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

Mayor Pro Tem Irish noted that Mayor Martinez was currently en route and would arrive a few minutes late.

Pledge of Allegiance Led by City Manager John Longley

ORAL COMMUNICATIONS

- April Tolson, 246 South Chestnut, spoke against the modular design concept of the Skateboard Park and requested that the Council proceed with an in-ground concrete park.
- Lois Innis, 1148 West Glenn Court, voiced agreement with the comments made by Ms. Tolson. She then commented that the skateboard park and the library were both important for the City’s youth.
- Barbara Black, 2279 West Garden Avenue, voiced opposition to the proposed modular design concept for the Skateboard Park and requested that the Council proceed with an in-ground design.
- Carla Barde, 384 North Hockett, American Association of University Women (“AAUW”), voiced concern with decreased funding for the Porterville library.

Mayor Pro Tem Irish noted the arrival of Mayor Martinez and turned the meeting over to him.

SCHEDULED MATTERS

1. UPDATE ON THE CITY-WIDE OVERHEAD COST ALLOCATION PLAN AND FEE STUDY

Recommendation: That the Council review the preliminary overhead cost allocation plan and fee study, and make recommendations for the final report to be adopted at a future Council meeting.

City Manager John Longley presented the item and Deputy City Manager Darrel Pyle presented the staff report. Mr. Pyle indicated that MAXIMUS, Inc. had prepared the Plan and Fee Study and that Mr. Dan Edds of MAXIMUS, Inc. was there to provide the Council with a presentation. He then turned the floor over to Mr. Edds.

Mr. Edds stated that the Overhead Cost Allocation Plan and User Fee Study was designed to perform one essential task: to identify the cost to the City of various services which the City provided. He stated that his presentation would be a basic orientation of the project, including reviewing fees and
how they fit into the City’s strategic revenue management; understanding the context for the results of the study; and reviewing the methodology utilized by MAXIMUS in its study. The objective, Mr. Edds explained, was to provide a rational basis for setting fees; to update the City’s Fee Schedule to reflect the current reality rather than the reality of ten years ago, and to ensure compliance with State law.

Mr. Edds went on to generally explain fees, stating that user fees were designed to recapture costs from a disproportionate share of City resources. He stated that the theory of user fees was that an individual, as a user of City services, should fully refund the City for his/her share of the consumption of City services. He indicated that some fees benefitted the general public, such as through personal safety, protection of property, and financial gain.

It terms of how costs were calculated and fees set, Mr. Edds explained that fees should be in proportion to the cost of the service provided; be cost-recovery-based whenever possible; not structured to make a profit; consistent with City fiscal and policy goals; fair and equitable to both the public and the private citizen or organization benefitting from the fee; and understandable. He added that fees should not be arbitrary, or unknowingly or unfairly subsidized, and emphasized the importance of the process being a collaborative effort with staff’s involvement.

Mr. Edds then discussed the difference between fees and taxes, explaining that taxes provided services that benefitted all citizens, whereas fees provided services that benefitted the individual or organization. He reasoned that there were some justifications for full cost recovery, such as the fact that the public, or General Fund, would not subsidize or pay for services that benefitted a private citizen, adding that departments that typically provided the services generally covered by fees tended to be fully staffed. He explained that MAXIMUS was not recommending a policy of full cost recovery, but that he merely wished to point out some important benefits to the consideration of a strategy of full cost recovery.

The economics of setting fees was discussed next. Mr. Edds stated that prices charged for fees did not impact development or use of City services, with the exception of library fees and recreation fees. All other fees, Mr. Edds explained, were not sensitive to market forces. He stated that fluctuations in volume tended to be the result of larger economic forces rather than the fee price.

Mr. Edds next covered the scope of the Cost of Service/Fee Study. He stated MAXIMUS had developed the Indirect Cost Allocation Plan, which he explained was a method or model of City overhead and how various departments within the City consumed its overhead resources. He stated that the general approach in how the fees were calculated was based on recapturing the full cost of service. He stated that full cost calculations included: 1) direct staff salaries and benefits; 2) indirect salaries and benefits, which included supervision, support and administration; 3) services and supplies; 4) departmental administration; 5) City administration; 6) cross-departmental support; and 7) non-budgeted expenses.

He stated that there were various methods of calculating fees. One such process, Mr. Edds explained, was “process analytics,” which involved identifying specific processes and activities; developing time estimates for each of those activities; and identifying and distributing all relevant direct, indirect and support costs. From this information, Mr. Edds explained, a potential fee for the full cost
of service was then derived. Mr. Edds stated that another method utilized by MAXIMUS in determining fees was the “cost recovery approach,” which he explained was appropriate for valuation-based fees. He stated that in most cases, MAXIMUS discouraged valuation-based fees due to the difficulty in establishing a nexus between the cost and the price the user payed. He pointed out that many jurisdictions in California were currently being taken to Court because that nexus could not be created. Mr. Edds then went on to explain in greater detail the cost recovery method.

He stated that MAXIMUS used “productive hourly rates” for many of the calculations in its project. Mr. Edds went on to generally explain those calculations, stating that the process began with the assumption that most employees worked 2080 hours in one year. He stated that vacation time, annual accrual of sick leave, holiday time, management leave, administrative leave, training, breaks, and routine staff meetings, etc. were then deducted from the 2080 hours. He explained that from the resulting number of hours after deductions, which was typically approximately 1500 hours, the cost was then calculated, in terms of direct and indirect program expenses and cross-departmental support. Mr. Edds added that the City of Porterville had the lowest productive hourly rates that he had found any place in California.

Validation of results, Mr. Edds explained, was a crucial element of the project and proceeded to explain the process by which the results were validated. He stated that MAXIMUS first looked to their expertise to determine whether the data and the results fell within normal ranges. He indicated that MAXIMUS also confirmed that the number of hours available equaled the number of hours utilized, and that the total revenue equaled the total expenses. He added that staff also had the opportunity to review the data many times throughout the process. Mr. Edds then concluded his presentation and invited questions from the Council.

Mayor Martinez invited questions from the audience, to which nobody responded.

Mayor Pro Tem Irish commented that in his mind, fees were taxes. He stated that if the City could collect enough money in taxes, the City would not have to charge fees. Mr. Edds respectfully disagreed with Mayor Pro Tem Irish’s comments, after which a discussion ensued regarding the bases for fees and taxes.

Council Member Hamilton commented that it seemed the City was always somewhat behind in its fees, in that the fees set forth were based on current year costs, and that as costs rose, the fees remained static. Mr. Edds suggested that the City might consider tying the fees to a CPI increase approximately every 1 to 2 years, with a review every 3 to 5 years. The City’s past use of the CPI was then discussed, during which it was pointed out that Porterville utilized the San Francisco Index.

In response to a question from an audience member, staff explained that “MSI” referred to “Management Services Institute,” the firm that had prepared the previous fee study. It was clarified that both MSI in 1988 and MAXIMUS in 2004 had been retained through the RFP process. It was pointed out that many of the fees had not been changed since 1988.
Mayor Martinez voiced concern with fees affecting the usage of a facility and/or a program. A discussion ensued regarding the subsidization of certain programs due to increased fees affecting usage, which Mr. Edds pointed out, was a common occurrence in recreational services.

Using the analogy of constructing an addition onto his home, Mr. Edds clarified the difference between taxes and fees, pointing out that fees paid for services that benefitted the individual, unlike taxes that paid for services that benefitted the community as a whole.

Noting there were no further questions, Deputy City Manager Darrel Pyle explained that over the next few weeks, staff and MAXIMUS would finalize the report, circulated it to each department for review, and then bring the Overhead Cost Allocation Program and the Fee Study back to the Council with recommendations. Mr. Pyle noted that there was one element of the Cost Allocation Program, pursuant to OMB 887, which allowed the City of Porterville to recover administrative overhead costs, if those costs were compliant with OMB 887. He indicated that staff would prepare a staff report on the issue and bring it to Council for consideration.

Disposition: Informational item only.

The Council recessed for ten minutes.

Noting interest in the audience, Mayor Martinez requested that Item 4 be presented next.

4. SALES TAX INITIATIVE

Recommendation: That the Council provide direction to staff.

City Manager John Longley presented the item and the staff report. He commenced with a review of the difference between a general tax and a special tax. He stated that the polling conducted by the Fairbanks firm looked at potential support for public safety tax measures including a ½ cent sales tax, a ¼ cent sales, and a 2% increase in the UUT. He reviewed the results of the polling, noting the apparent 78% support for a ½ cent sales tax for public safety. He stated that based upon budgetary estimates for the coming year, a 2% UUT increase would bring in approximately $1 Million; a ¼ cent sales tax would provide approximately $896,000; a 3/8 cent sales tax would provide approximately $1.3 Million, and a ½ cent sales tax would provide almost $1.8 Million. Mr. Longley pointed out that staff reports had been based on 7 additional firefighters and 7 additional police officers, including all of the related accoutrements, and that the combined costs would be approximately $1.2 Million for the first year, and approximately $996,000 thereafter.

Mr. Longley continued that the Council’s ad hoc committee and City staff had met with the Lew Edwards Group (no relation to City Attorney Julia Lew), at which time the process for a successful pre-election phase was defined. He stated that the pre-election phase involved conducting public opinion research, evaluating opportunities, implementing a public information campaign, and providing information regarding the financial needs of the City. He stated that the cost of the pre-election phase would be approximately $60,000, which could be City-funded, but that once the Council called for the election, the City could no longer be involved. Mr. Longley stated that during the campaign phase, all advocacy must be volunteer-funded and volunteer-staffed, and that approximately $100,000 would be
needed for the effort. Mr. Longley stated that if the Council decided to proceed, the City would need to engage the services of the Lew Edwards Group as soon as possible. He indicated that the contract should be placed on the next Agenda and that $60,000 should be budgeted. He stressed the urgency of action if the Council chose to proceed with the measure on a November 2005 ballot.

City Attorney Julia Lew added that the City could not advocate with public resources, and that advocacy of the measure would need to be from volunteer organizations that had no affiliation with the City. A discussion ensued as to how the City could frame the measure and ways in which it could not. It was explained that the mailings during the public information phase would be targeted, not merely to registered voters, but to those voters who actually went to the polls. City Manager John Longley stated that staff could contact the consultant to confirm that for Council.

Mayor Pro Tem Irish stated that he would like to see the correlation between the projected five-year income from the UUT compared with the ½ sales tax, along with the projected increase in costs for the 7 firefighters and 7 police officers. He suggested that the main difference between the two taxes was that the UUT could be adjusted downward at the Council’s discretion, whereas the sales tax could not.

In response to Mayor Martinez’s question, City Manager John Longley explained that the UUT was essentially a tax on the use of utilities in the City, including electricity, gas, telephone, water, and cable television.

Council Member Stadtherr questioned how far the City was from building or acquiring a third fire station. Deputy City Manager Darrel Pyle indicated that the money to build a facility was probably more achievable than the ongoing cost to man the station. City Manager John Longley pointed out that there was not currently a third fire station in the Capital Plan.

City Manager John Longley stated that without meaningful preparation and a significant volunteer-based campaign, passing a 2/3rds special measure was a daunting effort. He stated that he had been involved in such measures and that getting 2/3rds support was extremely tough unless the effort was well-informed and well-prepared. He stated that the Council had the choice of November 2005 or June 2006 for the election date, and that if November 2005 was selected by the Council, efforts would need to commence immediately.

It was explained that if the Council chose the November 2005 election date, a resolution by Council would need to be delivered to the County Elections Office by August 18th.

Mayor Martinez invited comments from the audience.

• Shirley Hickman, 341 S. Chestnut, voiced support for the sales tax measure for public safety with the inclusion of funds for the library. She suggested that if the library was added to the measure, volunteer support would follow. At Ms. Hickman’s request, approximately 10 individuals raised their hands in support of her comments. She added that she had a list of UUAW members if the Council would like a copy, and voiced support for pursuing the ½ cent sales tax as quickly as possible.
• Jennifer Lindgren, 1123 E. Jasmine, agreed with Ms. Hickman’s comments and spoke in favor of adding the library to the sales tax measure, citing concerns with the consequences of reducing the hours at the library.
• Karla Barde, 384 N. Hockett Street, voiced support for library funding and commented that if funds were not spent now on the City’s youth, more funds would be necessary in the future for law enforcement.
• Herb Foerster, 606 W. Mulberry Avenue, voiced support for library funding and spoke in favor of intellectual activities for the City’s youth.
• Ellen Nichols, 456 N. Hawaii Street, agreed with all of the commentary offered before her and spoke in favor of library funding.

In response to Council Member West’s question regarding the status of library funding, Deputy City Manager Darrel Pyle explained that the library’s annual budget was over $500,000, and had been reduced by $50,000. It was pointed out that due to the budget being cut by that $50,000, $18,000 in State funding had been lost.

Council Member Stadtherr questioned whether the AAUW would be willing to help with campaign efforts if funding for the library was included in the tax measure as a “preventative step” in public safety.
• Shirley Hickman, address on record, took an informal vote of those AAUW members in attendance and noted that based on the support of those present, who she identified as leaders in the organization, the AAUW would actively support the measure if it included funding for the library.

Mayor Pro Tem Irish stated that regardless of which tax the City pursued, it was important to make all efforts to ensure the funds were used for public safety. A discussion ensued regarding ways in which the State might attempt to get a hold of the funds. City Attorney Julia Lew stated that she unfortunately could not envision the type of legislation that the State might try to impose to circumvent the City’s ability to protect those funds. Ms. Lew stated, however, at that juncture, any funds collected under a special tax would be as protected as possible.

In response to Mayor Martinez’s question, Ms. Lew clarified that the City could legally place a general tax measure on the ballot along with the special tax measure to act as a safety net, however, she stated, it would likely create confusion with the electorate.

Council Member Hamilton commented that he did not wish to pursue a tax that was any larger than was absolutely necessary. He stated that when it came to taxation, he did not believe the Council needed to be excessive, yet the City had been forced by the State to pursue the tax measure. He then voiced concern with pursuing a ½ sales tax if it caused residents to drive to other cities to shop.

Council Member West commented that in looking at the estimated costs for hiring 7 firefighters and 7 police officers, the City would likely need to proceed with the ½ cent sales tax. He then voiced agreement with Council Member Hamilton’s comments regarding the importance of the City remaining competitive. He added that the City’s main concern should be which of the measures would actually pass, noting the UUT would likely not pass.
Mayor Pro Tem Irish commented that he would like to see an analysis projected out five years, as the sales tax base would increase. A discussion ensued as to whether the sales tax base would increase or not. Mayor Pro Tem Irish stated that he did not wish to tax any more than was necessary, however his biggest fear was finding out down the road that the City had not pursued a large enough tax.

- Jennifer Lindgren, address on record, commented that she had conducted an informal poll of the sales taxes in the area and found that all cities except Visalia and Fresno were at 7.25%. Visalia’s sales tax was 7.5% and Fresno’s sales tax was 7.975%. She pointed out that when Porterville residents went out of town to shop it was likely to Visalia or Fresno.
- An audience member noted that residents might be more inclined to remain in Porterville to shop as gasoline prices increased.

Council Member West commented that including the library on the tax measure, along with police and fire, so as to gain the assistance of the AAUW might be a way to get the measure to pass.

- An audience member questioned the importance of being able to secure funds specifically for police and fire, suggesting that if the need was truly valid, the support by future Councils should logically follow. He voiced support for pursuing a general tax measure.

Council Member Hamilton commented that the Council needed to step back and question what it was trying to accomplish. He stated that the City was short on funding public safety and the library and that the State of California would not likely get out of its budgetary crisis anytime soon. He stated his concern lied with the State figuring out a way to get to the City’s tax revenue. He confirmed with staff that the Fire Department had been operating at 1992 staffing levels, and that the Police Department had added only a couple of new officers through grant funding. In terms of funding for the library, Council Member Hamilton stated that the library had been fully funded up until the last Fiscal Year. He then agreed that the library was a vital part of the community.

Mayor Martinez voiced support for pursuing the ½ cent sales tax measure. He then voiced concern with the time constraints in pursuing a November 2005 election date.

Mayor Pro Tem Irish commented that although the time frame was constrained with a November 2005 election, the polling data was fresh and the public sentiment was currently hot. He stated that if he voted to raise taxes, he wanted to make sure the electorate knew exactly what those taxes would be for.

Council Member Hamilton commented that while he did not like to pursue an tax increase that was larger than necessary, the Council would likely not be able to pass another tax increase for 25 or 30 years.

Council Member Stadtherr commented that he foresaw a need for additional fire stations in the near future. A discussion ensued during which it was pointed out that funding for additional stations could come from impact fees.
Council Member West voiced support for pursing a ½ cent sales tax to fund fire, police and the library. The Council Members agreed that this was the consensus of the Council.

City Manager John Longley confirmed the Council’s direction was to pursue the ½ cent sales tax measure for police, fire, and library, expedited for a November 2005 election. He stated that staff would bring the service contract for hiring the consulting firm of Lew Edwards Group to the next meeting, with a budget amendment to allocate $50,000 to $60,000 out of City reserves for the contract.

Disposition: Direction provided to staff.

2. CONSIDER INITIATING AN EVALUATION OF CITY SPORT FIELDS USAGE, CAPACITY, AND NEEDS

Recommendation: That the City Council discuss initiating an evaluation of City sports fields use, capacity, and needs, and provide direction to staff.

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

Council Member Hamilton questioned what the Council was attempting to accomplish.

Mayor Martinez commented that he had requested that the item be brought to Council. He noted that the only lighted basketball courts in the City were at Zalud Park. He questioned when the last time an evaluation on the needs had been updated and whether any proposed updates would fit into the City’s General Plan.

Staff confirmed that the 1994 Parks and Recreation Element had included ball fields. It was stated that the 1994 Element’s twenty year projection did identify a need to increase sports fields by 2014, and that the need had largely been met by the Sports Complex. A discussion ensued regarding the inclusion of ongoing maintenance considerations in the Parks and Recreation Element. Mr. Perrine indicated that the evaluation would be necessary to meet the General Plan Update.

Community Development Director Brad Dunlap added that the different Elements had not been included in the Comprehensive Update due to budgetary constraints.

The Council confirmed with staff that fee revenue had never been set aside for the General Plan Update. It was stated that the Update was a $500,000 endeavor, with $250,000 being budgeted that year and $250,000 being budgeted the following year. A discussion ensued as to why an amount had not been built into impact fees to fund the General Plan Update. City Manager John Longley confirmed that the City was looking into increasing impact fees, and that it would be based on the recommendation by MAXIMUS.

Mayor Pro Tem Irish confirmed with staff that the pocket park concept would be defined in the City’s Open Space Element. Mayor Pro Tem Irish then voiced disappointment with the need of the Parks and Leisure Services Department to hire a consultant rather than generating it in-house. City Manager John Longley responded that he believed the current Plan to be fairly irrelevant due to the loss
of the fields at Porterville College, as well as changes in interest within the community. He stated that the proposed evaluation would provide the base data to begin updating the Plan. A discussion ensued regarding the effect that the development of the Sports Complex had on the City’s Plan. Mr. Longley added that staff had the talent to conduct the research for the evaluation, but that the recommendation not to use staff was due more to a workload issue. He stated that the proposed consultant was an expert in that area and would be able to perform the task somewhat more quickly.

Council Member West commented that while $3,200 for the service seemed like a good deal, the City already had the information. It was suggested that the project be taken on with in-house resources. A discussion then ensued regarding the lengthy list of priorities for the Parks and Leisure Services Department and how the evaluation project should be prioritized. It was suggested that the evaluation was more complex than just counting ball fields.

Mayor Pro Tem Irish commented that in the future, such figures should be compiled on a regular basis thereby eliminating the need for outsourcing such work. He added that he would also like the parking capabilities of Zalud Park and Hayes Fields to be determined.

A discussion next ensued as to the lighting situation at the Sports Complex. It was explained that the Airport’s Master Plan called for the eventual expansion of the runway, which would eliminate the possibility of having lighted ball fields at the Sports Complex in the future due to lighting restrictions surrounding the runway. It was stated that the ball fields were in the wrong location at the Sports Complex, and that the funds that had been appropriated were no longer available.

- April Tolson, address on record, suggested that the City correct the problem and move the ball fields.

Council confirmed with staff that the evaluation would provide good baseline information and would assist in the Parks and Recreation Element of the General Plan. Mr. Perrine stated that the information could be maintained once the evaluation was completed so as to avoid having to hire another consultant in the future when it came time to update the Element. He then confirmed that the funds would come from savings in the Parks and Leisure Services Department budget.

The Council authorized staff to contract with a consultant, at the cost of $3,200 to perform an evaluation of the City sports fields use, capacity, and needs.

Disposition: Approved.

3. CONSIDER SKATE PARK MASTER PLAN

Recommendation: That the Council consider the Skate Park Master Plan as presented.

