

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
OCTOBER 4, 2022, 5:30 PM**

Call to Order at 5:30 p.m.

Roll Call: Mayor Martha A. Flores, Council Member Milt Stowe, Council Member Lawana Tate,
Council Member Donald Weyhrauch

Absent: Council Member Kellie Carrillo

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: 261-130-004. Agency Negotiator: John Lollis. Negotiating
Parties: City of Porterville and Cornerstone Main Partners II, L.P. Under Negotiation:
Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property
Negotiators/Property: APN: 298 North Main Street, Suites 2 and 3, Porterville,
CA. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Friends
of The Porterville Library. Under Negotiation: Terms and Price.

3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency
Negotiator: John Lollis and Patrice Hildreth. Employee organizations: Porterville Peace
Officers Association and Porterville City Firefighters Association.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing
Litigation: Rae Dean Strawn v. Bruce Sokoloff Et Al., U.S. District Court, Eastern Div.,
Case No. 1:22-At-00742.

5 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel –
Anticipated Litigation – Significant exposure to litigation: Eight (8) 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 (1) case.

**6:31 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

City Attorney Lew reported that there was no reportable action.

Pledge of Allegiance Led by Council Member Tate

Invocation – A member of the public came forward to give in invocation.

PRESENTATIONS

Employee of the Month - Rosio Mejia

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, recited a verse from the King James Version of the bible.
- David Horowitz, Porterville, spoke of his recent visit to the local hospital and suggested a comparison could be made between his doctors' poor decision making and that of the City Council in matters concerning the process for cannabis dispensaries.
- Rae Dean Strawn, Porterville, stated she is running for Porterville School Board Trustee and stated she does not remember calling anyone any derogatory remarks.

AB 1234 REPORTS

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

1 - Cannabis Ad Hoc Committee - September 21, 2022

Council Member Tate stated three proposals were received and reviewed by the committee and a recommendation was made to interview the applicants in the upcoming weeks.

Council Member Weyhrauch stated this was one of the first meetings he attended as a newly appointment Council Member; and that there would be a presentation by the applicants in the next few weeks by the applicants.

2 - Tulare County Homeless Task Force - September 21, 2022

Mayor Flores reported on the adoption AB361 Resolution, approval of minutes, updates on projects room key and home key and two presentations. The next meeting is scheduled for October 19th.

3 - Council of Cities - September 21, 2022

Mayor Flores reported on the approval of minutes and two items that were presented for discussion. The next meeting is scheduled for November 16th.

4 - Casino Relocation Meeting - September 26, 2022

Mayor Flores reported on status updates that were given regarding roadway improvements, non-potable water for casino supply and detention basin.

5 - Tulare County Economic Development Corporation - September 28, 2022

Mayor Flores reported on the approval of minutes, approval of financials, and a presentation by the Tule River Economic Development Corporation.

6 - Internal City Audit Committee Meeting - September 28, 2022

Mayor Flores reported on the approval of minutes, review of the Barn Theater agreement, an update on the FTA Triennial review, review of Status of Pension Obligation Bond Validation Suit, and the review of proposed Friends of the Library Lease Agreement. The next meeting is scheduled for October 26th.

7 - Tulare County Regional Transit Agency Meeting - September 28, 2022

Council Member Stowe reported on the Transdev Transition Training and Cross Valley Corridor Presentations as well as the approval of the Cash Advance and Repayment

Agreements with several cities and the approval of grant agreements with the Federal Transit Administration. The next meeting is scheduled for October 17th.

8 - Tulare County Economic Development Corporation Coordination Meeting - September 29, 2022

Mayor Flores reported on a conversation and tour with CEO Airica de Oliveira relating to economic development, within the City of Porterville.

9 - Sierra View Medical Center Foundation Gala - October 1, 2022

Mayor Flores reported on her attendance and stated the events goal was to raise funds for various equipment for the hospital.

10 - Police Department Badge Pinning Ceremony - October 3, 2022

Mayor Flores reported on her attendance to the ceremony and congratulated new officer Sarai Jimenez.

