

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JULY 17, 2018, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. 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 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Management & Confidential Series; Porterville City Employees Association; Public Safety Support Unit; and all Unrepresented Management Employees.
- 2 - 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.
- 3 - 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.
- 4 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three cases.

6:49 P.M. RECONVENE OPEN SESSION AND REPORT 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 Cameron Hamilton.
Invocation - a moment of silence was observed.

PROCLAMATIONS

Parks Make Life Better! Month - July 2018

PRESENTATIONS

Employee of the Month - Trisha Whiteley
Employee Recognition - Liliana Reyes & Clay Sharp

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 - June 20, 2018

City Manager Lollis spoke of the introduction of a consultant who has been brought on to develop a strategic plan for Tulare County over the next several months; and reported that the next meeting would take place in August

2. SJVAPCD Governing Board - June 21, 2018

Council Member Reyes reported on action pertaining to, but not limited to the following: adoption of the 2018/2019 Budget, amendments to District Rules 4692 and 4905, approval of contract for marketing services, and a changing of the guard.

3. Tulare County Economic Development Corp. (TCEDC) - June 28, 2018

Council Member Reyes reported on action pertaining to the approval of employment agreements for the President and Chief Executive Officer, the election of officers, and appointments.

4. Eastern Tule Groundwater Sustainability Agency (GSA) - July 11, 2018

Council Member Hamilton spoke of discussion pertaining to the Groundwater Sustainability Plan policy.

5. Local Agency Formation Commission (LAFCO) - July 11, 2018

Council Member Hamilton reported that he was unable to attend due to a conflict with the Easter Tule GSA meeting.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - Summer Hiatus

2. Library & Literacy Commission - Summer Hiatus

3. Arts Commission - July 11, 2018

Commissioner Serna reported on discussion pertaining to the Chalk Art Contest event, future projects, and its next meeting on July 25th.

4. Animal Control Commission

5. Youth Commission - Summer Hiatus

6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

ORAL COMMUNICATIONS

- Edith LaVonne, Porterville, welcomed back Mayor Stowe; stated that the victims of shopping cart theft should not be punished; spoke of the importance of partnerships within the library system; and stated that to charge County residents as proposed would be against the law.
- Sarah Gershon stated that libraries and parks should be free.
- Dirk Holkeboer, Executive Director of Habitat for Humanity, requested approval of Item No. 8; and thanked City staff for its recommendation.
- Nikki Edwards, self-proclaimed library junkie, spoke of the value of the San Joaquin Valley Library System and in favor of keeping things as is.
- Richard Eckhoff, Springville, stated that he would like the library to remain free for all.

- Mariann Sanders, Sherry Meyers and Jodi Holstrom, Helping Hands, stated that their stove was down and the organization was in need of \$2,700 to \$3,000 to repair; and spoke of the 30th anniversary of Helping Hands.
- Miles Barker, The Porterville Recorder, announced that the evening's meeting would be his last as he had gotten a job elsewhere; and stated that it had been a pleasure working staff and the Council.
- Susan Janoco stated that library fees were not a good source of revenue.

CONSENT CALENDAR

The following conflicts pertaining to real property were noted: Council Member Flores, Item No. 10; Vice Mayor Ward, Item No. 6; and Council Member Reyes, Item No. 5.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve Items Nos. 1-15 with the noted abstentions. The motion carried unanimously.

1. AUTHORIZATION TO PURCHASE BY NEGOTIATION EQUIPMENT SCHEDULED FOR REPLACEMENT

Recommendation: That the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 01-071718

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorizes the Public Works Director to purchase water shares or surface water during the 2018/2019 fiscal year up to \$500,000.

Documentation: M.O. 02-071718

Disposition: Approved.

3. AUTHORIZATION TO MAKE REPAIRS TO CITY WELL NO. 3

Recommendation: That the City Council:

1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed \$23,900.92 for the repair of City Well No. 3; and
2. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 03-071718

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - REMOVAL OF THE HOUSEHOLD WATER TANKS PROJECT

Recommendation: That City Council:

1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project; and
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #02-100714.

Documentation: M.O. 04-071718

Disposition: Approved

5. AUTHORIZATION TO ADVERTISE FOR BIDS - HENDERSON AVENUE RECONSTRUCTION BETWEEN INDIANA STREET AND JAYE STREET

Recommendation: That City Council:

1. Approve staff's 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;
4. Authorize the Finance Director to appropriate \$721,718.50 from Local Transportation Funds to fully fund this project; and
5. Authorize the Finance Director to appropriate \$220,952.30 from the Water Replacement Fund to fully fund this project.

AYES: Flores, Hamilton, Ward, Stowe

NOES: None

ABSTAIN: Reyes

ABSENT: None

Documentation: M.O. 05-071718

Disposition: Approved.

6. AREAS 458, 455A AND 459A & C SEWER UTILITY DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council adopt the resolutions ordering the continued assessments for Districts 458, 455A and 459A and C for the 2018/2019 tax years.

AYES: Reyes, Flores, Hamilton, Stowe

NOES: None

ABSTAIN: Ward

ABSENT: None

Documentation: Resolution No. 46-2018; Resolution No. 47-2018; and Resolution No. 48-2018

Disposition: Approved.

7. ACCEPTANCE OF PROJECT - 87 SOUTH G STREET DEMOLITION PROJECT

Recommendation: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-071718

Disposition: Approved.

8. AWARD OF PROPOSAL FOR DONATION OF LAND AT 87 SOUTH G STREET FOR DEVELOPMENT OF AFFORDABLE HOUSING

Recommendation: That the City Council adopt a resolution donating Assessor Parcel Number 260-193-006, situs address of 87 S. G Street to Habitat for Humanity of Tulare/Kings Counties for the development of affordable housing, authorize the City Manager to make any minor modifications, additions or revisions as needed, and authorize the Mayor to sign all necessary documents to complete the donation of the property.

Documentation: Resolution No. 49-2018

Disposition: Approved.

9. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 2017-2018

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY2017-2018 RSTP Exchange Program fund claim to the Tulare County Association of Governments on behalf of the City of Porterville in the amount of \$637,219.

Documentation: Resolution No. 50-2018

Disposition: Approved.

10. INTENT TO SET A PUBLIC HEARING TO CONSIDER THE FORMATION OF A SEWER UTILITY DISTRICT FOR AREA 456 A, B, C & E. HENDERSON AVENUE

Recommendation: That City Council:

1. Set a Public Hearing for August 21, 2018, pursuant to Proposition 218 Guidelines, for consideration to form Sewer Utility District Area 456 A, B, C & E. Henderson Avenue; and
2. Approve the Engineer's Report for Sewer Utility District Area 456 A, B, C & E. Henderson Avenue.

AYES: Reyes, Hamilton, Ward, Stowe

City Manager Lollis introduced the item, and Fire Chief Dave LaPere presented the staff report. Following the report, Chief LaPere addressed questions from the Council regarding the number of retailers with carts, the number being collected by staff, and the proposed citation process.

Discussion ensued regarding difficulties with enforcement, the increase in abandoned carts, safety hazards associated with their presence, and provisions of the Business and Professions Code.

The Public Hearing was opened at 7:59 p.m.

- Edith LaVonne stated that abandoned carts were typically no fixable; spoke against action being taken against retailers; and stated that abandoned carts were a health hazard.
- Sarah Gershon suggested that retailers check out carts to those who do not have cars to transport their items.
- Dick Eckhoff spoke of Smart and Final's practice of scanning carts at check out.
- Daniel Penaloza stated that retailers were key; and spoke of coin vended shopping carts.

The Public Hearing was closed at 8:05 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve first reading of the ordinance being, AN ORDINANCE OF THE COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE X TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE REGARDING NUISANCES RELATED TO SHOPPING CARTS, waive further reading, and order the ordinance to print; and approve a six month review. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1848

Disposition: Approved.

SCHEDULED MATTERS

18. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the attached resolution adopting the appropriation limit of \$71,127,375 for the 2018-2019 fiscal year.

City Manager Lollis introduced the item, and Finance Director Maria Bemis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council approve the resolution adopting the appropriation limit of \$71,127,375 for the 2018-2019 fiscal year. The motion carried unanimously.

Documentation: Resolution No. 55-2018

Disposition: Approved.

19. CONSIDERATION OF APPOINTMENT TO ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the appointment requests of Valerie Simonich and Jerry Hall to serve on the Animal Control Commission for term expiring in September of 2022.

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve the appointments of Valerie Simonich and Jerry Hall to serve on the Animal Control Commission for terms expiring in September of 2022. The motion carried unanimously.

Documentation: M.O. 12-071718

Disposition: Approved.

20. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2018 ANNUAL CONFERENCE

Recommendation: That the City Council designate one City Council Member to serve as a voting delegate, and up to two City Council Members to serve as alternate voting delegates, at the League of California Cities Annual Business Meeting.

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

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Mayor Milt Stowe that the City Council designate Council Member Reyes as the voting member and Council Member Hamilton as alternate voting member for the League of California Cities Annual Business Meeting to take place at the Annual Conference in Long Beach on September 14, 2018. The motion carried unanimously.

Documentation: M.O. 13-071718

Disposition: Approved.

21. REQUEST FOR COUNCIL DIRECTION CONCERNING THE COVERING OF WINDOWS IN EXISTING COMMERCIAL BUILDINGS

Recommendation: That the City Council consider the options presented, and if action is deemed necessary, direct staff to amend the Development Code accordingly.

City Manager Lollis introduced the item, and Community Development Manager Julie Philips presented the staff report.

The Council discussed the options presented by staff, and issues that existed in town. Council Member Reyes and Mayor Stowe expressed concerns with the aesthetic of the exterior being compromised for the sake of the interior.

- Karen Johns, Webb & Son, spoke of her client's lease of the old Starbucks location on Henderson Avenue, and of her client's need to close off the windows to accommodate security and office space. She requested direction from the Council.

Staff clarified that the Municipal Code was silent on situations where applicants are wanting to permanently cover windows internally; and requested direction from the Council on how to move forward with the two building permits.

The Council concurred that the permits being processed should move forward because there was nothing in the Code prohibiting the proposed tenant improvements; and indicated that they would be supportive of tinting the glass windows as Ms. Johns proposed. The Council then directed staff to draft an ordinance to deal with inadequacies within the Code as it pertained to the covering of windows for the Council's consideration.

Documentation: None
Disposition: Direction given

22. CONSIDER CHARGING NON-CITY RESIDENTS FOR A CITY LIBRARY CARD

Recommendation: That the City Council consider charging non-city residents for a City Library Card.

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

Vice Mayor Ward stated that he appreciated the information presented, and had no interest in the City leaving the San Joaquin Valley Library System. He stated that his issue was with Tulare County, and its lack of financial support of the City's library which serves a significant number of County residents.

Discussion followed regarding the importance of the library and the services provided to City and non-city residents, and restriction of materials. City Librarian Vikki Cervantes addressed questions regarding borrowing privileges and materials purchased with Measure H funds.

Documentation: None
Disposition: No action taken.

ORAL COMMUNICATIONS

- Dick Eckhoff inquired about the proposed library fees.
- Greg Shelton, Porterville, stated that the County was shirking its responsibility to provide library services to its residents; suggested that the use of computers at the library for video games be monitored; and requested the Council's consideration of a ballot measure regarding marijuana sales.

- Dick Eckhoff asked if County residents would be charged to drive down City streets, sit at City parks, etc.

OTHER MATTERS

- Council Member Flores thanked Fire for responding to recent fires; spoke of her attendance at the Police Department Promotion Ceremony and the State Route 190 Rehab Project Groundbreaking Ceremony; and congratulated the Police Department staff who received promotions.
- Council Member Hamilton stated that he too had attended the groundbreaking.
- Council Member Reyes stated that he had attended the promotion ceremony; thanked staff for communications; and extended congratulations on promotions.
- Vice Mayor Ward also congratulated staff on promotions; and inquired about the opening of the police shooting range to the public, and more shade at the pool to prevent heat related illness.
- Mayor Stowe gave kudos to the Police Department's Junior Academy.
- City Manager Lollis spoke of the upcoming ribbon cutting event at Jaye Street Bridge.

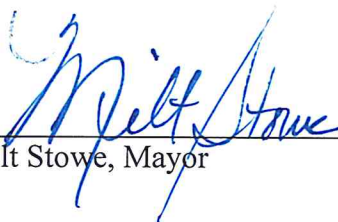
CLOSED SESSION

The Council took a five minute recess and reconvened in Closed Session at 9:25 p.m.

ADJOURNMENT

The Council adjourned at 10:30 p.m. to the meeting of August 7, 2018.

SEAL


Milt Stowe, Mayor


Luisa M. Zavala, Deputy City Clerk

