

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

Called to Order at 5:34 p.m.

Roll Call: Council Member A. Monte Reyes, Council Member Brian Ward, Council Member Virginia Gurrola, 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 54956.8 – CONFERENCE WITH REAL PROPERTY NEGOTIATORS/PROPERTY: 42 SOUTH PLANO STREET. AGENCY NEGOTIATORS: JOHN LOLLIS AND DONNIE MOORE. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND THE BARN THEATER. UNDER NEGOTIATION: TERMS AND PRICE.

3 - 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.

4 - GOVERNMENT CODE SECTION 54956.9(D)(3) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION: TWO 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: 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 Julia Lew reported that there had been no reportable action taken in Closed Session.

The Pledge of Allegiance was led by Council Member Ward.

Invocation -- a moment of silence was observed.

## **PRESENTATIONS**

Employee of the Month -- Erik Martinez

## **AB 1234 REPORTS**

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

### **1. COUNCIL OF CITIES - JULY 20, 2016**

Mayor Stowe reported on discussion pertaining to the County's building permit activity and its enforcement of building codes. City Manager Lollis reported that the EPA had not approved the SJVAPCD's 2015 Compliance Plan, and stated that it could significantly impact the Central Valley.

### **2. TULARE COUNTY ECONOMIC DEVELOPMENT CORP. (TCEDC) - JULY 27, 2016**

Council Member Reyes reported on recognition of the new Board, review of the Work Plan, and evaluation of the Chief Executive Officer.

## **REPORTS**

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

### **I. Staff Informational Reports**

1. Porterville Golf Course - 4th Quarter FY 2015/16
2. OHV Park - 4th Quarter FY 2015/16
3. Report on Charitable Car Washes
4. Street Performance Measure - 4th Quarter FY 2015/16
5. Building Permit Activity - 4th Quarter FY 2015/2016
6. Attendance Report for City Commissions and Committees - 4th Quarter FY 2015/16

## **ORAL COMMUNICATIONS**

- Lou Marchant spoke of the importance of the golf course to the quality of life in Porterville and of benefits to golfers, specifically seniors and youth.
- Rogelio Caudillo, Senator Andy Vidak's Office, introduced himself as the Senator's District representative.
- Richard Stadtherr spoke in support of Item No. 14, and stated that he was willing to match the additional \$100 requested if approved by the Council.
- Alicia and Carlos Guzman stated that they had purchased an empty lot in the County and were in need of an additional water connection to the property for placement of two manufactured homes.

## **CONSENT CALENDAR**

Council Member Gurrola indicated that she had a previously disclosed conflict of interest pertaining to real property located in Area 455A of Item 4 and would be abstaining from the vote on that particular area.

City Attorney Lew reported that Council Member Ward also had a previously disclosed conflict of interest pertaining to Item No. 4, Area 458 only.

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION:     MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve Items Nos. 1 through 10, with noted abstentions pertaining to Item No. 4. The motion carried unanimously.

1.     CITY COUNCIL MINUTES OF JUNE 7, 2016

Recommendation:     That the Council approve the draft Minutes of June 7, 2016.

Documentation:        M.O. 01-080216

Disposition:    Approved.

2.     CONSIDERATION OF AMENDMENT TO RECLAMATION AREA LEASE

Recommendation:     That City Council approve Amendment No. 1 of the April 2015 Reclamation Area Lease Agreement with Rick Perigo Roadsiding.

Documentation:        M.O. 02-080216

Disposition:    Approved.

3.     SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation:     That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$70,000; and
2. Authorize a budget adjustment for the Police Department in the Special Safety Grants Fund for FY2016/2017 in the amount of \$70,000.

Documentation:        M.O. 03-080216

Disposition:    Approved.

4.     AREAS 458, 455A AND 459A & C SEWER UTILITY DISTRICT ANNUAL ASSESSMENTS

Recommendation:     That the City Council adopt the resolutions ordering the continued assessments for Districts 458, 455A and 459A and C for the 2016/2017 tax years.

AYES:            Reyes, Gurrola, Hamilton, Stowe

NOES:            None

ABSTAIN:        Ward

ABSENT: None

Documentation: Resolution Nos. 48-2016

Disposition: Area 458 approved.

AYES: Reyes, Ward, Hamilton, Stowe

NOES: None

ABSTAIN: Gurrola

ABSENT: None

Documentation: Resolution No. 49-2016

Disposition: Area 455A approved.

AYES: Reyes, Ward, Gurrola, Hamilton, Stowe

NOES: None

ABSTAIN: None

ABSENT: None

Documentation: Resolution No. 50-2016

Disposition: Area 459A and 459C approved.

#### 5. QUARTERLY PORTFOLIO SUMMARY

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

Documentation: M.O. 04-080216

Disposition: Approved.

#### 6. INTERIM FINANCIAL STATUS REPORTS

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

Documentation: M.O. 05-080216

Disposition: Approved.

#### 7. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE -- BIENNIAL REPORT AND PROPOSED AMENDMENT

Recommendation: That the City Council:

1. Accept the Conflicts and Disclosure Monitor Agency 2016 Biennial Report; and
2. Direct staff to amend said report for Council's approval within ninety (90) days.

Documentation: Resolution No. 51-2016

Disposition: Approved.

8. APPROVING RESOLUTION TO RESCIND RESOLUTION 29-2016

Recommendation: That the City Council approve the draft resolution rescinding Resolution 29-2016.

Documentation: Resolution No. 51-2016

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - FAMILY HEALTH CARE NETWORK - COCOLA BROADCASTING - 16TH ANNUAL HEALTH FAIR AND FIESTA DE LA FAMILIA - OCTOBER 9, 2016

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Family HealthCare Network and COCOLA Broadcasting, subject to the stated requirements contained in the Application, Agreement, Exhibit A, and Exhibit B.

Documentation: M.O. 07-080216

Disposition: Approved.

10. RESPONSE TO GRAND JURY REPORT - TULARE COUNTY, ARE WE READY FOR EL NINO?

Recommendation: That the City Council:

1. Consider the Draft Letter in response to the Tulare County Grand Jury 20152016 Report on the preparedness of the responsible jurisdictions within the county in anticipation of the 20152016 El Nino rainfall event; and
2. Authorize the Mayor to sign the response letter.

Documentation: M.O. 08-080216

Disposition: Approved.

**PUBLIC HEARINGS**

11. WESTWOOD PLAZA COMMERCIAL DEVELOPMENT

Recommendation: That the City Council:

1. Adopt the draft resolution certifying the Final Environmental Impact Report, adopting Findings of Fact, and adopting a Mitigation Monitoring Plan for the Westwood Plaza Commercial Center Project;
2. Adopt the draft resolution approving a Conditional Use Permit to permit an Auto Service Station with a Type 20 Alcoholic Beverage License (off-site sale of alcohol); and

3. Adopt the draft resolution for approval of a Tentative Parcel Map.

City Manager Lollis indicated that he had a conflict of interest pertaining to real property, and exited the Council Chambers. In his absence, Administrative Services Director Patrice Hildreth introduced the item, and Community Development Director Jenni Byers presented the staff report.

The Public Hearing was opened at 7:03 p.m. When no one came forward, the Mayor closed the Public Hearing at 7:03 p.m.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution certifying the Final Environmental Impact Report, adopting Findings of Fact, and adopting a Mitigation Monitoring Plan for the Westwood Plaza Commercial Center Project; adopt the draft resolution approving a Conditional Use Permit to permit an Auto Service Station with a Type 20 Alcoholic Beverage License (off-site sale of alcohol); and adopt the draft resolution for approval of a Tentative Parcel Map. The motion carried unanimously.

Documentation: Resolution Nos. 52-2016; 53-2016; and 54-2016.

Disposition: Approved.

12. SUMMIT ESTATES TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Negative Declaration for Summit Estates Phase II Subdivision Project; and
2. Adopt the draft resolution approving the Summit Estates Phase II Tentative Subdivision Map.

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

The Mayor opened the Public Hearing at 7:09 p.m.

- Jim Winton, 150 W. Morton Avenue, representing Smee Builders, stated that the applicants were in agreement with the conditions of approval.
- Renee Curtley inquired if there was a park included in the proposed development.

The Mayor closed the Public Hearing at 7:12 p.m.

Staff addressed questions from members of the Council pertaining to potential trail amenities, flood lines, landscape and design standards in light of the drought, and the impact of the development on the City's ability to comply with the State's water regulations.

COUNCIL ACTION: MOVED by Vice Mayor Cameron Hamilton, SECONDED by Council Member Virginia Gurrola that the City Council adopt the draft resolution approving the Negative Declaration for Summit Estates Phase II Subdivision Project; and adopt the draft resolution approving the Summit Estates Phase II Tentative Subdivision Map. The motion carried unanimously.

Documentation: Resolution Nos. 55-2016; and 56-2016  
Disposition: Approved.

### SCHEDULED MATTERS

#### 13. SPONSORSHIP OF DOCUMENTARY RAMON RISING

Recommendation: That the City Council consider the recommendation of the Arts Commission to sponsor the Ramon Rising film.

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

Members of the Council expressed concerns regarding the proposed sponsorship, which included a questionable return on investment, spending of tax payer dollars, and setting a precedent.

Documentation: None  
Disposition: No action taken.

#### 14. PATRIOTIC PRIDE HYDRANT PROJECT

Recommendation: That the City Council:

1. Appropriate an additional \$100 from the City Council's operating budget to the Arts Commission for the Patriotic Pride Fire Hydrant Art Project; and
2. Approve the sample designs to be used to promote the project.

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

Discussion followed regarding the purchase of paint, approval of designs, project timelines, and other opportunities to allow for art in the community.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council appropriate an additional \$100 from the City Council's operating budget to the Arts Commission for the Patriotic Pride Fire Hydrant Art Project; authorize the Arts Commission to review submitted designs and bring the final ten to Council for approval;

and direct staff to draft a letter of thanks to Mr. Richard Stadtherr for his \$100 match. The motion carried unanimously.

Documentation: M.O. 09-080216

Disposition: Approved.

#### 15. STATUS AND REVIEW OF DECLARATION OF LOCAL 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. Consider the State's request to add an additional thirty (30) immediate permanent connections in East Porterville.

City Manager Lollis introduced the item and presented the staff report. Following the staff report, Acting Public Works Director addressed questions from the Council pertaining to the status of the well project, coordination between agencies, and public outreach.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve an additional thirty (30) immediate permanent connections in East Porterville; authorize the drafting of a letter to the County regarding the importance of the well project; and approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 10-080216

Disposition: Approved.

The Council took a ten minute recess at 8:13 p.m.

#### 16. POTENTIAL RECONSIDERATION OF ANNEXATION 479A

Recommendation: That the City Council consider the potential reconsideration of Annexation 479A.

City Manager Lollis introduced the item. Mayor Stowe recused himself due to a conflict of interest, and left the dais. Mr. Lollis then presented the staff report to Council.

Following the staff report, Community Development Director Byers and Acting Public Works Director Reed elaborated on the circumstances which have warranted the potential reconsideration of annexation; and addressed questions regarding the annexation process and options available to the Council and residents going forward.

City Attorney Lew advised the Council on motions of reconsideration, motions to rescind, and renewal motions pursuant to Roberts Rules of Order.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council rescind the prior vote pertaining to Annexation 479A. The motion carried unanimously.

After some discussion regarding additional requests for annexation outside of Area 479A, staff was directed to restart the process of consideration of Annexation 479A, and notice the public hearing.

Documentation: M.O. 11-080216  
Disposition: Approved; and direction given.

ORAL COMMUNICATIONS

None

OTHER MATTERS

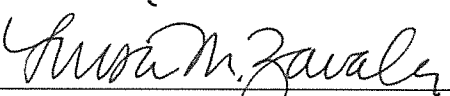
- Vice Mayor Hamilton spoke of the National Night Out even, and of cities having dumpster enclosures painted with art.
- Council Member Ward stated that it was good to be back from his trip.
- Council Member Reyes spoke of his attendance at the Farmer's Market on Main Street, and encouraged attendance at the event to take place each Tuesday in August from 9:00 a.m. – 12:30 p.m.
- Mayor Stowe announced the passing of Parks and Leisure Services Director Donnie Moore's mother; and requested that the Moore family be in everyone's thoughts and prayers.
- City Manager Lollis spoke of a successful turnout at the Farmer's Market, Crazy Days in Downtown Porterville, and the planning of an event in observation of the 15th anniversary of 9/11.

CLOSED SESSION

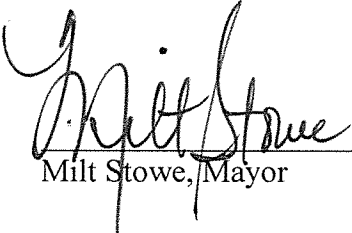
None

ADJOURNMENT

The Council adjourned at 8:56 p.m. to the meeting of August 16, 2016.

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Milt Stowe, Mayor



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