Call to Order
Roll Call: West, Irish, Hamilton, Stadtherr, Martinez

CLOSED SESSION:
A. Closed Session Pursuant to:
   2 - Government Code § 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3 - Government Code § 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION AND REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

Pledge of Allegiance Led by Council Member Kelly West
Invocation by Pastor Joel Hurd, First United Methodist Church

PROCLAMATION
“Porterville - Tule River Pow Wow Days” - September 24-26, 2004

PRESENTATIONS
Employee of the Month - Ramiro Hernandez

ORAL COMMUNICATIONS
• Dick Eckhoff, Chairman of Downtown Porterville Association, 180 N. Main, came forward to present the City of Porterville with an inlay of the new mural on Main Street for temporary display at City Hall. He also spoke regarding the review of the Sign Ordinance, and presented the Council Members and the City Attorney with notes regarding the Sign Ordinance for their review. Mr. Eckhoff stated that on Item 20, he believes that the report is much more complete, readable, and measurable. On Item 29, an unofficial response, he had concerns regarding the uneven playing field of vendors and peddlers vs. fixed businesses.
• Joel Hurt, 399 Ruma Rancho, Porterville, addressed the Council concerning the restrictions on invocations during Council meetings.
• Ben Webb, 87 S. Corona, Porterville, addressed the Council regarding a family in Porterville having problems with their septic tank. On behalf of the family, he wanted to thank both the City and the County for responding expeditiously to the family’s plight.
• Tony Valverde, a resident on Pamela Court, Porterville, thanked the Council and Staff for doing a great job and asked that the City come up with innovative methods of raising funds to keep from having to raise taxes.

CONSENT CALENDAR

Items 2, 3, 10, and 14 were removed.

1. CITY COUNCIL MINUTES OF JUNE 15, 2004

Documentation: Minute Order No. 01-070604
Disposition: Approved

4. AWARD OF CONTRACT – ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That City Council:
1. Award the Orange Avenue Reconstruction Project to Halopoff & Sons, Inc. in the amount of $1,595,282.28
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: Minute Order No. 02-070604
Disposition: Approved

5. THIS ITEM HAS BEEN PULLED

6. MUNICIPAL POOL COMPLEX RENOVATION PROJECT STATUS REPORT

Recommendation: That City Council choose Option 1: Hold a special meeting prior to July 16th Grand Opening to accept the Project as complete; and add this item to the adjourned meeting on July 13, 2004 to accept the project as complete.

Documentation: Minute Order No. 03-070604
Disposition: Approved

7. ACCEPTANCE OF THE CASAS BUENA VISTA LANDSCAPE MAINTENANCE DISTRICT 25

Recommendation: That City Council:
1. Accept the Casas Buena Vista Landscape Maintenance District #25 as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: Minute Order No. 04-070604
Disposition: Approved
8. ACCEPTANCE OF IMPROVEMENTS – MEADOWOOD PHASE 2 SUBDIVISION
(SMEE AND NICHOLSON, LLC)

Recommendation: That City Council:
1. Accept the public improvements of Meadowood, Phase 2 Subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

Documentation: Minute Order No. 05-070604
Disposition: Approved

9. ACCEPTANCE OF FINAL SUBDIVISION MAP – WILLIAMS RANCH PHASE TWO AND THREE SUBDIVISION (BRIAN ENNIS)

Recommendation: That City Council:
1. Approve the final map of Williams Ranch, Phase Two & Three Subdivision;
2. Accept all offers of dedication shown on the final map; and
3. Authorize the City Clerk to file said map with the County Recorder.

Documentation: Minute Order No. 06-070604
Disposition: Approved

11. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That the City Council approve the attached resolution adopting the appropriation Limit of $32,283,295 for the 2004/2005 fiscal year.

Documentation: Resolution No. 86-2004
Disposition: Approved

12. SET PUBLIC HEARING FOR PROPOSED FEE FOR THE ASSUMPTION OF A LEASE AGREEMENT AT THE PORTERVILLE MUNICIPAL AIRPORT

Recommendation: Set a public hearing for July 20, 2004 regarding the fee.

Documentation: Minute Order No. 07-070604
Disposition: Approved

13. AIRPORT CONSULTANT SELECTION

Recommendation: That the City Council:
2. Authorize the City Manager to execute any and all service agreement and scope of work for current and future airport projects funded by the FAA.

Documentation: Minute Order No. 08-070604
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West to accept Consent Calendar Items 1, 4 through 9, and 11 through 13. The motion carried unanimously.

2. AUTHORIZATION TO ADVERTISE FOR BIDS - NELSON BUILDING DEMOLITION PROJECT

Recommendation: That City Council:
1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project; and
3. Authorize the re-appropriation of $75,000 in the Building Construction Fund and an appropriation of $125,000 loan for the Equipment Replacement Fund to be repaid with Park Impact fees over a 10 year period at 5% interest.
4. Direct staff to maintain a project budget not to exceed $200,000 for the demolition phase of the project.

Jim Perrine, Parks and Leisure Services Director, presented the staff report.

Council Member Hamilton expressed his concerns regarding the difference in the bid from the engineer’s proposed cost for the project.

Jim Perrine apologized for not including the reason in his initial presentation, and then stated that the City had originally estimated that the hazardous materials abatement cost would be in the neighborhood of $29,000, and asked for the ability to retain material survey and inspections, which were based on the survey and inspection reports. It was staff’s opinion that it was still within the same relative range, of about $20,000 or so, but that the original estimate was still valid at this point based on the professional survey conducted to determine the amount of asbestos and lead based paint present.

Council Member Hamilton asked what amount of money was being requested at this time.

Mr. Perrine stated that at this time they would like to get the re-appropriation of the $75,000 plus an additional $135,000 to include initial phases of construction, for a total of $210,000 for demolition and initial phases of construction.

Mayor Pro Tem Irish asked what the City had spent to date.

City Manager Longley stated that the cost of the estimate, the material survey, some offset to that, was an estimated $150,000.
Council Member West stated that he would like to be on the advisory board in the bid selection process.

Mayor Pro Tem Irish expressed his concern for the amount already put into this project, and stated that the City might as well continue with the project, and asked how much the park would cost per square foot.

Council Member Stadtherr responded that it would cost approximately $30 per square foot for the park portion.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish to approve staff’s recommendation, with the addition of Council Members West and Stadtherr to serve as an advisory board. The motion carried unanimously.

Disposition: Approved

3. AWARD CONTRACT – CAB & CHASSIS

Recommendation: That Council award the contract for one new super duty cab & chassis with dual rear wheels, to Melrose Ford of Oakland, CA, in the amount of $30,931.39. Further, that Council authorizes payment upon satisfactory delivery of the equipment.

Council Member Hamilton stated that he wanted the citizens of Porterville to know that the City maintains its vehicles as long as they possibly can before replacing equipment.

Deputy City Manager Darrel Pyle stated that this vehicle will replace a 1990, 2-ton cab and chassis that served the Water Department for over 14 years, and part of the truck came from a 1980 truck that previously served the City.

COUNCIL ACTION: MOVED by Council member Hamilton, SECONDED by Mayor Pro Tem Irish to approve staff’s recommendation. The motion carried unanimously.

M.O. 10-070604

Disposition: Approved

10. FIRST TIME LOW INCOME HOMEBUYER PROGRAM – AMENDMENT TO PROGRAM GUIDELINES

Recommendation: That the City Council:

1. Approve the draft resolution amending the City’s First Time Low Income Homebuyer Program guidelines to increase the City’s FTHB assistance from a maximum of $20,000 to $40,000. Funding sources include HOME, CDBG, and CalHome: and

2. Approve the draft resolution amending Administrative Policy V-B-6 to authorize the Community Development Financial Assistance Review Committee to make revisions to the program guidelines for the City’s
financial assistance programs and eliminating Administrative Policy V-B-8 from the Administrative Policy Manual.

Council Member Stadtherr asked that the agenda item be summarized, and Community Development Director Brad Dunlap summarized the agenda item as requested.

Council Member Stadtherr asked if it would be beneficial to restrict the areas of town as does Tulare.

Mr. Dunlap responded by stating that the City does not have the ability through the funding.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that Council approve the draft resolution amending the City’s First Resolution 87-2004 Time Low Income Homebuyer Program guidelines to increase the City’s FTHB assistance from a maximum of $20,000 to $40,000; and, approve the draft resolution amending Administrative Policy V-B-6 to authorize the Community Development Financial Assistance Review Committee to make revisions to the program guidelines for the City’s financial assistance programs and eliminating Administrative Policy V-B-8 from the Administrative Policy Manual. The motion carried unanimously.

Disposition: Approved

14. USE OF CITY VEHICLES AND USE OF PERSONAL VEHICLES FOR CITY BUSINESS POLICY AND RESOLUTION

Recommendation: 1. That the City Council approve the modifications to the Administrative Policy Manual as required to implement the vehicle allowance program.
2. That the City Council adopt the draft resolution approving the Modifications to the Use of City Vehicles and Use of Personal Vehicles for City Business policy.
3. That the City Council authorize the Mayor to sign an amendment to Section 8 of the City Manager’s employment contract to allow for a Vehicle allowance as provided for in the draft resolution in lieu of an assigned staff vehicle.

Council Member Hamilton asked if the total cost of the IRS plan was reimbursement for payment given to those who are using their own vehicles.

Mr. Pyle stated that if the IRS limit is not exceeded, then it not would not trigger a 1099.

Council Member Stadtherr asked if only $23,000 of this is excludable from income taxation.

Mr. Pyle stated that the monthly allowance is taxable.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to approve staff’s recommendation. The motion carried unanimously.
PUBLIC HEARING

15. CONSIDERATION TO REMAIN IN PHASE II OF THE WATER CONSERVATION PLAN AND CONTINUATION OF PUBLIC HEARING

Recommendation: That City Council:
1. Open the Public Hearing to receive comment; and

Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened to the public at 7:58 p.m.

Pete McCracken, 656 Village Green, asked to hear what the results of Phase Two has been in terms of conserving water.

The public hearing was continued to July 20, 2004.

Council Member Stadtherr stated that he would like to see Council try to assign the costs of the new wells to the incremental users to prevent those that are trying to conserve from experiencing a rate increase.

Glenn Cardaronella, Regional Manager for Southern California Edison, came forward to state that their rate structure is set so that in the summer, when they have to purchase more electricity to meet the demand and the cost is higher, those costs are passed on to customers who use more.

Mayor Pro Tem Irish asked how the water supply was at this time.

Mr. Rodriguez stated that it was marginally better than this time a year ago—approximately 500 gallons.

Mayor Martinez asked how staff was doing on the implementation of Phase II, and if they were advertising on Spanish radio stations.

Mr. Rodriguez stated that the Water Conservation Plan was being advertised on the radio.

Council Member Stadtherr asked how many millions of gallons have been saved as a result of Phase II.

Mr. Styles came forward to state that it is hard to make that comparison without taking the warmer weather into account.

Mayor Pro Tem Irish asked if handouts could be distributed with customer receipts upon payment of water bills.
Tony Valverde, asked if water conservation could be considered when landscaping was being planned for new home development.

16. IMPROVEMENTS AND THE FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 29

Recommendation: That the City Council approve a Resolution of the City Council of the City of Porterville, California, Ordering the Improvements and the Formation of Landscape and Lighting Maintenance District No. 29.

Parks and Leisure Services Director Jim Perrine presented the staff report.

The public hearing was opened at 8:15 p.m. and closed at 8:16 p.m. when no one came forward.

Mayor Pro Tem Irish asked if water efficient plans involving landscape districts could be utilized.

Mr. Perrine stated that the City does make every effort to utilize water efficient irrigation systems and drought tolerant planting materials.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to accept staff’s recommendation. The motion carried Resolution 90-2004 unanimously.

Disposition: Approved

17. GOLF COURSE MONTHLY TICKET REINSTATEMENT

Recommendation: Conduct a Public Hearing and approve the Resolution adopting fees and charges for the City of Porterville Municipal Golf Course.

The public hearing was opened at 8:18 p.m. and closed to the public at 8:19 p.m.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr to approve the Resolution adopting fees and charges for the City of Porterville Municipal Golf Course. The motion carried unanimously.

Disposition: Approved

SECOND READINGS

18. ORDINANCE 1655, REDEVELOPMENT PROJECT NO. 1 PLAN AMENDMENT

Recommendation: That Council give Second Reading to Ordinance No. 1655, waive further reading, and adopt said ordinance.
The City Manager presented the item and read the ordinance by title.

**COUNCIL ACTION:** MOVED by Council Member West, SECONDED by Council Mayor Pro Tem Irish to waive further reading and adopt the ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING AND ADOPTING AMENDMENT NO. Ordinance 1655 1 TO THE REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1 AS THE OFFICIAL REDEVELOPMENT PLAN FOR SAID PROJECT. The motion carried unanimously.

Disposition: Approved

Council took a 10-minute recess.

**SCHEDULED MATTERS**

19. CITY AND COUNTY PROPERTY TAX SHARING AGREEMENTS FOR ANNEXATIONS

Recommendation: That City Council:
1. Adopt a resolution approving the methodology for property tax sharing for County Island Annexations;
2. Adopt a resolution approving the methodology for property tax sharing for Contiguous Area Annexations; and
3. Authorize the Mayor to sign all necessary paperwork to implement the agreements.

Community Development Director Brad Dunlap presented the staff report.

Mayor Pro Tem Irish asked if the County needed to be notified, and Mr. Dunlap stated that the County has been contacted and are expecting to receive the documents and take action.

Council Member West asked if, in other words, this filled in the gap, and Mr. Dunlap stated that it does provide funds at the outset of an annexation where the City does not currently receive funds, and that this sets out a methodology for calculating the amount the City would receive.

Mayor Martinez asked how many homes the islands consisted of, and Mr. Rouda stated that there were approximately 2,000 homes within the County pockets.

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

M.O. 12-070604

Disposition: Approved
20. APPROVAL OF THE ANNUAL REPORT OF THE BUSINESS IMPROVEMENT AREA ADVISORY BOARD

Recommendation: That the City Council Approve the 2004/2005 annual report of the Downtown Porterville Association

Deputy City Manager Darrel Pyle presented the staff report.

Mayor Pro Tem Irish asked Dick Eckhoff if he had anything to add.

Dick Eckhoff came forward to thank staff for the input they gave to formulate a different approach this year. He also thanked Michelle Cooper for her valuable contribution to the project.

Mayor Martinez thanked Mr. Eckhoff for his efforts and the time he dedicates to discuss items concerning the downtown area.

Mayor Pro Tem Irish wanted to clarify if it was still the Council’s intent to help pay for the Christmas lights. Council agreed that this was still Council’s intent.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation.

M.O. 11-070604

AYES: West, Stadtherr, Irish, Martinez
NOES: Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Approved

21. CONSIDERATION OF ORDINANCE REGARDING THE SALE, ACQUISITION, AND POSSESSION OF TOBACCO PRODUCTS FACILITATE BY SELF-SERVICE DISPLAYS

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West to approve the ordinance for first reading, and order to print being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 18, OFFENSES - MISCELLANEOUS, OF THE CODE OF THE CITY OF PORTERVILLE, Ordinance 1656 ADDING ARTICLE III, SALE AND USE OF TOBACCO PRODUCTS, FOR REGULATING THE SALE, ACQUISITION, OR POSSESSION OF TOBACCO PRODUCTS FACILITATED BY SELF-SERVICE DISPLAYS. The motion carried unanimously.

The City Manager read the ordinance by title only.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to waive further reading. The motion carried unanimously.
Council Member Hamilton thanked Mayor Pro Tem Irish for bringing this to Council’s attention.

22. CONSIDERATION OF SUBMITTING TO THE PEOPLE A TAX MEASURE TO INCREASE FOR PORTERVILLE THE LEVEL POLICE AND FIRE STAFFING AND TO SUPPORT THE AFTER SCHOOL YOUTH PROGRAM

Recommendation: That the Council consider a tax measure to raise monies to support public safety services within Porterville, and to enhance staffing levels for the 2005/06 Fiscal Year. If the Council is willing to consider the matter, there are may key questions in this regard which must be defined by the Council. They include:
• Will the community support a tax measure?
• What should be the tax created or increased: Parcels or utility use or some other measure?
• What should be the term of any proposed tax? Should it be for a relative short term of 5 years or a longer term of 20 years, or a measure whose time is limited by Council action?
• What public safety services should be included: Police, Fire, Code Enforcement, After School Sports?
• What is the appropriate time frame to provide the education campaign and create public support through a community based committee for a tax measure?
• Other questions will present themselves. The purpose of this staff report is to define the need and to present options to solution.

City Manager John Longley presented a summary of the staff report.

Council Member West asked for the approximate costs to prepare this for ballot.

City Manager Longley stated that it would involve an estimated 10 to 15 hours for the City Attorney and Financing staff, but the major cost would be the cost of the election, which is approximately $30,000 to $40,000. If the election was in March of 2005 it could cost as much as $50,000, where as it would costs approximately $20,000 to put this on the ballot in March of 2006.

Council Member West asked why the City would want to take a school program.

The City Manager stated that the School Board has indicated that they do not have sufficient resources to cover it.

Mayor Pro Tem Irish stated that he would like Council to consider pursuing this in the terms of a Utility User Tax increase, because he is not sure that a Parcel Tax would not go up proportionately.

Council Member Hamilton stated that the Council will have to be pro-active by going to people and asking them.
Council Member West stated that he is impressed with the level of service that Frank Guyton, and Silver Rodriguez have been able to maintain with the equipment and resources they have.

Deputy City Manager Darrel Pyle added that the last increase in Utility User Tax was in 1992, when it went from 4% to 6%, for the specific purpose of hiring twelve firefighters to man Station #2.

Mayor Martinez expressed his support of the March 2006 election in order to inform the citizens of Porterville about the need for the increase.

Council Member Stadtherr stated that it would be handy to have a handout put together stating the different tax options and the pros and cons involved with each.

City Manager Longley stated that he will work with the City Attorney in August and bring back a refined ordinance initiating proceedings, and a general draft providing additional information. He will also work with Darrel Pyle on the implications going to be on the entire Utility User Tax Program in terms of caps and everything.

City Attorney Julia Lew stated that she would put together a timeline concerning the legal deadlines.

Council also suggested open forums to be conducted in September.

COUNCIL ACTION: No action taken

23. REQUEST TO APPROVE INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE AGREEMENT FOR GRANT OF FUNDS AND TO APPROVE CERTAIN REALLOCATION OF MONIES

Recommendation: That the City Council:
1. Authorize the signing of the Indian Gaming Local Community Benefit Committee Agreement for the Grant of Funds.
2. Allocate $65,000 in monies for the purchase of a new Fire Ladder Truck and direct the Fire Chief to begin the process of purchase.
3. Direct that upon receipt of the new ladder truck, the City’s current Ladder Truck be sold.
5. Redistribute equipment replacement monies in the amount of $40,000 to support the ladder truck and the continuation of the Thunderbolt program.
6. Allocate $30,000 in equipment replacement monies to continue the Thunderbolt Program for the 2005/06 Fiscal Year

City Manager John Longley presented the staff report and clarified that at the staff level they are very happy with the grant they have received and feel fortunate to have received it.

Council Member Stadtherr asked where the money would come from in 2006.
City Manager Longley stated that if the funds were still available they would re-apply, if not the amount would need to come from the general fund.

Council Member Stadtherr wanted to make sure that it did not come across to the public that the City was “double-dipping” by using this grant money to hire officers and then raise the taxes to fund the hiring of officers as well.

Council Member Hamilton asked the Chief of Police to explain the need for the Thunderbolt.

Chief of Police Silver Rodriguez stated that there would be no program to enter offenders into the Juvenile Justice System; which would be detrimental to the City’s public safety efforts. He also stated that of the nearly 1,000 juveniles arrested in the previous year and referred to the Thunderbolt Program, 71% did not re-offend within the period of a year.

Council Member West suggested sending a letter of appreciation to the Indian Gaming.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation and send a letter of appreciation to Indian Gaming for grant monies.

MO. 13-070604

AYES: West, Stadtherr, Hamilton

NOES: None

ABSTAIN: Irish, Martinez

ABSENT: None

Disposition: Approved

**24. JOINT FUNDING AGREEMENT WITH TULARE COUNTY FOR THUNDERBOLT PROBATION OFFICER**

Recommendation: That contingent upon the approval of the Indian Gaming funding proposal, and the reallocation of vehicle replacement monies outlined in the previous agenda item, the City Council extend the current Agreement for joint funding of the Thunderbolt Probation Officer for the period of July 1, 2004 to June 30, 2005, in the amount of $29,506.50, and authorize the Mayor to execute the Agreement on behalf of the City of Porterville.

Chief of Police Silver Rodriguez presented the staff report.

Mayor Martinez asked how our call volume compared to other cities in Tulare County, and was told that Porterville had more referrals than the other cities.

Mayor Pro Tem Irish asked if the Chief knew how the other cities were funding this program.

Council Member West stated that this was a program that had been dropped by the City before.

Chief Rodriguez stated that during the short period of time the program was dropped it was very problematic because no actions were being taken against juvenile offenders.
Mayor Pro Tem Irish stated that he appreciated the fact that staff found funding for this program this year, but funding will need to be found in the future if this program is still needed.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West to accept staff’s recommendation. The motion carried unanimously.
M.O. 14-070604

Disposition: Approved

25. PAINTING OF ADDRESS NUMBERS ON CITY PROPERTY

Recommendation: That the City Council: Take No Action

Fire Chief Frank Guyton presented the staff report.

Council Member West asked if it was illegal to paint address numbers on your curb.

Public Works Director Baldo Rodriguez stated that there were a number of requirements that needed to be met, and that there were problems and liabilities that could occur.

COUNCIL ACTION: No action taken.

26. CONSIDERATION OF ORDINANCE/PUBLIC DISCLOSURE ON SALES OF “MOTOR DRIVEN CYCLES”

Recommendation: That City Council provide input and direction relative to the consideration of implementing a disclosure ordinance.

Chief of Police Silver Rodriguez presented the staff report.

Council Member Hamilton asked if there was a specific vehicle code that dealt with this issue.

Chief Rodriguez stated that there are a series of vehicle codes that describes them, but not all of them are clear. The electric scooter and mini motorcycles are classified differently in vehicle codes, so an ordinance would need to be two-part to address both classifications.

Council Member Stadtherr stated that he was concerned for child safety, having an ordinance would be a powerful deterrent, and may be beneficial to the City in the future.

City Attorney Julia Lew stated that she would post an inquiry to see what other cities are doing on a local level to address this issue.

Mayor Pro Tem Irish asked if the gas powered mini bikes could be taken to the OHV Park.

Parks and Leisure Services Director Jim Perrine stated that he was not sure if the mini bikes would meet the requirements for the OHV park, but that he would research it and get back to Council.
Council Member Stadtherr asked that the item be brought back in two weeks to allow the City Attorney, Chief of Police and Mr. Perrine, time to conduct further research and address Council questions.

27. CONSIDERATION OF SUPPORT FOR AB 2006 “THE RELIABLE ELECTRIC SERVICE ACT OF 2004”

Recommendation: None

The staff report was presented by the City Manager.

Council Member Stadtherr asked that Mr. Cardaronella come up to speak about this issue.

Glen Cardaronella, Southern California Edison Regional Manager, stated that there are two issues involved here. One is that leading up to the Energy Crisis of 2000-2001 and de-regulation, there were no power plants built in the State of California because of the unregulated system. Following the energy crisis, the framework was so unstable that investors refused to loan to independent power producers, or utilities, to build much needed power plants. He stated that the responsible agencies are already predicting energy shortage, higher prices, and a return of the energy crisis by the summer of 2006 unless something is done to stimulate investment in new generation sources. The second issue is whose customer is going to be whose in the future. The unstable regulatory framework discourages lending in California. This bill’s purpose is to stimulate investment by answering investor’s questions in order to prevent another energy crisis.

Council Member Hamilton asked if this would re-establish the utilities ability to go out and produce.

Glen Cardaronella stated that the bill would require the utilities to submit an Integrated Resource Plan, that includes utility investments and power purchased under contract from independent power producers. He also requested a resolution or letter of support for the bill signed by the Council members.

The City Attorney stated that there is a small down side for cities in that this will result in an unfunded state mandate, with regards to crime, that was created by the legislation.

Council directed staff to prepare a letter of support for the bill, which will be signed by the Council.

28. SHOPPING CART STATUS REPORT

Recommendation: That City Council approve Option #1, to continue the current policy regarding shopping carts.

Public Works Director Baldo Rodriguez presented the staff report.

Council Member West made a motion to accept staff’s recommendation, but it died for lack of a second.
Mayor Pro Tem Irish asked if the City can charge a fee to businesses for picking up carts.

The City Attorney stated that the City could not charge a fee, but could fund in part via citations from violations.

Mr. Rodriguez stated that most of the businesses are not interested in contracting with Porterville Sheltered Workshop, and that staff is encouraged by business participation.

*Council direction:* Mayor Pro Tem Irish and Council Member Hamilton to attend meeting of local businesses regarding abandoned shopping carts.

29. **PROPOSED CHANGES TO REGULATIONS CONCERNING SOLICITORS, PEDDLERS, AND ITINERANT VENDORS**

Recommendation: That City Attorney and staff make the following recommendations:

1. That the changes discussed concerning solicitors, peddlers, and itinerant vendors be made, and any additional direction by Council be given at this time. A final draft of the ordinance will then be prepared for review on August 3, 2004.
2. That a public hearing be set on August 3, 2004, for the first reading of the Ordinance.

City Attorney Julia Lew presented the staff report.

Mayor Pro Tem Irish stated that in the last couple of years there has been sales of frozen meat products out of vans, and that he thinks that there should be a penalty fee charged when someone applies for a license when they are in violation.

The City Attorney stated that there were some clean-up issues that needed to be taken in order to prevent the argument that the ordinance is too difficult to understand and the regulations are not clear.

Mayor Pro Tem Irish asked that there be language to ensure the City’s full power is protected, yet state law is also required to be followed.

Mayor Martinez asked how this would effect some non-profit organizations.

The City Attorney stated that she believed that the Girl Scout’s, and non-profit sales, are exempt.

**COUNCIL ACTION:** MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr to accept staff’s recommendation.

M.O. 15-070604

**AYES:** West, Hamilton, Stadtherr, Irish

**NOES:** Martinez

**ABSTAIN:** None

**ABSENT:** None
ORAL COMMUNICATIONS

• Dick Eckhoff, Downtown Porterville Association, came forward regarding Item No. 29. He thanked the Council for dealing with this problem. Referring to Item No. 22, he stated there is a need for more fire, police and after-school programs. Referring to Item No. 24, he expressed support of the Thunderbolt Program. Referring to Item No. 26, he expressed support for the Ordinance for “Motor Driven Cycles.”
• Pete McCracken, 657 Village Green, cautioned the Council to be careful using terminology when writing the Ordinance dealing with peddlers, solicitors, etc.
• Dorothy Broome, Crystal Street, asked the Council to explain a parcel tax in reference to the taxes for police and fire; AB 2006.

City Manager John Longley responded it was a flat tax rate per parcel.

OTHER MATTERS

• Mayor Pro Tem Irish asked that Staff look into a Flag Recycling Day for Flag Day.
• Council Member Stadtherr referred to a memo to the Council regarding the last study session.
• Council Member Hamilton stated the Exchange Club Fireworks Show was great. He also asked about an Employee Night prior to the opening of the pool. He further requested a Proclamation for Elyse Marchant, the first Girls State Governor from Porterville.

ADJOURNMENT

The Council adjourned at 10:35 p.m. to the meeting of July 13, 2004.