

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

November 15, 2016

A closed session meeting of the City Council, City of Tulare was held on Tuesday, November 15, 2016, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: David Macedo, Carlton Jones, Maritsa Castellanoz^{6:11 p.m.}, Shea Gowin, Craig Vejvoda

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

I. CALL TO ORDER CLOSED SESSION

Mayor Macedo called the closed session to order at 6:01 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 6:02 p.m., for items as stated by City Attorney David Hale.

- (a) 54957.6b Conference with Labor Negotiators
Represented/Unrepresented employee(s): Police Officers Association;
Negotiators: Paul Melikian, Janice Avila, Darlene Thompson, and Wes Hensley
- (b) 54956.8b Conference with Real Property Negotiators
Property: located at NW Corner of Cross and J Streets, Tulare, CA
Under Negotiation: Terms and conditions related to price for a potential lease or Purchase and Sale
Negotiating parties: Paul Melikian, David Hale, Orosco Group, LLC.
- (c) 54957(b)(1) – Public Employee Performance Evaluation: Deputy City Manager

A regular session meeting of the City Council, City of Tulare was held on Tuesday, November 15, 2016, 2016, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: David Macedo^(left @ 7:18 p.m.), Carlton Jones, Maritsa Castellanoz, Shea Gowin, Craig Vejvoda

STUDENTS PESENT: Mirian Espinoza, Ashley Logue, Yash Bhakta

STAFF PRESENT: Paul Melikian, David Hale, Wes Hensley, Willard Epps, Janice Avila, Darlene Thompson, Joe Carlini, Rob Hunt, Michael Miller, Steve Bonville, Nick Bartsch, Traci Myers, Fred Ynclan, Roxanne Yoder

IV. RECONVENE CLOSED SESSION

Mayor Macedo reconvened from closed session at 7:06 p.m.

V. CLOSED SESSION REPORT (if any)

Mayor Macedo advised there was no reportable action.

VI. ADJOURN CLOSED SESSION

Mayor Macedo adjourned closed session at 7:06 p.m.

VII. CALL TO ORDER REGULAR SESSION

Mayor Macedo called the regular meeting to order at 7:07 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Police Chief Wes Hensley led the Pledge of Allegiance, and an invocation was given by Pastor Steve Duyst.

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.

Marvin Kruger addressed the Council regarding tree clearance over sidewalks and suggested reducing from 10 feet to 8 feet.

Kerissa Chapman introduced Donnette Carter, the new Tulare Chamber CEO.

X. COMMUNICATIONS

There were no items for this section on the agenda.

XI. CONSENT CALENDAR:

It was moved by Council Member Vejvoda, seconded by Council Member Gowin, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 3.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of November 1, 2016 special/regular meeting(s).**
- (3) Adopt Resolution 16-50 amending the Tulare City Council Handbook of Rules and Procedures of the City Council of the City of Tulare.** Vice Mayor Jones pulled the item to continue to a time that it could be considered at a future study session or during Council's team building session. Following comment by City Attorney it was moved by Vice Mayor Jones, seconded by Mayor Macedo and unanimously carried to continue, until such time that it can be heard at a future study session or during Council's team building session.
- (4) Receive informational report on current City of Tulare, City Council 2016/2017 travel budget.**
- (5) Approve and Eighth Amendment to the Exclusive Right to Negotiate (ERN) Agreement with Orosco Development No. 11, LLC for the acquisition of City owned property at Cross and J Street and authorize City Manager to execute it on behalf of the City.**
- (6) Accept the required public works improvements for The Windmills No. 3 Subdivision located east of Morrison Street, south of Bardsley Avenue as complete, 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.**
- (7) Conditionally approve the Final Map and subdivision improvement agreement for the KCOK Ranch No. 2 Subdivision for recordation, and accept all easements and dedications offered to the City subject to receipt of the subdivision improvement agreement.**
- (8) Adopt Resolution 16-58 adopting "The City of Tulare Design Guidelines And Public Improvement Standards – 2016 Edition" for use by the City in the design and review of Public Works Improvements within the City of Tulare, adopting as supplemental available sources all current State of California and United States Federal Government civil engineering design standards and specifications, and reaffirming the City Engineer's authorization to approve all designs and design changes.**

- (9) **Approve agreement Richard Burch to construct and finance utility connection and/or side walk, curb, gutter, and driveway construction and place costs thereof on property tax rolls in installments.**

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

Mirian Espinoza, 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 the joint meeting at 7:21 p.m.

(1) Successor Agency:

- a. **Adopt Resolution 2016-03 of the Successor Agency to the former Tulare Redevelopment Agency approving the Purchase and Sale Agreement and Escrow Instructions for 820 Wright Way (APN 175-220-010) and authorizing the Interim Tulare City Manager or designee to execute all related documents related thereto.** General Services Director Steve Bonville provided a report for the joint bodies review and consideration. With no further discussion it was moved by Council Member Vejvoda, seconded by Council Member Castellanoz and carried 4 to 0 (Mayor Macedo absent) to adopt Resolution 2016-03 as presented.
- b. **Adopt Resolution 2016-04 approving the subordination of statutory pass-through payments received by the City from the Merged Tulare Redevelopment Projects (the "Project Area") to the payment of debt service on the proposed 2016 Tax Allocation Refunding Bonds.** Finance Director Darlene Thompson provided a report for the joint bodies review and consideration. With no further discussion it was moved by Council Member Vejvoda, seconded by Council Member Castellanoz and carried 4 to 0 (Mayor Macedo absent) to adopt Resolution 2016-04 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 the joint meeting, but remained seated as Tulare City Council at 7:24 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) Public Hearing:

a. Public Hearing to receive and accept the City's annual Development Impact Fee Fund Report for the fiscal year ended June 30, 2016.

Finance Director Darlene Thompson provided a report for the Council's review and consideration. Mayor Pro Tem Jones opened the public hearing at 7:26 p.m. Mike Lane, President of the Building Industry Authority who advised that the report is not compliant with G.C. 6606, which states that each public improvement and related funds need to be clearly shown. He further stated that documentation is not sufficient and asks that the City work to correct this for future reports. Ms. Thompson advised that staff has been working with a consultant who will be preparing a Development Impact Fee Study and they will ensure that this information will be documented and reported in future reports. Receiving no further public comments, Mayor Pro Tem Jones closed the public hearing at 7:29 p.m. with no further discussion, it was moved by Council Member Vejvoda, seconded by Council Member Castellanoz and carried 4 to 0 (Mayor Macedo absent) to receive and accept the report as presented.

(2) Community Development:

a. Council consideration and direction to staff on the request by Louis Sparks, Executive Director of Lighthouse Rescue Mission for economic development assistance in the form of a grant in the sum of \$3,700 to pay entitlement processing fees for a proposed new Lighthouse Rescue Mission project.

Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Following brief comments it was moved by Council Member Vejvoda, seconded by Council Member Castellanoz and carried 4 to 0 (Mayor Macedo absent) to approve the item as requested.

(3) Finance:

a. Adopt Resolution 16-59 to authorize the sale and form of various documents required for the issuance of Water Revenue Bonds, Series 2016 and sale of the bonds to Morgan Stanley, subject to final revision and approval by authorized officers of the City.

Finance Director Darlene Thompson 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 carried 4 to 0 (Mayor Macedo absent) to adopt Resolution 16-59 as presented.

- b. Presentation on the rollout of OpenGov a cloud-based financial transparency and performance intelligence product used by local, county and state governments to foster trust and drive engagement among citizens.** Finance Director Darlene Thompson provided a demonstration for the Council's review. Ms. Thompson noted that after rollout it will be updated monthly and will allow the City to provide the public easy access to the City's financial information. No action requested, informational item only.

(4) City Manager:

- a. Consideration and selection of the preferred alternative(s) for the South Tulare Interchange project as submitted by Caltrans.** Interim City Manager Paul Melikian provided an introduction of the item for the Council's review and consideration. Mayor Pro Tem Jones invited those who wished to speak on the matter to come to the speaker podium.

Lynn Dredge, Mike Lane, Larry Simonetti, Pete Vander Poel, Edward Henry, Ted Smalley, Lionel Pires, Ben Brubaker and Dennis Mederos addressed the Council in support of the two alternatives and possible design exceptions for Paige. Susan Duyst and Alberto Aguilar addressed the Council in support of an Interchange at Paige.

Following a lengthy discussion it was moved by Council Member Vejvoda to direct TCAG to proceed with studies related to the Commercial and Industrial alternatives and the design exception for Paige, Council Member Gowin seconded the motion. The Motion failed with a vote of 2 to 2 (Vice Mayor Jones, Council Member Castellanoz voting no; Mayor Macedo absent)

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

XVII. ADJOURN REGULAR MEETING

Mayor Pro Tem Jones adjourned the regular meeting at 8:55 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