CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
NOVEMBER 7, 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

ORAL COMMUNICATIONS
None

CLOSED SESSION:
A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale; Michael Tolladay; and CZEM, LLC vs. City of Porterville, City Council of the City of Porterville, and Does 1-10 w/Viejo Robles Corporation and Ennis Commercial Properties, LLC as Real Parties in Interest.
   7 - Government Code Section 54956.9(c) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   9 - Closed Session Pursuant to Government Code § 54957 - Public Employee Performance Evaluation - Title: City Manager.

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 - one individual participated.

PROCLAMATION
“America Recycles Week” - November 13th - November 19th

PRESENTATIONS
• Employee of the Month - Nathan Delk
• CALAFCO - Government Leadership Award
  LAFCO Executive Officer George Finney presented the CALAFCO Award to the City of Porterville in recognition of the City’s annexation program.
• Friends of the Library Donation
  Friends of the Library Members Meg Hanson, President; Carol Atkinson; Marsha Cruz; Nancy Baird; Myron Wilcox; Jim Tauge; and Al Atkinson presented the City with a check for $25,000 towards the purchase of a new self check-out/security system for the Library.
• Police Volunteer Program
  Porterville Police Lieutenant Dempsey presented an overview of the Department’s Volunteer Program.

ORAL COMMUNICATIONS
• Myron Wilcox, voiced concern with the safety of pedestrians on Villa Street north of Putnam Avenue.
• Charles Webber, 346 North Ohio Street, voiced his continued interest in serving on the Transaction and Use Tax Oversight Committee.
• Dick Eckhoff, 197 North Main Street, thanked the Friends of the Library for their efforts; requested the Council’s approval of Item No. 13, noting he was available to answer any questions the Council might have; and spoke in favor of a Steering Committee to drive the efforts for a new Courthouse as proposed in Item No. 29.

CONSENT CALENDAR
Item No. 1 was removed for Council Member Hernandez’s abstention on the approval of the Minutes of September 19, 2006.

2. BUDGET ADJUSTMENT - FIRE DEPARTMENT

Recommendation: That the City Council:
   1. Authorize staff to accept the grant funds; and
   2. Authorize a budget adjustment to the Fire Department in the amount of $1,500.

Documentation: M.O. 01-110706
Disposition: Approved.

3. BUDGET ADJUSTMENTS FOR THE 2005-06 FISCAL YEAR END
Recommendation: That the City Council approve the budget modifications, and authorize staff to modify revenue and expenditure estimates for each department as described in the staff report.

Documentation: M.O. 02-110706
Disposition: Approved.

4. AWARD CONTRACT - 3M LIBRARY SYSTEM

Recommendation: That the City Council authorize staff to enter into a contract with 3M Library Systems to upgrade the Library’s book security system at a cost not to exceed $140,000. Further, that the Council authorize payment upon satisfactory completion of the project.

Documentation: M.O. 03-110706
Disposition: Approved.

5. AWARD CONTRACT - CARPET CITY FACILITIES

Recommendation: That the City Council:
1. Award an annual contract for carpeting various City facilities to Rainbow House of Carpets of Porterville;
2. Authorize payment upon satisfactory completion; and
3. Authorize annual contract renewals at the City’s option and upon mutually agreeable terms.

Documentation: M.O. 04-110706
Disposition: Approved.

6. AWARD CONTRACT - DIGITAL LOGGERS, INC.

Recommendation: That the City Council:
1. Authorize staff to enter into a contract with Digital Loggers, Inc. to replace the Police Department’s communications recording system at a cost not to exceed $25,000; and
2. Authorize payment upon satisfactory completion of the project and authorize annual maintenance of the system.

Documentation: M.O. 05-110706
Disposition: Approved.

7. AWARD CONTRACT - AIRPORT IMPROVEMENT PROJECT

Recommendation: That the City Council:
1. Award the contract for the Airfield Improvement Project to Valley Slurry Seal of Sacramento in the amount of $345,783.56;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen costs.

Documentation: M.O. 06-110706
Disposition: Approved.

8. ACCEPTANCE OF IMPROVEMENTS - RIVerview estates, PHASE FOUR subdiviSion (GREG WOODARD - WOODARD homes)

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

Documentation: M.O. 07-110706
Disposition: Approved.

9. APPROVE GRANT OF EASEMENT - CONVEYANCE OF LAND USE RIGHTS TO ENNIS COMMERCIAL PROPERTIES, LLC (BEN ENNIS, PRESIDENT)

Recommendation: That the City Council:
1. Accept the conveyance of easement rights to Ennis Commercial Properties, LLC for the construction, repair, maintenance, and use of a secondary access along a small sliver of land along the north side of Centennial Park;
2. Authorize the Mayor and City Clerk to sign the Grant of Easement; and
3. Authorize the City Clerk to record the Grant of Easement with the County Recorder’s Office.

Documentation: Resolution 137-2006
Disposition: Approved.

10. INTENT TO ABANDON A PORTION OF GARDEN (RAMOS FAMILY)

Recommendation: That the City Council:
1. Pass a resolution of intent to abandon Garden Avenue between the east right of way of Fourth Street and the west right of way of A.T.& S.F. Railroad; and
2. Set the Council Meeting of December 5, 2006 as the time and place for a public hearing.

Documentation: Resolution 138-2006
Disposition: Approved.
11. REQUEST FOR COUNCIL CONSIDERATION OF A SIDEWALK WAIVER FOR 192 WEST SCHOOL AVENUE (LARRY LONG)

Recommendation: That the City Council approve the placement of Mr. Long’s request for sidewalk waiver on the City Council Agenda of November 21, 2006.

Documentation: M.O. 08-110706
Disposition: Approved.

12. CURBSIDE RECYCLING PROGRAM UPDATE

Recommendation: Informational item only.

13. APPROVAL FOR COMMUNITY CIVIC EVENT - DOWNTOWN PORTERVILLE ASSOCIATION - TREE LIGHTING CEREMONY, NOVEMBER 24, 2006

Recommendation: That the City Council approve the subject Community Civic Event Application and Agreement submitted by the Downtown Porterville Association, subject to the stated requirements contained in the documents.

Documentation: M.O. 09-110706
Disposition: Approved.

14. THIS ITEM HAS BEEN REMOVED.

15. PARKS & LEISURE SERVICES DEPARTMENT LOGO

Recommendation: That the City Council acknowledge the Parks & Leisure Services Department logo as established by the Parks & Leisure Services Commission.

Documentation: M.O. 10-110706
Disposition: Approved.

16. ACCEPTANCE OF DONATED VEHICLE

Recommendation: That the City Council:
1. Allow the Police Department to accept the donation of the van; and
2. Authorize the addition of the van to the Police Department’s fleet of vehicles.

Documentation: M.O. 11-110706
Disposition: Approved.

17. AIRPORT PROPERTY RENTAL TO THE POLICE DEPARTMENT

Recommendation: That the City Council:
1. Approve the month-to-month rental of a hangar and office building at the Porterville Municipal Airport to the Police Department;
2. Authorize six months of funding from the unallocated interest earned on the General Fund; and
3. Authorize a budget adjustment from the General Fund to the Airport Fund in the amount of $6,000 for the remainder of 2006/2007 Fiscal Year.

Documentation: M.O. 12-110706
Disposition: Approved.

18. REQUEST FOR STREET CLOSURE - MYERS’ TWELFTH ANNUAL CHRISTMAS TREE MEMORIAL SERVICE

Recommendation: That the City Council approve the closure of “E” Street, between Putnam Avenue and Cleveland Avenue, on December 7, 2006, from 5:00 p.m. to 9:00 p.m. subject to the conditions specified.

Documentation: M.O. 13-110706
Disposition: Approved.

19. AIRPORT LEASE - LOT 31A (CREAGER)

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

Documentation: M.O. 14-110706
Disposition: Approved.

20. AIRPORT LEASE - LOT 46E (MATTHEWS)

Recommendation: That the City Council:
1. Approve the assigning of the Lease Agreement between the City of Porterville and Donald M. and Marjorie E. Matthews to Lloyd B. Janzen and Bruce D. Janzen; and
2. Approve the modification to the Lease revising the term and allowing for future extensions of the Lease.

Documentation: M.O. 15-110706
Disposition: Approved.

21. AIRPORT LAND DRY FARMING LEASE AGREEMENT

Recommendation: That the City Council:
1. Approve the draft Lease Agreement between the City of Porterville Airport Fund and Mr. Jeff Sheets for a three-year period, pursuant to FAA requirements; and
2. Authorize the Mayor to sign the Agreement.

Documentation: Resolution 139-2006
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve Item Nos. 2 through 21. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF SEPTEMBER 19, 2006; OCTOBER 3, 2006; AND OCTOBER 30, 2006

Recommendation: That the City Council approve the City Council Minutes of September 19, 2006; October 3, 2006 and October 30, 2006.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member McCracken that the Council approve the City Council Minutes of M.O. 16-110706 September 19, 2006, October 3, 2006 and October 30, 2006.

AYES: McCracken, P. Martinez, F. Martinez, Hamilton, Hernandez (as to the Minutes of October 3 and 30, 2006 only)
NOES: None
ABSTAIN: Hernandez (as to the September 19, 2006 Minutes only)
ABSENT: None

Disposition: Approved.

Mayor Hamilton stated that a request had been made to move Item No. 29 up on the Agenda, and requested that said item be presented next.

29. CONSIDERATION OF ESTABLISHING A PORTERVILLE COURTHOUSE STEERING COMMITTEE AND APPOINTING MEMBERS TO THE COMMITTEE

Recommendation: That the City Council:
1. Define the purpose of the Courthouse Steering Committee; and
2. Define the membership of the Courthouse Steering Committee.

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

At the Council’s request, Mr. Greg Woodard, came forward.

• Greg Woodard, 1055 W. Morton, Chamber of Commerce Board Chair and Economic Development Committee (“EDC”) member, came forward to address the Council. Mr.
Woodard indicated that the EDC had 18 total members, and that approximately four to six of those members would likely serve as a sub-committee for the proposed Courthouse Steering Committee. He then spoke in favor of including representatives from the Hispanic Chamber and Downtown Porterville Association.

A discussion ensued as to what the Steering Committee would be tasked with, during which it was stated that site selection was the primary function sought, and that the Committee would serve as an advisory Committee.

Mayor Pro Tem Felipe Martinez spoke of the importance of including representatives from diverse groups within the community so as to represent the entire community. A discussion ensued as to how the members of the Steering Committee should be selected. It was stated that the project was a State project and that the Council’s involvement was only to act as an intermediary to facilitate site selection and move the project forward.

Council Member Hernandez spoke in favor of the Steering Committee representing a cross section of the community.

Council Member Pedro Martinez voiced concern with the Committee limiting its site search to only the Downtown area, noting that any location in the community would be beneficial. He then noted that his choice for a Committee, regardless of ethnicity or culture, would be community members best suited for and committed to securing the Courthouse project.

- Greg Woodard, address on record, came forward and indicated that the EDC would be committed to the task. He stated that the effort would be a team effort and that the EDC would solicit the Council and City’s staff’s involvement. Mr. Woodard then spoke of the make up of the EDC and of the Committee’s plans to achieve obtaining the new Courthouse somewhere in Porterville. In response to a question posed by Council, Mr. Woodard indicated that he was not yet ready to disclose members’ names for the proposed Steering Committee, but that prospective names could be provided.

Council Member Pedro Martinez noted that another alternative for selecting the Steering Committee was for each Council Member to choose an individual or two.

Mayor Hamilton suggested that the Council was perhaps getting off track in its discussion of the item, and questioned what role diversity of Committee Members played in a Committee solely assembled for site selection of the proposed State project. He stated that while the EDC, serving as the Steering Committee, would work towards selecting appropriate options for the possible location of the new Courthouse, others would also be working toward that end, thereby providing a wide range of perspectives. A discussion ensued as to how the Steering Committee would function, during which Mr. Longley spoke of the importance of City staff working through the Steering Committee.

Council Member McCracken commented that it was important that the Council inform the Committee exactly what was expected from them. A discussion ensued, during which Mayor Hamilton stated that he understood the Committee’s charge to be to locate properties for the Courthouse project,
considering two factors: 1) whether the property was suitable for the Courthouse; and 2) whether said property fit into the economic well-being of the City.

The Council then discussed the potential make-up of the Steering Committee. Ms. Lew clarified that the Council’s involvement in terms of creating or serving on the Committee would trigger the Brown Act. She stated that if a majority of the Steering Committee’s members were appointed by the Council, the Brown Act provisions would apply. Ms. Lew added that in the event it appeared that the City needed to be more involved at some point in the future, the Council could appoint a Sub-Committee comprised of less than a quorum of the Council to work with the Steering Committee.

Mayor Hamilton commented that while Mr. Woodard came before the Council seeking permission for EDC members to serve as the Courthouse Steering Committee, the EDC did not need the Council’s permission. He stated that the project was not under the jurisdiction of the City, and that while it was important for the economic development of the City, the City really had no authority over the matter. Mayor Pro Tem Felipe Martinez suggested that the Committee be comprised of an odd number so as to avoid tie votes. A discussion ensued, during the which Council Member McCracken suggested that the public should be informed of the existence of the Steering Committee so that other groups would be able to take their suggestions to the Committee.

The Council concurred that the EDC, on its own charge, should move forward with reviewing potential sites for the Courthouse and submit its recommendations to the Council for its consideration.

Disposition: The Council indicated an interest in the Economic Development Committee forming a Porterville Courthouse Steering Committee to review potential sites and to return its recommendations to the Council.

PUBLIC HEARINGS

22. BUDGET ADJUSTMENT/CITIZENS’ OPTION FOR PUBLIC SAFETY (COPS) PROGRAM FUNDING

Recommendation: That the City Council:
1. Conduct the public hearing to receive public comment;
2. Authorize use of these funds to offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and
3. Approve an increase to the Police Department’s 2006/2007 Budget in the amount of $100,000.

City Manager John Longley presented the item, and Interim Police Chief Chuck McMillan presented the staff report.

The public hearing opened at 7:58 p.m. and closed at 7:59 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize use of the grant funds to
Resolution 140-2006 offset costs for the full-time sworn officer, the community services officer, and all necessary training, equipment, and overtime costs; and approve an increase to the Police Department’s 2006/2007 Budget in the amount of $100,000. The motion carried unanimously.

Disposition: Approved.

23. TITLE VI REPORT

Recommendation: That the City Council:
1. Hold the required public hearing, and direct staff to consider any comments received related to the Title VI Report; and
2. Adopt the Title VI Report, authorizing the Mayor to sign any documents that may be required to complete the filing of the Report with the Federal Transit Administration.

City Manager John Longley presented the item, and Administrative Analyst I Linda Clark came forward and presented the staff report.

The public hearing opened at 8:00 p.m. and closed at 8:01 p.m. when nobody came forward.

Council Member Pedro Martinez moved that the Council approve staff’s recommendation. Council Member Hernandez seconded the motion.

Mayor Hamilton clarified with staff the procedure for administering any transit claims.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council adopt the Title VI Report, authorizing the Mayor to sign any documents that may be required to complete the filing of the Report with the Federal Transit Administration. The motion carried unanimously.

Disposition: Approved.

24. ZONING ORDINANCE AMENDMENT 2006-7 (FORMERLY 3-2004) - AN ORDINANCE AMENDING VARIOUS SIGNAGE REGULATIONS

Recommendation: That the City Council:
1. Approve the proposed ordinance amendment and give first reading to the draft Ordinance; and
2. Waive further reading of the draft Ordinance, approve Ordinance Amendment 2006-2007, and order the Ordinance to print.

Mayor Hamilton indicated that Item No. 24 had been pulled from the Agenda and would be brought back at a later date.
25. ZONING ORDINANCE AMENDMENT 2006-9 AN ORDINANCE AMENDING VARIOUS SUBDIVISION REGULATIONS

Recommendation: That the City Council:
1. Approve the proposed draft Ordinance Amendment; and give first reading to the draft Ordinance;
2. Waive further reading of the draft Ordinance, and order said Ordinance to print.

Mayor Hamilton indicated that Item No. 25 had been pulled from the Agenda and would be brought back at a later date.

Disposition: Continued.

26. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the public hearing to the November 21, 2006 City Council Meeting.

Mayor Hamilton stated that the item and the public hearing was continued until the Meeting of November 21, 2006.

Disposition: Continued to November 21, 2006.

SECOND READINGS

27. ORDINANCE NO. 1707, PROXIMITY OF REGISTERED SEX OFFENDERS TO CHILDREN’S FACILITIES

Recommendation: That the Council give Second Reading to Ordinance 1707, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council give Second Reading to Ordinance 1707, waive further reading, and adopt said Ordinance, being AN Ordinance 1707 ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ADDING ARTICLE V, 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.

The City Manager read the Ordinance by title only.

Disposition: Approved.
28. ORDINANCE NO. 1708, SKATEPARK REGULATIONS

Recommendation: That the Council give Second Reading to Ordinance 1708, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council give Second Reading to Ordinance 1708, waive further reading, and adopt said Ordinance, being AN


City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

SCHEDULED MATTERS

30. TRANSACTION AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

Recommendation: That the City Council appoint a member to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Carman Martinez-Eoff.

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

Council Member Hernandez nominated Barbra Black.

Council Member Pedro Martinez nominated Charles Webber.

COUNCIL ACTION: MOVED by Council Member Hernandez that the Council appoint Barbra Black to fill the unexpired term of Carman Martinez-Eoff on the Transaction and Use Tax Oversight Committee.

M.O. 18-110706

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

The Council thanked Mr. Webber for coming and for his interest in serving.

Disposition: Barbra Black appointed.

31. APPOINTMENT TO AUDIT COMMITTEE

Recommendation: That the City Council:
1. Appoint a member of the City Council to the Audit Committee;
2. Notice and accept Requests for Appointment from the public until November 27, 2006; and
3. Provide a list of applicants to the City Council for selection on December 5, 2006.

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

Council Member Pedro Martinez nominated Cameron Hamilton.

Mayor Pro Tem Felipe Martinez nominated Pete McCracken.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez that the Council appoint Cameron Hamilton to serve on the Audit Committee.
M.O. 19-110706
AYES: McCracken, P. Martinez, Hernandez
NOES: F. Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Council Member Pedro Martinez nominated Charles Webber to serve as the public member on the Audit Committee.

The Council confirmed Mr. Webber’s willingness to serve.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez that the Council appoint Charles Webber to serve as the public member on the Audit Committee.
M.O. 20-110706
AYES: McCracken, P. Martinez, F. Martinez, Hernandez, Hamilton
NOES: None
ABSTAIN: None
ABSENT: None

Disposition: Mayor Hamilton and Charles Webber appointed to the Audit Committee.

32. CONSIDER REJECTION OF BID - POOL WATER SLIDE PROJECT

Recommendation: That the City Council consider the bid for the Pool Water Slide Project; and
1. Award the construction contract to Webb & Son in the amount of $183,288.29; and
2. Authorize a 10% 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 Pro Tem Felipe Martinez moved that the Council accept staff’s recommendation.
Council Member Hernandez seconded the motion.

In response to questions posed by Mayor Hamilton, Mr. Perrine elaborated on the timing of the estimate. Mayor Hamilton spoke of the policy to reject all bids when the low bid exceeded the construction estimate by 10%.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council award the construction contract to Webb & Son in the amount of $183,288.29; and authorize a 10% construction contingency and the payment of up to 90% of the contract amount.

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

Disposition: Motion denied.

A discussion ensued as to the proper procedure for re-bidding the project. Mr. Longley suggested that the Council reject the bid, authorize staff to revise the project cost estimate and to re-bid the project.

It was discussed that the estimate would likely increase if it was revised, which it was stated, was why staff had recommended that the bid be accepted. Mr. Longley elaborated on the City’s policy to reject, and stated that the amount by which the bid exceeded the estimated cost was relatively small.

Council Member McCracken suggested that the $180,000 would go a long way towards repairing potholes. He then commented that he would have likely voted in favor of accepting the bid had there been language stating that the situation was unique. He voiced concern with setting precedent.

In response to questions posed by the Council, staff elaborated on the funding for the project. Mr. Dunlap added that the funds were CDBG funds allocated specifically to Murry Park improvements and were therefore not eligible to be used for streets projects, such as purchasing pothole repair equipment.

The estimated timeline for rebidding the project was discussed next, during which Mr. Perrine estimated that new bids would likely be presented to the Council after the first of the year. Staff indicated that even considering weather delays, the project should be completed prior to the commencement of the swimming season.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Council Member Pedro Martinez that the Council reject the bid, recalculate the cost estimate, and direct staff to re-bid the project pursuant to City policy. The motion carried unanimously.

Disposition: Staff directed to rebid the project.
33. REQUEST FOR A ONE (1) YEAR EXTENSION OF TIME FOR A TEMPORARY USE PERMIT FOR REMOTE CONTROL CAR TRACK

Recommendation: That the City Council adopt the draft Ordinance approving a one (1) year extension of time commencing thirty (30) days after the Second Reading of the Ordinance.

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

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve the draft Ordinance approving a one (1) year extension of time commencing thirty (30) days after the Second Ordinance 1709 Reading of the Ordinance, give first reading, waive further reading and order the Ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ISSUING A PERMIT FOR TEMPORARY USE TO PERMIT THE CONTINUED OPERATION OF A REMOVE CONTROL RACE TRACK AS A HOBBY/RECREATION USE. The motion carried unanimously.

City Manager John Longley read the Ordinance by title only.

Disposition: Approved.

34. ALTERNATIVES FOR POTHOLE PATCHING

Recommendation: That the City Council:

1. Allow staff to pursue Option No. 1, “Use of Field Services staff to repair potholes using conventional methods,” and
2. Direct staff to monitor progress and cost for the remainder of the Fiscal Year and report back to the Council with staff’s finding at the end of the monitoring period;

OR, if the Council decides that the City is best served with a mechanical pothole-repairing machine, staff recommends that the Council:

1. Direct staff to secure a $50,000 loan from a lending institution that provides the best terms and rates; and
2. Direct staff to negotiate and purchase the SP-10 Spray Patch Trailer or equivalent equipment at a costs of approximately $50,000.

City Manager John Longley presented the item, and Public Works Director Baldo Rodriguez presented the staff report, which included the following options:

Option No. 1: Allow Field Services the opportunity to pursue an aggressive maintenance and repair program without the benefit of a “pothole patching” machine.
Option No. 2: Purchase a Model SP-10 Spray Patch Trailer or equivalent.

Option No. 3: Purchase the Road-Patcher similar to the unit purchased by Tulare County.

Council Member McCracken distributed information on the equipment, and stated that according to his research, the trailer and the vehicle were identical in terms of operation, with the exception that the trailer required one additional staff member to operate it. Council Member McCracken then added that should anyone have any questions that evening, a representative was available via telephone while the Council was in session. He then opined that either machine would be beneficial to the City.

A discussion ensued with regard to the information provided by Council Member McCracken, particularly as to the amount of needed staffing. City Manager John Longley inquired whether the savings projected in Council Member McCracken’s analysis represented lay-offs of staff. Council Member McCracken stated that the only reason to purchase the equipment would be to save on labor costs.

In response to a question posed by Mayor Hamilton as to efficiency, a discussion ensued as to whether or not the equipment would be suitable for alligator crack repairs. Public Works Director Baldo Rodriguez stated that while the equipment might superficially repair alligator cracks it would not properly correct the problem. He then commented that while the equipment manufacturer might suggest that only one operator was necessary to run the equipment, in reality operating equipment with only one operator was not safe. He cited Tulare County’s policy of requiring at least two individuals to operate their Road Patcher due to safety issues. Mr. Rodriguez then voiced concern with the accuracy of the figures provided in the analysis, particularly as to the labor costs, provided by Council Member McCracken.

Mayor Hamilton suggested that staff should take the information provided by Council Member McCracken and analyze the data. A discussion ensued as to the merits of the various options. Mr. Rodriguez stated that staff was confident that with good material and full staffing, the Public Works Department could address the potholes and stay on top of the problem.

Mayor Pro Tem Felipe Martinez spoke of the impact of the hiring freeze and how staffing levels were just beginning to get back to normal levels, which he stated would allow staff to address the problem.

Mayor Hamilton voiced support for directing staff to review the data provided by Council Member McCracken and provide a cost analysis to the Council.

Council Member McCracken agreed that staff should review the data, noting that Mr. Rodriguez’s observation as to labor costs included in the information was legitimate in that the figures should match the City’s actual costs. He then stated that it appeared that the Road Patcher option would likely be the most cost-effective, suggesting that the approximate $100,000 one-time cost would be better than paying a $40,000 to $50,000 salary for an employee for the next ten years. He then spoke in favor of purchasing either the trailer or the vehicle, noting that in the event staffing ever again became an issue, potholes repairs would not be impacted.
Mayor Pro Tem Felipe Martinez spoke in favor of supporting staff and moved that the Council approve Option No. 1.

Council Member McCracken seconded the motion.

Mayor Hamilton confirmed that the motion also included directing staff to review the data provided by Council Member McCracken and report back to the Council.

**COUNCIL ACTION:** [MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken] that the Council approve Option No. 1, with direction that staff provide a cost analysis to the Council on each of the Options. The motion carried unanimously.

Disposition: Option No. 1 approved, with direction given to staff.

Mayor Hamilton stated that Item No. 35 had been removed from the Agenda.

35. CONSIDERATION OF INTERIM REORGANIZATION WITHIN THE COMMUNITY DEVELOPMENT DEPARTMENT

Recommendation: That the City Council implement the interim Community Development reorganization, as proposed, for the period of June 30, 2007.

This item was removed from the Agenda.

36. ASSEMBLYMAN MAZE REQUEST FOR LEGISLATIVE REMEDIES NECESSARY FOR THE CITY OF PORTERVILLE

Recommendation: Informational report only.

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

Council Member Pedro Martinez requested that one item should be to pursue an Enterprise Zone.

Mayor Hamilton suggested that another item that should be included is pursuit of a Brown Act Amendment to not require public notice on informal Council Meetings or discussions on non-action items.

Disposition: Continued to Meeting of December 5, 2006.

The Council adjourned at 8:38 p.m. to a Meeting of the Porterville Redevelopment Agency.

**PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

November 7, 2006

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

ORAL COMMUNICATIONS
None

SCHEDULED MATTER

PRA-1. AUTHORIZATION TO REFUND LOAN PAYMENT TO OWNER OF HOME IN CASAS BUENA VISTA SUBDIVISION

Recommendation: That the Porterville Redevelopment Agency authorize the refund of $10,000 to Jose and Evangelina Ramirez contingent upon the execution of a new Loan Agreement with affordability covenants with the Agency for value received in the Casas Buena Vista Subdivision. The term of the loan will be the same as the original Loan Agreement.

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

COUNCIL ACTION: MOVED by Agency Member Pedro Martinez, SECONDED by Vice-Chairman Felipe Martinez that the Porterville Redevelopment Agency authorize the refund of $10,000 to Jose and Evangelina Ramirez contingent upon the execution of a new Loan Agreement with affordability covenants with the Agency for value received in the Casas Buena Vista Subdivision. The motion carried unanimously.

Disposition: Approved.

The Porterville Redevelopment Agency adjourned at 8:47 p.m. to a Meeting of the Porterville City Council.

ORAL COMMUNICATIONS

• Greg Shelton, 888 North Williford Drive, thanked the Council for approving Item 33.
• Dick Eckhoff, address on record, spoke of the good appearance of the remote control race track in Item 33; inquired as to the procedures utilized by staff for street repairs and requested an analysis of staffing needs for all of the options provided in Item 34. Mayor Hamilton clarified that the Council’s direction to staff had included a cost analysis of each option.

OTHER MATTERS

• Mayor Hamilton acknowledged Barbra Black in the audience and congratulated her on being appointed to the Transaction and Use Tax Oversight Committee. Ms. Black apologized for arriving late.
• Council Member Hernandez spoke of the recent passing of Ms. Martinez-Eoff and of her contributions to the Porterville Community. He requested that the Council consider honoring her at the Heritage Center. After it was noted that a procedure had been established by the previous Council, it was decided that an item would be on the next agenda.
• Mayor Pro Tem Felipe Martinez thanked the Tule River Indian Tribe for their donation of a van to the Porterville Police Department.

• Council Member Pedro Martinez:
  1. Requested that staff provide a memorandum on Enterprise Zone legislation;
  2. Suggested that a Spanish language Citizens’ Forum be held, such as through a co-sponsorship with local Hispanic organizations; and
  3. Requested that the Council reconsider its action on Item 31.

31. APPOINTMENT TO AUDIT COMMITTEE

Recommendation: That the City Council:
1. Appoint a member of the City Council to the Audit Committee;
2. Notice and accept Requests for Appointment from the public until November 27, 2006; and
3. Provide a list of applicants to the City Council for selection on December 5, 2006.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Hamilton that the Council rescind its prior action as to the appointment of Mayor Hamilton, and appoint Council Member McCracken to the Audit Committee.

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

Disposition: Council Member McCracken appointed to the Audit Committee.

ADJOURNMENT
The City Council adjourned at 9:00 p.m. to the meeting of November 21, 2006.

Patrice Hildreth, Deputy City Clerk

ATTEST:

Cameron Hamilton, Mayor