PORTERVILLE CITY COUNCIL MINUTES
ADJOURNED MEETING – SEPTEMBER 10, 2007, 6:00 P.M.
CITY HALL COUNCIL CHAMBERS
291 NORTH MAIN STREET, PORTERVILLE

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

Pledge of Allegiance led by Mayor Cameron Hamilton
Invocation – a moment of silence was observed.

ORAL COMMUNICATIONS
None

SCHEDULED MATTERS
1. REVIEW OF CITY’S REGULATIONS PERTAINING TO ALARM SYSTEMS
Recommendation: None

City Manager John Longley presented the item, and Police Chief Chuck McMillan presented the staff report. Chief McMillan spoke briefly of the item, and then called upon Lt. Dempsie to present a statistical report to the Council.

Lt. Dempsie came forward and indicated that alarm calls had increased steadily at a rate of approximately six percent per year over the last four years, and that the Porterville Police Department had received 2285 alarm calls in 2006. He stated that of those 2285 calls, 543 were cancelled prior to the officer arriving on scene, leaving 1742 actual responses. He indicated of those 1742 actual responses, 15 calls resulted in a crime report of an actual burglary, broken window, etc. Lt. Dempsie summarized that 1727, or 99% of all responses, resulted in no actual criminal act being observed. He stated that the average time spent on each false alarm was just under 15 minutes, from the time of dispatch to actual clearance of the call. Lt. Dempsie calculated that Porterville Police Officers spent over 430 hours on unfounded alarm calls in 2006. He stated that as of September 2006, the Police Department had ceased its practice of billing for false alarms, and that there was virtually no difference in the number of responses. He indicated that in the six months prior to ceasing its practice of billing, the Police Department had responded to 1200 calls, and in the six months following, had responded to 1235 calls. He stated that approximately 30% of all addresses responded to each month required multiple responses with the same month. Lt. Dempsie then indicated that 26 alarm companies with business licenses operated in the City of Porterville, and that in 2006, 18% of the Police Department’s responses were to alarms of unlicensed alarm services. He then provided copies of the statistics to the Council.

Chief McMillan clarified that with regard to the 430 hours spent on unfounded alarm calls,
that time only included officer time involved in the call, and did not account for clerical staff time. He added that it was his belief, and the philosophy of the Police Department, that it was the job of the Police Department to respond to alarm calls, stating that the P.D. would continue to respond to those calls. He stated that if the P.D. returned to assessing a false alarm fee, it would require clerical staff to monitor the process, and would also involve the Finance Department with regard to billing.

In response to a question posed by Council, Chief McMillan indicated that the majority of the responses were to commercial locations. He then elaborated on the various types of alarms, such as panic and burglary alarms.

- Ron Irish, S.T.O.P. Alarm, 768 North Prospect Street, briefly spoke of the Council’s history in addressing alarm fees, and commented that because of his experience as a Council Member, he too understood the Council’s perspective. He stated that he was not asking for something for nothing, as he understood the City’s needs. He stated that he too had some interesting for the Council, stating that in 1988, the “unit cost” was $29,590, broken down as follows: Police Officer Salary: $11,970; Indirect Supervision: $108; Dispatcher: $1,686; Employee Benefits: $5,493; Services, Supplies, Operating Expenses: $3,042; Building Occupancy: $1,296, plus Overhead of Department: $3,775; General Overhead: $1,651, and Fixed Asset Charges: $569. He stated that in 1988, there were 1852 false alarm calls, with a unit cost of $15.98. Mr. Irish then provided the Council with a copy of the City records from which the information came. He stated that in 1988, Porterville’s population was 25,071, with 35 sworn police officers, or one police officer for every 716 people. He stated that at that time, there were approximately six to eight alarm companies operating, and approximately 1,250 systems operating in the City. He stated the 1852 false alarm fees in 1988 equated to 5.8 false alarms per day. He pointed out that because of those systems, there were 1,200 places that the Police Department did not have to check, suggesting that the alarm systems were doing some good. He stated that in 2007, the population of Porterville was 52,200, and that the City had one officer for every 896 people. He stated that there were approximately 45 alarm companies presently operating in the City of Porterville, and that there were approximately 35,000 systems in the City. He suggested that just by numbers alone, the rate of false alarms had actually decreased substantially since 1988. He stated that he understood the expense of false alarms, but that he also understood that the alarms were set to be highly sensitive and intentionally programed to be on the verge of tripping. He noted that less than two percent of the total systems in the City had false alarms. He then spoke of the correlation between population growth and increases in alarm systems, and of fees charged by other cities for false alarm calls. He suggested that the current fee was never enough. He stated that he believed Fresno currently charged $275. He stated that he believed there were other ways to cure the problem, rather than increasing or assessing a fee. He stated that the City of Porterville currently had 26 alarm companies licenced to operate in the City. He stated that out of that 26, there were nine that were only security patrol services. He stated that pursuant to information he received from the State of California Bureau of Investigation Services, he found that in the State of California there were approximately 780 alarm companies listed under the alphabet letter “A” alone. He stated that any of those companies could operate in the City of Porterville if they so
Mr. Irish stated that in 1979, Chief Smith was sent a letter from Consumer Affairs requesting that the City of Porterville help regulate the new laws for licensing. He voiced concern with the fact that, to his knowledge, the City had never turned anyone into the State of California. He stated that nothing had been done with the City’s Ordinance, except exercise the right to charge fees, or fines for false alarms. He requested that the Council even the playing field, and adopt an ordinance that would benefit the City of Porterville, and that would help regulate the Consumer Affairs. He suggested that the Council consider permits. He stated that with a permit fee, the City could require a permit for every system in the City. He commented that the permit could list the name of the alarm company, the license, the installers, and everything that the State had requested of the City in 1979. He requested that the City instead pursue a permit rather than a fee, such as the City of Bakersfield. He noted that the City of Bakersfield required that applicants pay for the permit prior to it even being approved. He suggested that the permit process would also help offset the cost of the City Fire Department to inspect. He contended that having a permit on file would also be beneficial from a life-safety standpoint. He stated that the City of Visalia had a permit process for alarms, and suggested that cities that had pursued false alarm fees soon realized that the cost to administer such a process exceeded the revenue from the fees collected.

He then spoke of the various models of ordinances pertaining to burglar alarms, such as from the National Burglar and Fire Alarm Association (“NBFAA”). He noted that in a sample ordinance from that organization, fees and permits were included. He again requested that the Council provide an even playing field, noting that the regulations put in place by the Council would affect alarm installers and dealers more than anyone else. He spoke in favor of regulating alarm systems through a permit process. Mr. Irish then provided the Council copies of a sample ordinance from NBFAA, and commented that the organization had assisted many cities in establishing effective regulations. He stated that there were 1000 systems, and that the City had only responded to five of those in one day, leaving 995 systems that never required the response of the Police Department. Mr. Irish spoke of the benefits to the Police Department that alarm systems provided.

Mayor Hamilton indicated that he saw two issues, one being recouping the cost of false alarm responses, and the second being a permitting process for alarm systems. He suggested that there were likely many alarm companies operating without a license or any type of accountability. A discussion ensued as to revenue generated by a permit process and whether it could be designated for the P.D.

Ms. Lew indicated that she believe that the City could, at an administrative level, determine where the fee revenue would go. She stated that she would need to look at whether the City could direct permit revenue to the Police Department to cover false alarm responses. She noted that because it was not a Prop. 218 fee, the City would have more flexibility.
• Mr. Irish suggested establishing a false alarm fine within the permit. He stated that if the City just pursued the false alarm fines with that revenue going to the Police Department, it would send the wrong message. He spoke in favor of pursuing permit fees, with fines attached, which would give teeth to the ordinance.

At the Mayor’s request, Chief McMillan came forward to address the concept proposed by Mr. Irish. Chief McMillan suggested that establishing a permitting process would be create an honor system with the existing alarm system owners. Chief McMillan questioned how the permit process would be monitored and voiced concern with the program being labor intensive for the Police Department.

Ms. Lew pointed out that the City would not be able to establish the permits on a retroactive basis, and stated that the labor cost would need to be built into the permit fee. She clarified that the fee would also cover the administration of having the fee.

Chief McMillan stated that the Police Department would still need to police the calls, noting that 18% of the responses were to alarms of unlicensed alarm services. He suggested that the City should first address the issue of unlicensed alarm companies operating in the City. He then stated that he was familiar with the City of Visalia’s permit process, and that it still required monitoring by the P.D. He then spoke of neighborhood watch programs, stating that at one time there was approximately 100 programs in the City of Porterville. He spoke of the difficulty in keeping track of those program participants. He stated that establishing a program was certainly something that the City should entertain, however, he did not wish to expend any additional personnel hours on alarm calls. He stated that the Police Department would continue to respond to alarm calls, but to collect data and to continue to monitor them required personnel hours that should be directed elsewhere. Chief McMillan indicated that prior to September 2006, his department had a dedicated clerical person that monitored the alarm calls within each month. He stated that letters were sent to each property owner who had a false alarm call. He stated that since September, his department had not tracked that information. He confirmed that if the Council pursued a permit process, that type of monitoring would need to resume.

Mayor Hamilton confirmed with Mr. Irish that he had proposed both a permit fee and a false alarm fee.

• Mr. Irish again spoke in favor of establishing a permitting process, and noted the amount of revenue that could be generated to offset the cost of administering the program.

Chief McMillan then spoke of the minimal amount of revenue generated by the $16 false alarm fee, particularly when compared to the cost of administering the fee. He stated that he had not attempted to offset the cost of officers responding to alarm calls, since his philosophy was that it was a service that the Police Department provided to the community. He stated that a permit process would definitely recoup some of that expense, but would also incur additional personnel time in administering the program and tracking all of the alarm systems.

Mr. Longley stated that this was basically a process of discovery. He recommended that the
Council direct staff to look at the sample ordinance provided by Mr. Irish, and research how other local agencies handled alarm fees, such as Visalia, Hanford and Tulare. He stated that prior to the end of the year, staff could then return to the Council with a report on a draft ordinance. He then acknowledged the fact that Mr. Irish came to the Council with a solution. He stated that he believed Mr. Irish’s proposal deserved a full review by staff.

Mayor Hamilton suggested that the permitting concept could be brought to the Council at any time, and noted that in the meantime Chief McMillan had requested that the Council review the alarm fee.

Mr. Longley confirmed with Chief McMillan that he had not recommended that the fee be reestablished, since the amount of revenue generated by the fee did not offset the cost of administering the fee. He stated that the budget would be revisited in January 2008, and suggested that a review of Mr. Irish’s proposal could take place in or around that same timeframe.

Mayor Pro Tem Felipe Martinez stated that since Chief McMillan did not see an urgency to the matter, that he agreed with bringing a permit process back to the Council at a later time.

In response to a question posed by Mr. Irish, Chief McMillan clarified that if the P.D. was contacted and given a cancellation code, the call was not documented as a response. Chief McMillan then spoke of the fees charged by local municipalities, such as $90 charged by Visalia, and $100 charged by Tulare. He stated that if the subject was to be revisited at some point, the City of Porterville would need to get more in line with the local standards.

Mr. Irish reiterated that false alarm fees were constantly being escalated to keep up with the costs. He then offered his assistance with regard to his proposal.

Council Member McCracken commented that there must be a solution, and shared a personal experience with a false alarm call. He then stated that he believed there was some advantage to having a permit process, noting the information that would be available on file.

Chief McMillan reiterated his concerns with a permit process, noting that administration would be time consuming. He stated that from an image standpoint, he worried about the public’s perception if the City collected fees and permits, and a property owner was broken into regardless. He then stated that his staff would look into the matter, and that Lt. Dempsie would likely be contacting Mr. Irish to gain information.

**ORAL COMMUNICATIONS**

None

**OTHER MATTERS**

- Mayor Pro Tem Felipe Martinez provided an AB 1234 report on his recent trip to Sacramento. He spoke of several sessions he attended, particularly noting one on gangs. He also indicated that he had several productive meetings with State Legislators.
- Mayor Hamilton also provided an AB 1234 report on his recent trip to Sacramento.
He agreed that he had several productive meetings and attended some informative sessions.

- City Manager Longley provided his AB 1234 report on his recent trip to Sacramento. He stated that he also had attended the informative session on gangs. He stated that staff would be bringing forth some specific items relative to that discussion. He then spoke of several conversations that took place with State Legislators and the Governor’s staff. Mr. Longley also spoke of a meeting that was held with the City’s legislative advocate to discuss efforts made on behalf of the City. He lastly noted the Mayor Pro Tem’s participation in the League’s debate on group homes.

**ADJOURNMENT**

The Council adjourned at 6:50 p.m. to the Council Meeting of September 18, 2007.

__________________________
Patrice Hildreth, Deputy City Clerk

SEAL

__________________________
Cameron Hamilton, Mayor