

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 4, 2015, 5:30 PM**

Called to Order at 6:31 p.m.

Roll Call: Council Member Reyes, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

Absent: Council Member Ward

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: 262150001. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Rafael D. 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 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.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Sharyn Redwine. Agency Claimed Against: City of Porterville.

4 - Government Code Section 54956.9(D)(1) – Conference with Legal Counsel – Existing Litigation: Robert Nuckols And DbA Nuckols Farming V. City of Porterville And Rick Perigo, Tulare County Superior Court Case No. 261084.

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

6 - Government Code Section 54956.9(D)(4) – Conference With Legal Counsel – Anticipated Litigation – Initiation Of Litigation: Three 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-3 and A-6, as follows:

A-3. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim filed by Sharyn Redwine.

Documentation: M.O. 01-080415

Disposition: Claim rejected.

A-6. On a MOTION made by Council Member Gurrola, and SECONDED by Vice Mayor Hamilton the City Council unanimously authorized a writ in People v. Deborah Post concerning the City's opposition to a Pitchess motion.

Documentation: M.O. 02-080415

Disposition: Approved.

The Pledge of Allegiance was led by Council Member Reyes.
Invocation -- one individual participated.

PRESENTATIONS

Employee of the Month – Nick Saucedo
Introduction of New Employees – Alicia Valenzuela, Jesus Gallardo, Jackson (K-9), Elena Barragan, and Claudia Calderon

AB 1234 REPORTS

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

1. Tulare County Economic Development Corp. (TCEDC) - July 22, 2015
Council Member Reyes reported on the cancellation of the August meeting and presentation of annual reports.
2. Tulare County Association of Governments (TCAG) - Rail Advisory Committee - July 28, 2015
Council Member Gurrola reported on the Committee's meeting with the High Speed Rail Authority to discuss changes to the rail that would negatively impact Tulare County.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission – no report.
 2. Library & Literacy Commission – no report.
 3. Arts Commission - July 22, 2015 – no report.
 4. Animal Control Commission - July 28, 2015 – no report.
 5. Youth Commission - Summer Hiatus – no report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. Staff Informational Reports
 1. Porterville Golf Course 4th Quarter Report (April, May, June)
 2. Building Permit Activity - 4th Quarter Report (April, May, June)
 3. Street Performance Measure - 4th Quarter Report (April, May, June)
 4. Attendance Report for City Commissions and Committees - 4th Quarter Report - FY 2014/15
 5. Report on Charitable Car Washes
 6. Code Enforcement 4th Quarter Report (April, May, June)

ORAL COMMUNICATIONS

- Jack Flores stated that the wells out at Village Garden went down last Thursday; requested that the City find another water source; and expressed concerns regarding neighborhood children going back to school and walking the area with water haulers coming and going.
- Jeff Zeles spoke regarding Rally for a Cure event on August 15th, from 9:00 a.m. to noon, at Veterans Park and Porterville Relay for Life in October.
- Roy Maycomber stated that the Village Garden residents had cause for concern; and spoke in favor of finding another water source for the water haulers.

- Martha Flores stated that her neighbor's well had dried up; and spoke of her experience with City staff with regard to the drought situation.
- Steve Marchbanks pastor at Life Tabernacle, challenged everyone to pray for water.
- Kim Willis spoke about a Paint California Purple event on September 1st; and requested approval to solicit donations at major intersections in Porterville and place purple ribbons on City vehicles.
- Sheila Pickle, Porterville Museum Curator, spoke of the History of the Museum event on Saturday, at 6:00 p.m. which would recognize Cal Weisenberger, the last surviving member of the first museum board.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. City Attorney Lew noted an amendment to Item 9, section 11, to read as follows: "Notwithstanding Section 16 herein, both the PPD and LPD reserve the right to cancel this agreement with 30 days written advance notice to the other for any or no reason cost shall be prorated to account for the period the contract was in effect."

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve Items Nos. 1-8, 9 as amended and 10-12; The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 17, 2015

Recommendation: That the City Council approve the Minutes of February 17, 2015.

Documentation: M.O. 03-080415

Disposition: Approved.

2. EMERGENCY REPLACEMENT OF HVAC UNIT AT AIRWAY CAFE LOCATED AT THE PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council accept the emergency expenditure for the replacement of the HVAC unit at the Airway Cafe and direct the Finance Director to make payment to Darrell's Air Conditioning.

Documentation: M.O. 04-080415

Disposition: Approved.

3. BUDGET ADJUSTMENTS FOR FISCAL YEAR 2015-2016

Recommendation: That the City Council approve the budget adjustments and authorize staff to modify the revenue and expenditure estimates as described on the schedule.

Documentation: M.O. 05-080415

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

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

Documentation: M.O. 06-080415

Disposition: Approved.

5. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorize the Public Works Director to purchase water shares or surface water during the 2015/2016 fiscal year up \$150,000.

Documentation: M.O. 07-080415

Disposition: Approved.

6. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 2014-2015

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY 2014-2015 RSTP Exchange Program fund claim on behalf of the City of Porterville in the amount of \$559,536.

Documentation: Resolution 85-2015

Disposition: Approved.

7. HOUSING-RELATED PARKS GRANT PROGRAM

Recommendation: That the City Council:

1. Approve the draft Resolution authorizing the execution of the Standard Agreement and any other documents necessary to secure the Housing Related Parks Program grant in the amount not to exceed \$322,550 from the State of California; and
2. 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 grant.

Documentation: Resolution 86-2015

Disposition: Approved.

8. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation: That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$69,000; and

2. Authorize a budget adjustment for the Police Department in the Special Safety Grants Fund for FY 2015/2016 in the amount of \$69,000.

Documentation: M.O. 08-080415

Disposition: Approved.

9. COOPERATIVE AGREEMENT WITH LINDSAY POLICE DEPARTMENT FOR USE OF THE POLICE FIRING RANGE

Recommendation: That the City Council:

1. Approve the Agreement for the period of 07/01/15 thru 06/30/16; and
2. Authorize the Chief of Police to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 09-080415

Disposition: Approved.

10. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 10-080415

Disposition: Approved.

11. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 11-080415

Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY - RALLY FOR A CURE - AUGUST 15, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the American Cancer Society, subject to the stated requirements contained in the Application, Agreement, and Exhibit A.

Documentation: M.O. 12-080415

Disposition: Approved.

PUBLIC HEARINGS

13. ANNEXATION OF COUNTY ISLAND, ANNEXATION 475

Recommendation: That the City Council:

1. Conduct the Public Hearing;
2. Consider approval of Annexation 475;

3. If approved, adopt the resolution to approve Annexation 475; and
4. Authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, in advance of the official conclusion of the annexation process for those areas which are approved.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

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

- Roy Maycomber spoke in opposition to annexation.
- (Name inaudible), spoke in opposition to annexation.
- Pastor Marchbanks spoke of church activities and requested a waiving of fees for non-profit organizations.
- (Name not given), spoke in opposition to annexation fees and taxes.
- Janet Bowen spoke in opposition to annexation, the increase of fees, and regulations.
- Jesse Hall spoke in opposition to annexation, asked that Council listen to the people.
- Josh Webb spoke in opposition to annexation.
- Brock Neeley spoke of septic tank use and damage to water table.
- Diane Patterson spoke in opposition to annexation.
- (Name not given), spoke of farmers contaminating the soil.
- Carolyn Fazio owns homes on Woods Street and rents; with annexation rent will go up.
- (Name inaudible), loves being a county resident, spoke in opposition to annexation.
- Juan Alvarado believes that public servants should serve the community and not force an annexation on people that do not want it.
- Mac Munoz expressed that his mother wants no part in annexation.

The public hearing was closed at 7:51 p.m.

There was a brief discussion regarding comments made pertaining to fees and taxes associated with annexation; and the reason the item was brought to Council for consideration again. Staff explained that the City had received a request from a property owner within the County for City services, and the entire area had to be considered as a whole because the annexation of the one property would result in an island.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council consider the approval of Annexation 475, adopt the resolution to approve Annexation 475, and authorize staff to work with property owners to initiate connection to City Services.

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

Documentation: Resolution 87-2015
Disposition: Approved.

14. VACATION OF PORTIONS OF JAYE STREET BETWEEN POPLAR AVENUE AND BROWN AVENUE

- Recommendation: That City Council:
1. Adopt the Resolution of Vacation, including reservations, for portions of Jaye Street between Poplar Avenue and Brown Avenue; and
 2. Authorize the City Clerk to record the Resolution of Vacation.

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

The Public Hearing was opened at 8:11 p.m. Seeing no one, the Mayor closed the Public Hearing at 8:11 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the Resolution of Vacation of Portions of Jaye Street between Poplar Avenue and Brown Avenue. The motion carried unanimously.

Documentation: Resolution 88-2015; Resolution 89-2015; and Resolution 90-2015
Disposition: Approved.

The Council took a ten minute recess at 8:11 p.m.

SCHEDULED MATTERS

15. BID RESULTS FOR THE WILSON PLACE CONCRETE REPAIR PROJECT

- Recommendation: That City Council:
1. Reject all bids, and direct the Public Works Department to re-advertise the project; or
 2. Award the Wilson Place Miscellaneous Concrete Repair Project to Todd Companies in the amount of \$21,500;
 3. Authorize a 10% contingency to cover unforeseen construction costs;
 4. Authorize \$5,000 for construction management, quality control and inspection services; and
 5. Authorize progress payments up to 95% of the contract amount.

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

The Council discussed the re-advertisement of the project, the reason for the low cost estimate that had been submitted by the engineer, the urgency of the project, and potential water problems.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Stowe that the City Council award the Wilson Place Miscellaneous Concrete Repair Project to Todd Companies in the amount of \$21,500; authorize a 10% contingency to cover unforeseen construction cost and \$5,000 for construction management, quality

control and inspection services; and authorize progress payments up to 95% of the contract amount. The motion carried unanimously.

Documentation: M.O. 13-080415
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 provided a brief update on the Declaration of Local Drought Emergency.

There was a discussion regarding funds that the County had received in order to help with the drought and whether the City of Porterville was receiving any of those funds. The Council also discussed an issue with an electrical spike that resulted in an area that had been without well water for three hours.

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

Documentation: M.O. 14-080415
Disposition: Approved.

ORAL COMMUNICATIONS

- Jack Flores requested clarification regarding Council's action on Item No. 16, and inquired about additional water sources.
- Linda Hoy, Wilson Place, inquired about the project identified in Item No. 15, and asked if there was a contingency plan in the event that Todd Companies' license was suspended or revoked while the project was underway.

OTHER MATTERS

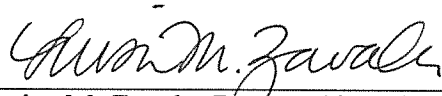
- Council Member Gurrola expressed concern regarding food being eaten at the municipal pool; and stated that the facility was in need of improvements.
- Vice Mayor Hamilton spoke of youth interest in shading the skate park, and inquired about the cost associated with a shade structure.
- Council Member Reyes encouraged residents to continue their water conservation efforts.
- City Manager Lollis spoke of his attendance at a meeting with Dr. Snavelly and Assemblyman Mathis' Office regarding a military institute, and an upcoming community outreach meeting at Sequoia Middle School regarding the Chelsea Rose annexation. He then announced that Jenni Byers was the new Community Development Director.

CLOSED SESSION

None

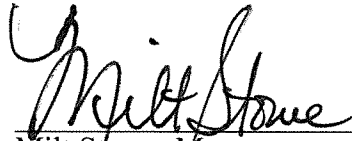
ADJOURNMENT

The Council adjourned at 9:07 p.m. to the meeting of August 18, 2015



Luisa M. Zavala, Deputy City Clerk

SEAL



Milt Stowe, Mayor

