

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 19, 2017, 5:30 PM**

Called to Order at 5:34 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Vice Mayor Brian Ward

Absent: Mayor Milt Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - 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.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Abel Saldana. Agency claimed against: City of Porterville. (Approved an additional payment of \$761.32 for a total settlement of \$6,168.61 via M.O. 01-091917)

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Ramiro Huerta. Agency claimed against: City of Porterville. (Claim rejected via M.O. 02-091917)

4 - Government Code Section 54956.95 - Liability Claim: Claimant: Jeff Towers. Agency claimed against: City of Porterville.

5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case concerning correspondence dated August 28, 2017 from the Law Offices of Melo and Sarsfield regarding a notice of violation of the California Voting Rights Act.

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

**6:40 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

City Attorney Lew reported action pertaining to Item Nos. A-2 and A-3, as follows:

A-2 On a MOTION made by Vice Mayor Ward, and SECONDED by Council Member Flores the City Council unanimously approved an additional payment of \$761.32 for a total settlement of \$6,168.61.

Documentation: M.O. 01-091917

Disposition: Approved.

4. Animal Control Commission - September 11, 2017

Commission Chair Florenza Pizanis presented August statistics pertaining to animal control activity; thanked the Council for the new animal shelter location; and announced vacancies on the commission.

5. Youth Commission

6. Transactions and Use Tax Oversight Committee (TUTOC) - August 29, 2017

Committee Chair Virginia Gurrola reported on committee action and vacancies on the committee.

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

ORAL COMMUNICATIONS

- Edith LaVonne, Porterville, thanked the Police Department for their assistance in dealing with vandalism at The Barn Theater; spoke of her observance of traffic not stopping for ambulances at Cottage Street and Morton Avenue; and voiced opposition to the sale of beer and wine at the 99 Cents Only Store.
- Brock Neeley, Porterville, stated that the voters approved the legalization of marijuana and that the Council should not make things harder by adopting regulations; and stated that he was glad to see Item No. 18 on the Agenda.
- Virginia Gurrola, Porterville, spoke in opposition to Item No. 18 and of disadvantages of by-district elections, such as losing a holistic approach to governing the community.
- David Horowitz, Porterville, stated that he was fined \$800 for a signage violation and he would not be paying it; stated that he was being treated unfairly and would sue the City if his fines were not waived; and spoke of Beverly Water District's inability to hook up to City water due to the City dragging its feet.
- Jeff Faure, Porterville, stated that six marijuana plants was not enough for medical marijuana use and cultivation of marijuana for others.
- George Boyadjian, 420 College, presented a business proposal for a commercial marijuana operation, and stated that he had secured a building for a retail operation

CONSENT CALENDAR

There were no items pulled from Consent Calendar. It was noted that Vice Mayor Ward had a conflict of interest pertaining to real property on Item Nos. 2 and 3, and Mayor Stowe had a conflict on Item No. 9.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve Items Nos. 1-11, with noted abstentions of Vice Mayor Ward from Item Nos. 2 and 3 and Mayor Stowe's from Item No. 9. The motion carried unanimously.

ABSTAIN: Ward

ABSENT: None

Documentation: M.O. 05-091917

Disposition: Approved.

4. AUTHORIZATION TO ACCEPT DONATION FROM AN ANONYMOUS DONOR

Recommendation: That the City Council authorize the acceptance of a donation of property valued at \$200,000 from an anonymous donor.

Documentation: M.O. 06-091917

Disposition: Approved.

5. FIRST AMENDMENT TO THE GREENPOWER MOTOR COMPANY, INC. AGREEMENT

Recommendation: That the City Council authorize the City Manager and City Attorney to execute the First Amendment to Agreement for Battery-Electric Heavy Duty Buses with GreenPower Motor Company, Inc.

Documentation: M.O. 07-091917

Disposition: Approved.

6. ANNUAL LIBRARY FOOD FOR FINES CAMPAIGN

Recommendation: That the City Council authorize the Annual Food for Fines Campaign to run October 1 through December 31, 2017.

Documentation: M.O. 08-091917

Disposition: Approved.

7. APPROVAL FOR COMMUNITY CIVIC EVENT - CENTRAL CALIFORNIA FAMILY CRISIS CENTER, INC. - 19TH ANNUAL DOMESTIC VIOLENCE CANDLELIGHT VIGIL - OCTOBER 17, 2017

Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 09-091917

Disposition: Approved.

Recommendation: That the City Council consider approval of the request to proclaim the month of October 2017, as "Domestic Violence Awareness Month."

Documentation: M.O. 13-091917

Disposition: Approved.

HEARING

12. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY LOCATED AT WEST SIDE OF HILLCREST STREET, NORTH OF JASMINE DRIVE, PORTERVILLE, CA (APNS 254-010--059 AND 255190022), OWNER WOODARD FAMILY REVOCABLE TRUST OF AUGUST 10, 2006, FOR PROPOSED IMPROVEMENTS TO THE EAST PORTERVILLE WATER SUPPLY PROJECT

Recommendation: This office recommends that the City Council hear testimony from the owners and/or their representatives if they appear at the hearing and request to be heard, adopt the Resolution of Necessity, and authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

City Manager Lollis introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The hearing was opened on 7:49 p.m.

- Greg Woodard, property owner, communicated his issue with the appraisal of the property as farmland; stated that he respected the process and did not want the financial burden to shift from the State to the City; and indicated that he was in the process of seeking an appraisal.

In response to questions from the Council, Mr. Woodard indicated that there was no map for development of the property. He added that the property was zoned for development and any construction in that area would affect future development.

Staff confirmed that zoning was considered by the appraiser, and City Attorney Lew advised that any ambiguity regarding the terms with the State be clarified prior to the Council taking action on the Resolution of Necessity.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Vice Mayor Brian Ward that the City Council continue the Hearing to the meeting of October 3, 2017. The motion carried unanimously.

Documentation: M.O. 14-091917

The Public Hearing was opened at 8:29 p.m.

- Brock Neeley, Porterville, suggested better placement of coolers within the store.
- Edith LaVonne, Porterville, stated that there were enough off sale licenses in the area.
- Steve Rawlings, 99 Cent Store representative, stated that the current location of the registers was temporary, and assured the Council that the registers would be relocated to the front of store. He added that the store wished to remain competitive as a grocery store.

Members of the Council expressed reservations due to the store catering to customers with less disposable income, placement of the checkout aisles and oversaturation of alcohol licenses.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Monte Reyes that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2017-033C) subject to conditions of approval.

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

Documentation: Resolution No. 57-2017

Disposition: Approved.

SCHEDULED MATTERS

15. CONSIDERATION OF APPOINTMENT TO THE ARTS COMMISSION

Recommendation: That the City Council consider the appointment of an individual to the City's Arts Commission to a term ending in July of 2019.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Mayor Milt Stowe that the City Council that the City Council appoint Kyree Perkins and Nilsa Cubiascanas to the Arts Commission to terms expiring in July of 2019. The motion carried unanimously.

Documentation: M.O. 15-091917

Disposition: Approved.

The Council voiced support for keeping the lines of communication open by reaching out to landowners regularly, and Community Development Manager Phillips noted that there was a project moving forward independently.

Acting Public Works Director Mike Reed addressed questions from the Council regarding vehicular access, circulation, and the need for a traffic study.

Documentation: None

Disposition: No action taken.

18. CONSIDERATION OF INITIATING PROCEDURES FOR ESTABLISHING AND IMPLEMENTING BY-DISTRICT ELECTIONS

Recommendation: That the City Council consider adopting the draft resolution initiating procedures for establishing and implementing by-district elections.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report. Following the staff report, the Council inquired about the possibility of a friendly lawsuit, mitigation of costs, and the CVRA safe harbor guidelines.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council adopt the draft resolution initiating procedures for establishing and implementing by-district elections. The motion carried unanimously.

Documentation: Resolution No. 58-2017

Disposition: Approved.

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. At the Council's request and in response to comments made in Oral Communications, Acting Public Works Director Reed provided an update on the status of the Beverly Grand well project.

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