

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

November 21, 2017

A regular session meeting of the City Council, City of Tulare was held on Tuesday, November 21, 2017, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Carlton Jones, Maritsa Castellanoz^{7:06 p.m.}, David Macedo, Greg Nunley, Jose Sigala

STUDENTS PRESENT: Lasha Nunez

STUDENTS ABSENT: Palwinder Dhillon, Wilmar Lazo

STAFF PRESENT: Joe Carlini, Heather Phillips, Sarah Tobias, Willard Epps, Barry Jones, Steve Bonville, Rob Hunt, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

Mayor Jones called the regular meeting to order at 7:03 p.m.

II. PLEDGE OF ALLEGIAND AND INVOCATION

Steve Case led the Pledge of Allegiance and an invocation was given by Mayor Jones.

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.

Rick Elkins addressed the Council with an update on the recent activity regarding Tulare Local Healthcare District. Mr. Elkins sought direction on what is required to place banners and ribbons throughout the City.

IV. COMMUNICATIONS

There were no items for this section of the agenda.

V. CONSENT CALENDAR:

It was moved by Council Member Macedo, seconded by Council Member Nunley and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item(s) 3 and 5.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of November 7, 2017 special and regular meeting(s).**
- (3) **Adopt Ordinance 17-08 approving Zone Amendment No. 723, changing the existing zoning from the RM-1 (Multi-Family) zone district to the R-1-5 (Single Family Residential, 5,000 square foot minimum lot size) zone district on property located on the south side of Olema Avenue at Hall Street, approximately 450 feet west of West Street.** Council Member Nunley pulled the item to recuse himself from the matter due to a business conflict. With no discussion it was moved by Council Member Macedo, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Nunley recused) to adopt Ordinance 17-08 as presented.
- (4) **Accept the required public works improvements for Phase 1 of the Montecito subdivision located along the south side of Pleasant Avenue between Cromley Street and La Dawna Street, approximately one-half mile west of West Street 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.**
- (5) **Adopt Ordinance 17-09 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.** Mayor Jones indicated that Item 5 was pulled from the Consent Calendar as it is scheduled to be heard at the City Council meeting of December 5, 2017.
- (6) **Adopt Resolution 17-54 authorizing the City of Tulare to apply for 2016-2017 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.**
- (7) **Receive, review, and file the Monthly Investment Report for October 2017.**
- (8) **Award NJPA Bid Contract #031014-ALT to Altec Industries Inc. in the amount of \$116,497.00, and approve State sales taxes in the amount of \$9611.00 for the purchase of an Aerial Lift Truck for Streets Division.**

- (9) Award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$2,352,008.36 for street and utility improvements associated with the EN0070 – Owens Avenue and ‘I’ Street Improvements Project; approve the revised project budget; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$235,200) of the contract award amount.
- (10) Authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$161,350.00 for geographic information system (GIS) database development, inventory and conditions survey, public participation program coordination, and ADA transition plan preparation as a part of Project EN0079 – ADA Public Right of Way Transition Plan. Authorize the City Manager or his designee to approve contract change orders in an amount not to exceed 10% (\$16,135) of the contract award amount.

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Legislative Update by Richard Harmon of Townsend Public Affairs.** Mr. Harmon provided a verbal update on legislative activity at the State and Federal levels.

Council Member Sigala requested assistance in drafting the letter to the State Audit Committee with regard to the hospital. Mr. Harmon responded that he could assist with those efforts.

VII. MAYOR’S REPORT

VIII. STUDENT REPORTS

Lasha Nunez reported on various school related activities.

IX. 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 17-55 approving the proposed 2015-2019 Consolidated Plan Second Amendment; approving Program Year (PY) 2017-2018 Community Development Block Grant (CDBG) Annual Action Plan Amendment; and to authorize the Mayor to execute the necessary certifications for transmittal to the Department of Housing**

and Urban Development (HUD). Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Mayor Jones opened the Public Hearing at 7:32 p.m. with no public comment he closed the Public Hearing at 7:32 p.m. Following discussion, it was moved by Council Member Sigala seconded by Council Member Macedo and unanimously carried to adopt Resolution 17-55 as presented.

(2) Finance:

- a. Introduction and pass-to-print Ordinance 17-10 authorizing the City to enter into a Lease Agreement with the City of Tulare Public Financing Authority for purposes of issuing 2018 Lease Revenue Bonds (Refunding and Capital Facilities Projects), in the aggregate principal amount not to exceed \$30,000,000; the bonds will be used predominantly to refinance the outstanding 2008 Lease Revenue Bonds for savings to provide approximately \$2.5 million for street improvements.** Council Members Nunley and Macedo recused themselves from discussion due to owning property in the Cartmill area, a location of discussion. Finance Director Darlene Thompson provided a report for the Council's review and consideration. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and carried 3 to 0 (Council Members Nunley and Macedo recused) to pass-to-print Ordinance 17-10 as presented.
- b. Adopt Resolution 17-56 approving an amendment to the rental payment schedule of the City's outstanding 2006 Lease/Purchase Agreement in order to authorize a reduced interest rate and reduced payments.** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Macedo seconded by Council Member Nunley and unanimously carried to adopt Resolution 17-56 as presented.

(3) City Manager:

- a. Consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Board of Public Utilities Members – terms ending December 31, 2017: Howard Stroman and Gregory Blevins – seeking reappointment** City Manager Joe Carlini provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Macedo, seconded by Vice Mayor Castellanoz and unanimously carried to reappoint Howard Stroman and Gregory Blevins as presented.

- b. Consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Library Board Members – terms ending December 31, 2017:**

Ellen Baker, Lisa Hollingshead and Michelle Lippincott – seeking reappointment

City Manager Joe Carlini 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 unanimously carried to reappoint Ellen Baker, Lisa Hollingshead and Michelle Lippincott as presented.

- c. Consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Parks & Recreation Commission Members – terms ending December 31, 2017:**

**Craig Hancock and Mike Jamaica – seeking reappointment
Dennis Beck declare vacant effective January 1, 2018**

City Manager Joe Carlini provided a report for the Council's review and consideration.

With no further discussion, it was moved by Council Member Macedo, seconded by Council Member Nunley and unanimously carried to reappoint Craig Hancock and Mike Jamaica as presented and declare the seat of Dennis Beck vacant and post the appropriate notice.

- d. Consider the adoption of Resolution 17-57 reducing the Planning Commission from a seven member body to a five member body and reconfirming previously established rules and procedures as amended; consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Planning Commission Members – terms ending December 31, 2017:**

Shanelle Herrera – seeking reappointment

Jeff Killion and Linda Crase declare vacant effective January 1, 2018

City Manager Joe Carlini provided a report for the Council's review and consideration.

Following discussion, it was moved by Council Member Sigala, seconded by Council Member Nunley and unanimously carried to adopt Resolution 17-57 as presented. It was further moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and unanimously carried to reappoint Shanelle Herrera as presented.

- e. **Consideration for the removal of Council Member Jose Sigala from serving as the Tulare City Council representative on the Mid-Kaweah Groundwater Sustainability Agency Board and the appointment of a replacement thereto.** Jason Bender addressed the Council regarding concerns over the consideration of removing Council Member Sigala from the Groundwater Sustainability Agency Board. Council Member Sigala asked City Manager Carlini to read into the record an email from GSA Board Member David Bixler who supports Council Member Sigala continuing to serve on the Board. Council Member Sigala questioned how the item was placed on the agenda for purposes of discussion. Following a lengthy discussion, and receiving no consensus to remove, the Mayor tabled continued discussions on this item.
- f. **Discussion and direction to staff regarding cost sharing provisions as they relate to the City of Tulare's involvement with the Mid Kaweah Groundwater Sustainability Agency.** Based upon discussions under Item 3e the Council concurred Tulare's portion should be less than either Visalia or TID's portions and generally they support the GSA staff's recommendation of 37/37/26 apportionment; however, further discussions regarding this matter should be taken under closed session.
- g. **Council discussion regarding the use of Regional Measure R funding.** Council Member Macedo recused himself from discussion on the item, as he own property in the area of Paige Avenue the location of discussion. Mayor Jones provided a brief report on the item for the Council's review and consideration of placing a Resolution on a future meeting agenda to consider restricting the City's Regional Measure R funding to the Paige Avenue project. The consensus of the Council was although this item is premature and should wait for the Environmental Impact Report, it is to be placed on the agenda for January 16, 2018, for further discussion and historical timeline and information.

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

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

Council Member Nunley advised, based upon previous discussions, that the closed session item related to the GSA was not needed; it was moved by Council Member Sigala, seconded by Council Member Macedo and unanimously carried to pull the item from Closed Session.

Mayor Jones adjourned to closed session at 9:19 p.m.

- (a) 54956.9(5) Conference with Legal Counsel – Anticipated Litigation (2)

Case name unspecified: The E85 Agreement with the Vohras relating to change in the circumstances contemplated by the original Agreement, resulting in a significant change to the impact of the Agreement on both parties. Discussion of said changes from a litigation and legal standpoint and action relating to the Agreement in the form of either an amendment, addendum, or voiding of Agreement in its entirety.

Case name unspecified: Relating to possible impact of ceasing the City of Tulare's involvement with the Mid Kaweah Groundwater Sustainability Agency.

(b) 54957(b)(1) – Public Employee Performance Evaluation: City Manager

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

XII. RECONVENE FROM CLOSED SESSION

Mayor Jones reconvened from closed session at 9:21 p.m.

XIII. CLOSED SESSION REPORT (if any)

Mayor Jones advised that with regard to Closed Session Item a (Vohra) the Council voted 4 to 0 (Macedo absent) to void the agreement.

XIV. ADJOURN REGULAR MEETING

Mayor Jones adjourned the regular meeting at 10:30 p.m.

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

ATTEST:

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