

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

Called to Order at 5:35 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

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: City of Porterville Water Rights. Agency Negotiators: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and Pioneer Water Company. 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 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three Case(s) 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 had been no reportable action taken in Closed Session.

Pledge of Allegiance Led by Council Member Gurrola

Invocation -- one individual participated.

AB 1234 REPORTS

None

REPORTS

- Parks & Leisure Services Commissioner Lucero presented the Commission's Monthly Report; and recognized James M. Gibson Iris Society members (in attendance) for their planting of irises in the downtown planters.

ORAL COMMUNICATIONS

- Eric Gomez introduced himself as a Monache High School Graduate and intern at The Documentary Studios; and presented a teaser trailer for a documentary film about Dr. Ramon Resa.
- Diane Wagner, Executive Producer of Ramon Rising film, spoke about the impact of Dr. Resa's story and of the benefit of sponsoring the documentary film.
- Cristela Tinego, spoke about Dr. Resa's story as motivational and inspirational to young people; and spoke in favor of the City's support of the movie.
- Christina Lopez Fernandez, recent high school graduate, stated that she was inspired by Dr. Resa and would be attending UC Riverside to study biology.
- Matthew Goodgion, recent Porterville High School graduate, spoke in support of sponsoring the documentary about Dr. Ramon Resa.
- Pam Avila, student instructor, spoke of Dr. Resa's work with the students, and spoke of their achievements.
- Shirley Rowe, spoke of Dr. Resa's work as a pediatrician and a motivational speaker, and of his contributions to the community.
- Jesse Gift, film director, spoke of the importance of the documentary and its benefit to the community of Porterville; and extended an invitation to the City to sponsor the film.
- Dr. Ramon Resa thanked the Council for their consideration; and spoke of his desire to share his story with young people.
- Joseph Lopez, Porterville, requested that his annexed area be connected to the sewer system (Montgomery Street area near Jaye Street roundabout).
- Ken Sherrill, Porterville, spoke of difficulties obtaining a complaint form at the Police Department; and requested that the Council do something about the Porterville Rescue Mission.
- Tanya Wolf requested that the City Council reconsider annexation of area 479A because she is interested in purchasing the property and doesn't want to pay the costs to initiate the annexation.
- Debra Unser, Upper Tule Association, spoke of tourism as a revenue and job generator; and requested the City's support in keeping the road open to traffic.
- Austin Slater, Porterville, spoke of the shortcomings of the Tulare County Board of Supervisors, and in support of annexing County islands to increase the City's population and improve economic opportunities.
- Jared Olson, Clean Energy Organization, spoke of the City's participation in the VIEW partnership, and in support of the purchase of SCE street lights.

CONSENT CALENDAR

Item No. 5 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 1-4, 6.

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

1. CITY COUNCIL MINUTES OF MAY 3, 2016

Recommendation: That the Council approve the draft Minutes of May 3, 2016.

Documentation: M.O. 01-070516

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorize the Public Works Director to purchase water shares or surface water during the 2016/2017 fiscal year up to \$500,000.

Documentation: M.O. 02-070516

Disposition: Approved.

3. ACCEPTANCE OF PROJECT - SLUDGE DEWATERING AND ELECTRIC BLOWER PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-070516

Disposition: Approved.

4. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 20152016

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY 20152016 RSTP Exchange Program fund claim to the Tulare County Association of Governments on behalf of the City of Porterville in the amount of \$600,057.

Documentation: Resolution No. 41-2016

Disposition: Approved.

6. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST ROTARY - CANCER CENTER RUN - SEPTEMBER 10, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Porterville Breakfast Rotary, subject to the

restrictions and requirements contained in the Application, Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 04-070516

Disposition: Approved.

PUBLIC HEARINGS

7. MODIFICATION NO. 2 TO CONDITIONAL USE PERMIT 197 (PRC 2016-014M) TO ALLOW THE SALE OF BEER AND WINE UNDER A TYPE 41 ON-SALE ALCOHOL LICENSE AT THE GALAXY 9 MOVIE THEATRE

Recommendation: That the City Council:

1. Adopt the draft resolution approving Modification No. 2 to Conditional Use Permit 197 (PRC 2016-014-M); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

Administrative Services Director Patrice Hildreth introduced the item, and Community Development Planner Elena Barragan presented the staff report.

