

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 19, 2018, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha Flores, Council Member Cameron Hamilton, Vice Mayor Brian Ward, Mayor Milt Stowe

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 288 N. D Street, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Robert E & Joan Vanderhorst Trust. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1482 N. Highland Drive, Porterville, CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Robert E & Joan Vanderhorst Trust. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 269-120-010. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Thomas J & Deborah L O'Sullivan Trust. Under Negotiation: Terms and Price.
- 4 - 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 and Confidential Series; Public Safety Support Unit; Porterville City Employees Association; Porterville City Firefighters Association; Fire Officer Series; and all Unrepresented Management Employees.
- 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: Three cases.
- 7 - Government Code Section 54957 – Public Employee Performance Evaluation – Title: City Manager.
- 8 - Government Code Section 54957 – Public Employee Performance Evaluation – Title: City Attorney.

6:46 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 during Closed Session.

The Pledge of Allegiance was led by Mayor Milt Stowe.
Invocation -- a moment of silence was observed.

PRESENTATIONS

Outstanding Business Honoree - Grocery Outlet Bargain Market
Chamber of Commerce Quarterly Report

AB 1234 REPORTS

1. Local Agency Formation Commission (LAFCO) - June 6, 2018
Council Member Hamilton reported on action pertaining the formation of a community services district and participation dues; and of discussion pertaining to legislative items.
2. Eastern Tule Groundwater Sustainability Agency (GSA) - June 7, 2018
Council Member Hamilton reported on action regarding a call for funds and selection of an executive director.
3. Tulare County Association of Governments (TCAG) - June 18, 2018
Council Member Flores reported on approval of several resolutions, public hearings, recent appointments, and the next meeting on August 20th.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - Summer Hiatus
 2. Library & Literacy Commission - Summer Hiatus
 3. Arts Commission – no report
 4. Animal Control Commission – no report
 5. Youth Commission - Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report
- II. Staff Informational Reports
 1. May 2018 Water Conservation Phase IV Status Update
 2. KJUG Summer Concert Series

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, announced the passing of Reverend Ivan Ball.
- Donna Serna, read statement on behalf of Daniel Penaloza requesting appointment to TUTOC, and lauding the Summer Night Lights showing of Despicable Me 3 at Murry Park.
- Ellen Nichols, Porterville, stated that she was unhappy with the scheduling conflict between the KJUG Concert Series concert and the Flag Day Ceremony.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Vice Mayor Ward reported a conflict with Item No. 5 pertaining to real property; Council Member Reyes reported a conflict with Item No. 9 pertaining to income; and Council Member Flores reported a conflict with Item No. 4 pertaining to real property.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Cameron Member Hamilton that the City Council approve Items Nos. 1-16 with noted abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 1, 2018

Recommendation: That the Council approve the draft Minutes of May 1, 2018.

Documentation: M.O. 01-061918

Disposition: Approved.

2. AUTHORIZATION TO "PIGGYBACK" ON EXISTING ASPHALT CONTRACT

Recommendation: That City Council authorize the purchase of cold mix asphalt utilizing the contract between the County of Tulare and Jaxon Enterprises.

Documentation: M.O. 02-061918

Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT FOR OHV PARK MANAGEMENT SERVICES

Recommendation: That the City Council:

1. Authorize staff to negotiate an OHV Park management services contract with Friends of Kern Open Space with the condition that revenue generated by the OHV Park for the City support the local match of \$24,639 required by the State OHV grant; and
2. Authorize the Mayor to sign all contract documents when completed.

Documentation: M.O. 03-061918

Disposition: Approved.

4. ASPHALT OVERLAY PROGRAM FOR 2018/2019

Recommendation: That the City Council approve the 2018/2019 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 04-061918

Disposition: Approved.

5. INTENT TO SET A PUBLIC HEARING FOR THE ANNUAL ASSESSMENT OF AREAS 458, 455A AND 459A & C SEWER UTILITY DISTRICTS

Recommendation: That the City Council set July 17, 2018, for the Public Hearing regarding the Annual Assessment of the Sewer Districts to the Tax Rolls.

Documentation: M.O. 05-061918
Disposition: Approved.

6. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LANDSCAPE AND LIGHTING MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:

1. Adopt Resolutions:

- a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2018/19;
- b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2018/19;
- c. Declaring the intent to levy and collect assessments for Fiscal Year 2018/19, and offering a time and place for hearing objections thereto.

2. Further, that the City Council set a public hearing for 6:30 PM on July 17, 2018, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2018/19.

Documentation: Resolution No. 36-2018; Resolution No. 37-2018; and Resolution No. 38-2018.
Disposition: Approved.

7. CONSIDERATION OF AN EXTENSION OF TIME FOR THE VALLEY OAK TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a 36 month extension of time for the Valley Oak Subdivision Map

Documentation: Resolution No. 39-2018
Disposition: Approved.

8. CONSIDERATION OF AN EXTENSION OF TIME FOR THE ROYAL OAKS VESTING TENTATIVE SUBDIVISION MAP

Recommendation: That the City Council adopt the draft resolution approving a 36-month extension of time for the Royal Oaks Subdivision Map.

Documentation: Resolution No. 40-2018
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - DOCUMENT SHREDDING EVENT - OAK AVENUE PARKING LOT - JUNE 22, 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.

Documentation: M.O. 06-061918

Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT - LANDMARK CHRISTIAN CENTER - MUSIC 4 LIFE - CENTENNIAL PARK - JUNE 23, 2018

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Landmark Christian Center, 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. 07-061918

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE, SIERRA VIEW MEDICAL CENTER AND VISALIA FARMERS MARKET – FARMERS MARKET – TUESDAYS IN THE MONTH OF JULY AND AUGUST BEGINNING JULY 17, 2018

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement submitted by the City of Porterville, Sierra View Medical Center and Visalia Farmers Market, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.
2. Approve the draft resolution authorizing the appropriation of funds in the amount of \$15,500 from the City Council's Special Purposes Reserve Fund to provide financial support to the event.

Documentation: M.O. 08-061918

Disposition: Approved.

12. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN - PORTERVILLE PEACE OFFICERS' ASSOCIATION

Recommendation: That the City Council approve the draft Resolution ratifying amendments to the Porterville Peace Officers Association Memorandum of

Understanding and other documents as are necessary to implement the provisions thereof.

Documentation: Resolution No. 41-2018

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - PARKS MAKE LIFE BETTER! MONTH
- JULY 2018

Recommendation: That the City Council consider approval of the request to proclaim July 2018 as Parks Make Life Better! Month.

Documentation: M.O. 09-061918

Disposition: Approved.

14. CANCELLATION OF JULY 3, 2018, CITY COUNCIL MEETING

Recommendation: That the City Council cancel the first Council Meeting in July scheduled for July 3, 2018 due to the Independence Day holiday.

Documentation: M.O. 10-061918

Disposition: Approved.

15. 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. 11-061918

Disposition: Approved.

16. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER
CHARGING NON-CITY RESIDENTS FOR CITY LIBRARY CARD

Recommendation: That the City Council approve Vice Mayor Ward's request to consider charging non-city residents for a City Library Card as a Scheduled Matter at its next regularly scheduled meeting.

Documentation: M.O. 12-061918

Disposition: Approved.

PUBLIC HEARINGS

17. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST
INDEX

Recommendation: That the City Council:

1. Conduct the Public Hearing and consider all public testimony; and
2. Activate the ENR Cost Index automatic increase for FY 2018/2019 (6.63% increase).

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve activation of the ENR Cost Index automatic increase for FY 2018/2019 (6.63% increase).

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

Documentation: M.O. 13-061918

Disposition: Approved.

18. ADOPTION OF FISCAL YEAR 2018-2019 BUDGET

Recommendation: That the City Council conduct the Public Hearing and consider for adoption the proposed 2018-2019 Fiscal Year Budget, including any modifications and for the time period as designated by Council.

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 taking separate action for the Chamber of Commerce allocation. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the 2018-2019 Fiscal Year Budget. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the Chamber allocation of \$35,000.

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

Documentation: M.O. 14-061918; Resolution No. 42-2018 and Resolution No. 43-2018; and
M.O. 15-061918

Disposition: Approved.

SCHEDULED MATTERS

19. CONSIDERATION OF APPOINTMENTS TO THE TRANSACTIONS AND
USE TAX (MEASURE H) OVERSIGHT COMMITTEE ("TUTOC")

Recommendation: That the City Council consider:

1. Reappointing Committee Members John Simonich, Russell Fletcher and Virginia Gurrola to four year terms ending in May, 2022; and
2. Appointing three individuals to fill three vacancies, one with a term expiring in May 2020, and two with terms expiring in May 2022.

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

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the re-appointment of Committee Members John Simonich, Russell Fletcher and Virginia Gurrola to four year terms ending in May, 2022. The motion carried unanimously.

The Council discussed vacancies on both TUTOC and the Animal Control Commission, in light of there being more candidates than vacancies; and decided to utilize the McCracken method of voting. Ballots were distributed, collected and tabulated as follows:

Council Member Reyes:	Byars, Hall, Kovars
Vice Mayor Ward:	Byars, Hall, Penaloza
Mayor Stowe:	Byars, Hall, Kovars
Council Member Hamilton:	Byars, Hall, Kovars
Council Member Flores:	Byars, Hall, Penaloza

Brief discussion followed regarding the terms available. It was agreed that Shawn Byars and Jerry Hall, who had received the most votes in favor would be appointed to the terms ending 2022, and Janice Kovars would be appointed to the term ending 2020.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the appointment of Shawn Byars, Jerry Hall and to terms expiring in May of 2022 and Janice Kovars to a term ending in May of 2020. The motion carried unanimously.

Documentation: M.O. 16-061918; and M.O. 17-061918

Disposition: Approved appointments.

20. CONSIDERATION OF CALLING NOVEMBER 6, 2018 GENERAL ELECTION; REQUESTING CONSOLIDATION OF ELECTIONS; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:

1. Adopt the draft resolution calling the Election for November 6, 2018; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
2. Adopt the draft resolution requesting that the Board of Supervisors permit the Registrar of Voters to render specified services to the City for the November 6, 2018, Election;
3. Allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated \$1,400 per candidate cost for same;
4. Authorize that the County Election Department, 5951 South Mooney Boulevard, Visalia, California, be designated as the Central Counting Place for the November 6, 2018, General Municipal Election; and
5. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services.

City Manager Lollis introduced the item, and the staff report was waived at the Council's request. The Council briefly discussed candidate statement fees and the use of Tulare County for election services.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council adopt the draft resolution calling the Election for November 6, 2018; requesting and consenting to the consolidation of the election; and setting specifications of the election order; adopt the draft resolution requesting that the Board of Supervisors permit the Registrar of Voters to render specified services to the City for the November 6, 2018, Election; allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated \$1,400 per candidate cost for same; authorize that the County Election Department, 5951 South Mooney Boulevard, Visalia, California, be designated as the Central Counting Place for the November 6, 2018, General Municipal Election; and authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services. The motion carried unanimously.

Documentation: Resolution No. 44-2018; Resolution No. 45-2018; and M.O. 18-061918

Disposition: Approved.

21. REQUEST FOR CLARIFICATION ON STAFF'S IMPLEMENTATION OF ORDINANCE 1563 - FENCE ENCROACHMENTS

Recommendation: As council has directed staff to become more proactive regarding code enforcement and in light of the additional landscaping buffers required in the Development Ordinance, staff is requesting clarification on the areas of permissible fencing along corner residential lots within the City right of way.

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

Staff addressed questions from the Council regarding the history of encroachments onto City right of way, what an encroachment agreement entails, and maintenance of right of way, liability, and landscape maintenance districts for future development. The Council requested that the item be brought back.

Documentation: None

Disposition: Direction given.

ORAL COMMUNICATIONS

- Brock Neeley, thanked the Council and staff for preparation of the budget; and stated that fees associated with storage containers should be assessed based on the square footage.

OTHER MATTERS

- Council Member Flores spoke of her attendance at the Flag Day Ceremony and KJUG Concert; congratulated the Leadership Porterville Class of 2018; and spoke of her presentation of recognition awards at the graduation ceremony.
- Council Member Hamilton congratulated Council Member Flores on her recent appointment to the County Water Commission; spoke of Mayor Stowe's speaking at Port Naz on Sunday; and inquired about the no turn on red at the intersection of Morton Avenue and Plano Street. He addressed comments made by Ms. Nichols with regard to the scheduling conflict stating that it was a tight schedule but do-able in that he was able to attend both events; and encouraged everyone to attend Freedom Fest.
- Council Member Reyes spoke of the Flag Day Ceremony and thanked Grocery Outlet Bargain Market for their continued support of the tradition; and announced a San Joaquin Valley Air Pollution Control District app that reported on air quality.
- Vice Mayor Ward dittoed previous congratulatory comments made; and reported that the left turn lane on Main Street was still not picking up his Department of Motor Vehicles classified "motorcycle"; requested the street sweeping schedule be posted on the City's website; and stated he was looking forward to Freedom Fest.
- Mayor Stowe spoke of his participation in the Leadership Porterville graduation ceremony; and expressed condolences to Field Services Manager Michael Knight whose father had recently passed away.
- City Manager Lollis stated that a recent visit from SCE was promising; and spoke of upcoming KJUG concert on June 28th and Police Department promotion ceremony on July 6, 2018.

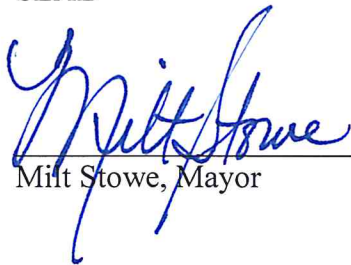
CLOSED SESSION

None

ADJOURNMENT

The meeting adjourned at 8:34 p.m. to the meeting of July 17, 2018.

SEAL


Milt Stowe, Mayor


Luisa M. Zavala, Deputy City Clerk

