

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 1, 2015, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola (arrived during Closed Session), 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: Johnny Barber. Agency claimed against: City of Porterville.

3- Government Code Section 54956.95 – Liability Claim: Claimant: Litzy Blanco, by and through her Guardian Ad Litem, Maria Luz Pacheco Rivera. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Amy Duran v. City of Porterville, U.S. District Court, Eastern District, Case No. 13-CV-0370-BAM.

5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Roger Cortez v. City of Porterville, U.S. District Court, Eastern District, Case No. 14-CV-00061-LJO-GSA.

6 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One Case in which facts are not yet known to potential plaintiff.

6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported the following action:

3 - GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: LITZY BLANCO, BY AND THROUGH HER GUARDIAN AD LITEM, MARIA LUZ PACHECO RIVERA. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council reject the claim filed by Litzy Blanco.

AYES: Reyes, Ward, Hamilton, Stowe

NOES: None

ABSTAIN: None
ABSENT: Gurrola

Documentation: M.O. 01-090115
Disposition: Approved.

2 - GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: JOHNNY BARBER. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council reject the claim filed by Johnny Barber.

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

Documentation: M.O. 02-090115
Disposition: Approved.

Pledge of Allegiance Led by Mayor Stowe
Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month - Arthur Demarath Jr.

AB 1234 REPORTS

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

1. Consolidated Waste Management Association (CWMA) - August 20, 2015; Council Member Reyes reported on discussion pertaining to the termination of the JPA and the need for each Council to take action regarding their participation.

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
 2. Library & Literacy Commission
 3. Arts Commission - August 26, 2015 – no report.
 4. Animal Control Commission
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)

ORAL COMMUNICATIONS

- Brock Neeley, requested that Item No. 3 be pulled for discussion.

- Barry Caplan, also requested that Item No. 3 be pulled; expressed concerns regarding the City sponsoring the Pioneer Days Queen & Princess Pageant; and requested that the pageant be all-inclusive.

CONSENT CALENDAR

Item Nos. 3 and 6 were pulled for further discussion. It was noted that Council Member Ward had a conflict of interest pertaining to Item No. 5 relative to property ownership.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve Item Nos. 1, 2, 4, 5, and 7 through 14, with the noted abstention. The motion carried unanimously.

1. AUTHORIZATION TO PURCHASE AUDIO-VISUAL EQUIPMENT FOR CENTENNIAL PLAZA

Recommendation: That the City Council authorize staff to contract with ITC for the purchase and installation of audio-visual equipment for Centennial Plaza in an amount not to exceed \$24,315.57.

Documentation: M.O. 03-090115

Disposition: Approved.

2. EMERGENCY REPAIR OF TRAFFIC SIGNALS AT OLIVE AVENUE & E STREET

Recommendation: That the City Council authorize awarding contract to Loops Electric in the amount of \$28,492.

Documentation: M.O. 04-090115

Disposition: Approved.

4. REJECT ALL BIDS - OHV PARK MANAGEMENT SERVICES

Recommendation: That the City Council:
1. Reject all bids for OHV Park Management Services; and
2. Authorize staff to re-advertise for bids for OHV Park Management Services.

Documentation: M.O. 05-090115

Disposition: Approved.

5. AWARD OF BID - REPLACEMENT OF DIGESTER MIXING PUMP & VALVES

Recommendation: That the City Council:
1. Award the Replacement of Digester Mixing Pump to JM Squared Associates, Inc. in the amount of \$51,513.91; and
2. Reject the bid of Replacement of Valves from JM Squared Associates, Inc. and seek new quotes for valves that meet the project specifications.

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

Documentation: M.O. 06-090115
Disposition: Approved.

7. AUTHORIZATION TO ISSUE REQUEST FOR PROPOSALS (RFP) FOR THE DEMOLITION OF THE HENRY HOUSE

Recommendation: That the City Council:

1. Accept the RFP in draft form;
2. Authorize staff to distribute the RFP to demolition contractors once the Lead-Based Paint and Asbestos Survey is complete; and
3. Authorize the Finance Director to appropriate the funds for commencement of the Hazardous Materials Survey and Demolition Project.

Documentation: M.O. 07-090115
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – PALABRA DE VICTORIA CHURCH – COMMUNITY OUTREACH – SEPTEMBER 19, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Palabra de Victoria 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. 08-090115
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT - MONACHE VOCAL DEPARTMENT - KALEIDOSCOPE RUN - SEPTEMBER 27, 2015

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by Porterville Unified School District and Monache Vocal Department, 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. 09-090115
Disposition: Approved.

10. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- MANAGEMENT & CONFIDENTIAL SERIES

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

Documentation: Resolution No. 94-2015

Disposition: Approved.

11. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- PORTERVILLE CITY EMPLOYEES' ASSOCIATION

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

Documentation: Resolution No. 95-2015

Disposition: Approved.

12. REQUEST FOR PROCLAMATION - RELAY FOR LIFE DAYS - OCTOBER 3-4, 2015

Recommendation: That the City Council consider approval of the request to proclaim October 3rd and 4th as "Relay for Life Days."

Documentation: M.O. 10-090115

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - LIBRARY CARD SIGN-UP MONTH - SEPTEMBER 2015

Recommendation: That the City Council consider approval of the request to proclaim September 2015 as "Library Card Sign-Up Month."

Documentation: M.O. 11-090115

Disposition: Approved.

14. REQUEST FOR PROCLAMATION - LITERACY AWARENESS MONTH - SEPTEMBER 2015

Recommendation: That the City Council consider approval of the request to proclaim September 2015 as "Literacy Awareness Month."

Documentation: M.O. 12-090115

Disposition: Approved.

PUBLIC HEARINGS

15. HOUSING RELATED GENERAL PLAN AMENDMENT AND DEVELOPMENT ORDINANCE TEXT AMENDMENT

- Recommendation: That the City Council:
1. Adopt the draft resolution approving a General Plan Amendment to incorporate text and figures regarding municipal infrastructure as required by SB 244;
 2. Adopt the draft ordinance amending Table 201.03 of the Porterville Development Ordinance (Chapter 21 of the Porterville Municipal Code) to establish a minimum density of 20 units per net acre in the RM-3 (High Density Residential) zone district; and
 3. Waive further reading, and order the ordinance to print.

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

The Mayor opened the Public Hearing at 6:51 p.m. Seeing no one, the Mayor closed the Public Hearing at 6:51 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving a General Plan Amendment to incorporate text and figures regarding municipal infrastructure as required by SB 244; adopt the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO ESTABLISH A MINIMUM DENSITY OF 20.0 UNITS PER NET ACRE WITHIN THE RM-3 (HIGH DENSITY RESIDENTIAL) ZONE DISTRICT; waive further reading, and order the ordinance to print. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Resolution No. 96-2015; and Ordinance No. 1826
Disposition: Approved.

16. PROPOSED ANNEXATION 480

- Recommendation: That the City Council adopt the draft resolution to approve Annexation 480, including a minor amendment to the Urban Development Boundary.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report. It was reported that Community Development Director Byers had a conflict of interest pertaining to real property.

The Public Hearing was opened at 6:59 p.m.

- Judy Kaiser, requested City Council approval of the annexation.
- Val Staley, spoke in favor of approval.

The Public Hearing was closed at 7:01 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution to approve Annexation 480, including a minor amendment to the Urban Development Boundary. The motion carried unanimously.

Documentation: Resolution No. 97-2015

Disposition: Approved.

SECOND READINGS

17. SECOND READING - ORDINANCE 1825 - PORTERVILLE DEVELOPMENT ORDINANCE AMENDMENT

Recommendation: That the City Council give Second Reading to Ordinance No. 1825, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1825, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE DEVELOPMENT ORDINANCE TO INCLUDE INDOOR SHOOTING RANGE AS A SMALL-SCALE COMMERCIAL ENTERTAINMENT AND RECREATIONAL TYPE USE WITH A MINOR CONDITIONAL USE PERMIT APPROVAL, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1825

Disposition: Approved.

SCHEDULED MATTERS

18. PRESENTATION OF POTENTIAL TULARE COUNTY REGIONAL TRANSPORTATION IMPACT FEES AS PROPOSED BY THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS

Recommendation: That the City Council receive the presentation of potential Tulare County Regional Transportation Impact Fees as proposed by the Tulare County Association of Governments, and provide direction as determined.

City Manager Lollis introduced the item and introduced presenter Ted Smalley, Director of Tulare County Association of Governments.

Following the presentation, the Council discussed: the need for a regional approach, potential changes on the State and Federal level, upcoming projects, the impact of new commercial development, and difficulties identifying a number all the cities and County can agree on.

Mike Lane, Building Industry Association (BIA) of Tulare and Kings Counties, commended Mr. Smalley and his staff for the work they have done; spoke of current impact fees in Tulare, Visalia and Porterville; and stated that members of the BIA were not in favor of a regional transportation impact fee.

The Council directed that Council Member Gurrola, on behalf of the Council, advocate for the inclusion of commercial development, and the County charging at the large city rate.

Documentation: None.
Disposition: Direction given.

The Council took a ten minute recess at 7:45 p.m.

20. MEDICAL CANNABIS ORDINANCE- REVIEW OF FIRST YEAR

Recommendation: That the City Council review the information provided herein and, if desired, provide direction to gather additional information or schedule a public hearing to consider modifications to the existing ordinance.

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

Following the report, discussion ensued regarding a recent visit to a dispensary by some members of the City Council and staff. Police Chief Kroutil addressed questions regarding the dispensary visit and its operation; and City Attorney Lew advised of potential ballot measures in 2016.

Wes (last name unknown), dispensary operator, spoke regarding water use associated with medical cannabis farming; and addressed questions regarding security.

Staff was directed to look into regulations pertaining to dispensaries.

Documentation: None.
Disposition: Direction given.

19. OPERATION, USE, AND MAINTENANCE COVENANT ON CITY-OWNED DOWNTOWN PARKING LOT

Recommendation: That the City Council:

1. Approve the draft resolution;
2. Authorize the Mayor to execute all necessary documents; and
3. Authorize staff to record with the County Recorder an Operation, Use, and Maintenance Covenant running with the land on the City-owned

parking lot on the southeast corner of Hockett Street and Cleveland Avenue.

City Manager Lollis introduced the item. Community Development Director Byers presented the staff report and addressed questions from the Council regarding the purpose of the covenant.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the draft resolution; authorize the Mayor to execute all necessary documents; and authorize staff to record with the County Recorder an Operation, Use, and Maintenance Covenant running with the land on the City-owned parking lot on the southeast corner of Hockett Street and Cleveland Avenue. The motion carried unanimously.

Documentation: Resolution No. 98-2015
Disposition: Approved.

21. CONSIDERATION OF TERMINATING THE JOINT POWER AGREEMENT (JPA) WITH CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA)

Recommendation: That City Council authorize the City's CWMA Board Member to vote to terminate the CWMA JPA.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. There was brief discussion regarding the purpose of the JPA and the ability of cities to meet the diversion requirements independently.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council authorize Council Member Reyes to vote to terminate the CWMA JPA. The motion carried unanimously.

Documentation: M.O. 13-090115
Disposition: Approved.

22. 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;
2. Determine the time period and quantity of water to be provided for purchase by the County in support of the East Porterville Household Tank Program; and
3. Review any modifications to the draft Agreement between the City and County of Tulare.

City Manager Lollis introduced the item and presented the staff report. He then addressed questions regarding the status of rental properties and requests for water outside the Urban Development Boundary.

The Council voiced disappointment regarding the water legislation that was recently suspended by Senator Lara; and requested an update on the water levels at the Village Garden wells.

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

Documentation: M.O. 14-090115
Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

3. POLICE VEHICLE REPAIR ADDITIONAL EXPENDITURE AUTHORIZATION

Recommendation: That the City Council authorize the additional payment of \$4,446.03 for the repairs to the 2011 Ford Crown Victoria Police Interceptor (Unit #3320).

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Police Chief Kroutil addressed questions regarding damage discovered during the repair process, which resulted in the need for additional payment.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council authorize the additional payment of \$4,446.03 for the repairs to the 2011 Ford Crown Victoria Police Interceptor (Unit #3320). The motion carried unanimously.

Documentation: M.O. 15-090115
Disposition: Approved.

6. AUTHORIZATION TO PURCHASE PLAYGROUND FENCING FOR VETERANS' PARK

Recommendation: That the City Council authorize staff to purchase playground fencing for Veteran's Park from Anderson Fence Co. in the amount of \$5,579.54 from the City Council Special Purposes Account.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. Parks and Leisure Services Director Donnie Moore addressed questions from the Council regarding the costs to complete playground fencing at Murry Park as well.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council authorize staff to purchase playground

fencing for Veteran's Park from Anderson Fence Co. in the amount of \$5,579.54 from the City Council Special Purposes Account.

Documentation: M.O. 16-090115

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

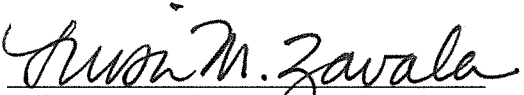
- Vice Mayor Hamilton, reported on his attendance at the Library Concert at the Park and commended the Parks & Leisure Services Department for organizing a successful event.
- Council Member Ward, suggested that the City publicize the installation of outdoor fitness equipment at Fallen Heroes Park.
- Council Member Reyes, spoke of his recent visit to Fallen Heroes Park; and announced that the new Leadership Porterville Class would have their first session next week.
- Mayor Stowe, reminded everyone in attendance of the upcoming First Friday Coffee event.
- City Manager Lollis, provided an update on the City's receivership program and Housing Element Community Outreach.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:09 p.m. to the meeting of September 15, 2015.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor

