

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 6, 2016, 5:30 PM**

Called to Order at 5:32 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 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-050-026. Agency Negotiators: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 260-250-026, 260-250-03, 260-260-002, 260-260-006, 260-310-016, 260-310-042, 260-310-043, 260-320-010, 260-320-032, and 260-320-035. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Dexter J. and Erline Goodell. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., U.S. District Court Case No. 1:16-cv-01071-AWI-SAB.
- 5 - 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 - 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

PRESENTATIONS

Miss Porterville and Her Court
Employee of the Month
Employee Service Awards

Police Department Citizen's Academy

AB 1234 REPORTS

1. Council of Cities - November 16, 2016
Vice Mayor Hamilton spoke of discussion pertaining to elections and the selection of a representative to serve on the CARB.
2. SJVAPCD Special Meeting - November 29, 2016
Council Member Gurrola reported the lack of a quorum, and indicated that a meeting would take place in February or March for the purpose of filling vacancies.

REPORTS

- I. Staff Informational Reports
 1. 2016 legislative session and election propositions

ORAL COMMUNICATIONS

- Raul Bermudez urged the Council to support street improvements to Union Avenue between Indiana Street and Jaye Street.
- Janet Holm spoke of her communications with staff regarding an issue with her water bill.

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the City Council approve Items Nos. 16. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF OCTOBER 20, 2015, NOVEMBER 3, 2015, AND NOVEMBER 17, 2015

Recommendation: That the Council approve the draft Minutes of October 20, 2015, November 3, 2015, and November 17, 2015.

Documentation: M.O. 01-121616

Disposition: Approved.

2. AUTHORIZATION TO NEGOTIATE A CONTRACT – PREPARATION OF CITY MASTER PLAN UPDATES, RECYCLED WATER FEASIBILITY STUDY, AND STORM WATER RESOURCE PLAN

Recommendation: That City Council:

1. Authorize staff to negotiate a scope of services and contract with Carollo Engineers; and

2. Authorize staff to negotiate a scope of services and contract with Akel Engineering Group if staff is unable to negotiate an acceptable contract with Carollo Engineering.

Documentation: M.O. 02-121616

Disposition: Approved.

3. AUTHORIZATION TO EXECUTE AN AGREEMENT TO DESIGNATE DEER CREEK AND TULE RIVER AUTHORITY (DCTRA) AS FISCAL AGENT FOR THE TULE SUBBASIN SUSTAINABLE GROUNDWATER MANAGEMENT ACT (SGMA) PLANNING GRANT

Recommendation: That City Council:

1. Approve the Tule Subbasin SGMA MOU Groups recommendation to appoint Deer Creek and Tule River Authority as the fiscal agent for the group; and
2. Authorize the Mayor to execute the Agreement to Designate the Deer Creek & Tule River Authority as Fiscal Agent for the Tule Subbasin Planning Grant.

Documentation: M.O. 03-121616

Disposition: Approved.

4. APPROVAL FOR COMMUNITY CIVIC EVENT - IGLESIA DEL NAZARENO - MOTHERS UNITED AGAINST GANG VIOLENCE - CELEBRATING OUR LOVED ONES MEMORIES - DECEMBER 14, 2016

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by Porterville Evangelical Iglesia del Nazareno contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 04-121616

Disposition: Approved.

5. APPROVAL FOR COMMUNITY CIVIC EVENT - HELPING HANDS OF PORTERVILLE - MAX FIT STUDIO - MAX FIT CHRISTMAS GAMES - DECEMBER 17, 2016

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from Helping Hands of Porterville and Max Fit Studio, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 05-121616

Disposition: Approved.

6. AMENDMENT TO THE PAY RATE SCHEDULE FOR SEASONAL AND PART-TIME EMPLOYEES

Recommendation: That the City Council:
1. Adopt the draft Resolution amending the City's Employee Pay and Benefit Plan, Seasonal and Part-Time rates; and
2. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution No. 79-2016

Disposition: Approved.

PUBLIC HEARINGS

7. CONSIDERING APPROVAL OF A CONDITIONAL USE PERMIT (PRC 2016-030C) TO ALLOW SAN JOAQUIN VALLEY COLLEGE, A PRIVATE COLLEGE, TO BE LOCATED AT 314 N. MAIN STREET

Recommendation: That the City Council confirm the Zoning Administrator's determination which would limit instructional space to less than 5,000 square feet and adopt the draft resolution approving Conditional Use Permit (PRC 2016-030C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval.

City Attorney Julia Lew advised that the item needed to be continued for re-noticing in the newspaper due to changes.

Documentation: None

Disposition: Item was continued to the meeting of December 20, 2016.

SCHEDULED MATTERS

8. TEMPORARY STRUCTURE PERMIT FOR A MODULAR BUILDING TO BE LOCATED 180 SOUTH E STREET

Recommendation: That the City Council approve the draft resolution approving a temporary structure permit subject to the site plan and conditions of approval.

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

Staff addressed questions from Council regarding what the modular building would look like cosmetically and where it would be placed.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council approve the draft resolution approving a temporary structure permit subject to the site plan and conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 80-2016
Disposition: Approved.

9. CONSIDER PAVING IMPROVEMENT OF UNION AVENUE BETWEEN INDIANA STREET AND JAYE STREET

Recommendation: That the City Council consider the paving improvement of Union Avenue between Indiana Street and Jaye Street.

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

Staff addressed questions from the Council regarding the number of power poles that would need to be moved in order to complete the improvement project; noted that the project had been on the 10 year City Improvement Project list for some time; and spoke of the need to acquire the right of way through negotiations.

Council Member Gurrola talked about the desperate need to improve the paving on Union Avenue and the needs expressed by the residents on this street regarding sidewalks.

Raul Bermudez, a resident of Union Avenue, expressed his concerns about the sidewalk needs on the street. He also discussed the water accumulation that happens down the street when it rains. Mr. Bermudez believes that the pavement improvement would benefit the residents and the community.

Council Member Ward expressed his concerns regarding the responsibility of improvement payments. The staff assured the Council that if the improvements were not covered by grants then they would have to be covered by the property owners.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council approve the two segments of overlay and directed the inclusion of the project for budget consideration. The motion carried unanimously.

Documentation: M.O. 06-120616
Disposition: Approved.

10. 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, and consider the Draft Amendment to the Memorandum of Understanding for the East Porterville Water Supply Project.

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

Acting Public Works Director Mike Reed gave an update on the infrastructure projects coming up.

Eric Lamoureux from Cal OES expressed his appreciation for the City of Porterville. He also spoke of his frustrations regarding the well but indicated that he was optimistic.

Council Member Gurrola thanked the Council and those who worked hard to help those who were in desperate need of water in East Porterville.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Gurrola that the City Council approve the continued Declaration of Local Emergency, and approve the Draft Amendment to the Memorandum of Understanding for the East Porterville Water Supply Project, as amended to clarify the effective date of execution. The motion carried unanimously.

Documentation: M.O. 07-120616

Disposition: Approved, as amended.

ORAL COMMUNICATIONS

- Tony Lopez stated that he was a County resident with a City water connection, and expressed his interest in obtaining a second connection for an additional dwelling unit on his property.

OTHER MATTERS

- Council Member Reyes spoke of the great turnout at the Children's Christmas Parade.
- Council Member Ward congratulated Council Member Reyes and Council Member Elect Martha Flores on being elected to the Council.
- Vice Mayor Hamilton voiced his appreciation to Council Member Gurrola for her service; welcomed Council Member Elect Martha Flores; and thanked Sal Gurrola for letting the City borrow his wife.
- Mayor Stowe stated that he had enjoyed serving with Council Member Gurrola and thanked her for her service to the community.
- Council Member Gurrola lauded City staff, City Manager Lollis and City Attorney Lew for being dedicated to the community and voiced her appreciation to all.
- City Manager Lollis stated that it had been a pleasure working with Council Member Gurrola and the current Council; expressed gratitude to staff for their efforts at the Christmas Parade; spoke of a Santa appearance on the 13th and the Employee Christmas Luncheon on the 14th; announced the sale of RDA bonds; and congratulated Acting Fire Chief Glenn Irish, Deputy Public Works Director Bryan Styles and Human Resource Analyst Josie Castaneda on their upcoming retirements because he would not be at the December 20th meeting.

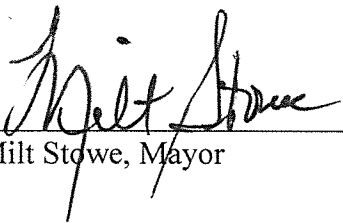
CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:15 p.m. to the meeting of December 13, 2016.

SEAL



Milt Stowe, Mayor



Luisa M. Zavala, Deputy City Clerk

