Call to Order at 5:30 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton (arrived at 5:33 p.m.), Council Member Shelton, Council Member Ward (arrived at 5:35 p.m.), Mayor Irish

The City Council adjourned to a Joint Meeting of the Porterville City Council and Porterville Redevelopment Agency.

JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Vice Chairman Hamilton (arrived at 5:33 p.m.), Agency Member Shelton, Agency Member Ward (arrived at 5:35 p.m.), Chairman Irish

ORAL COMMUNICATIONS

None

With regard to Redevelopment Agency Closed Session Item No. A-1, City Manager Lollis advised that Agency Member Shelton and Vice Chairman Hamilton owned property within the Redevelopment Area, and Agency Member McCracken and Chairman Irish owned property in proximity to the Redevelopment Area. In order to make a quorum, Mr. Lollis advised that the rule of necessity would be invoked, and that Agency Member McCracken and Chairman Irish would participate in the item. He stated that due to their conflicts of interest, Agency Member Shelton and Vice Chairman Hamilton would recuse themselves.

REDEVELOPMENT AGENCY CLOSED SESSION:

A. Closed Session Pursuant to:
   1- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

During Closed Session, the Porterville Redevelopment Agency adjourned to a meeting of the Porterville City Council.

CLOSED SESSION:

B. Closed Session Pursuant to:


7- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Two Cases.

8- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – One Case.

7:00 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

City Attorney Lew reported that no reportable action had been taken.

Pledge of Allegiance Led by Vice Mayor Cameron Hamilton

Invocation – a moment of silence was observed.

PROCLAMATIONS

Filipino-American Cultural Week – August 7-14, 2010

PRESENTATIONS

Employee of the Month – Luisa Herrera
Introduction of New Employees

ORAL COMMUNICATIONS

- John Coffee, thanked the Council and staff for the recently purchased radar speed signs.
- Brock Neely, spoke of Tulare County’s Suicide Prevention Task Force and the upcoming workshop.
- Jessica Mahoney, commented that the Federal decision on the Proposition 8 appeal was due on Wednesday, August 4th, and noted her current lack of rights.
- Dick Eckhoff, welcomed home Parks & Leisure Services Director Milt Stowe; commented on the continuing need to enforce the City’s ordinance relative to car washes; and spoke in favor of the meeting time change proposed in Item 29.
- Barry Caplan, spoke regarding Judge Roper’s comments regarding fiscal responsibility during the swearing in of Council Members McCracken and Shelton, and urged the Council to not stop spending, but to spend the tax dollars wisely while continuing programs and plans for the residents.
CONSENT CALENDAR

Item Nos. 1, 5, 12 and 13 were removed for further discussion.

2. AUTHORIZATION TO ADVERTISE FOR BIDS – MARTIN HILL AND ROCKY HILL WATER RESERVOIRS PROJECT

Recommendation: That the City Council:
1. Approve the expenditure of funds proposed in the 2010/2011 Annual Budget for the Rocky Hill Reservoir Project;
2. Approve staff’s recommended Plans and Project Manual; and
3. Authorize staff to advertise for bids for the Martin Hill & Rocky Hill Reservoirs Project.

Documentation: M.O. 01-080310
Disposition: Approved.

3. AUTHORIZATION TO ADVERTISE FOR BIDS – CITY HALL SPRAYED POLYURETHANE ROOFING PROJECT

Recommendation: That the City Council:
1. Approve staff’s recommended plans and project manual; and
2. Authorize staff to advertise for bids on the project.

Documentation: M.O. 02-080310
Disposition: Approved.

4. AWARD OF CONTRACT – REHABILITATE RUNWAY 12-30 PROJECT

Recommendation: That the City Council:
1. Award the Rehabilitation Runway 12-30 Project to W. Jaxon Baker Inc. in the amount of $1,945,406;
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. 03-080310
Disposition: Approved.

6. THIS ITEM WAS REMOVED.

7. THIS ITEM WAS REMOVED.

8. THIS ITEM WAS REMOVED.

9. SMART VALLEY PLACES – HUD-SCI GRANT

Recommendation: That the City Council adopt the draft resolution for the City’s membership in the Smart Valley Cities Compact.
10. HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) APPLICATION

Recommendation: That the City Council:
1. Adopt a draft resolution approving the submittal of a HOME Investment Partnership Program (HOME) funding application for $800,000 for continuation of the First Time Low Income Homebuyer Program;
2. Authorize the Mayor to execute all documents pertaining to the HOME program; and
3. Authorize the Community Development Director to execute, in the name of the City of Porterville, project drawdown requests, and all other administrative documents required by the California Department of Housing and Community Development or the U.S. Department of Housing and Urban Development for administration of the HOME program.

Documentation: Resolution 93-2010
Disposition: Approved.

11. REPORT OF CHARITABLE CAR WASHES

Recommendation: Informational report only.

Documentation: None
Disposition: Informational report only.

14. INTERIM FINANCIAL STATUS REPORTS

Recommendation: That the City Council accept the interim financial status reports as presented.

Documentation: M.O. 04-080310
Disposition: Approved.

15. QUARTERLY PORTFOLIO SUMMARY

Recommendation: That the City Council accept the quarterly Portfolio Summary.

Documentation: M.O. 05-080310
Disposition: Approved.

16. ATTENDANCE RECORDS FOR CITY COMMISSIONS, BOARDS AND COMMITTEES – 4TH QUARTER UPDATE
17. HOMELAND SECURITY EQUIPMENT USE AGREEMENT – LENCO BEARCAT ARMORED RESPONSE VEHICLE

Recommendation: That the City Council authorize the Porterville Police Chief to sign the agreement and allow the Porterville Police SWAT team to utilize this resource if necessary to resolve a critical incident.

Documentation: M.O. 06-080310
Disposition: Approved.

18. SELECTIVE TRAFFIC ENFORCEMENT PROGRAM (STEP) GRANT AWARD

Recommendation: That the City Council accept the STEP Grant funding from the California Office of Traffic Safety in the amount of $60,000.00.

Documentation: M.O. 06A-080310
Disposition: Approved.

19. CITY OF PORTERVILLE CONFLICT OF INTEREST CODE – AMENDMENT NO. 8

Recommendation: That the City Council adopt the draft resolution approving the amended City of Porterville Conflict of Interest Code.

Documentation: Resolution 95-2010
Disposition: Approved.

20. APPROVAL OF MEASURE ‘R’ PROGRAM SUPPLEMENT TO COOPERATIVE AGREEMENT

Recommendation: That the City Council:
1. Approve the draft resolution in support of the Program Supplement to Cooperative Agreement;
2. Authorize the Mayor and City Clerk to execute the Program Supplement; and
3. Authorize staff to forward the executed Program Supplement to TCAG for approval.

Documentation: Resolution 96-2010
Disposition: Approved.
21. TRANSIT BUDGET – FY 2010/11

Recommendation: That the City Council:
1. Approve the FY 2010/2011 Transit Budget; and
2. Direct staff to proceed with the implementation of the programs and projects outlined therein.

Documentation: M.O. 07-080310
Disposition: Approved.

22. APPROVAL FOR COMMUNITY CIVIC EVENT FREE FAMILY CONCERT AT MURRY PARK

Recommendation: That the City Council approve the Community Civic Event Application and Agreement from the Boys and Girls Club of Porterville and Nico’s Concessions, subject to the Restrictions and Requirements contained in the Application, Agreement and Exhibit A of the Community Civic Event Application.

Documentation: M.O. 08-080310
Disposition: Approved.

23. THIS ITEM WAS REMOVED.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve Item Nos. 2 - 4, 6 - 11, and 14 - 23. The motion carried unanimously.

1. CITY COUNCIL MINUTES OF JULY 6, 2010

Recommendation: That the City Council approve the draft City Council Minutes of July 6, 2010.

City Manager Lollis presented the item, after which time Council Member McCracken pointed out an error in the vote on Item No. 7, Page 4.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council Minutes of July 6, 2010 be approved, as amended to reflect Council Member Irish’s abstention on the vote on Item No. 7, Page 4. The motion carried unanimously.

Disposition: Approved, as amended.

5. ACCEPTANCE OF PROJECT – SOLAR PANEL RADAR SPEED SIGNS

Recommendation: That the City Council:
1. Accept as complete the delivery of four (4) solar panel radar speed
signs; and

2. Direct the Finance Director to reimburse the Street Sign Upgrade Account upon receipt of the SR2S grant funds.

City Manager Lollis presented the item. Vice Mayor Hamilton voiced support for the project.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council accept as complete the delivery of four (4) solar panel radar speed signs; and direct the Finance Director to reimburse the Street Sign Upgrade Account upon receipt of the SR2S grant funds.

Disposition: Approved.

12. STREET PERFORMANCE MEASURE – 4TH QUARTER UPDATE

Recommendation: Informational report only.

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

Council Member Ward requested that future quarterly reports include the number of potholes addressed, as well as a breakdown of work completed in newly annexed areas versus other City areas. It was further requested by Mayor Irish that a copy of the report presented that evening be forwarded to Measure R Oversight Committee Appointee Kent D. Hopper.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council accept the Street Performance Measure – 4th Quarter Update. The motion carried unanimously.

Disposition: Approved.

13. CODE ENFORCEMENT UPDATE

Recommendation: Informational report only.

City Manager Lollis presented the item, and Fire Chief Mario Garcia presented the staff report.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the Code Enforcement Update. The motion carried unanimously.

Disposition: Approved.

PUBLIC HEARINGS
24. LANDSCAPE & LIGHTING DISTRICTS ANNUAL ASSESSMENTS

Recommendation: That the City Council:
1. Conduct a public hearing on the 2010/2011 Assessments for the Landscape and Lighting Maintenance Districts to take comments or receive protests on the proposed assessments; and
2. Adopt the draft resolution ordering the continued maintenance of Landscape and Lighting Maintenance Districts and confirming the Engineer’s Report and Assessments for the 2010/2011 Fiscal Year.

City Manager Lollis presented the item, and Parks & Leisure Services Director Milt Stowe presented the staff report.

The public hearing was opened at 7:35 p.m. and closed at 7:36 p.m. when nobody came forward to speak.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council adopt the draft resolution ordering the continued
Resolution 97-2010 maintenance of Landscape and Lighting Maintenance Districts and
M.O. 13-080310 confirming the Engineer’s Report and Assessments for the 2010/2011 Fiscal Year. The motion carried unanimously.

Disposition: Approved.

25. AMENDMENT NO. 1 TO DISTRICT NO. 23; ANNEXATION NO. 1 TO DISTRICT NO. 34; AND FORMATION OF LANDSCAPE AND LIGHTING MAINTENANCE DISTRICT NO. 46; AND ESTABLISHING ASSESSMENTS

Recommendation: That the City Council:
1. Conduct a public hearing on Amendment No. 1 to District No. 23; Annexation No. 1 into District No. 34; and formation of District No. 46; and
2. Adopt the draft resolution ordering Amendment No. 1 to District No. 23; Annexation No. 1 into District 34; and formation of District No. 46; approve the Engineer’s Report for said Districts; and approve the method and levy of assessments.

City Manager Lollis presented the item and Parks & Leisure Services Director Milt Stowe presented the staff report.

The public hearing opened at 7:41 p.m. and closed at 7:42 p.m. when nobody came forward to speak.

Council Member Shelton voiced concern and inquired as to the $500 annual management charge. A brief discussion ensued during which time it was pointed out that staff had already been directed to address Council’s concerns with regard to the current state and management of the
Districts pursuant to Mayor Irish’s earlier request. Mr. Lollis advised that staff had been given direction in that regard and that an item was forthcoming.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council adopt the draft resolution ordering Resolution 98-2010 Amendment No. 1 to District No. 23; Annexation No. 1 into District 34; and formation of District No. 46; approve the Engineer’s Report for said Districts; and approve the method and levy of assessments. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS
26. SHORT RANGE TRANSIT PLAN

Recommendation: That the City Council review and adopt the Short Range Transit Plan.

City Manager Lollis presented the item and Administrative Analyst Linda Clark presented the staff report. Ms. Clark then called upon Charles Clouse of TPG Consulting who provided a comprehensive review of the proposed Plan.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council adopt the Short Range Transit Plan as presented. The motion carried unanimously.

Disposition: Approved.

27. WEED ABATEMENT PROGRAM

Recommendation: That the City Council:
1. Accept staff’s report;
2. Consider the possibility of utilizing sheep for weed abatement purposes for next year’s Weed Abatement Program in accordance with zoning requirements; and
3. Do not allow firebreaks to divide large parcels in lieu of complete abatement.

City Manager Lollis presented the item, and Fire Chief Mario Garcia presented the staff report.

A discussion ensued during which Vice Mayor Hamilton voiced concern with the administrative fee structure and the Council deliberated on the use of livestock for abatement purposes.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council accept staff’s report; approve the
M.O. 16-080310 utilization of sheep, goats and other livestock deemed appropriate by staff, for weed abatement purposes for the 2011 Weed Abatement Program, in accordance with zoning requirements; and direct staff to not allow firebreaks to divide large parcels in lieu of complete abatement. The motion carried unanimously.

Disposition: Approved, as amended.

28. TRANSACTIONS AND USE TAX OVERSIGHT COMMITTEE APPOINTMENT

Recommendation: That the City Council provide direction regarding the filling of the unexpired terms of Mr. Bob Gray and Mr. John Baumgartner on the Transactions and Use Tax Oversight Committee.

City Manager Lollis presented the item. The staff report was waived by the Council.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council direct staff to provide public notice of the M.O. 17-080310 vacancies and solicit applications for appointment at the first meeting in September. The motion carried unanimously.

Disposition: Direction provided to staff.

29. COUNCIL MEMBER REQUESTED ITEM – CONSIDERATION OF REVISIONS TO CITY COUNCIL AGENDA AND MEETING TIMES

Recommendation: That the City Council provide direction to staff, and in the event the Council wishes to proceed with changing the time and/or frequency of City Council Meetings, that the Council approve the draft Ordinance; give first reading by title only; and order the ordinance to print.

A discussion ensued during which it was proposed to change the start time of City Council Meetings to 5:30 p.m. for Closed Session, and 6:30 p.m. for Open Session, and to include an adjournment time of 9:45 p.m. in the draft ordinance.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council approve the draft ordinance, as amended to state, “the Council Meetings shall adjourn no later than 9:45 p.m. unless otherwise approved by a majority vote of the City Council Members present”; read the ordinance by title only; and order the ordinance to print, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE AMENDING CHAPTER 2, SECTION 2-1, TIME AND PLACE OF REGULAR
MEETINGS, OF THE PORTERVILLE MUNICIPAL CODE. The motion carried unanimously.

With regard to the proposed revisions to the order of business on the Council Agenda, the Council briefly discussed limiting the second Oral Communications segment to only those items on the agenda. After concerns were raised, staff was directed to bring the proposed changes on the order of business back at the next Council Meeting so as to allow the Council additional time for consideration.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton to direct staff to continue the proposed changes to the order of business on the City Council Agenda to the next Council Meeting.

Disposition: Direction provided to staff.

30. FOOTHILL PARKWAY PRECISE ALIGNMENT PLAN

Recommendation: That the City Council direct staff to:

Option A:
1. Direct Engineering to contact and invite the Rocky Hill property owners to meet and discuss Foothill Parkway;
2. If consensus can be reached on the Foothill Parkway alignment, direct Engineering to prepare the necessary documents defining the precise alignment and limits of Foothill Parkway; and
3. Direct Engineering to present and report to City Council identifying the Foothill Parkway and request that the Council accept the Foothill Parkway.

Option B:
1. Process a General Plan Amendment for the removal of the Foothill Parkway; and
2. Negotiate a contract with Omni-Means to model the effect of the remaining street network within the General Plan/Circulation Element.

City Manager Lollis presented the item and the staff report.

A discussion ensued during which the Council explored the options presented by staff, as well as another option which proposed that staff work with Mr. Jim Winton to define an alternate alignment.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council approve Option A.

AYES: McCracken, Irish
NOES: Hamilton, Shelton, Ward
ABSTAIN: None
ABSENT: None

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the Council direct staff to work with Mr. Winton to formulate options for the foothill alignment, and then bring those options back to the City Council no later that the first meeting in October.

AYES: Hamilton, Shelton, Ward, Irish
NOES: McCracken
ABSTAIN: None
ABSENT: None

Disposition: Direction given to staff.

ORAL COMMUNICATIONS
- Barry Caplan, spoke against restricting commentary during Oral Communications as proposed in Item 29, and requested that the Council consider posting and distributing agendas earlier.
- Dick Eckhoff, spoke against amending General Plan noting the lengthy and thorough process taken in its preparation and approval.

OTHER MATTERS
- Council Member Shelton, spoke of his attendance at the Visalia City Council Meeting the prior evening.
- Council Member Ward, 1) requested that the City acknowledge and congratulate Ms. Claudia Elliott on her recent resignation and relocation; and 2) voiced interest in working collaboratively with the school districts and non-profits to brainstorm ways in which to target youths in the most at-risk neighborhoods, and requested the assistance of staff in identifying those neighborhoods.
- City Manager Lollis informed the Council of the passing of Development Associate Linda Wammack’s mother and advised that a flower arrangement and condolences had been sent on behalf of the City.

The Council adjourned to Closed Session at 9:26 p.m.

CLOSED SESSION
It was reported that no action took place during Closed Session.

ADJOURNMENT
The Council adjourned at 9:50 p.m. to the meeting of August 17, 2010.

Patrice Hildreth, Chief Deputy City Clerk

SEAL