

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 7, 2023, 5:30 PM**

Call to Order at 5: 30 p.m.

Roll Call: Council Member Greg Meister, Council Member Raymond Beltran, Council Member Donald Weyhrauch, Vice Mayor Kellie Carrillo, Mayor Martha. A. Flores

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 and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: State Farm Insurance Company as Subrogee of Pamela Plumlee. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Ivonne Villagomez. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Porfiria Martinez. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.95 – Liability Claim: Claimant: Federated Mutual Insurance/M&S Pump Company/Ryan Pouncey. Agency claimed against: City of Porterville.
- 6 - Government Code Section 54956.95 – Liability Claim: Claimant: Juan and Beatriz Chavez. Agency claimed against: City of Porterville.
- 7 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Reyes Soto v. California Department of Transportation et al., Sacramento County Superior Court Case No. 34-2022-00316708.
- 8 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation: Six (6) cases in which facts are not yet known to potential plaintiff.
- 9 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of litigation: One (1) case.

**6:33 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

City Attorney Lew reported action pertaining to A-3,A-4, and A-5, as follows:

A-3. On a MOTION made by Vice Mayor Carrillo, and SECONDED by Council Member Beltran the City Council unanimously rejected the claim filed by Ivonne Villagomez.

Documentation: M.O. 01-020723

Disposition: Claim Rejected.

A-4. On a MOTION made by Council Member Weyhrauch, and SECONDED by Council Member Meister the City Council unanimously rejected the claim filed by Porfiria Martinez.

Documentation: M.O. 02-020723

Disposition: Claim Rejected.

A-5. On a MOTION made by Council Member Weyhrauch, and SECONDED by Council Member Meister the City Council unanimously rejected the claim filed by Federated Mutual Insurance/M&S Pump Company/Ryan Pouncey.

Documentation: M.O. 03-020723

Disposition: Claim rejected.

Pledge of Allegiance Led by Vice Mayor Carrillo

Invocation – Two members of the public came forward to give an invocation.

PRESENTATIONS

Miss Porterville Queen and Court

Employee of the Month - Carlos Meza

Porterville Police Department - Recognition for Excellence in Policy and Training Management

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, handed out documentation to the Council with regard to the Public Hearing Item, and spoke of nearby airports getting their beacons put up.
- Greg Shelton, Porterville, presented Council with a copy of the Municipal Code, with regard to non-profit fundraising.
- David Harris, Owner of Consolidated Testing Laboratories, stated that he would like for the city to reconsider their bid that they submitted late and to give them an opportunity to re-bid for their services.
- Elizabeth Booth, Porterville, spoke against the trash in the area of Main Street and would like to see it cleaned up.
- Scott Bowler, Porterville Chamber of Commerce, spoke of the Chambers new members, an upcoming First Friday Coffee event on March 1, Ribbon Cutting and Grand Opening for EECU on March 8, Business After Hours with the Burton School District on March 9, and a Ribbon Cutting for Christen's Tonsorial Parlor on March 11.
- Michael Warden, Culture Cannabis, introduced himself as the General Manager of Culture Cannabis Club and stated he is available should the Council have questions.

AB 1234 REPORTS

At the request of Mayor Flores, all AB1234 Reports were moved to follow Scheduled Matters.

REPORTS

I. Staff Informational Reports

Code Enforcement Quarterly Report FY 2022-2023 (October - December 2022)

Ohv Park Quarterly Report FY 2022-2023 (October - December 2022)

Golf Course Quarterly Report FY 2022-2023 (October - December 2022)

Charitable Car Washes Quarterly Report Calendar Year 2022

City Council Member Appointments Attendance Quarterly Report FY 2022-2023 (October - December 2022)

City Commission and Committee Attendance Quarterly Report FY 2022-2023 (October - December 2022)

Street Performance Measure Quarterly Report FY 2022-2023 (October - December 2022)

Building Permit Activity Quarterly Report FY 2022-2023 (October - December 2022)

CONSENT CALENDAR

COUNCIL ACTION: MOVED by Council Member Weyhrauch, SECONDED by Mayor Flores that the City Council approve Items Nos. 1-12. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JANUARY 17, 2023

Recommendation: That the Council approve the draft Minutes of January 17, 2023

Documentation: M.O. 04-020723

Disposition: Approved.

2. AUTHORIZATION TO REPLACE CITY HALL EXTERIOR DOOR

Recommendation: That the City Council authorize the replacement of the southeast exterior door of City Hall for \$7,465.94 from Lindsay House of Glass.

Documentation: M.O. 05-020723

Disposition: Approved.

3. AUTHORIZATION TO REPAIR SPECIALIZED EQUIPMENT - PRIMARY CLARIFIER CENTER DRIVE

Recommendation: That the City Council:

1. Award the repair of the primary center drive on Plant #2 for the City's Wastewater Treatment facility to GSE Construction for a do-not-exceed amount of \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to GSE Construction for a do not exceed amount of \$150,000, which includes repair parts, labor, freight, taxes and a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to GSE Construction upon receipt of an invoice approved by the Public Works Director.

Documentation: M.O. 06-020723

Disposition: Approved.

4. AUTHORIZATION TO PURCHASE AERONAUTICAL LIGHT BEACON FOR THE AIRPORT

Recommendation: That the City Council authorize the purchase of a new LED rotating beacon for the Airport from Hali-Brite for \$14,530.73, in addition to the related use tax, shipping and other charges.

Documentation: M.O. 07-020723

Disposition: Approved.

5. AUTHORIZATION TO PURCHASE REPLACEMENT PUMP AND MOTOR FOR CITY WELL NO. 1A

Recommendation: That the City Council:

1. Direct the Finance Director to initiate a Purchase Order to S.A. Camp for an amount not to exceed \$18,852 for the repair parts needed for City Well # 1A; and
2. Direct the Finance Director to make payment to S.A. Camp upon receipt of the invoice approved by the Public Works Director.

Documentation: M.O. 08-020723

Disposition: Approved.

6. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR SKATEPARK IMPROVEMENTS

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications for the Skatepark Improvements project.

Documentation: M.O. 09-020723

Disposition: Approved.

7. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR HAYES FIELD LIGHTING PROJECT

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications for the Hayes Field lighting project.

Documentation: M.O. 10-020723

Disposition: Approved.

8. AUTHORIZATION TO AWARD - AKIN AND CENTRAL MUTUAL WATER SYSTEM IMPROVEMENT PROJECT

Recommendation: That the City Council:

1. Award the Akin and Central Mutual Water System Improvement Project to RT Nelson Company, Inc. in the amount of \$862,644;
2. Authorize progress payments up to one hundred percent (100%) of the contract amount;
3. Authorize a ten percent (10%) contingency to cover unforeseen costs;
4. Authorize an additional \$138,616 for construction management, construction surveying, quality control and inspection services; and
5. Authorize the City Engineer to negotiate construction surveying services with one of the firms as approved by Council MO #04-041922.

Documentation: M.O. 11-020723

Disposition: Approved.

9. ACCEPTANCE OF PROJECT - ISLAND ANNEXATION AREA 457 SEWER PROJECT

Recommendation: That City Council:

1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 12-020723

Disposition: Approved.

10. FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Financial Status Reports as presented.

Documentation: M.O. 13-020723

Disposition: Approved.

11. QUARTERLY INVESTMENT PORTFOLIO

Recommendation: That the City Council accept the quarterly Investment Portfolio Summary Report.

Documentation: M.O. 14-020723

Disposition: Approved.

12. 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.

Documentation: Resolution No. 02-2023

Disposition: Approved.

PUBLIC HEARINGS

13. VILLAS AT SIERRA MEADOWS 4 & 5 DEVELOPMENT PROJECT

Recommendation: That the City Council open the continued Public Hearing to receive comments on the Villas at Sierra Meadows 4 & 5 Development Project, then:

1. Adopt the draft Resolution adopting the Initial Study/Mitigated Negative Declaration and mitigation monitoring and reporting program;
2. Adopt the draft Resolution amending the General Plan to reflect the Land Use designation of the site as Low Density Residential;
3. Adopt the draft Resolution approving the Conditional Use Permit;
4. Adopt the draft Resolution approving the Tentative Subdivision Map with conditions; and
5. Adopt the draft Resolution requesting that Tulare County LAFCo initiate proceedings for annexation.

City Manager Lollis introduced the item and City Contract City Planner Jeff Oneal presented the staff report. Mr. Oneal stated that during the last Public Hearing of January 17, 2023, members of the public stated they have seen San Joaquin Kit Foxes (SJKF) in the area of the development but is it unlikely that there are SJKF on the project site or that the site serves as SJKF habitat, and the analysis and conclusions of the Initial Study and Mitigated Negative Declaration most likely remains appropriate regarding biological resources.

The Public Hearing was reopened at 7:24 p.m.

- Brock Neeley, Porterville, stated that when reviewing the EIR, the word foxes is only mentioned one time, and that if an endangered species survey is not conducted, the city could open themselves up to litigation.
- Lillian Garcia, Porterville, stated that it would cost her a large amount of money to

- relocate her pigs as she will need to recement portions of her property to do so.
- Greg Shelton, Porterville, spoke in favor of the project and asked why there are now concerns of kit foxes in the area, but were not a concern of different developments in the surrounding areas before.
- Kent Turner, Visalia, pointed out the biologists said the orchard where the development is being proposed, is not a habitat for kit foxes and gave his support of the Development.

The Public Hearing was closed at 7:30 p.m.

Council Member Weyhrauch thanked the public for their comments and stated that he is confident that if an endangered species was found, it would be addressed. Council Member Weyhrauch inquired whether the city was aware of known locations of kit foxes, which staff mentioned a known location that was a mile south of the location. In response to questions posed by Council Member Weyhrauch, staff indicated that the development was located in close proximity to Fire Station 73 making response times good; that water consumption projections remained accurate; and that the applicant did not request any deviation to the required setback, only the width.

Council Member Meister inquired about how long ago a kit fox was last seen a mile south, which staff answered the report was from 2007, which was a figure from the city's General Plan that was adopted some time ago.

COUNCIL ACTION: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Greg Meister that the City Council adopt the draft resolutions pertaining to the Villas at Sierra Meadows 4 & 5 Development Project. The motion carried unanimously.

Documentation: Resolution No. 03-2023, Resolution No. 04-2023, Resolution No. 05-2023, Resolution No. 06-2023, and Resolution No. 07-2023

Disposition: Approved.

SECOND READINGS

14. SECOND READING - ORDINANCE NO. 1900 - ZONE CHANGE (PRC 2022-012-Z), FROM RM-3 (HIGH-DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THE DEVELOPMENT OF A FUTURE BAKERY

Recommendation: That the City Council give Second Reading to Ordinance No. 1900, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Donald Weyhrauch that the City Council give Second Reading to Ordinance No. 1900, being an ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE CONTAINING FINDINGS AND CONDITIONS IN SUPPORT OF ZONE CHANGE (PRC-2022-012-ZC), FROM RM-3 (HIGH

DENSITY RESIDENTIAL) TO CG (GENERAL AND SERVICE COMMERCIAL) FOR THE DEVELOPMENT OF A FUTURE BAKERY, waive further reading, and adopt said Ordinance. The motion carried unanimously.

Documentation: Ordinance No. 1900

Disposition: Approved.

SCHEDULED MATTERS

15. CDBG CITIZENS' ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:

1. Adopt the 2023 Citizen Participation Plan;
2. Appoint existing Committee members Pat Contreras, Rebecca Contreras, Linda Mendez, Eriselda Lizarraga and Isabel Olmos to the Citizens' Advisory and Housing Opportunity Committee for a one-year term; and
3. Appoint Yalimar Garcia and Jacqueline Verduzco Alanis as new members for a one-year term.

City Manager Lollis introduced the item and Assistant City Manager Jason Ridenour presented the staff report.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Vice Mayor Kellie Carrillo that the City Council adopt the 2023 Citizen Participation Plan, and appoint existing and new Committee members. The motion carried unanimously.

Documentation: M.O. 15-020723

Disposition: Approved.

16. CONSIDER A LETTER OF COMMITMENT AS A KEY COMMUNITY PARTNER TO THE TULARE COUNTY REGIONAL TRANSIT AGENCY AS THE LEAD APPLICANT TO THE UNITED STATES DEPARTMENT OF TRANSPORTATION "THRIVING COMMUNITIES PROGRAM"

Recommendation: That the City Council consider approval of the Letter of Commitment as a Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program."

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

COUNCIL ACTION: MOVED by Council Member Raymond Beltran, SECONDED by Vice

Mayor Kellie Carrillo that the City Council approve a Letter of Commitment as an identified Key Community Partner to the Tulare County Regional Transit Agency as the Lead Applicant to the United States Department of Transportation "Thriving Communities Program". The motion carried unanimously.

Documentation: M.O. 16-020723

Disposition: Approved.

17. CONSIDER THE FORMATION OF A CITY COUNCIL AD HOC COMMITTEE TO ANNUALLY REVIEW THE IMPLEMENTATION OF THE CITY'S GENERAL PLAN.

Recommendation: That the City Council consider the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan.

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

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Greg Meister that the City Council approve the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan, and appoint Council Member Weyhrauch and Vice Mayor Carrillo as members of the Committee. The motion carried unanimously.

Documentation: M.O. 17-020723

Disposition: Approved.

18. 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.

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

COUNCIL ACTION: MOVED by Council Member Donald Weyhrauch, SECONDED by Mayor Martha A. Flores that the City Council receive the report of status and review of the Declaration of Local Emergency and determined the need exists to continue said Declaration.

AYES: Beltran, Weyhrauch, Carrillo, Flores

NOES: Meister

ABSTAIN: None

ABSENT: None

Documentation: M.O. 18-020723

Mayor Flores reported on those in attendance, adoption of resolutions, and the approval of Transportation Development Act Audit Extension for Member Agencies. Flores also reported on several informational items that included the implementation status of federally-funded projects, Senate Bill 1, the status of State Transportation Improvement Program allocations, and of California Transportation Commission, and Brown Act amendments.

Mayor Flores reported on the Association Calendar that included the approval of minutes, the adoption of resolutions, and of various informational items.

12. Tulare County Regional Transit Agency (TCRTA) - January 30, 2023

Council Member Weyhrauch reported on introductions of new TCRTA staff, the approval of minutes, reaffirmation of conditions of AB 361 to continue remote attendance, the approval of the revised 2023 TCRTA board meeting schedule, and several action items. He stated that the next meeting was scheduled for February 22, 2023.

13. The U.S. Forest Service Headquarters Ribbon-Cutting - February 1, 2023

Council Member Beltran spoke of his attendance and stated that he appreciated being at the event.

Council Member Weyhrauch stated that he attended the introduction but had a scheduling conflict and had to step away soon after, but that he enjoyed the event and opening prayer.

Vice Mayor Carrillo reported on her attendance to the event, spoke of the dignitaries present, and described the different areas of the facility. Carrillo stated it was great to hear the Tule River Tribal Elder who gave the welcome blessing.

Council Member Meister stated he wasn't able to attend the event due to a scheduling conflict, but that he did serve seven years with the Forest Service and that he has a lot of love and respect for it.

Mayor Flores spoke of those in attendance, touched on the history of the building, and stated that it was an honor to speak at the event and take a tour of the facility.

14. Local Initiatives Navigation Center (LINC) Committee Meeting - February 1, 2023

Council Member Beltran reported on those in attendance, a review of the Point-In-Time (PIT) event, a presentation of the budget report, and donations related to the PIT.

15. Tulare County Association of Governments Board Training - February 2, 2023

Council Member Meister stated the training consisted of administration, Measure R Funding, Planning and Community Outreach, and appointments to other agencies and committees.

Vice Mayor Carrillo stated the training was the first session of two, with the next meeting being held in March. Carrillo stated she appreciated the training and that everything has been helpful.

Mayor Flores stated that she attended the training as a refresher course and spoke of the history

in her involvement with the training and retreats.

16. Eastern Tule Groundwater Sustainability Agency (ETGSA) Board Meeting - February 2, 2023

Council Member Weyhrauch reported on those in attendance, the approval of the consent calendar, the review and approval of several action items related to irrigation and training and Research Center -METRIC, the draft ETGSA Scope of Work & Budget for MLRP Grant, and a discussion of the LandFlex Grant.

Public Works Director Michael Knight provided additional information regarding coordination with Thomas Harding Company.

17. Police Department Badge Pinning Ceremony - February 6, 2023

Mayor Flores congratulated the officers who were sworn in, and was an honor to be in attendance.

Council Member Weyhrauch stated it was an honor to attend the ceremony and thanked the Chief and his leadership team for finding qualified candidates for the city.

ORAL COMMUNICATIONS

- Rae Dean Strawn, Porterville, stated council members should receive more money.

OTHER MATTERS

- Council Member Meister, explained his vote decision on Item No. 18., and spoke of the representative from Consolidated Testing Laboratories who spoke to Council during Oral Communications. He voiced support for the City helping the business.
- Council Member Weyhrauch, lauded public safety and law enforcement working in partnership with Tulare County Sheriff's Office and recognized city staff for their continued good work within the city.

Council reconvened into Closed Session at 9:43 p.m.

CLOSED SESSION

No reportable action had taken place during Closed Session.

ADJOURNMENT

The Council adjourned at 11:44 p.m. to the meeting of February 21, 2023 at 5:30 p.m.



Fernando Gabriel-Moraga, Deputy City Clerk

SEAL



Martha A. Flores, Mayor

