

**CITY COUNCIL MINUTES  
PORTERVILLE, CALIFORNIA  
JULY 6, 2010, 6:00 P.M.**

Call to Order at 6:00 p.m.

Roll Call: Council Member Hamilton, Council Member Irish, Council Member Martinez, Vice Mayor Ward (arrived late), Mayor McCracken

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

**JOINT CITYCOUNCIL/PORTERVILLE REDEVELOPMENT AGENCY AGENDA**

Roll Call: Agency Member Hamilton, Agency Member Irish, Agency Member Martinez, Vice-Chairman Ward (arrived late), Chairman McCracken

**ORAL COMMUNICATIONS**

None

**REDEVELOPMENT AGENCY CLOSED SESSION:**

- A. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 131 West Putnam Avenue. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: Porterville Redevelopment Agency and Porterville Housing Partners, LP. Under Negotiation: Terms and Price.

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

**CLOSED SESSION:**

- B. Closed Session Pursuant to:
- 1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 261-130-001 and 253-160-032. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of Porterville and State of California. Under Negotiation: Terms and Price.
  - 2- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APN 253-009-020. Agency Negotiator: John Lollis and Brad Dunlap. Negotiating Parties: City of Porterville and Central California Conference Association of the Seventh-Day Adventists, a California religious corporation, as Trustee of the Samuel S. and Betty Jean Rutan 1974 Revocable Trust. Under Negotiation: Terms and Price.
  - 3- Government Code Section 54956.9(a) – Conference with Legal Counsel – Litigation – City of Porterville v. Diaz, Tulare County Superior Court Case No. 10-236310
  - 4- Government Code Section 54956.9(b) – Conference with Legal Counsel – Anticipated Litigation – One Case.

**7:00 P.M. RECONVENE OPEN SESSION**

**REPORT ON ANY COUNCIL AND AGENCY ACTION TAKEN IN CLOSED SESSION**

Pledge of Allegiance Led by Vice Mayor Brian Ward

Invocation -- a moment of silence was observed.

**ORAL COMMUNICATIONS**

- Judge Glade Roper, invited everyone to attend the Drug Court Graduation scheduled for Thursday, October 28, 2010 at 7:00 p.m. at the Visalia Convention Center, with guest speaker Peter Tork of the 1960’s band The Monkeys.
- Johnny Dormay, 372 W. Belleview, 1) lauded the Police Department for their work on the Erik Garcia murder investigation; 2) commented that Porterville’s gang problem needs to be addressed; and 3) spoke of the need for more stringent local ordinances.
- Adrian Monte Reyes, came forward as a Leadership Porterville Class of 2010 Member and expressed his appreciation of the program.
- Nicole Anderson, came forward and introduced herself to the City Council as a Member of the Leadership Porterville Class of 2010.
- Barry Caplan, inquired as to whether the Council took any action during Closed Session, noting that no mention had been made upon reconvening Open Session.

Deputy City Attorney Nancy Jenner thanked Mr. Caplan, and reported on the following action:

**Closed Session Item:**

**3-** Government Code Section 54956.9(a) – Conference with Legal Counsel – Litigation – City of Porterville v. Diaz, Tulare County Superior Court Case No. 10-236310.

Ms. Jenner advised that the City Council unanimously approved retaining Bankruptcy Council to pursue the City’s claim in the matter of City of Porterville v. Diaz, Tulare County Superior Court Case No. 10-236310.

Documentation: M.O. 01-070610  
Disposition: Direction given to staff.

- Barry Caplan, thanked Council Member Felipe Martinez for his service; commented on the choices for the seat of Mayor, and voiced support for Mr. McCracken.
- Kay McGuire, thanked Council Member Felipe Martinez for his service.
- Sam Cohen, Tule River Tribe Administrator, thanked Council Member Felipe Martinez for his service and dedication to the Community.

**CONSENT CALENDAR**

1. CANCELLATION OF SPECIAL MEETING FOR THE PROJECT RIVERWALK MARKETPLACE PHASE II

Recommendation: That the City Council cancel the July 12, 2010 City Council public hearing for consideration of the Riverwalk Marketplace Phase II project.

Documentation: M.O. 02-070610  
Disposition: Approved.

2. ACCEPTANCE OF FAA GRANT – RUNWAY REHABILITATION PROJECT

Recommendation: That the City Council authorize the City Manager to sign the grant award for an FAA runway rehabilitation project and budget for FY 2010/2011 within the Airport Development Fund, \$2,156,090.50 in expenditures for the construction project and \$2,048,286 in FAA grant revenues and \$107,804 in Airport Development construction monies.

Documentation: M.O. 03-070610

Disposition: Approved.

**COUNCIL ACTION:** MOVED by Council Member Martinez, SECONDED by Vice Mayor Ward that the Council approve Item Nos. 1 and 2. The motion carried unanimously.

**SECOND READINGS**

3. ORDINANCE 1765, ADOPTING 2010 AMENDMENT TO REDEVELOPMENT PLAN FOR REDEVELOPMENT PROJECT NO. 1

Recommendation: That the Council give Second Reading to Ordinance No. 1765, waive further reading, and adopt said Ordinance.

City Manager Lollis presented the item and the staff report.

**COUNCIL ACTION:** MOVED by Council Member Martinez, SECONDED by Vice Mayor Ward that the Council give Second Reading to Ordinance No. 1765, waive further reading, and adopt said Ordinance, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE APPROVING AND ADOPTING THE 2010 AMENDMENT TO THE REDEVELOPMENT PLAN FOR THE PORTERVILLE REDEVELOPMENT PROJECT NO. 1.

Ordinance 1765

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

City Manager Lollis read the Ordinance by title only.

Disposition: Approved.

**SCHEDULED MATTERS**

4. ACCEPTANCE OF OFFICIAL CANVAS OF VOTES – ELECTION OF JUNE 8, 2010

Recommendation: That the City Council approve the draft resolution accepting the official canvass.

City Manager John Lollis presented the item and staff report.

COUNCIL ACTION:      MOVED by Council Member Irish, SECONDED by Vice Mayor Ward that the Council approve the draft resolution accepting the official canvass. The motion carried unanimously.

Documentation:      Resolution No. 81-2010  
Disposition:      Approved.

5.      PRESENTATION OF SERVICE AWARD TO DEPARTING COUNCIL MEMBER FELIPE MARTINEZ

Mayor McCracken, on behalf of the City Council, presented Council Member Felipe Martinez with a service award and thanked him for his service and commitment to the community. Council Member Martinez then left the dais and addressed the Council from the audience podium. He thanked the Council, City staff, and his supporters and advised that he will remain active in the community.

6.      ADMINISTRATION OF OATH AND PRESENTATION OF CERTIFICATES OF ELECTION TO NEW COUNCIL MEMBERS BY JUDGE ROPER; AND SEATING OF NEW CITY COUNCIL

Tulare County Superior Court Judge Glade Roper came forward and spoke of the importance of integrity and frugality in serving one's community with public funds. Judge Roper then administered the Oath of Office to Council Member Pete V. McCracken and Council Member-Elect Greg Shelton, and presented them with their Certificates of Election. Council Members McCracken and Shelton then took their seats on the dais. The Council Members thanked their supporters and voiced enthusiasm in being good stewards of the public's funds.

7.      REORGANIZATION OF THE CITY COUNCIL

Mayor McCracken spoke of the selection method he previously proposed utilizing ballots and inquired as to how the Council would like to proceed.

Council Member Shelton spoke of his belief in an annual rotation for the Mayor's seat, noted that Council Members Hamilton and McCracken had already served in that regard; confirmed that Vice Mayor Ward was not interested in serving as Mayor; advised that he was not ready; and subsequently nominated Council Member Irish for Mayor. The nomination period was then closed on a motion by Council Member Hamilton and second by Vice Mayor Ward.

COUNCIL ACTION:      NOMINATED by Council Member Shelton that the City Council appoint Council Member Ronald L. Irish to serve as Mayor. The nomination carried  
M.O. 04-070610      unanimously.

Former Mayor McCracken ceremoniously transferred the gavel to Mayor Irish, who assumed his Mayoral duties.

Vice Mayor Ward then nominated Council Member Hamilton for Vice Mayor. The nomination period was then closed on a motion by Council Member McCracken and second by Vice Mayor Ward.

COUNCIL ACTION: NOMINATED by Vice Mayor Ward that the City Council appoint Council Member Hamilton to serve as Vice Mayor.

M.O. 05-070610

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

Disposition: Ronald L. Irish appointed as Mayor; Cameron J. Hamilton appointed as Vice Mayor.

Mayor Irish acknowledged Former Mayor Pedro Martinez in the audience, then spoke of the humbling experience of being a public servant, and of his commitment in serving all of the City's citizens. Mayor Irish then acknowledged and thanked his family for their support.

#### 8. COUNCIL MEMBER APPOINTMENTS TO BOARDS AND COMMITTEES

City Manager Lollis presented the item and the staff report. A brief discussion ensued as to the various committees, during which it was requested that the Council look at the fiscal impact on the City's budget for its participation on each of the committees.

COUNCIL ACTION: MOVED by Council Member McCracken, SECONDED by Council Member Ward that the Council appoint Mayor Irish to serve as Member, and Vice Mayor Hamilton to serve as Alternate, on the Tulare County Association of Governments/Transportation Planning Agency. The motion carried unanimously.

M.O. 06-070610

It was noted that the appointment to the Tulare County Local Agency Formation Commission ("LAFCO") was not made by the Council.

M.O. 07-070610 MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council appoint Mayor Irish to serve as Member on the Tulare County Economic Development Corporation. The motion carried unanimously.

M.O. 08-070610 MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the Council appoint Mayor Irish to serve as Member on the Business Incentive Zone Council. The motion carried unanimously.

M.O. 09-070610 MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the Council appoint Vice Mayor Hamilton to serve as the Member on the Tule River Improvement Joint Powers Authority. The motion carried unanimously.

M.O. 10-070610 MOVED by Council Member Ward, SECONDED by Mayor Irish that the Council appoint Council Member McCracken to serve as Member, and Council Member Ward to serve as Alternate, on the Consolidated Waste Management Authority.

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

M.O. 11-070610 MOVED by Council Member Ward, SECONDED by Council Member Shelton that the Council appoint Council Member Shelton and Vice Mayor Hamilton to serve as Members on the Porterville Airport Area Development Corporation. The motion carried unanimously.

A brief discussion ensued as to the Indian Gaming Local Community Benefit Committee, after which the Council directed staff to bring back consideration of appointment along with fiscal impact information.

M.O. 12-070610 MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council appoint Council Member Ward and Council Member Shelton to serve as Members on the Joint City/School Committee. The motion carried unanimously.

Council Member McCracken moved that the Council appoint Vice Mayor Hamilton to serve as Member on the Internal City's Audit Committee. The motion died for lack of a second.

M.O. 13-070610 MOVED by Vice Mayor Hamilton, SECONDED by Council Member Ward that the Council appoint Council Member McCracken to serve as member on the Internal City's Audit Committee.

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

M.O. 14-070610 MOVED by Council Member McCracken, SECONDED by Council Member Shelton that the Council appoint Council Member McCracken and Mayor Irish to serve as Members on the Council of Cities. The motion carried unanimously.

M.O. 15-070610 MOVED by Council Member McCracken, SECONDED by Vice Mayor Hamilton that the Council appoint Council Member Shelton to serve as Member on the Mosquito Abatement Study Group.

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

M.O. 16-070610            MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council appoint Council Member Shelton to serve as Member on the Public Safety Building Committee.

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

M.O. 17-070610            MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the Council appoint Council Member Brian Ward to serve as Member on the Library Facility Planning Committee. The motion carried unanimously.

M.O. 18-070610            MOVED by Mayor Irish, SECONDED by Council Member Shelton that the Council appoint Council Member Brian Ward as Member, and Council Member McCracken as Alternate, to serve on the Chamber of Commerce Branding Stewardship Committee.

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

M.O. 19-070610            MOVED by Vice Mayor Hamilton, SECONDED by Council Member Shelton that the Council appoint Council Member Shelton to serve as Member, and Council Member Ward to serve as Alternate, on the San Joaquin Valley Air Pollution Control District's Special City Selection Committee.

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

M.O. 20-070610            MOVED by Vice Mayor Hamilton, SECONDED by Council Member McCracken that the Council appoint Council Member Shelton to serve as Member on the San Joaquin Valley Air Pollution Control District's Citizens Advisory Committee. The motion carried unanimously.

M.O. 21-070610            MOVED by Council Member Ward, SECONDED by Council Member McCracken that the Council appoint Council Member Ward and Vice Mayor Hamilton to serve as Members on the Ad Hoc Committee for the Provision of Local Water Services. The motion carried unanimously.

M.O. 22-070610            MOVED by Council Member Shelton, SECONDED by Council Member McCracken that the Council appoint Council Member Ward and Vice Mayor Hamilton to serve as members on the Ad Hoc Committee for Commercial Truck Parking. The motion carried unanimously.

Disposition:    Appointments made by Council.

Mayor Irish advised that the three minute rule would not be enforced during the public commentary portion.

### **ORAL COMMUNICATIONS**

- Boyd K. Leavitt, suggested the elimination of a majority of the committees and boards on which the Council Members serve; and thanked the Council for restoring dignity to the process in selecting the City's Mayor.
- Barry Caplan, congratulated the City Council on its reorganization; and inquired as to a potential conflict regarding Council Member Hamilton's candidacy for Tulare County Supervisor while seated as a Porterville City Council Member, and requested that the City Attorney respond. Mayor Irish advised that the Council was not required to respond to public commentary and that the matter may be addressed at a future Council Meeting.

On a MOTION by Council Member Shelton, and SECOND by Council Member McCracken, the Council voted unanimously to reinstitute the three minute rule for public commentary, and to limit discussion on the matter of Council Member Hamilton's candidacy for Tulare County Supervisor.

Documentation:        M.O. 23-070610

- Barry Caplan, voiced concern with what he perceived was a lack of transparency. The Council advised Mr. Caplan that the discussion on the matter had been closed.
- Sam Cohen, Tule River Tribe Administrator, elaborated on the funding cycle relative to the Indian Gaming Local Community Benefit Committee, and advised he was available should the Council have any further questions.
- Kay Garrett, spoke of her pride in her son, Council Member Greg Shelton, and in the current City Council.

### **OTHER MATTERS**

- Council Member Shelton spoke of the election and thanked his supporters.
- Council Member Ward, 1) inquired as to the status of scheduling the budget study sessions; 2) voiced interest in the formation of a Patriotism Promotion Committee involving non-profits that might pursue patriotic events in Porterville, such as a fireworks show on July 4<sup>th</sup>, Memorial Day activities, and others; 3) spoke of the upcoming Sesquicentennial of the founding of Porterville and suggested the formation of a committee to plan events; and 4) thanked the Police and Fire Departments for their efforts over the holiday weekend.
- Council Member Hamilton congratulated Mayor Irish on his appointment; thanked Council Member McCracken for his service as Mayor; and thanked former Council Member Felipe Martinez for his service.

- Council Member McCracken thanked the Council for allowing him to serve as Mayor.
- Mayor Irish, acknowledged Assessor-Recorder/County Clerk-Elect Roland Hill in the audience; and called for a reorganization of the City Council at the first meeting in July, 2011.
- Council Member Hamilton thanked Public Works Director Rodriguez for his staff's work on Olive Avenue.
- Council Member Ward presented Council Member Shelton with the book "Winning at Confrontation."

**ADJOURNMENT**

The Council adjourned at 8:03 p.m. to the meeting of July 20, 2010 at 6:00 p.m.

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Patrice Hildreth, Chief Deputy City Clerk

SEAL

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Ronald L. Irish, Mayor