

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JUNE 6, 2017, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Reyes, Council Member Flores, Council Member Hamilton,  
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: 240-070-018. AGENCY NEGOTIATOR: JOHN LOLLIS. NEGOTIATING PARTIES: CITY OF PORTERVILLE AND ALAN AND ELIZABETH CHANGALA. UNDER NEGOTIATION: TERMS AND PRICE.

2 - 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 AND CONFIDENTIAL SERIES.

3 - GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: ROBERT P. BOEHM AND ROBERT C. BOEHM. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

4 - GOVERNMENT CODE SECTION 54956.95 -- LIABILITY CLAIM: CLAIMANT: USAA AS SUBROGEE FOR ANETTE MATAMOROS. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

5 - GOVERNMENT CODE SECTION 54956.9(D) (3) – CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION – SIGNIFICANT EXPOSURE TO LITIGATION: TWO 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: TWO CASES.

**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 and A-4 as follows:

A-3 On a MOTION made by Council Member Flores, and SECONDED by Council Member Hamilton the City Council rejected the claim filed by Robert P. Boehm and Robert C. Boehm.

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

Documentation: M.O. 01060617  
Disposition: Claim rejected.

A-4 On a MOTION made by Council Member Hamilton, and SECONDED by Vice Mayor Ward the City Council unanimously accepted the claim filed by USAA as subrogee for Annette Matamoros.

Documentation: M.O. 02060617  
Disposition: Claim accepted.

Pledge of Allegiance was led by Vice Mayor Ward  
Invocation – a moment of silence was observed.

### **PRESENTATIONS**

Employee of the Month - Larry Benton  
2016/2017 Youth Commission

### **AB 1234 REPORTS**

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

#### **1. COUNCIL OF CITIES - MAY 17, 2017**

Council Member Reyes reported that the term for the representative of transportation (Council Member Hamilton) on TCAG would be expiring at the end of this month. Council of Cities will take action at a special meeting scheduled for July 16<sup>th</sup>. A support letter will probably be requested from the Porterville City Council.

#### **2. TULARE COUNTY ECONOMIC DEVELOPMENT CORP. (TCEDC) - MAY 24, 2017**

Council Member Reyes reported that the board had primarily went over the proposed budget and that the investment fund has been performing very well in the past year. He also spoke of the EDC's desire to establish an account at EDC Investor Bank, to establish a 60 day cash reserve fund, and a \$5,000 equipment replacement fund.

#### **3. EASTERN TULE GROUNDWATER SUSTAINABILITY AGENCY (GSA) - MAY 25, 2017**

Council Member Reyes reported that the GSA discussed how to identify criteria for those on the stakeholders committee, and received updates on the formal documentation that needed to be turned in. Acting Public Works Director Mike Reed spoke of budget and the establishment of an ad hoc committee created from the executive committee.

#### 4. SJVAPCD BOARD MEETING - MAY 25, 2017

Council Member Reyes reported that the board had a public hearing for the first look at the budget and brought fourth an item recommending the purchase of the Bakersfield office building to ensure cost savings.

### **REPORTS**

None

### **ORAL COMMUNICATIONS**

- Brock Neeley, Porterville, expressed his disappointed that nothing special was going on at Veterans Park on Memorial Day; and recommended something be done in the future, such as placement of a wreath at the memorial.
- Ryan, Jensen, Community Water Center, encouraged the Council to support SB 623.
- Gabriel Castaneda communicated an interest in serving on the Animal Control Commission; stated that he believed animals have rights; and spoke of his leadership skills.
- Virginia Gurrola congratulated the City of Porterville on the GreenPower Groundbreaking; and spoke in support of SB 623.

### **CONSENT CALENDAR**

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

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

#### 1.      CITY COUNCIL MINUTES OF APRIL 18, 2017

Recommendation:      That the Council approve the draft Minutes of April 18, 2017.

Documentation:      M.O. 03-060617

Disposition:      Approved.

#### 2.      AUTHORIZATION TO CONSTRUCT MURRY PARK POOL ADA ACCESSIBLE VIEWING AREA

Recommendation:      That the City Council authorize the Parks and Leisure Services Director to negotiate a contract for the construction of the Murry Park Pool ADA accessible viewing area, a prevailing wage project, not to exceed \$29,000.

Documentation:      M.O. 04-060617

Disposition:      Approved.

#### 3.      AUTHORIZATION TO APPLY FOR SECTION 5311 PROGRAM FUNDING

Recommendation:      That City Council:

1. Approve the draft Resolution authorizing staff to act on behalf of the City to apply for FTA Section 5311 financial assistance; and
2. Authorize the Mayor to sign the Resolution.

Documentation: Resolution No. 25-2017

Disposition: Approved.

4. AUTHORIZATION OF ENCROACHMENT AGREEMENT FOR THE  
INSTALLATION OF A FIBER OPTIC NETWORK

Recommendation: That City Council:

1. Authorize entering into an encroachment agreement with Zayo Group, LLC, for the installation of a Fiber Optic Network; and
2. Authorize the Mayor to sign the encroachment agreement.

Documentation: M.O. 05-060617

Disposition: Approved.

5. APPROVAL OF SERVICE AGREEMENT WITH DEE JASPAR & ASSOCIATES, INC.  
FOR THE EAST PORTERVILLE WATER SUPPLY PROJECT, PHASE 2  
ENGINEERING SERVICES

Recommendation: That City Council:

1. Approve the Service agreement for Dee Jaspar and Associates services related to Phase 2 of the East Porterville Water Supply Project; and
2. Direct the Public Works Director to sign the service agreement.

Documentation: M.O. 06-060617

Disposition: Approved.

6. INTENT TO ESTABLISH ELECTRIC VEHICLE CHARGING STATION FEE  
SCHEDULE

Recommendation: That City Council:

1. Pass a resolution of intent to establish an electric vehicle charging station fee schedule; and
2. Set the Council meeting of June 20, 2017, as the time and place for a public hearing.

Documentation: Resolution No. 26-2017

Disposition: Approved.

7. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 46B

Recommendation: That City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Travis Bierman of Rapid City, SD, for Lot 46B at the Porterville Municipal Airport.

Documentation: M.O. 07-060617

Disposition: Approved.

8. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 45

Recommendation: That City Council approve the extension of the Lease Agreement between the City of Porterville and Gillespie Ag Service, of Porterville, CA, for Lot 45 at the Porterville Municipal Airport.

Documentation: M.O. 08-060617

Disposition: Approved.

9. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 31A

Recommendation: That City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. James Costa of Tulare, CA, for Lot 31A at the Porterville Municipal Airport.

Documentation: M.O. 09-060617

Disposition: Approved.

10. CONSIDERATION OF APPOINTMENTS TO ANIMAL CONTROL COMMISSION

Recommendation: That the City Council approve the reappointment of Florenza Pizanis and Daniel Penaloza to the Animal Control Commission with terms to expire in September of 2020.

Documentation: M.O. 10-060617

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT – CITY OF PORTERVILLE, SIERRA VIEW MEDICAL CENTER AND VISALIA FARMERS MARKET – FARMERS MARKET – TUESDAYS IN THE MONTH OF JULY AND AUGUST BEGINNING JULY 11, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement submitted by the City of Porterville and Sierra View Medical Center, subject to the stated requirements contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 11-060617

Disposition: Approved.

## **PUBLIC HEARINGS**

### **12. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX**

Recommendation: That the City Council:

1. Conduct the Public Hearing and consider all public testimony; and
2. Activate the ENR Cost Index automatic increase for FY 2017/2018 (0.4% increase).

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report.

The public hearing was opened at 7:21 p.m.

- Mike Lane, Building Industry Association, stated that if an increase was needed they would take a 0.4% increase; and spoke of building permit activity in Tulare County.

The public hearing was closed at 7:23 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council activate the ENR Cost Index automatic increase of 0.4% for FY 2017/2018.

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

Documentation: M.O. 12-060617

Disposition: Approved.

### **13. GENERAL PLAN AMENDMENT FOR PORTERVILLE TOWN CENTER AND ADJACENT PROPERTIES FROM COMMERCIAL MIXED USE TO RETAIL CENTERS**

Recommendation: That the City Council adopt the draft resolution approving General Plan Amendment 2017-022, an amendment to the Land Use element of the General Plan amending the classification of ten parcels from Commercial Mixed Use to Retail Centers.

City Manager Lollis introduced the item. Community Development Director Jenni Byers presented the staff report and communicated the applicant's request to have the item continued to the second meeting in July.

The public hearing was opened at 7:27 p.m. Seeing no one, the hearing was continued to the July 18<sup>th</sup> meeting.

Documentation: No action.  
Disposition: Item continued.

14. TENTATIVE SUBDIVISION MAP - "TROOPER TERRACE"

Recommendation: That the City Council adopt the draft resolution approving the Trooper Terrace Subdivision map (PRC 2013-016S).

