

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 18, 2017, 5:30 PM**

Call 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: 42 South Plano Street. Agency Negotiator: John Lollis and Donnie Moore. Negotiating Parties: City of Porterville and The Barn Theater. Under Negotiation: Terms and Conditions of Lease.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 1893 South Newcomb Street, Lot 38. Agency Negotiator: John Lollis and Maria Bemis. Negotiating Parties: City of Porterville and Raymond Broad. Under Negotiation: Terms and Conditions of Lease.
- 3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Patrice Hildreth. Employee Organizations: Porterville City Employees Association, Public Safety Support Unit, and Management & Confidential Series.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Avtar Basra. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.9(d) (3) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: One case 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.

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

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

- A-2. On a MOTION made by Council Member Cameron Hamilton, and SECONDED by Vice Mayor Brian Ward the City Council unanimously approve the sublease of 1893 South Newcomb Street, Lot 38.

Documentation: M.O. 01-041817

Disposition: Approved.

- A-4. On a MOTION made by Council Member Hamilton, and SECONDED by Council Member Flores the City Council unanimously rejected the claim submitted by Avtar Basra.

Documentation: M.O. 02-041817

Disposition: Claim Rejected.

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

PROCLAMATIONS

Iris Festival Day - April 22, 2017

Jim Kusserow

PRESENTATIONS

Employee of the Month - Oscar Zepeda

Outstanding Business Honoree

AB 1234 REPORTS

1. Tulare County Association of Governments (TCAG) - April 17, 2017
Council Member Flores reported on: status updates regarding implementation of federal funded projects, the State Transportation Improvement Program (STIP Allocations), air quality, and the SR 65 overlay project; informational items pertaining to TCAG and member agency audits and public outreach video of community strides in Woodlake (Measure R); and adoption of a resolution to approve the Transportation Development Act for the City of Porterville.
2. Tulare County Association of Governments (TCAG) Retreat - April 6, 2017
Council Member Flores reported she had been provided with organizational philosophy, and given the opportunity to be introduced and visit with staff. She also spoke of a focus on transit cost and rider experience, a legal update, panels to share insights into daily operations and experience on TCAG, and discussion of vision and priorities.
3. Local Agency Formation Commission (LAFCO) - April 12, 2017
Council Member Hamilton reported on one action item regarding the City's annexation of the church on Linda Vista, and of the receipt of a preliminary report on the overall budget.
4. SJVAPCD Special City Selection Committee - April 6, 2017
Council Member Reyes reported on the appointment of three representatives to the Governing Board, which included his appointment as the Small Cities representative from Tulare County, and the selection of a member to serve as Vice Chair.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - April 6, 2017

Commissioner Monte Moore spoke of the special recognitions during proclamations and presentations. He then presented the Commissioner's Monthly report, which included information pertaining to: the completion of the Pirate Ship playground at Murry Park, landscape improvements at Putnam Triangle and Westwood Estates, Kids Fest, the Annual Egg Hunt, and youth track meet.

2. Library & Literacy Commission - April 11, 2017

Commissioner Bailey stated that he too had enjoyed witnessing the recognitions; and reported on staff updates regarding proposed legislation and the proposed elimination of the Institute of Museum and Library Services. He also spoke of the Summer Reading Program, volunteer hours, and Sunday patronage; and extended an invitation to the Library's Día de Los Niños event.

3. Arts Commission

Commissioner Worthington stated that those currently serving on the commission had terms soon to expire; and spoke in support of the elimination of term limits to allow those who wish to continue serving to do so.

4. Animal Control Commission - April 10, 2017

Commission Chair Pizanis and Commissioner Penaloza presented statistics pertaining to animal control activity.

