

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 19, 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 (arrived at closed session), Vice Mayor Ward, Mayor Martha A. Flores

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: 53 N. Main Street. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Cornerstone Main Partners, L.P. Under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Joe Bermudez. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Maria Ventura v. Jennifer Rutledge, et al., United States District Court, Eastern Dist., Case No. 1:17 -cv-00237-DAD-SKO.
- 5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: John Duran v. John Lollis, et al., United States District Court, Eastern Dist., Case No. 1:18 -cv-01580-DAD-SAB.
- 6 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One (1) case in which facts are not yet known to potential plaintiff.
- 7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

6:30 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION TAKEN IN CLOSED SESSION

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

A-3. On a MOTION made by Vice Mayor Ward, and SECONDED by Council Member Peñaloza the City Council unanimously reject the claim filed by Joe Bermudez.

Documentation: M.O. 01-021919

Disposition: Claim Rejected

The Pledge of Allegiance was led by Council Member Milt Stowe.

1. Authorize transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$20,179, (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 04-021919

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - ABATEMENT SERVICES & VACANT PROPERTY BOARD-UP CONTRACT

Recommendation: That the City Council authorize staff to advertise for bids for weed abatement and board-up services.

Documentation: M.O. 05-021919

Disposition: Approved.

5. AWARD OF PROFESSIONAL ENGINEERING CONTRACTS FOR MAIN STREET RECONSTRUCTION AND VILLA STREET RECONSTRUCTION

Recommendation: That City Council:

1. Authorize the Mayor to execute the Consultant Service Agreement with 4Creeks Inc. for the Villa Street Reconstruction Project in the amount not to exceed \$247,215;
2. Authorize the Mayor to execute the Consultant Service Agreement with QK for the Main Street Reconstruction Project in the amount not to exceed \$315,900;
3. Authorize progress payments up to 100% of the agreed upon fee amounts;
4. Authorize a 10% contingency to cover unforeseen costs; and 5. Direct the Finance Director to appropriate funds from Local Transportation Funds.

Documentation: M.O. 06-021919

Disposition: Approved.

6. AUTHORIZATION TO SUBMIT FULL MEMBERSHIP APPLICATION TO CALSTART

Recommendation: That the City Council authorize staff to submit an application for full membership with CALSTART for an annual membership of \$7,950.

Documentation: M.O. 07-021919

Disposition: Approved.

7. NATIONAL MOTOCROSS CHAMPIONSHIP QUALIFIER RACE PROPOSAL

Recommendation: That the City Council:

1. Approve the National Motocross Championship Qualifier Race proposal for April 5-7, 2019, with 2X Promotions at the OHV Park; and
2. Approve overnight camping for this event.

Documentation: M.O. 08-021919

Disposition: Approved.

8. AUTHORIZATION OF STREET CLOSURE FOR THE PORTERVILLE CITY LIBRARY'S DR. SEUSS BIRTHDAY EVENT

Recommendation: That the City Council authorize the temporary street closure of Thurman Avenue between Hockett Street and Division Street from 1:00 PM to 5:00 PM on March 2, 2019, for the Porterville City Library's Dr. Seuss' Birthday Event.

Documentation: M.O. 09-021919

Disposition: Approved.

9. 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. 10-021919

Disposition: Approved.

PUBLIC HEARINGS

10. CONSIDERATION OF APPROVAL OF A MINOR CONDITIONAL USE PERMIT FOR EDDIE'S DOGHOUSE

Recommendation: That the City Council adopt the draft Resolution approving Minor Conditional Use Permit (2019-003-C) to allow the use of a dog grooming establishment in the DR-N (Retail-North of Olive) Zone subject to conditions of approval.

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

The Public hearing was opened at 7:17 p.m. and closed at 7:17 p.m. when no one came forward.

Members of the Council expressed concerns with regards to unleashed animals in high traffic areas, urine on walkways, and use of the front entrance only for drop off and pick up of dogs. Staff indicated that the owners design had not called for a public use of a back entrance and noted the City's leash ordinance.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Stowe that the City Council adopt the draft Resolution approving Minor Conditional Use Permit (2019-003-C) to allow the use of a dog grooming establishment in the DR-N (Retail North of Olive) Zone subject to conditions of approval, as amended to include a 6 month review. The motion carried unanimously.

Documentation: Resolution 11-2019
Disposition: Approved.

SCHEDULED MATTERS

11. CONSIDERATION OF APPOINTMENT TO THE ARTS COMMISSION

Recommendation: That the City Council consider the appointment of Kacie Bellisch to the City's Arts Commission.

City Manager Lollis introduced the item and the staff report was waived at the Council's request.

COUNCIL ACTION: MOVED by Council Member Stowe, SECONDED by Vice Mayor Ward that the City Council consider the appointment of Kacie Bellisch to the City's Arts Commission. The motion carried unanimously.

Documentation: M.O. 11-021919
Disposition: Approved.

12. CONSIDERATION OF PARTNERSHIP WITH SIERRA VIEW MEDICAL CENTER FOR PROPOSED 2019 FARMERS MARKET

Recommendation: That the City Council consider the City's partnership with Sierra View Medical Center for the proposed 2019 Farmers Market.

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

The Council expressed sustainability within the program, inquired about what the additional funds requested would be spent on and different proposed times for the event.

Representatives from Sierra View Medical Center came forward to address the Council's questions pertaining to funding, indicating that additional funding would be used for marketing purposes and the different days and times proposed by the Council would negatively impact the Farmers Market.

COUNCIL ACTION: MOVED by Council Member Peñaloza, SECONDED by Council Member Stowe that the City Council approve \$15,500 in financial support of the 2019 Farmers Market.

AYES: Peñaloza, Reyes, Stowe, Flores

NOES: Ward
ABSTAIN: None
ABSENT: None

Documentation: M.O. 12-021919
Disposition: Approved.

13. CONSIDERATION OF DRAFT ORDINANCE TO AMEND MUNICIPAL CODE
CHAPTER 15, ARTICLE IX: MASSAGE BUSINESSES AND PRACTITIONERS

Recommendation: That the City Council consider the Draft Ordinance to amend the licensing requirements for massage businesses and practitioners. If the Council chooses to approve the draft ordinance, staff recommends that the Council give first reading by title only, waive further reading, and order the ordinance to print.

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

COUNCIL ACTION: MOVED by Council Member Stowe, SECONDED by Council Member Peñaloza that the City Council approve the draft ordinance, give first reading by title only, waive further reading, and order the ordinance to print. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1851
Disposition: Approved.

ORAL COMMUNICATIONS

- Greg Shelton, Porterville, voiced his appreciation to the ad hoc committee for visiting a dispensary, expressed his intention to apply for a permit, and requested the Council consider moving forward. He also voiced support for the Council's decision regarding the Farmer's Market.

OTHER MATTERS

- Council Member Reyes requested that everyone use caution while driving and walking in light of winter advisories.
- Council Member Peñaloza spoke of his attendance at a recent swearing in ceremony.
- Vice Mayor Ward spoke of kindergarten registration and suggested that library staff be present to sign up students for cards.
- Mayor Flores spoke of her attendance at the Farmworker Resource Fair, the turnout and the presence of City staff, which she liked to see.
- City Manager Lollis spoke of winter advisories, warming centers in operation, and a meeting of the Community Development Block Grant Advisory and Housing Committee to take place on the 26th of February.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:31 p.m. to the meeting of March 5, 2019



Fernando Gabriel-Moraga,
Acting Deputy City Clerk

SEAL



Martha A. Flores, Mayor