

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
DECEMBER 16, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Ward (arrived at 5:45 p.m.), Council Member Gurrola (arrived at 5:40 p.m.), 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 Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; and all Unrepresented Management Employees.

**2**- 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.

**3**- 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.

**4**- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager

**5**- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Attorney

**6** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Mayor Stowe. Unrepresented Employee – City Manager

**7** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: Mayor Stowe. Unrepresented Employee – City Attorney

**6:30 P.M. RECONVENE OPEN SESSION AND**

**REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Lew reported that no reportable action had been taken and that Council would be returning to Closed Session later that evening.

Pledge of Allegiance Led by Boy Scout Troop 139

Invocation – one individual participated.

**PRESENTATIONS**

Employee of the Month – Maria Medina

**AB 1234 REPORTS**

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

1. Tulare County Association of Governments (TCAG): December 8, 2014  
Council Member Gurrola reported on the 2014 Air Contest Winners, presentations regarding projects in each agency, and recognition of staff, which included Public Works Director Baldo Rodriguez.
2. Local Agency Formation Committee (LAFCO): December 3, 2014  
Vice Mayor Hamilton reported on the appointment of Julie Allen as Chair and Rudy Mendoza as Vice Chair.

## **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 – December 4, 2014  
Chair Vafeades presented the Commission’s Monthly Report, which highlighted: Zalud House Christmas Tours, the Youth Center Christmas Dinner, Senior Christmas Dinner, Winter Day Camp, and the New Year’s Eve Gala.
  2. Library & Literacy Commission – December 9, 2014  
Vice Chair Bailey reported on the welcoming of their new commissioner Patience Christenson, discussions with Mayor Stowe regarding plans for Centennial Plaza, staff presentations, and upcoming photo opportunities with Santa.
  3. Arts Commission – no report.
  4. Animal Control Commission  
Commissioner Schwarzenberger reported on concerns raised regarding a commissioner’s alleged conflict of interest, non-profit designation, a request for additional members, and consideration of the animal control ordinance and fees.
  5. Youth Commission – December 8, 2014  
Commissioners Munguia and Sandoval from Porterville High School reported on discussions with Council Member Reyes regarding the Council’s proclamation process, and provided an update pertaining to their planned dodgeball tournament.
  6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. Staff Informational Reports
  1. Water Conservation Phase II, Water System Status

**Emergency Item:** ADDITION OF ITEM NO. 20, APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE IGLESIA DEL NAZARENO – MOTHERS UNITED AGAINST GANG VIOLENCE – 3<sup>RD</sup> ANNUAL CANDLELIGHT VIGIL FOR VICTIMS OF CRIME – DECEMBER 19, 2014

City Manager Lollis introduced the item, and City Attorney Lew advised that the item met the qualifications for an emergency item.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve the addition of the emergency item

as Item No. 20. The motion carried unanimously.

Documentation: M.O. 01-121614

Disposition: Approved.

### **ORAL COMMUNICATIONS**

- Brittany Watson, introduced herself as the area's representative for Andy Vidak and expressed an eagerness to work with the City of Porterville.
- Brock Neeley, acknowledged Parks and Leisure Services Director Donnie Moore and Parks staff for their efforts to clean up Veteran's Park; and requested that the Council send a letter of disapproval to Senator Tom Coburn for blocking the Veterans Suicide Prevention Bill.

### **CONSENT CALENDAR**

Council Member Ward noted a conflict relative to Item No. 6 and indicated that he would be abstaining from voting on that item.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Item Nos. 1- 10, noting the abstention on Item No. 6. The motion carried unanimously.

1. AUTHORIZATION TO ADVERTISE FOR BIDS – MISCELLANEOUS REPAIR OF THE DOWNTOWN PARKING LOTS

Recommendation: That the City Council:

1. Approve staff's recommended plans and project manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council Minute Order No. 02-100714.

Documentation: M.O. 02-121614

Disposition: Approved.

2. AWARD OF CONTRACT – NEWCOMB STREET SHOULDER STABILIZATION PROJECT

Recommendation: That the City Council:

1. Award the Newcomb Street Shoulder Stabilization Project to Dawson-Mauldin Construction in the amount of \$788,034.50;
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize 8% for construction management, quality control, inspection and construction surveying.

Documentation: M.O. 03-121614

Disposition: Approved.

3. AUTHORIZATION OF ADDITIONAL FUNDING FOR FIBER INSTALLATION

Recommendation: That the City Council:

1. Authorize a “not to exceed” \$17,768.73 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. 04-121614

Disposition: Approved.