5. Youth Commission - April 10, 2017 – no report.

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

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

ORAL COMMUNICATIONS

- Edith LaVonne, Porterville, spoke in support of AB 242 and requested Council's support of the bill.
- John Coffee, Porterville, urged the Council to support AB 242 and approve Item No. 11.
- Brock Neeley, Porterville, encouraged support of AB 242, and thanked Vice Mayor Ward for requesting its placement on a future agenda.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MARCH 7, 2017, AND MARCH 21, 2017

Recommendation: That the Council approve the draft Minutes of March 7, 2017, and March 21, 2017.

Documentation: M.O. 03-041817

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE JET AIRCRAFT REFUELER

Recommendation: That the City Council approve the purchase of a new Jet Aircraft Refueler from Skymark Refuelers for a total price of \$210,133.75 inclusive of sales taxes and delivery charges.

Documentation: M.O. 04-041817

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE TYPE 1 FIRE ENGINE

Recommendation: That City Council authorize the purchase of one (1) "Type 1" Fire Engine from Rosenbauer America utilizing the NJPA contract, to include all necessary tools and equipment for operation.

Documentation: M.O. 05-041817

Disposition: Approved.

4. PURCHASE OF WILDLAND PROTECTIVE CLOTHING

Recommendation: That the City Council authorize the purchase of twenty five (25) sets of Wildland Personal Protective Equipment from Cascade Fire Equipment Company.

Documentation: M.O. 06-041817

Disposition: Approved.

5. BARN THEATER LEASE AGREEMENT RENEWAL

Recommendation: That the City Council authorize the renewal of the property license agreement between the City of Porterville and the Barn Theater.

Documentation: M.O. 07-041817

Disposition: Approved.

6. APPROVAL OF DRAFT STATE WATER BOARD'S GRANT APPLICATION FOR PROVIDING WATER TO AKIN WATER COMPANY - PHASE 2

Recommendation: That the City Council:

1. Accept the draft State Water Board's Construction Grant application;
2. Authorize the Mayor and City Clerk to execute the Resolutions; and
3. Authorize Self Help Enterprise to file the application once complete with the State Water Boards on behalf of the City of Porterville.

Documentation: Resolution No. 16-2017; Resolution No. 17-2017; Resolution No. 18-2017; and M.O. 08-041817

Disposition: Approved.

7. INTENT TO SET A PUBLIC HEARING TO CONSIDER ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: That City Council:

1. Set a Public Hearing for June 6, 2017, pursuant to Government Code Section 66026, for consideration to implement the City of Porterville's Impact Fee ENR Cost Index auto escalator.

Documentation: M.O. 09-041817

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT - KNIGHTS OF COLUMBUS -PARISH PRIDE CAR SHOW - JUNE 10, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the Knights of Columbus, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 10-041817

Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA-AMERICANA, INC. - CINCO DE MAYO PARADE AND FIESTA DOMINGUERA 5 DE MAYO - MAY 6 AND 7, 2017

Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Comision Honorifica Mexicana-Americana, Inc., subject to the restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 11-041817

Disposition: Approved.

10. REQUEST FOR PROCLAMATION - ARBOR DAY - APRIL 28, 2017

Recommendation: That the City Council consider approval of the request to proclaim April 28, 2017, as "Arbor Day" in the city of Porterville.

Documentation: M.O. 12-041817

Disposition: Approved.

11. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER RESOLUTION OF SUPPORT FOR AB 242 (ARAMBULA); "CERTIFICATES OF DEATH: VETERANS"

Recommendation: That the City Council approve Vice Mayor Ward's request to consider a Resolution of Support for AB 242 (Arambula); "Certificates of Death: Veterans" as a Scheduled Matter at the May 2nd Council meeting.

Documentation: M.O. 13-041817

Disposition: Approved.

PUBLIC HEARINGS

12. OLIVE & LOTAS COMMERCIAL DEVELOPMENT

Recommendation: That the City Council:

1. Adopt the draft resolution approving the Mitigated Negative Declaration and mitigation monitoring plan; and
2. Adopt the draft resolution containing findings and conditions in support of approval of Tentative Parcel Map for 2016-040-P; and
3. Adopt the draft resolution containing findings and conditions in support of Conditional Use Permit 2016-040-C for an establishment greater than 50,000 square feet in the CG Zone District, and Type 21 Off-Sale Alcohol license; and
4. Authorize the Mayor to sign the letter of public convenience; and
5. Approve the Master Sign Program.

City Manager Lollis introduced the item and Community Development Director Jenni Byers presented the staff report. Council and staff discussed safety measures that would be taken for crossing pedestrians.

The Public Hearing opened at 7:45 p.m.

- Edith Lavonne spoke in support of the project.
- John Coffee spoke in support of the proposed development.

The Public Hearing closed at 7:48 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member

Martha Flores that the City Council adopt the draft resolution approving the Mitigated Negative Declaration and mitigation monitoring plan; adopt the draft resolution containing findings and conditions in support of approval of Tentative Parcel Map for 2016-040-P; adopt the draft resolution containing findings and conditions in support of Conditional Use Permit 2016-040-C for an establishment greater than 50,000 square feet in the CG Zone District, and Type 21 Off-Sale Alcohol license; authorize the Mayor to sign the letter of public convenience; and approve the Master Sign Program. The motion carried unanimously.

Documentation: Resolution No. 19-2017; Resolution No. 20-2017; Resolution No. 21-2017; M.O. 14-041817

Disposition: Approved.

13. COMMUNITY DEVELOPMENT BLOCK GRANT ACTION PLAN 2017/18

Recommendation: That the City Council:

1. Adopt the draft resolution approving the 2017/2018 and the proposed program models; and
2. Direct staff to submit the 2017/2018 Action Plan to HUD.

City Manager Lollis introduced the item and Community Development Director Jenni Byers presented the staff report. Council and Staff discussed the City benefits that would go away or be picked up by the General Fund if CDBG grants were taken away by the federal government.

The Public Hearing opened at 7:53 p.m.

- John Coffee encouraged the Council to reach out to Congressman Kevin McCarthy's office to express concerns.
- Brock Neeley reminded everyone that elections have consequences.

The Public Hearing closed at 7:55 p.m.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council adopt the draft resolution approving the 2017/2018 and the proposed program models and direct staff to submit the 2017/2018 Action Plan to HUD. The motion carried unanimously.

Documentation: Resolution No. 22-2017; M.O. 15-041817

Disposition: Approved.

14. CONSIDERATION OF AMENDMENTS TO THE ARTS COMMISSION COMPOSITION

Recommendation: That the City Council:

1. Approve the draft ordinance amending Ordinance 1797; and
2. Give first reading of the proposed ordinance by title only, and order it to print.

City Manager Lollis introduced the item and Community Development Director Jenni Byers presented the staff report. City Attorney Lew noted that the ordinance needed a revision in section 5A-2.

The Public Hearing opened at 7:59 p.m. Seeing none, the Mayor closed the Public Hearing at 7:59 p.m.

The Council discussed the importance of a youth member on the committee, vision and mission statements, and the committee's future and interest.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member A. Monte Reyes that the City Council approve the draft ordinance amending Ordinance No. 1797, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 5A OF THE PORTERFVILLE MUNICIPAL CODE REGARDING THE FORMATION OF AN ARTS COMMISSION, with the understanding that youth would be those under 25 years old, give first reading to the proposed ordinance by title only, and order it to print. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1841

Disposition: Approved.

SECOND READINGS

15. SECOND READING - ORDINANCE NO. 1840 - COST RECOVERY ORDINANCE

Recommendation: That the Council give Second Reading to Ordinance No. 1840, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council give Second Reading to Ordinance No. 1840, being AN ORDINANCE OF THE CITY OF PORTERVILLE, CALIFORNIA, AMENDING CHAPTER 2 (ADMIN) OF THE PORTERVILLE CITY CODE BY ADDING ARTICLE XV (COST RECOVERY PROGRAM) TO PROVIDE FOR COMPREHENSIVE COST RECOVERY IN NUISANCE ABATEMENT ACTIONS, waive further reading, and adopt said

Ordinance. The motion carried unanimously.

The Ordinance was read by title only.

Documentation: Ordinance No. 1840

Disposition: Approved.

SCHEDULED MATTERS

16. DOWNTOWN PARKING DISTRICT NO. 2 REQUIREMENTS FOR NEW
CONSTRUCTION LOCATED AT 308 N. SECOND STREET

Recommendation: That the City Council determine that seven spaces are the appropriate number of parking spaces for the proposed office use at 308 N. Second Street.

City Manager Lollis introduced the item and Council waived the staff report.

COUNCIL ACTION: MOVED by Council Member Martha Flores, SECONDED by Vice Mayor Brian Ward that the City Council determine that seven spaces are the appropriate number of parking spaces for the proposed office use at 308 N. Second Street. The motion carried unanimously.

Documentation: M.O. 16-041817

Disposition: Approved.

17. CONSIDERATION OF APPOINTMENT AS THE CITY OF PORTERVILLE'S
REPRESENTATIVE TO THE TULARE COUNTY TASK FORCE ON
HOMELESSNESS

Recommendation: That the City Council appoint a City representative to the Tulare County Task Force on Homelessness.

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

COUNCIL ACTION: MOVED by Mayor Milt Stowe, SECONDED by Council Member Cameron Hamilton that the City Council appoint Community Development Assistant Claudia Calderon to the Tulare County Task Force on Homelessness. The motion carried unanimously.

Documentation: M.O. 17-141817

Disposition: Approved.

18. 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.

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

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

Documentation: M.O. 18-041817

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Flores spoke regarding upcoming events that included the Iris Festival, Arbor Day and Cinco de Mayo festivities.
- Council Member Reyes spoke of Easter celebrations at Murry Park on Sunday.
- Vice Mayor Ward expressed concern regarding the patching of potholes in the rain; and spoke of the distinction of damaged roads and roads with potholes.
- Acting Public Works Director Reed addressed questions from the Council regarding the cold mix repair completed by staff and hot mix repair, which required use of a contractor.
- City Manager Lollis indicated that the Council could consider a maintenance program for hot mix repair.
- Council Member Hamilton requested that staff reach out to the Porterville Cemetery District regarding use of sprinklers on rainy days; and spoke of the shooting tragedy in Fresno.
- Mayor Stowe confessed that he had missed the Egg Hunt due to being at the wrong location; and stated that he was selling tickets for a breakfast fundraiser to benefit Monache softball.
- City Manager Lollis thanked those City volunteers who participated in the Community Clean-Up Event, and noted the absence of Finance Department staff; spoke of the recent dispatch luncheon, and of upcoming Leadership Porterville East Porterville Water Project Day, MDA Fill the Boot, and the Iris Festival.
- Acting Public Works Director Reed announced that Lime Street had been paved; and spoke of the upcoming Groundwater Sustainability Agency meeting.

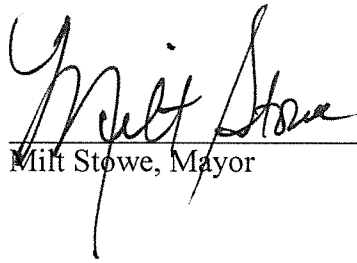
CLOSED SESSION

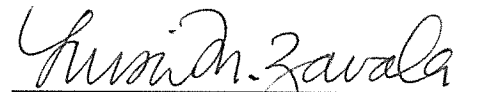
None

ADJOURNMENT

The Council adjourned at 8:33 p.m. to the meeting of May 2, 2017.

SEAL


Milt Stowe, Mayor


Luisa M. Zavala, Deputy City Clerk