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

- Rich Hilmer, representing Galaxy 9 Theatres, spoke of the importance of allowing the sale of alcohol in the theatre and made himself available to questions.
- General Manager, Veronica Garcia, explained how the alcohol would be served and stored inside the theatre. She expressed her excitement on behalf of Galaxy 9. She also spoke of her plans to hire more employees over the age of 21 in order to comply with the legal alcohol serving age. She also addressed questions from the Council regarding staff walk-throughs, identification card readers, times that alcohol would be served, why the theater wanted to sell alcohol, and measures to be taken to prevent customers from leaving with alcohol.
- Mr. Hilmer explained how the lighting in the theatre room works and how visible customers actually are to the theatre employees.
- Tom Bradovich, Pastor of Grand Avenue Methodist Church, expressed his concerns about the lack of accountability when people are drinking in the dark and about the sensitivity to the recovering addicts in our community. Mr. Bradovich also brought up the accessibility of the emergency side door exits.
- Austin Slater spoke in favor of the item and reminded everyone that people need to drink responsibly.
- Javier Ibarra questioned the timing and need of selling alcohol at Galaxy 9, and spoke of this movie theatre not being as kept up as others.

The Public Hearing was closed at 7:48 p.m.

Council Members expressed concerns regarding advertising the sale of alcohol, and use of emergency exits to leave the theater with alcohol. In response, the Council asked to modify

condition 13 to clarify that employees would be at the emergency side exit doors five minutes prior to the film being over.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council approve Conditional Use Permit 197 with specified modifications.

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

Documentation: Resolution No. 42-2016

Disposition: Approved.

Vice Mayor Hamilton spoke of the importance of employing adults under the age of 21 and stated that he did not want them to be let go following the Council's approval of the conditional use permit.

8. WESTWOOD PLAZA DRAFT ENVIRONMENTAL IMPACT REPORT

Recommendation: That the City Council accept comments on the Draft Environmental Impact Report for the Westwood Plaza Project.

Administrative Services Director Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The Public Hearing was opened at 8:00 p.m.

- Sunny Basra, Developer of Westwood Plaza, clarified that there were multiple spaces designated in the Plaza.

The Public Hearing closed at 8:01 p.m.

Vice Mayor Hamilton asked for clarification on the traffic study. Ms. Phillips explained that the study was based on the square footage of the retail space.

Documentation: None

Disposition: No action required.

9. LANDSCAPE AND LIGHTING DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2016-2017 assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and

2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2016-2017 Fiscal Year.

Administrative Services Director Hildreth introduced the item, and Parks and Leisure Director Donnie Moore presented the staff report.

The Public Hearing opened at 8:04 p.m. When no one came forward, the Public Hearing was closed at 8:05 p.m.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Reyes that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2016-2017 Fiscal Year.

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

Documentation: Resolution No. 43-2016
Disposition: Approved.

The Council took a 10 minute break.

SCHEDULED MATTERS

10. CONSIDERATION OF APPOINTMENT TO ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the appointment of Mary Florence Pizanis-Ellis to the Animal Control Commission to a term expiring in September 2016.

Administrative Services Director Patrice Hildreth introduced the item and presented the staff report.

- Ms. Pizanis introduced herself and spoke about her decision to apply for the Animal Control Commission and her experience with animals.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council appoint Mary Florence Pizanis-Ellis to the Animal Control Commission to a term expiring in September 2016.

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

ABSENT: Ward

Documentation: M.O. 05-070516

Disposition: Approved.

11. SPONSORSHIP OF DOCUMENTARY RAMON RISING

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

Administrative Services Director Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report.

In response to questions from the Council, City Attorney Lew clarified that if the Council made a finding of a public purpose the sponsorship would not be considered a gift of public funds, and that the funds could be given to the Arts Commission or directly to the project.

Members of the Council voiced their support of Dr. Resa and the importance of retelling his story; discussed the potential benefits of publicity for Porterville; and expressed reservations concerning approval of requests for funds and justifying said approval to tax payers.

Vice Mayor Hamilton reminded the Council that they each had an account from which they could pull monies to support the project, and both he and Mayor Stowe indicated they would be willing to do so.

In response to questions and comments from the Council, Producer Jesse Gift explained that the film would follow Dr. Resa's Memoir and highlight the ways business leaders and businesses in Porterville helped him on his journey.

Dr. Resa addressed the Council and assured them that he had asked that the city of Porterville be highlighted in the film. He also confirmed that he would be involved in the process because his name would be associated with the final product.

Documentation: None.

Disposition: Item continued to the meeting of August 2, 2016.

12. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the resolution adopting the appropriation limit of \$64,690,998 for the 2016-2017 fiscal year.

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve the resolution adopting the appropriation limit of \$64,690,998 for the 2016-2017 fiscal year.

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

Documentation: Resolution No. 44-2016
Disposition: Approved.

13. AWARD OF CONTRACT FOR BANKING SERVICES

Recommendation: That the City Council:

1. Select a banking services provider from the RFP responders;
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.

Administrative Services Director Patrice Hildreth introduced the item, and Finance Director Maria Bemis presented the staff report.

Mayor Stowe requested that the item be postponed in order to do further research. The Council did not object to the request.

Documentation: None.
Disposition: Item continued to the meeting of July 19, 2016.

14. CONSIDERATION OF SOUTHERN CALIFORNIA EDISON (SCE) STREET LIGHT PURCHASE

Recommendation: That the City Council review and provide direction to staff whether to pursue Southern California Edison (SCE) streetlight purchase.

Administrative Services Director Patrice Hildreth introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

- Chris Wiehl made himself available to answer questions from Council. He also expanded on each streetlight option provided in the staff report.

Council Member Reyes mentioned an article he had recently read that provided examples of other communities who had switched over to LED street lights and had decided to go back after trying it. Mr. Wiehl explained the options that the City would have in order to get what they needed from the LED lights.

Council Member Gurrola noted that by purchasing street lights there would be an added liability to the City that would come with little benefits.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Vice Mayor Hamilton that the City Council deny the purchase of Southern California Edison Streetlights.

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

Documentation: M.O. 06-070516
Disposition: Approved.

15. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2016 ANNUAL CONFERENCE

Recommendation: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternate voting delegates, at the Conference.

Administrative Services Director Patrice Hildreth introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Mayor Stowe that the City Council designate Council member Monte Reyes as the voting delegate at the League of California Cities Annual Conference.

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

Documentation: M.O. 07-070516
Disposition: Approved.

16. 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.

Administrative Services Director Patrice Hildreth introduced the item and Ms. Hildreth presented the staff report.

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

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

Documentation: M.O. 08-070516
Disposition: Approved.

CONSENT CALENDAR (Continued)

3. DOWNTOWN PORTERVILLE FIRE HYDRANTS ART PROJECT

Recommendation: That the City Council:

1. Direct the Arts Commission to proceed with the Fire Hydrant Art Project; and
2. Appropriate the amount of \$500 to the Arts Commission for the Fire Hydrant Art Project.

The item was introduced, and the staff report waived at the Council's request. Council Member Gurrola, who pulled the item, asked about the type of designs that would be accepted for the Fire Hydrant Project. She stated that she would like the designs to be presented to Council beforehand.

Council Member Reyes mentioned that he did not believe the \$500 would cover the project. Community Development Manager Julie Philips agreed that they could get itemized estimates from companies in order to come in closer to the amount needed from Council.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the appropriation in the amount of \$500 to the Arts Commission for the Fire Hydrant Art Project.

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

Documentation: M.O. 09-070516
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Gurrola requested that the Council consider a letter of support regarding tourism at the next meeting, as requested by the Upper Tule Association and suggested that candidates for appointment be interviewed for qualifications and informed of duties/responsibilities.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve a letter of support regarding tourism at the next meeting. The motion carried unanimously.

Documentation: M.O. 10-070516

Disposition: Approved.

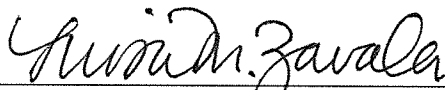
- Vice Mayor Hamilton raved about Saturday's Freedom Fest event; suggested parachutes be incorporated next year; and suggested an amendment to the fireworks ordinance to penalize property owners.
- Council Member Reyes stated that he was unable to attend Freedom Fest due to his volunteering in a fireworks booth; and expressed disappointment in the number of residents looking to buy illegal fireworks at the booth selling 'safe and sane' fireworks.
- Mayor Stowe lauded staff for a successful Freedom Fest event, the Fire Department for its recent fire-fighting efforts, and Mike Reed and Julie Phillips for their representation in Sacramento.
- Administrative Services Director Patrice Hildreth announced the nomination period for City Council candidates begins on July 18.

CLOSED SESSION

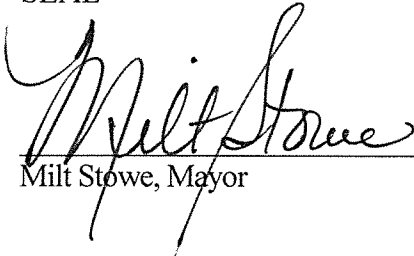
None

ADJOURNMENT

The Council adjourned at 9:45 p.m.to the meeting of July 19, 2016


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor

