

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
APRIL 7, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived during Closed Session),  
Council Member Gurrola (arrived during Closed Session), 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. Negotiating Parties: City of Porterville and Rafael Aguilo. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 243-210-065. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Benny and Jean Webb. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 261-140-024. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville and Verizon Wireless. Under Negotiation: Terms and Price.

4 - Government Code Section 54957.6 - Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville Police Officer Association and Porterville City Firefighters Association.

5 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: J. Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 12:-CV-01239-LJO-BAM.

6 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: A. Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case

No. 1:13-CV-00370-AWI-BAM.

7 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.

8 - Government Code Section 54956.9(d)(3) - Conference with Legal Counsel - Anticipated Litigation - Significant Exposure to Litigation: Three Cases in which facts are not yet known to potential plaintiff.

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

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

City Attorney Lew reported on the following action pertaining to Items A-8 and A-9:

**COUNCIL ACTION:** MOVED by Mayor Stowe, SECONDED by Council Member Ward that the City Council approve a release between the City and the Perrigo's concerning Reclamation Area prior Lease Agreement. The motion carried unanimously.

Documentation: M.O. 01-040715  
Disposition: Approved release.

On March 3, 2015, the following action took place.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorized staff to issue Notice of Termination with regard to the Tenant at the Reclamation Area.

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

Documentation: M.O. 02-040715  
Disposition: Authorized Notice of Termination.

Pledge of Allegiance Led by Mayor Stowe  
Invocation – one individual participated.

### **PROCLAMATIONS**

Fair Housing Month - April 2015

### **PRESENTATIONS**

Employee of the Month - Tim Mulvihill

### **AB 1234 REPORTS**

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

1. Council of Cities - March 18, 2015  
Vice Mayor Hamilton reported that they had not attended the meeting due to their attendance at the Wall of Fame ceremony.
2. Tulare County Economic Development Corp. (TCEDC) - March 25, 2015  
Council Member Reyes
3. Local Agency Formation Committee (LAFCO) - April 1, 2015

### **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 - April 2, 2015

Commissioner Moore presented the Commission's report which included: improvements to the baseball fields at the Sports Complex, installation of a disc golf course at Zalud Park, Featured Park of the Month (Centennial Plaza), Annual Egg Hunt, 2015 Corporate Games, and Youth Track Meet.

2. Library & Literacy Commission – no report.
3. Arts Commission - March 25, 2015 – no report.
4. Animal Control Commission – no report.
5. Youth Commission – no report.
6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.

## II. Staff Informational Reports

1. Report of Commission and Committee Vacancies – no verbal report.
2. Water Status Update / Proposition 218 Public Hearing Notice – no verbal report.

## **ORAL COMMUNICATIONS**

- Central California Family Crisis Center, stated that April was National Child Abuse Prevention and Awareness Month and spoke of the importance of community awareness and involvement.
- Steven Paz, Springville, spoke of bad tickets being issued to Porterville College students for parking violations and the poor condition of the parking lot.
- Albert Zendejas, CSET, indicated that he had with him team members who work at the Porterville Senior Center. Manager Mary Garcia introduced Bambi Leroy, Amy Garcia, Denise Garcia, and Mr. Garcia; and extended an invitation to the Senior Prom on April 24<sup>th</sup>.

In response to comments made in Oral Communications, Council Member Gurrola stated that the cadets who ticket at Porterville College were trained.

## **CONSENT CALENDAR**

Item Nos. 3 and 8 were pulled for further discussion.

City Manager Lollis noted that the staff report for Item No. 7 contained incorrect dates, and stated that the Public Hearing would be in April, not June.

**COUNCIL ACTION:**      MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 2, 4 through 7, and 9 through 16, with noted corrections to Item No. 7. The motion carried unanimously.

### 1.      MINUTES OF MARCH 3, 2015

Recommendation:      That the City Council approve the draft Minutes of March 3, 2015.

Documentation:      M.O. 01-040715

Disposition:      Approved.

### 2.      AUTHORIZATION TO PURCHASE MURRY PARK SHADE STRUCTURE

Recommendation: That the City Council authorize the purchase and installation of the Murry Park shade structure from NSP3 for \$19,673.

Documentation: M.O. 02-040715

Disposition: Approved.

#### 4. AWARD RECLAMATION AREA LEASE

Recommendation: That the City Council:

1. Approve the Reclamation Area Lease Agreement with Rich Perigo Roadsiding in the amount of \$165 per acre for an annual amount of \$112,596 for 682.4 acres;
2. Authorize the Mayor to sign the 55-month agreement with Rick Perigo Roadsiding and stipulate that the lease agreement start date shall be on or about April 1, 2015, and the lease will end October 31, 2019, unless an option to extend five years is executed; and
3. Credit Rick Perigo Roadsiding one month rent in consideration of work needed to reestablish the farming operation, which may include, but is not limited to, ditches, banks, tailwater ponds, weed abatement, etc.

Documentation: M.O. 03-040715

Disposition: Approved.

#### 5. AUTHORIZATION OF ENCROACHMENT AGREEMENTS FOR THE INSTALLATION OF FIBER OPTIC NETWORKS

Recommendation: That the City Council:

1. Authorize entering into encroachment agreements with OACYS Telecom, Inc. and CVIN, LLC, for the installation of Fiber Optic Networks; and
2. Authorize the Mayor to sign the encroachment agreements.

Documentation: M.O. 04-040715

Disposition: Approved.

#### 6. ADOPTION OF THE URBAN AREA BOUNDARY/URBAN DEVELOPMENT BOUNDARY

Recommendation: That the City Council adopt the Urban Area Boundary and Urban Development Boundary, as required by the General Plan.

Documentation: Resolution No. 34-2015

Disposition: Approved.

#### 7. CDBG ADVISORY BOARD PARTICIPATION PLAN

Recommendation: That the City Council:

1. Adopt the 2015 Citizen Participation Plan;

2. Appoint existing committee members Pat Contreras, Doug Heudsens, Kelly Jo Lowe, Grace Munoz-Rios, Linda Mendez, and Rebecca Vigil to the Citizens' Advisory and Housing Opportunity Committee for a one-year term; and
3. Appoint Maria Gonzalez as a new member for a one-year term.

Documentation: M.O. 05-040715

Disposition: Approved.

#### 9. CALIFORNIA FIRE ASSISTANCE AGREEMENT

Recommendation: That the City Council:

1. Adopt the proposed resolution identifying the previously existing terms and conditions for fire department response away from their official duty station and assigned to an emergency incident; and
2. Authorize the Fire Chief to file said resolution with Cal OES Fire and Rescue Division.

Documentation: Resolution No. 35-2015

Disposition: Approved.

#### 10. REQUEST FOR PROCLAMATION - IRIS FESTIVAL DAY - APRIL 25, 2015

Recommendation: That the City Council consider approval of the request to proclaim April 25, 2015, as Iris Festival Day.

Documentation: M.O. 06-040715

Disposition: Approved.

#### 11. REQUEST FOR PROCLAMATION - ARBOR DAY - APRIL 24, 2015

Recommendation: That the City Council consider approval of the request to proclaim April 14, 2015, as Arbor Day.

Documentation: M.O. 07-040715

Disposition: Approved.

#### 12. REQUEST FOR PROCLAMATION - PUBLIC SCHOOLS' MONTH - MAY 2015

Recommendation: That the City Council consider approval of the request to proclaim May 2015 as Public Schools' Month.

Documentation: M.O. 08-040715

Disposition: Approved.

#### 13. TRAVEL TO WASHINGTON D.C. FOR TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) "ONE VOICE TRIP" - APRIL 13 - 16, 2015

Recommendation: That the City Council authorize the travel of Council Member Gurrola and a member of City Staff to Washington D.C. as part of the TCAG "One Voice Trip"; and authorize the expenditure of City monies in support of the trip.

Documentation: M.O. 09-040715

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT – KIWANIS CLUB OF PORTERVILLE AND AMERICAN CIRCUS, INC. – APRIL 23, 2015 TO APRIL 27, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Kiwanis Club of Porterville and American Crown Circus, Inc., subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 10-040715

Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT – CENTRAL VALLEY FAMILY CRISIS CENTER – DUST BOWL RUN – JUNE 6, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Central Valley Family Crisis Center, subject to the stated requirements contained in the Application, Agreement, Exhibit A.

Documentation: M.O. 11-040715

Disposition: Approved.

16. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE CHAMBER OF COMMERCE – AFTER HOURS MIXER – APRIL 16, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Porterville Chamber of Commerce, subject to the stated requirements contained in the Application, Agreement, Exhibit A.

Documentation: M.O. 12-040715

Disposition: Approved

**PUBLIC HEARINGS**

17. ANNEXATION OF SIXTEEN UNINCORPORATED ISLANDS IN FIVE APPLICATIONS

Recommendation: That the City Council:

1. Adopt the resolution approving the Negative Declaration, prepared in accordance with the California Environmental Quality Act;

2. Adopt the resolution to approve Annexation 474;
3. Adopt the resolution to approve Annexation 475;
4. Adopt the resolution to approve Annexation 476;
5. Adopt the resolution to approve Annexation 478;
6. Adopt the resolution to approve Annexation 479; and
7. Authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, for those areas which are approved.

City Manager Lollis introduced the item and stated that City Attorney Lew would report on conflicts of interest. City Attorney Lew indicated that Mayor Stowe had a potential conflict of interest due to his proximity to one of the proposed annexation areas; and Council Member Gurrola had a potential conflict of interest due to entering into a perspective purchase arrangement for a property also within 500 feet of a proposed annexation area. She reported that she had consulted the FPPC, and that the Negative Declaration could be acted upon by the entire Council. She advised that the annexations would each be considered separately, and a coin toss could take place to determine the order in which the areas were considered.

Community Development Manager Julie Philips presented the staff report regarding the Negative Declaration.

The Public Hearing regarding approval of the Negative Declaration was opened at 7:19 p.m.

- David Wyland, Coleman & Horowitz, Fresno, California, spoke on behalf of three owners within proposed Annexation No. 476, spoke of inadequacies in the environmental analysis with regard to the provision of water and State imposed water restrictions.
- Dennis Townsend, Porterville, spoke of the annexation process, and communication with business owners and residents regarding City policies and requirements.
- Mitch Brown, Strathmore, requested more information regarding annexation requirements.
- Brock Neeley, spoke of septic tank use and its negative effect on the ground water.
- Steven Marchbanks, Life Tabernacle Church, requested more information and spoke of concerns regarding the City's sewer system and the impact of additional users.
- Marie Wulff, spoke of the poor condition of Lime Street, complained about the City's maintenance of that street, the performance of City staff, and lack of enforcement of traffic in bike lanes.
- Janet Bowen, Mulberry Street resident, spoke of the City's sewage and water problems and questioned whether the City's systems could handle the additional burden. She added that she did not want to be taxed to fix the City's sewage problems.
- Roy Maycomber, Area 475 property owner, stated that the City pumping water was hurting those with wells that are not as deep.
- Sheila Pickrell, Mulberry Street resident, expressed concerns regarding air quality due to dust being stirred.

The public hearing closed at 7:40 p.m. Staff addressed questions from the Council and those posed by the public during the hearing with regard to: current water connections, connecting to sewer service, installation of curb, gutter and sidewalks, waste water treatment facility odor control, existing fire code violations, and the impact to the City's water system.

COUNCIL ACTION:      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve that the City Council adopt the resolution approving the Negative Declaration, prepared in accordance with the California Environmental Quality Act.

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

Documentation:      Resolution No. 36-2015  
Disposition:        Approved.

Mayor Stowe recused himself and exited the Council's chamber. In his absence, City Attorney Lew explained that Mayor Stowe and Council Member Gurrola had conflicts, each on a separate area, and advised that the Council could remove three properties from within Area 475F, or have the Mayor return for a coin toss. The Mayor returned to the dais. Mayor Stowe won the coin toss.

City Attorney Lew stated that both Mayor Stowe and Council Member Gurrola would be stepping out for conflicts, as would City Manager Lollis and Acting Community Development Director Byers. Per her discussion with the FPPC, Ms. Lew provided that following consideration of Areas 475 and 479, Mayor Stowe would return for consideration of 478, then Council Member Gurrola would return for consideration of 474. Staff would remain absent until deliberation on the item was complete.

Community Development Manager Julie Phillips presented the staff report pertaining to Annexation 475.

Vice Mayor Hamilton opened the Annexation 475 (Application No. 2) Public Hearing opened at 8:12 p.m.

- Pastor Marchbanks, Area 475D, spoke of democracy and socialism, voiced opposition to the annexation, and inquired about the definition of a septic tank system failure.
- Jerry (last name not given), 475D, spoke against annexation and expressed his desire to remain in the County.
- Sheila Pickrell, 475D, stated that she does not have money to connect to City services, and spoke of the condition of City streets.
- Roy Maycomber, spoke against the annexation, stated that many residents did not have money to pay for improvements and stated that the City should make improvements to annexed areas in a timely manner.
- Name inaudible, spoke about problems with speed control on Mulberry.
- Mitch Brown, owner of five homes in Area 475, requested that the Council vote against the annexation and schedule additional meetings.
- Julie Hall, member of Life Tabernacle, asked that the Council focus on those in East Porterville without water.
- Jessie Hall, requested that the Council consider the greater good, and asked who the annexation was good for.



- Mary McClure, 902 N. Woods, stated that she did not receive notice regarding her properties on Woods, and wanted to know what was in it for her to be in the City.
- Racy Jeffers, spoke about students walking to Doyle and Alta Vista without sidewalks, and stated that notices should be sent out in Spanish.
- Matt Munoz, indicated that his mother lives on Villa, and requested more information.
- Janet Bowen, Mulberry Avenue, spoke in opposition to the annexation; stated that she would like more information; and indicated that she had not read the entire notice received.

The public hearing for Annexation 475 was closed at 8:35 p.m. Vice Mayor Hamilton attempted to alleviate concerns regarding the claims of expenses associated with annexation, and staff addressed comments made regarding the dissemination of information to property owners.

- Ben Guliani, LAFCO Executive Officer, spoke regarding the Streamlined Island Annexation Code and its purpose.

Vice Mayor Hamilton, addressed comments made by the public with regard to costs, services, and improvements. Council Member Ward spoke of increased liability to the City, the utility users' tax, the lack of data regarding those without water, and his opposition to forced annexation. Council Member Reyes spoke of resistance to change and the benefits of annexation.

Council Member Ward made a motion to not approve the annexation of Area 475 (Application No. 2), which died for lack of a second.

- Mary McClure, asked about the City charging for meters.

COUNCIL ACTION: MOVED by Council Member Reyes, SECONDED by Vice Mayor Hamilton that the City Council adopt the resolution to approve Annexation 475.

AYES: Reyes, Hamilton

NOES: Ward

ABSTAIN: None

ABSENT: None

Documentation: M.O. 13-040715

Disposition: Failed.

City Attorney Lew stated that Mayor Stowe and Council Member Gurrola would remain out for consideration of Area 479 by rule of segmentation, due to the Mayor having a conflict of interest pertaining to the area.

Community Development Manager Phillips then presented the staff report for Area 479 (Application No. 5.)

Area 479 Public Hearing opened at 8:58 p.m.

- Ruth Uribe, 479D resident, expressed concerns regarding the expansion of the Family Healthcare Network Clinic.

Area 479 Public Hearing closed at 8:59 p.m.

COUNCIL ACTION: MOVED by Council Member Reyes, SECONDED by Vice Mayor Hamilton that the City Council adopt the resolution to approve Annexation 479.

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

Documentation: M.O. 14-040715  
Disposition: Failed.

The Council took a ten minute recess at 9:03 p.m. Following the recess, Mayor Stowe returned to the dais. Council Member Gurrola remained absent due to her conflict of interest.

Community Development Manager Phillips presented the staff report for Area 478 (Application No. 4.)

Area 478 Public Hearing opened at 9:21 p.m.

- Maurice Ecung, 478C resident, spoke in favor of the proposed annexation, his experience as a County resident, and the services and activities provided by the City that everyone benefits from.

The Public Hearing was closed at 9:28 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council adopt the resolution to approve Annexation 478.

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

Documentation: Resolution No. 37-2015  
Disposition: Approved.

Council Member Gurrola returned to the dais. Community Development Manager Julie Phillips presented the staff report for Area 474 (Application No. 1.)

The Area 474 Public Hearing opened at 9:34 p.m.

- Staff indicated that written opposition had been received from Mr. Randall Carroll, and a Ms. Cora Wilson.
- Jerry Bunt, 474B, indicated that he was not personally against the annexation, but did not trust the government.
- Randall Carroll, voiced his opposition to annexation of 474C due to costs to install a sprinkler system in his building.

- Larry Stormwhitter, 478A resident, requested coordination with other services, such as internet.
- John Buada, representing Viking Ready Mix Co., stated that Viking was supportive of orderly planning, but expressed concern regarding the proposed zoning and operating as a legal non-conforming use. He requested that the City reconsider the zoning.
- Mary McClure, stated that the City had nothing to offer her as a County resident; expressed an interest in connecting her business to City water; and indicated that she did not want to incur the expense of installing sprinklers.
- Wes Kover, 474A resident, stated that his property was out of water and wanted options to connect to water.
- Fernando M., 474B resident, inquired about the costs associated with connecting to City water; and requested that the Council consider each area of 474 separately.

The public hearing was closed at 9:49 p.m. Staff addressed questions from the Council regarding comments and questions posed by the public concerning: private water companies within Area 474, extra territorial service agreements for commercial or industrial properties, existing fire code violations, rezoning and ADA requirements.

A discussion followed regarding the difference in enforcement between the City and County; and whether or not annexation would be beneficial to the property in 474A. It was noted that the property was a significant distance from existing City infrastructure, and could be ineligible for aid if annexed into the City.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council remove Area 474A from Application No. 1.  
 AYES: Reyes, Ward, Hamilton, Stowe  
 NOES: None  
 ABSTAIN: None  
 ABSENT: None

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council adopt the resolution to approve Annexation 474B.  
 AYES: Reyes, Gurrola, Hamilton, Stowe  
 NOES: Ward  
 ABSTAIN: None  
 ABSENT: None

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council remove Area 474C from Application No. 1.  
 AYES: Ward, Gurrola, Hamilton, Stowe  
 NOES: Reyes  
 ABSTAIN: None  
 ABSENT: None

Documentation: Resolution No. 38-2015

Disposition: Approved annexation of Area 474B, and removal of 474A and 474C.

Community Development Manager Phillips presented the staff report for Area 476 (Application No. 3). Following the report, it was reported that written correspondence in opposition to the annexation of Area 476 had been received from Ms. Joan Belveal.

Staff addressed questions posed by the Council regarding properties in need of water, the number of current City water connections, and the extraterritorial service agreement with Akin Water Company.

The Public Hearing for Area 476 was opened at 10:25 p.m.

- David Witt, Coleman & Horowitt, Fresno, California, challenged the City's position that the proposed island meets the requirements of Government Code.
- Ben Guliani, LAFCo, indicated that LAFCo did run the numbers and the boundary did in fact exceed 51%.
- James Cemo, business owner, stated that Fire Code requirements would put his store out of business, and stated that he was confused about zoning.
- Susan Queen, Gibbons Avenue and Fourth Street, inquired about differences between the City and County.
- Jason Queen, stated that he and his sister Lynette Queen supported the proposed annexation.
- Carla Sill, South Plano resident, voiced her opposition to the annexation; stated that she was happy with County services and did not need the City or its water yet. She also expressed concern regarding the zoning of her ranch, which she indicated was currently legal non-conforming in the County.

The Area 476 Public Hearing was closed at 10:35 p.m.

At the Council's request, staff addressed concerns regarding zoning, the City's grandfather clause, and fire code requirements. Council directed staff to consider rural residential lifestyle as it related to animal keeping in the upcoming animal control ordinance, in such a manner that the larger properties, regardless of zoning, could maintain their animals for the duration of the use of the parcel as a single family residence.

- David Witt, Coleman & Horowitt, Fresno, California, reiterated his challenge that the area was over 51% surrounded.
- Ben Guliani, LAFCo, stated that LAFCO was obligated to approve annexations if it determined that the area was 51% surrounded; and reiterated that the boundary did in fact exceed 51%.

COUNCIL ACTION:      MOVED by Mayor Stowe, SECONDED by Vice Mayor Hamilton that the City Council approve Annexation No. 476.

Documentation:      Resolution No. 39-2015

Disposition: Area 476 approved.

The Council took a ten minute recess.

Following the break, it was noted that there was one remaining recommendation to Item 17 that required Council consideration pertaining to initiation of connection to City services when requested by those areas which were approved for annexation.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, for those areas which were approved. The motion carried unanimously.

Documentation: M.O. 15-040715

Disposition: Approved.

### **SECOND READINGS**

18. SECOND READING - ORDINANCE 1822, AMENDING ORDINANCE 1796 WHICH APPROVED 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

Recommendation: That the City Council give Second Reading to Ordinance 1822, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. A brief discussion followed regarding upcoming emergency regulations coming from the State Water Resource Control Board and the City's landscape guidelines and they pertain to development.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance 1822, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ORDINANCE 1796 WHICH APPROVED 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, waive further reading, and adopt said Ordinance.

Documentation: Ordinance No. 1822

Disposition: Approved.

### **SCHEDULED MATTERS**

19. GOVERNOR'S EXECUTIVE ORDER FOR STATEWIDE MANDATORY WATER REDUCTIONS, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council accept staff's report, and provide direction as appropriate.

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

Disposition: No action.

20. CONSIDERATION OF MODIFICATIONS TO EXISTING CONTRACT WITH PENA'S DISPOSAL SERVICE

Recommendation: That the City Council:

1. Accept Pena's Disposal Service proposal to eliminate the MSW from the agreement effective April 7, 2015, with the stipulation that Pena acknowledge this MSW material is not subject to the current tipping fees of the County and the City may enter into a contract with the County for any negotiated price;
2. Approve draft Amendment #2 to the current agreement with Pena to eliminate the revenue for the recyclables portion of the agreement and add a fee of \$15 per ton for processing recyclable material;
3. Approve extending the term of the base agreement to end June 11, 2021; and
4. Authorize the Mayor to sign Amendment #2.

-OR-

1. Accept Pena's 90 day Cancellation notice with immediate release from the contract of the MSW; and
2. Authorize staff to advertise a new RFP for the transfer and processing of recyclables and green waste.

City Manager Lollis introduced the item, and Deputy Public Works Director/Field Services Manager Bryan Styles presented the staff report. Following the report, Mr. Styles addressed questions from the Vice Mayor Hamilton regarding savings.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council accept Pena's Disposal Service proposal to eliminate the MSW from the agreement effective April 7, 2015, with the stipulation that Pena acknowledge this MSW material is not subject to the current tipping fees of the County and the City may enter into a contract with the County for any negotiated price; approve draft Amendment #2 to the current agreement with Pena to eliminate the revenue for the recyclables portion of the agreement and add a fee of \$15 per ton for processing recyclable material; approve extending the term of the base agreement to end June 11, 2021; and authorize the Mayor to sign Amendment #2. The motion carried unanimously.

Documentation: M.O. 16-040715

Disposition: Approved Recommendations 1 through 4.

21. CONSIDERATION OF REQUIRING A STREET MAINTENANCE ASSESSMENT BE INCLUDED IN THE APPROVAL OF NEW RESIDENTIAL SUBDIVISIONS

Recommendation: That the City Council consider amending the City's Development Ordinance to require a street maintenance assessment be included in the approval of new residential subdivisions.

City Manager Lollis introduced the item and presented the staff report. Due to the lateness of the hour, the Council briefly discussed whether the item was time sensitive.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council continue the item to the meeting of April 21, 2015. The motion carried unanimously.

Disposition: Item continued to April 21, 2015.

3. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSALS FOR GREENHOUSE-GAS EMISSIONS ANALYSIS

Recommendation: That the City Council authorize staff to distribute a Request for Proposals for a Greenhouse-Gas Emissions Analysis for the Riverwalk Phase II Project.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward inquired about the delay, and Acting Community Development Director Byers responded that they had to wait for documentation from the court.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Stowe that the City Council authorize staff to distribute a Request for Proposals for a Greenhouse-Gas Emissions Analysis for the Riverwalk Phase II Project.

Documentation: M.O. 17-040715

Disposition: Approved.

8. AUTHORIZATION TO UPDATE THE RETAIL RECRUITMENT STRATEGY

Recommendation: That the City Council authorize staff to negotiate a contract with Buxton for a refresh of the retail recruitment strategy and Scout platform.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward pulled the item to inquire about community partners and use of the software. Economic Development Associate Jason Ridenour spoke of past successes credited to the use of Buxton software.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize staff to negotiate a contract with

Buxton for a refresh of the retail recruitment strategy and Scout platform.

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

Documentation: M.O. 18-040715  
Disposition: Approved.

The Council adjourned at 11:33 p.m. to a joint meeting of the City Council, Porterville Public Improvement Corporation, and Porterville Public Financing Authority.

**JOINT CITY COUNCIL, PORTERVILLE PUBLIC IMPROVEMENT  
CORPORATION, AND PORTERVILLE PUBLIC FINANCING  
AUTHORITY AGENDA  
291 N. MAIN STREET, PORTERVILLE, CA 93257  
APRIL 7, 2015**

Roll Call: Member Reyes, Member Ward, Member Gurrola, Vice Mayor/Chair Hamilton, Mayor/Chair Stowe

**WRITTEN COMMUNICATIONS**  
**ORAL COMMUNICATIONS**  
None

**JOINT SCHEDULED MATTERS**

1. PREPAYMENT OF 2013 RABOBANK LEASE AGREEMENT AND REFINANCING OF THE 2002 CERTIFICATES OF PARTICIPATION

Recommendation: That the City Council, also meeting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority, consider and approve the prepayment of the 2013 Rabobank Lease Agreement and refinancing of the 2002 Certification of Participation, and authorize the Mayor (Chair) and City Manager (Executive Director) to sign all draft resolutions, agreements and documents as may be required.

City Manager/Executive Director John Lollis introduced the item and presented the staff report. Mr. Ben Levine of Wulff, Hansen, and Co. spoke briefly regarding the current market and timeline for completion.

**COUNCIL/BOARD ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council, also meeting as the Board of Directors for the Porterville Public Improvement Corporation and Porterville Public Financing Authority, consider and approve the prepayment of the 2013 Rabobank Lease Agreement and refinancing of the 2002 Certification



of Participation, and authorize the Mayor (Chair) and City Manager (Executive Director) to sign all draft resolutions, agreements and documents as may be required. The motion carried unanimously.

Documentation: Resolution No. 40-2015; PIC Resolution No. 2015-01; and PFA Resolution No. 2015-01

Disposition: Approved.

The Council/Board adjourned at 11:35 p.m. to a meeting of the Porterville City Council.

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

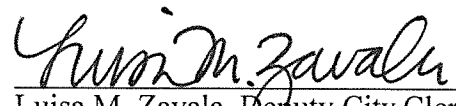
- Vice Mayor Hamilton spoke about the Annual Egg Hunt; threw down the Rock Hill Speedway challenge; and lauded Economic Development Associate Ridenour on his driving at the racetrack.
- Council Member Gurrola reported on her attendance at a Press Conference in Selma regarding water.
- Council Member Ward wished everyone a happy belated Easter, and expressed his gratitude for the rain.
- Council Member Reyes stated that he too was thankful for the rain.
- Mayor Stowe reported his attendance at the Annual Egg Hunt, and asked that everyone keep the Trevino family in their prayers.
- City Manager Lollis reported that the agenda had been completed electronically for the first time, and thanked Deputy City Clerk Luisa Zavala for her efforts in that regard. He also reported that the transit auditor was very impressed with the operation of the Shop.

### **CLOSED SESSION**

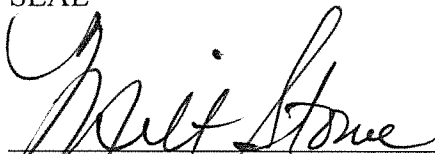
None

### **ADJOURNMENT**

The Council adjourned at 11:41 p.m. to the meeting of April 21, 2015.

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Mike Stowe, Mayor

