

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

August 2, 2016

A closed session meeting of the City Council, City of Tulare was held on Tuesday, August 2, 2016, at 6:30 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: David Macedo, Carlton Jones^{6:40 p.m.}, Maritsa Castellanoz, Shea Gowin

COUNCIL PRESENT: Craig Vejvoda

STAFF PRESENT: Don Dorman, Paul Melikian, Martin Koczanowicz, Barry Jones, Willard Epps, Janice Avila, Darlene Thompson, Joe Carlini, Rob Hunt, Michael Miller, Steve Bonville, Nick Bartsch, Shonna Oneal

I. CALL TO ORDER CLOSED SESSION

Mayor Macedo called the closed session to order at 6:31 p.m.

II. CITIZEN COMMENTS - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

There were no citizen comments presented.

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

Mayor Macedo adjourned to closed session at 6:33 p.m., for items as stated by City Attorney Martin Koczanowicz.

- (a) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation
City of Tulare vs. W. M. Lyles, et. al., TCSC Case No. VCU260168

A regular session meeting of the City Council, City of Tulare was held on Tuesday, August 2, 2016, 2016, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

IV. RECONVENE CLOSED SESSION

Mayor Macedo reconvened from closed session at 6:49 p.m.

V. CLOSED SESSION REPORT (if any)

City Attorney Martin Koczanowicz advised the Council approved the terms and conditions of the settlement.

VI. ADJOURN CLOSED SESSION

Mayor Macedo adjourned closed session at 6:49 p.m.

VII. CALL TO ORDER REGULAR SESSION

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

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Captain Barry Jones led the Pledge of Allegiance, and an invocation was given by Ronald Smith.

IX. 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.

Sharon Barnes of Tulare addressed the Council regarding the issues her business is experiencing with the homeless.

Philip Clarey of Tulare addressed the Council regarding the ongoing safety concerns he has for his employees.

Patty Rocha on behalf of the Tulare Outlet Center addressed the Council regarding the issues the Tulare Outlet Center is experiencing as a result of construction occurring at Hillman and Leland.

Ronald Smith on behalf of Sterling Smith addressed the Council to express his gratitude for the Tulare Police Department and presented a letter of his appreciation for the Chief of Police.

X. COMMUNICATIONS

There were no items for this section on the agenda.

XI. CONSENT CALENDAR:

It was moved by Vice Mayor Jones, seconded by Council Member Gowin, and carried 4 to 0 (Council Member Vejvoda absent) that the items on the Consent Calendar be approved as presented.

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of July 19, 2016 regular meeting(s).
- (3) Approve the re-nomination of Edward Henry as the City of Tulare's appointee to the Tulare County Association of Governments (TCAG) Measure "R" Citizen's Oversight Committee for a term two-year term, July 1, 2016 to June 30, 2018.
- (4) Authorize the City Manager to sign a contract with Willdan Engineering of Fresno, CA in the amount of \$200,358.00 for surveying, design, bidding and construction support services for Project EN0064, a street improvement project on 'E' Street . Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$20,035) of the contract award amount.
- (5) Accept Grant of Easement for water pipeline and temporary construction easement from Sterling Real Estate Partners II, LLC for the installation, repair and maintenance of a water pipeline to provide a city water main from Bardsley Avenue to the Sierra Vista No. 2 Subdivision located on the east side of Irwin Street at Cabrillo Avenue.
- (6) Approve the Parcel Map filed by 99 Prosperity Development LLC, a California Limited Liability Company for the division of land located on the east side of Morrison Street south of Bardsley Avenue, and accept the public utility easement shown thereon.
- (7) Conditionally approve the Parcel Map filed by Greg Nunley for the division of land located at the southeast corner of Seminole Avenue and Mooney Blvd. (SR 63) for recordation, and accept all easements and dedications offered to the City subject to receipt of the signed parcel map, all fees, and other required items prior to October 1, 2016.
- (8) Accept June Investment Report.
- (9) Adopt Resolution 16-36 authorizing the City of Tulare to apply for 2015-2016 California Transit Security Grant Program-California Transit Assistance Funds (CTSGP-CTAF) from the California Office of Emergency Services, accept the funds if awarded, and designate the City Manager or designee as the individual authorized to execute all grant documents on behalf of the City.

- (10) **Adopt Resolution 16-37 amending the Memorandum of understanding (Side Letter) with California League of City Employees Association (C.L.O.C.E.A.) to include language regarding cleaning services on employee uniforms and adopt Resolution 16-38 between the City and the Tulare Police Offices Union (TPOU) to include language regarding physical fitness pay, to comply with CalPERS regulations and findings.**
- (11) **Adopt Ordinance 16-08 approving Zone Amendment No.715 from R-1-6 (Single Family Residential, 6,000 sq. ft. min. lot area) and C-4 (Service Commercial) to RM-3 (Multi-family Residential, 3,000 sq. ft. min. lot area per unit); to construct a 10 unit multi-family apartment complex on approximately one-half acre site. Property is located at the northeast corner of Inyo Avenue and Sacramento Street. (APN's 175-014-003 & 005).**
- (12) **Approve the revised Project Budget for PD0017 at \$292,627, and authorize the City Manager to execute sole source contracts with FileoneQ for an evidence computer program in the amount of \$71,210 and Systems and Space Shelving for shelving and storage in the amount of \$92,675, and Authorize the City Manager to approve contract change orders not to exceed 10% (\$7,120 and \$9,267) of the contract award amount.**

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

There were no items for this section of the agenda.

XIII. MAYOR'S REPORT

There were no items for this section of the agenda.

XIV. STUDENT REPORTS

There were no items for this section of the agenda.

XV. 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 16-39 approving the Proposed FY 2016/17 Action Plan of Community Development Block Grant (CDBG) program funds.** Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Mayor Macedo opened the public hearing at 7:22 p.m., receiving no public comment he closed the public hearing at 7:22 p.m. With no further discussion, it was

moved by Council Member Castellanoz, seconded by Vice Mayor Jones and carried 4-0 (Council Member Vejvoda absent) to adopt Resolution 16-39 as presented.

- b. **Public hearing to adopt Resolution 16-40 confirming diagram and assessments and levying assessments pursuant to Landscape and Lighting Act of 1972 for fiscal year 2016-17.** Community Development Director Rob Hunt provided a report for the Council's review and consideration. Mayor Macedo opened the public hearing at 7:24 p.m., receiving no public comment he closed the public hearing at 7:24 p.m. With no further discussion, it was moved by Vice Mayor Jones, seconded by Council Member Castellanoz and carried 4-0 (Council Member Vejvoda absent) to adopt Resolution 16-40 as presented.
- c. **Public hearing to adopt Resolution 16-41 regarding placing costs of constructing utility connections and/or sidewalk, curb, gutter, and driveway construction on property rolls in installments.** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Mayor Macedo opened the public hearing at 7:25 p.m., receiving no public comment he closed the public hearing at 7:25 p.m. With no further comment, it was moved by Council Member Gowin, seconded by Council Member Castellanoz and carried 4-0 (Council Member Vejvoda absent) to adopt Resolution 16-41 as presented.

(2) Human Resources:

- a. **Safety & Regulatory Compliance Program Update by Bruno Huerta, Safety & Regulatory Compliance Analyst. [Verbal presentation no written material.]** Human Resource Director Janice Avila introduced the item and Safety and Regulatory Compliance Analyst, Bruno Huerta, who provided a PowerPoint slide presentation highlighting the Safety and Regulatory Compliance Program.

XVI. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(a)(2)

XVII. ADJOURN REGULAR MEETING

Mayor Macedo adjourned the regular meeting at 7:45 p.m.

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

ATTEST:

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