPROVAL OF PROPOSED LONG
RANGE PROPERTY MANAGEMENT PLAN

Recommendation: That the Successor Agency:

1. Approve the Successor Agency's proposed Long Range Property Management Plan, prepared pursuant to Health & Safety Code Section 34191.5; and
2. Adopt a Resolution approving the Long Range Property Management Plan and directing Successor Agency staff to submit the Plan to the Oversight Board.

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

AGENCY ACTION: MOVED by Agency Member McCracken, SECONDED by Agency Member Gurrola that the Successor Agency approve the Successor Agency's proposed Long Range Property Management Plan, prepared pursuant to Health & Safety Code Section 34191.5; and adopt a resolution approving the Long Range Property Management Plan and directing Successor Agency staff to submit the Plan to the Oversight Board.

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

Documentation: Successor Agency Resolution No. 2014-01

Disposition: Approved.

The Successor Agency to the Porterville Redevelopment Agency Meeting adjourned at 8:29 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola, thanked the public for their patience with regard to street projects around town; acknowledged local talent Ayla Stackhouse for her participation in American Idol, recent Grammy award winner Rosalie Rodriguez, and Tejano music artist Jorge Moreno's country album; and indicated that she would be participating in a future StepUp clean-up event.
- City Attorney Lew advised that Council Member Gurrola's participation in StepUp activities would not be an issue if she refrained from discussing City business with Council Member Shelton and Vice Mayor Ward.
- Council Member Shelton, spoke of upcoming tree planting events; commended field services for graffiti abatement to his property; and noted Rocky Hill event on the 8th.
- Vice Mayor Ward, wished everyone a happy Valentine's Day; and requested a breakdown of developer impact fees for Visalia, Tulare and Porterville.
- Council Member Shelton requested recognition for new parking lot on Mill.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:35 p.m. to the Adjourned Meeting scheduled for 5:30 p.m. on February 10, 2014.

Luisa M. Zavala, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor