

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET and
461 RUMA RANCHO
PORTERVILLE, CALIFORNIA
MARCH 21, 2017, 5:30 PM**

Call to Order at 5:34 p.m.

Roll Call: Council Member Reyes (participated via teleconference and disconnected at 5:42 p.m. upon the arrival of Vice Mayor Ward), Council Member Flores, Vice Mayor Ward (arrived at 5:42 p.m.), Mayor Stowe

Absent: Council Member Hamilton

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: Patrice Hildreth and Jenni Byers. Negotiating Parties: City of Porterville and Citibank. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1893 S. Newcomb Street. Agency Negotiator: Patrice Hildreth and Maria Bemis. Negotiating Parties: City of Porterville and Debie Fittro. Under Negotiation: Terms and Conditions of Lease.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 466 E. Putnam Avenue. Agency Negotiator: Patrice Hildreth and Donnie Moore. Negotiating Parties: City of Porterville and Comision Honorifica Mexicana Americana Inc. Under Negotiation: Terms and Conditions of Lease.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Champaheuang, et al. v. Porterville Police Department, et al. Tulare County Superior Court Case No. 255956.

5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case 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 Law reported that no reportable action had been taken during Closed Session.

Pledge of Allegiance Led by Vice Mayor Ward
Invocation – a moment of silence was observed.

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) - March 20, 2017
Council Member Flores provided transit updates, status of the State Transportation Improvement Program, the California Transportation Commission, and the overlay project from Henderson to Avenue 137. She also reported that the vacancies on the San Joaquin Valley Rail Committee and the Tulare County Water Commission had been filled.

2. Eastern Tule Groundwater Sustainability Agency - March 16, 2017
Public Works Director Mike Reed reported that the Tulare County Board of Supervisors had selected a white area representative as the board director to the GSA. He also reported that the DWR had received its application and they were within the 90-day notification period waiting to be declared a formal GSA by the DWR. Mr. Reed also informed the Council that the GSA currently had its bylaws in a draft form.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - March 2, 2017
Parks and Leisure Services Director Donnie Moore invited everyone to the Wall of Fame Ceremony on March 24th. He also thanked Determined Mess, Relay for Life, and Porterville FYI for their clean-up efforts along the Tule River Parkway.

2. Library & Literacy Commission - March 14, 2017
Library & Literacy Commissioner Allan Bailey spoke of the history of the library facility and of the current need for improvements. He also reported on February stats, program participation, and Sunday patronage.

3. Arts Commission
No report was provided

4. Animal Control Commission - March 13, 2017
No report was provided.

5. Youth Commission - March 13, 2017
No report was provided.

6. Transactions and Use Tax Oversight Committee (TUTOC) - February 28, 2017
TUTOC Chair Virginia Gurrola reported on the recent committee reorganization. She also thanked Russell Fletcher for his service as chair; spoke of vacancies, and updated the Council on its agenda and of the next meeting date.

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Brock Neeley, spoke in support of AB242, a Veteran Suicide Information Act for California.
- Virginia Gurrola spoke in support of Item No. 14.
- Michael Brown, Life Wireless, expressed the importance of free cell phone service and stated that the City would not allow them to set up booths or obtain a business license.

CONSENT CALENDAR

Item numbers 2 and 3 were pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Flores, SECONDED by Vice Mayor Ward, that the City Council approve Items Nos. 1, and 4 through 12.

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

1. PURCHASE OF POLE-MOUNTED CAMERA SYSTEMS

Recommendation: That the City Council:
1. Authorize the Police Department to negotiate the purchase of two (2) pole-mounted camera systems from QPCS in the amount of \$15,891.64; and,
2. Authorize payment upon receipt of the camera systems.

Documentation: M.O. 01-032117
Disposition: Approved.

4. AUTHORIZATION TO REPAIR CITY WELL NO. 21

Recommendation: That City Council:
1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$36,758 for the repair of City Well No. 21; and
2. 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. 02-032117
Disposition: Approved.

5. AUTHORIZATION TO REPAIR CITY WELL 23

Recommendation: That City Council:
1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$45,049 for the repair of City Well No. 23; and
2. 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. 03-032117

Disposition: Approved.

6. AWARD OF CONTRACT FOR AIRPORT RESTAURANT LEASE

Recommendation: That the City Council award the Operating and Lease Agreement for the Airport Restaurant to Debie Fittro for a term of five years with an option to extend the terms of the agreement for additional periods of five years.

Documentation: M.O. 04-032117

Disposition: Approved.

7. AUTHORIZATION TO RENEW PROPERTY LICENSE AGREEMENT WITH COMISION HONORIFICA MEXICANA AMERICANA INC.

Recommendation: That the City Council authorize the renewal of the property license agreement between the City of Porterville and Comision Honorifica Mexicana Americana Inc.

Documentation: M.O. 05-032117

Disposition: Approved.

8. APPROVAL OF ANNUAL TRANSPORTATION AGREEMENT WITH COUNTY OF TULARE

Recommendation: That the City Council enter into an Agreement with the County of Tulare for FY 2016/2017 to provide service to County residents within the service area boundary, and authorize the Mayor to execute the Agreement on behalf of the City.

Documentation: M.O. 06-032117

Disposition: Approved.

9. REQUEST FOR PROCLAMATION - IRIS FESTIVAL DAY - APRIL 22, 2017

Recommendation: That the City Council consider approval of the request to proclaim April 22, 2017, as "Iris Festival Day."

Documentation: M.O. 07-032117

Disposition: Approved.

10. REQUEST FOR PROCLAMATION - LIBRARY WEEK - APRIL 9-15, 2017

Recommendation: That the City Council consider approval of the request to proclaim April 9-15, 2017, as "Library Week" in the city of Porterville.

Documentation: M.O. 08-032117

Disposition: Approved.

11. REQUEST FOR PROCLAMATION - VOLUNTEER WEEK - APRIL 23-29, 2017

Recommendation: That the City Council consider approval of the request to proclaim April 23-29, 2017, as "Volunteer Week" in the city of Porterville.

Documentation: M.O. 09-032117

Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - IRIS FESTIVAL AND COLOR BLAST 5K RUN - APRIL 22, 2017

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

Documentation: M.O. 10-032117

Disposition: Approved.

PUBLIC HEARINGS

13. ZALUD HOUSE MUSEUM FEES

Recommendation: That the City Council:

1. Conduct a public hearing to solicit comments on the proposed Zalud House fees; and
2. Consider adoption of the Zalud House fees as presented.

Acting City Manager Patrice Hildreth introduced the item and Parks and Leisure Services Director Donnie Moore presented the staff report.

In response to Council inquiries, staff elaborated on the minimum number of tour participants that would trigger staffing, the history of the fee schedule, and the average number of participants in paranormal tours.

The Public Hearing was opened at 7:02 p.m.

- Brock Neeley spoke in support and suggested events on significant dates in Zalud Family History.
- Richard Marrero, 282 S. H Street, inquired about scheduling another tour.

The Public Hearing was closed at 7:06 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Flores, that the City Council adopt the Zalud House fees as presented by staff.

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

Documentation: Resolution No. 14-2017
Disposition: Approved.

SCHEDULED MATTERS

14. COMMUNITY DEVELOPMENT BLOCK GRANT BUSINESS ASSISTANCE PROGRAM - STAFFORD'S CHOCOLATES

Recommendation: That the City Council:
1. Approve the use of Community Development Block Grant Business Assistance funds in the amount of \$70,000 for Robert Taylor, Jr. for the purchase of machinery and working capital; and
2. Authorize the Mayor to sign all documents and agreements necessary to complete the project.

Acting City Manager Patrice Hildreth introduced the item and noted that Community Development Director Jenni Byers had a financial conflict of interest and would recuse herself from the item. City Attorney Lew also noted a perceived conflict of interest with Council Member Flores due to the vocal support from applicant that she received during her campaign. City Attorney Lew noted Council Member Flores' perceived conflict for the record, and advised that in order for the Council to take any action on the item, Council Member Flores would need to participate under the rule of necessity. Acting Project Manager Jason Ridenour then presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Flores, that the City Council approve the use of Community Development Block Grant Business Assistance funds in the amount of \$70,000 for Robert Taylor, Jr. for the purchase of machinery and working capital.

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

Documentation: M.O. 11-032117
Disposition: Approved.

15. 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.

Acting City Manager Patrice Hildreth introduced the item and Public Works Director Mike Reed presented the staff report. Mr. Reed also reported on the progress of the Akin Well and answered questions from Vice Mayor Ward regarding the city water infrastructure.

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

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

Documentation: M.O. 12-032117
Disposition: Approved.

CONSENT CALENDAR CONTINUED

2. AUTHORIZATION TO PURCHASE PARK AMENITIES THROUGH CDBG FUNDS BY NEGOTIATION

Recommendation: That the City Council authorize the purchase by negotiation of these park amenity items listed and authorize payment for said items upon satisfactory delivery and installation.

Parks and Leisure Director Donnie Moore addressed questions regarding the roofing of pool restrooms and other park improvements being considered for Murry Park. In response to concerns expressed by Vice Mayor Ward, a discussion ensued as to other improvements in Murry Park and the cost for the proposed improvements.

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Flores, that the City Council authorize the purchase by negotiation of these park amenity items identified on the staff report, and authorize payment for said items upon satisfactory delivery and installation.

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

Documentation: M.O. 13-032117
Disposition: Approved.

3. REQUEST FOR APPROVAL TO PURCHASE MICROSOFT OFFICE 365 US GOVERNMENT COMMUNITY G1 SOFTWARE, A SUBSCRIPTION-BASED HOSTED VERSION OF MICROSOFT'S EMAIL AND CALENDARING SYSTEM

Recommendation: That the City Council approve the purchase of Office 365 Government Community G1 platform at an initial annual subscription cost of \$22,230.00, plus applicable tax.

In response to questions posed by Vice Mayor Ward, IT Manager Ted Williams spoke of the higher costs for the Google option.

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

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

Documentation: M.O. 14-032117
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley commended the Council and City staff for their efforts in East Porterville.
- Juan Ruiz, requested clarification regarding the Council's consideration of free cell phone pop ups; and inquired about watering schedule.

OTHER MATTERS

- Council Member Ward requested that the California Veteran Suicide Information Act item be placed on the next agenda. He also spoke of his recent trip to Indiana and noted California's substantially higher gas prices and poor road condition.
- Mayor Stowe thanked City staff for their work in East Porterville water efforts.

- Acting City Manager Patrice Hildreth reminded everyone of the Wall of Fame Ceremony scheduled for Friday, March 24th, at 3:30 p.m. at the Heritage Center.

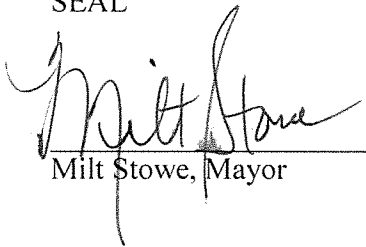
CLOSED SESSION

None

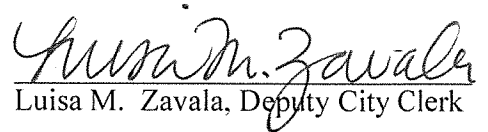
ADJOURNMENT

The Council adjourned at 7:43 p.m. to the meeting of April 4, 2017.

SEAL



Milt Stowe, Mayor



Luisa M. Zavala, Deputy City Clerk