

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

**August 21, 2018**

**A regular session meeting of the City Council, City of Tulare was held on Tuesday, August 21, 2018, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

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

**STAFF PRESENT:** Willard Epps, Mario Zamora, Janice Avila, Barry Jones, Luis Nevarez, Steve Bonville, Rob Hunt, Josh McDonnell, Traci Myers, Michael Miller, Darlene Thompson, Trisha Whitfield, Nick Bartsch, Roxanne Yoder

**I. CALL TO ORDER REGULAR SESSION**

Mayor Macedo called the regular meeting to order at 7:01 p.m.

**II. PLEDGE OF ALLEGIANCE AND INVOCATION**

Council Member Sigala led the Pledge of Allegiance and an invocation was given by Interim City Manager Willard Epps.

**III. CITIZEN COMMENTS**

Mayor Macedo 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.

Charlie Ramos addressed the Council regarding concerns with homeless encampments in local parks, specifically, Centennial and would like the City to look at amending its ordinances to prevent overnight camping.

Gabriel Perez addressed the Council regarding amending its ordinance to allow for recreational sales, growing and distribution of marijuana within the City.

**IV. COMMUNICATIONS**

There were no items for this section.

**V. CONSENT CALENDAR:**

It was moved by Council Member Jones, seconded by Council Member Sigala and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item(s) 8.

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of August 7, 2018 regular meeting(s). [Submitted by: R. Yoder]
- (3) Adopt Resolution 18-46 amending the Tulare City Council Handbook of Rules and Procedures of the City Council of the City of Tulare originally approved February 16, 2010. [Submitted by: M. Zamora]
- (4) Adopt Ordinance 18-04 repealing Chapter 1.68 (Clean Air Advisory Committee) of the Tulare Municipal Code. [Submitted by: W. Epps]
- (5) Accept as complete the contract with Don Berry Construction, Inc. for work on Project EN0070 to construct the Owens Avenue and 'I' Street 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]
- (6) Approve an agreement with Rangel and Misti Mata for the City of Tulare to construct and finance utility connection and/or sidewalk, curb, gutter, and driveway construction and place costs thereof on property tax rolls in installments. [Submitted by: D. Thompson]
- (7) Acknowledge receipt of Certificate of Achievement for Excellence in Financial Reporting from the Governmental Finance Officers Association (GFOA) for the fiscal year ended June 30, 2017. [Submitted by: D. Thompson]
- (8) Authorize the City Manager to execute an oversized reimbursement agreement with Del Lago Place, LLC that identifies estimated construction costs associated with improvement to Mooney Boulevard (State Route 63) required for the Bella Oaks and Tesori subdivisions that will be eligible for reimbursement in accordance with Chapters 8.60 and 8.64 of the Municipal Code, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: M. Miller] Council Member Nunley recused himself and left the room due to ownership conflict. Interim City Attorney Mario Zamora clarified that he had reviewed the agreement and advised that he was satisfied with its provisions.

Following comments, it was moved by Council Member Jones, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Nunley recused) to

approve the item as presented.

- (9) **Receive the final NPDES Phase II Storm Water Management Plan 2016-2021 as prepared by GHD Services and adopt Resolution 18-47 approving the NPDES Phase II Storm Water Management Plan 2016-2021. [Submitted by: T. Whitfield]**
- (10) **Award contract to Durham Construction Company Inc. for Corporation Yard Transit Gate upgrades and installation in the amount of \$123,016.92, and authorize the City Manager or designee to approve the contract and any additional incidental charges not to exceed \$5,000. [Submitted by: S. Bonville]**

#### **VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

There were no items for this section of the agenda.

#### **VII. MAYOR'S REPORT**

There were no items for this section of the agenda.

#### **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 & Economic Development:**

- a. **Council review and consideration of the repayment methodology to be contained in a Stipulated Judgment in favor of the City of Tulare as consideration for the \$60,000 economic development assistance grant awarded to Applicants, Jeff and Lucy Reimche by Council on May 1, 2018. [Submitted by: T. Myers]** Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Questions and comments by the Council concerning the terms and conditions of repayment of the grant within five years was addressed by Interim City Attorney Mario Zamora and staff. Following discussion, it was moved by Council Member Jones, seconded by Council Member Nunley and carried 4 to 1 (Council Member Sigala voting no) for the Stipulated Judgment to state that repayment of the \$60,000 be required if the building is sold within five years from the date of issuance of the funds. Interim City Attorney Mario

Zamora acknowledged that they would also draft a Memorandum of Agreement for recordation purposes.

**(2) City Manager:**

*[Items were tabled from the June 19, 2018 agenda, rescheduled for August 7, 2018 and then rescheduled for the August 21, 2018 agenda.]*

- a. Consideration of authorizing the Mayor to execute a Letter of Opposition, Support or No Action regarding SB 623. [Requested by: C. Jones and J. Sigala]** Pete Garbani addressed the Council on behalf of Land O' Lakes and in support of the legislations.

Pedro Hernandez of Leadership Counsel for Justice and Accountability addressed the Council in support of the legislation.

Richard Harmon, Townsend Public Affairs, provided a report on items a and c and provided information on the proposed legislation entitled SB 844 and SB 845 for the Council's review and consideration.

It was moved by Council Member Sigala to support SB 844 & 845, the motion failed for lack of a second.

It was further moved by Council Member Jones, seconded by Vice Mayor Castellanoz and carried 4 to 1 (Council Member Sigala voting no) to take no action at this time with regard to items a and c, specifically, SB 844 and SB 845.

- b. Consideration of authorizing the Mayor to execute a Letter of Opposition, Support or No Action regarding SB 998. [D. Thompson/T. Whitfield]** Richard Harmon of Townsend Public Affairs provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Jones, seconded by Vice Mayor Castellanoz and carried 4 to 1 (Council Member Sigala voting no) authorizing the Mayor to execute a Letter of Opposition to SB 998. Mr. Harmon to draft for Mayor's signature and dissemination on behalf of the City.
- c. Consideration of authorizing the Mayor to execute a Letter of Opposition, Support or No Action regarding State Budget Trailer Bill Language: Safe and Affordable Drinking Water Fund. [Requested by: J. Sigala]** See item a.
- d. Consideration of authorizing the Mayor to execute a Letter of Opposition, Support or No Action regarding Proposition 3 – The Water Supply and Water Quality Act of 2018. [Submitted by: R. Harmon]** Richard Harmon of Townsend Public Affairs provided a report for the

Council's review and consideration. Pete Garbani and Dominic Figueroa addressed the Council in support of Proposition 3.

Following discussion, it was moved by Council Member Sigala, seconded by Mayor Macedo and carried 3 to 2 (Council Members Jones and Nunley voting no) to support the item as presented.

- e. Consideration for the removal of Council Member Greg Nunley from serving as the Tulare City Council voting representative on the Mid-Kaweah Groundwater Sustainability Agency Board and the appointment of a replacement thereto; and consideration of alternate member appointment. [Submitted by: W. Epps]** Mayor Macedo introduced the item and asked Council Member Nunley to comment. Council Member Nunley volunteered to step down and nominated Howard Stroman to replace him on the Board.

Ed Henry and Jason Bender spoke in support of Mr. Stroman being appointed in place of Council Member Nunley and in having one Council Member and one Board of Public Utilities Member serve as voting members and as alternates.

Following discussion, it was moved by Council Member Nunley, seconded by Vice Mayor Castellanoz and unanimously carried to appoint Council Member Jose Sigala and BPU Member Howard Stroman as voting members, and BPU Member Jim Pennington and Council Member Carlton Jones as alternates.

**(3) City Attorney:**

- a. Review and consideration of approval of the revised City of Tulare Administrative Credit Card Policy 10-02. [Submitted by: M. Zamora]** Interim City Attorney Mario Zamora provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Sigala, seconded by Mayor Macedo and carried 4 to 1 (Council Member Nunley no) to approve the revised policy as presented.
- b. Discussion and possible direction to staff regarding City Manager hiring process. [Requested by: D. Macedo]** At the request of Mayor Macedo, Human Resources Director Janice Avila provided a report on the hiring process for the Council's review and consideration. Additionally, she explained a new PERS law, effective July 1, 2018, establishing a 960-hour rule for interims filling vacancies. Following discussion, Mayor Macedo advised that over the next two weeks each Council Member will individually review the applications with the Human Resources Director Janice Avila and select 10 applicants. Ms. Avila will then review for commonalities and schedule for Closed Session on September 4 for discussion and the

scheduling of subsequent interviews. It was the consensus of the Council to proceed as stated.

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

Council Member Sigala requested an item for the next agenda for discussion on the Census Count Committee. Council Member Sigala also requested an item for a future meeting regarding Ballot Measure H for the Tulare Local Healthcare District. It was the consensus of the Council that these items be added to future agendas, the Census item to be on a light meeting and the Ballot Measure for September 18.

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

Mayor Macedo adjourned to closed session at 9:13 p.m. for matters as stated by Interim City Attorney Mario Zamora.

- (a) 54957.6b Conference with Labor Negotiators [Submitted by: J. Avila]  
Represented/Unrepresented Employee(s): CLOCEA, TPOU, Police Management, Misc. Mid-Managers  
Negotiators: Willard Epps, Darlene Thompson, Janice Avila, Mario Zamora
- (b) 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: M. Zamora]

**XII. RECONVENE CLOSED SESSION**

Mayor Macedo reconvened from closed meeting at 9:55 p.m.

**XIII. CLOSED SESSION REPORT (if any)**

Mayor Macedo advised there were no reportable actions.

**XIV. ADJOURN REGULAR MEETING**

Mayor Macedo adjourned the regular meeting at 9:55 p.m.

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President of the Council and Ex-Officio  
Mayor of the City of Tulare

**ATTEST:**

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Chief Deputy City Clerk and Clerk of the  
Council of the City of Tulare