Pledge of Allegiance Led by Mayor Pro Tem Pete Martinez
Invocation by Pastor Bud Goings, Living Word Fellowship
Roll Call: West, Martinez, Hamilton, Irish, Stadtherr

PRESENTATION

Employee of the Month – Ruben Flores, Fire Department

ORAL COMMUNICATIONS

No oral communications were received.

CONSENT CALENDAR

Consent Calendar Items 2, 3, 4, and 5 were removed for discussion.

1. MINUTES OF NOVEMBER 18, 2003

Disposition: Approved
Documentation: Minute Order No. 01-120203

6. AGREEMENT FOR SERVICES WITH PORTERVILLE COLLEGE AND THE KERN COMMUNITY COLLEGE DISTRICT

Recommendation: That the City Council approve the attached Physical Fitness Training and Fitness Testing Agreement with Porterville College and the Kern Community College District, and authorize the Mayor to execute the same on behalf of the City of Porterville.

Disposition: Approved
Documentation Minute Order No. 02-120203

7. CANCELLATION OF JANUARY 6, 2004 COUNCIL MEETING

Recommendation: That the City Council cancel the January 6, 2004 Regular City Council meeting.

Disposition: Approved
Documentation: Minute Order No. 03-120203

8. RESOLUTION REDESIGNATING AGENT FOR THE CITY OF PORTERVILLE FOR THE TULE RIVER PARKWAY PROJECT

Recommendation: That the City Council adopt the Resolution redesignating the agent of the City of Porterville for the Tule River Parkway Project.
8a. CLOSED SESSION PURSUANT TO: GOV. CODE § 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUP: PORTERVILLE CITY EMPLOYEES ASSOCIATION; GOV. CODE § 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY MANAGER; AND, GOV. CODE § 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY ATTORNEY.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton to approve items 1, and 6 through 8a of the Consent Calendar. The motion carried unanimously.

2. APPROVAL OF PURCHASES

Recommendation: That the City Council approve purchases as listed, and authorize the Chief Financial Officer to issue payment for same upon satisfactory delivery.

Mayor Pro Tem Martinez asked for a little more detail regarding the Police Officer Training Program Software and Data Conversion.

Police Chief Rodriguez came up to explain the purpose and need for the training management software. He stated it is difficult to maintain a manual system and would like there to be a better tracking system.

Mayor Pro Tem Martinez asked if this program included updates, to which Chief Rodriguez stated that yes, there will be a yearly maintenance fee, and added that they did plan to pay for this with monies from their asset forfeiture accounts.

Council Member Irish asked what the amount of the maintenance fee, to which he was answered $500.

COUNCIL ACTION: MOVED by Mayor Pro Tem Martinez, SECONDED by Council Member Hamilton to accept the recommendation of staff. The motion M.O. No. 04-120203 carried unanimously.

Disposition: Approved

3. NEGOTIATE PURCHASE – GOLF COURSE SPRAY RIG

Recommendation: That the Council award the contract for a John Bean tow behind spray rig to Farmers Tractor & Equipment Co., of Porterville, in the amount of $8,553.18. Further, that Council authorize payment for the equipment upon satisfactory delivery.
Council Member Irish asked if this item needed to be approved before the next budget meeting.

The City Manager directed the question to the Parks and Leisure Service Director. He stated that they will need to purchase the spray rig before the next budget cycle. They would need the item in order to be prepared for next spring.

Council Member Hamilton asked if the golf course was sprayed during the winter, to which he was answered by the Parks and Leisure Service Director that it was not.

Council Member Irish stated that he would feel better waiting to approve this item until the next budget hearing.

The City Manager stated that if approval of this item was postponed the spray rig would not be received until July, August, or September of next year, which is after the season.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Martinez to approve item No. 3. The motion carried unanimously.

M.O. No. 05-120203

Disposition: Approved

4. DISPENSATION OF SURPLUS PROPERTY

Recommendation: That the City Council consider the options described above and direct staff to implement whichever course of action is deemed appropriate by Council.

This item was presented to Council by Public Works Director Baldo Rodriguez.

The City Attorney stated that at this time staff is requesting direction if it is Council’s wish to have the property declared as surplus.

Council Member West stated that he favored option number three, appraisal of surplus property and negotiations with the Porterville Public Cemetery District. Council could then require them to put up a nice wrought iron fence, and to declare a portion of the property to those who cannot afford to purchase a lot.

Council Member Hamilton agreed with Council Member West with regards to Tuesday’s Angels, and asked if they could be contacted to see if they were interested in this property.

The City Manager stated that the Cemetery District would maintain the property, but that the City could negotiate the use of a portion for Tuesday’s Angels.

Council Member Irish asked if it would be possible to give this property away and dictate the manner in which it is used.
The City Manager stated that they would contact the Porterville Public Cemetery District as well as Tuesday’s Angels and bring the item back for Council.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member Hamilton to direct staff to contact the Porterville Public Cemetery District and Tuesday’s Angels regarding the Surplus Property in question, and bring the item back to Council. The motion carried unanimously.

Disposition: Approved

5. STATUS ON HILLSIDE/EASTSIDE DEVELOPMENT EFFORTS

Recommendation: That the City Council accept the information presented as an update to the progress toward Hillside/Eastside Development.

Council Member Hamilton thanked Brad Dunlap for providing the information on such short notice, and asked what the progress is on the two 250k gallon tanks on the hillside so that the development can commence.

Community Development Director Brad Dunlap stated that there would be a meeting on December 3, 2003 at the staff level to discuss the timing and sequencing of the improvements that need to be made in order to place the two reservoirs on the hill.

Council Member Hamilton asked what the timeline would be like, and was told it would be a 12 to 18 month time frame, which would include environmental design.

Council Member West asked if the area below the 520 is buildable with the water and available sewer, to which Baldo Rodriguez answered that yes it was.

Council Member Hamilton requested that Council receive a summary memo pertaining to the meeting.

Disposition: There was no council action. The item was presented as a report.

**PUBLIC HEARING**

9. RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE TO IMPLEMENT A THIRTY DAY VEHICLE IMPOUND PROGRAM ADMINISTERED BY THE POLICE DEPARTMENT AND ESTABLISH FEES FOR THE RELEASE OF SAID VEHICLES.

Recommendation: That City Council approve the proposed Resolution.

The item was presented by Chief Rodriguez.

The hearing was opened to the public at 7:28 p.m. and closed to the public at 7:29 p.m. when no one spoke.
Council Member West asked the current amount of the fee being charged, and was told it was $7.00.

Mayor Stadtherr asked if the $146 proposed was enough to cover any expenses resulting from the implementation of the program, to which Chief Rodriguez answered yes.

Mayor Pro Tem Martinez asked if someone parking in a No Parking Zone in a city parking lot would be charged this fee.

Chief Rodriguez stated that this fee would apply to those who drive drunk or drugged, on a suspended license, or an unlicensed driver.

Council Member Irish asked about fees currently being charged by Visalia and Tulare.

Sgt. Becky Swartzlander stated that the Tulare Police Department was charging $150, the Visalia Police Department was charging about $175, and the Fresno Police Department charged $285.

Council Member Irish asked how often this fee would increase, because he felt that it was rather low.

The hearing was closed at 7:35 p.m.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECOND ED by Council Member West to approve the proposed Resolution. The motion Resolution 153-2003 carried unanimously.

Disposition: Approved

10. CONDITIONAL USE PERMIT 6-2001 (JEHOVAH’S WITNESS CHURCH) – ONE (1) YEAR EXTENSION OF TIME.

Recommendation: That the City Council adopt the draft resolution approving a one (1) year extension of time for Conditional Use Permit 6-2001.

Council Member Hamilton asked if the permit could be extended for 2 years, instead of 1 year proposed.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to adopt a draft resolution approving a 2 year extension of time for Conditional Use Permit 6-2001. The motion carried unanimously.

Disposition: Approved

11. AMENDMENT OF THE CITY CODE – CHANGES TO THE SPECIAL SPEED ZONES
Recommendation: That City Council:
(1) Approve the proposed Ordinance amendment.
(2) Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and
(3) Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

This item was presented by Public Works Director Baldo Rodriguez.

Council Member Hamilton expressed concern with the speed limit from Date to the city limits with the amount of traffic out at the college, but could wait to address this section at a later date.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Martinez to accept the proposed ordinance for first reading. The motion carried unanimously.

The City Manager then read the Ordinance by title only.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish to waive further reading of the ordinance, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 17, ARTICLE XV, SECTION 17-15, PRIMA FACIE SPEED LIMITS DETERMINED ON CERTAIN STREETS, OF THE CODE OF THE CITY OF PORTERVILLE. The motion carried unanimously.

Disposition: Approved

12. REQUEST FOR ZONING ORDINANCE CLARIFICATION – CARPET STORES

Recommendation: That the City Council approve the attached resolution classifying the bulk storage of the carpet and flooring materials as “furniture and appliance stores” for parking purposes.

This item was presented by the Community Development Director.

Council Member Hamilton asked where the new location of the building would be.

Community Development Director Brad Dunlap stated the new building would be on the same site. The owner is going to be tearing down the current building and build two building in the shape of an “L” with parking in between the two buildings.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member West to accept staff’s recommendation and approve the proposed draft resolution. The motion carried unanimously.
13. STATUS REPORT ON CAR WASH ISSUES

Recommendation: That the City Council authorize Staff to carry out the public outreach and car wash inspections as outlined above and bring back to the Council a status report within the next four to six months.

This item was presented by Community Development Director Dunlap.

Council Member Irish stated that he did feel that the commercial application has been abused.

Mayor Pro Tem Martinez asked how this would affect the high school car washes or other charitable organizations.

Mr. Dunlap stated that the memo would provide suggestions on how to implement water conservation methods.

Mayor Pro Tem Martinez expressed his concern for the charitable organizations that would be affected.

Council Member Irish stated that he agreed that this is a sensitive matter, and he feels staff is aware of that fact. He then asked if staff knew how many car washes are occurring on any said weekend, to which Mr. Dunlap stated that there was no current tracking of the charitable car washes that are taking place.

Mr. Dunlap stated that the recommendations suggested would depend on a case by case basis.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Irish to accept staff’s recommendation. The motion carried unanimously.

M.O. No. 07-120203

Disposition: Approved

ORAL COMMUNICATIONS

• Felipe Martinez, 195 W. Putnam, Porterville came forward to provide information regarding the City of Delano’s Resolution regarding car washes, and a copy of a letter from a local Car Wash business owner suggesting possible solutions to the problem.

OTHER MATTERS

• City Attorney Julia Lew introduced Ms. Lynn Beckers to Council. She will be attending the Council meeting with the City Attorney, and then standing in for her during her leave.
• Mayor Pro Tem Martinez wanted to let Council know that the Tree Lighting Ceremony was a great event, and he was glad to represent the Council along with Council Member Hamilton at that event.

CLOSED SESSION

8a. CLOSED SESSION PURSUANT TO: GOV. CODE § 54957.6 – CONFERENCE WITH LABOR NEGOTIATOR, AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE GROUP: PORTERVILLE CITY EMPLOYEES ASSOCIATION; GOV. CODE § 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY MANGER; AND, GOV. CODE § 54957 – PUBLIC EMPLOYEE PERFORMANCE EVALUATION – TITLE: CITY ATTORNEY.

The Mayor adjourned the Council to the closed session at 8:13 p.m. The Council reconvened at 9:00 p.m.

ADJOURNMENT

The Council adjourned at 9:00 p.m. to the meeting of December 16, 2003.

Georgia Hawley, Deputy City Clerk
By: Luisa Herrera

SEAL

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Richard M. Stadtherr, Mayor