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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:

   Council Member Irish clarified with City Attorney Julia Lew the appropriate procedure for Oral Communications when no audience members were present.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
No action reported.

Pledge of Allegiance Led by Council Member Pedro Martinez
Invocation - one individual participated.

PRESENTATION
• Pedro Martinez, Recognition as Mayor
  Council Member Martinez thanked the Council for the plaque and recognition, yet stated because he did not believe his removal as Mayor was justified, he would not accept the plaque.

• Deputy City Manager Web Site Demonstration
  A demonstration regarding online access of the City Council Agendas was provided.

ORAL COMMUNICATIONS
• Jerel Collis, Porterville Rescue Mission, 30 South “A” Street, spoke regarding alleged misconduct of a Rescue Mission Board Member and requested the Council’s assistance. The Council requested that Police Chief Silver Rodriguez assist Mr. Collis.
• Pete McCracken, 657 Village Green, requested that he be allowed to speak on Item 24.
• Dick Eckhoff, 180 North Main Street, raised questions re Items 7, 21 and 24 and distributed a memorandum outlining his concerns to the Council.

CONSENT CALENDAR
Items 2, 7, 10 and 12 were removed.

1. AWARD CONTRACT: SOLAR POWERED LIGHTED PEDESTRIAN CROSSING WARNING SYSTEM
Recommendation: That the City Council:
1. Award the contract to Traffic Safety Corp. of Fairfield, CA, in the amount of $101,720.19, for a solar powered lighted pedestrian crossing warning system to be installed at intersections along the “Rails to Trails” project; and
2. Authorize payment upon satisfactory delivery of the equipment.

Documentation: M.O. 01-062105
Disposition: Approved.

3. APPROVAL OF RELOCATION PLAN FOR PROPERTY LOCATED AT APN 261-080-011 - OWNER MANUEL FRANCISCO LAMBARENA - DATE AVENUE STREET PROJECT

Recommendation: That the City Council approve the Relocation Plan for property located at APN 261-080-011.

Documentation: M.O. 02-062105
Disposition: Approved.

4. AUTHORIZATION TO APPROVE SUCCESS DAM SEISMIC REMEDIATION JOINT POWERS AGREEMENT

Recommendation: That the City Council:
1. Direct the Mayor to execute the “Tule River Improvement Joint Powers Project Agreement for the Success Dam Seismic Remediation Project”;
2. Appoint the Public Works Director as the City of Porterville’s representative on the Seismic Remediation Committee;
3. Authorize the City Manager to release the first payment installment in the amount of $6,250 from the Water Operating Fund to the Seismic Remediation Committee to cover the City’s 2004/2005 share of expenses related to the Success Dam Remediation Project; and
4. Authorize the City Manager to approve future payments, not to exceed $7,500, from the Water Operating Fund to the Seismic Remediation Committee for Fiscal Years 2005/2006 and 2006/2007.

Documentation: M.O. 03-062105
Disposition: Approved.

5. INTENT TO VACATE PUBLIC SANITARY SEWER PIPELINES, DOMESTIC WATER PIPELINES, STORM DRAIN PIPELINES AND PUBLIC STREET ACCESS EASEMENTS RELATED TO THE DEVELOPMENT OF MEADOW BREEZE, PHASE TWO SUBDIVISION (NICHOLSON & SMEE, LLC)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate easements dedicated to the City of Porterville as Parcel C of Document No. 2000—37339, recorded June 14, 2000 and Document No. 2002-0069651, recorded September 13, 2002, in the Office of the Tulare County Recorder; and

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2. Set the Council Meeting of July 5, 2005, or as soon thereafter, as the time and place for a public hearing.

Documentation: Resolution 78-2005
Disposition: Approved.

6. INTENT TO ABANDON A PORTION OF CLEVELAND AVENUE AND AN ALLEY WITHIN THE MORTON GARDENS SUBDIVISION - SET FOR PUBLIC HEARING (SIERRA VIEW DISTRICT HOSPITAL)

Recommendation: That the City Council:
1. Pass a Resolution of Intent to abandon a portion of Cleveland Avenue and a northerly connecting alley between Pearson Drive and Villa Street; and
2. Set the Council Meeting of July 19, 2005 as the time a place for the Public Hearing.

Documentation: Resolution 79-2005
Disposition: Approved.

8. UPDATE ON CERTIFICATES OF PARTICIPATION PROJECTS

Recommendation: Informational Report only.

9. ECONOMIC DEVELOPMENT UPDATE

Recommendation: Informational Report only.

11. APPROVAL OF THE ANNUAL REPORT OF THE BUSINESS IMPROVEMENT AREA ADVISORY BOARD AND SETTING OF A PUBLIC HEARING

Recommendation: That the City Council:
1. Approve the report of the Business Improvement Advisory Board;
2. Adopt a resolution of intention to levy an annual assessment for the Fiscal Year 2005/2006; and

Documentation: Resolution 80-2005
Disposition: Approved.

13. APPROVAL OF INDIAN GAMING LOCAL COMMUNITY BENEFIT COMMITTEE AGREEMENT FOR SCHOOL RESOURCE OFFICER AND GANG DETERRENCE OFFICER

Recommendation: That the Council:
1. Authorize the 46th police sworn position; and
2. Authorize the Mayor to execute the Tulare County Indian Gaming Local Community Benefit Committee Agreement for the grant of $115,978.

Documentation: M.O. 04-062105
14. AIRPORT LEASE - LOT 47

Recommendation: That the City Council approve the Assignment of the Lease Agreement between the City of Porterville and Dr. Westel Creager to James Costa.

Documentation: M.O. 05-062105
Disposition: Approved.

15. CONSIDERATION OF A STATEMENT OF SUPPORT FOR THE GUARD AND RESERVE

Recommendation: That the City Council approve the policy of support for the Guard and Reserve.

Documentation: M.O. 06-062105
Disposition: Approved.

16. FIXED ROUTE HOLIDAY PARADE RIDERSHIP

Recommendation: That the City Council:
1. Direct staff to continue operations of the City of Porterville Fixed Route Bus System during major holiday parades; and
2. Direct staff and Sierra Management to develop and post a “Parade Routing Schedule” highlighting the necessary changes to the affected bus routes.

Documentation: M.O. 07-062105
Disposition: Approved.

17. RATIFY USE OF SEARCH FIRM FOR ASSOCIATE PLANNER AND ASSOCIATE CIVIL ENGINEER

Recommendation: That the City Council:
1. Authorize staff to negotiate professional Service Agreements with the firm of Bob Murray and Associates for professional recruitment services in an amount not to exceed $40,000; and
2. Authorize the Mayor to sign the Agreements when finalized.

Documentation: M.O. 08-062105
Disposition: Approved.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve Item Nos 1, 3 through 6, 8, 9, 11, and 13 through 17. The motion carried unanimously.

2. AWARD OF CONTRACT - HENDERSON AVENUE RECONSTRUCTION PROJECT

Recommendation: That the City Council:
1. Approve the financing scenario;
2. Award the Henderson Avenue Reconstruction Project to Halopoff & Sons, Inc. in the amount of $2,279,015.70;
3. Authorize progress payments up to 90% of the contract amount; and
4. Authorize a 8.31% contingency to cover unforeseen construction costs.

Council Member Irish commented that he did not wish for any items to be removed from the project, voicing concern for a potential lack of funds in the future to complete the project.

Mayor Pro Tem Hamilton agreed with Council Member Irish’s comments, then requested City Engineer Mike Reed to speak on the item.

Mr. Reed came forward and suggested ways in which the entire project could be funded, such as postponing the G Street Project until FY2006/2007, or utilizing design funds for the Prospect Street Project. He added that absorbing staff time and quality control in the Engineering Budget could also be done. City Manager John Longley clarified that the extra funds in the Engineering Budget were attributed to being under-staffed and was not typical.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council approve staff’s recommendation, amended to fund the entire project using unused funds from the Engineering Department for quality assurance and staff time; that the G Street Project be postponed until FY 2006/2007; and the funds allocated for the G Street Project be reallocated to the Henderson Street Reconstruction Project. The motion carried unanimously.

Disposition: Approved, as amended.

7. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 - INTERSECTION SAFETY IMPROVEMENT - DESIGNATION OF OLIVE AVENUE AND MATHEW STREET AS A 4-WAY STOP INTERSECTION

Recommendation: That the City Council:
1. Pass a Resolution amending Traffic Resolution No. 10-2001, designating Olive Avenue and Mathew Street as a 4-way stop intersection;
2. Authorize the City Engineer to notify the public, by any effective means, of the application of a traffic control devise, name a 4-way stop, at the intersection of Olive Avenue and Mathew Street; and
3. Authorize the City Engineer to install traffic control devices, namely 4-way stop signs, at the intersection of Olive Avenue and Mathew Street.

Mayor Pro Tem Hamilton commented that he believed the City needed to again meet with Burton School District to work out the issue of traffic control. He stated that a temporary 4-way stop sign was merely a band-aid and did not fix the problem.

Council Member Irish commented that he would like to see a solution before the school opened and children began using the street.

Mr. Longley confirmed that staff would schedule a meeting with Burton School District and bring the item back to the Council at the next meeting. It was determined that Mayor Pro Tem Hamilton would attend the meeting with the School District.
10. ANNOUNCING VACANCY ON THE PARKS AND LEISURE SERVICES COMMISSION

Recommendation: That the Council announce the vacancy on the Parks and Leisure Services Commission and set July 19, 2005 as the time for Council appointment to fill the position.

In response to a question posed by Mayor Pro Tem Hamilton, City Attorney Julia Lew clarified that any nominations should occur during the July 19, 2005 Council Meeting.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council announce the vacancy on the Parks and Leisure Services Commission, and set July 19, 2005 as the time for Council appointment to fill the position. The motion carried unanimously.

Disposition: Approved.

12. ANNUAL REVIEW OF CITY OF PORTERVILLE/CHAMBER OF COMMERCE AGREEMENT

Recommendation: That the City Council accept the Chamber of Commerce Activity Report and Financial Statements.

Council Member Stadtherr suggested that language be added to recognize the potential jeopardy of the proposed funding in the event Sacramento did not hold to their financial commitments.

City Manager John Longley confirmed that there would be ramifications, in terms of recommendations made to the Council, in the event the promised State funding did not come to fruition, or the sales tax measure was unsuccessful.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member Irish that the Council accept the Chamber of Commerce Activity Report and Financial Statements, with the recognition of potential jeopardy of Fiscal Year 2006/2007 funding if funds from the State of California are not received, or the sales tax measure does not pass. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARING

18. BUDGET ADOPTION FOR THE 2005-06 FISCAL YEAR

Recommendation: That the City Council:
1. Conduct a public hearing to receive comment on the proposed 2005-2006 Fiscal Year Budgets for both the General Fund and Enterprise and Internal Service Funds; and
2. Approve the draft resolution adopting the 2005-2006 Fiscal Year Budgets, as modified by Council.
City Manager John Longley presented the item and Deputy City Manager Darrel Pyle presented the staff report.

Mr. Longley added that during the Study Session on the Budget, the Council had requested some additional information from staff and that staff had provided responses to those questions. He stated the items included:

- Costing out a full time Code Enforcement Officer;
- Providing options to prioritize the water slide project to a date sooner than the proposed date of May 2006, along with an estimate of staff hours to bid and administer the construction contract for the project;
- Providing options for relocating the Parks and Leisure Services operations out of City Hall, with the exception of the Director’s Office;
- Preparing a schedule reflecting the outstanding balances of the COPs as of the end of the FY2004/2005; and
- Providing additional information as to the necessary improvements at the intersection of Mathew Street and Olive Avenue, and along the west side of Mathew Street.

The Public Hearing opened at 7:40 p.m.

- Dick Eckhoff, 197 North Main Street, questioned whether the Mathew Street/Olive Avenue intersection work could be moved up so as to be completed prior to the school year beginning.

The Public Hearing closed at 7:41 p.m.

Mayor Pro Tem Hamilton commented that he still had some concerns with the proposed Budget, but he would vote for its adoption that evening.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Mayor West that the Council approve the draft resolutions adopting the 2005/2006 Fiscal Year Resolution 81-2005 Budget for the General Fund and the Enterprise and Internal Service Funds, as presented. The motion carried unanimously.

Disposition: Approved.

19. CONSIDERATION OF PROPOSED SOLID WASTE SERVICE FEES

Recommendation: That the City Council:
1. Conduct a public hearing to receive public comment;
2. Approve the refuse rate increase;
3. Adopt the draft resolution; and
4. Authorize the new rate structure to become effective July 1, 2005.

City Manager John Longley presented the item and Field Services Manager Bryan Styles presented the staff report, which included a visual presentation detailing the proposed rate increase and a comparative analysis of Porterville and other local cities.

The Public Hearing opened at 7:46 p.m. and closed at 7:47 p.m. when nobody came forward.

Mayor Pro Tem Hamilton clarified with Mr. Styles that staff recommended approval of the thirteen percent (13%) rate increase.
COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council approve the refuse rate increase of 13%; adopt the draft resolution; and authorize the new rate structure to become effective July 1, 2005. The motion carried unanimously.

Disposition: Approved.

20. ZONE VARIANCE 1-2005 TENTATIVE PARCEL MAP 3-2005 (RON CLIFFORD)

Recommendation: That the City Council:
1. Adopt the draft resolution approving Zone Variance 1-2005; and

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

The Public Hearing opened at 7:49 p.m.

- Bill Roberts, Roberts Engineering, 342 North Second Street, identified himself as the Applicant and requested that the Council approve staff’s recommendation.

The Public Hearing closed at 7:50 p.m.

Mayor Pro Tem Hamilton commented that he would not oppose approval because of the precedent already set in that former County island.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving Zone Variance Resolution 84-2005 1-2005; and adopt the draft resolution approving Tentative Parcel Map 3-2005. The motion carried unanimously.

Disposition: Approved.

21. CONDITIONAL USE PERMIT 3-2005 (NEIL PATEL-HOLIDAY INN)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Conditional Use Permit 3-2005; and
2. Adopt the draft resolution approving Conditional Use Permit 3-2005.

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

The Public Hearing opened at 7:56 p.m.

- Cheryl Anderson, 851 South Jaye Street, spoke against the proposed project.

The Public Hearing closed at 7:58 p.m.
Mayor Pro Tem Hamilton clarified with staff that the subject property was and had been zoned C-3 for some time. He then commented that while he understood the concerns of Ms. Anderson, individuals should understand the risk of purchasing property adjacent to undeveloped property, in that eventually the undeveloped land would be developed. He then stated that if the Fire Chief had no issues with protecting a 3-story structure, he supported approval of the proposed Holiday Inn Express.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council adopt the draft resolution approving the Negative Resolution 86-2005 Declaration for Conditional Use Permit 3-2005; and adopt the draft resolution 87-2005 approving Conditional Use Permit 3-2005. The motion carried unanimously.

Disposition: Approved.

22. CONDITIONAL USE PERMIT 4-2005 - PROPOSED FAMILY ARCADE TO BE LOCATED AT 841 W. HENDERSON AVENUE (PORTERVILLE PLAZA SHOPPING CENTER)

Recommendation: That the City Council adopt the draft resolution approving Conditional Use Permit 4-2005.

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

The Public Hearing opened at 8:01 p.m.

• Ernesto Cerda, a resident of Ontario, CA, identified himself as the Applicant and requested that the Council approve the CUP. He then offered additional information on other facilities that he currently operated.
• Pete McCracken, address on record, voiced concern with the Applicant possibly later seeking a license to sell alcohol, as was the case with a similar operation in the past.
• Dick Eckhoff, address on record, spoke in favor of approving the CUP, suggesting it would provide additional activities for the City’s youth.

