

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 2, 2016, 5:30 PM**

Called to Order at 5:33 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, and Mayor Stowe were present.

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1893 South Newcomb Street, No. 12. Agency Negotiator: John Lollis and Maria Bemis. Negotiating Parties: City of Porterville and Richard Chilcutt. Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, and Steve Kabot. Employee Organizations: Porterville Peace Officers Association; Fire Officer Series and Porterville City Firefighters Association.

3 - 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.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: California Healthy Communities Network v. City of Porterville, California Court of Appeal, Fifth District, Case No. F067685.

5 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

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

**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 taken place in Closed Session.

Pledge of Allegiance was led by Mayor Stowe.

Invocation -- a moment of silence was observed.

PRESENTATIONS

Employee of the Month - Gordon Trott

AB 1234 REPORTS

All AB 1234 reports required pursuant to Government Code § 53232.3.

1. Council of Cities - January 20, 2016

City Manager Lollis reported on consideration of the San Joaquin Valley Water Infrastructure Authority, a new coalition being put together to petition for Prop 1 funds.

2. Local Agency Formation Commission (LAFCO) - January 20, 2016
Vice Mayor Hamilton reported on consideration of an annexation request from a flood control district.
3. Tulare County Association of Governments (TCAG) - January 25, 2016
Council Member Gurrola spoke of an item regarding the beautification of Highway 99, and the City's receipt of a Local Motion Award for the Plano Bridge Project. In addition, she noted that one billion dollars of Measure R monies had been invested to date in Tulare County.
4. San Joaquin Valley Air Pollution Control District (SJVAPCD) - January 21, 2016
Council Member Gurrola reported on efforts pertaining to the Clean Air Act Modernization proposal.
5. Tulare County Economic Development Corp. (TCEDC) - January 27, 2016
Council Member Reyes reported on an informational item pertaining to a new employment tax credit program.

REPORTS

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 - January 27, 2016 (Meeting Cancelled)
 4. Animal Control Commission - February 1, 2016
Vice Chair Debbie Arthur reported on discussion pertaining to: the formation of an independent 501(c)3 meeting on Feb. 11, 2016, in City Hall; Item Nos. 2 and 8; an update on a recent Pet Fair; Compassion for Shelter Animals; and the Board's receipt of Shawn Schwarzenberger's letter of resignation from the commission. The Commission requested solicitation of applications for the commission vacancy, approval of Item Nos. 2 and 8, and approval of additional kennel staff at the shelter.
 5. Youth Commission
 6. Transactions and Use Tax Oversight Committee (TUTOC)
- II. Staff Informational Reports
 1. Attendance Report for City Commissions and Committees - 2nd Quarter FY 2015/16
 2. Building Permit Activity - 2nd Quarter FY 2015/16
 3. Code Enforcement Report - 2nd Quarter FY 2015-2016
 4. Porterville Golf Course - 2nd Quarter FY 2015/16
 5. Street Performance Measure - 2nd Quarter FY 2015/16
 6. Report on Charitable Car Washes
 7. 'Wall of Fame' Honor Designations

ORAL COMMUNICATIONS

- Brock Neeley, lauded Parks' staff for their work on the slough; and presented a summary report and schedule for Suicide Prevention Task Force meetings.

CONSENT CALENDAR

No items were pulled from Consent Calendar.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1 through 8. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JANUARY 19, 2016

Recommendation: That the City Council approve the draft Minutes of January 19, 2016.

Documentation: M.O. 01-020216

Disposition: Approved.

2. PURCHASE OF INDUSTRIAL GRADE WASHER & DRYER FOR THE ANIMAL SHELTER

Recommendation: That the City Council:

1. Authorize department personnel to negotiate the purchase, delivery, and installation of the industrial grade washer and dryer as specified in the quote provided by Western State Design; and
2. Authorize payment upon satisfactory delivery and installation of industrial grade washer and dryer.

Documentation: M.O. 02-020216

Disposition: Approved.

3. REQUEST TO PURCHASE AND INSTALL TRAFFIC SIGNAL PRIORITY EQUIPMENT ON FIRE VEHICLES

Recommendation: That the City Council authorize staff to purchase two (2) Multi-Mode, High Priority, vehicle kits from Advanced Traffic Products Inc., for \$3,500 each, plus applicable sales tax.

Documentation: M.O. 03-020216

Disposition: Approved.

4. ACCEPTANCE OF PROJECT - HENRY HOUSE DEMOLITION

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. 04-020216

Disposition: Approved.

5. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 05-020216

Disposition: Approved.

6. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 06-020216

Disposition: Approved.

7. AUTHORIZATION TO TRAVEL OUT OF STATE

Recommendation: That the City Council approve travel to Washington, DC, for the purpose of attending the Learning Exchange and Celebration at the White House.

Documentation: M.O. 07-020216

Disposition: Approved.

8. APPROVING THE ESTABLISHMENT OF A LIVE RELEASE COORDINATOR POSITION WITHIN THE ANIMAL CONTROL DIVISION

Recommendation: That the City Council:

1. Adopt the draft Resolution providing for the establishment of and budget adjustment for a Live Release Coordinator position within the Animal Control Division of the Police Department; and
2. Amend the Department's Table of Organization, Position Allocation Schedule, and Position Pay Schedule of the City's Pay & Benefit Plan to account for said position.

Documentation: Resolution No. 05-2016

Disposition: Approved.

PUBLIC HEARINGS

9. ADOPTION OF FEES ASSOCIATED WITH MESSAGE BUSINESS REGISTRATION CERTIFICATE

Recommendation: That the City Council:

1. Approve the proposed application for Massage Business Registration Certificates; and
2. Adopt the draft Resolution establishing fees associated with processing and administering a Massage Business Registration Certificate.

