CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257
and 1033 HILGARD AVENUE, #219, LOS ANGELES, CA 90024
APRIL 17, 2018, 5:30 PM

Called to Order at 5:35 p.m.

Roll Call: Council Member Reyes, Council Member Flores, Council Member Hamilton, Mayor Pro Tem Ward, Mayor Stowe (participated via Facetime)

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - 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.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Richard Gonzalez. Agency claimed against: City of Porterville.

3 - 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 plaintiff.

4 - 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 on action pertaining to A-2, as follows:

A-2. On a MOTION made by Council Member Cameron Hamilton, and SECONDED by Mayor Milt Stowe the City Council unanimously rejected the claim submitted by Richard Gonzalez.

Documentation: M.O. 01-041718
Disposition: Claim Rejected.

The Pledge of Allegiance was led by Boy Scout Troop 137.
Invocation – one individual participated.

PROCLAMATIONS

Volunteer Appreciation Week - April 15-21, 2018
Iris Festival Day - April 28, 2018

AB 1234 REPORTS

1. Local Agency Formation Commission (LAFCO) - April 4, 2018
   Council Member Hamilton reported on action pertaining to a Sphere of Influence Update for the City of Visalia, the appointment of Judy Allen to the Public Member seat, and review of the Fiscal Year 2018/19 Preliminary Budget and Work Program.

2. Tulare County Association of Governments (TCAG) "One Voice Trip" - April 9-12, 2018
   Council Member Flores spoke of meetings in Washington to discuss regional priorities such as infrastructure funding, inclusion of Tulare County in funding proposals for rural areas, protection of local airport sales tax, Regional Transportation Plan extension, and air quality sanctions.

REPORTS

I. City Commission and Committee Meetings
   1. Parks & Leisure Services Commission - April 5, 2018
      Commissioner Duncan reported on the installation of a new disc golf course at Murry Park, Arbor Day, Music on Main, track meet, and swim lesson registration.
   2. Library & Literacy Commission - April 10, 2018
      Commissioner Bailey reported on discussion of a trend of not charging younger patrons for library fines, and stated that the Commission was endorsing a pilot fine forgiveness program to be considered by the Council at the May 1st meeting. He also spoke of a capital fundraising committee, and reported on monthly program and patron statistics for March.
   3. Arts Commission - March 28, 2018 – no report.
   4. Animal Control Commission – no report.
   5. Youth Commission - April 9, 2018 – no report.
   6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.

II. Staff Informational Reports
   1. Community Spring Clean-Up Event
   2. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, asked why the City would purchase the old Porterville Hotel site, and stated that there were better uses for the money.
- John Halburn, Porterville, spoke in support of a pistol range.
- Name not given, 463 W. Mulberry, requested additional traffic patrol and stop signs at the intersection of Woods and Mulberry; stated that he had made multiple requests; and indicated that he would sue the City if something were to occur.
- Cathy Capone, President of Tule River Parkway Association, stated that Noon Rotary would be donating one tree per member along the Tule River Parkway between Jaye and Main Streets.
- Earl Allen, Porterville, requested that Division Street be renamed Unity Street.

CONSENT CALENDAR

At the Council's request, City Manager Lollis addressed comments made regarding Item No. 2, Purchase of Real Property APN 261-122-07.

Council Member Flores reported a conflict with Item No. 5; Council Member Reyes reported a conflict with Item No. 9; and Council Member Hamilton reported a conflict of interest with Item No. 2. All conflicts were pertaining to real property.

COUNCIL ACTION: MOVED by Council Member A. Monte Reyes, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-13, with noted abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 20, 2018, AND APRIL 3, 2018

Recommendation: That the Council approve the draft Minutes of March 20, 2018, and April 3, 2018.

Documentation: M.O. 02-041718
Disposition: Approved.

2. PURCHASE OF REAL PROPERTY - APN 261-122-007

Recommendation: That the City Council adopt the draft Resolution approving the use of the Capital Construction/Improvement designated fund for the acquisition of APN 261-122-007.

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

Documentation: Resolution No. 15-2018
Disposition: Approved.

3. AMENDMENT OF PURCHASING SOURCE TO EQUIP NEW TYPE 1 ENGINE

Recommendation: That the City Council authorize the use of NPPGov contracts to acquire materials needed to equip the new Type 1 Fire Engine.

Documentation: M.O. 03-041718
Disposition: Approved.

4. AWARD OF CONTRACT TO REPLACE ROOF AND HVAC AT FIRE STATION #2

Recommendation: That the City Council authorize staff to negotiate contracts with D. Garrison Roofing Company of Tulare and Zone Air Conditioning of Porterville to complete the re-roof and replacement of the HVAC unit at Fire Station #2 as identified in the bids submitted.

Documentation: M.O. 04-041718
Disposition: Approved.

5. AWARD OF CONTRACT - SEWER ANNEXATION AREA 456A, 456B, & 456C

Recommendation: That City Council:

1. Award the Island Annexation Sewer Project, Area 456A 456B and 456C, to Floyd Johnston Construction in the amount of $1,340,000.00 which includes the Add Alternate;
2. Authorize progress payments up to 95% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize 9.54% for construction management, quality control and inspection.

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

Documentation: M.O. 05-041718
Disposition: Approved.

6. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSALS FOR AFFORDABLE HOUSING DEVELOPMENT

Recommendation: That City Council:

1. Authorize staff to distribute a Request for Proposals to donate vacant land for development of affordable housing; and
2. Authorize the Mayor to sign all necessary documents to complete the transaction.

Documentation: M.O. 06-041718
Disposition: Approved.

7. AUTHORIZATION TO NEGOTIATE A CONTRACT - ARCHITECTURAL DESIGN AND CONSTRUCTION ASSISTANCE SERVICES FOR THE ANIMAL SHELTER FACILITY (185 N "D" STREET)

Recommendation: That City Council:

1. Authorize staff to define a scope of professional services and negotiate a contract with Raina Alomar Design; and
2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff is unable to negotiate an acceptable contract with Raina Alomar Design.

Documentation: M.O. 07-041718
Disposition: Approved.

8. APPROVAL OF FUNDING AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES (DWR) FOR THE CONNECTION OF DROUGHT-IMPACTED HOMES IN SEVEN AREAS WITHIN THE CITY'S BOUNDARIES

Recommendation: That the City Council:
1. Approve the funding agreement with DWR;
2. Authorize the Public Works Director to execute the funding agreement with DWR; and
3. Authorize staff to begin contract negotiations with SHE and CSET for the required work on private properties.

Documentation: M.O. 08-041718
Disposition: Approved.

9. APPROVAL OF SB1 PROJECT LIST FOR FISCAL YEAR 2018/2019

Recommendation: That the City Council:
1. Accept staff's recommendation and adopt the Resolution for the SB1 project list for Fiscal Year 2018/2019;
2. Authorize the City Clerk to record the attached Resolution; and
3. Authorize staff to submit the project list package to the California Transportation Commission to secure the City's FY 2018/2019 RMRA apportionment.

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

Documentation: Resolution No. 16-2018
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE EXCHANGE CLUB - CHAMPIONS FOR THE PREVENTION OF CHILD ABUSE - MAY 19, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Exchange Club 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. 09-041718
Disposition: Approved.

11. AUTHORIZATION FOR OUT-OF-STATE TRAVEL

Recommendation: That the City Council authorize out-of-state travel by two City of Porterville Fire Department personnel to the Rosenbauer America Factory, located in South Dakota for the final inspection of the Type 1 fire engine purchased by the City and to drive the engine back to Porterville.

Documentation: M.O. 10-041718
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT - TULARE COUNTY JR. LIVESTOCK SHOW AND COMMUNITY FAIR - PORTERVILLE FAIR - MAY 913, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Tulare County Jr. Livestock Show and Community Fair, subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 11-041718
Disposition: Approved.

13. 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. 12-041718
Disposition: Approved.

PUBLIC HEARINGS

14. MODIFICATION TO CONDITIONAL USE PERMIT 497 FOR THE CELLAR STEAK HOUSE

Recommendation: That the City Council consider the draft resolution approving Modification #1 to Conditional Use Permit 497.

City Manager Lollis introduced the item and City Attorney Lew communicated that the applicant had requested the item be continued. Ms. Lew advised that the Public Hearing be opened at continued, so that anyone in the audience wishing to speak could do so.

The Public Hearing was opened at 7:29 p.m.

- John Halburn, Porterville, spoke in opposition to the Conditional Use Permit due to the business patrons and activity being disruptive to residents.
- Roxanne Serna spoke of hired security on site and stated that The Cellar was on top of security and public safety.
- Brock Neeley, Porterville, stated that the nearby residents needed to be educated on the differences between mixed-use and residential areas.
- John Halburn, Porterville, clarified that he was no opposed to the restaurant, but was opposed to the night club operation.
- Tanisha Contreras, Porterville, stated that she likes to have a local place to dine and drink as opposed to having to drive to Visalia.
- Teresa Facio, Porterville, spoke in support of the modification.
- Sam, Cellar employee, spoke of bars operating on Main Street in the past, and requested approval of the modification.
- Andrea Charlie, owner, addressed comments made regarding safety and noise; and stated that she had notified the City of the activities and had been told it was okay.

