

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 19, 2016, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Reyes, Council Member Ward, 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 Peace Officers Association; Fire Officer Series; and Porterville City Firefighters Association.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Al Saleh. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Carolyn Jones. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Ruffina Lemus. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Nuckols and Nuckols Farming v. City of Porterville, Tulare County Superior Court Case No. 261084.
- 6 - Government Code Section – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.
- 7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.
- 8 - Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Manager.
- 9 - Government Code Section 54957 - Public Employee Performance Evaluation - Title: City Attorney.

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

City Attorney Lew reported on the following action:

- A-2. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Gurrola the City Council unanimously rejected the claim filed by Al Saleh.

Documentation: M.O. 01-011916

Disposition: Claim rejected.

- A-3. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council unanimously rejected the claim filed by Carolyn Jones.

Documentation: M.O. 02-011916

Disposition: Claim rejected.

- A-4. On a MOTION made by Council Member Ward, and SECONDED by Council Member Reyes the City Council unanimously rejected the claim filed by Ruffina Lemus.

Documentation: M.O. 03-011916

Disposition: Claim rejected.

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

PRESENTATIONS

Employee of the Month – Augie Gonzalez
Retirement of K-9 Officer Dodge

AB 1234 REPORTS

There were no reports.

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 - January 7, 2016 – Commissioner Bennet presented the Commission's monthly report.
 2. Library & Literacy Commission - January 12, 2016 – Commission Vice Chair May provided a report of the Commission's last meeting, and presented the library's monthly highlights.
 3. Arts Commission
 4. Animal Control Commission - January 4, 2016 – Commission Chair Schwartzenberger reported on the items from the last meeting, and requested approval and translation of an informational flyer to be distributed in utility bills.
 5. Youth Commission - January 11, 2016
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Water Conservation Phase IV Status Update
 2. Community Development Block Grant - Business Assistance Program Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, wished everyone a Happy New Year; and spoke of low income populations and alcohol sales with regard to Item No. 26.
- Jean Vafeades inquired about the status of additional personnel at the animal shelter; and stated that she had heard animal shelter employees were not allowed to speak to Porterville Animal Control Commissioners.
- Brenda Cameron, volunteer at the Porterville Animal Shelter, spoke in support of the purchase of a commercial washer and dryer for shelter use.
- Martha Flores, Porterville, spoke of recent experience with K-9 officer and police officer personnel, and expressed gratitude for services rendered.

CONSENT CALENDAR

There were no items pulled for discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve Item Nos. 1 through 18.
The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 19, 2015

Recommendation: That the City Council approve the Minutes of May 19, 2015.

Documentation: M.O. 04-011916

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE DOG PARK FENCING

Recommendation: That the City Council authorize the purchase of dog park fencing from Spence Fence in the amount of \$13,140.

Documentation: M.O. 05-011916

Disposition: Approved.

3. REQUEST TO PURCHASE FIREFIGHTER TURNOUTS

Recommendation: That City Council approve the purchase of thirty (30) sets of firefighter turnouts from L.N. Curtis & Sons for \$48,898.24. Twenty (20) sets are to be reimbursed from the 2015 HSGP in the amount of \$32,599, and ten (10) sets to be funded with the Fire Department "Firefighting and Rescue Equipment" replacement fund in the amount of \$16,299.24.

Documentation: M.O. 06-011916

Disposition: Approved.

4. REQUEST TO PURCHASE AUTO THEFT PREVENTION EQUIPMENT

Recommendation: That the City Council:

1. Authorize the Police Department to purchase 1,365 units Auto Theft Task Force steering wheel locks for the amount of \$15,001.35;
2. Authorize the Police Department to purchase one (1) CovertCAM Advanced Kit with tracker for the amount of \$4,880.26; and
3. Authorize the Police Department to purchase four (4) Hand-Held Flir devices for the amount of \$11,537.00.

Documentation: M.O. 07-011915

Disposition: Approved.

5. AUTHORIZATION TO PURCHASE WIRELESS PORTABLE LIFTS

Recommendation: That the City Council:

1. Authorize the purchase of mobile lifting columns from Stertil-Koni at a cost not to exceed \$59,642.60; and
2. Authorize payment upon delivery and acceptance.

Documentation: M.O. 08-011916

Disposition: Approved.

6. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT - OUTFALL PUMP #2 VARIABLE FREQUENCY DRIVE (VFD)

Recommendation: That the City Council authorize the purchase of specialized equipment (Outfall Pump #2 VFD) from Medallion Supply, Inc. at a cost of \$6,761.65.

