

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 17, 2017, 5:30 PM**

Call to Order at 5:33 p.m.

Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores,
Vice Mayor Ward, 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: 1893 South Newcomb Street. Agency Negotiator: John Lollis and Maria Bemis. Negotiating Parties: City of Porterville and Richard Chilcutt. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 253-124-015. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and JCH Family Limited Partnership. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Che Johnson. Employee Organizations: Porterville City Firefighters Association and Fire Officers Series.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Ashley Thomas. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.95 -- Liability Claim: Claimant: State Farm Insurance, as Subrogee for Emilio Gutierrez. Agency claimed against: City of Porterville.
- 6 - 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. Hishmeh Enterprises, Inc., et al., Tulare County Superior Court Case No. 259965.
- 7 - 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.
- 8 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

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

City Attorney Lew reported action pertaining to A-4 and A-5, as follows:

A-4. On a MOTION made by Vice Mayor Ward, and SECONDED by Council Member Hamilton the City Council unanimously reject the claim made by Ashley Thomas.

Documentation: M.O. 01-011717

Disposition: Claim Rejected.

A-5. On a MOTION made by Vice Mayor Ward, and SECONDED by Council Member Flores the City Council unanimously reject the claim made by State Farm Insurance, as Subrogee for Emilio Gutierrez.

Documentation: M.O. 02-011717

Disposition: Claim Rejected.

Pledge of Allegiance Led by Council Member Martha A. Flores
Invocation – A moment of silence was observed.

PRESENTATIONS

Employee of the Month - Gabriela Cruz

AB 1234 REPORTS

None

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - January 5, 2017
Commission Chair Vafeades presented the Commission's monthly report which included information regarding: trimming of palm trees at Murry Park; the New Year's Eve Gala; City Pool reservations; activity calendar; adult and youth sports programs; and the Commission's recommendations to the Council pertaining to Item Nos. 9 and 12.
2. Library & Literacy Commission - January 10, 2017
Commissioner Bailey presented a report on the Commission's last meeting, which included discussion pertaining to: the development of a facilities master plan; a member of the public's concerns regarding the privacy of patrons with regard to use of computers at the library; and monthly statistics regarding program participants and volunteer activity. He also extended an invitation to view an art exhibit about the East Porterville water crisis that would be on display through May; and thanked the late Peter M. Brown for his contribution of \$158,351 to the library, which was the largest gift in the history of the library.
3. Arts Commission – no report.
4. Animal Control Commission - January 9, 2017
Commission Chair Pizanis reported statistics pertaining to animal control activity for the month of December 2016.
5. Youth Commission - January 9, 2017
Commissioner Villarreal provided an update on Operation Gratitude, and advised of drop-off boxes located at the Parks & Leisure Services Department and Library. Ms. Villarreal also spoke of the Commission's participation in judging of the StepUp banner contest, and coordination of this year's dodgeball

tournament for local high schools.

6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Allan Bailey, Porterville, spoke in favor of Item No. 12.
- Sheila Pickrell, Porterville Museum Curator, requested photo opportunities with the Council to help promote the museum; and spoke of programs and upcoming activities.
- Brock Neeley, Porterville, suggested that the Council consider the establishment of fines for violation of all City ordinances; and cautioned the Council to carefully consider support of H.R. 23.

CONSENT CALENDAR

Item Nos. 2 and 9 were pulled by staff for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council approve Items Nos. 1, 3-8, and 10-13. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 15, 2016, JULY 5, 2016, JULY 19, 2016, AUGUST 16, 2016, AND OCTOBER 18, 2016

Recommendation: That the Council approve the draft Minutes of March 15, 2016, July 5, 2016, July 19, 2016, August 16, 2016, and October 18, 2016.

Documentation: M.O. 03-011717

Disposition: Approved.

3. AUTHORIZATION TO ENTER INTO AGREEMENT FOR THE LEASE OF MAILING AND SHIPPING SYSTEM, FOLDER-INSERTER AND LETTER OPENER

Recommendation: That the City Council authorize the Finance Director to execute an agreement with Pitney Bowes for the lease and maintenance of a mailing and shipping system and a folder-inserter for \$673.64 per month plus any applicable taxes for a five-year term.

Documentation: M.O. 04-011717

Disposition: Approved.

4. AUTHORIZATION TO NEGOTIATE A CONTRACT - CONSULTANT SERVICES FOR THE REVIEW OF THE WASTEWATER BIOSOLIDS MANAGEMENT PLAN

Recommendation: That City Council:

1. Accept the Scope of Services provided by Carollo Engineers, Inc.; and

2. Authorize the Public Works Director to execute the Service Agreement.

Documentation: M.O. 05-011717

Disposition: Approved.

5. AIRPORT DRY FARM LEASE AMENDMENT

Recommendation: That the City Council approve Amendment No. 1 to the Lease Agreement between the City of Porterville and Rick Perigo Roadsiding for dry farming at the Porterville Municipal Airport effective January 1, 2017.

Documentation: M.O. 06-011717

Disposition: Approved.

6. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year Ended June 30, 2016.

Documentation: M.O. 07-011717

Disposition: Approved.

7. CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:

1. Adopt the 2017 Citizen Participation Plan; and
2. Appoint existing committee members Pat Contreras, Maria Gonzalez, Doug Heusdens, Kelle Jo Lowe, Linda Mendez, Grace Muños-Rios, and Rebecca Vigil, to the Citizens' Advisory and Housing Opportunity Committee for a one-year term.

Documentation: M.O. 08-011717

Disposition: Approved.

8. TRANSFER OF SUCCESSOR AGENCY PROPERTIES TO THE CITY OF PORTERVILLE

Recommendation: That the City Council:

1. Authorize staff to begin escrow;
2. Adopt the draft resolution accepting properties from the Successor Agency to the Porterville Redevelopment Agency;
3. Authorize the Mayor and City Manager to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution No. 01-2017

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - BOYS AND GIRLS CLUB - LOVE OUR KIDS 5K FUN RUN - FEBRUARY 18, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club, subject to the Restrictions and Requirements contained in the Application, Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 09-011717

Disposition: Approved.

11. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER ADJUSTMENT OF ANIMAL SHELTER ADOPTION FEES

Recommendation: That the City Council approve Vice Mayor Ward's request to consider the adjustment of Animal Shelter adoption fees as a Scheduled Matter at the February 7th Council meeting.

Documentation: M.O. 10-011717

Disposition: Approved.

12. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER ESTABLISHING A PERMIT TO ALLOW RESIDENTS TO MODIFY THE EVEN/ODD WATERING SCHEDULE

Recommendation: That the City Council approve Vice Mayor Ward's request to consider the establishment of a permit to allow residents to modify the even/odd watering schedule as a Scheduled Matter at the February 7th Council meeting.

Documentation: M.O. 11-011717

Disposition: Approved.

13. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER ESTABLISHING A FINE FOR VIOLATING THE CITY'S SIGN ORDINANCE

Recommendation: That the City Council approve Vice Mayor Ward's request to consider the establishment of a fine for violating the City's Sign Ordinance as a Scheduled Matter at the February 7th Council meeting.

Documentation: M.O. 12-011717

Disposition: Approved.

SCHEDULED MATTERS

14. BID RESULTS - ISLAND ANNEXATION SEWER PROJECT 456A, B, C, & 457

Recommendation: That City Council direct staff to:
1. Reject all bids and authorize the City Engineer to re-advertise the

- project for new bids per policy; or
- 2. Reject all bids and authorize the City Engineer to re-advertise and change the scope of the design of the project; or
- 3. Reject all bids and authorize the City Engineer to re-advertise and select which annexation areas will receive infrastructure that is within the available budget.

City Manager Lollis introduced the item, and Council Member Flores noted a conflict of interest and stepped out of Council Chambers. Acting Public Works Director Mike Reed presented the staff report.

Vice Mayor Ward recommended that staff break up the project into smaller projects in order to receive more favorable bids and to encourage smaller contractors to bid.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council reject all bids and authorize the City Engineer to re-advertise and change the scope of the design of the project.

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

Documentation: M.O. 13-011717
 Disposition: Approved.

15. ZALUD HOUSE PARANORMAL TOURS

Recommendation: That the City Council provide direction on Zalud House paranormal tours.

City Manager Lollis introduced the item, and Parks and Leisure Director Donnie Moore presented the staff report.

The Council discussed the benefit of the extra funding coming from the paranormal tours, and suggested that the prices should be raised in order to reflect the value of the Zalud House. Members of the Council voiced their concerns regarding theft and damage to items in the house; and recommended that the City ask for deposits and signed contracts before the tours to try to avoid theft and damage. It was also recommended that a staff member be on site at all times during a paranormal tour.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Hamilton that the City Council direct staff to continue to hold paranormal tours for amateur groups and come to Council for approval of any professional groups interested in conducting investigations. The motion carried unanimously.

Documentation: M.O. 14-011717
 Disposition: Approved.

16. LETTER OF SUPPORT FOR H.R. 23 - GAINING RESPONSIBILITY ON WATER ACT OF 2017

Recommendation: That the City Council:
1. Consider H.R. 23 (as introduced on January 3, 2017); and
2. If approved, authorize the Mayor to sign the draft Letter of Support.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Vice Mayor Ward that the City Council approve the letter of support for H.R. 23 and authorize the Mayor to sign it. The motion carried unanimously.

Documentation: M.O. 15-011717

Disposition: Approved.

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

Documentation: M.O. 16-011717

Disposition: Approved.

CONSENT CALENDAR Continued

2. AUTHORIZATION TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH INTERWEST CONSULTING GROUP INC., TO ALLOW GENERAL THIRD PARTY PLAN REVIEW WHEN NEEDED BY THE CITY

Recommendation: That City Council:
1. Approve the Professional Services Agreement with Interwest Consulting Group, Inc.; and
2. Authorize the Public Works Director to sign the Agreement.

City Attorney Lew requested that the Council approve the item subject to the City Attorney and Staff being able to agree with the consultants on changes in a clause regarding the limitation of liability.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Hamilton that the City Council follow the recommendations made

by the City Attorney, approve the Professional Services Agreement with Interwest Consulting Group, Inc. and authorize the Public Works Director to sign the Agreement. The motion carried unanimously.

Documentation: M.O. 17-011717

Disposition: Approved.

9. APPROVAL OF CITY CONCESSION LICENSES

Recommendation: That the City Council approve the concession licenses with Porterville Girls Fastpitch for the 2017 Hayes Field license, AYSO for the Spring 2017 Sports Complex license, and PYSL for the Fall 2017 Sports Complex license, and authorize and direct the Mayor to execute the same.

City Attorney Lew recommended that the Council approve the item with an added clause in the contract regarding the mandatory passing of a drug and alcohol test, finger print scan, and background check by all concession contractors. The clause would also state that all employees have a neat and well-groomed appearance, be professional, and allow the City to immediately terminate any agreement upon the apparent commission of a crime.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Hamilton that the City Council follow the recommendations made by the City Attorney and approve the concession licenses with Porterville Girls Fastpitch for the 2017 Hayes Field license, AYSO for the Spring 2017 Sports Complex license, and PYSL for the Fall 2017 Sports Complex license, and authorize and direct the Mayor to execute the same. The motion carried unanimously.

Documentation: M.O. 18-011717

Disposition: Approved.

The Council adjourned to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
JANUARY 17, 2017

Roll Call: Agency Member Flores, Agency Member Reyes, Agency Member Hamilton, Agency Vice Chair Ward, Agency Chair Stowe

WRITTEN COMMUNICATION

None

ORAL COMMUNICATIONS

None

SUCCESSOR AGENCY SCHEDULED MATTERS

18. SUCCESSOR AGENCY MINUTES OF OCTOBER 18, 2016

Recommendation: That the Successor Agency approve the draft Minutes of October 18, 2016.

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

COUNCIL ACTION: MOVED by Vice Chair Brian Ward, SECONDED by Agency Member Martha Flores that the Successor Agency approve the draft minutes of October 18, 2016. The motion carried unanimously.

Documentation: SA M.O. 01-011717

Disposition: Approved.

19. APPOINTMENT OF A NEW MEMBER TO THE OVERSIGHT BOARD

Recommendation: Information item only. No action required.

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

COUNCIL ACTION: MOVED by Vice Chair Ward, SECONDED by Agency Member Flores that the Successor Agency receive the informational report. The motion carried unanimously.

Documentation: SA M.O. 02-011717

Disposition: Approved.

20. REVIEW AND APPROVAL OF PROPOSED ADMINISTRATIVE BUDGET

Recommendation: That the Successor Agency adopt the draft Resolution approving the Administrative Budget for the period of July 1, 2017, through June 30, 2018, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board.

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

COUNCIL ACTION: MOVED by Vice Chair Ward, SECONDED by Agency Member Flores that the Successor Agency adopt the draft Resolution approving the Administrative Budget for the period of July 1, 2017, through June 30, 2018, and direct Successor Agency staff to submit the Administrative Budget to the Oversight Board. The motion carried unanimously.

Documentation: SA Resolution No. 2017-01

Disposition: Approved.

21. REVIEW AND APPROVAL OF DRAFT RECOGNIZED OBLIGATION
PAYMENT SCHEDULE FOR FISCAL YEAR 2017-18

Recommendation: That the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 17-18 for the period of July 1, 2017, through June 30, 2018, provided that should any modification be required to the ROPS 17-18 by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 17-18 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 17-18 to the Oversight Board.

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

COUNCIL ACTION: MOVED by Vice Chair Ward, SECONDED by Agency Member Flores that the Successor Agency adopt a Resolution approving the Recognized Obligation Payment Schedule 17-18 for the period of July 1, 2017, through June 30, 2018, provided that should any modification be required to the ROPS 17-18 by the DOF, the Executive Director and/or the Finance Director shall be authorized to make any augmentation, modification, additions or revisions as may be necessary to conform the ROPS 17-18 to requirements imposed by the DOF and direct Successor Agency staff to submit the ROPS 17-18 to the Oversight Board. The motion carried unanimously.

Documentation: SA Resolution No. 2017-02

Disposition: Approved.

The Successor Agency adjourned to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores thanked City Manager Lollis and City staff for their assistance to her.
- Council Member Hamilton welcomed Interim Fire Chief Kirk Swartzlander; and thanked City Librarian Vikki Cervantes and Police Chief Eric Kroutil for their work in light of recent donations to the Library and Police Department.
- Council Member Reyes announced that he recently celebrated his 44th birthday.
- Vice Mayor Ward spoke of the recent observance of Martin Luther King Day and expressed appreciation for MLK's contributions.
- Mayor Stowe stated that he was grateful for this past holiday season, and wished continued blessings for 2017.
- City Manager Lollis thanked Mr. Swartzlander for serving as Interim Fire Chief; thanked staff for their hard work in his absence; spoke of his trip overseas; expressed gratitude for the quality of life we enjoy; and spoke of upcoming meetings regarding the Eastern Tule GSA, casino relocation, county tourism, AB1234, and sexual harassment prevention. He added

that Homeless Connect was taking place on January 27th.

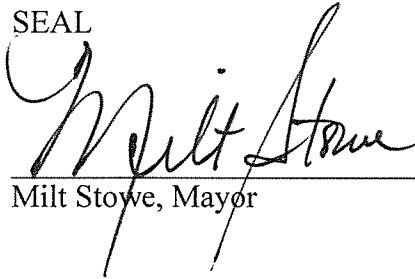
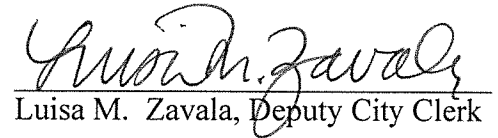
CLOSED SESSION

The Council took a five minute recess at 7:47 p.m. and reconvened in Closed Session. No reportable action took place in Closed Session.

ADJOURNMENT

The Council adjourned at 8:15 p.m. to the meeting of January 31, 2017.

SEAL


Milt Stowe, Mayor
Luisa M. Zavala, Deputy City Clerk

