

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 19, 2014, 5:00 P.M.**

Called to Order at 5:25 p.m.

Roll: 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: 280 North Fourth Street. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and KT/AAA. Under Negotiation: Terms and Price.

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 2701 W. Scranton Avenue. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and DT-1 Racing. Under Negotiation: Terms and Price.

3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad. 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 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.

5- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of El Centro, et al. v. David Lanier, et al., San Diego County Superior Court Case No. 37-2014-00003824-CU-WM-CTL.

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

7- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation.

**6:30 P.M. RECONVENE OPEN SESSION**

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

City Attorney Lew stated that there had been no reportable action taken.

Pledge of Allegiance Led by Boy Scout Troop 132

Invocation – no one participated.

## **PRESENTATIONS**

Employee Service Awards  
CSET Porterville Senior Center Services

Following CSET's presentation, Council Member Gurrola, Vice Mayor Hamilton and Council Member Reyes spoke favorably of the services provided, the individuals involved, and improvements made to the facility.

## **AB 1234 REPORTS**

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

1. Council of Cities – August 13, 2014  
Vice Mayor Hamilton reported on the selection of a new Chair, Steve Nelson, Mayor of Visalia; and indicated that most discussion pertained to the lawsuit against the State of California regarding SB7.
2. Porterville Community Healthcare Task Force – August 12, 2014  
Council Member Gurrola reported on organizations and agencies in attendance, resources identified and efforts to obtain additional information regarding those without water.

## **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 7, 2014  
Chair Vafeades reported on staff's efforts pertaining to the Murry Park Playground, fallen trees, parkway clean-up, and summer activities for youth.
  2. Library & Literacy Commission – August 12, 2014  
Commissioner Biagio reported on summer library activities, the Chamber mixer and volunteer efforts.
  3. Transactions and Use Tax "Measure H" Oversight Committee – August 7, 2014  
Chair Fletcher reported on the selection of a new Chair, Vice Chair and Secretary; the committee's finding that the Measure H expenditures were consistent with the intent of Measure H; and efforts to educate the public regarding Measure H.
- II. Staff Informational Reports
  1. Street Performance Measure – 4<sup>th</sup> Quarter Report

## **ORAL COMMUNICATIONS**

- Fred and Elva Beltran, Porterville Area Coordinating Council, spoke of efforts to help families in need of water and of donations received.
- Brock Neeley, thanked Public Works Director Baldo Rodriguez and his staff, and Fred and Elva Beltran for their efforts.
- Sheila Pickrell, Porterville Museum Curator, spoke about: National Museum Day (September 27), 4<sup>th</sup> Annual Murder Mystery Dinner (October), a yard sale, Annual Toy &

Train Show (November 28), mentor program for autistic youth, and 50<sup>th</sup> Anniversary of Museum.

- Teri Irish, commented on the City Council's appropriate attire.
- Lt. Gary Hunt, Porterville Sheriff Substation, updated the Council on law enforcement activities including jail transports, a recent shooting and subsequent arrest of two suspects.
- Jeff Szeles, American Cancer Society and Relay for Life, spoke of upcoming events on September 5<sup>th</sup> and 6<sup>th</sup> and October 4<sup>th</sup> and 5<sup>th</sup>; and extended an invitation to all.
- Dawn Jobe, Porterville resident, provided statistics pertaining to public safety and tax revenues in Colorado where cannabis has been legalized, and spoke in opposition to the proposed medical marijuana regulations.
- Mike Pezzi, provided a copy of his business plan for a medical marijuana collective.
- Jeff Faure, spoke against the proposed medical marijuana ordinance, which he believed violated patient rights and would lead to a lawsuit.
- Barry Caplan, Porterville, thanked those involved in helping with the water issue; spoke in opposition to the renaming of the La Barca and Hamamatsu conference rooms; proposed naming of City Hall entrances as an alternative; and spoke of interest in reviving the Sister City Program.
- Joseph Parks, spoke of his use of marijuana for medicinal purposes and requested compassion from the Council.

### CONSENT CALENDAR

#### 1. CITY COUNCIL MINUTES OF JULY 15, 2014

Recommendation: That the City Council approve the Minutes of July 15, 2014.

Documentation: M.O. 01-081914

Disposition: Approved.

#### 2. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

Recommendation: That the City Council authorize the purchase by negotiation of the equipment listed and authorize payment of said equipment upon satisfactory delivery.

Documentation: M.O. 02-081914

Disposition: Approved.

#### 3. REQUEST FOR APPROVAL TO PURCHASE FLEET MANAGEMENT SOFTWARE

Recommendation: That the City Council approve the purchase of Fleet Management Software from Ron Turley and Associates for a one-time cost of \$6,850 and an annual maintenance charge of \$5,160.

Documentation: M.O. 03-081914

Disposition: Approved

4. APPROVAL OF THE AGREEMENT FOR TRANSIT SERVICES FOR THE COLLEGE OF SEQUOIAS STUDENT TRANSIT PASS PROGRAM

Recommendation: That the City Council:

1. Approve the attached Agreement for Transit Services for the College of the Sequoias Student Transit Pass Program;
2. Authorize the Mayor to execute the Transit Services Agreement; and
3. Authorize staff to forward the executed Agreement for Transit Services to TCAG.

Documentation: M.O. 04-081914

Disposition: Approved.

5. LABORATORY LIMS SOFTWARE REPLACEMENT

Recommendation: That the City Council:

1. Approve the purchase of the MSC-LIMS software for \$14,073 and an annual maintenance fee of \$1,950; and
2. Add the purchase of Lab software to the equipment replacement schedule of the 2014/2015 budget.

Documentation; M.O. 05-081914

Disposition: Approved.

6. REQUEST FOR PROCLAMATION – RELAY FOR LIFE DAYS – OCTOBER 4 – 5, 2014

Recommendation: That the City Council consider approval of the request to proclaim October 4-5, 2014, as Relay for Life Days.

Documentation: M.O. 06-081914

Disposition: Approved.

7. REQUEST FOR PROCLAMATION – LIBRARY CARD SIGN-UP MONTH – SEPTEMBER 2014

Recommendation: That the City Council consider approval of the request to proclaim September 2014, as Library Card Sign-Up Month.

Documentation: M.O. 07-081914

Disposition: Approved.

8. REQUEST FOR PROCLAMATION – LIBRARY AWARENESS MONTH – SEPTEMBER 2014

Recommendation: That the City Council consider approval of the request to proclaim September 2014, as Literacy Awareness Month.

Documentation: M.O. 08-081914

Disposition: Approved.

9. REQUEST FOR PROCLAMATION – CLAUDIA BREWER

Recommendation: That the City Council consider approval of the request to recognize Claudia Brewer with a proclamation in celebration of her 100<sup>th</sup> birthday.

Documentation: M.O. 09-081914

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT – FILIPINO-AMERICAN ASSOCIATION OF CALIFORNIA – FILIPINO FESTIVAL WEEKEND – SEPTEMBER 28-29, 2014

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

Documentation: M.O. 10-081914

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – WORD OF VICTORY CHURCH – CHURCH COMMUNITY OUTREACH – SEPTEMBER 20, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from 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.

Documentation: M.O. 11-081914

Disposition: Approved.

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

Recommendation: That the City 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.

Documentation: M.O. 12-081914

Disposition: Approved.

At 7:55 p.m. Council took a ten minute recess to process an event of rare occasion, approval of all Consent Calendar items in a single motion.

**PUBLIC HEARINGS**

13. ADOPTION OF A RESOLUTION APPROVING THE CITY'S URBAN WATER MANAGEMENT PLAN

Recommendation: That City Council:

1. Conduct a public hearing and adopt the draft resolution approving the UWMP, which includes the Water Conservation Plan in Appendix C;
2. Remain in Phase 2 of the Water Conservation Plan, which restricts landscape watering to three days per week;
3. Submit the UWMP to the DWR, the California State Library, and the County; and
4. Make the UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.

The public hearing was opened at 8:13 p.m. Seeing no one, the Mayor closed the public hearing at 8:14 p.m.

Following the staff report, Water Utility Superintendent Michael Knight addressed questions from the Council regarding the State's requirements. Staff indicated that the City of Porterville was in good standing, being historically metered, compared to other communities.

Council Member Ward expressed concerns regarding the proposed phasing, and inquired about the absence of pool draining permits and Xeriscaping requirements. Staff responded that those were not part of the proposed Water Conservation Plan, but could be addressed via building permit process and Development Ordinance.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving the UWMP, which includes the Water Conservation Plan in Appendix C; remain in Phase 2 of the Water Conservation Plan, which restricts landscape watering to three days per week; submit the UWMP to the DWR, the California State Library, and the County; and make the UWMP available to the public for review within 30 days after filing a copy of the plan with the DWR. The motion carried unanimously.

Documentation: Resolution No. 59-2014

Disposition: Approved

14. ORDINANCE ADDING SECTION 25-5.1 TO PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION PLAN

Recommendation: That the City Council:

1. Hold the noticed public hearing and consider all testimony; and
2. Approve and give first reading to the draft ordinance, and Ordinance of the City Council of the City of Porterville Adding Section 25-5.1 to Chapter 25, Article I, Division 1 of the Porterville Municipal Code Regarding Enforcement of Adopted Water Conservation.

City Manager Lollis introduced the item. City Attorney Lew presented the staff report and addressed questions regarding the enforcement.

The public hearing was opened at 8:48 p.m. Seeing no one, the Mayor closed the public hearing at 8:49 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve and give first reading to the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 25-5.1 TO CHAPTER 25, ARTICLE I, DIVISION 1 OF THE PORTERVILLE MUNICIPAL CODE REGARDING ENFORCEMENT OF ADOPTED WATER CONSERVATION. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance 1816  
Disposition: Approved

SCHEDULED MATTERS

15. MEDICAL MARIJUANA – DRAFT ORDINANCE CONCERNING CULTIVATION AND DISPENSARIES; REQUEST TO SET PUBLIC HEARING

Recommendation: That the City Council review the draft ordinance and provide direction to staff on any additional modifications, and, if appropriate, set a public hearing to consider approval of the ordinance.

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

The Council discussed the proposed ordinance, specifically with regard to the number of plants and the distance requirement of 600 feet. Captain Eric Kroutil reported that the majority of calls received by the Police Department relative to medical marijuana were regarding suspected criminal activity or complaints of odor, and were associated with larger gardens. Staff then provided clarification regarding previous Council discussions relative to dispensaries.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council set a public hearing for September 2, 2014, to consider approval of the draft ordinance. The motion carried unanimously.

Documentation: M.O. 13-081914  
Disposition: Approved

16. ADDENDUM TO THE LICENSE AND DEVELOPMENT AGREEMENT FOR THE PORTERVILLE JUNIOR LIVESTOCK FAIR

Recommendation: That the City Council consider the Fair Board's request and, if agreeable, authorize the Mayor to sign an Addendum to the License and Development Agreement, Exhibit B "Right to Sell Alcoholic Beverages" to include sale of alcohol during events not related to the annual Fair and modifying alcohol sales and consumption areas beyond the Adult Refreshment Area during the Annual Fair, subject to legal counsel approval as to form.

City Manager Lollis introduced the item, and the staff report was presented by Acting Community Development Director Jenni Byers. Council Member Ward expressed his concern that approval of the request would lead to similar requests from other organizations.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the Mayor to sign an Addendum to the License and Development Agreement, Exhibit B "Right to Sell Alcoholic Beverages" to include sale of alcohol during events not related to the annual Fair and modifying alcohol sales and consumption areas beyond the Adult Refreshment Area during the Annual Fair, subject to legal counsel approval as to form.

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

Documentation: M.O. 14-081914  
Disposition: Approved.

17. PROVISION OF WATER AND SERVICE DELIVERY TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council consider the provision and delivery of water service to East Porterville county residents, and give direction and authorization to staff as deemed appropriate.

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



Following the staff report, the Council expressed discontent with the lack of response from the County; and Fred Beltran, Porterville Coordinating Council, updated the Council on recent efforts to help those County residents without water. Public Works Director Rodriguez warned that the County would likely continue to do nothing if the City stepped in as lead agency. The Mayor volunteered to reach out to County representatives.

Mr. Beltran reported that residents outside of the East Porterville area were also in need of water, and they would do their best to provide a water source for those individuals as well.

COUNCIL ACTION:      MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve up to \$10,000 for first month; authorize staff to provide resources to assist with set up of 5,000 gallon water tank; authorize the Mayor to deliver a letter to the County Board of Supervisors regarding the water crisis; and approve the Indemnification Agreement.

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

Documentation:    M.O. 15-081914  
Disposition:      Approved.

18.    CONSIDERATION OF RENAMING THE HAMAMATSU AND LA BARCA CONFERENCE ROOMS IN HONOR OF PAST CITY COUNCIL MEMBERS AND MAYORS, JAY C. COLEMAN AND PETE V. MCCRACKEN

Recommendation:    That the City Council consider the renaming of the Hamamatsu and La Barca Conference Rooms in honor of past City Council Members and Mayors, Jay C. Coleman and Pete V. McCracken.

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

Council spoke of past Sister City Program activities, and indicated that the intent was not to dishonor the Sister Cities, but to honor those who served the community of Porterville. Council Member Reyes suggested naming one conference room for the Sister Cities and the other after the late Pete V. McCracken. Council Member Ward indicated that he was supportive of honoring individuals for their service to the community, but did not feel dying in office was sufficient criteria.

COUNCIL ACTION:      MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the renaming of the Hamamatsu and La Barca Conference Rooms in honor of past City Council Members and Mayors, Jay C. Coleman and Pete V. McCracken.

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

Documentation: Resolution No. 60-2014  
Disposition: Approved.

**ORAL COMMUNICATIONS**

- Barry Caplan, spoke of the last visit by Sister City residents.

**OTHER MATTERS**

- Council Member Ward thanked staff for efforts made to improve the Lombardi traffic issues.
- Council Member Reyes thanked individuals assisting with the water crisis and those who were responsible for the improvements to Santa Fe Depot.
- Vice Mayor Hamilton, challenged members of the Council, City Manager, City Attorney and Administrative Services Director to a race at Rocky Hill.
- Council Member Gurrola, recognized Derek Kirk for all his hard work with the Chamber during the summer; stated that he would be returning to Point Loma; and wished him well.
- Mayor Stowe, congratulated those City employees recognized for their service.
- City Manager Lollis, reported that two crews were out on fires; and spoke of ground breaking for Public Safety Building on August 25, 2014.

**ADJOURNMENT**

The Council adjourned at 10:25 p.m. to the meeting of September 2, 2014.

  
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Luisa M. Zavala, Deputy City Clerk

SEAL  
  
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Milt Stowe, Mayor