Call to Order at 6:03 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez (arrived late), Mayor Pro Tem Felipe Martinez, Mayor Hamilton (Note: One Council Seat Vacant)

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
City Attorney Julia Lew reported that no action had been taken.

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation - a moment of silence was observed.

PRESENTATIONS
Camron Ascencio - 2006 World Baton Twirling Jr. Solo Champion
Dahlia V. Martinez - 2006 USTA National Juvenile Solo Champion
City Manager’s Featured Projects
   Acceptance of Traffic Signal No. 8

ORAL COMMUNICATIONS
• Rick Patterson, 12228 Road 296, voiced concern with what he asserted was a health and safety issue at 200 South G Street. He requested immediate action toward abatement and spoke of his previous attempts to have staff address the situation. He then provided copies of correspondence to the City Manager and requested the Council’s assistance in resolving the matter. Mayor Hamilton requested that Mr. Patterson provide contact
information before he left that evening, and stated that he would personally look into the matter.

• Dr. John Snavely, 538 West Kanai, came forward on behalf of the “Paint the Town” Committee. He requested the Council’s support for their October 28th event, requesting possible assistance by City staff and use of City refuse bins. He then spoke of the event and indicated that it would coincide with the County’s Hazardous Waste Day.

CONSENT CALENDAR

Item Nos. 1, 2 and 4 were removed and continued to a future Council Meeting.

3. AWARD OF CONTRACT - SINGER BUILDING DEMOLITION PROJECT

Recommendation: That the City Council:
1. Award the Singer Building Demolition Project to Wise Engineering in the amount of $24,900;
2. Authorize progress payments per the Special Provisions, Part I, Supplementary Special Provisions, Final Payment of the Project Manual, which states that within 30 days of the Contractor’s final billing, the City must pay 100% of the sum due the contractor, provided that the City Engineer recommends and the City Council accepts the work as complete; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 01-091906
Disposition: Approved.

5. STATEWIDE GENERAL WASTE DISCHARGE REQUIREMENTS FOR SANITARY SEWER SYSTEMS

Recommendation: That the City Council:
1. Approve the Notice of Intent and authorize the Water Utilities Superintendent to sign on behalf of the City;
2. Authorize payment of the $872 permit fee; and
3. Direct staff to develop a Sewer System Management Plan.

Documentation: M.O. 02-091906
Disposition: Approved.

6. GENERAL PLAN UPDATE PRESENTATION

Recommendation: No action recommended.

Documentation: None required.
Disposition: Report accepted.

7. RIVERWALK MARKETPLACE COMMERCIAL CENTER PROJECT; ADDENDUM TO THE FINAL EIR
Recommendation: That the City Council consider and approve the Addendum to the Final EIR for the Riverwalk Marketplace Commercial Center project.

Documentation: M.O. 03-091906
Disposition: Approved.

8. CLAIM - M. BURCIAGA

Recommendation: That the City Council reject said claim, refer the matter to the City’s insurance adjustor, and direct the City Clerk to give the Claimant proper notification.

Documentation: M.O. 04-091906
Disposition: Approved.

9. EXTENSION FOR ONE (1) YEAR EXTENSION OF TIME FOR THREE (3) TEMPORARY MODULAR UNITS FOR THE PORTERVILLE EVANGELICAL FREE CHURCH

Recommendation: That the City Council adopt the draft resolution approving a one (1) year extension of time commencing on September 16, 2006 and terminating on September 16, 2007.

Documentation: Resolution 123-2006
Disposition: Approved.

10. REAPPOINTMENT OF LIBRARY BOARD MEMBERS AND ANNOUNCING VACANCY ON THE LIBRARY BOARD

Recommendation: That the City Council:
1. Reappoint Ellen Nichols to the Porterville Public Library Board of Trustees; and
2. Announce the vacancy on the Library Board of Trustees, and direct that applications be accepted up to 5:00 p.m. on October 10, 2006 for Council consideration at the meeting of October 17, 2006.

Documentation: M.O. 05-091906
Disposition: Approved.

11. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE - AMENDMENT NO. 6

Recommendation: That the City Council adopt the draft resolution approving the revised City of Porterville Conflict of Interest Code.

Documentation: Resolution 124-2006
12. CONSIDERATION OF A STANDARD FORMAT FOR PLAQUES
COMMENORATING PROJECTS

Recommendation: That the City Council approve the format for project commemoration plaques as recommended, and direct staff to implement their uniform use.

Documentation: M.O. 06-091906
Disposition: Approved.

13. CONSIDERATION OF RE-STRIPING STREETS WITHIN THE CITY - REQUEST FOR CONTINUATION

Recommendation: That the City Council continue the item to the meeting of October 3, 2006.

Documentation: M.O. 07-091906
Disposition: Item continued to the meeting of October 3, 2006.

13a. CITY POLICY CONCERNING THIRD PARTY PRESENTATIONS DURING CITY COUNCIL MEETINGS AND USE OF CITY EQUIPMENT

Recommendation: That the City Council consider and adopt the draft resolution and proposed City Policy Concerning Third Party Presentations During City Council Meetings and use of City Equipment.

Documentation: Resolution 125-2006
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 3, and 5 through 13a. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF AUGUST 15, 2006

Recommendation: That the City Council approve the City Council Minutes of August 15, 2006.

Disposition: Continued to a future meeting.

2. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE THE RAILS TO TRAILS PROJECT

Recommendation: That the City Council:
1. Reject all bids for the Rails to Trails Project; and
2. Authorize staff to re-advertise for bids once final options are agreed upon and plans are modified to bring the project within the available budget.
4. AWARD CONTRACT - SPRAYED POLYURETHANE ROOFING SYSTEMS

Recommendation: That the City Council:
1. Award the contract for the sprayed polyurethane foam roofing systems project to Universal Coatings, Inc. of Fresno, CA in the amount of $127,832;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen costs.

Disposition: Continued to a future Council meeting.

Mr. Longley noted for the record that he had a conflict of interest with Item No. 7 - Riverwalk Marketplace Commercial Center Project; Addendum to the final EIR.

PUBLIC HEARINGS

14. CONDITIONAL USE PERMIT 6-2006 - PROPOSED CHURCH (VICTORY OUTREACH)

Recommendation: That the City Council adopt the draft resolution conditionally approving Conditional Use Permit 6-2006 as recommended by staff in Alternative A.

City Manager John Longley presented the item, and Brad Dunlap, Community Development Director, presented the staff report, which included the following options:

Alternative A: Approve Conditional Use Permit 6-2006, while allowing the seating capacity to remain the same with an occupancy of 299 seats. The City Council could grant an exception to Section 2205 A-2 of the Zoning Ordinance to allow the use of the required 15 parking spaces available beyond the 300-foot radius of the subject site to be considered in the overall parking requirement of 60 parking spaces.

Alternative B: Approve Conditional Use Permit 6-2006 with a modification to the site plan to reduce the square footage of the sanctuary to accommodate a maximum of 225 occupants, resulting in a total of 45 parking spaces required, which would be available on site and within 300 feet of the church and in conformance with Section 2205 A-2 of the Zoning Ordinance.

Alternative C: Deny Conditional Use Permit 6-2006 and require that appropriate permits required by the Building Division be acquired, the interior construction of the building be removed, and the existing building brought back into its original character.

The public hearing opened at 7:24 p.m.
• Nester Lambarena, 1192 E. Jasmine, came forward on behalf of Victory Outreach and requested the Council’s approval of the requested CUP.
• Dick Eckhoff, 197 North Main Street, came forward and indicated that he was neither in favor nor against the proposed CUP, and spoke of the lack of parking in the downtown area. He referenced his comments previously provided to the Council in writing, noting that the letters provided by local business owners to the applicant regarding use of their parking, suggesting that in actuality such an arrangement might not be feasible. He spoke of the need for the City to address the parking issue downtown. Mr. Eckhoff then suggested that the center of the circle identifying the three mile radius from the subject site appeared to be located off-center.

The public hearing closed at 7:30 p.m.

Council Member Pedro Martinez spoke of the parking issue and suggested that the church’s parking needs would likely be limited, in terms of the times of usage and the fact that families generally drove together, versus one individual per vehicle. Council Member Pedro Martinez then voiced support for approval of the item.

Mayor Pro Tem Felipe Martinez acknowledged Mr. Eckhoff’s comments with regard to the parking situation downtown, and commented that the parking needs for the church would likely fall during Sundays and holidays when businesses were likely closed.

Council Member McCracken agreed that parking was an issue, but also agreed that the church would require parking during off-times. He confirmed with staff that the building and construction would be completed per Code. Council Member McCracken then noted a potential discrepancy in the number of parking spaces on the map provided. A discussion ensued as to the future plans for public parking in the downtown area.

Mayor Hamilton spoke of Mr. Eckhoff’s concerns with parking, and suggested that many businesses utilized other business’ parking without permission. He noted that the applicant had actually obtained the permission of many business owners.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Alternative A as Resolution 126-2006 recommended in the staff report. The motion carried unanimously.

Disposition: Alternative A approved.

15. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council:
1. Adopt the draft resolution approving the Negative Declaration for Ennis Estates Tentative Subdivision Map; and
2. Adopt the draft resolution approving Ennis Estates Tentative Subdivision Map, subject to conditions of approval.
City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. Mr. Longley indicated that at the request of the applicant, staff was recommending that the public hearing be continued to the meeting of October 3, 2006. He stated that the parties involved agreed to the continuance.

The Council concurred to continue the item and the public hearing to the meeting of October 3, 2006.

Disposition: Continued to October 3, 2006.

16. CONSIDERATION OF THE ADOPTION OF A NOISE ORDINANCE

Recommendation: That the City Council:
1. Approve and give first reading to the draft ordinance; and
2. Waive further reading of the ordinance and order it to print.

City Manager John Longley presented the item, and Community Development Director Brad Dunlap presented the staff report. City Attorney Julia Lew clarified that there were two ways in which the City could bring an action – by City personnel witnessing the violation, or via an individual witnessing the action who would then be willing to declare it for the purposes of bringing a complaint. She spoke of the evidentiary issues with that scenario. Mr. Dunlap added that staff requested that the draft ordinance for Council’s consideration be modified to strike the second sentence under “Prosecution,” Section 18-91, and replace it with “The City may refrain from issuing a compliant in the event the cause of violation is removed, the condition abated or fully corrected with the five-day period.”

The public hearing opened at 7:46 p.m.

• Dick Eckhoff, 197 North Main Street, came forward and referenced his comments previously provided to the Council in writing with regard to the item. He stated that while he was in favor of an enforced sound ordinance, he voiced concerns with the Noise Ordinance under consideration. He cited the proposed exceptions with regard to construction, lawn mowers and blowers, and questioned whether there would be limits to the noise created by those sources. He then spoke of noise emanating from vehicles and questioned whether that would be covered under the proposed ordinance.

• Joe Guerrero, 332 South F Street, spoke against the proposed ordinance, suggesting it impeded citizens’ constitutional rights. He then questioned whether motorcycles and small vehicles were exempt, and requested that the ordinance further clarify exactly what “noise” was. He then stated that the draft ordinance was too vague.

• Ron Irish, 768 North Prospect, commented that while Harley Davidson motorcycles were sometimes loud, they did not equate to some of the vulgar language emanating at high volumes from some vehicles. He stated that he believed that if there was a mechanism to eliminate the volume of such lyrics, it was a step in the right direction.

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

The Council clarified with Interim Police Chief McMillan that as long as a vehicle was on a road way, vehicle code violations pertaining to noise were covered under the Vehicle Code. Staff indicated
that exhaust systems were also covered under that Code. At Mayor Hamilton’s request, Ms. Lew then addressed the various concerns raised by Mr. Eckhoff. Ms. Lew stated that clarifying language could be added to the end of the exemption dealing with Parks. Ms. Lew then stated that with regard to Section 18-14, while there were no limits identified in the proposed ordinance, limits would be included as conditions of the applicable permit. It was also clarified that with regard to construction noise, noise mitigation factors were generally included in the environmental document, and was also addressed in the City’s Municipal Code.

Council Member McCracken commented that the proposed ordinance was confusing and stated that he believed it needed more work. He suggested that the Council schedule a study session to include the use of a sound generator to ensure that all the members understood exactly what sound decibels were being considered as unacceptable. A discussion ensued during which Ms. Lew clarified that the proposed ordinance was not intended to regulate specific content, other than what was permitted under the Constitution. She added that derogatory words alone were not enough to be “offensive,” but rather the words must be offensive to the point where they might incite a reasonable person to violence.

Noting the importance of the issue, Mayor Hamilton commented that he did not have a problem scheduling a study session to further analyze the proposed ordinance.

Council Member Martinez voiced displeasure with having to even consider such an ordinance. He suggested that the issue dealt with learning to respect one’s neighbors and stated that he would prefer to approach the matter with a nuisance ordinance rather than a noise ordinance. He stated that individuals needed to learn how to get along and should be encouraged to do so by the actions of others. He then clarified with staff different scenarios that would constitute disturbing the peace, during which the City Attorney pointed out that the action must be malicious.

Ms. Lew clarified for everyone’s edification that the proposed ordinance before the Council was a modification of something that was reviewed in the past, yet not adopted, and that the proposed ordinance would add a substantial amount of regulations that were not currently on the books. In response to a question from the Council, Ms. Lew indicated that she believed the proposed ordinance would help address some of the concerns of the Council, yet cautioned that the regulations might be very difficult to enforce. She stated that it would, however, provide an extra tool for the Police Department, and that the Council would have another opportunity to make any necessary adjustments through the comprehensive General Plan Update. Community Development Director Brad Dunlap elaborated on sound levels and stated that the proposed ordinance would provide a standard and be a very useful tool.

Council Member Pedro Martinez commented that he was not looking to pass any ordinance at that time and stated that he believed the tools were already in place. He spoke against over regulating.

Mayor Hamilton spoke in favor of the proposed ordinance and stated that he believed the people of Porterville had a right to public safety and health, and that extra noise was a health problem. He commented that the issue was more than a disturbing the peace issue, adding that he would support continuing the discussion to a study session, but hoped the Council would seriously entertain passing the ordinance.

Council Member McCracken moved that the Council continue the Item until the next regular Council Meeting. After some discussion, Council Member McCracken withdrew his motion.
COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council deny the proposed Noise Ordinance.

M.O. 09-091906

AYES: McCracken, P. Martinez
NOES: F. Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Mayor Pro Tem Felipe Martinez moved that the Council direct staff to schedule a study session to further discuss the noise ordinance. Council Member McCracken seconded the motion. A discussion ensued as to when and where the adjourned meeting should take place. City Manager John Longley clarified that he would have Carol schedule the meeting. Mr. Dunlap suggested that the Council wait until the noise readings recently taken for the Noise Element of the General Plan were available. He stated that examples of decibel ratings could then be made available to the Council.

Mayor Pro Tem Felipe Martinez amended his motion to direct staff to schedule the study session after the readings were available from the General Plan Update Noise Element.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Mayor Hamilton that the Council direct staff to schedule the study session after readings are available from General Plan Update Noise Element.

M.O. 10-091906

AYES: McCracken, F. Martinez, Hamilton
NOES: P. Martinez
ABSTAIN: None
ABSENT: None

Disposition: Direction given to Staff.

17. CONSIDER ADOPTION OF AUDIT COMMITTEE ORDINANCE

Recommendation: That the City Council:
1. Open the public hearing, take public comments concerns and questions; and
2. Approve the draft ordinance approving the formation of a City Audit Committee, waive further reading, and order the Ordinance to print.

