

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 17, 2017, 5:30 PM**

Called to Order at 5:33 p.m.

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

The Council adjourned to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL/SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY AGENDA
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
OCTOBER 17, 2017**

Called to Order at 5:34 p.m.

Roll Call: Agency Member Reyes, Agency Member Hamilton, Agency Member Flores,
Vice Chair Ward, Chair Stowe

ORAL COMMUNICATIONS

None

JOINT CITY COUNCIL/SUCCESSOR AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 14 N. Main Street, Porterville, CA. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Successor Agency to the Porterville Redevelopment Agency. Under Negotiation: Terms and Price.

During Closed Session, the Joint City Council/Successor Agency Meeting adjourned to a Meeting of the Porterville City Council.

CITY COUNCIL CLOSED SESSION:

B. Closed Session Pursuant to:

1 - 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.

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

3 - 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; and one case in which facts are not yet known to potential plaintiff.

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

6:30 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

The Pledge of Allegiance was led by Mayor Stowe.
Invocation -- the Mayor participated.

PROCLAMATIONS

Friends of the Library Week - October 15-21, 2017

AB 1234 REPORTS

1. Local Agency Formation Commission (LAFCO) - October 11, 2017
Council Member Hamilton reported on adoption of findings pertaining to the annexation of 21.6 acres to the City of Visalia, and the cancellation of the November 1st meeting.
2. Tulare County Association of Governments (TCAG) - October 16, 2017
Council Member Flores reported on adoption of resolutions and informational items pertaining to transportation; and provided an update of transportation projects in the Porterville area.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - October 5, 2017
Commissioner Moore reported on completion of the Zalud Park Project, Pioneer Days & Rib Cook-Off, The Zalud House Ghoulish Garden, and Paranormal Tours; and thanked the Council for allowing him to serve on the Commission the past eight years.
2. Library & Literacy Commission - October 10, 2017
3. Arts Commission - September 27, 2017
Commissioner Cubiascanas introduced herself; reported on the selection of herself as chair and Commissioner Serna as vice chair of the commission; and spoke of discussion regarding goals. Vice Chair Serna, and Commissioners Serrano, Gonzalez and Perkins also introduced themselves.

4. Animal Control Commission - October 9, 2017

Commission Chair Pizanis and Vice Chair Penaloza presented animal control statistics.

5. Youth Commission - October 9, 2017

Youth Commissioners for the 2017-2018 year Amy Alarcon, Mariela Rivas, Jackie Garabay, Jake Buckley, Graciela Aguilar, and Joanna Lopez Sanchez introduced themselves to the Council.

6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

2. Community Fall Clean-Up Event

ORAL COMMUNICATIONS

None

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 Martha Flores that the City Council approve Items Nos. 1 through 7. The motion carried unanimously.

1. WASTEWATER TREATMENT FACILITY PURCHASE OF SPECIALIZED EQUIPMENT INLINE DISINTEGRATOR

Recommendation: That City Council:

1. Award the Purchase of Specialized Equipment Inline Disintegrator to Franklin Miller for a do not exceed amount of \$19,000;
2. Direct the Finance Director to initiate a Purchase Order to Franklin Miller in an amount not to exceed \$19,000; and
3. Direct Finance Director to make payment to Franklin Miller upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 01-101717

Disposition: Approved.

2. FACILITY USE AGREEMENT FOR HAYES FIELD BETWEEN THE CITY OF PORTERVILLE AND PORTERVILLE GIRLS FASTPITCH

Recommendation: That the City Council approve the agreement with Porterville Girls Fastpitch and authorize and direct the Mayor to execute the same.

Documentation: M.O. 02-101717

Disposition: Approved.

3. UPDATE TO OUT-OF-STATE TRAVEL - GREENPOWER ELECTRIC TRANSIT BUSES IN-PLANT INSPECTIONS

Recommendation: That the City Council approve an out-of-state travel request to allow Field Services Shop Superintendent Russell Isom and Transit Manager Richard Tree to perform in-plant inspections on GreenPower electric transit buses in Xiamen, China at an estimated cost of \$16,000 to be reimbursed by grant funds.

Documentation: M.O. 03-101717

Disposition: Approved.

4. AUTHORIZATION OF STREET CLOSURE FOR THE CITY OF PORTERVILLE LIBRARY'S INTERNATIONAL GAMES DAY

Recommendation: That the City Council authorize the street closure of Thurman Avenue between Hockett Street and Division Street from 9:00 a.m. to 6:00 p.m. for the City of Porterville Library's International Games Day.

Documentation: M.O. 04-101717

Disposition: Approved.

5. INTENT TO SET PUBLIC HEARING FOR THE VACATION OF EASEMENTS - SUMMIT ESTATES 2, PHASE 1

Recommendation: That the City Council:

1. Pass a resolution of intent to vacate the City of Porterville's blanket easement and storm drain easement on the site for Summit Estates Two, Phase 1;
2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and
3. Set the Council meeting of November 7, 2017, as the time and place for a public hearing.

