Called to Order at 5:31 p.m.
Roll Call: Council Member McCracken, Vice Mayor Ward, Mayor Hamilton, Council Member Shelton and Council Member Gurrola (arrived late)

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

Roll Call: Agency Members/Chairman

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 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.
3- 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.


8- Government Code Section 54956.9(d)(2) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two cases concerning facts not known to potential plaintiff.

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

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

B-4: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: LISA CARRANZA. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

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

Documentation: M.O. 01-012114
Disposition: Claim rejected.

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

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

Documentation: M.O. 02-012114
Disposition: Claim rejected.

B-6: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: ZACHARY FLETCHER. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Mayor Hamilton, SECONDED by Council Member
McCracken, the Council rejected the claim filed by Zachary Fletcher. The motion carried 4/0/1, with Council Member Shelton abstaining.

Documentation: M.O. 03-012114
Disposition: Claim rejected.

B-7: GOVERNMENT CODE SECTION 54956.95 – LIABILITY CLAIM: CLAIMANT: MARY MARCHBANKS. AGENCY CLAIMED AGAINST: CITY OF PORTERVILLE.

COUNCIL ACTION: On a MOTION by Mayor Hamilton, SECONDED by Council Member Gurrola, the Council rejected the claim filed by Mary Marchbanks. The motion carried unanimously.

Documentation: M.O. 04-012114
Disposition: Claim rejected.

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation – a moment of silence was observed.

PRESENTATIONS
Employee Recognition – Cody Clem

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

1. Tulare County Association of Governments (TCAG) – January 21, 2014
   Council Member Gurrola reported on discussion regarding the Regional Transportation Plan, action to set CMAQ priority and criteria, and the board’s interest in seeking a bond to push projects forward.

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

I. City Commission and Committee Meetings:
      Commissioner Moore presented the Commission’s Report which included mention of the following: median maintenance efforts, sports programs, release of 2014 Activity Calendar, and support endeavors. He also noted the Commission’s support of the proposed sports field lighting fees.
      Chair Figueroa reported on activities of their last meeting which included discussion regarding: StarWalk Kids Media, hosting a Chamber mixer, a grant for staff development, December highlights, and patron turnout for Sunday hours.
   3. Arts Commission – no report.
Commissioner Fernandez of Strathmore High reported that the commission was organizing a Family Movie Night event to take place in March, and would be participating in tree planting on February 15th.

II. Staff Informational Reports
1. Community Development Block Grant – Business Assistance Program Update
   No verbal report.
2. Update on Pioneer Water Company Share Water
   No verbal report.

ORAL COMMUNICATIONS
- Edith LaVonne, Porterville, announced the opening of Sunshine Boys at the Barn Theater and extended an invitation to those in attendance.
- Teri Irish, Porterville, spoke in opposition to the proposed Charter Amendment No. 12 regarding an increase in council member compensation.
- Lynn Lasitovich, Valley Cleaning and Restoration, spoke against the proposed fees for the use of cargo containers as temporary structures; accused the City of targeting small businesses; and spoke of recent burdens associated with Plano Bridge Project.
- John Coffee, Porterville, spoke in favor of the Charter Review Committee recommendation to require a 4/5 vote to remove a council member from the mayor seat; and requested that the Council let the voters decide.
- Taha Saleh, Porterville, spoke about the proposed fees for use of cargo containers and inquired if payment of said fees would be available to the public.
- Ken Sherrell, Porterville, expressed discontent with the Police Department for not enforcing a protection order; alleged that he and his wife have been victims of harassment; and threatened to sue the City.
- Brock Neeley, Porterville, reported that he had been contacted by the Probation Department and informed that the individual who had attempted to burglarize the Unitarian Fellowship had been arrested; and accused the Council of fearing the voting public.
- Craig McLaughlin, Porterville, representing Porterville Softball Association, spoke in favor of action regarding sports field lighting fees.
- Roger Salfield, Exeter, offered to assist the City in developing a plan for regulation of medical marijuana; spoke in favor of taxing medical marijuana; and requested the opportunity to present his plan to the Council at a future meeting.
- Mike, indicated that he would like to open a medical marijuana collaborative and reported that he had collected 1,000 signatures in support.
- Joe Sparks, spoke of hazards associated with the production of honey oil.
- Dawn Jobe, spoke of a past encounter with police and alleged that she had been harassed by officers responding to her request for aid; and stated that officers were lacking in compassion and ethics.
- Milt Stowe, reported that the Charter Review Committee had received more public input regarding the 4/5 vote to remove mayor than any other issue.
- Hilario Medina, Porterville, spoke of two occasions on which he had positive experiences with Porterville Police Officers.
The Council took a ten minute recess at 7:50 p.m.

**CONSENT CALENDAR**

Item Nos. 10 and 13a were pulled for discussion. Council Member Shelton noted abstentions on Item Nos. 4, 6, 7, 12, and 13.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED BY Vice Mayor Ward that the City Council approve Item Nos. 1 through 9 and 11 through 13. The motion carried unanimously, with the noted abstentions of Council Member Shelton.


Documentation: M.O. 05-012114
Disposition: Approved.

2. **AUTHORIZATION TO PURCHASE TWO (2) VEHICLE LOGIC UNITS**

Recommendation: That the City Council authorize staff to purchase two (2) logic units and licensing from RouteMatch software, Inc. and authorize payment for said equipment upon satisfactory delivery.

Documentation: M.O. 06-012114
Disposition: Approved.

3. **REQUEST TO PURCHASE CRIME SCENE/EVIDENCE VEHICLE**

Recommendation: That the City Council authorize the City’s Purchasing Agent to negotiate the purchase and outfitting of the 2014 Ford E-350 cargo van Downtown Ford Sales.

Documentation: M.O. 07-012114
Disposition: Approved.

4. **AWARD OF CONTRACT – INDIANA STREET SHOULDER STABILIZATION**

Recommendation: That City Council direct staff to:

1. Award the Indiana Street Shoulder Stabilization Project to Bush Engineering in the amount of $274,238.00;
2. Authorize a 10% contingency to cover unforeseen construction costs;
3. Authorized 5.47% for construction management, quality control and inspection; and
4. Authorize staff to appropriate $16,442.80 from unallocated Local Transportation Funds to complete funding of this project.

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

Documentation: M.O. 08-012114
Disposition: Approved.

5. AWARD OF CONTRACT – MORTON AVENUE SHOULDER STABILIZATION

Recommendation: That City Council:
1. Award the Morton Shoulder Stabilization Project to Todd Companies in the amount of $373,591.01;
2. Authorize a 10% Contingency to cover unforeseen construction costs; and
3. Authorize 4.7% for construction management, quality control and inspection.

Documentation: M.O. 09-012114
Disposition: Approved.

6. ACCEPTANCE OF PROJECT – OLIVE AVENUE REHABILITATION PROJECT (MAIN STREET TO PLANO STREET)

Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Documentation: M.O. 10-012114
Disposition: Approved.

7. ACCEPTANCE OF PROJECT – ANNEXATION SEWER PROJECT (AREA 458A & 458B)
Recommendation: That City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

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

Documentation: M.O. 11-012114
Disposition: Approved.

8. ACCEPTANCE OF PROJECT – SPORTS COMPLEX SOFTBALL AND SPORTS FIELD LIGHTING PROJECT

Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 5% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 12-012114
Disposition: Approved.

9. AUTHORIZE PARKS AND LEISURE SERVICES DIRECTOR TO APPLY FOR LAND AND WATER CONSERVATION FUND GRANT

Recommendation: That the City Council authorize the Parks and Leisure Services Director proceed with the grant process.

Documentation: Resolution No. 6A-2014
Disposition: Approved.

11. 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, 2013

Documentation: M.O. 13-012114
Disposition: Approved.
12. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

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

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

Documentation: M.O. 14-012114
Disposition: Approved.

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

Recommendation: That 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. 15-012114
Disposition: Approved.

PUBLIC HEARINGS

14. ADOPTION OF FEES FOR PHOTOMETRIC PLANS AND TEMPORARY STRUCTURES

Recommendation: That the City Council:
1. Adopt the Resolution establishing a fee for the optional service of preparing photometric plans; and
2. Adopt the Resolution establishing fees for use of cargo containers as temporary structures.

City Manager Lollis introduced the item, and Council Member Shelton indicated that he would be abstaining from the item due to his use of cargo containers. He exited the chambers, and Community Development Manager Julie Phillips presented the staff report.

The public hearing was opened at 8:09 p.m.
• Mark Hillman, Hillman Building Design, spoke in support of the preparation of photometric plans as an optional service.
• Lynn Lasitovich, Valley Cleaning and Restoration (VCR), stated she had a petition signed by 35 businesses who supported the use of cargo containers and opposed the proposed fees associated with their use.
• Alex Burgos, Burgos Tile Distributors, spoke in opposition to the proposed temporary structure fees, stating that they would not attract businesses to the community.
• Loretta Wilson, Wilson’s Transmission and 4x4, spoke in support of small business and in opposition to the proposed fees for cargo containers.
• Robert Lasitovich, VCR, spoke of his business expenses and threatened to leave Porterville if the proposed fees regarding cargo containers were adopted.

The public hearing was closed at 8:16 p.m.

COUNCIL ACTION:  MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council adopt the draft resolution establishing a fee for the optional service of preparing photometric plans.

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

A discussion ensued regarding various instances of cargo container use within town and problems associated with those uses, such as blight and code violations. City Manager Lollis indicated that there were many options that could be explored by staff should the Council wish to continue the public hearing.

Concerns were expressed regarding loss of property taxes, parking, screening, cost to small businesses, enforcement and grandfathering of those present prior to 2005.

COUNCIL ACTION:  MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council continue the public hearing regarding temporary structures to March 4, 2014; and direct staff to bring back an item regarding amendments to City policy related to use of cargo/shipping containers for Council consideration on February 18, 2014.

AYES: McCracken, Ward, Gurrola, Hamilton
NOES: None
ABSTAIN: Shelton
ABSENT: None
15. CITY ATHLETIC FIELDS LIGHTING FEE

Recommendation: That the City Council:
1. Conduct a public hearing to solicit comment on the proposed City athletic field lighting fee plan;
2. Provided direction to staff regarding the City athletic field lighting fees.

City Manager Lollis introduced the item, and Parks and Leisure Services Director Donnie Moore presented the staff report.

The public hearing was opened at 8:44 p.m.

- Rich Tree, Porterville Little League, spoke in favor of the proposed fee structure and rates, and of partnerships with the City and Burton School District for use of fields.

The public hearing was closed at 8:45 p.m.

Council thanked the Parks and Leisure Services Commission and Director for their efforts pertaining to the item. Vice Mayor Ward suggested the use of a formula to automatically adjust rates periodically.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council authorize a resolution adopting the proposed fees to come back on Consent Calendar at the February 4th Council meeting; direct staff to bring back an annual report, and to bring back a formula calculation for consideration in three years. The motion carried unanimously.

Documentation: M.O. 17-012114
Disposition: Approved drafting of resolution; and direction given.

The Council took a ten minute recess at 8:53 p.m.

16. CONSIDERATION OF CONDITIONAL USE PERMIT – PRC 2013-027-C TO ALLOW THE CONSTRUCTION OF A NEW 4,302± SQUARE FOOT CONVENIENCE MARKET IN CONJUNCTION WITH FOUR SELF-SERVICE AUTOMOBILE FUEL PUMPS AND CANOPY LOCATED AT 1206 W. WESTFIELD AVENUE (SHOP ‘N’ SAVE)
Recommendation: That City Council adopt the draft resolution approving Conditional Use Permit PRC 2013-037-C, subject to conditions of approval.

City Manager Lollis introduced the item, and Community Development Manager Phillips presented the staff report.

The public hearing was 9:09 p.m.

- Mark Hillman, Hillman Building Design, Springville, stated that the proposed was in compliance with the new Development Ordinance and would beautify the neighborhood.
- John Coffee, Porterville, spoke in favor of approval.
- Candelario Medina, expressed concerns regarding parking and traffic flow, which were addressed by staff.

The public hearing was closed at 9:14 p.m.

Staff addressed questions from the Council regarding the proposed canopy, lighting, parking, zoning, and the future development of the proposed pad. At Council Member McCracken’s request, Mr. Hillman confirmed that the applicant was aware and accepting of all 48 conditions in the draft resolution.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Gurrola that the City Council adopt the draft resolution approving Conditional Use Permit PRC 2013-037-C, subject to conditions of approval. The motion carried unanimously.

Documentation: Resolution No. 08-2014
Disposition: Approved.

The Council took a five minute recess at 9:29 p.m.

SCHEDULED MATTERS
17. REVIEW OF CHARTER REVIEW COMMITTEE AND CITY COUNCIL PROPOSED REVISIONS, AND RESOLUTION PROPOSING AMENDMENTS TO THE CITY OF PORTERVILLE CHARTER

Recommendation: That the City Council review, consider and adopt the proposed Resolution.

City Manager Lollis introduced the item, and City Attorney Lew presented the staff report. She spoke of minor changes made to the resolution for the sake of brevity, to comply with the 75 word limit imposed on ballot measures or State law.

Council Member Shelton requested that Amendment No. 12 be changed so as not to exceed 8 hours per week.
Council Member Gurrola spoke in favor of allowing the voters to decide whether a 4/5 vote to remove the Mayor or Vice Mayor should be required, as proposed by the Charter Review Committee. Mayor Hamilton, Vice Mayor Ward and Council Member Shelton spoke in opposition.

Council Member McCracken spoke of election results for similar ballot measures in previous elections. He noted that the Council was approving to put forth two measures previously rejected by the voters and electing not to put forth one that had received over 50% in favor in the past. Vice Mayor Ward stated that the Council had agreed with 11 of the 13 amendments recommended by the Committee and believed that politics were involved in their recommendations.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Shelton that the City Council approve the draft resolution with the exception of proposed Charter Amendment No. 12 pertaining to council member compensation; and authorize minor/non-substantive modifications if required by the County Elections Office. The motion carried unanimously.

Vice Mayor Ward spoke of inflation as it pertained to bid limits and council compensation.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Hamilton that the City Council amend Charter Amendment No. 12 to read, “Council members shall receive compensation equivalent to the hours California State Minimum Wage, as from time to time may be adjusted for all council duties not to exceed not to exceed 8 hours per week. Said amount shall be paid incrementally as permitted by State Law. This amendment shall go into effect upon commencement of each council-member’s new term and subject to any other applicable statutory or constitutional restrictions.”

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

Documentation: Resolution No. 09-2014
Disposition: Approved, as amended.

18. URBAN BOUNDARIES AMENDMENT UPDATE

Recommendation: That the City Council authorize staff to proceed with presenting and negotiating the updated Boundary Amendment Map to the County and to formally consult with LAFCo.

City Manager Lollis introduced the item, and the staff report was presented by Associate Planner Emi Theriault.
Staff addressed questions regarding the negotiation process.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council authorize staff to proceed with presenting and negotiating the updated Boundary Amendment Map to the County and to formally consult with LAFCo. The motion carried unanimously.

Documentation: M.O. 18-012114
Disposition: Approved.

CONSENT CALENDAR

10. 2014 CONGESTION MITIGATION AND AIR QUALITY (CMAQ) CALL FOR PROJECTS

Recommendation: That City Council:
1. Approve the herein listed projects; and
2. Authorize the public works director to submit applications, as deemed appropriate within the CMAQ funding guidance, to TCAG for consideration under the new call for air quality enhancement oriented projects.

City Manager Lollis introduced the item and the staff report was waived at the Council’s request. Council Member Gurrola inquired about funds for crosswalk lighting, and staff spoke of areas of interest.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council approve the herein listed projects; and authorize the public works director to submit applications, as deemed appropriate within the CMAQ funding guidance, to TCAG for consideration under the new call for air quality enhancement oriented projects. The motion carried unanimously.

Documentation: M.O. 19-012114
Disposition: Approved.

13a. RESOLUTION URGING GOVERNOR BROWN TO DECLARE THAT A STATE OF EMERGENCY EXISTS DUE TO DROUGHT CONDITIONS

Recommendation: That the City Council approved the draft resolution urging Governor Brown to declare that a state of emergency exists due to drought conditions.

City Manager Lollis introduced the item, and it was noted that subsequent to Agenda distribution the Governor had declared a state of emergency. Council Member Gurrola proposed that the resolution be amended to communicate the Council’s support of the declaration.
COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the amending the draft resolution to acknowledge the recent declaration and extend appreciation. The motion carried unanimously.

Documentation: Resolution 10-2014
Disposition: Approved, as amended.

ORAL COMMUNICATIONS
- Teri Irish, reiterated her concerns regarding the proposed council member pay increases.

OTHER MATTERS
- Council Member Gurrola, spoke of her attendance at Martin Luther King Jr. Day festivities in Visalia; and expressed her interest in seeing similar activities next year in Porterville.
- Council Member Shelton, spoke of upcoming Chamber mixer and a tree planting event on Feb. 15th; reported on good deeds of Vice Mayor Ward and himself on the Martin Luther King Jr. holiday.
- Vice Mayor Ward spoke regarding Little League sign-ups; requested improved Council decorum during public comments; congratulated Cody Clem for his recognition; and expressed support for safety personnel.

CLOSED SESSION
Any Closed Session Items not completed prior to 6:30 p.m. will be considered at this time.

ADJOURNMENT
The Council adjourned at 10:31 p.m. to the meeting of February 4, 2014.

__________________________________
Luisa M. Zavala, Deputy City Clerk

SEAL

__________________________________
Cameron Hamilton, Mayor