

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
APRIL 4, 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

- Felipe Martinez, Porterville, acknowledged the great work of the Council and staff in response to the emergency flood event.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs: 269-050-063, 269-050-064 and 269-050-065. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and California Highway Patrol. Under Negotiation: Terms and Price.
- 2 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Patrice Hildreth and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association, Porterville City Employees Association, Management and Confidential Series, and all Unrepresented Management.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Sandra Lopez Hernandez. Agency Claimed Against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Julie Rivera. Agency Claimed Against: City of Porterville.
- 5 - Government Code Section 54956.95 – Liability Claim: Claimant: Sherri Goodnight. Agency Claimed Against: City of Porterville.
- 6 - Government Code Section 54956.95 – Liability Claim: Claimant: Alfredo Galindo. Agency Claimed Against: City of Porterville.
- 7 - Government Code Section 54956.95 – Liability Claim: Claimant: Lisa Marquis. Agency Claimed Against: City of Porterville.
- 8 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Cecilia Chavez et al. v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 22-CV-00794-ADA-SKO.

9 - Government Code Section 54956.9(d)(3) – Conference with Legal Counsel – Anticipated Litigation – Significant exposure to litigation: Two (2) cases in which facts are not yet known to potential plaintiffs.

10 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three (3) cases.

11 - Government Code Section 54957 – Threat to public services or facilities: Consultation with Jake Castellow, Porterville EOC Incident Commander.

**6:30 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, A-5, A-6, and A-7, as follows:

A-3. On a MOTION made by Councilmember Greg Meister, and SECONDED by Vice Mayor Kellie Carrillo the City Council unanimously accepted the claim filed by Sandra Lopez-Hernandez.

Documentation: M.O. 01-040423
Disposition: Claim accepted.

A-5. On a MOTION made by Councilmember Beltran, and SECONDED by Mayor Martha A. Flores the City Council unanimously rejected the claim filed by Sherri Goodnight.

Documentation: M.O. 02-040423
Disposition: Claim rejected.

A-4, A-6, On a MOTION made by Councilmember Weyhrauch, and SECONDED by Vice Mayor and A-7. Kellie Carrillo the City Council unanimously rejected the claims filed by Julie Rivera, Alfredo Galindo, and Lisa Marquis.

Documentation: M.O. 03-040423
Disposition: Claims rejected.

The Pledge of Allegiance was led by Mayor Martha A. Flores.

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

PRESENTATIONS

Employee Service Awards

- Tonya Childree
- Amy Graybehl

Taskforce on Homelessness Presentation - Claudia Calderon

ORAL COMMUNICATIONS

- Betty Luna, Central Valley California Family Crisis Center, came forward with colleagues and noted that the Month of April is National Child Abuse Prevention and Awareness Month. She presented the Council with blue ribbons and encouraged everyone to wear a blue ribbon to help raise awareness and support for affected children and their families.
- David Harris, Consolidated Testing Labs, spoke in support of Item No. 9 on Scheduled Matters.
- Vicent Salinas, Tulare-Kings Hispanic Chamber of Commerce, thanked the Council for joining the Chamber this year and in recognition of their membership he presented them with a plaque.
- Ed McKervery, Porterville, spoke of the Easter Egg Hunt that will occur at Veterans Park in the coming days; opined that the Council should consider looking into ways to improve the Tule River Parkway; spoke in favor of employing local businesses for better response and better prices; and stated that the city should rethink their participation in the Tulare County Regional Transit Agency if they are unable to make it work financially.
- Kristy Martin, Porterville Chamber of Commerce, (via teleconference) spoke of on the upcoming Spring Festival and Chili Cookoff, invited the public to attend the Spring Mixer Kick-off Celebration before the festival at the Palace Kitchen and Craft Bar; and spoke of an upcoming ribbon-cutting.

REPORTS

I. Staff Informational Reports

1. Water Conservation Phase IV Status Update - February 2023
2. Vacation of seat on Arts Commission

CONSENT CALENDAR

City Manager Lollis noted a misstatement on Item No. 3, related to the passive infrared sensor (PIR) on the solar lights.

COUNCIL ACTION: MOVED by Vice Mayor Carrillo, SECONDED by Council Member Beltran that the City Council approve Items Nos. 1-5. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 13, 2023, MARCH 17, 2023, AND MARCH 21, 2023

Recommendation: That the Council approve the draft Minutes of December 13, 2023, March 17, 2023, and March 21, 2023.

Documentation: M.O. 04-040423

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE UNMANNED AERIAL SYSTEM (UAS)

Recommendation: That the City Council:

1. Authorize the Police Department to purchase one Matrice 30T; and
2. Authorize the purchase of the UAS from Drones Made Easy in the amount of \$18,705.78.

Documentation: M.O. 05-040423

Disposition: Approved.

3. AUTHORIZATION TO PURCHASE SOLAR LIGHTS FOR MURRY PARK THROUGH COMMUNITY DEVELOPMENT BLOCK GRANT PARK IMPROVEMENT FUNDS

Recommendation: That the City Council:

1. Authorize the purchase of solar lights for Murry Park through Community Development Block Grant Park Improvement Funds from Gama Sonic not to exceed \$61,768.99, which includes ten percent (10%) contingency should any unforeseen circumstances arise; and
2. Authorize the Parks and Leisure Services Director to negotiate for the installation of the solar light poles.

Documentation: M.O. 06-040423

Disposition: Approved.

4. AUTHORIZATION TO APPLY FOR CLEAN CALIFORNIA LOCAL GRANT PROGRAM (CCLGP) FUNDS

Recommendation: That the City Council:

1. Approve the submittal of Clean California Local Grant Program funding applications to the California Department of Transportation; and
2. Authorize the Mayor, City Manager or designee to execute all documents pertaining to the CCLGP and to make any augmentation, modification, addition or revision as may be necessary to conform to requirements imposed by the California Department of Transportation.

Documentation: M.O. 07-040423

Disposition: Approved.

5. 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. 08-040423

Disposition: Approved.

PUBLIC HEARINGS

6. CONSIDERATION OF CONDITIONAL USE PERMIT (PRC 2023-003-C) TO ALLOW FOR THE SALE OF ALCOHOL AT "TIO CHEMA" LOCATED AT 377 E. ORANGE AVENUE

Recommendation: That the City Council:

1. Find the proposed project exempt from CEQA under CEQA Guidelines Section 15301; and
2. Adopt the draft Resolution approving the Conditional Use Permit 2023-003 for Tio Chema, 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 7:19 p.m. and closed it at 7:20 p.m. when no one came forward to speak.

In response to Council inquiries, staff clarified that the over concentration was related to off-sale licenses as opposed to on-sale licenses and that Tio Chema is considered on-sale. Staff advised that on-sale licenses were for sale of different types of alcoholic beverages to be consumed on the premises, whereas off-sale licenses were typically what convenience stores had, with the sale of sealed alcoholic beverages for consumption later off site.

COUNCIL ACTION: MOVED by Council Member Weyhrauch, SECONDED by Council Member Meister that the City Council find the proposed project exempt from CEQA, under CEQA Guidelines Section 15301; and adopt the draft resolution approving the Conditional Use Permit 2023-003 for Tio Chema located at 377 E. Orange Avenue. The motion carried unanimously.

Documentation: Resolution No. 13-2023

Disposition: Approved.

7. INTENT TO ABANDON AND CLOSE TO PUBLIC USE AN UNIMPROVED ALLEY BOUNDED BY MORTON AVENUE AND THE EAST 7.5 FEET OF THE WILLIAM DUNCAN SUBDIVISION

Recommendation: That the City Council:

1. Adopt the draft Resolution ordering the vacation of an unimproved alley bounded by Morton Avenue and the east 7.5 feet of the William Duncan Subdivision; and
2. Authorize the City Clerk to record the Resolution of Abandonment with the County Recorder.

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

Mayor Flores opened the Public Hearing at 7:28 p.m. and closed it at 7:28 p.m. when no one came forward to speak.

COUNCIL ACTION: MOVED by Vice Mayor Carrillo, SECONDED by Council Member Beltran that the City Council adopt the draft resolution ordering the vacation of an unimproved alley bounded by Morton Avenue and the East 7.5 feet of the William Duncan Subdivision. The motion carried unanimously.

Documentation: Resolution No. 14-2023

Disposition: Approved.

SCHEDULED MATTERS

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

Recommendation: That the City Council consider the City's continued participation in the Tulare County Regional Transportation Agency (TCRTA) and act to authorize as determined.

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

City Manager Lollis spoke of a meeting hosted by the city, comprised of Tulare County Association of Governments (TCAG), TCRTA, and City representatives, which focused on the current and future state of the TCRTA, and elaborated on several issues related to funding and drawdowns that the TCRTA was currently having.

Jose Sigala, Board Chair of the Tulare County Regional Transit Agency, came forward and spoke in favor of the City continuing its participation in TCRTA. He stated that the board was shocked and disappointed to see Rich Tree move on, and that the board had created an ad hoc committee to review and recruit a replacement.

Rich Tree, Executive Director of the Tulare County Regional Transit Agency, stated city is in capable hands with city staff and noted that TCRTA needs the city's support.

City Manager Lollis spoke of the budget development process and stated that staff's attention was currently on the storm activity and flood fight, not with the budget development process. He noted that the Council could delay its decision until such time as the Council could consider its budgetary process and have its study session at a future meeting to give staff more time to prepare.

Documentation: None.

Disposition: Consideration Continued.

9. 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:

1. Consider authorization to distribute a Request for Qualifications to add to the list of qualified material testing firms; and
2. Annually review the list of qualified material testing firms.

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

COUNCIL ACTION: MOVED by Council Member Meister, SECONDED by Council Member Beltran that the City Council authorize the distribution of a Request for Qualifications to add to the list of qualified material testing firms; and annually review the list of qualified material testing firms. The motion carried unanimously.

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

Documentation: M.O. 09-040423

Disposition: Approved.

10. STATUS AND REVIEW OF DECLARATION OF LOCAL FLOOD 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.

City Manager Lollis introduced the item and presented the staff report with updates on the atmospheric river storm activity, noting that the snow shed into the success lake is still occurring and modeling shows that this will continue into September.

Mr. Lollis stated the Temporary Evacuation Point located at Porterville College will be closing their doors soon to those who were displaced due to the evacuation, noting that a new location will need to be provided, with two potential sites being the Porterville Army National Guard Armory and the Porterville Development Center. He advised that conversations with representatives at both facilities were taking place.

Mr. Lollis then spoke of the budget development process and stated that staff's attention has unfortunately been focused on the storm activity and flood fight, and not on the budget. Mr. Lollis asked the Council to consider pushing its budgetary process and study session to future time to give staff more time to prepare.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Raymond Beltran that the City Council determine the need exists to continue the Declaration of Local Flood Emergency; and direct that the

budget study session scheduling be moved to a future meeting; and adopt the draft resolution authorizing the appropriation of funds from the Catastrophic / Emergency Reserve Fund for the costs associated with the response to the local flood emergency. The motion carried unanimously.

Documentation: Resolution No. 15-2023

Disposition: Approved.

AB 1234 REPORTS

1. Tulare County Economic Development Corp. (TCEDC) -March 22, 2023 - Cancelled

2. Tulare County Regional Transit Authority (TCRTA) - March 22, 2023

Council Member Weyrauch reported on those in attendance and stated that he attended as a member of the public and gave comments on several different action items on the agenda.

3. Tulare County Association of Governments (TCAG) Board Retreat - March 23, 2023
Cancelled

4. Joint City/School Committee - March 27, 2023

Vice Mayor Carrillo reported on those in attendance; indicated that topics of discussion were introductions, the sharing of information on construction projects, active transportation program information, school safety plans, homeless student services, and flood response and recovery for school districts.

Council Member Meister thanked Vice Mayor Carrillo for keeping the meeting on a good path and spoke of the school safety plan information they had received during the meeting.

5. City/Tribe Casino MOU Meeting - March 28, 2023

Mayor Flores reported on those in attendance, discussions with an emphasis on work that needs done on or by opening day, road improvements and water updates, and probable soft opening dates. Mayor Flores stated the meeting was informational only, and that no action was taken.

6. Internal City Audit Committee - March 29, 2023

Mayor Flores reported on her attendance, approval of minutes, and the review of the City's Annual Comprehensive Financial Report presented by Jeff Peak from Clifton Larson Allen.

7. Tulare County Regional Transit Authority (TCRTA) - March 29, 2023

Council Member Weyrauch spoke of several reports from the Executive Committee, Safety Committee, and the Sustainability Committee; a presentation by Rob Brian with VIA Service Plan; Form 700s due dates; a new logo presentation; lessons learned during the Storm State of Emergency; and several transit updates.

8. Hispanic Chamber Foundation Women's History Month Event - March 30, 2023

Mayor Flores stated it was an honor to be recognized as one of the trailblazers along with Former City Mayor Virginia Gurrola, Teresa De La Rosa, Obdulia Guzman-Alvarado, and Olivia Alison. Mayor Flores stated she was humbled by the city staff who were in attendance and thanked City Manager Lollis for reaching out to all the departments and extending the invitation.

9. TCAG/TCRTA Transit Coordination Meeting - March 31, 2023

Mayor Flores stated all the information was presented to Council earlier in the meeting and did not report further.

ORAL COMMUNICATIONS

None.

OTHER MATTERS

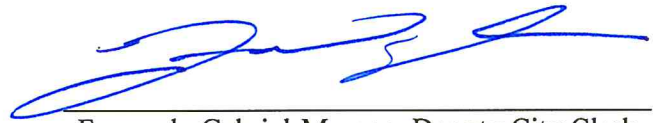
- Council Member Beltran recognized past Council Member Felipe Martinez for publicly thanking city staff and different departments for their efforts; congratulated Tonya Childree and Amy Graybehl for being great representatives of the City; thanked Claudia Calderon for the Homelessness Presentation; and stated that he is glad that the Council is going to be taking more time to review their consideration to continue to participate in the TCRTA.
- Council Member Weyhrauch lauded the Employee Service Awards and the recipients; spoke of the Internal Audit Committee and encouraged members of the public to attend; gave recognition toward Public Safety for a recent post on Facebook regarding distracted driving; and expressed his support to city staff for their time addressing the flood fight.
- Council Member Meister thanked city staff for going above and beyond during the flood fight and thanked Public Safety for a recent sting operation they conducted with other agencies.
- Vice Mayor Carrillo congratulated the employees recognized during the Employee Service Awards; thanked the Central Valley California Family Crisis Center for presenting the council with Blue Ribbons; spoke of the Homelessness Presentation; and thanked former Council Member Felipe Martinez for his comments regarding staff's efforts in the flood fight.
- Mayor Flores lauded City Attorney Julia Lew; and spoke of the Exchange Club Public Safety Dinner.
- City Manager Lollis spoke of his attendance at the Hispanic Chamber Foundation Women's History Month event; stated that April 1st was the day that former Council Member Stowe had his heart transplant; and thanked the Porterville Police Department for their participation at Porterville Breakfast Rotary Special Needs Prom.

CLOSED SESSION

The Council took a five-minute recess and reconvened in Closed Session at 9:59 p.m.

ADJOURNMENT –

The Council adjourned at 11:52 p.m. to the meeting of April 18, 2023, at 5:30 P.M.



Fernando Gabriel-Moraga, Deputy City Clerk

SEAL



Martha A. Flores, Mayor