

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 21, 2016, 5:30 PM**

Called to Order at 5:31 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 54956.9(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.

2 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Lonnie Wesson v. City of Porterville, et al., Tulare County Superior Court Case No. VCU 260276.

3 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three Cases in which facts are not yet known to potential plaintiff.

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

City Attorney Lew reported that no action had taken place in Closed Session.

The Pledge of Allegiance was led by Vice Mayor Hamilton.

Invocation -- one individual participated.

**PRESENTATIONS**

Employee of the Month -- Debbie Salter

Special Recognition of Police Department Volunteer -- Mark Lemmen

Chamber of Commerce Annual Report

**AB 1234 REPORTS**

1. Tulare County Association Of Governments (TCAG) - June 20, 2016  
Council Member Gurrola reported that Supervisor Ishida would be serving as the new chair and of discussion pertaining to transportation funding.

2. San Joaquin Valley Air Pollution Control District (SJVAPD) – June 16, 2016

Council Member Gurrola reported on the City's receipt of Cap and Trade, and Public Benefit Grants Program funding for the purchase of ten Greenpower buses and associated infrastructure; and thanked Transit Administrator Richard Tree for his efforts and attendance at the meeting.

## **REPORTS**

- I. City Commission and Committee Meetings
  1. Parks & Leisure Services Commission
  2. Library & Literacy Commission
  3. Arts Commission - Commissioner Deana Worthington requested that the Council consider two items: the painting of fire hydrants in the City in a patriotic theme; and a donation of \$10,000 to support a movie about Dr. Ramon Resa. She also spoke of vacancies that remain on the commission.
  4. Animal Control Commission
  5. Transactions And Use Tax Oversight Committee (Tutoc)
- II. Staff Informational Reports
  1. Water Conservation Phase III Status Update

## **ORAL COMMUNICATIONS**

- John Coffee, Porterville, spoke of the June 12th candlelight vigil for Orlando shooting victims; thanked the city staff, Mayor Stowe, Council Member Gurrola, and the Police personnel for their attendance and the support; and communicated his dissatisfaction with comments made by Vice Mayor Hamilton at the event.
- Jessie, Orlando resident, spoke of the lives lost in Orlando; thanked Mayor Stowe and Council Member Gurrola for their attendance at the vigil; and encouraged everyone to end the hate.
- Brock Neeley, Porterville, thanked Mayor Stowe and Council Member Gurrola for their attendance at the candlelight vigil; stated that he would not thank Vice Mayor Hamilton for his attendance or comments made; and read a statement by Elliot Trueblood about the Orlando shooting, violence against the LGBT community, and the need to stand up to hatred.
- Ken Sherrill, Porterville, stated that the individuals who run The Porterville Rescue Mission are known frauds; spoke of difficulties getting help from two Police Officers; suggested that police personnel be trained to respond to mentally ill individuals; and lauded Fire Chief Irish and Police Chief Kroutil for their competency.
- Martitza Altamirano, Porterville, introduced herself to the Council and expressed her interest in serving on the Animal Control Commission.
- Martha Flores, Porterville, spoke favorably of the Chamber Annual Report and of the public safety response to a recent fire in the Tule River.

## **CONSENT CALENDAR**

There were no items pulled from the Consent Calendar for discussion. Council Member Gurrola stated that she would be abstaining from Item No. 8 due to a previously disclosed conflict pertaining to the involvement of a family member.

COUNCIL ACTION:      MOVED by Vice Mayor Hamilton, SECONDED by Council Member Gurrola that the City Council approve Items Nos. 119, with the noted abstention. The motion carried unanimously.

1.      CITY COUNCIL MINUTES OF MAY 17, 2016

Recommendation:      That the Council approve the draft Minutes of May 17, 2016.

Documentation:      M.O. 01-062116

Disposition:      Approved.

2.      BUDGET ADJUSTMENT FOR THE 20152016 FISCAL YEAR

Recommendation:      That the City Council approve the budget adjustment and authorize staff to increase the City Council's appropriation for the fiscal year 20152016 in the amount of \$58,000 and to utilize the Budget Stabilization Reserve, if necessary.

Documentation:      M.O. 02-062116

Disposition:      Approved.

3.      PURCHASE OF POLICE RADIO FOR PATROL VEHICLE

Recommendation:      That the City Council:

1. Authorize Police Department Staff to purchase one (1) Motorola APX7500 radio with associated installation components per listed specifications; and
2. Authorize payment upon satisfactory delivery of the radio and associated components.

Documentation:      M.O. 03-062116

Disposition:      Approved.

4.      APPROVAL TO PURCHASE ANNUAL SUBSCRIPTION OF DAILY TRAINING BULLETINS AND MANAGEMENT SERVICES FROM LEXIPOL LLC

Recommendation:      That the City Council:

1. Authorize the Police Department to enter into an agreement for annual subscription to Lexipol LLC. for Daily Training Bulletins and testing data base, and Daily Training Bulletin Management Services at the contract price from Lexipol LLC; and
2. Authorize payment when the purchase process is completed.

