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

ORAL COMMUNICATIONS
None

CITY COUNCIL CLOSED SESSION:
A. Closed Session Pursuant to:
1- 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.
3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Mercury Insurance Company v. City of Porterville, Tulare County Superior Court Case No. PCL 148192.
4- Government Code Section 54956.9(a) – Conference with Legal Counsel – Existing Litigation: Donald Sipple v. City of Alameda, et al., Los Angeles Superior Court Case No. BC462270.
5- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – Significant Exposure to Litigation: Two Cases with facts not yet known to potential plaintiffs.

6:30 P.M. RECONVENE OPEN SESSION
REPORT ON ANY COUNCIL ACTION TAKEN IN CLOSED SESSION
City Attorney Julia Lew reported that no reportable action took place.

Pledge of Allegiance Led by Council Member Greg Shelton
Invocation – a moment of silence was observed.

PRESENTATIONS
Harmony Magnet Academy Students
Service Awards to Redevelopment Advisory Committee Members
REPORTS

• Council Member Ward advised of his recent attendance at the Step Up meeting and referred everyone to Item No. 21 for a status report of the committee.
• Council Member Shelton, reported on a recent Indian Gaming Local Community Benefit Committee meeting and indicated that he hoped to get money for Porterville. He then spoke of various events he attended, including: a sesquicentennial committee meeting; the Grand Opening of the Goodwill Store; “A Bad Day In Porterville” play at the Senior Center; Dive-In Theater; Krazy Daze event; a funeral for Mr. Garfield at the Tule River Indian Reservation; a Tea Party meeting at Charlie’s; and a birthday party for Tule River Tribal Council Member Kevin Bonds.
• Vice Mayor Hamilton spoke of the recent LAFCo meeting; and lauded the Chamber for their efforts at the Pioneer Krazy Daze event.

ORAL COMMUNICATIONS

• John Coffee, a Porterville resident, expressed concerns with individuals parking in the bike lanes along Morton Avenue and with bicyclists riding against traffic; and spoke against Item 15 and requested that the item be opened up for public comment.
• Paul Mill, voiced concern with the new PetSmart building’s close proximity to Prospect Street, with the excavation for the project commencing prior to Council’s approval, and suggested that the business would ruin the existing pet shop in the center. Mr. Mill then spoke of the need for repairs on North Grand Avenue; and spoke against the Police Department’s use of the helicopter due to disturbance of his peace.
• Kerry Lucas, voiced concern with the City and/or Chamber not providing funds for her business, yet giving large loans to other businesses; and requested that the City’s code be changed to allow her to sell her hotdogs.
• Boyd K. Leavitt, a Porterville resident, admonished the Council for their behavior, and spoke of the potential for the voters to pursue a recall.
• Wendy Taylor, a Porterville resident and member of the Sesquicentennial Committee, came forward and thanked the Council and staff for their efforts with the Pioneer Krazy Daze event and their participation at the dunk tank. She then provided t-shirts as a token of the committee’s appreciation.
• Dick Eckhoff, a Springville resident, spoke in favor of the Downtown Marketing Plan and provided the Council with a copy of his comments.
• Brock Neeley, voiced agreement with Mr. Leavitt’s comments and requested that no further negative comments be made about the Chamber of Commerce.

CONSENT CALENDAR

Item Nos. 3 and 5 were removed for further discussion.

1. CITY COUNCIL MINUTES OF JULY 5, 2011

Recommendation: That the City Council approve the draft Minutes of July 5, 2011.

Documentation: M.O. 01-081611
Disposition: Approved.
2. AWARD OF CONTRACT – OLIVE AVENUE REHABILITATION PROJECT

Recommendation: That the City Council:
1. Award the Olive Avenue Rehabilitation Project to Bowman Asphalt, Inc. in the amount of $955,936.90 to construct Option No. 2 (Base Bid + Street Add Alternates – an additional $86,034.32 is needed for construction contingency (9%), and $29,028.78 is needed for construction management, quality control and inspection (2.7%). Total estimated cost for Option No. 2 is $1,071,000.00, which matches the allocated funding amount); and
2. Authorize a 9% contingency to cover unforeseen construction costs.

Documentation: M.O. 02-081611
Disposition: Approved.

4. ACCEPTANCE OF PROJECT – REHABILITATE RUNWAY 12-30

Recommendation: That the City Council:
1. Award the 2011/2012 Micro-Surfacing Project to Intermountain Slurry Seal, Inc. in the amount of $749,209.91 to construct Option No. 1 (Fund Base Bid – An additional $74,920.99 is needed for construction contingency (10%), and $37,460.50 is needed for construction management, quality control and inspection (5%). Total estimated cost for Option 1 is $81,258.40 from the West North Grand Avenue Rehabilitation Project. The West North Grand Street Reconstruction project is currently under design and has not been authorized for construction advertisement);
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize the Finance Director to re-appropriate $81,258.40 from the West North Grand Avenue Rehabilitation Project account to the 2011/2012 Micro-Surfacing Project account.

Documentation: M.O. 03-081611
Disposition: Approved.

6. ANNUAL REVIEW AND REQUEST FOR RENEWAL OF A TEMPORARY STRUCTURE PERMIT FOR THE STORAGE AND CONSIGNMENT OF EQUIPMENT

Recommendation: That the City Council take no action to continue the permit and the permit will expire on August 17, 2011.

Documentation: M.O. 04-081611
Disposition: Approved.

7. INTENT TO VACATE A PORTION OF A 30’ WIDE PUBLIC UTILITY EASEMENT RELATED TO PETSMAH DEVELOPMENT PROJECT
Recommendation: That the City Council:
1. Pass a Resolution of Intent to Vacate a Portion of a 30’ wide Public Utility Easement described as shown on Parcel Map No. 3874 and more precisely described on the legal description include in the staff report; and
2. Set the Council Meeting of September 20, 2011 as the time and place for a public hearing.

Documentation: Resolution 48-2011
Disposition: Approved.

8. SET STUDY SESSION FOR REVIEW OF CONSOLIDATED WASTE MANAGEMENT AUTHORITY

Recommendation: That the City Council set September 13, 2011, 6:30 p.m., as the date and time for a study session.

Documentation: M.O. 05-081611
Disposition: Approved.

9. THIS ITEM WAS REMOVED.

10. LIBRARY AND LITERACY COMMISSION VACANCY

Recommendation: That the City Council direct staff to solicit applications to fill the seat vacated by Mr. Joseph Carter on the Library and Literacy Commission; and bring the item back to the Council for appointment.

Documentation: M.O. 06-081611
Disposition: Approved.

11. REDEVELOPMENT ADVISORY COMMITTEE MEMBERSHIP

Recommendation: That the City Council:
1. Reappoint for a three-year term ending July 10, 2014, the six members consenting to continue serving on the Redevelopment Advisory Committee for Project Area No. 1 as amended; and
2. Direct the City Clerk to advertise to fill three vacancies on the Redevelopment Advisory Committee with qualified candidates from the amended area.

Documentation: M.O. 07-081611
Disposition: Approved.

12. APPROVAL FOR COMMUNITY CIVIC EVENT – BOYS AND GIRLS CLUB OF PORTERVILLE FAMILY CONCERT AT MURRY PARK
Recommendation: That the Council approve the Community Civic Event Application and Agreement from the Boys & 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. 08-081611
Disposition: Approved.


Recommendation: That the Council approve the Community Civic Event Application and Agreement submitted by the Filipino-American Association of California, subject to the stated requirements contained in Exhibit ‘A’.

Documentation: M.O. 09-081611
Disposition: Approved.

14. REVIEW OF LOCAL EMERGENCY STATUS

Recommendation: That the 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: M.O. 10-081611
Disposition: Approved.

15. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF FORMING A COMMUNITY FACILITIES DISTRICT(S) FOR NEIGHBORHOOD STREET MAINTENANCE

Recommendation: Council Ward makes the motion that the City Council authorize the scheduling on the September 6th Council Agenda the consideration of forming a Community Facilities District(s) for neighborhood street maintenance.

Documentation: M.O. 11-081611
Disposition: Approved.

16. COUNCIL MEMBER REQUESTED AGENDA ITEM – REQUEST FOR THE CITY COUNCIL TO SCHEDULE THE CONSIDERATION OF THE CITY’S SELF-PERFORMANCE OF STREET MAINTENANCE PROGRAMS
Recommendation: Councilman Ward makes the motion that the City Council authorize the scheduling on the September 6th Council Agenda the consideration of the City’s self-performance of street maintenance programs.

Documentation: M.O. 12-081611
Disposition: Approved.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council approve Item Nos. 1, 2, 4, and 6 through 16. The motion carried unanimously.

3. AWARD OF CONTRACT – 2011/2012 FISCAL YEAR MICRO-SURFACING PROJECT

Recommendation: That the City Council:
1. Award the 2011/2012 Micro-Surfacing Project to Intermountain Slurry Seal, Inc., in the amount of $749,209.91 to construct Option 1 (BASE BID);
2. Authorize a 10% contingency to cover unforeseen construction costs; and
3. Authorize the Finance Director to re-appropriate $81,258.40 from the West North Grand Avenue Rehabilitation Project account to the 2011/2012 Micro-Surfacing Project account.

City Manager Lollis introduced the item, and the staff report was waived at the Council’s request. Council Member Ward indicated that he had removed the item from Consent Calendar, and voiced his interest in rejecting all bids. The Council then discussed the concept of purchasing equipment and performing said work in-house and of the need for a cost benefit analysis.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council award the 2011/2012 Micro-Surfacing Project to Intermountain Slurry Seal, Inc., in the amount of $749,209.91 to construct Option 1 (BASE BID); authorize a 10% contingency to cover unforeseen construction costs; and authorize the Finance Director to re-appropriate $81,258.40 from the West North Grand Avenue Rehabilitation Project account to the 2011/2012 Micro-Surfacing Project account. The motion carried unanimously.

Disposition: Approved.

5. APPROVAL OF THE 2011/2012 DISADVANTAGED BUSINESS ENTERPRISE (DBE) PROGRAM

Recommendation: That the City Council:
1. Approve the 2011/2012 Disadvantaged Business Enterprise Program;
2. Authorize the Public Works Director to sign the 2011/2012 Disadvantaged Business Enterprise Program; and
3. Approve the Resolution of Adoption.
City Manager Lollis introduced the item, and indicated it had been removed from Consent Calendar at the request of Council Member Shelton. In response to Council Member Shelton’s inquiry, staff elaborated on the requirement and impact on bids of the DBE program.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve the 2011/2012 Disadvantaged Business Enterprise Program; authorize the Public Works Director to sign the 2011/2012 Disadvantaged Business Enterprise Program; and approve the Resolution of Adoption. The motion carried unanimously.

Disposition: Approved.

SECOND READINGS
17. ORDINANCE 1779, VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM

Recommendation: That the Council give Second Reading to Ordinance No. 1779, waive further reading, and adopt said Ordinance.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the City Council give Second Reading to Ordinance No. 1779, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE ELECTING TO COMPLY WITH AND PARTICIPATE IN THE ALTERNATIVE VOLUNTARY REDEVELOPMENT PROGRAM CONTAINED IN PART 1.9 OF DIVISION 24 OF THE CAL. HEALTH AND SAFETY CODE.

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

The City Manager read the Ordinance by title only.

Disposition: Approved.

At the Mayor’s request, Item No. 19 was presented next.

SCHEDULED MATTERS
19. AWARD CONTRACTS – LANDSCAPE MAINTENANCE, VARIOUS LANDSCAPE MAINTENANCE DISTRICTS

Recommendation: That Council award the contracts for LMD Groupings No. 1, No. 3 and No. 4 to Perfect Care Landscape Maintenance for Tulare, and LMD Groupings No. 2 and No. 5 to Clean Cut Landscape of Clovis. Further, that the Council authorize
regular payments upon satisfactory performance of the required services.

City Manager Lollis introduced the item. Mayor Irish and Parks and Leisure Services Director Milt Stowe noted conflicts of interest, recused themselves from the discussion, and exited the Council Chambers. The staff report was presented by Finance Director Maria Bemis. It was noted that supplemental information had been provided by Porterville Sheltered Workshop Director of Business Services Ron Killingsworth subsequent to the distribution of the Council Agendas, and that copies of same were available to the public.

A discussion ensued relative to the City’s ability to negotiate with Porterville Sheltered Workshop (PSW) due to its status as a non-profit organization; concerns over PSW’s capacity to handle the additional square footage; whether the interest by bidders from out of town would remain in the event only one LMD Group was awarded to them, and the various options and scenarios available to the Council relative to awarding and rejecting the submitted bids.

- John Nash, Porterville Sheltered Workshop Interim Executive Director, came forward and stated that the PSW had the capacity in terms of manpower and equipment to perform the work pursuant to the contract requirements.

The Council recessed for ten minutes at 8:05 p.m.

Council Member Ward MOVED, and Council Member Shelton SECONDED, that the Council reject all bids on LMD Group Nos. 2 and 3 and based on negotiations, award the contracts to Porterville Sheltered Workshop for LMD Group Nos. 2 and 3; and award contracts on LMD Group Nos. 1, 4 and 5 to the lowest bidders.

Vice Mayor Hamilton MOVED to amend Council Member Ward’s motion to award to the lowest bidders on LMD Group Nos. 1 and 4; and reject all bids submitted on LMD Group Nos. 2, 3, and 5 and direct staff to re-bid. After a brief discussion, Vice Mayor Hamilton WITHDREW his motion to amend.

**COUNCIL ACTION:** MOVED by Council Member Ward, SECONDED by Council Member Shelton that the City Council reject all bids on LMD Group Nos. 2 and 3 and based on negotiations, award the contracts to Porterville Sheltered Workshop for LMD Group Nos. 2 and 3; and award contracts on LMD Group Nos. 1, 4 and 5 to the lowest bidders, as follows: LMD Group No. 1: Perfect Care Landscape Mtnc., Tulare; LMD Group No. 4: Perfect Care Landscape Mtnc., Tulare; and LMD Group No. 5: Clean Cut Landscape, Clovis.

**AYES:** Ward, Shelton, Hamilton

**NOES:** McCracken

**ABSTAIN:** Irish

**ABSENT:** None

Disposition: Approved.

18. PROJECT REVIEW COMMITTEE FEES
Recommendation: That the City Council adopt the draft resolution changing the structure and cost for PRC fees to Option One.

City Manager Lollis introduced the item, and the staff report was presented by City Planner Bill Nebeker, which included three options for Council’s consideration and proposed the following categories and fees:

<table>
<thead>
<tr>
<th>Type</th>
<th>Project Size</th>
<th>Small</th>
<th>Medium</th>
<th>Large</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions from 500 SF to less than 1,000 SF</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions from 1,000 SF to less than 10,000 SF</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>New commercial or industrial structures and additions 10,000 SF or larger in size</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with four (4) to six (6) units or consisting of two (2) to three (3) structures</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with seven (7) to eleven (11) units or consisting of four (4) to six (6) structures</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>2</td>
<td>Multiple-family developments with more than twelve (12) units or consisting of more than six (6) structures</td>
<td></td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>3</td>
<td>Change in occupancy</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4</td>
<td>Any project that requires a discretionary approval</td>
<td></td>
<td></td>
<td>X</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Options</th>
<th>Current</th>
<th>Option 1</th>
<th>Option 2</th>
<th>Option 3</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fee</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Small</td>
<td>$753</td>
<td>$250</td>
<td>$250</td>
<td>$250</td>
</tr>
<tr>
<td>Medium</td>
<td>$753</td>
<td>$500</td>
<td>$500</td>
<td>$750</td>
</tr>
<tr>
<td>Large</td>
<td>$753</td>
<td>$750</td>
<td>Hourly</td>
<td>$1500</td>
</tr>
<tr>
<td>Hourly rate</td>
<td>n/a</td>
<td>No</td>
<td>$79</td>
<td>No</td>
</tr>
<tr>
<td>Public Hearing Required</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>(to adopt new fees)</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cost Recovery Achieved</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Simplified Tier Structure</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Reduced Fees</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
</tbody>
</table>

Page 9 of 12
Council Member Ward MOVED to adopt the draft resolution changing the structure and cost for PRC fees to Option 1. The motion was SECONDED by Council Member McCracken.

Following a brief discussion, Council Member Shelton MOVED to amend the motion to separately categorize “Residential Parcel Maps” as “medium” projects. Vice Mayor Hamilton SECONDED the motion.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Vice Mayor Hamilton that the City Council approve Council Member Shelton’s amendment to separately categorize “Residential parcel maps” as “medium” projects.

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

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Council Member McCracken that the City Council adopt the draft resolution approving Option 1, as amended. The motion carried unanimously.

Disposition: Approved, as amended.

20. DESIGNATION OF VOTING DELEGATES AND ALTERNATE FOR LEAGUE OF CALIFORNIA CITIES 2011 ANNUAL CONFERENCE

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 up to two City Council Members to serve as alternates at the Conference.

Disposition: No action.

21. COORDINATED COMMUNITY SERVICES COMMITTEE MEETINGS UPDATE (“STEP UP”)

Recommendation: None – Information only.

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

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the City Council direct staff to bring back a consent calendar item for the purpose of scheduling a study session. The motion carried unanimously.

Disposition: Approved.

22. FREEDOM FEST AND FIREWORKS SHOW REPORT
Recommendation: That the City Council receive this report, and give staff direction toward planning a similar event for July 2012.

The City Manager introduced the item, and the staff report was presented by Leisure Services Superintendent Donnie Moore.

- Tule River Tribal Council Member Kevin Bonds came forward that thanked the City Council and staff for their efforts and collaboration in making the event successful, and voiced interest in continuing the event annually.

COUNCIL ACTION: MOVED by Council Member Shelton, SECONDED by Mayor Irish that the M.O. 17-081611 City Council direct staff to roll over the remainder of funds for the event in July 2012. The motion carried unanimously.

Disposition: Direction given.

The Council Meeting adjourned at 9:29 p.m. to a Joint Meeting of the City Council and Porterville Redevelopment Meeting.

**JOINT CITY COUNCIL/PORTERVILLE REDEVELOPMENT AGENCY MINUTES**

291 N. MAIN STREET, PORTERVILLE, CA

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

**WRITTEN COMMUNICATIONS**
None

**ORAL COMMUNICATIONS**
None

**SCHEDULED MATTER**
PRA-01 APPROVAL OF A RESOLUTION ADOPTING AN ENFORCEABLE OBLIGATION PAYMENT SCHEDULE FOR THE REDEVELOPMENT AGENCY PURSUANT TO THE REQUIREMENTS OF AB X1 26.

Recommendation: That the Redevelopment Agency adopt the draft resolution adopting the Enforceable Obligation Payment Schedule.

Agency Secretary Lollis introduced the item, and Community Development Director Dunlap introduced the item.

AGENCY ACTION: MOVED by Vice Chair Hamilton, SECONDED by Member Ward that the Redevelopment Agency adopt the draft resolution adopting the Enforceable Obligation Payment Schedule.

AYES: Ward, McCracken, Hamilton, Irish
Disposition: Approved.

The Joint City Council and Redevelopment Agency Meeting adjourned at 9:40 p.m. to a meeting of the Porterville City Council.

**ORAL COMMUNICATIONS**

- John Coffee, voiced opposition to Item 15, suggesting it was an attempted end-run on Prop 13.

**OTHER MATTERS**

- Council Member Ward noted that school was now back in session and thanked the Police Department for their efforts with traffic control and keeping the children safe.
- Council Member Shelton spoke of various upcoming events, including: a Sesquicentennial Committee meeting; Step Up meeting; a family concert in the Park hosted by the Boys and Girls Club; the Fire Association’s Chili Cook-Off; and the 911 Remembrance Memorial Service at the Church of the Nazarene.

**ADJOURNMENT**

The Council Meeting adjourned at 9:48 p.m. to the meeting of September 6, 2011 at 5:30 p.m.

Luisa Herrera, Deputy City Clerk

Ronald L. Irish, Mayor