

CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA and
RONALD REAGAN UCLA MEDICAL CENTER, 757 WESTWOOD PLAZA, RM 7625
LOS ANGELES, CA 90095
MARCH 20, 2018, 5:30 PM

Called to Order at 5:32 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council member Cameron Hamilton, Mayor Pro Tem Brian Ward, Mayor Milt Stowe (participated via Facetime)

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 645 N. Prospect Street, Porterville, CA. Agency Negotiator: Patrice Hildreth and Jenni Byers. 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: APN: 269-120-010. Agency Negotiator: Patrice Hildreth and Mike Reed. Negotiating Parties: City of Porterville and Thomas O'Sullivan. 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 Peace Officers Association; Public Safety Support Unit; Porterville City Employees Association; Management & Confidential Series; Fire Officer Series; Porterville City Firefighters Association; and Unrepresented Management Employees.

4 - Government Code Section 54956.95 – Liability Claim: Claimant: Jimmy Sanders. 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 in which facts are not yet known to potential plaintiff.

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

6:38 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-4, as follows:

A-4. On a MOTION made by Mayor Pro Tem Brian Ward, and SECONDED by Council Member Cameron Hamilton the City Council unanimously rejected the claim submitted by Jimmy Sanders.

Documentation: 01-032018
Disposition: Claim Rejected.

Pledge of Allegiance Led by Council Member Martha Flores
Invocation – one individual participated.

PRESENTATIONS

Employee of the Month - Claudia Calderon

AB 1234 REPORTS

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

1. Special Tulare County Economic Development Corp. (TCEDC) - March 14, 2018
Council Member Reyes reported on action to approve requesting of two additional Opportunity Zones for the Cities of Exeter and Woodlake.
2. SJVAPCD Governing Board meeting - March 15, 2018
Council Member Reyes reported on action an informational items, noting an improvement in the Annual Air Toxics Report for 2017.
3. Tulare County City Selection Committee - March 19, 2018
Council Member Flores reported on the selection of Phil Cox.
4. Tulare County Association Of Governments (TCAG) - March 19, 2018
Council Member Flores reported on action items, project updates, and informational items.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - March 1, 2018
Commissioner Uresti thanked Bank of the Sierra for the new play equipment at the Sports Complex; reported on Eagle Scout Project at Zalud Park, the Annual Fishing Derby, and the Annual Step Up Banner Contest; invited everyone to attend the Annual Wall of Fame Ceremony and the Annual Kids Fest and Egg Hunt.
2. Library & Literacy Commission - March 13, 2018
Commissioner LaVonne reported on the new partnership between the Library and Literacy Commission and the Internnect Program who would be working with High School students to come up with conceptual designs for a future library; the formation of a subcommittee with Friends of the Library in order to participate in Capital Campaigning for a new library facility; Library Stats; Staff's attendance at

local community events; and invited the Council and Community to participate in Easter Bunny pictures at the Library.

3. Arts Commission - February 28, 2018 – no report given.

4. Animal Control Commission – no report given.

5. Youth Commission - March 12, 2018 – no report given.

6. Transactions and Use Tax Oversight Committee (TUTOC) – no report given.

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

2. Battery-electric Transit Buses Update

ORAL COMMUNICATIONS

- Earl Allen, Porterville, stated that he had written a letter to the Council requesting that it consider the renaming of Division Street to Unity Street in the spirit of unifying the community.
- Ellen Nichols, Porterville, stated that the street sweeper had been by her home and left debris on her sidewalk area, and expressed her dissatisfaction with staff's remedying of the situation.
- John Duran, Porterville, requested that the City provide more notice of its meetings; spoke of traffic congestion at school drop off areas; and stated that he was not supportive of the Council's hiring of a tax measure consultant.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-11, noting the amendment made to Item No. 6, Section 1, to read "the term of this license shall be three years commencing May 15, 2018." The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 6, 2018, AND MARCH 13, 2018

Recommendation: That the Council approve the draft Minutes of March 6, 2018, and March 13, 2018.

Documentation: M.O. 02-032018

Disposition: Approved.

2. PURCHASE OF REAL PROPERTY APN 240-04-014

Recommendation: That the City Council adopt a resolution for the purchase of a portion of APN 240-040-014 and authorize the Mayor and City Manager to sign all necessary documents to complete the sale of the property.

Documentation: Resolution No. 10-2018

Disposition: Approved.

3. PURCHASE OF REAL PROPERTY APN 240-310-001

Recommendation: That the City Council adopt a resolution for the purchase of a portion of APN 240-310-001 and authorize the Mayor and City Manager to sign all necessary documents to complete the sale of the property.

Documentation: Resolution No. 11-2018

Disposition: Approved.

4. AUTHORIZATION FOR EMERGENCY WASTEWATER TREATMENT FACILITY ENGINE REPLACEMENT

Recommendation: That the City Council:

1. Authorize the wastewater treatment facility loader engine replacement by Pape Machinery at a not to exceed amount of \$23,451.19;
2. Authorize the Finance Director to issue a purchase order to Pape Machinery; and
3. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 03-032018

Disposition: Approved.

5. AWARD ANAEROBIC DIGESTER CLEANING

Recommendation: That City Council:

1. Award the cleaning of digester #2 to Wastewater Solids Management Company for a not to exceed amount of \$15,719.00, which includes taxes and ten percent contingency;
2. Direct the Finance Director to initiate a Purchase Order to Wastewater Solids Management Company in an amount not to exceed \$15,719.00; and
3. Direct the Finance Director to make payment to Wastewater Solids Management Company upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 04-032018

Disposition: Approved.

6. MURRY PARK POOL CONCESSION LICENSE RENEWAL

Recommendation: That the City Council approve the renewal of the Murry Park Concession License with SM Transit for a three-year term.

Documentation: M.O. 05-032018

Disposition: Approved.

7. TRAVEL TO WASHINGTON D.C. FOR TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) "ONE VOICE TRIP" - APRIL 9-12, 2018

Recommendation: That the City Council authorize the travel of Council Member Flores and the City Manager to Washington D.C. as part of the TCAG "One Voice Trip"; and authorize the expenditure of City monies in support of the trip.

Documentation: M.O. 06-032018

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT - GREATER PORTERVILLE COUNCIL OF SENIOR CITIZENS AND ROLLIN RELICS CAR CLUB - ROLLIN RELICS CAR SHOW - MAY 12, 2018

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Greater Porterville Council of Senior Citizens and the Rollin' Relics Car Club, subject to the stated requirements contained in the Application and Agreement and Exhibit A and Exhibit B.

Documentation: M.O. 07-032018

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT - MONACHE HIGH SCHOOL AG/FFA - FARMER'S DAY AND 5K RUN - MARCH 31, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Unified School District, 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. 08-032018
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE UNIFIED SCHOOL DISTRICT AND OPTIMIST CLUB - PORTERVILLE CELEBRATES READING - APRIL 14, 2018

Recommendation: That the City Council approve the attached Community Civic Event Application and Agreement submitted by the Porterville Unified School District and Porterville Optimist Club subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 09-032018
Disposition: Approved.

11. 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.

Documentation: M.O. 10-032018
Disposition: Approved.

PUBLIC HEARINGS

12. REQUEST FOR A MINOR CONDITIONAL USE PERMIT FOR COMMERCIAL CROP CULTIVATION (PRC 2018-009-C)

Recommendation: That the City Council adopt the draft resolution approving the minor Conditional Use Permit (PRC 2018-009-C) for commercial crop cultivation subject to conditions of approval.

Acting City Manager Patrice Hildreth introduced the item, and Community Development Director Jenni Byers presented the staff report. During the report Ms. Byers communicated staff's request to amend Condition No. 4 in the draft resolution to read, "The applicant shall maintain a 20-foot wide drive aisle along the perimeter of the total planting area."

The Public Hearing opened at 7:11 p.m.

- Jeff Cowart, Quad Knof, expressed support of Staff's recommendation and made himself and Mr. Laux available for questions.
- Daniel Penaloza, Porterville resident, expressed his concerns regarding the proximity to school and potential environmental impact and believes the City should move forward after conducting a full Environmental Impact Review.

- Gary Laux, landowner, spoke of new law prohibiting pesticide spray within 1/2 mile of a school or a daycare during specific hours and days of the week and of the organic/natural pesticides that would be used.
- Angel Garcia, Tulare County resident, spoke in support of agriculture but expressed concerns regarding pesticides.
- Leticia Lopez, Woodville resident, expressed concerns regarding cross country runners who run in the area and requested an Environmental Impact Review.
- Robert Garcia, Porterville resident, spoke of his concerns regarding student and resident safety, especially during the afterschool activities and events and requested an Environmental Impact Review.
- Brock Neeley, asked that the condition to farm organically be incorporated into the Conditional Use Permit, as well as, a stipulation that farmers coordinate spraying with school activities and events.
- Ellen Nichols, requested a further definition of “organic farming.”
- No name given, expressed concerns in light of the drought.
- Donna, Porterville resident, spoke in favor of an Environmental Impact Review.

The Public Hearing was closed at 7:26 p.m.

Mr. Laux elaborated on regulations and practices of organic farming and assured the Council and those in attendance that he would take the upmost caution when using pesticides.

Council Member Reyes asked for clarification on the proximity of the area to the school. Mayor Stowe reported that he had called the Department of Agriculture to address certain concerns he had regarding the spraying of pesticides near the school and that he was satisfied with the information received. Council Member Flores, speaking as a former school district employee assured everyone that farmers were required to notify schools of every pesticide used on the orchards. Council Member Hamilton expressed his support of Mr. Laux and his farming practices.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Mayor Milt Stowe that the City Council adopt the draft resolution approving the minor Conditional Use Permit (PRC 2018-009-C) for commercial crop cultivation subject to conditions of approval, as amended by Staff in regards to Condition No. 4. The motion carried unanimously.

Documentation: Resolution No. 12-2018

Disposition: Approved. Amended

13. PUBLIC HEARING TO RECEIVE PUBLIC INPUT CONCERNING DISTRICT MAPS FOR CITY COUNCIL ELECTION DISTRICT BOUNDARIES AND THE SEQUENCING OF ELECTIONS

Recommendation: That the City Council conduct the first of two public hearings to receive comments to consider the three proposed district maps depicting City

Council district boundaries and the sequencing of elections; and provide direction to staff.

Acting City Manager Patrice Hildreth introduced the item and presented the staff report. Shalice Tilton, National Demographics Corporation (NDC), provided additional information to the Council regarding the proposed Districts Maps.

The Public Hearing was opened at 7:53 p.m.

- Edith LaVonne, thanked Council and staff for getting the maps and figures out soon enough for the public to review; spoke in favor of the green map, with yellow as her second choice; and voiced opposition to the purple map.
- Juan Duran, asked for Council and staff to provide the preliminary information in reference to the districts and thanked the Council for moving in this direction.

City Attorney Julia Lew described the timeline the City was required to adhere to.

The Public Hearing was closed at 7:58 p.m.

Council Members spoke of their map preferences, which included Green followed by Yellow; and expressed a need for more public input before making a final decision. During discussion it was noted that the sequencing of elections on the proposed maps were incorrect, and Ms. Tilton indicated that those errors could be corrected to coincide with current council member terms and seemed to be a result of her having an incorrect address.

COUNCIL ACTION: MOVED by Mayor Pro Tem Brian Ward, SECONDED by Council Member Martha Flores that the City Council designate Green and Yellow maps as the Focus Maps, amending the sequencing of elections to coincide with current Council terms. The motion carried unanimously.

Documentation: M.O. 11-032018
Disposition: Approved.

SCHEDULED MATTERS

14. AUTHORIZATION FOR TRAVEL BY CITY REPRESENTATIVES TO WASHINGTON D.C. TO MEET WITH CONGRESSMAN MCCARTHY REGARDING THE RELOCATION OF EAGLE MOUNTAIN CASINO

Recommendation: That the City Council:

1. Authorize the travel of Council Member Monte Reyes and Fire Chief Dave LaPere to Washington D.C.; and
2. Appropriate \$5,000 from the Special Purposes Fund for anticipated travel expenses.

Acting City Manager Patrice Hildreth 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 authorize the travel of Council Member Monte Reyes and Fire Chief Dave LaPere to Washington D.C. and appropriate \$5,000 from the Special Purposes Fund for anticipated travel expenses. The motion carried unanimously.

Documentation: M.O. 12-032018
Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores wished everyone a happy Easter.
- Council Member Hamilton announced that he would regrettably not be able to attend the Wall of Fame ceremony and requested that Acting City Manager Patrice Hildreth speak on his behalf.
- Council Member Reyes spoke of his experience riding a GreenPower bus; and thanked the Fire Department for its response to a recent fire at a neighbor's home.
- Vice Mayor Ward stated that he hoped everyone had a happy St. Patrick's Day; spoke regarding Council Member Reyes voting for Item No. 14; and wished everyone a happy Easter holiday.
- Mayor Stowe stated that he could not wait to see the electric buses in use; and indicated that he was still waiting for a heart.
- Acting City Manager Patrice Hildreth extended an invitation to the Wall of Fame ceremony on Friday.

CLOSED SESSION

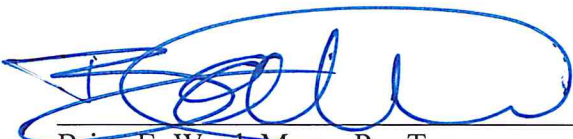
None

ADJOURNMENT

The Council adjourned at 8:23 p.m. to the meeting of April 3, 2018.

SEAL


Luisa M. Zavala, Deputy City Clerk


Brian E. Ward, Mayor Pro Tem