The Public Hearing was continued to the next meeting. Ms. Charlie then addressed questions from the Council regarding occupancy and entrance/exits; and expressed frustration with the approval process.

Documentation: Item continued to the meeting of May 1, 2018.
Disposition: Approved.

15. CONDITIONAL USE PERMIT FOR PARKING REDUCTION FOR 20 MULTI-FAMILY RESIDENTIAL UNITS AT THE SOUTHWEST CORNER OF MORTON AVENUE AND KESSING STREET

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2017-044-C).

City Manager Lollis introduced the item. Council Member Hamilton inquired about his proximity to the project, and staff confirmed that he was well outside the 500 feet, 1,084 feet. Community Development Director Jenni Byers then presented the staff report.

The Public Hearing was opened at 7:57 p.m.

- Cathy Capone stated that one of the largest Oak trees in Porterville was located on the subject property, and requested that its presence be taken into consideration.
- Ellen Nichols, Porterville, stated that she lived two blocks from the site; and spoke in opposition to removal of the Oak tree and the parking reduction.

- Terry Schuler, builder/owner, stated that the tree was a liability and made himself available for questions.

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

Council Members Hamilton and Flores spoke in favor of the project.

Staff stated that an additional trash enclosure for organics would be required, and noted there would also be tree lined streets along Morton Avenue and Kessing Street.

Discussion took place regarding on-street parking, traffic and pedestrian flow, and replacement of the oak. It was suggested that the applicant provide the City with 10-20 trees to replace the oak being removed. Mr. Schuler stated that he was amenable to donating trees, and staff was directed to work out the details with staff.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member A. Monte Reyes that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2017-044-C) and authorize staff to work with applicant regarding donation of trees. The motion carried unanimously.

Documentation: Resolution No. 17-2018
Disposition: Approved.

The Council took a ten minute recess at 8:17 p.m.

16. CDBG ACTION PLAN 2018/2019

Recommendation: That the City Council:

1. Adopt the draft resolution approving the 2018/2019 Action Plan with Program Models, and proposed use of Community Development Block Grant Funds; and
2. Direct staff to submit the 2018/2019 Action Plan to HUD.

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

The Public Hearing opened at 8:32 p.m. When no one came forward the Public Hearing was closed at 8:32 p.m.

Staff addressed questions regarding debt service and the City operated Youth Center.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the draft resolution approving the 2018/2019 Action Plan with Program Models, and proposed use of Community Development Block Grant

Funds; and direct staff to submit the 2018/2019 Action Plan to HUD. The motion carried unanimously.

Documentation: Resolution No. 18-2018
Disposition: Approved.

17. MITIGATED NEGATIVE DECLARATION FOR THE TULE RIVER PARKWAY PHASE III

Recommendation: That the City Council adopt the resolution approving the Mitigated Negative Declaration of environmental effect for the Tule River Parkway Project, Phase III.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report. During the report she stated the following comments were received:

- Caltrans –the proposed project encourages and promotes California's goal to triple bicycling and double walking by 2020, and meets the mobility objective outlined on page 23 of the Toward and Active California State Bicycle and Pedestrian Plan to increase walking and bicycling in California; and
- San Joaquin Valley Air Pollution Control District –the project would have a less than significant impact on air quality.

The Public Hearing was opened at 8:37 p.m.

- Cathy Capone, Tule River Parkway Association, stated that the association was highly supportive of the project; and shared a comment regarding the area immediately east of Main.
- Cathy Capone, Porterville resident, spoke in favor of landscape along the trail consisting of native plants.

The Public Hearing was closed at 8:40 p.m.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the resolution approving the Mitigated Negative Declaration of environmental effect of the Tule River Parkway Project, Phase III. The motion carried unanimously.

Documentation: Resolution No. 19-2018
Disposition: Approved.

18. PUBLIC HEARING TO CONSIDER MOVING INTO PHASE III OF THE CITY'S WATER CONSERVATION PLAN

Recommendation: That City Council:

1. Conduct the Public Hearing to consider transitioning from Phase IV to Phase III of the City's Water Conservation Plan effective June 1, 2018; and
2. Consider directing staff to transition back to Phase IV commencing December 1, 2018.

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

The Public Hearing was opened at 8:46 p.m.

- Cathy Capone, Tulare County California Native Plant Society, spoke in favor of educating home owners on the use of native plants.
- Melanie Tangent, Porterville, a written communication stated that she was in favor of water conservation but would like an accommodation for trees.

The Public Hearing was closed at 8:49 p.m.

The Council discussed the proposed June 1st date, how the transition was handled the year before, and temperatures forecasted for May.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council authorize staff to move into Phase III when temperatures reach 85 degrees for five consecutive days. The motion carried unanimously.

Documentation: M.O. 13-041718
Disposition: Approved.

SCHEDULED MATTERS

19. MILITARY BANNER PROGRAM BANNER LOCATION DESIGNATION

Recommendation: That the City Council designate the location of new military banners as the program expands past its current location on Main Street between Morton and Olive Avenues.

City Manager Lollis introduced the item, and Leisure Services Specialist Amy Graybehl presented the staff report.

The Council discussed the proposed expansion options, and directed staff to place banners on Main Street between Olive and Orange Avenues, around Veterans Park, and lastly on Main Street from Morton to Henderson. It was also suggested that staff place the banners of those killed in action near the memorial at Veterans Park.

Documentation: None

Disposition: Direction given.

20. SCHEDULING OF CITY COUNCIL PRIORITY PROJECT AND PRELIMINARY BUDGET STUDY SESSION FOR FISCAL YEAR 2018/2019

Recommendation: That the City Council:
1. Approve the scheduling of its Priority Project and Preliminary Budget Study Session for the 2018/2019 fiscal year for Tuesday, May 8, 2018, beginning at 5:30 PM in Council Chambers; and
2. Provide direction as to preparation in the development of next year's Priority Projects.

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

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member A. Monte Reyes that the City Council schedule the study session for May 8, 2018, at 5:30 p.m., and allow the submission of three priorities by each council member. The motion carried unanimously.

Documentation: M.O. 14-041718
Disposition: Approved.

The City Council adjourned at 9:23 p.m. to a meeting of the Successor Agency to the Porterville Redevelopment Agency.

SUCCESSOR AGENCY TO THE
PORTERVILLE REDEVELOPMENT AGENCY MINUTES
291 NORTH MAIN STREET, PORTERVILLE, CA 93257
and 1033 HILGARD AVENUE, #219, LOS ANGELES, CA 90024
APRIL 17, 2018

Roll Call: Member Reyes, Member Flores, Member Hamilton, Chair Pro Tem Ward, Chair Stowe (participated via Facetime)

WRITTEN COMMUNICATION
None

ORAL COMMUNICATIONS
None

SUCCESSOR AGENCY SCHEDULED MATTERS
21. CONSIDERATION OF TENANT FOR VILLA SIENA COMMERCIAL SPACE

Recommendation: That the Successor Agency to the Porterville Redevelopment Agency approve the transfer of the Villa Siena commercial parcel from TPC

Commercial, LLC to Rural Ag Insurance Services, LLC, for the establishment and operation of a professional office space.

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

COUNCIL ACTION: MOVED by Agency Member Cameron Hamilton, SECONDED by Agency Chair Milt Stowe that the Successor Agency to the Porterville Redevelopment Agency approve the transfer of the Villa Siena commercial parcel from TPC Commercial, LLC to Rural Ag Insurance Services, LLC, for the establishment and operation of a professional office space. The motion carried unanimously.

Documentation: M.O. SA 01-041718
Disposition: Approved.

The Successor Agency adjourned at 9:24 p.m. to a meeting of the Porterville City Council.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores spoke of her attendance at the Monache High School 50th Anniversary Gala.
- Council Member Hamilton stated that he had heard a lot of good things about the Gala; and requested an item on the next Agenda to consider a resolution in support of the Federal lawsuit against California.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED Mayor Milt Stowe that the City Council consider a resolution in support of the Federal lawsuit against the State of California.

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

Documentation: M.O. 15-041718
Disposition: Approved.

- Council Member Reyes thanked Fire Chief LaPere for being a great travel companion; and reported that Jim Kusserow would be leading a stage band at Porterville College.
- Mayor Pro Tem Ward spoke of his attendance at a training regarding crime prevention; stated that he was looking forward to the City's clean up event; and reported the presence of mistletoe at various locations.

- Mayor Stowe thanked everyone for their support and visits.
- City Manager Lollis stated that it was great to have agenda review with Mayor Stowe this week; thanked the Police Department for its recent BBQ; and spoke of the Fire and Police Department's basketball game against local youth, and upcoming Arbor Day, Housing Fair, Day of the Child Book Day, and Iris Festival.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 9:40 p.m. to the meeting of May 1, 2018.

Milt Stowe, Mayor

SEAL

Luisa M. Zavala, Deputy City Clerk