Call to Order 5:30 p.m.
Roll Call: Council Member Ward, Council Member Shelton (arrived during Closed Session), Council Member McCracken, Vice Mayor Hamilton, Mayor Irish

ORAL COMMUNICATIONS
None

City Attorney Lew stated that staff had been noticed of a mediation pertaining to pending litigation subsequent to the compilation of the Agenda. She advised that the addition of the Emergency Closed Session item would have to be approved by a 4/5 vote.

Emergency Closed Session Item: Closed Session Pursuant to Government Code Section 54956.9(a) Existing Litigation: Barbara E. Hill, Trustee to the Hill Family Trust v. City of Porterville, Tulare County Superior Case No. 10-143764.

COUNCIL ACTION:
MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve the addition of the Emergency Closed Session Item.

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

Disposition: Approved.

The Mayor then inquired if there was anyone in the audience who wished to comment on the addition of the item. Seeing no one, the Council adjourned to Closed Session.

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:

2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: A 30.57 mile line of railroad between Strathmore, CA milepost 268.60 and Jovista, CA milepost 299.17 in Tulare County, particularly that portion of the railroad line within the limits of the City of Porterville. Agency Negotiator: John Lollis. Negotiating Parties: City of Porterville and Union Pacific Railroad Company. Under Negotiation:
Terms and Price.


4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases concerning facts not yet known to potential plaintiffs.

5- Government Code Section 54956.9(c) – Conference with Legal Counsel – Anticipated Litigation – Initiation of Litigation: Three Cases.

6:30 P.M. RECONVENE OPEN SESSION

REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION

The City Attorney reported that no reportable action had taken place.

The Pledge of Allegiance was led by Logan Tyler.

Invocation – a moment of silence was observed.

The Mayor acknowledged Tribal Council Member Rhoda Hunter and Dan Hackey, Public Relations.

PROCLAMATIONS

National Library Card Sign Up Month – September 2011
Filipino-American Cultural Week – September 10-17, 2011

At the Mayor’s request, the following scouts introduced themselves to the Council: Daniel Flores, Logan Tyler, Colin Davis, Michael Davis, Aiden Willet, and Ian Robertson.

PRESENTATIONS

Employee of the Month – Tonya Hall

REPORTS

- Council Member Shelton reported attendance at the following: Sesquicentennial Committee meeting on 8/17; Porterville Area Republican Association meeting and Measure H Oversight Committee meeting on 8/18; Bill Horst Talk at the Museum on 8/20; Sesquicentennial Committee meeting and StepUp Committee meeting on 8/24; Mixer on 8/25; Dive-In Theater on 8/26; Murry Park trackless train on 8/27; Sesquicentennial meeting and StepUp Committee meeting on 8/31; and Chili Cook-off on 9/3.

- Council Member Ward reported his attendance at the aforementioned StepUp Committee meetings.

ORAL COMMUNICATIONS

- Fernando Medina, host of the Something Out of Nothing Art Show, spoke about an art project he wished to see to fruition which would inspire use of the public library, and requested that he be advised on how to proceed.
Donnette Silva Carter, Chamber of Commerce, spoke about the kickoff of the Fall Music on Main Street Concert Series on September 2nd, and announced Protect the Dream as the Music on Main Street performers for the 9th, and extended invitations to the 9/11 Remembrance event on September 11th, and the Taste of Porterville event on September 22nd.

CONSENT CALENDAR

Item Nos. 2, 4, 6 and 7 were pulled for further discussion.

1. CITY COUNCIL MINUTES OF MARCH 15, 2011 AND AUGUST 25, 2011

Recommendation: That the City Council approve the Minutes of March 15, 2011 and August 25, 2011.

Documentation: Minute Order 02-090611

Disposition: Approved.

3. AGREEMENT WITH PORTERVILLE YOUTH FOOTBALL LEAGUE FOR FACILITY USE AND MAINTENANCE

Recommendation: That the City Council approve the proposed Agreement and direct the City Manager to execute same.

Documentation: Minute Order 03-090611

Disposition: Approved.

5. AUTHORIZE STAFF TO ACT ON BEHALF OF THE CITY OF PORTERVILLE FOR THE PURPOSE OF OBTAINING FINANCIAL ASSISTANCE BY THE PUBLIC TRANSPORTATION MODERNIZATION, IMPROVEMENT, AND SERVICE ENHANCEMENT ACCOUNT

Recommendation: That the City Council:
1. Approve the draft Resolution in support of the authorized agents for the purpose of obtaining PTMISEA funds; and
2. Authorize the Mayor to sign the required authorized agent form.

Documentation: Resolution 51-2011

Disposition: Approved.

8. APPROVAL FOR COMMUNITY CIVIC EVENT – FATHERS AGAINST DRUNK DRIVING AND PORTERVILLE IGLESIA DEL NAZARENO THIRD ANNUAL WALK-A-THON AND BBQ

Recommendation: That the City Council approve the proposed Community Civic Event Application and Agreement submitted by the Fathers Against Drunk Driving and Porterville Iglesia Del Nazareno, pending completion of the Application
and Agreement, receipt of Certificate of Liability Insurance and Additional Insured Endorsement and subject to the stated requirements contained in Exhibit ‘A’ of the Community Civic Event Application.

Documentation: Minute Order 04-090611
Disposition: Approved.

9. APPROVAL FOR COMMUNITY CIVIC EVENT – CENTRAL CALIFORNIA FAMILY CRISIS CENTER’S ANNUAL CANDLELIGHT VIGIL FOR DOMESTIC VIOLENCE, OCTOBER 15, 2011

Recommendation: That the Council approve the proposed Community Civic Event Application and Agreement submitted by the Central California Family Crisis Center, subject to the stated requirements contained in the Application, Agreement and Exhibit ‘A’.

Documentation: Minute Order 05-090611
Disposition: Approved.

10. APPROVAL FOR COMMUNITY CIVIC EVENT – WILDFACES GREAT SIERRA RIVER CLEAN UP

Recommendation: That the Council approve the proposed Community Civic Event Application and Agreement submitted by WildPlaces of Springville, subject to the state requirements contained in Exhibit ‘A’.

Documentation: Minute Order 06-090611
Disposition: Approved.

11. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the City Council:
1. Receive the status report and review of the designated local emergency; and
2. Pursuant to the requirements of Article 14, Section 8690 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

Documentation: Minute Order 07-090611
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council approve Item Nos. 1, 3, 5, and 8-11. The motion carried unanimously.
2. ACCEPTANCE OF PROJECT – SPORTS COMPLEX LIGHTING PROJECT

Recommendation: That the 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.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton indicated that he had pulled the item to note that the project had finished over budget.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Council Member Ward that the City Council accept the project as complete; authorize the filing of the Notice of Completion; and authorize the release of the 10% retention thirty-five (35) days after recordation, provided no stop notices have been filed. The motion carried unanimously.

Disposition: Approved.

4. INFORMATION OF THE PURCHASE OF WATER SHARES AND/OR SURFACE WATER FOR GROUND WATER RECHARGE

Recommendation: Information only per Council’s direction.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton stated that he would prefer that the City pursue the solicitation of Pioneer Water Company shares, and suggested that an item be brought back for Council consideration.

COUNCIL ACTION: MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the City Council accept the informational report, and direct staff to bring back an item on the next Agenda regarding the solicitation of shares for Council consideration. The motion carried unanimously.

Disposition: Approved.

6. SCHEDULING OF STUDY SESSION REGARDING COORDINATED COMMUNITY SERVICES (“STEP UP”) EFFORTS

Recommendation: That the City Council set October 11, 2011 at 6:00 p.m. as the date and time for a Study Session regarding coordinated community services efforts.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. At Council Member Shelton’s request, Vice Mayor Hamilton clarified briefly spoke about the purpose of the meeting.
COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council set October 11, 2011 at 6:00 p.m. as the date and time for a Study Session regarding coordinated community services efforts. The motion carried unanimously.

Disposition: Approved.

7. AIRPORT DRY FARM LEASE AMENDMENT

Recommendation: That the City Council approve Amendment No. 1 to the Lease Agreement between the City of Porterville and Jeff Sheets of J.C. Sheets Farming, Terra Bella, CA, for dry farming at the Porterville Municipal Airport.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Shelton indicated that he had pulled the item in order to suggest that the Council consider a reduction in production acres to avoid the issue of having the area directly to the east of the Freedom Fest disked before the show.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve Amendment No. 1 to the Lease Agreement between the City of Porterville and Jeff Sheets of J.C. Sheets Farming, Terra Bella, CA, for dry farming at the Porterville Municipal Airport. The motion carried unanimously.

Disposition: Approved.

SCHEDULED MATTERS

12. COST BENEFIT ANALYSIS FOR REPLACING MEDIAN ISLAND GRASS WITH ARTIFICIAL TURF – OLIVE AVENUE REHABILITATION PROJECT AND 2011/2012 MICRO-SURFACING PROJECT

Recommendation: That the City Council:

1. Consider allocating $531,495.79 from General Fund reserves or other funds to finance the replacement of median island grass with artificial turf for both the Olive Avenue Rehabilitation Project and the 2011/2012 Micro-Surfacing Project;
2. Authorize the City Engineer to augment the existing contracts by utilizing the previously provided bid add alternate amounts given by both contractors should Council approve a budget re-appropriation for the herein described work; and
3. Authorize the Finance Director to establish an annual payback plan per Council’s direction if a budget re-appropriation is approved.

City Manager Lollis introduced the item, and the staff report was presented by Public Works Director Baldo Rodriguez.
Council Member McCracken MOVED to approve staff’s recommendation. The motion was SECONDED by Vice Mayor Hamilton.

Council Member Shelton lauded the use of artificial turf, and supported the use of General Fund monies for infrastructure. Council Member Ward expressed concerns regarding the 10-year payback plan. A discussion ensued regarding the payback of general funds for infrastructure; and savings which would result from the installation of artificial turf. Council Member McCracken indicated that he was comfortable with staff identifying the funds and establishing a payback plan. City Manager Lollis noted that grants opportunities may be available for the project.

Council Member Shelton made a motion to strike No. 3 from the initial motion. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council allocate $531,495.79 from General Fund reserves or other funds identified by staff to finance the replacement of median island grass with artificial turf for both the Olive Avenue Rehabilitation Project and the 2011/2012 Micro-Surfacing Project; authorize the City Engineer to augment the existing contracts by utilizing the previously provided bid add alternate amounts given by both contractors should Council approve a budget re-appropriation for the herein described work; and authorize the Finance Director to establish an annual payback plan per Council’s direction if a budget re-appropriation is approved. The motion carried unanimously.

Disposition: Approved.

The Council recessed for 15 minutes at 7:20 p.m.

13. STREET SELF PERFORMANCE & EQUIPMENT PURCHASES

Recommendation: That the Council provide direction.

City Manager Lollis introduced the item, and the staff report was presented by Public Work Director Rodriguez.

A discussion ensued regarding possible savings which could result if the work was done in house. Staff indicated that they could elaborate on the numbers, and bring the item back to the Council for consideration. Without objection, the item was continued to the next meeting to allow staff the opportunity to bring back a more detailed analysis of costs and savings.

Disposition: Item continued.

14. CONSIDERATION OF FORMING A COMMUNITY FACILITIES DISTRICT(S) FOR NEIGHBORHOOD STREET MAINTENANCE
Recommendation: That the City Council provide direction.

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

Staff identified annexed areas as those with the greatest need, and spoke of the difficulty in forming Community Facilities Districts (CFDs). The Council discussed the benefits of CFDs, which included flexibility. Council Member Ward spoke of the importance of the street inventory analysis, and suggested that the Council wait to move forward.

Council Member McCracken suggested continuing the item, as well as Item No. 13, to allow for review of the street inventory analysis findings. He then questioned staff regarding the use of the grinder and paver, during which time it was noted that the equipment, if purchased, would not be used until spring of 2012. The amount of time required for the purchase was briefly discussed.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council continue the Item Nos. 13 and 14 to the first meeting in February 2012. The motion carried unanimously.

Disposition: Items 13 and 14 continued to the first meeting in February 2012.

ORAL COMMUNICATIONS
• Brock Neely, stated that the majority of litigation relative to Mello Roos was regarding issues of disclosure from developers.

OTHER MATTERS
• Council Member Ward encouraged attendance at the 9/11 event.
• Council Member Shelton noted the following upcoming events: meeting at PUSD regarding voting districts on 9/8; fundraiser for Sin Cal roller derby team on 9/9; Bill Horst Talk and art show for Kendall Collins at the museum on 9/10; 9/11 Anniversary event; StepUp event on 9/15; Tule River Tribe Pow Wow 9/16-9/18; trackless train at Murry Park on 9/17 and 9/18; and an ice cream social on 9/18 at the Zalud House.
• City Manager Lollis noted the Wall of Fame ceremony would be taking place at the Heritage Center on Friday, September 9th.

The Council took a five minute recess at 8:17 p.m. and reconvened in closed session.

CLOSED SESSION
The Council reconvened in open session at 9:34 p.m. and the following action was reported:

RESPECTIVELY). UNDER NEGOTIATION: TERMS AND PRICE.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Mayor Irish that the
Resolution 52-2011 City Council approve the purchase of APNs 247-140-053, 259-180-041 and
Resolution 53-2011 245-060-020.
Resolution 54-2011
AYES: Ward, McCracken, Irish
NOES: Shelton, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Approved.

ADJOURNMENT
The Council adjourned at 9:35 p.m. to the meeting of September 20, 2011 at 5:30 p.m.

__________________________________________
Luisa Herrera, Deputy City Clerk
SEAL

__________________________________________
Ronald L. Irish, Mayor