

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 19, 2016, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member A. Monte Reyes, Council Member Virginia Gurrola, Vice Mayor Cameron Hamilton, Mayor Milt Stowe

Absent: Council Member Brian Ward

ORAL COMMUNICATIONS

- John Coffee, spoke about the City Ordinance pertaining to drought tolerant grasses and the lack of businesses selling them.

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: Fire Officer Series and Porterville City Firefighters Association.
- 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 - 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.
- 5 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Four cases.

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

City Attorney Julia Lew reported that no reportable action had taken place.

The Pledge of Allegiance was led by Council Member Reyes.
Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month -- Sarah Cardoza
Outstanding Organization Honoree – Eagle Mountain Casino

AB 1234 REPORTS

There were no reports.

REPORTS

- I. City Commission and Committee Meetings
 1. PARKS & LEISURE SERVICES COMMISSION - SUMMER HIATUS
 2. LIBRARY & LITERACY COMMISSION - SUMMER HIATUS
 3. ARTS COMMISSION - JUNE 22, 2016
 4. ANIMAL CONTROL COMMISSION - JULY 11, 2016
 5. YOUTH COMMISSION - SUMMER HIATUS
 6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) - JUNE 30, 2016
- II. Staff Informational Reports
 1. WATER CONSERVATION PHASE III STATUS UPDATE

ORAL COMMUNICATIONS

- John Coffee, Porterville, requested that Item No. 1 be pulled from Consent for discussion and additional information be provided by staff with regard to the equipment; expressed concern regarding the purchase of equipment for the golf course and airport; and spoke of the poor condition of the sidewalk around Veterans Park.
- Austin Slater, Porterville, stated that some of the equipment listed in Item No. 1 was too expensive.
- Jesus Teran, Porterville, thanked the City for taking the lead pertaining to City water connections.

CONSENT CALENDAR

Item No. 1 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve Items Nos. 2 through 8.

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

2. AWARD OF CONSULTANT SERVICE AGREEMENT – CONSTRUCTION MANAGEMENT AND INSPECTION SERVICES FOR THE JAYE STREET BRIDGE REHABILITATION PROJECT

Recommendation: That City Council:

1. Award the consultant service agreement for Construction Management and Inspection Services for the Jaye Street Bridge Rehabilitation Project to VSCE, Inc. at an amount not to exceed \$606,952.92;
2. Award the consultant service agreement amendment for Construction Phase Services for the Jaye Street Bridge Rehabilitation Project to TRC Companies, Inc. at an amount not to exceed \$131,601;
3. Authorize the Mayor to execute all contract documents; and

4. Authorize progress payments that concur with construction progress until proper closeout of the work.

Documentation: M.O. 01-071916

Disposition: Approved.

3. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, UNPAID UTILITY ACCOUNTS AND DELINQUENT MISCELLANEOUS LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the attached resolution authorizing the County Auditor to place the weed abatement balances, unpaid utility accounts and delinquent miscellaneous loan agreements on the 20162017 tax rolls for collection.

Documentation: Resolution No. 45-2016

Disposition: Approved.

4. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 43

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Leonard Alogna for Lot 43 at the Porterville Municipal Airport.

Documentation: M.O. 02-071916

Disposition: Approved.

5. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 47

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. James Costa for Lot 47 at the Porterville Municipal Airport.

Documentation: M.O. 03-071916

Disposition: Approved.

6. APPROVAL OF AMENDMENT TO THE WASTE DISPOSAL AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND THE COUNTY OF TULARE

Recommendation: That the City Council approve and authorize the Mayor to sign the Amendment to the Waste Disposal Agreement with the County of Tulare.

Documentation: M.O. 04-071916

Disposition: Approved.

7. INTENT TO VACATE CORSAIR PLACE

Recommendation: That City Council:

1. Pass a resolution of intent to vacate Corsair Place, relinquishment of frontage access and a 20 foot wide storm drain easement encumbering Parcel 3 and the remainder parcel of Parcel Map No. 4823;
2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and
3. Set the Council meeting of August 16, 2016, as the time and place for a public hearing.

