

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 3, 2017, 5:30 PM**

Called to Order at 5:34 p.m.

Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores,
Vice Mayor Ward, Mayor 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: APNs: 240-040-014 and 240-310-001. Agency Negotiator: Patrice Hildreth and Mike Reed. Negotiating Parties: City of Porterville and Fredrick Church. Under Negotiation: Terms and Price.

2 - 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.

3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson, and Matt Pierce. Employee Organizations: Porterville City Firefighters Association, Fire Officer Series, and Porterville Peace Officers Association.

4 - 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; and one case concerning oral comments regarding code enforcement made by Mr. David Horowitz at the City Council Meeting of September 19, 2017.

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

6:38 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Julia Lew reported that no reportable action had taken place.

The Pledge of Allegiance was led by Council Member Reyes.

Invocation - Mayor Stowe participated.

PROCLAMATIONS

Domestic Violence Awareness Month - October 2017

PRESENTATIONS

Employee of the Month - Reggie Calo
Regional Transportation Plan - TCAG

AB 1234 REPORTS

1. TULARE COUNTY TASK FORCE ON HOMELESSNESS - SEPTEMBER 20, 2017
City Manager Lollis reported on discussion regarding the Homelessness Summit on October 25th in Visalia and of a presentation from Tulare County Mental Health Services about services offered. In addition, Police Chief Eric Kroutil spoke of collaboration between agencies pertaining to homelessness and mental health resources.

2. COUNCIL OF CITIES - SEPTEMBER 20, 2017
Council Member Flores reported on approval of minutes, selection of an Alternate TCAG Transit representative, approval of the establishment of a Council of Cities website, legislative updates regarding SB 649, and discussion regarding TCEDC.

Following Council Member Flores' report, Vice Mayor Ward requested that the location of the meetings be rotated and not take place in Visalia every time.

3. SJVAPCD GOVERNING BOARD STUDY SESSION - SEPTEMBER 20 - SEPTEMBER 21, 2017
Council Member Reyes reported on the Bass Lake Study Session, which included: a Clean Air Act refresher, affirmation of vision and mission statements, target of hot spots, pollution associated with charbroiled grills, presentation from the Environmental Justice Group, and expansion of passenger vehicle replacement program.

4. EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY (GSA) - SEPTEMBER 21, 2017
Council Member Hamilton and Acting Public Works Director Mike Reed reported on the introduction of a draft Groundwater Sustainability Plan, and a presentation from DeGroot with 4Creeks.

5. TULARE COUNTY ECONOMIC DEVELOPMENT CORP. (TCEDC) - SEPTEMBER 27, 2017
Council Member Reyes reported on the appointment of Amy Shuklian as representative for Tulare County, receipt of financial reports, Digital 25 recognition, and consideration of City of Tulare's request to withdraw.

REPORTS

None

ORAL COMMUNICATIONS

- Rocky Stowler, Porterville, stated that he was a medical marijuana grower; spoke of various ailments for which he requires medical marijuana; and expressed concern regarding a potential reduction in the number of plants he could be allowed to possess.
- Brock Neeley, Porterville, advised of recent thefts from community mailboxes in town; provided printouts of comments made by Council Member Hamilton; and discouraged his continued use of Facebook.
- Sonia Soto, Porterville, stated that she participated in Relay for Life to contribute "something" towards a cure for cancer; and spoke of her experience.
- Jeff Faure, Porterville, spoke in opposition to a reduction of plants allowed for medical cannabis patients.
- Rhonda Szeles spoke about her retirement from Relay for Life, lack of support from local organizations, and the importance of finding a cure.

CONSENT CALENDAR

There were no items 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. 1-11, noting that the City was not required to contribute an additional \$340,000 to meet the requirements for State funds (Item No. 2). The motion carried unanimously.

1. CITY COUNCIL MINUTES OF AUGUST 1, 2017, AND AUGUST 15, 2017

Recommendation: That the Council approve the draft Minutes of August 1, 2017, and August 15, 2017.

Documentation: M.O. 01-100317

Disposition: Approved.

2. SB1 PROJECT LIST FOR FY 2017/18

Recommendation: That the City Council:

1. Accept staff's recommendation that RMRA funds be allocated to the Orange Avenue Rehabilitation project;
2. Adopt the Resolution for a budget amendment to allocate RMRA funds to the Orange Avenue Rehabilitation project;
3. Authorize the City Clerk to record the Resolution; and
4. Authorize staff to submit the project list package to the California Transportation Commission to secure the City's FY 2017/18 RMRA apportionment.

Documentation: Resolution No. 59-2017

Disposition: Approved.

3. REQUEST FOR APPROVAL TO PURCHASE THE DELL DR4300 DISK BACKUP APPLIANCE

Recommendation: That the City Council approve the purchase of the Dell DR4300 backup appliance at a cost of \$12,191.86, plus the applicable sales tax and shipping.

Documentation: M.O. 02-100317

Disposition: Approved.

4. REQUEST FOR APPROVAL TO PURCHASE ENERGOV PERMITTING & LAND MANAGEMENT SOFTWARE

Recommendation: That City Council approve the purchase of EnerGov Permitting & Land Management Software from Tyler Technologies for a one time cost of \$57,490 and an annual maintenance charge of \$16,990.00.

Documentation: M.O. 03-100317

Disposition: Approved.

5. RATIFICATION OF EXPENDITURE - SCE STREETLIGHT INSTALLATIONS FOR THE JAYE STREET BRIDGE REHABILITATION PROJECT

Recommendation: That City Council:

1. Approve the costs associated with streetlight installations; and
2. Authorize the City Engineer to sign the SCE applications and issue payment in the amount of \$19,168.98.

Documentation: M.O. 05-100317

Disposition: Approved.

6. AWARD OF CONTRACT PLANO WATER REPLACEMENT AND CONCRETE CURB RAMP PROJECT

Recommendation: That City Council:

1. Award the Plano Water Replacement and Concrete Curb Ramp Project to MAC General of Porterville in the amount of \$1,311,875.95;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen costs;
4. Authorize an additional 7.5% 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 M.O. 02100714.

Documentation: M.O. 05-100317

Disposition: Approved.

7. APPROVAL OF PURCHASE OPTION AGREEMENT (SMEE HOMES, INC.) - BEVERLY GRAND MUTUAL WATER COMPANY

Recommendation: That the City Council:

1. Accept the Purchase Option Agreement as complete;
2. Authorize the Mayor to execute the Purchase Option Agreement; and
3. Authorize the Public Works Director to deliver the agreement to Self Help Enterprise and State Waterboards as necessary in completing the Planning Grant Process.

Documentation: M.O. 06-100317

Disposition: Approved.

8. AUTHORIZATION TO DISTRIBUTE RFQS FOR ON-CALL CONSULTING SERVICES

Recommendation: That City Council authorize staff to distribute Requests for Qualifications for On Call Consulting Services for right-of-way, surveying, and materials testing services.

Documentation: M.O. 07-100317

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - VETERANS HOMECOMING COMMITTEE - VETERANS DAY PARADE - NOVEMBER 11, 2017

Recommendation: That the City Council approve the Community Civic Event application and Agreement submitted by the Veterans Homecoming Committee, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 08-100317

Disposition: Approved.

10. REQUEST FOR PROCLAMATION - RELAY FOR LIFE DAYS - OCTOBER 78, 2017

Recommendation: That the City Council consider approval of the request to proclaim October 7th and 8th as "Relay for Life Days."

Documentation: M.O. 09-100317

Disposition: Approved.

11. REQUEST FOR PROCLAMATION - FRIENDS OF LIBRARIES WEEK - OCTOBER 15TH THROUGH 21ST, 2017

Recommendation: That the City Council consider approval of the request to proclaim October 15 through 21, 2017, as "Friends of Libraries Week."

Documentation: M.O. 10-100317

Disposition: Approved.

HEARING

12. CONTINUED HEARING - 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 255-190-022), OWNER WOODARD FAMILY REVOCABLE TRUST OF AUGUST 10, 2006, FOR PROPOSED IMPROVEMENTS TO THE EAST PORTERVILLE WATER SUPPLY PROJECT

Recommendation: This office and City staff recommend that the Council hear any additional testimony and consider approval of the Resolution of Necessity. The 09/19/17 staff report is also included for the City Council's reference.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

The continued Hearing was closed at 7:50 p.m. when it was determined that the property owner and/or representative were not in attendance.

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

Documentation: Resolution No. 60-2017

Disposition: Approved.

Following the Hearing, the Mayor read and presented a proclamation for "Relay for Life Days."

PUBLIC HEARINGS

13. PUBLIC HEARING ON THE ESTABLISHMENT OF BY-DISTRICT ELECTION BOUNDARIES FOR THE PORTERVILLE CITY COUNCIL

Recommendation: That the City Council conduct a public hearing to receive public input for criteria in the drafting of district boundary maps.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report.

The Public Hearing was opened at 8:04 p.m.

- Ellen Nichols, Porterville, inquired about the identity of the citizens who are wanting by-district elections; and stated that she saw the Council as being diverse.

The Public Hearing was closed at 8:07 p.m.

Members of the Council addressed comments made, and stated that the likelihood of prevailing in a lawsuit was very low.

Documentation: None

Disposition: No action required.

The Council took a five minute recess at 8:13 p.m.

SCHEDULED MATTERS

14. UPDATE ON STATUS OF WATER CONNECTION TO BURTON UNIFIED SCHOOL DISTRICT CAMPUS AT REDWOOD STREET AND THURMAN AVENUE

Recommendation: That the City Council:

1. Consider authorizing staff to issue a permit for public improvements upon consensus of the design while the District processes an annexation application for the school site and required surrounding properties; and
2. Accept public improvements upon completing the annexation process.

City Manager Lollis introduced the item and disclosed that he owned property that was 515 feet from the subject property. He stated that while it was not a literal conflict of interest it could be considered a perceived conflict, so he would be recusing himself.

At the request of Vice Mayor Ward, City Attorney Lew advised that Vice Mayor Ward being employed by a public agency would not in itself constitute a conflict of interest.

Community Development Director Jenni Byers presented the staff report. In response to questions posed by the Council and concerns with regard to traffic congestion, Acting Public

Works Director Mike Reed spoke of traffic mitigation measures identified by the traffic study conducted for the project; and communicated concerns regarding fire flow requirements, City standards versus County standards, and the School District's ability to get funded without the City's review of the project plans.

The Council expressed concerns regarding safety, issues with previous school projects, the City's water system, and traffic mitigation measures.

- Dr. Sharon Kamberg, Burton Unified School District Superintendent, stated that the District was already upside down on the project and was willing to do whatever had to be done to move forward with the project. She also addressed questions regarding land acquisition, project deadlines, and release of funds by the State.
- Tracy Tucker, Director of MOT, Burton Unified School District, spoke of his discussions with City staff with regard to water, sewer, and fire code.

In response to Council comments, Acting Public Works Director Reed spoke of a roundabout at Redwood Street and Olive Avenue as a possible improvement, and status of water capacity projects.

Fire Chief Dave La Pere addressed questions regarding fire flow requirements and an existing tank on the property; and spoke of the need for redundancy, reliability and quality to meet said requirements.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council approve issuance of a permit for public improvements upon consensus of the design while the District processes an annexation application for the school site and required surrounding properties; and acceptance of public improvements upon completing the annexation process.

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

Documentation: M.O. 11-100317

Disposition: Approved.

City Manager Lollis returned to the Council's Chamber.

15. CONSIDER LETTER OF REQUEST FOR VETO OF SB 649 (HUESO): WIRELESS TELECOMMUNICATIONS FACILITIES

Recommendation: That the City Council consider a Letter of Request for Veto of SB 649 (Hueso).

City Manager Lollis introduced the item and presented the staff report. Following the staff report, the Council discussed loss of local control and technology.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council approve a letter of opposition. The motion carried unanimously.

Documentation: M.O. 12-100317

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 presented the staff report.

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

Documentation: M.O. 13-100317

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores spoke of her attendance at a recent event hosted by Family Healthcare Network, the Tulare County Sheriff's Open House, and the San Joaquin Valley College Ribbon Cutting.
- Council Member Reyes spoke of his air quality monitor, the recent tragedy in Las Vegas, and his attendance at the Sierra Vocal Arts concert.
- Vice Mayor Ward stated that his family was back from Scotland; spoke of road maintenance funding; and requested a lunch with Public Works Director Reed to discuss said funding.
- Council Member Hamilton stated that he had been attending many funerals lately; and spoke of the Mayor's testimony at church, which would be available for viewing online.

He added that his parking place was being taken by a fellow council member; and in a joking manner, requested assistance from the Mayor to remedy the situation.

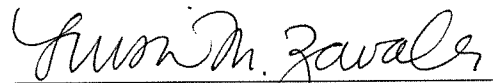
- Mayor Stowe stated that he would help Council Member Hamilton with his parking issue; and thanked the Council for its support during his treatment.
- City Manager Lollis spoke of upcoming Chamber Business Expo and Pioneer Days; and announced the participation of the Red Bearded Step Sisters in the Rib Cook-off.

CLOSED SESSION

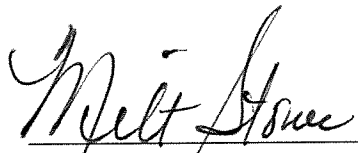
None

ADJOURNMENT

The Council adjourned at 9:13 p.m. to the meeting of October 10, 2017.


Luisa M. Zavala, Deputy City Clerk

SEAL


Milt Stowe, Mayor