

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
SEPTEMBER 4, 2018, 5:30 PM**

Call to Order at 5:32 p.m.

Roll Call: Council Member Monte Reyes, Council Member Martha A. Flores, Council Member Cameron Hamilton, Vice Mayor Ward, and 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: APNs: 261-122-004; 261-122-005; 261-122-006; and 261-122-007. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Cornerstone Main Partners LP. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 155 and 165 N. D Street, Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Val Guzman and Lionel R. Guzman, respectively. Under Negotiation: Terms and Price.

3 - 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.

4 - 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.

5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases: One case in which facts are not yet known to potential plaintiff; and one case concerning correspondence dated August 26, 2018, from John Duran alleging voter rights violations.

6 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two cases.

**6:40 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

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

A-4. On a MOTION made by Council Member Cameron Hamilton, and SECONDED by Council Member Martha A. Flores the City Council unanimously approved settlement of the lawsuit for \$95,000 and \$5,000 for appraisal reimbursement.

Documentation: M.O. 01-090418

Disposition: Approved.

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

PROCLAMATIONS

Adult Literacy Awareness Month
Library Card Sign-Up Month

AB 1234 REPORTS

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

1. Tulare County Economic Development Corp. (TCEDC) - August 23, 2018
Council Member Reyes reported on the extended workshop during which the future of the TCEDC was discussed.

STAFF INFORMATIONAL REPORTS

None

ORAL COMMUNICATIONS

- Ellen Nichols, Porterville resident, spoke of the use of abbreviations and acronyms in presentations and verbal communication during the meeting; and requested that the Council refrain from approving drive thrus at businesses in consideration of air quality.

CONSENT CALENDAR

Council Member Flores indicated that she had a conflict of interest pertaining to real property for Item Nos. 8 and 10 and would be abstaining from those items. There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council approve Items Nos. 1-17 with the noted abstentions. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JUNE 5, 2018 AND JUNE 19, 2018

Recommendation: That the Council approve the draft Minutes of June 5, 2018 and June 19, 2018.

Documentation: M.O. 02-090418

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE BATTERY POWERED HYDRAULIC EXTRICATION SYSTEM WITH FUNDS FROM THE 2017 STATE HOMELAND SECURITY GRANT

Recommendation: That the City Council authorize the expenditure of the State Homeland Security Grant funds in the amount of \$32,977.

Documentation: M.O. 03-090418

Disposition: Approved.

3. AUTHORIZATION TO AWARD CRUSHING AND SCREENING PROJECT

Recommendation: That City Council:

1. Award the Crushing and Screening Project to Dunn's Sand at a cost not to exceed \$40,000 (bid amount plus contingency if the total tonnage of material exceeds the estimated 5000 tons).;
2. Direct the Finance Director to initiate a Purchase Order to Dunn's Sand for a not to exceed amount of \$40,000; and
3. Direct the Finance Director to make a payment to Dunn's Sand upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 04-090418

Disposition: Approved.

4. AUTHORIZATION TO AWARD CLEANING OF ANAEROBIC DIGESTERS

Recommendation: That City Council:

1. Award the cleaning of digesters #1, #2 and #4 to Wastewater Solids Management Company for a total project amount not to exceed \$44,594, which includes a ten percent contingency per digester;
2. Direct the Finance Director to initiate a Purchase Order to Wastewater Solids Management Company for a not to exceed amount of \$44,594, which includes a ten percent contingency per digester; and
3. Direct the Finance Director to make payment to Wastewater Solids Management Company upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 05-090418

Disposition: Approved.

5. BID RESULTS - VARIOUS CONCRETE AND ADA IMPROVEMENTS PROJECT

Recommendation: That the City Council:

1. Award the Various Concrete and ADA Improvement Projects to MAC General Engineering in the amount of \$330,584;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 10% for construction management, quality control and inspection; and
4. Authorize the Finance Director to appropriate \$159,899.40 of additional Local Transportation Funds needed to fully fund the project.

Documentation: M.O. 06-090418

Disposition: Approved.

6. ACCEPTANCE OF SUBDIVISION IMPROVEMENTS - SUMMIT ESTATES 2,
PHASE 1 (JASON MOYES - SMEE HOMES, INC.)

Recommendation: That the City Council:

1. Accept the public improvements, including those related to the Landscape & Lighting District of Summit Estates 2, Phase 1 Subdivision for maintenance;
2. Authorize the City Clerk to file the Notice of Completion; and
3. Release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: M.O. 07-090418

Disposition: Approved.

