

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

August 6, 2019

A regular session of the City Council, City of Tulare was held on Tuesday, August 6, 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, Greg Nunley

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

I. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:01 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and an invocation was given by Josh McDonnell.

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.

Johnny Gutierrez addressed the Council regarding a fundraising event for school supplies that he has coordinated to be held at Mulcahy Park on August 7 from 5:30 to 7:30 p.m.

Donnette Silva-Carter addressed the Council regarding the Chamber Fair Networking Mixer on August 8 at 5:30 p.m.

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 Nunley and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 5, 6 & 8.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of July 16, 2019 special/regular meeting. [Submitted by: R. Yoder]**
- (3) **Approve the rescheduling of the Tulare City Council regular meeting of Tuesday, October 15, 2019 to Tuesday, October 22, 2019, due to the lack of a quorum, as four Council Members will be attending the League of California Cities Annual Conference in Long Beach, California, travel day October 15, conference days October 16-18, 2019. [Submitted by: R. Yoder]**
- (4) **Declare Gene Roberts seat on the Aviation Committee, term ending December 31, 2019, vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]**
- (5) **Conditionally approve a subdivision improvement agreement with D.R. Horton CA3, Inc. for Phases 2 & 3 of the Montecito subdivision, and authorize for the City Manager to execute said agreement subject to receipt of all fees and other required items prior to October 5, 2019. [Submitted by: M. Miller]** Council Member Nunley recused due to a business relationship. With no discussion, it was moved by Council Member Jones, seconded by Vice Mayor Mederos and carried 4 to 0 (Council Member Nunley recused) to approve the item as presented.
- (6) **Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-230-014 in the amount of \$384,844.20 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 Jones pulled the item regarding concerns of potential FPCC violations made by a prior Council Member. Council Member Nunley recused from discussion due to property ownership, but remained on the dais while Council Member Jones expressed his concerns on the matter. City Attorney Zamora addressed questions and comments. Following discussion, Council Member Jones moved to approve the item, subject to a 1090 review; the motion failed for lack of a second. It was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 3 to 1 (Council Member Nunley recused and Council Member Jones abstaining), to approve the item as presented.

- (7) **Receive, review, and file the Monthly Investment Report for June 2019.** [Submitted by: D. Thompson]
- (8) **Accept the Police Department Citizen Complaint Review Board's annual report for calendar year 2017/18.** [Submitted by: W. Hensley] Mayor Sigala pulled the item for clarification. Police Captain Matt Machado addressed questions and comments. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Nunley and unanimously carried to approve the item as presented.
- (9) **Adopt Resolution 19-34 authorize Mayor to execute an agreement with the Tulare County Association of Government (TCAG) for the city to continue to provide and/or increase transit service within the city areas during fiscal year 2019/20.** [Submitted by: D. Thompson]

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Proclamation recognizing the Tulare County Fair's 100th Anniversary of the First Livestock Fair.** [Requested by: J. Sigala at the 7/2/19 Council Meeting] Mayor Sigala presented Fair CEO Pamela Fyock with a Proclamation in honor of the 100th Anniversary of the First Livestock Fair.
- (2) **Certificates of Recognition presented to former Board of Public Utilities Commissioners Dick Johnson, Philip Smith, Edward T. Henry, Lee Brehm and Planning Commissioners Jeff Killion and Linda Crase in honor of their years of service to the City and Community.** [Requested by: R. Hunt] Mayor Sigala presented recognitions to the honorees and thanked them for their service.
- (3) **Presentation to accept donation in the amount of \$30,000 toward the 1-million-dollar pledge made by the Tulare Library Foundation.** [Submitted by: H. Clark] John Thomas, President of the Tulare Library Foundation, presented the City with \$30,000 donation toward their \$1 million dollar pledge.

VII. MAYOR'S REPORT

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 19-31 adopting a Mitigated Negative Declaration prepared for General Plan Amendment No. 2019-01 and**

Zone Amendment No 733; and adopt Resolution 19-32 to approve General Plan Amendment No. 2019-01 providing for a change in land use designation on approximately 3.83-acres from Office Commercial to Community Commercial, and pass-to-print Ordinance 19-03 approving Zone Amendment No. 733, changing the existing zoning designation on approximately 3.83-acres from C-2 (Office Commercial) to the C-3 (Retail Commercial) zone district on property located south of Prosperity Avenue between Brentwood and Laspina Streets. [Submitted by: J. McDonnell] Council Member Nunley recused himself due to a business relationship and left the room. Vice Mayor Mederos recused himself as he is awaiting a decision from the FPPC regarding his participation. Community and Economic Development Director Josh McDonnell provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 7:50 p.m. Kevin Northcraft and John Roberts of Three River Development addressed the Council in support of the project. With no further public comment, Mayor Sigala closed the public hearing at 7:52 p.m. Following comments, it was moved by Mayor Sigala, seconded by Council Member Jones and carried 3 to 0 (Council Member Nunley and Vice Mayor Mederos recused) to adopt Resolution 19-31, as presented; it was further moved by Mayor Sigala, seconded by Council Member Jones and carried 3 to 0 (Council Member Nunley and Vice Mayor Mederos recused) to adopt Resolution 19-32; lastly, it was moved by Mayor Sigala, seconded by Council Member Jones and carried 3 to 0 (Council Member Nunley and Vice Mayor Mederos recused) to pass-to-print Ordinance 19-03, as presented.

(2) Community Development:

- a. Consideration to adopt Resolution 19-35 in support of the Tulare County Resource Management Agency acting as lead agency to apply for grant funding to explore the feasibility of the City of Tulare providing wastewater services to two unincorporated Tulare County subdivisions known as Soult's Tract and Lone Oak Tract. [Submitted by: T. Myers]** Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Jessi Snyder of Self-Help Enterprises and Pedro Hernandez of Leadership Counsel addressed the Council in support of the item. Following discussion, it was moved by Council Member Nunley, seconded by Vice Mayor Mederos and unanimously carried to adopt Resolution 19-35 as presented.

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

Mayor Sigala requested the agendaing of the following items and received no objection thereto:

1. Consideration of discretionary funds use of travel funds for the Child Care Family Picnic at Del Lago Park and Fair Parade Trash Cans – August 20

- 2. Cannabis update - September 17 @ 6 p.m.
- 3. Tulare County Office of Education quarterly meetings - TBD

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

Mayor Sigala adjourned to closed session at 8:32 p.m. for matters as stated by City Attorney Mario Zamora.

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

XI. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed meeting at 8:53 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 8:53 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