Documentation: Resolution No. 46-2016

Disposition: Approved.

8. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT OF CONCRETE IMPROVEMENTS CONSTRUCTED BY THE CITY - W. NORTH GRAND AVENUE RECONSTRUCTION PROJECT, NEWCOMB STREET TO PROSPECT STREET

Recommendation: That City Council:

1. Set a Public Hearing for August 16, 2016, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 05-071916

Disposition: Approved.

PUBLIC HEARINGS

9. CONDUCT PUBLIC HEARING TO APPROVE WATER RATE INCREASE

Recommendation: That City Council:

1. Conduct a Public Hearing to consider adoption of increases to the rates for water service fees;
2. Receive any additional written protests;
3. Direct the City Clerk to tally the protests and report the total; and
4. Consider approval of the draft resolution, if the tally does not exceed a majority protest as determined by the City Clerk.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report. Following his report, Mr. Reed addressed questions from the Council regarding meters, other rate increase options, pipe replacement, and financial consequences should the proposed rate increases not occur.

The Public Hearing was opened at 7:25 p.m.

- Austin Slater, Porterville, spoke in favor of the annexation of East Porterville, subsidizing the cost of water for some, increasing water rates for those who can afford it, and formation of a committee to include the City, County, and Porterville Area Coordinating Council.
- Ellen Hazelwood, Porterville, spoke in opposition to the proposed water rate increase.
- Ron Hulsey, Porterville, spoke in opposition to the proposed water rate increase on behalf of low income senior citizens; and stated that he was going to contact the State about its eligibility requirements for grant funds.
- Linda Hazelwood, Porterville, spoke in opposition to the proposed increase on account of the disadvantaged population, and stated that citizens should not be punished for conserving.
- Maria Lomeli inquired about the proposed flat rate increase.
- Deidre Best, Porterville, spoke against the proposed water increase despite the need for infrastructure, and inquired about a decrease in the future.
- Jack Flores, Village Garden resident, inquired if those not connected to the City's water system would benefit from the rate increase.
- Dolores Turnbow, Porterville, objected to the proposed rate increase on behalf of those on a fixed income.
- Michael Phillips requested information regarding the area of Beverly/Grand who was without water.
- Mr. Medina spoke in opposition to the water rate increase; and requested that the increase be spread out over a longer period of time.
- Martha Flores, Porterville, spoke of a level pay plan for water as was available for electricity and gas utilities; and commended staff and members of the community for their efforts to make water accessible.
- Mr. Gifford stated that the increase was too steep; and questioned the justification for the proposed increases.
- John Coffee, Porterville, commended the Council and staff for the presentation; and requested continued consideration of preventative infrastructure maintenance.
- Giovanni Ruiz spoke in favor of an increase in water rates, but suggested that it be gradual.

The Mayor announced a last call for written protests. Public Hearing was closed at 7:59 p.m.; and the Council took a ten minute recess to allow for the protest count.

It was reported by Administrative Services Director Patrice Hildreth that 451 written protests had been received, which was shy of the 7,637 required to successfully protest the increase. Ms. Hildreth added that the 451 included those that had been disqualified due to missing information or duplication.

The Council requested clarification regarding the increase for metered and flat rate users, and the value of water; spoke of the need for the proposed increase; addressed comments made in opposition to the increase; and commended those residents who took part in the process.

City Attorney Lew advised that Proposition 218 required the City monitor the water fund to ensure that the City was not charging more than the cost to provide service.

Vice Mayor Hamilton spoke in opposition to the additional increases proposed in the resolution. In response to comments and questions from the Council, City Attorney Lew spoke of Proposition 218 requirements which allowed for the proposed built-in increases over five years and would not allow for a level payment plan.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Mayor Stowe that the City Council approve the draft resolution setting water user fees as presented.

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

At the Council's request, Acting Public Works Director Reed went over the numbers for the proposed rate increase scenarios and variables which could affect those projections. It was clarified that the graphs presented included the additional increases over the five-year plan.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve reconsideration.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve the draft resolution setting water user fees as presented.

