

**ACTION MINUTES OF TULARE
CITY COUNCIL, CITY OF TULARE**

October 1, 2019

A regular session of the City Council, City of Tulare was held on Tuesday, October 1, 2019, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Terry A. Sayre, Carlton Jones^{7:20 p.m.}, Greg Nunley

STAFF PRESENT: Rob Hunt, Mario Zamora, Janice Avila, Wes Hensley, Rodnie Roberts, Craig Miller, Darlene Thompson, Steve Bonville, Traci Myers, Michael Miller, Trisha Whitfield, Nick Bartsch, Brian Beck, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:11 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

General Services Director Steve Bonville led the Pledge of Allegiance, and an invocation was given by Police Chief Wes Hensley.

City Attorney Mario Zamora advised the Council regarding a request from the Tulare County City Selection Committee regarding selecting a small and large city representative on the San Joaquin Multi-Agency Working Group related to AB 101 and the need to add as an urgency item, as this item was brought to the attention of the Council after the agenda was posted, specifically, today and the Council will not meet again until after this matter would be heard by the group. An urgency item requires a unanimous vote of the four members present to add to the agenda. It was moved by Mayor Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Jones absent) to declare this an urgency item. It was further moved by Mayor Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Jones absent) to add this as General Business Item 3.

III. CITIZEN COMMENTS

Mayor Sigala requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

Euler Torres addressed the Council advising of a new event they are planning at Zumwalt Park on October 20 to honor farm workers.

John Parsons addressed the Council with safety concerns near his property located on the Santa Fe Trail near Prosperity.

IV. COMMUNICATIONS

City Manager Rob Hunt advised Council of a petition of K Street Business Owners who have concerns over the Viva Tulare Events held downtown. He notes that staff have been in contact with event coordinator and believe the issues may have been resolved.

Mr. Hunt further went on to introduce the City's new Community Services Director Craig Miller. Lastly, he thanked Brian Beck who served as the Interim Community Services Director.

V. CONSENT CALENDAR:

It was moved by Council Member Nunley, seconded by Vice Mayor Mederos and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item 6.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of September 17 and September 24, 2019 special/regular meeting(s). [Submitted by: R. Yoder]**
- (3) Adopt Ordinance 19-05 for a zoning text Amendment to Chapter 10.144 of the City of Tulare Municipal Code revising the City's standards for accessory dwelling units. [Submitted by: M. Anaya]**
- (4) Set October 22, 2019 as the date for a presentation by Tischler-Bise regarding the update of the City's development impact fees, and for a public hearing to receive testimony regarding the same. [Submitted by: M. Miller]**
- (5) Adopt three-year Memorandum of Understanding with the Tulare Firefighters Association Division Chief Bargaining Group, Tulare Professional Firefighters Association Managers Bargaining Group and Tulare Professional Firefighters Association Non-Management Group – for the period of July 1, 2019 through June 30, 2022. [Submitted by: J. Avila]**

(6) **Authorize City Manager to execute the following tolling agreements**
[Submitted by: J. Avila]:

- **Agreement by and between Fred Ynclan, Jerod Boatman, and the City of Tulare**
- **Agreement by and between Jacob Adney, James Kelly, Tim Ramirez and the City of Tulare**

Council Member Nunley recused himself from the item. Council Member Jones pulled the item for discussion and clarification on why he has a conflict and why he has to recuse on the item. City Attorney Mario Zamora addressed Mr. Jones' questions with regard to recusal on the item. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 3-1-0 (Council Member Nunley recused; Council Member Jones abstained).

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Proclamation Recognizing Relay for Life of Tulare 2019.** Mayor Sigala presented the Relay for Life team with a Proclamation.
- (2) **Parks & Recreation Commission Annual Report presented by Commission Chair Craig Hancock.** Parks & Recreation Commission Chair Craig Hancock provided a PowerPoint presentation for the Council's review and consideration. A dialogue ensued between Chair Hancock and the Council with concerns over homelessness, encampments, and vandalism in the parks.

VII. MAYOR'S REPORT

There were no items for this section of the agenda.

VIII. GENERAL BUSINESS

Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.

- (1) **Public Hearing:**
 - a. **Public Hearing to Pass-to-Print Ordinance 19-06 for a zoning text Amendment to Chapters 10.40 and 10.64 of the City of Tulare Municipal Code in order to add solar arrays to the list of uses permitted and conditionally permitted in Commercial (10.40) and Industrial (10.64) zone districts. [Submitted by: M. Anaya]** Principal Planner Mario Anaya provided a PowerPoint presentation for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:07 p.m.

Receiving no public comment, the public hearing was closed at 8:07 p.m. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and unanimously carried to pass-to-print Ordinance 19-06, as presented.

- b. Public Hearing to Pass-to-Print Ordinance 19-07 for a zoning text Amendment to Chapter 10.180 of the City of Tulare Municipal Code to revise the City's standards for mobile and stationary sidewalk vendors within the City's limits. [Submitted by: M. Anaya]** Principal Planner Mario Anaya provided a PowerPoint presentation for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:13 p.m. Receiving no public comment, the public hearing was closed at 8:14 p.m. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Nunley, and unanimously carried to continue this item to November 5, 2019, to afford staff time to research the dollar amount as to Insurance.

(2) City Manager:

- a. Consideration of Council Member Sayre's attendance and other interested attendee to the League of California Cities/California State Association of Counties Homelessness Policy Workshop, Monday, November 4, 2019 at the Sheraton Grand Sacramento Hotel. [Submitted by: R. Hunt]** City Manager Rob Hunt introduced the item and Council Member Sayre who commented on the workshop. Mayor Sigala expressed interest in attending as well. Following discussion and comment, it was moved by Council Member Nunley, seconded by Vice Mayor Mederos, and unanimously carried to send Council Member Sayre and Mayor Sigala to this workshop.
- b. General discussion on options for the City of Tulare concerning vaping product restrictions, access and marketing to youth. [Submitted by: J. Sigala as discussed at the 9/3 Council meeting and 9/24 Joint meeting]** Mayor Sigala provided a brief introduction of the item for the Council's review and consideration. Following a lengthy discussion, it was moved by Council Member Nunley, seconded by Council Member Jones, and unanimously carried to agendaize this item for review and consideration of an urgency Ordinance for November 5, 2019. City Attorney Mario Zamora will draft said documents, provide legal challenges, and what other cities have done, etc.

(3) City Attorney:

- a. Urgency Item added concerning selecting a representative of the Tulare City Council to participate on the County's City Selection Committee to select a Large City Member and a Small City Member on the San Joaquin Valley Multi-Agency Working Group to review AB 101.** Following

discussion, it was moved by Council Member Sayre, seconded by Vice Mayor Mederos and unanimously carried to select Mayor Sigala to represent the City of Tulare.

IX. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)

X. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):

Mayor Sigala adjourned to closed session for items as noted on the agenda at 9:05 p.m.

- (a) 54956.8b Conference with Real Property Negotiators
 Property: Modular buildings located at Mulcahy Middle School and Lincoln Elementary School
 Under Negotiation: Direction regarding future use or disposition of modular building
 Negotiating parties: Rob Hunt, Mario Zamora, Steve Bonville, Darlene Thompson [Submitted by: S. Bonville]

Council Member Jones recused from items b and c due to being named in the related claims.

- (b) 54956.9(d)(2) & (e)(3) Conference with Legal Counsel – Anticipated Litigation
 Five (5) items of anticipated litigation [Submitted by: T. Thompson and M. Jeffcoach]
- (c) 54956.9(d)(2) & (e)(2) Conference with Legal Counsel – Anticipated Litigation
 One (1) *Complaint made by existing City employee* [Submitted by: T. Thompson and M. Jeffcoach]

Council Member Nunley recused from item d due to being the claimant.

- (d) 54956.9(d)(4) Conference with Legal Counsel – Anticipated Litigation ~~Two~~ One (2) (1) item of anticipated litigation [Submitted by: T. Thompson and M. Jeffcoach]

XI. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed session at 10:40 p.m.

XII. CLOSED SESSION REPORT (if any)

Mayor Sigala advised there was no reportable action.

XIII. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 10:40 p.m.

President of the Council and Ex-Officio
Mayor of the City of Tulare

ATTEST:

Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare