CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JUNE 20, 2017, 5:30 PM

Called to Order at 5:31 p.m.

Roll Call: Council Member Monte Reyes, Council Member Cameron J. Hamilton, Council Member Martha A. Flores, Mayor Milt Stowe

Absent: Vice Mayor Brian E. Ward

ORAL COMMUNICATIONS

None

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth, Che Johnson and Matt Pierce. Employee Organizations: Porterville City Employees Association, Public Safety Support Unit, Porterville City Firefighters Association and Fire Officer Series.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Felipe Andrade. Agency claimed against: City of Porterville.

3 - 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.

4 - 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, as follows:

A-2. On a MOTION made by Council Member Hamilton, and SECONDED by Council Member Flores the City Council unanimously rejected the claim submitted by Felipe Andrade.

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

Documentation: M.O. 01-062017
Disposition: Claim rejected.

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

PRESENTATIONS

Employee Service Awards

AB 1234 REPORTS

AB 1234 reports required pursuant to Government Code § 53232.3.

1. Local Agency Formation Commission (LAFCO) - June 14, 2017
Council Member Hamilton reported that he was unable to attend.

2. SJVAPCD Governing Board - June 15, 2017
Council Member Reyes reported on the following action items: acceptance of funds from the Great Basin Air Pollution Control District; approval of a Voluntary Emission Reduction Agreement for a residential project in Bakersfield; acceptance, appropriation, and reallocation of funds for replacement of aging valley school buses; approval of contract for surveying services; and acceptance and appropriation of Cap and Trade funds to fund trade-up program for ag equipment.

3. Eastern Tule Groundwater Sustainability Agency (GSA) - June 15, 2017
Acting Public Works Director Mike Reed reported that the Eastern Tule GSA was official as of June 6th; and spoke of Executive Committee nomination process for Stakeholder Committee members, agreements with Tulare County, and the budget.

4. Tulare County Association of Governments (TCAG) - June 19, 2017
Council Member Flores reported on receipt of informational updates; announced that the budget was available online; provided an update on Highway 65 project and a Measure R Expenditure Plan amendment; and stated that the next meeting was in August.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - Summer Hiatus

2. Library & Literacy Commission - Summer Hiatus

3. Arts Commission

4. Animal Control Commission
Commissioner Penaloza reported that the last meeting of the commission had been cancelled due to lack of a quorum; and encouraged the Council to appoint additional members.

5. Youth Commission - Summer Hiatus

6. Transactions and Use Tax Oversight Committee (TUTOC)

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update

2. Announcement Regarding Federal Bureau of Investigations National Academy

EMERGENCY ITEM

0. CONSIDERATION OF THE ADDITION OF AN EMERGENCY ITEM

Recommendation: That the Council consider the addition of an emergency item to the agenda.

City Attorney Julia Lew indicated that the emergency item was an authorization for the emergency repair of a City well.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council approve the addition of the emergency item to the agenda as Item No. 25.

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

Documentation: M.O. 02-062017
Disposition: Approved.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, provided copies and spoke of a news article regarding a suicide cluster in Clovis and three lives saved in Tulare County; spoke of the passing of Porterville resident Alfonso C. Hernandez; and reported on the turnout of the Pride March in Porterville on June 11th.
- Rhonda Szeles spoke about the Bark for Life event and of the need to fight cancer for dogs too.
- Daniel Penaloza spoke in support of the appointment of Gabriel Castaneda to the Animal Control Commission.
- Jeff Szeles spoke of the condition of Main Street and encouraged the Council to remedy the situation.
- Joshua Sillier expressed concerns regarding high speed traffic on Plano Street between and Olive and Date Avenues; and requested increased patrol in the area during the period of 11:00 p.m. and 4:00 a.m.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. Staff advised that Mayor Stowe had a conflict on Item No. 11, specifically the street segment identified as No. 11, Grand Avenue from G Street to Jaye Street. City Attorney Lew recommended that Item No. 11 be separated into two actions, 11-A and 11-B, and advised that the Mayor could then abstain from 11-A due to his conflict pertaining to real property.

City Manager Lollis also informed the Council of a correction on Item No. 17. He clarified that the portable restrooms were going to be provided by the Chamber of Commerce.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that City Council approve Items Nos. 1-18, noting Mayor Stowe's abstention from Item No. 11-A.

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

1. CITY COUNCIL MINUTES OF MARCH 14, 2017, AND MAY 2, 2017

Recommendation: That the Council approve the draft Minutes of March 14, 2017, and May 2, 2017.

Documentation: M.O. 03-062017
Disposition: Approved.

2. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE PLANO STREET MICRO OVERLAY AND WATER REPLACEMENT PROJECT

Recommendation: That City Council:
1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council M.O. 02-100714; and
4. Authorize the Finance Director to appropriate $530,285.96 from the Local Measure R Funds to fully fund this project.

Documentation: M.O. 04-062017
Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS FOR THE DOWNTOWN PARKING LOT PERIMETER IMPROVEMENT PROJECTS

Recommendation: That City Council:
1. Approve staff's recommended Plans and Project Manual;
2. Authorize staff to advertise for bids on the project;
3. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council M.O. 02-100714;
4. Authorize staff to appropriate $11,675.24 from Local Transportation Funds to complete funding for this project; and

5. Authorize the City Engineer to sign the SCE applications and issue payments of $26,387.22, $21,879.46, $32,007.48, and $12,034.88 for each street light system.

Documentation: M.O. 05-062017
Disposition: Approved.

4. AUTHORIZATION TO PURCHASE ADJUSTABLE HEIGHT IN-GROUND BASKETBALL GOALS FOR ZALUD PARK

Recommendation: That the City Council authorize the Parks and Leisure Services Director to purchase by negotiation four adjustable height in-ground basketball goals for Zalud Park not to exceed $12,000.

Documentation: M.O. 06-062017
Disposition: Approved.

5. AUTHORIZATION FOR CONCRETE WORK FOR ZALUD PARK PICNIC SHELTER

Recommendation: That the City Council authorize the Parks and Leisure Services Director to negotiate a contract for concrete work for the Zalud Park picnic shelter, a prevailing wage project, not to exceed $12,000.

Documentation: M.O. 07-062017
Disposition: Approved.

6. AUTHORIZATION TO PURCHASE WATER SHARES OR SURFACE WATER FOR GROUNDWATER RECHARGE

Recommendation: That City Council authorize the Public Works Director to purchase water shares or surface water during the 2017/2018 fiscal year up to $500,000.

Documentation: M.O. 08-062017
Disposition: Approved.

7. AUTHORIZATION FOR REPAIR OF SPECIALIZED EQUIPMENT

Recommendation: That City Council authorize the purchase of specialized repair parts (JWC Headworks grinder cartridge) from JWC Environmental at a cost of $12,256 plus any applicable charges.

Documentation: M.O. 09-062017
Disposition: Approved.

8. AUTHORIZATION TO "PIGGYBACK" ON EXISTING CONTRACT

Recommendation: That Council authorize the purchase of cold mix asphalt utilizing the contract between the County of Tulare and Jaxon Enterprises.

Documentation: M.O. 10-062017
Disposition: Approved.

9. AUTHORIZATION TO NEGOTIATE A CONTRACT - OHV PARK MANAGEMENT SERVICES

Recommendation: That the City Council:

1. Authorize staff to negotiate an OHV Park management services contract with Friends of Kern Open Space with the condition that revenue generated by the OHV Park for the City support the local match of $35,156 required by the State OHV grant; and
2. Authorize the Mayor to sign all contract documents when completed.

Documentation: M.O. 11-062017
Disposition: Approved.

10. APPROVAL OF DEE JASPAR & ASSOCIATES, INC. SERVICE AGREEMENT #2 EAST PORTERVILLE WATER SUPPLY PROJECT, PHASE 2

Recommendation: That City Council:

1. Approve the East Porterville Water Supply Project, Phase 2 Service Agreement #2 for Dee Jaspar and Associates; and
2. Direct the Public Works Director to sign Service Agreement #2.

Documentation: M.O. 12-062017
Disposition: Approved.

11-A. ASPHALT OVERLAY PROGRAM FOR 2017/2018

Recommendation: That the City Council approve Street Segment No. 11, Grand Avenue from G Street to Jaye Street (only) of the 2017/2018 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

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

Documentation: M.O. 13-062017
Disposition: Approved.

11-B. ASPHALT OVERLAY PROGRAM FOR 2017/2018

Recommendation: That the City Council approve the remaining segments (Nos. 1-10 and 12-17) of the 2017/2018 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 14-062017
Disposition: Approved.

12. REPORT REGARDING RESOLUTION NO. 10A-2017 - PURCHASE OF REAL PROPERTY LOCATED AT 155-185 N. D STREET

Recommendation: That the City Council accept the report concerning the approval of Resolution No. 10A-2017.

Documentation: M.O. 15-062017
Disposition: Approved.

13. PRELIMINARY ANNUAL ENGINEER'S REPORT OF ASSESSMENTS FOR LIGHTING & LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: That the City Council:

1. Adopt Resolutions:
   a. Ordering the preparation of an Engineer's Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2017-2018;
   b. Giving preliminary approval to the Engineer's Report for the Landscape and Lighting Maintenance Districts for Fiscal year 2017-2018; and
   c. Declaring the intent to levy and collect assessments for Fiscal Year 2017-2018, and offering a time and place for hearing objections thereto.
2. Further, that the City Council set a public hearing for 6:30 PM on July 18, 2017, regarding the Engineer's Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal Year 2017-2018.

Documentation: Resolution Nos. 29-2017: 28-2017; and 29-2017
Disposition: Approved.

14. ASSIGNMENT OF AIRPORT LEASE - LOT 12

Recommendation: That the City Council approve the Assignment of Lease for Lot 12 between the City of Porterville and Harry R. and Donna L. Dellicker to Christopher S. and Amy R. Shaw; and authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.

Documentation: M.O. 16-062017

Disposition: Approved.

15. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER COMMUNITY SWIMMING POOLS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council approve Vice Mayor Ward's request to consider community swimming pools as an amenity of new residential development as a Scheduled Matter at its July 18th meeting.

Documentation: M.O. 17-062017
Disposition: Approved.

16. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER POCKET PARKS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council approve Vice Mayor Ward's request to consider pocket parks as an amenity of new residential development as a Scheduled Matters at its July 18th meeting.

Documentation: M.O. 18-062017
Disposition: Approved.

17. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - KJUG FREE SUMMER CONCERT SERIES - JUNE 28, JULY 13, AND JULY 28, 2017

Recommendation: That the City Council:

1. Approve the Community Civic Event Application and Agreement from the Porterville Chamber of Commerce subject to the Restrictions and Requirements contained in the Application and Agreement, Exhibit A and Exhibit B of the Community Civic Event Application;
2. Allow the use of the Centennial Plaza community room for the performers' green room and the Centennial Plaza patio for the VIP section;
3. Allow the principal sponsor to serve beer to the VIP section only; and
4. Approve the closure of Main Street, from Harrison Avenue to Putnam Avenue.

Documentation: M.O. 19-062017
Disposition: Approved.

18. APPROVAL FOR COMMUNITY CIVIC EVENT - AMERICAN CANCER SOCIETY - BARK FOR LIFE OF PORTERVILLE - AUGUST 19, 2017

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the American Cancer Society, subject to the Restrictions and Requirements contained in the Application, Exhibit A and Exhibit B of the Community Civic Event Application.

Documentation: M.O. 20-062017
Disposition: Approved.

PUBLIC HEARINGS

19. CONDITIONAL USE PERMIT FOR PARKING REDUCTION FOR A PROPOSED DUPLEX COMPLEX NEAR MORTON AVENUE AND 4TH STREET

Recommendation: That the City Council approve a Conditional Use Permit to allow a reduction of parking for eight parcels, to be developed with two duplexes each, for a total of 32 units.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report. City Attorney Julia Lew then read amendments to the resolution regarding the specific conditions related to the parking as follows:

1. *The development shall comply with the proposed site plan, as represented in Exhibits A and B, which includes a two-car enclosed garage for each unit developed.*
2. *Garages may at no time be converted from their intended use.*
3. *Development of the larger parcel, located approximately mid-block as shown on Exhibit A, will be limited to four units in a configuration and of a size consistent with the remaining parcels subject to this permit.*

The Public Hearing opened at 7:20 p.m.

- Jim Winton, 150 W. Morton Avenue, requested clarification on the third amendment that was made to the resolution regarding the development of the larger parcel, 8 parking spaces, and on street parking. Mr. Winton also spoke of ADA parking spaces
- Greg Shelton explained why the project was General Plan friendly.

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

Mayor Stowe and Council Member Hamilton spoke in support of the project. Council Member Reyes spoke of potential parking issues associated with guests, but stated that given the available options, parking should be okay.

<u>COUNCIL ACTION:</u> MOVED by Council Member Flores, SECONDED by Council Member Reyes that the City Council adopt the draft resolution approving a Conditional Use Permit, as amended, to allow a reduction of parking for eight parcels, to be developed with two duplexes each, for a total of 32 units.

AYES: Reyes, Hamilton, Flores, Stowe
NOES: None

ABSTAIN: None
ABSENT: Ward

Documentation: Resolution No. 32-2017
Disposition: Approved.

20. FEES FOR USE OF ELECTRIC VEHICLE CHARGING STATIONS ON MUNICIPAL PROPERTY

Recommendation: That the City Council conduct a public hearing and, upon conclusion, adopt a resolution establishing session fees of $1.25 per hour, for the first four hours, and $2.50 for each additional hour for public use of the new Level 2 electric vehicle (EV) charging station on municipal property.

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

The Public Hearing opened at 7:32 p.m.

- Brock Neeley stated that he had researched costs and indicated that the proposed fees were reasonable.

The Public Hearing closed at 7:32 p.m.

The Council and staff discussed plans for a yearly review; the difference in cost between charging a car at the public charging stations and charging a car at home; solar charging stations that would be free to the public; and the maintenance of equipment.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council adopt a resolution establishing session fees of $1.25 per hour, for the first four hours, and $2.50 for each additional hour for public use of the new Level 2 electric vehicle (EV) charging station on municipal property.

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

Documentation: Resolution No. 33-2017
Disposition: Approved.

21. ADOPTION OF FISCAL YEAR 2017-2018 BUDGET

Recommendation: That the City Council conduct the Public Hearing and consider for adoption the proposed 2017-2018 Fiscal Year Budget, including any modifications and for the time period as designated by Council.

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

The Public Hearing opened at 7:42 p.m. When no one came forward, the Mayor closed the Public Hearing at 7:42 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Flores that the City Council adopt the proposed 2017-2018 Fiscal Year Budget.

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

Council Member Hamilton expressed his appreciation to City Manager Lollis and staff for their efforts.

Documentation: Resolution No. 34-2017; Resolution No. 35-2017
Disposition: Approved.

SCHEDULED MATTERS

22. CONSIDERATION OF APPOINTMENTS TO THE ANIMAL CONTROL COMMISSION AND TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE (TUTOC)

Recommendation: That the City Council consider the appointment of an individual to the Animal Control Commission with a term to expire in September of 2018, and the Transactions and Use Tax Oversight Committee with a term to expire in May of 2020.

City Manager Lollis introduced the item, and Administrative Services Director Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council appoint Gabriel Castaneda to the Animal Control Commission with a term expiring in September 2018 and John Billiou to the Transaction and Use Tax Oversight Committee with a term expiring in May 2020.

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

ABSENT: Ward

Documentation: M.O. 21-062017
Disposition: Approved.

23. SELECTION OF THE PUBLIC TRANSIT REPRESENTATIVE TO THE TULARE COUNTY ASSOCIATION OF GOVERNMENTS (TCAG) BOARD OF DIRECTORS

Recommendation: That the City Council consider the selection of a Public Transit Representative to the Tulare County Association of Governments (TCAG).

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

The Council discussed the individuals that had expressed an interest in serving as well as other potential candidates to support.

<u>COUNCIL ACTION:</u> MOVED by Council Member Reyes, SECONDED by Council Member Flores that the City Council recommend Greg Gomez as the Public Transit Representative to the Tulare County Association of Governments (TCAG).

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

Documentation: M.O. 22-062017
Disposition: Approved.

24. 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.

<u>COUNCIL ACTION:</u> MOVED by Council Member Hamilton, SECONDED by Council Member Reyes that the City Council approve the continued Declaration of Local Emergency.

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

Documentation: M.O. 23-062017
Disposition: Approved.

25. AUTHORIZATION FOR EMERGENCY REPAIR OF CITY WELL #18

Recommendation: That City Council direct the Finance Director to initiate a Purchase Order to Zim Industries in an amount not to exceed $41,589 for the repair of City Well #18.

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

COUNCIL ACTION: MOVED by Mayor Stowe, SECONDED by Council Member Hamilton that the City Council direct the Finance Director to initiate a Purchase Order to Zim Industries in an amount not to exceed $41,589 for the repair of City Well #18.

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

Documentation: M.O. 24-062017
Disposition: Approved.

ORAL COMMUNICATIONS

- Greg Shelton thanked the Council for its approval of Item No. 19, and thanked staff for their work on the project.
- Gabriel Castaneda thanked the Council for his appointment to the Animal Control Commission.
- Sonia Soto spoke regarding the Relay for Life event in October and of services offered to those in Tulare County.

OTHER MATTERS

- Council Member Flores reported that she had attended the Cath Lab Ribbon Cutting and the Leadership Porterville Class of 2017 Graduation; and spoke of Thursday's Chamber After Hours event at Eagle Mountain Casino.
- Council Member Hamilton reminded everyone that Freedom Fest was on July 1st.
- Mayor Stowe stated that he was looking forward to Freedom Fest and was happy to have a cath lab in town.
- City Manager Lollis thanked Administrative Services Director Patrice Hildreth for her work with Leadership Porterville during its transition year; expressed appreciation for Parks and Leisure Services Director Donnie Moore and his staff for their work on recent community events; stated that Great Day would be reporting from Porterville on Wednesday; reported that consideration of the Measure R Expenditure Plan Amendment was scheduled for July 18th; and spoke of upcoming KJUG concerts on June 28 and July

13, Freedom Fest on July 1, the 4th of July holiday, Family Night at the Ballpark on July 7, and Farmers Market on Main Street on July 11.

- Community Development Director Jenni Byers announced there would be a Housing Fair on Friday, June 30th.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:10 p.m. to the meeting of July 18, 2017

Luisa M. Zavala

Luisa M. Zavala, Deputy City Clerk

SEAL

Milt Stowe

Milt Stowe, Mayor