

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

June 21, 2016

A regular session meeting of the City Council, City of Tulare was held on Tuesday, June 21, 2016, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: David Macedo, Carlton Jones^{7:37 p.m.}, Maritsa Castellanoz, Craig Vejvoda, Shea Gowin

STAFF PRESENT: Paul Melikian, Martin Koczanowicz, David Hale, Wes Hensley, Willard Epps, Janice Avila, Darlene Thompson, Joe Carlini, Rob Hunt, Michael Miller, Steve Bonville, Nick Bartsch, Jason Bowling, Sara Brown, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

Mayor Macedo called the regular meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Chief of Police Wes Hensley led the Pledge of Allegiance, and an invocation was given by Mayor David Macedo.

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.

Chris Harrell addressed the Council, introducing himself and highlighting what the Tulare Historical Museum promotes in the City of Tulare.

John Harmon addressed the Council regarding the new Team Tulare Program and feedback generated.

IV. COMMUNICATIONS

- (1) Letter dated June 10, 2016, regarding Congestion Mitigation and Air Quality (CMAQ) Program Project Award presented by TCAG.** Deputy City Manager Paul Melikian reviewed the award letter for the Council’s information and recognized both Trisha Whitfield and Frank Rodriguez for their efforts in obtaining this grant funding.

V. CONSENT CALENDAR:

It was moved by Council Member Gowin, seconded by Council Member Castellanoz, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of Item 7.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of June 7, 2016 regular meeting(s).**
- (3) Award a contract for street and utility improvements associated with Project EN0065 Pavement Management System project on 'H' Street to 99 Pipeline, Inc. of Porterville, CA in the amount of \$1,486,380.07; approve the revised Project Budget; and Authorize the City Manager to approve contract change orders in an amount not to exceed 15% (\$222,957) of the contract award amount.**
- (4) Award of a contract to NV5 of Fresno, CA in the amount of \$269,468.62 for construction management, construction surveying/staking and materials testing services for Project EN0065, a street improvement project on 'H' Street. Authorize the City Manager to approve contract change orders in an amount not to exceed 10% (\$26,946) of the contract award amount.**
- (5) Grant permission for the Tulare Library Foundation to serve alcohol at a fundraising event scheduled for Monday, September 26, 2016, 5:30-8:30 p.m. for adults 21 and over at the Library.**
- (6) Approve a list of pre-qualified consultants for on-call general engineering and land surveying services, and authorize the City Manager to enter into consultant professional service contracts, not to exceed the total amount authorized under the City's adopted purchasing policy, with Peters Engineering Group, Provost & Pritchard, Willdan and 4Creeks for providing general engineering and land surveying services for a period of one year, with up to four subsequent one year renewals.**
- (7) Authorize 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 21, 2017. Council Member Vejvoda pulled the item to comment on the item. He expressed that those in his district/neighborhood would like to see the road in this development connect to Mooney Boulevard and hoped the Developer could work something out with CalTrans. He further inquired on the City's ability to utilize the bonds against the project. City Engineer Michael Miller advised that the City could make a claim against the bonds. Following discussion it was moved by Council Member Vejvoda, seconded by Council Member Gowin and carried 4 to 0 (Vice Mayor Jones absent) to approve the item as presented.**

- (8) **Approve a one-month extension (July 2017) with MV Transportation, Inc. for the management and operation of the city's fixed-route and dial-a-ride transit services.**
- (9) **Accept May Investment Report.**
- (10) **Adopt Ordinance 16-07 repealing Chapter 8.68 of the City of Tulare Municipal Code and Adding a New Chapter 8.68 related to Cable System Franchise Regulations.**
- (11) **Reject claim for damages filed by Derik Martin and Lamont Martin on February 12, 2016 per the recommendation of the City's adjuster.**
- (12) **Accept the Annual Report of the Tulare Historical Museum.**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Accept donation in the amount of \$30,000 toward the 1 million dollar pledge made by the Tulare Library Foundation.** Tony Taylor presented to Library Manager Sara Brown, an installment check of \$30,000, on behalf of the Library Foundation toward the \$1 million dollar pledge. He further thanked Ms. Brown on all she does for the Library.
- (2) **Certificate of Recognition to Tulare Union High School Wrestler Jessica Rubio Sanchez.** Council Member Vejvoda presented a Certificate of Recognition to Jessica Rubio Sanchez on her wrestling achievements.

