CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
MAY 3, 2005 6:00 P.M.

Call to Order: 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 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.

7:00 P.M. RECONVENE OPEN SESSION
REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
No action reported.

Mayor Martinez noted the special gavel at the dias and requested that Council Member Hamilton explain its history. Council Member Hamilton indicated that the gavel had been made from the wood of a 60-foot oak tree that the City had cut down in 1953. He stated that the gavel had opened Council Meetings from 1953 to 1959. It was pointed out that the oak tree was discovered to be hollow inside and had posed a safety risk.

Pledge of Allegiance Led by Mayor Pro Tem Ronald Irish
Invocation - One Individual Participated.

PROCLAMATION
“World Asthma Day in Porterville” - May 3, 2005

PRESENTATION
Employee of the Month - Georgia Hawley
Porterville AARP Chapter 1746 - Zalud House
   • Marg Gabriel, President of AARP Chapter 1746, came forward and presented the Council with a $200 check for the Zalud House.

Certificates of Recognition for Porterville Tourism Brochure (Samuel Pedraza & Dulce Fernandez)
   • Mayor Martinez presented Certificates and thanked the individuals for their work on the brochure. Donette Silva-Carter, Porterville Chamber of Commerce President, came forward and also recognized the efforts of Mr. Pedraza and Ms. Fernandez.
Mayor Martinez informed everyone of a group of individuals in attendance who were currently taking classes to become U.S. citizens. Everyone acknowledged the individuals for their efforts.

**ORAL COMMUNICATIONS**

- April Tolson, 246 South Chestnut, spoke regarding Item 28, voicing concern with the life span of a structure constructed of wood.
- Brian Ennis, 643 North Westwood Street, spoke regarding Item 11, and offered a presentation on the Chamber’s efforts toward designing a Porterville entrance sign.

**CONSENT CALENDAR**

   Items 2, 11, 16 and 17 were removed.

1. **CITY COUNCIL MINUTES OF APRIL 5, 2005**

   **Recommendation:** That the City Council approve the City Council Minutes of April 5, 2005.

   **Documentation:** M.O. 01-050305
   **Disposition:** Approved.

3. **NEGOTIATED PURCHASE: POLICE DEPARTMENT DUTY HANDGUNS**

   **Recommendation:** That the City Council authorize the purchase by negotiation of replacement duty handguns, holsters, and magazine pouches for the Police Department at an estimated cost between $14,000 and $18,000 and authorize payment for said equipment upon satisfactory delivery.

   **Documentation:** M.O. 02-050305
   **Disposition:** Approved.

4. **AWARD OF CONTRACT FOR THE PURCHASE OF A NEW CLASS ONE FIRE APPARATUS PUMPER**

   **Recommendation:** That the City Council:
   1. Approve the negotiated bid with Central States Fire Apparatus for the purchase of a new Class One Pumper in the amount of $245,551 (tax included);
   2. Authorize the Fire Chief to sign any paperwork needed to implement the construction process; and
   3. Authorize progressive payments from the Fire Department’s equipment replacement fund.

   **Documentation:** M.O. 03-050305
   **Disposition:** Approved.

5. **AUTHORIZATION TO ADVERTISE FOR BIDS - HENDERSON AVENUE RECONSTRUCTION PROJECT**

   **Recommendation:** That the City Council:
   1. Approve the Plans and Project Manual;
2. Authorize the appropriation of a total of $805,077.73 from the Sewer Revolving Fund, Storm Drain Revolving Fund, and Water Revolving Fund;
3. Authorize the appropriation of $115,000 from the Transportation Development Fund after 04/05 COP debt payment;
4. Authorize the appropriation of $127,125 from the Local Transportation Fund to finance the balance of the project; and
5. Authorize staff to advertise for bids on the project.

Documentation: M.O. 04-050305
Disposition: Approved.

6. THIS ITEM WAS REMOVED.

7. ACCEPTANCE OF THE ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Accept the Orange Avenue 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 notice have been filed.

Documentation: M.O. 05-050305
Disposition: Approved.

8. ACCEPTANCE OF APPRAISED VALUE OF RIGHT-OF-WAY FOR PROPERTY LOCATED AT APN 261-094-009 - CLEMENTE MORALES, GLORIA BRITT, LUIS MORALES, AND MIKE MORALES - DATE AVE. RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Clementine Morales, Gloria Britt, Luis A. Morales and Mike Morales, owners of property, in the amount of $8,300, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 53-2005
Disposition: Approved.

9. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-080-007 - BRYAN C. AND MARY C. TENBERGE - DATE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Bryan C. and Mary C. Tenberge, owners of property, in the amount of $9,300, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.
10. SALE OF AIRPORT INDUSTRIAL SITE - GARY AND BELINDA DAY

Recommendation: That the City Council:
1. Approve the resolution authorizing the sale of the property; and
2. Authorize the Mayor to sign all documents and agreements necessary to complete the project.

Documentation: Resolution 54-2005
Disposition: Approved.

12. VACATION OF SANITARY SEWER AND WATER EASEMENTS RELATED TO TARGET STORE EXPANSION BUILDING PERMIT

Recommendation: That the City Council postpone indefinitely the public hearing until the Target Corporation commits to the store expansion.

Documentation: M.O. 06-050305
Disposition: Approved.

13. RESOLUTION APPROVING THE FILING OF APPLICATION FOR THE FUNDING FROM THE URBAN FORESTRY GRANT PROGRAM AS PROVIDED THROUGH PROPOSITION 12

Recommendation: That the City Council adopt the Resolution approving the filing of an application for the Urban Forestry Grant Program, and appoint the Director of Parks and Leisure Services as agent of the City for this purpose.

Documentation: Resolution 56-2005
Disposition: Approved.

14. THIS ITEM WAS REMOVED.

15. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:
1. Authorize the filing of the grant application;
2. Authorize the Mayor to sign all necessary documents pertaining to the grant.

Documentation: M.O. 07-050305
Disposition: Approved.

18. RESOLUTION OF SUPPORT FOR CITY OF TULARE

Recommendation: That the City Council:
1. Adopt the proposed resolution in support of the City Council of the City of Tulare, the City of Tulare, the Tulare Union High School, and the Tulare Union High School Redskin Mascot by declaring the Porterville City Council’s support for the decision that the designation of a school’s mascot should be left up to the local communities and their locally elected representatives; and
2. Formally request that the California State Legislature and the Governor of the State of California defeat any attempt to take this decision out the hands of the local communities.

Documentation: Resolution 57-2005
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Stadtherr that the Council approve Items 1, 3 through 10, 12 through 15, and 18. The motion carried unanimously.

2. SCADA EQUIPMENT UPGRADES

Recommendation: That the City Council authorize staff to begin negotiations with Tesco Controls, Inc. to upgrade the Wastewater Treatment Facility’s SCADA System equipment, and authorize payment upon satisfactory completion of the project.

At Mayor Pro Tem Irish’s request, Public Works Director Baldo Rodriguez provided a summary of the item and staff’s recommendation. It was explained that most of the cost was attributed to software.

Mayor Pro Tem Irish voiced concern with software costs not being included in the equipment replacement fund.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Hamilton to upgrade the Wastewater Treatment Facility’s SCADA System equipment, and authorize payment upon satisfactory completion of the project. The motion carried unanimously.

Disposition: Approved.

11. PROPOSED OFFER OF DEDICATION FOR PORTERVILLE ENTRANCE SIGNS

Recommendation: That the City Council approve the proposal for the dedication of the Porterville entrance signs upon completion of construction and direct staff to work with the committee regarding provision of electrical service for nighttime illumination and easements from the property owners for maintenance of the signs.

Mayor Pro Tem Irish indicated that he had only pulled the item so as to have an opportunity to thank everyone involved in the project. He then thanked Brian Ennis, the Chamber of Commerce, and the Committee for their efforts. Mayor Pro Tem Irish then moved that the Council approve staff’s recommendation.

Council Member Stadtherr seconded the motion.
Council Member West commented that the sign was attractive and suggested that the platform be “pigeon-proofed.”

Mayor Martinez thanked everyone involved for their work on the sign.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Council Member Stadtherr that the Council approve the proposal for the dedication of the Porterville entrance signs upon completion of construction and direct staff to work with the committee regarding provision of electrical service for nighttime illumination and easements from the property owners for maintenance of the signs. The motion carried unanimously.

Disposition: Approved.

16. RENEWAL OF STATE MANDATED COST CLAIMING SERVICES AGREEMENT WITH DMG MAXIMUS

Recommendation: That the City Council authorize the Mayor to sign the service agreement with Maximus to provide Mandated Cost Claiming Services on behalf of the City of Porterville.

City Manager John Longley presented the item, and Deputy City Manager Darrel Pyle presented the staff report.

In response to Council Member Hamilton’s question, Mr. Pyle explained that the SB-90 would be paid in full with interest beginning in 2005/2006.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Mayor Pro Tem Irish that the Council authorize the Mayor to sign the service agreement with Maximus to provide Mandated Cost Claiming Services on behalf of the City of Porterville. The motion carried unanimously.

Disposition: Approved.

