

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 1, 2018, 5:30 PM**

Called to Order at 5:31 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 Officers Series; Porterville City Firefighters Association; and Unrepresented Management Employees.
- 2 - Government Code Section 54956.95 – Liability Claim: Application to File Late Claim. Claimant: Carol Mills. 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 (3) 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: One (1) 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 Council Member Cameron Hamilton
Invocation – a moment of silence was observed.

AB 1234 REPORTS

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

1. Tulare County Task Force on Homelessness - April 18, 2018
City Manager Lollis reported on the presentation received from the Denver Day Works Program and of the Consultant that had been brought on to provide a strategic plan for the County of Tulare and its cities.
2. SJVAPCD Governing Board - April 19, 2018

Council Member Reyes reported that he was unable to attend the meeting, but would be reporting after the next SJVAPCD meeting.

3. Tulare County Association of Governments (TCAG) - April 23, 2018
Council Member Flores reported on action items, informational items, project updates, and the next meeting scheduled for May 21st at the Exeter Historical Museum.

4. Tulare County Economic Development Corp. (TCEDC) - April 25, 2018
Council Member Reyes reported that the meeting had been rescheduled to Friday, May 4th due to scheduling conflicts.

REPORTS

This is the time for all staff informational items.

I. Staff Informational Reports

1. Report on Charitable Car Washes
2. Code Enforcement 3rd Quarter Report
3. City Commission and Committee Attendance Reports - 3rd Quarter FY 2017/18
4. Porterville OHV Park 3rd Quarter FY 2017/2018
5. Porterville Golf Course 3rd Quarter FY 2017/2018
6. Building Permit Activity - 3rd Quarter FY 2017/18
7. Street Performance Measure - 3rd Quarterly Report

Mayor Pro Tem Ward announced there would be a second Oral Communications prior to Item No. 17; and requested those wishing to speak on that item wait until that time.

ORAL COMMUNICATIONS

- Earl Allen, Porterville, requested that the name of Division Street be changed to Unity Street.
- Irene Ortega, Burton School District, requested the Council's support of the Town Hall meeting that would live stream at Jim Maples Academy regarding school safety.

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. 1-12. The motion carried unanimously.

1. AWARD OF CONTRACT FOR THE ORANGE AVENUE AND HENDERSON AVENUE REHABILITATION PROJECT

Recommendation: That City Council:

1. Award the Orange Avenue and Henderson Avenue Rehabilitation Project, to MAC General Engineering in the amount of \$1,453,501.58;
2. Authorize progress payments up to 95% of the contract amount;

3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize 5% for construction management, quality control and inspection;
5. Authorize the Finance Director to appropriate the additional Local Transportation Funds in the amount of \$105,944.12 needed to fund the project; and
6. Authorize the City Engineer to negotiate construction surveying service with one of the firms as approved by Council MO #02100714.

Documentation: M.O. 01-050118
Disposition: Approved.

2. ACCEPTANCE OF PROJECT - GARDEN AVENUE PEDESTRIAN WALKWAY PROJECT

Recommendation: That the City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of the final payment, provided no stop notices have been filed.

Documentation: M.O. 02-050118
Disposition: Approved.

3. EMERGENCY CONSIDERATION OF CONTRACTOR'S NOTICE TO TERMINATE WEED ABATEMENT CONTRACT AND NEGOTIATE EMERGENCY CONTRACT FOR THE REMAINDER OF 2018

Recommendation: That the City Council authorize staff to initiate negotiations and secure emergency weed abatement services for the remainder of this year, with Joe Grijalva Landscaping, in an amount not to exceed \$115.00 per hour with a minimum of one (1) hour for disking and \$38.50 per man hour with a minimum of two (2) hours for handwork.

Documentation: M.O. 03-050118
Disposition: Approved.

4. RENEWAL OF HR TEST RENTAL AND USE AGREEMENT BETWEEN CITY OF PORTERVILLE AND CPS HR CONSULTING

Recommendation: That the City Council approve the draft Resolution authorizing the two-year renewal of the Test Rental and Use Agreement with CPS HR

Consulting, and authorize the Administrative Services Director to sign on behalf of the City.

Documentation: Resolution No. 20-2018
Disposition: Approved.

5. APPROVAL OF MODIFICATION OF CONCESSION LICENSE

Recommendation: That the City Council approve the renewal of the Murry Park Concession License under the new nonprofit business name of Valley Paradigm Corporation.

Documentation: M.O. 04-050118
Disposition: Approved.

6. AUTHORIZE THE LIBRARY TO PILOT A FINE FORGIVENESS PROGRAM FOR CHILDREN AND TEENS

Recommendation: That City Council authorize staff to pilot a fine forgiveness program for children and teens June 1 through August 31, 2018.

Documentation: M.O. 05-050118
Disposition: Approved.

7. CONSIDERATION OF AN EXTENSION OF TIME FOR THE COTTAGE ESTATES TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a 24-month extension of time for the Cottage Estates Subdivision Map.

Documentation: Resolution No. 21-2018
Disposition: Approved.

8. UPDATE TO THE LOCAL GUIDELINES FOR IMPLEMENTING THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

Recommendation: That the City Council adopt a resolution amending the local guidelines for implementing the California Environmental Quality Act.

Documentation: Resolution No. 22-2018
Disposition: Approved.

9. APPROVAL OF A RESOLUTION IN SUPPORT OF SB 5: PARKS AND WATER BOND PROPOSITION 68, THE CALIFORNIA DROUGHT, WATER, PARKS,

CLIMATE, COASTAL PROTECTION, AND OUTDOOR ACCESS FOR ALL
ACT OF 2018

Recommendation: That the City Council approve a Resolution in support of SB 5.

Documentation: Resolution No. 23-2018

Disposition: Approved.

10. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary report.

Documentation: M.O. 06-050118

Disposition: Approved.

11. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 07-050118

Disposition: Approved.

12. 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. 08-050118

Disposition: Approved.

PUBLIC HEARINGS

13. CONTINUED PUBLIC HEARING TO CONSIDER MODIFICATION NO. 1 TO
CONDITIONAL USE PERMIT 4-97 FOR THE CELLAR STEAK HOUSE

Recommendation: That the City Council consider the draft resolution approving
Modification #1 to Conditional Use Permit 4-97.

City Manager Lollis introduced the item and, Community Development Director
Jenni

Byers presented the staff report and expressed Staff's request to remove Condition No. 6 from
the draft resolution.

The Public Hearing opened at 6:49 p.m.

- John Coffee noted the numbering correction with the removal of Condition No. 6.
- Brock Neeley asked for residents of this area to be informed about designated mixed use areas.
- Andy Cacherra, Lawyer for The Cellar Steakhouse, thanked City Staff for working with The Cellar' apologized for any confusion that may have been generated on their part during the process; and made himself, and his clients available for questions.
- Barry Caplan spoke in support of the modification to Conditional Use Permit 4-97.

The Public Hearing closed at 6:52 p.m.

Council inquired about the proposed hours of operation and Police Chief Kroutil stated that no significant issues were foreseen.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the draft resolution approving Modification #1 to Conditional Use Permit 4-97, as amended to remove Condition No. 6. The motion carried unanimously.

Documentation: Resolution No. 24-2018

Disposition: Approved, as amended.

14. CONSIDERATION OF GENERAL PLAN AMENDMENT AND ZONE CHANGE FOR BURTON SCHOOL DISTRICT NON-EDUCATIONAL FACILITY

Recommendation: That the City Council:

1. Adopt the draft resolution approving a General Plan Amendment (2018014) from High Density Residential to Public/Institutional for the subject property; and
2. Approve the draft ordinance, amending the zoning from RM-3 (High Density Residential) to PS (Public/Semi-public), give first reading, waive further reading and order the ordinance to print.

City Manager Lollis recused himself due to a perceived conflict of interest, and City Attorney Lew clarified that Mayor Pro Tem Ward did not have a conflict. Community Development Director Jenni Byers introduced the item and presented the staff report.

The Public Hearing opened at 6:57 p.m. The Public Hearing was closed at 6:57 p.m. when no one came forward.

COUNCIL ACTION: MOVED by Council Member Martha Flores, SECONDED by Council Member A. Monte Reyes that the City Council adopt the draft resolution approving a General Plan Amendment (2018-014) from High Density

Residential to Public/Institutional for the subject property and approve the draft ordinance, amending the zoning from RM-3 (High Density Residential) to PS (Public/Semi-public), give first reading, waive further reading and order the ordinance to print. The motion carried unanimously.

Documentation: Resolution No. 25-2018

Disposition: Approved.

15. CONSIDERATION OF A CONDITIONAL USE PERMIT FOR TEMPLE OF PRAISE RELIGIOUS FACILITY

Recommendation: That the City Council adopt the draft resolution approving the establishment of The Temple of Praise Christian Fellowship Church located at 22213 Ave. 152 in the RM-3 Zone District.

City Manager Lollis introduced the item and Community Development Director Jenni Byers presented the staff report. Council briefly discussed the types of items that would be located behind the chain-link fence.

The Public Hearing opened at 7:02 p.m. The Public Hearing was closed at 7:02 p.m. when no one came forward.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the draft resolution approving the establishment of The Temple of Praise Christian Fellowship Church located at 22213 Ave. 152 in the RM-3 Zone District and grant relief from the building of a block wall on the southern boundary. The motion carried unanimously.

Documentation: Resolution No. 26-2018

Disposition: Approved.

16. PUBLIC HEARING TO CONSIDER ORDINANCE ESTABLISHING BY-DISTRICT ELECTIONS AND ADOPTION OF MAP

Recommendation: That the City Council:

1. Hold a public hearing to receive comment concerning the adoption of an Ordinance establishing By-District Council Elections and adopting the District Map;
2. Adopt the draft Ordinance of the Council of the City of Porterville Adding Sections 21.1 through 21.5 of Chapter 2, Article I, to the Porterville Municipal Code Relating to Elections of City Council Members By Districts; and

3. Give first reading of the Ordinance, waiver further reading, and order the ordinance to print.

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

The Public Hearing was opened at 7:05 p.m.

- Barry Caplan expressed concerns; regarding the division of downtown into various districts and spoke in favor of downtown being represented by one member of the Council.
- Brock Neeley spoke in support of downtown being divided to allow for buy-in from the entire Council.

The Public Hearing was closed at 7:09 p.m.

Mayor Pro Tem Ward and Mayor Stowe both agreed with Mr. Neeley's comments.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the draft Ordinance of the Council of the City of Porterville Adding Sections 2-1.1 through 2-1.5 of Chapter 2, Article I, to the Porterville Municipal Code Relating to Elections of City Council Members By Districts and give first reading of Ordinance No. 1845, being AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTIONS 2-1.1 THROUGH 2-1.5 OF CHAPTER 2, ARTICLE I, TO THE PORTERVILLE MUNICIPAL CODE RELATING TO ELECTION OF CITY COUNCIL MEMBERS BY DISTRICTS, waive further reading, and order the ordinance to print. The motion carried unanimously.

City Manager Lollis read the ordinance by title only.

Documentation: Ordinance No. 1845

Disposition: Approved.

The Council took a 10 minute recess.

ORAL COMMUNICATIONS

- Joshua Sulier spoke against the resolution.
- Claudia de la Rosa spoke against the resolution and inquired about Council Member Hamilton's intentions.
- John Coffee, Porterville, spoke in opposition of the resolution.
- Mayra Diaz, CHIRLA, stated that the proposed resolution hurts her and her family.
- Sandra Garcia, farmworker, asked for the Council's help when protecting farmworkers and asked that the County of Tulare become a sanctuary county.
- Josefina Alvarado spoke against the proposed resolution and asked for support from the Council.

When asked if a translator was present, City Manager John Lollis stated that a translator would be available for those who wished to comment and required Spanish to English translation.

- Brian (last name not given), CHIRLA spoke against the resolution and requested the Council vote against the resolution and stated that his family was immigrants except for his brother.
- Theresa de la Rosa, glad to see Mayor doing well; thanked the Council Members for accepting the invitation to the May 5th parade; also spoke of her belief that Council Member Hamilton does not understand the community; resolution will instill fear due to ICE fears and tactics.
- Lawana Tate discussed her stance on SB54 and spoke about the importance of standing by the community.
- Terri Irish, Porterville, reminded the Council about the Oath they took to uphold the United States Constitution.
- Marco Antonio Gonzales Reyes, Undocumented College Student, spoke of his family circumstances and of the importance of respecting individuals.
- Name not given, spoke of the importance of diversity and of the history of May Day.
- John Duran spoke of the distinction between legal and illegal immigration and of his belief that Federal law supersedes State law.
- Maricela Sanchez, ACLU California, spoke in opposition of the proposed resolution.
- Benny Corona congratulated the Mayor on his new heart and spoke in opposition of the proposed resolution.
- Art Rodriguez stated that the proposed resolution made him sad; apologized to Council Member Hamilton again; and spoke in opposition of the proposed resolution.
- Roberto de la Rosa expressed his disappointment in the proposed resolution and asked the Council to consider supporting the anti-commandeering doctrine.
- Brock Neeley read a Bible verse, a section of the Doctrine and Covenant, and the statement of belief from the Nazarene Church.
- Raul Pickett, former Porterville Resident, expressed his concern of the proposed resolution and spoke of the history of immigrants.
- Gina Rodriguez asked the Council to vote no on the resolution and spoke of the fear that people feel because ICE separates families.
- Leticia Lopez, Porterville, requested that the Council vote against the proposed resolution.
- Joan (Inaudible) denounced what she believed to be a deplorable bully tactic.
- David Mason spoke in support of the immigrant community.
- Daniel Penaloza spoke against the resolution; the abuse of power by ICE agents; and declared that love would prevail.
- Fernando Serrano stated his belief that the resolution was appalling and shameful and that Council Members were not representing the community.
- Earl Allen, Porterville, requested that the Council help create unity in the community and vote no or pull the item.
- Gloria Perez, Porterville resident and CHIRLA member, spoke in opposition of the proposed resolution.

- Cesar Earheart, Visalia, asked the Council to resolve the standard of living for the people of Porterville.
- Roberto De La Rosa Jr., Porterville, addressed concerns regarding safety and security; explained that the conversation had begun with County Sheriff Mike Boudreaux regarding how to best address these concerns; and urged the Council to vote no on the resolution.
- Linda Weinstein stated that immigrants are important and SB54 protects the community from SB54; and expressed her belief that the proposed resolution was abhorrent.
- Name not given, voiced his opposition to the proposed resolution.
- Greg Shelton, Porterville, spoke of issues regarding the government's overreach and the problem with cherry picking issues based on personal beliefs.
- Charlene Pearsol spoke of the Constitution and in opposition to the proposed resolution.
- Barry Caplan spoke of the history of California, immigration laws, and asked the Council to vote no on the proposed resolution.
- Phil Lamanico, Springville, understands and supports immigrant intentions, but is also supportive of the law; and believes immigration laws need to be fixed.
- Margaret Colgan, Porterville, voiced her frustration at seeing the proposed resolution and asked that the process for adding agenda items be changed to include communicating with the Porterville residents first.

SCHEDULED MATTERS

17. CONSIDERATION OF A RESOLUTION OF SUPPORT FOR THE FEDERAL LAWSUIT AGAINST THE STATE OF CALIFORNIA CONCERNING SENATE BILL 54

Recommendation: That the City Council consider a Resolution of Support for the Federal lawsuit against the State of California concerning Senate Bill 54.

Council Member Hamilton commended those who spoke and practiced democracy; and went on to explain the issues he sees with AB450 and SB54. Council Member Flores, Mayor Pro Tem Ward, and Mayor Stowe voiced their support of a Council Members right to add an item to the agenda for consideration, but said they could not vote in favor of the resolution. Council Member Reyes also stated that he could not vote in favor of the proposed resolution.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Mayor Milt Stowe that the City Council approve a Resolution of Support for the Federal lawsuit against the State of California concerning Senate Bill 54.

AYES: Hamilton

NOES: Flores, Reyes, Ward, Stowe

ABSTAIN: None

ABSENT: None

Documentation: MO 09-050118

Disposition: Motion Failed.

ORAL COMMUNICATIONS

- Barry Caplan thanked the Council for the result of Item No. 17.

OTHER MATTERS

- Council Member Flores spoke of the great time she had at the Iris Festival; the upcoming Cinco De Mayo Parade; and expressed her appreciation for the productive meeting.
- Council Member Hamilton lauded the Chamber of Commerce for the Iris Festival and spoke of his participation in the Chili Cook-off. He also stated that he was looking forward to having the Mayor back.
- Council Member Reyes spoke of the nice weekend weather for the Rodeo; his excitement for the lunchbox; and asked the community to please drive safely and sober.
- Mayor Pro Tem Ward asked Staff to reach out the County Sherriff Mike Boudreaux and spoke of upcoming events.
- Mayor Stowe expressed how proud he was of the Porterville community and of the Council for expressing their views.
- City Manager Lollis thanked Yuliana Andrade for her translation services and for her participation in the recent clean-up event; spoke of upcoming events; and explained that staff would be watching the weather to prepare for the move to the Phase III watering schedule.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 10:03 p.m. to the meeting of May 8, 2018.


Milt Stowe, Mayor

SEAL


Luisa M. Zavala, Deputy City Clerk

