CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
FEBRUARY 1, 2005 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. CLOSED SESSION PURSUANT TO:
   1 - GOVERNMENT CODE SECTION 54957.6 - CONFERENCE WITH LABOR NEGOTIATOR. AGENCY NEGOTIATOR: DARREL PYLE. EMPLOYEE ORGANIZATIONS: PORTERVILLE CITY EMPLOYEES ASSOCIATION, PORTERVILLE FIREFIGHTERS ASSOCIATION, PORTERVILLE POLICE OFFICERS ASSOCIATION, POLICE SUPERVISOR SERIES AND EXECUTIVE PERSONNEL.
   3 - GOVERNMENT CODE § 54956.9(B) - CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION: TWO CASES.

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

City Attorney Julia Lew reported that the Council had authorized staff to make payment in the amount of $550.00 to Janet M. Dryburgh, owner of real property located at APN 248-100-001, accept the Grant Deed, and authorize Staff to record said Deed with the County Recorder.

Documentation: Resolution 12-2005
Disposition: Approved.

Pledge of Allegiance Led by Council Member Cameron Hamilton
Invocation by Mayor Martinez

PRESENTATIONS
Employee of the Month - Tara Warren
Presentation of June 30, 2004 CAFR by Steven Pressley, CPA
ORAL COMMUNICATIONS

• Pastor John Eby, First Baptist Church, came forward and thanked Council for its continuing partnership with the Porterville Area Ministerial Association (“PAMA”). He then informed Council, as a representative and Secretary of PAMA, that PAMA had adopted the following statement: “We affirm the right of Christian pastors, whenever they are permitted or invited to pray publicly, to pray in the name of Jesus.”

• David Ole, 100 South Westwood Street, requested that Item 9 be removed from the Consent Calendar, and provided Council with a letter regarding Item 9.

• Dennis Townsend, 633 North Westwood Street, voiced support for sectarian prayer during invocations at Council Meetings, and requested that the Council reverse its previous decision to only allow non-sectarian prayers.

• Peter Schalember, 1591 North Salisbury, spoke in favor of allowing sectarian prayer during invocations at Council Meetings.

• Dick Eckhoff, Downtown Porterville Association (“DPA”), 180 North Main Street, spoke regarding Item 12, informing Council that the DPA had no objections to the application before Council.

• Russell “Buck” Fletcher, 1662 West Morton Avenue, agreed generally with the those who spoke in favor of allowing sectarian prayer during invocations, but questioned who would fund a defense if the matter was litigated.

• Roland Davis, a Springville resident, came forward and voiced support for allowing sectarian prayer, commenting that the community would stand behind the City.

• Ce Ce Townsend, a Springville resident, spoke in favor of sectarian prayer during invocations at Council Meetings.

• Phil Akin, Pastor of Church of God, 940 W. Jubilee Lane, voiced support for allowing sectarian prayer, and suggested that pro bono assistance could be obtained from several organizations in the event the City was challenged.

• John Skinner, 950 Plano Street, spoke in favor of allowing sectarian prayer during the invocation at Council Meetings.

• Rich Hartenberg, 1731 W. Lloyd, came forward and stated that especially as a newly naturalized citizen, he voiced support for allowing sectarian prayer during invocations.

• Mark Hillman, 620 West Olive Avenue, voiced support for allowing sectarian prayer during invocations at Council Meetings.

• Laura Fay Johnson, 775 W. Lavida, came forward in support of allowing reference to Jesus during prayer.

• Russell “Buck” Fletcher, 1662 West Morton Avenue, voiced concern with assuming that references to God were always references to Jesus.

• Karen Fields, 10624 Road 224, came forward in support of sectarian prayer.

• Rod Boland, a Strathmore resident, voiced support for allowing sectarian prayer during invocations at Council Meetings.

• Paulette Blaylock, Pastor of Landmark Christian Center, voiced support for allowing sectarian prayer during invocations at Council Meetings.

• Maureen Cruz, 1076 North Beverly Drive, spoke in favor of sectarian prayer.

• Jim Dieterle, 200 North Lombardi, voiced support for sectarian prayer and commented that the Council should address problems such as crime and homeless.

CONSENT CALENDAR

1. CITY COUNCIL MINUTES OF JANUARY 18, 2005; AND, JANUARY 25, 2005
Recommendation: That the Council approve the City Council Minutes of January 18, 2005 and January 25, 2005.

Documentation: M.O. 01-020105
Disposition: Approved.

2. BUDGET ADJUSTMENTS FOR THE 2004/2005 FISCAL YEAR

Recommendation: That the Council approve the budget adjustments and authorize staff to modify revenue and expenditure estimates as described in the schedule attached to the staff report.

Documentation: M.O. 02-020105
Disposition: Approved.

3. APPROVAL OF SHELVING PURCHASE FOR HERITAGE LIBRARY

Recommendation: That the Council approve the purchase of shelving for the Heritage Library in the amount of $8,979.94 from Office Depot, and seek reimbursement from PUSD for their share of the shelving cost.

Documentation: M.O. 03-020105
Disposition: Approved.

4. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE ANNEXATION OF PROPERTIES FOR WASTEWATER EFFLUENT REUSE ACTIVITIES AND EXPANSION OF AIRPORT CLEAR ZONE AND AWARD OF CONTRACT - SLUDGE BED EXPANSION PROJECT

Recommendation: That the Council:
1. Adopt the attached resolution approving a Negative Declaration for the City of Porterville Annexation of Properties for Wastewater Effluent Reuse Activities and Expansion of Airport Clear Zone;
2. Award the Sludge Bed Expansion Project to Kaweah Construction Company in the amount of $829,000;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: Resolution 13-2005; M.O. 04-020105
Disposition: Approved.

5. ACCEPTANCE OF MILO STREET RECONSTRUCTION PROJECT

Recommendation: That the Council:
1. Accept the Milo Street Reconstruction Project 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: M.O. 05-020105
6. ACCEPTANCE OF THE TULE RIVER PARKWAY PHASE 2 PROJECT

Recommendation: That the City Council:
1. Accept the Tule River Parkway, Phase 2 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: M.O. 06-020105
Disposition: Approved.

7. REDEVELOPMENT AGENCY ANNUAL REPORT TO LEGISLATIVE BODY


Documentation: M.O. 07-020105
Disposition: Approved.

8. CDBG CITIZENS’ ADVISORY AND HOUSING OPPORTUNITY COMMITTEE AND CITIZEN PARTICIPATION PLAN

Recommendation: That the City Council:
1. Adopt the 2005 Citizen Participation Plan; and
2. Appoint Pat Contreras, Hector Villicana, Linda Olmedo, Grace Munoz-Rios, Rudy Roman, John Dennis, and Robert Fuentes to the Citizens’ Advisory and Housing Opportunity Committee for a one-year term.

Documentation: M.O. 08-020105
Disposition: Approved.

10. CITY OF PORTERVILLE RELOCATION PLAN, RESOLUTION OF ADOPTION

Recommendation: That the City Council adopt the resolution adopting the State Regulations Relocation Assistance and Real Property Acquisition Guidelines as the City of Porterville Relocation Plan.

Documentation: Resolution 14-2005
Disposition: Approved.

11. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - HENDERSON AVENUE (JAYE STREET TO SAN JOAQUIN VALLEY RAILROAD CROSSING)

Recommendation: That the City Council:
1. Approve the subject Program Supplement by passing a resolution authorizing the Mayor to sign the subject Program Supplement; and
2. Direct staff to return the signed Program Supplement to CalTrans.
13. PROVISION OF WATER - PROPOSED PORTERVILLE UNIFIED SCHOOL DISTRICT MIDDLE SCHOOL

Recommendation: That the City Council adopt the draft resolution authorizing the extra-territorial provision of water service to the Proposed PUSD Middle School to be located at the northwest corner of Prospect Street and Castle Avenue.

Documentation: Resolution 16-2005
Disposition: Approved.

14. STANDARD FORM FOR OFF HIGHWAY VEHICLE PARK USE AGREEMENT

Recommendation: That the City Council approve the Use Agreement form for the Off Highway Vehicle Park.

Documentation: M.O. 09-020105
Disposition: Approved.

15. RENEWAL OF BENCHCRAFT COMPANY AGREEMENT FOR THE MUNICIPAL GOLF COURSE

Recommendation: That the City Council accept the Benchcraft Agreement Amendment.

Documentation: M.O. 10-020105
Disposition: Approved.

16. APPROVAL OF HERITAGE LIBRARY SHARED USE MEMORANDUM OF UNDERSTANDING WITH PORTERVILLE UNIFIED SCHOOL DISTRICT

Recommendation: That the City Council:
   1. Approve the Memorandum of Understanding with PUSD for shared use of the Porterville Heritage Center Library; and
   2. Authorize and direct the City Manager to sign the MOU, as presented.

Documentation: M.O. 11-020105
Disposition: Approved.

17. ANNOUNCING VACANCIES ON THE PARKS & LEISURE SERVICES COMMISSION

Recommendation: That the City Council announce the vacancies on the Parks and Leisure Services Commission and set February 15, 2005 as the time for Council appointment to fill these positions.

Documentation: M.O. 12-020105
Disposition: Approved.
18. APPROVAL FOR COMMUNITY CIVIC EVENT-CITY OF PORTERVILLE’S PARKS & LEISURE SERVICES ANNUAL SWEETHEART’S RUN - FEBRUARY 12, 2005

Recommendation: That the Council approve the City of Porterville’s Parks & Leisure Services annual Sweetheart’s Day Run subject to the restrictions and requirements contained in the application, agreement and Exhibit “A” of the Community Civic Event application.

Documentation: M.O. 13-020105

Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr that the Council approve Item Nos. 1 through 8, 10, 11, and 13 through 18. The motion carried unanimously.

9. HEDGE VIOLATION CASE UPDATE - REPORT ON OTHER POTENTIAL VIOLATIONS

Recommendation: That the City Council:
1. Direct staff and the City Attorney to continue enforcement of the violation at 791 North Villa Street; and
2. Direct staff to open new violation cases with regard to the locations at: the northeast corner of Indiana Street and Kanai Avenue; the southeast corner of Newcomb Street and Putnam Avenue; and the southeast corner of Westwood Street and Garden Avenue.

Council Member West recused himself from the discussion and left the Council Chambers.

After a discussion as to whether or not Council Member Stadtherr should also recuse himself due to residing within 500 feet from the property located at 791 North Villa Street, it was decided that Council Member Stadtherr would remain.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Mr. Longley clarified that unless otherwise directed by Council, in due course staff would proceed with the enforcement of violations. He then recommended, in order to assure no conflict of interest issue arose with respect to Council Member Stadtherr, that the Council take no action which would thereby allow staff to proceed in due course in the enforcement of violations on a complaint basis.

City Attorney Julia Lew confirmed that the Council need not take any action for staff to proceed with the enforcement of the violation at 791 North Villa Street, and to open new violation cases with regard to the northeast corner of Indiana Street and Kanai Avenue; the southeast corner of Newcomb Street and Putnam Avenue; and the southeast corner of Westwood Street and Garden Avenue.

Mayor Pro Tem Irish commented that if one violation was enforced, all should be enforced.

Mayor Martinez agreed that the City should equally enforce violations.

Council Member Hamilton commented that he believed Mr. Ole should have the opportunity to speak on the issue.
David Ole, 100 South Westwood Street, came forward and read excerpts from his letter, copies of which were provided to Council during Oral Communications. He voiced cautioned over select enforcement of the City’s Ordinance, and suggested an annual City-wide survey to identify violations. Mr. Ole then informed Council that he and his wife had sold the property, however requested that the Council not enforce the violation until such time as an equitable City-wide enforcement plan had been established.

Council Member Hamilton thanked Mr. Ole for his correspondence, and pointed out that the violation at 791 North Villa Street had not been brought forth by City staff, but rather by an individual. He stated that staff enforces violations on a complaint basis, as was the case with the additional violations brought to Council and staff’s attention by Mr. Ole. He commented that he believed that until the City hired a code enforcement officer, the best policy for addressing violations was on a complaint basis, which was the policy the City currently employed.

Disposition: No action taken.

12. APPROVAL OF AN ENCROACHMENT AGREEMENT AT 114 NORTH MAIN STREET
(CANDICE MAYER)

Recommendation: That the City Council approve the encroachment agreement for the installation of an awning at 114 North Main Street and authorize the City Engineer to sign the document.

Mayor Pro Tem Irish indicated that a report was not necessary and then invited comments from Mr. Dick Eckhoff of the Downtown Porterville Association (“DPA”).

Dick Eckhoff came forward and stated that the DPA did not object to the proposed awning. He suggested that at some point an idea in terms of how the downtown area should look needed to be identified. He then voiced support for placing some type of restrictions – which were agreeable to a majority of the businesses – on the entire downtown.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member West that the Council approve the encroachment agreement for the installation of an awning at 114 North Main Street and authorize the City Engineer to sign the document. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS
19. ZONE CHANGE 6-2004 (STEVE VANG) (CONTINUED)

Recommendation: That the City Council:
1. Adopt the draft resolution approving a Negative Declaration for Zone Change 6-2004;
2. Adopt the draft ordinance approving Zone Change 6-2004; and
3. Adopt the draft resolution conditionally approving “D” Overlay Site Review 5-2004.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.
The Public Hearing opened at 8:31 p.m.

Mark Hillman, 620 West Olive Avenue, came forward as a representative of the applicants to voice support for approval. He pointed out that in order to be sensitive to the residents to the north of the site, the applicant had limited the commercial entrances and exits to the south end of the site.

The Public Hearing closed at 8:34 p.m. when no one else came forward.

A discussion ensued as to the accessibility of parking space No. 8. It was determined that although the space might pose a problem, any liability would lie with the applicant, not the City; therefore, it should be the applicant’s decision as to whether or not to eliminate that space.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton that the Council adopt the draft resolution approving the Negative Declaration for Zone Change 6-2004, give first reading to the draft ordinance approving the Zone Change 6-2004, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 6-2004 BEING A CHANGE OF ZONING FROM R-1 (ONE FAMILY RESIDENTIAL) TO C-3 (HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR 40 NORTH KESSING STREET AND FROM C-3 (HEAVY COMMERCIAL) TO C-3(D) (HEAVY COMMERCIAL “D” OVERLAY SITE REVIEW) FOR 356 WEST OLIVE AVENUE, and adopt the draft resolution conditionally approving “D” Overlay Site Review 5-2004. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Mayor Martinez that the Council waive further reading, and order the Ordinance to print. The motion M.O. 15-020105 carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

20. REJECT ALL BIDS ON TRAFFIC SIGNAL NO. 7 (PUTNAM AVENUE & VILLA STREET)

Recommendation: That the City Council, compliant with City policy and practice, reject all bids for Traffic Signal No. 7.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez explained that TCAG had informed staff that since the funds for this project had been allocated from a previous funding cycle, not awarding the contract would result in the loss of this money to both the City and Tulare County. As such, Mr. Rodriguez explained, TCAG had suggested that the City might consider eliminating one hybrid vehicle from its 2004/2005 CMAQ funding cycle, and transferring that $30,000 savings to the Traffic Signal No. 7 Project. He stated that if Council wished to pursue this course of action as an alternative to staff’s recommendation, the Council could direct staff to:
• Award the Traffic Signal Project No. 7 to AC Electric in the amount of $151,450 contingent upon approval of the fund transfer by TCAG Board;
• Authorize progress payments up to 90% of the contract amount;
• Authorize a 10% contingency to cover unforeseen construction costs; and
• Direct staff to apply for one hybrid vehicle during the 2006 FTIP process.

Council Member Hamilton clarified that if the City considered TCAG’s suggestion and proceeded with the alternate course of action, then the City’s share would be roughly $18,000, or 11.5% of the $160,000 (the original $130,000, plus the additional $30,000). He then commented that the City should not lose the TCAG money and pointed out that the intersection at Putnam Avenue and Villa Street needed to be addressed.

Council Member Hamilton moved for approval of staff’s recommendation. Council Member Stadtherr seconded the motion.

Mr. Rodriguez then clarified that if the Council rejected the bids at that point, the alternative course of action would be moot.

City Manager John Longley offered further clarification as to staff’s recommendation to reject the bids, explaining that the City policy was to reject any bids that came in over 10%.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council, in compliance with City policy and practice, reject all bids for Traffic Signal No. 7.

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

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council award the Traffic Signal Project No. 7 to AC Electric in the amount of $151,450 contingent upon approval of the fund transfer by TCAG Board, authorize progress payments up to 90% of the contract amount, authorize a 10% contingency to cover unforeseen construction costs, and direct staff to apply for one hybrid vehicle during the 2006 FTIP process.

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

Disposition: Award of Bid Approved.

21. CONSIDERATION OF THE NEED FOR THE FOUR-WHEEL DRIVE SAFETY TRAINING FACILITY
Recommendation: That the City Council direct staff to pursue the re-scoping of the State OHV grant for use in improvements to the existing OHV Motocross and BMX Park, and inform the granting agencies of the intent to allow the federal recreational trails grant to lapse, foregoing the Four-Wheel Drive Safety Training Facility at this time.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.

Council Member Hamilton pointed out that the Safety Training Facility would likely not be utilized very much by four-wheel drive enthusiasts.

Mr. Perrine agreed with Council Member Hamilton’s comments, stating that this was also the feedback staff had received. He then clarified that the grant funds could be utilized at the OHV Motocross Park, elaborating that all elements of the OHV Park, including the Motocross and BMX Park, were viewed comprehensively by the State. He stated that the funds could be spent on a variety of things, including fencing at the Motocross facility, parking, lot improvements, shade structures, or water system improvements.

Council Member Hamilton clarified with staff that the shooting range was located south of the OHV Park, and that the City would be unable to utilize grant funds for expansion of the shooting range.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council direct staff to pursue the re-scoping of the State OHV grant for use in improvements to the existing OHV Motocross and BMX Park, and inform the granting agencies of the intent to allow the federal recreational trails grant to lapse, foregoing the Four-Wheel Drive Safety Training Facility at this time. The motion carried unanimously.

Disposition: Approved.

22. GENERAL PLAN UPDATE SELECTION COMMITTEE APPOINTMENTS

Recommendation: That the City Council appoint two (2) Council Members to serve on the General Plan Update Consultant Selection Committee, and appoint Greg Woodard, Kelly Morgan, Gilbert Yniques, and Peter Schalambier to serve with the Council appointments.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap pointed out that one of the prospective appointees, namely Kelly Morgan, did not reside within Porterville, however, he clarified, residency was not a requirement for this committee. A discussion then ensued as to whether or not residency was or should be a requirement for appointment on certain committees or commissions. It was determined that currently there was no prohibition due to residency in the City Charter.

City Attorney Julia Lew clarified that only the Library Board, and perhaps Parks & Leisure Services Commission had a residency requirement. She stated that she believed the only residency requirement provision in the Charter pertained to elected Officials and the City Manager.
Mayor Pro Tem Irish stated that if some sort of residency requirement was considered in the future for boards and/or committees, perhaps the percentage of appointees from outside the City limits could be set. He cited the potential for having a committee solely comprised of County residents. Mayor Pro Tem Irish then commented that many Porterville business owners who resided outside of Porterville had taken issue over the years with having no representation in decisions affecting their businesses.

Council Member Stadtherr suggested that the “sphere of influence” might be considered as opposed to Porterville’s urban boundary.

Staff clarified that the committee would not meet on any set schedule, but instead the members would be provided documents to review, after which interviews would be scheduled with the 3 different consultants.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Council Member Hamilton that the Council appoint Council Member West and Mayor Pro Tem Irish to serve on the General Plan Update Consultant Selection Committee. The motion carried unanimously.

M.O. 18-020105 MOVED by Mayor Martinez, SECONDED by Mayor Pro Tem Irish that the Council appoint Greg Woodard, Kelly Morgan, Gilbert Yniques, and Peter Schalambier to serve with the Council appointments on the General Plan Update Consultant Selection Committee. The motion carried unanimously.

Disposition: Approved.

23. APPOINTMENT OF MEMBERS TO THE REDEVELOPMENT ADVISORY COMMITTEE

Recommendation: That the Mayor, utilizing the criteria established in Resolution 148-89, appoint two new members to the Redevelopment Advisory Committee for an initial term to expire July 10, 2009, after which successive terms would be for three years.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Council Member Hamilton confirmed that the appointment of two new members would bring the total number of members to nine. It was then stated that Mrs. Marlene Marques had been ill and might not be back depending on her health. Council Member Hamilton then suggested that Renee Spragues might be a good choice for appointment.

Mayor Pro Tem Irish suggested, and the Council agreed, that an alternate also be selected in the event Mrs. Marques did not return.

Mayor Martinez suggested that the item be continued so as to allow the Council the opportunity to both consider individuals, as well as speak with those individuals to determine whether they had an interest in participating.

Council Member Hamilton agreed and suggested that the Council could provide a list of names to staff.

Disposition: Continued.
Recommendation: That the City Council:
1. Accept the 2004-2005 budget update;
2. Authorize the City Manager to fill all current vacant positions;
3. Establish a policy regarding the implementation of a hiring freeze based on the budgetary status of the City. The 2005 memo recommended hiring up all positions at this time, but maintaining the freeze in effect to assure a conservative financial posture as we move into the second year of State reductions;
4. Approve a contingency policy for current fiscal year funding of equipment replacement; and
5. Direct the City Manager to work with the City Council and Department Directors to develop a sustainable structure for the delivery of City Services through the budget development process for the 2005-2006 Fiscal Year.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report. Mr. Pyle explained that as to the hiring freeze portion of the proposal, approximately 18 vacant positions currently existed, 10 of which were in the General Fund. He stated that based on the current revenue picture and the current savings experienced because of the hiring freeze, staff recommended filling all of those vacancies to allow for a more efficient delivery of services. He stated that staff also proposed the utilization of the hiring freeze as a budget balancing tool in any period during which revenues did not exceed expenditures. He explained that the freeze would be reviewed as a part of the financial review that was brought before the Council on a quarterly basis, and would only be implemented with Council’s concurrence.

City Manager John Longley clarified that because targets had been met, staff proposed to restore all positions to return to full service, however, if positions became vacant after such restoration, those positions would be frozen. He stated that the freeze would then be reviewed on a quarterly basis, and when a balanced budget could be projected, there would be no more freeze. He explained that the exception as to sworn public safety employees would remain, as well as the exception that could be implemented by the City Manager for either contractual items or issues of health and safety.

Council Member Hamilton clarified that approximately 18 vacant positions currently existed.

Mayor Pro Tem Irish questioned if the restoration would help eliminate some of the outsourcing that the City had to employ in the past.

Mr. Pyle responded that early on in the freeze, vacancies had occurred in the Parks & Leisure Services Department and that the City had outsourced in order to maintain the street medians. He indicated that the City had saved money, however a reduction in services had been noted. He pointed out that the City did not have the flexibility to utilize the outsourced positions in other needed areas, but rather the individuals were contracted to solely maintain the medians for a fixed price, which is what they did.

Jim Perrine, Parks & Leisure Services Director, added that the City staff that had previously maintained the median islands had spent only a portion of their time performing that task. He explained that the balance of staff’s time had been spent in other park facilities maintaining sprinkler systems for all of the park facilities, basically making them sprinkler specialists. He pointed out that currently, because of the outsourcing, those sprinkler specialists were no longer on staff. He stated that other personnel had been filling in to maintain those sprinklers.
In response to Council Member Hamilton’s question, Mr. Longley explained that the freeze had been previously lifted on all engineering positions, and therefore the restoration would have no effect in that area. He then confirmed that the current goal was to fill all 18 vacant positions, and that the vacancies existed in various departments.

Council Member Hamilton complimented staff on their efforts with respect to the savings accomplished by the freeze. He then voiced his support for staff’s recommendation, stating that he believed staff had previously made good decisions, and that he trusted staff to again make good decisions.

Council Member West commented that he thought the City’s goal was to outsource as many things as it could. He stated that it appeared because of a few sprinklers, staff was seeking to hire permanent staff instead of simply calling a plumber. He questioned which would cost the City more money.

Mr. Longley explained that while restoring those positions might cost the City more money, it would allow the City the opportunity to accomplish more tasks. He stated that the entire process was a balancing of being able to provide services with maximum economy. To achieve that, he explained, staff proposed to lose the freeze, which was a fairly broad brush approach. He then pointed out that one issue that should be considered was the stress and pressure in providing services with a significantly reduced staff. He stated that because the budget targets had been met, there was no longer a rationale to not restore those frozen positions, particularly when there appeared to be significant interest in improving service levels. Mr. Longley again emphasized that the entire process was a balance, with another very difficult year ahead.

Mayor Pro Tem Irish commented that he believed that the staff had been under such stress, that some of the pressure needed to be relieved. Having said that, he questioned whether all 18 positions needed to be filled, or whether there were key positions that would relieve the stress.

Mr. Longley responded that he did not think that the City had to rehire all 18 positions, but thought it to be an equitable policy. He stated that if the Council wished to investigate the restorations on a position by position basis, staff could provide that information.

Mayor Pro Tem Irish stated that since the recommendation was such a broad brush approach, he would like to rehire some individuals to relieve the pressure on current staff. However, he stated, restoration of all vacant positions might be too broad without sufficient detail.

Council Member West agreed with Mayor Pro Tem Irish’s comments.

Mr. Longley confirmed that staff could provide information to the Council.

Mayor Martinez commented that he would like to see the positions filled. He stated that he believed staff had done a great job.

Council Member Stadtherr commented that staff had done a wonderful job throughout the crisis, and that his inclination would be to accept staff’s recommendation and lift the freeze to reinstate all vacant positions, with instructions to critically review the positions. He stated that rather than bringing the item back at a later date, he believed a better approach would be to provide the City Manager and/or Deputy City Manager the discretion to restore those positions which they deem to be critically necessary, which very well might be all 18 positions.
Mayor Pro Tem Irish agreed with Council Member Stadtherr’s comments and stated that he would feel more comfortable with that approach. He stated that he would like staff to review each position and identify only those which were critical.

Council Member Hamilton proposed that the Council should not analyze the positions, but instead the determination should be left to the City Manager and his staff.

Council Member West pointed out that staff should be given the authority to hire only the positions that they believe are critical.

Mayor Pro Tem Irish commented that he did not wish to be a part of the process which determined which positions were needed and which were not, however, he wanted staff to be able to justify those positions which were deemed necessary.

Mayor Martinez suggested that staff could have the approval to hire up to 18 positions, but that they should look at each position critically.

Mr. Longley pointed out that one aspect would be phasing, and commented that some positions would likely be restored before others. He then clarified for Council’s benefit that he understood Council’s direction was to accept the 2004/2005 budget update; authorize the City Manager to fill all current vacant positions, up to 18, however those positions should be reviewed and only those positions determined to be vital, with justification, should be re-established. He stated that there was a policy regarding implementation of the hiring freeze, which would basically apply during periods in which there was a projected deficit in the General Fund, and that the projections would be reviewed quarterly. He stated that the contingency policy for current Fiscal Year funding of equipment replacement was that if there were monies received beyond what had been budgeted, those funds could be applied to the Equipment Maintenance Fund to partially or fully restore it; and the City Manager would be directed to work with the City Council and the Department Directors to develop a sustainable structure for the delivery of City services in the upcoming budget.

In response to Council Member West’s question, staff indicated that none of the 18 vacant positions were supervisory positions.

**COUNCIL ACTION:** MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Irish that the Council accept the 2004-2005 budget update; authorize the City Manager to review of all current vacant positions, and to fill up to 18 of those current vacant positions that are deemed to be vital and justified as being vital; to direct staff to establish a policy regarding the implementation of a hiring freeze based on the budgetary status of the City for Council’s review on a quarterly basis, which would generally apply during periods in which there was a projected deficit in the General Fund; approve a contingency policy for current fiscal year funding of equipment replacement; and direct the City Manager to work with the City Council and Department Directors to develop a sustainable structure for the delivery of City Services through the budget development process for the 2005-2006 Fiscal Year. The motion carried unanimously.

Disposition: Approved.

The Council adjourned at 9:27 p.m. to a Meeting of the Porterville Redevelopment Agency.
PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member West, Vice-Chairperson Irish, Agency Member Hamilton, Agency Member Stadtherr, Chairperson Martinez

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

REDEVELOPMENT SCHEDULED MATTERS

PRA-1 AMENDMENT TO STREETSCAPE DESIGN GUIDELINES TO ALLOW CROSS-STREET BANNERS

Executive Secretary John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report.

Agency Member Hamilton pointed out that this item had not been initiated by the Redevelopment Agency, but rather the item had been brought to the Agency. He then voiced concern with the recommendation, stating that it provided no information as to the regulation of the program, such as how long the banners would hang, who would be responsible for hanging them, and if the City would sponsor the program.

Mr. Dunlap responded that the recommendation was to first allow the concept, after which a policy would be developed to address specific issues such as those. He then confirmed that the draft policy would be brought before Council for approval. Mr. Dunlap explained that before staff time had been spent developing a policy, the Agency first sought Council’s approval on the concept.

Agency Member Hamilton voiced concern with approving the concept with no project.

AGENCY ACTION: MOVED by Vice-Chairperson Irish, SECONDED by Agency Member West that the Porterville Redevelopment Agency amend the Streetscape - Design Guidelines to allow cross-street banners on Main Street in the Redevelopment Project Area.

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

Disposition: Approved.

The Redevelopment Agency adjourned at 9:34 p.m. to the meeting of the Porterville City Council.

ORAL COMMUNICATIONS
None

OTHER MATTERS
• Council Member Stadtherr suggested that the Council send the Tulare County Board of Supervisors a letter of appreciation for holding its meeting in Porterville’s Council Chambers.
• Council Member Hamilton requested that a letter, signed by all Council Members, be sent to Congressman Devin Nunes congratulating him on his recent appointment to the Ways and Means Committee.

**ADJOURNMENT**

The Council adjourned at 9:35 p.m. to the meeting of February 8, 2005.

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Patrice Hildreth, Deputy City Clerk

SEAL

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Pedro R. Martinez, Mayor