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

Documentation: Resolution No. 47-2016
Disposition: Approved.

SCHEDULED MATTERS

10. AWARD OF CONTRACT FOR BANKING SERVICES

Recommendation: That the City Council:

1. Select a banking services provider from the RFP responders; and
2. Authorize staff to execute an agreement with the selected bank for a term of five years with an option to negotiate extensions to the contract for additional two-year periods.

City Manager Lollis introduced the item. Mr. Lollis and Mayor Stowe recused themselves on account of perception, and left the Council chambers. Finance Director Maria Bemis presented the staff report. Following the report, Ms. Bemis addressed questions from the Council regarding differences between the responders.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Gurrola that the City Council direct staff to meet with both Union Bank and Bank of the Sierra, and bring back a recommendation to the Council.

Documentation: M.O. 06-071916

Disposition: Approved.

11. CONSIDERATION OF DRAFT LETTER TO THE TULARE COUNTY BOARD OF SUPERVISORS REGARDING ALTERNATIVE SOLUTIONS TO THE WINTER CLOSURE OF M90

Recommendation: That the City Council consider the Draft Letter and its transmittal to the Tulare County Board of Supervisors.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the draft letter and its transmittal to the Tulare County Board of Supervisors.

- The Council thanked Debbie Unser for being present and for all her hard work.

Documentation: M.O. 07-071916

Disposition: Approved.

12. 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 Member Gurrola asked if there was an anticipated date for the first water connection. City Manager Lollis confirmed it would be towards the end of July. Acting Public Works Director Mike Reed indicated that there were still loose ends between the multiple organizations helping East Porterville. He estimated about 70 connections being done by August. He also gave an update on the City/County well estimate the State had received. Community

Development Director Jenni Byers gave an update on staff's efforts to get residents to sign their extraterritorial service agreements.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council approve the continued Declaration of Local Emergency.

Documentation: M.O. 08-071916

Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

1. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

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

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

Council Member Gurrola asked about the equipment being requested for the Porterville Golf Course. She wondered about the use of the equipment if the Council decided to close the golf course in the near future. Park and Leisure Donnie Moore confirmed that some of the equipment could be put to use at the City Parks. She also asked if Council could wait to approve the purchase until after seeing the most updated report on the golf course usage. Mr. Moore explained the need of the equipment to Council.

Council Member Gurrola also asked for clarification on what the airport jet fuel truck was used for. It was clarified that the truck was used to haul out fuel to the jets which creates revenue for the City. Finance Director Maria Bemis explained that the current trucks were about 25 years old and very small. The Finance Department was proposing to purchase a larger truck in order to accommodate the size of the jet tanks.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery. The motion carried unanimously.

City Manager Lollis showed his appreciation for the maintenance fund which makes it possible to replace the equipment needed to do a good job.

Documentation: M.O. 09-071916

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola thanked police officers for their hard work and dedication.
- Council Member Reyes encouraged those individuals playing Pokemon Go to do so responsibly.
- Vice Mayor Hamilton announced that there was a race on Saturday at Rocky Hill Speedway.
- Mayor Stowe lauded Captain Jake Castellow for a recent speaking engagement. He also thanked Water Utility Superintendent Mike Knight for his attendance, despite the recent loss of a family member.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the reconsideration of Annexation 479 on August 2nd.

Documentation: M.O. 10-071916

Disposition: Approved.

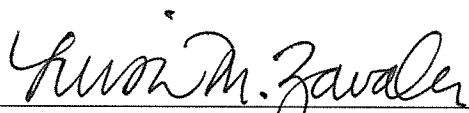
- City Manager Lollis thanked Parks & Leisure Services Director Donnie Moore for his organization of the City Employee Family Night at the Ballpark event on July 8th; announced that the Farmer's Market would be located at Centennial Park during the month of August, from 9:00am – 12:30pm; and reported that retired Fire Chief Mainord had passed away.
- Administrative Services Director Hildreth provided an update on the Municipal Election, specifically those individuals who had pulled papers to run for City Council.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:25 p.m. to the meeting of August 2, 2016.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor

