

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

**May 2, 2017**

**A closed session meeting of the City Council, City of Tulare was held on Tuesday, May 2, 2017, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Carlton Jones, Maritsa Castellanoz<sup>6:29 p.m.</sup>, Greg Nunley, Jose Sigala

**COUNCIL ABSENT:** David Macedo

**STAFF PRESENT:** Joe Carlini, Heather N. Phillips, Janice Avila, Roxanne Yoder

**I. CALL TO ORDER CLOSED SESSION**

Mayor Jones called the closed session to order at 6:25 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 Jones adjourned to closed session at 6:25 p.m. for items as noted on the agenda.

(a) 54957(b)(1) – Public Employment: City Manager

The following closed session items may be heard at the end of the regular meeting, if there is not enough time to address during the 6 p.m. closed session:

(b) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation [*Re: discussion and advice on Request to Correct Brown Act Violations by Saputo Cheese USA and Saputo Dairy Foods USA on April 6, 2017, relating to alleged violations of notice provisions codified in the California Brown Act and the Code of Federal Regulations (40 C.F.R. 405.3(c) in the adoption of Ordinance 17-03 on March 21, 2017.*]

(c) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (3)  
Name of Case: Vohra v. City of Tulare, TCSC Case No. VCU266567  
Name of Case: City of Tulare v. Tulare Lodging Associates (DBA Fairfield Inns and Suites), TCSC Case No. VCU268840

**A regular session meeting of the City Council, City of Tulare was held on Tuesday, May 2, 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 PRESENT:** Ashley Logue, Mirian Espinoza

**STUDENTS ABSENT:** Yash Bhakta

**STAFF PRESENT:** Joe Carlini, Heather N. Phillips, Darlene Thompson, Janice Avila, Wes Hensley, Cameron Long, Rob Hunt, Michael Miller, Steve Bonville, Nick Bartsch, Traci Myers, Jason Bowling, Roxanne Yoder

#### **IV. RECONVENE CLOSED SESSION**

Mayor Jones reconvened from closed session at 7:12 p.m.

#### **V. CLOSED SESSION REPORT (if any)**

Mayor Jones advised there is no reportable action and that the remainder of closed session will trail the end of the Regular Session.

#### **VI. ADJOURN SPECIAL CLOSED SESSION**

Mayor Jones adjourned closed session at 7:12 p.m.

#### **VII. CALL TO ORDER REGULAR SESSION**

Mayor Jones called the regular meeting to order at 7:13 p.m.

#### **VIII. PLEDGE OF ALLEGIAND AND INVOCATION**

Council Member Sigala led the Pledge of Allegiance and an invocation was given by Police Chief Hensley.

#### **IX. 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.

John Harman addressed the Council regarding a variety of community events held in the Downtown area.

Alberto Aguilar addressed the Council regarding an article in the newspaper.

## **X. COMMUNICATIONS**

There were no items for this section of the agenda.

## **XI. CONSENT CALENDAR:**

**It was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item 5.**

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of April 11 and April 18, 2017 special/regular meeting(s).**
- (3) Declare Howard Stroman's at-large seat on the Police Review Board vacant and direct staff to post the vacancy and solicit additional applications.**
- (4) Approve an agreement between Rumaldo R. Saenz and the City of Tulare to construct and finance utility connections and/or sidewalk, curb, gutter, and driveway construction, and place costs thereof on property tax rolls in installments.**
- (5) Approve the Parcel Map filed by Greg Nunley for the division of land located at the southeast corner of Seminole Avenue and Mooney Blvd. (State Route 63) for recordation, and accept all easements and dedications offered to the City.** Council Member Sigala pulled the item for a separate vote. Council Member Nunley recused himself due to business conflict and land ownership and left the room. It was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Member Nunley recused and Council Member Macedo absent) to approve the item as presented.
- (6) Accept a Grant of Easement from Kings Rehabilitation Center, Inc., a California Corporation, for pedestrian purposes located at the north east corner of Cross Avenue and "L" Street. Authorize the City Manager to sign the Certificate of Acceptance.**
- (7) Receive, review, and file the Monthly Investment Report for March 2017.**
- (8) Adopt Resolution 17-20 authorizing the disposal/recycling of one (1) City Police Patrol Vehicle unit #0322.**

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

### XIII. MAYOR'S REPORT

There were no items for this section of the agenda.

### XIV. STUDENT REPORTS

Students reported on various school related activities.

### 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 pass-to-print Ordinance 17-04 adopting amended Section 9.12.019 of Chapter 9.12 of the City Code of Tulare entitled and pertaining to Prima Facie Speed Limits in the City of Tulare.** Interim Community Development Director Michael Miller provided a report for the Council's review and consideration. Mayor Jones opened the public hearing at 7:26 p.m. Receiving no public comment, Mayor Jones closed the public hearing at 7:26 p.m. Following discussion, it was moved by Council Member Sigala, seconded by Council Member Nunley and carried 4 to 0 to pass-to-print Ordinance 17-04 as presented.

#### (2) City Manager:

- a. **Consideration to appoint Richard (Dick) Johnson to the Aviation Committee or direct staff to solicit additional applications.** Interim City Manager Joe Carlini provided a report for the Council's review and consideration. With no discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to not appoint Mr. Johnson and direct staff to solicit additional applications. Chief Deputy City Clerk Roxanne Yoder requested that Council assist in soliciting applicants, as the previous recruitment failed to garner interest.

#### (3) Engineering:

- a. **Consideration of a request by Great Valley Builder's, Inc. and Hidden Oak Development, Inc. to release all remaining lots for issuance of building permits for the Bella Oaks subdivision, and receive Council direction regarding provisions of a proposed development agreement for improvements to Mooney Boulevard (State Route 63).** Council Member Nunley recused himself due to a business conflict and property

ownership and left the room. Interim Community Development Director Michael Miller provided a report for the Council's review and consideration.

Dane Jones addressed the Council and asked four questions regarding this matter:

1. Did the Developer ask that this item be placed on the agenda? If not, who did and did that person act on the behest of the Developer? Mayor Jones responded, "I think I asked this to be put on, and no I didn't act on the behest of the developer."  
Mr. Jones asked a clarifying question, "You think you did?" Mayor Jones, "No, no I didn't." Mr. Jones, "You did?" Mayor Jones, "Oh, I asked that it be put on the agenda, yes." Mr. Jones, "Okay, thank you."
2. What timetable does Caltrans have to enforce the obligation of connecting Bella Oaks to Mooney? Interim Community Development Director Michael Miller responded, "There is no timetable, Caltrans is requiring the Developer to make that connection. The requirement for connecting, completing Bella Oaks and completing the connection to Mooney Boulevard was a City requirement. It's required for a subdivider to improve their frontages." Mr. Jones asked a clarifying question, "That was part of the original agreement?" Mr. Miller responded, "Between the City and the Developer, yes." Mr. Jones, "Okay, thank you."
3. If the City complies with the Developer's request, what assurances does the City have that the Developer will fulfill the obligation to Caltrans and to those residents who have been waiting nine years for the Bella Oaks connection to Mooney?" Mr. Miller responded, "Once again that largely depends on what options might be selected by Council. If a development agreement were part of the process, then that would be the means by which we would secure the improvements, completion of the improvements and we would ensure to collect security to cover those costs." Mr. Jones, "Thank you."
4. What signal does this send to the rest of the development community that has agreements with the City? Does it set a precedence? Mayor Jones responded, "No. I don't think so." Mr. Jones, "No?" Mayor Jones, "Uh huh." Mr. Jones, "Thank you for your time."

Ben Brubaker addressed the Council regarding the item and expressed concerns with setting a precedence. He urged Council to look out for the City of Tulare in their deliberations on the matter and that the decisions made are carefully thought out. He further noted concern over four of the properties in Bella Oaks that are listed on the County's website as up for auction for unpaid property tax. He clarified he didn't know if those properties are owned by the same company. He urged Council to ensure that we aren't damaging relationships with other developers and that the City is secure.

Interim City Manager Joe Carlini stated that staff will never put the City at risk, but we will provide an opportunity for the development community to build here in Tulare by diversifying our economic development.

Following the report, discussion, questions and comments by Council, it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and carried 3 to 0 (Council Member Nunley recused and Council Member Macedo absent) to release all remaining lots for the issuance of building permits for the Bella Oaks subdivision. Mr. Miller sought clarification as to whether a security agreement would be required or is this a release with no conditions. Mayor Jones stated that he believes this developer will get the improvements done and believes we have enough leverage in Tesori to hold him accountable. Vice Mayor Castellanoz encouraged Mr. Miller to work with Mr. Nunley to work out those details that works for both him and the City. Mayor Jones stated it didn't have to be with Mr. Nunley, but with the partners. Interim City Attorney Heather N. Phillips noted that in the absence of an agreement for the improvement, we do have the Tulare City Code that allows the City to make those improvements and to require the signing of an agreement for those improvements. Should we find ourselves in the situation that the Council finds unlikely, in which those improvements have not been made in a timely manner, we can, under the code, force them and send a bill to the developer for those improvements. We do have something within the Code that is aside from the written contracts and agreements that were in place. So we do have some additional protections and staff has discussed and met with Interim City Attorney's Office about this issue. Mayor Jones stated, "So we're good. That's double coverage." Vice Mayor Castellanoz stated, "I would say if we have that in place, I would say release the lots, just release the lots. Was it okay for Mr. Nunley to meet with Mr. Miller?" Ms. Phillips advised, "I think at this point, if the City staff is going to meet with the developers, it needs to meet with the developers as a whole and that being, I think, Great Valley Homes, not just one particular shareholder. We want to make sure that the City is meeting all the shareholders for that company and that meeting takes place." Mayor Jones, "I'm good with that. Is that good enough for direction, Mr. Miller?" Mr. Miller responded, "Yes."

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

The following closed session items may be heard at the end of the regular meeting, if there is not enough time to address during the 6 p.m. closed session:

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

Mayor Jones adjourned to closed session at 8:10 p.m.

- (a) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation *[Re: discussion and advice on Request to Correct Brown Act Violations by Saputo Cheese USA and Saputo Dairy Foods USA on April 6, 2017, relating to alleged violations of notice provisions codified in the California Brown Act and the Code of Federal Regulations (40 C.F.R. 405.3(c) in the adoption of Ordinance 17-03 on March 21, 2017.]*
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**XVIII. RECONVENE FROM CLOSED SESSION**

Mayor Jones reconvened from closed session at 8:45 p.m.

**XIX. CLOSED SESSION REPORT (if any)**

Mayor Jones advised there were no reportable actions.

**XX. ADJOURN REGULAR MEETING**

Mayor Jones adjourned the regular meeting at 8:45 p.m.

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

**ATTEST:**

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