Documentation: M.O. 04-062116

Disposition: Approved.

5. REQUEST TO PURCHASE MOBILE DATA TERMINAL (MDT) STANDS FOR POLICE VEHICLES

Recommendation: That the City Council:

1. Approve Department staff to negotiate the purchase of (21) Mobile Data Terminal (MDT) stands from Dell Inc. in the amount of \$22,966.82; and
2. Authorize payment upon delivery of stands.

Documentation: M.O. 05-062116

Disposition: Approved.

6. RATIFICATION OF EMERGENCY EXPENDITURE - EMERGENCY REPAIR OF CITY WELL 6

Recommendation: That City Council:

1. Ratify the determination that emergency repair of City Well 6 was necessary and met the emergency criteria as promulgated in Article VII, Section 238 of the City Code;
2. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$19,686; and
3. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 06-062116

Disposition: Approved.

7. AUTHORIZATION TO ADVERTISE FOR BIDS - VETERANS PARK TRAIL PHASE 1

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714; and

4. Authorize the Finance Director to appropriate \$21,322.92 from the Local Transportation Funds to wholly fund the project.

Documentation: M.O. 07-062116

Disposition: Approved.

8. REIMBURSEMENT FOR THE CONSTRUCTION OF NEWCOMB STREET TRANSPORTATION IMPROVEMENTS – DEL TACO COMMERCIAL DEVELOPMENT AT THE SOUTHWEST CORNER OF HENDERSON AVENUE AND NEWCOMB STREET (SMEE BUILDERS)

Recommendation: That the City Council:

1. Accept the transportation improvements related to the Del Taco commercial development project for maintenance; and
2. Approve reimbursement to Smee Builders per Section 2061 of the City of Porterville Municipal Code. The total reimbursement amount to be disbursed shall not exceed \$60,565.15.

AYES: Reyes, Ward, Hamilton, Stowe

NOES: None

ABSTAIN: Gurrola

ABSENT: None

Documentation: M.O. 08-062116

Disposition: Approved.

9. AUTHORIZATION TO AUGMENT MAC GENERAL ENGINEERING CONTRACT – PORTERVILLE HOTEL PROJECT

Recommendation: That City Council:

1. Authorize the augmentation of the MAC General Engineering contract by \$34,264; and
2. Authorize a ten percent (10%) contingency to cover unforeseen conditions that may be encountered that are specifically related to the proposed contract augmentation.

Documentation: M.O. 09-062116

Disposition: Approved.

10. ASPHALT OVERLAY PROGRAM FOR 2016/2017

Recommendation: That the City Council approve the 2016/2017 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 10-062116  
Disposition: Approved.

11. AUTHORIZATION TO "PIGGYBACK" ON EXISTING CONTRACT

Recommendation: That Council authorize the purchase of cold mix asphalt utilizing the contract between the County of Tulare and Jaxon Enterprises.

Documentation: M.O. 11-062116  
Disposition: Approved.

12. AGREEMENT WITH PORTERVILLE SHELTERED WORKSHOP FOR GRAFFITI REMOVAL SERVICES

Recommendation: That Council approve the Agreement for Graffiti removal Services and authorize the Mayor to sign the agreement.

Documentation: M.O. 12-062116  
Disposition: Approved.

13. JOINT FUNDING AGREEMENT WITH PORTERVILLE UNIFIED SCHOOL DISTRICT AND BURTON SCHOOL DISTRICT FOR SCHOOL RESOURCE OFFICERS

Recommendation: That the City Council:

1. Approve the Agreement for Joint Funding for School Resource Officers for the period of July 1, 2016, through June 30, 2017; and
2. Authorize the Mayor to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 13-062116  
Disposition: Approved.

14. COOPERATIVE AGREEMENT WITH PORTERVILLE COLLEGE FOR USE OF THE POLICE FIRING RANGE

Recommendation: That the City Council:

1. Approve the Agreement with Porterville College for the period of 07/01/16 through 06/30/17; and
2. Authorize the Chief of Police to execute the Agreement on behalf of the City of Porterville.

Documentation: M.O. 14-062116  
Disposition: Approved.

15. POLICE FIRING RANGE COOPERATIVE AGREEMENT WITH CITY OF LINDSAY

Recommendation: That the City Council:

1. Approve the Agreement for the period of 07/01/16 through 06/30/17; and
2. Authorize the Chief of Police to execute the agreement on behalf of the City of Porterville.

Documentation: M.O. 15-062116

Disposition: Approved.

16. AGREEMENT FOR ANIMAL SHELTER SERVICES - CITY OF LINDSAY

Recommendation: That the City Council:

1. Approve the Agreement for Sheltering Services between the City of Porterville and City of Lindsay; and,
2. Authorize the Mayor and City Manager to sign all the necessary documents to execute the agreement.

Documentation: M.O. 16-062116

Disposition: Approved.

17. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LIGHTING & LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:

1. Approve the draft Resolution ordering the preparation of an Engineer's Report for the Landscape and Lighting and Lighting Maintenance District for the Fiscal Year 20162017;
2. Approve the draft Resolution giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 20162017;
3. Approve the draft Resolution declaring the intent to levy and collect assessments for Fiscal Year 2016-2017, and offering a time and place for hearing objections thereto; and
4. Approve the scheduling of a public hearing on July 5, 2016, at 6:30 p.m. regarding the Engineer's Report and proposed assessment for the Landscape and Lighting Maintenance District for Fiscal Year 2016-2017.

Documentation: Resolution Nos. 36-2016; 37-2016; and 38-2016

Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT - CITY OF PORTERVILLE AND SIERRA VIEW MEDICAL CENTER - FARMERS MARKET - TUESDAYS IN THE MONTH OF AUGUST 2016

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement from the City of Porterville and Sierra View Medical Center, subject to the restrictions and requirements contained in the Application and Exhibit A of the Community Civic Event Application; and
2. Approve funding of \$10,000 from the City Council's Special Purpose Reserve Fund.

Documentation: M.O. 17-062116

Disposition: Approved.

19. APPROVAL FOR COMMUNITY CIVIC EVENT - IGLESIA DEL NAZARENO - MOTHERS UNITED AGAINST GANG VIOLENCE - 2ND ANNUAL PERFORMING ARTS, CAR AND BIKE SHOW - AUGUST 20, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by Porterville Iglesia Del Nazareno and Mothers United Against Gang Violence, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 18-062116

Disposition: Approved.

**PUBLIC HEARINGS**

20. ADOPTION OF FISCAL YEAR 2016-2017 BUDGET

Recommendation: That the City Council conduct the Public Hearing and consider for adoption the proposed 2016-2017 Fiscal Year Budget, including any modifications and for the time period as designated by Council.

City Manager Lollis introduced the item and presented the staff report. The report included notice that the City had not been selected for receipt of OHV grant funds from the State which amounts to a loss of \$85,000 in revenue.

Parks and Leisure Services Director Donnie Moore gave a presentation of options available to the Council, projections of operating costs associated with said options, and statistics pertaining to ridership.

The Public Hearing was opened at 7:43 p.m.

- Dave Walker, Executive Director of Friends of Kern Open Space, spoke of efforts made to date, events planned, and the importance of having a place for safe, legal OHV activity; and requested that the Council consider continuing operation through the end of the year.
- Stan Boling, spoke in support of OHV park funding.

The Public Hearing was closed at 7:49 p.m.

City Manager Lollis spoke of conservative projections in revenue within the budget, which could be reviewed in six months. Mr. Moore and Mr. Walker addressed questions from the Council regarding ridership and weather; and the Council discussed funding of options presented and efforts of new management.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve OHV Park operations of 3 days per week through January 1, 2017, and renewal of agreement with Friends of Kern Open Space. The motion carried unanimously.

Discussion followed regarding: the addition of a quarterly report on ridership at the OHV park; the Chamber of Commerce reporting on the use of City funds in a line item format and on a quarterly basis; the presentation of budget information; and future use of the Stout building.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Reyes that the City Council adopt the proposed 2016-2017 Fiscal Year Budget, as amended.

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

Documentation: Resolution Nos. 39-2016; and 40-2016

Disposition: Approved.

## SECOND READINGS

### 21. SECOND READING - ORDINANCE NO. 1833 - VARIOUS AMENDMENTS

Recommendation: That the Council give Second Reading to Ordinance No. 1833, waive further reading, and adopt said Ordinance.

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 give Second Reading to Ordinance No. 1833, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING VARIOUS SECTIONS OF THE PORTERVILLE MUNICIPAL CODE TO CORRECT INCONSISTENCIES AND AMBIGUITIES, waive further reading, and adopt said Ordinance.

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

The Ordinance was read by title only.

Documentation: Ordinance No. 1833  
Disposition: Approved.

**SCHEDULED MATTERS**

**22. CONSIDERATION OF APPOINTMENTS TO CITY COMMISSION AND COMMITTEE**

Recommendation: That the City Council consider the appointment of individuals to the Animal Control Commission for terms expiring in September of 2018; and the Transactions and Use Tax Oversight Committee for a term expiring in May 2020.

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

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the appointment of Maritza Altamirano and Richard Stadtherr to the Animal Control Commission for terms expiring in September of 2018; and Richard Stadtherr to the Transactions and Use Tax Oversight Committee for a term expiring in May 2020. The motion carried unanimously.

Documentation: M.O. 19-062116  
Disposition: Approved.

**23. 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 a brief staff report.

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

Documentation: M.O. 20-062116

Disposition: Approved.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

None

**CLOSED SESSION**

None

**ADJOURNMENT**

The City Council adjourned at 8:31 p.m. to its Special Meeting.

**SPECIAL CITY COUNCIL MEETING  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 21, 2016, 8:30 PM**

Called to Order at 8:42 p.m.

Roll Call: Council Member Reyes, Council Member Ward, Council Member Gurrola, Vice Mayor Hamilton, Mayor Stowe

**ORAL COMMUNICATIONS**

None

**SCHEDULED MATTERS**

1. CONSIDERATION OF MEMORANDUM OF UNDERSTANDING REGARDING THE PROVISIONS OF EMERGENCY WATER SUPPLIES TO EAST PORTERVILLE

Recommendation: That the City Council consider approval of the draft Memorandum of Understanding regarding the provisions of emergency water supplies to East Porterville.

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

Following the report, staff addressed questions from the Council regarding the timeline for the Urban Development Boundary amendment, and reimbursement of legal fees and staff time associated with the provision of emergency water.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the draft Memorandum of Understanding regarding the provisions of emergency water supplies to East Porterville. The motion carried unanimously.

Documentation: M.O. 01S-062116

Disposition: Approved.

#### **OTHER MATTERS**

- Council Member Gurrola stated that she had recently been to the Municipal Pool with her grandchildren and found it to be very clean, and added that the lifeguards did a great job. She then responded to comments directed at Vice Mayor Hamilton earlier in the evening by encouraging those with differences to choose better words; stated that she did not find Vice Mayor Hamilton's comments to be inappropriate; and thanked him for his attendance at the candlelight vigil.
- Vice Mayor Hamilton encouraged attendance at Freedom Fest on Saturday, July 2<sup>nd</sup>.
- Council Member Ward stated that he was pleased with the placement of the military banners; and expressed sympathy for the victims of the shooting in Orlando and their families.
- Council Member Reyes stated that he was proud of the decorum demonstrated by the Council this evening.
- Mayor Stowe spoke of the Orlando shooting, his attendance at Dr. Snavelly's retirement dinner, and his experience speaking with Burton 3<sup>rd</sup> graders.
- City Manager Lollis spoke of the following upcoming events: a media call regarding the plan for East Porterville on Wednesday; an East Porterville public meeting at Granite Hills on Thursday evening; a meeting at Veterans Memorial Building about SGMA next week; and City of Porterville Employee Family Night at the Ballpark event on July 8 at Visalia Rawhide Ballpark. He also lauded the Fire Department for its efforts pertaining to multiple fires last week; and stated that Yuliana Andrade would be replacing Debbie Salter upon her retirement at the end of the month.

The Council took a five minute recess at 9:05 p.m. and reconvened in Closed Session.

#### **CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 - Conference with Real Property Negotiators/Property: APNs: 302-390-015 and 302-390-024. Agency Negotiators: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and GreenPower Motor Company, Inc. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 -- Conference with Real Property Negotiators/Property: Portions of the old East Side Atchison, Topeka & Santa Fe Rail Line, generally described as a collection of 15 individuals lots beginning at the northern terminus of the Rails to Trails Parkway on East Mulberry Avenue, across Lime Street in a northeasterly direction, on towards North G Street, and culminating at the center line of West Reid Avenue. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.9(d)(3) -- Conference with Legal Counsel -- Anticipated Litigation -- Significant Exposure to Litigation: Two cases in which facts are not known to potential plaintiff.

4 - Government Code Section 54956.9(d)(4) -- Conference with Legal Counsel -- Anticipated Litigation -- Initiation of Litigation: Two cases.

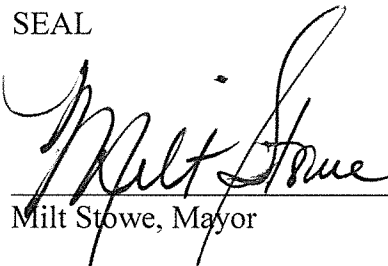
**RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN  
IN CLOSED SESSION**

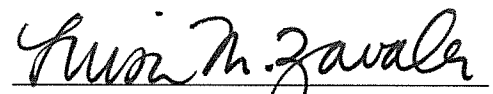
The Council reconvened in Open Session at 9:44 p.m. and it was reported that no reportable action had taken place.

**ADJOURNMENT**

The Council adjourned at 9:45 p.m. to the meeting of July 5, 2016.

SEAL

  
\_\_\_\_\_  
Milt Stowe, Mayor

  
\_\_\_\_\_  
Luisa M. Zavala, Deputy City Clerk