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

The public hearing opened at 8:24 p.m. and closed at 8:25 p.m. when nobody came forward.

Council Member McCracken clarified with staff that in the event the proposed ordinance was approved that evening, it could be changed or eliminated by a future Council via an ordinance. He then questioned why an ordinance was necessary to appoint an audit committee. City Attorney Julia Lew clarified that the committee could be established by resolution or by policy, however due to the nature of the committee’s responsibilities, she thought that an ordinance was the most appropriate means.
Mayor Hamilton suggested that due to public perception, perhaps a citizen’s oversight committee would be more appropriate. A discussion ensued as to other means of establishing some type of an oversight committee. City Manager John Longley spoke of how the item came to fruition and elaborated on staff’s reasoning for establishing the committee via ordinance. He then stated that the staff report should have included options for Council’s consideration, such as to either establish the committee via ordinance, via resolution, or not at all. Mr. Longley then recommended that the committee be established, stating that, if nothing else, it provided a better way to manage the City’s independent auditor.

Mayor Pro Tem Felipe Martinez moved that the Council approve the establishment of a committee comprised of a Council Member, a member of the public, and the staff members as proposed in the staff report. Council Member Pedro Martinez seconded the motion.

Council Member McCracken voiced reservations about limiting the Council representative to only the Mayor and another member, suggesting that at various times other Council Members might have more financial expertise than the seated Mayor. He then spoke against involving a member of the public. Mayor Pro Tem Felipe Martinez clarified that his motion pertained to a Council Member and did not specify the Mayor.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft ordinance approving the formation of a City Audit Committee, as amended to strike “Mayor” and replace with “a member of the public,” waive further reading, and order the ordinance, as amended, to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER II, ARTICLE IX, INTERNAL CITY AUDITS, OF THE CODE OF THE CITY OF PORTERVILLE.

AYES: P. Martinez, F. Martinez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: None

The City Manager read the Ordinance by title only.

Disposition: Approved, as amended.

18. WATER CONSERVATION PHASE II, WATER SYSTEM STATUS

Recommendation: That the City Council:
1. Return to Phase I of the Water Conservation Plan; and
2. Continue Phase I water conservation efforts.

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

The public hearing opened at 8:33 p.m. and closed at 8:34 p.m. when nobody came forward.
Council Member Pedro Martinez applauded the citizens for their water conservation efforts and suggested that the City could do better in its conservation efforts.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the return to Phase I of the Water Conservation Plan and continue Phase I water conservation efforts. The motion carried unanimously.

Disposition: Approved.

Mayor Hamilton acknowledged Interim Police Chief McMillan and Sergeant Duane Griffin for their participation in “Shave The Brave.” It was stated that 14 officers, along with one officer’s son, participated in the event to benefit the Make a Wish Foundation and that the Porterville Police Department had raised approximately $7,200 thus far.

The Council recessed for ten minutes.

SCHEDULED MATTERS
19. CHIEF OF POLICE RECRUITMENT

Recommendation: That the City Council:
1. Authorize the City Manager to retain the executive search firm of Peckham & McKenney for a fee of $24,000 to recruit a Chief of Police; and
2. Authorize the City Manager to execute any and all necessary documents related to the recruitment process.

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

Council Member McCracken clarified with staff that the “carry-over” account consisted of an account that was allocated between different departments. A discussion ensued as to the process involved in the recruitment and the likely time frame. It was stated that the process should be completed by year end.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the City Manager to retain the executive search firm of Peckham and McKenney for a fee of $24,000 to recruit a Chief of Police; and authorize the City Manager to execute any and all necessary documents related to the recruitment process. The motion carried unanimously.

Disposition: Approved.

20. REQUEST FOR ONE (1) TEMPORARY MODULAR STRUCTURE TO BE UTILIZED AS A SALES OFFICE
Recommendation: That the City Council adopt the draft resolution and conditions of approval for the temporary modular structure for a period of time expiring on March 19, 2007.

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

Mayor Hamilton questioned the need to bring the item to the Council, and suggested that Mr. Dunlap should have the ability to grant approval. Mr. Dunlap indicated that Council approval of such items was required by a previous Council. Mayor Hamilton requested that the Council reconsider such direction.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft resolution and Resolution 127-2006 conditions of approval for the temporary modular structure for a period of time expiring on March 19, 2007.

Disposition: Approved.

21. ONLINE PAYMENTS FOR UTILITY BILLS

Recommendation: That the City Council:
1. Authorize the utilization of the Incode service feature that allows customers to identify a bank or credit card account for automatic charge of utility payments;
2. Authorize staff to pursue the charge of a nominal fee of $1.00 per transaction, and schedule the matter for a public hearing; and
3. Direct staff to again review the online payment option during budget development for FY 2007-2008.

City Manager John Longley presented the item, and Acting Chief Financial Officer Maria Bemis presented the staff report.

Council Member McCracken spoke of the standard practice of online banking services to send one check per month to each service provider, and suggested that staff might look into that. Ms. Bemis clarified that the City was already utilizing that service and noted the delay in payment with that method. A discussion ensued as to the impetus of the item, during which Mr. Longley indicated that many individuals in the community had inquired about the service over the course of the past six or seven months.

Mayor Pro Tem Felipe Martinez suggested that the subject be reviewed further over the next six months and gauge how many individuals would actually be interested in the service prior to taking any action. He suggested that rather than conducting a poll through the utility billing, a tally be kept by staff to track any inquiries into the service.

In response to a question posed by Council Member McCracken, a discussion ensued as to other methods available to those individuals who wished to pay online. Council Member McCracken requested that other options be provided to the Council for consideration.
The Council concurred that the item should be continued for six months so as to provide staff time to conduct further research, including other options. Staff was also directed to keep a tally of all inquiries into the service to gauge public interest.

Disposition: Continued.

22. COMPARISON OF THE ARTIFICIAL TURF TO REAL TURF MAINTENANCE

Recommendation: That the City Council consider and accept the cost comparison between artificial turf and real turf maintenance.

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

Council Member McCracken commented that the artificial turf might solve the problem with sprinklers in the medians on Olive Avenue and questioned whether staff had estimates as to possible costs for installing the turf in the medians. Mr. Perrine indicated that general costs estimates came to approximately $36,000 to convert the median islands from E Street to Kessing Street, which would result in an estimated cost savings of approximately $1,200 per year.

Disposition: No action requested.

23. PROCEDURE TO ACCOMMODATE LARGER EXPENDITURES WHEN REQUIRED BY PUBLIC PEACE, HEALTH OR SAFETY

Recommendation: That the City Council adopt the draft ordinance, waive further reading, and order the ordinance to print.

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

Council Member Pedro Martinez moved that the Council adopt the draft ordinance, waive further reading, and order the ordinance to print.

Mayor Pro Tem Felipe Martinez seconded the motion.

Council Member McCracken moved to amend the amount of the appropriation/expenditure to $50,000 instead of $100,000. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft ordinance, waive further reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING SECTION 2-38 TO CHAPTER II, ARTICLE VII OF THE PORTERVILLE MUNICIPAL CODE (“EXPENDITURES, INDEBTEDNESS, AND REVOLVING CASH FUND”) CONCERNING APPROPRIATIONS/EXPENDITURES IN CASES WHERE THERE IS AN
IMMEDIATE NEED TO PRESERVE THE PUBLIC PEACE, HEALTH OR SAFETY.

AYES: P. Martinez, F. Martinez, Hamilton
NOES: McCracken
ABSTAIN: None
ABSENT: None

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

24. DEBARMENT PROCEDURES – CITY CONTRACTORS

Recommendation: That the City Council consider the proposed regulations, adopt the draft ordinance, give first reading, and order the ordinance to print.

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

In response to questions posed by the Council, Ms. Lew elaborated on the process for debarment and appeals.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council adopt the draft ordinance, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE XIII, SECTIONS 2-114 THROUGH 2-138 TO CHAPTER II OF THE PORTERVILLE MUNICIPAL CODE CONCERNING DEBARMENT. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

25. AGGRESSIVE SOLICITATION ORDINANCE

Recommendation: That the City Council consider the proposed regulations, adopt the draft ordinance, give first reading, and order the ordinance to print.

City Manager John Longley presented the item, and City Attorney Julia Lew presented the staff report. Ms. Lew stated that “Concerning Debarment” in the last sentence of the recommendation included in the staff report was a typographical error and should be stricken.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt the draft ordinance, give first reading, and order the ordinance to print, being AN ORDINANCE OF THE
Ordinance 1706  
CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING SECTION 18-1 OF CHAPTER 18, ARTICLE I OF THE PORTERVILLE MUNICIPAL CODE, AND ADDING ARTICLE IV, SECTIONS 18-50 THROUGH 18-54 CONCERNING AGGRESSIVE SOLICITATION. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

26. UPDATE – DEVELOPMENT OF LOCAL REGULATIONS CONCERNING SEX OFFENDERS

Recommendation: That the City Council review the draft sample regulations and provide any additional input and direction.

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

Mayor Hamilton commented that if nothing else, such action would bring attention to the State Legislators in Sacramento that something needed to be done.

Council Member Pedro Martinez agreed with Mayor Hamilton’s comments, and spoke of limiting the time that sexual offenders could occupy a hotel room, noting that many needy families often occupied local hotels. He requested that such limitations be looked at in the future, along with restricting the ability of sexual offenders to frequent parks and bus pick up locations utilized by children. He then thanked the Porterville Recorder for covering the subject and educating the citizens.

Disposition: Informational report only.

27. COUNCIL AD HOC COMMITTEE REPORT ON STATUS OF CITY COUNCIL MEMBER APPOINTMENT

Recommendation: That the City Council set an adjourned meeting for the review of candidates and the selection of a City Council appointee.

City Manager John Longley presented the item.

Mayor Hamilton commented that while he had not been present for the discussion, he understood that an ad hoc committee comprised of Mayor Pro Tem Felipe Martinez and himself was appointed at the last Council Meeting. He stated that interested individuals were to have submitted their letters of interest and resumes by 5:00 p.m. on September 18. He stated that he and Mr. Martinez met and reviewed the applications and have returned with two prospective appointees. Upon clarifying with Ms. Lew that the identities of the two finalists could be revealed that evening, Mayor Hamilton indicated that Ms. Edith LaVonne and Mr. Eddie Hernandez had been chosen by the ad hoc committee for further consideration by the entire Council. Mayor Hamilton then thanked all of the individuals who had submitted letters of interest and spoke of the difficult decision the ad hoc committee had before them.
A discussion ensued as to the when the item should return to the Council for consideration. Ms. Lew clarified that the Adjourned Meeting set for Saturday, September 23rd could not be considered, as it was an informational meeting. After several suggested dates were disqualified due to calendaring conflicts, it was suggested that staff be directed to schedule the meeting for an appropriate date. The Council concurred that Ms. Bodine should contact the Council to schedule the meeting.

Disposition: Report provided by ad hoc committee; staff directed to schedule Adjourned Meeting for the appointment of a new Council Member.

28. REQUEST BY COUNCIL MEMBER–CONSIDERATION OF POP WARNER FIELD USE WITHOUT FEE CHARGES

Recommendation: None

City Manager John Longley presented the item. At Mr. Longley’s request, Parks & Leisure Services Director Jim Perrine came forward and elaborated on the issue of fees for Pop Warner Field use, lighting, and staff time at the Municipal Ball Park. He indicated that in the recent past, it appeared that use charges had not been applied to users, while lighting charges had been applied. He stated that with the recent adoption of the new fee schedule, charges were now due. He stated that user organizations had indicated that they were not used to paying the use fees.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct staff to not collect fees for field use at Pop Warner Fields. The motion carried unanimously.

Disposition: Approved.

29. REQUEST BY COUNCIL MEMBER–DISCUSSION OF CITY COUNCIL MEMBER PICNIC FOR CITY EMPLOYEES

Recommendation: None

City Manager John Longley presented the item.

Mayor Pro Tem Felipe Martinez indicated that he had requested that the item be placed on the Agenda. He commented that he would like the Council to consider holding a picnic for City staff to show the Council’s appreciation of their hard work. A discussion ensued as to potential costs for the picnic, during which Mr. Longley estimated that in the past, a rough figure was approximately $15 per person, with approximately 50 to 60 individuals attending.

The timing of the event was discussed next, during which the Council concurred that an Employee picnic be scheduled for next Spring.

Disposition: Direction given to staff.

Adjourn to a Meeting of the Porterville Public Improvement Corporation
PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Roll Call: Director McCracken, Director Pedro Martinez, Vice-President Felipe Martinez, President Hamilton (Note: one seat vacant)

WRITTEN COMMUNICATIONS
None

ORAL COMMUNICATIONS
None

SCHEDULED MATTER
PIC-1. ANNUAL MEETING OF THE PORTERVILLE PUBLIC IMPROVEMENT CORPORATION

Recommendation: That the City Council, sitting as the Porterville Public Improvement Corporation:
1. Approve the election of officers as indicated in the draft resolution;
2. Accept public comments; and
3. Approve the 2006 Status Report for Certificates of Participation Projects.

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

President Hamilton invited commentary from the audience. When nobody came forward, he turned the discussion over to the Corporation.

CORPORATION ACTION: MOVED by Director Pedro Martinez, SECONDED by President Hamilton that the Porterville Public Improvement Corporation
PIC 2006-01 approve the draft resolution and the 2006 Status Report for Certificates of Participation Projects. The motion carried unanimously.

Disposition: Approved.

Adjourn to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS
• Glen Faison, came forward on behalf of “Paint the Town” and requested that the City consider changing its “Clean-Up Day” set for October 21st to coincide with the Paint the Town event on October 28th. City Manager John Longley requested that staff and the Paint the Town Committee meet to discuss the matter. Mr. Longley confirmed that the Council would be kept apprised.
• Dick Eckhoff, 197 N. Main Street, spoke of Item No. 21 and voiced concern with the accuracy of a poll that only included comments made by utility customers that paid in person at City Hall, suggesting that the majority of customers who would likely utilize an online service mailed in their payments. Mr. Eckhoff then noted the need for a noise
ordinance as was discussed in Item No. 16, yet voiced concerned with the proposed language.

• Greg Shelton, 888 North Williford Drive, voiced concern with the proposed noise ordinance, suggesting that it could be manipulated for purposes of harassment.

OTHER MATTERS

• Mayor Hamilton congratulated Mayor Pro Tem Felipe Martinez on the awards he recently received.

• Council Member Pedro Martinez noted the recent September 11th anniversary and thanked the fire and police personnel for their dedicated service. He requested that the City Manager convey to the Fire Department and the Police Department the appreciation of the Council for their service.

• Council Member Felipe Martinez spoke of the “Paint the Town/Clean Up America” effort and commented on the benefits of such an activity, noting the need to create a community that was respectful and had pride of ownership.

• Mayor Hamilton noted that Senior Planner Julie Boyle’s last day at the City would be Friday, September 22nd, and thanked her for her hard work.

ADJOURNMENT

The Council adjourned at 9:59 p.m. - to the meeting of September 23, 2006, 9:00 a.m., Board Room of Sierra View District Hospital*

*Porterville City Charter Sec. 10 states—“Except for special meetings with the legislative bodies of other political subdivisions, or informational meetings held within the community where no action is to be taken, all meetings of the council shall be held in the city hall, unless by reason of fire, flood, or other disaster, or lack of seating capacity, the city hall cannot be used for that purpose, and all meetings shall be open to the public.

ATTEST:

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor