

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA and
MARRIOTT TIMBER LODGE LOBBY, 4100 LAKE TAHOE BLVD
SOUTH LAKE TAHOE, CA 96150
NOVEMBER 1, 2016, 6:30 PM**

Called to Order at 6:34 p.m.

Roll Call: Council Member Reyes, Council member Ward (attending via telephone),
Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

Pledge of Allegiance Led by Cub Scout Pack 3116
Invocation – one individual participated.

PRESENTATIONS

Employee of the Month -- Vince Madrigal
Outstanding Business -- OACYS Technology
Patriotic Pride Hydrant Contest
Chamber of Commerce Quarterly Report

AB 1234 REPORTS

1. California Air Resources Board meeting (CARB) – October 20, 2016
Council Member Gurrola reported on the award of \$10M in grant funds for the electric transit buses; and thanked staff for their efforts.
2. Tulare County Economic Development Corp. (TCEDC) - October 26, 2016
Council Member Reyes reported on the promotion of staff member Frank Miramontes to Vice President of Marketing.
3. Tulare County Association of Governments (TCAG) - October 26, 2016
Council Member Gurrola reported on a breakfast meeting with President of Union Pacific Lance Fritz regarding maintenance of rail and partnerships with cities.

REPORTS

- I. Staff Informational Reports
 1. Porterville Golf Course - 1st Quarter FY 2016/2017
 2. Porterville OHV Park - 1st Quarter FY 2016/2017
 3. Building Permit Activity - 1st Quarterly Report (July, August, September)
 4. Street Performance Measure - 1st Quarterly Report (July, August, September)
 5. Code Enforcement Activity - 1st Quarter FY 2016/2017
 6. Report on Charitable Car Washes
 7. Attendance Report for City Committees and Commissions - 1st Quarter FY 2016/17
 8. California Air Resources Board (CARB) Action on San Joaquin Valley Air Pollution Control District's Moderate Plan for 2012 PM2.5 Standard

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, spoke in support of proactive code enforcement efforts as a revenue generator.

CONSENT CALENDAR

At staff's request, Item No. 6 was removed from the Agenda for consideration.

Community Development Director Jenni Byers stated that the funding source identified in Item No. 3, Housing-Related Parks Program was incorrect, and that it should read Community Development Block Grant.

COUNCIL ACTION: MOVED by Council Member Virginia Gurrola, SECONDED by Vice Mayor Cameron Hamilton that the City Council approve Items Nos. 1-5, and 7-11 noting staff's correction of funding source pertaining to Item No. 3. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF AUGUST 4, 2015, AUGUST 18, 2015, AND OCTOBER 25, 2016

Recommendation: That the Council approve the draft Minutes of August 4, 2015, August 18, 2015, and October 25, 2016.

Documentation: M.O. 01-110116

Disposition: Approved.

2. PURCHASE OF BASIC TACTICAL FIRST AID KITS

Recommendation: That the City Council approve the purchase of 85 basic tactical first aid kits from Tactical Medical Solutions, Inc. in the amount of \$7,208.85 plus sales tax.

Documentation: M.O. 02-110116

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE PLAYGROUND EQUIPMENT

Recommendation: That the City Council authorize the purchase of playground equipment from MRC GameTime and installation not to exceed \$54,591.64.

Documentation: M.O. 03-110116

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - ISLAND ANNEXATION SEWER PROJECT 456A, B, C, & 457

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and
4. Authorize the Finance Director to appropriate \$168,281.96 from the Sewer Replacement Fund to wholly fund the project.

Documentation: M.O. 04-110116

Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS - WEED ABATEMENT SERVICES

Recommendation: That the City Council authorize staff to advertise for bids for weed abatement services.

Documentation: M.O. 05-110116

Disposition: Approved.

7. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 06-110116

Disposition: Approved.

8. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 07-110116

Disposition: Approved.

9. REQUEST FOR PROCLAMATION - AMERICA RECYCLES WEEK - NOVEMBER 13-19, 2016

Recommendation: That the City Council consider approval of the request to proclaim November 13-19, 2016, as "America Recycles Week."

Documentation: M.O. 08-110116

Disposition: Approved.

10. REQUEST FOR STREET CLOSURE - MYERS' 22ND ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of "E" Street, between Putnam and Cleveland, on December 6, 2016, from 5:00 p.m. to 9:00 p.m., subject to the specified conditions.

