

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
NOVEMBER 15, 2022, 5:30 PM**

Called to Order at 5:31 p.m.

Roll Call: Council Member Donald Weyhrauch, Council Member Lawana Tate,
Council Member Milt Stowe (arrived during Closed Session),
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 259-040-047. Agency negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and Smee Homes, Inc. under Negotiation: Terms and Price.
- 2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 260-300-030. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and CZEM Partners, LLC. under Negotiation: Terms and Price.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Dionicia Astorga. Agency claimed against: City of Porterville.
- 4 - Government Code Section 54956.95 – Liability Claim: Claimant: Julian Vasquez, Jr. Agency claimed against: City of Porterville.
- 5 - Government Code Section 54956.9(d)(1) – Conference with Legal counsel – Existing Litigation: Amber Moreno v. City of Porterville, Et Al., United States District Court, Eastern Division, Case No. 121-AT-00590.
- 6 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Cecilia Chavez Et Al. v. City of Porterville Et Al., United States District Court, Eastern Division, Case No. 122-CV-00794-ADA-SKO.
- 7 - 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.
- 8 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

**6:37 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

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

A-3. On a MOTION made by Councilmember Milt Stowe, and SECONDED by Mayor Martha A. Flores the City Council unanimously denied the claim filed by Dionicia Astorga.

Documentation: M.O. 01-111522

Disposition: Claim rejected.

The Pledge of Allegiance was led by Councilmember Donald Weyhrauch.

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

PRESENTATIONS

Employee of the Month - Austin Gonzalez

Outstanding Business - ZeroNox

ORAL COMMUNICATIONS

- David Horowitz, Porterville, stated he is disappointed with our council for the way he believes they treat veterans.
- Josh Pearson, Porterville Chamber of Commerce, spoke of new members to the chamber; and upcoming and recent events such as an award ceremony, Business After Hours at Porterville Ford, the Children's Christmas Parade, and the First Friday Coffee event.
- Marco Galina, Porterville, spoke of his desire in the City Council revoking a previously awarded Business of the Year of 2019.

AB 1234 REPORTS

Mayor Flores moved all AB1234 reports to after the Scheduled Matters.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - November 3, 2022 – no report was provided.

2. Library & Literacy Commission - November 8, 2022

Commissioner Edith LaVonne reported a recommendation that was given by the Commission to the Council to allow for the library to be closed December 24th; spoke of participation statistics for various events such as Virtual Story Time, Adult Book Club, Bilingual Story Time, Tween Teentober, Coloring Club, and Pioneer Day; and presented the council with posters of activities.

3. Arts Commission - October 25, 2022

Vice Chair Emily Luna stated that a quorum was not met and no action was taken; spoke of a new commissioner that was appointed to the Commission; and spoke of current vacancies on the commission.

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.

II. Staff Informational Reports

1. Water Conservation Phase Iv Status Update - October 2022

CONSENT CALENDAR

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

COUNCIL ACTION: MOVED by Vice Mayor Kellie Carrillo, SECONDED by Councilmember Milt Stowe that the City Council approve Items Nos. 1-12. The motion carried unanimously.

1. FLEET MANAGEMENT SOFTWARE RENEWAL

Recommendation: That the City Council:

1. Approve the software contract with Ron Turley Associates for one (1) year; and
2. Authorize payment for these services from the Equipment Maintenance Shop Operating Budget.

Documentation: M.O. 02-111522

Disposition: Approved.

2. AUTHORIZATION FOR TRANSIT BUS ENGINE REPAIR

Recommendation: That the City Council:

1. Authorize transit bus engine overhaul by Cummins Pacific at a cost not to exceed \$41,418 (inclusive of all parts, taxes, labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 03-111522

Disposition: Approved.

3. AUTHORIZATION TO RE-ADVERTISE FOR BIDS FOR THE PARALLEL AND CONNECTING TAXIWAYS REHABILITATION PROJECT AT THE PORTERVILLE MUNICIPAL AIRPORT

Recommendation: That the City Council authorize staff to re-advertise for bids for the Parallel and Connecting Taxiways Rehabilitation Project at the Porterville Municipal Airport.

Documentation: M.O. 04-111522

Disposition: Approved.

4. ACCEPTANCE OF PROJECT - CORPORATION YARD ELECTRIFICATION PROJECT, PHASE 2

Recommendation: That the City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 05-111522

Disposition: Approved.

5. ACCEPTANCE OF PROJECT - TRANSIT CENTER ELECTRIFICATION PROJECT

Recommendation: That the City Council:
1. Accept the project as complete; and
2. Authorize the filing of the Notice of Completion.

Documentation: M.O. 06-111522

Disposition: Approved.

6. ACCEPTANCE OF FISCAL YEAR 2020 STATE HOMELAND SECURITY GRANT PROGRAM FUNDS

Recommendation: That the City Council:
1. Authorize the Mayor to sign the Subaward Agreement as authorized agent; and
2. Accept the \$70,282 award of grant funds to purchase Bauer SCBA Cylinder Air Fill Station.

Documentation: M.O. 07-111522

Disposition: Approved.

7. AUTHORIZATION TO EXECUTE COOPERATIVE AGREEMENT - AVENUE 152 (OLIVE AVENUE) BRIDGE

Recommendation: That the City Council:
1. Approve the Cooperative Agreement for the Avenue 152 (Olive Avenue) Tule River Bridge Project;

2. Authorize the City Manager to sign said Agreement; and
3. Direct the Engineering & Project Management Director to send the signed agreement to Tulare County for final execution.

Documentation: M.O. 08-111522

Disposition: Approved.

8. ADOPTION OF A CONFLICT OF INTEREST POLICY FOR DESIGN-BUILD PROJECTS

Recommendation: That the City Council:

1. Approve the Conflict of Interest Policy for Design-Build Projects as developed by staff and adopt the Resolution for said policy; and
2. Authorize the City Clerk to record the attached Resolution.

Documentation: Resolution No. 110-2022

Disposition: Approved.

9. INTENT TO SCHEDULE A PUBLIC HEARING TO CONSIDER THE ADJUSTMENT OF GOLF COURSE FEES

Recommendation: That the City Council schedule a Public Hearing for December 6, 2022, for consideration of the adjustment of Porterville Municipal Golf Course Fees.

Documentation: M.O. 09-111522

Disposition: Approved.

10. REQUEST FOR STREET CLOSURE: 28TH ANNUAL MYERS CHRISTMAS MEMORIAL TREE LIGHTING - DECEMBER 13, 2022

Recommendation: That the City Council approve the closure of "E" Street, between Putnam and Cleveland Avenues, on December 13, 2022, from 5:00 p.m. to 9:00 p.m., subject to the specified conditions.

Documentation: M.O. 10-111522

Disposition: Approved.

11. 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. 111-2022
Disposition: Approved.

12. 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.

Documentation: M.O. 11-111522
Disposition: Approved.

Council took action to approve Second Reading Item Nos. 13-19, together as one motion.

COUNCIL ACTION: MOVED by Mayor Martha A. Flores, SECONDED by Council Member Milt Stowe that the City Council approve the Second Reading Item Nos. 13-19. The motion carried unanimously.

SECOND READINGS

13. SECOND READING - ORDINANCE NO. 1893, AN ORDINANCE AMENDING CHAPTER 7, ARTICLE I, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, BUILDING CODE, RESIDENTIAL CODE, ENERGY CODE, HISTORICAL BUILDING CODE, EXISTING BUILDING CODE, AND REFERENCED STANDARDS CODE

Recommendation: That the City Council give second reading to Ordinance No. 1893, 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 Milt Stowe that the City Council give second reading to Ordinance No. 1893, being AN ORDINANCE AMENDING CHAPTER 7, ARTICLE I, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, BUILDING CODE, RESIDENTIAL CODE, ENERGY CODE, HISTORICAL BUILDING CODE, EXISTING BUILDING CODE, AND REFERENCED STANDARDS CODE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1893
Disposition: Approved.

14. SECOND READING - ORDINANCE NO. 1894, AN ORDINANCE AMENDING CHAPTER 7, ARTICLE IA, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE

Recommendation: That the City Council give second reading to Ordinance No. 1894, 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 Milt Stowe that the City Council give Second Reading to Ordinance No. 1894, being AN ORDINANCE AMENDING CHAPTER 7, ARTICLE IA, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1894

Disposition: Approved.

15. SECOND READING - ORDINANCE NO. 1895, AN ORDINANCE AMENDING CHAPTER 7, ARTICLE II, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE

Recommendation: That the City Council give second reading to Ordinance No. 1895, 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 Milt Stowe that the City Council give Second Reading to Ordinance No. 1895, being AN ORDINANCE AMENDING CHAPTER 7, ARTICLE II, AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, waive further reading, and adopt said ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1895

Disposition: Approved.

16. SECOND READING - ORDINANCE NO. 1896, AN ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7-9 AND DELETING

SECTION 7-10 AND ADOPTING BY REFERENCE THE 2022 EDITION OF
THE CALIFORNIA ELECTRICAL CODE

Recommendation: That the City Council give second reading to Ordinance No. 1896, 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 Milt Stowe that the City Council give Second Reading to Ordinance No. 1896, being AN ORDINANCE AMENDING CHAPTER 7, ARTICLE III, SECTION 7-9 AND DELETING SECTION 7-10 AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1896

Disposition: Approved.

17. SECOND READING - ORDINANCE NO. 1897, AN ORDINANCE AMENDING CHAPTER 7, ARTICLE IV AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE

Recommendation: That the City Council give second reading to Ordinance No. 1897, 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 Milt Stowe that the City Council give Second Reading to Ordinance No. 1897, being AN ORDINANCE AMENDING CHAPTER 7, ARTICLE IV AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1897

Disposition: Approved.

18. SECOND READING - ORDINANCE NO. 1898, AN ORDINANCE AMENDING CHAPTER 12, ARTICLE I AND ADOPTING BY REFERENCE

EXCEPT AS OTHERWISE PROVIDED, THE 2022 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES

Recommendation: That the City Council give second reading to Ordinance No. 1898, 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 Milt Stowe that the City Council give Second Reading to Ordinance No. 1898, being AN ORDINANCE AMENDING CHAPTER 12, ARTICLE I AND ADOPTING BY REFERENCE EXCEPT AS OTHERWISE PROVIDED, THE 2022 EDITION OF THE CALIFORNIA FIRE CODE ALONG WITH DESIGNATED APPENDICES, waive further reading and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1898

Disposition: Approved.

19. SECOND READING - ORDINANCE NO. 1899, AN ORDINANCE AMENDING CHAPTERS 2, 12, AND 17 OF THE PORTERVILLE MUNICIPAL CODE

Recommendation: That the City Council give second reading to Ordinance No. 1899, 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 Milt Stowe that the City Council give Second Reading to Ordinance No. 1899, being AN ORDINANCE AMENDING CHAPTERS 2, 12, AND 17 OF THE PORTERVILLE MUNICIPAL CODE, waive further reading and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1899

Disposition: Approved.

SCHEDULED MATTERS

20. CONSIDERATION OF CITY CODE PROHIBITING COMMERCIAL VEHICLES FROM USING CERTAIN STREETS

Recommendation: That the City Council consider and review the City's Code requirements for prohibiting commercial vehicles from using certain streets, specifically E. Yates Avenue, S. Roche Street and E. Worth Avenue between S. Main Street and S. Plano Street, and provide direction as deemed appropriate.

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

Direction was given to have a resolution brought back considering the prohibition of commercial vehicles from using specific street or portions thereof which will be considered at the next Regular City Council Meeting.

Documentation: None

Disposition: Direction given.

AB1234 REPORTS (continued)

1. Local Initiatives Navigation Center (LINC) Homeless Outreach Event - November 2, 2022

Councilmember Tate reported on her attendance to the coat drive event and reported on what they were able to accomplish at the event.

2. Eastern Tule Groundwater Sustainability Agency Board - November 3, 2022

Public Works Director Michael Knight reported on the approval of minutes, approval of a resolution to allow for teleconferencing, a review of Scope of Work and Budget from Thomas Harder & Co., and a review of a well mitigation program and the seventh amended Rules and Regulations.

3. Social Services Transportation Advisory Council (SSTAC) - November 8, 2022

Vice Mayor Carrillo asked to carry over this report to the next meeting.

4. Transportation Forum - November 9, 2022

Vice Mayor Carrillo asked to carry over this report to the next meeting.

5. Tulare County Association of Governments (TCAG)/Tule River Tribe - Active Transportation Program (ATP) Project Meeting - November 9, 2022

Mayor Flores stated that information will be taken up to the Tule River Tribe, so that the tribe can tell the association which projects they would like to move forward with.

6. LINC Committee - November 9, 2022

Councilmember Tate combined this report with her report for the coat drive event mentioned on Item No. 1 of the AB1234 reports.

7. Porterville Area Development Authority (PADA) Board - November 9, 2022

City Manager Lollis reported on the discussion that took place regarding the local road's improvement coordination in the vicinity of the new Eagle Mountain Casino and the Tule River Tribe Active Transportation Plan updates.

8. CALVANS Board - November 10, 2022

Vice Mayor Carrillo stated the meeting was cancelled.

9. Tulare County Regional Transit Agency (TCRTA) Board - November 10, 2022

Councilmember Weyhrauch reported on those in attendance, reports from the safety committee, approval of minutes, approval of resolution to reaffirm AB361, a service agreement with the County of Tulare for staffing, and discussions surrounding a lease agreement with the County for office space.

Vice Mayor Carrillo spoke of her attendance to the meeting and stated she noticed that while attending the meeting, that a lot of the pilot projects and examples are all based on Porterville services.

ORAL COMMUNICATIONS

- Richard Hatfield, Porterville, stating that his concern of traffic on his street is of the big rig and 18 wheelers and not the smaller commercial vehicles like Fed Ex and UPS.

OTHER MATTERS

- Councilmember Tate lauded city staff for their efforts at the Veterans Day Parade and for their efforts in providing public safety for the community.
- Councilmember Stowe spoke of his attendance at the Veterans Day Parade and was astonished by the Skydivers, and reminded everyone that political signs need to be removed soon.
- Councilmember Weyhrauch spoke of his attendance and experience at the Veterans Day Parade and of homeless-to-work programs; and discussed the traffic-related issues within the city.
- Vice Mayor Carrillo thanked Councilmember Tate for the updates on the LINC Committee; and spoke of an incident of stolen equipment that happened with the Tule River Veterans Post and thanked City Manager John Lollis, Fire Chief Brian Cogburn and the Fire Department for their donation of flags to the Tule River Veterans Post.
- Mayor Flores spoke of her attendance to the Tulare-Kings Hispanic Chamber of Commerce Ambassador Luncheon, the Porterville Chamber Business After Hours hosted by Porterville Ford, the Veterans Day Parade, and her upcoming attendance Chamber Awards event.
- City Manager Lollis spoke of the Veterans Day Parade and stated the city does not charge the Veterans for the parade; and spoke of the upcoming Christmas Parade and State of the City Address.

CLOSED SESSION

The Council took a ten-minute recess and reconvened in Closed Session at 8:24 p.m.

ADJOURNMENT –

The Council adjourned at 8:52 p.m. to the meeting of December 6, 2022 at 5:30 P.M.



Fernando Gabriel-Moraga, Deputy City Clerk

SEAL



Martha A. Flores, Mayor