CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 16, 2016, 5:30 PM

Called to Order at 5:35 p.m.

Roll Call: Council Member A. Monte Reyes, Council Member Brian Ward, Council Member Virginia Gurrola (arrived during Closed Session), Vice Mayor Cameron Hamilton, Mayor Milt 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: APNs 255-220-046, 247-040-034, 247-040-035, 247-090-028, 247-110-019, 247-120-022, 248-050-036, and 248-010-019. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.
2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
3 - Government Code Section 54956.95 – Liability Claim: Claimant: Arturo Mosqueda. Agency claimed against: City of Porterville.
4 - Government Code Section 54956.95 - Liability Claim: Claimant: Maria Gutierrez. Agency claimed against: City of Porterville.
5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Dalilah Micaela Gonzalez Pacheco, a minor by and through her Guardian Ad Litem, Maria De Jesus Pacheco v. City of Porterville, et al., Tulare County Superior Court Case Nos. VCU 259965 and VCU 262368.
6 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., United States District Court Case No. 1:16-CV-01071-AWI-SAB.
7 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four cases in which facts are not yet known to potential plaintiffs.
8 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases, and additional cases concerning potential receiverships.

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

City Attorney Lew reported action pertaining to A4, as follows:

A4. On a MOTION made by Vice Mayor Hamilton, and SECONDED by Council Member Ward the City Council reject the claim made by Maria Gutierrez.

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

Documentation: M.O. 01-081616
Disposition: Claim Rejected.

Pledge of Allegiance Led by Mayor Stowe
Invocation – a moment of silence was observed.

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) - August 15, 2016
Council Member Gurrola reported on a presentation from San Joaquin Valley Air Pollution Control District, and discussion pertaining to Regional Transportation Plan funding.

2. Local Agency Formation Commission (LAFCO) - August 3, 2016
Vice Mayor Hamilton reported that he was unable to attend.

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 - August 11, 2016
Commissioner Moore provided the Commission's Monthly Report, which included information pertaining to the Dive-In Theater, Adult Volleyball, Youth Soccer, Music on Main, and Youth Basketball programs.

2. Library & Literacy Commission - August 9, 2016
Commission Chair Bailey reported on continued work on the Advocacy Toolkit; presented summer program highlights; and thanked volunteers and Friends of the Library for volunteer support.

3. Arts Commission
Commission Chair Worthington spoke of the Patriotic Pride Hydrant Contest.

4. Animal Control Commission - August 8, 2016
Commission Chair Pizanis announced the Commission's reorganization; reported that the commission was familiarizing itself with data, procedures, and issues pertaining to animal control.

5. Youth Commission - Summer Hiatus

6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

2. Code Enforcement Report - 4th Quarter FY 2015/16

ORAL COMMUNICATIONS

- Lupe Diaz, representing Helping Hands, extended an invitation to an Open House at Helping Hands on September 8th, from 3pm – 5pm to promote awareness of the services being provided.
- Cynthia Zepeda, La Raza Market, was representing her husband Miguel Cortez and reminded Council that she had left something in their inboxes. Council acknowledged that they had received it.

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council approve Items Nos. 14. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 1, 2015

Recommendation: That the Council approve the draft Minutes of December 1, 2015.

Documentation: M.O. 02-081616
Disposition: Approved.

2. APPROVAL OF REIMBURSEMENT FOR REMOVAL OF NORTH BRICK WALL AT 14 N. MAIN STREET

Recommendation: That City Council instruct the City Finance Director to make payment to Denmar LLC in the amount of $6,750 for the demolition, removal and disposal of the common wall between 22 N. Main Street and 14 N. Main Street.

Documentation: M.O. 03-081616
Disposition: Approved.

3. ADOPTING CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - AMENDMENT NO. 10

Recommendation: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

Documentation: Resolution No. 57-2016
Disposition: Approved.

4. REQUEST FOR PROCLAMATION - LIBRARY CARD SIGN-UP MONTH SEPTEMBER 2016

Recommendation: That the City Council consider approval of the request to proclaim September 2016 as "Library Card Sign-Up Month."

Documentation: M.O. 04-081616
Disposition: Approved.

PUBLIC HEARINGS

5. PUBLIC HEARING FOR ESTABLISHMENT OF REIMBURSEMENT FEES FOR CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT, NEWCOMB STREET TO PROSPECT STREET

Recommendation: That the City Council:

1. Open the Public Hearing, take public comments, concerns and questions; and
2. Approve the resolution Implementing Development Charges for Construction of Curb, Gutter, Sidewalk, and Drive approaches; and
3. Authorize staff to record a general notice of "Reimbursement Fee" with the office of the Tulare County Recorder.

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

The Public Hearing was opened at 7:14 p.m.

- Ben Ruiz, County Interim Director of Resource Management Agency, reported that the County will remit payment to the City.

The Public Hearing was closed at 7:16 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the resolution implementing development charges for construction of curb, gutter, and sidewalk and drive approaches; and authorize staff to record a general notice of "Reimbursement Fee" with the office of the Tulare County Recorder. The motion carried unanimously.

Documentation: Resolution No. 58-2016
Disposition: Approved.

6. CONSIDERATION OF ANNEXATION 479, A COUNTY ISLAND LOCATED GENERALLY WEST OF STATE ROUTE 65, EAST OF NEWCOMB AVENUE, SOUTH OF OLIVE AVENUE

Recommendation: That the City Council:
1. Conduct the Public Hearing;
2. Consider approval of Annexation 479;
3. If approved, adopt the resolution to approve Annexation 479 and initiate application to Tulare LAFCo; and
4. Authorize staff to work with property owners to initiate connection to City services, when requested by a property owner, in advance of the official conclusion of the annexation process for those areas which are approved.

Mayor Stowe noted a conflict of interest with this item and stepped out of the room.

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

Council Member Ward asked for a timeframe on sewer lines being placed in the area if the area were to get annexed. Acting Public Works Director Mike Reed estimated it to take about 2 years to complete the process.

The Public Hearing was opened at 7:24 p.m.

- Susan Firestone expressed her concerns regarding the traffic, condition of the narrow streets, trash, and animals.
- Jenni Edwards spoke of her issues with the Nader development.
- Andrew Eggman, Lucy St. resident, spoke of concerns regarding expenses; understands the positive aspects but showed concern due to fixed income.

Acting Public Works director Reed addressed Mr. Eggman's concerns regarding the preliminary budget estimates; spoke of the different options available to the community in order to complete the improvements; and explained that the sidewalk improvements would be the decision of the property owner and that the City tries to pursue grants to cover the sidewalk improvement expenses when they were available.

Community Development Director Byers spoke of Assembly Bill 885 requirement from the Department of Water Resources. She explained that the goal is to get rid of septic systems in rural settings, and that the County has proposed that all properties located within 1,350 feet of a regional waste water treatment facility would be required to hook up to that facility.

The Public Hearing closed at 7:41 p.m.

Council Members agreed that the residents would gain many benefits if the annexation was approved. Council Member Ward also spoke of the benefits, but clarified he does not agree with forced annexations.

Vice Mayor Hamilton asked how many residents were being represented. Community Development Director Byers said 232 parcels were being represented by this item.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve annexation 479, adopt the resolution to approve Annexation 479 and initiate application to Tulare LAFCo.

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

Documentation: Resolution No. 59-2016
Disposition: Approved.

The Mayor returned to the dais.

7. VACATION OF CORSAIR PLACE ON PARCEL MAP 3813

Recommendation: That City Council:

1. Adopt the draft Resolution of Vacation of Corsair Place located on Parcel Map No. 3813 while reserving unto the City an easement for existing sanitary sewer and water lines, and reserving unto Southern California Gas Company an easement for existing gas utilities; and
2. Authorize the City Clerk to record the Resolution of Vacation.

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

The Public Hearing opened at 7:53 p.m. Seeing no one, the Mayor closed the Public Hearing at 7:53 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council adopt the draft resolution of vacation of Corsair Place and authorize the City Clerk to record the Resolution of Vacation. The motion carried unanimously.

Documentation: Resolution No. 60-2016
Disposition: Approved.

SCHEDULED MATTERS

8. POLICE OFFICER BODY-WORN CAMERAS

Recommendation: That the City Council consider Staff's report and provide direction.

City Manager Lollis introduced the item, and Police Chief Eric Kroutil presented the staff report. Following the discussed the cost of the body-worn cameras and the potential savings. Police Chief Kroutil stated that having body-worn cameras could also reduce the number of times that officers are summoned to court and spoke of the importance of video evidence in order to properly train other employees. He went on to discuss the life, policy, and maintenance of the body-worn cameras.

Council directed staff to move forward to the acquisition of the body-worn cameras and bring back the item.

Documentation: None.
Disposition: Direction given.

9. GATEWAY DIGITAL SIGN PROGRAM

Recommendation: That the City Council provide direction to staff.

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

Mr. Bill Lockridge, of Community Electronic Information Signage, presented information regarding the Gateway Digital Sign Program to the Council. He indicated the Council could decide to have all advertisements come before it for approval; and also spoke of possible locations for the digital sign in the City of Porterville.

Mr. Lockridge addressed questions from the Council regarding city advertisements, landscaping around the sign and upgrades and repair of the technology. He stated that the City would receive about 12-14% of the advertisement space; and added that his company would be covering all costs for landscaping around the sign and future upgrades and repairs of the technology.

The Council directed staff to move forward with an ordinance amendment to accommodate a gateway digital sign program.

Documentation: None
Disposition: Direction given.

10. AWARD OF CONTRACT FOR BANKING SERVICES

Recommendation: That the City Council authorize staff to execute an agreement with Bank of the Sierra for banking services for a term of five years at a monthly flat fee of $1,925, with an option to negotiate extensions to the contract for additional two-year periods.

Mayor Stowe and City Manager Lollis recused themselves from the item due to a perceived conflict of interest and stepped out of the room.

Administrative Services Director Patrice Hildreth introduced the item, and the staff report was waived at Council's request.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Reyes that the City Council authorize staff to execute an agreement with Bank of the Sierra for banking services.

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

Documentation: M.O. 05-081616
Disposition: Approved.

Mayor Stowe and City Manager Lollis returned to the meeting.

11. 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 the staff report was waived at Council's request.

Community Development Director Jenni Byers gave an update on the meetings the City has been holding to sign up residents for water connections.

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. 06-081616
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley informed the Council that Lewis Nursery would order buffalo grass, a drought tolerant grass.

OTHER MATTERS

- Council Member Gurrola commented on the success of the Farmer's Market.
- Council Member Ward thanked the Police Department for patrolling efforts during back to school week.
- City Manager Lollis stated that another fire engine and crew had been dispatched to a fire; and indicated that an event was being planned for 9/11.

CLOSED SESSION

The Council returned to Closed Session at 8:55 p.m. Following Closed Session it was reported that no reportable action had been taken.

ADJOURNMENT

The Council adjourned at 9:49 p.m.to the meeting of September 16, 2016

Luisa M. Zavala

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe

Milt Stowe, Mayor