Documentation: M.O. 09-011916

Disposition: Approved.

7. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT - OXYGEN TRIM PROGRAMMABLE CONTROLLER

Recommendation: That City Council authorize the purchase of specialized equipment (oxygen trim controller) from Fireman Boiler at a cost of \$6,300.

Documentation: M.O. 10-011916

Disposition: Approved.

8. AUTHORIZATION TO ADVERTISE FOR BIDS - LIME STREET RECONSTRUCTION PROJECT

Recommendation: That 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 MO #02-100714.

Documentation: M.O. 11-011916
Disposition: Approved.

9. AUTHORIZATION FOR REPAIR OF ROWLAND WELL NO. 7

Recommendation: That City Council:

1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$14,482 for the repair of Rowland Well No. 7; and
2. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 12-011916
Disposition: Approved.

10. AUTHORIZATION TO PARTICIPATE IN THE ZERO-EMISSION TRUCK AND BUS PILOT COMMERCIAL DEPLOYMENT PROJECTS

Recommendation: That the City Council:

1. Authorize the Mayor to sign a Letter of Commitment to participate in a Zero-Emission Truck and Bus Pilot Commercial Deployment project;
2. Authorize the Transit Manager to file and execute applications and any other documents on behalf of the City of Porterville for a Zero-Emission Truck and Bus Pilot Commercial Deployment project; and
3. Authorize the City's local match commitment for a Zero-Emission Truck and Bus Pilot Commercial Deployment project.

Documentation: M.O. 13-011916
Disposition: Approved.

11. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY - STATE MASTER AGREEMENT – TULE RIVER PARKWAY PHASE III 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. 01-2016
Disposition: Approved.

12. ACCEPTANCE OF WALMART COMMUNITY GIVING GRANT

Recommendation: That the City Council:

1. Authorize the acceptance of the Walmart Community Giving Grant funds in the amount of \$2,400; and

2. Approve the deposit of these funds into the Police Department's Crime Prevention account for future purchases of educational items.

Documentation: M.O. 14-011916

Disposition: Approved.

13. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2015.

Documentation: M.O. 15-011916

Disposition: Approved.

14. COMMUNITY CLEAN-UP EVENTS

Recommendation: That City Council:

1. Declare April 16, 2016, "Spring Clean-Up Day" and October 15, 2016, "Fall Clean-Up Day;"
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating Budget.

Documentation: M.O. 16-011916

Disposition: Approved.

15. CONSIDERATION OF APPROVAL OF OUT-OF-STATE TRAVEL

Recommendation: That the City Council authorize the Administrative Service Director to attend the National Public Employer Labor Relations Association's Annual Conference scheduled to take place April 17 through 21, 2016, in Memphis, TN, at a cost estimated not to exceed \$1,500.

Documentation: M.O. 17-011916

Disposition: Approved.

16. AUTHORIZATION TO TRAVEL OUT OF STATE

Recommendation: That the City Council approve travel to Las Vegas, Nevada, for the purpose of attending the International Council of Shopping Centers conference.

Documentation: M.O. 18-011916

Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT - BOYS AND GIRLS CLUB - LOVE OUR KIDS 5K FUN RUN - FEBRUARY 13, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club, subject to the Restrictions and Requirements contained in the Application, Agreement, and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 19-011916

Disposition: Approved.

18. APPROVAL OF CITY CONCESSION LICENSES

Recommendation: That the City Council approve the concession licenses with American Youth Soccer Organization and Porterville Bobby Sox, and authorize and direct the Mayor to execute the same.

Documentation: M.O. 20-011916

Disposition: Approved.

ADMINISTRATIVE HEARINGS

19. CONSIDERATION OF REVOCATION OF BUSINESS LICENSE - ASIAN RELAXING STATION, 870 W. HENDERSON AVENUE, PORTERVILLE

Recommendation: That the City Council:

1. Hold the hearing to consider the revocation of the business license for Asian Relaxing Station and Mei Guo, located at 870 W. Henderson Avenue; and
2. Take action to revoke the business license and approve the draft Resolution.

City Manager Lollis introduced the item. City Attorney Lew reported that the owner had terminated the business license, therefore no action was required.

Disposition: No action required.

PUBLIC HEARINGS

20. MINOR CONDITIONAL USE PERMIT (PRC 2015-040-C) TO ALLOW THE USE OF VAPE LOUNGE IN CONJUNCTION WITH RETAIL SALES FOR E-CIG ROOM

Recommendation: That the City Council adopt the draft resolution approving Minor Conditional Use Permit (PRC 2015-040-C) to allow the use of a vape lounge in conjunction with retail sales for E-Cig Room subject to conditions of approval.

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

The Public Hearing was opened at 7:20 p.m.

- Iskander Homran, applicant, stated that he was willing to work with the Council and the City, and requested approval of the Minor Conditional Use Permit.
- David Webber, stated that the vape lounge was a nice establishment and spoke in favor of approval.
- Tim Malone, spoke in support of the business and the services provided.

The Public Hearing was closed at 7:22 p.m.

The Council questioned the applicant about business operations, products, and services offered; and questioned staff regarding an existing sign violation.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt the draft resolution approving Minor Conditional Use Permit (PRC 2015-040-C) to allow the use of a vape lounge in conjunction with retail sales for E-Cig Room subject to conditions of approval, as amended to allow 30 days to rectify the existing sign violation. The motion carried unanimously.

Documentation: Resolution No. 02-2016

Disposition: Approved, as amended.

21. MINOR CONDITIONAL USE PERMIT (PRC 2015-031-C) FOR COMMERCIAL CROP CULTIVATION OF CITRUS GROVES

Recommendation: That the City Council:

1. Approve the vector/rodent control plan for the term of the agricultural use; and
2. Adopt the draft Resolution approving the Minor Conditional Use Permit for commercial crop cultivation, subject to conditions of approval.

City Manager Lollis introduced the item, and Associate Planner Fernando Rios presented the staff report.

The Public Hearing was opened at 7:37 p.m.

- Jim Winton, 150 W. Morton, on behalf of the applicant, requested that the word “dripline” be struck from Condition No. 12.

The Public Hearing was closed at 7:38 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the vector/rodent control plan for

the term of the agricultural use; and adopt the draft Resolution approving the Minor Conditional Use Permit for commercial crop cultivation, subject to conditions of approval, as amended to strike the word "dripline" from Condition No. 12. The motion carried unanimously.

Documentation: Resolution No. 03-2016

Disposition: Approved, as amended.

22. AWARD SOLAR PHOTOVOLTAIC SYSTEM POWER PURCHASE AGREEMENT - WASTE WATER TREATMENT FACILITY

Recommendation: That City Council open the public hearing and continue the public hearing to the Council meeting of February 2, 2016.

City Manager Lollis introduced the item.

The Public Hearing was opened at 7:41 p.m. When no one came forward, the Mayor continued the Public Hearing to February 2, 2016.

Disposition: Continued to February 2, 2016.

SECOND READINGS

23. SECOND READING - ORDINANCE 1831 - MASSAGE BUSINESSES

Recommendation: That the Council give Second Reading to Ordinance No. 1831, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council give Second Reading to Ordinance No. 1831, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ESTABLISHING LICENSING REQUIREMENTS FOR MASSAGE BUSINESSES AND PRACTITIONERS, AND ESTABLISHING MASSAGE THERAPY AS A LAND USE ALLOWED IN SPECIFIC ZONE DISTRICTS, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1831

Disposition: Approved.

The Council took a ten minute recess at 7:42 p.m.

SCHEDULED MATTERS

24. SUCCESS RESERVOIR ENLARGEMENT PROJECT

Recommendation: That the City Council:

1. Receive the report regarding the Success Reservoir Enlargement Project;
2. Affirm the approval of the Tulare County Agreement No. FC-84 based on the current cost estimate of the Success Reservoir Enlargement Project of \$40,000,000 by authorizing the Mayor to sign the attached draft Resolution;
3. Authorize the Finance Director to appropriate Water Operating Funds amounting to \$15,000 annually for the cost associated with the coordinated effort to re-engage the USACE and the Department of Water Resources in the Success Reservoir Enlargement Project; and
4. Authorize the Finance Director to appropriate Water Operating Funds for the payment of over-due Success Dam Remediation invoices amounting to \$18,750.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report. Following the report, Mr. Reed introduced Dan Vink, from the Lower Tule River Irrigation District, and David DeGroot, of 4Creeks Engineering, who provided the Council with a report of the project's history and an update of its current status.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council affirm the approval of the Tulare County Agreement No. FC-84 based on the current cost estimate of the Success Reservoir Enlargement Project of \$40,000,000 by authorizing the Mayor to sign the attached Draft Resolution; authorize the Finance Director to appropriate Water Operating Funds amounting to \$15,000 annually for the cost associated with the coordinated effort to re-engage the USACE and the Department of Water Resources in the Success Reservoir Enlargement Project; and authorize the Finance Director to appropriate Water Operating Funds for the payment of over-due Success Dam Remediation invoices amounting to \$18,750. The motion carried unanimously.

Documentation: Resolution No. 04-2016

Disposition: Approved.

25. STATUS AND REVIEW OF DECLARATION OF LOCAL DROUGHT EMERGENCY

Recommendation: That the City Council receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration.

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 approve the continued Declaration of Local Drought Emergency. The motion carried unanimously.

Documentation: M.O. 21-011916

Disposition: Approved continued Declaration of Local Emergency.

The Council adjourned at 8:24 p.m. to a meeting of the Porterville Housing Authority.

PORTERVILLE HOUSING AUTHORITY MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
JANUARY 19, 2016

Roll Call: Members Reyes, Ward, Gurrola, Hamilton and Stowe were present.

WRITTEN COMMUNICATION
ORAL COMMUNICATIONS

None

HOUSING AUTHORITY SCHEDULED MATTERS

HA-26. CONSIDERATION OF THE MODIFICATION OF RESTRICTIVE COVENANTS ON THE VILLA SIENA COMMERCIAL PROPERTY

Recommendation: Provide direction to staff.

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

The City Council discussed the availability of existing parking and the types of businesses conducive to the property; and indicated that it was receptive to modification should a project be proposed.

Disposition: No action. Direction given.

The Housing Authority adjourned at 8:40 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY
MINUTES
291 N. MAIN STREET, PORTERVILLE, CA 93257
JANUARY 19, 2016

Roll Call: Members Reyes, Ward, Gurrola, Hamilton and Stowe were present.

WRITTEN COMMUNICATION
None

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY SCHEDULED MATTERS

SA-27. REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

Recommendation: That the Successor Agency adopt a Resolution approving the Administrative Budget for the period of July 1, 2016, through June 30, 2017, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt a Resolution approving the Administrative Budget for the period of July 1, 2016, through June 30, 2017, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board. The motion carried unanimously.

Documentation: Successor Agency Resolution No. 2016-01

Disposition: Approved.

SA-28. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION PAYMENT SCHEDULE

Recommendation: That the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 16-17 for the period of July 1, 2016, through June 30, 2017, provided that should any modification be required to the ROPS 16-17 by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 16-17 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 16-17 to the Oversight Board.

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 Council Member Gurrola that the City Council adopt a Resolution approving the Administrative Budget for the period of July 1, 2016, through June 30, 2017, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board. The motion carried unanimously.

Documentation: Successor Agency Resolution No. 2016-02

Disposition: Approved.

SA-29. APPOINTMENT OF A NEW MEMBER TO THE OVERSIGHT BOARD

Recommendation: Informational item only. No action required.

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

Disposition: No action required.

The Successor Agency adjourned at 8:45 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

- Brock Neeley lauded the Police Department's expeditious response to a recent robbery.

OTHER MATTERS

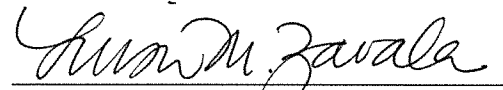
- Council Member Gurrola spoke of the number of local youth who play sports at the McDermott House for lack of a similar facility in town, and suggested that the Council take this into consideration when prioritizing projects in the future.
- Council Member Reyes acknowledged local youth Greg Gasco, an oboe player who made the County Honor Band.
- Council Member Ward requested an update regarding additional personnel for the animal shelter; and suggested that staff look into screening the Corporation Yard from view.
- Vice Mayor Hamilton congratulated the newly married Mr. and Mrs. Will Lloyd.
- City Manager Lollis announced that it was anticipated the Jaye Street Widening Project would begin construction this year.

CLOSED SESSION

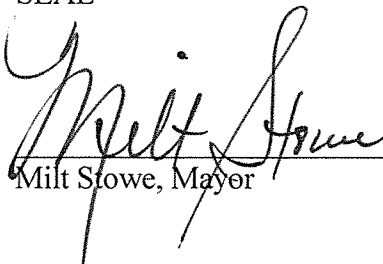
None.

ADJOURNMENT

The Council adjourned at 8:53 p.m. to the meeting of February 2, 2016.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor

