Mayor West stated that due to size of the audience, the meeting would be held in the Council Chamber.

Call to Order at 7:00 p.m.
Roll Call:        Council Member Irish, Council Member Martinez, Mayor Pro Tem Hamilton, Council Member Stadtherr, Mayor West

Pledge of Allegiance Led by Council Member Martinez
Invocation: One person came forward.

ORAL COMMUNICATIONS
• Walter Steward, stated that he was one of the homeless they had been hearing about. He stated that the police running them out of where they were before had forced them into the public eye, and for that they were sorry. He stated that a lot of them came down and asked them what they need to help them—and what they need is a place to put up their tents where they will not be bothered. Mr. Steward stated that if they had a piece of property, they would pay 50¢ a night per head, $15 a month per tent, and they would upkeep the property themselves. He stated that they would be out of sight and out of mind, and the police would have access if needed. He stated that if they could get a place that was not far out of town, they would not be any trouble.

• Gean Garner, semi-homeless, spoke regarding getting help for the homeless. He stated that if they could find a place to put them, put in a couple of porta-potties, and a trash bin. Mr. Garner stated that if he could get donations to feed the people for the holidays, then surely there were people in town that could help pay for a restroom and a trash can.

• Sandy Joy Telnes, 68 South Villa, stated that she was a town minister, and had been with the Rescue Mission for three years. Mrs. Telnes spoke regarding the need to assist the homeless.

• Rosalind Brennan stated that she was a volunteer at the Rescue Mission. She stated that she was from New York and had been in Porterville one month. She stated that the people out there were family to her and were a good group of people.

• Toni Pennington stated that she had been with the Rescue Mission and the homeless for more than ten years. She stated that her three daughters were not willing to help her, but the members of the homeless community were willing to help, and were her family. She stated that everyone needed to work together as a community to help the homeless.

• Jacquelyn Jones stated that she was homeless also. She stated that they did need the porta-potties and the dumpster, but they were not asking the City to give it to them—they would pay. She stated that they took care of each other, like family, and they needed help to stay together.
• Boyd Leavitt, 457 East Oak Avenue, asked about a bright green Humvee being driven around town advertising free wireless broadband, with the driver operating out of the back of it. Mr. Leavitt questioned whether the gentleman had a City business license, and whether he was competing against local merchants. He stated that if he did not have a license, something should be done about it.

• Ted Ensslin, 143 Carmelita, stated that he had served three terms as Mayor and an additional three years on the City Council, and had left with no ill feelings for anyone. He asked the Council to uphold the City Charter which is a sacred instrument in this City. He wanted the Council to use good judgement in what they did, and use wisely the authority they had.

• Toni Pennington stated that it was brought to her attention that they were there also to let the Council know that their group only had fifteen hours before they had to be out of where they were, so they needed an extension or something. She stated that they needed to know if they could get an extension and where they could go.

• Greg Shelton, 888 E. Williford, stated that he empathized with the homeless plight, but he didn’t understand why it was his responsibility, through his taxes, to pay for someone’s camp. Mr. Shelton spoke regarding the public health issue of the camp was next to the Porter Slough, was polluting a public waterway that went through Veterans’ Park.

• Mary McClure, 23149 Joseph Court, asked why Section 8 wasn’t stepping in and helping these people. She stated that they were in control of Section 8, as they were a nonprofit organization with federal funding, why wasn’t someone asking them to open housing for the homeless. Why were they even discussing this without going to the City’s Housing Element. She asked if anyone knew who was in charge of Section 8.

The City Manager spoke about Section 8 and stated that he was not aware if Section 8 provided housing for homeless, but there were other programs that did. He stated that there had been a request by a member of Council to present again the issue paper that was prepared on homelessness, and provide some options for Council consideration. He stated that he distributed that today and it was scheduled for the January 17 Council meeting.

Mrs. McClure clarified that the Tulare County Housing Authority was not in charge of Section 8, it was a nonprofit organization that got its funds from the federal government, and Porterville had given the Housing Authority the authorization to cover their Housing Element. She stated that if housing was needed for the homeless, it should be addressed through the Housing Authority.

• Sandy Telnes stated that several of them worked hard to get housing in Porterville and Tulare County called the Continuum of Care, and though she did not renew her membership, it was ongoing. She stated that they ran into many walls, and to get people to stay in the sanctuary, the City had rules against it. She stated that there was no emergency housing available.

Mayor West stated that as a human being they owed this to these people, as a Christian they had a higher calling to help these people, and he appreciated Council Member Martinez for
his work, his wife and his family, and he commended him, and stated that they would look into this more deeply than they had.

- Dorothy Broome, 863 S. Crystal, stated her ambivalence regarding the homeless and the present City situation. She stated that she empathized with her fellow citizens.

- Council Member Irish questioned what could be done in fifteen hours.

  Walter Steward stated that someone came out today and gave the 15-16 homeless people until noon to leave, and the owner was talked into an extra 24 hours. He stated that they needed more than 15 hours to move everything they own. He stated that if they came out they would have to arrest all of them because they did not want to lose everything again. He stated that perhaps the City could get together with the owner and have him give them an extra three or four days to try and get out.

- Council Member Irish called upon the churches in the community to help in this situation. He stated that the City had zoning and legal issues, and problems they couldn’t overcome in 15 hours, but there were people in the community that could help until the solution was found. He called upon the churches of this town to help these people out.

- Peter Schalembeir, President of PAMA, 1591 North Salisbury, Pastor of First Assembly of God Church, stated that problems did not come up overnight, and one problem was Helping Hands no longer having a facility for over a year and a half. He stated that they worked with Helping Hands to build on the Church property to make sure people would have daily meals. Pastor Schalembeir stated that the churches had a meeting that morning and discussed the homeless situation, and one thing that needed to happen was the different organizations coming together in order to be effective in putting their resources in the right direction, but he knew this would not come together in 15 hours. He stated that a coalition or group of different people and organizations, including the churches, need to work on a long term solution and not just for a few nights, though that would be important for the homeless friends and families here that evening. The Pastor stated that he would be willing to commit himself to meet again with people who are truly interested in finding a long term solution.

  Council Member Irish clarified that there were approximately 50 homeless and 40 churches, and he suggested the churches take one or two people each while a solution was worked on.

  Sandy Telnes stated that she was told that the City had rules and regulations that would not allow people to sleep in a sanctuary or fellowship halls.

- Council Member Martinez stated that this was a huge problem and there was a real need, but he was looking for a long term solution. He stated that he understood that the group had hopes of staying on the property where they were now, but also understood that the property owner had a right to have his property protected. He stated that the City was put into a rough position, and they wanted to work with them, and each of the Council members was sympatric to the need. He stated that they were asking them to work together, and they were willing to take the bull by the horns and see what they could do within the allowed parameters. He stated that they were looking for individuals that they could help who were willing to help
themselves. Council Member Martinez stated that the one thing he did not want to do was to enable them to remain in this condition—in doing that he gave them a disservice. He wanted to empower them so that in a year from now, or six months, or as soon as possible, they would not be homeless. He stated that they would work on that, although he could not make promises, all he could say was that they would be working at finding a solution. Council Member Martinez stated that each of the Council members understood; they all wanted to see what they could do to help.

- Mayor Pro Tem Hamilton stated that he was a founding Board Member of the Rescue Mission, so he knew what the blight was out there, and because they were faith-based, they did not qualify for united funds—it was an amazing Catch-22. He stated the dream was out there that they would build a facility for transitional housing.

SCHEDULED MATTER

1. CONSIDERATION OF REQUEST REGARDING CITY COUNCIL REORGANIZATION

Recommendation: To be determined by Council.

