CITY COUNCIL MINUTES
PORTERVILLE, CALIFORNIA
DECEMBER 5, 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: Porterville Citizens for Responsible Hillside Development v. City of Porterville.
   2. Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: John Hale et al. v. City of Porterville et al.
   3. 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

Mayor Hamilton stated that rather than convening Closed Session, the Council would instead pay their respects to Mr. Buck Shaffer and attend his service from 6:00 p.m. to 7:00 p.m. He stated that the Closed Session would convene immediately following Other Matters at the end of the Meeting.

7:00 P.M. RECONVENE OPEN SESSION
Mayor Hamilton informed everyone that the Council would convene Closed Session at the end of the Meeting, and that from 6:00 p.m. to 7:00 p.m. the Council had instead attended Mr. Buck Shaffer’s viewing.

Pledge of Allegiance Led by Council Member Eddie Hernandez
Invocation - one individual participated.

PRESENTATION
Employee of the Month - Janie Rodriguez
• Mayor Pro Tem Felipe Martinez presented Ms. Rodriguez with a Letter of Appreciation and Certificate.
Commendation - Hovel Salinas
• Fire Chief of Operations Mario Garcia presented Mr. Salinas with Certificate of Commendation for his heroic actions on October 24, 2006.
Art Association Presentation of Projects - Vedra McElfresh
• Ms. McElfresh spoke of the Art Association’s six year history and of its Gallery on Main Street. She invited everyone to the Gallery to see its current exhibit, and to the Association’s First Annual Christmas Boutique which was to take place on December 15th and 16th. Ms. McElfresh then spoke of the Association’s second planned mural and of the benefits that murals provided communities. She indicated then informed everyone of the budget to date for the mural project, and indicated that she had pledge cards with her that evening for those interested in supporting the effort. Ms. McElfresh then spoke of the late Mr. Buck Shaffer and of his enthusiasm with the idea of a band mural as the third mural the Association pursued.

ORAL COMMUNICATIONS
• Kathleen Harris, 187 South Mill Street, requested that an item be placed on the Agenda to consider street light installation on South Villa Street between Porterville High School and Union Avenue. Ms. Harris then voiced concern with what she perceived was a lack of enforcement for parking violations near Porterville High School, and suggested that the City was being deprived of a significant revenue stream.
• Raul Pickett, Director of El Futuro Credit Union, spoke of a volunteer income tax program to assist individuals in claiming the earned income tax credit. He stated he had presented the program to the Council the prior year. He spoke of the benefits of such a program and requested the City’s financial sponsorship and/or assistance in obtaining needed funds and equipment.
• Dick Eckhoff, 197 North Main Street, inquired as to how code enforcement, as discussed in Item No. 14, would be addressed on weekends and holidays, and suggested that contact information be provided to the community for code violation reporting. He then spoke of Item No. 16, voicing concern with the placement of several items on the list of priorities identified by the Council, suggesting that graffiti abatement and Downtown parking should have ranked higher on the list. Mr. Eckhoff then commented on the issue of homelessness, citing recent articles and commentary in the Porterville Recorder. He spoke of the importance of comprehensively addressing the problem, rather than simply building a shelter.
• Terry Bergfalk, voiced disappointment that the flag was not flying at half staff in memory of Mr. Buck Shaffer, and requested that the City do so.
CONSENT CALENDAR

Item No. 10 was removed for further discussion.

Mayor Hamilton noted that staff had requested that the Minutes of November 21, 2006 be amended to correct a typographical error on Page 1, specifically “Martha Alcantar Florez” should be “Martha Alcazar Flores.”

With regard to Item No. 6, Public Works Director Baldo Rodriguez noted an error existed in the staff report, and that “300 feet” should actually read “330 feet.”

1. CITY COUNCIL MINUTES OF NOVEMBER 7, 2006 AND NOVEMBER 21, 2006

Recommendation: That the City Council approve the City Council Minutes of November 7, 2006 and November 21, 2006, as amended to change “Martha Alcantar Florez” to “Martha Alcazar Flores” on Page 1 of the November 21, 2006 Minutes.

Documentation: M.O. 01-120506
Disposition: Approved.

2. CLAIM - LIZETH FERNANDEZ

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. 02-120506
Disposition: Approved.

3. RATIFY EXPANSION OF LIBRARY CARPETING PROJECT

Recommendation: That the City Council consider and ratify expansion of the Library’s carpeting project with $1,644 from the Library operating budget.

Documentation: M.O. 03-120506
Disposition: Approved.

4. AWARD OF CONTRACT - AIRPORT WATER INTER-TIE PROJECT

Recommendation: That the City Council:
1. Award the Airport Water Inter-Tie Project to Halopoff and Sons in the amount of $2,859,782.70;
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. 04-120506
Disposition: Approved.

5. ACCEPTANCE OF PROJECT - SINGER BUILDING DEMOLITION PROJECT
Recommendation: That the City Council:
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize final payment per the Special Provisions, 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.

Documentation: M.O. 05-120506
Disposition: Approved.

6. PARTIAL RECONVEYANCE - ROBERT C. NUCKOLS PROPERTY

Recommendation: That the City Council:
1. Authorize the Mayor to execute the Deed of Partial Reconveyance;
2. Authorize the Mayor to execute the Partial Release Agreement;
3. Direct the City Clerk to record the Deed of Partial Reconveyance with the Tulare County Recorder’s Office upon payment of $500 by Mr. Nuckols to the City of Porterville; and
4. That Robert C. Nuckols pay all recordation fees associated with the partial reconveyance transaction.

Documentation: Resolution 145-2006
Disposition: Approved, based on the staff report as amended by Mr. Rodriguez changing “300 feet” to “330 feet.”

7. CITY/COUNTY AGREEMENTS RELATED TO ANNEXATION NO. 464

Recommendation: That the City Council:
1. Approve the agreement as written;
2. Authorize the Mayor and City Clerk to execute five (5) agreements with Tulare County; and
3. Authorize the City Clerk to forward the agreement to Tulare County for Board of Supervisor action.

Documentation: M.O. 06-120506
Disposition: Approved.

8. TIME EXTENSION REQUEST - TULE RIVER PARKWAY WETLANDS ACQUISITION PROJECT - PHASE III

Recommendation: That the City Council:
1. Adopt the draft resolution approving the filing of a Cooperative Work Agreement time extension request for the Tule River Parkway - Wetlands Acquisition Project - Phase III; and
2. Authorize the Director of Parks & Leisure Services to sign the time extension request.

   Documentation: Resolution 146-2006
   Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT - PORTERVILLE AREA MINISTERIAL ASSOCIATION - CHRISTMAS CHOIR CONCERT - DECEMBER 16, 2006

   Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Porterville Area Ministerial Association, subject to the Restrictions and Requirements contained in said documents.

   Documentation: M.O. 07-120506
   Disposition: Approved.

11. TULARE COUNTY REGIONAL PASS

   Recommendation: That the City Council authorize staff to prepare and sign a letter of support addressed to the County of Tulare for implementation of the Tulare County Regional Pass System.

   Documentation: M.O. 08-120506
   Disposition: Approved.

   COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council approve Item Nos. 1 through 9, and 11. The motion carried unanimously.

10. TULARE COUNTY REGIONAL EMERGENCY MANAGEMENT MUTUAL AID AGREEMENT

   Recommendation: That the City Council:
   1. Approve the Tulare County Regional Emergency Management Mutual Aid Agreement; and
   2. Authorize the Mayor to sign documents related to the Agreement.

   City Manager John Longley presented the item, and Fire Chief of Operations Mario Garcia presented the staff report.

   In response to questions posed by Council Member Pedro Martinez, Mr. Longley indicated that the proposed action was a part of the Standard Emergency Management System created by the State of California. He stated that typically each county was considered an operational area, and that the item was an implementation of Tulare County’s plan. He stated that the concept was to pool resources and
coordinate systems between agencies. He confirmed that communication between the agencies was possible.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the Tulare County Regional Emergency Management Mutual Aid Agreement; and authorize the Mayor to sign documents related to the Agreement. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS

12. VACATION OF A PORTION OF GARDEN AVENUE BETWEEN FOURTH STREET AND THE ATCHISON, TOPEKA AND SANTA FE RAILROAD COMPANY PROPERTY (JORGE RAMOS)

Recommendation: That the City Council:
1. Adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fourth Street and the Atchison, Topeka and Santa Fe Railroad Company property; and
2. Authorize the City Clerk to record the resolution of Vacation and Easement Deed with the County Recorder.

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

The public hearing opened at 7:36 p.m. and closed at 7:37 p.m. when nobody came forward.

Mayor Hamilton noted that he had no financial dealings with Mr. Ramos, but informed everyone of his long standing friendship with him.

Mayor Pro Tem Felipe Martinez also noted his friendship with Mr. Ramos. He stated that he too, however, had no financial conflict of interest.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council adopt the Resolution of Vacation, including reservations, for a portion of Garden Avenue between Fourth Street and the Atchison, Topeka and Santa Fe Railroad Company property; and authorize the City Clerk to record the resolution of Vacation and Easement Deed with the County Recorder. The motion carried unanimously.

Disposition: Approved.

13. ENNIS ESTATES TENTATIVE SUBDIVISION MAP (ENNIS HOMES)

Recommendation: That the City Council continue the item to the meeting of December 19, 2006.
Community Development Director Brad Dunlap indicated that the applicant had requested a continuance until the next City Council Meeting, which he pointed out, differed from the direction of the Council at the last Council Meeting. Mayor Hamilton recalled that the direction at the last meeting had been to remove the item from the Agenda if the applicant again needed a continuance. He confirmed with staff that if the item was removed from the Agenda, a public hearing would need to be re-noticed which would cause additional staff time. Mr. Dunlap indicated that no additional fees would be submitted by the applicant to pay for the re-noticing.

A discussion ensued as to whether or not there was progress in the negotiations between the applicant and interested parties. Mr. Dunlap stated that he perceived that there was some action, although he was not certain.

Council Member McCracken moved that the Council continue the item and the public hearing to the regularly scheduled meeting in January. Mayor Pro Tem Felipe Martinez seconded the motion.

City Manager John Longley pointed out that the applicant had requested that the item be continued to the meeting of December 19, 2006. Mr. Dunlap indicated that he believed that the applicant was out of town and had requested it be continued to December 19th.

Council Member McCracken restated his motion to continue the item and the public hearing to the meeting of December 19th. Mayor Pro Tem Felipe Martinez seconded the restated motion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council continue the item to the meeting of December 19, 2006. The motion carried unanimously.

Disposition: Continued to December 19, 2006.

SCHEDULED MATTERS
14. UPDATE - CODE ENFORCEMENT PROGRAM

Recommendation: That the City Council:
   1. Accept the informational report;
   2. Approve the implementation concept; and
   3. Direct staff to bring back to the Council a review of the program during budget development.

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

Mayor Pro Tem Felipe Martinez voiced concern with code enforcement being based on only a complaint basis. He spoke of public perception and the ability of officers to act in the event they witnessed a violation. Staff indicated that it was a matter of being proactive and reactive, and that any violation witnessed by the officer was just as important and enforceable as complaints received. He stated that the officer would have the latitude to make a judgment call in the field should something be seen.
Council Member McCracken pointed out that complaints need not only come from the public, but that City employees should also report any violations seen while out in the field.

In response to questions posed by Mayor Hamilton, Mr. Guyton elaborated on the “non-sworn” status, which he indicated meant not post-certified. It was also confirmed that the position would be hired then, with a review of the program taking place during budget development.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council accept the informational report; approve the implementation concept; and direct staff to bring back to the Council a review of the program during budget development.

Disposition: Approved.

15. RECRUITMENT OF A DEPUTY CITY MANAGER

Recommendation: That the City Council:

1. Approve the recruitment of a Deputy City Manager who may succeed the current City Manager;
2. Approve the draft resolution and job description;
3. Authorize a budget adjustment to implement the proposed allocation methodology;
4. Determine whether to use in-house staff or a professional executive search firm for the recruitment of a Deputy City Manager. If an executive search firm is approved, authorize $30,000 from the City’s unallocated General Fund Reserve for the recruitment; and
5. Authorize the City Manager to appoint an existing director as an additional duty to serve as Deputy City Manager with a 10% pay differential.

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

Mayor Pro Tem Felipe Martinez commended staff on being proactive, yet voiced concern with authorizing $30,000 to use an executive search firm, rather than utilizing City staff in the recruitment process.

Council Member McCracken commented that the item proposed to fundamentally change the structure of City staff. He stated that in the past, the City had never had just a Deputy City Manager, but rather a City employee also took on the duties of Deputy City Manager with a pay differential. He requested additional time to look at the issue, considering that the Council would be adding another position. He stated that the Council was currently evaluating the City Manager and contended it would be beneficial to wait until the Council decided what it was going to do.

In response to questions posed by Mayor Pro Tem Felipe Martinez, Mr. Longley indicated that it was his understanding that the Deputy City Manager position had always been attached to another
position, such as the Finance Director position. He proceeded to review the various positions that had served as Deputy City Manager in the past.

Council Member Hernandez voiced concern with the proposed job description, indicating that he believed it should have added responsibilities. He commented that he wanted a smooth succession into the City Manager position in the future, however additional details were needed with regard to the job duties.

Council Member Pedro Martinez voiced concern with possibly limiting the City by preordaining an individual to succeed the current City Manager. He stated, as Council Member McCracken pointed out, the Council should proceed cautiously and review the Charter to ensure the process meets with its provisions.

Mayor Hamilton commented that the Charter clearly provided the City Manager the authority to proceed as recommended. He stated that Mr. Longley was likely to retire in 2008 and the concept was to create a seamless replacement for his position. He pointed out that Deputy City Manager Guyton would be retiring that month, which provided an opportunity to begin the recruitment process for a possible replacement for Mr. Longley. He stated being proactive was a responsible thing for the Council to do. He then commented that he disagreed with Mayor Pro Tem Martinez’s contention that the recruitment should be handled by City staff. He stated that by utilizing an executive search firm, the breadth of the search would increase substantially.

Council Member McCracken voiced concern with taking any action to address a situation that the Council might regret in the future. He voiced support for taking time to develop a solution that not only addressed the immediate issue, but that was also good for the future. A discussion ensued during which the Council Members reiterated their perspective views. The projected time line for the recruitment was also discussed during which staff estimated it would be a three month process that would commence immediately.

With regard to authorizing the City Manager to appoint an existing director to serve as acting Deputy City Manager, Mr. Longley indicated that without such appointment, the organization would be impaired. Mayor Hamilton inquired as to why staff was seeking authorization when such authorization was already held by the City Manager.

**COUNCIL ACTION:**

MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve the recruitment of a Deputy City Manager who may succeed the current City Manager; approve the draft resolution and job description; authorize a budget adjustment to implement the proposed allocation methodology; direct staff to a professional executive search firm for the recruitment of a Deputy City Manager; authorize $30,000 from the City’s unallocated General Fund Reserve for the recruitment; and authorize the City Manager to appoint an existing director as an additional duty to serve as Deputy City Manager with a 10% pay differential.

AYES:          P. Martinez, F. Martinez, Hernandez, Hamilton
NOES:          McCracken
ABSTAIN:       None
16. CONSIDERATION OF ESTABLISHING PRIORITY PROJECTS FOR 2007

Recommendation: That the City Council:
1. Approve a list of ten priority projects; and
2. Approve the statement defining how priority projects will be managed and reviewed.

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

In response to a request from Mayor Pro Tem Felipe Martinez, Mr. Longley elaborated on the process by which the projects were prioritized by the Council. He stated that the goal was to define priority projects at the beginning of the year for which staff would be accountable in December. He stated that Council could proceed as it wished, but that he would recommend again setting priority projects in January of the following year. A discussion ensued as to the various projects. It was pointed out that the majority of the top ten projects had to do with economic development.

Council Member McCracken commented that the list was not static, but was rather constantly changing as projects were completed.

Council Member Hernandez commented that he would like to amend the priority list right then. He commented that while economic development was important, he didn’t see anything recreational in the top ten, with the exception of the Skate Park, which he pointed out was already completed. Council Member Hernandez then spoke of the deteriorated state of Murry Park and spoke in favor of prioritizing its revitalization and adding it to the list. A discussion ensued, during which it was stated that the projects included on the list had already been funded, whereas the funding needs for Murry Park had not yet even been identified.

Mayor Pro Tem Felipe Martinez commented that he would like a focus to be kept on Murry Park, noting its importance to the community and attracting new residents.

Parks and Leisure Services Director Jim Perrine advised everyone on the status of the concept plan for Murry Park, indicating that the City’s consultant was currently preparing the environmental document. He pointed out that the document had been in preparation for well over a year. Mr. Perrine then confirmed that funding was in place for the EIR and that once it was completed, the Master Plan would be brought forward for consideration in prioritizing the phasing of the improvements, identifying budgets and commencing design activities.

A discussion next ensued as to which current projects would be re-prioritized in the event the Murry Park EIR was moved up on the priority project list. Community Development Director Brad Dunlap indicated that he has had the document for months, yet due to staffing constraints, was unable to work on it. He inquired whether the Council would like to prioritize the Murry Park EIR over some of the other large projects currently under way in his department, such as the General Plan Update, the Hillside Development Ordinance, etc. Mayor Pro Tem Felipe Martinez inquired whether the first
quarter in 2007 was a reasonable target date for the EIR’s completion, to which Mr. Dunlap responded that he would shoot for that time.

Council Member Pedro Martinez spoke of the Council’s prior action in redirecting funds from the parking lot repairs downtown, and spoke of the need for balancing economic development and recreational needs. He spoke in favor of addressing the parking needs downtown and commented that he would like to see the project in the top ten.

Mayor Hamilton commented that he was perplexed as to why the Council was now wanting to change the priorities identified at the recent study session, pointing out that the priorities on the list had been selected by the Council.

Council Member McCracken agreed with the Mayor’s comments.

It was agreed that the concept to which the Council agreed was to focus on economic development. Council Member Pedro Martinez stated that the Skate Park Project was relatively complete and suggested removing it from the list.

Mayor Pro Tem Felipe Martinez spoke of Murry Park being the center of the community and of the importance of maintaining its cultural aspect. He suggested that his fellow Council Members walk through the Park.

Mayor Hamilton agreed that Murry Park was a jewel to the Community. He commented, however, that the Master Plan was a huge undertaking and that various improvements could be made throughout the park rather than prioritizing the Master Plan as a whole.

A discussion ensued as to the current top ten, during which the Council agreed to remove the Skate Park Project and advance the next project up to the top ten.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the City Council approve a list of ten priority projects, M.O. 12-120506 as amended to remove the Skate Park Project from the list and advance the next project to the top ten, being the Community Center; and approve the statement defining how priority projects will be managed and reviewed.

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

Disposition: Approved.

17. CONSIDERATION OF A PROPOSED LETTER TO ASSEMBLYMAN MAZE DEFINING PORTERVILLE’S LEGISLATIVE PROPOSALS

Recommendation: That the City Council:
1. Approve the draft letter to Assemblyman Maze and direct staff to transmit it; and
2. Direct staff to prepare the City’s Legislative Program for 2007 in substantially the same format and transmit same to the City’s other legislators.

City Manager John Longley presented the item and the staff report, which included the City’s Legislative Program for 2007 as follows:

1. Ralph Brown Act: Council Organization;
2. Enterprise Zone;
3. Highway 65 and Highway 190; and
4. State Bond Act Projects
   A. Proposition 1C-Housing and Emergency Shelter Trust Fund Act of 2006
   B. Proposition 1D-Kindergarten - University Public Education Facilities
   C. Proposition 84-Water Quality, Safety & Supply, Flood Control, Natural Resource Protection, Park Improvements, Bonds, Initiative Statute

Council Member McCracken noted the interest by some Council Members of prioritizing the revitalization of Murry Park and questioned why the City was not asking for funds to achieve that. Mr. Longley spoke of the critical importance of partnerships with other agencies on projects for which funding was sought from the State. He stated that with regard to Items 4B and C, discussions with potential partners had taken place.

A brief discussion ensued as to the Murry Park Master Plan. Mr. Longley clarified for everyone’s edification the critical path for the Murry Park Project. He stated that completion of the EIR was the next step, with the completion of the Master Plan itself following. He stated at that point, staff believed there would be funding to proceed with some of the design elements. He indicated that once the Project was to that point, shopping for grants could then take place.

Council Member Pedro Martinez spoke of the issue of homelessness and commented on the need to address the matter on a County-wide basis. He stated that resolution to the problem required more than simply emergency housing, but should include more widespread assistance, such as funding for drug rehabilitation programs and work programs. He spoke of the importance of helping individuals help themselves. He stated that it was not his intent to develop programs that would create dependency. He stated that the Council could request some funding from the State, and noted the need to partner with other agencies, such as Tulare County, to address the matter. Mr. Longley suggested that if the Council decided to seek funding for an emergency shelter, both construction and operational costs should be sought, and stated that the $5 million figure quoted in the Porterville Recorder that day was likely a fairly close estimate.

Mayor Hamilton stated that the homeless issue was much more complex than people understood. He commented that the County was really charged with addressing the issue, but that the City should partner with the County. He voiced support for seeking State funding on the matter, however, first suggested meeting with the County and forming a partnership with it.

Mayor Pro Tem Felipe Martinez spoke of information gleaned from a conference the Council attended in San Diego. He agreed that addressing the problem of homelessness should be a joint task, headed by Tulare County.
Council Member McCracken voiced support for encouraging Assemblyman Maze to work towards solutions on a regional basis.

Mayor Hamilton spoke in favor of partnering with the County of Tulare to tackle the problem. He commented, however, with regard to emergency shelter, the City should have plans in place. He suggested that the Armory could be utilized as a shelter during extremely cold nights. Mayor Hamilton then volunteered to commence discussions with the County for a cooperative solution to local homelessness, if the Council so agreed. The Council concurred.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve the draft letter to Maze and direct staff to transmit it; direct staff to prepare the City’s Legislative Program for 2007 in substantially the same format and transmit same to the City’s other legislators; and authorize the Mayor to begin discussions with Tulare County to address homelessness. The motion carried unanimously.

Mr. Longley noted that the typographical error in the draft letter to Assemblyman Maze, as identified by Council Member McCracken, would be corrected.

Disposition: Approved.

18. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM - “BUDGET REQUEST FOR TOYS FOR TOTS”

Recommendation: That the City Council provide direction staff.

City Manager John Longley presented the item.

Mayor Hamilton spoke of the desire at the race track to hold a toys for tots drive during which race participants would be required to bring toys in lieu of paying fees at the gate. He stated that rather than the Parks & Leisure Services Department losing the approximate $500 in fees, he would like the Council to reimburse Parks & Leisure Services from its Community Promotion Fund.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council approve a $500 appropriation from the Council’s Community Promotion Fund for reimbursement to Parks & Leisure Services Department for the Toys for Tots promotion at the Sports Complex. The motion carried unanimously.

Disposition: Approved.

ORAL COMMUNICATIONS

• Greg Shelton, address on record, came forward to address the Council on several items: 1) He spoke against the idea of a government-sponsored tax preparation program as requested by Mr. Raul Pickett during Oral Communications; 2) He suggested that if the City were to pursue the reinstatement of the Enterprise Zone, as discussed in Item No. 17, he stated the City should also seek a revision to the boundaries of the Zone. Staff
confirmed that the proposed Zone area had been expanded; 3) With regard to Item No. 16 and the discussion on Murry Park being prioritized, he noted the cost of the project to be $12,000,000, and spoke of the Parks & Leisure Services Commission’s accomplishments during the past year with limited available funds. He agreed, however, that the fence along Putnam Avenue was in need of repairs; 4) He voiced concern with a full-time Deputy City Manager, suggesting that the need was not likely there and that a “top heavy” administration was not beneficial to the City. He commented that the City would be better served by utilizing such funds on hiring a new engineer or planner.

• Dick Eckhoff, address on record, 1) voiced support for improvements to Murry Park; 2) spoke of the connection between drug abuse and homelessness, and of the need for a comprehensive solution; and 3) commented that the City unfortunately did not have the authority to lower the flag in honor of Mr. Buck Shaffer, as was requested by Ms. Bergfalk during Oral Communications at the beginning of the meeting.

OTHER MATTERS

• Council Member McCracken:
  1. Spoke of Mr. George Sutton’s previous offer of irises for plantings throughout the City, and suggested that the City take advantage of that offer. He requested that an item be placed on the agenda to discuss the matter.
  2. Spoke of Mr. Buck Shaffer’s contributions to the City of Porterville and requested that an agenda item be prepared for the consideration of recognizing him, suggesting possibly a clock in Centennial Park. A discussion ensued as to the estimated cost for a clock and for involving the community in the effort.

• Council Member Hernandez requested an item be brought forward after the first of the year to consider a revitalization of the Neighborhood Watch Program.

• Council Member Pedro Martinez:
  1. Spoke of the Mariachi Winter Wonderland event that he recently attended at the Buck Shaffer Auditorium, and requested that a proclamation be prepared on behalf of the entire Council.
  2. Requested that the Council participate as sponsors for the Art Association’s mural. Mr. Longley indicated that an item would be brought forward on the next agenda.

• Vedra McElfresh, Porterville Art Association, thanked the Council for their consideration and suggested that the City could also support the program by purchasing a painting of every mural to display in the halls of City Hall. Ms. McElfresh then volunteered her services towards fundraising efforts for a clock recognizing Mr. Shaffer, noting his interest in a clock in Centennial Park.

The Council recessed at 9:22 p.m. for ten minutes and then convened Closed Session.

RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION

The Council reconvened Open Session at 1:30 a.m. and reported the following action:

It was reported that the Council authorized and approved the sale of a 3.1 acre site in the Airport Industrial Park, APN 302-390-016, to Airport Industrial, LLC, in the amount of $95,439.96, and that the payment for parcel map preparations and other costs associated with the transaction be paid for from the proceeds of the sale. The Council also authorized the Mayor to sign all documents and agreements necessary to complete the project; directed staff to record all documents with the County Recorder; and approved the request by Airport Industrial, LLC to post signage reflecting availability of build to suit sites during escrow.

Documentation: Resolution 149-2006
Disposition: Approved.

ADJOURNMENT
The Council adjourned at 1:31 a.m. to the meeting of December 19, 2006.

Patrice Hildreth, Deputy City Clerk

ATTEST:

Cameron Hamilton, Mayor