Documentation: Resolution No. 61-2017

Disposition: Approved.

6. RESOLUTION AUTHORIZING AND APPROVING THE PURCHASE AND SALE AGREEMENT WITH CZEM PARTNERS LLC, JLH PROPERTIES LLC, AND THE

TOLLIDAY FAMILY TRUST FOR PROPERTY ALONG POPLAR AVENUE, SOUTH
AND ADJACENT TO APN 260-300-028 AND APN 260-300-029

Recommendation: That the City Council adopt a resolution for the sale of excess land and authorize the Mayor and City Manager to sign all necessary documents to complete the sale of the property.

Documentation: Resolution No. 62-2017

Disposition: Approved.

7. REQUEST FOR PROCLAMATION - THE PORTERVILLE ELKS LODGE #1342
-100TH ANNIVERSARY

Recommendation: That the City Council consider approval of the request for a proclamation in recognition of the 100 year anniversary of Porterville Elks Lodge #1342.

Documentation: M.O. 05-101717

Disposition: Approved.

PUBLIC HEARINGS

8. BUDGET ADJUSTMENT/CITIZENS' OPTION FOR PUBLIC SAFETY (COPS)
FUNDING

Recommendation: That the City Council:

1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and
3. Adopt the draft resolution approving a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000 to support said costs.

City Manager Lollis introduced the item, and Police Chief Eric Kroutil presented the staff report.

The Public Hearing opened at 7:12 p.m.

- Barry Caplan spoke of previous requests for training records of officers.

The Mayor invited citizens to join the Citizen's Police Academy in order to learn about the fundamentals of the Police Department.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve use of COPS funds to offset costs for personnel assigned to the department's Patrol Division, including necessary training, equipment, and overtime costs; and adopt

the draft resolution approving a budget adjustment increasing the Police Department's Special Safety Grants-Citizen's Option for Public Safety (COPS) budget by \$100,000 to support said costs. The motion carried unanimously.

Documentation: Resolution No. 63-2017

Disposition: Approved.

The Council took a 5 minute recess.

9. PUBLIC HEARING CONCERNING AND FIRST READING OF AN ORDINANCE OF THE CITY COUNCIL AMENDING SECTIONS 700.01, 700.02 AND 701.02, AND REPEALING AND REPLACING SECTION 301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING PERSONAL CULTIVATION AND USE OF CANNABIS, AND PROHIBITION OF COMMERCIAL CANNABIS ACTIVITIES

Recommendation: This office recommends that the City hold a public hearing on the draft ordinance, and consider approval of the first reading of the Ordinance.

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

The Public Hearing opened at 7:28 p.m.

- Jeff Faure made comments pertaining to restrictions on cooperatives or collectives and the six plant minimum; and asked for the Council to consider allowing up to 20 plants per person to accommodate medical marijuana users.
- Rocky Scalor inquired about current medical cannabis permits issued, and stated that he needed more than the proposed six plants to provide medicine for he and his wife.

Mayor Stowe closed the Public Hearing at 7:34 p.m.

City Attorney Lew addressed comments made regarding cooperatives and provided updated definitions. Discussion followed regarding the number of existing medical marijuana permits, and the levels of existing permits, some of which would be expiring soon.

Council Member Hamilton made a motion to approve, which was seconded by Council Member Flores. Following the motion, it was suggested that those with existing permits who were in compliance be granted an extension, and the Council took a 10 minute recess at 7:40 p.m. to allow City Attorney Lew and staff the opportunity to draft appropriate language.

Following the break, City Attorney Lew read the proposed language. Council Member Hamilton amended his motion to include the new language, and Council Member Flores accepted the amendment.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve first reading of Ordinance No. 1843, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTIONS 700.01, 700.02 AND 701.02 OF THE PORTERVILLE MUNICIPAL CODE, AND REPEALING AND REPLACING SECTION 301.23 OF THE PORTERVILLE MUNICIPAL CODE, CONCERNING PERSONAL CULTIVATION AND USE OF CANNABIS, AND PROHIBITION OF COMMERCIAL CANNABIS ACTIVITIES, as amended to include, "Furthermore, all holders of active cultivation permits, who are in full compliance with said permits, issued under former section 301.23 and due to expire in 2017, shall be allowed an additional one year permit expiring in December 31, 2018, for twelve (12) plants in compliance with former section 301.23."

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

The ordinance was read by title only.

Documentation: Ordinance No. 1843
Disposition: Approved.

10. 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 Administrative Services Director Patrice Hildreth presented the staff report.

The Public Hearing opened at 7:55 p.m.

- Brock Neeley provided procedural regulations and recommended a citizen Ad Hoc Committee.
- Barry Caplan, Porterville, spoke of growth and suggested increasing the number of Council representatives.
- Renee Curtley, Lombardi area resident, spoke in favor of by-district elections and spoke of her dissatisfaction with the construction of Summit Charter Lombardi Campus.

The Public Hearing closed at 8:01 p.m.

Members of the Council spoke of disadvantages of by-district versus at large representation on the Council.

Documentation: None
Disposition: No action required.

SCHEDULED MATTERS

11. CONSIDERATION OF APPOINTMENTS TO CITY COMMISSIONS

Recommendation: That the City Council consider the appointment of up to three individuals to the Parks and Leisure Services Commission to terms ending in October of 2021, and one individual to the Arts Commission for a term to expire in July of 2019.

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the appointment of Kieran Daly, Philip Duncan, Diane Graybehl, and Janet Uresti to the Parks and Leisure Services Commission to terms expiring in October 2021, and Emily Luna to the Animal Control Commission to a term expiring in July 2019. The motion carried unanimously.

Documentation: M.O. 06-101717
Disposition: Approved.

12. TULARE COUNTY ECONOMIC DEVELOPMENT CORPORATION (TCEDC) PRESENTATION AND REVIEW

Recommendation: That the City Council receive a presentation from the Tulare County Economic Development Corporation (TCEDC), and review its participation in the TCEDC.

City Manager Lollis introduced the item and presented the staff report. Mr. Paul Saldana, President of the TCEDC, addressed the Council and presented a status report and update on the TCEDC. Council and Staff went on to discuss how the TCEDC benefits the County of Tulare and the City of Porterville. The Council communicated its reservations about paying the TCEDC when the City had its own Economic Development Department it could invest more in, and asked if there was a deadline to come to a decision regarding the City's participation in the TCEDC.

Documentation: None
Disposition: No action required.

13. STATUS OF PROFESSIONAL SERVICES AGREEMENTS FOR TRANSIT SERVICES

Recommendation: That City Council:

1. Implement Option 2 by authorizing staff to issue Requests for Proposals; and
2. Authorize month to month service up to June 30, 2018 so as to compensate for issues that may arise during the solicitation process.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report, and amended the Staff's Recommendation to include a third option, as follows:

3. Extend the operations of maintenance contract with Sierra Management Inc., to coincide with the active Air Resource's Board Grant, which will cease on June 30, 2020, maintain all aspects of the current agreement, except for the right to further extend the contract, and authorize Staff to issue Request for Proposals on January 1, 2020.

Council Member Hamilton expressed his support of the third option, while Vice Mayor Ward expressed his support of the first option. City Attorney Lew gave the reasons why she would advise not going with the first option and explained that the Council could approve option 3 with a five-year extension.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Vice Mayor Brian Ward that the City Council approve Option 3, with an amendment to extend the contract for five years. The motion carried unanimously.

Documentation: M.O. 07-101717

Disposition: Approved.

14. 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. He also alerted the Council about the Department of Water Resources' desire to revisit the agreement and add additional water connections to the Akin Agreement.

Mayor Stowe left the dais momentarily, and was therefore not present for the vote.

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.

AYES: Reyes, Hamilton, Flores, Ward

NOES: None

ABSTAIN: None

ABSENT: Stowe

Documentation: M.O. 08-101717

Disposition: Approved.

Mayor Stowe returned to the dais during Oral Communication comments.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, stated that he was appointed to the hospital redistricting committee; and spoke in favor of increasing marketing when business was down.
- Will Lloyd, Porterville, spoke of the screening of a movie that was filmed in town to occur on Wednesday night at Galaxy 9 Theaters, and extended an invitation to everyone in attendance.

OTHER MATTERS

- Council Member Flores spoke of her attendance at the Chamber Business Expo and Porterville College Anniversary events.
- Council Member Hamilton spoke of his attendance at Pioneer Days & Rib Cook-Off, and of the movie to be screened the following night.
- Council Member Ward spoke of his participation in school and church activities.
- Council Member Reyes stated that he attended the Business Showcase and Butterfield Stage Days; and spoke of the naming of Porterville.
- Mayor Stowe reported on his attendance at the Veterans Trail Dedication and thanked all involved; spoke of the recent death of local Heidi Gutierrez; and encouraged men and women to get cancer screenings.

CLOSED SESSION

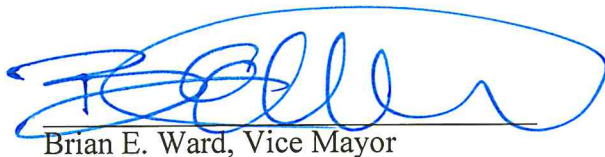
Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

Non

ADJOURNMENT

The Council adjourned at 9:12 p.m. to the meeting of October 24, 2017.

SEAL



Brian E. Ward, Vice Mayor



Luisa M. Zavala, Deputy City Clerk