

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

Called to Order 5:30 p.m.

Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores,
Vice Mayor Ward

Absent: Mayor Stowe

ORAL COMMUNICATIONS

It was noted for the record that one of the cases for Item A-6 was concerning a letter received from the Law Offices of Melo and Sarsfield regarding the California Voting Rights Act.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 298 North Main Street, Suites 2 and 3. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Steve Feleay. 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 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Che Johnson and Matt Pierce. Employee Organizations: Porterville City Firefighters Association and Fire Officer Series.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Christopher De la Rosa. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.95 - Liability Claim: Claimant: Village Square Association. Agency claimed against: City of Porterville.
- 6 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three cases in which facts are not yet known to potential plaintiff.
- 7 - 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**

Deputy City Attorney Matt Pierce reported that no reportable action had taken place in Closed Session.

The Pledge of Allegiance was led by Council Member Hamilton
Invocation – a moment of silence was observed.

PRESENTATIONS

PUSD - Summer Intern Program – It was noted that Interns were not in attendance, presentation was cancelled.

AB 1234 REPORTS

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

1. Tulare County Homelessness Taskforce - August 16, 2017
City Manager John Lollis reported on the draft presentation provided by the Executive Director of the Kings/Tulare County Homeless Association regarding issues and trends, such as chronic homelessness; the decrease in Porterville's homeless population; and the homeless symposium planned for October.
2. San Joaquin Valley Air Pollution Control District (SJVAPCD) Governing Board – August 17, 2017
Council Member Reyes spoke of the presentations of employee service awards and reported on the recent increase in retirement costs; the planned replacement of locomotives, trucks, and agriculture equipment; authorizing the director to submit a finding of clean air by 1997 standards; and approval of the agenda for the SJVAPCD retreat.
3. Eastern Tule Groundwater Sustainability Agency (GSA) - August 17, 2017
Acting Public Works Director Mike Reed provided an update on the groundwater sustainability plan and on the approval of budget.
4. Tulare County Association of Governments (TCAG) - August 21, 2017
Council Member Flores reported items on the agenda, including but not limited to a resolution for approval for an amendment to the Overall Work Program, resolution to approve Transportation Development Act Claims for the City of Tulare and City of Woodlake and TCAG Title 6 program approval. Informational items included but were not limited to the status of State Transportation Improvement Program Allocations, updates on Infrastructure Implementation and Planning Implementation, and Caltrans items.
5. Joint City/School Committee – August 28, 2017
Council Member Flores read a list of attendees and reported some of the items considered, including but not limited to construction project updates, after school youth programs, School Resource Officers and the city watering schedule; Agencies in attendance reported on the status of their projects and the City reported on the Measure R amendments.
6. Local Agency Formation Commission (LAFCO) - August 30, 2017
Council Member Hamilton reported on new annexations and the revision of LAFCO policy regarding annexations in over drafted areas.

REPORTS

None

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, provided statistical data from Center for American Progress regarding Deferred Action for Childhood Arrivals: and stated that undocumented workers produce more per capita than legal citizens.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Prior to the Council Action City Manager Lollis noted an amendment to Item 15, consisting of the removal of joy bike ride from the request.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Monte Reyes that the City Council approve Items Nos. 1-15, with noted amendment on Item 15 and noted abstention on Item 7 by Vice Mayor Ward.

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

1. CITY COUNCIL MINUTES OF JUNE 20, 2017

Recommendation: That the Council approve the draft Minutes of June 20, 2017.

Documentation: M.O. 01-090517

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE OHV TRACK SAFETY LIGHTS

Recommendation: That the City Council authorize the purchase of intelligent track safety lights for the OHV Park from RaceAmerica in an amount not to exceed \$13,500 from the State OHV Park Grant Funds.

Documentation: M.O. 02-090517

Disposition: Approved.

3. PURCHASE OF POLICE SERVICE DOG

Recommendation: That the City Council:

1. Approve the purchase of a police service dog and related training from Top Dog Training Center in the amount of \$13,323.75; and
2. Authorize the Chief of Police to enter in an agreement with Top Dog Training Center to acquire the service dog and associated training.

Documentation: M.O. 03-090517

Disposition: Approved.

4. REQUEST TO PURCHASE ZOLL FIRERMS SOFTWARE FOR INCIDENT REPORTING, STAFFING, INSPECTIONS, AND VARIOUS FIRE DEPARTMENT RECORDS RETENTION

Recommendation: That the City Council approve the purchase of Fire RMS software for an initial cost of \$19,100, and an annual cost of \$9,700 thereafter.

Documentation: M.O. 04-090517

Disposition: Approved.

5. CONSIDERATION OF STREET CLOSURE FOR ANNUAL ZALUD HOUSE MUSEUM PIONEER DAYS & RIB COOK-OFF

Recommendation: That the City Council authorize the temporary closure of Main Street between Morton and Garden Avenues; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 14, 2017, 5:00 AM-5:00 PM.

Documentation: M.O. 05-090517

Disposition: Approved.

6. ACCEPTANCE OF PROJECT - LIME STREET RECONSTRUCTION PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 06-090517

Disposition: Approved.

7. ACCEPTANCE OF PROJECT - VETERANS PARK MULTIUSE PARKWAY PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of final payment, provided no stop notices have been filed.

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

Documentation: M.O. 07-090517

Disposition: Approved.

8. APPROVAL OF TRANSIT MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:

1. Approve the Resolution in support of the Program Supplement to the Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

Documentation: Resolution No. 51-2017

Disposition: Approved.

9. APPROVAL OF ACTIVE TRANSPORTATION PROGRAM (ATP) MEASURE R PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:

1. Approve the Resolutions in support of the Program Supplements to the Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplements; and
3. Authorize staff to forward the executed Program Supplements to TCAG for approval.

Documentation: Resolution No. 52-2017; and Resolution No. 53-2017

Disposition: Approved.

10. REQUEST TO APPLY FOR BUREAU OF JUSTICE ASSISTANCE FY 2017 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

Recommendation: That the City Council:

1. Authorize the filing of the FY 2017 Edward Byrne Jag grant application;
2. Authorize the Police Chief to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment upon receipt of the funds; and

4. Authorize the purchase of police radios and other DUI related equipment.

Documentation: Resolution No. 54-2017

Disposition: Approved.

11. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation: That the City Council:

1. Accept the STEP Grant funding from the California Office of Traffic Safety in the amount of \$120,000; and
2. Authorize a budget adjustment for the Police Department in the Special Safety Grants Fund for FY 2017/2018 in the amount of \$120,000.

Documentation: M.O. 08-090517

Disposition: Approved.

12. UPDATE TO OUTOF-STATE TRAVEL - GREENPOWER ELECTRIC TRANSIT BUSES
IN-PLANT INSPECTIONS

Recommendation: That the City Council:

1. Authorize staff to travel out-of-state from September 11-21, 2017 to perform in-plant inspections of the GreenPower electric buses;
2. Authorize out-of-state travel expenses, for Mr. Isom and Mr. Tree, in the amount not to exceed \$6,000 to perform in-plant inspections, which will be reimbursed by the CARB grant; and
3. Authorize out-of-state travel expenses, for Mr. Isom and Mr. Tree, in the amount not to exceed \$5,000 to tour two battery manufacturers and accompanying safety demonstrations which will be paid by the Shop Operating Budget.

Documentation: M.O. 09-090517

Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED
SCHOOL DISTRICT - MONACHE VOCAL DEPARTMENT - KALEIDOSCOPE 5K
RUN - SEPTEMBER 24, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District and Monache Vocal Department, subject to the restrictions and requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application and with the added provision that the sponsoring organization / applicant's insurance coverage shall apply as primary to, and on a noncontributory basis with, any other available coverage of the City of Porterville.

Documentation: M.O. 10-090517

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT - PALABRA DE VICTORIA CHURCH - COMMUNITY OUTREACH - SEPTEMBER 23, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Palabra de Victoria Church, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 11-090517

Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT - FIL-AMER. ASSOCIATION OF CALIFORNIA - FILIPINO WEEK - SEPTEMBER 23, 2017

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Fil-Amer. Association of California, subject to the stated requirements.

Documentation: M.O. 12-090517

Disposition: Approved.

PUBLIC HEARINGS

16. 2016-2017 CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER)

Recommendation: That the City Council consider the draft 2016-2017 Consolidated Annual Performance Evaluation Report, and direct staff to submit it to the Department of Housing and Urban Development by the required deadline of September 28, 2017.

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

The Public Hearing opened at 7:04 p.m. Seeing no one, the Vice Mayor closed the Public Hearing at 7:04 p.m.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council direct staff to submit the 2016-2017 Consolidated Annual Performance Evaluation Report to the Department of Housing and Urban Development by the required deadline of September 28, 2017.

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

Documentation: M.O. 13-090517
Disposition: Approved.

17. REQUEST FOR A CONDITIONAL USE PERMIT FOR THE VAULT BAR & GRILL
FOR A TYPE 41 ALCOHOL LICENSE AT 73 N. MAIN STREET

Recommendation: That the City Council:
1. Adopt the draft resolution approving Conditional Use Permit (PRC 2017-040C) subject to conditions of approval; and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

The Public Hearing opened at 7:07 p.m. When no one came forward, the Vice Mayor closed the Public Hearing at 7:07 p.m.

Council and Staff expressed support of the business requesting the permit.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2017-040C) subject to conditions of approval; and authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Documentation: Resolution No. 55-2017
Disposition: Approved.

SECOND READINGS

18. SECOND READING - ORDINANCE NO. 1842 - APPROVING ZONE CHANGE (PRC 2017034Z) FROM DR-D (DOWNTOWN RETAIL - D STREET CORRIDOR) TO PS (PUBLIC AND SEMIPUBLIC)

Recommendation: That the Council give Second Reading to Ordinance No. 1842, waive further reading, and adopt said Ordinance.

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 give Second Reading to Ordinance No. 1842, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2017-034-Z) FROM DR-D (DOWNTOWN RETAIL – D STREET CORRIDOR) TO PS (PUBLIC AND SEMI-PUBLIC) FOR 185 N. D STREET, GENERALLY LOCATED WEST OF D STREET, BETWEEN PUTNAM AND OLIVE AVENUES, waive further reading, and adopt said Ordinance.

City Manager Lollis read the ordinance by title only.

Documentation: Ordinance No. 1842
Disposition: Approved.

SCHEDULED MATTERS

19. 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 approve the continued Declaration of Local Emergency.

Documentation: M.O. 14-090517
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley extended an invitation to the Suicide Prevention Taskforce Awards Luncheon on September 9th at the Tulare County Office of Education Suicide.

OTHER MATTERS

- Council Member Flores spoke of her visit to the Pier Fire campsite for fire personnel, and expressed her appreciation for the efforts being made statewide.
- Council Member Hamilton spoke of recent disasters and their ability to bring people closer together.
- Council Member Reyes spoke of the same visit to the Pier Fire campsite, the role of

- technology in fighting fires, and a recent visit to the bay area.
- Vice Mayor Ward spoke of his family's return from Scotland.
 - City Manager Lollis spoke of upcoming PUSD Future Ready Lab ribbon cutting, September 11 ceremony, and League of California Cities Annual Conference; and thanked staff for their efforts pertaining to the Farmers Market.
 - Community Development Director Jenni Byers spoke of upcoming event at Fresno State University for first time business owners.

CLOSED SESSION

The Council took a five minute recess at 7:21 p.m. and reconvened in Closed Session.

ADJOURNMENT

The Council reconvened in Open Session at 8:04 p.m. No reportable action took place. The Council adjourned at 8:05 p.m. to the meeting of September 19, 2017.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor