

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MAY 15, 2018, 5:30 PM**

Called to Order at 5:30 p.m.

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

ORAL COMMUNICATIONS

- Porterville resident, 1906 Beverly, out of water since June and has tank via Self-Help; inquired about the status of the Self-Help program and the implementation of City water mains in her area.

Council and Staff discussed the possibility of the Self-Help Water Tank program running until the end of September, with the help of residual funding. Assemblyman Joaquin Arambula has requested emergency funding to help keep the Self-Help water tank program running for the next 3 years. If the emergency funding is not approved, City Staff would consider the opportunity to continue the tank program with Council's approval. Future plans are to extend City water mains to the Beverly area within the next two years.

City Manager Lollis noted that Council member Hamilton had a conflict of interest pertaining to Real Property; and City Attorney Julia Lew noted that APN 243-043-018 was incorrect and should have read 248-043-018.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 185 W. H Street, APN:252-223-016. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Charline Scow . Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN:248-043-014, 248-043-015, 248-043-016, 248-043-017, 243-043-018, 253-050-089 and 253-050-093. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Gregory Shelton. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth and Che Johnson. Employee Organizations: Porterville Peace Officers Association; Management & Confidential Series; Porterville City Employees Association; Public Safety Support Unit; Porterville City Firefighters Association; Fire Officer Series; and Unrepresented Management employees.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Carol Mills. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.95 – Liability Claim: Application to File a Late Claim. Applicant/Claimant: James K. Rummell. Agency claimed against: City of Porterville.

6 - 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.

7 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Maria Ventura v. Jennifer Rutledge and City of Porterville, U.S. District Court, Eastern District, Case No. 1:17-CV-00237-DAD-SKO.

8 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One (1) case in which facts are not yet known to potential plaintiff.

6:30 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-4 and A-5 as follows:

A-4 On a MOTION made by Mayor Milt Stowe, and SECONDED by Vice Mayor Brian Ward the City Council unanimously rejected the claim submitted by Carol Mills.

Documentation: M.O. 01-051518
Disposition: Claim Rejected.

A-5 On a MOTION made by Mayor Milt Stowe, and SECONDED by Council Member Monte Reyes the City Council unanimously denied the request submitted by James K. Rummell.

Documentation: M.O. 02-051518
Disposition: Request Denied.

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

PRESENTATIONS

Employee of the Month - Cale Hosfeldt
Spring Expressions Chalk Art Contest Winners
INTERNNECT - Mangini Associates Inc. Architectural Internship Program

AB 1234 REPORTS

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

1. Local Agency Formation Commission (LAFCO) - May 2, 2018
Council Member Hamilton reported on items pertaining to a service district, a grand jury response, and receipt of legislative updates.
2. Tulare County Economic Development Corp. (TCEDC) - May 4, 2018
Council Member Reyes reported on approval of a business finance program.

3. Eastern Tule Groundwater Sustainability Agency (GSA) - May 3, 2018
Public Word Director Mike Reed reported on items regarding bylaws, a conflict of interest code, and receipt of presentations.
4. SJVAPCD Governing Board - May 10, 2018
Council Member Reyes reported on items pertaining to the continuation of the residential wood burning program, new funding to replace old trucks, a heavy duty truck repair program, and acceptance of state funding to replace OHVs.

REPORTS

I. CITY COMMISSION AND COMMITTEE MEETINGS

1. Parks & Leisure Services Commission - no quorum on May 3, 2018
2. Library & Literacy Commission - May 8, 2018
Commissioner Bailey reported on the upcoming summer activities at the library, lunch program, and statistics pertaining to program participation, Sunday patronage, and volunteer hours. He thanked INTERNNECT for their presentation; extended an invitation to the Summer Kickoff Carnival; and reminded the Council of the Commission's Summer hiatus.
3. Arts Commission - April 25, 2018
Commission Chair Cubiascanas stated that at its last meeting the commission finalized plans for the chalk art contest; and reported that at its next meeting on May 23rd the commission would be brainstorming ideas for its next project.
4. Animal Control Commission – none
5. Youth Commission - May 14, 2018
Youth Commissioner Members reported on the year's activities which included judging the Step-Up Banner Contest, the annual high school dodgeball tournament, Make a Paw-sitive Change donation drive, and Movie in the Park event.
6. Transactions and Use Tax Oversight Committee (TUTOC) - May 10, 2018
Committee Chair Gurrola reported that the committee had approved 2nd and 3rd quarter financials; and communicated that members Clayborn and Harris would not be seeking reappointment, but that she and member Fletcher would be seeking reappointment for another term.

II. STAFF INFORMATIONAL REPORTS

1. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Earl Allen, Porterville, requested that the Council consider changing the name of Division Street to Unity Street.

- Brock Neeley, Porterville, in response to Mayor Pro Tem Ward's comments about an art expo, spoke of his experience with the Tulare & Kings Counties Suicide Prevention Task Force Festival of Hope.

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. 1-13. The motion carried unanimously.

1. AUTHORIZATION TO REPLACE GUARDRAIL

Recommendation: That Council:

1. Direct the Finance Director to initiate a Purchase Order to C&W Construction Specialties in the amount not to exceed \$15,555 for the N. Highland Guardrail Replacement; and
2. Direct the Finance Director to make payment to C&W Construction Specialties upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 03-051518

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE ULTRASONIC METER EQUIPMENT

Recommendation: That Council:

1. Direct the Finance Director to initiate a Purchase Order to Grainger in the amount not to exceed \$12,070 for the purchase of two Ultrasonic Electronic Flow Meters; and
2. Direct the Finance Director to make payment to Grainger upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 04-051518

Disposition: Approved.

3. APPROVAL OF PAYMENT TO THE TULARE COUNTY TREASURER

Recommendation: Approve payment to the Tulare County Treasurer in the amount of \$57,000, the amount of probable compensation pursuant to C.C.P. § 1255.070 for the property at issue in the eminent domain case entitled *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.

Documentation: M.O. 05-051518

Disposition: Approved.

4. AUTHORIZATION TO AUGMENT CONTRACT BUDGET FOR MURRY PARK
PLAYGROUND SHADE STRUCTURE PROJECT

Recommendation: That the City Council authorize to augment the contract budget \$2,100.00
for the Murry Park Playground Shade Structure Project.

Documentation: M.O. 06-051518

Disposition: Approved.

5. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE AIRFIELD PAVEMENT
REHABILITATION PROJECT AND FOR THE GATES, FENCE AND ACCESS
CONTROL IMPROVEMENT PROJECT AT THE AIRPORT

Recommendation: That the City Council authorize staff to advertise for bids on the airfield
pavement rehabilitation project and for the gates, fence and access control
improvement project at the airport.

Documentation: M.O. 07-051518

Disposition: Approved.

6. AUTHORIZATION TO AWARD THE CONTRACT FOR THE 87 SOUTH G STREET
DEMOLITION PROJECT

Recommendation: That City Council:

1. Award the 87 South G Street Demolition Project to H D Matthews
Demolition & Excavation in the amount of \$24,995;
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize 10% for construction management, quality control, and
inspection.

Documentation: M.O. 08-051518

Disposition: Approved.

7. AUTHORIZATION TO APPLY FOR FUNDING FROM THE FTA'S LOW OR NO
EMISSION GRANT PROGRAM

Recommendation: That the City Council approve the resolution authorizing staff to submit an
application for funding to the Federal Transit Administration's FY 2018
Low or No Emission Grant Program.

Documentation: Resolution No. 27-2018

Disposition: Approved.

8. TULARE COUNTY MULTI-JURISDICTIONAL LOCAL HAZARD MITIGATION PLAN ADOPTION

Recommendation: That the City Council adopt the draft resolution approving Porterville's participation in the Tulare County Multi-jurisdictional Local Hazard Mitigation Plan.

Documentation: Resolution No. 28-2018

Disposition: Approved.

9. INTENT TO SET A PUBLIC HEARING TO CONSIDER ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: That City Council set a Public Hearing for June 19, 2018, pursuant to Government Code Section 66026, for consideration to implement the City of Porterville's Impact Fee ENR Cost Index auto escalator.

Documentation: M.O. 09-051518

Disposition: Approved.

10. AUTHORIZATION TO PARTICIPATE IN SOUTHERN CALIFORNIA EDISON'S CHARGE READY PROGRAM FOR TRANSIT BUS ELECTRIFICATION

Recommendation: That the City Council:
1. Authorize staff to submit an application to participate in Southern California Edison's Charge Ready Program; and
2. Approve the draft resolution.

Documentation: Resolution No. 29-2018

Disposition: Approved.

11. REQUEST FOR PROCLAMATION - FREEDOM DAYS IN PORTERVILLE - JUNE 14 THROUGH JULY 4, 2018

Recommendation: That the City Council consider approval of the request to proclaim the period between June 14 and July 4, 2018, as "Freedom Days in Porterville."

Documentation: M.O. 10-051518

Disposition: Approved.

12. DEPARTMENT OF FINANCE POPULATION UPDATE

Recommendation: That the City Council authorize the Mayor Pro Tem to sign a request for State certification for the City of Porterville, January 1, 2018, at a population of 60,798.

Documentation: M.O. 11-051518

Disposition: Approved.

13. ASSIGNMENT OF AIRPORT LEASE - LOT 32C

Recommendation: That the City Council approve the Assignment of the Airport Lease for Lot 32C between the City of Porterville and William Parham to Pamela D. Hughes, Trustee of the William E. Parham Irrevocable Trust u/t/d July 29, 2013.

Documentation: M.O. 12-051518

Disposition: Approved.

PUBLIC HEARINGS

14. CONSIDERATION OF APPROVAL OF THE WINDSOR COURT DEVELOPMENT PROJECT

Recommendation: That the City Council:

1. Conduct a Public Hearing to receive input regarding the proposed General Plan Amendment, Zone Change and Tentative Map;
2. Adopt the draft resolution approving the Negative Declaration with mitigation measures for the Windsor Court Development Project (PRC 2017-029);
3. Adopt the draft resolution approving the General Plan Amendment
4. Approve the draft ordinance approving the Zone Change contingent upon approval of the General Plan Amendment; and
5. Adopt the draft resolution approving the Windsor Court Tentative Subdivision Map contingent upon approval of the General Plan Amendment and Zone change; and
6. Waive further reading of the draft ordinance, approving the Zone Change and order it to print.

City Manager Lollis recused himself due to a potential conflict of interest and exited the council chambers. Administrative Services Director Patrice Hildreth introduced the item, and Community Development Director Jenni Byers presented the staff report. During the report, Ms. Byers noted an amendment to the environmental impact resolution, specifically Clause 5, as follows:

"In addition to these mitigation measures, any further mitigation measures recommended by a responsible or trustee agency shall be upheld at the expense of the applicant with the oversight of the City and said responsible or trustee agency."

The applicant addressed the Council to speak about the proposed development and similar existing developments; and made himself available to answer questions.

The Public Hearing was opened at 8:00 p.m.

- Brock Neeley inquired about the T driveway agreements and how enforceable they would be.
- Charlotte Nebbeker expressed her concern regarding traffic in the area and proposed street improvements.
- Virginia Gurrola inquired about the proximity of the proposed development to Kanai Avenue.

The Public Hearing was closed at 8:06 p.m.

Mayor Stowe was not present from 8:10 p.m. to 8:20 p.m.

City Council and Staff discussed the layout of the proposed development. Vice Mayor Ward expressed his concern with three residential streets exiting onto an arterial road (Henderson Avenue), and requested that it be reduced.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council adopt the draft resolution approving the Negative Declaration with mitigation measures for the Windsor Court Development Project (PRC 2017-029), as amended; adopt the draft resolution approving the General Plan Amendment; approve the draft ordinance approving the Zone Change contingent upon approval of the General Plan Amendment; adopt the draft resolution approving the Windsor Court Tentative Subdivision Map contingent upon approval of the General Plan Amendment and Zone change; and waive further reading of the draft ordinance, approving the Zone Change and order it to print.

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

Documentation: Resolution No. 30-2018; Resolution No. 31-2018; Resolution No. 32-2018; and First Reading of Ordinance 1847.

Disposition: Approved.

SECOND READINGS

15. SECOND READING - ORDINANCE NO. 1845 - AN ORDINANCE ESTABLISHING BY-DISTRICT ELECTIONS

Recommendation: That the Council give Second Reading to Ordinance No. 1845, waive further reading, and adopt said Ordinance.

City Attorney Julia Lew introduced the item and the staff report was waived by Council.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council give Second Reading to 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 adopt said Ordinance. The motion carried unanimously.

City Attorney Lew read the ordinance by title only.

Documentation: Ordinance No. 1845

Disposition: Approved.

16. SECOND READING - ORDINANCE NO. 1846 - AN ORDINANCE APPROVING ZONE CHANGE PRC 2018-014-Z

Recommendation: That the Council give Second Reading to Ordinance No. 1846, waive further reading, and adopt said Ordinance.

City Manager Lollis indicated that he had a conflict of interest, and City Attorney Julia Lew introduced the item. The staff report was waived by the Council.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council give Second Reading to Ordinance No. 1846, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE (PRC 2018-014-Z) FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO PS (PUBLIC AND SEMI-PUBLIC) FOR THAT 1.55 ± ACRE SITE LOCATED GENERALLY AT THE NORTHWEST CORNER OF HENDERSON AVENUE AND WESTWOOD STREET, waive further reading, and adopt said Ordinance. The motion carried unanimously.

City Attorney Lew read the ordinance by title only.

Documentation: Ordinance No. 1846

Disposition: Approved.

SCHEDULED MATTERS

17. AUTHORIZATION TO MAKE ARRANGEMENTS WITH TULARE COUNTY TO REGULATE ALL ONSITE WASTEWATER TREATMENT (OWT) SYSTEMS WITHIN CITY LIMITS

Recommendation: That City Council:

1. Authorize Public Works Director or designee to begin negotiations with Tulare County for the County to regulate all OWT Systems within City limits, including the annual reporting requirements; and
2. Authorize the Mayor and City Clerk to execute the attached Resolution.

City Manager Lollis introduced the item. The Staff Report was waived per Council's request, and the public was given an opportunity to ask questions and comment on the item. Public Works Director Mike Reed spoke of a conversation he had with Tulare County Resource Management Agency regarding a program the State has offered to regulate OWT systems.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council authorize the Public Works Director or designee to begin negotiations with Tulare County for the County to regulate all OWT Systems within City limits, including the annual reporting requirements and authorize the Mayor and City Clerk to execute the attached Resolution. The motion carried unanimously.

Documentation: Resolution No. 33-2018

Disposition: Approved.

18. 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 continue the Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 13-051518

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores spoke of her attendance at the Day of the Teacher event, and upcoming Exchange Club Run/Walk and the Military Banner Ceremony.
- Council Member Hamilton congratulated City Manager Lollis on 19 years of marriage.
- Council Member Reyes encouraged attendance at the Military Banner Ceremony on May 25th.

- Mayor Pro Tem Ward inquired about the placement of gold star banners; stated that he had a good time at the Cinco de Mayo parade; and concluded by sharing his new motto of "Grateful not Tulare."
- Mayor Stowe spoke of a recent visit to Porterville; and stated that he hoped to be home soon.
- City Manager Lollis thanked City employees who volunteered at the City's Fair booth; spoke of Fire Department Facebook posts and a swearing in of officers at the Police Department on Wednesday; and indicated that it was Law Enforcement Appreciation Week.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:45p.m. to the meeting of June 5, 2018.


Luisa M. Zavala, Deputy City Clerk

SEAL


Mayor Stowe, Mayor