Call to Order: 6:00 p.m.
Roll Call: Council Member Irish, Council Member Martinez (arrived at 7:14 p.m.), Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

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 the acceptance of a Grant Deed in fee for public street and underground utilities purposes for the real property located at APN 261-093-019 from property owners Joe M. and Evalina S. Cruz in the amount of $27,000.

Documentation: Resolution 73-2005
Disposition: Approved.

Pledge of Allegiance Led by Council Member Stadtherr
Invocation - One individual participated.

PRESENTATION
Employee of the Month - Mike Reed

Recognition of Mayor Pedro Martinez
• Noting that Council Member Martinez had not yet arrived due to an excused work-related issue, Mayor West continued the presentation to a future meeting.

ORAL COMMUNICATIONS
• Shirley Hickman, 341 S. Chestnut, spoke in favor of the proposed sales tax measure for public safety and the library and provided the Council with a petition in support thereof.
• Mark Pitcher, 2522 W. Cricklewood Court, encouraged and thanked the Council for their efforts.
• Cathy Capone, 806 W. Westfield Avenue, voiced support for a tree ordinance, and presented the Council with a petition in support of such an ordinance and a map depicting the location of Porterville’s oak trees.
• Elfrieda Whatley, P.O. 1430, spoke in favor of oak tree preservation.
• Dorothy Broome, 863 S. Crystal St., confirmed with staff that the Dial-A-Ride was open to the public and that it responded to certain County areas. City Manager John Longley indicated that additional information was available if Ms. Broome was interested.
• Dick Eckhoff, Downtown Porterville Association, 180 N. Main Street, requested clarification from staff regarding Item 23.
• Cathy Capone, address on record, requested that the Council explain Items 24 and 25 when those items were before the Council.
• Jeff Keele, 73 N. Carmelita, voiced support for an oak tree ordinance.
• Jamie Hunt, 302 W. Grand Avenue, spoke in favor of a tree ordinance similar to that in the City of Visalia, and requested enforcement of speed limits in Porterville.
• Dorothy Broome, address on record, clarified with staff the appropriate time for the public to comment on consent calendar items and scheduled matters.

CONSENT CALENDAR
Items 4 and 10 were removed.

1. CITY COUNCIL MINUTES OF APRIL 19, 2005 AND MAY 3, 2005
Recommendation: That the Council approve the City Council Minutes of April 19, 2005 and May 3, 2005.
Documentation: 01-060705
Disposition: Approved.

2. PURCHASE OF SPECIALIZED EQUIPMENT
Recommendation: That the Council authorize the purchase by negotiation of the specialized equipment, and authorize payment for said equipment upon satisfactory delivery.
Documentation: 02-060705
Disposition: Approved.

3. PORTERVILLE POLICE DEPARTMENT COMMUNICATIONS CENTER UPGRADE
Recommendation: That the City Council approve the expenditure of $173,793.61 in funds from the Porterville Police Department 2004-2005 Fiscal Year budget.
Documentation: M. O. 03-060705
Disposition: Approved.

5. ACCEPTANCE OF THE WELL NO. 28 (PHASE ONE) PROJECT
Recommendation: That the City Council:
1. Accept the Well No. 28 Project (Phase One) as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 0% retention thirty-five (35) days after recordation, provided no stop notices have been filed.
6. ACCEPTANCE OF THE WATER MAIN (F-GIBBONS-MAIN) PROJECT

Recommendation: That the City Council:
1. Accept the Water Main (F-Gibbons-Main) 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.

7. ACCEPTANCE OF IMPROVEMENTS - NEW EXPRESSIONS, PHASE THREE SUBDIVISION (ENNIS HOMES, INC.- BRIAN ENNIS)

Recommendation: That the City Council:
1. Accept the public improvements of New Expressions, Phase 3 Subdivision for maintenance; and
2. Authorize the filing of the Notice of Completion, and release the payment guarantee thirty-five (35) days after recordation, provided no liens have been filed.

8. PROGRAM SUPPLEMENT TO THE LOCAL AGENCY-STATE MASTER AGREEMENT - PRELIMINARY ENGINEERING FOR JAYE STREET/TULE RIVER BRIDGE REHABILITATION AND WIDENING PROJECT

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.

9. APPROVAL OF RELOCATION CLAIM PROPERTY LOCATED AT APN 245-040-017 - TENANTS PEDRO M. AND MARIA GALVEZ

Recommendation: That the City Council:
1. Approve the Relocation Claim; and
2. Authorize staff to make a payment of $18,675.90 to Pedro M. and Maria Galvez, tenants.
11. TRANSIT CENTER LEASES

Recommendation: That the Council:
1. Approve the Leases with Sierra Management and Orange Belt Stages; and
2. Authorize the Mayor to execute the Leases which will go into effect July 1, 2005.

Documentation: M.O. 08-060705
Disposition: Approved.

12. APPROVAL OF CITY SPONSORSHIP FOR THE “NUTRITION ON THE GO” PROGRAM TO BE ADMINISTERED BY FOOD LINK

Recommendation: That the Council approve sponsorship of the “Nutrition on the Go” Program, and appoint the Director of Parks and Leisure Services as agent of the City for this purpose.

Documentation: M.O. 09-060705
Disposition: Approved.

13. CONSIDER COMMITTEE ATTENDANCE RECORDS - PARKS AND LEISURE SERVICES

Recommendation: That the Council consider committee attendance records and file for reference when the terms of appointment elapses.

Documentation: M.O. 10-060705
Disposition: Approved.

14. INTENT TO SET A PUBLIC HEARING FOR REIMBURSEMENT AGREEMENTS FOR CONCRETE IMPROVEMENT CONSTRUCTION BY THE CITY - ORANGE AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Set a Public Hearing for July 5, 2005, according to the Mitigation Fee Act, for the establishment of the concrete reimbursement fee; and
2. Authorize staff to notify all affected property owners of the Public Hearing, via certified mail, including the concrete reimbursement amount.

Documentation: M.O. 11-060705
Disposition: Approved.

15. 100% ATTENDANCE PROGRAM

Recommendation: That the City Council approve the proposed modifications to the 100% Attendance Program, effective for the calendar year ended December 31, 2005.

Documentation: M.O. 12-060705
Disposition: Approved.
16. STATUS REPORT OF $458,000 RESERVE BUDGETED FOR GENERAL FUND DEBT COVERAGE

Recommendation: That the City Council accept the status report on the reserve, and allow for the maintenance of the reserve into the next Fiscal Year.

Documentation: M.O. 13-060705

Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Hamilton that the Council approve Items 1 through 3, 5 through 9, and 11 through 16. The motion carried unanimously.

4. AUTHORIZATION TO ADVERTISE FOR BIDS - ANNUAL MAINTENANCE OF THE TULE RIVER PARKWAY, AND ROADWAY MEDIAN ISLANDS

Recommendation: That the Council authorize the Purchasing Agent to advertise for separate bids for Annual Maintenance of the Tule River Parkway and Annual Maintenance of Median Islands.

Council Member Irish commented that Council and staff had previously discussed experimenting with the use of artificial grass in City median islands so as to eliminate maintenance. He requested that staff identify potential locations for such an experiment and move forward with the project.

Mayor Pro Tem Hamilton suggested the staff use as a test site the grassy area in North Park – the park located at Main Street and Henderson Avenue where the statute of the farmer was located.

Mr. Longley requested that staff be allowed to formulate a location based on a cost analysis, and then indicate to Council via memorandum how the City would proceed.

Mayor Martinez agreed with the suggestion of North Park as a potential location, and also suggested the grassy areas where the “Welcome to Porterville” signs were located.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council authorize the Purchasing Agent to advertise for separate bids for Annual Maintenance of the Tule River Parkway and Annual Maintenance of Median Islands. The motion carried unanimously.

Disposition: Approved.

10. AIRPORT HANGAR PURCHASE - ACCEPTANCE OF LOAN

Recommendation: That the City Council:
1. Authorize the acceptance of the loan from CalTrans;
2. Authorize the Mayor to sign all necessary documents;
3. Authorize staff to begin escrow, with the City paying normal and customary escrow fees;
4. Authorize staff to make payment to Art Coulter in the amount of $118,000, less customary fees; and
5. Authorize staff to record all documents with the County Recorder.
Council Member Irish questioned the possibility of borrowing from City funds versus borrowing from the California Department of Transportation.

City Manager John Longley confirmed that staff would prepare a memorandum with the pros and cons of borrowing from City funds versus CalTrans, and bring the item back at the next Council Meeting. A discussion then ensued as to the City’s current portfolio performance.

Disposition: Continued.

PUBLIC HEARING
17. SEWER RATE AND TREATMENT PLANT FEE INCREASE

Recommendation: That the City Council:
1. Open the Public Hearing and accept public comments;
2. Adopt a resolution increasing the Sewer monthly rates as shown in Table A6; and
3. Adopt a resolution to amend Exhibit “H” - Connection Fees to include the Treatment Plant Fees.

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

The Public Hearing opened at 7:41 p.m. and closed at 7:42 p.m. when nobody came forward to speak.

In response to a question posed by Council Member Stadtherr, Deputy City Manager Darrel Pyle stated that the Council would receive an overview as to how the related Funds worked in conjunction with one another.

Mr. Rodriguez confirmed that the City had received a check in the approximate amount of $736,000 for the CIEDB loan, and that another draw would be made in the approximate amount of $400,000 in the near future.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft Resolution increasing the Sewer monthly rates as shown in Table A6. The motion carried unanimously.

Resolution 75-2005

COUNCIL ACTION: Resolution 76-2005 MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft Resolution amending Exhibit “H” - Connection Fees to include the Treatment Plant Fees. The motion carried unanimously.

Disposition: Approved.

18. CHARITABLE CAR WASH ORDINANCE

Recommendation: That the Council:
1. Hold a Public Hearing to receive public input; and
2. Consider the ordinance for first reading and publication.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report.

The Public Hearing opened at 7:45 p.m.
• Arni Gonzales, 59 North Third Street, voiced support for the current Ordinance and stated that the City need not worry about charitable car washes, but rather the City should be concerned with those individuals operating car washes that didn’t meet the legal standards. He then voiced concern with City requirements.

The Public Hearing closed at 7:48 p.m.

Council Member Irish moved that the City approve the draft Ordinance for first reading. Council Member Stadtherr seconded the motion.

Mayor Pro Tem Hamilton confirmed with City Attorney Julia Lew that the property owner, as a sponsor of a charitable car wash, would assume any liability. He then voiced concern with placing too tight of restrictions of the number of locations per year.

A discussion ensued as to the inability of the City to limit the operation of charitable car washes to only compliant commercial car wash locations. Ms. Lew confirmed that the City could limit the number of charitable car washes held at a specific location, as long as that number was reasonable.

Mayor Pro Tem Hamilton suggested that the City should remove the restriction on the number of charitable car washes that a specific location could hold, if that location was a compliant commercial car wash. Ms. Lew confirmed that the City could exempt compliant commercial car washes from the location requirement. She stated that if the Council so chose, the Ordinance could be amended that evening for first reading.

Council Member Irish suggested that the Council could also adjust the Ordinance if in the future it found that the limit of 4 car washes per year for each charitable organization was too restrictive. A discussion ensued as to the proposed restrictions.

In response to a scenario posed by Mayor West, City Attorney Julia Lew clarified that the proposed Ordinance prohibited charitable car washes on residential properties. She stated that the Ordinance did not address individuals washing their own vehicles at their residences. Ms. Lew added that the Ordinance did address as a safety issue the solicitation of customers from public right of ways.

Council Member Irish suggested that the location limit be increased to 4 car washes per year, with compliant commercial car washes being exempt from that limitation.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s suggestion.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that Council Member Irish’s motion be amended to increase the location limit from three per year to four per year and to exempt compliant commercial car washes from that location limitation. The motion carried unanimously.

Ms. Lew indicated that the Ordinance would be amended as follows:

Page 4, Section 15-100, Sub-Section A4, shall read: “The number of charitable car washes by the charitable organization applying for said permit exceeds four in a calendar year or the number of charitable car washes held at a particular location exceed four per calendar year. The location requirement shall not pertain to licensed commercial car washes.”
Page 6, Section 15-130, Sub-Section A9, shall read: “Shall not be conducted at any commercial property which has held four prior car washes (excluding licensed commercial car wash locations) in the calendar year.”

Ordinance1669

MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council approve the Ordinance, as amended, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70 TO 15-170 TO CHAPTER 15, ENTITLED “CHARITABLE CAR WASH PERMIT PROCEDURE” for first reading. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

M.O. 16-060705

MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council waive further reading of the Ordinance. The motion carried unanimously.

Disposition: Approved, as amended.

19. WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Continue with Phase II of the Water Conservation Plan; and
2. Continue the Public Hearing to July 19, 2005, to consider moving into Phase III of the Water Conservation Plan.

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

The Public Hearing opened at 8:00 p.m.

• Dorothy Broome, address on record, questioned whether the rates would automatically increase after the public hearings were held on the matter.

City Manager John Longley clarified that there was no automatic rate increase and indicated that the purpose of the item was to allow the Council to monitor water usage throughout the warmer months and, if the Council so chose, to enact stricter measures of conservation.

• Pete McCracken, 657 Village Green, voiced support for also analyzing average daily temperatures along with water usage.

The Public Hearing closed at 8:05 p.m.

Council Member Stadtherr suggested that the public hearing be continued to July 5, 2005 rather than July 19, 2005, so as to provide a shorter review period during the peak months of summer.

Mayor Pro Tem Hamilton commented that he would not have a problem with bringing the item back earlier as suggested by Council Member Stadtherr.

Council Member Martinez agreed and commented that he believed the City could do a better job in educating the public about water conservation. He stated he was pleased with the Latino radio spots conducted
by Mr. Rodriguez the previous year and requested that staff again pursue the radio campaign again that year. He then confirmed with staff that a large amount of the water consumption went towards landscaping and swimming pools. He requested that the City work with local nurseries who might be willing to host a class on lawn watering and water conservation. He also requested that tips on water conservation be added to the City’s website. A discussion ensued as to ways in which the City might be able to get the water conservation message out to the community. Council Member Martinez commented that the City might learn from the conservation techniques of La Barca, Mexico and suggested that there should be a more significant difference between Phase I and Phase II. He added that the City might also consider promoting water conservation on the sides of City buses as a part of the transit advertising program recently discussed.

Mayor West confirmed with staff that the City routinely sent out water conservation notices and tips in its utility billing, and also promoted conservation in person at customer service counters.

Council Member Irish commented that the contingency from Australia visiting the Porterville area were amazed at the level of waste. He added that he was informed that in Australia, new homes must be built with gutters so as to capture rain water for storage.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council direct staff to continue with Phase II of the Water Conservation Plan and continue the Public Hearing to July 5, 2005 to consider moving into Phase III of the Water Conservation Plan. The motion carried unanimously.

Disposition: Approved.

20. ZONING ORDINANCE AMENDMENT 1-2005

Recommendation: That the City Council:

1. Adopt the draft Resolution approving the Negative Declaration of Environmental Impact prepared for Zoning Ordinance Amendment 01-2005;
2. Approve the proposed Zoning Ordinance Amendment and give first reading to the draft Ordinance; and
3. Waive further reading of the draft Ordinance approving Zoning Ordinance Amendment 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 8:17 p.m.

• Pete McCracken, address on record, voiced concern with the proposed Ordinance affecting future Zone Changes and/or General Plan Amendments.
• Greg Shelton, address on record, voiced concern with the cost of constructing a block wall, and spoke in favor of a triggering mechanism for payment of a fee, similar to that utilized for the reimbursement of concrete improvements. He then questioned whether the proposed Ordinance would apply to City parks.
• Bob Keenan, Executive Vice President of the Building Industry Association of Tulare and Kings Counties, came forward and requested that the item be continued so as to allow time for a meeting to take place. He then voiced concern with the fairness of the Ordinance as currently proposed.
Jim Winton, business address of 150 West Morton Avenue, agreed with Mr. Keenan’s comments and spoke in favor of continuing the matter. He requested that he have an opportunity to speak on the issue in the event the Council did not continue the matter.

Greg Woodard, Woodard Homes, 1055 West Morton Avenue, voiced concern with the cost of constructing a block wall and requested clarification as to why the issue was before the Council.

The public hearing closed at 8:30 p.m. It was noted moments later that the public hearing should not be closed, but instead continued until July 19, 2005.

Mayor Pro Tem Hamilton commented that there needed to be a consensus as to what was good for the builder, the City, and the residents, noting that the residents ought to come first. He stated that the meeting that took place the previous Friday between local developers and the City proved to be beneficial and suggested that another meeting should take place. This approach, he proposed, would minimally impact staff time.

City Manager confirmed that staff would calendar a meeting between the local building industry and the Council’s Development Committee.

City Attorney Julia Lew clarified that the Council would need a motion to continue the public hearing.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council direct staff to continue the public hearing until July 19, 2005. The motion carried unanimously.

Disposition: Continued.

The Council recessed for ten minutes.

SCHEDULED MATTERS

21. PROVIDE DIRECTION ON DEVELOPMENT OF AN OAK TREE PRESERVATION ORDINANCE

Recommendation: That the Council provide direction on whether the Parks and Leisure Services Commission should undertake efforts towards development of an Oak Tree Preservation Ordinance for recommendation to the City Council.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report. Mr. Perrine then turned the floor over to Jeff Keele, Vice-Chairman of the Parks and Leisure Services Commission.

Mr. Keele indicated that the Commission was willing to look into the matter, however, would not expend energy on the project if the Council did not wish them to do so. In response to a question from Mayor Pro Tem Hamilton, Mr. Keele indicated that no particular group had lobbied for the Ordinance.

A discussion ensued as to the number of oak trees that had been removed in the City due to new development within the last ten years. Staff estimated that approximately five trees had been removed and confirmed that the tree that had been removed due to the development of The Home Depot had been removed to make way for a street that would be used in the future. Community Development Director Brad Dunlap indicated that The Home Depot had volunteered to save as many trees on the property as was possible.

Mayor Pro Tem Hamilton requested clarification on the development incentives identified in the staff report. Mr. Perrine explained that rather than taking a punitive approach to the prohibition of removing trees,
staff instead proposed an incentive-based program for tree preservation. He stated that research showed that often times a punitive approach resulted in the loss of trees due to developers removing the trees prior to the adoption of such an Ordinance. Reward incentives, Mr. Perrine surmised, often proved to be more beneficial.

A discussion ensued as to whether property owners were protected by the Fifth Amendment of the Constitution from an Ordinance prohibiting the removal of certain trees on privately-owned property. City Attorney Julia Lew clarified that the City could place such restrictions for tree preservation on property owners if a valid public purpose existed. She confirmed that the City could legally require the preservation of a tree on privately-owned property and not assume any liability for that tree.

Mayor West questioned whether local developers had worked with the City in the past regarding the preservation of trees, to which staff responded in the affirmative. Mayor West commented that while he did not like to see the beautiful oak trees destroyed, he believed in private property rights. He stated that the City should continue with its current program in working with the local developers to voluntarily protect the trees.

Council Member Irish commented that he would rather see the preservation of trees self-administered rather than through action of the Council.

Mayor Pro Tem Hamilton voiced concern with offering incentives, such as decreased lot sizes, suggesting that this was not the direction in which the City ought to go. He confirmed with staff that trees were planted with new developments, but that the City did not currently have a City-wide tree planting program. A discussion then ensued regarding the water usage of oak trees and the history of oak trees in the Central Valley. Mayor Pro Tem Hamilton suggested that orange trees had more historical significance in the area than did oak trees.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Martinez that the Council direct the Parks and Leisure Services Commission to study the issue of oak tree preservation and bring back a recommendation for an Ordinance to the Council.

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

Disposition: Denied.

22. CONSIDER SKATE PARK DESIGN CONCEPT

Recommendation: That the Council authorize the design of the Skate Park in accordance with one of the two design concept options, along with the required additional design services.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report which included two design concepts for the Council’s consideration - Concept J and Concept L. Mr. Perrine indicated that Concept J provided a significant amount of streetscape design elements and an open-ended bowl to provide greater visibility. Concept L, he stated, was fashioned after the Orange Cove project currently under construction and incorporated less of the streetscape elements. Mr. Perrine indicated that staff recommended Concept J, stating that it offered greater balance between the two different types of skating.

Mayor West commented that Concept J appeared to cater more to a wide range of ages, whereas Concept L seemed to cater to older skaters. He stated that Concept J offered a better balance.
Council Member Stadtherr pointed out that Concept J provided the open-ended bowl for increased visibility, whereas Concept L did not. He stated that he believed that the youth had requested both streetscape and bowl elements, both of which were incorporated into Concept J.

Mayor Pro Tem Hamilton voiced support for Concept J.

Council Member Martinez confirmed with staff that the open landscape area depicted in Concept J would likely remain a flat landscaped area with shade trees.

Council Member Irish voiced concern with the proposed location of the spectator seating in Concept J, pointing out that it would obstruct the view of the bowl from the street. Mr. Perrine confirmed that staff would likely relocate the seating, and then secure the seating unit so as to keep it stationary.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor Pro Tem Hamilton that the Council direct staff to proceed with Skate Park Concept J. The motion carried unanimously.

Disposition: Approved.

23. ESTABLISHMENT OF BANNER POLICY

Recommendation: That the City Council approve the Banner Policy and Banner Standards as provided in the staff report.

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

Mayor Pro Tem Hamilton questioned the necessity of requiring the applicant to submit of a copy of its By-Laws or Articles of Incorporation, as set forth in the third bullet in No. 2 of the proposed Banner Policy. A discussion ensued regarding the relevance of that requirement if the applicant had already provided its tax ID number proving non-profit status. It was suggested that the applicant could instead be required to provide a copy of the IRS exemption letter, rather than a copy of its By-Laws or Articles of Incorporation.

City Manager suggested that the section in question could be revised to add the option of providing the IRS tax exemption letter.

Mayor Pro Tem Hamilton then pointed to No. 5 in the proposed Banner Policy and commented that language should be added to more clearly define the restriction on general religious messages to mean proselytizing messages. He cited as an example the “International Food Court” sponsored by a local church. He voiced concern that as the Policy was currently written, such events would not be able to be advertised.

City Attorney Julia Lew commented that the language pertaining to religious messages in No. 5 was not meant to preclude the advertising of such church-sponsored events. She stated that No. 5 could be revised to place the restriction on only proselytizing religious messages.

In response to Mayor West’s question as to No. 9 of the proposed Banner Policy, staff indicated that the City would manage the installation and removal of the banners. Mr. Longley stated that the work might subsequently be delegated to some other organization, however it would be managed by the City. He then confirmed that in the event of delegation, that organization would be required to provide proof of insurance.
In response to Mayor Pro Tem Hamilton’s question, the Council agreed that the language set forth in the third bullet of No. 2 should be revised. City Attorney Julia Lew suggested that rather than specifically identifying By-Laws or Articles of Incorporation as the required proof, the City could instead require “proof of tax-exempt status.” Ms. Lew stated that she would recommend the more generic terminology as it would provide more flexibility to the City.

The Council agreed with Ms. Lew’s recommendations.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the Banner Policy and Banner Standards, as amended to revise No. 2, bullet No. 3 to replace “A copy of the organization’s By-Laws or Articles of Incorporation” with “Proof of tax-exempt status,” and to revise No. 5 to limit the restriction on general religious messages to only those that proselytize. The motion carried unanimously.

City Manager John Longley indicated that staff would provide a copy of the revised language to the Council.

Disposition: Approved, as amended.

24. PUBLIC NOTIFICATION GUIDELINES FOR PROPOSED CONSTRUCTION PROJECTS

Recommendation: That the City Council adopt the “Public Notification Guidelines For Proposed Construction Projects” as described herein and direct staff to commit said guidelines to policy form and direct staff to implement said policy on all future construction projects.

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

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the Public Notification Guidelines For Proposed Construction Projects, and direct staff to commit said Guidelines to policy form and to implement said policy on all future construction projects. The motion carried unanimously.

Disposition: Approved.

25. ENVIRONMENTAL REVIEW OF THE CITY OF PORTERVILLE HILLSIDE/EASTSIDE WATER DEVELOPMENT PROJECT

Recommendation: That the City Council adopt the draft Resolution approving a Negative Declaration for the City of Porterville Hillside/Eastside Water Development Project.

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

• Cathy Capone, address on record, commented that she had attempted to view the Agenda online, however the file was too large to download. She voiced support for the City addressing the issue of aesthetics, noting the unpleasant appearance of water tanks on hillsides. She then voiced concern with potential damage to petroglyphs and/or hieroglyphs on Rocky Hill.
Mayor Pro Tem Hamilton confirmed with staff that the Study had included the issue of aesthetics. Mr. Dunlap stated that the Resource Management Agency had raised the issue of aesthetics and that staff had already addressed the issue through a combination of berms, trees, shrubs and groundcovers to camouflage the tank, as well as with painting the tank a color that would blend in with the surrounding hillside.

**COUNCIL ACTION:** MOVED by Council Member Irish, SECONDED by Council Member Martinez that the Council adopt the draft Resolution approving a Negative Declaration for Resolution 77-2005 the City of Porterville Hillside/Eastside Water Development Project. The motion carried unanimously.

Disposition: Approved.

**26. STUDY SESSION - ACCEPTANCE OF CITY-WIDE OVERHEAD COST ALLOCATION PLAN AND FEE STUDY**

Recommendation: That the Council set a date and time for the review of the final overhead cost allocation plan and fee study.

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

Mr. Pyle indicated that staff might have the initial draft document for Council’s review that could be distributed to the Council on the upcoming Friday. He stated that an appropriate date for the Study Session would fall after the second meeting in June so as to allow the Council and staff enough time to review the entire document. He stated that staff would then take the recommendations that arose from the Study Session to Maximus for incorporation into the final document that would be brought to Council for adoption at a regular Council Meeting.

A discussion ensued regarding possible dates for the Study Session. City Attorney Julia Lew clarified that in the event the Council first needed to check their calendars, the meeting date could be set without having a Brown Act meeting.

City Manager John Longley stated that staff could arrange with the Council a date for the Study Session.

Disposition: Direction given to staff.

**ORAL COMMUNICATIONS**

- Greg Shelton, address on record, commended the Council on the efficiency of the meeting that evening.
- Felipe Martinez, 195 W. Putnam Avenue, voiced concern with police and fire response times and questioned whether the seven additional firefighters and police officers sought in the sales tax measure would be enough.

**OTHER MATTERS**

- Mayor Pro Tem Hamilton requested that the Council honor Mr. Howard Smith, to which the Council agreed; and reiterated that the 100% funds designated for public safety would go toward public safety.
- Council Member Martinez informed the Council of his upcoming engagements at Richgrove Elementary and the Sister City Association Meeting in L.A.; requested that the Council extend an invitation to the Association to hold a future meeting in Porterville, to which the Council agreed; suggested that the Council also honor Ms. Marlene Marquez and Mr. Pat Hayes; requested that another Employees Day be held at the Porterville Pool;
• Council Member Stadtherr requested that staff look into making online access to the Council Agenda more manageable. City Manager John Longley confirmed that staff would prepare a Memorandum for the Council.
• Council Member Martinez suggested that glass alcohol bottles be prohibited at City Parks. A discussion ensued after which Mr. Longley indicated that staff would research options and provide an analysis to the Council.
• Council Member Irish suggested that staff research options for possibly allowing charitable card games within Porterville. City Attorney Julia Lew commented that casino nights for non-profit organizations were becoming legally challenging. She indicated that she could research the matter.

ADJOURNMENT
The Council adjourned at 9:40 p.m. to the meeting of June 10, 2005 at 8:30 a.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Kelly E. West, Mayor