

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 4, 2014, 5:30 P.M.**

Called to Order at 5:32 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived at 5:50 p.m.), 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: APN 261-020-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Linda Mourton. Under Negotiation: Terms and Price.
- 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-007. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Steve Fealey. Under Negotiation: Terms and Price.
- 3- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-192-009. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Colliers International. 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: John Duran v. City of Porterville, et al., United States District Court, Eastern District of California, Case No. 12:-CV-01239-LJO-BAM.
- 6- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Corridor Group LLC, Tulare Superior Court No. PCU255344
- 7- Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case in which facts are not known to potential plaintiff.
- 8- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

6:30 P.M. RECONVENE OPEN SESSION

City Attorney Lew reported that no reportable action had taken place.

Pledge of Allegiance Led by Council Member Ward
Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month – Jason Ridenour

PROCLAMATIONS

Porterville College Veterans Resource Center Day – November 7, 2014

AB 1234 REPORTS

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

1. Tulare County Economic Development Corporation (TCEDC) – October 22, 2014
City Manager Lollis spoke about Promise Zones, a federal plan to use resources to help bring jobs and develop businesses in underprivileged areas, and the Board's interest in applying for designation.

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 – no meeting or report.
 2. Library & Literacy Commission – no meeting or report.
 3. Arts Commission – no meeting or report.
 4. Animal Control Commission – November 3, 2014 – Commissioner Schwartzenberger reported on discussion of laws pertaining to animals, and action regarding a request for additional members.
 5. Youth Commission – no meeting or report.
 6. Transactions and Use Tax Oversight Committee (TUTOC) – October 22, 2014 – Committee – Committee Chair Fletcher reported on discussion pertaining to the committee's charge and future consideration of expenditures on animal control; and announced the next meeting of the committee on November 12th.

Following Mr. Fletcher's report, Council Member Gurrola and Vice Mayor Hamilton expressed concerns regarding the Transactions and Use Tax Oversight Committee's consideration of the potential use of Measure H funds for animal control services; and advised that they are an oversight committee charged with monitoring the expenditure of General Fund revenues derived from the tax.

- II. Staff Informational Reports
 1. Street Performance Measure – 1st Quarterly Report
 2. Code Enforcement Report, First Quarter of FY 2014-2015
 3. Attendance Records for Commissions, Boards and Committees – 1st Quarter Report – FY 2014/15
 4. Report on Charitable Car Washes
 5. Quarterly Porterville Golf Course Report
 6. Assembly Bill 1147 Legislation Summary
 7. Attorney General's Opinion Regarding Conflicts-Of-Interest (Health & Safety Code Section 33130 and 33130.5) in Regard to the Former Redevelopment Agency and

City Council Acting as Successor Agency to the Porterville Redevelopment Agency
8. Update on Alternatives for Upgrades to the Council Chambers

ORAL COMMUNICATIONS

- Fred and Elva Beltran, Porterville, provided an update of drought relief efforts, and announced the final distribution of water on November 9, 2014, from 1:00 p.m. to 5:00 p.m.
- Barry Caplan, spoke of Item No. 17, and requested that the Council rescind the proclamation process adopted last October.
- Dawn Jobe, spoke her belief that the newly adopted medical marijuana ordinance violated HIPPA law.

CONSENT CALENDAR

Council Member Ward indicated that he would be abstaining from Item No. 2 due to a conflict pertaining to property ownership.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve Item Nos. 1 through 12, noting Council Member Ward’s abstention from Item No. 2. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 4, 2014

Recommendation: That the City Council approve the Minutes of March 4, 2014.

Documentation: M.O. 01-110414

Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – TRANSIT MAINTENANCE & CNG FUELING FACILITY EXPANSION PROJECT

Recommendation: That the City Council:

1. Approve staff's recommended plans and project manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the Finance Director to appropriate Solid Waste Funds in the amount of \$300,000.

AYES: Reyes, Gurrola, Hamilton, Stowe

NOES: None

ABSENT: None

ABSTAIN: Ward

Documentation: M.O. 02-110414

Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE AND EXECUTE A CONTRACT – TRANSIT WEBSITE DEVELOPMENT

Recommendation: That the City Council:

1. Authorize staff to negotiate a contract with Infinite Computing Systems for an anticipated fee “not to exceed” \$20,000 for transit website design services;
2. Authorize staff to negotiate a contract with the two second-ranked firms if staff is unable to negotiate an acceptable contract with Infinite Computing Systems;
3. Authorize the Mayor to sign all contract documents;
4. Authorize progress payments up to 100% of the negotiated fee amount; and
5. Authorize a 10% contingency to cover unforeseen events that relate to the design efforts.

