

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 20, 2015, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived at 5:48 p.m.), Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 262-150-001. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Rafael Aguilo. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Police Officers Association; Fire Officer Series; and Porterville City Firefighters Association.
- 3- Government Code Section 54956.95 – Liability Claim: Claimant: Monica Wallace. Agency claimed against: City of Porterville.
- 4- Government Code Section 54956.95 – Liability Claim: Claimant: Anna Carazos. Agency claimed against: City of Porterville.
- 5- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Mayor Stowe. Unrepresented Employee – City Manager

**6:30 P.M. RECONVENE OPEN SESSION AND
REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

The following action as reported by the City Attorney:

**3- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT:
MONICA WALLACE. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.**

COUNCIL ACTION: On a MOTION by Vice Mayor Hamilton, SECONDED by Council Member Gurrola, the Council rejected the claim filed by Monica Wallace.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: Ward
ABSENT: None

Documentation: M.O. 01-012015

Disposition: Approved.

**4- GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT:
ANNA CARAZOS. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.**

COUNCIL ACTION: On a MOTION by Council Member Gurrola, SECONDED by Mayor Stowe, the Council rejected the claim filed by Anna Carazos. The motion carried unanimously.

Documentation: M.O. 02-012015

Disposition: Approved.

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

PRESENTATIONS

Employee of the Month – Eric Orong

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): January 20, 2015
Council Member Gurrola reported on discussion pertaining to Cap & Trade funds and amending priorities for utilization of CMAQ funds; and announced a vacancy on the Board for an at-large member.
2. Tulare County Economic Development Corp. (TCEDC): December 17, 2014
Council Member Reyes reported on the formation of an investment committee.

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: January 8, 2015 – no report.
 2. Library & Literacy Commission: January 15, 2015
Vice Chair Allan Bailey reported on year-round programs, special events and seasonal activities offered at the library.
 3. Arts Commission: No meeting held due to lack of a quorum.
 4. Animal Control Commission: January 5, 2015 and January 19, 2015
Commissioner Schwartzenberger provided an update of the last meeting, provided a handout and reported increased public attendance at their last meeting. Chair Guinn spoke of the commission's request to form a 501(c) 3 organization to work with Porterville Animal Control, and addressed questions from Council Member Ward.
 5. Youth Commission: January 12, 2015 – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC): January 14, 2015
Chair Fletcher provided an update of the last meeting, specifically the committee's

review of Resolution 24-2006, and reported that the next meeting would be on February 11th.

II. Staff Informational Reports

1. Water Conservation Phase II, Water System Status
2. Building Permit Activity – September, October, November and December, 2014

ORAL COMMUNICATIONS

- Russell Fletcher, predicted that the Council would upset at least one person this year.
- Brock Neeley, inquired about the development project on Newcomb Street and Henderson Avenue, stating that the buildings appeared to be residential not commercial.
- Kathy Guinn, thanked the Council for her appointment to the Animal Control Commission and indicated that more information regarding the formation of a 501(c)3 would be forthcoming.

CONSENT CALENDAR

Item Nos. 13 and 16 were pulled for further discussion. City Attorney Lew noted conflicts of interest for Council Member Ward (Item No. 11), and Council Member Gurrola (Item No. 12) pertaining to property ownership and advised that they abstain from voting on those items.

City Manager Lollis spoke of an inconsistency with regard to Item 14. The staff report recommended a public hearing date of February 16, 2015. The correct date, as noticed on the agenda, was February 17, 2015.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1 through 12, 14 and 15, and 17 through 22, noting the aforementioned abstentions. The motion carried unanimously.

1. MINUTES OF MAY 6, 2014, AND DECEMBER 16, 2014

Recommendation: That the City Council approve the Minutes of May 6, 2014, and December 16, 2014.

Documentation: M.O. 03-012015

Disposition: Approved.

2. REQUEST TO PURCHASE UPGRADE TO PORTERVILLE POLICE DEPARTMENT AUDIO LOGGER SYSTEM

Recommendation: That the City Council authorize the purchase from Digital Loggers, Inc., of equipment, software, licenses, and labor necessary to upgrade the Police Department recording system as recommended in the amount of \$13,081.55.

Documentation: M.O. 04-012015
Disposition: Approved.

3. AUTHORIZATION TO PURCHASE PASSENGER INFORMATION EQUIPMENT

Recommendation: That the City Council authorize staff to purchase passenger information equipment from SHI and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 05-012015
Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS – WASHER/COMPACTOR PROJECT

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

Documentation: M.O. 06-012015
Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS – SLUDGE DEWATERING AND ELECTRIC BLOWERS PROJECT

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

Documentation: M.O. 07-012015
Disposition: Approved.