17. ANNUAL ADJUSTMENT OF FEES BY APPLICATION OF THE ENR COST INDEX

Recommendation: Consistent with agreements and previous instructions, the report is provided for informational purposes. It is recommended that the City Council use the information to inform any citizens that may inquire about the fee adjustments.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Mayor Pro Tem Irish voiced concern with raising the Park Impact Fees and suggested that it might not be necessary to increase those fees if the City moved forward with the “pocket park” concept. He then confirmed that if the Park Impact Fees were not increased that year, the item would return the following year for consideration. Mayor Pro Tem Irish then requested that the Council consider the Park Impact Fees and the Connection Fees separately.
Mr. Longley pointed out that there was not a recommendation for approval, but rather the item was an informational item. It was then clarified by City Attorney Julia Lew that if the Council wished to cancel an increase, the item would need to be brought back and changed via resolution.

COUNCIL ACTION: MOVED by Mayor Pro Tem Irish, SECONDED by Mayor Martinez that the Council direct staff to prepare a draft resolution suspending the Engineering News Record increase in the Park Impact Fee and bring it back to Council for consideration. The motion carried unanimously.

Disposition: Continued.

PUBLIC HEARING
19. GENERAL PLAN AMENDMENT 1-2005(A) (FORMERLY 1-2005) AND ZONE CHANGE 1-2005 (CAMAIRENA)

Recommendation: That the Council:
1. Adopt the draft revised resolution approving the Negative Declaration prepared for General Plan Amendment 1-2005(a) and Zone Change 1-2005;
2. Adopt the draft revised resolution approving General Plan Amendment 1-2005(a) as amended;
3. Adopt the draft ordinance for Zone Change 1-2005 and give the first reading to the draft ordinance; and
4. Waive further reading of the draft ordinance approving Zone Change 1-2005, and order the ordinance to print.

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

The public hearing opened at 7:35 p.m.

- Richard Camarena, 470 North Sunnyside, came forward and voiced support for the GPA and the proposed zone change.
- John Fitzpatrick, 441 North Sunnyside, came forward and indicated that he owned one of the parcels that would be impacted by the zone change. He voiced opposition to the proposed GPA and zone change contending any change would be inconsistent with the City’s General Plan.
- Greg Shelton, 888 North Williford Drive, voiced support for the proposed GPA and zone change.

The public hearing closed at 7:45 p.m.

Council Member Hamilton commented that the inconsistency lied with the current situation, not the proposed change.

Council Member West voiced support for the proposed change and moved that the Council approve staff’s recommendation.

Council Member Hamilton seconded the motion.

In response to Council Member Hamilton’s question, Mr. Dunlap explained that attempting to make a C-3 use operate out of a house was problematic. He commented that he did not view the proposed change to be
problematic to Mr. Fitzpatrick in that there was high density residential adjacent to commercial throughout the City.

COUNCIL ACTION: MOVED by Council Member West, SECONDED by Council Member Hamilton that the Council adopt the revised resolution approving the Negative Declaration prepared for General Plan Amendment 1-2005(a) and Zone Change 1-2005; adopt the draft revised resolution approving General Plan Amendment 1-2005(a) as amended; adopt the draft ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE 1-2005 FROM C-3 (HEAVY COMMERCIAL) TO R-3 (MULTIPLE FAMILY RESIDENTIAL), AS AMENDED, FOR THOSE THREE (3) PARCELS LOCATED ON THE WEST SIDE OF SUNNYSIDE STREET, EXTENDING SOUTH OF BELLEVUE AVENUE, and give first reading to the Ordinance. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

M.O. 12-050305 MOVED by West, SECONDED by Council Member Stadtherr that the Council waive further reading, and order the Ordinance to print. The motion carried unanimously.

Disposition: Approved.

20. GENERAL PLAN AMENDMENT 1-2005(B) (FORMERLY 2-2005) AND ZONE CHANGE 2-2005 (SMEE BUILDERS)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration prepared for General Plan Amendment 1-2005(b) and Zone Change 2-2005;
2. Adopt the draft resolution approving General Plan Amendment 1-2005(b);
3. Approve the draft revised ordinance approving Zone Change 2-2005 and give first reading to the draft ordinance; and
4. Waive further reading of the ordinance approving Zone Change 2-2005 and order the Ordinance to print.

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

The public hearing opened at 7:53 p.m.

- Jim Winton, business address 150 West Morton Avenue, came forward on behalf of applicant Smee Builders. He requested approval of the item and stated he was available to answer any questions that the Council might have.

The public hearing closed at 7:54 p.m.

Mayor Pro Tem Irish commented for the record that conceptually he would like to see better Landscape Maintenance Districts set up, and also pocket parks included.
Mr. Dunlap stated that when the Subdivision Map was brought before the Council, a Landscape Maintenance District would be included, however a pocket park would not been incorporated.

In response to Council Member West’s question, staff explained that the City’s new well was located to the north along Jaye Street, and that the proposed subdivision would eventually tie into that well.

Mayor Pro Tem Irish requested, and Mr. Dunlap acknowledged, that staff would discuss with the developer the possibility of incorporating a pocket park into the development.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving the Negative Resolution 60-2005 Declaration prepared for General Plan Amendment 1-2005(b) and Zone Change 2-2005; adopt the draft resolution approving General Plan Amendment 1-2005(b); Resolution 61-2005 approve the draft revised ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING ZONE CHANGE Ordinance 1668 FROM M-1 (LIGHT MANUFACTURING) TO RE (ONE FAMILY ESTATE) FOR THAT 40± ACRE VACANT SITE LOCATED ON THE NORTHWEST CORNER OF SOUTH JAYE STREET (UNIMPROVED) AND GIBBONS AVENUE, give first reading to the ordinance; waive further reading and order the Ordinance to print. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

The Council recessed for fifteen minutes.

21. ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That the Council:
1. Approve the proposed Zoning Ordinance Amendment 01-2005 and give first reading to the draft ordinance; and
2. Waive further reading, and order the Ordinance to print.

City Manager John Longley presented the item, and indicated that the staff’s recommendation was amended to request that the Council open the public hearing, receive comment, and then continue the public hearing until a subsequent meeting of the Council.

The public hearing opened at 8:14 p.m.

• Pete McCracken, 657 Village Green, requested clarification as to which party would be responsible for constructing the block wall barrier, the residential user, the non-residential user, or both.

Staff clarified that whichever user developed first would be the responsible party.

The public hearing was then continued to May 17, 2005.

Disposition: Continued.

Recommendation: That the Council:
2. Adopt the resolution of approval for the 2005 Five Year Consolidated Plan and 2005-2006 Action Plan; and
3. Authorize the City Manager to execute any necessary documents.

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

The public hearing opened at 8:23 p.m. and closed at 8:24 p.m. when nobody came forward.

Mayor Pro Tem Irish voiced concern with the approximate 23% administration costs associated with the Plan.

Council Member West voiced concern with the exclusion of funds for the homeless in the Plan. He emphasized the importance of addressing homelessness in the community.

Mr. Dunlap responded that the demand for services was much greater than the available resources. He stated that a substantial portion of the allocation would go towards debt service on the Section 108 loan that was utilized to construct the neighborhood community center. He indicated that other funds were allocated towards the operation of the youth center, and that if the Council wished to also fund homeless programs, the funds would need to be re-allocated from another program. He explained that the City was limited as to the expenditure for programing for public benefit. He stated that the plan before Council represented the priorities previously identified by the Council and that it also included operational funding. In terms of administration costs, Mr. Dunlap explained that the actual time required by staff to maintain, monitor and assess the HUD program was excessive and unfortunately warranted high administration costs. Mr. Dunlap also noted that the City’s entitlement was $42,000 less than last year, which he pointed out was a sizeable reduction.

Mr. Longley stated that there was some urgency for Council’s consideration of the item currently before them. He then stated that staff would prepare some options regarding programs for the homeless for Council’s review in the next 45 to 60 days so as to allow Mr. Dunlap time to meet with some committees. He then added to Mr. Dunlap’s comments regarding the necessity for the administrative cost allocated in the Plan.

Mayor Pro Tem Irish agreed that homelessness needs to be addressed, however he would like a distinction drawn between “career homeless” and homeless. He stated that he would like to help those in circumstances beyond their control, but not those who chose to be homeless.

Mr. Dunlap noted Community Development Associate Denise Marchant’s knowledge in this area and requested that she come forward and address the Council on the subject.

Ms. Marchant came forward and stated that she had just returned from an Executive Board Meeting of Continuum of Care that afternoon, pointing out that Porterville was one of the only cities in Tulare and Kings County that was actively involved. She then proceeded to inform the Council on the status of funding for the homeless in the area, and noted that in the previous year, two of the agencies that had received funding for
homeless programs were from Porterville, being the Central California Family Crisis Center, and Alternative Services. Ms. Marchant explained that as a part of the Continuum of Care, HUD also urged transitional housing and provided special points for permanent housing. She pointed out that Porterville’s Casas Buena Vista project was renowned in the County and in the Continuum for providing permanent housing. She summarized that the City currently funded homeless programs, but it was geared more towards the permanent housing and not towards emergency housing. Ms. Marchant then informed the Council that the Continuum’s meetings were held the last Mondays of each month and invited the Council to attend.

Mayor Martinez commented that he believed that the City did a fine job in attempting to accommodate and provide resources to families in need.

City Manager confirmed that staff would provide an issue paper on the homeless which would identify options for the Council consideration within the next sixty (60) days.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the resolution of approval for the 2005 Five Year Consolidated Plan and 2005-2006 Action Plan, and authorize the City Manager to execute any necessary documents. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

23. “D” OVERLAY SITE REVIEW 2-2005 (LEROY ROHRBACH)

Recommendation: That the City Council adopt the draft resolution containing findings and conditions in support of the approval for “D” Overlay Site Review 2-2005, subject to the conditions of approval.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Dunlap circulated samples of some of the materials proposed for the project.

In response to Council Member Hamilton’s question, staff confirmed that a block wall would be continued along the residential portion of the east boundary of the property.

A discussion then ensued as to whether Landscape Maintenance Districts were a viable option for commercial properties. Mr. Dunlap explained that the City placed stronger conditions of approval on commercial projects, such as specifically identifying automatic irrigation systems to ensure ongoing maintenance of landscaping.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member West that the Council approve the draft resolution containing findings and conditions in support of the approval of “D” Overlay Site Review 2-2005 subject to conditions of approval. The motion carried unanimously.

Disposition: Approved.

24. CONSIDERATION OF ROUNDABOUTS ON ALL FUTURE STREET INTERSECTION PROJECTS

Recommendation: Informational report only.
City Manager John Longley presented the item and the staff report, indicating that the item had been placed on the Agenda at the request of a Council Member.

Council Member Stadtherr asked if the Mayor had approved his request to provide a twelve minute presentation on roundabouts, to which Mayor Martinez responded that he believed twelve minutes was too long and that he would rather see the matter reviewed in a Study Session.

Council Member Hamilton commented that he did not understand why the matter required Council approval. He stated that he believed staff already had the ability to consider roundabouts, and that the issue need not be set forth in policy.

City Manager John Longley responded that because there had been perceived pros and cons at the Council level regarding the use of roundabouts, staff had responded. He stated that he too believed that staff already possessed the ability to consider roundabouts in the normal course of business and that it need not be policy.

Mayor Pro Tem Irish commented that by making the matter a policy, the Council would really be taking away from staff’s judgment and expertise, and that he did not wish to do that.

Mr. Longley clarified that consideration of roundabouts would be another tool in staff’s tool chest. He stated that if staff believed a roundabout would be appropriate in a particular situation, then it would be considered, just as any other approach would also be considered. However, he stated, there would not be a mandatory consideration of roundabouts for each and every project.

Council Member Stadtherr requested that the Council formalize its instructions to staff.

Mayor Martinez commented that he believed there was nothing to be approved, to which Mayor Pro Tem Irish agreed.

Pursuant to Mayor Martinez’s request, Mr. Longley confirmed that a Memorandum had been prepared outlining the locations of other roundabouts throughout the County – one in Dinuba and one in Visalia – so that Council could visit them. It was stated that those roundabouts were likely built by developers, and not by the cities.

Council Member Hamilton commented that he did not want any outside influence or pressure on staff to consider roundabouts, but rather the determination should be from staff in situations that they deem plausible for roundabouts.

Council Member West questioned why the City would not be interested in looking at the roundabout concept if there were shown to be safer, cheaper and had a calming effect on traffic.

Mayor Martinez requested that the 12-minute video be circulated amongst the Council.

Mayor Pro Tem Irish agreed that he would like to view it in his private time, rather than scheduling a Study Session that would require staff time.

It was decided that staff already possessed the ability to consider roundabouts at intersections, but that such consideration would not be mandatory, but up to staff’s judgment based on their expertise. City Manager John Longley informed the Council that staff would be balanced in how they considered the use of roundabouts and pointed out that staff would be well prepared to defend its future decisions to the Council.
25. CONSIDERATION OF BIDS - LIGHTED PEDESTRIAN CROSSWALK WARNING SYSTEM PROJECT

Recommendation: That the City Council, compliant with City policy and practice, reject all bids for the Lighted Pedestrian Crosswalk Warning System Project.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

Council Member Hamilton commented that while he appreciated that staff had presented alternatives to Council, the City had a policy, and he believed the Council ought to adhere to that policy. He then questioned if staff had attempted to extend the grant deadline past June 30, 2005 so as to allow enough time to re-bid the project.

Mr. Rodriguez responded that the June 30th date was the extended date.

Council Member Hamilton moved to approve staff’s recommendation to reject the bids.

Council Member Stadtherr seconded the motion.

City Manager John Longley clarified that staff would attempt to obtain another extension of time for the grant, however if an extension could not be obtained, the project would be dead.

Disposition: No action taken.

26. CONSIDERATION OF BIDS - PUTNAM AVENUE RECONSTRUCTION PROJECT (FOURTH ST. TO HENRAHAN ST.)

Recommendation: That the City Council, compliant with City policy and practice, reject all bids for the Putnam Avenue Reconstruction Project.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report.

In response to Council Member Hamilton’s question, a discussion ensued regarding the background of the item. Mr. Rodriguez emphasized that safety was the primary concern for the project.

It was suggested that the City negotiate with the lowest bidder to reduce the bid amount by 3%.

At the request of Mr. Rodriguez, City Attorney Julia Lew clarified that the City could not actually negotiate prior to either accepting or rejecting the bids on the project. She explained that the City could change the scope of the project to lower the cost only after the bid was accepted, but not before.

Mr. Longley stated that he had been involved in processes which a change of scope had been made prior to acceptance of the bid.
Ms. Lew stated that changing the scope prior to acceptance of the bid might pose an unfair advantage issue. She then confirmed that because the contract was a public contract, the City could not merely negotiate back and forth, but rather the City would need to go back to the RFP.

A discussion ensued as to whether the cost to go to RFP would exceed the cost of the 3% overbid figure. Mr. Longley confirmed that staff would provide a cost estimate for re-bidding the project and bring the item back to Council for consideration.

Disposition: Continued.

27. CONSIDER INSTALLATION OF PLAQUE IN HONOR OF MARGARET J. SLATTERY WITHIN THE HERITAGE COMMUNITY CENTER

Recommendation: That the City Council support the recommendations of the Parks and Leisure Services Commission and the Library Board of Directors to offer the opportunity for Margaret J. Slattery to be recognized equally with others on a “Wall of Fame,” but not to name the new library room in her honor.

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

Mayor Pro Tem Irish commented that he believed the concept in naming the Heritage Center was to encompass a lot of individuals who deserved recognition. He stated that he recalled discussing naming the various rooms in the Center after individuals, but not on a permanent basis. He stated that it was discussed that after a room had been named after an individual for a certain amount of time, a plaque in that person’s honor might then be moved to the “Wall of Fame.” He stated that it was his understanding that the Council did not wish to name the rooms or the areas in the building after individuals on a permanent basis, but rather it would be a perpetually changing monument to the citizens of Porterville. He then commented that he would not have a problem with naming the Library after Ms. Slattery for a defined period of time, after which a plaque in her honor could be placed on the Wall of Fame.

Council Member Hamilton agreed with Mayor Pro Tem Irish’s comments and stated that this was also how he remembered the discussion.

Council Member Stadtherr voiced concern with the system, particularly when the time came to remove a name in order to recognize a different individual.

Council Member West confirmed with staff that the Heritage Center had five rooms, plus a hallway. He then agreed with Council Member’s Stadtherr’s concerns regarding changing the names to honor different individuals, cautioning that it would likely create divisiveness in the community. He voiced support for only having a Wall of Fame, and not naming a room after any one individual.

A discussion ensued as to whether any other individuals had been considered for such an honor.

A reference was then made to the Policy for Naming or Dedication of City Facilities that was adopted on February 17, 2004. Mayor Martinez commented that it was his understanding that the Policy provided the Council the ability to name a room in the Center after an individual, pointing to the extraordinary circumstances language. He commented that he too had concerns with being fair, and cited the numerous individuals who had been considered when naming the facility.
Mayor Pro Tem Irish pointed out that Margaret Slattery’s name had been the only name that had come up for the library. He then stated that if the Council proceeded, it did not mean that Ms. Slattery’s plaque would be the only plaque on the Wall of Fame.

Council Member West voiced support for staff’s recommendation and not for naming a room after an individual.

Mayor Martinez commented that when he compared the accomplishments of Ms. Slattery with those of the other individuals considered for the facility, Ms. Slattery’s accomplishments far exceeded the others. He stated that her contributions were not controversial and that she had provided a great service to the community by teaching individuals to read. He then stated that even some of the individuals who had been considered in the naming of the Heritage Center had agreed that Ms. Slattery was deserving of having the library named after her. He suggested that the library room could be named in her honor, for a period of perhaps three to five years, after which the Council could decide if a plaque in her honor should be placed on the Wall of Fame.

Mayor Martinez moved that the Council approve naming the library room in the Heritage Center after Margaret J. Slattery for a period of five years, after which it would come back to Council for consideration, and that the Council also approve naming the week during which “Porterville Celebrates Reading” takes place, “Margaret J. Slattery Week.”

Council Member Stadtherr voiced concern with the efforts made by the Council in drafting the Policy for Naming or Dedication of City Facilities and having it last only three months.

Council Member Hamilton commented that he was only interested in honoring Ms. Slattery’s memory.

Council Member West commented that the Council could still honor Ms. Slattery’s memory by including her on the Wall of Fame.

COUNCIL ACTION: MOVED by Mayor Martinez, SECONDED by Mayor Pro Tem Irish that the Council approve naming the library room in the Heritage Center after Margaret J. Slattery for a period of five years, after which it would come back to Council for consideration, and that the Council also approve naming the week during which “Porterville Celebrates Reading” takes place, “Margaret J. Slattery Week.” The motion carried unanimously.

Disposition: Approved.

The Council recessed for 15 minutes.

At Council Member Stadtherr’s request, Mayor Martinez requested that Item 31 be presented next.

31. ENERGY DESIGN STANDARDS

Recommendation: That the Council provide direction to staff.

City Manager John Longley presented the item and indicated that a Council Member had requested that the item be placed on the Agenda.

Council Member Stadtherr indicated that the item came forth from a meeting of the League of California Cities that he had attended with Mr. Longley. He stated that Johnson Controls had made a presentation at that
meeting. He commented that the cost of a building is not only the construction cost, but also the operations cost. He commented that currently, he believed the City only considered the construction cost. He stated that the Leadership in Energy and Environmental Design (“LEED”) standard provided a checklist of items that the City could consider to make its buildings more energy efficient. He stated that the draft resolution provided in the staff report for Council’s consideration had been based off a Scottsdale, Arizona resolution. He pointed to language in the Scottsdale resolution which allowed staff to proceed with LEED standards only if the pay period did not exceed five years. He stated that representatives from Johnson Controls, Inc. were present and would also be back in the area in approximately three weeks if the Council was interested in obtaining additional information. He added that Johnson Controls’ website was: www.johnsoncontrols.com.

Mayor Martinez indicated that he had received a telephone call which he needed to take, and excused himself from the Council Chambers.

Mayor Pro Tem Irish invited the representatives from Johnson Controls to come forward.

• Wayne Joseph, Acquisition Manager for Johnson Controls, came forward and addressed the Council. He indicated that over the last few years, everyone had to look at ways in which energy was purchased and consumed. He stated that municipalities often had unique circumstances with budgeting, particularly with the current State budgetary problems. He suggested that a forward-thinking, strategic energy conservation plan was beneficial to all cities. He stated that Johnson Controls had worked with many cities and would like to assist the City of Porterville.

Mayor Martinez returned to the Council Chambers.

In response to Council Member Hamilton’s question, Mr. Joseph indicated that there were three “super powers” in their industry: Siemens Building Technologies, Honeywell, and Johnson Controls. He added that whichever company Porterville selected to assist them, it was important that the City proceed. He stressed the importance of energy stewardship for the sake of future generations. Mr. Joseph indicated that whether or not the City of Porterville developed an energy policy was an internal decision, however, he stated, every five to seven years significant technology was upgraded to warrant major savings. He suggested that such savings often was substantial enough to pay for the project, including the cost of funds. He added that Johnson Controls’ effort would not be centered around what the City was doing wrong, but rather around what the City needed to do right in the future. He stated that representatives from Johnson Controls would work with the Public Works Department staff in looking at their strategic plan and performing a preliminary assessment. He stated that two to four engineers from Johnson Controls would look at the City facilities and building records to identify opportunities for energy efficiency.

Council Member Hamilton questioned why the Council should consider this item as policy, rather than allowing staff to make that decision based on their professional opinion. He then complimented Mr. Joseph, indicating that he had read some very positive commentary by cities with which Johnson Controls had worked.

A discussion ensued as to the various areas in which cities can look to save money by turning to “green” or environmentally-friendly technologies.

Council Member Stadtherr commented that he believed the issue should be brought forth as policy so as to give it more public recognition, and also put the local architects and builders on notice that such a green policy might be coming. He noted that presently, the closest green-certified architects and builders were located in Fresno and Bakersfield.
Mr. Longley confirmed that Council’s direction was to proceed with the free preliminary assessment at staff level.

Disposition: Direction provided to staff.

28. CONSIDER SKATE PARK MASTER PLAN

Recommendation: That the City Council consider the Skate Park Master Plan.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report and a visual presentation which included various design concepts and examples of skate parks throughout the country. Mr. Perrine also circulated samples of various surfacing materials proposed for the ramps and/or bowl elements of the design.

In response to Mayor Martinez’s concern regarding the potential for damage to the surface material from the pegs on BMX bikes, Mr. Perrine explained that rails, corners or other areas that might be more vulnerable to damage would be reinforced with steel, or some sort of protective material.

A discussion ensued as to the Park’s size and layout, which was proposed to be 15,000 sq. ft. and to include both streetscape elements and transitional elements, including a bowl. Staff estimated the cost to be $328,000, including contingency costs. Mr. Perrine stated that currently the budget provided for $330,000 for the Park itself, $30,000 for fencing and amenities, plus parking lot and design services, for a total project budget of $494,000. He stated that $346,000 would be funded by the State grant, $110,000 from the Housing Bond funds, $30,000 from Workforce Housing funds, $77,004 in cash from local donations, for a total of $494,000. He noted that there was also a Rotary pledge of $15,000.

Council Member Stadtherr confirmed with staff that ADA access would be required along the perimeter area, however within the actual skate area it would not be required, being that the area was technically considered a hazardous sports area. A discussion then ensued as to ways in which the City might be able to make bringing a bike into the facility a difficult or impossible task.

Mayor Martinez voiced concern with safety issues and the difficulty in patrolling a bowl due to limited visibility from the street.

Council Member West voiced concern with the wood elements of the proposed design, citing that maintenance would be excessive. He then requested clarification as to the cost for concrete versus wood design, to which Mr. Perrine indicated that modular streetscape components would cost an additional 10%, or $33,000.

Mayor Pro Tem Irish clarified with staff that the design proposal before Council that evening was primarily concrete, with the only modular element being the bowl. He then voiced concern with the concrete elements, indicating that the Council had wanted a modular design. Mayor Pro Tem Irish added that he wanted to make sure there was also room for expansion.

Council Member Hamilton commented that he was pleased with the concept, but that the details needed to be worked out. He clarified that staff was seeking approval that evening of the plan concept, including the materials. He then stated that it was his understanding that Council’s direction had clearly been to proceed with a modular design. Council Member Hamilton commented that if expansion was necessary, he would prefer it took place at another location so as to not to have so many kids in one area.
Mayor Martinez agreed that it was also his understanding that Council had directed staff to bring back a modular design for review.

Council Member West stated that the Council had also sought input from the community for design ideas.

Mayor Pro Tem Irish indicated that the modular concept he had envisioned was what the professional skaters used while on tour. A discussion ensued as to the streetscape and transitional design elements, including the expected life span and required maintenance of the materials for the modular design. Staff explained that the joints and surface materials would require regular, if not daily, inspection and maintenance.

Council Member West pointed to the cost in both maintaining the structure and in moving it. It was suggested that the structure would not be able to be moved due to grant requirements.

- Greg Shelton, address on record, came forward and indicated that he had attended the public meeting on the proposed Skate Park. He stated that he did not believe that the kids at that meeting really cared what materials were used, as long as they got their Skate Park. He added that there was some concern with making the Park user-friendly for all levels of skaters. Mr. Shelton then voiced concern with proceeding with a $75,000 bowl that would require excessive maintenance.

Mayor Martinez commented that one aspect of the modular design that he appreciated was being able to reconfigure the design, such as for competitions. A discussion then ensued as to possibly including different vertical elements rather than a bowl, for which Mayor Martinez voiced support. He spoke in favor of a modular design and clarified with staff the proposed design along the perimeter of the Park.

Council Member Hamilton commented that extreme sports was the current trend, citing the popularity of the “X Games.” He then stated that he was convinced that a modular design was the way to proceed.

Mr. Perrine indicated that according to the designer, streetscape was the currently the most desired design amongst skaters and that vertical elements were not as popular.

City Manager John Longley confirmed that staff would bring the item back with a modular design concept.

Disposition: Continued.

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

Recommendation: That the City Council discuss initiating an evaluation of City sport field use, capacity, needs, and provide direct to staff.

City Manager John Longley indicated that it had been requested that this item be held over until the Adjourned Meeting scheduled for May 10, 2005.

Disposition: Continued.
30. REVIEW OF REDEVELOPMENT ADVISORY COMMITTEE STRUCTURE - RESOLUTION 148-89

Recommendation: Informational item only.

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

Disposition: Informational item only.

ORAL COMMUNICATIONS

• Pete McCracken, 657 Village Green, voiced concern with the Council setting policy rather than allowing the City’s engineering staff its professional discretion.
• Dick Eckhoff, 197 North Main Street, posed questions regarding Items 25 and 26, including whether the bidders had a history of over bidding; if the City had previous success in re-bidding a project, and the length of time between engineer’s estimate and actual bids. Regarding Items 24 and 31, Mr. Eckhoff suggested City policy might result in more action.
• Greg Shelton, address on record, asked if the Council had any comments regarding the issue of a particular Oak tree that was currently the subject of debate.

OTHER MATTERS

• Mayor Pro Tem Irish requested that staff provide the Council with attendance records for members of City Committees and Boards.
• Council Member West requested that a Study Session be set to discuss options for utilizing the golf course. Staff confirmed that the item would be discussed at the Study Session scheduled for May 10, 2005.
• Council Member Stadtherr responded to comments made by Mr. McCracken. He then offered a five second video clip depicting the dangers to pedestrians at traffic-signalized intersections. He then thanked Council for its consideration of the roundabout issue.
• Mayor Martinez confirmed that staff would seek an extension for the grant pertaining to Item 25, and if no extension could be obtained, the project would die. Regarding the bike lane issue, Mayor Martinez confirmed that staff would keep the Council updated on the grant application. He then informed Council that he would request a vote of confidence at the next meeting.

ADJOURNMENT

The Council adjourned at 11:03 p.m. to the meeting of May 10, 2005 at 6:00 p.m.

________________________________________________________________________

Patrice Hildreth, Deputy City Clerk

SEAL

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Pedro R. Martinez, Mayor