4. REQUEST FOR APPROVAL OF THE TELECOMMUNICATIONS AND NETWORK UPGRADE LEASE AGREEMENT WITH TELEPACIFIC AND THE SUPPORT CONTRACT WITH GLOBAL CTI

Recommendation: That the City Council:

1. Approve the upgrade of the City’s telecommunications system and award the 60-month lease agreement to TelePacific Communications;
2. Approve the 1-year support agreement with Global CTI renewable annually for up to 5 years;
3. Authorize the IT Manager to sign all related documents; and
4. Authorize the IT Manager to add or delete equipment and service to these agreements, as they are identified, without modifying the terms and conditions of the agreements.

Documentation: M.O. 05-121614

Disposition: Approved.

5. APPROVAL OF LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COMMUNITY SERVICES EMPLOYMENT TRAINING

Recommendation: That the City Council approve the Santa Fe Depot usage license with CSET for a term of five years, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 06-121614

Disposition: Approved.

6. A RESOLUTION APPROVING THE APPLICATION FOR THE TIRE-DERIVED PRODUCT GRANT

Recommendation: That the City Council:

1. Adopt a resolution approving the application for the Tire-Derived Product Grant; and
2. Authorize the Parks and Leisure Services Director to negotiate the purchase of rubber mulch surfacing at an amount not to exceed \$149,868,

the amount of the grant award.

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

Documentation: Resolution No. 89-2014  
Disposition: Approved.

7. 2014 HSGP (HOMELAND SECURITY GRANT PROGRAM)

Recommendation: That the City Council:

1. Accept the 2014 Homeland Security Grant Award;
2. Authorize the City Manager and Fire Chief to sign grant documents required within 90 days of receipt; and
3. Authorize staff to negotiate the purchase of equipment, using funds from the “firefighting and rescue equipment” replacement fund, not to exceed \$32,952, to be reimbursed by 2014 HSGP grant funds.

Documentation: M.O. 07-121614  
Disposition: Approved.

8. ASSIGNMENT OF AIRPORT LEASE – LOT 38

Recommendation: That the City Council:

1. Approve the Assignment of Lease for Lot No. 38 at the Porterville Municipal Airport from Lighten Up Aviation LLC to Raymond Broad and Dernie Waikiki; and
2. Authorize the Mayor to sign the Lessor’s Consent to Assignment of Lease Agreement on behalf of the City.

Documentation: M.O. 08-121614  
Disposition: Approved.

9. REVISED CHRISTMAS EVE LIBRARY HOURS

Recommendation: That the City Council authorize the closing of the City Library at 5:30 p.m. on Tuesday, December 14, 2014.

Documentation: M.O. 09-121614  
Disposition: Approved.

10. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN – UNREPRESENTED SAFETY AND MISCELLANEOUS MANAGEMENT EMPLOYEES

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

Documentation: Resolution 90-2014

Disposition: Approved.

### **PUBLIC HEARINGS**

11. CONSTRUCTION OF CONCRETE IMPROVEMENTS – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT (NEWCOMB STREET TO PROSPECT STREET)

Recommendation: That the City Council:

1. Take public comments, concerns and questions; and
2. Authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project.

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

Prior to the public hearing, staff addressed questions regarding improvements made in the City's Urban Development Boundary and the provided assessor data.

The Public Hearing was opened at 7:11 p.m.

- Gary Ingraham, indicated that he was not opposed to the proposed improvements; inquired about annexation, water drainage, driveway setbacks and sidewalk installation; and expressed concerns regarding the installation of power poles.

The Public Hearing was closed at 7:17 p.m.

Staff addressed the questions raised during public comment.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council authorize staff to schedule a Public Hearing prior to the establishment of a fee for the concrete improvements, in accordance with the Mitigation Fee Act, upon completion of each project. The motion carried unanimously.

Documentation: M.O. 10-121614

Disposition: Approved.

12. FEES RELATED TO ANNEXATIONS AND EXTRATERRITORIAL SERVICE AGREEMENTS

Recommendation: That the City Council adopt the draft resolution defining fees associated with processing Extraterritorial Service Agreements and “minor” annexations.

The City Manager introduced the item, and the staff report was presented by Community Development Manager Julie Philips.

The Public Hearing was opened at 7:38 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:39 p.m.

Council Member Ward requested clarification from staff regarding the acreage fees charged by the State Board of Equalization and the City fees proposed.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution defining fees associated with processing Extraterritorial Service Agreements and “minor” annexations. The motion carried unanimously.

Documentation: Resolution No. 91-2014

Disposition: Approved.

13. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY LOCATED AT APN #261-020-010, OWNER LYNDA MOURTON, FOR PROPOSED WALKING AND RIDING TRAIL FOR THE TULE RIVER PARKWAY MASTER PLAN PROJECT, PHASE III

Recommendation: That the City Council:

1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

City Manager Lollis introduced the item, and the staff report was presented by City Attorney Lew.

The Public Hearing was opened at 7:49 p.m.

- Lynda Mourton, property owner, claimed that delayed communication was responsible for holding up the process.

The Public Hearing was closed at 7:51 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council adopt the Resolution of Necessity; and authorize the City Attorney to take all appropriate action necessary to

acquire said property on behalf of the City of Porterville. The motion carried unanimously.

Documentation: Resolution No. 92-2014  
Disposition: Approved.

**SECOND READINGS**

14. ORDINANCE 1819, ZONE CHANGE (PRC 2014-026-GZ)

Recommendation: That the Council give Second Reading to Ordinance No. 1819, waive further reading, and adopt said Ordinance.

The City Manager introduced the item, and the staff report was waived at the Council's request.

City Attorney Lew reported that subsequent to the last meeting, it had come to Council Member Gurrola's attention that she had an extended family member who was a part owner in a project effected by the action. She added that Council Member Gurrola was not aware prior to taking action to approve Ordinance No. 1819 for first reading and would be disqualifying herself from this and any future action pertaining to the project. Council Member Gurrola then recused herself and left the Council chambers.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1819, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2014-026-GZ) FROM CN (NEIGHBORHOOD COMMERCIAL) AND RM-2 (MEDIUM DENSITY RESIDENTIAL) TO CR (RETAIL CENTERS) FOR THAT 1.3± ACRE SITE DESCRIBED HEREIN LOCATED AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET, waive further reading, and adopt said Ordinance.

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

The ordinance was read by title only.

Documentation: Ordinance 1819  
Disposition: Approved.

15. ORDINANCE 1820, MOBILE BUSINESSES, ITINERANT VENDORS AND YARD SALES

Recommendation: That the Council give Second Reading to Ordinance No. 1820, waive further



reading, and adopt said Ordinance.

City Manager Lollis introduced the item and the staff report was waived at the Council's request.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1820, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 21, SECTION 301.09 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING MOBILE BUSINESSES, AMENDING CHAPTER 15, SECTION 15-1 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING DEFINITIONS OF ITINERANT VENDORS, AND AMENDING CHAPTER 21, SECTION 301.21 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING YARD SALE SIGNAGE, waive further reading, and adopt said Ordinance.

AYES: Reyes, Ward, Hamilton, Stowe

NOES: None

ABSTAIN: Gurrola

ABSENT: None

The ordinance was read by title only.

Documentation: Ordinance 1820

Disposition: Approved.

### **SCHEDULED MATTERS**

#### 18. ISSUES RELATED TO IMPLEMENTATION OF CARGO CONTAINERS REGULATIONS

Recommendation: That the City Council consider whether, and to what degree, previously "approved" cargo containers may remain on site and provide direction to staff accordingly.

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

A discussion followed regarding sites with more than three cargo containers, businesses that have cited prior authorization from a City Building Official to locate and maintain cargo containers, and those that have been out of compliance for many years.

Staff reported that only two businesses had been in for permits since notifications had been sent out two months ago, and that there were many unhappy about the permit requirement. The Council discussed extending the compliance date to February in light of the holidays and the proposed grandfathering elements, which included:

- If the business owner with a cargo container was issued a written letter of approval from City staff, but was not placed on the site in a manner consistent with Resolution 14-2014, the container may have the first five year period of a long-term temporary permit free of charge, and at the end of the five year period, compliance must be reached before a new permit would be issued.
- In the event that the business owner with a cargo container was issued a written letter of approval from City staff and was placed on a permanent foundation and meeting all conditions of Resolution 14-2014, it can be grandfathered with adequate documentation of approval in the form of a written letter by the Zoning Administrator.
- If the cargo container was referenced within or otherwise approved as part of a building permit and placed on a permanent foundation and meeting all conditions of Resolution 14-2014, it can be grandfathered by the Zoning Administrator.

