

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
AUGUST 15, 2017, 5:30 PM**

Called to Order at 5:30 p.m.

Roll Call: Council Member Monte Reyes, Council Member Cameron J. Hamilton, Council Member Martha A. Flores, Vice Mayor Brian E. Ward (arrived during Closed Session), and Mayor Milt 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: 240-070-018, 240-070-008, and 247-070-016. Agency Negotiator: John Lollis and Mike Reed. 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: 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.
- 3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 271-060-027. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54956.8 -- Conference with Real Property Negotiators/Property: APN: 260-235-006 and 260-242-016. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Greg Shelton and Steve Penn. Under Negotiation: Terms and Price.
- 5 - 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, Porterville City Firefighters Association, Fire Officer Series, and all Unrepresented Management Employees.
- 6 - Government Code Section 54956.95 -- Liability Claim: Claimant: Brian Hitt. Agency claimed against: City of Porterville.
- 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.
- 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. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION**

City Attorney Julia Lew reported action pertaining to Item A-6, as follows:

A-6. On a MOTION made by Vice Mayor Ward, and SECONDED by Council Member Hamilton the City Council unanimously rejected the claim filed by Brian Hitt.

Documentation: M.O. 01-081517

Disposition: Claim rejected.

The Pledge of Allegiance was led by Vice Mayor Ward.  
Invocation – the Mayor participated.

**PRESENTATIONS**

Employee of the Month - Griselda Hurtado  
Rick Elkins

**AB 1234 REPORTS**

Reports required pursuant to Government Code §53232.3.

1. TULARE COUNTY ECONOMIC DEVELOPMENT CORP. (TCEDC) - AUGUST 9, 2017  
Council Member Reyes reported on action pertaining to waivers and the filling of vacancies.

**REPORTS**

Committee/commission reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
  1. PARKS & LEISURE SERVICES COMMISSION - AUGUST 3, 2017
  2. LIBRARY & LITERACY COMMISSION - AUGUST 8, 2017  
Commissioner Bailey reported on commissioner and staff attendance at the 2017 California Library Association Conference in November; spoke of library patronage during the summer months and lauded staff and volunteer efforts; provided statistics pertaining to patronage and volunteer hours worked; thanked Friends of the Library for their support; and stated that he looked forward to meeting with the Council at a future joint meeting.
  3. ARTS COMMISSION
  4. ANIMAL CONTROL COMMISSION - AUGUST 14, 2017
  5. YOUTH COMMISSION
  6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC)
- II. Staff Informational Reports
  1. WATER CONSERVATION PHASE III STATUS UPDATE
  2. TULARE COUNTY ECONOMIC DEVELOPMENT CORPORATION UPDATE

**ORAL COMMUNICATIONS**

None

**CONSENT CALENDAR**

Item No. 10 was pulled from the Consent Calendar for discussion. It was noted that Vice Mayor Ward had a conflict of interest pertaining to real property on Item No. 2.

**COUNCIL ACTION:**      MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Monte Reyes that the City Council approve Items Nos. 1 through 9, and 11, noting the Vice Mayor's abstention from Item No. 2. The motion carried unanimously.

1.      CITY COUNCIL MINUTES OF JULY 18, 2017

Recommendation:      That the Council approve the draft Minutes of July 18, 2017.

Documentation:      M.O. 02-081517

Disposition:      Approved.

2.      AUTHORIZATION TO NEGOTIATE A CONTRACT - BIOLOGICAL ODOR CONTROL SYSTEM PROJECT

Recommendation:      That City Council:

1. Authorize the Public Works Director to negotiate a "not to exceed" \$1,135,500 equipment installation contract with Bio Air Solutions, LLC;
2. Authorize staff to make an initial down payment of 15%;
3. Authorize progress payments up to 100% of the contract amount; and
4. Authorize an additional 5.0% for construction management, quality control, and inspection services;

AYES:      Reyes, Flores, Hamilton, Stowe

NOES:      None

ABSTAIN:      Ward

ABSENT:      None

Documentation:      M.O. 03-081517

Disposition:      Approved.

3.      AUTHORIZING THE RETENTION OF LEGAL COUNSEL FOR WATER RIGHTS EXPERTISE

Recommendation:      That the City Council authorize the retention of Christopher L. Campbell of Baker, Manock and Jensen, at a rate of \$300 per hour, for water rights expertise for project-specific water issues.

Documentation:      M.O. 04-081517

Disposition:      Approved.

4. RATIFICATION OF AUTHORIZING COUNCIL MEMBER HAMILTON TO SERVE AS MAYOR PRO TEM DURING THE MONTHS OF JUNE AND JULY, 2017

Recommendation: That the City Council ratify the authority of Council Member Hamilton serving as Mayor Pro Tem during the months of June and July 2017 in the absence of the Mayor and Vice Mayor.

Documentation: M.O. 05-081517

Disposition: Approved.

5. MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF PORTERVILLE AND SAN JOAQUIN VALLEY UNIFIED AIR POLLUTION CONTROL DISTRICT FOR GRANT ADMINISTRATION SERVICES

Recommendation: That the City Council:

1. Approve the draft Memorandum of Understanding between the San Joaquin Valley Unified Air Pollution Control District and the City of Porterville for grant administration services, and;
2. Authorize the City Manager to sign the Memorandum of Understanding.

Documentation: M.O. 06-081517

Disposition: Approved.

6. AUTHORIZATION TO SET PUBLIC HEARING FOR ADOPTION OF RESOLUTION OF NECESSITY APN 255-190-022

Recommendation: That the City Council set a public hearing to consider an adoption of Resolution of Necessity for the acquisition of Assessor Parcel Number 255-190-022 for the regularly scheduled City Council meeting of September 19, 2017.

Documentation: M.O. 07-081517

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT – FAMILY HEALTH CARE NETWORK – 17TH ANNUAL HEALTH FAIR AND EL DIA DE LA FAMILIA Y FERIA DE SALUD 2017 – OCTOBER 8, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Family Health Care Network, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 08-081517

Disposition: Approved.

8. AMENDMENT TO THE EMPLOYEE PAY AND BENEFIT PLAN -- PORTERVILLE CITY EMPLOYEES ASSOCIATION

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan pertaining to Porterville City Employees Association Employees.

Documentation: Resolution No. 47-2017

Disposition: Approved.

9. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- UNREPRESENTED MANAGEMENT EMPLOYEES

Recommendation: That the City Council adopt the draft resolution amending the Employee Pay & Benefit Plan pertaining to all Unrepresented Management Employees.

Documentation: Resolution No. 48-2017

Disposition: Approved.

11. REQUEST FOR PROCLAMATION - CONSTITUTION WEEK - SEPTEMBER 17-23, 2017

Recommendation: That the City Council consider approval of the request to proclaim September 17-23, 2017, as "Constitution Week."

Documentation: M.O. 09-081517

Disposition: Approved.

**PUBLIC HEARINGS**

12. CONSIDERATION OF A CONDITIONAL USE PERMIT TO ALLOW A RELIGIOUS FACILITY AT 2440 W. HENDERSON AVENUE (CONTINUED FROM JULY, 18, 2017, AND AUGUST 1, 2017 CITY COUNCIL MEETINGS)

Recommendation: That the City Council review the proposed Conditional Use Permit and consider whether or not the conditions of approval adequately regulate all activities at the facility.

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

The Public Hearing was opened at 7:01 p.m.

- Mark Hillman spoke of two events and communicated applicants desire to follow the law.
- Caroline Gable inquired if alcohol would be served.

The Public Hearing was closed at 7:04 p.m.

Mr. Hillman addressed questions from the Council regarding the applicant's decision to not apply for a zone change; and the Council expressed concerns regarding the consumption of

alcohol and hours of operation. In response to concerns raised pertaining to alcohol, City Attorney Lew read the following language, which she indicated could be included in the resolution:

*"To the fullest extent permitted by law, sale, service and consumption of alcohol is not permitted."*

Staff then addressed questions regarding service clubs and what necessitated the need for a conditional use permit. In light of recent activity the Council requested an annual review of the conditional use permit.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving the establishment of The River Church at 2440 W. Henderson Avenue in the RM-3 Zone District, as amended to include the condition pertaining to alcohol as worded by the City Attorney. The motion carried unanimously.

Documentation: Resolution No. 49-2017

Disposition: Approved.

13. GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR 185 N. D STREET AS A GOVERNMENTAL USE FACILITY

Recommendation: That the City Council:

1. Conduct a public hearing to receive input regarding the proposed General Plan Amendment and Zone Change; and
2. Adopt the draft resolution approving General Plan Amendment 2017-034; and
3. Approve the draft ordinance for a change in zoning from to DR-D (Downtown Retail D-Street Corridor) to Public Semi-Public, give first reading and order the Ordinance to print; and
4. Provide direction related to the existing lease agreements; and
5. Consider defining the future use of the building.

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

The Public Hearing was opened at 7:18 p.m. When no one came forward, the Mayor closed the Public Hearing at 7:18 p.m.

In response to questions posed by the City Council, Transit Manager Rich Tree and Police Chief Eric Kroutil each expressed an interest in the building for use by transit and animal control respectively. Discussion followed regarding the options presented, and a recreation center was quickly ruled out as a suitable use for the building. After discussing the remaining options, a consensus was reached that use of the building for an animal shelter was preferred as there was a need and funds that had been put aside to date for the project. City Manager Lollis indicated that staff could come back with a budget to move forward.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council approve moving forward with the animal shelter option; adopt the draft resolution approving General Plan Amendment 2017-034; and approve the draft ordinance for a change in zoning from to DR-D (Downtown Retail D-Street Corridor) to Public Semi-Public, give first reading and order the Ordinance to print. The motion carried unanimously.

Staff requested direction pertaining to the existing lease agreements.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council authorize staff to negotiate month to month on current leases. The motion carried unanimously.

Documentation: M.O. 10-081517; Resolution No. 50-2017; Ordinance No. 1842; and M.O. 11-081517

Disposition: Approved.

The Council took a ten minute recess at 7:41 p.m.

**SCHEDULED MATTERS**

14. SHORT RANGE TRANSIT PLAN - PROPOSED PLANNED IMPROVEMENTS

Recommendation: That the City Council provide direction on the proposed plan to restructure Porterville Transit.

City Manager Lollis introduced the item, and Transit Manager Rich Tree presented the staff report. City Manager Lollis elaborated on consolidation of transit services in an effort to reduce overhead costs and meet fare box ratios.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council approve Transit and Coordination Option 3, Consolidation to Fewer Independent Agencies Operating Under One Joint Powers Authority. The motion carried unanimously.

Transit Manager Rich Tree spoke of the Short Range Transit Plan for Fiscal Year 2018-2022, and introduced Steve Wilks from IBI Group who presented the Proposed Service Plan. Following Mr. Wilks presentation, Teague Kirkpatrick, RouteMatch, presented information pertaining to transit technology services provided to date and trends. Mr. Wilks then addressed questions from the Council regarding low ridership on fixed routes.

Documentation: M.O. 12-081517

Disposition: Approved.

15. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2017 ANNUAL CONFERENCE

Recommendation: If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternate voting delegates, at the Conference.

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

Council Member Hamilton made a motion to designate Council Member Flores as the voting delegate and Council Member Reyes as the alternate. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member A. Monte Reyes, SECONDED by Vice Mayor Brian Ward that the City Council approve designation of Council Member Reyes as voting delegate and Council Member Hamilton as alternate voting delegate. The motion carried unanimously.

Documentation: M.O. 13-081517

Disposition: Approved.

#### 16. 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 the staff report was waived at the Council's request.

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

Documentation: M.O.14-081517

Disposition: Approved.

#### 10. AUTHORIZATION TO SCHEDULE JOINT CITY COUNCIL/CITY COMMISSION MEETINGS

Recommendation: That the City Council authorize staff to schedule Joint Meetings with the Animal Control Commission and the Library and Literacy Commission on September 11th and October 10th, respectively.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. The Council briefly discussed the purpose of the meetings.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve Joint Meetings with the Animal Control Commission and the Library and

Literacy Commission on September 11th and October 10th, respectively. The motion carried unanimously.

Documentation: M.O. 15-081517

Disposition: Approved.

### **ORAL COMMUNICATIONS**

- Name not given, requested permission to install a hand pump on his water well in the event of a nuclear attack; and inquired if his contract for the provision of City water could be modified to allow this.
- Caroline Gable, stated that the east side is on a fault line and the Council should allow the installation of a hand pump in the event of an earthquake.

### **OTHER MATTERS**

- Council Member Flores spoke of an upcoming High Sierra Big Creek Workshop.
- Council Member Hamilton inquired about the City's Night Out event in September; spoke of a recent fire; and stated that he was glad to see the Mayor in attendance.
- Vice Mayor Ward thanked the Police for their patrol during back to school.
- Council Member Reyes encouraged residents to help keep the air clean.
- Mayor Stowe thanked everyone for their support and provided an update on his chemotherapy treatment.
- City Manager Lollis spoke of the placement of eighty five summer interns in various City departments, and upcoming Coffee with a Cop on August 29<sup>th</sup>; and announced that there were two remaining Farmers Markets on Main Street.

### **CLOSED SESSION**

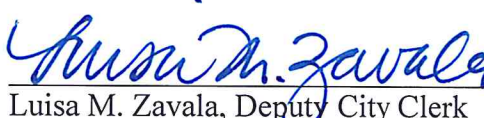
None

### **ADJOURNMENT**

The Council adjourned at 8:45 p.m. to the meeting of September 5, 2017.

SEAL

  
Milt Stowe, Mayor

  
Luisa M. Zavala, Deputy City Clerk

