CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
OCTOBER 17, 2006, 6:00 P.M.

Call to Order at 6:00 p.m.
Roll Call: Council Member McCracken, Council Member Pedro Martinez, Mayor Pro Tem Felipe Martinez, Council Member Hernandez, Mayor Hamilton

PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Agency Member Pedro Martinez, Vice-Chairman Felipe Martinez, Agency Member Hernandez, Chairman Hamilton

JOINT ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. City Council Closed Session Pursuant to:

B. Redevelopment Closed Session Pursuant to:

The Redevelopment Agency Meeting then closed. The Council adjourned in Closed Session to the Redevelopment Closed Session Item

7:00 P.M. RECONVENE REDEVELOPMENT IN OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION FOR THE CITY COUNCIL AND THE REDEVELOPMENT AGENCY
City Attorney Julia Lew reported that no action had been taken.

CONSENT CALENDAR
1. AWARD OF CONTRACT - CASAS BUENA VISTA SLURRY SEAL

Recommendation: That the Redevelopment Agency:
1. Award the Casas Buena Vista Slurry Seal Project to Asphalt Maintenance Company of California in the amount of $28,996;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: PRA 01-101706
Disposition: Approved.

The Redevelopment Agency adjourned to a Meeting of the City Council.

Pledge of Allegiance Led by Council Member Pete McCracken
Invocation - one individual participated.

PROCLAMATION
“Foster Grandparent/Senior Companion Day” - October 27, 2006
Staff informed the Council that the Proclamation had been pulled from the Agenda.

PRESENTATIONS
Employee Service Awards
The Council presented Service Awards to:
• Denise Marchant - 15 years of service
• Richard Keck - 5 years of service

Parks & Leisure Services Commission Semi-Annual Report
• Chairperson Joe Ruiz presented the report.

Library Board of Trustees Semi-Annual Report
• Chairperson Pamela Clark presented the report.

ORAL COMMUNICATIONS
• Renay Sprague, 75 North D Street, requested that the Council include the Gardner Tree in its approval for Christmas tree lighting, as proposed in Item No. 25.
• Christina Martinez, 2250 West Morton Avenue, voiced concern with speeding motorists on Morton Avenue and what she perceived to be a lack of enforcement of speed limits. She cited concerns with safety and proposed various ways in which the issue could be addressed.
• Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, acknowledged the efforts of Ms. Sprague with regard to the Car Show recently held Downtown; and requested the opportunity to address the Council when it discussed Item No. 25.

CONSENT CALENDAR
Items 1 and 14 were removed for further discussion.

2. AUTHORIZATION TO REJECT ALL BIDS AND RE-ADVERTISE THE MISCELLANEOUS CONCRETE IMPROVEMENTS PROJECT

Recommendation: That the City Council:
1. Reject all bids for the Miscellaneous Concrete Improvements 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.

Documentation: M.O. 01-101706
Disposition: Approved.

3. AUTHORIZATION TO NEGOTIATE A CONTRACT TO PREPARE A “RECLAMATION AREA MANAGEMENT AND MAINTENANCE PROPOSAL” (RAMMP)

Recommendation: That the City Council:
1. Authorize the Public Works Director to negotiate a contract with Ms. Karol Aure-Flynn for consulting services to prepare a Reclamation Area Management and Maintenance Proposal;
2. Authorize the Public Works Director to enter into and execute a “not to exceed” $10,000 consulting services agreement with Ms. Aure-Flynn;
3. Authorize staff to make payments up to 100% upon satisfactory completion of the work; and
4. Authorize the Public Works Director to negotiate a consulting services agreement with the second consultant, David R. Woodruff, Agricultural Consultant, if unable to successfully negotiate with Ms. Aure-Flynn.

Documentation: M.O. 02-101706
Disposition: Approved.

4. APPROVE SERVICE AGREEMENT FOR DESIGN OF BALL FIELDS PROJECT, HERITAGE CENTER SITE

Recommendation: That the City Council consider and approve the Service Agreement with Community Works Design Group.

Documentation: M.O. 03-101706
Disposition: Approved.

5. CONTRACT APPROVAL REQUEST FOR ENGINEERING SERVICES WITH CAROLLO ENGINEERS TO DEVELOP A NOTICE OF INTENT TO APPLY BIO-SOLIDS

Recommendation: That the City Council:
1. Approve the draft agreement;
2. Appropriate $30,600 from the Wastewater Treatment Facility Capital Reserve Fund; and
3. Authorize the Mayor to sign the agreement on behalf of the City of Porterville.

Documentation: M.O. 04-101706
Disposition: Approved.
6. AWARD OF CONTRACT - MORTON AVENUE CHIP SEAL PROJECT

Recommendation: That the Council:
1. Award the Morton Avenue Chip Seal Project to Central Valley Asphalt in the amount of $72,374;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs.

Documentation: M.O. 05-101706
Disposition: Approved.

7. ACCEPTANCE OF THE WELL NO. 28 PROJECT

Recommendation: That the City Council:
1. Accept the Well No. 28 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.

Documentation: M.O. 06-101706
Disposition: Approved.

8. ACCEPTANCE OF THE WELL 29 (PHASE ONE) PROJECT

Recommendation: That the City Council:
1. Accept the Well No. 29 Project (Phase One) 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.

Documentation: M.O. 07-101706
Disposition: Approved.

9. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-015-006 – GRAY’S AIR CONDITIONING, INC. - JOE DONALD GRAY, TRUSTEE – PLANO BRIDGE WIDENING PROJECT

Recommendation: That the City Council:
1. Authorize staff to make payment to Gray’s Air Conditioning, Inc., and Joe Donald Gray, Trustee, owner of property in the amount of $1,425.00;
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 131-2006
Disposition: Approved.
10. ACCEPTANCE OF APPRAISED VALUE OF RIGHT OF WAY FOR PROPERTY LOCATED AT APN 261-300-000 – CHARLES R. REEDER AND CAROL A. ODOM – PLANO BRIDGE WIDENING PROJECT

Recommendation: That the City Council:
1. Authorize staff to make payment to Charles R. Reeder and Carol A. Odom, owners of property, in the amount of $1,000.00;
2. Authorize the Mayor to sign all necessary documents; and
3. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution 132-2006
Disposition: Approved.

11. CITY EASEMENT CONVEYANCE TO SOUTHERN CALIFORNIA EDISON COMPANY

Recommendation: That the City Council:
1. Accept SCE’s request to have the City convey an easement for the installation of an underground electrical conduit;
2. Accept SCE’s $2,800 easement compensation;
3. Authorize the Mayor to sign the Grant of Easement; and
4. Authorize the City Clerk to mail the signed Grant of Easement to SCE for recordation and to begin the process to compensate the City of Porterville.

Documentation: Resolution 133-2006
Disposition: Approved.

12. RANCH VICTORIA TENTATIVE SUBDIVISION MAP - EXTENSION OF TIME (METCO INVESTMENTS)

Recommendation: That the City Council adopt the draft resolution approving a two (2) year extension of time for Ranch Victoria Tentative Subdivision.

Documentation: Resolution 134-2006
Disposition: Approved.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE CHAMBER OF COMMERCE, ROTARY CLUB OF PORTERVILLE, AND DOWNTOWN PORTERVILLE ASSOCIATION ANNUAL CHILDREN'S CHRISTMAS PARADE - NOVEMBER 28, 2006

Recommendation: That the City Council:
1. Approve the Community Civic Event application from the Porterville Chamber of Commerce, Rotary Club of Porterville, and Downtown Porterville Association subject to the restrictions and requirements
2. Authorize the temporary suspension of the Fixed Route Transit System from 4:30 p.m. to 7:00 p.m. on November 28, 2006; and
3. Restrict the closure of parking spaces in front of City Hall from 3:00 p.m. to 5:00 p.m. to those at the north end of City Hall along Main Street.

Documentation: M.O. 08-101706
Disposition: Approved.

15. MAYOR HAMILTON’S TRIP TO WASHINGTON D.C. FOR SUCCESS DAM RELATED ISSUES

Recommendation: That the City Council authorize the travel of the Mayor to Washington D.C. with the Success Dam Remediation Committee and authorize the expenditure of City monies to support the trip.

Documentation: M.O. 09-101706
Disposition: Approved.

16. CANCELLATION OF JANUARY 2, 2007 COUNCIL MEETING

Recommendation: That the City Council cancel the January 2, 2007 City Council Meeting.

Documentation: M.O. 10-101706
Disposition: Approved.

17. APPOINTMENT TO LIBRARY BOARD OF TRUSTEES

Recommendation: That the City Council extend the time to 5:00 p.m., October 31, 2006 for prospective applicants to submit a “Request for Appointment” form.

Documentation: M.O. 11-101706
Disposition: Approved.

17A. PORTERVILLE MUNICIPAL AIRPORT RENTAL - ATMOSPHERICS, INC.

Recommendation: That the City Council approve the temporary rental of a portion of Lot 7 to Atmospherics, Inc. for a rental fee of $150 per month; reimbursement to the City for electricity use; and compliance with the City’s policy on liability insurance.

Documentation: M.O. 12-101706
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve Item Nos. 2 through 13, and 15 through 17A. The motion carried unanimously.
1. CITY COUNCIL MINUTES OF SEPTEMBER 5, 2006 AND SEPTEMBER 23, 2006

Recommendation: That the City Council approve the City Council Minutes of September 5, 2006 and September 23, 2006.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the City Council Minutes of M.O. 13-101706 September 5, 2006 and September 23, 2006.

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

Disposition: Approved.

14. AIRPORT LAND LEASE FOR DRY FARMING

Recommendation: That the City Council:
1. Accept the proposal from Mr. Sheets;
2. Direct staff to develop a three-year Lease Agreement consistent with staff’s recommendation; and
3. Authorize the Mayor to sign the Agreement.

City Manager John Longley presented the item, and Deputy City Manager/Airport Manager Frank Guyton presented the staff report.

In response to questions posed by Council Member Pedro Martinez, staff elaborated on the difference between the farming operation managed by Mr. Nuckols and the proposed farming operation at the Airport. It was stated that the goal of the proposed farming operation was to raise funds for the operation of the Airport, while the other operation was to dispose of water to meet the requirements of the City’s Cease and Desist Order. A discussion then ensued as to the provisions of the contract and means of ensuring production as stated.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council accept the proposal from Mr. Sheets; direct staff to develop a three-year Lease Agreement consistent with staff’s recommendation; and authorize the Mayor to sign the Agreement. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS
18. 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. Mayor Hamilton noted that the Council and staff had received a request from the applicant to continue the matter until the Meeting of November 7, 2006. Noting Dr. Brown of Burton School District was in attendance, Mayor Hamilton confirmed that he had been previously notified of the applicant’s request for continuance.


19. CONDITIONAL USE PERMIT NO. 5-93 MODIFICATION NO. 1 (PORTERVILLE EVANGELICAL CHURCH)

Recommendation: That the City Council adopt the draft resolution approving the modification to Conditional Use Permit 5-93.

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

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

- Dennis Townsend, Townsend Architectural Group, came forward, spoke in favor of the item, and requested the Council’s approval.
- Rudy Martinez, 22254 W. Thurman Avenue, Pastor of the Porterville Evangelical Free Church, spoke in favor of the item, elaborated on the proposed modifications, and requested the Council’s approval of the requested CUP modification.

The public hearing closed at 7:33 p.m.

Council Member Martinez spoke favorably of the progress made on the project.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft resolution approving the modification to Conditional Use Permit 5-93. The motion carried unanimously.

Disposition: Approved.

20. CREDIT CARD PROCESSING FEES

Recommendation: That the City Council:
1. Open the public hearing, take public comments, concerns and questions; and
2. Adopt the draft resolution approving a 2.5% processing fee for credit card methods of payment.

City Manager John Longley presented the item, and Administrative Services Manager John Lollis presented the staff report. Mr. Lollis advised the Council that staff had amended staff’s recommendation and the proposed resolution to strike “processing fee” and replace it with “convenience fee.”

The public hearing opened at 7:39 p.m. and closed at 7:40 p.m. when nobody came forward.

In response to questions posed by the Council, staff elaborated on the proposed convenience fee.

Council Member McCracken spoke of the proposed percentage rate of 2.5%, and opined that the City could likely find a more advantageous rate. Mr. Longley suggested that the resolution could be revised to read “up to 2.5%.”

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the draft resolution, as amended to provide for the assessment of a Convenience Fee of up to 2.5% for credit card methods of payment. The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

SCHEDULED MATTERS

Mayor Hamilton noted that there had been a request for Item 24 to be heard next, to which the Council agreed.

24. LOCAL REGULATIONS CONCERNING SEX OFFENDERS – ORDINANCE CONCERNING THE PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

Recommendation: That the City Council review the proposed ordinance, and if it meets with the Council’s approval, give first reading to the ordinance.

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

Council Member Pedro Martinez spoke of the need to protect children, suggested that the proposed ordinance was a step in the right direction, and requested that the Council approve the draft Ordinance. Council Member Martinez then moved that the Council approve the draft ordinance.

Mayor Pro Tem Felipe Martinez seconded the motion.
In response to a question posed by Council Member McCracken, a discussion ensued as to enforcement of the proposed regulations. City Attorney Julia Lew spoke of the legal definition of loitering which specifically included intent, and of the difficulty in enforcing loitering based laws. She elaborated that while enforcement might prove difficult, the ordinance was in fact enforceable if the officers asked the right questions, and that it would also likely act as a deterrent for would-be offenders.

The Council Members voiced support for providing the Police Department with another tool to combat sexual offenders.

Council Member Pedro Martinez voiced concern with the issue of an above-average number of sexual offenders being relocated to the Porterville area, and requested that staff further investigate that issue.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve 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 V, PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES, SECTIONS 18-55 THROUGH 18-60, TO CHAPTER 18 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

21. SKATEBOARD PARK REGULATIONS – ORDINANCE ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE

Recommendation: That the City Council:
1. Hold a public meeting to consider testimony related to the proposed ordinance;
2. Consider any further direction with regard to the rules adopted by the Parks and Leisure Services Commission; and
3. Review and give first reading to the draft ordinance.

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

Mayor Hamilton noted that the item was a public meeting and invited members of the audience to come forward and speak on the topic. When nobody came forward, the Mayor turned the discussion over to the Council.
In response to a question raised by Council Member Pedro Martinez, City Attorney Julia Lew elaborated on the possible process for administrative hearings, indicating that the body had not yet been determined.

A discussion ensued as to how violations would be reported, during which Ms. Lew clarified that the City would not supervise the Park and that the City would depend on Skatepark users or observers to report violations to the City. It was suggested that a phone number for the Police Department and the Parks & Leisure Services Department be added to the posted Rules to report violations. Council Member McCracken suggested that a board or commission of users be established so as to facilitate self-governance of the Park.

Council Member Hernandez spoke of attending meetings on the Skatepark and of the enthusiasm and apparent desire for cooperation amongst the skaters present.

Council Member Pedro Martinez voiced concern with the inclusion of bicyclists in the Park, suggesting that the prime usage time was devoted to them rather than the skaters. Mayor Hamilton agreed with Council Member Martinez’s concerns and questioned why bicyclists were allowed in the Park at all. The Council invited Parks & Leisure Services Commissioner Joe Ruiz to come forward and address the Council.

- Joe Ruiz, Parks & Leisure Services Commissioner, 1385 North Lotas Way, came forward and stated that the cyclists and the skateboarders would get along well together. He indicated that it was decided to also allow bicyclists at the Park so as to address the need for finding a location where cyclists could ride, rather than on private and public properties. He spoke in favor of allowing the users to work together and of the need to open the park, noting the lengthy duration of the project from inception to completion. Commissioner Ruiz then implored the Council to approve the ordinance as proposed.

Council Member Pedro Martinez reiterated his concerns with also allowing bicycles in the Park, citing safety concerns, and spoke in favor of at least modifying the times for bicyclists to utilize the Park. It was noted that the rules proposed different times for skaters and bicyclists to use the Park. A discussion ensued, during which it was pointed out that “skaters” should be changed to “users” to also include cyclists.

Mayor Pro Tem Felipe Martinez moved that the Council accept the Parks & Leisure Services Commission’s recommendation, modified to change “skaters” to “users.” Council Member Hernandez seconded the motion.

Mayor Hamilton reiterated his opposition to allowing bicyclists in the Skatepark. A discussion ensued as to the proposed rules, and which City telephone numbers should be included in the posted Rules. In response to a question posed by the Council, Interim Police Chief McMillan advised the Council that while responding to a reported violation at the Skatepark would likely not be a priority call for the Police Department, said calls would receive their due attention.
A discussion next ensued as to the design of the Park and whether it had been constructed to withstand usage by cyclists. Mr. Perrine stated that the designer had provided written statement indicating that the Skatepark was safe for bicycle use.

Council Member McCracken moved to amend Mayor Pro Tem Felipe Martinez’s motion to eliminate bicycles from the Skatepark.

Council Member Martinez seconded the motion to amend.

• Joe Ruiz, Parks & Leisure Services Commissioner, spoke of the efforts of the Commission with regard to thoroughly researching the issue and coming up with a solution to address the needs of the community. He referenced language in the letter by Site Design Group, Inc. (“SDG”) in which the designers indicate that the Park, while not specifically designed for bicycle stunt riding, was safe for bicycles. He stated that SDG also stated that Parks generally handled usage by bicycles and skaters in different ways, depending upon the size of the Park itself, and recommended that Porterville consider establishing different times for usage by skaters and bicyclists. Mr. Ruiz then spoke of SDG’s recommendation to require “peg covers” on bikes at the Park to protect the surfaces at the Park. He then vigorously requested that the Council pass the Ordinance, noting his frustration with the Council at times working against the efforts of the Commission.

• Arletta Ruiz, 1385 North Lotas Way, spoke of the diligent efforts of the Commission and noted the need for a place for skaters and bicyclists to ride. She stated that while she understood the concerns of the Council, she suggested that concerns sometimes inhibited action being taken for the betterment of the Community. She then noted that the Council should at least allow the cyclists the opportunity to share the Park, and in the event it did not work out, the Council could always reconsider its decision.

• Greg Shelton, 888 North Williford Drive, stated that while he initially also had reservation regarding the inclusion of cyclists at the Park, it seemed like the inclusive thing to do. Mr. Shelton stated that according to the City Attorney, there would likely be limited liability if different times were established for cyclists and skaters. Mr. Shelton spoke in favor of allowing bicyclists in the Park, noting that they had shown up at the meetings, that the skaters were not opposed to also allowing cyclists, and that in the event it did not work out, the Council could always reconsider.

Council Member Pedro Martinez spoke of the Council’s need to make the Park as safe as possible for its users, despite other issues in the Community. He suggested that if a great need existed for finding a location for cyclists, and the Community was behind it, then he was in favor of building a facility for cyclists. He spoke against simply throwing the cyclists in with the skaters.

Mayor Hamilton commented that he agreed that in the event the Council approved the Ordinance as presented and problems arose with bicyclists being included, the Council could always reconsider its decision.

Council Member McCracken commented that his motion to amend was an effort to gauge the feelings of the Council and was in no way intended to give the impression that he challenged the
recommendation of the Parks & Leisure Services Commission. He then questioned whether the mixed use between the skaters and bicyclists would be workable.

Council Member Pedro Martinez stated that he was willing to try the mixed use between the cyclists and the skaters, contingent upon the item returning to the Council for review in three months. He then made a substitute motion to approve the proposed Porterville Skatepark Rules, as amended to change “Skaters” to “Users,” and to add the telephone numbers of the Porterville Police Department and the Parks & Leisure Services Department to report violations; to have staff bring the item back to the Council in three months for evaluation; and to approve the draft ordinance, give first reading, and order the ordinance to print.

Council Member McCracken seconded Council Member Martinez’s substitute motion.

Mayor Hamilton noted the importance of the Council Members individually spending some time at the Park to gauge its safety first hand.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve the proposed Porterville Skatepark Rules, as amended to change “Skaters” to “Users,” and to add the telephone numbers of the Porterville Police Department and the Parks & Leisure Services Department to report violations; to have staff bring the item back to the Council in three months for evaluation; and to approve 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 IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE CONCERNING SKATEBOARD FACILITIES. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved, as amended.*

*Please refer to “Other Matters” for further direction regarding Item 21.

22. REDUCE SCOPE OF TULE RIVER PARKWAY WETLANDS ACQUISITION, PHASE III PROJECT

Recommendation: That the City Council reduce the scope of the Tule River Parkway Wetlands Acquisition, Phase III Project to 10% of the original scope.

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

In response to question posed by Council Member McCracken, staff clarified the recommendation with regard to the preparation of a budget adjustment.
Council Member Hernandez voiced disappointment in reducing the scope of the Tule River Parkway Project, but noted the unfortunate need to do so in order to move forward with the Rails to Trails Project. Mayor Hamilton agreed with Council Member Hernandez’s disappointment, yet noted that he did not believe the Tule River Parkway Project would fall by the wayside.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council reduce the scope of the Tule River Parkway Wetlands Acquisition, Phase III Project, to 10% of its original scope. The motion carried unanimously.

Disposition: Approved.

23. CONSIDER REJECTION OF BIDS FOR RAILS TO TRAILS PROJECT

Recommendation: That the City Council:
1. Accept the revised construction estimate;
2. Accept the additional funding supplied by TCAG;
3. Direct the preparation of a budget adjustment to increase the project budget by the amount of the supplemental TCAG funding and an allocation of $28,800 from the Tule River Parkway, Phase III, Project;
4. Award the construction contract to Central Valley Asphalt; and
5. Authorize a 7% construction contingency and the payment of up to 90% of the contract amount.

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

Mayor Hamilton voiced concern with the way in which the estimate had been handled, but noted the importance of completing the Project. He then inquired as to the proposed 7% contingency, rather than the customary 10%. Staff indicated that the thought was to reduce the contingency in an effort to stay within the budget, as staff felt that administration of the project could be tightly handled. It was then estimated that a completion date could fall between March and May, depending on weather considerations.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the revised construction estimate; accept the additional funding supplied by TCAG; direct the preparation of a budget adjustment to increase the project budget by the amount of the supplemental TCAG funding and an allocation of $28,800 from the Tule River Parkway, Phase III, Project; award the construction contract to Central Valley Asphalt; and authorize a 7% construction contingency and the payment of up to 90% of the contract amount.

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

25. DECORATIVE LIGHTING OF TREE AND SPECIAL EVENT SPONSORSHIP

Recommendation: That the City Council, for both the 2006 and 2007 holiday season:
1. Energize the decorative lights that remain operable on the West Olive and East Orange trees;
2. Provide $14,540 of additional budgetary allocation each year from the interest earnings on “Carryover” funds to retain contractor services for the decoration of the Chief Gardner Tree and the Main Street lights; and
3. Authorize participation and expenditures for the “Tree Lighting Ceremony.”

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

Mayor Hamilton noted that Mr. Eckhoff had requested the opportunity to speak on the item, and invited him to come forward.

- Dick Eckhoff, Downtown Porterville Association, 197 North Main Street, spoke in favor of the Council approving staff’s recommendation.
- Ron Irish, 768 North Prospect Street, spoke of the importance of lighting Main Street and of reinstating the yard lighting contest as had been conducted in previous years.

Council Member Hernandez voiced support for approving the item.

Mayor Pro Tem Felipe Martinez spoke in favor of “Christmas lights.”

Council Member McCracken agreed with the importance of the decorative lighting, noting that it enhanced commercial activity during the holiday season.

Mayor Hamilton spoke in favor of the proposed lighting, then spoke of “carryover” funds, noting that said funds never went into reserves. He then spoke in favor of making the holiday lighting a part of the structured budget, rather than utilizing “carryover” funds. He moved that the Council approve staff’s recommendation.

Mayor Pro Tem Felipe Martinez seconded the motion.

- Ron Irish, address on record, inquired as to the needed electrical repairs referenced in the staff report.

A discussion ensued as to the electrical problems, during which staff confirmed that a memorandum would be provided to the Council once the City electrician made his report. It was clarified that since the circuits were not yet energized at the problematic areas, they posed no safety risk.
COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council, for both the 2006 and 2007 holiday seasons, energize the decorative lights that remain operable on the West Olive and East Orange trees; provide $14,540 of additional budgetary allocation each year from the interest earnings on “Carryover” funds to retain contractor services for the decoration of the Chief Gardner Tree and the Main Street lights; and authorize participation and expenditures for the “Tree Lighting Ceremony.” The motion carried unanimously.

Disposition: Approved.

The Council recessed for ten minutes.

26. FEASIBILITY OF QUAD OHV TRACK

Recommendation: That the City Council:
1. Allocate a $9,800 budget increase for the OHV Park for construction and staff expense to operate a quad track, and direct the acquisition of a water truck from funds set aside for replacement of other department equipment, as recommended by the Parks & Leisure Services Commission; or
2. Defer construction of the quad track until next year’s budget development.

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

Council Member Pedro Martinez and Mayor Pro Tem Felipe Martinez both noted the need for a quad track.

A discussion ensued as to staffing, costs, and potential revenue generated by quad riders at the OHV Park. Staff indicated that the City did provide the personnel to operate the facility, and that staff estimated approximately $5,000 in net revenue to be generated, which could be allocated as the Council desired.

Mayor Hamilton commented that it appeared that staff was using the premise of a new quad track in order to justify the purchase of a new water truck. A discussion ensued during which staff commented that the water truck would need to be repaired and likely replaced in the next few years. Mr. Perrine stated that with the addition of the quad track, he believe the water truck would need to be replaced sooner. Mayor Hamilton voiced concern with not having all of the necessary information to make a decision.

Council Member Hernandez questioned whether a quad track would attract the amount of users as projected by staff, particularly when quad riders could utilize other areas, such as the river bed, for free. He voiced support for approving staff’s recommendation, as stated in No. 2 of the recommendation.
Mayor Pro Tem Felipe Martinez inquired as to the advertising capabilities to generate income at the OHV Park, during which staff clarified that no advertising sales program currently existed at the Park.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council approve the Parks & Leisure Services Commission, as stated in No. 1 of the recommendation, with funding coming out of budget reserves.

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

Disposition: Motion failed.

M.O. 19-101706 MOVED by Council Member McCracken, SECONDED by Mayor Hamilton that the Council defer the construction of the quad track until next year’s budget development. The motion carried unanimously.

Disposition: Staff Recommendation No. 2 approved.

27. THREE YEAR STREET MAINTENANCE AND REHABILITATION PROJECT

Recommendation: That the City Council:
1. Approve the Three Year Street Rehabilitation Program as presented; and
2. Direct the Public Works Director to move forward with design and construction of the projects if Measure R and Proposition 1B pass this November.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report. Mr. Rodriguez noted a typographical error in the report, noting that “Newcomb Street” should actually be “Indiana Street.”

In response to questions posed by the Council, Mr. Rodriguez clarified that the chip/seal work proposed in the East Side Street Rehabilitation Project would significantly increase the life of the project. Mr. Rodriguez then elaborated on the Main Street Rehabilitation Project.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Three Year Street Rehabilitation Program as presented; and direct the Public Works Department to move forward with design and construction of the projects if Measure R and Proposition 1B pass this November. The motion carried unanimously.
28. CONSIDERATION OF ESTABLISHING A STEERING COMMITTEE FOR THE DEVELOPMENT OF A NEW COURT FACILITY IN PORTERVILLE

Recommendation: That the City Council consider establishing an ad hoc Community Coordination Committee to work with the City Council and City staff to achieve a new Courthouse for Porterville.

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

Council Member Pedro Martinez moved that the Council approve the establishment of an ad hoc Community Coordination Committee to work with the City Council and City staff to achieve a new Courthouse for Porterville.

Mayor Pro Tem Felipe Martinez seconded the motion.

Council Member McCracken suggested that the Council agree in principle that the Committee was needed, yet wait until such time as the Council had the opportunity to meet with the EDC, noting that a meeting had already been scheduled for October 26, 2006. A discussion ensued as to whether the Council should proceed that evening.

Council Member Pedro Martinez withdrew his motion.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the concept of the establishment of an ad hoc Community Coordination Committee to work with the City and City staff to achieve a new Courthouse for Porterville; and direct staff to discuss the issue with the Economic Development Committee for possible appointment at the Adjourned Meeting set for October 26, 2006. The motion carried unanimously.

Disposition: Approved.

29. APPOINTMENT(S) TO COUNCIL COMMITTEE VACANCIES

Recommendation: That the City Council:
1. Appoint a City Council Member to serve as the City’s alternate representative to the Tulare County Association of Governments/Transportation Planning Agency (“TCAG/TPA”); and
2. Appoint a City Council Member to serve as the City’s representative member to the Consolidated Waste Management Authority (“CWMA”); and
3. Appoint a City Council Member to serve on the Hillside Development Ordinance Committee.
City Manager John Longley presented the item and the staff report.

Council Member Pedro Martinez stated that he was currently the alternate on the CWMA, and volunteered to become the member.

Council Member McCracken volunteered to serve as the alternate representative on TCAG.

Council Member Hernandez stated that adjustments could be made to his schedule so as to allow him to serve as the alternate member on the CWMA.

Council Member Hernandez volunteered to serve as the member on the Hillside Development Ordinance Committee.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Pedro Martinez that the Council appoint: Council Member Pete McCracken to serve as the City’s alternate representative to the Tulare County Association of Governments/Transportation Planning Agency (“TCAG/TPA”); Council Member Pedro Martinez to serve as the City’s representative member and Council Member Eduardo Hernandez to serve as the alternate member to the Consolidated Waste Management Authority (“CWMA”); and Eduardo Hernandez to serve as the second member on the City’s Hillside Development Ordinance Committee. The motion carried unanimously.

Disposition: Members appointed.

30. REQUEST BY COUNCIL MEMBER – DISCUSSION OF REINSTATEMENT OF PLANNING COMMISSION

Recommendation: None

City Manager presented the item.

Council Member Pedro Martinez indicated that he had requested that the item come before the Council for consideration of directing staff to prepare a staff report on the possibility of reinstating the Planning Commission.

The Council concurred that staff time be spent on preparing an Agenda item for the next meeting.

Disposition: Direction given to staff.

City Manager John Longley requested that staff be allowed to combine the presentation of staff reports for Item Nos. 31 and 32, to which the Council agreed.
31. QUARTERLY PORTFOLIO REPORT

Recommendation: That the City Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866.

32. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the Interim Financial Status Reports as presented and delay the implementation of the hiring freeze to April 1, 2007.

City Manager John Longley presented the items and Acting Chief Financial Officer Maria Bemis presented the staff reports.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the quarterly Portfolio Summary in accordance with SB 564 and SB 866; and accept the Interim Financial Status Reports as presented, and delay the implementation of the hiring freeze to April 1, 2007.

Disposition: Item Nos. 31 and 32 approved.

ORAL COMMUNICATIONS

• Greg Shelton, 888 North Williford Drive, congratulated the Council on its decision to allow bikes at the Skate Park; and voiced concern with the Council’s decision on Item 26 to not immediately move forward with construction of Quad Track at OHV Park.
• Dick Eckhoff, 197 North Main Street, thanked the Council for its approval of Item 25; and spoke of Item 26, acknowledging support for the Quad Track, but questioning the estimates provided in the staff report.

OTHER MATTERS

• Council Member Martinez spoke of Item No. 21 and requested that the Council also consider requiring all bikes to have “peg covers.” City Attorney Julia Lew advised that the Council could reopen the Item and take additional action.

21. SKATEBOARD PARK REGULATIONS – ORDINANCE ADDING ARTICLE IV, SECTIONS 19-45 THROUGH 19-49 TO CHAPTER 19 OF THE PORTERVILLE MUNICIPAL CODE

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council direct staff to add the requirement of “peg covers” on all bikes to the Skateboard Park Regulations. The motion carried unanimously.

Disposition: Additional direction given.
• Mayor Pro Tem Felipe Martinez requested that staff look into the feasibility of a stop sign at the intersection of Olive Avenue and Prospect Street. The Council concurred. City Manager John Longley confirmed that a memorandum would be provided.

ADJOURNMENT
The Council adjourned at 10:26 p.m. to the meeting of October 20, 2006 at 1:00 p.m. at the Porterville Public Library Community Room.

ATTEST:

Patrice Hildreth, Deputy City Clerk

Cameron Hamilton, Mayor