Call to Order at 6:04 p.m.
Roll Call: Council Member McCracken, Vice Mayor Hamilton, Council Member Shelton, Council Member Ward, Mayor Irish

Upon City Attorney Lew’s advisement, an emergency item was added onto the City Council’s Closed Session Agenda pursuant to Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council add one item onto the City’s Closed Session Agenda as follows: Pursuant to Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case. The motion carried unanimously.

Documentation: M.O. 01-072010

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

JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA

Roll Call: Agency Member McCracken, Vice Chairman Hamilton, Agency Member Shelton, Agency Member Ward, Chairman Irish

ORAL COMMUNICATIONS
None

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:
2- Government Code Section 54956.9(a) – Conference with Legal Counsel – John Stewart v. City of Porterville, Aaron Sutherland and Mark Azevedo, U.S. District Court, Eastern District of California, Case No. 1:10-CV-00199-LJO-SMS.
3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Cynthia Bowles and Antonio Sousa v. City of Porterville, Officer Chris McGuire and Chief Chuck McMillan, U.S. District Court, Eastern District of California, Case No. 1:10-CV-00937-LJO-GSA.

4- 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 Julia Lew reported that no action had been taken in Closed Session.

Pledge of Allegiance Led by Council Member Pete V. McCracken

Invocation – one individual participated.

PROCLAMATIONS

Spirit of ’45 Day – August 14, 2010
Francisco Nuno – CCA Hall of Fame Inductee
Tule River Indian Tribe Recognition

PRESENTATIONS

Employee of the Month – Lupe Diaz (This item was removed from the Agenda)
Tulare County – Public Health Strategic Plan

ORAL COMMUNICATIONS

- Augie Gonzalez, 635 Salisbury Street, recognized the Members of the Tule River Tribe in attendance that evening, and thanked them and the City for their collaborative work.
- Johnny Dorame, 372 W. Bellevue, congratulated Mr. Irish on his appointment as Mayor; and spoke of the need to address the issue of gangs and illegal immigrants in Porterville.
- An unidentified individual, 1) voiced concern with the need for weed abatement on City owned property near the river in the vicinity of Westwood and Orange; 2) spoke of the ongoing issue of vehicular traffic in the river bed and suggested that the City post “No Trespassing” signs; and 2) voiced concern with trash dumped in the river and requested that the City consider installing gates and implementing regular patrols.
- Former Council Member Felipe Martinez, voiced support for Item 18a.
- Nikki Edwards, lauded the work of the Police Department with the Animal Shelter, and urged the Council to proceed with building a permanent facility as soon as possible.
- Brock Neeley, spoke of an upcoming Suicide Prevention event, requested City participation and invited everyone to attend; and requested that the revenue generated from Item 13 be allocated for the new animal shelter.
- Dennis Townsend, voiced concern with the proposed action in Item 18a, requested that the item be pulled Consent Calendar, and requested that the Council not send the letter as proposed but instead request that the deadline be extended. Mr. Townsend alleged that the process for the fee to trust application had not been properly followed by the Tribe.
- Sam Cohen, Tule River Tribe Administrator, spoke in favor of Item 18a; elaborated on the process for the Tribe’s fee to trust application, and commented favorably on the Cooperation Agreement with the City.
- Dan Hackey, Tule River Tribal Member, spoke in favor of the letter of support from the
City as proposed in Item No. 18a.
• (Name inaudible), requested that the City Council not send the letter of support as proposed in Item No. 18a, suggesting that local businesses would be negatively impacted with a Tribal business in Porterville due to the Tribe’s tax advantage. At the gentleman’s request, approximately five to eight additional audience members stood in support of his comments.
• Mike Ennis, Tulare County Supervisor, spoke against approving the letter of support, suggesting that more information was needed prior to taking any action.
• Tom Stuart, General Manager of Eagle Mountain Casino, voiced support for Item 18a, and spoke of the positive economic impact the Tribe has had on Porterville.
• Taha Saleh, commented on his concern that the Tribe would have an unfair tax advantage which would ultimately harm local businesses.
• Jesse Carrillo, voiced support for Item 18a, and spoke favorably of the collaboration between the Tribe and the City.
• Kenny Nasa, spoke against Item 18a, and of the unfair tax advantage the Tribe would have in the event it opened a gas station in Porterville. He requested that if the Tribe wishes to open a business in Porterville, that it bring something new to the Community so as to not compete with current businesses.
• Ronnie Kazar, spoke against Item 18a, and commented that the Tribe’s operation of a gas station in Porterville would hurt other gas station owners, and suggested that it would create unfair competition.
• Wendy Lopez, 690 E. Orange, inquired as to whether there was a transit bus that ran the East Olive Avenue corridor.
• Fred Grund, Tule River Tribe Chief Financial Officer, voiced support for Item 18a, spoke of the Tribe’s interest in working together with the City, of the positive impact the tribal businesses have had on Porterville, and advised that the project has not yet be identified for the Airport area.
• Joseph Tomah, spoke against the letter of support proposed in Item 18a, and voiced concern with the tax advantage the Tribe would have over other businesses.
• John Coffee, voiced support for Item 18a and spoke of the benefits derived from the Tribe.
• Francis Hammond, spoke of the need for more shopping opportunities in Porterville and voiced support for Item 18a.
• Jessica Mahoney, voiced support for Item 18a, noting that the Tribe’s gas was not always cheapest in the area.
• Khris Saleh, requested that the Council consider appointing him to the Measure R Oversight Committee.
• Kay Garrett, a Paradise resident, commented on what she believed was an improvement on the Council with regard to trust and mutual respect.

CONSENT CALENDAR
Item Nos. 2 through 8, 11 through 15, 18, and 18a were removed for further discussion.

1. CITY COUNCIL MINUTES OF JUNE 15, 2010 AND JUNE 29, 2010

Recommendation: That City Council approve the minutes of June 15, 2010 and June 29, 2010.
9. ACCEPTANCE OF PROJECT – WELL NO. 31 PROJECT (PUMPING PLANT)

Recommendation: That City Council
1. Accept the project as complete;
2. Authorize the filing of the Notice of Completion; and
3. Authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed.

Documentation: M.O. 03-072010
Disposition: Approved

10. NEW MEASURE R LOCAL CONSULTANT PREFERENCE REQUIREMENTS

Recommendation: That City Council adopt the Measure H Local Preference Procedures.

Documentation: M.O. 04-072010
Disposition: Approved

16. ADOPTION OF ANNUAL APPROPRIATION LIMIT

Recommendation: That City Council approve the attached draft resolution adopting the appropriation limit of $47,774,303 for the 2010/2011 fiscal year.

Documentation: Resolution No. 82-2010
Disposition: Approved

17. RESCINDING RESOLUTION 81-2010 AND ACCEPTING REVISED OFFICIAL CANVASS OF VOTES – JUNE 8, 2010 ELECTION

Recommendation: That City Council approve the draft resolution rescinding Resolution 81-2010 and accepting the revised Official Canvass of Votes for the June 8, 2010 Election.

Documentation: Resolution 83-2010
Disposition: Approved

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve Item Nos. 1, 9, 10, 16 and 17. The motion carried unanimously.

18a. REQUEST FOR A LETTER OF SUPPORT FOR THE TULE RIVER INDIAN TRIBE’S FEE TO TRUST APPLICATION

Recommendation: That City Council authorize the Mayor to sign the draft letter.
City Manager Lollis introduced the item. Mayor Irish recused himself due to a conflict of interest and exited the Council Chambers. The City Manager then presented the staff report.

At Vice Mayor Hamilton’s request, City Attorney Lew provided a brief history of the item and clarified that the Council was considering support of the environmental assessment. He then inquired about the source of concerns raised with regard to a gas station.

- Dennis Townsend spoke of the Governor’s response to the Fee to Trust Application and of his concerns about the absence of a business plan.

Vice Mayor Hamilton requested that the City Manager read the draft letter which was prepared for the Mayor’s signature for those in the audience.

Council Member Shelton spoke of information he had received from members of the community which upon further investigation proved false.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton
M.O. 05-072010
that the City Council authorize the Mayor to sign the draft letter.

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

Disposition: Approved

The Council recessed for ten minutes.

2. NEGOTIATED PURCHASE OF EIGHT POLICE PATROL VEHICLES

**Recommendation:** That City Council authorize staff to negotiate the purchase of eight (8) 2009 Ford Crown Victoria Police Interceptors utilizing the City of Sacramento’s contract with Downtown Ford; and further, that Council authorize payment upon satisfactory delivery of the equipment.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward inquired about the purchase of out of state vehicles and a brief discussion ensued about California Emission Standards.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member McCracken
M.O. 06-072010
that the City Council authorize staff to negotiate the purchase of eight (8) 2009 Ford Crown Victoria Police Interceptors utilizing the City of Sacramento’s contract with Downtown Ford; and further, that Council authorize payment upon satisfactory delivery of the equipment. The motion carried unanimously.

Disposition: Approved

3. CONSOLIDATED WASTE MANAGEMENT AUTHORITY MEMBERSHIP
AGREEMENT PAYMENT

Recommendation: That City Council:
   1. Authorize issuance of a check to CWMA for the following:
      a. Payment of $52,071.36 for the City’s for the City’s membership
         contribution; and
      b. $6,409 for the City’s portion of the CWMA’s awarded funds received
         from the Department of Resources Recycling and Recovery.

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

   Council Member Ward inquired about the reasoning for participating in the JPA. Public Works
   Director Rodriguez spoke about the benefits of being a part of a larger group, which included the
   diversion rates. City Manager Lollis suggested that staff provide a memorandum to the Council with
   regard to diversion rates. Deputy Public Works Director/Field Services Manager Bryan Styles
   elaborated on the program and the benefits of participation.

   The Council discussed continuing the item to the next meeting to allow staff and Council to
   research the issue further, and allow Council members the opportunity to attend a CWMA meeting.
   Council Member Shelton expressed his desire to save money, and a discussion followed regarding the
   City’s cost to manage its own waste.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor
M.O. 07-072010 Hamilton that the City Council authorize issuance of a check to the CWMA
for payment of $52,071.36 for the City’s for the City’s membership
contribution; and $6,409 for the City’s portion of the CWMA’s awarded
funds received from the Department of Resources Recycling and Recovery.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor
M.O. 08-072010 Hamilton that Council Member McCracken provide the Council with a report
regarding CWMA. The motion carried unanimously.

Disposition: Approved

4. AUTHORIZATION TO ADVERTISE FOR BIDS – SCREENING, TESTING AND
   HAULING BIOSOLIDS

Recommendation: That City Council authorize staff to advertise for bids for the screening, testing,
and hauling of Biosolids to an approved facility

   City Manager Lollis introduced the item, and the staff report was waived at the Council’s request.
Council Member Shelton inquired about staff testing of the soil.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council direct staff to conduct soils testing to determine if more biosolids can be applied. The motion carried unanimously.

Disposition: Approved

5. **AUTHORIZATION TO ADVERTISE FOR BIDS – FIRE STATION #2 PARKING LOT EXPANSION PROJECT**

Recommendation: That City Council:

1. Approve staff’s recommended Plans and Project Manual; and
2. Authorize staff to advertise for bids on the Fire Station #2 Parking Lot Expansion Project.

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

Council Member Shelton inquired about grants available for the project. City Manger Lollis indicated that the expansion was part of the development of the classroom. He added that the City had been approached regarding use of the facility by the Fire Academy at Porterville College, and that if an agreement was approved would require the proposed parking stalls.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve staff’s recommended Plans and Project Manual; and authorize staff to advertise for bids on the Fire Station #2 Parking Lot Expansion Project. The motion carried unanimously.

Disposition: Approved

6. **AUTHORIZATION TO NEGOTIATE A CONTRACT FOR ARCHITECTURAL & ENGINEERING SERVICES FOR THE PUBLIC SAFETY BUILDING PROJECT**

Recommendation: That City Council:

1. Authorize staff to define a scope of professional services and negotiate a contract with Taylor-Teter Partnership; and
2. Authorize staff to negotiate a contract with the 2nd or 3rd ranked firm if staff is unable to negotiate an acceptable contract with Taylor-Teter Partnership.

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

Council Member Ward expressed his concern with proceeding due to the state of the City’s current budget situation, and did not see the benefit of proceeding with the building of a facility which the City did not have sufficient funds to operate and maintain. He also noted that building regulations and standards are changing regularly.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member
M.O. 11-072010 Shelton that the City Council postpone the item indefinitely.

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

Disposition: Item postponed indefinitely.

7. AWARD OF CONTRACT - JAYE STREET SEWER AND WATER EXTENSION PROJECT

Recommendation: That City Council:
1. Award the Jaye Street Sewer and Water Extension Project to 99 Pipeline, Inc. in the amount of $154,092.00;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs and 10% management, quality control and inspection; and
4. Approve the expenditure of funds for the water system component of this project as outlined in the un-adopted 10/11 Annual Budget.

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

Council Member Shelton asked staff to elaborate on the bid requirements and the determination that one bid was unresponsive. City Attorney Lew advised of legal ramifications in the event an unresponsive bid was awarded a contract.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council reject all bids and direct staff to re-bid the project.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council award the Jaye Street Sewer and Water Extension Project to 99 Pipeline, Inc. in the amount of $154,092.00; authorize progress payments up to 90% of the contract amount; authorize a 10% contingency to cover unforeseen construction costs and 10% management, quality control and inspection; and approve the expenditure of funds for the water system component of this project as outlined in the un-adopted 10/11 Annual Budget.

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

Disposition: Approved

8. AWARD OF CONTRACT – OLIVE AVENUE WATER PROJECT

Recommendation: That City Council:
1. Award the Olive Avenue Water Project to Halopoff and Sons, in the amount of $188,169.10;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality and inspection.

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

Council Member Shelton again expressed concern with regard to the bid that was deemed unresponsive, and City staff elaborated on the circumstances.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council award the Olive Avenue Water Project to Halopoff and Sons, in the amount of $188,169.10; authorize progress payments up to 90% of the contract amount; and authorize a 10% contingency to cover unforeseen construction costs and 10% for construction management, quality and inspection. The motion carried unanimously.

Disposition: Approved

11. FOOTHILL PARKWAY PRECISE ALIGNMENT PLAN

Recommendation: That City Council:
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 a report to City Council identifying the Foothill Parkway and request that Council accept the Foothill Parkway.

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

Vice Mayor Hamilton made a motion to reject the item and have it brought back in a different format. The motion was SECONDED by Mayor Irish.

Vice Mayor Hamilton indicated that he had distributed information to the Council Member’s
with regard to the item, and would like the Council to have time to review it.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council postpone consideration of Vice Mayor Hamilton’s motion to the next meeting. The motion carried unanimously.

Disposition: Item continued.

12. REQUEST TO APPLY FOR EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Recommendation: That the City Council:

1. Authorize the filing of the grant application; and
2. Authorize the Mayor to sign all necessary documents as they pertain to the grant; and
3. Authorize a budget adjustment upon receipt of the funds.

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

Council Member Ward spoke in support of the use of a helicopter for increased public safety.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton Resolution 84-2010 that the City Council authorize the filing of the grant application; authorize the Mayor to sign all necessary documents as they pertain to the grant; and authorize a budget adjustment upon receipt of the funds. The motion carried unanimously.

Disposition: Approved

13. PROPOSED AGREEMENT WITH CITY OF WOODLAKE FOR PROVISION OF ANIMAL SHELTERING SERVICES

Recommendation: That City Council:

1. Approve the attached agreement between the City of Porterville and the City of Woodlake, for the provision of animal sheltering services; and
2. Authorize the Mayor to sign the appropriate document to implement the agreement.

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

Council Member Ward spoke in favor of increasing the rate from $30 to $40.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council approve the attached agreement between the City of Porterville and the City of Woodlake for the provision of animal sheltering services, as amended for rate of $40; and authorize the Mayor to sign the
appropriate document to implement the agreement.

Disposition: Approved, as amended.

14. SALES OF SURPLUS VEHICLES TO THE CITY OF EXETER

Recommendation: That City Council:
1. Approve the sale of the listed surplus vehicles to the City of Exeter; and
2. Authorize the Purchasing Agent to transfer title to the City of Exeter.

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

Council Member Shelton indicated that he was initially concerned with the amount, but when compared to the amount received at auction he could see the benefit.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council approve the sale of the listed surplus vehicles to the City of Exeter; and authorize the Purchasing Agent to transfer title to the City of Exeter. The motion carried unanimously.

Disposition: Approved

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

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

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

Council Member Shelton shared that he had spoke with Rita Woodard, Tulare County Treasurer/Tax Collector regarding abatement sales and requested that staff research options available for next year. Council Member McCracken offered a friendly amendment, which would direct staff to start looking at alternative at the next meeting. The amendment was accepted by Council Member Ward.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt the draft resolution authorizing the County Auditor to place these items on the property tax rolls for collection; an direct staff to provide options at the next meeting. The motion carried unanimously.

Disposition: Approved, and direction given.

18. SCHEDULING OF FY 2010-2011 BUDGET STUDY SESSIONS
Recommendation: That City Council approve the scheduling of the Study Sessions as proposed.

- Tuesday, July 27, 2010; 6:00 p.m.
- Tuesday, August 24, 2010; 6:00 p.m.
- Tuesday, August 31, 2010; 6:00 p.m.
- Tuesday, September 14, 2010; 6:00 p.m.
- Tuesday, September 28, 2010; 6:00 p.m.

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

Council Member Ward expressed concern with the timeline, and after brief discussion indicated that he would raise those concerns once again at the first scheduled study session.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council approve the scheduling of the Study Sessions as proposed. The motion carried unanimously.

Disposition: Approved

The Council recessed for ten minutes.

SCHEDULED MATTERS
19. CONSIDERATION OF APPOINTMENT TO MEASURE R CITIZENS’ OVERSIGHT COMMITTEE

Recommendation: That City Council consider the appointment of an individual to serve as the City of Porterville’s representative on the Measure R Citizens’ Oversight Committee, for the term expiring on June 30, 2011.

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

Vice Mayor Hamilton nominated Kent Hopper.

Council Member McCracken nominated Wayne Foltz.

Council Member McCracken and Mayor Irish requested that the Council consider appointing an alternate, in the event that the Measure R Committee changes to allow for an alternate.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council close nominations. The motion carried unanimously.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Ward that the City Council appoint Kent Hopper to the Measure R Citizens’ Oversight Committee for the term expiring on June 30, 2011.
Council Member Shelton nominated Khris Saleh as the alternate, and Vice Mayor Hamilton nominated Wayne Foltz.

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that nominations be closed. The motion carried unanimously.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council appoint Khris Saleh as a possible alternate on the Measure R Citizens’ Oversight Committee for the term expiring on June 30, 2011.

**COUNCIL ACTION:** MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the City Council appoint Wayne Foltz as a possible alternate on the Measure R Citizens’ Oversight Committee for the term expiring on June 30, 2011.

**Disposition:** Appointed committee member and possible Alternate.

20. **DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2010 ANNUAL CONFERENCE – SEPTEMBER 15-17, 2010**

**Recommendation:** If there is interest in Council Member attendance at the League of California Cities Annual Conference, that the City Council designate one City Council Member to serve as a voting delegate, and one City Council Member to serve as an alternate voting delegate at the Conference.

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

**COUNCIL ACTION:** MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council continue the item to August 4, 2010. The motion carried unanimously.

Recommendation: That City Council direct staff based on one of the following options:

Option No. 1
1. Reject all bids and direct City Engineer to re-advertise the project to the spring of 2011; or

Option No. 2
1. Award the Micro-Surfacing Project for streets in order listed within the bid proposal (Main Street, Henderson Avenue, Prospect Street and Jaye Street) to Intermountain Slurry Seal in the amount of $893,022.16;
2. Authorize progress payments up to 90% of the contract amount; and
3. Authorize a 10% contingency to cover unforeseen construction management, quality control testing and inspection; or

Option No. 3
1. Award the Micro-Surfacing Project to Intermountain Slurry Seal as bid in the amount of $1,047,935.56;
2. Authorize progress payments up to 90% of the contract amount;
3. Authorize a 10% contingency to cover unforeseen construction costs and 2.5% for construction; and
4. Appropriate available Local Transportation Funds to offset the funding shortfall.

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

Council Members Ward and Shelton expressed concern with awarding a contract to a contractor whose bid exceeded the Engineer’s Estimate by 25.7%. A discussion then ensued with regard to timelines associated with re-bidding the project. Council Member Shelton offered an amendment to the motion to reject all bids and direct the City Engineer to immediately go out to bid. Council Member Ward accepted the friendly amendment to his motion.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council reject all bids and immediately go out to bid. The motion carried unanimously.

Disposition: Approved Option 1, as amended.

22. PRELIMINARY ANNUAL ENGINEER’S REPORT OF ASSESSMENTS FOR LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS AND SETTING A PUBLIC HEARING

Recommendation: 1. That the City Council adopt Resolutions:
   a. Ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2010-2011.

c. Declaring the intent to levy and collect assessments for Fiscal Year 2010-2011, and offering a time and place for hearing objections thereto.

2. Further, that the City Council set a public hearing for 7:00PM on August 3, 2010 regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal year 2010-2011.

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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council adopt resolutions ordering the preparation of an Engineer’s Report for the Landscape and Lighting Maintenance Districts for the Fiscal Year 2010-2011; giving preliminary approval to the Engineer’s Report for the Landscape and Lighting Maintenance Districts for Fiscal Year 2010-2011; and declaring the intent to levy and collect assessments for Fiscal Year 2010-2011, as amended to reflect correct amounts per staff, and offering a time and place for hearing objections thereto; further that the City Council set a public hearing for 7:00PM on August 3, 2010 regarding the Engineer’s Report and proposed assessments for the Landscape and Lighting Maintenance Districts for Fiscal year 2010-2011. The motion carried unanimously.

Disposition: Approved, as amended.

23. CONSIDER RESOLUTIONS PERTAINING TO ENGINEER’S REPORTS AND THE SETTING OF A PUBLIC HEARING FOR INCLUSION WITHIN LIGHTING AND LANDSCAPE MAINTENANCE DISTRICTS FOR THE ESTABLISHMENT OF TAX ASSESSMENTS UPON PARCELS LOCATED WITHIN GARDEN COURT VILLAS SUBDIVISION, MEADOW BREEZE PHASE 3 SUBDIVISION, AND MOOREA MANOR SUBDIVISION

Recommendation: That City Council adopts:

1. A Resolution Ordering the Proceedings and the preparation of the Engineer’s Report for Amendment No. 1 to District 323; Annexation No. 1 to District #34; and Formation of Landscape and Lighting Maintenance District No. 46;

2. A Resolution giving Preliminary Approval to Engineer’s Reports; and


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

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council adopt A Resolution Ordering the Proceedings and the preparation of the Engineer’s Report for Amendment No. 1 to District
323; Annexation No. 1 to District # 34; and Formation of Landscape and Lighting Maintenance District No. 46; A Resolution giving Preliminary Approval to Engineer’s Reports; A Resolution Giving Preliminary Approval to Engineer’s Reports; and A Resolution Declaring Intent to Amend, Annex, and Form District, Levy and Collect Assessments, as amended to correct 40% to 29% in the District 46 report, and Setting a Public Hearing for August 3, 2010. The motion carried unanimously.

Disposition: Approved, as amended.

**ORAL COMMUNICATIONS**
- Dennis Townsend, voiced concern with the process on Item 18a and of comments made by Council, and voiced disappointment in the manner in which the Item was added onto the Agenda.
- Joe Petrosius, Petrosius Construction, inquired as to how staff concluded that Petrosius Construction would not be performing at least 51% of the work in their bid submitted on Item No. 7.

**OTHER MATTERS**
- Council Member Shelton requested that a comprehensive review of the Lighting and Landscape Maintenance Districts be added to the Agenda. City Manager Lollis advised that he had previously received direction in that regard. Council Member Shelton then acknowledged Mr. Khris Saleh in the audience and thanked him for his interest in serving on the Measure R Oversight Committee.
- Council Member McCracken requested that an item be placed on the next Agenda to discuss the order of business on the Council Agenda.
- Council Member Ward, 1) spoke of the Leadership Porterville Graduation and extended congratulations to the graduates; 2) acknowledged Mr. Lollis’ long day having just arrived on a flight from Arkansas that day; and 3) requested that an item be added to the Agenda to consider changing the time and frequency of regular Council Meetings.

**ADJOURNMENT**
The City Council adjourned at 11:34 p.m. to the meeting of July 27, 2010 at 6:00 p.m.

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Luisa Herrera, Deputy City Clerk

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Ronald L. Irish, Mayor