



## MINUTES

### A JOINT MEETING OF THE CITY COUNCIL OF THE CITY OF PARLIER AND THE SUCCESSOR AGENCY OF THE PARLIER REDEVELOPMENT AGENCY

#### REGULAR MEETING

Wednesday, November 15, 2017

1. CALL TO ORDER/WELCOME:

A Joint Regular Meeting of the City Council of the City of Parlier and The Successor Agency of the Parlier Redevelopment Agency was held simultaneously with A Joint Special Meeting of the City Council of the City of Parlier and the Successor Agency of the Parlier Redevelopment Agency was held at the City Council Chambers located at 1100 E. Parlier Avenue, Parlier, California 93648. Mayor Alma Beltran called the meeting to order at 6:30 p.m.

**Roll Call:**

**Present:** Mayor Alma M. Beltran, Mayor Pro-Tem Jose Escoto, Councilwoman Diane Maldonado, Councilman Noe Rodriguez, Councilman Trinidad Pimental, City Clerk Dorothy Garza.

**Staff Present:** Chief Of Police Jose Garza, City Attorney Mary Lerner, Deputy City Attorney Lee Burdick, City Manager Sam Escobar, City Engineer Philip Romero and Administrative Assistant/Deputy City Clerk Bertha Augustine.

*Flag Salute: Mayor Alma M. Beltran*

2. ADDITIONS/DELETIONS TO THE AGENDA: None.

3. PRESENTATIONS/INFORMATIONAL:

**3-A. Presentation of “Key to the City” to Gregory “Don” Hunsucker.**

Councilman Trino Pimentel presented the Key to the City to Gregory Don Hunsucker. He is an alumni of Parlier High School and is married to Linda Balakian also an alumni of Parlier High School. They have been married for 50 years. They have a daughter Michelle and a son Jerry Hunsucker. Mr. Hunsucker has many accomplishments and has volunteered and donated to many organizations.

**4. PUBLIC COMMENTS: None.**

**Note:** State law allows the Council to briefly respond to questions on items raised by the public, which are not on the agenda. Government Code Section 54954.2(a). Alternatively, the Council may choose to direct staff to provide information at a following meeting. Any member of the public may comment on any matter within the jurisdiction of the City that is not on the agenda. Those wishing to comment should be recognized by the Mayor and approach the podium. Comments are limited to five (5) minutes.

**5. CONSENT CALENDAR:**

**5-A.** Approve the Check Reports dated October 27, 2017 through November 08, 2017.

**5-B.** Approve and accept the Minutes dated October 18, 2017 Meeting.

**5-C.** Council to consider approving the use and waiving rental fees and electricity fees of Veteran’s Park ball fields for baseball/softball practices and games from January-July 2018 M-F 3-10 PM. Saturday’s game times will vary.

**5-D.** Council to consider approving and waiving all fees request by Our Lady of Sorrows Catholic Church for an officer to provide traffic safety during a procession from Tuolumne Village Apartments to the Catholic Church located at 830 Tulare Street on December 11, 2017 and the use of the Senior Center

**5-E.** Waive the second reading and adopt – **Ordinance 2017-03** Relating to Marijuana and Cannabis by: (1) Adding Commercial Cannabis Operations and Indoor Cultivation to the Definition of Permitted Uses in the M-1 Zone District, Sections 18.28.010 and 18.28.020, Subject to Specified Limitations; (2) Repealing the City’s Existing Regulations Relating to Marijuana Set Forth in Sections 18.04.347 and 18.32.420; and (3) Adding Chapter 18.55 (Section 18.55.010, *et seq.*) Setting Forth the Regulatory Framework for Commercial Cannabis Operations and Personal Use Cultivation (Medical and Recreational/Adult Use)

\*Note: Items 5D & 5E were pulled from Consent Calendar for discussion.

**M/S/C:** Motion to approve items 5A,5B & 5C of the Consent Calendar by Maldonado, 2<sup>nd</sup> by Rodriguez. 5 – 0 and carried.

**M/S/C:** Motion to approve items 5D & 5E by Maldonado, Escoto, 5 – 0, carried.

## 6. ADMINISTRATIVE REPORTS:

### ENGINEERING DEPARTMENT:

- 6-A. SUBJECT:** Parlier Commercial Center – Northwest corner of Manning and Newmark Avenues CDM Investors, LLC.

Staff Report by Philip Romero City Engineer. Improvements were Approved.

- a Public Comments – None.
- b City Council Comments/Review/Action  
M/S/C: Motion to approve Resolution 2017-85 by Maldonado, 2<sup>nd</sup> by Escoto, 5 – 0, carried.

City Council approved the Final Acceptance of Work and adopted **Resolution 2017-85**, “Authorizing Final Acceptance and Notice of Completion” and authorized the City Engineer to record the Notice of Completion.

### ADMINISTRATION DEPARTMENT:

- 6-B. SUBJECT:** First Reading and Introduction of **Ordinance 2017-02** Amending Title 2, Chapter 2.04, Section 2.04.10, Subdivision A of the Municipal Code Relating to the Time and Place of City Council Meetings.

- a. Staff Report Mary Lerner City Attorney. Council is proposing to change Council meetings from 1st and 3<sup>rd</sup> Wednesday to 2<sup>nd</sup> & 4<sup>th</sup> Thursday of each month at 6:30 p.m.  
Change would take place starting in January 2018. Ordinance was never updated for Wednesdays.
- b. Open Public Hearing – Mayor opened Public hearing at 7:31 p.m.
- c. Public Testimony – None.
- d. Close Public Hearing – Mayor closed the Public meeting at 7:47 p.m.
- e. City Council Comments/Review/Action  
MS/C: Motion to approve Introduction and First reading of Ordinance 2017-02 by Pimentel, 2<sup>nd</sup> by Rodriguez, 5 – 0, carried.

The City Council introduced **Ordinance 2017-02**, conducted the first reading, received public testimony on it, and considered any proposed changes.

- 6-C. SUBJECT:** Contract Amendment No. 08 for Heritage Park – RRM Group

- a. Staff Report – Sam Escobar - City Manager  
The city of Parlier will receive funding for the final design of the park approved by the state. The bidding processes takes place in February. The possible ground breaking in March and the project is to be completed by December.

- b. Public Comments – None.
- c. City Council Comments/Review/Action  
M/S/C: Motion to approve contract amendment No. 08 and adopted Resolution 2017-86 by Maldonado, 2<sup>nd</sup> by Escoto, 5 – 0, and carried.

The City Council approved Contract Amendment No. 08 for the Heritage Park Services Contract by RRM Design Group and adopted **Resolution 2017-86** authorizing the City Manager to execute the amendment.

**GRANTS:**

**6-D. SUBJECT:** Public Hearing to approve 2017 CDBG Project and approve the Resolution approving an application for funding and the Execution of a Grant Agreement and any amendments from the 2017 funding year of State CDBG Program.

- a. Staff Report by Sonia Hall
- b. Open Public Hearing – Mayor Beltran opened the public hearing at 7:47 p.m.
- c. Public Testimony – None.
- d. Close Public Hearing – Mayor Beltran closed the public hearing at 7:47 p.m.
- e. City Council Comments/Review/Action  
M/S/C: Motion to approve Resolution 2017-87 by Maldonado, 2<sup>nd</sup> by Rodriguez, 5 – 0, carried.

The City Council introduced the 2017 CDBG Project, received public testimony on it, established the priority for CDBG funding, and approved Resolution No. **2017-87** directing that (1) an application for funding consistent with the CDBG priority to be submitted, and (2) a Grant Agreement and any amendments from the 2017 funding year of the State CDBG Program be executed.

**7. BRIEF COMMENTS: COUNCIL COMMUNICATIONS/COMMENTS:**

**8.**

**CITY MANAGER: None,**

**CITY ATTORNEY: None.**

**CITY COUNCIL: None.**

**9. PUBLIC COMMENTS ON CLOSED SESSION: None.**

(THIS PORTION OF THE MEETING IS RESERVED FOR PERSONS DESIRING TO ADDRESS THE COUNCIL ON AN ITEM WHICH IS TO BE CONSIDERED DURING CLOSED SESSION. SPEAKERS SHOULD LIMIT THEIR COMMENTS TO FIVE (5) MINUTES.)

**10. CLOSED SESSION:                    (8:14 p.m. to 9:05 p.m.)**

**CITY COUNCIL:**

- 9-A.            Government Code Section 54956.9(d)(1) CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION** City of Parlier v. The Dow Chemical Co., et al., San Bernardino Superior Court, Judicial Council Coordination Proceeding No. 4435 Case No. CGC-12-523400

**CITY COUNCIL:**

- 9-B            Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property: Parcels 4 and 9 located in the City’s industrial park at the cross-streets of Milton Avenue and Industrial Drive.  
Agency Negotiator(s): Sam Escobar, City Manager; Mary Lerner, City Attorney; Lee Burdick, Deputy City Attorney  
Negotiating Parties: Genezen, L.L.C.  
Under Negotiation: Price, terms and conditions.

**SUCCESSOR AGENCY:**

- 9-C            Government Code Section 54956.8 CONFERENCE WITH REAL PROPERTY NEGOTIATORS**  
Property: Parcels 4 and 9 located in the City’s industrial park at the cross-streets of Milton Avenue and Industrial Drive.  
Agency Negotiator(s): Jim Simon and Nate Gunderman, RSG.  
Negotiating Parties: Genezen, L.L.C.  
Under Negotiation: Price, terms and conditions.

**ACTION ON CLOSED SESSION**

Nothing to report.

**11. ADJOURNMENT:**

Mayor Alma Beltran adjourned the Regular and Special meetings simultaneously at 9:05 p.m.

City Ordinance approved –Introduction & First Reading of 2017-02 & approved 2017 – 03.  
City Resolutions adopted – 2017-85,86 & 87

ADA Notice: In compliance with the American with Disabilities Act, if you need special assistance to participate in this meeting, please contact the City Clerk at (559) 646-3545 ext. 227. Notification 48 hours prior to the meeting will enable the City to make arrangements to ensure accessibility to this meeting.

Documents: Any writings or documents provided to a majority of the City Council regarding any item on this agenda will be made available for public inspection at the front counter at City Hall located at 1100 E. Parlier Avenue, Parlier, CA during normal business hours. In addition, most documents are posted on the City's website at [parlier.ca.us](http://parlier.ca.us)

#### **STATEMENT ON RULES OF DECORUM AND ENFORCEMENT**

The Brown Act provides that members of the public have a right to attend public meetings, to provide public comment on action items and under the public forum section of the agenda, and to criticize the policies, procedures, or services of the city or of the acts or omissions of the city council. The Brown Act also provides that the City Council has the right to exclude all persons who willfully cause a disruption of a meeting so that it cannot be conducted in an orderly fashion.

During a meeting of the Parlier City Council, there is a need for civility and expedition in the carrying out of public business in order to ensure that the public has a full opportunity to be heard

and that the Council has an opportunity to conduct business in an orderly manner. The following is provided to place everyone on notice of the rules of decorum and enforcement.

### **GENERAL RULES OF DECORUM**

While any meeting of the City Council is in session, the following rules of decorum shall be observed:

1. All remarks shall be addressed to the City Council as a whole and not to any single member, unless in response to a question from a member of the City Council.
2. A person who addresses the City Council under public comment for a specific agenda item or under the Public Forum section of the agenda may not engage in speech or conduct (i) which is likely to provoke others to violent or riotous behavior, (ii) which disturbs the peace of the meeting by loud and unreasonable noise, (iii) which is irrelevant or repetitive, or (iv) which disrupts, disturbs, or otherwise impedes the orderly conduct of any City Council meeting.
3. A person, other than members of the Council and the person, who has the floor, shall not be permitted to enter into the discussion unless requested by the Mayor to speak.
4. Members of the City Council may not interrupt a person who has the floor and is making public comments. Members of the City Council shall wait until a person completes his or her public comments before asking questions or commenting. The Mayor shall then ask Council members if they have comments or questions.
5. No person in the audience at a Council meeting shall engage in disorderly or boisterous conduct, including the utterance of loud, threatening or abusive language, whistling, stamping of feet or other acts which disturb, disrupt or otherwise impeded the orderly conduct of any Council meeting.