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 adopt Resolution 16-28 confirming the report and recommendation of the Tulare Downtown Association Board of Directors and levy assessments for the Tulare Downtown Parking and Business Improvement District 2016/2017 Annual Assessments.** Tulare Downtown Association Director John Harmon provided a report for the

Council's review and consideration. Mayor Macedo opened the public hearing at 7:20 p.m. Receiving no public comments Mayor Macedo closed the public hearing at 7:21 p.m. With no further discussion it was moved by Council Member Vejvoda, seconded by Council Member Gowin and carried 4 to 0 (Vice Mayor Jones absent) to adopt Resolution 16-30 as presented.

(2) Appeal Hearing:

[This item is trail to the end of the agenda or until such time that Vice Mayor Jones arrives.]

- a. **Appeal hearing for Council's consideration on an appeal filed by Driven Construction/Greg Nunley (Applicant) of Planning Commission's decision to require a block wall along Seminole Avenue (specifically condition No. 22 of Design Review No. 1075), as approved by the Planning Commission on May 9, 2016, and Adoption of Resolution 16-29 either denying or upholding the appeal, or provide direction to staff to remand the project back to Planning Commission for further consideration.** Community Development Director Rob Hunt provided a report for the Council's review and consideration. Mayor Macedo opening the appeal hearing at 7:56 p.m. Charlie Clouse addressed the Council on behalf of Driven Construction and spoke in support of approval of the appeal. Jim Robinson, Joe Trevino, Dixie Fordice, Brad Rodriguez, Hank Veenendaal, Brock Maffia, Raul Casas, Danny Martinez, Jenny Buchanan and Chris Pimentel addressed the Council in support of the condition of a block wall as imposed by the Planning Commission. John Moons addressed the Council in support of the project as presented and in support of the approval of the appeal. City Attorney Martin Koczanowicz advised Council that although the code has no mandate for a block wall, the Planning Commission does have the discretion to add conditions that are consistent with surrounding developments. Following discussion it was moved by Vice Mayor Jones, seconded by Council Member Castellanoz and carried 3 to 2 (Council Member Vejvoda and Gowin voting no) to adopt Resolution 16-29 to uphold the appeal and removing the condition of the block wall.

(3) Community Development:

- a. **Council consideration to adopt Resolution 16-30 and direction to staff on the request by Alfaro Trucking for a deferral of project related development impact fees in the sum of \$59,619 under section 8.56.080 of the Tulare Municipal Code.** Community Development Director Traci Myers provided a report for the Council's review and consideration. Mr. Alberto Alfaro addressed the Council through Spanish translation in support of the request. Following Council comments and with no further discussion it was moved by Council Member Castellanoz, seconded by Council Member Gowin and carried 4 to 0 (Vice Mayor Jones absent) to adopt Resolution 16-30 as presented.

(4) City Manager:

- a. **Review and provide direction to staff whether to pursue Southern California Edison (SCE) Street Light Purchase.** Field Services Manager Trisha Whitfield provided a report and background for the Council's review and consideration. Following discussion it was the consensus of the Council to not make a decision at this time to purchase, but did direct staff to continue to study the option to purchase and provide updated information at the next meeting, July 19, 2016, regarding proposed savings, staffing, equipment, financing options, contract maintenance, etc.

(5) City Manager/Public Works:

- a. **Receive an update regarding the proposed water and sewer rate increase.** Field Services Manager Trisha Whitfield provided an informational update on the proposed water and sewer rate increase and reminded the Council of the Prop 218 Public Hearing scheduled before the Board of Public Utilities on Thursday, July 21, 2016. Vice Mayor Jones would like to see signage acknowledging the funding to the projects if rate increases pass.

X. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(a)(2)**XI. ADJOURN REGULAR MEETING**

Mayor Macedo adjourned the regular meeting at 8:59 p.m.

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

ATTEST:

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