

**CITY COUNCIL MINUTES  
CITY HALL, 291 N. MAIN STREET  
PORTERVILLE, CALIFORNIA  
JULY 1, 2014, 5:30 P.M.**

Called to Order at 5:30 p.m.

Roll Call: Council Member Shelton (arrived during Closed Session), Council Member Gurrola,  
Vice Mayor Ward, Mayor Hamilton

**ORAL COMMUNICATIONS**

None

**CITY COUNCIL CLOSED SESSION:**

A. Closed Session Pursuant to:

1- Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: APNs 253-192-006, 253-192-007, 253-192-008, 253-192-009 and 253-192-010. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Smith Commercial Properties, Inc. Under Negotiation: Terms and Price.

2 - Government Code Section 54956.8 – Conference with Real Property Negotiators/Property: 8.20 miles/line of railroad between Strathmore, CA milepost 268.60 and Porterville, CA milepost 276.80 in Tulare County. Agency Negotiator: John Lollis and Jenni Byers. Negotiating Parties: City of Porterville and Union Pacific Railroad. Under Negotiation: Terms and Price.

3 - Government Code Section 54957.6 – Conference with Labor Negotiator. Agency Negotiator: John Lollis, Steve Kabot, and Patrice Hildreth. Employee Organizations: Porterville City Employees Association; Management and Confidential Series; Porterville Police Officers Association; Fire Officer Series; Porterville City Firefighters Association; Public Safety Support Unit; and all Unrepresented Management Employees.

**6:30 P.M. RECONVENE OPEN SESSION**

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

City Attorney Lew reported that there was no reportable action.

Pledge of Allegiance Led by Mayor Cameron J. Hamilton

Invocation – moment of silence.

**PRESENTATIONS**

Employee of the Month – Luisa Zavala

Badge Pinning Ceremony – Francisco Garcia

**PROCLAMATIONS**

National Parks & Recreation Month – July 2014

**AB 1234 REPORTS**

This is the time for all AB 1234 reports required pursuant to Government Code § 53232.3.

1. Tulare County Association of Governments (TCAG) – June 30, 2014 – Council Member Gurrola reported on action regarding the 2014 Regional Transportation Plan, Sustainable Communities Strategy Environmental Impact Report, Federal Transportation Improvement Program, and Regional Housing Needs Allocation.
2. Tulare County Economic Development Corporation (TCEDC) – June 25, 2014 – Mayor Hamilton reported on the introduction of a new software program for implementation, which would allow access to information regarding available sites.

## **REPORTS**

This is the time for all committee/commission/board reports; subcommittee reports; and staff informational items.

- I. City Commission and Committee Meetings:
  1. Parks & Leisure Services Commission (Summer Hiatus) – no report.
  2. Library & Literacy Commission (Summer Hiatus) – Commissioner LaVonne extended an invitation to the Chamber mixer on July 24<sup>th</sup> at the City Library.
  3. Arts Commission – June 25, 2014 – Commissioner Reyes stated that the commission was awaiting the appointment of a new youth representative and would return in August for a report.
  4. Youth Commission (Summer Hiatus) – no report.
  5. Transactions and Use Tax Oversight Committee (TUTOC) – no report.

## **ORAL COMMUNICATIONS**

- Donnette Silva Carter, Porterville Chamber of Commerce, spoke of a Music on Main event in celebration of Day of the Cowboy; announced that Kevin Elliott had been appointed new Chamber Board Chair; and recognized family in attendance.
- John Duran, spoke regarding Item Nos. 11 and 12; spoke in support of appointing Matt Green who received the third most amount of votes in the recent election, and of the appointment of Vice Mayor Ward as Mayor.
- Jessica Mahoney, spoke in opposition of fracking and drilling in Deer Creek; and requested that any communications of interest received by the Council for appointment to the vacant seat be read into the record.
- Barry Caplan, spoke of the late Council Member Pete McCracken's dedication and of his encouraging individuals to become civic minded; spoke in favor of appointing Monte Reyes to the City Council; and requested that the Council not rule out a new Council Member for appointment as mayor.

## **CONSENT CALENDAR**

1. CONSIDERATION OF REQUEST FOR PROCLAMATION – 75<sup>TH</sup> ANNIVERSARY OF FIRST SOUTHERN BAPTIST CHURCH OF PORTERVILLE

Recommendation: That the City Council consider approval of the proclamation to acknowledge the 75<sup>th</sup> Anniversary of the First Baptist Church of Porterville.

Documentation: M.O. 01-070114

Disposition: Approved.

2. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 26, 2013

Recommendation: That the Council receive the status report and review of the designated local emergency.

AYES: Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 02-070114

Disposition: Approved.

3. REVIEW OF LOCAL EMERGENCY STATUS – DECEMBER 21, 2010

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 8630 of the California Emergency Services Act, determine that a need exists to continue said local emergency designation.

AYES: Gurrola, Ward, Hamilton

NOES: None

ABSTAIN: Shelton

ABSENT: None

Documentation: M.O. 03-070114

Disposition: Approved.

4. COUNCIL MEMBER REQUESTED AGENDA ITEM – CONSIDERATION OF PLAQUE POLICY

Recommendation: Council Member Shelton makes the motion that the City Council authorize a Scheduled Matter on the next Council Agenda to consider establishing a policy regarding dedication plaques for City facilities.

Documentation: M.O. 04-070114

Disposition: Approved.

## **SECOND READINGS**

5. ORDINANCE 1815, REPEALING PORTERVILLE MUNICIPAL CODE CHAPTER 18, ARTICLE V RELATING TO REGISTERED SEX OFFENDER RESTRICTIONS

Recommendation: That the Council give Second Reading to Ordinance No. 1815, waive further reading, and adopt said Ordinance.

City Manager Lollis introduced the item, and City Attorney Lew spoke briefly regarding the reason for the ordinance.

**COUNCIL ACTION:** MOVED by Council Member Gurrola, SECONDED by Council Member Shelton that the City Council give Second Reading to Ordinance No. 1815, being AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PORTERVILLE REPEALING CHAPTER 18, ARTICLE V OF THE PORTERVILLE MUNICIPAL CODE RELATING TO REGISTERED SEX OFFENDER RESTRICTIONS, waive further reading, and adopt said Ordinance.

The ordinance was read by title only.

Documentation: Ordinance No. 1815

Disposition: Approved.

## **SCHEDULED MATTERS**

6. ACCEPTANCE OF OFFICIAL CANVASS OF VOTES – ELECTION OF JUNE 3, 2014

Recommendation: That the City Council approve the draft resolution accepting the official canvass of the Municipal Election of June 3, 2014.

City Manager Lollis introduced the item, and the staff report was presented by Administrative Services Director Patrice Hildreth.

**COUNCIL ACTION:** MOVED by Council Member Shelton, SECONDED by Mayor Hamilton that the City Council approve the draft resolution accepting the official canvass of the Municipal Election of June 3, 2014. The motion carried unanimously.

Documentation: Resolution No. 44-2014

Disposition: Approved.

6. PRESENTATION OF SERVICE AWARD TO DEPARTING COUNCIL MEMBER GREG SHELTON

Council Member Shelton was presented with a shadow box in recognition of his service on the Council, and Mr. Shelton commented on his time as a council member and advised the new Council before leaving the dais.

Disposition: No action required.

Council Member Elect Milt Stowe requested that the administration of his oath be postponed momentarily while his family was located.

9. RECOGNITION OF PETE V. MCCrackEN

In recognition of Pete V. McCracken's honorable service to the city of Porterville, Mayor Hamilton, Vice Mayor Ward and Council Member Gurrola presented a frame displaying the City flag, the late Council Member's photo, Council badges and a plaque depicting his years of service to his wife Wanda and son Matt.

Mayor Hamilton, Vice Mayor Ward and Council Member Gurrola each made comments about Mr. McCracken's dedication, knowledge and decorum. Mayor Hamilton then invited comments from the audience.

- Donnette Silva-Carter, Chamber of Commerce, spoke of Pete McCracken's support of the Chamber and the business community.
- Edith LaVonne, Porterville, spoke of her participation in Leadership Porterville with Mr. McCracken, his knowledge and dedication to the community.
- Teri Irish, Porterville, stated that Pete McCracken was a great man who would be missed on the Council, and encouraged attendance at his memorial to be held at the Veteran's Memorial Building the following day.
- Ron Irish, Porterville, suggested that the conference rooms in City Hall be named in honor of the three Council Members lost while in office.
- Jim Nanamura, Porterville, spoke of Council Member McCracken's love of dance and the Crack of Dawn Dancers honoring his memory with a special performance.

Disposition: No action required.

The Council took a ten minute recess at 7:21 p.m.

7. ADMINISTRATION OF OATH AND PRESENTATION OF CERTIFICATES OF ELECTION TO NEW COUNCIL MEMBER; AND SEATING OF NEW CITY COUNCIL

Retired Tulare County Superior Court Judge Glade Roper spoke briefly about both Council Member McCracken and Milt Stowe, then administered the Oath of Office to Council Member-Elect Stowe. The newly sworn-in Council Member then took his seat on the dais.

Disposition: None.

## 10. REORGANIZATION OF THE CITY COUNCIL

Council Member Hamilton stepped down as Mayor, and City Manager Lollis introduced the item. Council Member Hamilton then nominated Council Member Stowe for Mayor. There were no additional nominations.

COUNCIL ACTION: MOVED by Council Member Hamilton, SECONDED by Council Member Gurrola that Council Member Milt Stowe be appointed Mayor. The motion carried unanimously.

Mayor Stowe expressed thanks to the Council and his wife for their support; and spoke of his love for the community of Porterville.

Mayor Stowe then requested nominations for the appointment of Vice Mayor. Council Member Ward nominated Council Member Hamilton and Mayor Stowe nomination Council Member Gurrola. There were no additional nominations received.

Council Member Hamilton requested that the Council utilize the McCracken voting method, and the Council concurred. Utilizing a written ballot, the Council Members cast their votes for Vice Mayor which were tallied and read by Deputy City Clerk Luisa Zavala as follows:

Council Member Ward:	Hamilton
Council Member Hamilton:	Hamilton
Council Member Gurrola:	Gurrola
Mayor Stowe:	Gurrola

With no Council Member receiving the required three affirmative votes to become Vice Mayor, the Council Members proceeded to cast their votes again for Vice Mayor. Said votes were tallied and read as follows:

Council Member Ward:	Hamilton
Council Member Hamilton:	Hamilton
Council Member Gurrola:	Hamilton
Mayor Stowe:	Gurrola

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Council Member Ward that the Council appoint Council Member Cameron Hamilton to serve as Vice Mayor. The motion carried unanimously.

Documentation: M.O. 05-070114; and M.O. 06-070114

Disposition: Mayor Stowe and Vice Mayor Hamilton appointed.

## 11. COUNCIL MEMBER APPOINTMENTS ON BOARDS AND COMMITTEES

City Manager Lollis introduced the item. Vice Mayor Hamilton then requested that the Council postpone appointment until the vacancy was filled. Council Member Ward then followed with a request to have Mayor Stowe temporarily serve on those committees left by Mr. McCracken and Mr. Shelton until the new Council Member was seated.

COUNCIL ACTION: MOVED by Council Member Ward, SECONDED by Vice Mayor Hamilton that the City Council appoint Mayor Stowe to serve on committees vacated by Mr. Shelton and Mr. McCracken. The motion carried unanimously.

Documentation: M.O. 07-070114

Disposition: Mayor Stowe appointed temporarily.

## 12. CONSIDERATION OF OPTIONS TO FILL CITY COUNCIL VACANCY

Recommendation: That the City Council take action to fill the City Council vacancy, or provide further direction to staff.

City Manager Lollis introduced the item, and the staff report was presented by Administrative Services Director Patrice Hildreth.

The Council discussed previous methods for appointment to the Council, and voiced opposition to use of an ad hoc committee.

COUNCIL ACTION: MOVED by Council Member Gurrola, SECONDED by Vice Mayor Hamilton that the City Council solicit Requests for Appointment until Wednesday, July 9, 2014, at 5:30 p.m., and consider appointment at the meeting on July 15, 2014. The motion carried unanimously.

Documentation: M.O. 08-070114

Disposition: Approved.

## ORAL COMMUNICATIONS

- Ron Irish, Porterville, commended the new Council for their decorum during reorganization and congratulated Mayor Stowe on his appointment.
- Barry Caplan, congratulated Mayor Stowe, and expressed his appreciation for service of Vice Mayor Hamilton and former Council Member Shelton.
- Teri Irish, Porterville, congratulated newly appointed Mayor and Vice Mayor; expressed sadness to see empty seat on the dais; and an extended an invitation to Pete McCracken's Memorial Service on Wednesday, July 2<sup>nd</sup>, 10:00 a.m. at the Veteran's Memorial Building.
- Donnette Silva Carter, congratulated newly appointed Mayor Stowe and thanked him for his service to the Chamber.
- Lorry Stowe, congratulated Mayor Stowe and indicated that he had her full support while serving on the Council.
- Caden, congratulated his grandpa on being appointed Mayor.

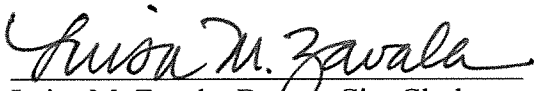
- Mike Ennis, Tulare County Supervisor, congratulated Mayor Stowe.
- Greg Shelton, requested that Mayor Stowe dress down; extended his congratulations; and wished him the best of luck.
- Dan Figueroa, congratulated Mayor Stowe and the newly seated Council.

#### **OTHER MATTERS**

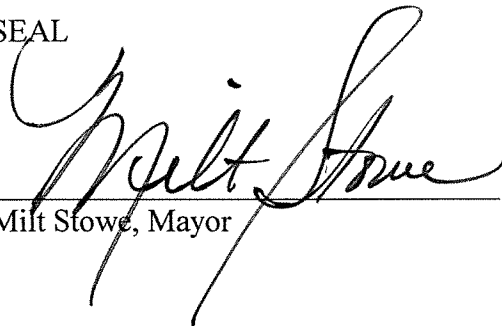
- Mayor Stowe, recognized County District Attorney Tim Ward, Assistant DA Rick Tripp, and 5<sup>th</sup> District Supervisor Ennis.
- Vice Mayor Hamilton, recognized City Council candidates Schwartzenberger, Green, and Harper in attendance.
- Council Member Gurrola, thanked Greg Shelton for his service; expressed gratitude to Pete McCracken for his dedicated service and love of the community.
- Vice Mayor Hamilton, concurred with Council Member Gurrola's with regard to McCracken; and announced the birth of his grandson.
- Council Member Ward, thanked Greg Shelton for his "behind the scenes" work and knowledge while serving on the Council; stated that Pete McCracken was present in spirit; welcomed Mayor Stowe; wished everyone a safe and happy 4<sup>th</sup> of July; and thanked Police and Fire staff for their work over the holiday weekend.
- Mayor Stowe, indicated that he had looked forward to serving with Pete McCracken; and thanked Council and Greg Shelton.
- City Manager Lollis, commended Parks and Leisure Services, Fire and Police Department staff for their work at the Freedom Fest event on June 28<sup>th</sup>.

#### **ADJOURNMENT**

The Council adjourned at 8:08 p.m. to the meeting of July 15, 2014.

  
Luisa M. Zavala, Deputy City Clerk

SEAL

  
Milt Stowe, Mayor