Documentation: M.O. 09-110116

Disposition: Approved.

11. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER CODE ENFORCEMENT CITIZEN SURVEY

Recommendation: That the City Council approve Mayor Stowe's request to consider the administration of a Code Enforcement Citizen Survey as a Scheduled Matter at the November 15th Council meeting.

Documentation: M.O. 10-110116

Disposition: Approved.

ADMINISTRATIVE HEARINGS

12. APPEAL OF ZONING ADMINISTRATOR DECISION 2016-032 - HILLMAN BUILDING DESIGNERS

Recommendation: That the City Council consider the appeal consistent with the transitional standards as described in the Porterville Development Ordinance.

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

The Administrative Hearing opened at 7:24 p.m.

- Developer Mark Hillman spoke of inaccuracies he believed were in the staff report. He stated that he was not arguing about the 5 feet regulation, and expressed his frustrations regarding the different feedback he had received from multiple City Planners. Mr. Hillman asked the Council to approve the project with the direction that staff had originally given him.

The Council asked Acting Public Works Director Mike Reed to explain the accepted City standard measurements and the reasoning for the landscape clause.

The Administrative Hearing closed at 7:32 p.m.

Council and staff discussed possibilities that could be accepted by the City to keep in line with City standards while taking into account the original direction Mr. Hillman had received.

COUNCIL ACTION: MOVED by Council Member Virginia Gurrola, SECONDED by Vice Mayor Cameron Hamilton that the City Council grant the appeal, with modifications proposed by staff; and direct staff to bring back a development ordinance text amendment for consideration. The motion carried unanimously.

Documentation: M.O. 11-110116

Disposition: Approved.

The Council took a 10 minute break at 7:55 p.m. Council Member Ward did not return after the break.

PUBLIC HEARINGS

13. CONSIDERATION OF UNILATERAL IMPLEMENTATION OF CITY'S LAST, BEST, AND FINAL OFFER TO FIRE OFFICER SERIES

Recommendation: That the City Council conduct the Public Hearing, and approve the Draft Resolution authorizing the unilateral implementation of the City's last, best and final offer effective November 2, 2016.

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

The Public Hearing opened at 8:07 p.m.

- David Smith spoke of the functional position language regarding vacation scheduling that was affecting some of the Officers. The Officers requested that the language be amended to reflect the original contracts.

The Public Hearing closed at 8:10 p.m.

Council and staff discussed the length of time the Fire Officer negotiations had been taking place and amending the language as proposed.

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member A. Monte Reyes that the City Council approve the Draft Resolution authorizing the unilateral implementation of the City's last, best and final offer effective November 2, 2016.

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

Documentation: Resolution No. 76-2016

Disposition: Approved.

SECOND READINGS

14. SECOND READING - ORDINANCE NO. 1834 - ADOPTION OF 2016 CALIFORNIA BUILDING CODES

Recommendation: That the Council give Second Reading to Ordinance No. 1834, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council give Second Reading to Ordinance No. 1834, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE I OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2016 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE CODE, THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE ALONG WITH DESIGNATED APPENDICES, THE CALIFORNIA ENERGY CODE, THE CALIFORNIA HISTORICAL BUILDINGS CODE, THE CALIFORNIA EXISTING BUILDING CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE AS PUBLISHED BY THE INTERNATIONAL CODE COUNCIL, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1834

Disposition: Approved.

15. SECOND READING - ORDINANCE NO. 1835 - ADOPTION OF 2016 CALIFORNIA MECHANICAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1835, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council give Second Reading to

Ordinance No. 1835, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1835

Disposition: Approved.

16. SECOND READING - ORDINANCE NO. 1836 - ADOPTION OF 2016 CALIFORNIA PLUMBING CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1836, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council give Second Reading to Ordinance No. 1836, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-6 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA PLUMBING CODE PUBLISHED BY THE INTERNATIONAL ASSOCIATION OF PLUMBING AND MECHANICAL OFFICIALS, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1836
Disposition: Approved.

17. SECOND READING - ORDINANCE NO. 1837 - ADOPTION OF 2016 CALIFORNIA ELECTRICAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1837, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council give Second Reading to Ordinance No. 1837, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-9 AND DELETING SECTION 7-10 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE PUBLISHED BY BNi PUBLICATIONS, INC, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1837
Disposition: Approved.