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

The public hearing was opened at 7:30 p.m.

- Jim Winton, 150 W. Morton, spoke of efforts made to resolve issues associated with the project, and thanked City staff for their patience.

The public hearing was closed at 7:32 p.m.

Acting Public Works Director Mike Reed addressed questions pertaining to vehicular and pedestrian traffic in the project area and the widening of the bridge.

**COUNCIL ACTION:** MOVED by Council Member Cameron Hamilton, SECONDED by Vice Mayor Brian Ward that the City Council adopt the resolution approving the Trooper Terrace Subdivision map (PRC 2013-016S). The motion carried unanimously.

Documentation: Resolution No. 27-2017  
Disposition: Approved.

**SCHEDULED MATTERS**

15. CONSIDERATION OF FISCAL YEAR 2017-2018 PROPOSED BUDGET AND SETTING OF DATE FOR PUBLIC HEARING

Recommendation: That the City Council:

1. Consider the proposed 2017-2018 Fiscal Year Budget, include any modifications so directed by the Council; and
2. Schedule a Public Hearing on the proposed Budget for Tuesday, June 20, 2017.

City Manager Lollis introduced the item and presented the staff report. Mr. Lollis spoke of General Fund revenues and expenditures, risk management, Measure H, street, water and sewer projects, and other major capital projects for the upcoming 2017-2018 fiscal year.

At the request of the City Manager, Police Chief Eric Kroutil spoke of the city's increase in population and its effect on the Police Department's ability to respond proactively to the needs

of the community. He indicated that there was a need for additional personnel to respond to the increased calls for service and continue with efforts to proactively address issues.

In response to questions posed by the Council, staff elaborated on pension costs and road maintenance programs, which included the purchase of equipment; and indicated that an item would be brought before the Council to discuss utilization of the splash pad at Fallen Heroes Park.

City Manager Lollis acknowledged the efforts of Finance Director Maria Bemis and Community Development Manager Julie Phillips.

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Martha Flores that the City Council schedule a Public Hearing on the proposed Budget for Tuesday, June 20, 2017. The motion carried unanimously.

Documentation: M.O. 13-060617

Disposition: Approved.

16. CONSIDER LETTERS OF OPPOSITION TO AB 1250 (JONES-SAWYER) AND SB 649 (HUESO), AND SUPPORT FOR SB 623 (MONNING)

Recommendation: That the City Council consider Letters of Opposition to AB 1250 (Jones-Sawyer) and SB 649 (Hueso), and Support for SB 623 (Monning)

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 a letter of opposition to SB 649 and a letter of support for SB 623. The motion carried unanimously.

Documentation: M.O. 14-060617

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.

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

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

Documentation: M.O. 15-060617

Disposition: Approved.

### **ORAL COMMUNICATIONS**

None

### **OTHER MATTERS**

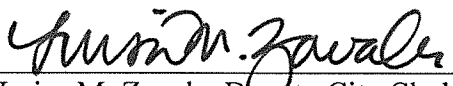
- Council Member Flores spoke of her attendance at the Wellness Center Opening, Kings/Tulare Homeless Alliance Recognition Luncheon, Military Banner Ceremony, and GreenPower Groundbreaking. She also stated that she was excited about the graduation of a grandson from Bartlett Middle School and a second from Monache High School.
- Council Member Hamilton indicated that he had been out of town, but had read about Monache High School Softball Team winning the 2017 CIF Central Section Division II Championship.
- Council Member Reyes spoke of his attendance at the Child Welfare Services Open House; and announced that his daughter Hannah Grayson had won the outstanding Orange Blossom Award.
- Vice Mayor Ward communicated an interest in requiring community pools for housing developments, as well as micro parks for large developments.
- Mayor Stowe congratulated staff on the Military Banner Ceremony and the GreenPower event, and congratulated the Porterville High School Baseball Team for making it to the Valley Finals.
- City Manager Lollis thanked employees who organized and volunteered for the City of Porterville Fair Booth; announced upcoming events that included Coffee with a Cop, Flag Day, Library Summer Reading Kickoff, Car Show, and Father's Day; and gave an update on Firefighter Munoz's condition.

### **CLOSED SESSION**

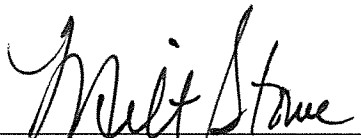
None

### **ADJOURNMENT**

The Council adjourned at 8:47 p.m. to the meeting of June 20, 2017.

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Milt Stowe, Mayor

