

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

September 20, 2016

A closed session meeting of the City Council, City of Tulare was held on Tuesday, September 20, 2016, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: David Macedo^{6:20 p.m.}, Carlton Jones, Maritsa Castellanoz^{6:40 p.m.}, Shea Gowin, Craig Vejvoda

STAFF PRESENT: Paul Melikian, Martin Koczanowicz, David Hale, Wes Hensley, Janice Avila, Darlene Thompson, Steve Bonville, Roxanne Yoder

I. CALL TO ORDER CLOSED SESSION

Vice Mayor Jones called the closed session to order at 6:02 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):

Vice Mayor Jones adjourned to closed session at 6:01 p.m., for items as stated by City Attorney Martin Koczanowicz.

- (a) 54956.8b Conference with Real Property Negotiators
Property: City’s undivided half of parcel APN #072-053-010, Goshen, California
Under Negotiation: Purchase of the other half of the parcel or sale of the City owned half-interest
Negotiating parties: Paul Melikian, David Hale, Joe Horswill, Steve Bonville, Rod Bolcao (Western Pacific Meat Packing); undivided half-owners Albert Goyenetcghe and Grace Goyenetcghe *[Mayor Macedo was not in attendance for this item, due to previous recusals.]*

- (b) 54956.9a Conference with Legal Counsel – Existing Litigation (1)

[Mayor Macedo arrived at 6:20 p.m.]

Name of Case: City of Bellflower, et. al. v. Mantosantos, et. al., State of California et al. Sacramento Superior Court Case #34-2012-80001269

[Council Member Castellanoz arrived at 6:40 p.m.]

- (c) 54957(b)(1) – Public Employee Performance Evaluation/Public Employee Appointment: City Attorney

- (d) 54957.6b Conference with Labor Negotiators
 Represented/Unrepresented employee(s): Police Officers Association;
 Negotiators: Paul Melikian, Janice Avila, Darlene Thompson, and Wes Hensley

A regular session meeting of the City Council, City of Tulare was held on Tuesday, September 20, 2016, 2016, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: David Macedo, Carlton Jones, Maritsa Castellanoz, Shea Gowin, Craig Vejvoda

STUDENTS PESENT: Ashley Logue, Yash Bhakta

STUDENTS ABSENT: Mirian Espinoza

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, Traci Myers, Fred Ynclan, Bobby Dykes, Dave LaPere, Luis Nevarez, Roxanne Yoder

IV. RECONVENE CLOSED SESSION

Mayor Macedo reconvened from closed session at 7:22 p.m.

V. CLOSED SESSION REPORT (if any)

City Attorney Martin Koczanowicz advised that with regard to Closed Session item c he confirmed his resignation, to pursue a position as an in-house city attorney for another agency. Mayor Macedo further advised that with this departure the Council unanimously approved the appointment of David Hale as City Attorney.

VI. ADJOURN CLOSED SESSION

Mayor Macedo adjourned closed session at 7:24 p.m.

VII. CALL TO ORDER REGULAR SESSION

Mayor Macedo called the regular meeting to order at 7:24 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Castellanoz led the Pledge of Allegiance, and an invocation was given by Council Member Vejvoda.

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.

Kent McNatt addressed the Council regarding invitation to visit or attend the Historical Museum, the 7th Annual Red Ribbon Week, the 4th Annual Suicide Awareness/Prevention Town Hall as well as the Annual Veteran's Day Parade.

Raj Rakkar, South San Joaquin Valley Regional Public Affairs Manager League of California Cities introduced herself to the Council and advised that she is available for any assistance as their League Regional Representative.

X. COMMUNICATIONS

There were no items for this section on the agenda

XI. CONSENT CALENDAR:

It was moved by Council Member Gowin, seconded by Council Member Vejvoda, and unanimously carried that the items on the Consent Calendar be approved as presented.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of September 6, 2016 special/regular meeting(s).**
- (3) Accept as complete the contract with Emmett's Excavation for work on Project EN0001 to construct the Bardsley Avenue/UPRR Grade Separation 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.**
- (4) Receive, review, and file the Monthly Investment Report for July 31, 2016.**
- (5) Accept receipt of FY15 Fire Prevention and Safety (FP&S) grant from FEMA in the amount of \$17,334 with a City match of \$866 for a total of \$18,200; authorize an appropriation to purchase Fire Investigation supplies and training.**
- (6) Award a sole source implementation contract for Job Cal, a Computerized Maintenance Monitoring System, for the Surface Water Management Division in the amount of \$16,420 to Ewers Engineering, Inc. of Roseville, CA. The total value of the proposed contract is for \$79,580; however, \$16,420 will be funded from Surface Water Management Division, which is partially funded through General Fund. The remaining portion of this contract of \$63,160 is for implementation in the Water and Sewer Collections Divisions, which was brought before the Board of Public Utilities on September 15, 2016.**

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

There were no items for this section of the agenda.

XIII. MAYOR'S REPORT

- (1) **Proclamation Recognizing Tulare Relay for Life 2016.**

XIV. STUDENT REPORTS

Ashley Logue and Yash Bhakta reported on various school related activities.

VI. CONVENE JOINTLY AS TULARE CITY COUNCIL AND TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE TULARE REDEVELOPMENT AGENCY – (material related to these items are available for review in the City Clerk's Office)

Mayor Macedo convened jointly as the Successor Agency and Tulare City Council at 7:39 p.m.

(1) Successor Agency:

- a. **Adopt Resolution 2016-01 to authorize the Successor Agency to the Redevelopment Agency of Tulare (the "Successor Agency") to issue 2016 Tax Allocation Refunding Bonds, Series A (Tax-Exempt) and Series B (Taxable) (together, the "2016 Refunding Bonds") to refinance all or a portion of the outstanding Redevelopment Agency of the City of Tulare Merged Tulare Redevelopment Projects 2010 Tax Allocation Bonds, Series A (Tax-Exempt), Series B (Taxable), and 2010 Tax Allocation Housing Bonds, Series C (Taxable) (together, the "2010 Tax Allocation Bonds") for debt service savings.** Finance Director Darlene Thompson provided a report for the joint bodies review and consideration. With no further discussion, it was moved by Council Member Gowin, seconded by Council Member Castellanoz and unanimously carried to adopt Resolution 2016-01 as presented.
- b. **Adopt Resolution 16-47 and authorize the transfer of certain real properties from the City to the Successor Agency of the City of Tulare Redevelopment Agency. The engagement of RSG Real Estate to handle the property disposals in accordance with the LRPMP and settlement terms between the City and SCO. Appoint the Interim City Manager as agent of the City of Tulare and the Successor Agency to the City of Tulare Redevelopment Agency to conduct negotiations, execute and submit all documents, including but not limited to applications, sales agreements, amendments, payment requests, and other documents, which may be necessary for the completion of the aforementioned project.** City Attorney Martin Koczanowicz clarified that the action of the body is for adoption of a City Council Resolution. 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 Castellanoz, seconded by Vice Mayor Jones and unanimously carried to adopt Resolution 16-47 as presented.

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

Mayor Macedo adjourned as the Successor Agency and remained seated as the Tulare City Council at 7:45 p.m.

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) City Manager:

- a. Interview and select applicant to fill current vacancy on the City of Tulare Board of Public Utilities for a term ending December 31, 2017.** Interim City Manager Paul Melikian provided an introduction of the item for the Council's review and consideration.

Mayor Macedo invited the applicants to address the Council. Greg Blevins, Stephen Fagundes, Priscilla Musgrove, James Pennington and Joseph Soares provided background information and each expressed their desire to serve the community.

Following questions and comments of support it was moved by Vice Mayor Jones, seconded by Council Member Castellanoz to appoint Priscilla Musgrove, by a vote of 2 to 3 (Council Members Vejvoda, Gowin and Mayor Macedo voting no) the motion failed. It was further moved by Council Member Vejvoda, seconded by Council Member Gowin and carried 3 to 2 (Council Member Castellanoz and Vice Mayor Jones voting no) to appoint Mr. James Pennington to the remaining term on the Board of Public Utilities.

- b. Authorize the Interim City Manager to execute a Schedule LS-1 Option E, Energy Efficiency Light Emitting Diode (LED) Fixture Replacement Rate Agreement with Southern California Edison (SCE) to retrofit all SCE owned streetlights in the City of Tulare.** Interim City Manager Paul Melikian provided a report for the Council's review and consideration. With no further discussion, it was moved by Council Member Vejvoda, seconded by Council Member Gowin and unanimously carried to approve the item as presented.
- c. Adopt Resolution 16-49 nominating Tulare Council Member Craig Vejvoda to the San Joaquin Valley Air Pollution Control District**

Governing Board in accordance with procedures adopted by the Special City Selection Committee. Interim City Manager Paul Melikian provided a report for the Council's review and consideration. With no further discussion, it was moved by Council Member Gowin, seconded by Vice Mayor Jones and unanimously carried to adopt Resolution 16-49 as presented.

(2) Economic Development:

- a. Review of the Consultant Services Agreement between the City of Tulare and Retail Strategies for retail attraction and recruitment, and consideration to exercise the City's option to renew for a one-year extension as provided for in the Agreement; and to grant authorization to the interim City Manager to execute documents necessary to effectuate the extension.** Community Development Deputy Director provided a report for the Council's review and consideration. Following the report it was moved by Council Member Gowin, seconded by Council Member Vejvoda, by a vote of 2 to 3 (Council Member Castellanoz, Vice Mayor Jones and Mayor Macedo voting no), the motion failed.

(3) Finance:

- a. Adopt Resolution of Intention 16-48 to approve an amendment to the Contract between the City of Tulare and the Board of Administration of the California Public Employees' Retirement System; and, pass-to-print Ordinance 16-09, authorizing an amendment to the Contract between the City of Tulare and the Board of Administration of the California Public Employees' Retirement System to provide for changes to include employee cost-sharing of City's PERS cost.** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Following the report, it was moved by Council Member Vejvoda, seconded by Vice Mayor Jones and unanimously carried to adopt Resolution 16-48 as presented. It was further moved by Council Member Castellanoz, seconded by Council Member Vejvoda and unanimously carried to pass-to-print Ordinance 16-09 as presented.
- b. Pass-to-print Ordinance 16-10 providing for the issuance of not to exceed \$28,000,000 principal amount of City of Tulare Water Revenue Bonds, Series 2016 to a) finance approximately \$20 million of water system capital improvements, b) potentially refund approximately \$5 million of an outstanding equipment lease for debt service savings, and c) fund costs of issuance and a potential debt service reserve fund. The ordinance also approves the form of a bond indenture.** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Following the report, it was moved by Council Member Vejvoda, seconded by Council Member Castellanoz to pass-to-print Ordinance 16-10 as presented.

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 8:44 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