

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JANUARY 17, 2023, 5:30 PM**

Call to Order: 5: 30 p.m.

Roll Call: Mayor Martha A. Flores, Vice Mayor Kellie Carrillo,  
Council Member Donald Weyhrauch, Council Member Raymond Beltran,  
Council Member Greg Meister

**ORAL COMMUNICATIONS**

- Brock Neeley, Porterville, stated that he will not be attending in person due to illness, but will participate in the Open Session Oral Communications.

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

- 1 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis and Yuliana Andrade. Employee Organizations: Porterville City Firefighters Association.
- 2 - Government Code Section 54956.95 – Liability Claim: Claimant: Benjamin Bogle and Keri Curtis. Agency claimed against: City of Porterville.
- 3 - Government Code Section 54956.95 – Liability Claim: Claimant: Isabel Hernandez. Agency claimed against: City of Porterville.
- 4 - 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 plaintiff.
- 5 - Government Code Section 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One (1) Case.

**6:39 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 Vice Mayor Carrillo, and SECONDED by Council Member Weyhrauch the City Council unanimously rejected the claim filed by Benjamin Bogle and Keri Curtis.

Documentation: M.O. 01-011723

Disposition: Claim rejected.

A-3. On a MOTION made by Council Member Meister, and SECONDED by Council Member Beltran the City Council unanimously rejected the claim filed by Isabel Hernandez.

Documentation: M.O. 02-011723  
Disposition: Claim rejected.

Pledge of Allegiance Led by Mayor Flores

Invocation – a moment of silence was observed.

### **PRESENTATIONS**

Veterans Homecoming  
Police Department's Citizen Recognition Award  
Employee Service Awards

### **ORAL COMMUNICATIONS**

- Elizabeth Booth, Porterville, voiced displeasure with the way main street looks and spoke against the large number of individuals experiencing homelessness on Main Street.
- Ed McKervey, Porterville, stated he is pleased that discussions are taking place with regard to the Brookside Subdivision and believes the city should reevaluate the project and address concerns related to traffic and sewer issues.
- Brock Neeley (via Zoom), Porterville, wished everyone a Happy New Year; spoke of sandbag issues that occurred during the massive rainstorms; regarding Item No. 4, voiced concern with Milinich Body Works and Porterville Collision not working well with the City; voiced support for Council Member Weyhrauch's proposed amendments of the Council Handbook; and spoke of the Legislative Budget and Priorities, which he indicated he had screenshot and sent to Senator Hurtado's Office.
- Miguel Ramirez (via Zoom), Public Affairs Manager with Southern California Gas Company, advised that natural gas prices were going to be higher than usual in the month of January.

### **AB 1234 REPORTS**

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

### **REPORTS**

#### **I. City Commission and Committee Meetings**

1. Parks & Leisure Services Commission - January 5, 2023 – no report was provided.

2. Library & Literacy Commission - January 10, 2023

Commissioner Edith LaVonne reported on the activity calendar for the month of January, gave highlights and presented monthly statistics regarding patronage, and program participation, and volunteer hours; and stated that the library provides literacy service and invites anyone to join.

3. Arts Commission – no report.

4. Animal Control Commission - January 12, 2023

Chair Kathy Guinn reported on the recent loss of Augie Gonzales and advised that staff was on duty and doing a great job of which the Commission is proud.

5. Youth Commission - January 11, 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 - December 2022

**CONSENT CALENDAR**

Council Member Greg Meister requested that Item No. 10 be removed for further discussion. City Manager Lollis indicated staff requested that Item No. 14 be removed for further discussion.

**COUNCIL ACTION:** MOVED by Council Member Donald Weyhrauch, SECONDED by Council Member Greg Meister that the City Council approve Items Nos. 1-9, and 11-13. The motion carried unanimously.

1. AUTHORIZATION TO REPAIR POLICE VEHICLES NO. 3352 AND NO. 3389

Recommendation: That the City Council:

1. Authorize the repair of Police vehicles No. 3352 and No. 3389 by Milinich Body Works at a cost not to exceed \$46,675 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Authorize payment of said repairs upon satisfactory completion.

Documentation: M.O. 03-011723

Disposition: Approved.

2. APPROVAL OF EMERGENCY EXPENDITURE

Recommendation: That the City Council authorize payment to Prime Towing & Transport, Inc. in the amount of \$12,562.50.

Documentation: M.O. 04-011723

Disposition: Approved.

3. PURCHASE OF FIRE DEPARTMENT/CODE ENFORCEMENT BODY-WORN CAMERA

Recommendation: That the City Council:



1. Authorize staff to enter into a contract with Axon Enterprises Inc. for the purchase of one body-worn camera and equipment, one docking station, one Administration license, unlimited cloud storage and associated installation hardware and technical support for a total of \$11,452.94;
2. Authorize payment(s) to Axon Enterprises Inc. per contract; and
3. Authorize staff to negotiate contract renewal for services upon the current contract's expiration.

Documentation: M.O. 05-011723

Disposition: Approved.

4. AUTHORIZATION TO REPAIR TRANSIT VEHICLE NO. 8113

Recommendation: That the City Council:

1. Authorize the repair of transit vehicle No. 8113 by E.M. Tharp, Inc. at a cost not to exceed \$24,173 (inclusive of all parts, taxes, labor, and a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 06-011723

Disposition: Approved.

5. AUTHORIZATION TO REPAIR TRANSIT VAN NO. 8123

Recommendation: That the City Council:

1. Authorize transit van collision repair by E.M. Tharp, Inc. at a cost not to exceed \$9,718 (inclusive of all parts, taxes, and labor, including a 10% contingency); and
2. Authorize payment of said repair upon satisfactory completion.

Documentation: M.O. 07-011723

Disposition: Approved.

6. AUTHORIZATION TO DISTRIBUTE A REQUEST FOR QUALIFICATIONS FOR DESIGN SERVICES - PARKS MASTER PLAN

Recommendation: That the City Council authorize staff to distribute a Design Services Request for Qualifications for a Parks Master Plan.

Documentation: M.O. 08-011723

Disposition: Approved.

7. STATUS REPORT - DEVELOPER IMPACT FEES

Recommendation: That the City Council accept the Status Report on Developer Impact Fees for the fiscal year ended June 30, 2022.

Documentation: M.O. 09-011723  
Disposition: Approved.

8. ACCEPTANCE OF POLICE K-9 SAFETY EQUIPMENT GRANT

Recommendation: That the City Council:  
1. Authorize the acceptance of the grant in the amount of \$3,770.00; and  
2. Authorize staff to sign all necessary documents that pertain to the grant.  
Documentation: M.O. 10-011723  
Disposition: Approved.

9. ACCEPTANCE OF DONATION OF LITTLE LIBRARY BY MILT STOWE

Recommendation: That the City Council consider acceptance of the donation of the Little Library by Milt Stowe.  
Documentation: M.O. 11-011723  
Disposition: Approved.

11. ASSIGNMENT OF AIRPORT LEASE - LOT NO. 34F

Recommendation: That the City Council:  
1. Approve the Assignment of Lease for Lot No. 34F at the Porterville Municipal Airport from Steven Huth and Michael Quatacker to Michael Quatacker and Debbie Quatacker; and  
2. Authorize the Mayor to sign the Lessor's Consent to Assignment of Lease Agreement on behalf of the City.  
Documentation: M.O. 12-011723  
Disposition: Approved.

12. CITY COUNCIL MEMBER REQUESTED AGENDA ITEM - CONSIDER THE FORMATION OF A CITY COUNCIL AD HOC COMMITTEE TO ANNUALLY REVIEW THE IMPLEMENTATION OF THE CITY'S GENERAL PLAN.

Recommendation: That the City Council approve Council Member Weyhrauch's request to consider the formation of a Council Ad Hoc Committee to annually review the implementation of the City's General Plan as a Scheduled Matter at the next regular Council meeting.  
Documentation: M.O. 13-011723  
Disposition: Approved.

13. REAFFIRM CONDITIONS OF STATE ASSEMBLY BILL 361 TO CONTINUE  
REMOTE ATTENDANCE AT PUBLIC MEETINGS

Recommendation: That the City Council consider the 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. 01-2023

Disposition: Approved.

**PUBLIC HEARINGS**

15. ZONE CHANGE FROM RM-3 (HIGH DENSITY RESIDENTIAL) TO CG  
(GENERAL AND SERVICE COMMERCIAL) FOR PANADERIA LA  
COSECHA LOCATED AT 23 NORTH F STREET

Recommendation: That the City Council:  
1. Conduct a Public Hearing to receive input regarding the proposed zone change; and  
2. Approve the draft Ordinance, give first reading and order the Ordinance to print.

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

The Public Hearing was opened at 7:18 p.m. and closed at 7:19 p.m. when no one came forward.

Council Member Weyhrauch inquired whether there was sufficient setback for access to the rear of the proposed building, which staff confirmed was the case.

**COUNCIL ACTION:** MOVED by Council Member Greg Meister, SECONDED by Vice Mayor Kellie Carrillo that the City Council approved the draft Ordinance approving a Zone Change from RM-3 to CG for a 0.17± acre parcel located at 23 North "F" Street. The motion carried unanimously.

Documentation: M.O. 14-011723, Ordinance No. 1900

Disposition: Approved.

16. VILLAS AT SIERRA MEADOWS 4 & 5 DEVELOPMENT PROJECT

Recommendation: That the City Council continue the Public Hearing scheduled to consider the entitlements for PRC 2020-48 to February 21, 2023.

City Manager Lollis introduced the item and Assistant City Manager Jason Ridenour presented the staff report, noting that the City received a comment letter from the Department of Toxic Substances Control requesting additional environmental site assessment based on the current



agricultural use. He indicated that a determination was made to recommend continuing the Public Hearing to February 21, 2023, to allow time for an additional environmental site assessment to be conducted in accordance with the comments received. Mr. Ridenour advised that the applicant had requested the item be continued to the meeting of February 7<sup>th</sup>. It was determined that if the City did not have the necessary information by the February 7th meeting, the matter would be continued to the February 21st meeting.

The Public Hearing opened at 7:25 p.m.

- Victor Rojas, Porterville, voiced his concern regarding the kit foxes that he alleged were in the area, suggesting they are potentially an endangered species and that the proposed development would destroy their habitat.
- Lillian Garcia, Porterville, also voiced her concerns with kit foxes and red foxes that she stated were in the area noting that they were potentially an endangered species.
- Samantha Garcia, Porterville, also voiced her concerns noting that she believed there were kit foxes in the area of the proposed development.

The Public Hearing was continued to the council meeting on February 7th, 2023.

**COUNCIL ACTION:** MOVED by Vice Mayor Kellie Carrillo, SECONDED by Council Member Donald Weyhrauch that the City Council continuing the public hearing to February 7th, 2023. The motion carried unanimously.

Documentation: M.O. 15-011723  
Disposition: Approved.

### **SCHEDULED MATTERS**

#### **10. AMENDED BARN THEATER REVOCABLE LICENSE AGREEMENT**

**Recommendation:** That the City Council consider approval of the proposed amendments to the current Revocable License Agreement between the City and the Barn Theatre.

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

Council Member Meister stated that he wanted to see the Barn Theater be able to host fundraising events and a modification of the license agreement term.

City Manager Lollis stated that the Internal City Audit Committee, along with the Barn Theater, met and made amendments to the license agreement concerning being allowed to conduct fundraising and community enrichment activities on the property; in addition, the proposed amended Revocable License Agreement would modify the term of the current Agreement from twenty-five (25) years to five years, with a mutual option for an extension of an additional year.

**COUNCIL ACTION:** MOVED by Council Member Greg Meister, SECONDED by Mayor Martha A. Flores that the City Council approve the amended Barn Theater

Revocable License Agreement with the amended changes to allow the Barn Theater to conduct fundraising and/or community enrichment activities at the property including, but not limited to fine arts performances and recitals, concerts, comedy nights, art displays and art nights, talent shows, dance shows, dinners and luncheons, Christmas parties, weddings, birthday parties, and baby showers and shall be allowed to sublicense the property to community clubs for such clubs' meetings; and modify the term of the current Agreement from twenty-five (25) years to five (5) years, with a mutual option for an extension of an additional year. The motion carried unanimously.

Documentation: M.O. 16-011723

Disposition: Approved.

#### 14. 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.

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

City Manager Lollis stated an emergency request had been received from the County of Tulare for assistance to Self-Help Enterprises, Inc. in the provision of water for the Emergency Tank Program that currently serves 389 residences across Tulare County where domestic wells have run dry due to continued drought. Mr. Lollis stated the County had been providing water from its well at the Bob Wiley Detention Facility, north of Visalia, but the recent rainfall had caused damage to and the temporary closure of the access road to the well.

Members of Council expressed the importance of being able to help their neighbors and agreed to assist the County to provide source water to Self Help to continue the Emergency Tank Program, to be reviewed at its next regular meeting on February 7, 2023.

COUNCIL ACTION: MOVED by Council Member Greg Meister, SECONDED by Mayor Martha A. Flores that the City Council approved to support Tulare County's request to provisionally use City water to assist Self Help with their Emergency Tank Program on a temporary basis to be reviewed at its next regular meeting on February 7, 2023. The motion carried unanimously.

Documentation: M.O. 17-011723

Disposition: Approved.

#### 17. CONSIDERATION OF AMENDMENTS TO THE CITY COUNCIL PROCEDURAL HANDBOOK



Recommendation: That the City Council consider amendments to its Procedural Handbook and provide direction to staff as determined.

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

As a continued discussion of the consideration of amendments from the meeting on December 20, 2022, Mayor Flores recommended that the Order of Business for Council meetings be modified by the moving of Council AB 1234 Reports from prior to the Consent Calendar to after Scheduled Matters.

City Attorney Lew stated she had prepared a draft policy concerning use of social media to be considered for inclusion in the Handbook as an additional appendix.

A discussion ensued during which in addition to relocating AB 1234 Reports, and adding a Social Media Policy as an Appendix, optional use of Council Member Weyhrauch's proposed Council Communication Log form was discussed, as was adding clarifying language to Section X(G) concerning the City's response to President/Governor directives, and adding the FPPC's phone number in an additional location.

Documentation: None

Disposition: Direction given to staff to bring stated revisions back for consideration.

#### 18. 2023 STATE BUDGET AND LEGISLATION INTERESTS

Recommendation: That the City Council consider its State budget and legislative interests for the upcoming 2023 California legislative session.

City Manager Lollis introduced the item and presented the staff report the 2023 State Budget and Legislation Interests for the upcoming 2023 California legislative session which were the following:

- New Community Library Facility
- New Community Recreation Facility
- Homesless Housing and Services Funding
- Porterville Development Center Reuse
- Army National Guard Armory Resuse
- Porterville College POST Peace Officer Program Module 1

Documentation: None.

Disposition: Report received.

#### **AB 1234 REPORTS**

1. Tulare County Task Force on Homelessness - December 21, 2022  
No report was provided due to meeting being canceled.

2. Cannabis Ad Hoc Committee - December 26, 2022

Council Member Weyhrauch reported on discussions between the committee and the third dispensary operator regarding their development agreement and business proposal. He stated that the ad hoc committee discussed having a meeting with all dispensary operators to review compliance with the development agreements.

Council Member Beltran reported on a brief discussion regarding potential changes to zoning in the event any dispensary may come out of compliance for whatever reason and additional time frame for the educational outreach.

3. Tulare Economic Development Corporation (TCEDC) Board - December 25, 2022

No report was provided due to the meeting being canceled.

4. Police Department Badge Pinning Ceremony - January 3, 2023

Mayor Flores reported on her attendance noting that it was always a pleasure to be a part of the ceremonies. Mayor Flores congratulated new Police Officers Jennifer Huerta and Jay Scott, Community Service Officer Mark Caldwell, Records Clerk Marth Schmidt, and Police Officer Trainee Jahni Newhauser.

Council Member Beltran stated it was his first badge-pinning ceremony and that it was an honor to see the recruits and their families, along with other police officers in attendance.

4. Local Initiatives Navigation Center (LINC) Committee Meeting - January 4, 2023

Council Member Beltran reported on his attendance and stated the committee was getting ready for the Local Point-in-Time count event and voiced pride in Porterville for having the largest volunteer group in the county concerning this event.

6. Eastern Tule Groundwater Sustainability Agency (ETGSA) Board Meeting - January 5, 2023

Council Member Weyrauch reported on his attendance, the approval of minutes, a resolution allowing for ongoing public teleconference meetings, a ratification of bills paid and approval of bills to be paid, appointments of agency officers; and several reports from Stakeholder Outreach, Committees, and Tule Subbasin.

7. Tule River Tribe Sesquicentennial Celebration - January 9, 2023

Mayor Flores reported on those in attendance and stated that it was an honor to be present during the welcome and prayer and the cultural presentation. She spoke of the City's presentation of a Special Recognition Plaque to the Tribe for its Sesquicentennial of the Establishment of the Tule River Reservation on January 9, 1873.

8. Tulare County Water Commission - January 9, 2023

Mayor Flores reported on the approval of a resolution allowing for teleconferencing, approval minutes, a brief discussion of the 2022 Brown Act Amendments, a presentation by Sarah Rutherford and Charlotte Schuii concerning the CV Salts Update, a presentation by



Benjamin Barry concerning upper watershed by Sierra Nevada Conservancy, an SB 522 Updates, and Drought Updates.

9. Transit Forum - January 11, 2023

Vice Mayor Carrillo reported on those in attendance, discussions regarding the funding, grants, FTA/ Federal funding, a Genfare Regional Fare Collection System Update, discussion of Measure R Performance Metrics, discussion on planning around the 2023 Tulare County Coordinated Transportation Plan and the CrossValley Corridor Phase 1 Operations Plan RFP; and updates provided by Visalia Transit and TCRTA.

10. Porterville Homeless Services Meeting - January 11, 2023

Mayor Flores reported on those in attendance and thanked Economic and Housing Development Manager Claudia Calderon for coordinating the session inclusive of Administrative Aide Christina Tank and Assistant City Manager Jason Ridenour. She stated it was great to see new and returning members and added that statistical reports were received regarding the 2022 Point-in-Time report.

Council Member Beltran stated the citizens should be proud of the effort that was being made with regard to addressing homelessness.

11. CALvans Board - January 12, 2023

Vice Mayor Carrillo stated that she was unable to attend the meeting.

12. Tulare County Economic Development Corporation (TCEDC) Board - January 13, 2023

Mayor Flores reported on those in attendance, and stated it was a brief meeting which was to authorize President & CEO, Airica de Oliveira of the TCEDC to submit a letter of support for the California Import Concept and Grant Application.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Council Member Weyhrauch inquired if staff would look into disabled parking spaces at the temporary library, asked City Manager to arrange a review of the Animal Shelter Construction, suggested that airport lease terms should be reviewed, restated information regarding gas assistance, and voiced support for the inclusion of Minutes on the Agenda.
- Council Member Beltran spoke of his support in getting the Police Department the equipment they need, and voiced pleasure in reaching an agreement with the Barn Theater.
- Council Member Meister spoke in favor of the city assisting the County with water; suggested that the Cannabis Ad Hoc Committee should look at a location away from the Main Street for the third operator. He also stated it that was great to see the good Samaritan who assisted in helping an individual from an overdose and also spoke in favor of the City's Public Safety.
- Vice Mayor Carrillo acknowledged the City departments with regard to the recent storm, spoke of the Tule River Tribe Sesquicentennial Celebration, and congratulated City staff who



received the employee service awards and to the police officers for their recognition award, and to the citizen who offered their aid to an individual who overdosed.

- Mayor Flores thanked Public Works Director Michael Knight and his staff for their efforts during the recent storm, spoke of the Hall of Fame nominations, stated that she received an email from Darrin Garrett about a river clean-up event, and spoke of the upcoming Homeless Task Force Meeting and Public Safety Recognition dinner by the Exchange Club.
- City Manager Lollis stated he appreciated all the work done by all departments in the field during the recent storm and spoke of Tribal Council elections the upcoming weekend and of the Police Department's Badge Pinning Ceremony.

**CLOSED SESSION**

None.

**ADJOURNMENT**

The council adjourned at 9:22 p.m. to the meeting of February 7th, 2023 at 5:30 p.m.



Fernando Gabriel-Moraga, Deputy City Clerk

SEAL



Martha A. Flores, Mayor