

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 21, 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, and Mayor Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 262-150-001. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Rafael Aguilo. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 243-210-065. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Benny and Jean Webb. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APNs: 253-192-006, 253-192-007 and 253-192-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Sierra View Medical Center. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APN: 261-140-024. Agency Negotiators: John Lollis. Negotiating Parties: City of Porterville and Verizon Wireless. Under Negotiation: Terms and Price.
- 5 - Government Code Section 54957.6 - Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association, Porterville Safety Support Unit, Management and Confidential Series, Fire Officers Series, Porterville City Firefighters Association, Porterville Peace Officers Association, and all Unrepresented Employees.
- 6 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: J. Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 12:-CV-01239-LJO-BAM.
- 7 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: A. Duran v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:13-CV-00370-AWI-BAM.
- 8 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: J. Acevedo v. City of Porterville et al., Tulare County Superior Court Case No. 254083.

Documentation: M.O. 01-042115
Disposition: Approved.

2. RATIFICATION OF EMERGENCY EXPENDITURE - REPAIR OF WELL 1A

Recommendation: That the City Council:

1. Ratify the emergency repair of the City Well 1A was 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 \$21,416; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 02-042115
Disposition: Approved.

3. AUTHORIZATION FOR EMERGENCY TRANSIT ENGINE REPAIR

Recommendation: That the City Council:

1. Authorize the transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$14,999; and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 03-042115
Disposition: Approved.

4. AWARD OF CONTRACT - SEWER ANNEXATION AREA 455A PROJECT - ADDITIONAL WORK ON WESTFIELD AVENUE

Recommendation: That City Council:

1. Award the Additional Sewer Annexation Area 455: Additional Work on Westfield Avenue Project to 99 Pipeline, in the amount of \$75,175;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs;
4. Authorize an additional 10% for construction management, construction surveying, quality control, and inspection services;
5. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council M.O. 02-100714.

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

Documentation: M.O. 04-042115
Disposition: Approved.

5. BID RESULTS FOR WELL NO. 32 PROJECT (PHASE 2 - PUMPING PLANT)

Recommendation: That the City Council:

1. Award the Well No. 32 Project (Phase 2-Pumping Plant) to Steve Dovail Construction in the amount of \$861,280.00;
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize 5% for construction management, quality control, and inspection.

Documentation: M.O. 05-042115
Disposition: Approved.

6. AUTHORIZATION TO APPLY FOR SECTION 5311 PROGRAM FUNDING

Recommendation; That the City Council:

1. Approve the draft Resolution authorizing staff to act on behalf of the City to apply for FTA Section 5311 financial assistance; and
2. Authorize the Mayor to sign the Resolution.

Documentation: Resolution No. 41-2015
Disposition: Approved.

7. AUTHORIZE LETTER OF INTENT FOR USE OF LOW CARBON TRANSIT OPERATIONS FUNDS

Recommendation: That the City Council:

1. Approve the attached draft Resolution authorizing staff to act on behalf of the City to apply for LCTOP financial assistance;
2. Authorize the Mayor to sign the Resolution;
3. Authorize the Mayor to sign the Authorized Agent Form;
4. Authorize the City Manager to sign the Certification and Assurances; and
5. Authorize the Mayor to sign the Letter of Intent to release City funding to the City of Visalia so that the funds may be applied to a project within our region in return for Visalia LFT funds.

Documentation: Resolution No. 42-2015
Disposition: Approved.

8. AUTHORIZATION TO AMEND THE BIOLOGICAL ODOR CONTROL SYSTEM PROJECT SERVICE AGREEMENT

PUBLIC HEARINGS

16. ZONE CHANGE FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) AT 61 W. NORTH AVENUE

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed zone change; and
2. Approve the draft Ordinance, give first reading, and order the Ordinance to print.

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

The Public Hearing opened at 7:29 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:29 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the draft Ordinance, 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, give first reading and order the Ordinance to print. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1823

Disposition: Approved.

SCHEDULED MATTERS

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

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

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew elaborated on options available to the City, and the Council discussed the assessment as a vehicle to address concerns and complaints regarding street maintenance. The Council then directed staff to bring the item back after review of the current statutory scheme.

Documentation: None.

Disposition: Direction given.

18. CONSIDERATION OF SETTING ASIDE AND RESCINDING THE FEBRUARY 7, 2012, CITY COUNCIL'S DECISIONS FOR THE RIVERWALK MARKETPLACE PHASE II PROJECT

Recommendation: That the City Council adopt the draft Resolution to set aside and rescind without prejudice Council's decisions on February 7, 2012, for the Riverwalk Marketplace Phase II Project.

The City Manager introduced the item, and the Acting Community Development Director presented the staff report.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council adopt the draft Resolution to set aside and rescind without prejudice Council's decisions on February 7, 2012, for the Riverwalk Marketplace Phase II Project. The motion carried unanimously.

Documentation: Resolution No. 46-2015

Disposition: Approved.

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

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

City Manager Lollis introduced the item and presented the staff report. Following the staff report he added that the State had informed the City that Del Oro Water System was under a no drink order.

- Andrew Lockman, Tulare County OES, stated that the City provision of water to the County via Mutual Aid Request would not hurt the City's water conservation numbers; and addressed questions from the Council regarding the status of the well project, the funding, and agreement.
- Chad Fischer, State Water Resources Control Board Division of Drinking Water, Tulare District Engineer, advised that the City contact the Assistant Deputy Director of the Financial Assistance Division at Water Resources Control and provided staff with his contact information; and stated that the City should complete an online FAST application for the Vandalia Street area.
- Joel Greathouse, Project Manager, State Water Resources Control Board Division of Financial Assistance spoke of funding resources and provided information regarding the online application process.

Acting Public Works Director Mike Reed spoke of the Vandalia area, efforts to survey residents, estimated costs for construction, and connection fees. It was corrected that the FAST application was not for grant funds.

The Council discussed the status of the new well, the Mutual Aid Request, and the continued provision of water; and expressed their shared frustration regarding the lack of forward movement with regard to the new well. They spoke of the importance of being able to provide for their current customers and the pending receipt of the water system study.

- Andrew Lockman, Tulare County OES, addressed questions from the Council regarding the amount of water being requested by the County.

In response to questions posed by the Council, Acting Public Works Director Mike Reed spoke of the status of the water system analysis, and stated that he was not comfortable with the City providing water to the County at that time. He expressed concern regarding the potential impact to the system, especially during the summer months, and planned development.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Gurrola that the City Council deny the Mutual Aid Request until an additional water source comes online; and direct staff to work the Porterville Area Coordinating Council regarding the Vandalia residents.

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

Documentation: M.O. 11-042115

Disposition: Mutual Aid Request denied; and direction given.

ORAL COMMUNICATIONS

- Fred Beltran, PACC, would work with the City regarding the provision of water to City residents; spoke of the possible purchase of a water truck and the need for a water source for deliveries, should that purchase take place; and suggested that an individual who was not a City or County employee champion the cause to help expedite the process.
- Austin Slater, spoke of GoFund efforts to raise funds for the purchase of a water truck for PACC.

OTHER MATTERS

- Council Member Gurrola, spoke of correspondence received from Latino Water Coalition regarding the Governor's Executive Order to reduce water usage by 25%.
- Mayor Stowe, spoke of Iris Festival on Saturday, April 25, 2015.
- City Manager Lollis, spoke of Administrative Professionals' Day, the Annual Red Star Fly-in was starting Friday, and the IRWMP.

CLOSED SESSION

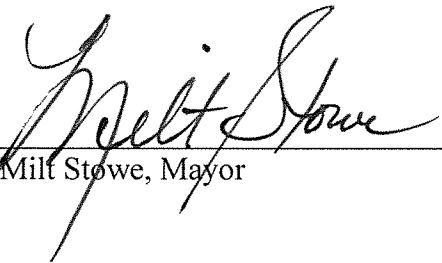
None

ADJOURNMENT

The Council adjourned at 8:59 p.m. to the meeting of May 5, 2015


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor

