

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

March 19, 2019

A study session of the City Council, City of Tulare was held on Tuesday, March 19, 2019, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Carlton Jones^{6:06 p.m.}, Greg Nunley^{6:17 p.m.}, Terry A. Sayre

STAFF PRESENT: Rob Hunt, Mario Zamora, Janice Avila, Wes Hensley, Steve Bonville, Michael Miller, Darlene Thompson, Trisha Whitfield, Nick Bartsch, Roxanne Yoder

I. CALL TO ORDER STUDY SESSION

Mayor Sigala called the study session to order at 6:01 p.m.

II. CITIZEN COMMENTS - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

Mayor Sigala stated that public comment would be taken up following the Study Session presentation.

III. STUDY SESSION

- (1) Study session and possible direction regarding existing and potential ordinances, taxation, laws and regulation relating to cannabis.** Interim City Attorney Mario Zamora provided a report through a PowerPoint presentation for the Council’s review and consideration. Questions and comments posed by Council were responded to by Mr. Zamora. Police Chief Wes Hensley addressed comments related to public safety aspects.

Cyrus D. Homayouni addressed the Council on behalf of his clients and in support of cannabis businesses and the revision of regulations related thereto.

Jenny Hartman addressed the Council in support of cannabis businesses and the revision of regulations related thereto.

Tony Caudle of Valley Pure, Woodlake, addressed the Council in support of cannabis businesses and the revision of regulations related thereto.

It was moved by Mayor Sigala, seconded by Council Member Nunley and unanimously carried to direct staff to work on revising the City’s ordinance to

allow mobile delivery for current medicinal dispensaries, to provide for additional medicinal dispensaries within that ordinance and to work on developing an ordinance and fee structure to allow for cannabis deliveries already occurring in Tulare.

IV. ADJOURN STUDY SESSION

Mayor Sigala adjourned the study session at 6:57 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, March 19, 2019, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Carlton Jones, Greg Nunley, Terry A. Sayre

STUDENTS PRESENT: Greg Garcia

STUDENTS ABSENT: Alex Arroyo

STAFF PRESENT: Rob Hunt, Mario Zamora, Janice Avila, Wes Hensley, David Rosman, Steve Bonville, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Nick Bartsch, Roxanne Yoder

V. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular meeting to order at 7:05 p.m.

VI. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Mayor Mederos led the Pledge of Allegiance and an invocation was given by Community & Economic Development Director Josh McDonnell.

VII. 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.

Robert Duran and David Garcia addressed the Council regarding vehicle speed issues in their neighborhood and support for additional signage or the possibility of speed bumps to reduce the danger.

Manuel Alatorre addressed the Council regarding the VCD Boxing Program event on May 25 at Tulare Western at 2:30 p.m., and invited them to attend.

Euler Torrez addressed the Council regarding the upcoming Viva Tulare event and the plans on changing the day from Sunday to Friday night, he also advised that the Mexican Consular is holding meetings at their downtown business location and lastly, he expressed concerns with the article in the paper about police department data being shared with I.C.E.

VIII. COMMUNICATIONS

There were no items for this section of the agenda.

IX. CONSENT CALENDAR:

It was moved by Council Member Jones, seconded by Vice Mayor Mederos and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item(s) 7, 8, 9, 10 & 12.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of March 5, 2019 regular meeting. [Submitted by: R. Yoder]**
- (3) Receive and approve the City of Tulare Housing Element Progress Reports for 2014, 2015, 2016, and 2018, and direct staff to file the Reports with the State Department of Housing and Community Development. [Submitted by: T. Myers]**
- (4) Receive and approve the City of Tulare Housing Successor Agency Annual Reports for Fiscal Years Ending 2014, 2015, 2016 and 2018. [Submitted by: T. Myers]**
- (5) Authorize the Interim City Manager to enter into a contract with GRC Associates, Inc. of Downey, California subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, for preparation of the 2020-2024 City of Tulare Consolidated Plan and Analysis of Impediments to Fair Housing Choice at a cost not to exceed \$77,320. [Submitted by: T. Myers]**
- (6) Award and authorize the City Manager to sign a contract with 4Creeks of Visalia, CA in an amount not to exceed \$55,500 for construction surveying services associated with Project EN0083, a street and utility improvement project on Sonora Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$5,550.00) of the contract award amount. [Submitted by: N. Bartsch]**
- (7) Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-230-018 in the amount of \$122,942.20 for the use of public right-of-way for Project**

EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch] Council Member Nunley declared a conflict and recused himself due to property and/or business relationship and left the room.

- (8) Authorize the City Manager to complete and execute the documents, including an easement required for an irrigation pipeline across Cartmill Avenue, necessary to purchase property located as a portion of APN: 149-230-005 in the amount of \$265,528.20 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]** Council Member Nunley declared a conflict and recused himself due to property and/or business relationship and left the room.
- (9) Authorize the City Manager to complete and execute the documents, including an easement required for an irrigation pipeline across Cartmill Avenue, necessary to purchase property located as a portion of APN: 166-220-008 in the amount of \$142,816.05 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]** Council Member Nunley declared a conflict and recused himself due to property and/or business relationship and left the room.
- (10) Accept the required public works improvements for the Cottonwood Estates No. 2B Subdivision located along the east side of Turner Drive, south of Foster Drive, as complete; authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder’s Office. [Submitted by: M. Miller]** Council Member Nunley declared a conflict and recused himself due to property and/or business relationship and left the room.
- (11) Approve the final map for Willow Glen No. 2 Subdivision, accept all easements and dedications offered to the City, and approve the agreement for construction of the subdivision improvements. [Submitted by: M. Miller]**
- (12) Conditionally approve the final map and subdivision improvement agreement for Phase 2A of the Cottonwood Estates subdivision for recordation, and accept all easements and dedications offered to the City, subject to receipt of the signed final map, all fees, and other required items prior to May 18, 2019. [Submitted by: M. Miller]** Council Member Nunley declared a conflict and recused himself due to property and/or business relationship and left the room.

[With no further discussion it was moved by Vice Mayor Mederos, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley recused) to approve Consent Items 7, 8, 9, 10 & 12 as presented.]

- (13) **Reject the liability claim in the amount of \$1,173, filed by Mr. Richard Hernandez for damage to thirty (30) feet of his back fence on his property at 826 N. Sacramento Street in Tulare due to high winds. [Submitted by: J. Avila]**
- (14) **Reject the liability claim in the amount of \$350, filed by April Tirado, claiming the loss one diamond earring when she was arrested and booked by the Tulare Police Department on January 20, 2019. [Submitted by: J. Avila]**

X. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Presentation to Women Honorees in recognition of International Women's Day & Women's History Month 2019.** Mayor Sigala recognized Sharon Allison-Crook; Council Member Sayre recognized Rocio Alatorre; Council Member Jones recognized Kathy Gonzales and Lorraine Zorn; Vice Mayor Mederos recognized Laura Fonseca; Council Member Nunley recognized Roxanne Yoder.
- (2) **Proclamation presentation in recognition of Arbor Day.** Mayor Sigala presented Interim Community Services Director Brian Beck with a Proclamation in recognition of Arbor Day.

XI. MAYOR'S REPORT

- (1) **Consider and adopt Resolution 19-09 in support of the 2020 U. S. Census.** Mayor Sigala presented the item for the Council's consideration. It was moved by Mayor Sigala, seconded by Council Member Sayre and unanimously carried to adopt Resolution 19-09 as presented.

XII. STUDENT REPORTS

Teens on Board Member Greg Garcia addressed the Council on school related activities and events.

XIII. 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) Engineering/Project Management:

- a. **Award and authorize the City Manager to sign a contract with 99 Pipeline, Inc. of Porterville, CA in an amount not to exceed \$2,409,678.82 for street and utility improvements associated with Project EN0083, a street and utility improvement project on Sonora Avenue; Approve the revised project budget (attached); Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$240,967.88) of the contract award amount. [Submitted by: N. Bartsch]** Council Member Nunley declared a conflict due to a business relationship and left the room. Senior Project Manager Nick Bartsch provided a report for the Council's review and consideration and addressed questions and comments related thereto. Following discussion, it was moved by Council Member Jones, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley recused) to approve the item as presented.

(2) City Manager:

- a. **Receive and discuss report by Management Partners on City Council Workshop held January 31 and February 1, 2019 and provide direction to staff. [Submitted by: R. Hunt]** Interim City Manager Rob Hunt presented the report for the Council's consideration and direction related to Council priorities. Following discussion and comments, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and unanimously carried to reaffirm the top priorities as noted within the report and staff was directed to work with Council Member Sayre on how those priorities will be displayed in the Council Chambers.
- b. **Approve a professional services agreement with Griswold, LaSalle, Cobb, Dowd & Gin, LLP for legal services for the City of Tulare; and authorize the City Manager to execute the agreement on behalf of the City Council. [Submitted by: R. Hunt]** Interim City Attorney Mario Zamora left the room during discussion. Vice Mayor Mederos presented the item to the Council for review and consideration. Following discussion and comments, it was moved by Vice Mayor Mederos, seconded by Council Member Nunley and unanimously carried to approve the item as presented.

XIV. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)**XV. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):**

Mayor Sigala adjourned to closed session at 8:58 p.m. for matters as stated by City Attorney Mario Zamora.

- (a) 54956.9(d)(2) Conference with Legal Counsel – Anticipated Litigation (1) no further facts to state [Submitted by: M. Zamora] This item was pulled from the agenda per the City Attorney.
- (b) 54957.6 Conference with Labor Negotiators
Represented/Unrepresented Employee(s): CLOCEA
Negotiators: Rob Hunt, Darlene Thompson, Janice Avila, Mario Zamora
[Submitted by: J. Avila]

XVI. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed meeting at 9:30 p.m.

XVII. CLOSED SESSION REPORT (if any)

Mayor Sigala advised there were no reportable actions.

XVIII. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 9:30 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