Council Member Ward expressed concern with grandfathering if it was for an indefinite amount of time and recommended it be for a five year period, and Vice Mayor Hamilton spoke in favor of flexibility with regard to those out of sight.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve amending Resolution Nos. 14-2014 and 15-2015 to incorporate the grandfathering elements proposed and extending the compliance date to February 1, 2015. The motion carried unanimously.

Documentation: M.O. 15-121614  
Disposition: Approved.

16. AWARD OF CONTRACT – W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT (NEWCOMB STREET TO PROSPECT STREET)

Recommendation: That the City Council:

1. Award the W. North Grand Avenue Reconstruction Project to MAC General Engineering in the amount of \$1,133,650.40;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and 7.5% for construction management, quality control and inspection.

The City Manager introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez. At the request of Council Member Ward, staff provided some general information about the contractor.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council award the W. North Grand Avenue Reconstruction Project to MAC General Engineering in the amount of

\$1,133,650.40; authorize progress payments up to 95% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 7.5% for construction management, quality control and inspection. The motion carried unanimously.

Documentation: M.O. 11-121614  
Disposition: Approved.

17. CONSIDERATION OF APPOINTMENTS TO THE TRANSIT ADVISORY COMMITTEE

Recommendation: That the City Council appoint three individuals to serve two-year terms as members of the Transit Advisory Committee, and two individuals to serve one-year terms.

City Manager Lollis introduced the item and the staff report was waived at the Council's request. Transit Manager Rich Tree reported that Karmine Calderon had requested her application be removed from consideration, and Edith Pettitt (in attendance) expressed an interest in serving.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council appoint Dianne Martinez, Lori Hansen, Pamela DeLair, Kelly Jo McCullar and Edith Pettitt to the Transit Advisory Committee; and authorize the Transit Manager to assign terms at his discretion. The motion carried unanimously.

Documentation: M.O. 12-121614  
Disposition: Approved.

19. AUTHORIZATION TO NEGOTIATE LEASE OF PROPERTY

Recommendation: That the City Council authorize staff to negotiate the lease of Suite Eight and the joint use agreement of Suite Seven for Centennial Plaza located at 289 N. Main Street.

City Manager Lollis introduced the item, and Economic Development Associate Jason Ridenour presented the staff report.

The Council discussed: future plans for library use, the Library and Literacy Commission's knowledge of the proposed lease by Transit, ADA issues, and the proposed improvements to the property.

Council Member Gurrola noted that the planning process for the library media room could take some time to complete, and identified the proposed lease as an opportunity to improve the building for future use.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member

Gurrola that the City Council authorize staff to negotiate the lease of suite eight and the joint use agreement of suite seven for Centennial Plaza located at 289 N. Main Street. The motion carried unanimously.

Documentation: M.O. 13-121614

Disposition: Approved.

20. APPROVAL FOR COMMUNITY CIVIC EVENT – PORTERVILLE IGLESIA DEL NAZARENO – MOTHERS UNITED AGAINST GANG VIOLENCE – 3<sup>RD</sup> ANNUAL CANDLELIGHT VIGIL FOR VICTIMS OF CRIME – DECEMBER 19, 2014

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by Porterville Iglesia del Nazareno and Mothers United Against Gang Violence, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

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

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the Community Civic Event Application and Agreement submitted by Porterville Iglesia del Nazareno and Mothers United Against Gang Violence, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application. The motion carried unanimously.

Documentation: M.O. 14-121614

Disposition: Approved.

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

- Council Member Gurrola, wished everyone a Merry Christmas and a Happy New Year.
- Vice Mayor Hamilton, requested an item on an upcoming agenda regarding digital advertising.
- Council Member Ward, commended staff for their efforts after the recent storm; and expressed his dissatisfaction with the downtown Christmas décor and an interest in considering an improvement before next year.
- Council Member Reyes, voiced his appreciation for all those involved with Santa’s visit to Centennial Plaza.
- Mayor Stowe, shared Council Member Ward’s concern regarding the appearance of downtown during the holidays and throughout the year; and wished everyone a Merry Christmas.

- City Manager Lollis, announced the Employee Christmas Luncheon was to take place on Thursday, and reminded the Council of Wall of Fame appointments.

**CLOSED SESSION**

The Council took a five minute recess at 9:12 p.m., and reconvened in Closed Session.

**ADJOURNMENT**

The Council adjourned at 9:51 p.m. to the meeting of January 20, 2014.

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Luisa M. Zavala, Deputy City Clerk

SEAL

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Milt Stowe, Mayor