Mayor West asked the City Attorney to explain the violations of the Charter he had been accused of doing.

The City Attorney stated that she had not been asked, or had anyone made any specific Charter violation accusations yet.

Council Member Irish asked the Attorney to explain exactly what the City Charter was, and how it operates, and what it was used for.

The City Attorney stated that the Charter was the constitution of the City. Charter cities are governed by their Charter instead of just relying on statutes in the State Code, and the people of the city, through committees and councils, came up with the Charter provisions.

Mayor Pro Tem Hamilton stated that Council Member Stadtherr wrote a commentary that day indicating that his vote would be a “no” vote tonight for any type of removal—so was he flagging his vote, and if so should Council Member Stadtherr abstain from this.

Council Member Stadtherr stated that he saw no reason to abstain—he was merely stating his opinion for the reading public.

Mayor West personally apologized if he brought any kind of embarrassment to the Council. He stated that he never intended to embarrass the Council or the citizens of Porterville. He stated that he worked for them, and in doing so, if he made those mistakes, he did apologize.

Council Member Irish stated that to be clear on what had been going on, this has been a mosaic that had been put together over a period of time—the last six months. He stated that any one thing by itself wouldn’t seem to matter too much, but it was a few things.
1) The letter from the County from Mr. Davis, the parking lot incident where there was swearing that was heard, the conversation with Mr. Pyle—if that was not a violation of the Charter, it was definitely a violation of the spirit of the Charter.

2) The Council asked the Mayor to step down from the Senior Council, or from his position, and he didn’t want to do either one of them.

3) The appalling comments made to a reporter.

4) The staff being used for personal endeavors over at the Senior Center

5) Comments had been made the past week to a past Mayor concerning the City Manager

Council Member Stadtherr asked if they didn’t have this discussion on December 6.

Council Member Irish stated that evidentially it didn’t work.

Council Member Martinez stated his regret about having to go about this in this manner. Council Member Martinez stated that he looked at the center seat as a seat that needed to be respected, and a seat that he hoped in the future individuals would say the person that sat there did their best at upholding the integrity of the position.

Council Member Stadtherr stated that he was trying to figure out why someone didn’t see this coming seven months ago.

Mayor Pro Tem Hamilton stated that a comment like that brought them back into personalities again, and with what Council Member Irish and Council Member Martinez just stated he would ditto some of that. He stated that some real shortcomings and blunders had been done, and when he read the excerpts of the WAVE Newspaper down in Los Angeles he realized it was probably a faux pas on Kelly’s part, when he addressed a new member of the community as “a colored Negro, and we had another one just like that here working for us.” He stated that the other issues he had were that they had people come forward saying that Mayor West had pulled them aside and stated that he needed their help in getting rid of the City Manager, and that was beyond their pay grade. Mayor Pro Tem Hamilton stated that was probably the biggest concern he had, other than they got into a situation with the County that they never should have gotten into. He stated that the Council brought the nutrition program over and they started having problems—the real violation of the Charter that Mr. West had committed, and admittedly so, and he was sorry, was to take a staff member over to the Senior Center to solve a Senior Council problem without the permission of the City Manager or the Department head of that particular staff member. The cussing at the Senior Center was done under the guise that he was the Mayor of the town and could do whatever he wants—but not as the Mayor he couldn’t. The issue was whether they were man enough to take on the problem they had now, address the situation and then get on with what they had to do.

The City Attorney clarified that because this was a special meeting and oral communications was noticed for the beginning of the meeting, and there was not another oral communications period, however Council could, at their discretion, open that up at the end if they wished.
Council Member Irish stated that he would at least like to call for a vote of confidence.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that Council call for a vote of confidence.

M.O. 01-010306

AYES: Stadtherr
NOES: Irish, Martinez, Hamilton
ABSTAIN: West
ABSENT: None

Disposition: Majority Vote of No Confidence for the Mayor.

The City Attorney clarified that the vote of confidence in and of itself doesn’t do anything to change anything, so it was simply a vote of confidence or no confidence.

COUNCIL ACTION: MOVED by Council Member Irish, SECONDED by Mayor Pro Tem Hamilton that Council remove the Mayor.

M.O. 02-010306

AYES: Irish, Martinez, Hamilton
NOES: Stadtherr
ABSTAIN: West
ABSENT: None

Disposition: Mayor West removed.

Council Member Irish nominated Cameron Hamilton for Mayor. The motion died for lack of a second.

Council Member Stadtherr nominated Pete Martinez for Mayor. The motion died for lack of a second.

Council Member Irish re nominated Cameron Hamilton for Mayor. The motion died for lack of a second.

Council Member Stadtherr nominated Kelly West for Mayor. The motion died for lack of a second.

Council took a short recess at 7:58 p.m. and reconvened at 8:04 p.m.

Council Member Irish stated that as a point of order Mayor Pro Tem Hamilton should be conducting the meeting.

Council Member West thanked the Council for his time in the center seat, it had been very interesting, with that he turned the meeting over to Mayor Pro Tem Hamilton.

Council Member West nominated Richard Stadtherr for Mayor. The motion died for lack of a second.
Council Member Martinez nominated the whole Council. The motion died for lack of a second.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that Council continue without a Mayor and operate under the Mayor Pro Tem until further notice.

M.O. 03-010306

AYES: West, Stadtherr
NOES: Irish, Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Motion failed.

The City Attorney stated that essentially, even without any motions passing, the Council would continue under the Mayor Pro Tem.

Mayor Pro Tem Hamilton nominated Council Member Ron Irish for Mayor. The motion died for lack of a second.

The City Attorney clarified that without any other motions, like it or not, the Mayor Pro Tem would fulfill the Mayor’s responsibilities until a Mayor was appointed. She stated that the Council did not have to appoint a Mayor, as there was not a seat vacancy just a reorganization of the Council, and could proceed indefinitely until the Council decides to appoint a Mayor or until the mandatory reorganization after the election. She stated that there was a Mayor Pro Tem currently.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member West that Council Member Stadtherr be nominated for Mayor.

M.O. 04-010306

AYES: West, Stadtherr
NOES: Irish, Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Motion failed.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Council Member Irish that Mayor Pro Tem Hamilton be nominated for Mayor.

M.O. 05-010306

AYES: Irish, Hamilton
NOES: Martinez, West, Stadtherr
ABSTAIN: None
ABSENT: None

Disposition: Motion failed.

Council Member Stadtherr made a motion to adjourn. Council Member West seconded.
Mayor Pro Tem Hamilton stated that before they did that he believed they wanted to open up for Oral Communications if Council concurred.

Council Member Martinez asked to nominate Ron Irish for Mayor.

Mayor Pro Tem Hamilton stated that there was a motion and a second on the floor for adjournment already.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that Council adjourn.

M.O. 06-010306

AYES: West, Stadtherr
NOES: Irish, Martinez, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: No adjournment.

Council Member Martinez stated that in his opinion they owed it to the citizens of Porterville, and if they had to be there all night, they should come up with a decision and move on. He stated that they might have to fight their own egos through this, or they may have to talk about it. If they had to be there all night, then he would be there all night until they figured this thing out and push whatever they had to push aside, because the center seat and the City needed some leadership.

Council Member Irish agreed on continuing.

Council Member West disagreed.

Council Member Stadtherr stated that it would be better to come back in two weeks.

Mayor Pro Tem Hamilton stated that he was the deciding vote, and he voted to stay there until they decided on something.

Council Member Martinez nominated Ron Irish, and Mayor Pro Tem Hamilton seconded the motion. Council Member Martinez opened up the discussion and stated that they could discuss every one of them and if they wanted to through everything that was out there, then that was the way they would go about this, but they needed to figure it out. He asked Mr. West to move on.

COUNCIL ACTION: MOVED by Council Member Martinez, SECONDED by Mayor Pro Tem Hamilton that Council Member Irish be nominated for a six-month term as Mayor of Porterville.

M.O. 07-010306

AYES: Irish, Hamilton
NOES: Martinez, West, Stadtherr
ABSTAIN: None
ABSENT: None
Disposition: Motion failed.

Council Member Stadtherr nominated Council Member Martinez for Mayor. Council Member West seconded.

Council Member Martinez stated that when the issue was brought up and they looked at the whole center seat, he thought that the center seat needed to work with the entire Council and he was looking to be an individual that could do that. If the other Council members felt he could, he would take it for the six months, if they felt he couldn’t, then they should vote in that manner and vote no, but they should make a decision so they could deal with Porterville’s issues and move on.

Council Member Irish stated that as part of the discussion, he wanted to bring up a couple of points. He sat there for seven years, and on two occasions, in two elections, he had the most votes of anyone whoever ran for City Council. He challenged anybody sitting up there, or any place, to mention anything he had done self-serving. He stated that it was hard to sit up there and toot your own horn, but by the same token, by not tooting it, nobody else up there was going to toot for him, and he felt he had paid his dues.

Council Member West stated he had sat there that evening and listened to a lot of stories told about what Councilman West had done, and by far the majority had all been falsely made up. He stated that he did agree with Council Member Martinez that it was time to move ahead. He stated that Councilman Irish wonders why he hasn’t sat in the seat—the votes should tell very carefully why he hasn’t in seven years. He then called for the vote.

Mayor Pro Tem Hamilton stated that he wanted to make one thing clear to Councilman Martinez, that when he sat in the center seat he thought he served with distinction, served willingly, and served all the people of Porterville, not any one faction, and with that he would be glad to call for the vote now.

COUNCIL ACTION: MOVED by Council Member Stadtherr, SECONDED by Council Member West that Council Member Martinez be nominated for Mayor.

M.O. 08-010306

AYES: West, Martinez, Stadtherr
NOES: Irish, Hamilton
ABSTAIN: None
ABSENT: None

Disposition: Pedro Martinez selected as Mayor.

Council Member West and Mayor Martinez traded seats at this time.

ORAL COMMUNICATIONS

- Boyd Leavitt, 457 E. Oak, stated that the last time this happened he was here, when they went through this process, whether it’s right or wrong that’s the process. However, he needed to remind the audience then, and he was going to remind them again, they have a new Mayor, they should give him a round of applause.
• Aldo Lawrence Lucketta, 1885 W. Putnam, stated that there was a gang problem in Porterville and he hoped that one day they could meet with the Council or Mayor to address some of the concerns about gang activity here in Porterville. He stated that he would love to do that. He stated that he had, along with a group of people, put together an organization called Gang Watchers. He stated that they had been somewhat effective, but they would like to help the City resolve some of the problems—maybe a march, maybe some kind of huge thing that would pull the community together. Mr. Lucketta stated that there were too many people being shot, too many pieces of property being tagged with graffiti, and the whole nine yards. He stated that he was glad Mayor Martinez was in the center seat and he had something for him to tackle. He stated that for the last four or five months, he had been working hard on Gang Watchers and hopefully they could move ahead and make some progress and help their community be the All America City that it was.

Mayor Martinez directed the City Manager to set up a meeting when they had the opportunity. He stated that if any of the other Councilmen wished to attend, they could also discuss that issue.

• Council Member Irish stated that he hoped that one of these days they would get a Mayor that was elected by the Council that doesn’t have to vote for himself to get elected.

ADJOURNMENT
The Council adjourned at 8:20 p.m. to the meeting of January 17, 2006 at 6:00 p.m.

Georgia Hawley, Chief Deputy City Clerk

SEAL

Pedro R. Martinez, Mayor