

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 5, 2019, 5:30 PM**

Call to Order 5:30 p.m.

Roll Call: Council Member Daniel Peñaloza, Council Member Monte Reyes, Council Member Milt Stowe, 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: 140 S. C Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Porterville Unified School District. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1700 S. Newcomb Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Teddy G and Linda G Bastian. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 53 N. Main Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Cornerstone Main Partners, L.P. Under Negotiation: Terms and Price.
- 4 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 253-050-089 and 253-050-093. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and James Gregory Shelton. Under Negotiation: Terms and Price.
- 5 - Government Code Section 54956.95 – Liability Claim: Claimant: GEICO Insurance A/S/O Somphone Khamninh. Agency claimed against: City of Porterville.
- 6 - Government Code Section 54956.95 – Liability Claim: Claimant: Liberty Mutual Insurance A/S/O The Lunch Box dba LB North. Agency claimed against: City of Porterville.
- 7 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two (2) cases in which facts are not yet known to potential plaintiff.
- 8 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One case.

6:37 P.M. RECONVENED OPEN SESSION AND REPORTED ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported action pertaining to A-5 and A-6, as follows:

- A-5. On a MOTION made by Council Member Milt Stowe, and SECONDED by Vice Mayor Brian Ward the City Council unanimously rejected the claim filed by GEICO Insurance A/S/O Somphone Khamninh.

Documentation: M.O. 01-020519
Disposition: Claim rejected.

A-6. On a MOTION made by Council Member Milt Stowe, and SECONDED by Mayor Martha A. Flores the City Council unanimously rejected the claim filed by Liberty Mutual Insurance A/S/O The Lunch Box dba LB North.

Documentation: M.O. 02-020519
Disposition: Claim rejected.

The Pledge of Allegiance was led by Mayor Martha A. Flores.
Invocation -- one individual participated.

PRESENTATIONS

Employee of the Month - Tony Arellano

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 - January 16, 2019

Mayor Flores reported on public comments pertaining to homelessness, receipt of a report about Visalia's warming center, Homeless Plan sub-committee and consideration of consultant plans submitted, and the next meeting on February 20, 2019.

2. Tulare County Economic Development Corp. (TCEDC) - January 23, 2019

Council Member Peñaloza spoke of introduction of new members, review of financial reports, review of board officer status, economic development strategy, and the next meeting on February 27, 2019.

3. Tulare County City Selection Committee - January 28, 2019

Mayor Flores reported on action pertaining to the appointment of Greg Gomez and Jose Sigala to the San Joaquin Valley Air Pollution Control District Citizens' Advisory Committee as regular and alternate members respectively.

4. Tulare County Association of Governments (TCAG) - January 28, 2019

Mayor Flores reported on approval of results of the 2018 Tulare County Intersection Monitoring Program, Amendment No. 4 to the 2018/19 Overall Work Plan, Local Clearinghouse Review (LCR): Poplar Community Service District for West Water Well Replacement Project, extension of the \$55 price of the T-Pass until May 31, 2019, and negotiation of an agreement with Tulare County to conduct outreach related to the California Complete Count 2020 Census; receipt of informational reports and presentations; and the next meeting to take place on February 25, 2019.

Mayor Flores also reported on her attendance at the TCAG Board Training on January 31st. The training consisted of review of board responsibilities, Brown Act, conflicts of interest, and public records requests.

5. Cannabis Ad Hoc Committee - January 9, 2019

Council Member Reyes reported on discussion pertaining to several documents and planning a trip to a dispensary in the near future.

6. Council of Cities - January 16, 2019

Mayor Flores reported on discussion pertaining to the large city representative on LAFCO, new laws regarding street vendors and sleeping on sidewalks, and an AB1661 Sexual Harassment Prevention Training opportunity hosted by City of Visalia to take place in June.

7. New Mayors & Council Members Academy - January 30-February 1, 2019

Council Member Peñaloza reported on sessions attended regarding ethics, sexual harassment prevention, meeting conduct, council-manager relationships, financial responsibilities, and communication and civic engagement.

8. San Joaquin Valley Air Pollution Control District Governing Board - January 17, 2019

Council Member Reyes reported that he was unable to attend and that the next meeting was on February 21st.

REPORTS

I. Staff Informational Reports

1. Golf Course 2nd Quarter Report - FY 2018/19
2. OHV Park 2nd Quarter Report - FY 2018/19
3. Building Permit Activity 2nd Quarter Report - FY 2018/19
4. Street Performance Measure 2nd Quarter Report - FY 2018/19
5. Code Enforcement 2nd Quarter Report - FY 2018/19
6. Report on Charitable Car Washes - 2018 Calendar Year
7. City Commissions and Committee Attendance - 2nd Quarter Report FY 2018/19

8. Progress Report - CA State Water Resources Control Board Grant Application for the Provision of Water to Akin Water Company - Phase 2

At the Mayor's request, City Manager Lollis provided a brief report of a recent conference call.

ORAL COMMUNICATIONS

- Ellen Nichols, Porterville, requested that speakers identify themselves prior to comments; and spoke of the Internet proposals presented by students.
- Pat Beck, Porterville Friends of the Library, spoke of discussions regarding the lease of the Stout Building and a lack of communication to that regard. She requested that the City let them know what was planned so that they could plan accordingly.
- Greg Shelton, Porterville, provided an update regarding cannabis activity in surrounding communities; and spoke of a remodel of his property behind Rite Aid at 60 W. School.
- Brian Thoburn, Government Relations Manager for Southern California Edison, congratulated the City and its staff for its recognition as a Clean Energy Champion; and spoke the installation of LED lights and the Lake Success Transmission Project.
- Dennis Townsend, District 5 Tulare County Supervisor, stated that he looked forward to working with the City Council; and congratulated Council Member Peñaloza and Mayor Flores

CONSENT CALENDAR

City Manager Lollis indicated that he had conflicts of interest pertaining to Item Nos. 9 and 13. There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Monte Reyes that the City Council approve Items Nos. 1 through 15. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF NOVEMBER 27, 2018

Recommendation: That the Council approve the draft Minutes of November 27, 2018.

Documentation: M.O. 03-0205

Disposition: Approved.

2. PURCHASE OF FIREARMS

Recommendation: That the City Council:

1. Authorize Department Staff to purchase nine (9) Colt M4 , .223 caliber rifles from PROFORCE Law Enforcement for the amount of \$8,887.84; and
2. Authorize payment upon receipt of the rifles.

Documentation: M.O. 04-020519

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT - POLYMER FEED SYSTEM

Recommendation: That Council:

1. Award the purchase of specialized equipment to VeloDyne for a do not exceed amount of \$19,004.37, which includes freight, taxes and a ten percent contingency;
2. Direct the Finance Director to initiate a Purchase Order to VeloDyne for a do not exceed amount of \$19,004.37, which includes freight, taxes and a ten percent (10%) contingency; and 3. Direct the Finance Director to make payment to VeloDyne upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 05-020519

Disposition: Approved.

4. APPROVE THE PURCHASE OF FOURTEEN PASSENGER SHELTERS AND FOUR LED SOLAR-POWERED SHELTER KITS

Recommendation: That City Council authorize the purchase of fourteen (14) passenger shelters and four (4) solar LED kits for fixed route service in the amount of \$120,166.94.

Documentation: M.O. 06-020519

Disposition: Approved.

5. APPROVE THE PURCHASE OF SIX ON-BOARD SECURITY CAMERA SYSTEMS

Recommendation: That City Council authorize the purchase of six (6) on-board security camera systems to replace the aged systems on six existing transit buses in the amount of \$54,969.61.

Documentation: M.O. 07-020519

Disposition: Approved.

6. AWARD OF CONTRACT - WELL NO. 37 PROJECT

Recommendation: That City Council:

1. Award the Well No. 37 Project to Zim Industries, Inc. in the amount of \$745,480;
2. Authorize progress payments up to 95% of the contract amount; and
3. Authorize \$121,097 for construction management, contingency, and surveying services.

Documentation: M.O. 08-020519

Disposition: Approved.

7. AUTHORIZATION TO ADVERTISE FOR PROPOSALS - REVENUE SHARING TRANSIT ADVERTISING

Recommendation: That the City Council authorize staff to issue requests for proposals for revenue sharing transit advertising.

Documentation: M.O. 09-020519

Disposition: Approved.

8. COMMUNITY CLEAN-UP EVENTS

Recommendation: That City Council:

1. Declare April 13, 2019, "Spring Clean-Up Day" and October 19, 2019, "Fall Clean-Up Day";
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City; 3. Authorize the City to accept trash, litter, and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal; and

3. Authorize the cost of both events be funded from the Solid Waste Operating Budget.

Documentation: M.O. 10-020519

Disposition: Approved.

9. REIMBURSEMENT FOR THE CONSTRUCTION OF REDWOOD STREET WATER MASTER PLAN IMPROVEMENTS - BURTON SCHOOL DISTRICT NEW 6-8 MIDDLE SCHOOL AT THE NORTHEAST CORNER OF THURMAN AVENUE AND REDWOOD STREET

Recommendation: That the City Council:

1. Accept the water master plan improvements related to the new Burton 6-8 middle school for maintenance;
2. Approve reimbursement to Burton School District per Section 25-32.3 of the City of Porterville Municipal Code; and
3. Authorize the Finance Director to disburse \$300,778.33 to Burton School District.

Documentation: M.O. 11-020519

Disposition: Approved.

10. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the Fiscal Year ended June 30, 2018.

Documentation: M.O. 12-020519

Disposition: Approved.

11. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Investment Portfolio Summary Report.

Documentation: M.O. 13-020519

Disposition: Approved.

12. FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Financial Status Reports as presented.

Documentation: M.O. 14-020519

Disposition: Approved.

13. REQUEST FOR PROCLAMATION - TEEN DATING VIOLENCE AWARENESS & PREVENTION MONTH - FEBRUARY 2019

Recommendation: That the City Council consider approval of the request to proclaim the month of February 2019, as "Teen Dating Violence Awareness and Prevention Month."

Documentation: M.O. 15-020519

Disposition: Approved.

14. APPROVAL FOR COMMUNITY CIVIC EVENT - BOYS AND GIRLS CLUBS OF TULARE COUNTY, INC. - LOVE OUR KIDS 5K FUN RUN - MARCH 9, 2019

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club of Tulare County, Inc., 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. 16-020519

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. 17-020519

Disposition: Approved.

Following approval of the Consent Calendar, a proclamation proclaiming the month of February 2019, as "Teen Dating Violence Awareness and Prevention Month" was presented.

PUBLIC HEARINGS

16. CONDITIONAL USE PERMIT FOR A TYPE 21 OFF-SALE GENERAL LICENSE IN CONJUNCTION WITH AL'S MINI MART

Recommendation: That the City Council:

1. Adopt the draft Resolution approving Conditional Use Permit (PRC 2018-054-C); and
2. Authorize the Mayor to sign the Letter of Public Convenience or Necessity.

City Manager John Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report, during which she recommended the addition of a condition pertaining to the existing batting cages as Condition No. 7.

The Public Hearing was opened at 7:23 p.m. and closed at 7:24 p.m. when no one came forward.

There was brief discussion of staff's proposed amendment pertaining to the batting cages and maintenance of the property.

COUNCIL ACTION: MOVED by Council Member Daniel Peñaloza, SECONDED by Mayor Milt Stowe that the City Council adopt the draft Resolution approving Conditional Use Permit (PRC 2018-054C), as amended by staff to include Condition No. 7, and authorize the Mayor to sign the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 09-2019

Disposition: Approved.

17. MODIFICATION NO. 1 TO CONDITIONAL USE PERMIT 8-74 FOR THE NEW PORTERVILLE RESCUE MISSION

Recommendation: That the City Council consider Modification No. 1 to Conditional Use Permit 8-74 and adopt the draft Resolution. City Manager Lollis introduced the item, and Community Development Director Byers presented the staff report.

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

The Public Hearing was opened at 7:35 p.m.

- Dennis Townsend, Townsend Architectural Group, thanked staff for working with The Rescue Mission to address issues; and stated that he would try to help get the building into compliance with codes.
- Rick Terrell, Rescue Mission Program Graduate, credited his success after prison to the Rescue Mission; and spoke in support of the New Rescue Mission and its services as a program participant.
- Billie Wallace, neighbor to The New Rescue Mission, stated that the caring individuals at The Rescue Mission helped her to get clean.
- Jennifer (last name not given) stated that she had stayed at The Rescue Mission for a year and the services and support received while living at the facility were instrumental to her changing her life for the better.
- Jerry Clark stated that he found God at The Rescue Mission and credited Sister Esther for her teachings.
- Gregory Armstrong spoke of how Sister Esther helped him to stay clean.
- Greg Shelton, Porterville, stated that he owned property near The Rescue Mission and thought that it was doing a pretty good job.
- Joseph Avila stated that he had participated in other programs unsuccessfully, and attributed his discovery of humanity and Christ to Sister Esther and The Rescue Mission.
- Christina credited the Bible studies offered for keeping her out of jail.
- Armando (last name not given) stated that he was getting back on his feet thanks to The Rescue Mission.

- Joseph Ramirez voiced his appreciation for assistance getting his documents to work and for the providing him a warm bed to survive the cold weather.
- Mike thanked Sister Esther and stated that Christ was the answer.
- Michelle McCarthy stated that other facilities had considered her a liability due to medical issues; spoke of support and services received from The Rescue Mission; and voiced appreciation for the opportunity to help out with the programs.
- Jamie Nemesec spoke of her capstone project and stated that services were instrumental in the integration of people back into society.
- Patricia Torres, Porterville, spoke in support of The New Rescue Mission and of the resources available.
- Jim McFarland spoke in support of the facility and thanked City staff for its efforts to work with The New Rescue Mission.
- Orlando (last name not given) spoke in support and of the help his family has received.
- (first name inaudible) Marquez spoke of his experiences at other places and of the teaching and support received at The New Porterville Rescue Mission.
- Kathy Quinn, Project Homeless Connect Chair, spoke of community partnerships as essential to address homelessness, and commended the City for its efforts to address the issue.
- Tracy Parks, New Porterville Rescue Mission volunteer, stated that she had witnessed many of the testimonies first hand and spoke of the need for the services provided.
- Danae Hartsel spoke in support of Esther and her mission to conquer hopelessness and despair in the community.
- Janetta (last name not given) stated that she and her boyfriend were dropped off at the facility, and spoke of the spiritual teaching offered and how it has changed her life.
- Vicki Blair, Blair Electric, spoke in support of Esther and what she was doing for the community.
- Dusty Gonzalez indicated that she was suicidal before being dropped off at the shelter, that she had since found Christ, and expressed gratitude for Esther and her shelter family.

The Public Hearing was closed at 8:15 p.m.

Community Development Director Jenni Byers stated that the house to the north of the shelter was not part of the conditional use permit (CUP), and to her understanding was where the woman and children stayed. In addition, Ms. Byers clarified that the existing CUP was for a church, so the modification would allow for its operation as a shelter.

Discussion ensued regarding parking, sheltering of families, programs, compliance efforts to date, and of a growing need in the community for the types of services described by those who had spoken. Members of the Council expressed support for resources, appreciation to staff for efforts to date, and concerns regarding the operational plan.

COUNCIL ACTION: MOVED by Council Member Daniel Peñaloza, SECONDED by Mayor Milt Stowe that the City Council adopt the draft resolution approving Modification No. 1 to Conditional Use Permit 8-74.

AYES: Peñaloza, Stowe, Ward, Flores
 NOES: Reyes

ABSTAIN: None
ABSENT: None

Documentation: Resolution No. 10-2019
Disposition: Approved.

The Council took a ten minute recess at 8:39 p.m.

18. RENTABLE PARK AREA FEES

Recommendation: That the City Council:

1. Conduct a Public Hearing to solicit comment on the proposed rentable park area fees; and
2. Consider adoption of the draft Resolution approving the new rentable park area fees of \$35/day for all uncovered rentable picnic areas and \$45/day for all covered pavilions.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The Public Hearing was opened at 8:52 p.m. and closed at 8:52 p.m. when no one came forward.

Discussion ensued regarding the rates of other cities, and rate structures based on covered and uncovered pavilions, peak and non-peak hours/seasons, hourly and/or all day, resident and non-resident, amenities, etc.

In response to Council comments and questions, staff elaborated on maintenance costs and staffing associated with utilization of pavilions by blocks of time versus an all-day reservation. City Attorney Lew advised that another public hearing would be required if the Council wished to have different fees proposed, but the Council could approve the proposed fees in the meantime.

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Martha Flores that the City Council adopt the resolution approving the new rentable park area fees of \$35/day for all uncovered rentable picnic areas and \$45/day for all covered pavilions. The motion failed.

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

Following the vote, staff was directed to evaluate cost recovery and propose fee structures taking into consideration rates based on time, amenities, and residency.

Documentation: M.O. 18-020519
Disposition: Motion failed; Direction given.

SCHEDULED MATTERS

19. CONSIDERATION OF HOMELESS EMERGENCY AID PROGRAM FUNDING OPPORTUNITIES FOR WARMING CENTER

Recommendation: That the City Council:

1. Provide direction for the use of HEAP funding; and
2. If the City Council would like to resubmit the letter of intent, that the City Council approve the draft Porterville Warming Center Standard Policies and Operating Procedures.

City Manager Lollis introduced the item, and Community Development Director Byers presented the staff report. In response to questions from the Council, staff spoke of the timeline associated with implementation of a warming center and provided clarification regarding the funding available. Staff was then directed to focus on navigation center efforts going forward.

Documentation: None

Disposition: Direction given.

20. CONSIDERATION OF MODIFICATION TO MUNICIPAL CODE CHAPTER 15, ARTICLE IX: MASSAGE BUSINESSES AND PRACTITIONERS

Recommendation: That the City Council provide direction in the regulation of massage businesses and practitioners.

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

- John Hardin stated that his wife was in the process of applying for her California Massage Therapy Council (CAMTC) certification as required by the ordinance, but that the process could take six to nine months. He indicated that she had worked in Porterville as a massage therapist prior to the ordinance being adopted and currently had a business license to work in Exeter.
- Michelle Hardin stated that she had been certified by an organization prior to the existence of CAMTC, and requested the ability to work in Porterville while her application was being processed.

Discussion followed regarding Mrs. Hardin's circumstances, and the Council explored amending the existing ordinance to include a provisional permit that could be issued for a period of six to nine months. Staff was directed to bring back a draft ordinance to allow for a limited exception to the business license requirements for individuals who are in the process of obtaining their certification from CAMTC.

Documentation: None

Disposition: Direction given.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Stowe spoke of his attendance at the Porterville College Foundation Hall of Fame Awards Banquet, and expressed appreciation for staff and the Council wearing red in observance of Heart Health month.
- Council Member Peñaloza spoke of visits to various departments to educate himself about City operations, and thanked staff for being so accommodating and helpful.
- Vice Mayor Ward spoke of comments made by Brian Thoburn regarding replacement of lights, and encouraged the cannabis ad hoc committee to bring an item back to the Council with their recommendation.
- Mayor Flores spoke of her attendance at the TCAG Local Motion Awards, and congratulated staff for the recognition received.
- City Manager Lollis spoke of Project Homeless Connect participants, and expressed appreciation for the efforts to organize the event.
- Community Development Director Byers announced the Community Development Block Grant Community Stakeholder meeting scheduled for February 12th.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 10:09 p.m. to the meeting of February 19, 2019.



Fernando Gabriel-Moraga, Acting Deputy City Clerk

SEAL



Martha A. Flores, Mayor