

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

September 18, 2018

A regular session meeting of the City Council, City of Tulare was held on Tuesday, September 18, 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, Michael Miller, Darlene Thompson, Trisha Whitfield, Traci Myers, Margie Perez, Nick Bartsch, Frank Rodriguez, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

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

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Interim City Attorney Mario Zamora led the Pledge of Allegiance and an invocation was given by Community & Economic Development Director Josh McDonnell.

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.

Derek Thomas addressed the Council in support of Wes Hensley and restoring him as Police Chief.

Jan Smith addressed the Council regarding the Proud to Wear Pink event on October 6.

Bryette Branco addressed the Council regarding the Tulare Animal Services Annual Open House on September 29 and the Barks and Bourbon Event on October 8.

Mark Fischer of Tulare Nursing & Rehab Center addressed the Council in support of Measure H.

Donnette Silva-Carter addressed the Council in support of Measure H.

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) 3, 4, 6 & 8.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of September 4, 2018 regular meeting(s). [Submitted by: R. Yoder]**
- (3) **Approve a request by Council Member Sigala to allocate not to exceed \$500 for discretionary use from 001-4010-2116 to cover rental costs associated with the Tulare County Office of Education Early Childhood Program – Parents Group Quarterly Meetings for fiscal year 18/19 located in the Tulare Room at the Meitzenheimer Community Center. [Requested by: J. Sigala]** Council Member Jones pulled the item for clarification and amendment to the request to reflect Council's approval of funding use from travel funds to cover rental costs as described. He further expressed if a Council Member is sponsoring something, as an individual, personal funds should be used. Following comments, it was moved by Council Member Jones, seconded by Council Member Sigala and carried 4-0 (Council Member Macedo not present) to approve the item as amended.
- (4) **Accept a Grant Deed for street right of way along Glass Avenue and authorize the City Manager to sign all Certificate of Acceptances for the dedications located on the west side of Hillman Street, approximately ¼ mile north of Corvina Avenue as follows [Submitted by: M. Miller]:**
 - a. **Relinquishment of Access Rights along Hillman Avenue;**
 - b. **Grant of Easement for public utility purposes along the street frontages from Hillman Tulare Investors, LLC;**
 - c. **Accept a Grant of Easement for street right of way and public utility purposes along Glass Avenue from Bill & Tanya Miller Family Limited Partnership;**
 - d. **Accept a Grant of Easement for storm drain and ponding basin purposes for city street storm water runoff;**
 - e. **Grant of Easement for street and public utilities purposes; and**
 - f. **Grant of Easement for temporary turnaround purposes at the end of Glass Avenue from Blackstone Ranch, LLC & Hidden Oak Development Co., Inc.**

Mayor Macedo pulled the item to declare a business conflict and stepped out of

the room. The item was approved with the balance of the consent calendar.

- (5) **Approve a subdivision improvement agreement with Holt Distressed Properties Fund (Parallel 1), 2010, L.P. for the Montecito Subdivision for recordation. [Submitted by: M. Miller]**
- (6) **Adopt Resolution 18-49 authorizing the installation of one-way stop control at the intersection of King Avenue and “F” Street, and two-way stop control at the intersections of King Avenue and “G” Street and King Avenue and “H” Street. [Submitted by M. Miller]** Council Member Jones pulled the item for clarification on the process. Following response by City Engineer Michael Miller, it was moved by Council Member Jones, seconded by Council Member Nunley and unanimously carried to adopt Resolution 18-49 as presented.
- (7) **Authorize the City Manager or designee to sign a contract amendment with Provost & Pritchard Consulting Group of Visalia, CA in the amount of \$7,000 for electrical engineering services related to Projects SD0016, 0017, and 0018; storm drain lift station upgrades at three sites. [Submitted by: J. Funk]**
- (8) **Reject the liability claim for damages filed by Wesley J. Hensley on August 31, 2018. [Submitted by: J. Avila]** Council Member Sigala pulled the item for clarification of the process. Following response by Interim City Attorney Mario Zamora, it was moved by Council Member Sigala, seconded by Council Member Nunley and unanimously carried to reject the claim as presented.
- (9) **Adopt Ordinance 18-05 amending and replacing Title 7 Chapter 7.16, Garbage Collection and Street Sweeping Services, and Title 7 Chapter 7.18, Recycling and Diversion of Construction and Demolition Debris of the Tulare Municipal Code. [Submitted by: T. Whitfield]**
- (10) **Award and authorize the City Manager or designee to sign a contract with Talley Oil, Inc. of Madera CA for a total amount of \$117,768.00 for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent; subject only to minor conforming or clarifying changes acceptable to the City Attorney; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$11,776.80) of the contract award amount. [Submitted by: T. Whitfield]**
- (11) **Receive an informational item regarding the Solid Waste Authorized Haulers Resolution 18-07. [Submitted by: T. Whitfield]**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Presentation of the Tulare Local Healthcare District Board Members Xavier Avila, Steve Harrell and Randy Dodd (Adventist Health Tulare) regarding Measure H, a November 6, 2018 ballot measure seeking voter approval to lease the Tulare Hospital to Adventist Health, to assure ongoing emergency medical services, acute care hospital services, and other healthcare services; and consideration and possible approval of support for Measure H regarding the Tulare Hospital. [Requested by: J. Sigala]** Tulare Local Healthcare District Board Members Steve Harrell and Xavier Avila addressed the Council in support of Measure H. Christine Roche Pickering, Regional Communication Director for Adventist Health and on behalf of Randy Dodd, provided a PowerPoint slide presentation for the Council's review and consideration of support for Measure H. The Board Members and Ms. Pickering addressed questions and comments posed by Council. Following the presentation, it was moved by Council Member Sigala, seconded by Council Member Nunley and unanimously carried to support Measure H.
- (2) **Presentation by economic development consulting firm Buxton regarding the mid-year review of the retail attraction services agreement with the City of Tulare. [Submitted by: T. Myers]** Community Development Deputy Director Traci Myers introduced the item and Buxton Project Manager Cheyenne Robinson who provided a PowerPoint slide presentation for the Council's review and consideration. Informational item only.

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) Public Hearing:

- a. **Public Hearing to pass-to-print Ordinance 18-06 amending Chapter 3.08 of Title 3 of the City Code pertaining to California Fire Regulations Section 3.08.080 (Safe and Sane Fireworks). [Submitted by: L. Nevarez]** Interim Fire Chief Luis Nevarez provided a report for Council's review and consideration. Mayor Macedo opened the public hearing at 8:19 p.m., receiving no public comments he closed the public hearing at 8:19 p.m.

Questions and comments posed by Council were addressed by staff. Following discussion, it was moved by Council Member Nunley, seconded by Council Member Jones and unanimously carried to pass-to-print Ordinance 18-06 as presented.

[The following item was continued from the September 4, 2018 meeting.]

- b. Public Hearing to adopt Resolution 18-50 adopting a Mitigated Negative Declaration Addendum prepared for Tentative Subdivision Map 2018-12 (Liberty Hill) General Plan Amendment No. 2018-01 and Zone Amendment No 728; and adopt Resolution 18-51 to approve General Plan Amendment No. 2018-01 providing for a change in land use designation on approximately 7 acres from Neighborhood Commercial to Low Density Residential, and pass-to-print Ordinance 18-07 approving Zone Amendment No. 728, changing the existing zoning on approximately 79.5 acres from the R-1-6 (Single-Family Residential, 6,000 sq. ft. minimum lot area) and C-1 (Neighborhood Commercial) zone districts to the R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area) zone district on property located on the northwest corner of Bardsley Avenue and West Street. [Submitted by: J. McDonnell]** Associate Planner Steven Sopp provided a report for the Council's review and consideration. Mayor Macedo opened the public hearing at 8:25 p.m. Troy Wright, applicant and developer and Project Engineer Jose Lemus addressed the Council in support of the project. With no further public comments, Mayor Macedo closed the public hearing at 8:29 p.m. Staff addressed questions and comments posed by Council. Following discussion, Council Member Sigala stated he would move to approve subject to various conditions. Staff advised that such conditions would need to be discussed with the developer. Council Member Sigala moved to table the item for staff to work with the developer on specific conditions he would like for the project; it failed for a lack of a second. It was moved by Vice Mayor Castellanoz, seconded by Council Member Jones and carried 4 to 1 (Council Member Sigala voting no) to adopt Resolution 18-50 as presented; it was further moved by Vice Mayor Castellanoz, seconded by Council Member Jones and carried 4 to 1 (Council Member Sigala voting no) to adopt Resolution 18-51 as presented; lastly, it was moved by Vice Mayor Castellanoz, seconded by Council Member Jones and carried 4 to 1 (Council Member Sigala voting no) to pass-to-print Ordinance 18-07 as presented.
- c. Public Hearing to adopt Resolution 18-52 approving the 2017-2018 Consolidated Annual Performance and Evaluation Report (CAPER) providing information on the progress and status of projects administered by the City using CDBG funds and authorize the City Manager or his designee to submit the CAPER to the Department of Housing and Urban Development (HUD) on behalf of the City of Tulare. [Submitted by: T. Myers]** Housing and Grant Specialist Margie Perez provided a report for the Council's review and consideration. Mayor Macedo

opened the public hearing at 9:22 p.m., receiving no public comment he closed the public hearing at 9:22 p.m. Staff addressed questions and comments posed by Council. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and unanimously carried to adopt Resolution 18-52 as presented.

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

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

Mayor Macedo adjourned to closed session at 9:39 p.m. for matters as stated by Interim City Attorney Mario Zamora.

- (a) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: TPOU v. City of Tulare, TCSC Case No. VCU275368
[Submitted by: M. Zamora]
- (b) 54957(b) – Public Employee Appointment: City Manager [Submitted by: J. Avila]

XII. RECONVENE CLOSED SESSION

Mayor Macedo reconvened from closed meeting at 10:40 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 10:40 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