Called to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Council Member Shelton, Council Member Gurrola, Vice Mayor Ward, Mayor Hamilton

Adjourn to a Joint Meeting of the Porterville City Council and Successor Agency to the Porterville Redevelopment Agency.

**JOINT CITY COUNCIL / SUCCESSOR AGENCY TO THE PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

Roll Call: Agency Members/Chairman

**ORAL COMMUNICATIONS**
- Barry Caplan, Porterville, spoke regarding evaluation of the City Manager and City Attorney, and of authorization of a contract for private gain.

**JOINT CITY COUNCIL/AGENCY CLOSED SESSION:**
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: County of Tulare v. All Persons Interested in the Matter of the Addition of the 2010 Amendment to Redevelopment Plan for the Redevelopment Project Area No. 1, as Adopted by Ordinance 1765 on June 15, 2010, by the City of Porterville, et al., Tulare County Superior Court Case No. 249877.

During Closed Session, the Joint Council/Successor Agency Meeting shall adjourn to a Meeting of the Porterville City Council.

**CITY COUNCIL CLOSED SESSION:**
B. Closed Session Pursuant to:
   1 - Government Code Section 54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation: City of Porterville v. County of Tulare et al., Tulare County Superior Court No. 249043.
5- Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Public Safety Support Unit; Porterville Police Officers Association; Management and Confidential Series; Fire Officer Series; and all Unrepresented Management Employees.
7- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Manager.
8- Government Code Section 54957 – Public Employee Performance Evaluation - Title: City Attorney.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

B-3. COUNCIL ACTION: On a MOTION made by Council Member McCracken, and SECONDED by Council Member Gurrola, the Council approved the Option and Lease Agreement with Cingular Wireless for wireless facilities at $1,200 a month for a 5-year term with a 12% increase following, total estimated value of lease $481,632. The motion carried 4-0, with Council Member Shelton abstaining.

Documentation: M.O. 01-010714
Disposition: Approved.

B-6. COUNCIL ACTION: On a MOTION made by Council Member Gurrola, SECONDED by Council Member McCracken, the Council rejected the claim filed by Trina Trumbull. The motion carried unanimously.

Documentation: M.O. 02-010714
Disposition: Claim rejected.

Pledge of Allegiance Led by Vice Mayor Brian Ward
Invocation – a moment of silence was observed.

PRESENTATIONS
Employee of the Month – Elbia Graves
AB 1234 REPORTS
   No reports given.

REPORTS
   This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

I. City Commission and Committee Meetings:
   2. Library & Literacy Commission – No report given.
   3. Arts Commission – No report given.

II. Staff Informational Reports
   1. Building Permit Activity – November 2013
      City Manager Lollis noted that building permit activity continues to be positive.

ORAL COMMUNICATIONS
   • John Coffee, advocated for the City to maintain its participation in the California Public Employees’ Retirement System (CalPERS); and requested Council discussion relative to Item 17.
   • Dr. Rice, spoke of her support for the graffiti artwork on the fence of the El Granito Foundation building.
   • Brock Neeley, distributed a news article to the Council.
   • Mary Dorman, Porterville, expressed concerns regarding possible limits to be placed on medical marijuana in the City, and spoke of the benefits of its use for various medical conditions.
   • Carol Anderson, Porterville, explained her experience with medical marijuana, and communicated her desire to assist the City in the development of an ordinance regulating its use and cultivation.
   • Dawn Jobe, Porterville, cited State legislation and court rulings in favor of medical marijuana; and proposed a joint committee of residents and City staff to form local regulations.
   • David Gong, Porterville, voiced support for medical marijuana as a cancer survivor.
   • Barry Caplan, Porterville, expressed gratitude to the Council for eliminating the time limit on public comments during Oral Communications; requested that the time limit notification be removed from future City Council Agendas; requested bifurcation of the Minutes in Item 1; noted a misspelled name in the Minutes of September 17, 2013; expressed concern for the “problematical” communication issues of the Charter Review Committee; and spoke of the job performance of the City Manager and City Attorney.

The Council took a ten minute recess at 7:31 p.m.

   • Jeff Faure, cited the Bible in support of marijuana.
   • Joe Sparks, Porterville marijuana grower, spoke of the need to educate citizens on the positive uses of marijuana.
   • Lisa Sparks, expressed support for “compassionate care”.

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CONSENT CALENDAR

Items 3 and 4 were removed for further discussion. Council Member Shelton reported that he would be abstaining from Item Nos. 6, 7, and 8.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council approve Item Nos. 1, 2, and 5 through 8. The motion carried unanimously, noting the aforementioned abstentions.


Recommendation: That the City Council approve the Minutes of June 11, 2013, August 6, 2013, September 17, 2013, and December 26, 2013.

Documentation: M.O. 03-010714
Disposition: Approved.

2. PURCHASE OF POLICE SERVICE DOG

Recommendation: That the City Council:
1. Approve the purchase of an additional service dog and related training from Adlerhorst International, Inc. utilizing funds from the Asset Forfeiture Account; and
2. Authorize the Chief of Police to enter into an agreement with Adlerhorst International, Inc. to acquire the service dog and associated training.

Documentation: M.O. 04-010714
Disposition: Approved.

5. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT – PLANO BRIDGE WIDENING AND RECONSTRUCTION

Recommendation: That the City Council:
1. Approve the program supplement by passing a resolution authorizing the Mayor to sign the subject program supplement; and
2. Direct the City Clerk to return the signed program supplement to the Department of Transportation.

Documentation: Resolution No. 01-2014
Disposition: Approved.

6. APPROVAL OF LICENSE AGREEMENT BETWEEN THE CITY OF PORTERVILLE AND COMMUNITY SERVICES EMPLOYMENT TRAINING

Recommendation: That the City Council approve the Santa Fe Depot usage license with CSET, and authorize and direct the Mayor to execute the same.
7. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report and review of the designated local emergency.

Documentation: M.O. 06-010714
Disposition: Approved.

8. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: M.O. 07-010714
Disposition: Approved.

SECOND READINGS

9. SECOND READING - ORDINANCE 1803, AMENDING THE PORTERVILLE MUNICIPAL CODE FOR CONSISTENCY WITH DEVELOPMENT ORDINANCE

Recommendation: That the Council give Second Reading to Ordinance No. 1803, waive further reading, and adopt said Ordinance.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1803, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE FOR CONSISTENCY WITH THE DEVELOPMENT ORDINANCE AND AMENDING LANDSCAPE REQUIREMENTS IN PARKING LOTS, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.
10. SECOND READING - ORDINANCE 1804, ADOPTING 2013 CALIFORNIA BUILDING CODE, EXISTING BUILDING CODE, RESIDENTIAL CODE, AND ENERGY CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1804, waive further reading, and adopt said Ordinance.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request.


The ordinance was read by title only.

Documentation: Ordinance No. 1804
Disposition: Approved.

11. SECOND READING - ORDINANCE 1805, ADOPTING 2013 CALIFORNIA MECHANICAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1805, waive further reading, and adopt said Ordinance.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1805, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING
BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA
MECHANICAL CODE PUBLISHED BY THE INTERNATIONAL
CODE COUNCIL, INC., waive further reading, and adopt said
Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1805
Disposition: Approved.

12. SECOND READING - ORDINANCE 1806, ADOPTING 2013 CALIFORNIA
PLUMBING CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1806, waive further
reading, and adopt said Ordinance.

City Manager John Lollis introduced the item, and the staff report was waived at the
Council’s request.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council
Member Gurrola that the City Council give Second Reading to Ordinance
No. 1806, being AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF PORTERVILLE AMENDING SECTION 7-6 OF THE
MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING
BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA
PLUMBING CODE PUBLISHED BY THE CALIFORNIA BUILDING
STANDARDS COMMISSION, waive further reading, and adopt said
Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1806
Disposition: Approved.

13. SECOND READING - ORDINANCE 1807, ADOPTING 2013 CALIFORNIA
ELECTRICAL CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1807, waive further
reading, and adopt said Ordinance.

City Manager John Lollis introduced the item, and the staff report was waived at the
Council’s request.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council
Member Gurrola that the City Council give Second Reading to Ordinance

The ordinance was read by title only.

Documentation: Ordinance No. 1807
Disposition: Approved.

14. SECOND READING - ORDINANCE 1808, ADOPTING 2013 CALIFORNIA FIRE CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1808, waive further reading, and adopt said Ordinance.

City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request.


The ordinance was read by title only.

Documentation: Ordinance No. 1808
Disposition: Approved.

15. SECOND READING - ORDINANCE 1809, ADOPTING 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE

Recommendation: That the Council give Second Reading to Ordinance No. 1809, waive further reading, and adopt said Ordinance.
City Manager John Lollis introduced the item, and the staff report was waived at the Council’s request.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council give Second Reading to Ordinance No. 1809, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING SECTION 7-4 OF THE MUNICIPAL CODE OF THE CITY OF PORTERVILLE ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE PUBLISHED BY THE CALIFORNIA BUILDING STANDARDS COMMISSION, waive further reading, and adopt said Ordinance. The motion carried unanimously.

The ordinance was read by title only.

Documentation: Ordinance No. 1809
Disposition: Approved.

SCHEDULED MATTERS
16. CONSIDERATION OF RESOLUTIONS CALLING FOR JUNE 3, 2014 GENERAL ELECTION; REQUESTING CONSOLIDATION; AND SETTING SPECIFIED SERVICES

Recommendation: That the City Council:
1. Allow candidates' statements of 200 words or less with no additional mailings and determine whether the candidate or the City shall be responsible for the estimated $1,300 per candidate cost for same;
2. Authorize that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 3, 2014, General Municipal Election;
3. Adopt the draft resolution calling the election for June 3, 2014; requesting and consenting to the consolidation of the election; and setting specifications of the election order;
4. Adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 3, 2014, Election;
5. Authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and
6. Direct staff to proceed with placing ballot measures on the June 3, 2014, ballot for amendments to the City’s Charter.

City Manager Lollis introduced the item, and the staff report was presented by Administrative Services Director Patrice Hildreth.

Following presentation of the staff report, staff addressed questions regarding costs
associated with various aspects of the election, including candidate statements. Council Member Shelton spoke in support of an even playing field and in favor of the City paying the estimated $1,300 per candidate statement; and expressed an interest in pursuing stand-alone elections to save the City money. Council directed that staff research the cost of stand-alone elections.

Vice Mayor Ward suggested use of the City’s website to post candidate statements for free, and a discussion followed regarding potential cost savings. Staff noted that Election Code dictated what could and could not be done, and advised that any proposed changes would have to be researched for compliance.

Council Member Gurrola made a motion to approve staff’s recommendation, with candidates to pay full costs of candidate statements. Council Member McCracken questioned City Attorney Lew regarding a potential conflict of interest, noting that both he and Council Member Shelton could be effected financially by the decision should they decide to run for re-election in June. In response, City Attorney Lew advised that she did not believe a conflict existed because the matter effected all the council members equally. Council Member Gurrola’s motion was seconded by Council Member McCracken.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton to amend the motion to have the City pay for candidate statements.

AYES: McCracken, Shelton
NOES: Gurrola, Ward, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Amendment failed.

Further discussion took place regarding Vice Mayor Ward’s suggestion to post candidate statements on the web and various options for cost savings. Staff indicated that they could research the matter further, and if possible the Council could amend the resolution.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council allow candidate statements of 200 words or less with no additional mailings to be paid for by the candidate; authorize that County services be used as designated above; and that the County Election Department, 5951 S. Mooney, Visalia, California, be designated as the Central Counting Place for the June 3, 2014, General Municipal Election; adopt the draft resolution calling the election for June 3, 2014; requesting and consenting to the consolidation of the election; and setting specifications of the election order; adopt the draft resolution requesting the Board of Supervisors permit the Registrar of Voters to render specified services to the City, for the June 3, 2014, Election; authorize payment to the Tulare County Registrar of Voters upon the completion of the requested services; and direct staff to proceed with placing ballot measures on the June 3, 2014, ballot for amendments
to the City’s Charter.

AYES: McCracken, Gurrola, Ward, Hamilton
NOES: Shelton
ABSTAIN: None
ABSENT: None

Documentation: Resolution Nos. 02-2014 and 03-2014
Disposition: Approved.

17. CONSIDERATION OF THE 2013 CHARTER REVIEW COMMITTEE’S PROPOSED REVISIONS TO THE CITY OF PORTERVILLE CHARTER

Recommendation: That the City Council review and consider the 2013 Charter Review Committee’s proposed revisions to the City of Porterville Charter.

City Manager Lollis introduced the item. Mayor Hamilton recognized the members of the Charter Review Committee who were present in the audience. City Attorney Lew summarized the staff report, noting specific Charter Committee recommendations that were substantive as opposed to housekeeping. During Ms. Lew’s presentation of the staff report, the Council requested that Mr. Allan Bailey, Chair of the Charter Review Committee come forward to address questions and provide insight with regard to the committee’s reasoning.

Mr. Bailey began by providing clarification regarding the committee’s handling of e-mail communications received from the public. He then reported the committee’s opinion with regard to: the timing of municipal elections; removal of mayor; council member compensation; publication of ordinances; and council member vacancy provisions.

While receiving reports from Ms. Lew and Mr. Bailey about the proposed amendments, the Council communicated interest in further discussing those relative to:

- Section 16 – Regarding vacancies in office; when offices declared vacant;
- Section 21 – Regarding City manager residency requirement;
- Section 48 – Regarding expenditures and indebtedness;
- Section 61 – Regarding raising of the bid limit from $5,000;
- Section 67 – Regarding council manic interference;
- Section 68 – Regarding city leases; and
- Consideration of amendments pertaining to employee pensions.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola, that the City Council approve the scheduling of a meeting for January 15, 2014, at 5:30 p.m. to further consider amendments to the City’s Charter. The motion carried unanimously.

Documentation: M.O. 08-010714
CONSENT CALENDAR (Items pulled for discussion)

3. AUTHORIZATION TO ADVERTISE FOR BIDS – WEED ABATEMENT SERVICES

Recommendation: That the City Council authorize staff to advertise for bids for weed abatement services.

City Manager Lollis introduced the item and the staff report was waived at the Council’s request. Council Member Shelton, who pulled the item, stated that he appreciated staff’s efforts to save money and expressed concerns regarding administrative fees.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola that the City Council authorize staff to advertise for bids for weed abatement services. The motion carried unanimously.

Documentation: M.O. 09-010714
Disposition: Approved.

4 AWARD OF CONTRACT – REVENUE SHARING TRANSIT ADVERTISING

Recommendation: That the City Council:
1. Authorize staff to award a professional service contract with Rethought Reborn; and
2. Authorize the Mayor to sign all contract documents.

City Manager Lollis introduced the item and the staff report was waived at the Council’s request. Council Member Shelton, who pulled the item, lauded staff for awarding to a local bidder.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Hamilton that the City Council authorize staff to award a professional service contract with Rethought Reborn; and authorize the Mayor to sign all contract documents. The motion carried unanimously.

Documentation: M.O. 10-010714
Disposition: Approved.

ORAL COMMUNICATIONS

- Barry Caplan, spoke of the lack of availability of an updated City Council Handbook; restated concerns regarding the Charter Review Committee’s email address; and restated concerns regarding the time limit notification in the City Council Agenda.
- Gary Giraudi, member of the Charter Review Committee, thanked Mayor Hamilton for his appointment; thanked Chair Bailey and City staff for their efforts with the Charter Review; and expressed offense taken to a Council Member’s comments regarding members of the Charter Review Committee.

OTHER MATTERS
Council Member Shelton – Thanked the Council and City staff for the response to the Porterville Hotel Fire; and thanked the Charter Review Committee for their work.
Vice Mayor Ward – Wished everyone a Happy New Year.
Mayor Hamilton – Lauded the efforts of the Fire and Police Departments in the response to the Porterville Hotel Fire.

At 10:41 p.m. the Council reconvened in Closed Session.

**CLOSED SESSION**
No reportable action took place in Closed Session.

**ADJOURNMENT**
The Council adjourned at 11:00 p.m. to the meeting of January 15, 2014.

_________________________________
Luisa M. Zavala, Deputy City Clerk

SEAL

_________________________________
Cameron J. Hamilton, Mayor