City Manager John Lollis introduced the item, and Finance Director Maria Bemis presented the staff report.

The Public Hearing was opened at 7:06 p.m. When no one came forward, the Mayor closed the Public Hearing at 7:06 p.m.

Staff addressed questions from the Council regarding the proposed relocation fee and cost recovery, and indicated that the fees could be adjusted in the future if necessary.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the City Council approve the proposed application for Massage Business Registration Certificates; and adopt the draft Resolution establishing fees associated with processing and administering a Massage Business Registration Certificate, as amended to strike, "It is comprised of staff time to review the certificate application for completeness at a rate of \$20 per hour and an estimated timeframe of 45 minutes (3/4 hour * \$20/hour = \$15)." The motion carried unanimously.

Documentation: Resolution No. 06-2016

Disposition: Approved.

10. MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT 13-81 TO ALLOW THE USE OF A FUNERAL HOME AND CREMATORY AT 765 W. HENDERSON AVENUE

Recommendation: That the City Council adopt the draft Resolution approving Modification No. 2 to Conditional Use Permit 13-81 (PRC-2015-037-M) to allow the use of a funeral home and crematory.

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

Following the staff report, the Council inquired about the block wall requirement and public noticing.

The Public Hearing was opened at 7:29 p.m.

- Daryl Nicholson, representing First Church of the Nazarene, spoke about the history of the property and the proposed use; and requested modifications to conditions pertaining to the following: block wall, loading zone, parking, lot line adjustment, soils compaction test, backflow preventer, and refuse container.

The Public Hearing was closed at 8:02 p.m.

The Council discussed Mr. Nicholson's requests and concerns with staff as they were presented.

Vice Mayor Hamilton and Mayor Stowe indicated that they were both parishioners of First Church of the Nazarene, but had no financial conflict of interest.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft Resolution approving Modification No. 2 to Conditional Use Permit 13-81 (PRC-2015-037-M) to allow the use of a funeral home and crematory, as amended to provide a block wall along the interior lot line of Assessor Parcel Number 252-041-010 where the non-residential use abuts the residential use, waive conditions regarding loading space, and allow shared use of refuse enclosure. The motion carried unanimously.

Documentation: Resolution No. 07-2016

Disposition: Approved.

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

Recommendation: That the City Council:

1. In accordance with Energy Code 4217.12, open the Public Hearing for comments;
2. Authorize Staff, with assistance from the City Attorney, to negotiate a 25-year/\$0.0868 PPA contract with ImMODO Energy Services Corporation for Council's future consideration; and
3. Authorize Staff, with assistance from the City Attorney, to negotiate a contract with SolarCity for Council's future consideration if negotiations fail with the preferred provider.

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

The Public Hearing was opened at 8:19 p.m.

- Daniel Server, ImMODO Energy Services, stated that the company was happy to be here in the community and happy to work with the City.

The Public Hearing was closed at 9:21 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize Staff, with assistance from the City Attorney, to negotiate a 25-year/\$0.0868 PPA contract with ImMODO Energy Services Corporation for Council's future

consideration; and authorize Staff, with assistance from the City Attorney, to negotiate a contract with SolarCity for Council's future consideration if negotiations fail with the preferred provider. The motion carried unanimously.

Documentation: M.O. 08-020216

Disposition: Approved.

The Council took a five minute recess at 8:20 p.m.

SCHEDULED MATTERS

12. MAIN STREET TREE LIGHTS

Recommendation: That City Council provide staff direction regarding Main Street tree lights.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The Council discussed cost savings, potential benefits, and hours of operation.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve keeping the tree lights up; and authorize Parks and Leisure Services Director Moore to work with Parks and Leisure Services Commission to determine hours of operation. The motion carried unanimously.

Documentation: M.O. 09-020216

Disposition: Approved.

13. 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. Approve the connection to City water of a mobile laundry trailer to be placed in East Porterville.

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

The Council briefly discussed the request for water connection and expressed concerns regarding competing with local businesses and the amount of water needed for a laundry trailer.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the continued Declaration of Local Drought Emergency; and deny the request for connection to City water. The motion carried unanimously.

Documentation: M.O. 10-020216

Disposition: Approved continued Declaration of Local Emergency; and denied request for water connection.

ORAL COMMUNICATIONS

- Jeffrey Faure requested modifications to the City's existing medical cannabis ordinance in anticipation of proposed legislation that could potentially become law after the November election.

OTHER MATTERS

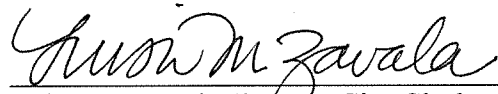
- Council Member Reyes congratulated Porterville High School's Varsity Cheer Team for its Second Place finish at a recent competition.
- Council Member Ward wished everyone a happy Valentine's Day; encouraged shopping and dining locally; and spoke of his attendance at a Suicide Prevention Task Force training.
- Council Member Gurrola encouraged everyone to enjoy the snow, rain and beautiful view of the mountains.
- Mayor Stowe stated that he was grateful for the recent rain.
- City Manager Lollis spoke of an upcoming introduction of new Police Department employees, and the Love Your Downtown event on Thursday from 4:00 p.m. to 7:00 p.m.

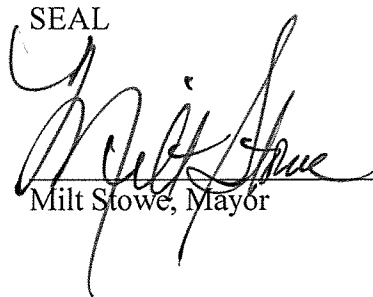
CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:55 p.m. to the meeting of February 16, 2016.


Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe, Mayor