CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 20, 2018, 5:30 PM

Called to Order at 5:33 p.m.
Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Vice Mayor Ward (arrived during Closed Session), 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: 256 East Orange Avenue, Porterville, CA; APNs: 261-150-056, 261-150-057, and 261-140-024. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 260-235-006 and 260-242-106. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton and Steve Penn. Under Negotiation: Terms and Price.

3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 240-040-014. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Maude E. Church Trust. Under Negotiation: Terms and Price.

4 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville Peace Officers Association.

5 - 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 plaintiffs.

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

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

The City Attorney Lew reported that no reportable action had taken place in Closed Session.

Pledge of Allegiance Led by Council Member Monte Reyes
Invocation -- a moment of silence was observed.

PRESENTATIONS

Project Homeless Connect
Leadership Porterville - Drought Demonstration Garden

AB 1234 REPORTS

AB 1234 reports required pursuant to Government Code §53232.3.

1. SJVAPCD GOVERNING BOARD MEETING - FEBRUARY 15, 2018
   Council Member Reyes spoke of a report and recommendations from the Central Valley Summit on alternatives to open burning of agricultural waste, the acceptance of State funding, and approval of a contract amendment to expand public education for the real-time air advisory network.

REPORTS

I. City Commission and Committee Meetings
   1. PARKS & LEISURE SERVICES COMMISSION - FEBRUARY 1, 2018
      Commissioner Diane Graybehl presented the Commission's monthly report which consisted of information pertaining to adult volleyball, the fishing derby, military banner program, and the installation of a pet waste station at Veterans Park.
   2. LIBRARY & LITERACY COMMISSION - FEBRUARY 13, 2018
      Commissioner Allan Bailey reported on the Commission's continued discussion pertaining to library fines on youth accounts, and Library Project with Harmony and INTERNNECT; and presented monthly highlights for January regarding program participation and Sunday patronage.
   3. ARTS COMMISSION - JANUARY 17, 2018 ANIMAL CONTROL COMMISSION
      Vice Chair Penaloza reported that the commission had not met due to three existing vacancies.
   4. YOUTH COMMISSION - FEBRUARY 12, 2018
      Commissioner Grlica Golusin reported on the Commission's judging of the Step Up Banner contest, continued discussion regarding potential projects, and upcoming events, which included the annual Dodgeball Tournament. She also expressed her excitement to serve as a commission member and learn about the community of Porterville.
   6. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC) - FEBRUARY 13, 2018
      Committee Chair Virginia Gurrola reported that the meeting had to be adjourned due to confusion regarding the meeting location which resulted in lack of a quorum.

II. Staff Informational Reports
   1. WALL OF FAME DESIGNATIONS
   2. WATER CONSERVATION PHASE IV STATUS UPDATE

ORAL COMMUNICATIONS

- Barry Caplan spoke in favor of going out to bid for legal services (Item No. 12), and of his experience with City Attorney Julia Lew.
- Brock Neeley provided handouts regarding foreign agricultural workers on H-2A visas and State and Local tax contributions of undocumented Californians; and spoke of 2014 ballot language, which he described as legalese.

- Edith LaVonne spoke in support of DACA and in favor of approval of Item No. 15.
- Teresa Delarosa spoke in support of Item No. 15.
- John Coffee requested that the Council approve the resolution in support of the Dream Act of 2017.
- Roberto Delarosa spoke in support of the proposed DACA resolution.
- Sarah Lee Gershon spoke in favor of approval of Item No. 15.
- Christian Ambriz voiced his support for the DACA resolution; and spoke of recent shootings and patterns exhibited by shooters.
- Joshua Soolier spoke in favor of Council's approval of Item No. 15.
- Art Rodriguez spoke in favor of Council's support of the DACA resolution.
- Daniel O'Connell, Executive Director of Central Valley Partnership, voiced his support for the proposed resolution; encouraged white people to think about their own immigrant heritage; and spoke of the importance of supporting agricultural workers.
- Benny Corona shared his personal experience and those of family members who are DACA beneficiaries; and requested Council approval of the resolution.
- Leticia Lopez stated that she had been an advocate for immigrant rights, and spoke of efforts made in support of immigrants and the Dream Act; and thanked the City Council for its consideration of the resolution.
- Daniel Penaloza, on behalf of Coalition for Humane Immigrant Rights and Latino Political Action Committee of Tulare County, voiced support for the proposed DACA resolution.
- Roberto Delarosa Jr. stated that he too was in favor of Council approving Item No. 15.
- Raul Garcia spoke in support of Item No. 15; and requested that the city of Porterville be on the winning side of history on this issue.
- Augustine Velasquez, Coalition for Humane Immigrant Rights, voiced his support for Council approval of the DACA resolution.
- Maria Gloria Perez stated that she loved living in America; voiced support for the proposed resolution; and thanked the Council for its consideration.

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 through 9. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JANUARY 16, 2018

Recommendation: That the Council approve the draft Minutes of January 16, 2018.

Documentation: M.O. 01-022018
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE ORANGE AVENUE REHABILITATION PROJECT FROM MAIN STREET TO PLANO STREET AND THE

HENDERSON AVENUE REHABILITATION PROJECT FROM NEWCOMB STREET TO PATSY STREET

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02100714; and
4. Authorize the Finance Director to appropriate $465,582.70 from Local Transportation Funds to fully fund this project.

Documentation: M.O. 02-022018
Disposition: Approved.

3. DOWNTOWN PARKING LOTS PERIMETER IMPROVEMENT BUDGET AUGMENTATION

Recommendation: That City Council:

1. Authorize the augmentation of the projects authorized funds by $31,000.00 from Local Transportation Funds; and
2. Authorize the City Engineer to sign the SCE applications and issue payment in the amount of $7,340.65.

Documentation: M.O. 03-022018
Disposition: Approved.

4. AUTHORIZATION TO NEGOTIATE SERVICE AGREEMENTS FOR HAZARDOUS MATERIAL SURVEYS AND OVERSIGHT SERVICE FOR CITY FACILITIES

Recommendation: That City Council:

1. Authorize the Public Works Director to negotiate service agreements for each of the six (6) projects listed within this staff report; and
2. Authorize the Public Works Director to execute each agreement.

Documentation: M.O. 04-022018
Disposition: Approved.

5. PAYBACK AGREEMENT FOR OFF-SITE WATER MAIN - 1800 BAKER AVENUE (RANDLE E. WELDON)

Recommendation: That City Council adopt a resolution establishing that before benefiting properties are permitted to connect to the off-site water main, their pro-rata shares of the payback agreement shall be collected. The total payback amount to be collected shall not exceed $30,995.48.

Documentation: Resolution No. 03-2018
Disposition: Approved.

6. CONSIDERING AUTHORIZATION OF THE FILING OF CERTIFICATIONS AND ASSURANCES AND AUTHORIZED AGENT FORM FOR THE CALIFORNIA STATE OF GOOD REPAIR PROGRAM; AND AUTHORIZATION TO OBTAIN WRITTEN PRICE QUOTATIONS FROM QUALIFIED VENDORS FOR THE PROCUREMENT OF A BATTERY-ELECTRIC VAN

Recommendation: That the City Council:
1. Adopt the Resolution for the execution of the certifications and assurances for the California State of Good Repair Program; and
2. Authorize staff to obtain written price quotations for the purchase of a battery-electric paratransit van.

Documentation: Resolution No. 04-2018; and M.O. 05-022018
Disposition: Approved.

7. A RESOLUTION APPROVING THE APPLICATION FOR STATE OFF-HIGHWAY VEHICLE GRANT FUNDS

Recommendation: That the City Council adopt a Resolution approving the application for State Off-Highway Vehicle Grant Funds.

Documentation: Resolution No. 05-2018
Disposition: Approved.

8. AUTHORIZATION TO FILE APPLICATIONS WITH THE FEDERAL TRANSIT ADMINISTRATION

Recommendation: That the City Council adopt the Resolution authorizing the filing of applications with the Federal Transit Administration (FTA).

Documentation: Resolution No. 06-2018
Disposition: Approved.

9. AUTHORIZATION OF LOW CARBON FUEL STANDARD ACCOUNT ADMINISTRATORS

Recommendation: That the City Council:
1. Authorize the Mayor to legally bind the City of Porterville as a Low Carbon Fuel Standard Reporting Party;
2. Authorize Michael Reed, Public Works Director, as the Primary Account Administrator; and
3. Authorize Richard Tree, Transit Manager, as the Secondary Account Administrator.

Documentation: M.O. 06-202018
Disposition: Approved.

PUBLIC HEARINGS

10. UPDATE TO THE CITY'S URBAN WATER MANAGEMENT PLAN

Recommendation: That City Council:

1. Conduct Public Hearing, and receive comments, on the continued public hearing for the City's 2015 Urban Water Management Plan from February 6, 2018;
2. Adopt the City's 2015 Urban Water Management Plan;
3. Submit the 2015 Urban Water Management Plan to the Department of Water Resources, the California State Library, and Tulare County; and
4. Make the 2015 Urban Water Management Plan available to the public for review within 30 days after filing a copy of the plan with the Department of Water Resources.

City Manager John Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

The Public Hearing was opened at 7:50 p.m.

- Brock Neeley recognized staff for the foresight to build existing water tanks.
- Barry Caplan stated that staff had done a good job managing the drought to date; and spoke of risk of Success Dam failure.

The Public Hearing was closed at 7:55 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council adopt the City's 2015 Urban Water Management Plan; submit the 2015 Urban Water Management Plan to the Department of Water Resources, the California State Library, and Tulare County; and make the 2015 Urban Water Management Plan available to the public for review within 30 days after filing a copy of the plan with the Department of Water Resources.. The motion carried unanimously.

Documentation: Resolution No. 07-2018; and M.O. 07-022018
Disposition: Approved.

SCHEDULED MATTERS

11. SPRING EXPRESSIONS CHALK ART CONTEST

Recommendation: That the City Council:

1. Direct the Arts Commission to proceed with the Spring Expressions Chalk Art Project; and
2. Appropriate the amount of $350 to the Arts Commission for the Spring Expressions Chalk Art Project from the 20172018 Community Promotions operating budget.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council direct the Arts Commission to proceed with the Spring Expressions Chalk Art Project; and appropriate the amount of $350 to the Arts Commission for the Spring Expressions Chalk Art Project from the 2017-2018 Community Promotions operating budget. The motion carried unanimously.

Documentation: M.O. 08-022018
Disposition: Approved.

12. CONSIDERATION OF LEGAL SERVICES AGREEMENT

Recommendation: That the City Council:
1. Approve the Legal Services Agreement; and
2. Authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council.

City Manager Lollis introduced the item and presented the staff report. City Attorney Lew left the Council's chamber while the Council considered the item.

A brief discussion ensued during which the Council spoke of attorney's fees paid to City of Tulare's attorney; communicated its satisfaction with Ms. Lew's performance; and in response to comments made in Oral Communications, explained that the City was not required to go through a bid process for professional services.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the Legal Services Agreement; and authorize the Mayor to execute the Legal Services Agreement on behalf of the City Council. The motion carried unanimously.

Documentation: M.O. 09-022018
Disposition: Approved.

City Attorney Lew returned to the meeting.

13. CONSIDERATION OF FORMING LIGHTING DISTRICTS IN ANNEXED AREAS

Recommendation: That the City Council consider the formation of Lighting and/or Special Benefit Districts.

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

The Council discussed the lighting needs throughout the City, the presence of existing poles to which lights could be installed, estimated costs associated with the installation and operation of said lighting, and cost savings associated with the transition of lighting to LED.

Vice Mayor Ward stated that his intent in requesting the item was to improve the security in annexed areas that lacked infrastructure by installing a low cost lighting solution. Staff noted that there were not many lighting assessment districts, and those that did exist only covered about 40% of the electricity costs.

City Manager Lollis suggested that an analysis of poles located on arterial and collector streets be conducted to start. The Council then directed that staff proceed with identifying poles on arterials and collectors to which lighting could be installed throughout the city.

Documentation: None
Disposition: Direction given.

14. CONSIDERATION OF ENGAGING FM3 AND THE LEW EDWARDS GROUP FOR PUBLIC OPINION POLLING AND CONSULTING FOR A POTENTIAL TAX MEASURE

Recommendation: That the City Council:

1. Authorize staff to engage FM3 for consulting services relative to public opinion polling for a potential tax measure on the November ballot at an estimated cost of $28,000 to be funded out of the Council's Special Purposes Fund; and
2. Authorize staff to engage the Lew Edwards Group for lead consulting services during the initial polling phase in the amount of $12,500 to be funded out of the Council's Special Purposes Fund; and
3. Authorize the City Manager to sign all necessary documentation.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report. City Attorney Lew spoke of a proposed tax initiative which could qualify for the November 2018 ballot, and if approved would apply retroactively to any tax measures passed in 2018.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council authorize staff to engage FM3 for consulting services relative to public opinion polling for a potential tax measure on the November ballot at an estimated cost of $28,000 to be funded out of the Council's Special Purposes Fund;

and authorize staff to engage the Lew Edwards Group for lead consulting services during the initial polling phase in the amount of $12,500 to be funded out of the Council's Special Purposes Fund; and authorize the City Manager to sign all necessary documentation. The motion carried unanimously.

Documentation: M.O. 10-022018
Disposition: Approved.

15. CONSIDERATION OF A RESOLUTION OF SUPPORT FOR DEFERRED ACTION FOR CHILDHOOD ARRIVALS (DACA)

Recommendation: That the City Council consider a Resolution of Support for Deferred Action for Childhood Arrivals (DACA).

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

The Council discussed the proposed legislation to address DACA policy (H.R. 3440 and S. 1615), and decided to pull references to them in the draft resolution because members of the Council had not reviewed the bills in their entirety. Members of the Council then communicated their support for legislation that would give DACA beneficiaries a path to legalizing their immigration status.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council approve the draft resolution, as amended to remove references to H.R. 3440 and S. 1615 and urge the swift passage by Congress of legislation. The motion carried unanimously.

Documentation: Resolution No. 08-2018
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 Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 11-022018
Disposition: Approved.

ORAL COMMUNICATIONS
None

OTHER MATTERS

- Council Member Flores spoke of upcoming Public Safety Recognition Dinner and CASA Dueling Pianos event.
- Council Member Hamilton stated that Mayor Stowe would be heading to UCLA later this week and that he would be praying for him; and spoke of Council Member Reyes' uncle who was killed in action.
- Vice Mayor Ward stated that he too, and many members of the community would be praying for Mayor Stowe; and spoke of the strange weather, Valentine's Day, and the upcoming St. Patrick's Day holiday. He also requested that community members reach out to Council with Hall of Fame nominations.
- Council Member Reyes encouraged applications for the military banner program.
- City Manager Lollis spoke of an upcoming Chamber Government Affairs meeting regarding a Tule River Tribe airport project.
- Mayor Stowe thanked the community for its prayers and support; and spoke of conflicting emotions regarding his need for a transplant.

CLOSED SESSION
The Council took a five minute recess at 8:50 p.m. and reconvened in Closed Session.

ADJOURNMENT
The Council adjourned at 9:49 p.m. to the meeting of March 6, 2018.

Luisa M. Zavala, Deputy City Clerk

SEAL

Brian E. Ward, Vice Mayor