

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 19, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived during Closed Session),
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: Delilah Micaela Gonzalez Pacheco, a Minor, by and through her Guardian Ad Litem Maria De Jesus Pacheco. Agency claimed against: City of Porterville.

3- Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case concerning a Demand for Withdrawal of Notice of Immediate Termination dated April 23, 2015 regarding the City's Reclamation Area Lease Agreement.

4- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: 28 Cases.

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 Ward, and SECONDED by Council Member Reyes the City Council unanimously rejected the claim filed by Delilah Micaela Gonzalez Pacheco, a Minor, by and through her Guardian Ad Litem Maria De Jesus Pacheco.

Documentation: M.O. 01-051915

Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Reyes

Invocation – a moment of silence was observed.

PROCLAMATIONS

Freedom Days - June 14 to July 4, 2015

PRESENTATIONS

Certificates of Recognition - 2014/2015 Youth Commission
Youth Commission
Presentation

AB 1234 REPORTS

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

1. Local Agency Formation Committee (LAFCO) - May 6, 2015 – Vice Mayor Hamilton reported on legislative discussions.
2. Tulare County Association of Governments (TCAG) - May 18, 2015 – Council Member Gurrola reported on the review of impact fees, and provided an update regarding scheduled improvements to a section of Highway 65.
3. Tulare County Economic Development Corp. (TCEDC) Economic Summit – May 15, 2015 – Council Member Reyes reported on various speakers.

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 - May 7, 2015
 2. Library & Literacy Commission - May 12, 2015 – Commissioner Biagio reported on the Commission’s consideration of the preliminary budget and efforts made to learn about non-profit organizations; presented April highlights; and extended an invitation to the Library’s Summer Program Kick-off event on June 1st at Centennial Plaza.
 3. Arts Commission
 4. Animal Control Commission
 5. Youth Commission - May 11, 2015
 6. Transactions and Use Tax Oversight Committee (TUTOC) - May 6, 2015
- II. Staff Informational Reports
 1. Water Conservation Phase II, Water System Status

ORAL COMMUNICATIONS

- John Coffee, Porterville, spoke of the activities of the Stonewall Democrats Club, and presented the Council with copies of “The Gay Agenda.”
- Warren Connor, Porterville, expressed concern regarding the handling of billing in the event of a broken water meter, and spoke of his own efforts to conserve water.
- Janell Martin, a Village Gardens resident, expressed concern regarding water trucks taking water from a neighborhood well, and requested data pertaining to said well.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Item Nos. 1-7. The motion carried unanimously.

1. TRANSIT AUTHORIZATION TO ADVERTISE FOR PROPOSALS - A&E DESIGN SERVICES FOR OPERATIONS AND MAINTENANCE FACILITY

Recommendation: That the City Council:

1. Authorize the Acting Public Works Director to advertise a request for Statements of Qualifications (RPF) for A&E design services for the Transit Operation and Maintenance facility; and
2. Authorize the Acting Public Works Director to work with the City Attorney, Federal Transit Administration, and the California Department of Transportation to determine the use of Construction Manager/General and value engineering method as it relates to the City Charter.

Documentation: M.O. 02-051915

Disposition: Approved.

2. INTENT TO SET A PUBLIC HEARING FOR CONCRETE IMPROVEMENTS CONSTRUCTION BY CITY - NORTH GRAND AVENUE RECONSTRUCTION PROJECT (NEWCOMB STREET TO PROSPECT STREET)

Recommendation: That the City Council:

1. Set a Public Hearing for June 16. To discuss the proposed construction of the concrete improvements along the north side of West North Grand Avenue; and
2. Authorize staff to publish the public notice and notify all effected properties of the Public Hearing.

Documentation: M.O. 03-051915

Disposition: Approved.

3. APPROVAL OF AMENDMENT NO. 6 TO JOINT POWERS AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND TULARE COUNTY HEALTH AND HUMAN SERVICES AGENCY

Recommendation: That the City Council approve and authorize the Mayor to sign Amendment No. 6 to the Agreement with the Tulare County Health and Human Services Agency.

Documentation: M.O. 04-051915

Disposition: Approved.

4. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- PORTERVILLE CITY FIREFIGHTERS ASSOCIATION

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan.

Documentation: Resolution No. 52-2015

Disposition: Approved.

5. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - REQUEST FOR THE CITY COUNCIL TO CONSIDER ESTABLISHING A MORATORIUM ON NEW RESIDENTIAL DEVELOPMENT EXCEEDING TEN (10) UNITS, AS WELL AS COMMERCIAL PROJECTS THAT REQUIRE SIGNIFICANT WATER USAGE

Recommendation: That the City Council consider authorizing a Schedule Matter on the next Council Agenda in regards to establishing a moratorium on new residential development exceeding ten (10) units, as well as new commercial developments that require significant water usage.

Documentation: M.O. 05-051915

Disposition: Approved.

6. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - REQUEST FOR THE CITY COUNCIL TO CONSIDER HIRING ADDITIONAL CODE ENFORCEMENT OFFICERS TO ENFORCE WATER RESTRICTIONS

Recommendation: That the City Council consider authorizing a Scheduled Matter on the next Council Agenda in regards to hiring additional code Enforcement Officers to enforce water restrictions.

Documentation: M.O. 06-051915

Disposition: Approved.

7. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - REQUEST FOR THE CITY COUNCIL TO CONSIDER HOW CITY EMPLOYEES COULD DONATE AND SUPPORT NON-PROFIT ORGANIZATIONS

Recommendation: That the City Council consider authorizing a Scheduled Matter in the next Council Agenda in regards to how City employees could donate and support non-specific organizations.

Documentation: M.O. 07-051915

Disposition: Approved.

PUBLIC HEARINGS

8. PUBLIC HEARING TO CONSIDER A WATER RATE INCREASE

Recommendation: That the City Council:

1. Conduct the public hearing
2. Receive additional written protests;
3. Direct the City Clerk to tally the protests and report the total; and
4. Consider approval of the proposed water rate increase resolution if the tally does not exceed a majority protest (7,503 protests are considered a majority).

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

The Public Hearing was opened 7:08 p.m.

- Diane Wagner stated that water rates were ridiculously low and paying for water at true value would encourage conservation, and suggested that the Council consider even higher rates.
- John Coffee stated that he agreed with Ms. Wagner and suggested that the City amp up enforcement and the issuance of fines.
- Martha Flores spoke in favor of the proposed rate increase and of the need for water conservation.
- Gerry Quinn suggested that those conserving water were in the minority, and stated that the watering schedule was not feasible for those that did not have automatic sprinklers.
- Janell Martin expressed concerns regarding the existence of a new car wash and use of water for parking lot painting.

The Public Hearing was closed at 7:18 p.m.

At the Council's request, Mr. Reed elaborated on the life of existing water infrastructure and addressed comments regarding watering times. The Council inquired if the proposed increase was sufficient to build a reserve for the needed projects, and Mr. Reed stated that it would be tight. The Council discussed the need for future increases and an annual review by the Council.

The Clerk reported that fourteen (14) ballots were received in opposition to the proposed increase; and one (1) ballot was received in support of the proposed increase.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council adopt the resolution approving the proposed water rate increase; and direct that the water rates be reviewed by the Council annually. The motion carried unanimously.

Documentation: Resolution No. 53-2015
Disposition: Approved.

SCHEDULED MATTERS

9. CONSIDERATION OF PRELIMINARY 2015-16 BUDGET

Recommendation: That the City Council accept staff's presentation, and provide direction accordingly.

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

Discussion followed regarding: departmental savings being achieved; expenditures for the Municipal Golf Course and the Zalud House; improvements required to make the shooting range available to the public; street improvement projects; and the need to find funding for lighted crosswalks.

Disposition: No action.

10. CONSIDERATION OF PROHIBITING THE INSTALLATION OF NATURAL GRASS IN COMMERCIAL AND INDUSTRIAL ZONED AREAS, AND TO REQUIRE A PERMIT FOR THE INSTALLATION OF NATURAL GRASS EXCEEDING 300 SQUARE FEET IN RESIDENTIAL ZONED AREAS

Recommendation: That the City Council provide direction, as appropriate.

City Manager Lollis introduced the item and noted Community Development Director Jenni Byers's absence. He briefly spoke of anticipated changes to the State Model Water Efficient Landscape Ordinance and the subsequent need to modify the City's current ordinance.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED BY Council Member Gurrola that the City Council postpone the item in light of Community Development Director Byers absence. The motion carried unanimously.

Disposition: Item postponed.

11. GOVERNOR'S EXECUTIVE ORDER FOR STATEWIDE MANDATORY WATER REDUCTIONS, AND STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency, determine that a needed exists to continue said Declaration, and provide direction as appropriate.

City Manager Lollis introduced the item and presented the staff report. Following the staff report, Interim Public Works Director Reed advised of a recent conversation with the Department of Water Resources regarding delays with the well project due to strategy and funding; and addressed questions from the Council regarding phasing of well projects.

City Manager Lollis responded to questions regarding the tankers drawing water from Jones' Corner, and addressed comments made during Oral Communications.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council affirm the Declaration of Emergency. The motion carried unanimously.

Documentation: M.O. 09-051915
Disposition: Approved.

CLOSED SESSION

None

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola provided information regarding impact fees of various cities.
- Council Member Reyes stated that he was pleased to see the Youth Commission's presentation, and spoke of his involvement in the Youth Academy.
- Vice Mayor Hamilton spoke of his attendance at the Porterville High School Band Concert, and noted that the Mayor had attended the Monache High School Band Concert.
- Mayor Stowe reminded everyone of the upcoming Memorial Day Holiday and the National Spelling Bee. He advised that the cemetery was in need of volunteers for the Memorial Day festivities.
- City Manager Lollis thanked staff who were involved in the recent Youth Summit; spoke of his experience volunteering at the City's Fair booth, upcoming Council of Cities meeting and Police Department Promotions; and noted that staff had safely returned from ICSC in Nevada.


ADJOURNMENT

The Council adjourned at 8:51 p.m. to the meeting of June 2, 2015.



Luisa M. Zavala, Deputy City Clerk

SEAL



Milt Stowe, Mayor