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

In response to a question posed by Mayor Pro Tem Hamilton, Police Chief Silver Rodriquez clarified that the City’s curfew for minors out on the street with no lawful business was 10:00 p.m. He pointed out that if minors were at a specific activity, such as the proposed Arcade or a late movie, that curfew would not apply.

Mayor Pro Tem Hamilton suggested that a bicycle rack or a place to put skateboards should be required. Staff confirmed that a condition to the CUP could be added to require a bicycle rack.

Council Member Stadtherr commented that while he would rather see kids spending time at the library, he supported approving the CUP.

Mayor Martinez commented that the proposed Arcade would be good for Porterville.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Council Member Stadtherr that the Council adopt the draft resolution approving Conditional
Resolution 88-2005  Use Permit 4-2005, as amended to require the installation of a bicycle rack and a skateboard rack. The motion carried unanimously.

Disposition: Approved, as amended.

SECOND READINGS

23. ORDINANCE 1669, CHARITABLE CAR WASH ORDINANCE

Recommendation: That the Council give Second Reading to Ordinance 1669, waive further reading, and adopt said Ordinance.

City Manager John Longley presented the item and the staff report.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council give Second Reading to Ordinance 1669, BEING AN Ordinance 1669 ORDNANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE VI, SECTIONS 15-70 THROUGH 15-170 TO CHAPTER 15, ENTITLED “CHARITABLE CAR WASH PERMIT PROCEDURE,” waive further reading, and adopt said Ordinance. The motion carried unanimously.

Mr. Longley read the Ordinance by title only.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

24. CONSIDERATION OF PROCESS FOR THE SELECTION OF MAYOR

Recommendation: That the Council provide direction to staff.

City Manager John Longley presented the item and the staff report, indicating that a Council Member had requested that the item be placed on the Agenda.

- Pete McCracken, address on record, stated that the public had voted for Council reorganization after every election, and in the interim for reorganization if so desired by a majority of 3 Council Members, with or without cause. He voiced support for the status quo and against the direct election of the Mayor.
- Dick Eckhoff, address on record, suggested that if the Mayor had duties outside of the Council Chambers, then the Mayor should be elected by the public. However, Mr. Eckhoff stated, if the Mayor was merely the Presiding Officer of the Council, then the Council should elect the Mayor. He next pointed to alleged contradictory language in the City Charter regarding references to the term and responsibilities of the Mayor Pro Tempore. He then commented that the Council should only be allowed to remove the Mayor with cause.

Council Member Martinez commented that he had requested that the item be placed on the Agenda. He stated that he had been warned about the “peacock dance” immediately after being elected. He spoke of pressures from the community and indicated there were certain individuals on the Council, because of political reasons, who would never have the opportunity to serve as Mayor. He suggested a one-year
rotation, or another process to remove the “underground politics” from the equation. He commented that the position of Mayor should not be political, as the Mayor did not set policy. He then suggested that the system could use some “tweaking” to make sure that future Councils did not endure what the current Council had.

Council Member Irish commented that the current Council had endeavored to move the City in a positive direction and that he believed positive things had been accomplished. He stated, however, that the Council had tripped over their own egos in its efforts, which he attributed to inexperience and a “grasping greed” for the position of Mayor. He stated that the current Council had squandered an opportunity for allowing each Council Member to be Mayor, especially since they were the only Council to have had an extended term. He stated that he hoped they had created an example for future Councils of what not to do. He commented that six out of the last ten Mayors had served for one year. He stated that the City also had some Mayors that had served for six years. He voiced support for keeping the status quo.

Council Member Irish moved to keep the status quo for the selection process for Mayor.

Mayor Pro Tem Hamilton seconded Council Member Irish’s motion, but requested that the item be left open for discussion.

Mayor Martinez commented that the “underground political system” allowed for an individual to serve as Mayor for multiple terms and also for the removal of a Mayor. He commented that the system was flawed because of that influence. He then spoke in favor of “returning the power” to the community and away from a chosen few. He then voiced support for changing the City Charter.

Council Member Stadtherr confirmed with the City Manager that March 2006 would be the deadline for placing a measure on the June 2006 ballot. He stated that he would support keeping the status quo for the time being, but would expect the item to be brought back before the Council prior to the end of the calendar year. He then spoke in favor of the direct election of a “weak” Mayor.

Mayor Pro Tem Hamilton commented that he agreed with Council Member Irish’s comments and that the current Council broke the system and that the current Council should fix it.

Mayor West commented that the current process was the right process in that it had served Porterville for the last 100 years.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that the Council keep the status quo for the process for the selection of Mayor.

M.O. 12-062105

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

Disposition: Approved.

25. AUTHORIZATION TO CONTRACT FOR GENERAL PLAN UPDATE WITH EXPANDED SCOPE

Recommendation: That the City Council:

1. Approve the Revised Scope of Services and Authorize the preparation of a comprehensive General Plan Update; and
2. Authorize the Mayor to sign all documents and any revisions to complete the work effort.

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

Mayor Pro Tem Hamilton clarified with staff that the various elements of the Update would be done concurrently. He then voiced concern with any prolongation of the Land Use Element. Staff clarified that the Land Use Element would not be delayed.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that the Council approve the Revised Scope of Services and authorize the preparation of a comprehensive General Plan Update; and authorize the Mayor to sign all documents and any revisions to complete the work effort. The motion carried unanimously.

Disposition: Approved.

26. PARKS & LEISURE SERVICES COMMISSION EX-OFFICIO MEMBER ORDINANCE

Recommendation: That the City Council approve first reading of an Ordinance modifying Section 19-5 of the Municipal Code to provide for all elementary, high school, or unified school districts with jurisdiction areas within the City of Porterville corporate boundary to be given the opportunity to annually appoint an ex-officio member to the Parks and Leisure Services Commission.

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

Council Member Stadtherr suggested that rather than four ex-officio seats, the School Districts should be offered four permanent seats, thereby increasing the Commission from seven to eleven. He commented that in the event the Charter restricted any change, perhaps the Charter should be revisited.

City Attorney Julia Lew commented that the Commission was established via the City Charter and that she would need to review the specific provision.

Mr. Perrine pointed out that the realm of issues handled by the Parks and Leisure Services Commission was fairly narrow in terms of school interests.

Mayor Pro Tem Hamilton suggested that ex-officio members always had a voice, merely no voting right. A discussion ensued as to the significance of casting a vote versus voicing an opinion.

Council Member Irish commented that he understood the point Council Member Stadtherr had made. He stated that often times the Commission Members did not attend their meetings thereby leaving empty seats. A discussion ensued regarding the possibility of making the ex-officio members alternate members. It was suggested that in the event a full Commission was not in attendance, alternate members could fill those seats.
City Attorney Julia Lew commented that she would research the possibility of allowing the appointment of alternate members.

Council Member Irish noted the vagueness of the Commission’s responsibilities and suggested that the Commission should provide a Mission Statement to the Council. The Council agreed.

Disposition: Continued.

27. ACCEPTANCE OF OFFICE OF TRAFFIC SAFETY GRANT

Recommendation: That the City Council:
1. Accept the terms of the Office of Traffic Safety Grant;
2. Authorize the Mayor to sign all necessary documents pertaining to the grant; and
3. Authorize an increase in the allocation of police officer positions from forty-six to forty-seven.

City Manager John Longley presented the item, and Police Chief Silver Rodriguez introduced Captain Chuck McMillan who presented the staff report.

In response to the Council, Mr. Longley indicated that it was anticipated that the position allocation would remain, however, he noted the caveat in the staff report that pointed to a lack of continued funding – in the event the sales tax measure did not pass. He stated that in his opinion, the position would not be automatically removed, but would be considered in the normal budgetary process. A discussion then ensued regarding how the proposed position, as well as the Gang Officer position approved earlier that evening, fit into the seven positions identified in the sales tax measure.

Council Member Stadtherr confirmed with Mr. Longley that he would likely recommend continued funding for the position in the event the sales tax measure did not pass, however, funds would likely be cut from another area.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council accept the terms of the Office of Traffic Safety Grant; authorize the Mayor to sign all necessary documents pertaining to the grant; and authorize an increase in the allocation of police officer positions from forty-six to forty-seven. The motion carried unanimously.

Disposition: Approved.

28. CONSIDER PORTERVILLE COLLEGE BALLFIELD WOODEN POLES AND LIGHT FIXTURE REMOVAL AND RELOCATION TO THE OHV PARK, OR DECLARE SURPLUS AND DISPOSE IN-PLACE

Recommendation: That the City Council declare the remaining lights and wooden poles at Porterville College as surplus, and direct the purchasing agent to dispose of the surplus property through a bid process.

City Manager John Longley presented the item, and Parks and Leisure Services Director Jim Perrine presented the staff report.
Mayor Pro Tem Hamilton commented that staff had turned a simple request to relocate some lights into a $130,000 project. He then moved that the Council approve staff's recommendation, conditioned on any funds received from the sale of the surplus lights being placed into a fund for application towards the lighting of the OHV Park, and that the 4-Wheel Drive Grant funds also be applied towards lighting at the OHV Park.

Council Member Irish seconded the motion. He then questioned whether the lights in question were the same vintage as the lights at Hayes Field, pointing out that those lights had worked well to light ball fields. He then questioned if the subject lights could be used as replacements for Hayes Field.

Council Member Stadtherr confirmed with staff that the sports field lighting was not a part of the Johnson Controls’ energy audit currently taking place.

At the request of Council Member Irish, Mayor Pro Tem Hamilton restated his motion, after which Council Member Irish withdrew his second to the motion.

Council Member Irish suggested that rather than selling the lights, that some of the fixtures be kept and utilized as replacements at Hayes Field.

Council Member Martinez clarified that it had been suggested that the light fixtures that had already been removed should be sold, and the light fixtures currently in place be used as replacements. Council Member Martinez then requested that a letter be written to the Tule River Tribe informing them of the Council’s intentions.

Council Member Irish then re-stated his second based on that clarification.

A discussion ensued as to the future disposition of the ball field lights and the amount of 4-Wheel Drive Grant funds that would be available for use towards lighting the OHV Park. It was stated that the grant was $100,000, but it was uncertain as to how much could be applied towards the OHV Park lighting.

After some discussion as to the various options for the disposition of the light fixtures, the Council agreed that staff should have discretion as to the disposition of the ball field light fixtures. It was also suggested that the 4-Wheel Drive Grant funds be applied towards lighting at the OHV Park and that staff be directed to locate additional funding.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Irish that the Council allow staff the discretion as to the disposition of the ball field light fixtures, that the 4-Wheel Drive Grant funds be applied towards the lighting of the OHV Park, and to direct staff to locate additional funding. The motion carried unanimously.

Disposition: Approved, as amended.

29. REGISTRATION AND FACILITY RESERVATION SOFTWARE PROGRAM UPGRADE FOR PARKS AND LEISURE SERVICES DEPARTMENT

Recommendation: That the City Council authorize the purchase of a software upgrade for the Parks and Leisure Services Department in the amount of $41,714.84 from Budget savings.
City Manager John Longley presented the item, and Jim Perrine, Director of Parks and Leisure Services, presented the staff report.

Council Member Irish questioned whether a Software Replacement Fund should be started.

Council Member Stadtherr suggested that a policy could be set which would provide that the Equipment Replacement Fund cover all items $25,000 or greater. He stated a dollar threshold might prove more useful than the consideration of whether or not an item was considered “rolling stock.”

Mr. Longley requested the opportunity for staff to prepare a memorandum for the Council to address the issue raised regarding software replacement. He then reminded the Council that in past years, due to lack of funds, the Equipment Replacement Fund had not been funded, and that in the current year, the Council had mandated a minimum funding of 50%. He commented that Capital Replacement was an excellent idea, but that when funds were not available, curtailing replacement in the early years was sometimes necessary.

Deputy City Manager Darrel Pyle commented briefly on staff efforts to devise ways in which equipment replacement could be more comprehensively dealt with in the budget process.

In response to Mayor Pro Tem Hamilton’s question, Mr. Perrine indicated that the hiring freeze was primarily responsible for the savings in the Parks and Leisure Services Budget.

COUNCIL ACTION: MOVED by Mayor Pro Tem Hamilton, SECONDED by Council Member Martinez that the Council authorize the purchase of a software upgrade for the Parks and Leisure Services Department in the amount of $41,714.84 from Budget savings. The motion carried unanimously.

Disposition: Approved.

30. OUTDOOR WARNING SIREN

Recommendation: That the Council direct staff to ask the American Legion to develop some options.

City Manager John Longley presented the item, and Fire Chief Frank Guyton presented the staff report.

Mayor West invited Ed Flory to come forward and speak on the topic.

• Ed Flory, 14514 Road 208, thanked the Council and staff for their efforts.

In response to a question from Council, staff confirmed that the outdoor warning siren would be used only during the Veterans’ Day Parade. It was suggested that the PA System proposed for Centennial Park could be used in the future.

Council Member Irish suggested that the sirens from City police cars and fire engines be utilized. The Council agreed that this method should be pursued.

Disposition: Direction provided to staff.

Adjourn to a Meeting of the Porterville Redevelopment Agency.

PORTERVILLE REDEVELOPMENT AGENCY AGENDA
Roll Call: Agency Member Irish, Agency Member Martinez, Vice-Chairperson Hamilton, Agency Member Stadtherr, Chairperson West

WRITTEN COMMUNICATIONS
None

SCHEDULED MATTER
PRA-1. REDEVELOPMENT AGENCY 2005-2006 BUDGET

Recommendation: That the Agency Board adopt the attached 2005/2006 Redevelopment Agency Budget.

City Manager John Longley presented the item and the staff report.

City Attorney Julia Lew noted that the Oral Communications segment of the Meeting had inadvertently been skipped. She requested that the Mayor open up the floor for Oral Communications at that time, which the Mayor did.

ORAL COMMUNICATIONS
None.

The Council returned to the discussion of Item PRA-1. Mr. Longley confirmed that the projected increase in the amount of debt to the City Risk Management Fund was attributed to interest.

AGENCY ACTION: MOVED by Agency Member Irish, SECONDED by Agency Member Stadtherr that the Redevelopment Agency Board adopt the 2005/2006 Redevelopment Agency Budget. The motion carried unanimously.

Disposition: Approved.

Adjourn the Redevelopment Agency Meeting.

ORAL COMMUNICATIONS
• Greg Shelton, 888 N. Williford Drive, voiced support for creating alternate positions rather than ex-officio positions for the School Board as was proposed in Item 26.
• Pete McCracken, address on record, observed the Council’s frequent unanimous decisions, suggesting the Council was not quite as divisive as some might think.
• Dick Eckhoff, address on record, spoke regarding the selection process of the Mayor, commended the efforts of Council and staff regarding Centennial Park, and spoke in favor of a Code Enforcement Officer.

OTHER MATTERS
• Council Member Irish questioned when the Council would be provided information on nonprofit gambling within City limits. City Attorney Julia Lew confirmed that she would prepare a Memorandum for the next Council Meeting.
• Council Member Martinez requested that the City look into ways to improve the appearance of the Gardner Tree for the holiday lighting ceremony.
• Council Member Stadtherr requested that staff look into prioritizing curb and gutter work in high foot traffic areas, such as South Villa Street. City Manager John Longley confirmed that staff would prepare a Memo on the subject.
• Council Member Martinez commented that while at times the Council passionately disagreed, there was no personal ill will amongst the Council Members.

ADJOURNMENT
The Council adjourned at 9:45 p.m. to the meeting of July 5, 2005 at 6:00 p.m.

Patrice Hildreth, Deputy City Clerk

SEAL

Kelly E. West, Mayor