

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

**November 5, 2019**

**A regular session of the City Council, City of Tulare was held on Tuesday, November 5, 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,

**COUNCIL ABSENT:** Greg Nunley

**STAFF PRESENT:** Rob Hunt, Mario Zamora, Wes Hensley, Luis Nevarez, Darlene Thompson, Janice Avila, Steve Bonville, Craig Miller, Michael Miller, Traci Myers, Trisha Whitfield, Nick Bartsch, Mario Anaya, Roxanne Yoder

**I. CALL TO ORDER REGULAR SESSION**

Mayor Sigala called the regular session to order at 7:15 p.m.

**II. PLEDGE OF ALLEGIANCE AND INVOCATION**

Traci Myers led the Pledge of Allegiance and an invocation was given by Council Member Sayre.

**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.

There were no comments provided.

**IV. COMMUNICATIONS**

There were no items for this section of the agenda.

**V. CONSENT CALENDAR:**

**It was moved by Vice Mayor Mederos, seconded by Council Member Jones and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 3 and 7.**

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of October 22, 2019 special/regular meeting(s).**  
[Submitted by: R. Yoder]
- (3) **Approve the reappointment of Committee on Aging Members Pam Malloy and Kathy Perryman. [Submitted by: R. Hunt]** Vice Mayor Mederos pulled the item to inquire about the selection process. Following comments, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley absent) to approve the item as presented.
- (4) **Declare Priscilla Musgrove's seat on the Committee on Aging vacant, term ending December 31, 2020, vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]**
- (5) **Adopt Ordinance 19-09 approving Zone Amendment No. 725, changing the existing zoning designation on approximately 127 acres of property to the following zoning designations: C-3 (Retail Commercial), R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum site area per dwelling unit density standard), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum site area per dwelling unit density standard), and PL (Public Lands), to become effective upon annexation into the City limits on property located adjacent to and east of State Route 99 and on the north side of Cartmill Avenue as set forth more specifically on said map. [Submitted by: M. Anaya]**
- (6) **Adopt Ordinance 19-10 authorizing the issuance of City of Tulare Water Revenue Bonds, Series 2019 in a principal amount not to exceed \$20 million. Proceeds from the Bonds would be used to fund water system capital improvements and potentially refinance an outstanding equipment lease for savings. The ordinance also approves the form of a bond indenture which includes the same legal provisions as the City's prior issuance of 2017 water revenue bonds; Adopt Resolution 19-51 approving the form of a Preliminary Official Statement and Continuing Disclosure Agreement, and approving key members of the financing team. The Resolution also authorizes and directs certain officers of the City to take necessary and proper actions for the sale and delivery of the bonds, and authorizes certain staff members to finalize the Preliminary and Final Official Statements. [Submitted by: D. Thompson]**
- (7) **Award bid 20-695 to Will Tiesiera Ford and approve the purchase in the amount of \$301,845.04, eight (8) 2020 Ford Police Interceptor Patrol Vehicles. [Submitted by S. Bonville]** Vice Mayor Mederos pulled the item to declare a business conflict. With no further discussion, it was moved by

Council Member Jones, seconded by Council Member Sayre and carried 3 to 0 (Vice Mayor Mederos recused; Council Member Nunley absent)

- (8) **Approve the sale of two (2) portable modular buildings to the Tulare City School District for value received and allow the City Attorney to provide any conforming changes and City Manager or his designee to sign all documents. [Submitted by: S. Bonville]**
- (9) **Approve the creation and implementation of the Tulare Public Library's Holiday Fine Amnesty Program. [Submitted by: C. Miller]**

## VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Committee on Aging Annual Report presented by Committee Chair Pam Malloy.** Chair Pam Malloy provided a PowerPoint presentation for the Council's review and consideration.

## VII. MAYOR'S REPORT

- (1) **Consideration to authorize Mayor Sigala to execute a letter to Chair Fran Inman of the California Transportation Commission (CTC) urging the CTC to restore the funding for SR-99 and to develop a plan to fully fund the SR-99 corridor goods movement and safety projects in the next ten years. [Submitted by: R. Hunt obo T. Smalley (TCAG)]** Mayor Sigala provided a brief report on the item. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley absent) to approve the item as requested, subject to minor modification to the letter reflecting on behalf of the entire Council.

## 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:

*[On October 1, 2019, the following public hearing item was held and closed, it was subsequently continued to receive more information related to insurance requirements:]*

- a. **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 report for the Council's review and consideration. Following discussion, and with no further public comment, it was moved by Council Member Sayre, seconded by Council Member Jones and carried 4 to

0 (Council Member Nunley absent) to pass-to-print Ordinance 19-07, as presented.

**(2) Community Development:**

- a. **Adopt Resolution 19-52 authorizing application for and receipt of Senate Bill 2 Planning Grant Program Funds (PGP) and authorize the City Manager to execute the City of Tulare Planning Grants Program application, the PGP Grant Documents, any amendments thereto, on behalf of the City of Tulare as required by Housing and Community Development for receipt of the PGP Grant. [Submitted by: T. Myers]** Community & Economic Development Director Traci Myers provided a report for the Council's review and consideration. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley absent) to adopt Resolution 19-52, as presented.

**(3) Engineering/Project Management:**

- a. **Review and approve the project scope and budget for the design and construction of a new traffic signal at the intersection of Prosperity Avenue and West Street; Authorize the City Manager to sign a contract with QK of Visalia, CA in an amount not to exceed \$92,109 for topographic surveying, design, bidding and construction support services; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$9,211) of the contract award amount. [Submitted by: N. Bartsch]** Senior Project Manager Nick Bartsch provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Sayre, seconded by Mayor Sigala and carried 4 to 0 (Council Member Nunley absent) to approve the item as presented.
- b. **Review, discuss and provide direction on the draft Traffic Calming Pilot Projects Policy and authorize the City Manager to execute final policy incorporating directed revisions. [Submitted by: M. Miller]** City Engineer Michael Miller provided a report for the Council's review and consideration. Council Member Jones voiced opposition to the policy. Following discussion, it was moved by Mayor Sigala, seconded by Council Member Sayre and carried 3 to 1 (Council Member Jones voting no; Council Member Nunley absent).

**(4) City Attorney:**

- a. **Continued Review of comprehensive Cannabis Ordinance prepared at the direction of the City Council at the September 17 and October 22, 2019 meetings and direction to set for public hearing. [Submitted by: M.**

**Zamora]** City Attorney Mario Zamora reviewed the revised Ordinance and zoning maps and sought further direction and clarification from the Council regarding same. Todd Winter addressed the Council on behalf of Tulare Alternative Relief regarding the Ordinance. Chase Landers and Rob Carter also addressed the Council regarding the Ordinance. Following discussion and direction, the Council set the public hearing to consider the pass-to-print of the revised Cannabis Ordinance on December 3, 2019.

- b. PowerPoint presentation on the discussion and direction regarding an Urgency Vaping Ordinance. [Submitted by: M. Zamora]** City Attorney Mario Zamora provided a PowerPoint presentation regarding a proposed vaping ordinance. Joanna Garcia, Program Coordinator for California Health Collaborative, provided a PowerPoint presentation regarding the harmfulness of vaping. Joshua French, Michelle Kidder, Mohamed Abodoni and Mr. Mohamed addressed the Council in opposition of a ban. Following a lengthy discussion, the item was tabled due to no consensus toward moving forward.

**(5) City Manager:**

- a. Consideration by Council Member Sayre to reappoint Michelle Rowsey to the Measure I Citizen Oversight Committee vacancy for a term ending December 31, 2023. [Submitted by: R. Hunt]** It was moved by Council Member Sayre, seconded by Vice Mayor Mederos and carried 4 to 0 (Council Member Nunley absent) to reappoint Michelle Rowsey as presented.
- b. Consideration of the reappointment of four members to the City of Tulare Parks & Recreation Commission whose terms are ending December 31, 2019, or delay appointment and direct staff to solicit additional applications for consideration. [Submitted by: R. Hunt]** Following discussion, it was the consensus of the Council to direct staff to solicit additional applications for consider and continue the item to December 17, 2019.
- c. Select Council Member seats by lot to consider the reappointment of three Planning Commission Members whose terms expire December 31, 2019, or delay appointment and direct staff to solicit additional applications for consideration. [Submitted by: R. Hunt]** Following discussion, the Council drew by lot the remaining seats for consideration of appointment: Vice Mayor Mederos drew Sandra Miller whose term is up December 31, 2019; Mayor Sigala drew the blank card and was assigned the remaining seat held by Joshua Cox whose term is up 12/31/21; Council Member Sayre drew Deanne Rocha whose term is up December 31, 2019; leaving Council Member Nunley's seat with Chuck Miguel whose term is up December 31, 2019. After the completion of the by lot draw, it was the consensus of the Council to direct staff to solicit additional applications for consideration and continue the item to December 17, 2019.

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

Mayor Sigala noted that Richard Harmon of Townsend Public Affairs would be providing an update at the November 19 Council meeting and requested consideration of requesting Mr. Harmon to seek a legislator to seek funding for the City to develop an outreach and engagement pilot project to partner the Police with Social Workers to combat homelessness issues. There were no objections.

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

The following items were rescheduled by way of a Special Closed Session Agenda at 6 p.m.

~~(a) 54956.9(d)(2) & (e)(3) Conference with Legal Counsel – Anticipated Litigation  
Five (5) items of anticipated litigation~~

~~(b) 54956.9(d)(2) & (e)(2) Conference with Legal Counsel – Anticipated Litigation (1)  
*Complaint made by existing City employee*~~

~~(c) 54956.9(d)(4) Conference with Legal Counsel – Anticipated Litigation Two (2)  
items of anticipated litigation~~

~~(d) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)  
Name of Case: Nunley v. City of Tulare, TCSC Case No. 280739~~

**~~XI. RECONVENE CLOSED SESSION~~**

~~Mayor Sigala reconvened from closed session at \_\_\_\_\_ 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 10:29 p.m.

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

**ATTEST:**


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