

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
FEBRUARY 21, 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: Melissa Planing. Agency claimed against: City of Porterville.

3 - Government Code Section 54956.95 – Liability Claims: Claimant: Candelario Garcia and Engracia Garcia. Agency claimed against: City of Porterville.

4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Estate of Armando Orozco, Jr. et al. v. City of Porterville, et al., Tulare County Superior Court Case No. PCU 282499.

5 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation: Four (4) 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.

**6:40 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

City Attorney Lew reported action pertaining to A-2, and A-3, as follows:

A-2. On a MOTION made by Council Member Beltran, and SECONDED by Vice Mayor Carrillo the City Council unanimously rejected the claim filed by Melissa Planing.

Documentation: M.O. 01-022123

Disposition: Claim rejected.

A-3. On a MOTION made by Council Member Meister, and SECONDED by Council Member Weyhrauch the City Council unanimously rejected the claim filed by Candelario Garcia.

Documentation: M.O. 02-022123

Disposition: Claim rejected.

The Pledge of Allegiance was led by Council Member Donald Weyhrauch

Invocation – a member of the public came forward to speak.

PRESENTATIONS

Fourth Street Park and Community Center Draft Conceptual Design
Outstanding Business – Happy Hearts

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, voiced appreciation that Public Works staff had painted the red curb on Newcomb Street, North of Mulberry.
- Silia Thompson, Porterville, spoke of her concern with recent bicycle riders who are weaving in and out of traffic within the city and requested that the city look into this matter.
- Josh Flowers, Porterville, spoke of models of different freedoms such as national freedom, political freedom, and individual freedom. He described each freedom to the Council.
- Fred Beltran, Porterville, stated he is present on behalf of the Porterville Rescue Mission and was available for any questions.
- Richard Dunn, Porterville, spoke on behalf of his church Foothill Presbyterian Church and gave the history of the property and its annexation into the city. He stated he is in favor of the Foothill Presbyterian Church being connected to city sewer and water.
- Scott Bowler, Porterville Chamber of Commerce, stated the Chamber welcomed two new members and two new ambassadors, and spoke of upcoming events such as First Friday Coffee, Ribbon Cuttings for EECU, Christen's Tonsorial Parlor, Imagine Arts Center, Business After Hours with BSD, and the upcoming Spring Festival.
- Ed McKervey, Porterville, stated it's a privilege to be able to say a prayer at the council meeting and recited words from the California Preamble; spoke of the City motto "In God We Trust" to which he stated that we don't make decisions just for money, we make decisions to do the right thing.
- Sergio Gonzalez, Porterville, spoke of donations that he has allegedly made to the city, state and federal government; and spoke of alleged investigations and misappropriation of donated funds and embezzlement going on within the city.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - February 2, 2023 – no report was provided.
2. Library & Literacy Commission - February 14, 2023

Commissioner Edith LaVonne reported on the adult book club for the month of January, bilingual story time hosted on Facebook, and provided monthly statistics regarding patronage, program participation, library visits, interlibrary loans, computer usage and virtual programs.

3. Arts Commission - January 24, 2023

Commissioner Dawn Bennett stated the Commission reported on having a third chalk art booth and of the upcoming Spring Festival; reported on the Commission's discussion to move back to regularly scheduled monthly meetings; and spoke of a vacant youth position on the Commission.

4. Animal Control Commission – no meeting was scheduled.

5. Youth Commission - February 8, 2023 – no report was provided.

6. Transactions and Use Tax Oversight Committee (TUTOC) - February 16, 2023 – no report was provided.

II. Staff Informational Reports

1. Wall of Fame

- Mayor Flores – Cameron “Cam” Hamilton
- Vice Mayor Carrillo – Maria Roman
- Council Member Beltran – David Gong
- Council Member Meister – Don Dowling
- Council Member Weyhrauch – Milton “Milt” Gene Stowe

2. Water Conservation Phase IV Status Update - January 2023

CONSENT CALENDAR

Vice Mayor Carrillo noted for the record that she has a conflict on Item No. 7.

COUNCIL ACTION: MOVED by Council Member Donald Weyhrauch, SECONDED by Mayor Martha A. Flores that the City Council approve Items Nos. 1-11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF FEBRUARY 7, 2023

Recommendation: That the Council approve the draft Minutes of February 7, 2023

Documentation: M.O. 03-022123

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE POLICE DEPARTMENT AMMUNITION

Recommendation: That the City Council authorize payment to Dooley Enterprises, Inc. in the amount of \$8,257.68 upon receipt of the listed ammunition.

Documentation: M.O. 04-022123

Disposition: Approved.

3. ONE YEAR EXTENSION OF ON-CALL RIGHT-OF-WAY AND APPRAISAL AND CONSULTING SERVICES

Recommendation: That the City Council:

1. Approve extension of all three contracts for a period of one year;
2. Authorize the Mayor to sign contract documents;
3. Authorize the Assistant City Manager to sign task orders; and
4. Authorize staff to make payments up to 100% upon satisfactory completion of tasks.

Documentation: M.O. 05-022123

Disposition: Approved.

4. APPROVAL TO APPLY FOR CALHOME GRANT

Recommendation: That the City Council:

1. Adopt the draft Resolution approving the submittal of a CalHome Program funding application to the California Department of Housing and Community Development;
2. Authorize the Mayor or designee to execute all documents pertaining to the CalHome program; and be authorized to make any augmentation, modification, addition or revision as may be necessary to conform to requirements imposed by the California Department of Housing and Community Development; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development.

Documentation: Resolution No. 09-2023

Disposition: Approved.

5. SPORTS COMPLEX CONCESSION LICENSE

Recommendation: That the City Council:

1. Approve the Sports Complex Concession License with Porterville Soccer League/South Valley Chivas; and
2. Authorize and direct the Mayor to execute the same.

Documentation: M.O. 06-022123

Disposition: Approved.

6. APPROVAL OF OVERNIGHT CAMPING DURING 2023 OHV PARK RACES

Recommendation: That the City Council approve overnight camping during 2023 OHV Park Races.

Documentation: M.O. 07-022123

Disposition: Approved.

7. COMMUNITY CIVIC EVENT - NATIVE STAR FOUNDATION - YOKUTS MURAL CELEBRATION - MARCH 5, 2023

Recommendation: That the City Council approve the Community Civic Event application from the Native Star Foundation to hold the Yokuts Mural Celebration event on March 5, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

AYES: Meister, Beltran, Weyhrauch, Flores

NOES: None

ABSTAIN: Carrillo

ABSENT: None

Documentation: M.O. 08-022123

Disposition: Approved.

8. COMMUNITY CIVIC EVENT - VALLEY CHILDREN'S HEALTHCARE FOUNDATION - 36TH ANNUAL KIDS' DAY - MARCH 7, 2023

Recommendation: That the City Council approve the Community Civic Event application from Valley Children's Healthcare Foundation to hold the 36th Annual Kids' Day on March 7, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 09-022123

Disposition: Approved.

9. COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE - PORTERVILLE CHAMBER SPRING FESTIVAL - APRIL 15, 2023

Recommendation: That the City Council approve the Community Civic Event application from the Porterville Chamber of Commerce to hold the Porterville Chamber Spring

Festival on April 15, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A and Exhibit B.

Documentation: M.O. 10-022123

Disposition: Approved.

10. COMMUNITY CLEAN-UP EVENTS

Recommendation: That the City Council:

1. Approve Saturday, April 22, 2023 as "Spring Clean-Up Day" and Saturday, October 14, 2023 as "Fall Clean-Up Day;"
2. Encourage all residents to clean up their properties and take advantage of these special opportunities offered by the City;
3. Authorize the City to accept trash, litter and yard clippings delivered by City residents receiving City residential refuse service to the Spring and Fall Clean-Up Events for free disposal; and
4. Authorize the cost of both events be funded from the Solid Waste Operating Budget.

Documentation: M.O. 11-022123

Disposition: Approved.

11. STATUS AND REVIEW OF LOCAL DROUGHT 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.

Documentation: M.O. 12-022123

Disposition: Approved.

SCHEDULED MATTERS

12. CONSIDERATION OF FOOTHILL PRESBYTERIAN CHURCH SEWER EXTENSION

Recommendation: That the City Council:

1. Consider the cost of sewer main improvements performed by the Foothill Presbyterian Church along Douglas Street and Merrill Avenue in 2001 as acceptable compensation for sewer main extension and lateral to the property;
2. Authorize the use of contingency funds in the current construction agreement for Sewer Utility District 474B with Todd Companies for the installation of approximately 200 feet of sewer main and new sewer lateral to the Church; and
3. Assess the church's sewer connection fees of \$7,179.64 through the formation of Sewer Utility District 474B.

City Manager Lollis introduced the item and Engineering and Project Management Director Javier Sanchez presented the staff report.

Director Sanchez stated the city has enough contingency left in the construction contract to pay for the extension of the sewer main along Merrill Avenue and to provide a lateral that provides relief to the church to more easily connect and save them money.

COUNCIL ACTION: MOVED by Council Member Greg Meister, SECONDED by Vice Mayor Kellie Carrillo that the City Council to consider the cost of sewer main improvements performed by the Foothill Presbyterian Church along Douglas Street and Merrill Avenue in 2001 as acceptable compensation for sewer main extension and lateral to the property; authorize the use of contingency funds in the current construction agreement for Sewer Utility District 474B with Todd Companies for the installation of approximately 200 feet of sewer main and new sewer lateral to the Church; and assess the church's sewer connection fees of \$7,179.64 through the formation of Sewer Utility District 474B. The motion carried unanimously.

Documentation: M.O. 13-022123

Disposition: Approved.

13. NEW PORTERVILLE RESCUE MISSION UPDATE

Recommendation: That the City Council consider the report and provide direction as deemed appropriate.

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

Council received the biannual update report of the rescue mission and gave direction to staff to place these reports as a Staff Informational report in the future instead of a scheduled matter.

Documentation: None.

Disposition: Direction given.

14. 2023 KJUG FREE SUMMER CONCERT SERIES

Recommendation: That the City Council:

1. Consider sponsorship of the 2023 KJUG Free Summer Concert Series for concert dates to be determined; and
2. Authorize the expenditure of \$7,000 as the concert events sponsor from the Community Promotions fund.

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

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Vice Mayor Kellie Carrillo that the City Council approve its sponsorship of the 2023 KJUG Free Summer Concert Series for dates to be determined; and authorize the expenditure of \$7,000 as the concert events sponsor from the Community Promotions fund. The motion carried unanimously.

Documentation: M.O. 14-022123

Disposition: Approved.

15. CONSIDERATION OF SCHEDULING CITY COUNCIL GOAL AND PRIORITY SETTING SESSION

Recommendation: That the City Council approve the scheduling of its annual Goal Setting and Priority Projects Study Session for Tuesday, April 11, 2023, beginning at 6:00 P.M., in Council Chambers.

City Manager Lollis introduced the item and presented the staff report. Mr. Lollis noted a change of date to the budget calendar, which was the Transactions and Use Tax Oversight Committee Meeting to be scheduled for May 25th.

Mayor Flores encouraged new Council Members to ask their questions not only during the open session of the study session, but also before. Flores spoke of the history of how the study session has occurred in the past.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Raymond Beltran that the City Council approve the scheduling of its annual Goal Setting and Priority Projects Study Session for Tuesday, April 11, 2023, at 6:00 p.m. The motion carried unanimously.

Documentation: M.O. 15-022123

Disposition: Approved.

AB 1234 REPORTS

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

1. Local Initiatives Navigation Center (LINC) Services Event - February 8, 2023
No report was provided.

2. Tulare County Regional Transit Agency (TCRTA) Board - February 8, 2023
Council Member Weyhrauch reported on the approval of the consent calendar items; several discussions regarding directors to attend a spring conference in Lake Tahoe, a Letter of Commitment regarding the Thriving Communities Program, a resolution to authorize FTA Section 5311f Application, Federal FY 2023 Certifications and Assurances for FTA Assistance Programs; and consideration to amend Joint Powers Agreement and Bylaws to Include Student Transportation.

3. CalVANS Board - February 9, 2023

Vice Mayor Carrillo advised that she would provide reports on Items 3 and 11 at the next meeting.

4. Tulare County Association Of Governments (TCAG) Sustainable Corridors Committee - February 9, 2023

Mayor Flores reported on the approval of minutes, clean California updates, local grants call for projects, clean California community day kick off, adopt a highway program information, and corridor beautification strategies.

5. Tulare County Economic Development Corporation (TCEDC) Board Reception - February 9, 2023

Mayor Flores reported on those in attendance and stated there was a small number of participants, but it was an opportunity to speak with Dr. Chris Thornburg in person before the Economic Summit.

6. TCEDC Economic Summit - February 9, 2023

Mayor Flores reported on those in attendance, and reported on a presentation done by economist Dr. Christopher Thornberg of Beacon Economics where he shared updates on local, state, and national economies.

7. City/Tribe Casino MOU Meeting - February 10, 2023

Mayor Flores reported on those in attendance and stated they were provided updates regarding the casino project, the Tertiary Treatment Facility and Storm Basin, and Road Improvements in the area of the Casino. Flores wanted to be clear that the meeting was informational only and no action was taken, and any information that would require action will be taken to each respective council for consideration.

8. Tulare County Water Commission - February 13, 2023

Mayor Flores reported on the approval of minutes, a presentation by Denise England on the Water Commission priorities, SB 552 updates, drought updates, Form 700 disclosures to be filed by April, and future agenda topics.

9. Caltrans/City/CSET/TCAG Litter Abatement Program Event - February 14, 2023

Mayor Flores stated it was exciting to attend the event because of the collaboration and partnership between the different organizations that participated and thanked city staff for engaging in the countless hours to get to this point.

10. Calcities Homeless Roundtable - February 14, 2023

Council Member Beltran reported on the different participating agencies that attended and stated that the Roundtable discussion was more of a Q&A between the participants. Beltran highlighted that CalCities was looking for three billion dollars in funding this year to help communities address homelessness, and stated long term funding was a concern of most cities.

11. Social Services Transportation Advisory Council - February 14, 2023

This report was carried over to the next meeting at the request of Vice Mayor Carrillo.

12. Tulare County Task Force on Homelessness - February 15, 2023

Mayor Flores stated that she would provide her report at the next meeting.

13. Porterville Area Development Authority (PADA) Board - February 17, 2023

Council Member Weyhrauch reported on those in attendance, adoption of a resolution adopting procedures consistent with AB 361, a postponement of the Board of Directors reorganization, approval of minutes, and approval of reimbursements of eligible expenses by the City of Porterville to Tule River Tribe for the Tertiary Treatment Wastewater Facility Project. Weyhrauch also provided updates regarding the Storm Drain Recharge Retention Basin Project, the local roads improvements, and the Tule River Tribe Active Transportation Plan.

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, stated that homelessness is not a California problem, and that the state with the largest per capita of homelessness is Hawaii.
- Richard Dunn, Porterville, thanked the council on behalf of the Foothill Presbyterian Church.

OTHER MATTERS

- Council Member Beltran, thanked staff and noted how much he relies on staff's input on the many things that go on in the city. He spoke of a tour of the new casino project and commended city staff in their collaboration with the Tule River Tribe in getting the project moving forward.
- Council Member Meister stated that he seconds what Council Member Beltran stated and spoke of his attendance to the tour as well; expressed his support for small businesses with in the city; and would like to see staff look into the bicycle concerns going on in the city.
- Council Member Weyhrauch thanked the community that spoke during Oral Communications; stated that he enjoyed hearing others' shared belief in God; expressed his love in hearing the library report; thanked those who participated in the design elements of the Fourth Street Park; and thanked Public Safety.
- Vice Mayor Carrillo stated she loved the library updates; acknowledged the woman who spoke of the bicycle issues within the city and stated it would be nice to get informational updates by staff in that regard; spoke of her Wall of Fame Nominee that is to be determined; and of the MOU between the Tule River Tribe and Porterville College.
- Mayor Flores spoke briefly of the February 18th dates significance to the city regarding the tragic loss of Fire Captain Roman Figueroa and Firefighter Patrick Jones; that the City continues to move forward with its strength and resiliency; and that it is an honor to stand with Public Safety.
- Deputy City Clerk Fernando Gabriel-Moraga advised that the Annual Form 700s will be due soon.
- City Manager Lollis stated AB361 will soon expire, and any remote participation in the future will need to be properly noticed; spoke of the upcoming Tribal Council Swearing-In Ceremony, of the Board of Supervisors Meeting at City Hall the following day. Mr. Lollis then thanked Deputy Fire Chief Shannon Skiles for the subtle touches the fire department

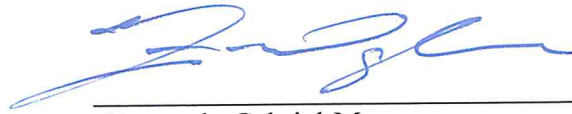
did this last weekend in memory of both Fire Captain Raymond Figueroa and Firefighter Patrick Jones.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 8:55 p.m. to the meeting of March 7, 2023, at 5:30 p.m.



Fernando Gabriel-Moraga,
Deputy City Clerk

SEAL



Martha A. Flores, Mayor

