

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 7, 2017, 5:30 PM**

Call to Order at 5:31 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: APNs: 252-193-010 and 252-193-008. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Citibank. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: 2011 & 2021 S. Wildcat Way. Agency Negotiator: John Lollis and Maria Bemis. Negotiating Parties: City of Porterville and Tule River Aero Industries. Under Negotiation: Terms and Conditions of Lease.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Maria Gloria de Riveria. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Scott Zagala. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.95 – Liability Claim: Claimant: Erica Hernandez. Agency claimed against: City of Porterville.
- 6 - Government Code Section 54956.95 – Liability Claim: Claimant: Maria Meza. Agency claimed against: City of Porterville.
- 7 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Kerry Kirchenberg v. City of Porterville, Tulare County Superior Court Case No. 266973.
- 8 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Four cases in which facts are not yet known to potential plaintiff.
- 9 - 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 on the following action taken during closed session:

- A-3. On a MOTION made by Mayor Stowe, and SECONDED by Council Member Reyes, by unanimous vote, the Council rejected the claim submitted by Maria Gloria de Riveria.

Documentation: M.O. 01-030717
Disposition: Claim Rejected.

- A-4. On a MOTION made by Council Member Hamilton, and SECONDED by Vice Mayor Ward, by unanimous vote, the City Council rejected the claim submitted by Scott Zagala.

Documentation: M.O. 02-030717
Disposition: Claim Rejected.

- A-5. On a MOTION made by Mayor Stowe, and SECONDED by Council Member Flores, by unanimous vote, the City Council rejected the claim submitted by Erica Hernandez.

Documentation: M.O. 03-030717
Disposition: Claim Rejected.

- A-6. On a MOTION made by Council Member Hamilton, and SECONDED by Council Member Flores, by unanimous vote, the City Council rejected the claim submitted by Maria Meza.

Documentation: M.O. 04-030717
Disposition: Claim Rejected.

Pledge of Allegiance Led by Council Member Flores
Invocation

PRESENTATIONS

Employee of the Month - Alex Rodriguez
Employee Service Awards
Introduction of New Employees
Chamber of Commerce's Quarterly Report

AB 1234 REPORTS

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) - February 27, 2017
Council Member Flores reported on STIP allocations, federally funded projects, and updated the Council on committee appointments and the proposed amendment to Measure R.
2. Local Agency Formation Commission (LAFCO) - March 1, 2017
Council Member Hamilton reported on the City of Porterville annexation of 756 homes that was requested by the property owners.

3. Tulare County Economic Development Corp. (TCEDC) - February 22, 2017
Council Member Reyes reported that there were no action items at the meeting and that the main topic of discussion was the Economic Summit that is being held at the Wyndham Visalia on March 17th.

4. Eastern Tule Groundwater Sustainability Agency - February 23, 2017
Council Member Reyes reported on the announcement of a training to take place at the Tulare Ag Center. He also reported that the agency was accepting the Water Resources Best Practices and of the support during the public hearing regarding white areas.

REPORTS

No reports.

ORAL COMMUNICATIONS

- Michael Dunway, representative of Green Bean Pharm, spoke in regards to the Prop 64 discussion and addressed general concerns.
- Brock Neeley informed the Council of the scheduled Suicide Prevention taskforce meetings for the year.
- Jason Stotter, General Contractor on behalf of Hands on Hydroponics, spoke regarding Prop 64.
- Clarence Ogans, spoke on behalf of Pioneer Home Outreach, stated that the area was annexed over a year ago and inquired when this area will be connected to City water.

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council approve Items Nos. 1-6. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 20, 2016, AND JANUARY 17, 2017

Recommendation: That the Council approve the draft Minutes of December 20, 2016, and January 17, 2017.

Documentation: M.O. 05-030717

Disposition: Approved.

2. 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 the City Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District, Porterville Optimist Club and Burton School District, subject to the stated requirements contained in the Application, Agreement and Exhibit A.

Documentation: M.O. 08-030717

Disposition: Approved.

SCHEDULED MATTERS

7. PROPOSITION 64 STUDY SESSION

Recommendation: That the City Council review the information and provide direction to staff.

City Manager Lollis introduced the item and City Attorney Lew presented the staff report. Council asked for clarification on the verbiage of Proposition 64.

Vice Mayor Ward expressed his concern regarding compliant and non-compliant marijuana grow sites. Staff reported on the percentage of both compliant and non-compliant sites that had permits versus the grow sites that did not have permits.

Council and staff discussed possible rules and regulations that could be included in the permitting process according to state law. Council Member Reyes expressed his concerns regarding safety with in-home grows.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Mayor Stowe, that the City Council appoint Council Member Hamilton and Council Member Reyes to an ad hoc committee, and direct staff to coordinate a meeting with interested parties. The motion carried unanimously.

Documentation: M.O. 09-030717

Disposition: Approved.

8. CONSIDERATION OF NOMINATION TO THE CITY SELECTION COMMITTEE FOR APPOINTMENT TO THE GOVERNING BOARD OF THE SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT.

Recommendation: That the City Council:

1. Select a candidate to nominate to the City Selection Committee for appointment to the San Joaquin Valley Air Pollution Control District's Governing Board; and
2. Approve the draft resolution nominating its preferred candidate; and

3. Direct the City Clerk to forward a copy of the signed Resolution to the District no later than March 15, 2017.

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 nominate Council Member Reyes to the San Joaquin Valley Air Pollution Control District. The motion carried unanimously.

Documentation: Resolution No. 13-2017

Disposition: Approved.

The Council thanked Council Member Reyes for stepping up and accepting the nomination.

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

Documentation: M.O. 10-030717

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores spoke of her participation in the Dr. Seuss Celebration at Los Robles and Alta Vista Schools, and of a Poetry and Prose contest. She then congratulated the honorees of the Public Safety Recognition Dinner, and reminded everyone of the upcoming Chamber Mixer at Stafford's Chocolates.
- Council Member Hamilton lauded Public Safety Officers and the Public Safety Recognition Dinner. He then announced that he and Council Member Reyes would be attending Porterville High School's first Car Show on Saturday, March 11th. He lastly reminded those interested in a Prop 64 committee to leave their contact information.

- Council Member Reyes spoke of his attendance at the 24th Annual Band Fundraiser and spoke of the beauty of the Sierras. He then made mention of his attendance as a designated driver at Zonta Club's Wine and Art event.
- Vice Mayor Ward reported on his participation at Summit Charter Lombardi Campus' Dr. Seuss celebration, and spoke of his upcoming drive to Indiana to pick up a classic car.
- Mayor Stowe spoke of his participation in the Dr. Seuss Week celebrations, and of his recent trip to the State Capital where he served as a Delegate for the California Representative Convention, stating that it was very interesting and fun.
- City Manager John Lollis reminded the Council about a few upcoming events, including the Economic Summit, Priority Projects Meeting, and Nanlangka's Grand Opening. He also invited the council to visit the Choose Porterville Facebook page where they could view and complete two surveys of the Community Development Department.

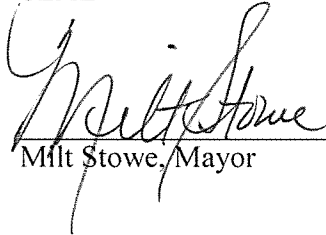
CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:42 p.m. to the meeting of March 21, 2017.

SEAL


Milt Stowe, Mayor


Luisa M. Zavala, Deputy City Clerk