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:
   2- Government Code Section 54956.9(b) - Conference with Legal Counsel - Anticipated Litigation: One Case.
   3- Government Code Section 54956.9(a) - Conference with Legal Counsel - Existing Litigation: Kincheloe v. City of Porterville.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no action had taken place.

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

PRESENTATIONS
   Continuum of Care on Homelessness
   Outstanding Business Presentation – Galaxy Theatre
   Leadership Porterville Class of 2007

ORAL COMMUNICATIONS
   • Mike McDonald, Citizens Business Bank, 375 North Main Street, spoke on Item No. 5, commenting that the bid submitted by his bank had been very close to that of Union Bank. He then spoke of the contributions to the community by Citizens Business Bank, and requested that Citizens Bank be considered for the contract.
   • Boyd K. Leavitt, 457 East Oak Street, spoke regarding Item No. 22, voicing concern with the formation of a committee to determine whether parking on lawns should be prohibited. Mr. Leavitt suggested that the Council should address the matter.
   • Eric Gaetz, 721 East Orange Avenue, spoke regarding Item No. 22, speaking against a possible prohibition on parking on lawns.
- Jim Handley, 361 West Oak, spoke against prohibiting the parking of vehicles on lawns, suggesting that such a restriction would be an infringement on his rights. He commented that environmental concerns could be addressed through requiring the placement of oil pans.
- Dick Eckhoff, 197 North Main Street, requested clarification as to Item Nos. 4 and 7; and spoke regarding Item 13, suggesting that new Design Guidelines were needed.

City Attorney Julia Lew clarified that with regard to Item No. 17a, a sunset clause had been added, and the signature block had been changed to reflect the correct entity owning the subject property.

It was noted that Item No. 15 had been removed from the Agenda.

**CONSENT CALENDAR**

Item Nos. 4, 5, and 6 were removed for further discussion.

1. **CITY COUNCIL MINUTES OF JUNE 22, 2007 AND JULY 31, 2007**


   Documentation: M.O. 01-080707
   Disposition: Approved

2. **BUDGET ADJUSTMENT FOR THE 2007-08 FISCAL YEAR**

   Recommendation: That the Council approve the attached budget adjustment, and authorize staff to modify revenue and expenditure estimates as described on the attached schedule.

   Documentation: M.O. 02-080707
   Disposition: Approved

3. **PURCHASE OF SPECIALIZED EQUIPMENT**

   Recommendation: That Council authorize purchase by negotiation of the specialized equipment listed and authorize payment for said equipment upon satisfactory delivery.

   Documentation: M.O. 03-080707
   Disposition: Approved

7. **AUTHORIZATION TO ADVERTISE FOR BIDS – OAK AVENUE IMPROVEMENT PROJECT**

   Recommendation: That City Council:
   1. Approve the Plans and Project Manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 04-080707
Disposition: Approved

8. AMENDMENT TO TRAFFIC RESOLUTION NO. 10-2001 – DESIGNATION OF WHITE CHAPEL AVENUE AS A THROUGH STREET

Recommendation: That the City Council approve the proposed amendments to Traffic Resolution No. 10-2001.

Documentation: Resolution No. 70-2007
Disposition: Approved

9. AUTHORIZATION TO ROLL WEED ABATEMENT BALANCES TO THE PROPERTY TAX ROLLS

Recommendation: That the City Council adopt the attached draft Resolution authorizing the County Auditor to place the items presented on the property tax rolls for collection.

Documentation: Resolution No. 71-2007
Disposition: Approved

10. ACQUISITION OF GRANT DEED AND EASEMENT DEED – PROPERTY LOCATED AT APN 268-090-008 – CARL D. DENNIS AND ALMA L. DENNIS, AS JOINT TENANTS

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Carl D. Dennis and Alma L. Dennis, Joint Tenants, in the amount of $96,250.00, after completion of escrow;
3. Authorize the Mayor to sign all necessary documents; and
4. Authorize staff to record all documents with the County Recorder.

Documentation: Resolution No. 72-2007
Disposition: Approved

11. TECHNICAL CHANGE REGARDING SALE OF PROPERTY AT THE PORTERVILLE AIRPORT INDUSTRIAL PARK TO BLAIR ELECTRIC SERVICES, INC.

Recommendation: That the City Council approve the Resolution authorizing the sale of City property to Bruce J. Blair and Vickie S. Blair, husband and wife.
12. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) BUSINESS ASSISTANCE PROGRAM MODEL AMENDMENT

Recommendation: That the City Council adopt the draft resolution to approve the amendment to the Community Development Block Grant Business Assistance Program Model to establish the required public benefit standard of the creation or retention of one full-time equivalent job for every $35,000 in City assistance.

Documentation: Resolution No. 73-2007
Disposition: Approved

13. COLOR PALETTE FOR THE PORTERVILLE REDEVELOPMENT PROJECT AREA

Recommendation: Report is for information purposes only.

14. APPROVAL OF INVESTMENT AUTHORIZATION


Documentation: Resolution No. 74-2007
Disposition: Approved

16. PROPOSED CHANGE IN THE TABLE OF ORGANIZATION WITH THE PARKS & LEISURE SERVICES DEPARTMENT

Recommendation: That the City Council adopt the attached draft resolution authorizing a change in the Table of Organization in the Leisure Services Division of the Parks & Leisure Services Department.

Documentation: Resolution No. 75-2007
Disposition: Approved

17. ESTABLISH THE CLASSIFICATION OF GEOGRAPHIC INFORMATION SYSTEM (GIS) TECHNICIAN

Recommendation: That the City Council:
1. Establish the classification of Geographic Information System (GIS) Technician at Salary Range 140 ($2,652-$3,236/month), effective August 7, 2007;
2. Modify the City’s Classification Plan and the Employee Pay and Benefit Plan; and
3. Authorize the Mayor to execute these and other documents necessary to implement the provisions hereof.

Documentation: Resolution No. 77-2007
Disposition: Approved

17a. REQUEST FOR RIGHT OF ENTRY – JAYE STREET CORRIDOR CONSTRUCTION (JLH PROPERTIES)

Recommendation: That the City Council:
1. Approve the Right of Entry documents presented herein;
2. Direct the Public Works Director to proceed with the execution of the Right of Entry documents;
3. Continue all efforts on the appraisal of the City owned surplus property and the appraisal of the Hale property along Jaye Street and along Springville Avenue; and
4. Present all findings and recommendations related to the transfer of City surplus property to the City Council at the earliest Council meeting possible.

Documentation: M.O. 05-080707
Disposition: Approved

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council approve Items 1-3, 7-14, and 16-17a. The motion carried unanimously.

4. AUTHORIZATION TO ADVERTISE FOR BIDS FOR PHASE ONE IMPROVEMENTS TO THE HERITAGE CENTER SITE SOFTBALL COMPLEX PROJECT

Recommendation: That the City Council:
1. Approve the plans and project manual; and
2. Authorize the Mayor to sign the SWPP and Dust Mitigation Plan; and
3. Authorize advertising for bids for the phase one improvements to the Heritage Ball Fields.

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

Council Member Hernandez asked how many phases the project would consist of in total, to which Mr. Perrine replied that the phases would be determined by funding.
COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the plans and project manual; authorize the Mayor to sign the SWPP and Dust Mitigation Plan; and authorize advertising for bids for the phase one improvements to the Heritage Ball Fields. The motion carried unanimously.

Disposition: Approved

5. AWARD OF CONTRACT- “BANKING SERVICES”

Recommendation: That the Council accept the recommendation of the Audit Committee and authorize staff to enter into an agreement with Union Bank of California for banking services for the period beginning July 1, 2007, and ending June 30, 2012.

City Manager Longley introduced the item.

Mayor Pro Tem Felipe Martinez thanked the Committee for their work and requested that all bids be rejected in order for the Committee to look into the credit card issue further.

City Attorney Julia Lew clarified that a new RFP process would be required if all bids were rejected, in which case an emphasis on the credit card could be made or the proposals could be found qualified and resubmitted to the Committee for consideration.

Council Member McCracken stated that one of the problems during evaluation, with regards to the credit cards, was that all proposals stated they used a credit card processing company. He added that John Lollis would look into some alternatives, but the Committee felt it was important to move forward with the banking portion.

City Attorney Lew explained that starting the RFP process would not guarantee a better deal.

- Mike McDonald, Citizen’s Bank, came forward and provided information regarding rates offered by Citizen’s Bank.
- Patrick Lincoln, 229 N. Main St., Union Bank of California, clarified that the bank processes thru Nova.
- Don (surname inaudible), 229 N. Main St., Union Bank of California, stated he was responsible for putting together the bid, provided additional information regarding merchant clerk processing fees and spoke of the bank’s service to the City.
- Janice Castle, 86 N. Main St., Bank of the Sierra, stated she was in agreement with previous statements regarding merchant clerk processing fees and spoke of the bank’s proposal.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Mayor Pro Tem Felipe Martinez that the Council resubmit this item to the Audit Committee for re-evaluation based on the new information.
received. The motion carried unanimously.

Disposition: Approved

6. AWARD OF CONTRACT – DATE AVENUE RECONSTRUCTION – ‘A’ STREET RECONSTRUCTION & STORM DRAIN PROJECT

Recommendation: That City Council:
1. Award the Date Avenue Reconstruction – ‘A’ Street Reconstruction & Storm Drain Project to Mitch Brown Construction, Inc., in the amount of $648,103.46;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs; and
4. Authorize payment of $14,230.25 to SCE for installation of street lights.

City Manager Longley introduced the item and Public Works Director Baldo Rodriguez presented the staff report, during which he amended the staff recommendation to read,

Recommendation: That City Council:
1. Approve and award the base bid to Mitch Brown Construction, Inc., in the amount of $558,442.99;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize payment of $14,230.25 to SCE for installation of street lights;
5. Schedule a Public Hearing for October 2 to consider awarding the Add Alternate to the contract and to discuss the matter of property reimbursement for concrete improvement costs; and
6. If at that time, Council does not award the Add Alternate at the October 2 meeting, the curb, gutter and sidewalk will be constructed during the 2008/09 Fiscal Year using the CMAQ Grant.

Council Member Hernandez stated that his biggest concern was the curb, gutter and sidewalk, and that he was glad to see a public hearing had been set.

City Attorney Lew explained the process involved with curb, gutter and sidewalk fees, which included two public hearings that occurred prior to the award of the contract, and prior to the establishment of the fee.

City Manager Longley provided clarification with regard to CMAQ funds and the period of use.

Mayor Pro Tem Felipe Martinez expressed concern with the length of time that the sidewalk would remain unfinished for the reason that there would be many children walking that area, and stated that he would rather the project be completed quickly.
Mayor Hamilton noted that if the improvements exceeded $15,000 that the fees would have to be shared amongst the properties that would benefit from the improvements.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council approve and award the base bid to Mitch Brown Construction, Inc., in the amount of $558,442.99; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs; authorize payment of $14,230.25 to SCE for installation of street lights; schedule a Public Hearing for October 2, 2007 to consider awarding the Add Alternate to the contract and to discuss the matter of property reimbursement for concrete improvement costs; and if at that time, Council does not award the Add Alternate at the October 2, 2007 meeting, the curb, gutter and sidewalk will be constructed during the 2008/09 Fiscal Year using the CMAQ Grant. The motion carried unanimously.

Disposition: Approved

The Council recessed at 8:10 p.m. for 10 minutes.

PUBLIC HEARINGS

18. SALAZAR RANCH TENTATIVE SUBDIVISION MAP (MIGUEL SALAZAR)

Recommendation: That the City Council:
   1. Adopt the draft resolution approving Salazar Ranch Tentative Subdivision Map subject to conditions of approval.

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

The hearing opened to the public at 8:31 p.m.

- Jim Winton, 150 W. Morton, came forward to speak on behalf of Mr. Salazar, requested Council’s approval, and stated that he would be available for questions.
- Tom Moran, 482 N. Sunnyside, voiced concern over no block wall being required.

The hearing closed to the public at 8:34 p.m.

Mr. Dunlap addressed Mr. Moran’s concerns with regard to the absence of a block wall. He stated that the Code did not require a block wall, and that the residential use was separated from the non-residential use by a street.
Mayor Hamilton inquired about the acreage of the contiguous ownership portion of the subdivision map.

- Jim Winton, address on record, came forward and clarified that the property was approximately one acre and was not owned by Mr. Salazar.

**COUNCIL ACTION:** MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member McCracken that the Council adopt the draft resolution approving Salazar Ranch Tentative Subdivision Map subject to conditions of approval. The motion carried unanimously.

**Disposition:** Approved


Recommendation: That the City Council:

1. Approve the Addendum to the Mitigated Negative Declaration approved on March 7-2006 by Resolution No. 35-2006; and
2. Approve Conditional Use Permit 7-2007, subject to conditions of approval.

City Manager Longley introduced the item and Community Development Director Dunlap presented the staff report.

Council Member Hernandez noted that he did live within 700-feet of the site, but that he was outside of the Conflict of Interest zone and would remain for the item.

Mayor Hamilton noted, in the interest of full disclosure, that he attended the Nazarene Church but had no conflict of interest financially.

A video was presented on the project.

The hearing opened to the public at 8:59 p.m.

- Jim Winton, address on record, came forward to inquire about Condition 20 of the resolution which notified the developer/applicant that the property was subject to development fees. He stated that the fees were not agreed upon. He also inquired about Condition 39 which made mention of tree wells for sidewalks that would exceed 7 feet in width, and proposed alternatives.
- Mark Pitcher, 2522 W. Cricklewood Ct., Pastor of Porterville First Church of the Nazarene, spoke in favor of project and voiced appreciation for staff’s assistance. He noted a future ground breaking event to which the Council would receive invitations.
- Marty (surname inaudible), 1932 W. School Ave., spoke in favor of the family-oriented facility.
- Daryl Nicholson, 26914 Ave. 140, came forward on behalf of the Church Board to thank the City Staff for all of their time and hard work, and stated that he would be available for questions.

The hearing closed to the public at 9:13 p.m.
Community Development Director Brad Dunlap clarified that Conditions 19 and 20 were notifications of the costs that had been incurred, but that it would not hinder the Conditional Use Permit from moving forward. The City Manager added that it was an expense that had been paid, and that the City would be billed for the recovery of it at the time that development occurred. Mayor Hamilton continued by stating that the amount was incurred by the Burton School District Charter School for the widening of Matthew, curb, gutter and sidewalk, but that the District was unable to pay due to lack of funding from the State. The City Manager stated that the resolution was to advance funds for the development of the street, with the understanding that it would be assessed against the property that would benefit from the street improvement. City Attorney Julia Lew noted that there was a specific mechanism in place for contesting and assessing development impact fees, and that those remedies would still be available at the time the fees were assessed. A brief discussion ensued in which it was clarified that Burton School District fronted the costs of the improvements, and the City agreed to seek reimbursement from future development, since there were specific benefits to the properties.

- Daryl Nicholson, address on record, came forward and stated that he and Mr. Smee had agreed to purchase the property from the landowner. He stated that it was just a house and before Burton School District had begun to build, they agreed on a price per so many square feet. He indicated that the landowner had met with Burton School District and had agreed to sell the strip of property for curb, gutter and sidewalk improvements without informing he and his partner, Mr. Smee, and that the landowner had received at least $30,000 for the strip of land. Mr. Nicholson then stated that Burton School District then owned the property and was required to improve it. He indicated that he had met with City staff, the Mayor and several others to mitigate it, and that he and his partner had offered to do the development for a reduced fee, about 35% less than they were going to do, and that this was the last communication they had with them. He stated that there had been no communication as a development agreement that they would do that. He indicated that they did it on their property; and similar to the previous item, the developer of the church would put in the street because he owned the property. He indicated that Burton School District owned the property that they developed, and if it was a normal situation and they had purchased the property, they would probably agree to do it. He added that Burton School District’s Board had just voted to make he and his partner pay one way or another, and what they developed was never on their property. He stated that when escrow closed, they only bought the additional portion.

- Parks and Leisure Services Director Jim Perrine addressed the issue of tree wells as referenced in Condition 39. He stated that a sidewalk ten feet across is of excessive width, that the staggered landscaping would provide a more natural environment, and the tree wells would provide shade to the hardscape.

- Jim Cheyne, 1310 Chess Terrace, came forward to state that trimming trees away from power lines was a cost to Edison.

- Mr. Perrine stated that it was important to select the correct tree. A discussion then ensued in regards to the placement of the trees on the sidewalk.

- Jim Winton, address on record, came forward to speak in opposition of the tree wells and in favor of the trees being staggered within the landscaped area. He added that it was the City that was requiring the ten foot wide sidewalk.
Community Development Director Dunlap explained that the frontage along Olive Avenue was commercially zoned and therefore the Code required a sidewalk that was ten feet in width. He then provided Council with some options for Council action.

Council Member Hernandez made a motion to approve the Addendum to the Mitigated Negative Declaration approved on March 7-2006 by Resolution No. 35-2006; and approve Conditional Use Permit 7-2007 subject to conditions of approval, as amended regarding No. 39. Engineering is to review the matter for the possible allowance of a seven foot wide sidewalk; if not, a ten foot wide sidewalk with tree wells would be required.

Council Member McCracken proposed a friendly amendment to the motion which would also allow the developer to propose alternatives to staff for consideration, to which Council Member Hernandez accepted.

The Mayor then asked the applicant if they would be interested in proposing additional options for staff to examine.

- Daryl Nicholson, address on record, stated that if the trees were planted on the sidewalk that they would be clipped by the traffic and that having the trees planted next to the sidewalk would allow it to grow out and provide more shade. He asked if staff would consider accepting a sidewalk that was ten feet wide with the trees planted back if they could demonstrate that it would provide more shade to the hardscape.

- Daryl Nicholson, address on record, then stated that they were going to move dirt as soon as the permit was approved and that they did not want to have to come back for another conditional use permit, so in order to prevent any further delay, they would probably succumb to whatever staff decided on the matter.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Council Member Martinez that the Council approve the Addendum to the Mitigated Negative Declaration approved on March 7-2006 by Resolution No. 35-2006; and Conditional Use Permit 7-2007 subject to conditions of approval as amended regarding No. 39, with the Engineering Department to review the matter for the possible allowance of a seven food wide sidewalk; if not, a ten foot wide sidewalk with tree wells would be required, in the event a City-Approved alternative is not identified.

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

Disposition: Approved
The Council recessed for 10 minutes.

20. DEVELOPMENT AGREEMENT ORDINANCE: ZOA 4-2007

Recommendation: That the City Council:
1. Consider adoption of a Development Agreement Ordinance, approve the ordinance and give first reading to the draft ordinance.
2. Waive further reading and order the ordinance to print.
3. Authorize staff to schedule a public hearing on a fee for processing Development Agreements under the ordinance.

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

The hearing opened to the public at 10:03 p.m. and closed at 10:04 p.m. when nobody came forward.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council adopt a Development Agreement Ordinance, approve the draft 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 ADOPTING STANDARDS FOR DEVELOPMENT AGREEMENTS; and authorize staff to schedule a public hearing on a fee for processing Development Agreements under the ordinance. The motion carried unanimously.

The City Manager read the Ordinance by title only.

Disposition: Approved

21. WATER CONSERVATION PLAN

Recommendation: That City Council authorize staff:
1. To continuing Phase II of the Water Conservation Plan for the months of August through September;

2. Authorize staff to review other water conservation options that may be appropriate for inclusion in the Water Conservation Plan such as odd-even residential water schedules, “tiered-block” rates; and

3. Direct staff to bring back the water conservation matter no later than February 19, 2008 with recommendations to improve water conservation efforts.

City Manager Longley introduced the item and Public Works Director Baldo Rodriguez presented the staff report.
The hearing opened to the public at 10:08 p.m. and closed to the public at 10:09 p.m. when nobody came forward.

Council Member Pedro Martinez moved that the Council accept staff’s recommendation and Mayor Pro Tem Felipe Martinez seconded the motion, and proposed a friendly amendment to excluded consideration of tiered block rates. Council Member Pedro Martinez accepted the amendment.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Council Member Hernandez that the Council authorize staff to continue Phase II of the Water Conservation Plan for the months of August through September; authorize staff to review other water conservation options that may be appropriate for inclusion in the Water Conservation Plan such as odd-even residential water schedules; and direct staff to bring back the water conservation matter no later than February 19, 2008 with recommendations to improve water conservation efforts. The motion carried unanimously.

Disposition: Approved

SCHEDULED MATTERS

22. AD HOC COMMITTEE APPOINTMENT

Recommendation: That the City Council appoint the seven member Ad Hoc Committee Re: Non-Driveway Parking, and direct the Committee to provide options to the Council to address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property.

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

Mayor Hamilton requested that the Council consider that a Code Enforcement Officer and a Police Officer, to be appointed by the Chief, be added to the Committee.

COUNCIL ACTION: MOVED by Mayor Hamilton, SECONDED by Mayor Pro Tem Felipe Martinez that the Council appoint Gerald Eoff; Ben Harvey; April McLaughlin; Lee Lembke; Greg Shelton; Bob Topf; and Rodney Martin; the Code Enforcement Officer; and one Police Officer to the Ad Hoc Committee Re: Non-Driveway Parking, and direct the Committee to provide options to the Council to address aesthetic and environmental issues associated with the parking of vehicles on non-driveway areas on private property.

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

Disposition: Approved
23. APPOINTMENT TO TRANSACTION FEE AND USE TAX OVERSIGHT COMMITTEE

Recommendation: That the City Council appoint a member to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Teresa de la Rosa until May 2008.

City Manager Longley introduced the item and Deputy City Manager John Lollis presented the staff report.

COUNCIL ACTION: MOVED by Mayor Pro Tem Felipe Martinez, SECONDED by Council Member Hernandez that the Council appoint Josef Guerrero to the Transaction and Use Tax Oversight Committee to fill the unexpired term of Teresa de la Rosa until May 2008. The motion carried unanimously.

Disposition: Approved

24. AMENDMENT TO CITY’S CONTRACT WITH CALPERS FOURTH LEVEL OF 1959 SURVIVOR BENEFIT PROGRAM FOR LOCAL SAFETY FIRE MEMBERS

Recommendation: That the City Council approve the draft Resolution of Intent and the Enabling Ordinance, and give first reading of the Ordinance, authorizing the City’s Contract with CalPERS to be amended to provide the Fourth Level of 1959 Survivor Benefit Program optional benefit provision for Local Safety Fire Members, to become effective on October 5, 2007; and authorize the Mayor to execute the necessary documents, and the amended Contract upon receipt, on behalf of the City of Porterville.

City Manager Longley introduced the item and Deputy City Manager Lollis presented the staff report.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council approve the proposed Resolution of Intent and the Enabling Ordinance, and give first reading of the Ordinance, authorizing the City’s Contract with CalPERS to be amended to provide the Fourth Level of 1959 Survivor Benefit Program optional benefit provision for Local Safety Fire Members, to become effective on October 5, 2007; and authorize the Mayor to execute the necessary documents, and the amended Contract upon receipt, on behalf of the City of Porterville. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved
25. AMENDMENT TO THE CITY CODE – CHANGES TO THE SPECIAL SPEED ZONES

Recommendation: That City Council:
1. Approve the proposed Ordinance amendment;
2. Give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and
3. Direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective.

City Manager Longley introduced the item and Public Work Director Baldo Rodriguez presented the staff report.

Mr. Rodriguez provided clarification in regard to the legalities involved with a reduction of speed limits. City Attorney Lew added that her understanding was if the reduction was in excess of the amount allowed, the speed limit could not be enforced by radar.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by Ordinance 1725 Mayor Pro Tem Felipe Martinez that the Council approve the proposed Ordinance amendment; give first reading to the Ordinance amending Chapter 17, Article XV, Section 17-15, Prima Facie Speed Limits Determined on Certain Streets, in the City Code; and direct the City Engineer to make the appropriate changes in the posted signs when the ordinance becomes effective. The motion carried unanimously.

The City Manager read the ordinance by title only.

Disposition: Approved

26. REQUEST FOR COUNCIL STUDY SESSION ON CASE STUDY FOR THE HILLSIDE DEVELOPMENT ORDINANCE

Recommendation: That the City Council schedule a study session on the Hillside Development Ordinance.

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

Council Member Hernandez asked that the Council receive the study data at least five working days prior to the study session to provide ample time for review.

COUNCIL ACTION: MOVED by Council Member Pedro Martinez, SECONDED by M.O. 12-080707 Mayor Pro Tem Felipe Martinez that the Council schedule a study session on the Hillside Development Ordinance, the date for which is to be decided. The motion carried unanimously.

Disposition: Approved
27. PARK RANGER PROGRAM OPTIONS

Recommendation: That the City Council consider the matter, together with the recommendation of the Parks & Leisure Services Commission, and authorize the creation of job classifications for part-time Park Rangers for the implementation of a program by Spring of 2008.

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

Council Member Pedro Martinez moved to accept the Part-Time Position Option, and the motion was seconded by Mayor Pro Tem Felipe Martinez.

Mayor Pro Tem Felipe Martinez asked why the authority to issue citations would only be granted to a full-time ranger. Mr. Perrine stated that the reasoning was to encourage customer relations and promote compliance through education and discussion.

Mr. Perrine explained to Council that there was a Leisure Services worker who worked two to three hours per weekend educating park visitors on park rules and regulations. He noted that although she had no citation authority, she had been successful in her requests for compliance a majority of the time. Mr. Perrine added that the Park Ranger would be an expansion of this program.

Mayor Hamilton inquired about the maintenance duties that were proposed for the position and stated that he did not want the position of Park Ranger to be filled with a maintenance worker. Mr. Perrine stated that the maintenance duties were additional activities that would keep the Park Ranger productive; which prompted the Mayor to question the need for the position. The Mayor added that he envisioned the duties differently and that he was more concerned with safety. Council Member McCracken concurred with the Mayor’s concerns.

Mayor Pro Tem Felipe Martinez inquired about the possibility of a full-time and part-time position. Mr. Perrine stated that the City did not have the flexibility to have a full-time and part-time ranger within the budget allocation. A conversation ensued in which alternative scheduling of new and/or existing positions were suggested and discussed.

City Manager John Longley stated that at that time there was no money to support additional maintenance workers, whereas safety and compliance of park rules was a priority. He suggested that the Council approve Council Member Pedro Martinez’s motion to accept the Part-time option, give direction that there would be no significant maintenance conducted, and that the Park Ranger would be specifically identified as a Park Ranger.

Mr. Perrine commented that during the period of September through March the Ranger could be hired as a park maintenance worker.

Council Member McCracken moved that the Council accept the Part-time option, with no scheduled maintenance duties, from April to October, with budgeted funds to be spent only on Park Rangers during those periods.
The Mayor then called for the vote on Council Member McCracken’s motion.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council accept the Part-time option, with no scheduled maintenance duties, from April to October, with budgeted funds to be spent only on Park Rangers during those periods.

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

Disposition: Approved

28. DOG PARK FEASIBILITY

Recommendation: That the City Council consider the preliminary information provided by staff for consideration of a dog park and provide direction.

City Manager Longley introduced the item and Parks and Leisure Services Director Perrine presented the staff report.

Council Member McCracken made a motion to postpone the item indefinitely. The motion was then seconded by Council Member Hernandez, with discussion.

Council Member McCracken expressed concern with the costs, and did not see a need for a dog park. Council Member Hernandez shared his concerns.

Council Member Pedro Martinez stated that a dog park would provide a designated area for dog owners to let there dogs run off-leash.

Mayor Hamilton asked if the City would be liable for any injuries that occurred inside the dog park. City Attorney Julia Lew stated that it could, but that rules could be worded such that visitors would assume the risk with the use of the park. She added that with the number of dog parks popping up throughout the state, there were most likely such provisions. She stated that she could research dog park activity for Council.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Hernandez that the Council postpone the item indefinitely.

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

Disposition: Direction provided to staff.
After some discussion the Council provided direction to send the item back to Parks & Leisure Services, for staff to research additional sites and obtain information on Visalia’s dog park. The City Attorney was directed to research dog park issues and activity.

29. AUTHORIZE TREE DONATION PROGRAM FOR RAILS TO TRAILS & TULE RIVER PARKWAY

Recommendation: Authorize the creation of the tree donation program for the Rails to Trails and Tule River Parkway, along with the establishment of appropriate project accounting.

City Manager Longley introduced the item.

The Parks & Leisure Services Commission recommended a discount of $10 be given to those who did not wish to have a plaque displayed by the tree. He added that the $100 donation would be in lieu of providing the tree, but that someone could provide a tree if it was one that was on the list of approved trees.

COUNCIL ACTION: MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize the creation of the tree Donation program for the Rails to Trails and Tule River Parkway, along with the establishment of appropriate project accounting. The motion carried unanimously.

Disposition: Approved

30. AB1234 LEGISLATIVE/CASE LAW UPDATE

Recommendation: That the City Council consider this report, and authorize the City Attorney to schedule a presentation by Michael Jenkins concerning public official ethics and legal issues.

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

Council directed staff to look into hosting AB1234 training, and the possibility of opening the training to other municipalities.

Disposition: Direction provided to staff.

31. COUNCIL MEMBER REQUEST FOR AN AGENDA ITEM – “CONSIDERATION OF AMENDMENT TO CITY CHARTER TO INCLUDE CITY MOTTO: IN GOD WE TRUST”

Recommendation: As directed by Council.

City Manager Longley introduced the item.
The Council directed the City Attorney to proceed and bring back the resolution required to place the item on the ballot.

Disposition: Direction provided to staff.

32. REQUEST BY COUNCIL MEMBER – CODE OF ETHICS POLICY FOR COMMISSIONERS, BOARDS AND COMMITTEES

Recommendation: None

City Manager Longley introduced the item.

Council Member Hernandez stated that he would like to see a Code of Conduct established. The City Attorney stated that the City did not have a Code of Ethics Policy, but recommended that if one was put into place, it should encompass the Council, Commissioners, Committees and Boards.

Council Member McCracken stated that the Council could not dictate good manners and civil behavior. Mayor Hamilton agreed, but added that a Code of Ethics was a good thing. Council Member Pedro Martinez stated that he was not opposed to the idea of a Code of Ethics, but was opposed to the reason that it was being proposed at that time. Mayor Pro Tem Felipe Martinez noted that those who sit on City Commissions and Boards reflect on the City, and spoke in favor of the proposal.

COUNCIL ACTION:
M.O. 16-080707
MOVED by Council Member Hernandez, SECONDED by Mayor Pro Tem Felipe Martinez that the Council authorize Council Member Hernandez to work with staff on a proposal and bring it back to Council for consideration.

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

Disposition: Approved

ORAL COMMUNICATIONS
- Joe Guerrero, 332 South F Street, thanked the Council for his appointment to the TUTOC Committee; spoke in favor of a Code of Ethics; and questioned the need for an official City Motto.
- Dick Eckhoff, address on record, requested clarification regarding the proposed Park Ranger Program – Item 27; spoke in favor of a dog park – Item 28; and suggested that a Code of Conduct might be what the Council should consider, rather than a Code of Ethics.

OTHER MATTERS
- City Manager Longley requested that the public hearing for Item 6, regarding Dave Avenue Reconstruction be scheduled for September 18, 2007 City Council Meeting.
• Council Member Pedro Martinez:
  1. Requested an Agenda Item to discuss installing speed calming devices, such as speed bumps, in Casas Buena Vista;
  2. Suggested that the City of Porterville host local Mayors and City Managers to discuss County service levels and to possibly coordinate joint lobbying efforts. The Council concurred with Council Member Martinez.
  3. Spoke of the success of the Kid’s Day in the Park Event held on August 2nd.
• Parks & Leisure Services Director Jim Perrine thanked Council Member Martinez for his volunteer work at the event.
• Mayor Pro Tem Felipe Martinez acknowledged the success of Kid’s Day in the Park, and requested that the event be held twice per year.
• Mayor Hamilton praised the Kid’s Day in the Park event, and thanked staff for their work.

CLOSED SESSION
The Council recessed for five minutes at 11:44 p.m., and then reconvened Closed Session.

ADJOURNMENT
The Council reconvened the public meeting, reported that no action had taken place during Closed Session, and adjourned at 12:15 a.m. to the meeting of August 21, 2007.

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Patrice Hildreth, Acting Chief Deputy City Clerk
By: Luisa Herrera

SEAL

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Cameron Hamilton, Mayor