REPORTS

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. Staff Informational Reports

1. Fall Community Clean-Up Event

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Council Member Weyhrauch, SECONDED by Council Member Tate that the City Council approve Items Nos. 1-19. The motion carried unanimously.

1. CODE ENFORCEMENT VEHICLE PURCHASE

Recommendation: That the City Council:

1. Authorize staff to negotiate for the purchase of two vehicles up to a cost of \$62,000 per vehicle, which is based on the Manufacturer's Suggested Retail Price plus tax, license, and applicable fees;
2. Authorize staff to negotiate up to \$20,000 per vehicle for all the necessary equipment, including emergency lights, radios, and other tools required to place the vehicles into service. The vehicles will be negotiated either separately or as a unit through a process requesting quotes from not less than three vendors;
3. Due to the unique purchasing parameters requested, staff is further requesting a ten percent (10%) contingency for the total purchase, at a total price not to exceed \$90,200 per vehicle; and
4. Approve the appropriation of \$90,200 in the Fire Department's General Fund budget from revenues to be generated by cannabis dispensaries and an additional appropriation of \$40,200 from Measure I Funds.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 01-100422

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT - BLOWER
MAGNETIC BEARING CONTROLLER

Recommendation: That City Council:

1. Authorize the purchase of a new magnetic bearing controller for a not to exceed amount of \$18,421 which includes taxes, shipping and a ten percent (10%) contingency from Kaeser Compressors;
2. Direct the Finance Director to initiate a Purchase Order to Kaeser Compressors for a not to exceed amount of \$18,421 which includes taxes, freight and a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to Kaeser Compressors upon receipt of the invoice approved by the Public Works Director.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 02-100422

Disposition: Approved.

3. AUTHORIZATION TO REPAIR RAW SEWAGE PUMP #1

Recommendation: That City Council:

1. Award the repair of influent pump #1 to Shape Incorporated for a do not exceed amount of \$21,419 which includes taxes and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to Shape Incorporated for a do not exceed amount of \$21,419 which includes taxes and a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to Shape Incorporated upon receipt of an invoice approved by the Public Works Director.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 03-100422

Disposition: Approved.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - AKIN AND CENTRAL MUTUAL WATER SYSTEM IMPROVEMENT PROJECT

Recommendation: That City Council:

1. Approve Staff's recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: M.O. 04-100422

Disposition: Approved.

5. ACCEPTANCE OF PROJECT - PUBLIC SAFETY BUILDING STORAGE PROJECT

Recommendation: That City Council:

1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the immediate release of the final payment, provided no stop notices have been filed.

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: M.O. 05-100422

Disposition: Approved.

6. AWARD OF CONTRACT FOR CONSULTING SERVICES FOR LOCAL EARLY ACTION PLANNING GRANT SOUTH OF TULE RIVER SPECIFIC PLAN

Recommendation: That the City Council:

1. Authorize staff to negotiate a contract with Precision Engineering, Inc. to complete the Land Use and Circulation Elements for the Draft SoTu Specific plan and associated entitlements and environmental review; and
2. Authorize the Community Development Director to execute the contract.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 06-100422

Disposition: Approved.

7. AUTHORIZATION TO EXECUTE CONSULTANT AGREEMENT WITH RRM DESIGN GROUP

Recommendation: That City Council:

1. Authorize the Engineering and Project Management Director to execute the Consultant Service Agreement for the Fourth Street Community Center and Park Project with RRM Design Group in the amount of \$1,149,613; and
2. Authorize progress payments up to one hundred percent (100%) of the fee amount.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 07-100422

Disposition: Approved.

8. AUTHORIZATION TO SIGN AGREEMENT - EAGLE AERIAL SOLUTIONS

Recommendation: That City Council:

1. Authorize entering into a 5-year agreement with Eagle Aerial Solutions for five user seats in an amount not to exceed \$38,478 per year;
2. Direct the Finance Director to initiate a Purchase Order for five user seats to Eagle Aerial Solutions in an amount not exceed \$38,478 per year; and
3. Direct the Finance Director to make payment to Eagle Aerial Solutions upon receipt of an invoice approved by the Public Works Director.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 08-100422

Disposition: Approved.

9. RESOLUTION ACCEPTING A DEED OF EASEMENT FROM THE UNITED STATES DEPARTMENT OF AGRICULTURE FOREST SERVICE - HENRAHAN STREET

Recommendation: That City Council:

1. Adopt the draft Resolution for the acceptance of the Easement from the United States Department of Agriculture Forest Service; and
2. Direct the City Clerk to record the Easement in the office of the Tulare County Recorder.

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: Resolution No. 99-2022

Disposition: Approved.

10. APPROVAL OF RESOLUTION FOR THE SUBMITTAL OF AN APPLICATION, ACCEPTANCE OF FUNDS AND EXECUTION OF A GRANT AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION FOR AN AIRPORT IMPROVEMENT PROGRAM MATCHING GRANT

Recommendation: That the City Council adopt the attached draft Resolution authorizing the Finance Director to file an application and execute the AIP Matching Grant Agreement with the California Department of Transportation.

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: Resolution No. 100-2022

Disposition: Approved.

11. EAST PORTERVILLE WATER CONNECTION ACCESSORY DWELLING UNIT

Recommendation: That the City Council adopt the draft Resolution approving the second water service connection for the Accessory Dwelling Unit (ADU).

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: Resolution No. 101-2022

Disposition: Approved.

12. PROGRAM SUPPLEMENT TO THE ADMINISTERING AGENCY-STATE AGREEMENT FOR FEDERAL-AID PROJECTS - OLIVE AVENUE AND PORTER ROAD/CLOVERLEAF STREET INTERSECTION SIGNAL REPLACEMENT PROJECT

Recommendation: That the City Council:

1. Approve the program supplement by passing a Resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: Resolution No. 102-2022

Disposition: Approved.

13. CONSENT TO SUBLET - LOT NO. 6 AT THE PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council:

1. Authorize the Lessee, TREDC Real Estate, to sublet the airport hangar on Lot No. 6 at the Porterville Municipal Airport to Green Power Motor Company, Inc. through July 31, 2023; and
2. Authorize the Mayor to sign the City's Consent to Sublet Airport Hangar Lot No. 6 on behalf of the City.

AYES: Weyhrauch, Tate, Stowe, Flores

NOES: None

ABSTAIN: None

ABSENT: Carrillo

Documentation: M.O. 09-100422

Disposition: Approved.

14. ASSIGNMENT OF AIRPORT LEASE - LOT NO. 38

Recommendation: That the City Council:

1. Approve the Assignment of Lease for Lot No. 38 at the Porterville Municipal Airport from Raymond Broad and Dernie Waikiki to Thomas S. Raya and Elizabeth M. Raya; and
2. Authorize the Mayor to sign the Lessor's Consent to Assignment of Lease on behalf of the City.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 10-100422
Disposition: Approved.

15. AUTHORIZATION OF STREET CLOSURE

Recommendation: That the City Council authorize the Fire and Police Departments to close city streets in the vicinity of Fire Station 71 as deemed necessary on October 11, 2022.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 11-100422
Disposition: Approved.

16. AUTHORIZATION OF STREET CLOSURE - PORTER ROAD

Recommendation: That the City Council:

1. Approve the request of the Porterville Military Academy to close Porter Road on Monday, October 31, 2022, from 5:00 P.M. to 9:00 P.M.; and
2. Direct City staff to locate and remove City-owned traffic safety barriers.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 12-100422
Disposition: Approved.

17. AUTHORIZATION FOR OUT-OF-STATE TRAVEL TO GEORGIA SMOKE DIVER TRAINING

Recommendation: That the City Council authorize travel by City representatives to Dalton, Georgia to attend Smoke Divers Training.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 13-100422

Disposition: Approved.

18. REAFFIRM CONDITIONS OF STATE ASSEMBLY BILL 361 TO CONTINUE
REMOTE ATTENDANCE AT PUBLIC MEETINGS

Recommendation: That the City Council consider adoption of the draft Resolution to continue allowing the option to participate in the City's public meetings remotely through the use of the teleconferencing provisions of AB 361.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: Resolution No. 103-2022

Disposition: Approved.

19. STATUS AND REVIEW OF LOCAL EMERGENCY: DROUGHT

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.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 14-100422

Disposition: Approved.

SCHEDULED MATTERS

20. CONSIDERATION OF APPOINTMENTS TO THE ANIMAL CONTROL COMMISSION

Recommendation: That the City Council consider the reappointment requests of Kathy Guinn, Jerry Hall, and Kathleen Harris for terms expiring in September 2026; and consider the appointment of individuals to the vacant seat on the commission with a term expiring in September 2024.

City Manager Lollis introduced the item and Deputy City Manager Patrice Hildreth presented the staff report.

COUNCIL ACTION: MOVED by Mayor Flores, SECONDED by Council Member Weyhrauch that the City Council approve the reappointment of Kathy Guinn, Jerry Hall, and Kathleen Harris.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 15-100422

Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stowe, SECONDED by Mayor Flores that the City Council appoint Lacie Goodlett to the vacant seat with a term set to expire in September 2024.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None
ABSTAIN: None
ABSENT: Carrillo

Documentation: M.O. 16-100422

Disposition: Approved.

21. WHOLLY-LOCAL CANNABIS ADULT-USE DISPENSARY REQUEST FOR PROPOSALS

Recommendation: That the City Council approve the scheduling of a Special Meeting for Monday, October 24, 2022 at 6:00 P.M. to interview the qualified respondents to the RFP for wholly-local cannabis business operating permit for retail dispensary.

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

Discussion ensued between members of the council and a recommendation was made to coordinate with its Ad Hoc Committee (comprised of Council Members Tate and Weyhrauch) in recommending the interview process.

COUNCIL ACTION: MOVED by Council Member Weyhrauch, SECONDED by Council Member Milt Stowe that the City Council approve the scheduling of a Special Meeting for Monday, October 24, 2022 at 6:00 p.m. to interview the qualified responders to the RFP for a wholly-local cannabis business operating permit for retail dispensary, and meeting to be held by the Cannabis Ad Hoc Committee to review and approve a questionnaire for the applicants.

AYES: Weyhrauch, Tate, Stowe, Flores
NOES: None.
ABSTAIN: None.
ABSENT: Carrillo

Documentation: M.O. 17-100422

Disposition: Approved.

ORAL COMMUNICATIONS

- David Horowitz, Porterville, spoke of the Request for Proposals (RFP) Process and spoke in favor of a truly locally-owned business.
- Rae Dean Strawn, Porterville, reported on the local regulations of the cannabis dispensaries and offered her expertise regarding the history of the RFP Process.
- Maria Morero, Porterville, presented the council with the copies of the RFP and cited language from the RFP.
- Darren Garrett, Porterville, stated he and his proponents were not present to create conflict and stated that the other applicants were not wholly-local like Bloom Farms and that the City should do what is right.

OTHER MATTERS

- Council Member Tate stated she is anxious to get the cannabis dispensary business established.
- Council Member Weyhrauch thanked Mayor Flores for her attendance at all the meetings in which she participates, and thanked the public for their participation at the meeting.
- Mayor Flores congratulated Rogelio Caudillo from the ETGSA who is soon-to-be seated on the Tulare County Water Commission, and thanked him for his attendance that evening. Mayor Flores also spoke of her attendance at Dr. Claudia Habib's invitation at a PC event with Author Gary Soto.
- City Manager Lollis spoke of the successful conclusion of the City of Porterville Corporate Games, mentioned the upcoming Pioneer Days, as well as the scheduled check presentation next week by Senator Melissa Hurtado for the Emergency Operations Center. Mr. Lollis also congratulated Finance Director Maria Bemis on her upcoming birthday.

ADJOURNMENT -

The Council adjourned at 7:57 to the meeting of October 18, 2022 at 5:30 p.m.


Fernando Gabriel-Moraga, Deputy City Clerk

SEAL


Martha A. Flores, Mayor

