

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

June 4, 2019

A regular session of the City Council, City of Tulare was held on Tuesday, June 4, 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

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

I. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Robert Duran 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.

Sherry Hayes addressed the Council with continued concerns of the condition of her neighborhood street Silva.

Robert Duran addressed the Council thanking them for their efforts to eliminate the speeding concerns in their neighborhood.

Euler Torrez addressed the Council on behalf of Ola Raza, Inc. and their concerns of safety and homeless issues surrounding downtown and their request for added patrols.

Ryan Mitchell addressed the Council regarding speeding concerns in the area of Madelyn and Savannah.

Luigi Cristallo addressed the Council regarding safety concerns and parking issues near Rosa's.

Colleen Schroeder addressed the Council regarding street condition, speeding issues, feral cats and the homeless in her neighborhood on Silva.

Luis Castellanoz addressed the Council regarding speeding in is neighborhood on Sonora.

Hector Alatorre addressed the Council providing an update on his boxing program in Tulare and a request to help with their program's fundraiser.

IV. COMMUNICATIONS

There were no items for this section of the agenda.

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(s) 3 and 8; as well as correction to Item 13, noting that the time-frame is 24 months not 36 months.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of May 13 & May 14, 2019 special meetings. [Submitted by: R. Yoder]**
- (3) **Adopt Resolution 19-19 an Addendum to the Environmental Impact Report (EIR) previously approved and certified by the Council of the City of Tulare for the Tulare Pilot Flying J project as part of Resolution 18-62 on November 20, 2018. [Submitted by: M. Anaya]** Mayor Sigala pulled the item for an update. Community & Economic Development Director Josh McDonnell and Pilot Travel Center representative Brandon Parks provided an update for the Council's review and consideration. Following comments, it was moved by Council Member Nunley, seconded by Vice Mayor Mederos and unanimously carried to adopt Resolution 19-19, as presented.
- (4) **Adopt of Resolution 19-20 supporting a Finding of No Net Loss on Sites Identified to Accommodate the City of Tulare's Fifth Cycle Regional Housing Needs Allocation as of June, 2019 pursuant to Government Code Section 65863. [Submitted by: T. Myers]**
- (5) **Adopt Ordinance 19-01 adopting amended Section 9.12.010 of Chapter 9.12 of the City Code of Tulare entitled and pertaining to "Prima Facie Speed Limits". [Submitted by: M. Miller]**

- (6) Authorize the City Manager to execute a joint use agreement with Southern California Edison Company for the relocation of existing facilities within the right-of-way of Blackstone Street to accommodate construction of public improvements required for the Pilot Travel Center, located at the southwest corner of Paige Avenue and Blackstone Street. [Submitted by: M. Miller]**
- (7) Approve the Parcel Map filed by Holmes Properties, LLC, a California Limited Liability Company, for the division of land located at the northwest corner of San Joaquin Avenue and “M” Street, and accept the right-of-way dedication shown thereon. [Submitted by: M. Miller]**
- (8) Adopt Resolution of Intent 19-21 receiving the draft report of Tulare Downtown Association (TDA) Board of Directors, and setting June 18, 2019, as the public hearing date regarding annual downtown district assessments. [Submitted by: D. Thompson]** Mayor Sigala pulled the item for clarification of this item and the future PBID item and how they anticipate addressing some of the safety concerns surrounding the downtown area. Council Member Jones expressed concerns that the city is asking the business owners to increase security. Mayor Sigala inquired of Mr. John Harman as to the purposes of a PBID and whether security is part of the members’ assessment. Mr. Harman indicated that among other items that are covered by the assessment, security is also a consideration. Following discussion, it was moved by Council Member Jones, seconded by Council Member Nunley and unanimously carried to adopt Resolution 19-21 as presented.
- (9) Approve agreement with Philip M. Smith to construct and finance utility connection and/or side walk, curb, gutter, and driveway construction and place costs thereof on property tax rolls in installments. [Submitted by: D. Thompson]**
- (10) Receive, review, and file the Monthly Investment Report for April 2019. [Submitted by: D. Thompson]**
- (11) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-241-011 located in the 300 Block of M Street (“Property”) to All Valley Housing Inc. in the amount of \$45,000.00 with a 48-month time frame for development and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**
- (12) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-241-012 located in the 300 Block of N Street (“Property”) to All Valley Housing Inc. in the amount of \$45,000.00 with a 36-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**

- (13) **Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-242-016 located in the 300 Block North N Street (“Property”) to All Valley Housing Inc. in the amount of \$41,250.00 with a 24-month ~~36-month~~ time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**
- (14) **Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-242-017 located in the 300 Block North O Street (“Property”) to All Valley Housing Inc. in the amount of \$41,250.00 with an 18-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**
- (15) **Reject the liability claim in the amount of \$69,085.02, filed by Tulare Mini Mart, Inc., 525 W. Inyo, Tulare, claiming the loss of revenue due to street construction. [Submitted by: J. Avila]**
- (16) **Grant permission for the Tulare Library Foundation to serve alcohol at a fundraising event scheduled for Monday, September 23, 2019, 5:30-8:30 p.m. for adults 21 and over at the Library.**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Presentation by Randy Dodd, President of Adventist Health Tulare updating Council on the hospital, change of ownership of the license, execution of the lease, current and coming-soon services, as well as general overall progress.** Adventist Health Tulare President Randy Dodd provided a PowerPoint presentation on the progress of the hospital.
- (2) **Proclamation in recognition of the Summer Reading Program for Families, June 8 through July 13, 2019, entitled “It’s Showtime @ Tulare Public Library!** Mayor Sigala presented a Proclamation to Library Manager Heidi Clark and Librarian Melissa Emerson.

VII. MAYOR’S REPORT

- (1) **Discuss and consider submitting a letter requesting a County of Tulare Mental Health Satellite Office in the City of Tulare. [Requested by: J. Sigala at the 5/7/19 meeting]** Mayor Sigala provided a brief report for the Council’s review and consideration. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Nunley and unanimously carried to submit the letter as proposed, copied to Pete Vander Poel.
- (2) **Request by the Tulare Homelessness Ad Hoc Committee to consider a letter of support to the Governor Newsom in support of the Kings-Tulare Continuum of Care request for proportionate one-time homelessness**

funding in the 2019-20 State Budget. [Requested by: Homeless Ad Hoc Committee] Mayor Sigala provided a brief report for the Council's review and consideration. Following discussion, it was moved by Vice Mayor Mederos seconded by Council Member Nunley and unanimously carried to provide a letter of support as presented, copied to Senator Grove's and Assembly Member Mathis' offices.

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 adopt Resolution 19-22 approving the 2019/20 city operating budget, including Capital Improvement Program 2019-2024 (CIP), to adopt Resolution 19-23 approving the 2019/20 Position Control Budget and fixing the rate of compensation of regular full-time employees, regular part-time employees, City Council members and seasonal/temporary employees of the City of Tulare, to adopt Resolution 19-24 establishing the 2019/2020 appropriation limit; and to receive the BPU-adopted Utility Enterprise Fund Budgets.** Interim City Manager Rob Hunt provided a brief report for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:21 p.m., with no public comment, he closed the public hearing at 8:21 p.m. With no further discussion, it was moved by Council Member Nunley, seconded by Council Member Jones and unanimously carried to adopt Resolution 19-22, as presented; it was further moved by Council Member Nunley, seconded by Council Member Sayre and unanimously carried to adopt Resolution 19-23, as presented; lastly, it was moved by Council Member Nunley, seconded by Vice Mayor Mederos and unanimously carried to adopt Resolution 19-24 and receive the BPU utility budgets as presented.
- b. **Public Hearing to pass-to-print Ordinance 19-02 amending Title 5 (Business Regulations) adding Chapter 5.104 (Massage Establishments and Services) of the Tulare Municipal Code.** Police Chief Wes Hensley provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:25 p.m., with no public comment, he closed the public hearing at 8:25 p.m. Mayor Sigala requested an addition to the Section 5.104.010 Purpose and Intent, to a portion of a sentence in subsection a, as follows: discouraging prostitution and sex trafficking. It was moved by Vice Mayor Mederos, seconded by Council Member Sayre and unanimously carried to pass-to-print Ordinance 19-02 as amended.

(2) Engineering:

- a. **Presentation of roundabout and signalized intersection designs for the intersection of Pleasant Avenue and West Street, and provide staff with direction regarding the preferred design alternative and priority of improvements. [Submitted by: M. Miller]** City Engineer Michael Miller provided a brief report for the Council's review and consideration. Jeff Dorn of Provost and Pritchard provided a PowerPoint presentation regarding the proposed project. Questions and comments posed by Council were addressed by Mr. Dorn and Mr. Miller. Following discussion, it was moved by Mayor Sigala, seconded by Vice Mayor Mederos and unanimously to continue this item to the June 18, 2019, meeting for further information from staff.
- b. **Consider a request by Del Lago Place, LLC to grant a one-year time extension for completion of public improvements for the Tesori subdivision, and if approved, authorize the City Manager to enter an amended subdivision improvement agreement reflecting said extension. [Submitted by: M. Miller]** Council Member Nunley recused himself due to a business relationship and left the room. City Engineer Michael Miller provided a report for the Council's review and consideration. Shawn Day of AW Engineering spoke on behalf of the project owners. Following discussion, it was moved by Vice Mayor Mederos to grant a six-month extension with a progress update and City Attorney Mario Zamora to draft the necessary documents, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley recused) directing staff as noted.

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

Council Member Jones inquired as to the status of addressing issues related to Sierra Street and a property owner's request for it to be closed. He further asked for the status of Cannabis item review (staff advised this is scheduled for a 6 p.m. Study Session on 6/18), road conditions regarding Gail Street located in the County, updates on pending law suits and concerns over drug use by the homeless in Centennial Park.

Council Member Nunley inquired about the Landscape and Lighting process and the inclusion of streets.

Council Member Sayre provided an update on the Homeless Ad Hoc Committee.

Mayor Sigala requested for the June 18 meeting and item to review Cooling Centers, this was seconded by Council Member Sayre and unanimously carried to place on the next agenda. He further commented on a letter from John Harman, Director of the Tulare Downtown Association requesting a replacement of Council Member Nunley as the City's representative due to non-attendance. Council Member Nunley relinquished his position. Staff was directed to agendize the item for the June 18 meeting to select

a replacement. Lastly, he inquired as to setting a Study Session regarding traffic calming measures (staff advised this is scheduled for the 6/18 meeting).

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

Mayor Sigala adjourned to closed session at 10:06 p.m. for matters as stated by City Attorney Mario Zamora.

(a) 54957.6b Conference with Labor Negotiators
Represented/Unrepresented Employee(s): Fire Units
Negotiators: Rob Hunt, Darlene Thompson, Janice Avila, Mario Zamora
[Submitted by: J. Avila; M. Zamora]

(b) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: Frost v. Nunley, TCSC Case No. 274926 [Submitted by: M. Zamora]

Council Member Nunley recused from discussions, due to being named in the matter and left the meeting.

(c) 54957(b) PUBLIC EMPLOYEE APPOINTMENT - Title: City Manager [Submitted by: J. Sigala]

XI. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed meeting at 10:55 p.m.

XII. CLOSED SESSION REPORT (if any)

Mayor Sigala advised by a vote of 3 to 2 (Council Members Jones and Nunley voting no) that the Council appointed Rob Hunt as the Tulare's new City Manager. A formal employment agreement will be placed on the June 18 agenda for finalization of this action.

XIII. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 10:55 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