

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

April 3, 2018

A regular session meeting of the City Council, City of Tulare was held on Tuesday, April 3, 2018, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: Carlton Jones, Maritsa Castellanoz, Greg Nunley, Jose Sigala

COUNCIL ABSENT: David Macedo

STAFF PRESENT: Willard Epps, Heather Phillips, Barry Jones, Janice Avila, Luis Nevarez, Steve Bonville, Rob Hunt, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Traci Myers, Nick Bartsch, Melissa Hermann

I. CALL TO ORDER REGULAR SESSION

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

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Interim Fire Chief Luis Nevarez led the Pledge of Allegiance and an invocation was given by Pastor Dennis Sunderland.

III. CITIZEN COMMENTS

Mayor Jones 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.

Patrick Isherwood of Tulare addressed the Council regarding various concerns he has with the Council.

Alberto Aguilar of Tulare addressed the Council regarding the Tulare Public Cemetery.

Stephen Harrell of Tulare addressed the Council regarding support for former Police Chief Hensley.

Mike Lampe addressed the Council on behalf of former Police Chief Hensley regarding communications with the City Attorney.

Euler Torres of Tulare addressed the Council to bring attention to his efforts in organizing Viva Tulare to be held in downtown Tulare.

Charlie Ramos of Tulare addressed the Council regarding support for former Police Chief Hensley.

IV. COMMUNICATIONS

There were no items for this section.

V. CONSENT CALENDAR:

It was moved by Council Member Sigala, seconded by Council Member Nunley and unanimously carried 4 to 0 (Council Member Macedo absent) that the items on the Consent Calendar be approved as presented with the exception of item(s) 5, 6 and 11.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of March 20 and March 26, 2018 regular/special meeting(s).**
- (3) **Declare Greg Blevins' seat on the Board of Public Utilities vacant and direct staff to post the vacancy and solicit applications.**
- (4) **Adopt Ordinance 18-02 approving Zone Amendment No. 727, changing the existing Zoning District designation from R-1-5 (Single Family Residential-5,000 sq. ft. minimum lot area) to R-1-5/PD (Single Family Residential-5,000 sq. ft. minimum lot area/Planned Residential Combining District) on a property located approximately 100 feet to the South of W. King Avenue and East of North "G" Street (APN 175-165-001).**
- (5) **Adopt Resolution 18-08 adopting a Mitigated Negative Declaration on the construction of various roadway and infrastructure improvements associated with the Cherry-Bash Alley Improvement Project.** Vice Mayor Castellanoz pulled this item to inquire about the use of consultants. Community and Economic Development Director Josh McDonnell provided a response thereto. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and unanimously carried 4 to 0 (Council Member Macedo absent) to approve the item as presented.
- (6) **Adopt Resolution 18-09 adopting a Mitigated Negative Declaration on the proposed construction and operation of the Cartmill - Hillman Improvements Project.** Council Member Nunley recused himself due to a financial conflict of interest though stayed at the dais during discussion and vote. Vice Mayor Castellanoz inquired about the use of consultants.

Community and Economic Development Director Josh McDonnell provided a response thereto. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and unanimously carried 3 to 0 (Council Member Macedo absent; Council Member Nunley recused) to approve the item as presented.

- (7) Approve the Parcel Map filed by Jorge Meneses for the division of land located at the northeast corner of San Joaquin Avenue and “E” Street for recordation, and accept all easements and dedications offered to the City as shown thereon.**
- (8) Conditionally approve the final map and subdivision improvement agreement for Sierra Vista Estates No. 2 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 June 1, 2018.**
- (9) Accept the required public works improvements for Pleasant Oak No. 7 Subdivision for Merced JJR Valley Estates, LLC, located on the north side of Olema Avenue and west of West Street 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.**
- (10) Award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$5,464,232.08 for street and utility improvements associated with Project EN0077, a street and utility improvement project on Cherry Street, Bash Alley and Lyndale Drive; Approve the revised project budget (attached); Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$546,423.21) of the contract award amount.**
- (11) Award and authorize the City Manager to sign a contract with 4Creeks of Visalia, CA in an amount not to exceed \$75,000 for construction surveying services associated with Project EN0077, a street and utility improvement project on Cherry Street, Bash Alley and Lyndale Drive; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$7,500) of the contract award amount.** Vice Mayor Castellanoz pulled this item to inquire about the use of consultants. Community and Economic Development Director Josh McDonnell provided a response thereto. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and unanimously carried 4 to 0 (Council Member Macedo absent) to approve the item as presented.

- (12) Award and authorize the City Manager to sign a contract with NV5 of Bakersfield, CA in an amount not to exceed \$159,039 for materials testing services associated with Project EN0077, a street and utility improvement project on Cherry Street, Bash Alley and Lyndale Drive; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$15,903.90) of the contract award amount.
- (13) Authorize the City Manager to execute City of Tulare-State of California Cooperative Agreement No. 06-1670, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, for the EN0077 – Cherry Street, Bash Alley, Lyndale Drive Improvements Project.
- (14) Authorize the City Manager to execute City of Tulare-State of California Cooperative Agreement No. 06-1669, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, for the EN0076 – O Street Improvements Project.
- (15) Receive, review, and file the Monthly Investment Report for February 2018.
- (16) Adopt Resolution 18-10 authorizing the surplus of five (5) City Vehicles.
- (17) Adopt Resolution 18-11 authorizing the sale of one (1) City Police Patrol K-9 Vehicle to the City of Lindsay.

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

There were no items for this section of the agenda.

VII. MAYOR'S REPORT

- (1) **Proclamation in honor of National Library Week, April 8 - 14, 2018,**
Mayor Jones presented Heidi Clark on behalf of the Library with a proclamation in honor of National Library Week.

VIII. STUDENT REPORTS

There were no items for this section of the agenda.

IX. 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) Community Development:

- a. **Presentation by an economic development consulting firm (Buxton) on a proposal for retail attraction services; Council consideration on the proposal and direction to staff on the preparation of a Professional Consulting Agreement between the City of Tulare and Buxton for retail attraction services; and request for economic development assistance in the amount of \$50,000 for commitment of year one of a potential three-year contract period to secure the services of Buxton for retail attraction services.** Community Development Deputy Director Traci Myers introduced the item and Lisa McKay of Buxton provided a presentation for the Council's review and consideration. Council posed questions answered by Lisa McKay and Traci Myers. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and unanimously carried 4 to 0 (Council Member Macedo absent) to enter into a year to year contract with Buxton using the Economic Development Assistance fund.

(2) Engineering/Project Management:

- a. **Receive a list of proposed projects to be funded through Senate Bill No. 1 (SB 1) revenues; and adopt Resolution 18-12, which includes the 2018/19 Road Maintenance and Rehabilitation Account (RMRA) funds in the City's 2018/19 Capital Improvements Projects program budget and identifies a list of proposed projects that will utilize those funds.** Senior Project Manager Nick Bartsch provided a presentation for the Council's review and consideration. Follow discussion, it was moved by Council Member Sigala, seconded by Council Member Nunley and unanimously carried 4 to 0 (Council Member Macedo absent) to approve the item as presented.

(3) Public Works:

- a. **Provide direction to Staff as to the funding options for the solar expansion project, or decline project.** Public Works Director Trisha Whitfield provided a report for the Council's review and consideration. Council asked questions responded to by Public Works Director Trisha Whitfield and Joy Crossman of Borrego. Staff was directed to provide more information regarding certain elements of the project at the joint meeting on April 12. There was no action taken on this item.

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

Interim Fire Chief Luis Nevarez informed Council that the new fire engine had arrived and he will bring it to the next Council meeting to display.

General Services Director Steve Bonville informed the Council that a volunteer group will be at the Tulare Airport to perform external restorations to the B17 that is on display along with filming for a documentary. This is scheduled for April 12-15.

It was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and unanimously carried 4 to 0 (Council Member Macedo absent) to direct staff to bring an item to a future Council meeting regarding the process for establishing sister cities.

It was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and unanimously carried 4 to 0 (Council Member Macedo absent) to direct staff to bring an item to a future Council meeting regarding the City's credit card policy and how credit cards are issued and used.

Council Member Sigala requested that the City Attorney provide information on Council's role in personnel matters. City Attorney Heather Phillips assured that will be part of the discussion in the Closed Session item scheduled for April 12.

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

Mayor Jones adjourned to closed session at 9:45 p.m.

(a) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation (1)

- Regarding officer involved shooting on March 12, 2018 of Jontelle Reedum

XII. RECONVENE AND CLOSED SESSION REPORT (if any)

Mayor Jones advised there was no reportable action.

XIII. ADJOURN REGULAR MEETING

Mayor Jones adjourned the regular meeting at 10:00 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