

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET AND
657 VILLAGE GREEN STREET
PORTERVILLE, CALIFORNIA
JUNE 3, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Gurrola, Council Member Shelton, Vice Mayor Ward, Mayor Hamilton

Absent: Council Member McCracken

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 N. MAIN STREET AND 657 VILLAGE GREEN STREET,
PORTERVILLE, CA**

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

Absent: Agency Member McCracken

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

1- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case.

During Closed Session, the Joint Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

B. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 302-110-076. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and R & B Resources, Inc. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 253-192-006, 253-192-007, 253-192-008, 253-192-009 and 253-192-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Smith Commercial Properties, Inc. Under Negotiation: Terms and Price.

3 - 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.

4- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Julia Lew. Employment Contract: Title: City Manager.

5- Government Code Section 54956.95 – Liability Claim: Claimant: Aurora Gutierrez. Agency claimed against: City of Porterville.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported the following actions:

- B-1. GOVERNMENT CODE SECTION 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: APN 302-110-076. AGENCY NEGOTIATOR: JOHN LOLLIS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND R & B RESOURCES, INC. UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: On a MOTION by Mayor Hamilton, SECONDED by Vice Mayor Ward, the Council approved the purchase of property for the amount of \$20,000, and authorized the signing of all necessary documentation.

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

Documentation: Resolution No. 30-2014

Disposition: Approved.

- B-5. GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: AURORA GUTIERREZ. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Council Member Gurrola, SECONDED by Mayor Hamilton, the Council rejected the claim filed by Aurora Gutierrez.

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

Documentation: M.O. 01-060314

Disposition: Approved.

Pledge of Allegiance Led by Council Member Virginia Gurrola
Invocation – A moment of silence was observed.

PRESENTATIONS

Outstanding Business – Walmart Distribution Center
Employee Service Awards – Jenni Byers, David Smith, and Michelle Bascom
Chamber of Commerce Annual Report

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

Mayor Hamilton recognized the candidates for City Council and County Board of Supervisors who were in attendance.

PROCLAMATIONS

Olympic Day – June 3, 2014

AB 1234 REPORTS

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

1. Tulare County Economic Development Corporation (TCEDC) – May 28, 2014
Mayor Hamilton reported that neither he nor City Manager Lollis attended the May 28th meeting, which was cancelled due to lack of a quorum.

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 (Summer Hiatus): no report.
 2. Library & Leisure Services Commission (Summer Hiatus): no report.
 3. Arts Commission: no report.
 4. Youth Commission (Summer Hiatus): no report.
 5. Transactions and Use Tax Oversight Committee (TUTOC)
Member Fletcher invited the public to the next meeting on August 7, 2014; spoke of the Public Safety Station project; and described the agenda for the next meeting.
- II. Staff Informational Reports
 1. Building Permit Activity – April 2014
Council Member Shelton inquired about the number of residential and commercial building permits issued in the past year.
 2. Award of Consultant Agreement – Analysis of Edison Street Light Purchase Program
Council Member Gurrola inquired as to whether the City or Southern California Edison would be responsible for the maintenance of the street lights.
 3. Vacancy on Transactions and Use Tax (Measure H) Oversight Committee

ORAL COMMUNICATIONS

- Larry Long, 192 W. School Ave., expressed concern with the road conditions on North Main Street; and spoke of the expense of auto repairs for damage caused by poor road conditions.
- Ana Weimer, 179 E. Vandalia Ave., spoke of residents on Vandalia who were without water, and inquired as to how the City can help.

Public Works Director Baldo Rodriguez disclosed recent communication received from the California Department of Public Health, which indicated that state grant funding may be available to assist residents in the area of Vandalia Avenue with the water crisis.

CONSENT CALENDAR

Items 2 and 8 were removed for further discussion. Council Member Shelton indicated that he would be abstaining from Item Nos. 2, 13 and 14 due to conflicts of interest.

1. CITY COUNCIL MINUTES OF NOVEMBER 5, 2013, NOVEMBER 19, 2013, AND MAY 27, 2014

Recommendation: That the City Council approve the draft Minutes of November 5, 2013, November 19, 2013, and May 27, 2014.

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

Documentation: M.O. 02-060314
Disposition: Approved.

3. RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS AND ELECTRICAL SERVICE FOR THE PUBLIC SAFETY BUILDING PROJECT

Recommendation: That the City Council:

1. Approve the SCE invoice for supplying new electrical service to the Public Safety Building and issue a \$4,888.68 payment;
2. Approve the SCE invoice for relocating existing utility poles and issue a \$32,075.39 payment;
3. Approve the SCE invoice for installing new street lights and issue a \$9,744.71 payment; and
4. Authorize the City Engineer to sign the applicable SCE contracts and/or agreement.

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

Documentation: M.O. 03-060314
Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR STATEMENT OF QUALIFICATIONS FOR AIRPORT ENGINEERING SERVICES

Recommendation: That the City Council:

1. Authorize staff to advertise for Statement of Qualifications; and
2. Direct staff to present the results of the Statement of Qualifications for Council's direction related to the award of a professional services contract.

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

Documentation: M.O. 04-060314
Disposition: Approved.

5. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSAL (RFP) FOR CONSULTING SERVICES TO UPDATE THE HOUSING ELEMENT

Recommendation: That the City Council authorize staff to distribute a Request for Proposal for Consulting Services to update the City of Porterville's Housing Element.

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

Documentation: M.O. 05-060314
Disposition: Approved.

6. ACCEPTANCE OF PROJECT – ANNEXATION SEWER PROJECT (AREA 455A)

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Documentation: M.O. 06-060314
Disposition: Approved.

7. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY AND PACIFIC BELL TELEPHONE COMPANY

Recommendation: That the City Council:

1. Accept AT&T's request to have the City convey an easement for the installation and maintenance of aboveground and underground electrical and communication facilities;
2. Accept AT&T's \$4,000 easement compensation;
3. Authorize the Mayor and City Clerk to sign the Grant of Easement; and
4. Authorize the City Clerk to mail the signed Grant of Easement to AT&T for recordation.

AYES: Shelton, Gurrola, Ward, Hamilton
NOES: None

ABSTAIN: None
ABSENT: McCracken

Documentation: Resolution 31-2014
Disposition: Approved.

9. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application;
2. Authorize the City Manager to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment upon receipt of funds.

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

Documentation: Resolution 32-2014
Disposition: Approved.

10. FIRST FIVE GRANT AWARD

Recommendation: That the City Council approve acceptance of the First 5 grant and authorize use of matching funds to purchase the specified playground equipment.

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

Documentation: M.O. 07-060314
Disposition: Approved.

11. RENEWAL OF AIRPORT LEASE AGREEMENT – LOT 39

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Ben Favrholt for Lot 39 at the Porterville Municipal Airport.

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

Documentation: M.O. 08-060314
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH –
CHURCH COMMUNITY OUTREACH – JUNE 28, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Word of Victory Church, subject to the Restrictions and Requirements contained in the application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

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

Documentation: M.O. 09-060314
Disposition: Approved.

13. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report and review of the designated local emergency.

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

Documentation: M.O. 10-060314
Disposition: Approved.

14. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

Recommendation: That the Council:

1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

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

Documentation: M.O. 11-060314
Disposition: Approved.

PUBLIC HEARINGS

15. AMENDMENT TO CHAPTER 13 OF THE PORTERVILLE MUNICIPAL CODE BY ADDING A HOME-GENERATED SHARPS DISPOSAL PROGRAM

Recommendation: That the City Council:

1. Approve the proposed Ordinance Amendment;
2. Give first reading to the Ordinance Amending Chapter 13, Section 13-23, in the City Code; and
3. Waive further reading and order the ordinance to print.

City Manager Lollis introduced the item, and presented the staff report. The public hearing was opened at 7:38 p.m.

- Russell Fletcher, Porterville, spoke of the different types of sharps and in support of the proposed disposal program.

The public hearing was closed at 7:40 p.m.

Council Member Gurrola and Vice Mayor Ward spoke in support of the ordinance and of the need in the community.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council approve and give first reading to the ordinance, being AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 13 OF THE PORTERVILLE MUNICIPAL CODE BY ADDING SECTION 13-23 ESTABLISHING A HOME-GENERATED SHARPS WASTE MANAGEMENT PROGRAM, waive further reading and order the ordinance to print.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1814
Disposition: Approved.

SECOND READINGS

16. SECOND READING – ORDINANCE 1810, MODIFYING ORDINANCE 1796, RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z

Recommendation: That the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1810, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE MODIFYING ORDINANCE 1796 RELATED TO CONDITIONS OF APPROVAL FOR ZONE CHANGE 2012-002-Z.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1810
Disposition: Approved.

17. SECOND READING – ORDINANCE 1811, AMENDING CHAPTER 7, ARTICLE XV, SECTION 17-15, CONCERNING PRIMA FACIE SPEED LIMITS

Recommendation: That the Council give Second Reading to Ordinance No. 1811, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1811, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1811
Disposition: Approved.

18. SECOND READING – ORDINANCE 1812, ESTABLISHING AN ANIMAL CONTROL COMMISSION

Recommendation: That the Council give Second Reading to Ordinance No. 1812, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1812, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VII – ANIMAL CONTROL COMMISSION TO CHAPTER 5 OF THE PORTERVILLE MUNICIPAL CODE.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1812
Disposition: Approved.

19. SECOND READING – ORDINANCE 1813, ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION

Recommendation: That the Council give Second Reading to Ordinance No. 1813, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the Council give Second Reading to Ordinance No. 1813, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING A WATER TRUNK FEE FOR COMMERCIAL CROP CULTIVATION.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1813
Disposition: Approved.

SCHEDULED MATTERS

20. CONSIDERATION OF FY 2014/2015 PROPOSED BUDGET AND SETTING DATE OF PUBLIC HEARING

Recommendation: The City Manager recommends that the City Council consider the proposed 2014-2015 Fiscal Year Budget, include any modifications so directed by the Council, and schedule a Public Hearing on the proposed Budget for Tuesday, June 17, 2014.

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola that the City Council set a Public Hearing on the proposed Budget for Tuesday, June 17, 2014.

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

Documentation: M.O. 12-060314
Disposition: Approved.

Council Member Shelton indicated that he had a conflict of interest relative to Item No. 21, and he left the dais for the discussion and vote.

21. ANNUAL REVIEW AND REQUEST TO EXTEND TEMPORARY USE PERMIT FOR STORAGE AND CONSIGNMENT OF EQUIPMENT AT 952 WEST NORTH GRAND AVENUE

Recommendation: That the City Council adopt the draft resolution approving a temporary use permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

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

Council Member Gurrola expressed satisfaction with the property owner's compliance with City regulations, and Mayor Hamilton inquired about the mobile home located on the property.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council adopt the draft resolution approving a temporary use permit to allow for the storage and consignment of equipment at 952 West North Grand Avenue.

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

ABSENT: McCracken

Documentation: Resolution No. 33-2014
Disposition: Approved.

Council Member Shelton returned to the dais for consideration of Item No. 22.

22. REQUEST FOR WATER SERVICES IN VARIOUS MANNERS

Recommendation: That the City Council:

1. Address the four issues addressed in staff's report; and
2. Provide direction to staff on how to proceed on each of the three issues.

City Manager Lollis introduced the item, and Public Works Director Rodriguez presented the staff report. Mr. Rodriguez explained various regulations of the City and the Local Agency Formation Committee (LAFCo) relating to the provision of water services beyond City limits.

Issue #1: Provision of water for commercial use outside Urban Development Boundary: Council Member Shelton spoke in favor of approval, while Vice Mayor Ward and Mayor Hamilton stated their desire to wait for LAFCo's decision on the extension of the UDB. Council Member Gurrola expressed concern for the precedent that would be set by the Council, and inquired about the strain that would be placed on the City's water system if commercial connections were allowed.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the provision of water for commercial use to 814 E. Date Avenue, contingent upon LAFCo authorization for an extension of the Urban Development Boundary and the property owner's consent to annex.

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

Documentation: M.O. 13-060314
Disposition: Approved, with contingencies.

Issue #2: Connection of water to a mobile home park within the City, and associated connection fees: The Council discussed the property owner's pending grant application with the California Department of Public Health, which may be able to pay for all connection fees. The Council directed that this issue be brought back in three months after the status of the CDPH grant application is confirmed.

Disposition: Direction given.

Issue #3: Proposed water system on East Vandalia, west of Plano Street: The Council discussed various options concerning the proposed water system, noting that the best financing solution would be the formation of a water utility district. The Council directed that staff continue to analyze the

possible district formation and return to Council for consideration.

Disposition: Direction given.

Issue #4: Water delivery station requested by Council Member Shelton: Mayor Hamilton expressed concern for “privateers” who may attempt to profit from City-provided water. The Council discussed possible water delivery methods and rates, and directed that staff continue researching options to bring back for Council consideration.

Disposition: Direction given.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

2. AUTHORIZATION FOR PURCHASE OF LIBRARY FURNITURE

Recommendation: That the City Council authorize staff to move forward with negotiations for acquisition and installation of materials with CalBennetts for the Local History Room area.

City Manager Lollis introduced the item. The Council stated their desire to appropriate the requested funds, but to postpone the expenditure until the library remodel project moved forward.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Gurrola, that the City Council approve the appropriation of funds for the purchase of library furniture, but bring the item back to the Council for consideration prior to expenditure.

AYES: Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: McCracken

Documentation: M.O. 14-060314

Disposition: Approved.

8. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT FOR AN INSPECTOR OF RECORD FOR THE PUBLIC SAFETY BUILDING AND THE ANIMAL SHELTER PROJECTS

Recommendation: That the City Council:

1. Authorize the Public Works Director to negotiate a “not to exceed” \$100,000 Consultant Service Agreement with Mr. Steve Forcum; and
2. Authorize the Mayor to execute the Consultant Service Agreement with Mr. Steve Forcum.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez addressed Vice Mayor Ward’s questions regarding the cost of the Consultant Service Agreement. City Attorney Lew requested that the Council allow final review and approval of the contract terms by the City Attorney before initiating the contract.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward, that the City Council authorize the Public Works Director to negotiate a “not to exceed” \$100,000 Consultant Service Agreement with Mr. Steve Forcum and authorize the Mayor to execute the Consultant Service Agreement with Mr. Steve Forcum, contingent upon final review and approval by the City Attorney.

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

Documentation: M.O. 15-060314
Disposition: Approved.

ORAL COMMUNICATIONS
None.

OTHER MATTERS

- Council Member Gurrola lauded the performance of the string orchestra in Centennial Park.
- Council Member Shelton reminisced about serving on the Council, and announced the upcoming Flag Day.
- Vice Mayor Ward thanked Parks & Leisure Services staff for their efforts during the summer months, and recommended that the City include promotional materials for City services in packets for new residents.
- Mayor Hamilton congratulated all candidates in the election.
- City Attorney Lew announced the first report of election results from the County Registrar’s website.

ADJOURNMENT

The Council adjourned at 8:54 p.m. to the meeting of June 17, 2014.

Luisa M. Zavala, Deputy City Clerk

SEAL

Cameron J. Hamilton, Mayor

**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.

SEAL

Luisa M. Zavala, Deputy City Clerk

Milt Stowe, Mayor