6. APPROVAL TO CONTRACT WITH TOTAL COMPENSATION SYSTEMS, INC. FOR GASB 45 – OPEB ACTUARIAL VALUATION SERVICES

Recommendation: That the City Council:
1. Authorize the Finance Director to enter into an agreement with Total Compensation Systems, Inc. for GASB 45 – OPEB actuarial valuation services for \$5,600 for current fiscal year;
2. Authorize the Finance Director to negotiate future contracts with TCS for GASB 45 – OPEB actuarial valuation services for a fee not exceeding a 10% increase from the previous agreement.

Documentation: M.O. 08-012015

Disposition: Approved.

7. AWARD OF CONTRACT – TOMAH AVENUE STORM DRAIN PROJECT

Recommendation: That the City Council:

1. Award the Tomah Avenue Storm Drain Project to Greg Bartlett Construction in the amount of \$57,000;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 20% construction contingency to cover unforeseen construction costs and 5% for construction management, quality control and inspection services; and
4. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 09-012015

Disposition: Approved.

8. ACCEPTANCE OF PROJECT – JAYE STREET AND MONTGOMERY AVENUE ROUNDABOUT PROJECT

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provide no stop notices have been filed.

Documentation: M.O. 10-012015

Disposition: Approved.

9. AUTHORIZATION TO CANCEL DESIGN SERVICE NEGOTIATIONS FOR TRANSIT WEBSITE DEVELOPMENT

Recommendation: That the City Council:

1. Cancel design service negotiations with all firms; and
2. Authorize the City GIS Division staff to assist in the design of the Transit website.

Documentation: M.O. 11-012015

Disposition: Approved.

10. AUTHORIZE PARKS AND LEISURE SERVICES DIRECTOR TO APPLY FOR LAND AND WATER CONSERVATION FUND GRANT

Recommendation: That the City Council:
1. Authorize the Parks and Leisure Services Director to proceed with the grant process; and
2. Adopt the draft resolution.

Documentation: Resolution No. 01-2015
Disposition: Approved.

11. HOUSING-RELATED PARKS PROGRAM

Recommendation: That the City Council:
1. Approve using grant funding for project described above for the Housing-Related Parks Program, as approved and submitted by the Parks and Leisure Commission;
2. Authorize the grant application submittal to the Department of Housing and Community Development for the Housing-Related Parks Program;
3. Approve the draft resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure a Housing-Related Parks Program grant from the State of California; and
4. Authorize the Mayor to sign the application, the Standard Agreement and all other participation documents, and the Community Development Director to sign all drawdown requests and other administrative documents required for the Housing-Related Parks Program.

AYES: Reyes, Gurrola, Hamilton, Stowe
NOES: None
ABSTAIN: Ward
ABSENT: None

Documentation: Resolution No. 02-2015
Disposition: Approved.

12. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 459

Recommendation: That the City Council:
1. Set a Public Hearing for February 3, 2015, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District 459;
2. Approve the Engineer's Report for Sewer Utility District 459;
3. Authorize staff to notify all affected property owners of the Public Hearing, via regular mail, including the sewer connection assessment amount, length of time provided on the assessment, reason for the assessment and a summary on how the voting will function.

AYES: Reyes, Ward, Hamilton, Stowe
NOES: None
ABSTAIN: Gurrola
ABSENT: None

Documentation: Resolution Nos. 10-2015 and 11-2015

Disposition: Approved.

14. INTENT TO VACATE EASEMENT FOR TEMPORARY TURNAROUNDS
RELATED TO THE DEVELOPMENT OF NADER HOMES SUBDIVISION
(NADER DEVELOPMENT, INC.)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate Easement dedicated to the City of Porterville by document number 95-053277 recorded August 17, 1995, in the Office of the Tulare County Recorder; and
2. Set the Council meeting of February 17, 2015, as the time and place for a public hearing.

Documentation: Resolution No. 03-2015

Disposition: Approved.

15. INTENT TO VACATE A PORTION OF CLEVELAND AVENUE EAST OF
VILLA STREET (SEQUOIA MEDICAL CENTER)

Recommendation: That the City Council:

1. Pass a Resolution of Intent to Vacate a portion of Cleveland Avenue east of Villa Street; and
2. Set the Council meeting of February 17, 2015, as the time and place for a public hearing.

Documentation: Resolution No. 04-2015

Disposition: Approved.

17. RESCIND RESOLUTION 61-2014 AND ADOPT A REVISED RESOLUTION
APPROVING AND AUTHORIZING THE PURCHASE AND SALE
AGREEMENT AND ESCROW INSTRUCTIONS WITH THE UNION PACIFIC
RAILROAD COMPANY

Recommendation: That the City Council:

1. Adopt a draft resolution to rescind Resolution No. 61-2014; and
2. Adopt the new draft resolution.

Documentation: Resolution Nos. 05-2015 and 06-2015
Disposition: Approved.

18. RATIFICATION OF EMERGENCY EXPENDITURES – REPAIR OF CITY WELL #16 AND AIRPORT WELL #1

Recommendation: That the City Council:

1. Ratify that the emergency repair of City Well #16 and Airport Well #1 were necessary and met the emergency criteria as promulgated in Article VII, Section 2-38 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$97,000; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoices approved by the Public Works Director.

Documentation: M.O. 12-012015
Disposition: Approved.

19. MODIFICATION TO LOAN AGREEMENT AND AMENDMENT TO LICENSE AND DEVELOPMENT AGREEMENT WITH THE TULARE COUNTY JUNIOR LIVESTOCK SHOW AND COMMUNITY FAIR

Recommendation: That the City Council approve the modification of the Construction Loan Agreement, and authorize the Mayor to sign all necessary documents.

Documentation: M.O. 13-012015
Disposition: Approved.

20. 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, 2014.

Documentation: M.O. 14-012015
Disposition: Approved.

21. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF STRATHMORE – LOVE OUR KIDS 5K FUN RUN – FEBRUARY 14, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club of Strathmore, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 15-012015

Disposition: Approved.

22. LEGAL SERVICES AGREEMENT

Recommendation: That the City Council:

1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

Documentation: M.O. 16-012015

Disposition: Approved.

SCHEDULED MATTERS

23. CONSIDERATION OF COUNCIL MEMBER APPOINTMENT TO SERVE AS ALTERNATE ON TCAG BOARD

Recommendation: That the City Council appoint a member of the Council to serve as Alternate on the TCAG Board.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council appoint Mayor Stowe to serve as Alternate.

AYES: Reyes, Ward, Gurrola, Hamilton
NOES: Stowe
ABSTAIN: None
ABSENT: None

Documentation: M.O. 17-012015

Disposition: Approved.

CONSENT CALENDAR

13. CARGO CONTAINER PERMIT – 474 SOUTH MAIN STREET

Recommendation: That the City Council adopt the draft resolution to approve a Cargo Container Permit to allow for the placement of five cargo containers at 474 S. Main Street.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward inquired about the permit request, specifically the cargo container within public view, the number of containers, and the request to waive fees.

Staff referenced a letter submitted by the applicant in which he indicated that documentation needed to grandfather the five containers may have been lost. A discussion then ensued regarding the screening of cargo containers from public view, and whether the painting of a container to match an adjacent building was sufficient in that regard. The Council spoke of current conditions for approval, standards and setting precedence.

The Council considered Item No. 16 prior to taking action on Item No. 13.

16. IMPLEMENTATION OF CARGO CONTAINER REGULATIONS

Recommendation: That the City Council approve the revised resolution as verbally amended at the meeting of December 16, 2014.

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

The Council discussed commercial versus industrial uses, and use of cargo containers to increase storage without expansion.

Following the discussion, City Attorney Lew suggested amending the fourth bullet point under Condition 7 to read, "...or public streets; or in the case of containers located within industrial zoned properties, the cargo/shipping containers may be camouflaged as determined appropriate by the City Council;" and for those instances where there are less than three containers present similar language would be used but to be determined appropriate by the Zoning Administrator. She added that the wording would need to be amended accordingly wherever visibility of cargo containers was addressed in the draft resolution.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the draft resolution as amended by the City Attorney. The motion carried unanimously.

Documentation: Resolution No. 08-2015; and Resolution No. 09-2015

Disposition: Approved, as amended.

13. CARGO CONTAINER PERMIT – 474 SOUTH MAIN STREET

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve the draft resolution, as amended to strike Condition No. 5 from the draft resolution; and require that the cargo container currently in public view shall be moved to a location to be approved by the Zoning Administrator. The motion carried unanimously.

Documentation: Resolution No. 7-2015

Disposition: Approved, as amended.

ORAL COMMUNICATIONS

None

OTHER MATTERS


- Vice Mayor Hamilton reported his attendance at the SETCO turkey shoot fundraiser event on January 17th. He indicated that it was well attended and spoke of the community's support for local veterans.
- Council Member Ward requested that the Mayor and Vice Mayor deliver a letter of congratulations to the recently elected Tribal Council.
- Council Member Gurrola noted that SETCO was still collecting donations, and encouraged those who had not yet visited the Elders Center to do so, as it was very well done.
- Council Member Reyes stated that the Council likely upset at least one individual in its consideration of cargo containers; and added that he was looking forward to a good year.
- City Manager Lollis announced the upcoming Goal Setting Session on January 27th and Project Homeless Connect on January 29th.
- Mayor Stowe thanked everyone for their attendance.

CLOSED SESSION

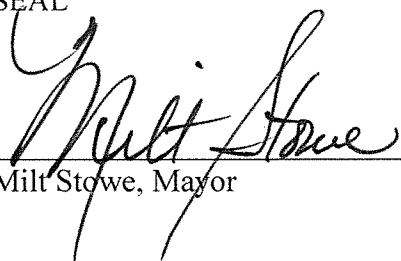
None

ADJOURNMENT

The Council adjourned at 7:45 p.m. to the meeting of January 27, 2015, at 6:00 p.m.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor

