PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING - FEBRUARY 8, 2005
CITY HALL CONFERENCE ROOM
6:00 P.M.

Roll Call: Council Member West, Mayor Pro Tem Irish, Council Member Hamilton, Council Member Stadtherr, Mayor Martinez

Pledge of Allegiance by Council Member West
Invocation by Mayor Martinez

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
1. STUDY SESSION FOR CONSIDERATION OF MODIFICATIONS TO CITY COUNCIL PROCEDURAL HANDBOOK

Recommendation: That the City Council:
1. Review the proposed modifications;
2. Provide direction to staff regarding any additional modifications; and
3. Direct staff to prepare a draft resolution amending the City Council Procedural Handbook for Council’s review and bring the item back to Council.

Mayor Martinez opened up the discussion and questioned whether anyone had any specific questions or comments as to the Handbook.

City Manager John Longley referred Council to Page 13, Section VIII - Conflict of Interest, A (2) Disqualification of Participation (Conflict of Interest). He questioned whether the reference to 2,500 feet should actually read “500 feet.”

City Attorney Julia Lew confirmed that the standard was actually 500 feet, but that the Council could increase the distance to 2,500 feet if it chose to. It was then discussed that the “2,500 feet” might have been a typographical error, or merely outdated. It was then agreed that the figure should be changed to 500 feet.

Mayor Martinez requested that all references to Council Members be changed so they are not gender specific, pointing to the “he” and “his” references in that same paragraph. He suggested that references such as “he” be changed to “he/she,” or “his” be changed to “his/her.”

A discussion then ensued regarding Section I - Meetings of Council, Subsection D - Order of Business. It was confirmed that this Section would need to be updated in the event changes were made pertaining to the Invocation portion of the meeting. Mr. Longley suggested that there was likely an ordinance or resolution that would also need to be changed.
City Attorney Julia Lew pointed out that another option would be to remove the Order of Business in its entirety from the Handbook. Ms. Lew then reviewed the City Code and confirmed that the Code stated that the “order of business shall be established by resolution.” She suggested that the resolution could provide for some flexibility. It was then pointed out that a discussion as to the invocation portion of the order of business would take place during Closed Session.

As to Page 8, Section IV - Council Member Requests to Staff, Subsection C, Mayor Pro Tem Irish requested clarification as to how Council should proceed, particularly with constant concerns regarding staff time. He suggested that if a Council Member wished to add an item to the Agenda, the Council Member should bring the item up during the Other Matters segment of a Council Meeting. It was pointed out that currently, if the request was presented to the City Manager on the Monday a week prior to the Council Meeting, the requested item would be placed on the Agenda. It was discussed and decided that this procedure would remain in effect, however, the Council would as a common courtesy propose the item during the Other Matters portion of a Council Meeting so as to inform the other Council Members of his intent.

City Manager John Longley clarified that he understood that Council did not wish to change the Handbook, but that each would agree as a courtesy to bring the item up at a Council Meeting. However, Mr. Longley pointed out that if pressed, he would be required to place an item on the Agenda if such request had been submitted pursuant to the procedure set forth in the Handbook. The Council Members acknowledged that to be the case.

Mayor Pro Tem Irish next referred everyone to Page 17, Section IX - General Items, and suggested that the Council consider adding a standardized form for use in evaluating both the City Manager and the City Attorney. He stated that this would assist the Council in the evaluation process. It was pointed out that determining the proper content of the form might constitute somewhat of a process, which would delay the adoption of the Handbook. In order to avoid such delay, it was determined that language referencing an Appendix to be added later could be included at the end of Section IX.

Mayor Martinez referred everyone to Page 6, the last paragraph in Section III (A)(3). He pointed out that technically, the reference to “anyone else” meant that a Council Member could request that an excessive amount of copies of an informational item be generated and distributed to any number of people, which was not a good use of staff time. He suggested that “anyone else” be changed to limit its scope. After a discussion on who should be copied, it was determined that “anyone else” would be stricken and replaced with “…to the other Council Members and the City Manager or other Directors…”

A discussion then ensued as to each Council Member’s rights to respond to a constituent’s letter as a Council Member. City Attorney Julia Lew pointed out that each Council Member needed to be careful when responding so as not to give the appearance of responding on behalf of the City, rather than responding as an individual Council Member. She emphasized however that this type of correspondence should not be stifled in anyway.
Mayor Martinez next pointed to Page 9, Section V(B) and questioned whether the reference to “written communication” needed to be removed since that segment of the Council Meetings had been removed. It was determined that since the Council still received written communications, that language should remain.

Mayor Pro Tem Irish referred everyone to Page 16, Section IX(B), and questioned if the compensation of $30 per every Redevelopment Meeting had been set forth in the Charter or by resolution. City Attorney Julia Lew clarified that the compensation had likely been set forth by resolution, and that it was not included in the Charter.

City Manager John Longley summarized the changes to the Handbook to be as follows:

1. Page 6, “anyone else” should be stricken and replaced with “to the other Council Members and the City Manager or Department Directors...”;
2. Page 13, “2,500 feet” should be changed to “500 feet”; and
3. Page 17, an Appendix containing an standardized evaluation form for the City Manager and the City Attorney should be referenced to be added at a later date.

Council Member Hamilton pointed to Page 14, Section VIII and questioned whether $2,000 was the current amount in determining if a conflict of interest existed. Mr. Longley requested that Ms. Lew review the Section to ensure it complied with the current requirements of the State Code. A discussion then ensued during which it was pointed out that the FPPC was the body that enforced the Political Reform Act, which was State law.

On Page 1, Mayor Martinez suggested that Paragraph 2 of Section I(A) should be removed as being redundant. He pointed out that since the time and place of regular meetings had been set out by ordinance – as stated in the first paragraph of Section I – it need not be set out again in Section I(A)(2). It was agreed that Section I(A), Paragraph 2 would be removed from the Handbook. A discussion then ensued as to the limitations – pursuant to the Code – of Council’s ability to hold Council Meetings at locations other than City Hall.

Mr. Longley noted for the record that he understood the Council had decided on the following changes:

1. Page 6, “anyone else” should be stricken, and replaced with “to the other Council Members and the City Manager or Department Directors...”;
2. Page 13, “2,500 feet” should be changed to “500 feet”;
3. Page 17, an Appendix containing an standardized evaluation form for the City Manager and the City Attorney should be referenced to be added at a later date; and
4. Page 1, Section I(A), Paragraph 2 should be stricken.

The Council convened to Closed Session at 7:05 p.m.
CLOSED SESSION:
2. Closed Session Pursuant to 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.

The Council reconvened at 7:45 p.m. with no action to report.

ADJOURNMENT
The Council adjourned to the meeting of February 15, 2005, 6:00 p.m.

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Patrice Hildreth, Deputy City Clerk

SEAL

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Pedro R. Martinez, Mayor