

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

June 5, 2018

A regular session meeting of the City Council, City of Tulare was held on Tuesday, June 5, 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, Sarah Tobias, Tony Silva, Barry Jones, Janice Avila, Luis Nevarez, Steve Bonville, Rob Hunt, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Traci Myers, Nick Bartsch, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

Mayor Jones called the regular meeting to order at 7:02 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Interim Police Chief Jones led the Pledge of Allegiance and an invocation was given by Pastor Sunderland.

Council Member Sigala inquired as who pulled the item to reorganize the Council from the agenda. Mayor Jones indicated that he did. Council Member Sigala requested an extension of the citizen comment period. Mayor Jones asked the Council if they wanted to hear everyone with no limit. The consensus was to move forward without limit, with the exception of the three-minute timer per speaker.

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.

Ron Williams addressed the Council regarding homeless issues in the community and why the Mayor is against agriculture.

John Periera, Xavier Avila, Dr. Edward Henry, retired DVM, Katie Georges, David Caetano, Nancy Wilbourn, Bonnie Bainbridge, Pamela Fyock, Michelle Moore, Steve Harrell, Charlie Ramos, Chris Harrell, Mary Sepeda, Brandon Black, Ron Atkins, Dennis Mederos, Morgan Hatten, Elaine Ketting, Leni Romero, Mark Lippincott, Cory

Billits, Dick Johnson, Patty Rocha, Don LeBarron, Rhonda (?), Johnny (?), Linda Malley, Vicki Gordon, Caroline Castellanoz, Chris D'Souza, Greg Creason, Craig Vejvoda, Jim Moorhead, Norm Case, Mike Acort, Mike Faria addressed the Council in support of agriculture and in support of a change on the Council.

Hector Alatorre, Noelle Felix and Alberto Aguilar addressed the Council in support of Mayor Jones.

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 that the items on the Consent Calendar be approved as presented with the exception of item(s) 4 and 8. Council Member Nunley declared a conflict of interest due to business reasons and recused himself from items 4 and 8.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of May 15, 2018 regular meeting(s).**
- (3) **Approve the cancellation of Tulare City Council meeting scheduled for Tuesday, July 3 2018, due to the July 4th Holiday. [Submitted by: W. Epps]**
- (4) **Adopt Ordinance 18-03 approving Zone Amendment No. 722, changing the existing zoning from the R-1-7 (Single-Family Residential, 7,000 sq. ft. minimum lot area) zone district to the R-1-4 (Small Lot Single Family Residential, 3,200 sq. ft. minimum lot area) zone district on property located north of Cartmill Avenue and west of Mooney Blvd. on the northeast corner of Cartmill Avenue and De La Vina Street. [Submitted by: J. McDonnell – carry forward from 5/15/18]** Council Member Nunley recused himself due to a business conflict. Without further discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Member Nunley recused and Council Member Macedo absent) to adopt Ordinance 18-03 as presented.
- (5) **Authorize the City Manager or designee to enter into a Land Lease Agreement with Tulare City School District for the purposes of a public park (Bender Park) located at 600 N. Milner Street. [Submitted by: R. Hunt]**

- (6) **Accept as complete Project PK0022 for playground improvements at Cesar Chavez Park located at 900 E. Bardsley Avenue. Authorize the Community Services Director 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: R. Hunt]**
- (7) **Adopt Resolution 18-25 adopting a Mitigated Negative Declaration for the construction of one new municipal well and pipeline for the Pratt Water System Improvement Project. [Submitted by: J. Funk]**
- (8) **Subject to receipt of certification that required bonding for remaining improvements will remain in place for the duration of the term of the agreement, authorize the City Manager to execute an amendment to the subdivision improvement agreement for the Tesori subdivision reflecting a twelve (12) month time extension from date of Council approval, resulting in a new subdivision improvement agreement expiration date of June 5, 2018. [Submitted by: M. Miller]** Council Member Nunley recused himself from the item due to a business conflict and stepped down from the dais to the audience. Attorney Michael Noland representing Lagomarsino Group requested that the item be pulled from the agenda for comment. Mr. Noland addressed the Council with various concerns, including an alleged 1090 violation. Greg Nunley addressed the Council regarding the project in response to Mr. Noland's comments. Charlie Ramos addressed the Council with questions regarding the project. City Engineer Michael Miller provided comments related thereto. Michael Lampe addressed the Council regarding the matter. Mr. Nunley responded to Mr. Lampe's comments. Comments by Vice Mayor Castellanoz responded to by Mr. Miller regarding the bonds. Community & Economic Development Director Josh McDonnell responded thereto. Mr. Noland responded further regarding 1090 violations that relate to a new reimbursement agreement versus a subdivision agreement.

Following discussion, it was determined that this item will trail toward the end of the meeting in order for staff to obtain a copy of the draft subdivision agreement and ordinance that governs the process.

City Attorney Heather Phillips addressed the questions with regard to the conditional approval and bonding. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and carried 3 to 0 (Council Member Nunley recused and Council Member Macedo absent) to approve the item as presented.

- (9) **Adopt Resolution 18-26 initiating proceedings and Resolution 18-27 of intention to set a public hearing for Landscape Maintenance District 2018-01 for the Willow Glen subdivision. [Submitted by: M. Miller]**
- (10) **Accept as complete the contract with Witbro, Inc. dba Seal Rite Paving of Fresno, CA for work on Project EN0081 to construct the 'O' St. Sidewalk Improvements Project. 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: N. Bartsch]**
- (11) **Award and authorize the City Manager to sign a contract with Krazan of Fresno, CA in an amount not to exceed \$54,125.00 for materials testing services associated with EN0076 - O Street Improvements Project; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$5,412.50) of the contract award amount. [Submitted by: J. Funk]**
- (12) **Receive, review, and file the Monthly Investment Report for April 2018. [Submitted by: D. Thompson]**
- (13) **Approve the First Amendment to the Joint Powers Agreement for the Formation of the Mid-Kaweah Groundwater Subbasin Joint Powers Authority. [Submitted by: T. Whitfield]**
- (14) **Award and authorize the City Manager to sign a contract with Environmental Concepts of Tehachapi, CA in the amount of \$501,518.35 for the Fiber Seal Application Maintenance Project; authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$50,151.84) of the contract award amount. [Submitted by: T. Whitfield]**
- (15) **Adopt Resolution of Intent 18-28 receiving the draft report of Tulare Downtown Association (TDA) Board of Directors, and setting June 19, 2018, as the public hearing date regarding annual downtown district assessments. [Submitted by: D. Thompson]**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

There were no items for this section of the agenda.

VII. MAYOR'S REPORT

Mayor Jones addressed statements made during public comment.

VIII. STUDENT REPORTS

There were no items for this section of the agenda.

IX. CONVENE JOINTLY AS TULARE CITY COUNCIL AND TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE TULARE REDEVELOPMENT AGENCY –

Mayor Jones convened jointly at 9:22 p.m.

(1) Successor Agency:

- a. **Adopt Successor Agency Resolution 2018-02 approving the reclassification of Assessor Parcel Number 191-070-015, Property #26, from “Sale of Property” to “Governmental Use” and authorize the City Manager or its designee to execute the documents necessary for the transfer of ownership from the Tulare Redevelopment Successor Agency to the City of Tulare. [Submitted by: S. Bonville]** General Services Director Steve Bonville provided a report for the Council’s review and consideration. With no further discussion, it was moved by Council Member Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) to adopt Successor Agency Resolution 2018-02 as presented.

X. ADJOURN AS TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND REMAIN SEATED AS THE TULARE CITY COUNCIL –

Mayor Jones adjourned as the Successor Agency, but remained seated as the Tulare City Council at 9:25 p.m.

XI. 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 provide opportunity for public comment on the recommendations made to the City Council for funding of the Community Development Block Grant program activities as listed in the proposed Program Year 2018-19 Annual Action Plan. [Submitted by: T. Myers]** Community Development Deputy Director Traci Myers provided a report for the Council’s review and consideration. Mayor Jones opened the Public Hearing at 9:28 p.m.; receiving no public comment, he closed the

public hearing at 9:28 p.m. Comments posed by Council addressed by staff. No action requested; public hearing for public comment only.

(2) City Manager:

- a. Appointment of Board of Public Utilities Member by the Mayor, one for a term ending December 31, 2019 to be confirmed by the Tulare City Council as outlined in the Tulare City Charter Section 52. [Submitted by: W. Epps – continued from 5/15/18]** Interim City Manager Willard Epps provided a brief report for the Council's review and consideration. Mayor Jones asked if the applicants were available. Vicki Gilson stepped forward. It was moved by Mayor Jones, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to appoint Ms. Gilson to the vacancy on the Board of Public Utilities as requested.

(3) Engineering:

- a. Presentation by TischlerBise on the update of the City's development impact fees. Provide direction to staff and TischlerBise regarding the draft report findings, and Council's intention to conduct a public hearing to receive testimony regarding the adoption and implementation of the recommended development impact fees contained in the report. [Submitted by: M. Miller]** Council Member Nunley recused himself from discussions as the item would affect his business. City Engineer Michael Miller provided a brief history on the item and introduced Ben Griffin of TischlerBise who provided a PowerPoint slide presentation on findings of the draft report. Community & Economic Development Director Josh McDonnell advised this was an introduction for Council's consideration and further input will be sought at a future meeting.
- b. Presentation and public comment regarding a proposed subdivision improvement agreement template. Consider approval as to form of the agreement template. [Submitted by: J. McDonnell – continued from 5/15/18]** Council Member Nunley recused himself from discussions as the item would affect his business. Community & Economic Development Director Josh McDonnell provided a report for the Council's review and consideration. City Engineer Michael Miller addressed the change from 15% to 10% for maintenance bonds. Mike Lane on behalf of the Building Industry Authority addressed the Council in support of the use of the template. Following comments, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Member Nunley recused and Council Member Macedo absent) to approve the template as presented.

(4) Finance:

- a. **Review the proposed reductions to the 2018-2019 General Fund Budget and approve or direct staff, which recommended expenditure cuts and/or increase in revenue for the FY 2018-2019 budget the City Council would like to implement. [Submitted by: D. Thompson]** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Following review, the Council directed staff on items they wanted to continue to fund and those items they were okay with not funding. With regard to the furlough day and the equipment replacement for fire, addressing those items at the June 19 meeting before the full Council.

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

Council Member Nunley requested the reorganization to be on the June 19 City Council agenda.

Council Member Sigala requested the reorganization at a special meeting or on the June 19 City Council agenda, whichever is sooner.

Vice Mayor Castellanoz supported agendizing the reorganization on the June 19 City Council meeting agenda.

By consensus the matter of the reorganization of the Council is scheduled for June 19, 2018.

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

- (a) 54957.6b Conference with Labor Negotiators [Submitted by: H. Phillips]
Represented/Unrepresented Employee(s): CLOCEA, TPOU, Police Management, Misc. Mid-Managers
Negotiators: Willard Epps, Heather Phillips
- (b) 54957(b) – Public Employee Appointment: City Manager (Discussion related to City Manager recruitment and appointment process.) [Submitted by: J. Avila]
- (c) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: Hensley v. City of Tulare, TCSC Case No. 273730 [Submitted by: H. Phillips]
- (d) 54957(b)(1) – Public Employee Performance Evaluation: City Attorney [Submitted by: G. Nunley]

XIV. RECONVENE CLOSED SESSION

XV. CLOSED SESSION REPORT (if any)

XVI. ADJOURN REGULAR MEETING

Mayor Jones cancelled closed session and adjourned the regular meeting at 11:19 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