

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

**January 17, 2017**

**A regular session meeting of the City Council, City of Tulare was held on Tuesday, January 17, 2017, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Carlton Jones, Maritsa Castellanoz, Greg Nunley, Jose Sigala

**COUNCIL ABSENT:** David Macedo

**STUDENTS ABSENT:** Yash Bhakta

**STUDENTS ABSENT:** Mirian Espinoza, Ashley Logue

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

**I. CALL TO ORDER REGULAR SESSION**

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

**II. PLEDGE OF ALLEGIANCE AND INVOCATION**

Police Captain Fred Ynclan led the Pledge of Allegiance, and an invocation was given by Pastor Dennis Sunderland.

**III. CITIZEN COMMENTS**

Mayor Jones 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.

Stephen Case addressed the Council regarding his Change.org petition to bring an In and Out to Tulare.

**IV. COMMUNICATIONS**

- (1) Soroptomist of Tulare Club President, Linda Martin Club presents information on the 5<sup>th</sup> Annual Tea & Fashion show, scheduled for Saturday, January 28, 2017, 11:30 a.m. – 2:00 p.m. and on National Wear Red Day, Friday, February 3, 2017.** Marmie Fidler and Trish Hitlin addressed the Council regarding the 5<sup>th</sup> Annual Soroptomist Tea & Fashion Show and National Wear Red Day.

- (2) **Communication from Charles Ritchie regarding personal calculations concerning the City's water fund.** Interim City Manager Paul Melikian advised that there was no presentation for this item tonight.
- (3) **Communication from Sr. Management Analyst Laurel Barton regarding the National Mayors' Challenge for Conservation.** Sr. Management Analyst Laurel Barton provided a report for the Council's consideration. Mayor Jones' advised he and the community are up to the challenge.
- (4) **Communication from Kent Hawkins, Colony Energy Partners.** Kent Hawkins and partners addressed the Council regarding their proposal to the City. Council Member Nunley inquired of the City Attorney David Hale if questions can be posed to Colony this evening. City Attorney Hale advised that Council could ask questions, but no action may be taken and further advised they could elect to meet with them one on one, or request that the item be brought back for further consideration. Mayor Jones asked Public Works Director Joe Carlini to explain the purpose of the proposal as it relates to the gas that is flared at the treatment plant. Council Member Nunley asked Mr. Hawkins to explain the process on how they pay the City for the plant's gas through this proposal. The Council posed clarifying questions to Colony. Staff was directed by Council to look into this matter.
- (5) **Communication from Kings/Tulare Area Agency on Aging re Audit Findings.**

#### V. **CONSENT CALENDAR:**

It was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz, and carried 4 to 0 (Council Member Macedo absent) that the items on the Consent Calendar be approved as presented with the exception of items 6, 10, 12 & 13.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of December 6, 2016 special/regular meeting(s).**
- (3) **Adopt Resolution 17-01 authorizing the surplus of five (5) City Transit Buses utilizing the value of the surplus items as trade in value against the purchase of replacement vehicles.**
- (4) **Adopt Ordinance 16-13 amending Title 7 Chapter 7.64 to the city code of the City of Tulare, Storm Water, of the Tulare Municipal Code, establishing a Surface Water Management Utility and criteria for the City's enforcement of storm water quality standards required by the National Pollutant Discharge Elimination System (NPDES) Storm Water Permit.**

- (5) **Adopt Ordinance 16-14 repealing and reenacting Chapter 4.04 of the Tulare Municipal Code relating to the adoption of the 2016 California Building Codes.**
- (6) **Adopt Resolution 17-02 authorizing the submittal of an application to the State of California, Department of Housing and Community Development for funding under the HOME Investment Partnerships Program in the amount of \$700,000 for use on eligible projects and program activities.**  
Council Member Sigala pulled the item for clarification of eligible projects for this program. Community Development Deputy Director Traci Myers provided that information for the Council's consideration. Following discussion it was moved by Council Member Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) to adopt Resolution 17-02 as presented.
- (7) **Conditionally approve the Parcel Map filed by George Meneses for the division of land located at the northeast corner of San Joaquin Avenue and "E" Street 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 March 17, 2017.**
- (8) **Adopt Resolution 17-03 authorize Mayor to execute an agreement with the Tulare County Association of Government for the city to expand and/or increase transit service during fiscal year 2016/17.**
- (9) **Receive, review, and file the Monthly Investment Report for November 2016.**
- (10) **Authorize the City Manager to execute an agreement with Gillig, LLC of Hayward, CA to purchase up to 7 – 30', 35' or 40' buses (Livermore Amador Valley Transit Authority RFP#2015-08) for approximately \$550,000 per bus.**  
Council Member Sigala pulled the item for clarification if these buses will provide for Wi-Fi and advertising space on the buses. Finance Director Darlene Thompson advised that staff is working on providing Wi-Fi on the city's current buses and will review that on the new buses as well. Following discussion it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) to approve the item as presented.
- (11) **Award National Joint Powers Alliance (NJPA) Bid to Bob Wondries Ford in the amount of \$56,439.93 for the purchase of an Animal Control Vehicle.**
- (12) **Accept the Police Department Citizen Complaint Review Board's annual report for calendar year 2015.**
- (13) **Accept the Police Department Citizen Complaint Review Board's annual report for calendar year 2016.** Council Member Sigala pulled Items 12 & 13 to inquire if staff had a chance to review the process as discussed at the last meeting. Interim City Manager Paul Melikian advised that staff will be with the

Board at the March meeting and will begin the process of reviewing the procedures in place. Following discussion it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to approve Items 12 & 13 as presented.

## **VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

There were no items for this section of the agenda.

## **VII. MAYOR'S REPORT**

There were no items for this section of the agenda.

## **VIII. STUDENT REPORTS**

Yash Bhakta reported on various school related activities.

## **IX. 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 Jones called the joint session to order at 8:03 p.m.

### **(1) Successor Agency:**

- a. Approve the Recognized Obligation Payment Schedule (ROPS 17-18) for the period of July 1, 2017 to June 30, 2018 pursuant to Health and Safety Code § 34177(I), subject to minor, clarifying changes deemed necessary as proposed by staff and approved by the Oversight Board.** Finance Director Darlene Thompson provided a report for the joint bodies' review and consideration. Following discussion it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala, and carried 4 to 0 (Council Member Macedo absent) to approve the item as presented.

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

Mayor Jones adjourned the joint session, but remained seated as the Tulare City Council at 8:07 p.m.

## **XI. 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) Appeal Hearing:

- a. **Appeal Hearing for consideration on an appeal filed by Monterey Dynasty, LLC of Planning Commission's denial of General Plan Amendment No. 2015-14, Zone Amendment 710 and adoption of a Mitigated Negative Declaration in support of Conditional Use Permit 2015-13; and further consideration of adoption of Resolution 17-04 denying Applicant's appeal or Resolution 17-04 upholding Applicant's appeal as presented or with conditions or direction to staff to remand the project back to Planning Commission for further consideration. *[Due to its size a copy of the Mitigated Negative Declaration is on file in the Office of the City Clerk and available on the City's website.]***  
Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Mayor Jones opened the public hearing at 8:15 p.m.

Evelyn Benton, Elizabeth Norton, Billie Fry, Jack Parks, Judy Vogt and Gene Terry addressed the Council in opposition of the project.

Roxie Ewers spoke on behalf of Living Christ Church in support of the project, but did not agree to shared parking. Additionally, they would like to see a decorative wall and the view of the windows on the back side of the hotel somehow blocked as well as it being a four star hotel or higher. Susanna Smith, Wayne Gosvener, Pam Malloy, Ron Christiansen, Marilyn Sunderland and Nicole Christiansen addressed the Council in support of the project. Matt Ainley of Four Creeks addressed the Council on behalf of the applicant and in support of the project.

With no further comments, Mayor Jones closed the public hearing at 8:48 p.m.

Staff addressed questions and comments posed by Council. Following discussions, it was moved as follows:

1. Uphold the appeal of the applicant and approve Resolution 17-04; motion by Vice Mayor Castellanoz, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) to adopt Resolution 17-04 as presented;
2. Approve the Mitigated Negative Declaration; motion by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to approve the Mitigated Negative Declaration as presented;
3. Approve the General Plan Amendment No. 2015-14 including the findings contained within the Planning Director's Review (Staff Report) dated October 10, 2016 contained within your Council packet; motion by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to approve GPA No. 2015-14 as presented;

4. Approve the Zone Amendment No. 710 including the findings contained within the Planning Director's Review (Staff Report) dated October 10, 2016 contained within your Council packet; motion by Council Member Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) to approve ZA No. 710 as presented;
5. Approve the Conditional Use Permit No. 2015-13 including the findings contained within the Planning Director's Review (Staff Report) dated October 10, 2016; motion by Council Member Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) to approve as amended with the following conditions:

Direction to staff to restrict traffic movement at the south entrance to right in/right out only. Direction to staff to conduct a feasibility study to restrict outbound left turn traffic movements at the north entrance.

**(2) Public Hearing:**

- a. **Public Hearing to adopt Resolution 17-05 initiating proceedings for Landscape Maintenance District No. 2016-01 and adopt Resolution 17-06 ordering improvements for Landscape Maintenance District 2016-01 Sierra Vista No. 2 Subdivision east of Irwin Street at Cabrillo Avenue.** Council Member Nunley recused himself from the item due to a conflict of a partnership with the applicant and stepped out of the meeting. Community Development Director Rob Hunt provided a report for the Council's review and consideration. Mayor Jones opened the public hearing at 9:41 p.m., receiving no public comment he closed the public hearing at 9:41 p.m. With no further discussion it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and carried 3 to 0 (Council Member Macedo absent Council Member Nunley recused) to adopt Resolution 17-05 as presented.
- b. **Public Hearing to pass-to-print Ordinance 17-01 repealing Chapter 5.40 and adopting a new Chapter 5.40 of Title 5 of the City of Tulare Municipal Code relating to Handbills.** Interim City Manager Paul Melikian provided a report for the Council's review and consideration. Following discussion it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and carried 3 to 1 (Council Member Macedo absent, Mayor Jones voting no) to pass-to-print Ordinance 17-01 as amended reflecting a change in Section 5.40.090 Hours for Distribution from 5 p.m. of any day and 8:00 a.m. of the following day, to 8 p.m. to 8 a.m.

**(3) Fire:**

- a. **Adopt Resolution 17-07 approving the City of Tulare's updated Emergency Operations Plan (EOP).** Fire Division Chief Cameron Long provided a PowerPoint slide presentation updating the Council on the City's revised EOP. Following his presentation it was moved by Council Member Nunley, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to adopt Resolution 17-07 as presented.

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

**XIII. ADJOURN REGULAR MEETING**

Mayor Jones adjourned the regular meeting at 10:20 p.m.

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

**ATTEST:**

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