

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 18, 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 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.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Ramon Alcantar, Jr. Agency Claimed Against: City of Porterville.

3 - Government Code Section 54956.9(D)(1) – Conference with Legal Counsel – Existing Litigation: Amy Duran V. City Of Porterville Et Al., U.S. District Court, Eastern District, Case No. 1:13-Cv-00370-Bam.

4 - Government Code Section 54956.9(D) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

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

City Attorney Lew reported action pertaining to A-2, as follows:

A-2. On a MOTION made by Council Member Gurrola, and SECONDED by Vice Mayor Hamilton the City Council unanimously rejected the claim filed by Ramon Alcantar, Jr.

Documentation: M.O. 01-081815

Disposition: Rejected.

Pledge of Allegiance Led by Council Member Ward
Invocation -- a moment of silence observed.

PRESENTATIONS

Outstanding Business – Wink Boutique

AB 1234 REPORTS

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

City Manager Lollis reported that the City of Visalia took action to leave the Consolidated Waste Management Authority effective June 30, 2016.

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 - August 6, 2015 – Commissioner Moore reported on the installation of a playground shade structure at Murry Park, the donation of a bench by the Women’s Club, Summer Night Lights and Dive-In Theater attendance, and Adult Volleyball.
 2. Library & Literacy Commission - August 11, 2015 – Esther Figueroa reported on the Commission’s last meeting which included: review of summer program participation, consideration of Centennial Plaza library services, and reports of attendance at the American Library Association Conference. She also presented the July highlights regarding program library patronage.
 3. Arts Commission
 4. Animal Control Commission
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase III System Status – City Manager Lollis reported 41% water conservation.
 2. WildPlaces Mural Project Update

ORAL COMMUNICATIONS

- Yolanda Anguiano thanked the Council for extended transit hours; complained of poor customer service at the Transit Center and indicated that the buses were unable to pull over completely near the library due to parked cars and long tree limbs; and complained about the distribution of the new bus schedules.
- Jack Flores, Village Garden resident, stated that both the wells went down a second time; expressed concern regarding stagnant water and child safety at the bus stop; and requested that the City find another water source.
- Brock Neeley provided an update on John Coffee’s condition following a recent surgery; encouraged everyone to walk for improved health; and inquired about the number of times Village Garden residents have addressed the County Board of Supervisors.
- Juan Solis requested City water service for his property on the north side of Linda Vista.

- Jack Flores in response to comments made by Mr. Neeley, Mr. Flores stated that he had been to the County Board of Supervisors' meeting four times.
- Denise Marchant spoke in support of the expenditure of funds for planter rejuvenation and Christmas décor for downtown.
- Jeff Szeles thanked those in attendance at recent car show event on August 15th, and Public Safety personnel for their participation; and spoke of Relay for Life in October.
- Roman Rangle, Village Garden resident, stated that the residents of Village Garden matter and told the Council to "grow some."

CONSENT CALENDAR

Item Nos. 2, 3, and 7 were pulled for further discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1, 4-6, 8-11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 17, 2015

Recommendation: That the City Council consider approval of the draft minutes for March 17, 2015.

Documentation: M.O. 02-081815

Disposition: Approved.

4. ACCEPTANCE OF PROJECT - MORTON AVENUE SHOULDER STABILIZATION PROJECT (MORTON AVENUE BETWEEN SR 65 AND WESTWOOD STREET)

Recommendation: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 0-3081815

Disposition: Approved.

5. AUTHORIZATION TO ISSUE A REQUEST FOR PROPOSAL FOR THE 2016 SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council authorize staff to issue a request for proposals for the 2016 Short Range Transit Plan.

Documentation: M.O. 04-081815

Disposition: Approved.

6. APPROVAL OF TRANSIT MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:

1. Approve the attached Resolution in support of the Program Supplement to Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

Documentation: Resolution No. 91-2015

Disposition: Approved.

8. REQUEST TO REPLACE LANDSCAPING SURROUNDING POLICE DEPARTMENT IN RESPONSE TO DROUGHT AND WATER RESTRICTIONS

Recommendation: That the City Council:

1. Accept the proposal by Guzman Landscaping Maintenance;
2. Authorize the Police Department to enter into an agreement with Guzman Landscaping Maintenance; and
3. Authorize payment to Guzman Landscaping Maintenance upon satisfactory completion of project.

Documentation: M.O. 05-081815

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - IGLESIA DEL NAZARENO - RISE UP PORTERVILLE - SEPTEMBER 19, 2015

Recommendation: That City Council approve the attached Community Civic Event Application and Agreement submitted by Porterville Iglesia del Nazareno and Mothers United Against Gang Violence, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 06-081815

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - FIL-AMERICAN ASSOCIATION OF CALIFORNIA - FILIPINO WEEKEND FIESTA - SEPTEMBER 26-27, 2015

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

Documentation: M.O. 07-081815

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - FAMILY HEALTHCARE NETWORK - ANNUAL HEALTH AND SAFETY FAIR - OCTOBER 11, 2015

Recommendation: That City Council approve the Community Civic Event Application and Agreement submitted by the Family Health Care Network, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 08-081815

Disposition: Approved.

PUBLIC HEARINGS

12. CONDITIONAL USE PERMIT (PRC 2015-017-C) TO ALLOW FOR THE SALE OF ALCOHOL UNDER A TYPE 41 ON-SALE BEER AND WINE LICENSE FOR A BONA-FIDE PUBLIC EATING PLACE FOR HARU SUSHI LOCATED AT 920 W. HENDERSON AVENUE

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2015-017-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager Lollis introduced the item and Associate Planner Fernando Rios presented the staff report.

The Public Hearing opened at 7:20 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:20 p.m.

There was a brief discussion regarding the limit of alcohol licenses that Alcoholic Beverage Control puts in the area based on the population.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the Conditional Use Permit (PRC 2015-017-C) and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 92-2015

Disposition: Approved.

13. DEVELOPMENT ORDINANCE TEXT AMENDMENT TO INCLUDE INDOOR SHOOTING RANGES UNDER SMALL-SCALE COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE

Recommendation: That the City Council:

1. Approve the draft Ordinance for the amendment of the Development Code and give first reading of the proposed Ordinance; and
2. Waive further reading and order the Ordinance to print.

City Manager Lollis introduced the item and Associate Planner Fernando Rios presented the staff report.

Mr. Rios addressed questions from the Council regarding the rules and regulations other cities have on indoor shooting ranges.

The Public Hearing opened at 7:25 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:25 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the draft Ordinance for the amendment of the Development Code and give first reading of the proposed Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO INCLUDE INDOOR SHOOTING RANGE AS A SMALL-SCALE COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE WITH A MINOR CONDITIONAL USE PERMIT APPROVAL; and waive further reading and order the Ordinance to print. The motion carried unanimously.

The ordinance was read by title only.

A discussion followed to clarify the regulations and restrictions on conditional use permits for small-scale and large-scale businesses.

Documentation: Ordinance No. 1825
Disposition: Approved.

14. FIGTREE FINANCING PACE PROGRAM

Recommendation: That the City Council adopt the draft Resolution and authorize the Mayor to sign the indemnification Agreement and Associate Membership Agreement opting into the Figtree Financing PACE Program.

City Manager Lollis introduced the item and Community Development Associate Jason Ridenour presented the staff report.

There was a brief discussion regarding the timeline of the residential program.

The Public Hearing opened at 7:35 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:35 p.m.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council adopt the draft Resolution and authorize the Mayor to sign opting into the Figtree Financing PACE Program. The motion carried unanimously.

Documentation: Resolution No. 93-2015
Disposition: Approved.

SCHEDULED MATTERS

15. CITY COUNCIL CONSIDERATION OF ITEMS TO BE PURCHASED

Recommendation: That the City Council provide direction to staff regarding the Main Street Christmas lights, playground fencing at Veteran's and Murry Park, military banner program, and the Main Street planters.

City Manager Lollis introduced the item and Parks and Leisure Director Donnie Moore presented the staff report. Mr. Moore followed up with clarification on staff proposals for each item.

There was a brief discussion on the specifics of staff proposals, cost, and length of life for each item.

Staff was directed to bring back a proposal in the \$30,000 range for the Main Street Christmas lights and to look into staff installation and full enclosure for the fencing at Veteran's and Murry Park. Staff was also directed to look into Military Banner Programs of other Cities.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Vice Mayor Hamilton that the City Council approve the repair of the Main Street planters. The motion carried unanimously.

A discussion followed regarding drought resistant plants that are proposed to replace the plants in the downtown planters. Council and Staff also discussed the irrigation system currently in place.

Documentation: M.O. 09-081815
Disposition: Approved.

16. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

- Recommendation: That the City Council:
1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
 2. Review any modifications to the draft Agreement between the City and County of Tulare.

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

A brief discussion followed regarding the cost of water in other districts. Public Works Director Mike Reed addressed questions from the Council regarding the status of construction of the agreed upon well. Mr. Reed also addressed how the water tanks in the area were being filled.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 10-081815

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

2. AUTHORIZATION TO PURCHASE FITNESS EQUIPMENT FOR FALLEN HEROES PARK

- Recommendation: That the City Council authorize the purchase of fitness equipment for Fallen Heroes Park from Greenfields Outdoor Fitness not to exceed \$40,579.10.

City Manager Lollis introduced the item, and the staff report was waived by the Council.

Council Member Ward addressed asked what recommendations the Parks and Leisure Commission had given regarding the purchase of equipment. Mr. Ward expressed his disapproval in the amount of money being asked for fitness equipment.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the purchase of fitness equipment for Fallen Heroes Park.

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

ABSENT: None

Documentation: M.O. 11-081815

Disposition: Approved.

3. AUTHORIZATION TO AMEND THE JAYE STREET BRIDGE DESIGN CONTRACT

Recommendation: That the City Council authorize amending the service agreement with TRC by an additional \$117,548 for a revised total contract cost of \$748,673.

City Manager Lollis introduced the item, and Public Works Director Mike Reed presented the staff report.

Council Member Ward requested clarification on the design contract for the Jaye Street Bridge.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve amending the service agreement with TRC by an additional \$117,548 for a revised total contract cost of \$748,673. The motion carried unanimously.

Documentation: M.O. 12-081815

Disposition: Approved.

7. CENTENNIAL PLAZA LITERACY CENTER

Recommendation: That the City Council authorize staff to proceed with the Literacy Services extension project at Centennial Plaza, not to exceed \$70,000.

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

Council Member Ward asked about the status of a previous project that had been proposed regarding the second floor remodel of the Porterville Library.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize staff to proceed with the Literacy Service extension project at Centennial Plaza. The motion carried unanimously.

Documentation: M.O. 13-081815

Disposition: Approved.

ORAL COMMUNICATIONS

- Jack Flores reiterated his concerns regarding child safety; and reported on unsuccessful attempts to contact Supervisor Mike Ennis.

OTHER MATTERS

- Council Member Gurrola spoke of her attendance at the mural unveiling.
- Council Member Reyes urged everyone to drive carefully due to increased pedestrian traffic around the schools.
- Council Member Ward thanked Police personnel for traffic patrol around the schools; spoke of advances in technology as it pertained to student learning; and stated that the City needed to come up with a solution to the Library elevator situation.
- Vice Mayor Hamilton requested that everyone keep firefighters in their thoughts as they continue to fight wildfires.
- Mayor Stowe spoke of his attendance at the PUSD Back to School celebration and Business Academy ribbon cutting events.
- City Manager Lollis lauded Community Development Manager Julie Phillips for her work at a recent annexation meeting, and reported that the residents in attendance were eager to annex.

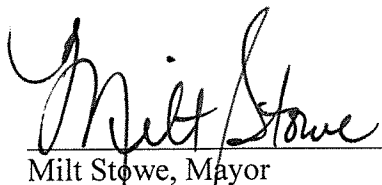
CLOSED SESSION


None

ADJOURNMENT

The Council adjourned at 8:54 p.m. to the meeting of August 30, 2015.

SEAL


Milt Stowe, Mayor


Luisa M. Zavala, Deputy City Clerk