

CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET, PORTERVILLE, CA 93257
PARADISE POINT, HOTEL LOBBY, 1404 VACATION RD., SAN DIEGO, CA 92109
APRIL 18, 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 (attended virtually),
Mayor Martha A. Flores

ORAL COMMUNICATIONS

- Brock Neeley, Porterville, spoke of his attendance to an upcoming democratic convention in Los Angeles.

CITY COUNCIL CLOSED SESSION:

A. Closed Session Pursuant to:

- 1 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN: 302-110-073. Agency Negotiator: John Lollis and Jason Ridenour. Negotiating Parties: City of Porterville and Robert C. and Gail L. Nuckols (TRS Family Trust). 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 & Confidential Series, and All Unrepresented Management Employees.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Miguel and Anna Moreno. Agency Claimed Against: City of Porterville.
- 4 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: Rae Dean Strawn v. Bruce Sokoloff et al., U.S. District Court, Eastern District, Case No. 1:22-CV-1245 AWI EPG.
- 5 - 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.
- 6 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel - Existing Litigation: Anthony Luckey v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:23-CV-00551-ADA-BAM.
- 7 - Government Code Section 54956.9(d)(1) - Conference with Legal Counsel - Existing Litigation: Ana Isabel Moreno v. City of Porterville et al., U.S. District Court, Eastern District, Case No. 1:23-CV-00541-JLT-SKO.
- 8 - 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 plaintiff.

9 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) case.

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

**6:50 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 Council Member Beltran, SECONDED by Council Member Meister, the City Council unanimously denied the claim filed by Miguel and Anna Moreno.

Documentation: M.O. 01-041823

Disposition: Claim denied.

The Pledge of Allegiance was led by Council Member Beltran.

Invocation – a member of the public came forward and gave an invocation.

PRESENTATIONS

Tulare County Economic Development Corporation – Airica de Oliveira – President/CEO

ORAL COMMUNICATIONS

- Antonio Morales, Porterville, expressed his concerns regarding the safety of his home along the Tule River.
- Brock Neeley, Porterville, presented the Council with information on the last Charter Review Committee's action to review the Charter in 2013/14, and suggested it was again time to review the City's Charter.
- Ed McKervery, Porterville, spoke of what he believed to be the history of the construction of the Lombardi School, and Burton's Environmental Impact Report relating to traffic in that area.
- Josh Flowers, Strathmore, expressed his appreciation of the Council and staff for their efforts with the Porterville Armory and spoke of the ongoing homeless situation in the city.
- Neil Peyron, Chairman of the Tule River Tribal Council, spoke in favor of Item No. 8 and Item No. 14 on the Agenda.
- Scott Bowler, Porterville Chamber of Commerce, thanked everyone who attended the Spring Festival; spoke of an upcoming ribbon cutting event for Imagine Arts Center; and advised of the Chamber's next First Friday Coffee event.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - April 6, 2023

Commissioner Arlene Pena reported on the Annual Egg Hunt, the Jr. Pirates Track and Field Team, the Tulare County Youth Track and Field Meet, the Arbor Day Tree Planting Ceremony, Summer Swim Lessons, Summer Day Camp, Summer Volleyball, and Youth Baseball.

2. Library & Literacy Commission - April 11, 2023 – no report was provided.

3. Arts Commission – no report was provided.

4. Animal Control Commission - April 13, 2023

Commissioner Kathy Guinn reported on the submission of reports from Porterville Animal Control, a discussion on the possible purchase of dart guns for the Shelter, staffing vacancies, and a recommendation that the City Council officially rename Porterville Animal Control to Porterville Animal Services. Commissioner Guinn also reported that the Animal Control Commission requested that the Council consider naming the new animal shelter after Augie Gonzalez.

5. Youth Commission - April 12, 2023 – 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 - March 2023

2. Spring Clean-Up Event

CONSENT CALENDAR

Item No. 6 was removed for further discussion. Noting a conflict of interest, Vice Mayor Carrillo advised of her abstention on Item No. 8.

COUNCIL ACTION: MOVED by Mayor Flores, SECONDED by Council Member Beltran, that the City Council approve Items Nos. 1-5, and 7-11. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF DECEMBER 06, 2022, AND APRIL 04, 2023.

Recommendation: That the Council approve the draft Minutes of December 06, 2022, and April 04, 2023.

Documentation: M.O. 02-041823

Disposition: Approved.

2. AUTHORIZATION TO PURCHASE SPECIALIZED EQUIPMENT -
LABORATORY REFRIGERATORS

Recommendation: That the City Council:

1. Award the purchase of three laboratory refrigerators to Fisher Scientific for an amount not to exceed \$23,639 which includes taxes, fuel charge and a ten percent (10%) contingency;
2. Direct the Finance Director to initiate a Purchase Order to Fisher Scientific for an amount not to exceed \$23,639 which includes taxes, fuel charge and a ten percent (10%) contingency; and
3. Direct the Finance Director to make payment to Fisher Scientific upon receipt of an invoice approved by the Public Works Director.

Documentation: M.O. 03-041823

Disposition: Approved.

3. RENEWAL OF SOPHOS ENDPOINT AND EMAIL SECURITY

Recommendation: That the City Council approve the current renewal of Sophos Intercept X with XDR/EDR and Email Advanced from GovConnection, Inc. for three years at a cost of \$29,398.18 plus the applicable sales tax with the option to renew the Sophos subscription for an additional three years, for a total of six years.

Documentation: M.O. 04-041823

Disposition: Approved.

4. ACCEPTANCE OF PROJECT - ISLAND ANNEXATION AREA 478B & C
SEWER 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. 05-041823

Disposition: Approved.

5. AUTHORIZATION TO DISTRIBUTE REQUEST FOR PROPOSALS TO
UPDATE THE PUBLIC HEALTH & SAFETY ELEMENT AND
PREPARATION OF AN ENVIRONMENTAL JUSTICE ELEMENT TO THE
PORTERVILLE 2030 GENERAL PLAN

Recommendation: That City Council authorize staff to distribute a Request for Proposals for the update to the Public Health & Safety Element and preparation of an Environmental Justice Element to the City's 2030 General Plan.

Documentation: M.O. 06-041823

Disposition: Approved.

7. AUTHORIZATION TO EXECUTE CONSULTANT AGREEMENT WITH 4CREEKS, INC - VETERANS PARK MULTI-USE TRAIL, PHASE 2

Recommendation: That the City Council:

1. Authorize the Engineering & Project Management Director to execute the Consultant Service Agreement for the design of Phase 2 of the Veterans Park Multi-Use Trail, with 4Creeks, Inc. in the amount of \$132,355;
2. Authorize progress payments up to one hundred percent (100%) of the fee amount; and
3. Authorize the Engineering & Project Management Director to secure Measure R Funds for the design of the project.

Documentation: M.O. 07-041823

Disposition: Approved.

8. AUTHORIZATION OF TEMPORARY OVERFLOW PARKING ON CITY PROPERTY

Recommendation: That the City Council authorize temporary overflow parking at the Porterville Sports Complex and on City property adjacent to the east of the Porterville Fairgrounds for the opening of the new Eagle Mountain Casino the days of April 20 - 23 and May 5 - 14, 2023.

AYES: Beltran, Meister, Weyhrauch, Flores

NOES: None

ABSTAIN: Carrillo

ABSENT: None

Documentation: M.O. 08-041823

Disposition: Approved.

9. RESOLUTION APPROVING SIDE LETTER WITH PORTERVILLE CITY EMPLOYEES ASSOCIATION AND MANAGEMENT AND CONFIDENTIAL SERIES EMPLOYEES CONCERNING CLASS A DRIVER'S LICENSE INCENTIVE PAY

Recommendation: That the City Council adopt the draft Resolution approving a Side Letter between the City of Porterville and Porterville City Employees Association and Management & Confidential Series employees amending the Employee Pay & Benefit Plan establishing incentive pay for employees attaining and retaining a Class A Driver's License.

Documentation: Resolution No. 16-2023
Disposition: Approved.

10. OUT-OF-STATE TRAVEL FOR FALLEN FIREFIGHTER MEMORIAL

Recommendation: That the City Council:
1. Authorize travel by City representatives to Emmitsburg, Maryland; and
2. Approve up to \$4,000 in anticipated travel expenses from the Fire Department's annual budget.

Documentation: M.O. 09-041823
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. 10-041823
Disposition: Approved.

PUBLIC HEARINGS

12. SUBSTANTIAL AMENDMENT TO THE 2022/2023 ACTION PLAN FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS AND PROGRAM INCOME

Recommendation: That the City Council:
1. Adopt the draft Resolution approving the proposed substantial amendment to the 2022/2023 Action Plan; and
2. Direct staff to submit the amendment to the 2022/2023 Action Plan to HUD.

City Manager Lollis introduced the item and Economic and Housing Development Manager Claudia Calderon presented the staff report.

Mayor Flores opened the Public Hearing at 7:45 p.m. and closed the Public Hearing at 7:46 p.m. when no one came forward to speak.

COUNCIL ACTION: MOVED by Vice Mayor Carrillo, SECONDED by Council Member Weyhrauch, that the City Council adopt the draft resolution approving the proposed substantial amendment to the 2022/2023 Action Plan; and directed staff to submit the amendment to the 2022/2023 Action Plan to the Department of Housing and Urban Development. The motion carried unanimously.

Documentation: Resolution No. 17-2023
Disposition: Approved.

13. COMMUNITY DEVELOPMENT BLOCK GRANT 2023/24 ACTION PLAN

Recommendation: That the City Council:
1. Adopt the draft Resolution approving the 2023/24 Action Plan; and
2. Direct staff to submit the 2023/24 Action Plan to HUD.

City Manager Lollis introduced the item, advised that he had a conflict of interest on the item, and recused himself and exited the Council Chambers.

Assistant City Manager Jason Ridenour presented the staff report.

Mayor Flores opened the Public Hearing at 7:52 p.m.

- Brock Neeley, Porterville, lauded city staff for making the HUD program work.

Mayor Flores closed the Public Hearing at 7:52 p.m. when no one else came forward to speak.

COUNCIL ACTION: MOVED by Vice Mayor Carrillo, SECONDED by Council Member Meister, that the City Council adopt the draft resolution approving the 2023/2024 Action Plan; and direct staff to submit the 2023/2024 Action Plan to the Department of Housing and Urban Development. The motion carried unanimously.

Documentation: Resolution No. 18-2023
Disposition: Approved.

SCHEDULED MATTERS

14. AGREEMENT FOR THE PROVISION OF RECYCLED WATER AND PROVISIONAL DOMESTIC WATER FOR THE TULE RIVER TRIBE DEVELOPMENT PROJECT

Recommendation: That the City Council consider the draft Agreement, provide any additional Council direction, and authorize execution of the Agreement subject to approval by the City Manager and City Attorney.

City Manager Lollis introduced the item. Noting a conflict of interest, Vice Mayor Carrillo recused herself by disconnecting from the meeting during this item. Mr. Lollis then presented the staff report.

COUNCIL ACTION: MOVED by Mayor Flores, SECONDED by Council Member Beltran, that the City Council approve the draft agreement for the provision of recycled water and provisional domestic water for the Tule River Tribe Development Project located within a 40-acre site near the Porterville Airport.

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

Documentation: M.O. 11-041823

Disposition: Approved.

15. 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 and act to authorize as determined.

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

COUNCIL ACTION: MOVED by Mayor Flores, SECONDED by Council Member Meister, that the City Council authorize the submission of a notice of the city's intention to withdraw from the Tulare County Regional Transportation Agency (TCRTA) as of June 30, 2023, or as a request to the TCRTA, effective December 31, 2023, if approved. The motion carried unanimously.

Documentation: M.O. 12-041823

Disposition: Approved.

The City Council briefly recessed at 9:09 p.m., and reconvened at 9:21 p.m.

16. STATUS AND REVIEW OF DECLARATION OF LOCAL FLOOD EMERGENCY

Recommendation: That the City Council:

1. Receive the report of status and review of the Declaration of Local Emergency and determine the need exists to continue said Declaration; and
2. Ratify the emergency expenditures of \$6,417.70 for Water Rescue Equipment for the Fire Department, and \$13,151 for the 30-day rental of two mobile shower and restroom units for the Armory temporary evacuation point and emergency shelter.

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

COUNCIL ACTION: MOVED by Mayor Flores, SECONDED by Council Member Meister, that the City Council continue the Declaration of Local Emergency; ratify the emergency expenditures of \$6,417.70 for water rescue equipment for the Fire Department, and \$13,151 for a 30-day rental of two mobile shower and restroom units for the Porterville Armory temporary evacuation point and emergency shelter. The motion carried unanimously.

Documentation: M.O. 13-041823

Disposition: Approved.

6. INTENT TO SET A PUBLIC HEARING TO CONSIDER ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENGINEERING NEWS-RECORD COST INDEX

Recommendation: That the City Council set a Public Hearing for June 13, 2023, pursuant to Government Code Section 66016, to consider the implementation of the City's Impact Fee ENR Cost Index auto escalator.

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

COUNCIL ACTION: MOVED by Mayor Flores, SECONDED by Vice Mayor Carrillo, that the City Council approve the setting of a Public Hearing for June 13, 2023, to consider the implementation of the City's Impact Fee ENR Cost Index auto escalator. The motion carried unanimously.

Documentation: M.O. 14-041823

Disposition: Approved.

AB 1234 REPORTS

1. Local Initiatives Navigation Center (LINC) Committee - April 5, 2023
Council Member Beltran reported on attendance, the approval of Minutes, the budget, and advised of an increase in services and resources due to the recent evacuation orders along the Tule River.
2. Eastern Tule Groundwater Sustainability Agency (ETGSA) - April 6, 2023
Council Member Weyhrauch reported on the ETGSA's intent to hire a Financial Controller, the approval of Minutes, the ratification of bills to be paid, the approval of the Independent Auditors Report and Audited Financial Statements, and other various routine staff reports.
3. AB 1234 Training - April 7, 2023

Mayor Flores reported on her attendance to the mandatory training that was provided by City Attorney Julia Lew. She advised that Vice Mayor Carrillo was also in attendance.

4. Tulare County Water Commission - April 10, 2023

Mayor Flores reported on the approval of Minutes, a presentation by Katie Havens, SB 552 updates, and drought and project funding updates.

5. Tulare County Regional Transit Authority (TCRTA) - April 12, 2023 (Rescheduled)

6. Police Officer Swearing in Ceremony - April 13, 2023

Mayor Flores congratulated newly sworn Officer Mitchell Gonzalez and thanked him for his service to the community.

Council Member Meister noted that it was a great honor to support the City's Police Department and new officer.

7. Calvans Board - April 13, 2023 (Cancelled)

8. Friant Water Authority 2023 Annual Meeting - April 13, 2023

Council Member Weyhrauch spoke of attendance, and spoke of officials feeling like their hands were tied by bureaucratic log jams. He then shared information regarding State Water Control Board insights and power outages.

Mayor Flores encouraged other members of the Council to attend meetings such as this, because of the history and engagement that it provides.

9. Tulare County Association of Governments (TCAG)/Tulare County Transportation Authority (TCTA) Board - April 17, 2023

Mayor Flores reported on an educational workshop that included a budget presentation, flood impacts to regional roads, a legislative report, a director's report, and the approval of Minutes. Mayor Flores advised that the TCAG retreat was scheduled for May 25th from 9:00 A.M. to 3:00 P.M., and that it will be located in Three Rivers, CA.

ORAL COMMUNICATIONS

None

OTHER MATTERS

- Council Member Weyhrauch spoke of his recent experience in Las Vegas; recognized City staff for their efforts in keeping the city operational; and spoke of the Animal Control Commission report that was presented.
- Council Member Meister lauded his fellow Council Members for the work they do to help the City; and requested the Council's support to place items to consider resolutions in opposition to Assembly Bill 1090 and Senate Bill 94.

COUNCIL ACTION: MOVED by Council Member Meister, SECONDED by Council Member Weyhrauch, that the City Council add an item onto the Agenda of May 2, 2023, to consider resolutions in opposition of AB 1090, and SB 94. The motion carried unanimously.

Documentation: M.O. 15-041823

Disposition: Approved.

- Council Member Beltran thanked Airica de Oliveira for her presentation; spoke of the Rio Vista neighborhood and the residents' concerns for potential flooding; stated the city needs to be careful that the Armory does not become a shelter; thanked Tule River Tribal Chair Peyron and Vice Chair Nieto for attending the meeting; and spoke of recent events that occurred in the city.
- Vice Mayor Carrillo spoke of the soft opening of the Eagle Mountain Casino.
- Mayor Flores spoke of her attendance to the Porterville Unified School District's Student Nutrition Food Show; a recent First Friday Coffee event; and Spring Festival. Mayor Flores also spoke of the transition of the evacuation center and commended the Soft Opening of the Eagle Mountain Casino.
- City Manager Lollis spoke of his attendance at an event called the Global Empowerment Mission.

CLOSED SESSION

None

ADJOURNMENT

The Council adjourned at 10:47 p.m. to the meeting of May 2, 2023, at 5:30 p.m.



Fernando Gabriel-Moraga, Deputy City Clerk

SEAL



Martha A. Flores, Mayor

