AMENDED CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
DECEMBER 20, 2016, 5:30 PM

Called to Order at 5:32 p.m.
Roll Call: Council Member Reyes, Council Member Hamilton, Council Member Flores, Vice Mayor Ward, Mayor 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: APN: 240-050-026. Agency Negotiator: Patrice Hildreth and Jenni Byers. Negotiating Parties: City of Porterville and Porterville Masonic Properties, Inc. Under Negotiation: Terms and Price.
2 - Government Code Section 54956.95 – Liability Claim: Claimant: Evangelina Gomez. Agency claimed against: City of Porterville.
3 - Government Code Section 54956.95 – Liability Claim: Claimant: Rachel Munoz. Agency claimed against: City of Porterville.
4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Judith Howard v. City of Porterville, et al., U.S. District Court Case No. 1:16-cv-01071-AWI-SAB.
5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Three 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. **7** - Government Code Section 54957 - Public Employee Evaluation - Title: City Manager.
8 - Government Code Section 54957 - Public Employee Evaluation - Title: City Attorney.

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

City Attorney Lew reported action pertaining to A6, as follows:

A-6. On a MOTION made by Council Member Hamilton, and SECONDED by Council Member Reyes the City Council unanimously approved an amendment to the Perrigo lease resulting in a deferral of the December payment and an increase in equal amounts to the July and December of 2017 payments.

Documentation: M.O. 01-122016
Disposition: Approved.

Pledge of Allegiance Led by Council Member Hamilton
Invocation – a moment of silence was observed.

AB 1234 REPORTS

1. Tulare County Association of Governments (TCAG) - December 12, 2016
   Council Member Hamilton reported on presentations from cities regarding upcoming projects and presentation of bicycles to youth for poster contest.

REPORTS

I. City Commission and Committee Meetings
   1. Parks & Leisure Services Commission - December 8, 2016
      Chair Vafeades presented the Commission's report which included information pertaining to the Senior Christmas Dinner, Youth Center Christmas Dinner, Zalud House Candlelight Tours, Winter Day Camp, Arena Soccer registration, and the Annual New Year's Eve Gala.

   2. Library & Literacy Commission - December 13, 2016
      Commissioner Figueroa presented November highlights and participation statistics; and encouraged participation in winter programs and activities.

   3. Arts Commission – no report.

   4. Animal Control Commission - December 12, 2016
      Chair Pizanis reported on the Commission's consideration of its Facebook wish list; and Commissioner Stadtherr reported monthly statistics pertaining to animal control activities.

   5. Youth Commission - December 12, 2016 – no report.

   6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.

II. Staff Informational Reports
   1. Water Conservation Phase III Status Update

   2. Porterville Animal Control Commission Memorandum - Funding the New Animal Shelter

ORAL COMMUNICATIONS

- Joyce Lopez, East Porterville, spoke in opposition to Item No. 13 due to a desire to place a second home on her mother's property to care for her.
- Brock Neeley, Porterville, wished the Council and City staff a merry Christmas and happy New Year.
- Marco Lopez, East Porterville, stated granting their request for a second water connection would be in the spirit of helping people.

- John Alvarez, American Caregivers Facility, spoke in favor of a medical cannabis facility in Porterville.

CONSENT CALENDAR

Item No. 2 was pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Hamilton that the City Council approve Items Nos. 1, and 3 through 9. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 15, 2015, AND DECEMBER 13, 2016

Recommendation: That the Council approve the draft Minutes of December 15, 2015, and December 13, 2016.

Documentation: M.O. 02-122016
Disposition: Approved.

3. AUTHORIZATION TO REPAIR CITY WELL 11

Recommendation: That City Council:
1. Direct the Finance Director to initiate a Purchase Order to Valley Pump & Dairy Systems in an amount not to exceed $25,475 for the repair of City Well No. 11; and
2. Direct the Finance Director to make payment to Valley Pump & Dairy Systems upon receipt of invoice approved by the Public Works Director.

Documentation: M.O. 03-122016
Disposition: Approved.

4. ACCEPTANCE OF PROJECT - LIME STREET AND LAUREL AVENUE SEWER AND WATER PROJECT

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 04-122016
Disposition: Approved.

5. INTENT TO VACATE - MEDIAN AVENUE AND MILO STREET

Recommendation: That the City Council:

1. Pass a resolution of intent to vacate Median Avenue and Milo Street;
2. Direct the City Clerk to publish the Public Notice in the Porterville Recorder; and
3. Set the Council meeting of February 7, 2017, as the time and place for a public hearing.

Documentation: Resolution No. 82-2016
Disposition: Approved.

6. AUTHORIZATION TO ENTER INTO AN AGREEMENT FOR PROVISIONS OF SERVICES WITH EPLAN SOLUTIONS, INC TO ALLOW ELECTRONIC PLAN SUBMITTALS

Recommendation: That City Council:
1. Approve the Agreement for Provisions of Services with ePlan Solutions, Inc.; and
2. Authorize the Mayor to sign the agreement.

Documentation: M.O. 05-122016
Disposition: Approved.

7. APPROVAL OF THE EASTERN TULE SUSTAINABLE GROUNDWATER AGENCY (GSA) JOINT POWER AGREEMENT (JPA)

Recommendation: That City Council:
1. Approve the amended Eastern Tule GSA Joint Powers Agreement; and
2. Authorize the Mayor to sign the document.

Documentation: M.O. 06-122016
Disposition: Approved.

8. ASSIGNMENT OF AIRPORT LEASE - LOT 34B

Recommendation: That the City Council approve the Assignment of Lease for Lot 34B between the City of Porterville and Mr. Bruce Kaiser to Dr. Donald Cornthforth; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

Documentation: M.O. 07-122016
Disposition: Approved.

9. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 40

Recommendation: That City Council approve the Lease Agreement between the City of Porterville and Mr. Dana Gillespie and Mrs. Susan Peck for Lot 40 at the Porterville Municipal Airport.

Documentation: M.O. 08-122016
Disposition: Approved.

PUBLIC HEARINGS

10. CONSIDERING APPROVAL OF A CONDITIONAL USE PERMIT (PRC 2016-030-C) TO ALLOW SAN JOAQUIN VALLEY COLLEGE, A PRIVATE COLLEGE, TO BE LOCATED AT 314 N. MAIN STREET

Recommendation: That the City Council confirm the Zoning Administrator's determination which would limit instructional space to less than 5,000 square feet and adopt the draft resolution approving Conditional Use Permit (PRC 2016-030C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval.

Administrative Services Director/Acting City Manager Patrice Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report. Following the report, Council Members Reyes and Hamilton inquired about flow of traffic through the parking lot, displacement of parking, and the existing parking district. Staff advised that the

The Public Hearing was opened at 7:14 p.m.

- Steve Perry, Director Real Estate Development for SJVC, spoke of difficulties finding locations conducive to their needs and with adequate parking, of the scheduling of classes and student profile. He also inquired about the possibility of expansion at a neighboring building; and addressed questions regarding courses offered.
- Brock Neeley inquired about the parking lot stall formula, and suggested that it might need to be amended to accommodate use.
- Richard Stadtherr stated that he had worked at the location from 2001 to 2006 when there were 45 employees, and spoke of use of parking at that time.

The Public Hearing was closed at 7:26 p.m.

Council Member Hamilton requested that staff figure out how to address the issue of parking, as it would likely be an issue at Main Street and Olive Avenue; and Council Member Reyes suggested the parking lot entrance to the north be modified to allow traffic in both directions to improve access and utilization.

<u>COUNCIL ACTION:</u> MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council confirm the Zoning Administrator's determination which would limit instructional space to less than 5,000 square feet and adopt the draft resolution approving Conditional Use Permit (PRC 2016030C) to allow San Joaquin Valley College, a private college, to be located at 314 N. Main Street subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 83-2016
Disposition: Approved.

SCHEDULED MATTERS

11. ACCEPTANCE OF THE SUPPLEMENTAL PROJECT REPORT FOR THE DRAFT PROJECT APPROVAL & ENVIRONMENTAL DOCUMENT (PA & ED) STAGE - STATE ROUTE 190 NEAR TERM PROJECTS

Recommendation: That the City Council:

1. Accept Caltrans' State Route 190 Draft Supplemental Project Report to the State Route 190 PA & ED;
2. Authorize the Acting Public Works Director to sign the Draft Supplemental Project Report to the State Route 190 PA & ED; and
3. Authorize circulation of the environmental document for the identified Near Term Projects, inclusive of the roundabout at the College Avenue/Plano Street intersection.

Administrative Services Director/Acting City Manager Patrice Hildreth introduced the item, and Acting Public Works Director Mike Reed presented the staff report and introduced Curt Hatton from Caltrans.

Curt Hatton, Project Manager with Caltrans gave a presentation regarding the current phase and proposed project improvements.

Acting Public Works Director Reed addressed questions and concerns from the Council regarding funding of the proposed roundabout at Plano Street and College Avenue, traffic conditions created by poor planning of school locations, and the complex design of the roundabout.

In response to questions from the Council, Mr. Hatton played a micro simulation to demonstrate traffic pattern movement, and spoke of comparable roundabouts in existence in California.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council accept Caltrans' State Route 190 Draft Supplemental Project Report to the State Route 190 PA & ED; authorize the Acting Public Works Director to sign the Draft Supplemental Project Report to the State Route 190 PA & ED; and authorize circulation of the environmental document for the identified Near Term Projects, inclusive of the roundabout at the College Avenue/Plano Street intersection. The motion carried unanimously.

Documentation: M.O. 09-122016
Disposition: Approved.

The Council took a ten minute recess at 8:05 p.m.

12. BID RESULTS FOR THE GARDEN AVENUE PEDESTRIAN WALKWAY PROJECT

Recommendation: That City Council:

1. Award the Garden Avenue Pedestrian Walkway Project to DOD Construction in the amount of $607,635.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorize 5% for construction management, quality control and inspection;
4. Authorize the Finance Director to appropriate additional Local Transportation Funds in the amount of $111,465.57 needed to fund the project; and
5. Authorize the City Engineer to sign the SCE applications and issue payments of $54,347.40 and $11,019.67 for each street light system.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and Acting Public Works Director Reed presented the staff report. During his staff report Mr. Reed attributed the increased costs to concrete.

In response to questions posed by the Council, Mr. Reed spoke regarding delays associated with the project and prevailing wage.

COUNCIL ACTION: MOVED by Council Member Flores, SECONDED by Council Member Hamilton that the City Council award the Garden Avenue Pedestrian Walkway Project to DOD Construction in the amount of $607,635.00; authorize a 10% contingency to cover unforeseen construction costs; authorize 5% for construction management, quality control and inspection; authorize the Finance Director to appropriate additional Local Transportation Funds in the amount of $111,465.57 needed to fund the project; and authorize the City Engineer to sign the SCE applications and issue payments of $54,347.40 and $11,019.67 for each street light system. The motion carried unanimously.

Documentation: M.O. 10-122016
Disposition: Approved.

13. CONSIDERATION OF MODIFICATIONS OF EXTRATERRITORIAL SERVICE AGREEMENTS

Recommendation: That the City Council:

1. Postpone action on additional connections for new homes until after ownership of the system has transferred to the City; and
2. Direct staff to begin drafting policies and procedures to be considered concurrent with the transfer of ownership to the City.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report. Following the staff report, City Attorney Lew stated that the Mayor would be disqualifying himself due to a potential conflict of interest concerning a contractual business relationship. Mayor Stowe then exited the room.

Acting Public Works Director Reed addressed questions regarding the transfer of ownership of the system; and he and Ms. Phillips expressed concerns regarding capacity and development standards. City Attorney Lew also advised of State law pertaining to second units, and recommended that the City receive buy-in from the State to avoid violation of the agreement.

Discussion followed regarding staff's attempts to educate East Porterville residents regarding water when it came to permits issued by the County; and Mr. Reed stated that he would reach out to the County and State.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council postpone action on additional connections for new homes until after ownership of the system has transferred to the City; and direct staff to begin drafting policies and procedures to be considered concurrent with the transfer of ownership to the City.

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

Documentation: M.O. 11-122016
Disposition: Approved.

Mayor Stowe returned to the dais.

14. LEGISLATIVE UPDATE REGARDING PROPOSITION 64

Recommendation: That the City Council:

1. Review the portions of the new law that are subject to local regulation and provide direction to staff concerning those areas of local control; and
2. Direct staff to review the City's current regulations concerning medical marijuana in light of the new laws regulating nonmedical use.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and City Attorney Julia Lew presented the staff report.

Following discussion regarding education of safety hazards associated with indoor cultivation, a registration process, medical marijuana permits, staff concerns, and commercial and agricultural operations, the Council directed staff to schedule a study session in March.

Documentation: None.
Disposition: Direction given.

15. OHV PARK MANAGEMENT SERVICES

Recommendation: That the City Council provide direction to staff on OHV Park management services.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and Park and Leisure Services Director Donnie Moore presented the staff report.

- Dave Walker, Friends of Kern Open Space, spoke of efforts to keep the park open, and of competition from other parks and in the grant application process.

Discussion followed regarding operational expenses, ridership, and the grant application process.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Flores that the City Council approve a budget of $30,000 for funding of OHV Park through June 30, 2017. The motion carried unanimously.

Documentation: M.O. 12-122016
Disposition: Approved.

16. CONSIDER ADMINISTRATION OF A CODE ENFORCEMENT RESIDENT SURVEY

Recommendation: That the City Council consider the Draft Resident Survey, and provide direction considering its potential administration.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and Community Development Manager Julie Phillips presented the staff report.

The Council made suggestions regarding the order of the questions, the language used, and questions asked; and directed that Council Member Reyes and Vice Mayor Ward meet with staff to amend the survey.

Documentation: None.
Disposition: Approved.

17. 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.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and Acting Public Works Director Reed presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Flores that the City Council approve the continued Declaration of Local Emergency. The motion carried unanimously.

Documentation: M.O. 13-122016
Disposition: Approved.

CONSENT CALENDAR (Items Pulled)

2. AUTHORIZATION TO PURCHASE TWO PICNIC SHELTERS

Recommendation: That the City Council authorize the purchase and installation of two picnic shelters with CDBG Park Improvement Program funds from MRC GameTime not to exceed $55,439.73.

Administrative Services Director/Acting City Manager Hildreth introduced the item, and the staff report was waived at the Council's request.

Parks and Leisure Services Director Moore addressed questions regarding the cost, which was attributed to the cost of steel and prevailing wage, and utilization of the disc golf course.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council authorize the purchase and installation of two picnic shelters with CDBG Park Improvement Program funds from MRC GameTime not to exceed $55,439.73. The motion carried unanimously.

Documentation: M.O. 14-122016
Disposition: Approved.

ORAL COMMUNICATIONS

- Frank Williams lauded the Council for being proactive in its consideration of Proposition 64; welcomed an opportunity to participate in the upcoming study session and process; and spoke of his desire to provide safe and reliable access to medical cannabis for those who need it.
- Brock Neeley inquired about the percentage of return at the municipal golf course; and stated that marijuana was now legal and compared its regulation to that of alcohol.

- Mike Dunaway stated that he was an expert in the medical cannabis industry; made himself available as a resource to the Council; and recommend that the Council visit a facility in the Bay Area or Los Angeles.
- Shawn Lipinski, owner of HOH Garden Supplies, stated that he had six successful stores in California; and spoke of a loss of revenue to the area from people traveling to the Bay area for baby plants.

OTHER MATTERS

- Council Member Hamilton stated that the heat was turned up too high.
- Council Member Reyes thanked the Police Department, Chamber of Commerce, and City for their work at the Santa event last week.
- Vice Mayor Ward thanked Acting City Manager Patrice Hildreth for filling in for Mr. Lollis; wished everyone a merry Christmas; welcomed Council Member Flores; and thanked Mayor Stowe for serving as Mayor.
- Acting City Manager Hildreth noted upcoming retirement of Glenn Irish and Bryan Styles; and reported hiring of Kirk Swartzlander as Interim Fire Chief.
- Mayor Stowe wished everyone a merry Christmas and a happy New Year; and thanked those who spoke about marijuana for sticking around.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 10:28 p.m. to the meeting of January 17, 2017.

Luisa M. Zavala

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe

Milt Stowe, Mayor