

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 20, 2018, 5:30 PM**

Called to Order at 5:35 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 54956.8 – Conference with Real Property Negotiators/Property: APNs: 261-122-004; 261-122-005; 261-122-006; and 261-122007. Agency Negotiator: Jenni Byers. Negotiating Parties: City of Porterville and Cornerstone Main Partners LP. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Celeste Bernardino by and through her guardian ad litem Argelia Reynosa. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Maggie Narvaiz. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Dareen Phillips. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases 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: One case.

6:35 P.M. RECONVENED IN OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-2, A-3, and A-4 as follows:

- A-2. On a MOTION made by Council Member Cameron Hamilton, and SECONDED by Council Member Martha Flores the City Council unanimously rejected the claim filed by Celeste Bernadino by and through her guardian ad litem Argelia Reynosa.

Documentation: M.O. 01-112018

Disposition: Claim rejected.

- A-3. On a MOTION made by Council Member Cameron Hamilton, and SECONDED by Council Member Martha A. Flores the City Council unanimously rejected the claim filed by Maggie Narvaiz.

Documentation: M.O. 02-112018

Disposition: Claim rejected.

- A-4. On a MOTION made by Council Member Martha A. Flores, and SECONDED by Council Member Monte Reyes the City Council unanimously rejected the claim filed by Dareen Phillips.

Documentation: M.O. 03-112018

Disposition: Claim rejected.

The Pledge of Allegiance was led by Mayor Milt Stowe

Invocation -- a moment of silence was observed.

AB 1234 REPORTS

1. Tulare County Task Force on Homelessness - November 13, 2018
Council Member Flores reported in City Manager Lollis' absence regarding a teleconference with the manager of a homeless shelter in Bell; review of housing funding available in light of voter approved propositions; and Mr. Lollis' request to have a council member appointed to the task force during its reorganization.
2. San Joaquin Valley Air Pollution Control District Board – November 14, 2018
Council Member Reyes reported on action items pertaining to funding for incentive programs to reduce dust associated with nut harvesting, deploy zero-emission landscaping equipment, promote on field alternatives to open burning of ag materials. In addition, the Board adopted the 2018 Plan for PM2.5 Standards.

REPORTS

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - November 1, 2018
Commissioner Graybehl presented the Commission's report regarding Veterans Day Run, Christmas Tree Lighting Ceremony, Youth Arena Soccer registration, Zalud House Christmas Light Tours, and Senior Christmas Luncheon.
 2. Library & Literacy Commission - November 13, 2018
Commissioner Bailey reported on a staff presentation regarding social media marketing of library programs and activities, a staff presentation regarding City owned properties, the Commission's selection of a site for the INTERNnect project, selection of Commissioner May as Chair, and statistics pertaining to patronage, participation and volunteer hours. Lastly, he extended an invitation to Photos with Santa.
 3. Arts Commission - October 24, 2018
Commissioner Luna reported on consideration of future projects, the Commission's support of an arts festival, its continued efforts to recruit members, and its next meeting on November 28th.

4. Animal Control Commission
No report.
5. Youth Commission - November 19, 2018
Commissioner Rainey from Porterville High School, reported on the Commission's visit to Fire Station No. 71, and efforts to collect donations for Camp fire victims.
6. Transactions and Use Tax Oversight Committee (TUTOC) - November 13, 2018
Acting City Manager Patrice Hildreth reported that Chair Gurrola was unable to attend the meeting due to a scheduling conflict.

II. Staff Informational Reports

1. Water Conservation Phase III Status Update

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, stated that he was thankful the Mayor was in attendance and doing well; and expressed concerns regarding the schools allowing children outdoors when the air quality was very poor.

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. 1-3. The motion carried unanimously.

1. AUTHORIZATION FOR TRANSIT BUS ENGINE REPAIR

Recommendation: That the City Council:

1. Authorize transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$15,249, (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 04-112018

Disposition: Approved.

2. AUTHORIZATION TO CONTRACT FOR CERTAIN GIS SERVICES

Recommendation: That the City Council authorize staff to negotiate a contract with Azimuth Development for provision of services to support the City's GIS.

Documentation: M.O. 05-11201

Disposition: Approved.

3. 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. 06-112018

Disposition: Approved.

PUBLIC HEARINGS

4. **CONDITIONAL USE PERMIT FOR PARKING REDUCTION FOR 24 MULTI-FAMILY RESIDENTIAL UNITS ON KESSING STREET**

Recommendation: That the City Council adopt the draft resolution approving Conditional Use permit (PRC 2018-036 -C).

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

At Council Member Hamilton's request, staff researched and it was determined that he was not conflicted on the item.

The Public Hearing was opened at 7:02 p.m.

- Brock Neeley, Porterville, asked the Council to consider that after school activities taking place at the school require parking along the street.
- Mark Hillman, stated that ample parking was provided for the project; and added that the parking shortage would be even less significant should a new ordinance be adopted in the future reducing the number of required parking.

The Public Hearing was opened at 7:04 p.m.

Brief discussion took place regarding access to the middle school's field area after hours and on weekends, and possible amendments to the development code which could reduce parking requirements in the future.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council adopt the draft resolution approving Conditional Use Permit (PRC 2018-036C). The motion carried unanimously.

Documentation: Resolution No. 78-2018

Disposition: Approved.

SCHEDULED MATTERS

5. CONSIDERATION OF APPOINTMENT TO THE MEASURE R CITIZENS' OVERSIGHT COMMITTEE

Recommendation: That the City Council consider the appointment of one individual to the Measure R Citizens' Oversight Committee to a term to expire June 30, 2021.

Acting City Manager Patrice Hildreth introduced the item and presented the staff report.

- Cathy Capone, who was in attendance, spoke briefly about her desire to serve on the committee.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council appoint Cathy Capone to the Measure R Citizens' Oversight Committee to a term to expire June 30, 2021. The motion carried unanimously.

Documentation: M.O. 07-112018

Disposition: Approved.

6. CONSIDERATION OF MODIFICATION TO EXISTING CONTRACT WITH PENA'S DISPOSAL SERVICE

Recommendation: That City Council:

1. Accept Pena's Disposal Service's proposed amendment; and
 2. Authorize the Mayor to sign Amendment #3.
- OR
3. Provide Pena's with a 60-day cancellation notice; and
 4. Authorize staff to advertise a new RFP for the transfer and processing of recyclables.

Acting City Manager Hildreth introduced the item, and Public Works Director Mike Reed presented the staff report. Following which, staff addressed questions from the Council regarding the number of contractors, the current market, customer rates, and education of customers with regard to what should be placed in the blue bins.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the proposed amendment and authorize the Mayor to sign Amendment No. 3. The motion carried unanimously.

Documentation: M.O. 08-112018

Disposition: Approved.

7. CONSIDERATION OF A LOAN AGREEMENT WITH CORNERSTONE MAIN PARTNERS, LLC, GRANT OF EASEMENT, AND AUTHORIZATION FOR SALE OF PROPERTY AT 14 N. MAIN STREET

Recommendation: That the City Council:

1. Approve the loan agreement with Cornerstone Main Partners, LLC;
2. Adopt the draft Resolution approving an inter-fund loan agreement from General Fund Equipment Replacement (003) to the General Fund (001) for the payment to Cornerstone Main Partners, LLC;
3. Authorize staff to record a Grant Easement for the parking lots;
4. Adopt the draft Resolution authorizing conveyance of property at 14 N. Main Street;
5. Authorize staff to begin escrow in accordance with the Purchase and Sale Agreement;
6. Authorize the City Manager, City Attorney and/or the Finance Director to make any augmentation, modification, additions, or revisions as may be necessary; and
7. Authorize the Mayor and/or City Manager to sign all necessary documents.

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

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Martha Flores that the City Council approve the loan agreement with Cornerstone Main Partners, LLC; adopt the draft Resolution approving an inter-fund loan agreement from General Fund Equipment Replacement (003) to the General Fund (001) for the payment to Cornerstone Main Partners, LLC; authorize staff to record a Grant Easement for the parking lots; adopt the draft Resolution authorizing conveyance of property at 14 N. Main Street; authorize staff to begin escrow in accordance with the Purchase and Sale Agreement; authorize the City Manager, City Attorney and/or the Finance Director to make any augmentation, modification, additions, or revisions as may be necessary; and authorize the Mayor and/or City Manager to sign all necessary documents. The motion carried unanimously.

Documentation: Resolution No. 79-2018; Resolution No. 80-2018; and M.O. 09-112018

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

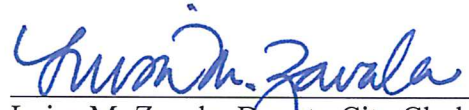
- Council Member Flores stated that she had a heavy heart due to the devastating fires; and wished everyone a blessed and thankful Thanksgiving.
- Council Member Hamilton spoke of a successful Veterans Parade; and extended best wishes to everyone for a happy Thanksgiving.
- Council Member Reyes also expressed concern for victims of the fires; thanked Ed Flory and the community for its support of the Veterans Day Parade; spoke of upcoming Christmas Tree Lighting Ceremony and Christmas Parade; and asked everyone to be safe this holiday season.
- Mayor Stowe expressed his concerns for the victims of the fires and shootings; encouraged everyone to be thankful for family and friends every day; and wished everyone a happy Thanksgiving.
- Acting City Manager Hildreth provided an update regarding staff at the Camp fire; and spoke of upcoming holiday events.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 7:35 p.m. to the meeting of December 4, 2018.


Luisa M. Zavala, Deputy City Clerk

SEAL


Martha A. Flores, Mayor