18. SECOND READING - ORDINANCE NO. 1838 - ADOPTION OF 2016 CALIFORNIA GREEN STANDARDS CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1838, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council give Second Reading to Ordinance No. 1838, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING ARTICLE IV OF CHAPTER 7 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2016

EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS
CODE PUBLISHED BY THE INTERNATIONAL CODE COUNCIL,
waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1838
Disposition: Approved.

19. SECOND READING - ORDINANCE NO. 1839 - ADOPTION OF 2016 CALIFORNIA
FIRE CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1839, waive
further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council
Member Virginia Gurrola that the City Council give Second Reading to
Ordinance No. 1839, being AN ORDINANCE OF THE CITY
COUNCIL OF THE CITY OF PORTERVILLE AMENDING
CHAPTER 12 OF THE CODE OF THE CITY OF PORTERVILLE
ADOPTING BY REFERENCE EXCEPT AS OTHERWISE
PROVIDED IN THIS ARTICLE, THE 2016 EDITION OF THE
CALIFORNIA FIRE CODE ALONG WITH DESIGNATED
APPENDICES, PUBLISHED BY THE INTERNATIONAL CODE
COUNCIL, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1839
Disposition: Approved.

SCHEDULED MATTERS

20. HOUSING AUTHORITY OF TULARE COUNTY DENSITY BONUS

Recommendation: That the City Council approve the Rental Restriction Agreement between the City of Porterville and the Housing Authority of the County of Tulare and that the City Council authorize the Mayor, City Manager, and City Attorney to sign all necessary documents.

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

City Attorney Lew advised the Council that they were very limited with what they could and could not do. She also acknowledged how strongly the regulations had been written in favor of the affordable housing developments.

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council approve the Rental Restriction Agreement between the City of Porterville and the Housing Authority of the County of Tulare and that the City Council authorize the Mayor, City Manager, and City Attorney to sign all necessary documents. The motion carried unanimously.

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

Documentation: M.O. 12-110116
Disposition: Approved.

21. STATUS AND REVIEW OF DECLARATION OF LOCAL 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 asked for clarification regarding who was managing the City/County Well construction Project. Acting Public Works Director Mike Reed confirmed that the County was managing the project and would not be making its December 2016 completion date deadline. The County reported that the well would be operational in February 2017.

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member A. Monte Reyes that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 13-110116
Disposition: Approved.

ORAL COMMUNICATIONS

- Steve Chamberlain, Porterville, provided a code enforcement survey distributed by City of Morro Bay; and encouraged the Council to put proactive code enforcement into action.

OTHER MATTERS

- Council Member Gurrola spoke of downtown clean-up efforts; requested that the Council discuss the issue of human waste in the downtown area and the resurfacing of Union Avenue through to Jaye Street; and wished good luck to all City Council candidates.
- Vice Mayor Hamilton spoke of upcoming Veterans Day Parade and festivities.
- Council Member Reyes congratulated Miss Porterville Caitlin Kelley; and spoke of his attendance at the Veterans Resource Event.
- Mayor Stowe spoke of his attendance at the Sierra View Therapy Center Opening and Veterans Resource Event; spoke of his meeting with local boy scouts; and announced that the Walmart lawsuit has been dismissed.
- City Manager Lollis thanked staff involved in supporting the filming of Ghost Adventures in town; spoke of additional filming opportunities, First Friday Coffee, and the Mayor's upcoming State of the City Address.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Che Johnson and Steve Kabot. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 3 - 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. F067685.4.
- 4 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three Cases in which facts are not yet known to potential plaintiff.
- 5 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

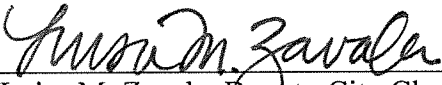
The Council took a five minute recess and reconvened in Closed Session at 8:48 p.m.

RECONVENED OPEN SESSION AT 9:49 PM AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

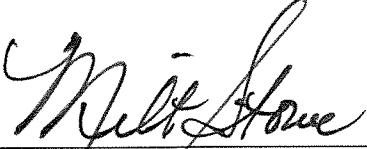
City Attorney Lew reported that no reportable action had taken place in Closed Session.

ADJOURNMENT

The Council adjourned at 9:50 p.m. to the meeting of November 15, 2016.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor