Called to Order at 7:00 p.m.

Roll Call: Council Member Hamilton, Council Member Irish, Council Member Martinez, Vice Mayor Ward, Mayor McCracken

Pledge of Allegiance led by Council Member Felipe A. Martinez

Invocation – a moment of silence was observed.

**ORAL COMMUNICATIONS**

None

Mayor McCracken recommended, with no objections, that the Consent Calendar be considered after the Public Hearing Item.

**PUBLIC HEARINGS**

11. **BEVERLY STREET WATER FACILITY DISTRICT**

Recommendation: That the City Council:

1. Open the Public Hearing and take comments and accept any ballots;
2. Instruct the City Clerk to receive all ballots, count and report to the Council the outcome of the voting; and
3. If there is a majority favorable vote, approve the draft resolution for the formation of the Beverly Street Water Facility District and the levying of the assessments.

City Manager Lollis introduced the item, and Public Works Director Baldo Rodriguez presented the staff report.

The public hearing was opened at 7:04 p.m.

- Dale Kittrell, Porterville resident, expressed his concern that there had not been enough ballots submitted, and requested that the period to submit ballots be extended.

City Attorney Lew advised that the Council could extend the public hearing and the time to submit ballots. At the Council’s request, the Deputy City Clerk disclosed that a total of fourteen of the thirty ballots had been received to date. City Attorney Lew clarified that the results would be determined by the majority of ballots received in favor or in opposition, and would not be affected by the total number of ballots received. Following the City Attorney’s comments, Mr. Kittrell withdrew his request for an extension.

The Mayor announced the last call for ballot submission.
Jessica Mahoney, Terra Bella resident, inquired about ballot language and information being provided for Spanish speaking residents.

The public hearing was closed at 7:11 p.m.

The City Attorney advised that the Council consider Item No. 4 following results of the election.

The Deputy City Clerk and City Attorney exited the Council Chambers for ballot tabulation.

**CONSENT CALENDAR**

Item No. 4 was pulled.

1. **CITY COUNCIL MINUTES OF JUNE 1, 2010**

   Recommendation: That the City Council accept the Minutes of June 1, 2010.

   Documentation: M.O. 01-062910
   Disposition: Approved

2. **ACCEPTANCE OF PROJECT – MUNICIPAL POOL COMPLEX WATER SLIDE PROJECT**

   Recommendation: That City Council:
   1. Accept the project as complete; and
   2. Authorize the filing of the Notice of Completion.

   Documentation: M.O. 02-062910
   Disposition: Approved

3. **ACCEPTANCE OF PROJECT – PROSPECT STREET RECONSTRUCTION AND CONCRETE IMPROVEMENTS**

   Recommendation: That City Council:
   1. Accept the project as complete; and
   2. Authorize the filing of the Notice of Completion.

   Documentation: M.O. 03-062910
   Disposition: Approved

5. **REQUEST FOR ENGINEERING SERVICES TO UPDATE FIVE YEAR BIOSOLIDS MANAGEMENT PLAN AND PRE-APPLICATION**

   Recommendation: That the City Council:
1. Approve obtaining the services of Carollo Engineers to assist in updating the 5-Year Biosolids Plan and Pre-Application at a cost of $17,000; and
2. Authorize the Mayor to sign the agreement.

Documentation: M.O. 04-062910
Disposition: Approved

6. APPROVAL OF MEASURE ‘R’ SUPPLEMENTAL AGREEMENT - HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT

Recommendation: That the City Council:
   1. Approve the draft resolution affirming the City Council’s support of the Heritage Center Trailway Extension (Rails to Trails Phase II) project;
   2. Authorize the Mayor and City Manager to execute the Heritage Center Trailway Extension (Rails to Trails Phase II) Supplemental Agreement; and
   3. Direct the City Clerk to transmit the executed Supplemental Agreement to the Tulare County Authority

Documentation: Resolution 78-2010
Disposition: Approved

7. APPROVAL OF WILLDAN PROFESSIONAL SERVICE AGREEMENT - HERITAGE CENTER TRAILWAY EXTENSION (RAILS TO TRAILS PHASE II) PROJECT

Recommendation: That the City Council:
   1. Approve the draft Professional Services Agreement with Willdan for the Heritage Center Trailway Extension (Rails to Trails Phase II) project; and
   2. Authorize the Mayor to execute the implementation of the agreement by his signature.

Documentation: M.O. 05-062910
Disposition: Approved

8. WATER SHARE PURCHASES

Recommendation: That the City Council authorize the Public Works Director to bid on PWC shares during the 2010/2011 FY in an effort to secure as many shares as possible for the $30,000.00 allocated.

Documentation: M.O. 06-062910
Disposition: Approved
9. **ASPHALT OVERLAY PROGRAM FOR 2010/2011**

Recommendation: That the City Council approve the 2010/2011 Asphalt Overlay Program authorizing expenditure of the budgeted funds.

Documentation: M.O. 07-062910

Disposition: Approved

10. **ACQUISITION OF RIGHT OF WAY – PROPERTY LOCATED AT APN 269-120-004 OWNER JUAN GONZALEZ – JAYE/GIBBONS STREET IMPROVEMENT PROJECT**

Recommendation: That City Council:
1. Authorize staff to begin escrow, with the City paying escrow fees;
2. Authorize staff to make payment to Juan Gonzalez, in the amount of $150,150.00, less any previously paid relocation claims, 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 79-2010

Disposition: Approved

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Vice Mayor Ward that the City Council approve Item No. 1 through 3, and 5 through 10, noting Vice Mayor Ward’s abstention from Item No. 9. The motion carried unanimously.

11. **BEVERLY STREET WATER FACILITY DISTRICT**

The City Clerk returned and reported that of the 14 ballots received 100% were in favor of the formation of the water facility district and assessment charge.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Vice Mayor Ward that the City Council approve the draft resolution for the formation of the Beverly Street Water Facility District and the levying of the assessments. The motion carried unanimously.

Disposition: Approved

4. **AWARD OF CONTRACT - BEVERLY STREET WATER PROJECT**

Recommendation: That City Council:
1. Award the Beverly Street Water Project to 99 Pipeline, in the
1. Authorize the appropriation of $103,869.00 upon the successful completion of the Beverly Water Facility District;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs;
4. Authorize a 10% construction management, quality control and inspection services fee ($10,386.90); and
5. Authorize the appropriation of $124,642.80 from General Fund Reserves to finance the construction and related management services; or
6. If the formation of the Beverly Water Facility District is not successful, do not award the project to the lowest qualified bidder.

City Manager Lollis introduced the item. The staff report was waived at the Council’s request.

Vice Mayor Ward asked if the City was required to select the lowest responsive bidder or if there was a flexibility which would allow the selection of a local contractor. City Attorney Lew indicated that there was a small window relative to tax and business licenses that could be considered, but a policy would have to be set up ahead of time. The Vice Mayor requested that staff look into that option.

COUNCIL ACTION
M.O. 08-062910 
MOVED by Council Member Hamilton, SECONDED by Council Member Martinez that the City Council Award the Beverly Street Water Project to 99 Pipeline, in the amount of $103,869.00 upon the successful completion of the Beverly Water Facility District; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs; authorize a 10% construction management, quality control and inspection services fee ($10,386.90); and authorize the appropriation of $124,642.80 from General Fund Reserves to finance the construction and related management services. The motion carried unanimously.

Disposition: Approved

ORAL COMMUNICATIONS
None

OTHER MATTERS
- Council Member Hamilton commented on the Porterville High School Class of ’75 Reunion that had taken place on Saturday.
- Council Member Felipe Martinez indicated that he also attended the reunion and enjoyed the event.
- Mayor McCracken announced that the installation of the new Council would take place on July 6th.
ADJOURNMENT
The Council adjourned at 7:27 p.m. to the Council Meeting of July 6, 2010 at 6:00 p.m.

_____________________________
Luisa Herrera, Deputy City Clerk

SEAL

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Pete V. McCracken, Mayor