

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
AUGUST 1, 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

- Richard Sanchez inquired about Council's consideration of his request for reimbursement for improvements made to the concession stand at Zalud Park, stating that he did not see it on the Agenda.

In response, City Attorney Lew clarified that the item was noticed as an anticipated litigation item.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-070-018. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Alan and Elizabeth Changala. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: Along Poplar Avenue, south and adjacent to APN 260-300-028 and APN 260-300-029. Agency Negotiator: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and CZEM Partners LLC. Under Negotiation: Terms and Price.
- 3** - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 255-190-022 and 254-010-059. Agency Negotiator: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and Greg L. and Cinda D. Woodard. Under Negotiation: Terms and Price.
- 4** - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson, and Matt Pierce. Employee Organizations: Porterville City Employees Association, Public Safety Support Unit, Porterville City Firefighters Association, and Fire Officer Series.
- 5** - Government Code Section 54956.95 – Liability Claim: Claimant: The Estate of Maureen Hamilton. Agency claimed against: City of Porterville.
- 6** - Government Code Section 54956.95 – Liability Claim: Claimant: Jessie Vernon David. Agency claimed against: City of Porterville.
- 7** - 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.

8 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

9 - Government Code Section 54957 - Public Employee Evaluation - Title: City Manager.

10 - Government Code Section 54957 - Public Employee Evaluation - Title: City Attorney.

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

City Attorney Lew reported action pertaining to A-5 and A-6, as follows:

A-5 On a MOTION made by Vice Mayor Brian Ward, and SECONDED by Council Member Martha Flores the City Council rejected a claim submitted by the Estate of Maureen Hamilton.

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

Documentation: M.O. 01-080117

Disposition: Claim Rejected.

A-6 On a MOTION made by Council Member Monte Reyes, and SECONDED by Council Member Cameron Hamilton the City Council unanimously rejected the claim submitted by Jessie Vernon David.

Documentation: M.O. 02-080117

Disposition: Claim Rejected.

The pledge of Allegiance was led by Council Member Reyes
Invocation -- a moment of silence was observed.

PRESENTATIONS

Intern Presentation - Tule River Parkway (cancelled)

AB 1234 REPORTS

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

1. Tulare County Homelessness Task Force - July 19, 2017

City Manager Lollis reported that meetings would take place on the third Wednesday of each month until December, and spoke of a homelessness summit to take place in the future.

2. Council of Cities – July 19, 2017

Council Member Flores reported on: receipt of a Transit Coordination presentation; the selection of Greg Gomez as TCAG Public Transit representative; receipt of legislative updates; and discussion pertaining to watering schedules.

3. Eastern Tule Groundwater Sustainability Agency (GSA) – July 20, 2017

Council Member Reyes reported on: receipt of updates regarding the GSA's formalization; a presentation from Mr. Michael Young professor at the University of Adelaide in Australia; a second presentation by Mr. Young on August 3rd at City Hall; and the selection of 4Creeks for the provision of Groundwater Sustainability Plan Technical assistance.

4. Tulare County Economic Development Corp. (TCEDC) – July 26, 2017

Council Member Reyes reported on a bylaws amendment, appointment to at-large positions, retirements, the annual report, and annual review of CEO.

REPORTS

This is the time for all staff informational items.

I. Staff Informational Reports

1. Military Banner Program

2. Attendance Report for City Commissions and Committees – 4th Quarter FY 2016/17

3. Building Permit Activity – 4th Quarter Report (April, May, June)

4. Golf Course – 4th Quarter FY 2016/2017

5. OHV Park – 4th Quarter FY 2016/2017

6. Street Performance Measure – 4th Quarter Report (April, May, June)

7. Code Enforcement Quarterly Report

8. Report on Charitable Car Washes

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, requested Item 7 be pulled to address parking fee.
- Christine Opal, Porterville, stated that she had received a letter from the City regarding weeds and debris in her yard; and spoke of difficulties she had experienced in obtaining clarification from the City on how to remedy the situation due to lack of employee coverage.
- Rhonda Szeles thanked the City for its help with the Summer Extravaganza for Hope.

CONSENT CALENDAR

Item No. 1 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member A. Monte Reyes that the City Council approve Items Nos. 2-7. The motion carried unanimously.

2. AWARD OF CONTRACT FOR THE DOWNTOWN PARKING LOTS PERIMETER IMPROVEMENT PROJECT

Recommendation: That City Council:

1. Award the Downtown Parking Lots Perimeter Improvement Project to Clean Cut Landscape Incorporated in the amount of \$443,418.00;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs;
4. Authorize an additional 8.0% for construction management, construction surveying, quality control, and inspection services; and
5. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council MO #02-100714.

Documentation: M.O 03-080117

Disposition: Approved.

3. POLICY FOR ACTIVATION OF THE FALLEN HEROES PARK SPLASH PAD AS A DESIGNATED PUBLIC COOLING AREA

Recommendation: That the City Council approve the policy for activation of the Fallen Heroes Park splash pad as a designated public cooling area.

Documentation: M.O. 04-080117

Disposition: Approved.

4. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 05-080117

Disposition: Approved.

5. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the preliminary interim financial status reports as presented.

Documentation: M.O. 06-080117

Disposition: Approved.

6. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- PUBLIC SAFETY SUPPORT UNIT

Recommendation: That the City Council approve the draft Resolution amending the Employee Pay and Benefit Plan pertaining to Public Safety Support Unit Employees.

Documentation: Resolution No. 47-2017

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE BREAKFAST LIONS CLUB - SUMMER EXTRAVAGANZA FOR HOPE - AUGUST 12, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Breakfast Lions Club and Jeff and Rhonda Szeles, 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. 07-080117

Disposition: Approved.

PUBLIC HEARINGS

8. CONSIDERATION OF A RESOLUTION APPROVING THE ESTABLISHMENT OF THE RIVER CHURCH AT 2440 W. HENDERSON AVENUE IN THE RM-3 ZONE DISTRICT CONTINUED FROM JULY, 18, 2017 CITY COUNCIL MEETING

Recommendation: That the City Council continue the public hearing until August 15, 2017.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report. There was no public comment during the Public Hearing and the item was continued to the meeting of August 15, 2017.

Documentation: None.

Disposition: Item continued to the meeting of August 15, 2017.

SCHEDULED MATTERS

9. RESULTS OF CODE ENFORCEMENT SURVEY

Recommendation: That the City Council consider the information presented and provide direction to staff related to code enforcement.

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

A discussion ensued regarding the City's current reactive approach to code enforcement, and various members of the Council expressed an interest in a more proactive approach. Vice Mayor Ward suggested that members of the community make an effort to address code violations neighbor to neighbor, and encouraged use of the City's MyPorterville app to report violations. Mayor Stowe requested that everyone take pride in their community and help with the effort to reduce code violations.

Documentation: No Action.

Disposition: Staff directed to bring back options in one month.

10. CONSIDERATION OF POCKET PARKS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council consider pocket parks as an amenity of new residential development.

City Manager Lollis introduced the item and presented the staff report. Vice Mayor Ward expressed his opinions on pocket parks and asked for the Council's input on the item.

Council agreed that pocket parks would be beneficial to the community. Staff discussed the Quimby Act Development Agreement and how it could restrict plans for pocket parks; possible city park and trail locations; possible impact fees; and the effect a Parks Master Plan would have on the Water Sewer Master Plan.

Documentation: No Action

Disposition: Staff directed to bring back an item after looking into a Parks Master Plan and meeting with developers.

11. CONSIDERATION OF COMMUNITY SWIMMING POOLS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council consider community swimming pools as an amenity of new residential development.

City Manager Lollis introduced the item and presented the staff report. Vice Mayor Ward expressed his opinions on community swimming pools.

Documentation: No action.

Disposition: Staff directed to bring back options after meeting with developers.

12. 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 Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council accept the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 08-080117
Disposition: Approved.

CONSENT CALENDAR (Item Pulled)

1. AWARD OF CONTRACT FOR THE PLANO STREET MICRO SURFACING AND WATER REPLACEMENT PROJECT

Recommendation: That City Council reject all bids and authorize staff to re-advertise for bids as two separate projects.

Item was introduced and staff report was waived at the Council's request. City Manager Lollis provided clarification on the recommendation at the request of Vice Mayor Ward.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council reject all bids and authorize staff to re-advertise for bids as two separate projects. The motion carried unanimously.

Documentation: M.O. 09-080117
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley suggested some members of the Council were reluctant to proactively enforce the City's Municipal Code.
- Steve Chamberlain expressed his disbelief in the Council's reluctance to proactively address code violations; and stated that the town was getting disgusting and needed to be cleaned up.
- Renee Curtley spoke about code enforcement, trailers parked in residential areas, lack of action by the Council, barking dogs, possums, portable basketball hoops and community swimming pools; she inquired as to why she paid taxes; and suggested that the City use grant funds and take unused open space for parks.

OTHER MATTERS

- Council Member Flores spoke of her attendance at the Farmers Market on Main Street, and stated that she was pleased with the produce she purchased.
- Council Member Hamilton spoke of the success of the KJUG Free Concert Series at Centennial Park.
- Council Member Reyes asked that everyone use extra care while driving in the vicinity of capital projects and workers.
- Vice Mayor Ward noted that school would be starting up soon; and stated that he was glad to be back and looking forward to cooler weather.

- Mayor Stowe thanked the Council for their support; and expressed his condolences to Fire Chief LaPere and his family for their loss.
- City Manager Lollis announced that all fire personnel were back; and thanked staff for the many youth programs and events that were executed over the summer.

CLOSED SESSION

The Council took a five minute recess at 8:14 p.m. and reconvened in Closed Session.

ADJOURNMENT

The Council reconvened in open session and adjourned at 9:30 p.m. to the meeting of August 15, 2017.



Luisa M. Zavala, Deputy City Clerk

SEAL



Milt Stowe, Mayor