Director of Parks and Leisure Services Jim Perrine presented the staff report and a visual presentation depicting 3 different plans proposed by the designer, along with photographs of other facilities. Mr. Perrine stated that the design deemed to be most favorable by staff was Concept “A” which was a modular design built on a 15,000 sq. ft. concrete pad, with open space around two sides allowing for future expansion. Design elements included streetscape elements and two half pipes, one
large and one small. Mr. Perrine stated that Concept “B” involved the same components as Concept “A” also built on a 15,000 concrete slab, however the components were shifted to the center of the pad, allowing for a “ribbon” of concrete along the outside. He suggested that the concrete ribbon was of little value to the skateboarders. The third design, Concept “C,” Mr. Perrine pointed out, unfortunately did not meet the requirements of the grant due to its smaller square footage, and therefore could not be pursued without losing the grant funding. He stated that all of the designs fell within the $330,000 budget, with contingencies, and did not include fencing, amenities or the parking lot.

Mr. Perrine indicated that staff had been researching maintenance costs and had contacted a 14,000 sq. ft. modular facility in Santa Cruz. He stated that staff had been told that the annual maintenance was $5,000 in materials, hardware and panel replacements. Staff was also informed that the Santa Cruz facility required annual replacement of the top panels and approximately 2 hours of daily maintenance. He added that the Santa Cruz modular facility was built as a temporary facility for use until a permanent concrete structure could be constructed. Mr. Perrine indicated that staff had also contacted a facility in Encinitas that previously had a wooden-type bowl, but had replaced it with a concrete bowl due to excessive maintenance. Mr. Perrine stated that staff had also contacted a modular facility in Roseville and was informed that the park would be phased out due to competition with other parks in the area.

In response to a question posed by Mayor Pro Tem Irish, Mr. Perrine stated that staff had been informed that estimated annual maintenance costs for modular parks had been approximately $15,000.

Council Member West suggested that the maintenance costs on a modular facility would probably exceed that $15,000 figure. Mr. Perrine responded that a half-time employee would likely need to be devoted to the facility for maintenance.

- April Tolson, address on record, commented that input from the City’s youth had always been the plan for the design elements of the Park and voiced dissatisfaction that none of the Council Members had attended the public design meeting to hear what the youth had to say. She then voiced support for pursuing an in-ground concrete design and not a modular design.

Council Member Hamilton commented that the Council had pursued a modular design upon being presented with a product constructed out of state-of-the-art materials which would allow the park to be relocated throughout the City to provide access by both Eastside and Westside citizens. He stated that the Council had directed staff to pursue a modular design because the Council had believed it to be the best choice, but that the Council Members were not experts.

Council Member West opined that the first concrete design proposed at the previous Council Meeting had been a better concept, because half-pipe design elements were used along with a concrete bowl, and that the Park could be expanded if needed. That plan, he surmised, would limit the maintenance and had the streetscape elements that the kids had wanted. He added that once the fad was over, the facility could then be used for other functions.

Mayor Pro Tem Irish voiced concern with the bowl, due to safety issues. He stated that if a Police Officer could not see what was going on from the street, he would have a problem with the
design. He added that he could not see pursing any elements in the wood-type material. Mayor Pro Tem Irish then indicated that he would like to see the maintenance costs of both concrete and modular designs.

Mayor Martinez stated that he had visited several skate parks and commented that he too had some reservations with the bowl element. He cited as an example the bowl at the facility in Hanford in which some individuals had placed a refrigerator. A discussion ensued regarding other problems the Hanford facility and a Bakersfield facility had encountered. Mayor Martinez voiced concern with vandalism and safety issues that apparently arose with bowls. The Council discussed ways in which the design might at least limit such activity. It was suggested that a bowl design that was open on one end might be worth looking into.

Mayor Pro Tem Irish questioned whether a compromise might be reached with the skateboarders if the City built a concrete park without a bowl.

- April Tolson, address on record, suggested that another public meeting be scheduled so as to allow the youth to have some input on the revised design.

A discussion ensued regarding cyclists wanting to use the Park and ways in which the City could address that. Prohibiting cyclists at the facility and policing the area was discussed, at which point the topic of potential liability came up. City Attorney Julia Lew clarified that if the City only policed the activities, the City would not risk liability exposure. However, she stated, if the City monitored the facility, liability could be an issue.

Mr. Perrine confirmed with the Council that he would schedule another public meeting to receive design input, and then have some new design proposals prepared by the designer. He noted that the need for a change order would be likely. It was stated that the item would be brought back to Council as soon as possible, which might be at the second meeting in June.

Disposition: Direction provided to staff.

ADJOURNMENT

The Council adjourned at 9:05 p.m. to the meeting of May 17, 2005 at 6:00 p.m.

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Patrice Hildreth, Deputy City Clerk

SEAL

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Pedro R. Martinez, Mayor