CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 17, 2013, 5:30 P.M.

Called to Order at 5:30 p.m.
Roll Call: Council Member Ward, Council Member Shelton (arrived at 6:00 p.m.), Council Member Hamilton, Vice Mayor McCracken, Mayor Gurrola

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 Members Ward, Agency Member Shelton (arrived at 6:00 p.m.), 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 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
   4- 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.
   5- 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

City Attorney Julia Lew reported that no reportable action had taken place.

Pledge of Allegiance Led by Council Member Shelton
Invocation – one individual and the Mayor participated.

PRESENTATIONS

None

AB 1234 REPORTS

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

1. Tulare County Association of Governments (TCAG) – September 16, 2013
   Mayor Gurrola reported on workshops regarding the 2014 Regional Transportation Plan, Sustainable Communities, and Regional Housing Needs Assessment Update.

REPORTS

I. City Commission and Committee Meetings:
   1. Arts Commission: No report was provided.

   2. Library and Literacy Commission – September 10, 2013
      Commissioner Allan Bailey reported on the review of the MOU with PUSD for the Margaret J. Slattery Library; spoke of efforts relative to planning for a new library facility, and of activities at the Library. Commissioner Bailey then thanked Council Member Shelton for attending the recent meeting and providing input as to the proposed new library facility.

      Commissioner Monte Moore reported on recent activities, including: Music on Main Street, Adult Flag Football League registration, Pioneer Days on Saturday, October 5th to benefit the Zalud House, work done at the Sports Complex with airport runway grindings to mitigate dust, landscaping work done at Olive Avenue, and repairs done at pavilion no. 2 at Murry Park.


II. Staff Informational Items
   1. Vacancies on the Library and Literacy Commission: No verbal report was provided.

   Without objection, Mayor Gurrola announced that public comment regarding Agenda Items 11 and 13 would be accepted during consideration of the items.
ORAL COMMUNICATIONS

- Rodney Martin, a Porterville resident, spoke of bank-owned homes being eyesores and requested that the Council enforce the local ordinances to ensure the vacant and unmaintained residences be addressed, noting illegal activities at them. Spoke of local smoke shops and requested the Council take action to prohibit such businesses in Porterville.

- John Coffee, a Porterville resident, voiced concern with the condition of the sidewalks in the vicinity of Veterans’ Park; spoke of the funding of CalPERS, and spoke against any potential action in the Charter update to pull the City out of PERS.

- Donna Campbell, a retired Porterville teacher, came forward on behalf of several animal groups, and inquired as to the status of the animal shelter, noting the Lindsay Shelter is inadequate, despite staff’s hard work, and posed various specific questions.

- Carolyn Khuns, Arts Consortium Director, based in Visalia, spoke of upcoming Fall Festival to take place on October 19th, and invited all to attend to celebrate Tulare County art.

- Brock Neeley, a Porterville resident, provided a written communication and voiced concern with the City allegedly underfunding CalPERS, and suggested that CalPERS was strong, and that staff had misrepresented facts to the Charter Review Committee; voiced concern with previous Council action related to Prop 8 and legislative bills put forth by Leno; patching over newly striped roadway; ticketgate; and the City’s Agreement with the Chamber of Commerce.

- Belinda Toledo, spoke of difficulties in obtaining an upright headstone for her mother’s gravesite.

- Leticia Lupio, Parks and Leisure Services Commissioner, thanked the Council for her recent re-appointment.

- Felipe Martinez, spoke of the Step-Up Program, and made himself available for questions.

- Martha Atchison, a Lindsay resident and senior citizen, came forward to speak in favor of keeping senior services at the Putnam Community Center.

- Barry Caplan, requested that items 7 and 9 be removed, and requested that an explanation be provided as to the difference between a proclamation and a resolution.

- Dan (last name inaudible), spoke of the seniors desire to remain at the Putnam Center.

- Juanita Baldo, spoke in favor of senior services remaining at the Putnam Center.

CONSENT CALENDAR

Items 2, 4, and 9 were pulled for further discussion. Council Member Shelton noted his abstention on Item 8 due to a conflict of interest.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the Council approve Items 1, 3, and 5 through 8. Motion carried unanimously, with the aforementioned abstention.

1. AUTHORIZATION TO ADVERTISE FOR BIDS – CHASE PARK IMPROVEMENT PROJECT

Recommendation: That the City Council:
1. Approve Staff’s recommended plans and project manual; and
2. Authorize Staff to advertise for bids on the project.

**Documentation:** M.O. 01-091713  
**Disposition:** Approved.

3. **AWARD OF CONTRACT – MAIN STREET AND PLANO STREET BUS TURNOUTS**

**Recommendation:** That the City Council:
1. Award the Main Street and Plano Street Bus Turnouts Project to Hobbs Construction in the amount of $107,676.00; and
2. Authorize a 10% contingency to cover unforeseen construction costs and a 10% retainer to cover construction management, quality control and inspection services.

**Documentation:** M.O. 02-091713  
**Disposition:** Approved.

5. **CONSIDERATION OF STREET CLOSURE FOR PORTERVILLE “STEP UP” NEIGHBORHOOD OUTREACH EVENT**

**Recommendation:** That the City Council authorize the temporary closure of Doree Street between Forester and Mohoff Courts on September 19, 2013, in support of the planned neighborhood “Step Up” outreach event.

**Documentation:** M.O. 03-091713  
**Disposition:** Approved.


**Recommendation:** That the Council approve the attached Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit A.

**Documentation:** M.O. 04-091713  
**Disposition:** Approved.

7. **APPROVAL OF PROPOSED PROCLAMATION – DOMESTIC VIOLENCE AWARENESS MONTH**

**Recommendation:** That the City Council consider the approval of the proposed Proclamation declaring October 2013 as Domestic Violence Awareness Month.
8. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the 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. 06-091713
Disposition: Approved.

SCHEDULED MATTERS

10. CONSIDERATION OF APPOINTMENT TO THE ARTS COMMISSION

Recommendation: That the City Council appoint one (1) student to the Arts Commission to fill the student/youth seat, with a one-year term, vacated by Miss Sandra Romero.

City Manager Lollis introduced the item and Administrative Services Director Hildreth presented the staff report, noting that the following individuals had submitted requests for appointment:

- Brenda Carrasco, a senior at Monache High School
- Darion Vigueria, a junior at Monache High School
- Rhiannon Wright, a junior at Monache High School

Mayor Gurrola inquired if any candidates were present at the meeting and wanted to come forward and introduce themselves. No candidates were present.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Hamilton, that the Council appoint Brenda Carrasco to the Arts Commission to fill the student/youth seat, with a one-year term, vacated by Miss Sandra Romero.

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

Documentation: M.O. 07-091713
Disposition: Approved.

The Council took a five minute recess at 7:11 p.m.

11. PROVISION OF SENIOR CITIZEN PROGRAMS AND SERVICES
Recommendation: That the City Council consider and provide direction on the provision of programs and services for the benefit of the community’s senior citizens.

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

Mayor Gurrola opened the floor to public comments and the following individuals came forward to speak:

- Lloyd Winter, past president of the Senior Council, spoke about meetings between the Senior Council and KTAAA, and stated that centralization of senior programs was not possible.
- Winnie (last name not given), spoke of the convenience of the current Senior Council location at the Putnam Center.
- Fred Beltran, CHMA, addressed the Council’s questions; stated that he would like to see a variety of programs provided for the community, not only for seniors; and said he didn’t want the seniors to lose their services either.
- Tim Lutz, director of KTAAA, stated that the organization’s goal is to expand services in Porterville, as in Visalia and Tulare; elaborated on Visalia and Tulare’s programs; and addressed the Council’s questions.
- Mary Esgarza, executive director of CSET, expressed the need for more hours and weekends for CSET programs; stated they would “make it work” wherever they are placed; stated CSET’s desire to expand services; and addressed the Council’s questions.

Mayor Gurrola explained her observations from meetings with the parties involved; stated that everyone’s goal was to provide the best services to senior citizens; and proposed the formation of a Senior Commission in the future. Council Member Hamilton suggested that the City take control of the facility.

Council Member Ward expressed his concerns about maintaining services to seniors after the City assumed control of the building. Council Member Hamilton commented that the action would entail financial costs for the City, but that seniors would still have access to services.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Mayor Gurrola, that the Council return control of the Santa Fe Depot to the Parks & Leisure Services Department; prepare a 90-day notice to all relevant parties; and revisit the issue in one year.

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

Documentation: M.O. 08-091713
Disposition: Approved.

12. CONSIDERATION OF PROHIBITING CITY COUNCIL MEMBER ATTENDANCE AT MEETINGS OF THE CHARTER REVIEW COMMITTEE
City Manager Lollis introduced the item and presented the staff report. City Attorney Lew reported that while there was no legal prohibition of Council members attending the meetings, there were ethical issues that the Council members should take into consideration. She advised that Council members could pursue other means of obtaining information on the Committee, such as through committee reports or meeting minutes.

Council Member Hamilton stated his opinion that the Committee should have autonomy in reviewing possible changes to the Charter.

Council Member Ward expressed concerns regarding Council Members’ First Amendment rights of free speech, and a discussion ensued regarding the possibility of Council Members making a pledge to not attend the Committee’s meetings, instead of taking a legislative action.

City Attorney Lew and City Manager Lollis noted that periodic updates on the Committee’s progress would be presented to the Council.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Hamilton, that the Council prohibit City Council Member attendance at meetings of the Charter Review Committee. The motion carried unanimously.

**Documentation:** M.O. 09-091713
**Disposition:** Approved.

The Council took a five minute recess at 8:08 p.m.

13. CONSIDERATION OF REORGANIZATION OF THE CITY COUNCIL

**Recommendation:** That the City Council consider reorganization, including its appointed positions and assignment to committees.

City Manager Lollis introduced the item and presented the staff report. Mayor Gurrola opened the floor to public comments, and Council Member Ward requested that the Council limit public comments to thirty minutes. Without objection from the Council, the Mayor announced a thirty minute time limit.

- Brock Neeley, spoke against the proposed reorganization.
- Nikki Edwards, requested that the Council not reorganize, and suggested that the City of Porterville does not measure up to other Valley cities.
- Teresa De La Rosa, voiced concern that the proposed reorganization was driven by Ms. Gurrola’s gender and ethnicity, noting that this was not the first time.
- Melissa McMurry, spoke against the proposed reorganization.
- Rodney Martin, commented that the matter of reorganization was not an LGBT issue, nor was it an anti-Latino woman issue, but rather a routine matter done pursuant to the City Charter; and suggested that perhaps Council Member Ward was being discriminated against due to his religious beliefs.
- Felipe Martinez, stated that the decision was the Council’s, and requested that the Council take the matter seriously.
• Anne Marie Wagstaff, spoke against the proposed reorganization and in favor of Mayor Gurrola.
• Ken Medina, spoke in favor of the Council voting with their heart.
• Vanessa Mesa, spoke against the proposed reorganization and requested that the Council consider the will of the people.
• Edith LaVonne, spoke against the proposed reorganization and lauded Ms. Gurrola’s integrity and dedication to the City.
• Barry Caplan, read statement from Tino Hernandez in support of Mayor Gurrola and about growing up gay in Porterville.
• Lana, read statement from Army Service Member Christine Ventre, currently serving in Afghanistan, commending Mayor Gurrola for her integrity, values, and her support of equality.
• Roberto De la Rosa, voiced concern that the proposed reorganization was driven by Ms. Gurrola’s gender and ethnicity, and spoke of political games being played by the Council.

Council Member Ward spoke about: the Council’s history of reorganization; his support for annual rotation; the traditions of other local governing bodies; and his irritation with false accusations from the public. Council Member Shelton spoke about his past efforts to request Council rotations.

Council Member Hamilton noted that the comments from the public on this matter affirmed his desire for reorganization.

Mayor Gurrola commended each member of the Council for their values and contributions to the community; expressed confidence in her decisions as Mayor; shared her faith in God; noted the positive outlook of the City’s future; and stated that the reorganization should not detract from the Council’s responsibilities to the community.

Council Member Ward stated his desire to not be considered for the Mayorship due to health concerns. Council Member Shelton likewise expressed that he did not want to be considered for Mayor, suggesting that the position adversely affects the Council Member who occupies it.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Hamilton, that the Council dissolve and reorganize its position appointments and committee assignments; and appoint Council Member Hamilton as Mayor.

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

Documentation: M.O. 10-091713
Disposition: Council organization dissolved; Council Member Hamilton appointed as Mayor.

Council Member Gurrola vacated the seat of the Mayor, and newly-appointed Mayor Hamilton assumed the position.

Mayor Hamilton thanked Council Member Gurrola for her service as Mayor, and called for nominations for Vice Mayor.
COUNCIL ACTION:  NOMINATED by Council Member Shelton that the Council appoint Council Member Ward to serve as Vice Mayor.

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

Documentation:  M.O. 11-091713
Disposition:  Council Member Ward appointed as Vice Mayor.

COUNCIL ACTION:  MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council continue the existing committee assignments with the following changes: Mayor Hamilton- 1) Tulare Co. Economic Development Corporation (EDC) as Member; 2) Business Incentive Zone (BIZ) Council as Member; and 3) Council of Cities as Member; and Council Member Shelton-Joint City/School Committee as Member. The motion carried unanimously.

Documentation:  M.O. 12-091713
Disposition:  Appointments made by the Council.

The Council took a 5 minute recess at 9:06 p.m.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)
2.  AWARD OF CONTRACT – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation:  That City Council:
   1.  Award the Jaye Street & Montgomery Avenue Roundabout Project to Central Valley Asphalt in the amount of $1,330,547.21;
   2.  Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection; and
   3.  Authorize the appropriation of $290,000 of unallocated Local Transportation Funds if Caltrans does not approve the AMOD.

City Manager Lollis introduced the item. Council Member Shelton lauded the use of a local business for the project.

COUNCIL ACTION:  MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council award the Jaye Street & Montgomery Avenue Roundabout Project to Central Valley Asphalt in the amount of $1,330,547.21; authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality control and inspection; and authorize the appropriation of $290,000 of unallocated Local Transportation Funds if Caltrans does not approve the AMOD. The motion carried unanimously.
4. APPROVAL TO PURCHASE RANGE TARGET SYSTEM

Recommendation: That the City Council:
1. Authorize the purchase and installation of the target system from Advanced Training System; and
2. Authorize payment upon satisfactory delivery and installation of the equipment.

City Manager Lollis introduced the item. Council Member Shelton requested that staff elaborate on the proposed target system. Police Captain Dempsie provided clarification.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward, that the Council authorize the purchase and installation of the target system from Advanced Training System; and authorize payment upon satisfactory delivery and installation of the equipment. The motion carried unanimously.

9. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO CONSIDER ADOPTING A RESOLUTION OF RECOGNITION FOR THE DONATION OF A SIREN TO BE INSTALLED AT FIRE STATION #1

Recommendation: Council Member McCracken moves to set a Scheduled Matter on the Agenda of the regularly scheduled City Council meeting of October 1, 2013, to consider the adoption of a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council’s Special Purposes Fund.

City Manager Lollis introduced the item. Council Member Shelton lauded the recognition of the community organizations for their contribution.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member McCracken, that the Council set a Scheduled Matter on the Agenda of the regularly scheduled City Council meeting of October 1, 2013, to consider the adoption of a Resolution of Recognition authorizing the preparation and installation of a plaque commemorating the efforts and donation of the Exchange Club of Porterville and the American Legion Post #20 of a siren at Fire Station #1, funded from the Council’s Special Purposes Fund.
The Porterville City Council adjourned to a meeting of the Successor Agency to the Porterville Redevelopment Agency at 9:22 p.m.

SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
SEPTEMBER 17, 2013

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

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-01. SUCCESSOR AGENCY REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

Recommendation: That the Successor Agency:
1. Approve the Successor Agency’s proposed Administrative Budget, Exhibit A, for the period of January 1, 2014, through June 30, 2014, prepared pursuant to Health & Safety Code section 34177(j); and
2. Adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

City Manager Lollis introduced the item, and Member Shelton recused himself from the discussion due to a conflict of interest. Community Development Project Manager Jenni Byers presented the staff report.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Ward that the Successor Agency approve the proposed Administrative Budget for the period of January 1, 2014, through June 30, 2014, prepared pursuant to Health & Safety Code section 34177(j); and adopt a Resolution approving the Administrative Budget and directing Successor Agency staff to submit the Administrative Budget to the Oversight Board.

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

Documentation: Resolution 2013-03
Disposition: Approved.
SA-02. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE (ROPS)

Recommendation: That the Successor Agency:

1. Approve the Recognized Obligation Payment Schedule for the second half of the fiscal year 2013-14 (ROPS 13-14 B) provided that should any modification be required to the ROPS 13-14 B by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 13-14 B to requirements imposed by the DOF; and

2. Adopt a Resolution approving the ROPS 13-14 B for the period of January 1, 2014, through June 30, 2014, and directing Successor Agency staff to submit the ROPS 13-14 B to the Oversight Board.

City Manager Lollis introduced the item and Community Development Project Manager Jenni Byers presented the staff report, noting that the California Department of Finance recently approved the Finding of Completion for the Porterville Successor Agency, allowing the Agency to utilize remaining bond proceeds for projects such as the Porterville Hotel.

AGENCY ACTION: MOVED by Member McCracken, SECONDED by Vice Chair Ward that the Successor Agency approve the Recognized Obligation Payment Schedule for the second half of the fiscal year 2013-14 (ROPS 13-14 B) provided that should any modification be required to the ROPS 13-14 B by the DOF, the Community Development Director and/or the Finance Director or their authorized designees shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 13-14 B to requirements imposed by the DOF; and adopt a Resolution approving the ROPS 13-14 B for the period of January 1, 2014, through June 30, 2014, and directing Successor Agency staff to submit the ROPS 13-14 B to the Oversight Board.

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

Documentation: Resolution 2013-04
Disposition: Approved.

The Successor Agency to the Porterville Redevelopment Agency adjourned to a meeting of the Porterville City Council at 9:24 p.m.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member McCracken, stated that he would be attending the League of California Cities Conference in Sacramento.
• Council Member Gurrola, reminded Mayor of KTIP Talk with the Mayor at 7:30 a.m. on Fridays; and spoke of upcoming Neon Run for Valley Children’s Hospital.
• Council Member Shelton, spoke of the following upcoming events: Tule River Indian Pow Wow, Tim Vanni Fundraiser BBQ, and Step Up event on September 19th.
• City Manager Lollis, noted upcoming IGLBC meeting, League Conference, and Charter Review Committee meeting on September 25th.
• Vice Mayor Ward, recognized National Suicide Prevention Month and event in Tulare.

ADJOURNMENT
The Council adjourned at 9:31 p.m. to the meeting of October 1, 2013.

[Signature]
Luisa M. Zavala, Deputy City Clerk

[Signature]
Cameron Hamilton, Mayor