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

Adjourned 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**

**291 N. MAIN STREET, PORTERVILLE, CA**

Roll Call: Agency Member McCracken, Agency Member Shelton, Agency Member Gurrola, Vice Chairperson Ward, Chairperson Hamilton

**ORAL COMMUNICATIONS**
None

**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 adjourned 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.

4- 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 54956.9(d)(4) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: One Case.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that the following actions had taken place:

B-5: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: VALERIE CARTER. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Council Member McCracken, SECONDED by Mayor Hamilton, the Council rejected the claim filed by Valerie Carter. The motion carried unanimously.

Documentation: M.O. 01-121713
Disposition: Claim rejected.

B-6: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: LARRY LOPEZ, JR. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Council Member McCracken, SECONDED by Council Member Gurrola, the Council rejected the claim filed by Larry Lopez, Jr. The motion carried 4/0.

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

Documentation: M.O. 02-121713
Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member McCracken
Invocation – A moment of silence was observed.

PRESENTATIONS
Miss Porterville and Her Court
The Council recessed for five minutes at 6:40 p.m.

PRESENTATIONS (CONTINUED)
Southern California Gas Company – Colby Wells gave a presentation regarding Advanced Meters.

AB 1234 REPORTS
This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Local Agency Formation Committee (LAFCO) – December 4, 2013
   Mayor Hamilton reported on acceptance of Tulare’s Municipal Services Review.

2. Tulare County Association of Governments (TCAG) – December 9, 2013
   Council Member Gurrola reported on a workshop regarding projects; awards and recognition of TCAG staff; work program; and the formation of a committee to address transportation congestion.

3. Tulare County Economic Development Corporation – December 11, 2013
   Administrative Services Manager Patrice Hildreth reported, on behalf of City Manager John Lollis, that the Council had filed their intent to withdraw.

REPORTS
I. City Commission and Committee Meetings:
   1. Parks & Leisure Services Commission – December 5, 2013
      Chair Vafeades presented the Commissioner’s Report which highlighted Zalud House holiday décor and activities; improvements at the golf course and playgrounds; senior and youth Christmas activities; and the commission’s recent consideration of Wall of Fame procedures.

   2. Library & Literacy Commission – December 10, 2013
      Vice Chair Bailey presented the year-end review which highlighted the programs, activities and services provided by the library.

      Chair Bailey stated that the Committee had provided a report to the Council and that he would be available for questions during their consideration on January 7, 2014.

   5. Arts Commission – no report.
   6. Transactions and Use Tax (“Measure H”) Oversight Committee
      Member Fletcher reported that their next meeting was scheduled to take place in March or May of 2014.


II. Staff Informational Reports
   1. 2013 City Charter Review Committee Proposed Revised City Charter

ORAL COMMUNICATIONS
- Jeff Stowe, spoke of recent drug relapse and subsequent harassment perpetrated by Will Lloyd; and read Facebook comments and excerpts from an e-mail exemplifying said harassment.
- Ron Halsey, Golden Hills resident, spoke in favor of decreasing the number of cannabis plants allowed; thanked Council Member Gurrola for following up on his concerns while serving as
Mayor; spoke of issues with park owner Randy Thomas; and requested the Council’s assistance.

- Dawn Jobe, spoke in support of medical marijuana use; spoke of medical conditions treated with marijuana, and various forms in which it is used for said purpose; and added that a local ordinance would target patients no the criminal element.
- Mr. Buchanan, shared concerns of his neighborhood which included: community safety; crime; property values; and offensive odors; and spoke in support of growth in a controlled environment.
- (Name not given), spoke in favor of outdoor growing; compared marijuana to skunks; spoke in opposition to killing skunks; and added that growing marijuana indoors poses additional dangers and expense.
- Debra Halsey, questioned why use of medical marijuana should infringe upon the rights of others; spoke of abuse and requested regulation.
- Jeff Faure, indicated that patients had no choice but to grow due to prohibition of dispensaries and that a ban would target patients who rely on growers and co-ops.
- Mr. Buchanan, reiterated that the primary concern of those in his community is safety.
- Dawn Jobe, spoke regarding use of pesticides within city limits in the proximity of a facility that prepares food for children.
- Russell Fletcher, suggested the use of greenhouses for marijuana growing to contain offensive odors.
- Danny McCormick, stated that he knew individuals with medical marijuana cards who were not ill; and spoke in support of local regulation.

The Council recessed for ten minutes at 8:04 p.m.

**CONSENT CALENDAR**

Item Nos. 3, 5, 6 and 7 were pulled for discussion. Council Member Shelton noted his abstention on Item No. 7a due to a conflict of interest.

1. **MINUTES OF DECEMBER 10, 2013**

   Recommendation: That the City Council approve the Minutes of December 10, 2013.

   Documentation: M.O. 03-121713

   Disposition: Approved.

2. **AUTHORIZATION TO PURCHASE ONE (1) HYDRAULIC DUMP TRAILER**

   Recommendation: That the City Council authorize the purchase of a hydraulic dump trailer from Jacobsen Trailer Inc. and authorize payment for said equipment upon satisfactory delivery.

   Documentation: M.O. 04-121713

   Disposition: Approved.

3. **AUTHORIZATION TO PURCHASE FAREBOX COLLECTION EQUIPMENT**
Recommendation: That the City Council:
1. Authorize staff to purchase farebox collection equipment from GFI Genfare at a cost not to exceed $42,677.93; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 05-121713
Disposition: Approved.

7a. REVIEW OF LOCAL EMERGENCY STATUS

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.

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

Documentation: M.O. 06-121713
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward that the City Council approve Items 3, 5, 6, and 7. The motion carried unanimously, with the exception of the aforementioned abstentions.

PUBLIC HEARINGS
8. TEXT AMENDMENT TO THE PORTERVILLE MUNICIPAL CODE PERTAINING TO INCONSISTENCIES WITH THE DEVELOPMENT ORDINANCE

Recommendation: That the City Council:
1. Approve the proposed amendments to the Municipal Code and give first reading to the draft ordinance; and
2. Waive further reading and order the Ordinance to print.

Administrative Services Director Patrice Hildreth presented the item and Community Development Project Manager Jenni Byers presented the staff report.

The public hearing was opened at 8:22 p.m. Seeing no one, the Mayor closed the public hearing at 8:23 p.m.

Council Member Shelton lauded the work of Community Development Project Manager Jenni Byers.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member
McCracken, that the City Council approve the proposed amendments to the Municipal Code and give first reading to the draft Ordinance; waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY OF PORTERVILLE AMENDING THE PORTERVILLE MUNICIPAL CODE FOR CONSISTENCY WITH THE DEVELOPMENT ORDINANCE AND AMENDING LANDSCAPE REQUIREMENTS IN PARKING lots.

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

Documentation: Ordinance No. 1803
Disposition: Approved.

The Ordinance was read by title only.

9. ADOPTION OF CALIFORNIA BUILDING AND FIRE CODES

Recommendation: That the City Council:
1. Conduct a Public Hearing to receive input regarding the adoption of the 2013 Editions of the California Building, Plumbing, Mechanical, Electrical, Fire, Green Building Standards, Residential, Administrative, Reference Standards, and Energy Codes; and
2. Adopt the Ordinances, give First Readings, waive further readings, and order the Ordinances to print.

Administrative Services Director Patrice Hildreth introduced the item and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened at 8:25 p.m. Seeing no one, the Mayor closed the public hearing at 8:26 p.m.

Council Member Shelton inquired about the consequences if the Council were to not adopt the codes.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola, that the City Council adopt the Ordinances, give First Readings, waive further readings, and order the Ordinances to print, being: AN Ordinance No. 1804


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

Documentation: Ordinance Nos. 1804; 1805; 1806; 1807; 1808; and 1809
Disposition: Approved.

The Ordinances were read by titles only.

10. PUBLIC HEALTH GOAL REPORT

Recommendation: That City Council conduct a public hearing to solicit comments on the Public Health Goal Report.

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Administrative Services Director Patrice Hildreth introduced the item and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened at 8:32 p.m. Seeing no one, the Mayor closed the public hearing at 8:33 p.m.

**COUNCIL ACTION:** MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken, that the City Council accept the report. The motion carried unanimously.

Documentation: M.O. 07-121713
Disposition: Accepted.

**HEARINGS**

11. RESOLUTION OF NECESSITY PERTAINING TO THE ACQUISITION OF A PORTION OF PROPERTY (1.051 ACRES) LOCATED AT APN #259-050-025, OWNER ESTATE/INTEREST OF CORRIDOR GROUP LLC – FOR PROPOSED IMPROVEMENTS TO NEWCOMB STREET (NEWCOMB SHOULDER STABILIZATION PROJECT)

Recommendation: That City Council:
1. Hear testimony from the owners and/or their representative(s), if they appear at the hearing and request to be heard;
2. Adopt the draft Resolution of Necessity; and
3. Authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville.

Administrative Services Director Patrice Hildreth introduced the item and City Attorney Lew presented the staff report. It was noted that the property owner was not present in the meeting to comment on the matter.

Council Member Shelton pointed out several benefits to the property owner for the acquisition and improvements to be conducted by the City. Vice Mayor Ward expressed concern regarding traffic safety.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward, that the City Council adopt the draft Resolution of Necessity and authorize the City Attorney to take all appropriate action necessary to acquire said property on behalf of the City of Porterville. The motion carried unanimously.

Documentation: Resolution 86-2013
Disposition: Approved.

**SCHEDULED MATTERS**

12. IMPLEMENTATION OF PORTERVILLE DEVELOPMENT ORDINANCE
Recommendation: That the City Council adopt the draft Resolution formalizing transitional implementation of the adopted revisions to the Porterville Developmental Ordinance.

Administrative Services Director Patrice Hildreth introduced the item and Community Development Project Director Jenni Byers presented the staff report.

Staff addressed the Council’s questions regarding the review timeline and the possibility of developer fees.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola, that the City Council adopt the draft Resolution of formalizing transitional implementation of the adopted revisions to the Porterville Developmental Ordinance.

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

Documentation: Resolution 87-2013
Disposition: Approved.

13. MEDICAL MARIJUANA REGULATIONS AND LOCAL REGULATION – UPDATE CONCERNING STATUS OF STATE LAW AND REQUEST FOR DIRECTION

Recommendation: That the City Council provide additional direction in light of the recent developments.

Administrative Services Director Patrice Hildreth introduced the item and City Attorney Lew presented the staff report, noting recent case law that established local government control of marijuana cultivation and dispensaries via land use regulations and police powers.

The Council discussed, at great length: the Council’s intention to create a policy that balances public safety with medical needs; doctors exploiting current State regulations to make profit from marijuana recommendations; concerns with odors, home invasions, and property owners with tenants who cultivate; and possible regulations of plant numbers, height, cultivation locations, and grower registration.

The Council directed that staff proceed with preparing a draft ordinance of regulations regarding: number and height of plants; indoor versus outdoor cultivation; limits per household; process for permits or registration; height of fences if grown outdoors; property owner consent for tenants to grow; screening requirements; setback from property lines; sensitive use areas; and dispensaries.

Documentation: None.
Disposition: Direction given.
The Council took a ten-minute break at 9:33 p.m.

14. WALL OF FAME PLACEMENT PROCEDURE

Recommendation: That the City Council consider the Wall of Fame placement procedure, including the recommendations of the Parks and Leisure Services Commission, and give staff direction.

Administrative Services Director Patrice Hildreth introduced the item and Parks and Leisure Services Director Donnie Moore presented the staff report.

Vice Mayor Ward and Council Member Shelton expressed their desires to recognize Wall of Fame honorees while they are still living, rather than conferring the honor posthumously. Council Member Shelton proposed having two separate recognitions: a Wall of Fame for the deceased and a Living Legends Wall for the living.

Council Members Gurrola and McCracken voiced concern about altering the original purpose of the Wall of Fame if the honor was to be given as an award to the living rather than a recognition for the deceased. The Council also discussed, at length, the number of honorees to be recognized and possible changes to the nomination and selection processes.

Council Member Shelton moved to adopt the recommendations of the Parks and Leisure Services Commission, being:

1. The Wall of Fame honoree does not have to be deceased.
2. Each City Council member may nominate no more than one honoree annually.
3. Honoree photos are to be displayed permanently. Display frames are to be added when more photo space is needed.
4. Consolidate the bios of the honorees into a book to be displayed at the Wall of Fame in order to create more space for honoree photos.
5. Honorees must have lived in Porterville for a period of time to be determined by the City Council.

The motion failed due to lack of a second.

The Council discussed the difference between nomination and selection, and proposed possible amendments to the Commission’s recommendations.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward, that the City Council approve the recommendations of the Parks and Leisure Services Commission, as amended: 1) The Wall of Fame honoree does not have to be deceased; 2) Each City Council member may select no more than one honoree annually; 3) Honoree photos are to be displayed permanently. Display frames are to be added when more photo space is needed; 4) Consolidate the bios of the honorees into a book to be displayed at the Wall of Fame in order to create more space for honoree photos; 5) Honorees must
have lived in the Porterville area for a period of at least fifteen years; 6) Honorees must not be currently serving in an elected office at the time of their selection.

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

Documentation: M.O. 08-121713
Disposition: Approved.

CONSENT CALENDAR (ITEMS REMOVED FOR FURTHER DISCUSSION)

3. AUTHORIZATION TO PURCHASE CHASE PARK RESTROOM

Recommendation: That the City Council authorize the purchase of the Structure Cast pre-fabricated restroom for the Chase Avenue Park.

Administrative Services Director Patrice Hildreth introduced the item and Public Works Director Baldo Rodriguez presented the staff report.

Council Member Ward expressed concern regarding the additional costs associated with purchasing the pre-fabricated restroom from the recommended vendor, and inquired about using a local contractor to construct it instead.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Shelton, that the City Council authorize the purchase of the Structure Cast pre-fabricated restroom for the Chase Avenue Park. The motion carried unanimously.

Documentation: M.O. 09-121713
Disposition: Approved.

5. AWARD OF CONTRACT – MATHEW STREET SHOULDER STABILIZATION PROJECT

Recommendation: That City Council direct staff to:
1. Award the Mathew Street Shoulder Stabilization Project to MAC General Engineering in the amount of $218,424.40; and
2. Authorize a 10% contingency to cover unforeseen construction costs and 7% for Construction Management, Quality Control and Inspection.

Administrative Services Director Patrice Hildreth introduced the item.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Gurrola, that the City Council award the Mathew Street Shoulder Stabilization Project to MAC General Engineering in the amount of $218,424.40; and authorize a
10% contingency to cover unforeseen construction costs and 7% for Construction Management, Quality Control and Inspection. The motion carried unanimously.

Documentation: M.O. 10-121713
Disposition: Approved.

6. AUTHORIZATION TO AMEND TEETER & ASSOCIATES CONTRACT TO UPDATE THE PORTERVILLE ANIMAL SHELTER AND DOG PARK PROJECT

Recommendation: That the City Council:
1. Direct the Public Works Director to amend Teeter & Associates contract for the Porterville Animal Shelter and Dog Park project design in the amount of $41,490.

Administrative Services Director Patrice Hildreth introduced the item. Public Works Director Baldo Rodriguez addressed questions pertaining to the project’s proximity to an elderberry bush, and the applicability of prevailing wages if the project were to be delayed.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Gurrola, that the City Council direct the Public Works Director to amend Teeter & Associates contract for the Porterville Animal Shelter and Dog Park project design in the amount of $41,490.

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

Documentation: M.O. 11-121713
Disposition: Approved.

7. INTENT TO SET A PUBLIC HEARING FOR ADJUSTMENT OF CITY ATHLETIC FIELD LIGHTING FEE

Recommendation: That the City Council set a Public Hearing for January 21, 2014, to allow for public comments and to consider adjusting the City athletic field lighting fee.

Administrative Services Director Patrice Hildreth introduced the item. Council Member Ward inquired about the City’s average hourly rate for lighting the athletic fields.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken, that the City Council set a Public Hearing for January 21, 2014, to allow for public comments and to consider adjusting the City athletic field lighting fee. The motion carried unanimously.

Documentation: M.O. 12-121713
ORAL COMMUNICATIONS
None.

OTHER MATTERS
• Mayor Hamilton spoke of recent Santa event and mixer at Sierra View District Hospital; and shared that Council Member Gurrola would be running for County Supervisor.
• Council Member Gurrola spoke of toy and food drives, food distribution, and bell ringers.
• Council Member Shelton stated that the Sierra View District Hospital Board was interested in having a joint meeting with the Council.
• Vice Mayor Ward wished everyone a merry Christmas.

ADJOURNMENT
The Council adjourned at 10:37 p.m. to the meeting of January 7, 2014.

________________________________________
Luisa M. Zavala, Deputy City Clerk

SEAL

________________________________________
Cameron J. Hamilton, Mayor