

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

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, 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: 243-210-065. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Benny and Jean Webb. 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 City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Marina Abitra. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.95 – Liability Claim: Claimant: Ismael Gonzalez. Agency claimed against: City of Porterville.

5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases - two in which facts are not yet known to potential plaintiffs, and one case concerning a Demand for Withdrawal of Notice of Immediate Termination dated April 23, 2015, regarding the City's Reclamation Area Lease Agreement.

6 - 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**

Pledge of Allegiance led by Council Member Gurrola

Invocation – one individual participated.

**REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

The City Attorney reported the Closed Session action as follows:

- A-1. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously approved the purchase of property APN 243-210-065 from Benny and Jean Webb for \$511,494.00.

Documentation: Resolution Nos. 50-2015; and 51-2015  
Disposition: Approved.

- A-3. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously rejected the claim filed by Marina Abitra.

Documentation: M.O. 01-050515  
Disposition: Claim rejected.

- A-4. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously rejected the claim filed by Ismael Gonzalez.

Documentation: M.O. 02-050515  
Disposition: Claim rejected.

- A-5. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim filed by Bob Nuckols in an amount of \$181,616.31.

Documentation: M.O. 03-050515  
Disposition: Claim rejected.

### **PRESENTATIONS**

Certificate of Recognition - Sgt. Richard Standridge  
MDA Fill the Boot Campaign

### **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) - April 27, 2015  
Council Member Gurrola reported on workshops, and extended an invitation to the next TCAG meeting at 11:30 a.m. on May 18<sup>th</sup>, at the Lindsay Wellness Center.
2. SJVAPCD Special City Selection Committee - April 30, 2015  
Council Member Gurrola announced that she had been appointed to the San Joaquin Valley Air Pollution Control District Governing Board, and would be attending a Study Session on May 6<sup>th</sup> and 7<sup>th</sup>.

### **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. Animal Control Commission - May 4, 2015 – no report.
4. Arts Commission - April 29, 2015 – no report.
5. Youth Commission – no report.
6. Transactions and Use Tax Oversight Committee (TUTOC) – Chairman Russell Fletcher extended an invitation to the committee’s next meeting on May 6<sup>th</sup>; and spoke about the progress of the Public Safety Building Project.

II. Staff Informational Reports

1. Attendance Report for City Commissions and Committees - 3rd Quarter FY 2014/15  
Council Member Ward requested a more formal policy regarding commission/committee attendance rates.
2. Building Permit Activity - Fiscal Year 2014/2015 3rd Quarter Report (January, February and March, 2015)
3. Code Enforcement 3<sup>rd</sup> Quarter Report
4. Report on Charitable Car Washes
5. Quarterly Porterville Golf Course Report
6. Performance Measure 3<sup>rd</sup> Quarter Report
7. Lease of 298 North Main Street

**ORAL COMMUNICATIONS**

- Elva Beltran, 368 E. Date, provided an update regarding water provision activities and donations being received.
- Fred Beltran, Porterville, spoke of water donors, clusters of County residents without water, reports of stolen water pumps, and the 450 E. Date Avenue water station.
- Yolanda Anguiano, spoke of the importance of supporting the police as a community, and spoke of her positive experience with police officers and dispatch staff.
- Kat Harris, Porterville, spoke about the need to establish an Animal Control Department.

**CONSENT CALENDAR**

Item No. 13 was pulled for further discussion, and Council Member Ward stated that he would be abstaining from Item Nos. 9 and 11 due to a conflict of interest.

**COUNCIL ACTION:**      MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 8 through 12, and 14 through 22. The motion carried unanimously.

8.      CITY COUNCIL MINUTES OF SEPTEMBER 16, 2015.

Recommendation:      That the City Council approve the Minutes of September 16, 2015.

Documentation:      M.O. 04-050515

Disposition:      Approved.

9. AWARD OF CONTACT – TRANSIT MAINTENANCE CNG FACILITY EXPANSION PROJECT

Recommendation: That the City Council:

1. Award the transit maintenance & CNG Fueling Facility Expansion Project to RJ Berry in the amount of \$2,027,315;
2. Authorize a 10% contingency to cover unforeseen construction costs and 5% for the construction management, quality control, inspection services, and construction surveying;
3. Re-affirm the \$300,000 Solid Waste Fund appropriation;
4. Authorize the Finance Director to appropriate an additional \$10,185 from the Waste Water Facility Capital Reserve Funds and \$100,000 from the Local Transportation Fund;
5. Authorize progress payments up to 100% of the contract amount and;
6. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 05-050515

Disposition: Approved.

10. AWARD OF CONTRACT FOR THE RIVERWALK PHASE II PROJECT GREENHOUSE-GAS EMISSION ANALYSIS

Recommendation: That the City Council:

1. Award the contract for the Greenhouse-Gas Emissions Analysis and Partial Recirculated Environmental Impact Report for the Riverwalk Phase II Project; and
2. Authorize the Mayor to sign contracts and documents.

Documentation: M.O. 06-050515

Disposition: Approved.

11. BID RESULTS FOR THE WASTE WATER TREATMENT FACILITY (WWTF) SLUDGE DE-WATERING AND ELECTRIC AIR BLOWER PROJECT

Recommendation: That the City Council:

1. Award the WWTF Sludge De-watering and Electric Air Blower Project to Cushman Contracting Corporation in the amount of \$3,561,739.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control, and inspection; and
4. Authorize the Finance Director to appropriate the additional funds needed to finance the project.

Documentation: M.O. 07-050515

Disposition: Approved.

12. ACCEPTANCE OF IMPROVEMENTS - RIVERVIEW ESTATES NO. 5 (GARY SMEE - SMEE BUILDERS, INC.)

Recommendation: That the City Council:

1. Accept the public improvements, including those related to the Landscape & Lighting District of Riverview Estates No. 5 Subdivisions for maintenance;
2. Authorize the City Clerk to file the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 08-050515

Disposition: Approved.

14. CONSIDERATION OF PARTICIPATION IN THE TULE RIVER BASIN INTEGRATED REGIONAL WATER MANAGEMENT PLAN

Recommendation: That the City Council confirm interest in becoming a stakeholder in the Tule River Basin Integrated Regional Water Management Plan to authorize staff to participate in in the development of a Memorandum of Understanding for the plan.

Documentation: M.O. 09-050515

Disposition: Approved.

15. AUTHORIZATION TO LEASE PROPERTY – 298 NORTH MAIN STREET

Recommendation: That the City Council authorize the Mayor and Staff to sign all necessary documents regarding the leases of Suite Eight and the joint-use agreement of Suite Seven for Centennial Plaza located at 298 North Main Street.

Documentation: M.O. 10-050515

Disposition: Approved.

16. FREEDOM FEST AND FIREWORK SHOW

Recommendation: That the City Council:

1. Authorize an appropriation of \$7,500 to the Freedom Fest account from the Council's Special Purpose Reserve;
2. Authorize the Airport to purchase fuel and hotel accommodations for the All Red Star Formation Flying Team; and
3. Authorize staff to operate a shuttle route to and from the Transit Center and Sports Complex from 4:00 p.m. to 10:00 p.m. on June 27, 2015.

Documentation: M.O. 11-05  
Disposition: Approved.

17. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 12-050515  
Disposition: Approved.

18. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 13-050515  
Disposition: Approved.

19. REQUEST FOR PROCLAMATION - MDA & FIREFIGHTER MONTH - MAY 2015

Recommendation: That the City Council consider approval of the request to proclaim May 2015 as "MDA & Firefighter Month."

Documentation: M.O. 14-050515  
Disposition: Approved.

20. REQUEST FOR PROCLAMATION - FREEDOM DAYS - JUNE 14 - JULY 4, 2015

Recommendation: That the City Council consider approval of the request to proclaim June 14 to July 4, 2015, as "Freedom Days in Porterville."

Documentation: M.O. 15-050515  
Disposition: Approved.

21. APPROVAL FOR COMMUNITY CIVIC EVENT - TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR - PORTERVILLE FAIR - MAY 13 - 17, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A, Exhibit B.

Documentation: M.O. 16-050515  
Disposition: Approved.

22. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - REQUEST FOR THE CITY COUNCIL TO CONSIDER PROHIBITING THE INSTALLATION OF NATURAL GRASS IN COMMERCIAL AND INDUSTRIAL ZONED AREAS, AND TO REQUIRE A PERMIT FOR THE INSTALLATION OF NATURAL GRASS EXCEEDING 300 SQUARE FEET IN RESIDENTIAL ZONED AREAS

Recommendation: That the City Council authorize a Scheduled Matter on the next Council Agenda to consider prohibiting the installation of natural grass in Commercial and Industrial zoned areas, and to require a permit for the installation of natural grass exceeding 300 square feet in Residential zone areas.

Documentation: M.O. 17-050515  
Disposition: Approved.

The Council took a ten minutes recess at 7:12 p.m.

### PROCLAMATIONS

“MDA & Firefighter Month” – May 2015

### PUBLIC HEARINGS

23. CALIFORNIA HERO PROGRAM - PROPERTY ASSESSED CLEAN ENERGY

Recommendation: That the City Council adopt the draft resolution and authorize the Mayor to sign the Joint Exercise of Powers Agreement opting into California HERO Program.

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

The public hearing was opened at 7:25 p.m. Seeing no one, the public hearing was closed at 7:25 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution and authorize the Mayor to sign the Joint Exercise of Powers Agreement opting into California HERO Program. The motion carried unanimously.

Documentation: Resolution No. 47-2015  
Disposition: Approved.

24. REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2015-008-C) TO ALLOW FOR THE SALE OF ALCOHOL FOR THE VAULT BAR & GRILL LOCATED AT 178 N. MAIN STREET

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2015-008-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the letter of Public Convenience or Necessity.

The City Manager introduced the item, and the staff report was presented by Interim Community Development Director Jenni Byers.

The public hearing opened at 7:29 p.m.

- Brock Neeley, inquired about an oversaturation of liquor licenses, and the condition of the building.

The public hearing closed at 7:30 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the resolution approving Conditional Use Permit (PRC 2015-008-C) subject to conditions of approval; and authorize the Mayor to sign the letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 48-2015  
Disposition: Approved.

SECOND READINGS

25. SECOND READING - ORDINANCE 1823, APPROVING ZONE CHANGE (PRC 2015-002-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE

Recommendation: That the City Council give second reading to Ordinance 1832, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council give second reading to Ordinance 1832, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2015-002-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE, waive further reading, and adopt said Ordinance.



The adopted ordinance was read by title only.

Documentation: Ordinance No. 1823

Disposition: Approved.

**SCHEDULED MATTERS**

27. GOVERNOR'S EXECUTIVE ORDER FOR STATEWIDE MANDATORY WATER REDUCTIONS, CONSIDERATION OF ADOPTION OF RESOLUTION FOR DECLARATION OF LOCAL EMERGENCY, AND RECONSIDERATION OF PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council:

1. Consider adoption of a Resolution of Declaration of Local Emergency; and
2. Consider Mayor Stowe's request to reconsider the County's request to purchase potable water for East Porterville residents.

City Manager Lollis introduced the item and presented the staff report. Following the report, staff addressed questions from the Council regarding the status of the water analysis and Akin and Beverly Grand water projects. The Council expressed frustrations with delays and concerns regarding the provision of water in light of those delays.

- Eric Lamoureux, Office of Emergency Services, Regional Director, stated that the State Department of Water Resources had committed to funding the well; addressed concerns regarding the progress made to date; spoke of the importance of moving forward in partnership and the declaration of emergency process; and requested provision of water to support the tank program.
- Bill Croyle, Department of Water Resources, Deputy Director for Statewide Emergency Preparedness and Security, communicated his agency's commitment to being part of the solution; spoke of drought management and drought resiliency; and stated that they were prepared to move quickly once a scope of services was available.

Both Mr. Lamoureux and Mr. Croyle addressed questions from the Council, and City Manager Lollis advised of a meeting to take place with regard to the agreement, scope of work, funding, and long-term agency commitments.

- Andrew Lockman, Tulare County, spoke of the status of the City-County Agreement; stated that the County and City were conceptually in agreement with regard to the 100 water connections, and it was just a matter of putting it in writing.

City Manager Lollis advised of two City wells that were independent of the municipal water system, located west of town off of Olive Avenue; which could be an option should the

Council approve the provision of water to East Porterville. He also spoke of the need to focus on tertiary treatment for the future and staff attendance at an upcoming funding fair.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council reconsider the Mutual Aid Request for the provision of water to East Porterville residents. The motion carried unanimously.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the provision of water to County residents for a period of 30 days with a 500,000 gallon cap; authorize Acting Public Works Director Reed to cease the provision of water if needed; and approve the continued Declaration of Emergency. The motion carried unanimously.

The Council briefly discussed those affected by the drought in East Porterville, and resources available to help educate and direct them towards services.

Documentation: M.O. 18-051515; Resolution No. 49-2015; and M.O. 19-050515  
Disposition: Approved.

The Council took a five minute recess at 8:25 p.m.

## 26. ANIMAL CONTROL ORDINANCE UPDATE

Recommendation: That the City Council review the proposed changes and if the Council opines that no major additions or revisions are required, direct staff to schedule the ordinance for the public hearing at a future Council meeting.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. Following the report, staff addressed questions from the Council regarding the licensing of cats, keeping of chickens, the proposed transition period for annexed areas, and enforcement language.

Council Member Ward suggested changes pertaining to license renewal, 4-H animals, online licensing, the transition period, pigeons, and requested that the number and size of animals permitted be dependent on the size of a property.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, and SECONDED by Council Member Reyes that the City Council approve amending 5-7.1 (C) of the draft ordinance to refer to Chapter 2, Article XIV of the Municipal Code and removal of regulations pertaining to cat licensing and spaying; and authorize scheduling of the Public Hearing. The motion carried unanimously.

Documentation: M.O. 20-050515  
Disposition: Approved.

**CONSENT CALENDAR (Items Pulled)**

13. REQUEST TO SET A PUBLIC HEARING FOR JUNE 2, 2015, TO CONSIDER MOVING INTO PHASE III OF THE CITY'S WATER CONSERVATION PLAN

Recommendation: That the City Council set a Public Hearing for June 2, 2015, to consider transitioning from Phase II to Phase III of the City's Water Conservation Plan.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Council Member Ward stated that staff had addressed his question earlier in the evening, and the Public Hearing was not scheduled for the next meeting because more noticing time was required.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the scheduling of a Public Hearing for June 2, 2015, to consider transitioning from Phase II to Phase III of the City's Water Conservation Plan. The motion carried unanimously.

Documentation: M.O. 21-050515  
Disposition: Approved.

**ORAL COMMUNICATIONS**

- Patricia Young, Porterville, thanked the Council for their humanity and encouraged the Council to take water conservation seriously.

**OTHER MATTERS**

- Vice Mayor Hamilton, encouraged participation and donations to MDA Fill-the-Boot event on May 6<sup>th</sup>; and spoke of recent SETCO donation to a local veteran.
- Mayor Stowe spoke of the Cinco de Mayo parade that took place on Saturday, May 2, 2015.
- Council Member Gurrola, spoke of the importance of helping disabled veterans.
- Council Member Ward, requested an agenda item to consider ways the City could facilitate employee donations to good work organizations.
- Vice Mayor Hamilton, stated that he had missed Monache's Band Concert, but spoke of Porterville Band Concert on Friday, May 8<sup>th</sup>.
- Council Member Reyes, suggested sending out an informational flyer in utility bills regarding water saving tips and water conservation.
- City Attorney Lew stated that there would be a live feed of the California Water Resources Board meeting.

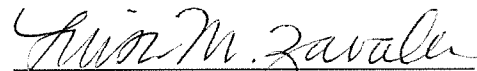
- City Manager Lollis announced staff attendance at a Fund Fair, upcoming Youth Summit, and Council Budget Study Session.

**CLOSED SESSION**


None.

**ADJOURNMENT**

The Council adjourned at 9:47 p.m. to the meeting of May 19, 2015

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Milt Stowe, Mayor