7. AUTHORIZATION TO EXECUTE A CONSULTANT SERVICE AGREEMENT
FOR THE ANIMAL SHELTER FACILITY PROJECT (185 SOUTH D STREET)

Recommendation: That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement, upon approval by the City Attorney, with Rania Alomar Architects, Inc. in the amount of \$719,130;
2. Authorize the Finance Director to augment the FY 2018/2019 annual budget to include \$75,000 of Local Transportation Funds for the D Street Frontage Improvements; and
3. Authorize the Public Works Director to secure Measure R Funds for the design of the Bike and Pedestrian Path from Putnam Avenue to Olive Avenue in the amount of \$225,000.

Documentation: M.O. 08-090418

Disposition: Approved.

8. AUTHORIZATION TO NEGOTIATE CONSULTANT SERVICE
AGREEMENTS - 2018/2019 FISCAL YEAR MAJOR STREET PROJECTS

Recommendation: That City Council authorize the Public Works Director to negotiate consulting services for major street projects as defined in Fiscal Year 18/19 Annual Budget.

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

Documentation: M.O. 09-090418

Disposition: Approved.

9. AUTHORIZATION OF STREET CLOSURE FOR ANNUAL ZALUD HOUSE
MUSEUM PIONEER DAYS & RIB COOK-OFF

Recommendation: That the City Council authorize the temporary closure of Main Street between Morton and Mill; and Thurman and Cleveland Avenues between Division Street and the alley west of Second Street, for the Zalud House Museum Pioneer Days & Rib Cook-Off on October 13, 2018, 5:00 AM-5:00 PM.

Documentation: M.O. 10-090418

Disposition: Approved.

10. FINAL BALLOT RESULTS - AREA 456 A, B, C & E HENDERSON AVE
SEWER UTILITY DISTRICT

Recommendation: That City Council accept the voting results for Area 456 A, B, C & E Henderson Ave Sewer Utility District and adopt the resolution approving the Formation of Sewer Utility District No. 456 A, B, C & E Henderson Ave.

AYES: Reyes, Hamilton, Ward, Stowe

NOES: None

ABSTAIN: Flores

ABSENT: None

Documentation: Resolution No. 62-2018

Disposition: Approved.

11. ADOPTION OF THE CITY LIBRARY'S RULES OF CONDUCT

Recommendation: That the City Council approve the draft resolution adopting the proposed Rules of Conduct for the City Library and process for appeal.

Documentation: Resolution No. 63-2018

Disposition: Approved.

12. CONFLICT OF INTEREST CODE AMENDMENT

Recommendation: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

Documentation: Resolution No. 64-2018

Disposition: Approved.

13. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN - PORTERVILLE CITY EMPLOYEES ASSOCIATION

Recommendation: That the City Council:

1. Adopt the draft resolution approving the negotiated changes within the Porterville City Employees Association's MOU; and
2. Direct HR staff to amend all other documents as may be necessary to document and implement said negotiated changes.

Documentation: Resolution No. 65-2018

Disposition: Approved.

14. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN - PUBLIC SAFETY SUPPORT UNIT

Recommendation: That the City Council:

1. Adopt the draft resolution approving the negotiated changes within the Public Safety Support Unit's MOU; and
2. Direct HR staff to amend all other documents as may be necessary to document and implement said negotiated changes.

Documentation: Resolution No. 66-2018

Disposition: Approved.

15. REQUEST FOR PROCLAMATION - SUICIDE PREVENTION AWARENESS MONTH - SEPTEMBER 2018

Recommendation: That the City Council consider approval of the request to proclaim September 2018 as "Suicide Prevention Awareness Month."

Documentation: M.O. 11-090418

Disposition: Approved.

16. 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. 12-090418

Disposition: Approved.

17. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER REQUESTING THE ARTS COMMISSION TO BEGIN PLANNING THE 1ST ANNUAL PORTERVILLE ARTS EXPO OR FESTIVAL

Recommendation: That the City Council approve Vice Mayor Ward's request to consider requesting the Arts Commission to begin planning the 1st Annual Porterville Arts Expo or Festival.

Documentation: M.O. 13-090418

Disposition: Approved.

Following approval of the Consent Calendar, Vice Mayor Ward read and presented the "Suicide Prevention Awareness Month" proclamation.

PUBLIC HEARINGS

18. CDBG CONSOLIDATED ANNUAL PERFORMANCE AND EVALUATION REPORT (CAPER) FY 2017-2018

Recommendation: That the City Council consider the draft 2017-2018 Consolidated Annual Performance Evaluation Report and direct staff to submit it to the Department of Housing and Urban Development by the required deadline of September 28, 2018, as well as respond to any comments received prior to September 04, 2018.

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

The Public Hearing was opened at 7:05 p.m. The Mayor closed the Public Hearing at 7:05 p.m. when no one came forward.

Staff addressed questions from the Council regarding the percentage of funds expended for homebuyer and business assistance programs.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Vice Mayor Brian Ward that the City Council direct staff to submit 2017/2018 Consolidated Annual Performance Evaluation Report to the Department of Housing and Urban Development by the required deadline of September 28, 2018, as well as respond to any comments received prior to September 04, 2018. The motion carried unanimously.

Documentation: M.O. 14-090418

Disposition: Approved.

SCHEDULED MATTERS

19. STATE OF CALIFORNIA HOUSING AND HOMELESSNESS FUNDING PROGRAMS

Recommendation: That the City Council accept the item for informational purposes and provide direction to the varying grant opportunities City Manager Lollis

introduced the item, and Community Development Director Byers presented the staff report.

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

Discussion ensued regarding the various types of one-time funds available. Council members expressed concerns regarding the inability of one-time monies to sustain a program or facility that could end up being a drain on the City's budget in the long term.

Staff spoke of the lack of support services and mobile outreach, and of the importance of partnerships from an operational standpoint. Staff also elaborated on recent discussion of the Tulare County Homelessness Taskforce and potential challenges.

The Council directed staff to move forward and actively pursue funding.

Documentation: None
Disposition: Direction given.

20. CONSIDER RESOLUTIONS OF SUPPORT FOR PROPOSITION 1 (VETERANS AND AFFORDABLE HOUSING BOND ACT OF 2018) AND PROPOSITION 3 (WATER SUPPLY AND WATER QUALITY ACT OF 2018), AND OPPOSITION TO PROPOSITION 6 (VOTER APPROVAL FOR INCREASES IN GAS AND CAR TAX)

Recommendation: That the City Council consider Resolutions of Support for Proposition 1 (Veterans and Affordable Housing Bond Act of 2018) and Proposition 3 (Water Supply and Water Quality Act of 2018), and Opposition to Proposition 6 (Voter Approval for Increases in Gas and Car Tax).

City Manager Lollis introduced the item and presented the staff report. Following the brief report, Vice Mayor Ward indicated that he was not in support of the resolution pertaining to Proposition 6.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve Resolutions of Support for Proposition 1 (Veterans and Affordable Housing Bond Act of 2018) and Proposition 3 (Water Supply and Water Quality Act of 2018), and Opposition to Proposition 6 (Voter Approval for Increases in Gas and Car Tax).

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

Documentation: Resolution Nos. 67-2018, 68-2018, and 69-2018

Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville resident, recommended that the next homeless count inquire as to how individuals came to be in Porterville.

OTHER MATTERS

- Council Member Hamilton spoke of a successful pool season, and the upcoming Pioneer Days event.
- Council Member Reyes spoke of his participation in a roundtable discussion pertaining to the PM2.5 Plan.
- Vice Mayor Ward spoke of improvements to the medians on Henderson Avenue and of the need to replace dying trees and plants.
- City Manager Lollis spoke of the upcoming 9/11 memorial and League of California Cities Annual Conference; and lauded City staff for back pack donation drive spearheaded by Community Development Manager Julie LaPere.

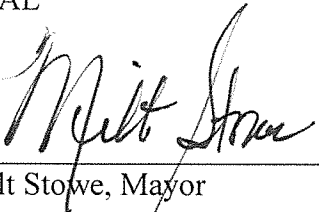
CLOSED SESSION

None

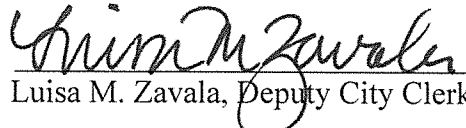
ADJOURNMENT

The Council adjourned at 8:02 p.m. to the meeting of September 18, 2018.

SEAL



Milt Stowe, Mayor



Luisa M. Zavala, Deputy City Clerk

