

**CITY COUNCIL MINUTES
ADJOURNED MEETING
CITY HALL, 291 N. MAIN STREET
PORTERVILLE, CALIFORNIA
JANUARY 15, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member McCracken, Council Member Shelton, Council Member Gurrola,
Vice Mayor Ward, Mayor Hamilton

Pledge of Allegiance led by Mayor Cameron Hamilton

Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS

- Teri Irish, Charter Review Committee, indicated that the voters should determine which of amendments proposed by the Committee are passed; and suggested that picking and choosing which of the proposed are considered by the voters was disrespectful to the Committee and the voters.
- John Duran, Porterville, inquired about ownership of the Porterville Hotel; requested that the Council consider the public's interest when considering the proposed Charter amendments; and stated that he would be organizing a committee to support a single candidate for each office in the June 3rd election.
- Ellen Nichols, Porterville, expressed confusion regarding the proposed amendment about council manic interference.
- Yolanda Anguiano, 574 South Main Street #H, expressed concern regarding the lack of police patrols at the City library and the Transit Center, and the lack of programs to familiarize the citizens with police officers.
- Barry Caplan, Porterville, spoke regarding district elections and the proposed amendment regarding the proposed bid limit increase to \$50,000, and suggested that a report be provided to the Council should that increase be approved by the voters.

CONSENT CALENDAR

1. AMENDMENT TO PAY & BENEFIT PLAN (MCS)

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all MCS employees.

Documentation: Resolution No. 04-2014

Disposition: Approved.

2. AMENDMENT TO PAY & BENEFIT PLAN (PCEA)

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all PCEA employees.

Documentation: Resolution No. 05-2014
Disposition: Approved.

3. AMENDMENT TO EMPLOYEE PAY & BENEFIT PLAN – FIRE OFFICERS SERIES

Recommendation: That the City Council approve the draft resolution amending the Employee Pay and Benefit Plan for all FOS employees.

Documentation: Resolution No. 06-2014
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve Item Nos. 1-3. The motion carried unanimously.

SCHEDULED MATTERS

4. CONTINUED REVIEW OF 2013 CHARTER REVIEW COMMITTEE'S PROPOSED REVISIONS TO THE CITY OF PORTERVILLE CHARTER, AND CONSIDERATION OF ADDITIONAL REVISIONS

Recommendation: That the City Council review and consider the 2013 Charter Review Committee proposed revisions, and any other revisions, to the City of Porterville Charter, and the ballot measure language.

Administrative Services Director Patrice Hildreth introduced the item, and the staff report was presented by City Attorney Lew. During her report she noted upcoming election deadlines; and spoke of a change from City Council to City Attorney in the proposed penalty section and correspondence received by the Charter Review Committee pertaining to district elections.

The Council discussed how to address the proposed amendments, and it was agreed upon that each of the proposed would be considered separately. Council Member McCracken made a motion to approve Charter Amendment No. 1 as presented by staff, which was seconded by Council Member Gurrola.

Council Member Shelton requested that Section 9 be amended to propose a change in Council pay from \$20 per meeting to State minimum wage, not to exceed 8 hours per week. City Attorney Lew addressed questions regarding tracking of time, and advised that the proposed be considered as a separate ballot measure. She then elaborated on the housekeeping items which made up Amendment No. 1 for Council Member Shelton, and the Council requested that the City Manager residency requirement remain in the Charter.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Ward that the City Council remove the proposed "Section 21. City Manager; powers and duties; bond." from proposed Amendment No. 1.

M.O. 01-011514 The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the 2014 Freeholders Charter Amendment No. 1, as amended (above). The motion carried unanimously.

M.O. 02-011514

The Council discussed the pros and cons of moving the elections from June to November of even numbered years. Council Member Shelton suggested moving the elections back to March, which was discussed at length before he made a motion as such that died for lack of a second.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the 2014 Freeholders Charter Amendment No. 2. The motion carried unanimously.

M.O. 03-011514

Following a motion from Council Member McCracken, and second from Council Member Gurrola that the City Council approve proposed Amendment No. 3, the Council discussed when a similar ballot measure was proposed in 2003. Mayor Hamilton suggested that the Charter Review Committee was responding to the last reorganization of the Council.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the 2014 Freeholders Charter Amendment No. 3.

M.O. 04-011514

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

Following a motion and second to approve proposed Charter Amendment No. 4, the Council inquired about the “city-owned facilities” language and City Attorney Lew advised of Charter Review Committee discussion in that regard.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward that the City Council amend the proposed Charter Amendment No. 4 to change “city-owned facilities” to “publicly owned facilities.”

M.O. 05-011514

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council the City Council approve the 2014 Freeholders Charter Amendment No. 4, as amended (above).

M.O. 06-011514

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

Following a motion and second to approve the proposed Amendment No. 5, a discussion ensued regarding possible reasons for extended absence and various hypothetical scenarios in which a council member could be removed.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward that the City Council amend Charter Amendment No. 5 as follows: “30 days” to “45 days” and “3 consecutive meetings” to “five consecutive meetings” with Council permission.
M.O. 07-011514

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the 2014 Freeholders Charter Amendment No. 5 as amended (above).
M.O. 08-011514

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the City Council approve the 2014 Freeholders Charter Amendment No. 6 as presented. The motion carried unanimously.
M.O. 09-011514

Following a motion made by Council Member McCracken, and seconded by Council Member Gurrola to approve Amendment No. 7 as presented, Council Member Shelton made a motion to amend to require 4/5 approval for expenditures. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the 2014 Freeholders Charter Amendment No. 7 as presented.
M.O. 10-011514

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

ABSENT: None

Council Member Shelton voiced concerns regarding the proposed bid limit of \$50,000, and City Attorney Lew advised that the Amendment being considered at that moment was Amendment No. 8 and elaborated briefly on the proposed amendment.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council approve the 2014 Freeholders Charter Amendment No. 8 as presented. The motion carried unanimously.
M.O. 11-011514

Council Member McCracken moved to approve Amendment No. 9 as presented, and Council Member Gurrola seconded the motion. The Council discussed the proposed increase and the Council's ability to adopt a process by ordinance for those projects below the bid threshold.

At Council Member Shelton's request, Public Works Director Baldo Rodriguez addressed questions. Council Member McCracken noted that the Council could choose to adopt a lower limit via ordinance every year.

Vice Mayor Ward made a motion to amend requiring that each year the Council would adopt a limit and any procedures via ordinance, which was seconded by Council Member Shelton. Council Member Shelton then made a motion to amend Vice Mayor Ward's motion to reduce the proposed bid threshold from \$50,000 to \$25,000. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the City Council approve amending the proposed Charter Amendment to require the Council set a limit and any additional procedures via ordinance at the time of budget adoption each year. The motion carried unanimously.
M.O. 12-011514

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Gurrola that the City Council approve the 2014 Freeholders Charter Amendment No. 9, as amended (above).
M.O. 13-011514

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

A motion was made and seconded to approve Amendment No. 10 as presented. City Attorney Lew addressed questions regarding the proposed language. Council Member Shelton made a motion to strike the first paragraph of Section 67 as presented, and leave the second paragraph, which was seconded by Vice Mayor Ward.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Ward that the City Council approve amending Amendment No. 10 to

M.O. 14-011514 remove the first paragraph of Section 67.

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

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council approve the 2014 Freeholders Charter Amendment No. 10, as amended (above).

M.O. 15-011514

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

A motion was made and seconded to approve Charter Amendment No. 11 as presented. Vice Mayor Ward requested that the proposed language be amended to include an exemption for State and Federal government agencies.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member Shelton that the City Council amend the proposed Charter Amendment No. 11 to include an exemption for State and Federal agencies. The motion carried unanimously.

M.O. 16-011514

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member McCracken that the City Council approve the 2014 Freeholders Charter Amendment No. 11, as amended (above). The motion carried unanimously.

M.O. 17-011514

City Attorney Lew requested that the proposed language at the end of the first paragraph "...at the discretion of the City Council" be amended to "...at the discretion of the City Attorney."

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Hamilton that the City Council approve the 2014 Freeholders Charter Amendment No. 12, as amended by the City Attorney. The motion carried unanimously.

M.O. 18-011514

Council Member Shelton proposed an amendment to Section 9 regarding Council compensation.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Hamilton that the City Council approve an amendment to Section 9 of the Charter to provide that members of the council receive compensation equivalent to the hourly California State Minimum Wage for all City sanctioned

M.O. 19-011514 meetings.

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

Council Member Shelton spoke of public noticing, and City Attorney Lew advised that Charter cities were able to set their own noticing requirements pertaining to ordinances.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Hamilton that the City Council amend Section 12 of the Charter to provide that ordinance publication requirements be set by City ordinance.
M.O. 20-011514

Council Member Shelton spoke of draft language suggested by the City Attorney pertaining to employee pension. City Attorney Lew advised of said language regarding the California Constitution and applicable State law; and additionally, recommended that existing language at the end of the last paragraph in Section 58 regarding Section 43 be removed as a housekeeping item because Section 43 had been repealed years before.

COUNCIL ACTION: MOVED by Vice Mayor Ward, SECONDED by Council Member McCracken that the Council approve the Charter amendments proposed by City Attorney Lew regarding Section 58. The motion carried unanimously.
M.O. 21-011514

Disposition: Approved, as amended.

City Attorney Lew indicated that all the amendments approved via Council action at the meeting would come back for final approval at the next Council meeting on January 21, 2014.

ORAL COMMUNICATIONS

- Teri Irish, Porterville, voiced displeasure with regard to the proposed increase in Council compensation.
- Barry Caplan, Porterville, voiced support for an increase in Council pay; suggested that the Council not be paid for Oral Communications or Public Hearing comment portions of the meeting; and spoke in favor of a flat rate.

OTHER MATTERS

- Council Member Gurrola, spoke of concerns regarding the drought conditions.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Ward that the City Council approve the scheduling of an item on the next agenda to consider a resolution urging Governor Brown to declare the existence of a state of emergency due to drought conditions. The motion carried unanimously.

Documentation: M.O. 22-011514

Disposition: Approved.

- Vice Mayor Ward, spoke of upcoming Martin Luther King, Jr. Day and suggested encouraging the use of xeriscaping for new development.
- Mayor Hamilton, announced the passing of firefighter Cody Clem's brother and indicated that a memorial was scheduled for January 23rd.

ADJOURNMENT

The Council adjourned at 8:50 p.m. to the meeting of January 21, 2014.

Luisa M. Zavala, Deputy City Clerk

SEAL

Cameron Hamilton, Mayor