

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 21, 2023, 5:30 PM**

Call to Order at 5:30 p.m.

Roll Call: Councilmember Greg Meister, Councilmember Raymond Beltran,
Councilmember 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 54956.8 – Conference with Real Property Negotiators/Property: APN: 252-193-008. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and CA Medical Imaging. Under Negotiation: Terms and Price.
- 2** - Government Code Section 54956.95 – Liability Claim: Claimants: Bertha Ruiz, Charlie David Montoya, Karen Marlene Montoya, and Jonathan Salvador Montoya. Agency Claimed Against: City of Porterville.
- 3** - Government Code Section 54956.95 – Liability Claim: Claimant: Donald Sweeney. Agency claimed against: City of Porterville.
- 4** - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation: Three (3) cases in which facts are not yet known to potential plaintiff.
- 5** - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.
- 6** - Government Code Section 54957 - Threat to public services or facilities: Consultation with Jake Castellow, Porterville EOC Incident Commander.

**6:41 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 Mayor Martha. A. Flores, and SECONDED by Councilmember Greg Meister, the City Council unanimously rejected the claim filed by Claimants Bertha Ruiz, Charlie David Montoya, Karen Marlene Montoya, and Johnathan Salvador Montoya.

Documentation: M.O. 01-032123

Disposition: Claim rejected.

A-3. On a MOTION made by Vice Mayor Kellie Carrillo, and SECONDED by Councilmember Raymond Beltran the City Council unanimously rejected the claim filed by Donald Sweeney.

Documentation: M.O. 02-032123

Disposition: Claim rejected.

Council voted to add two emergency items to the agenda as Scheduled Matters as follows:

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Councilmember Weyhrauch that the City Council approve the addition of two emergency items. The motion carried unanimously.

Documentation: M.O. 03-032123

Disposition: Approved.

The Pledge of Allegiance was led by Vice Mayor Carrillo.

Invocation – a member of the public came forward to give an invocation.

PRESENTATIONS

Legacy Award - The Press Shop

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, requested that Item No. 13 be pulled for further discussion.
- Cathy Capone, Porterville, thanked the council members for their time in serving on Council; invited everyone to visit the Tule River Gardens area; and encouraged everyone to help support and care for the homeless population in the city.
- Ed McKervery, Porterville, noted a contradiction of having both a drought emergency continuation item and a flood emergency item on the agenda; stated an investigation should be done on the water master and dam data; and congratulated individuals for their job addressing the flood crisis.
- Kristy Martin, Porterville Chamber of Commerce, spoke of welcoming new Ambassadors to the Porterville Chamber; of several upcoming events for April, including Ribbon Cuttings (Christens Tonsorial Parlor,), First Friday Coffee, Spring Festival Mixer, Spring Festival Event, and Business After Hours; and a travel presentation with Hanson Travel.
- Assemblyman Devon Mathis, Porterville, thanked the City Council and staff for their efforts addressing the flooding and storm events impacting the city; stated he is happy to write letters of support for state and federal funding for equipment; stated we are not out of the woods yet

as there is still incoming atmospheric storms coming to the area; and noted that unfortunately we are still in a drought.

- (via teleconference) Josh Flowers, Strathmore, stated it was great to see the city and community come together to help one another during the flooding and storm crisis; stated the city should improve on their communication with the citizens; and suggested that the city stop the continuance of the drought local emergency and smart metering systems for water.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - March 02, 2023

Commissioner Arlene Pena reported on the fitness stations installed at Zalud Park, ADA-compliant wood fiber material installed at several park playgrounds in the city, a cleanup event at Hayes Field, Summer Pool Rentals, the Youth Fishing Derby, addition of wording to the memorial at the Fallen Heroes Park and stated that Parks staff have been filling sandbags and helping in other areas as needed during the storm events.

2. Library & Literacy Commission - March 14, 2023

Commissioner Edith La Vonne reported on an upcoming conference called Serving with a Purpose, that commissioners and staff will be attending; and spoke of participation statistics for various events such as Virtual Story Time, Adult Book Club, Bilingual Story Time, Family Literacy Services, Bring you own game day, and Library Book Savings Competition.

3. Arts Commission – no report was provided.

4. Animal Control Commission – no report was provided.

5. Youth Commission – no report was provided.

6. Transactions And Use Tax Oversight Committee (TUTOC) – no report was provided.

CONSENT CALENDAR

There were no items pulled from the Consent Calendar for discussion. City Manager Lollis noted a change in location to Veterans Park, on Item No. 7 due to rain event and impact at Zalud Park, and noted a perceived conflict of interest on Item No. 9.

COUNCIL ACTION: MOVED by Councilmember Meister, SECONDED by Councilmember Beltran that the City Council approve Items Nos. 1-14.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

1. CITY COUNCIL MINUTES OF DECEMBER 20, 2022, AND MARCH 7, 2023

Recommendation: That the Council approve the draft Minutes of December 20, 2022, and March 7, 2023.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 04-032123

Disposition: Approved.

2. Purchase of Firefighter Ballistics Protective Equipment

Recommendation: That the City Council authorize the purchase of seven sets of Firefighter Ballistic Equipment from Bullitproof IT, LLC at a cost of \$16,578.68 plus a ten percent (10%) contingency for a total of \$18,236.55.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 05-032123

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE SPECIALIZED REPAIR EQUIPMENT - SCREW PRESS

Recommendation: That City Council:

1. Award the purchase of specialized equipment to HUBER Technology, Inc. for a not-to-exceed amount of \$30,045 which includes freight, taxes and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to HUBER Technology, Inc. for a not-to-exceed amount of \$30,045 which includes freight, taxes and a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to HUBER Technology, Inc. upon receipt of invoice approved by the Public Works Director.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 06-032123

Disposition: Approved.

4. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSALS FOR THE THIRD YEAR OF THE FIVE-YEAR PERMANENT LOCAL HOUSING ALLOCATION (PLHA) PLAN

Recommendation: That City Council authorize staff to distribute a Request for Proposals for \$586,270 for the third year of the five-year Permanent Local Housing Allocation (PLHA) Plan

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 07-032123

Disposition: Approved.

5. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR CONSULTANT SERVICES - ADA SELF-EVALUATION AND TRANSITION PLAN

Recommendation: That the City Council authorize staff to distribute a Request for Qualifications for the ADA Self-Evaluation and Transition Plan

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 08-032123

Disposition: Approved.

6. COMMUNITY CIVIC EVENT - SEQUOIA FAMILY MEDICAL CENTER - SEQUOIA ARBOR DAY 5K RUN/WALK AND HEALTH FAIR - APRIL 29, 2023

Recommendation: That the City Council approve the Community Civic Event application from Sequoia Family Medical Center to hold the Sequoia Arbor Day 5k Run/Walk and Health Fair on April 29, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch

ABSTAIN: None
ABSENT: None

Documentation: M.O. 09-032123

Disposition: Approved.

7. COMMUNITY CIVIC EVENT - PARENTING NETWORK - CALLING ALL SUPERHEROES - APRIL 5, 2023

Recommendation: That the City Council approve the Community Civic Event application from the Parenting Network to hold the "Calling All Superheroes" event on April 5, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 10-032123

Disposition: Approved.

8. COMMUNITY CIVIC EVENT - TULE RIVER ECONOMIC DEVELOPMENT CORPORATION - AUTISM AWARENESS CAR SHOW - APRIL 1, 2023

Recommendation: That the City Council approve the Community Civic Event application from the Tule River Economic Development Corporation to hold the Autism Awareness Car Show on April 1, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 11-032123

Disposition: Approved.

9. COMMUNITY CIVIC EVENT - SUMMIT CHARTER ACADEMY - FUN RUN - MARCH 24, 2023

Recommendation: That the City Council approve the Community Civic Event application from Summit Charter Academy to hold the "Fun Run" event on March 24,

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

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 12-032123

Disposition: Approved.

10. COMMUNITY CIVIC EVENT - COMISION HONORIFICA MEXICANA AMERICANA INC - ANNUAL CINCO DE MAYO CELEBRATION PARADE AND FIESTA - MAY 6-7, 2023

Recommendation: That the City Council approve the Community Civic Event application from the Comision Honorifica Mexicana Americana, Inc. to hold the Annual Cinco de Mayo Celebration Parade and Fiesta on May 6 and 7, 2023, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 13-032123

Disposition: Approved.

11. REVIEW OF CITY PARTICIPATION IN THE TULARE COUNTY REGIONAL TRANSIT AGENCY

Recommendation: That the City Council schedule the review and consideration of the City's continued participation in the Tulare County Regional Transportation Agency at its meeting on April 4, 2023.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 14-032123

Disposition: Approved.

12. AUTHORIZATION OF OUT-OF-STATE TRAVEL

Recommendation: That the City Council authorize out-of-state travel and per diem expenses for three Fire Department personnel to the Pierce Manufacturing Facility, located in Wisconsin, for the evaluation and planning of Ladder Truck and Fire Engine design.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 15-032123

Disposition: Approved.

13. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS TO ADD TO THE LIST OF QUALIFIED MATERIAL TESTING FIRMS AND ANNUAL REVIEW BY CITY COUNCIL

Recommendation: That the City Council approve Council Member Meister's request to consider authorization to distribute a Request for Qualifications to add to the list of qualified material testing firms and for Council to annually review.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 16-032123

Disposition: Approved.

14. 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.

AYES: Meister, Beltran, Carrillo, Flores
NOES: Weyhrauch
ABSTAIN: None
ABSENT: None

Documentation: M.O. 17-032123

Disposition: Approved.

PUBLIC HEARINGS

15. MODIFICATION TO CONDITIONAL USE PERMIT 10-88 AND CLASSIFICATION OF NONCONFORMING USE FOR KRAYOLA KORNER

Recommendation: That the City Council:

1. Finds the proposed project exempt from CEQA under CEQA Guidelines Section 15301;
2. Classify the existing Daycare as a Class I Nonconforming Use; and
3. Adopt the draft Resolution approving the modification to Conditional Use Permit 10-88 for Krayola Korner, subject to conditions of approval.

City Manager Lollis introduced the item and Associate Planner Oscar Zepeda presented the staff report.

Mayor Flores opened the Public Hearing at 7:29 p.m. and closed it at 7:30 p.m. when no one came forward to speak.

COUNCIL ACTION: MOVED by Council Member Donald Weyhrauch, SECONDED by Council Member Greg Meister that the City Council finds the proposed project exempt from CEQA under CEQA Guidelines Section 15301; classify the existing Daycare as a Class I Nonconforming Use; and adopt the draft resolution approving the modification to Conditional Use Permit 10-88 for Krayola Korner. The motion carried unanimously.

Documentation: Resolution No. 12-2023

Disposition: Approved.

SCHEDULED MATTERS

16. 2022 HOUSING ELEMENT ANNUAL PERFORMANCE REPORT

Recommendation: That the City Council review the 2022 Annual Housing Element Progress Report and direct the Community Development Department to submit the report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research (OPR).

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 approve the submission of the report to the California Department of Housing and Community Development (HCD) and the Governor's Office of Planning and Research. The motion carried unanimously.

Documentation: M.O. 18-032123

Disposition: Approved.

17. PORTERVILLE DEVELOPMENT ORDINANCE COMPREHENSIVE UPDATE

Recommendation: That the City Council provide direction on the development of the update to the City's Development Ordinance.

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

Council received a presentation by Provost and Pritchard on the Porterville Development Ordinance Comprehensive Update.

City Staff stated they will continue to work with the consultants and will bring back an update at a future meeting and potentially an ordinance for adoption.

Documentation: None

Disposition: Direction given.

EMERGENCY ITEMS – SCHEDULED MATTERS

18. AUTHORIZATION TO PURCHASE EQUIPMENT

Recommendation: That the City Council:

1. Authorize the purchase of a Caterpillar Inc. Excavator and Rockland Kryto Klaw 48" Bucket; and
2. Authorize payment of said equipment upon satisfactory delivery.

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

COUNCIL ACTION: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Meister that the City Council approve the purchase of a Caterpillar Inc Excavator and Rockland Kryto Klaw 48" Bucket from Quinn Company for a cost of \$390,176, including sales tax; and authorize payment of said equipment upon satisfactory delivery. The motion carried unanimously.

Documentation: M.O. 19-032123

Disposition: Approved.

19. AUTHORIZATION TO PURCHASE EQUIPMENT

Recommendation: That the City Council:

1. Authorize the purchase of a Caterpillar Inc. D2 Track Type Tractor; and
2. Authorize payment of said equipment upon satisfactory delivery.

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 the purchase of a Caterpillar Inc. D2 Track Type Tractor from Quinn Company for a cost of \$193,644.74, including sales tax; and authorize payment of said equipment upon satisfactory delivery. The motion carried unanimously.

Documentation: M.O. 20-032123

Disposition: Approved.

AB 1234 REPORTS

1. Ribbon Cutting Ceremony: EECU - March 8, 2023

Mayor Flores reported on those in attendance, and attending the event was warm felt as they were in a renovated historic building.

2. CalVans Board - March 9, 2023 - Canceled

3. Wall of Fame Ceremony - March 10, 2023

Council Member Beltran stated he attended the ceremonies in the past as his mother was inducted to the Wall of Fame years ago and said it was an honor to be a part of the ceremony this year, with his recommendation of an honoree.

Council Member Weyhrauch stated this was his first time at the ceremony and said it was a pleasure to nominate Milt Stowe for all his contribution for the community.

Council Member Meister stated the ceremony was a lot of fun and said it was neat to view all those nominated to the wall of fame. Meister said it was an honor to be a part of the ceremony.

Vice Mayor Carrillo acknowledged all five honorees nominated to the Wall of Fame and thanked to city staff for quickly adapting to the location change due to rain.

Mayor Flores congratulated all the honorees and stated it was an honor and privilege to stand with many of the honorees in the years that passed. Flores thanked city staff for being able to change the location due to rain.

4. Tulare County Water Commission - March 13, 2023

Mayor Flores stated the Minutes were carried over due to problem with timestamping, the presentation was carried over, and stated the rest of the meeting was informational.

5. Tulare County Regional Transit Authority (TCRTA) Study Session - March 14, 2023
Council Member Weyhrauch stated he was unable to attend the meeting.

6. Tulare County Task Force on Homelessness - March 15, 2023 - Canceled

7. City Selection Committee - March 15, 2023 - Canceled

8. Council of Cities - March 15, 2023 - Canceled

9. Police Officer Swearing-In Ceremony - March 16, 2023 - Canceled

10. TCAG Board Retreat - March 16, 2023 - Canceled

11. City/Tribe Casino MOU Meeting - March 16, 2023 - Canceled

12. Porterville Area Development Authority Board Meeting - March 17, 2023 - Canceled

13. Tulare County Association of Governments (TCAG) - March 20, 2023
Mayor Flores stated she would carry this report over to the next meeting.

14. Tulare County Regional Transit Authority (TCRTA) - March 20, 2023
Council Member Weyhrauch stated this meeting was scheduled for March 21, 2023.

ORAL COMMUNICATIONS

- Cathy Capone, Porterville, thanked the staff for all of their efforts addressing the flooding and storm impact to the community, and stated she would like the community to consider using the recent events to educate themselves on development near the river or areas nearby the river.

OTHER MATTERS

- Councilmember Beltran said he loved the library reports; he thanked staff for their report on the Krayola Korner Preschool Item; and thanked city staff for doing an outstanding job in their efforts addressing the flooding situation.
- Councilmember Weyhrauch said one word to describe public safety and staff is relentless in their efforts in emergency response in dealing with the flooding and storm and recognized Public Works Director Michael Knight for working around the clock in getting everything taken care of; thanked Assemblyman Devon Mathis for being in attendance and offering his support; stated a business on main street inquired about possible grant funding; and stated we should get more pools in the city for the community.
- Councilmember Meister spoke of his attendance on a tour with other city staff to see the efforts made in addressing the flooding in the river and commended Public Works Director Michael Knight and Mitch Brown for diverting the water to save life and property. Meister also spoke

of the many hours that staff has been working and stated they should be acknowledged for that.

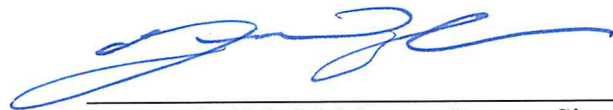
- Vice Mayor Carrillo thanked the Porterville Chamber for sharing their updates with the council; thanked Cathy Capone for her updates on Tule River Garden; thanked Assemblyman Devon Mathis for being in attendance and for his comments regarding the flood crisis; spoke of the need for equipment for the Public Works Department to address the flooding in the river; spoke of the many resources available to the community and surrounding communities during this ongoing crisis; and stated some training on the EOS structure would be beneficial.
- Mayor Flores thanked Assemblyman Devon Mathis for a phone call and his boots on the ground; thanked ETSGA General Manager Rogelio Caudillo for his efforts in helping with the flooding around the area; stated we have all witnessed the beauty of mother nature in and around our surrounding communities, but have also seen the destruction, danger and the disaster; thanked those who have participated on the community forums; and gave kudos and thanks to all departments in addressing and assisting during the recent storm events.
- City Manager Lollis spoke of Galaxy 9s Recognition of Associate Planner Oscar Zepeda as a Hometown Hero and appreciated the great comments on the flood fight; he addressed comments received by city staff regarding other staff members and their appreciation towards them for their efforts in the flood fight; gave kudos to Administrative Analyst Yuriko Velarde for her recent interview with Telemundo and mentioned his live interview with Fox Weather; and spoke of a police-involved incident that occurred earlier in the morning. Lollis also mentioned the Mayor's participation in speaking at the Women in History event held by the Hispanic Chamber of Commerce of Tulare & Kings Counties.

CLOSED SESSION

None.

ADJOURNMENT

The Council adjourned at 8:40 p.m. to the meeting of April 4, 2023, at 5:30 p.m.



Fernando Gabriel-Moraga, Deputy City Clerk

SEAL



Martha A. Flores, Mayor

