

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 4, 2016, 5:30 PM**

Called to Order at 5:32 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 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiators: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: M. Azevedo v. City of Porterville et al., Tulare County Superior Court Case No. 252894.
- 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 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

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

City Attorney Lew reported that there was no reportable action.

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

AB 1234 REPORTS

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

1. Council of Cities - September 21, 2016

Mayor Stowe reported on Mr. Craig Vejvoda's request for support as the representative for the San Joaquin Valley Air Pollution Control District's Governing Board (SJVAPCD); and Mr. Lollis reported on discussion regarding the SJVAPCD's PM2.5 Plan and a Public Hearing on continuance of the Indirect Source Review.

2. Tulare County Economic Development Corp. (TCEDC) - September 28, 2016
Council Member Reyes reported on approval of the SEDS Plan Update, and a College of the Sequoias presentation about technical education.

ORAL COMMUNICATIONS

- Margaret Land, followed up on request from the Animal Control Commission for an agenda item pertaining to additional personnel at the animal shelter.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Council Member Gurrola indicated that she would be abstaining from Item No. 4 due to a conflict pertaining to property ownership.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve Items Nos. 1 through 9, noting the aforementioned abstention.

1. CITY COUNCIL MINUTES OF JUNE 21, 2016, AND SEPTEMBER 20, 2016

Recommendation: That the Council approve the draft Minutes of June 21, 2016, and September 20, 2016.

Documentation: M.O. 01-100416

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE EQUIPMENT

Recommendation: That the City Council authorize the purchase by negotiation of the equipment and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 02-100416

Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS - GARDEN AVENUE PEDESTRIAN 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. 03-100416

Disposition: Approved.

4. METER INSTALLATION FOR NON-METERED CITY WATER SERVICES

Recommendation: That City Council:

1. Approve the installation of meters to non-metered residences for \$278,000 from the Water Operating fund; and
2. Approve the use of temporary workers to expedite the installation process.

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

Documentation: M.O. 04-100416

Disposition: Approved.

5. APPROVAL OF TRANSIT MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:

1. Approve the draft Resolution in support of the Program Supplement to the Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

Documentation: Resolution No. 69-2016

Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT - CENTRAL CALIFORNIA FAMILY CRISIS CENTER, INC. - CANDLELIGHT VIGIL - OCTOBER 13, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 05-100416

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY - RALLY FOR A CURE - OCTOBER 30, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the American Cancer Society, subject to the stated requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 06-100416
Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS HOMECOMING COMMITTEE - VETERANS DAY PARADE - NOVEMBER 11, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Veterans Homecoming Committee, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 07-100416
Disposition: Approved.

9. REQUEST FOR PROCLAMATION - FRIENDS OF LIBRARIES WEEK - OCTOBER 16-22, 2016

Recommendation: That the City Council consider approval of the request to proclaim October 16 through 22, 2016, as "Friends of Libraries Week."

Documentation: M.O. 08-100416
Disposition: Approved.

PUBLIC HEARINGS

10. APPROVAL OF A CONDITIONAL USE PERMIT FOR TYPE 41 ALCOHOL LICENSE AT 560 N. MAIN STREET

Recommendation: That the City Council:

1. Adopt the draft resolution approving Conditional Use Permit (PRC 2013-033-C); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit PRC 2013-033-C and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 70-2016
Disposition: Approved.

11. MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION

Recommendation: That the City Council 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 Community Development Director Jenni Byers presented the staff report. During the staff report Ms. Byers indicated that the applicant had requested a modification to Condition No. 5, which would eliminate the 20-foot wide drive aisle requirement along the south and east boundaries of the property.

The Public Hearing was opened at 6:52 p.m.

- Jim Winton, 150 W. Morton Avenue, on behalf of the applicant, explained that the modification to Condition No. 5 was being requested to allow for an extension of irrigation into the proposed area.

The Public Hearing was closed at 6:53 p.m.

There was a brief discussion regarding the request for modification, during which staff recommended that the drive aisle requirement on the north and west boundaries of the subject site remain.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving the minor Conditional Use Permit for commercial crop cultivation subject to conditions of approval, as amended to modify Condition No. 5 to maintain a 20-foot wide drive aisle along the west and north boundary of the subject site. The motion carried unanimously.

Documentation: Resolution No. 71-2016

Disposition: Approved.

12. BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS) FUNDING

Recommendation: That the City Council:

1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Approve a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000.

City Manager Lollis introduced the item, and Police Chief Kroutil presented the staff report.

The Public Hearing opened at 6:59 p.m. Seeing no one, the Mayor closed the Public Hearing at 6:59 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council authorize the use of funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs and approve a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000. The motion carried unanimously.

Documentation: Resolution No. 72-2016
Disposition: Approved.

SCHEDULED MATTERS

13. BID RESULTS FOR THE VETERANS PARK MULTI-USE PARKWAY PROJECT

Recommendation: That the City Council:

1. Award the Veterans Park Multi-use Parkway Project to Mac General Engineering in the amount of \$384,349.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control and inspection; and
4. Authorize the Finance Director to appropriate the additional Local Transportation Funds in the amount of \$119,451.35 needed to fund the project.

City Manager Lollis introduced the item. Council Member Ward exited Council Chambers due to a potential conflict of interest pertaining to proximity of real property to the area. Acting Public Works Director Mike Reed presented the staff report, and provided clarification regarding the redesign.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council award the Veterans Park Multi-use Parkway Project to Mac General Engineering in the amount of \$384,349.00.

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

Documentation: M.O. 09-100416
Disposition: Approved.

14. CONSIDERATION OF NOMINATION TO THE CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT.

Recommendation: That the City Council:

1. Approve the draft resolution nominating its preferred candidate to the Committee for appointment to the District's Governing Board; and
2. Direct the City Clerk to forward a copy of the signed resolution to the District by October 7, 2016.

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 approve the draft resolution nominating its preferred candidate to the Committee for appointment to the District's Governing Board. The motion carried unanimously.

Documentation: Resolution No. 73-2016

Disposition: Approved.

15. 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 ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 10-100416

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola spoke of her attendance at Relay for Life and lauded the people of the community who help put the event together every year.
- Vice Mayor Hamilton spoke of his attendance at Relay for Life, and stated that a good time was had by all.
- Council Member Ward spoke of the website smile.amazon.com as a fundraising option for local non-profits.
- Council Member Reyes spoke of the recent suicide of a local youth and urged everyone to pay attention and speak up if someone communicates thoughts of suicide. He also spoke

of his attendance at Relay for Life and of being jailed at the request of Vice Mayor Hamilton.

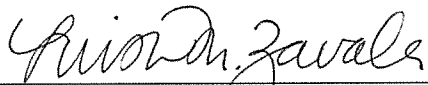
- City Manager Lollis thanked those involved in putting together the Jaye Street Bridge Groundbreaking. He spoke of his attendance at Relay for Life, and of the following upcoming events: League Conference, Leadership Porterville Reception, League Dinner, and Porterville Chamber of Commerce Taste of Porterville.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 7:24 p.m. to the meeting of October 18, 2016.



Luisa M. Zavala, Deputy City Clerk

SEAL



Milt Stowe, Mayor