

**CITY COUNCIL MINUTES
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
MARCH 19, 2024, 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 54956.8 – Conference with Real Property Negotiators/Property: APN: 260-300-030. Agency Negotiator: Patrice Hildreth and Jason Ridenour. Negotiating Parties: City of Porterville and Self-Help Enterprises. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.95 – Liability Claim: Claimant: Ana Alcantar. Agency Claimed Against: City of Porterville.

3 - 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 Plaintiffs.

4- Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Two (2) cases.

**6:34 P.M. RECONVENE OPEN SESSION AND REPORT ON REPORTABLE ACTION
TAKEN IN CLOSED SESSION**

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

A-2. On a MOTION made by Council Member Meister, and SECONDED by Council Member Beltran, the City Council unanimously rejected the claim filed by Ana Alcantar.

Documentation: M.O. 01-031924

Disposition: Claim rejected.

The Pledge of Allegiance was led by Vice Mayor Carrillo.

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

PRESENTATIONS

Parks Master Plan

ORAL COMMUNICATIONS

- Richard Hatfield, Porterville, stated his concern of the Porterville College Street Improvement Plan near his property is the traffic that it would create and potential safety concern for the public.
- David Horowitz, Porterville, spoke of the homeless encampments near his residence.
- Cathy Capone, Porterville, spoke briefly about the California Arbor Week tree planting that was conducted at an earlier date.
- Ed McKervey, Porterville, echoed Cathy Capone's comments regarding the Tree Planting and spoke of the undeveloped areas of the Tule River Parkway and suggested that we continue to develop the Sports Complex as a competitive regional park.
- Shawn Byars, Porterville, stated that he is not opposed to the Porterville College Street Improvement Project, but would like to see a barrier or wall along the road to help mitigate any safety concerns that could arise.
- Stacey Doyle, Porterville, echoed the sentiments of both the previous speakers Richard Hatfield and Shawn Byars and their concerns related to the Porterville College Street Improvement Plan.
- Kristy Martin, Porterville Chamber of Commerce, provided council with recent and upcoming events.

REPORTS

I. City Commission and Committee Meetings

1. Parks & Leisure Services Commission - March 7, 2024 – no report was provided.

2. Library & Literacy Commission - March 12, 2024

Commissioner Edith La Vonne reported on February participation statistics and highlights for Virtual Story Time, Adult Book Club, Bilingual Story Time, Family Literacy Services, Bring Your Own Game Day, Young Adult Book Club, the Thousand Books Before Kindergarten Challenge. Commissioner Edith La Vonne also mentioned the 115th Library Birthday Celebration and other recent events.

3. Arts Commission – no report was provided.

4. Animal Control Commission – no report was provided.

5. Youth Commission - March 13, 2024 – no report was provided.

6. Transactions and Use Tax Oversight Committee (TUTOC) - February 27, 2024 – no report was provided.

II. Staff Informational Reports

1. Water Conservation Phase IV Status Update - February 2024

2. New Porterville Rescue Mission Update

CONSENT CALENDAR

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

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

1. AUTHORIZATION TO REPAIR CITY WELL NO.15

Recommendation: That City Council:

1. Direct the Finance Director to initiate a Purchase Order to Carver Pump for an amount not to exceed \$22,081 (inclusive of all parts, taxes, and contingency) for the replacement parts for City Well No. 15; and
2. Direct the Finance Director to make payment to Carver Pump upon receipt of the invoice approved by the Public Works Director.

Documentation: M.O. 02-031924

Disposition: Approved.

2. AUTHORIZATION TO NEGOTIATE A CONSULTANT CONTRACT - SANTA FE BYWAY PUBLIC ARTIST

Recommendation: That the City Council authorize staff to negotiate a scope of services contract with Adrian Litman Art & Design for the art component of the Santa Fe Byway Revitalization and Beautification Project.

Documentation: M.O. 03-031924

Disposition: Approved.

3. MURRY PARK POOL CONCESSION LICENSE RENEWAL

Recommendation: That the City Council approve the renewal of the Murry Park Pool Concession License with Valley Paradigm Corporation for a three-year term.

Documentation: M.O. 04-031924

Disposition: Approved.

4. AUTHORIZATION FOR THE BARN THEATER TO SELL SAFE AND SANE FIREWORKS FROM THE CITY'S PARKING LOT AT THE BARN THEATER

Recommendation: That the City Council authorize the Barn Theater to sell fireworks on APN 261-210-007 adjacent to the Barn Theater and authorize the City Manager or their designee to sign the Safe and Sane Fireworks Property Use Declaration.

Documentation: M.O. 05-031924

Disposition: Approved.

5. 2023 GENERAL PLAN ANNUAL PROGRESS REPORT

Recommendation: That the City Council review the 2019-2023 General Plan Annual Progress Reports and direct the Planning Division to submit the report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

Documentation: M.O. 06-031924

Disposition: Approved.

6. 2023 HOUSING ELEMENT ANNUAL PROGRESS REPORT

Recommendation: That the City Council review the 2023 Annual Housing Element Progress Report and direct the Planning Division to submit the report to the California Department of Housing and Community Development and the Governor's Office of Planning and Research.

Documentation: M.O. 07-031924

Disposition: Approved.

7. HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) GRANT APPLICATION

Recommendation: That City Council:

1. Adopt the draft Resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for \$500,000 for the continuation of the First Time Low Income Homebuyer Program;
2. Authorize the Mayor to execute all documents pertaining to the HOME program; 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 or the U.S. Department of Housing and Urban Development for administration of the HOME Program.

Documentation: Resolution No. 10-2024

Disposition: Approved.

8. RENEWAL OF AIRPORT LEASE AGREEMENT LOT NO. 34D

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City and Scott Creager for Lot No. 34D at the Porterville Municipal Airport for a term of fifteen (15) years.

Documentation: M.O. 08-031924

Disposition: Approved.

9. RENEWAL OF AIRPORT LEASE AGREEMENT LOT NO. 34E

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City and Michael and Debbie Quatacker for Lot No. 34E at the Porterville Municipal Airport for a term of ten (10) years.

Documentation: M.O. 09-031924

Disposition: Approved.

10. RENEWAL OF AIRPORT LEASE AGREEMENT LOT NO. 36

Recommendation: That the City Council approve the renewal of the Lease Agreement between the City and Matthew Quatacker for Lot No. 36 at the Porterville Municipal Airport for a term of ten (10) years.

Documentation: M.O. 10-031924

Disposition: Approved.

11. APPROVAL FOR COMMUNITY CIVIC EVENT - OPTIMIST CLUB/PUSD/BSD - PORTERVILLE CELEBRATES READING - APRIL 13, 2024

Recommendation: That the City Council approve the Community Civic Event application from the Optimist Club of Porterville, Porterville Unified School District, and Burton School District to hold the "Porterville Celebrates Reading" event on Saturday, April 13, 2024, subject to the requirements and restrictions contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

Documentation: M.O. 11-031924

Disposition: Approved.

12. APPROVAL OF COMMUNITY CIVIC EVENT - PARENTING NETWORK - CALLING ALL SUPERHEROES - APRIL 17, 2024

Recommendation: That the City Council approve the Community Civic Event application from the Parenting Network to hold the "Calling All Superheroes" event on Wednesday, April 17, 2024, subject to the requirements and restrictions

contained in the Application and Agreement, Exhibit A, Exhibit B, and Exhibit C.

Documentation: M.O. 12-031924

Disposition: Approved.

PUBLIC HEARINGS

13. NORTH GRAND CONDITIONAL USE PERMIT (PRC NO. 21-2028-C) AND TENTATIVE PARCEL MAP PUBLIC HEARING CONTINUANCE

Recommendation: That the City Council:

1. Continue the opened public hearing from March 5, 2024 and receive public comments;
2. Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15303 and 15315 of the California Code of Regulation; and
3. Adopts the draft resolution approving the tentative parcel map and the conditional use permit (PRC 2021-028-C) subject to conditions of approval.

City Manager Hildreth introduced the item and City Planner Jeff O'Neal presented the staff report.

Mayor Flores continued the previously opened Public Hearing at 7:41 p.m.

- David Horowitz, Porterville, spoke in opposition of the proposed project.
- Rebecca Gonzalez, Porterville, spoke in opposition of the proposed project.

Mayor Flores closed the Public Hearing at 7:51 p.m. when no one else came forward to speak.

Council asked questions posed by the community related to the traffic and safety concerns in the area of the proposed project, to which staff and representatives stated that the planning into the project will be able to address most if not all the concerns that have been addressed by members of the public. Staff also mentioned that proper noticing requirements for the Public Hearing were sent to those properties who were within a 500-foot radius of the project area.

Staff indicated they would recommend a different finding of California Environmental Quality Act exemption which is Section 15301- Existing Facilities, and not the listed Sections 15303 And 15315.

COUNCIL ACTION: MOVED by Council Member Beltran, SECONDED by Vice Mayor Carrillo that the City Council continued the opened public hearing from March 5, 2024, found the proposed project exempt from the California Environmental Quality Act pursuant to Section 15303 and 15315 of the California Code of Regulation; and adopted the draft resolution approving the Tentative Parcel Map and the Conditional Use Permit (PRC 2021-028-C).

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

Documentation: Resolution No. 11-2024

Disposition: Approved.

Council recessed at 8:33 p.m. and reconvened at 8:46 p.m.

14. REQUEST FOR A MODIFICATION OF CONDITIONAL USE PERMIT 8-2008 TO UPGRADE FROM A TYPE 20 OFF-SALE LICENSE TO A TYPE 21 OFF-SALE ALCOHOL LICENSE FOR SHERWOOD HANDY MARKET

Recommendation: That the City Council:

1. Hold a Public Hearing to receive public comments; and
2. Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation; and
3. Adopt the draft resolution approving Modification to Conditional Use Permit 8-2008 for a Type 21 Off-Sale subject to conditions of approval

City Manager Hildreth introduced the item and City Planner Jeff O'Neal presented the staff report.

Mayor Flores opened the Public Hearing at 8:49 pm.

- (Written Communication) Brock Neeley, Porterville, spoke in opposition of the item, and inquired if the adjacent residences on their opinions.

Mayor Flores closed the Public Hearing at 8:50 p.m. when no one else came forward to speak.

Staff indicated that similar to the previous item (Item No. 13) they would recommend a different finding of California Environmental Quality Act exemption which is Section 15301-Existing Facilities, and not the listed Section 15061(b)(3) – General Rule Exemption.

COUNCIL ACTION: MOVED by Council Member Meister, SECONDED by Council Member Weyhrauch that the City Council conduct the public hearing to receive public comment; found the project exempt from California Environmental Quality Act pursuant to Section 15301 of the California Code of Regulation; and adopted the draft resolution approving the Modification to Conditional Use Permit 8-2008 for a Type 21 Off-sale subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 12-2024

Disposition: Approved.

15. REQUEST FOR A CONDITIONAL USE PERMIT (PRC 2023-038-C) TO ALLOW THE ESTABLISHMENT OF A BARBERSHOP WITH A BAR/LOUNGE AND THE SALE OF ALCOHOL UNDER A TYPE 48 ON-SALE ALCOHOL LICENSE FOR SPORTS CUTS BAR & LOUNGE, LOCATED AT 41 N MAIN STREET

Recommendation: That the City Council:

1. Consider adopting the draft resolution approving a Conditional Use Permit (PRC 2023-038-C) for a Type 48 On-Sale subject to conditions of approval;
2. Find the proposed project exempt from the California Environmental Quality Act pursuant to Section 15061(b), (3) of the California Code of Regulation; and
3. If CUP resolution is adopted, authorize the Mayor to sign the Letter of Public Convenience or Necessity.

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

Staff indicated that similar to the previous items (Item No. 13 and Item No. 14) they would recommend a different finding of California Environmental Quality Act exemption which is Section 15301- Existing Facilities, and not the listed Section 15061(b)(3) – General Rule Exemption.

Mayor Flores opened the Public Hearing at 9:04 p.m.

- Roman Perez, Porterville, spoke in favor of the conditional use permit to allow the establishment to conduct the proposed Bar and Lounge.
- (Written Communication) Brock Neeley, Porterville, asked at what point does the city deem a tract to be oversaturated and provided documentation to the council.

Mayor Flores closed the Public Hearing at 9:06 p.m. when no one came forward to speak.

COUNCIL ACTION: MOVED by Council Member Beltran, SECONDED by Vice Mayor Carrillo that the City Council adopt the draft resolution approving a Conditional Use Permit (RC 2023-038-C) for a Type 48 On-Sale license; find the proposed project exempt from the California Environmental Quality Act pursuant to 15301; and authorize the Letter of Public Convenience or Necessity. The motion carried unanimously.

Documentation: Resolution No. 13-2024

Disposition: Approved.

SCHEDULED MATTERS

16. COUNCIL AUTHORIZATION FOR REORGANIZATION OF PUBLIC WORKS DEPARTMENT TO ACCOMMODATE THE TRANSPORTATION DEPARTMENT

Recommendation: That City Council:

1. Approve the reorganization of the Public Works Department and City's Organizational Chart to form a Transportation Department;
2. Approve the Draft Transportation Director Job Description;
3. Approve the establishment of a new Transportation Director classification at Salary Range 269 (\$9,578 - \$11,689);
4. Approve the allocation of one Assistant City Manager at Salary Range 279 (\$10,580 - \$13,040);
5. Approve the allocation of one Administrative Aide at Salary Range 187 (\$4,233 - \$5,166);
6. Approve the allocation of one Clerical Assistant I, at Salary Range 149 (\$2,900 - \$3,539).

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

COUNCIL ACTION: MOVED by Vice Mayor Carrillo, SECONDED by Council Member Weyhrauch that the City Council approved the reorganization of the Public Works Department to accommodate the Transportation Department. The motion carried unanimously.

Documentation: M.O. 13-031924

Disposition: Approved.

17. 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 Hildreth introduced the item and presented the staff report.

COUNCIL ACTION: MOVED by Vice Mayor Carrillo, SECONDED by Council Member Beltran that the City Council approve the continuance of the Declaration of Local Flood Emergency. The motion carried unanimously.

Documentation: M.O. 14-031924

Disposition: Approved.

AB 1234 REPORTS

1. LINC Committee Meeting - March 6, 2024
Council Member Beltran provided updates on several items of interest such as the budget report, a report on the Navigation Center, and a Point in Time recap.
2. City Council Cannabis Ad Hoc Committee - March 6, 2024
Council Member Beltran provided updates on the statuses of the three cannabis dispensary licenses and provided an update on the education incentive program.

Council Member Weyhrauch asked if the Police Chief elaborate on the needs to find more funding for the Juvenile Diversion Program.

3. City Council General Plan Ad Hoc Committee - March 6, 2024

Vice Mayor Carrillo provided updates related to several reports that encompassed what the 2019 General Plan Goals and Objectives were.

Council Member Weyhrauch echoed the comments made by Vice Mayor Carrillo.

4. Library Facility Planning Committee - March 6, 2024

Vice Mayor Carrillo stated a presentation on the new library design was provided by PH Architects and provided updates to that regard.

5. Eastern Tule Groundwater Sustainability Agency - March 7, 2024

Council Member Weyhrauch reported on announcements, the approval of the Minutes, the ratification of pending bills, and several report and action items.

6. Tulare County Water Commission - March 11, 2024

Mayor Flores provided updates on the approval of Minutes, Tulare County Flood Control Update, the 2024 Water Commission Priorities, a state funding & drought update, and several other reports and Commissioner requirements.

7. Porterville Area Development Authority Meeting - March 15, 2024 – Cancelled.

8. Tulare County Association of Governments (TCAG) - March 18, 2024

Mayor Flores stated she will carry this report over to the next meeting.

ORAL COMMUNICATIONS

None.

OTHER MATTERS

- Council Member Beltran spoke of his attendance to the California Arbor Week event, and spoke of an potential Easter Event hosted by the LINC Committee.
- Council Member Weyhrauch appreciated the preparation of the agenda, spoke on the Consent Calendar of the Concession Renewal, lauded the efforts of the Community Development Department, and highlighted information regarding Consent Calendar Items 11 and 12.
- Council Member Meister spoke of the Porterville College Street Improvement and spoke of his excitement about the approval of Consent Calendar Item No. 4, and Scheduled Matter Item No. 15. Council Member Meister requested that a letter of support in the repealing of Proposition 47, be considered at the next council meeting, as a Scheduled Matter.

COUNCIL ACTION: MOVED by Council Member Meister, SECONDED by Council Member Weyhrauch that the City Council approve Council Member Meister's request to bring an item at the next Council meeting to consider a Letter of

Support in the repealing of Proposition 47. The motion carried unanimously.

Documentation: M.O. 15-031924

Disposition: Approved.

- Vice Mayor Carrillo asked if staff could provide her information related to the Porterville College Street Improvements, lauded the efforts of city staff, and enjoyed the presentation on the Parks Master Plan.
- Mayor Flores spoke of her attendance to several events such as the Central Valley Heroes Awards, the Wall of Fame Ceremony, the Tulare Kings Hispanic Chamber of Commerce Event, and the unveiling of the battlefield cross at the Porterville Memorial Auditorium. Mayor Flores also spoke of an upcoming Safety Recognition Dinner.
- Deputy City Manager Jason Ridenour thanked Parks and Leisure Services Director Donnie Moore, Engineering and Project Management Director Javier Sanchez, and the City Council for their efforts in getting the skatepark improvements done in a timely manner.

CLOSED SESSION

None.

ADJOURNMENT –

The Council adjourned at 10:33 p.m. to the meeting of April 2, 2024, at 5:30 p.m.



Fernando Gabriel-Moraga,
Acting Chief Deputy City Clerk

SEAL



Martha A. Flores, Mayor