Documentation: M.O. 03-110414

Disposition: Approved.

4. AWARD CONTRACT FOR FIBER INSTALLATION

Recommendation: That City Council:

1. Authorize a “not to exceed” \$11,282.87 contract to GA Technical Services, Inc. for the transit fiber installation project; and
2. Authorize staff to make payments up to 100% upon satisfactory completion of all work.

Documentation: M.O. 04-110414

Disposition: Approved.

5. ACCEPTANCE OF PROJECT – CHASE PARK IMPROVEMENTS PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 05-110414

Disposition: Approved.

6. ACCEPTANCE OF PROJECT – MICRO-SURFACING PROJECT (DATE AVENUE, HENDERSON AVENUE, INDIANA STREET, JAYE STREET AND MAIN STREET)

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and

3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 06-110414

Disposition: Approved.

7. RATIFICATION OF EXPENDITURE – SCE STREET LIGHTS FOR THE WEST NORTH GRAND RECONSTRUCTION PROJECT

Recommendation: That the City Council:

1. Approve the costs associated with installation of the street lights; and
2. Authorize the City Engineer to sign the SCE application and issue a \$59,936.62 payment.

Documentation: M.O. 07-110414

Disposition: Approved.

8. AUTHORIZATION TO APPLY FOR PUBLIC BENEFIT GRANTS PROGRAM FUNDING

Recommendation: That the City Council:

1. Approve the attached Resolution authorizing staff to act on behalf of the City to apply for PBGP funding for FY 2014/2015; and
2. Authorize the Mayor to execute the Resolution.

Documentation: Resolution No. 76-2014

Disposition: Approved.

9. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – OAK AVENUE (MAIN STREET TO RAILS TO TRAILS) TRANSPORTATION ENHANCEMENT (TE) PROJECT

Recommendation: That the City Council:

1. Approve the program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

Documentation: Resolution No. 77-2014

Disposition: Approved.

10. CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA) MEMBERSHIP 2015-2016

Recommendation: That the City Council:

1. Remain a member of CWMA; and
2. Authorize payment to CWMA for the City's 2015/2016 membership contribution in the amount of approximately \$31,757.

Documentation: M.O. 08-110414

Disposition: Approved.

11. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 09-110414

Disposition: Approved.

12. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 10-110414

Disposition: Approved.

PUBLIC HEARINGS

13. **CONDITIONAL USE PERMIT (PRC 2014-024-C) FOR SALE OF ALCOHOL UNDER A TYPE 41 BEER AND WINE LICENSE IN CONJUNCTION WITH A RESTAURANT FOR ME-N-ED'S PIZZERIA LOCATED AT 1331 W. HENDERSON AVENUE, SUITE #101**

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2014-024-C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

The public hearing was opened at 7:11 p.m. When no one came forward, the Mayor closed the public hearing at 7:12 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2014-024-C) subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 78-2014

Disposition: Approved.

14. SOLID WASTE TRANSFER FACILITY PROJECT ENVIRONMENTAL REVIEW

Recommendation: That the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Solid Waste Transfer Facility Project.

City Manager John Lollis introduced the item, and Council Member Ward indicated that he would be abstaining from the item due to a conflict pertaining to property ownership. The staff report was presented by Community Development Director Byers.

The public hearing was opened at 7:14 p.m. When no one came forward, the Mayor closed the public hearing at 7:15 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving the Mitigated Negative Declaration for the Solid Waste Transfer Facility Project. The motion carried unanimously.

Documentation: Resolution 79-2014

Disposition: Approved.

SCHEDULED MATTERS

15. CONSIDER MODIFICATIONS TO THE CONSOLIDATED WASTE MANAGEMENT AUTHORITY (CWMA) JOINT POWERS AUTHORITY AGREEMENT

Recommendation: That the City Council:

1. Direct staff to communicate to the CWMA Board the Council's desire to retain the powers of the JPA discussed in Item #1;
2. Approve the quorum definition to be 50% + 1 and acquisition by condemnation of property would require 4/5th vote discussed in Item #2; and
3. Approve changing the formula used to determine the allocation of financial responsibility among members be based on landfill tonnages discussed in Item #3.

City Manager John Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. Following the staff report, Deputy Public Works Director/Field Services Manager Bryan Styles and Anne Magana, CWMA Administrator addressed questions from the Council pertaining to the proposed changes and insurance costs should landfill operations be pursued.

COUNCIL ACTION: MOVED by Council Member Reyes, SECONDED by Council Member Ward that the City Council direct staff to communicate to the CWMA Board the Council's desire to retain the powers of the JPA discussed in

Item #1; approve the quorum definition to be 50% + 1 and acquisition by condemnation of property would require 4/5th vote discussed in Item #2; and approve changing the formula used to determine the allocation of financial responsibility among members be based on landfill tonnages discussed in Item #3. The motion carried unanimously.

Documentation: M.O. 11-110414

Disposition: Approved.

16. GOVERNOR'S EXECUTIVE ORDER FOR CALIFORNIA DISASTER ASSISTANCE ACT FUNDING, AND THE PROVISION OF WATER TO EAST PORTERVILLE RESIDENTS

Recommendation: That the City Council consider:

1. The planning effort toward the provision of water service connections to East Porterville county residents in reference to the Governor's Executive Order;
2. The continuation of water delivery service by Mutual Aid Agreement with the County effective November 10, 2014, for at least sixty (60) days; and
3. Approval of the draft letter requesting immediate action and support for Federal Drought Relief Legislation.

City Manager Lollis introduced the item and presented the staff report. A discussion followed regarding the County's Plan, the City approaching the State with a proposal for a more permanent solution, and bond alternatives.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve continuation of water delivery service by Mutual Aid Agreement with the County effective November 10, 2014, for at least sixty (60) days; and approve the draft letter requesting immediate action and support for Federal Drought Relief Legislation. The motion carried unanimously.

Documentation: M.O. 12-110414

Disposition: Approved.

17. CONSIDERATION OF CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council consider the City Council Procedural Handbook, and adopt changes to the Handbook and/or provide direction to staff as deemed appropriate.

Council Member Gurrola indicated that she had a number of items to discuss, but requested

the item be continued to the next meeting and moved up in the agenda in light of the election. Without objection, the item was continued to November 18, and staff was directed to make the item the first for consideration under Scheduled Matters.

Documentation: None.
Disposition: Item continued.

The Council adjourned at 8:17 p.m. to a meeting of the Porterville Public Improvement Corporation.

PORTERVILLE PUBLIC IMPROVEMENT CORPORATION AGENDA
291 N. MAIN STREET, PORTERVILLE, CA 93257

Roll Call: Director Reyes, Director Ward, Director Gurrola, Vice President Hamilton, President Stowe

WRITTEN COMMUNICATIONS

ORAL COMMUNICATIONS

- Barry Caplan, spoke of alleged Brown Action violation pertaining to the agenda.
- Tony Mauck, requested that the Council identify an end date for the provision of water to County residents.

SCHEDULED MATTERS

PIC-01. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:

1. Approve the election of officers as indicated in the attached draft resolution;
2. Accept public comment; and
3. Approve the 2014 Status Report for Certificates of Participation Projects.

Board Secretary Lollis introduced the item, and the staff report was presented by Community Development Director Byers.

BOARD ACTION: MOVED by Director Ward, SECONDED by Vice President Hamilton that the City Council approve the election of officers as indicated in the draft resolution; and approve the 2014 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Documentation: PIC Resolution No. 2014-01
Disposition: Approved.

The Board adjourned at 8:21 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Barry Caplan, Porterville, expressed discontent with the repeated postponement of Item No. 17; stated that he was glad it will be moved up on the next agenda; and suggested that the Council’s proclamation process was negatively affecting economic development.

OTHER MATTERS

- Council Member Gurrola, congratulated Public Works Director Rodriguez on the birth of his granddaughter.
- Council Member Ward, spoke of the upcoming Veteran’s Day festivities; and thanked Police Department personnel for patrol efforts on the parade route.
- Council Member Reyes, expressed his excitement about the race to take place on Veteran’s Day at 2:00 p.m.
- Vice Mayor Hamilton, spoke of the race and his plan to hit every car at least twice.
- Mayor Stowe, spoke of his attendance at the Beckman’s Anniversary event.
- City Manager Lollis, spoke of the Battle of the Badges Blood Drive this week, the opening of the Veterans Resource Center on November 7 at 12:15 p.m., dedication of Fallen Heroes Park on Saturday at 10:00 a.m., the County Planning Commission meeting next week, and the Veteran’s Day Run on Tuesday morning.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:32 p.m. to the meeting of November 18, 2014.

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor