



AMENDED CITY COUNCIL AGENDA
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257
and PARADISE POINT, HOTEL LOBBY -1404 VACATION ROAD,
SAN DIEGO, CA 92109
APRIL 18, 2023, 5:30 PM

The City of Porterville is allowing for and encouraging electronic participation at City Council Meetings. Porterville City Council Meetings will be live streamed on YouTube at <https://www.youtube.com/channel/UC5KuhSrNMNL9nwHJVtnJvvA>

Alternatively, this meeting will also be available via Zoom using the following information

Topic: City of Porterville – AMENDED City Council Meeting of April 18, 2023

Please use the following link below to join the webinar:

<https://us06web.zoom.us/j/83025797492?pwd=bWVldGh4TURBRVFaa2dPVnkyeUt3UT09>

Or via Telephone: **1-669-900-6833** Webinar ID: **830 2579 7492** Passcode: **497954**

Call to Order

Roll Call

ORAL COMMUNICATIONS

This is the opportunity to address the City Council on any matter scheduled for Closed Session. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 302-110-073. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and Robert C. and Gail L. Nuckols (TRS Family Trust). Under Negotiation: Terms and Price.

2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association, Porterville City Employees Association, Management & Confidential Series, and all unrepresented management employees.

3 - Government Code Section 54956.95 – Liability Claim: Claimant: Miguel and Anna Moreno. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Rae Dean Strawn v. Bruce Sokoloff et al., U.S. District Court, Eastern District, Case No. 1:22-CV-1245 AWI EPG.

5 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Cecilia Chavez et al. v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 22-cv-00794-ADA-SKO.

6 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel - Existing Litigation: Anthony Luckey v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:23-CV-00551-ADA-BAM.

7 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: Ana Isabel Moreno v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:23-CV-00541-JLT-SKO.

8 - 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.

9 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

10 - Government Code Section 54957 – Threat to Public Services or Facilities: Consultation with Jake Castellow, Porterville EOC Incident Commander.

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

Pledge of Allegiance Led by Council Member Beltran

Invocation

PRESENTATIONS

Tulare County Economic Development Corporation

ORAL COMMUNICATIONS

This is the opportunity to address the Council on any matter of interest, whether on the agenda or not. Please address all items not scheduled for public hearing at this time. Unless additional time is authorized by the Council, all commentary shall be limited to three minutes.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings
 1. Parks & Leisure Services Commission - April 6, 2023
 2. Library & Literacy Commission - April 11, 2023
 3. Arts Commission
 4. Animal Control Commission - April 13, 2023
 5. Youth Commission - April 12, 2023
 6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update - March 2023
2. Spring Clean-up Event

CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar. All items removed from the Consent Calendar for further discussion will be heard at the end of Scheduled Matters.

1. **City Council Minutes of December 06, 2022, and April 04, 2023.**
Re: Considering approval of the City Council Meeting draft Minutes of December 06, 2022, and April 04, 2023.
2. **Authorization to Purchase Specialized Equipment - Laboratory Refrigerators**
Re: Consideration to award the purchase of three laboratory refrigerators to Fisher Scientific for an amount not to exceed \$23,639 which includes taxes, fuel charge and a ten percent (10%) contingency.
3. **Renewal of Sophos Endpoint and Email Security**
Re: Consideration to approve the current renewal of Sophos Intercept X with XDR/EDR and Email Advanced from GovConnection, Inc. for three years at a cost of \$29,398.18; and approve the option to renew the Sophos subscription for an additional three years for a total of six years coverage to take advantage of end of the year discounts that will save costs.
4. **Acceptance of Project - Island Annexation Area 478B & C Sewer Project**
Re: Consideration to accept the Sewer Projects as complete in Annexation Area 478B (generally along West North Grand Avenue to the north and Pioneer Avenue to the south between North Prospect Street to the west and State Route 65 to the east) and 478C (generally in the area south of Harrison Avenue and along Olive Avenue between Road 222 to the west and Westwood Street to the east).
5. **Authorization to Distribute Request for Proposals to Update the Public Health & Safety Element and Preparation of an Environmental Justice Element to the Porterville 2030 General Plan**
Re: Consideration to authorize staff to distribute a Request for Proposals for the update to the Public Health & Safety Element and preparation of an Environmental Justice Element to the City's 2030 General Plan.
6. **Intent to Set a Public Hearing to Consider Annual Adjustment of Fees by Application of the Engineering News-Record Cost Index**
Re: Consideration to set a Public Hearing for June 13, 2023, pursuant to Government Code Section 66016, to consider the implementation of the City's Impact Fee ENR Cost Index auto escalator.
7. **Authorization to Execute Consultant Agreement with 4Creeks, Inc - Veterans Park Multi-Use Trail, Phase 2**
Re: Consideration to authorize the Engineering & Project Management Director to execute the Consultant Service Agreement for the design of Phase 2 of the Veterans Park Multi-Use Trail, with 4Creeks, Inc. in the amount of \$132,355.

8. **Authorization of Temporary Overflow Parking on City Property**
Re: Consider authorization for temporary parking at the Porterville Sports Complex and City property adjacent to the east of the Porterville Fairgrounds in support of the opening of the new Eagle Mountain Casino the days of April 20 - 23 and May 5 - 14, 2023.
9. **Resolution Approving Side Letter with Porterville City Employees Association and Management and Confidential Series Employees Concerning Class A Driver's License Incentive Pay**
Re: Consideration of approving a draft Resolution to establish incentive pay for employees in certain classifications for attaining and retaining a Class A Driver's License.
10. **Out-of-State Travel for Fallen Firefighter Memorial**
Re: Consideration to authorize travel by City representatives to Emmitsburg, Maryland; and approve up to \$4,000 in anticipated travel expenses from the Fire Department's annual budget.
11. **Status and Review of Local Drought Emergency**
Re: Considering approval of the continuance of the Declaration of Local Emergency.

A Council Meeting Recess Will Occur at 8:30 p.m., or as Close to That Time as Possible

PUBLIC HEARINGS

12. **Substantial Amendment to the 2022/2023 Action Plan for use of Community Development Block Grant (CDBG) Funds and Program Income**
Re: Consideration of a draft Resolution approving the use of Community Development Block Grant Funds with proposed changes for the 2022/2023 Program Year Entitlement and Program Income Allocations.
13. **Community Development Block Grant 2023/24 Action Plan**
Re: Consideration to adopt the draft Resolution approving the 2023/24 Action Plan.

SCHEDULED MATTERS

14. **Agreement for the Provision of Recycled Water and Provisional Domestic Water for the Tule River Tribe Development Project**
Re: Consideration of the draft Agreement, provide any additional direction, and authorize the execution of the Agreement subject to approval by the City Manager and City Attorney.
15. **Review of City Participation in the Tulare County Regional Transit Agency**
Re: Review and consideration of the City's continued participation in the Tulare County Regional Transportation Agency.
16. **Status and Review of Declaration of Local Flood Emergency**
Re: Review of the Declaration of Local Emergency made on March 13, 2023, concerning the significant weather event and impacts or likely impacts relative to increased flow of the Tule River; and ratify the emergency expenditures of \$6,417.70 for Water Rescue Equipment for the Fire Department, and \$13,151 for the 30-day rental of two mobile shower and restroom units for the Armory temporary evacuation point and emergency shelter.

AB 1234 REPORTS

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

1. Local Initiatives Navigation Center (LINC) Committee - April 5, 2023
2. Eastern Tule Groundwater Sustainability Agency (ETGSA) - April 6, 2023
3. AB 1234 Training - April 7, 2023
4. Tulare County Water Commission - April 10, 2023
5. Tulare County Regional Transit Authority (TCRTA) - April 12, 2023 (RESCHEDULED)
6. Police Officer Swearing In Ceremony - April 13, 2023
7. CalVans Board - April 13, 2023 (CANCELLED)
8. Friant Water Authority 2023 Annual Meeting - April 13, 2023
9. Tulare County Association of Governments (TCAG)/Tulare County Transportation Authority (TCTA) Board - April 17, 2023

ORAL COMMUNICATIONS

OTHER MATTERS

CLOSED SESSION

Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT - to the meeting of May 2, 2023, at 5:30 p.m.

In compliance with the Americans with Disabilities Act and the California Ralph M. Brown Act, if you need special assistance to participate in this meeting, or to be able to access this agenda and documents in the agenda packet, please contact the Office of City Clerk at (559) 782-7464. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting and/or provision of an appropriate alternative format of the agenda and documents in the agenda packet.

Materials related to an item on this Agenda submitted to the City Council after distribution of the Agenda packet are available for public inspection during normal business hours at the Office of City Clerk, 291 North Main Street, Porterville, CA 93257, and on the City's website at www.ci.porterville.ca.us.