

CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET, POTERVILLE, CA and
RONALD REAGAN UCLA MEDICAL CENTER, 757 WESTWOOD PLAZA, RM 7625
LOS ANGELES, CA 90095
APRIL 3, 2018, 5:30 PM

Called to Order at 5:30 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Mayor Pro Tem Brian Ward, and Mayor 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: APN: 253-171-003 and 253-171-004. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Smith's Enterprises. Under Negotiation: Terms and Price.
 - 2 - 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.
 - 3- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. Greg L. Woodard and Cinda D. Woodard, Trustees of the Woodard Family Revocable Trust of August 10, 2006, Tulare County Superior Court Case No. 273165.
 - 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.
 - 5 - 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 REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

The Pledge of Allegiance was led by Council Member Monte Reyes.
Invocation – one individual participated.

PRESENTATIONS

Employee of the Month - Shauna Biagio

AB 1234 REPORTS

1. COUNCIL OF CITIES - MARCH 21, 2018

City Manager Lollis indicated that no one from the City had attended, but reported on correspondence received regarding coordination of water schedules by local jurisdictions.

STAFF INFORMATONAL REPORTS

None

ORAL COMMUNICATIONS

- John Coffee, Porterville, spoke in opposition of Item No. 17 and requested that it be pulled from consideration.
- Teresa Delarosa, Porterville, wished the Mayor well; asked why the Council would consider such an ordinance; and spoke of negative consequences to the community.
- Elena Barragan, Leadership Porterville Class of 2018, spoke regarding Item 20 and communicated the preferences of class members as it pertained to the proposed designs; and thanked those they had and would continue to work with to move the project forward.
- Maricela Sanchez, ACLU Northern California, spoke in opposition to Item No. 17, which she described as an offensive endorsement of President Trump's anti-immigrant agenda.
- Sarah Villicana-maas, Salinas, stated that she was a former Porterville resident, and spoke in opposition to Item No. 17, which she believed would alienate members of the community.
- Daniel Penaloza, spoke in opposition to Item No. 17, and in addition spoke of bulletins sent to local law enforcement agencies regarding SB 54.
- Brock Neeley, Porterville, provided a list of pending court cases, a screenshot of Council Member Hamilton's Facebook page, and mass shooting statistics; spoke in opposition to Item No. 17; and threatened a lawsuit would be forthcoming if an ordinance was considered.
- Ellen Nichols, Porterville, spoke against district elections; and stated that she had no map preference.
- Roberto Delarosa, Porterville, requested that the Council remove Item No. 17 for the security of the community.
- Jennifer Rojas, Services, Immigration Rights and Education Network, requested that Item No. 17 be removed.
- John Duran, Porterville, spoke in favor of district elections; voiced opposition to drawing district lines to accommodate the currently seated council members; and promised a lawsuit if the Council selected the Purple 2 map.
- Leticia Lopez, spoke in opposition of Item No. 17, and stated that the item was contradictory to Council's resolution in support of Deferred Action Childhood Arrivals.
- Earl Allen, Porterville, spoke of his proposal to change the name of Division Street to Unity Street.
- Ann Marie Wagstaff voiced her opposition to Item No. 17; and stated that the proposed ordinance would result in a fear to give back to the community.
- Roberto Delarosa provided a copy of an e-mail he had sent to the Council in opposition

of Item No. 17.

- Art Rodriguez spoke in opposition to Item No. 17, which he described as distasteful and bigoted.
- Gerry Hall, Porterville, stated that local law enforcement had made it clear that they were not Immigration and Customs Enforcement (ICE); spoke of procedures in place to become a legal citizen; and spoke against racially divisive comments.
- Lisa Smith asked that the Council remove Item No. 17; spoke of an incident in Santa Cruz involving Immigration and Customs Enforcement; and asked that the Council not use City funds for federal issues.
- Raul Garcia requested that Item No. 17 not move forward; and stated that illegal immigrants would be fearful to seek services if the ordinance was adopted.
- Susan Queen voiced frustration that the item was being addressed as a race issue when it was a legal issue of illegal immigration and ICE's enforcement of federal laws.
- Joshua Sulier spoke against Item No. 17 because it would cause fear in the immigrant community and a costly lawsuit would surely follow.
- Ron Irish, Porterville, stated that he was proud the Council was willing to discuss this type of issue at a public meeting.
- Claudia Delarosa, spoke in favor of Item No. 9, and requested that Item No. 17 be removed.
- Ricardo Franco, Fresno, urged the Council to remove Item No. 17 on behalf of the children who would likely be effected; and spoke of his own childhood experience during the Proposition 187 initiative.
- Greg Shelton, Porterville, spoke of the concept of nullification; and stated that he was not for or against Item No. 17, but supported its discussion.
- Barry Caplan, Porterville, communicated well wishes to the Mayor; stated that each member of the Council took an oath to defend the Constitution of the State of California; and requested that Item No. 17 not move forward.

CONSENT CALENDAR

Council Member Hamilton requested that Item No. 17 be pulled to allow time for research.

Council Member Reyes stated that he would be abstaining from voting on Item Nos. 12 and 15 due to conflicts pertaining to financial interest; and Council Member Hamilton indicated he would be abstaining from Item No. 6 due to a conflict pertaining to real property.

There were no items pulled from the Consent Calendar for discussion. Mayor Stowe did not participate in the vote for Consent Calendar due to technical difficulties with his Facetime connection.

COUNCIL ACTION:

MOVED by Mayor Pro Tem Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-16, with noted abstentions.

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

1. AUTHORIZATION TO PURCHASE POLICE VEHICLE

Recommendation: That the City Council:

1. Authorize Police Staff to identify and enter negotiations for the purchase of a Police Vehicle in an amount not to exceed 30,000, as set forth above; and
2. Authorize payment upon satisfactory delivery of the vehicle.

Documentation: M.O. 01-040318

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE PERSONAL PROTECTIVE EQUIPMENT, HAND-HELD RADIOS, FIRE HOSE AND SELF CONTAINED BREATHING APPARATUS CYLINDERS

Recommendation: That the City Council authorize the purchase of Fire Department Equipment from the defined accounts.

Documentation: M.O. 02-040318

Disposition: Approved.

3. AUTHORIZATION TO DISTRIBUTE REQUEST FOR QUALIFICATIONS FOR ON-CALL CONSULTING SERVICES AND A RESOLUTION AFFIRMING THE USE OF CALTRANS PROCEDURES FOR THE PROCUREMENT OF CONSULTANTS ON STATE OR FEDERALLY FUNDED PROJECTS

Recommendation: That the City Council:

1. Authorize staff to distribute a Request for Qualifications for On-Call Consulting Services; and
2. Approve the draft resolution affirming the use of Caltrans procedures for the procurement of consultants on State or federally funded projects.

Documentation: M.O. 03-040318; and Resolution No. 13-2018

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS FOR VARIOUS CONCRETE AND ADA IMPROVEMENT PROJECTS

Recommendation: That City Council:

1. Approve staffs 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 #02-100714; and
4. Authorize the Finance Director to appropriate \$36,801.40 from Local Transportation Funds to fully fund this project.

Documentation: M.O. 04-040318

Disposition: Approved.

5. INTENT TO SET A PUBLIC HEARING MOVING TO PHASE III OF THE CITY'S WATER CONSERVATION PLAN

Recommendation: That City Council direct the City Clerk to notice a Public Hearing to discuss the transition from Phase IV to Phase III of the Water Conservation Plan during the April 17, 2018 meeting.

Documentation: M.O. 05-040318

Disposition: Approved.

6. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - REMOVE DIAGONAL PARKING ONS. HOCKETT STREET

Recommendation: That City Council:

1. Approve the proposed Resolution amending Section 23-2 of Traffic Resolution No. 10-2001; and
2. Direct the Public Works Director to direct the City Engineer to implement marked parallel parking on the west side of Hockett Street between Vine Avenue and Olive Avenue in accordance with current standards.

AYES: Reyes, Flores, Ward

NOES: None

ABSTAIN: Hamilton

ABSENT: Stowe

Documentation: Resolution No. 14-2018

Disposition: Approved.

7. AUTHORIZATION TO ACCEPT FY 2017/18 STATE HOMELAND SECURITY GRANT IN THE AMOUNT OF \$32,977

Recommendation: That the City Council authorize acceptance of FY 2017/18 State Homeland Security Grant funds in the amount of \$32,977 to be used for the replacement of an extrication system.

Documentation: M.O. 06-040318

Disposition: Approved.

8. REQUEST FOR WILL SERVE LETTER TO EXTEND WATER SERVICES TO COUNTY LAND DIVISION PROJECT AT 1796 E. SPRINGVILLE DRIVE (CLINTON & CATHY M. JOHNSON)

Recommendation: That the City Council:

1. Direct staff to prepare a will serve letter on behalf of the property owner, Clinton & Cathie Johnson;
2. Require the Tulare County RMA to place a statement on the final Parcel Map that fully discloses to current and future property owners that the property is encumbered by an existing recorded deed restriction; and

3. Direct the Public Works Director to install a residential water service to the newly created parcel at 1796 E. Springville Drive once the final Parcel Map records and the Department of Water Resources conveys the East Porterville Water System to the City of Porterville.

Documentation: M.O. 07-040318

Disposition: Approved.

9. WILDPLACES MURAL MAINTENANCE AGREEMENT RENEWAL

Recommendation: That the City Council authorize renewal of the mural maintenance agreement between the City of Porterville and WildPlaces.

Documentation: M.O. 08-040318

Disposition: Approved.

10. POLICE OFFICER CADET CLASSIFICATION APPROVAL

Recommendation: That the City Council:

1. Approve the creation of a new Police Officer Cadet Classification at Range 150;
2. Authorize the allocation of four (4) Police Officer Cadet positions to the City's Allocation Schedule; and
3. Authorize Administrative Services staff to amend such personnel documents as may be necessary to effectuate said change.

Documentation: M.O. 09-040318

Disposition: Approved.

11. REQUEST FOR PROCLAMATION ARBOR DAY - APRIL 27, 2018

Recommendation: That the City Council consider approval of the request to proclaim April 27, 2018, as "Arbor Day" in the city of Porterville.

Documentation: M.O. 10-040318

Disposition: Approved.

12. REQUEST FOR PROCLAMATION - IRIS FESTIVAL DAY - APRIL 28, 2018

Recommendation: That the City Council consider approval of the request to proclaim April 28, 2018, as "Iris Festival Day."

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

Documentation: M.O. 11-040318

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - VOLUNTEER APPRECIATION WEEK - APRIL 15-21, 2018

Recommendation: That the City Council consider approval of the request to proclaim April 15-21, 2018, as "Volunteer Appreciation Week" in the city of Porterville.

Documentation: M.O. 12-040318

Disposition: Approved.

14. REQUEST FOR PROCLAMATION - CHILD ABUSE PREVENTION AND AWARENESS MONTH APRIL 2018

Recommendation: That the City Council consider approval of the request to proclaim April 2018, as "Child Abuse Prevention and Awareness Month" in Porterville.

Documentation: M.O. 13-040318

Disposition: Approved.

15. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - 20TH ANNUAL PORTERVILLE IRIS FESTIVAL - APRIL 28, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application.

AYES: Flores, Hamilton, Ward

NOES: None

ABSTAIN: Reyes

ABSENT: Stowe

Documentation: M.O. 14-040318

Disposition: Approved.

16. APPROVAL FOR COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA- AMERICANA - CINCO DE MAYO PARADE AND FIESTA DOMINGUERA MAY 5-6, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 15-040318

Disposition: Approved.

17. CITY COUNCIL MEMBER REQUESTED ITEM ON APRIL 17, 2018 AGENDA - CONSIDER AN ORDINANCE TO EXEMPT THE CITY OF PORTERVILLE FROM THE CALIFORNIA VALUES ACT, AND INSTEAD COMPLY WITH FEDERAL LAW AND THE U.S. CONSTITUTION

Recommendation: That the City Council approve Council Member Hamilton's request to add an item on the April 17, 2018 agenda to consider an ordinance to exempt the City of Porterville from the California Values Act, and instead comply with federal law and the U.S. Constitution.

Documentation: None

Disposition: Item removed until further notice.

The Council took a ten minute recess at 7:59 p.m. During the break, Mayor Stowe's Facetime connection was reestablished, and he rejoined the meeting.

PUBLIC HEARINGS

18. 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 public hearing to receive commentary and consider three proposed district maps depicting City Council district boundaries and sequencing of elections and provide direction to staff.

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

The Public Hearing was opened at 8:27 p.m.

- Brock Neeley, Porterville, spoke in favor of the Green Map due to it being the most balanced demographically.
- Barry Caplan, Porterville, inquired about additional public hearings; and stated that he did not think the proposed maps should have been drawn to accommodate the currently seated council members.
- Jerry Hall, Porterville, spoke in support of the Green Map.
- John Duran, Porterville, spoke in favor of district elections; voiced opposition to drawing district lines to accommodate the currently seated council members; and promised a lawsuit if the Council selected the Purple 2 map.
- Art Rodriguez apologized for the way he addressed Council Member Hamilton during Oral Communications.
- Daniel Penaloza spoke in favor of the Green Map.

The Public Hearing was closed at 8:36 p.m.

Staff addressed comments made with regard to the drawing of the maps, noting that one of the many criteria taken into consideration when drawing maps was continuity of office for current Council Members so as to respect voters' wishes. They also spoke of timelines associated

with district adoption, and the upcoming election. Members of the Council then communicated their map preference, which had not changed since the last meeting.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve moving forward with the Green Map and scheduling of consideration of an ordinance adopting district elections, district boundaries, and sequencing. The motion carried unanimously.

Documentation: M.O. 16-040318

Disposition: Approved.

SCHEDULED MATTERS

19. CONSIDERATION OF PARTNERSHIP WITH SIERRA VIEW MEDICAL CENTER FOR PROPOSED 2018 FARMERS MARKET

Recommendation: That the City Council consider the City's partnership with Sierra View Medical Center for the proposed 2018 Farmer's Market. City Manager Lollis introduced the item and presented the staff report.

City Manager Lollis introduced the item and presented the staff report. Following the report, Mayor Pro Tem Ward communicated that his concerns from last year were still concerns.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the partnership with Sierra View Medical Center for the proposed 2018 Farmer's Market.

AYES: Reyes, Flores, Hamilton, Stowe

NOES: Ward

ABSTAIN: None

ABSENT: None

Documentation: M.O. 17-040318

Disposition: Approved.

20. CONSIDERATION OF DESIGNS FOR DROUGHT TOLERANT EXHIBITION GARDEN

Recommendation: That the City Council review the presented designs and select the preferred alternative.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report.

Discussion followed regarding the differences in design options, the informational kiosk, parking and the existing trees.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council approve Design Option 1. The motion carried unanimously.

Documentation: M.O. 18-040318

Disposition: Approved.

21. 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 Cameron Hamilton that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 19-040318

Disposition: Approved.

ORAL COMMUNICATIONS

- John Coffee, Porterville, thanked all those involved in the planning for the drought tolerant exhibition garden, and requested that the Council require local retailers to stock the plants.

OTHER MATTERS

- Council Member Flores stated that she hoped everyone had a great Easter; and extended her condolences to the Beltran and Salomon families who lost loved ones over the Easter holiday.
- Council Member Hamilton stated that he wanted to go home and watch the Mayor on the 10 o'clock news.
- Council Member Reyes spoke of his attendance at a recognition dinner for Dr. Myron Lord's contributions to the Porterville Academy of Health Sciences.
- Mayor Stowe reported that he had a very happy Easter.
- Mayor Pro Tern Ward spoke of his attendance at the Wall of Fame Ceremony and an Arts Education Forum.
- City Manager Lollis spoke of a successful Kids Fest, the commencement of Music on Main Street, and upcoming trips; and thanked Administrative Services Director Patrice Hildreth and staff for taking care of things while he was on vacation.

CLOSED SESSION

None

ADJOURNMENT

The City Council adjourned at 9:16 p.m. to the meeting of April 17, 2018.

SEAL


Luisa M. Zavala, Deputy City Clerk


Brian E. Ward, Mayor Pro Tem

