

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

Called to Order at 5:35 p.m.

Roll Call: Council Member Martha Flores, Council Member A. Monte Reyes, Council Member Cameron Hamilton, Vice Mayor Brian Ward (called in during Closed Session), Mayor Milt Stowe (arrived during Closed Session)

ORAL COMMUNICATIONS

- Richard Sanchez, Porterville, requested full reimbursement of costs for improvements made concession stand at Zalud Park.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 259-040-037. Agency Negotiator: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and Smee Builders. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: Along Poplar Avenue, south and adjacent to APN 260-300-028 and APN 260-300-029. Agency Negotiator: John Lollis and Mike Reed. Negotiating Parties: City of Porterville and CZEM Partners LLC. Under Negotiation: Terms and Price.

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

4 - Government Code Section 54956.95 – Liability Claim: Claimant: The Estate of Maureen Hamilton. Agency claimed against: City of Porterville.

5 - Government Code Section 54956.95 – Liability Claim: Claimant: Abel Saldana. Agency claimed against: City of Porterville.

6 - 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.

7 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two Cases.

City Attorney Lew indicated that Council Member Hamilton would be abstaining from Item No. A-5, which would be continued to the next meeting.

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

City Attorney Lew reported action pertaining to A5, as follows:

- A-5. On a MOTION made by Council Member Hamilton, and SECONDED by Council Member Reyes the City Council authorized payment of an additional \$490 to settle the claim.

Documentation: M.O. 01-071817

Disposition: Approved

The Pledge of Allegiance was led by Council Member Martha Flores.

Invocation – a moment of silence was observed.

PRESENTATIONS

Employee of the Month - John Pruitt

Employee Service Award

AB 1234 REPORTS

1. TULARE COUNTY ECONOMIC DEVELOPMENT CORP. (TCEDC) - JUNE 28, 2017
Council Member Reyes stated that he was not able to attend due to being out of town. City Manager Lollis, who had attended, reported on receipt of monthly reports, notification from the cities of Exeter and Farmersville of their inability to continue participation in the EDC, and review of the EDC's function and cost.
2. TULARE COUNTY HOMELESSNESS TASK FORCE - JUNE 29, 2017
City Manager Lollis reported on discussion pertaining to the issue of a shortage of landlords willing to house homeless tenants.
3. LOCAL AGENCY FORMATION COMMISSION (LAFCO) - JULY 12, 2017
Council Member Hamilton reported on the consideration of a City of Visalia annexation, cancellation of the next meeting, and discussion of a recent Superior Court ruling that found hospital/healthcare districts were subject to LAFCO review for the provision of extra territorial services.

REPORTS

- I. CITY COMMISSION AND COMMITTEE MEETINGS
 1. Parks & Leisure Services Commission - Summer Hiatus
 2. Library & Literacy Commission - Summer Hiatus
 3. Arts Commission – no report.
 4. Animal Control Commission – July 10, 2017
Vice Chair Penaloza presented a report of statistics pertaining to Animal Control activity.
 5. Youth Commission – Summer Hiatus
 6. Transactions and Use Tax Oversight Committee (TUTOC) – no report.
- II. STAFF INFORMATIONAL REPORTS
 1. Water Conservation Phase III Status Update
 2. Change of Color of Fire Department Apparatus

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, informed the Council that AMVETS was a resource for homeless veterans.
- Jerry Noble, Porterville, expressed a number of concerns pertaining to road conditions and traffic violations he has observed, and requested increased enforcement by the Police Department. He added that more police personnel were needed and expressed support for a local tax to fund them.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar, but it was noted that Vice Mayor Ward would be abstaining from Item No. 5, specifically Area 458.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve Items Nos. 1-13, noting Vice Mayor Ward's abstention from Item No. 5 (Area 458 only). The motion carried unanimously.

1. CITY COUNCIL MINUTES OF MAY 16, 2017, JUNE 6, 2017, AND AMENDED MINUTES OF DECEMBER 20, 2016

Recommendation: That the Council approve the draft Minutes of May 16, 2017, June 6, 2017, and amended minutes of December 20, 2016.

Documentation: M.O. 02-071817

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE EQUIPMENT BY NEGOTIATION

Recommendation: That the City Council authorize the purchase by negotiation of the equipment listed and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 03-071817

Disposition: Approved.

3. REPLACEMENT OF POLICE DEPARTMENT MOTOROLA RADIO BASE STATIONS

Recommendation: That the City Council approve a purchase in the amount of \$12,151.80 from J's Communications for the replacement and installation of Motorola radio base stations.

Documentation: M.O. 04-071817

Disposition: Approved.

4. APPROVAL OF RESOLUTION AUTHORIZING THE FILING OF RSTP EXCHANGE PROGRAM FUND CLAIM FOR THE FISCAL YEAR 20162017

Recommendation: That the City Council authorize and direct the Finance Director to sign and submit the FY 2016-2017 RSTP Exchange Program fund claim to the Tulare County Association of Governments on behalf of the City of Porterville in the amount of \$603,158.

Documentation: Resolution No. 36-2017

Disposition: Approved.

5. AREAS 458, 455A AND 459A & C SEWER UTILITY DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council adopt the resolutions ordering the continued assessments for Districts 458, 455A and 459A and C for the 2017/2018 tax years.

Documentation: Resolution Nos. 37-2017; 38-2017; and 39-2017

Disposition: Approved.

6. LABORATORY INSTRUMENT SERVICE CONTRACT

Recommendation: That the City Council:

1. Approve the service contract with Agilent Technologies for one (1) year; and
2. Authorize payment for these services from the laboratory operating budget.

Documentation: M.O. 05-071817

Disposition: Approved.

7. OUTOF-STATE TRAVEL - GREENPOWER ELECTRIC TRANSIT BUSES IN-PLANT INSPECTIONS

Recommendation: That the City Council approve an out-of-state travel request to allow Field Services Shop Superintendent Russell Isom and Transit Manager Richard Tree to perform in-plant inspections on GreenPower electric buses in Xiamen, China at an estimated cost of \$13,000 to be reimbursed by grant funds.

Documentation: M.O. 06-071817

Disposition: Approved.

8. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 46C

Recommendation: That City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Mike Quatacker of Porterville, CA, for Lot 46C at the Porterville Municipal Airport.

Documentation: M.O. 07-071817

Disposition: Approved.

9. RENEWAL OF AIRPORT LEASE AGREEMENT - LOT 49B

Recommendation: That City Council approve the extension of the Lease Agreement between the City of Porterville and Mr. Mike Quatacker of Porterville, CA, for Lot 49B at the Porterville Municipal Airport.

Documentation: M.O. 08-071817

Disposition: Approved.

10. JAYE STREET BRIDGE BUDGET AUGMENTATION

Recommendation: That City Council:

1. Authorize the augmentation of Emmett's Excavation construction contract by \$539,044.45;
2. Authorize the augmentation of VSCE's service agreement by \$227,344.74;
3. Authorize the augmentation of TRC's service agreement by \$47,593; and
4. Authorize the augmentation of City's administration costs by \$41,240.66.

Documentation: M.O. 09-071817

Disposition: Approved.

11. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES, UNPAID UTILITY ACCOUNTS AND DELINQUENT LOAN AGREEMENTS TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the attached resolution authorizing the County Auditor to place the weed abatement balances, unpaid utility accounts and delinquent loan agreements on the 20172018 property tax rolls for collection.

Documentation: Resolution No. 40-2017

Disposition: Approved.

12. APPROVAL OF REORGANIZATION WITHIN THE ENGINEERING AND BUILDING DIVISIONS OF THE PUBLIC WORKS DEPARTMENT

Recommendation: That the City Council:

1. Approve the creation of a new Permit Technician classification at Salary Range 177 (\$3,8324,676);
2. Approve the creation of a new Public Works Inspector II classification at Salary Range 196 (\$4,6305,651);
3. Approve the creation of a new Assistant Construction/Project Manager at Salary Range 203 (\$4,9646,059);
4. Approve the allocation of one Administrative Analyst I/II classification; and
5. Authorize Administrative Services staff to amend such personnel documents and commence meet and consult activities as may be necessary to effectuate such proposed changes.

Documentation: M.O. 10-071817

Disposition: Approved.

13. AMENDMENT TO EMPLOYEE PAY AND BENEFIT PLAN -- MANAGEMENT & CONFIDENTIAL SERIES

Recommendation: That the City Council approve the draft Resolution amending the Employee Pay and Benefit Plan pertaining to Management and Confidential Employees.

Documentation: Resolution No. 41-2017

Disposition: Approved.

PUBLIC HEARINGS

14. LANDSCAPE AND LIGHTING DISTRICT ANNUAL ASSESSMENTS

Recommendation: That the City Council:

1. Conduct a public hearing on the 2017-2018 assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2017-2018 fiscal year.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The Public Hearing was opened at 7:16 p.m.

- Brock Neeley, Porterville, stated that the block wall to the west of Monache High School was an eye sore, and inquired if it was part of a Landscape Maintenance District.

Mayor closed the Public Hearing at 7:17 p.m., and staff advised that the block wall was not part of a Landscape Maintenance District.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the Resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer's Report and Assessments for the 2017-2018 fiscal year. The motion carried unanimously.

Documentation: Resolution No. 42-2017

Disposition: Approved.

15. CONDITIONAL USE PERMIT FOR THE RIVER CHURCH LOCATED AT 2440 W. HENDERSON AVE.

Recommendation: That the City Council adopt the draft resolution approving the establishment of The River Church at 2440 W. Henderson Avenue in the RM-3 Zone District.

City Manager Lollis introduced the item, and Community Development Director Jenni Byers presented the staff report. Following the report, City Attorney Lew advised of a recent event held at the location and recommended that the Council continue the item to look into the activity.

The Public Hearing was opened at 7:25 p.m.

- Mark Hillman, applicant's agent, stated that he had no information regarding the recent event; expressed concern regarding the first condition that pertained to landscape; and indicated that there were two churches.

In response to Mr. Hillman's comments, staff provided clarification and indicated that the language would be amended and inquired about the number of churches to occupy the building.

The Public Hearing was continued to the meeting of August 1, 2017.

Documentation: None

Disposition: Item continued to August 1, 2017.

16. GENERAL PLAN AMENDMENT FOR PORTERVILLE TOWN CENTER AND ADJACENT PROPERTIES FROM COMMERCIAL MIXED USE TO RETAIL CENTERS (CONTINUED FROM JUNE 6, 2017)

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, and Community Development Director Byers presented the staff report.

The Public Hearing was opened at 7:33 p.m. Seeing no one, the Mayor was closed at 7:33 p.m.

COUNCIL ACTION: MOVED by Council Member Martha Flores, SECONDED by Council Member A. Monte Reyes that the City Council adopt the 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. The motion carried unanimously.

Documentation: Resolution No. 43-2017

Disposition: Approved.

The Council took a five minute recess at 7:35 p.m.

SCHEDULED MATTERS

17. CONSIDERATION OF APPOINTMENTS TO THE ARTS COMMISSION AND MEASURE R CITIZENS' OVERSIGHT COMMITTEE

Recommendation: That the City Council consider the appointment of three individuals to the City's Arts Commission (two to serve 3-year terms, and one to the student seat with a 1-year term); and one individual to serve a 4-year term on the Measure R Citizens' Oversight Committee.

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

COUNCIL ACTION: MOVED by Council Member Martha Flores, SECONDED by Council Member Cameron Hamilton that the City Council appoint Donna Serna and Mariza Serrano to three year terms on the Arts Commission, Dalia Gonzalez to the one year youth term on the Arts Commission, and Gary Ingraham to a four year term on the Measure R Citizens' Oversight Committee. The motion carried unanimously.

Documentation: M.O. 10-071817
Disposition: Approved.

18. MEASURE R EXPENDITURE PLAN AMENDMENT NUMBER 4

Recommendation: That the City Council:

1. Approve the draft resolution affirming the City Council's support of the proposed amendment to the 2006 Measure R Expenditure Plan;
2. Authorize the Mayor and City Manager to execute the resolution; and
3. Direct the City Clerk to transmit the executed resolution to Tulare County Transportation Authority for consideration.

City Manager Lollis introduced the item, and Acting Public Works Director Mike Reed presented the staff report. Following the report, the City Manager updated the Council on action taken by other agencies to date.

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council adopt the resolution affirming the City Council's support of the proposed amendment to the 2006 Measure R Expenditure Plan; authorize the Mayor and City Manager to execute the resolution; and direct the City Clerk to transmit the executed resolution to Tulare County Transportation Authority for consideration. The motion carried unanimously.

Documentation: Resolution No. 44-2017; and M.O. 11-071817
Disposition: Approved.

19. CONDITIONAL USE PERMIT REVIEW FOR GALAXY 9 THEATRE (PRC 2016-041-M)

Recommendation: That the City Council consider staff's report in the review of whether the applicant has met adequate measures to control alcohol consumption and customer activities inside the building.

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

COUNCIL ACTION: MOVED by Vice Mayor Brian Ward, SECONDED by Council Member Cameron Hamilton that the City Council review the Conditional Use Permit every three years or annually if issues requiring police intervention arise. The motion carried unanimously.

Documentation: M.O. 12-071817
Disposition: Approved.

20. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the draft resolution adopting the appropriation limit of \$67,836,078 for the 2017-2018 fiscal year.

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

COUNCIL ACTION: MOVED by Council Member Cameron Hamilton, SECONDED by Council Member Martha Flores that the City Council approve the draft resolution adopting the appropriation limit of \$67,836,078 for the 2017-2018 fiscal year. The motion carried unanimously.

Documentation: Resolution No. 45-2017

Disposition: Approved.

21. CONSIDER POCKET PARKS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council consider pocket parks as an amenity of new residential development.

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

The Mayor requested the Item Nos. 21 and 22 be continued in light of Vice Mayor Ward being out of town, and the Council concurred.

Community Development Director Jenni Byers spoke of staff's desire to explore master planning for parks, bike, and pedestrian projects.

Documentation: None

Disposition: Item continued to August 1, 2017.

22. CONSIDER COMMUNITY SWIMMING POOLS IN NEW RESIDENTIAL DEVELOPMENT

Recommendation: That the City Council consider community swimming pools as an amenity of new residential development.

Documentation: None

Disposition: Item continued to August 1, 2017.

23. STATUS AND REVIEW OF DECLARATION OF LOCAL EMERGENCY

Recommendation: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
2. Approve the use of the splash pad at Fallen Heroes Park as a designated cooling area for public health and safety purposes.
3. City Manager Lollis introduced the item and presented the staff report.

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

With regard to use of the splash pad as a cooling center, staff addressed questions from the Council regarding conservation goals, an appropriate schedule, and demand on the system. It was suggested that the Mayor be given the authority to authorize use of the splash pad for public health and safety purposes. The Council directed staff to develop a policy for use of the splash pad and bring the item back for the Council's consideration.

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

Documentation: M.O. 13-071817

Disposition: Approved.

ORAL COMMUNICATIONS

None

OTHER MATTERS

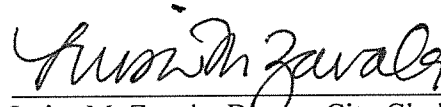
- Council Member Flores thanked the Fire Department personnel for their efforts on mutual aid requests; thanked the Police Department for their continued service to the community; spoke of her attendance at the two KJUG Free Concert Series events, noting the final concert would be on July 29, and the veterans' memorial groundbreaking at Porterville College; and spoke of the upcoming Chamber After Hours event at The Oak Pit.
- Council Member Hamilton spoke of his attendance at the Barn Theater Hoscars, an upcoming production starring Criminal Minds star Kirsten Vangsness, and the veterans' memorial groundbreaking. He thanked the local Rotarians, and stated that he was pleased to see the Mayor in attendance and would continue praying for him.
- Council Member Reyes also thanked Fire for their mutual aid efforts, and spoke of the effects fires have on our air quality.
- Mayor Stowe thanked the Council for its support.
- Vice Mayor Ward also stated that he would be praying for the Mayor; indicated that he missed the Council; and bragged that the highs in Scotland were in the mid-60s.
- City Manager Lollis spoke of the success of Freedom Fest and the return of the Farmers Market to Main Street; lauded Parks and Leisure Services Director Donnie Moore and his staff for its execution and efforts pertaining to Freedom Fest, the KJUG Concert Series and Summer Night Lights; wished Mr. Moore a happy birthday; and stated that Public Works Director Mike Reed also had a birthday on Wednesday.

CLOSED SESSION

None

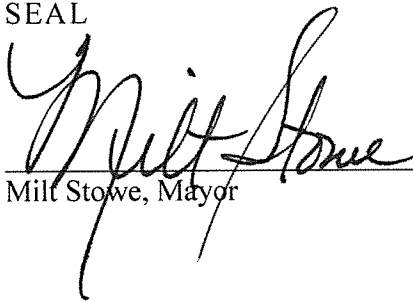
ADJOURNMENT

The Council adjourned at 8:14 p.m. to the meeting of August 1, 2017.



Luisa M. Zavala, Deputy City Clerk

SEAL



Milt Stowe, Mayor