

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

**January 16, 2018**

**A regular session meeting of the City Council, City of Tulare was held on Tuesday, January 16, 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<sup>8:09 p.m.</sup>

**COUNCIL ABSENT:** David Macedo

**STUDENTS PRESENT:** Lasha Nunez

**STUDENTS ABSENT:** Wilmar Lazo, Palwinder Dhillon

**STAFF PRESENT:** Joe Carlini, Sarah Tobias, Willard Epps, Matt Machado, Steve Bonville, Rob Hunt, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Traci Myers, Nick Bartsch, Roxanne Yoder

**I. CALL TO ORDER REGULAR SESSION**

Mayor Jones called the regular meeting to order at 7:01 p.m.

**II. PLEDGE OF ALLEGIANCE AND INVOCATION**

Vice Mayor Castellanoz 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.

Cal Rossi addressed the Council regarding Southern California Edison’s realignment and introduced Brian Thoburn as his replacement.

Matt Schmidt of Colony Energy Partners addressed the Council regarding their continued interest in the City’s biogas project.

Donnette Silva Carter addressed the Council regarding the annual Chamber awards night on January 26 and offered support for the Economic Development item for Sequoia Brewing.

Chris Harrell, Stephen Harrell and Monica Garcia addressed the Council regarding the police investigations. Ray Fonseca addressed the Council regarding the police investigations and submitted petitions related thereto.

#### **IV. COMMUNICATIONS**

There were no items for this section.

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

**It was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley 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 December 19, 2017 special/regular meeting(s).**
- (3) Adopt Resolution 18-01 adopting a Mitigated Negative Declaration on the infrastructure installation and improvements on O Street between Bardsley and Pleasant Avenues.**
- (4) Receive, review, and file the Monthly Investment Report for November 2017.**
- (5) Reject all bids formally submitted December 19, 2017, for Fire Station 61 Roofing, Bid Number 18-640.**
- (6) Accept the Police Department Citizen Complaint Review Board's annual report for calendar year 2016/17.**
- (7) Award and authorize the City Manager to sign a contract with Witbro, Inc. dba Seal Rite Paving of Fresno, CA in an amount not to exceed \$163,738.00 for sidewalk improvements associated with the EN0081 – 'O' St. Sidewalk 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% (\$16,374) of the contract award amount.**

## VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Community Heroes presentation to Tulare Lowe's General Manager Tony Ferreira, Assistant Store Manager James Williams and Tulare Resident Rick Grant for their assistance on Christmas Eve.** Police Captain Matt Machado provided background information on the presentation and presented plaques to the Community Heroes.

## VII. MAYOR'S REPORT

There were no items for this section of the agenda.

## VIII. STUDENT REPORTS

Lasha Nunez reported on various school related activities.

## IX. CONVENE JOINTLY AS THE TULARE CITY COUNCIL AND THE TULARE PUBLIC FINANCE AUTHORITY

*This item is trailed to the end of meeting or such time that Council Member Sigala attends.*

Mayor Jones convened the joint meeting at 9:38 p.m.

### (1) Public Hearing:

*This item was continued from the December 19, 2017 meeting:*

- a. **Public Hearing to adopt Ordinance 17-10, City Resolution 17-59 and Authority Resolution 2017-01 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 of not to exceed \$30,000,000; the bonds will be used predominantly to refinance the outstanding 2008 Lease Revenue Bonds for savings and will also be used to provide approximately \$2.5 million for street improvements and \$1.5 million to purchase the existing one (1) megawatt solar photovoltaic system from Wastewater Fund at fair market value.** Council Member Nunley recused himself from this item regarding the reference of funding Cartmill through street improvements; however, he expressed concern with the language of the item to purchase the solar photovoltaic system and would like clarification noted purchase subject to the approval of Council. Mayor Jones opened the public hearing at 9:50 p.m., receiving no public comment he closed the public hearing at 9:50 p.m.

Following discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Member Macedo absent; Council Member Nunley recused) to adopt Ordinance 17-10 as presented; it was further moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Member Macedo absent; Council Member Nunley recused) to adopt City Resolution 17-59 as presented; it was further moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Member Macedo absent; Council Member Nunley recused) to adopt Authority Resolution 17-01 as presented.

**X. ADJOURN AS THE TULARE PUBLIC FINANCE AUTHORITY AND REMAIN SEATED AS THE TULARE CITY COUNCIL**

Mayor Jones adjourned the joint meeting at 9:53 p.m.

**XI. CONVENE JOINTLY AS TULARE CITY COUNCIL AND TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE TULARE REDEVELOPMENT AGENCY –**

Mayor Jones convened the joint meeting at 7:33 p.m.

**(1) City Council:**

- a. **Recommend a purchase offer to the Successor Agency to the Tulare Redevelopment Agency for purchase of Assessor Parcel Number (“APN”) 176-051-003, Property #2 for the amount of \$15,500.00, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.**
- b. **Recommend a purchase offer to the Successor Agency to the Tulare Redevelopment Agency for purchase of Assessor Parcel Number (“APN”) 170-232-010, Property #7 for the amount of \$12,400.00, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.**
- c. **Recommend a purchase offer to the Successor Agency to the Tulare Redevelopment Agency for purchase of Assessor Parcel Number (“APN”) 170-232-011, Property #8 for the amount of \$12,400.00, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.**
- d. **Recommend a purchase offer to the Successor Agency to the Tulare Redevelopment Agency for purchase of Assessor Parcel Number (“APN”) 170-232-016, Property #9 for the amount of \$25,500.00, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.**

- e. **Recommend a purchase offer to the Successor Agency to the Tulare Redevelopment Agency for purchase of Assessor Parcel Number (“APN”) 170-263-002, Property #19 for the amount of \$6,250.00, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.** General Services Director Steve Bonville provided a report for the Council’s review and consideration. Following comments, it was moved by Council Member Nunley, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Members Macedo and Sigala absent) to approve Items 1a through 1e, as presented.

**(2) Successor Agency:**

- a. **Accept and recommend a purchase offer from the City of Tulare to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency (“Oversight Board”) for purchase of Assessor Parcel Number (“APN”) 176-051-003, Property #2, in the amount of \$15,500.**
- b. **Accept and recommend a purchase offer from the City of Tulare to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency (“Oversight Board”) for purchase of Assessor Parcel Number (“APN”) 170-232-010, Property #7, in the amount of \$12,400.**
- c. **Accept and recommend a purchase offer from the City of Tulare to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency (“Oversight Board”) for purchase of Assessor Parcel Number (“APN”) 170-232-011, Property #8, in the amount of \$12,400.**
- d. **Accept and recommend a purchase offer from the City of Tulare to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency (“Oversight Board”) for purchase of Assessor Parcel Number (“APN”) 170-232-016, Property #9, in the amount of \$25,500.**
- e. **Accept and recommend a purchase offer from the City of Tulare to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency (“Oversight Board”) for purchase of Assessor Parcel Number (“APN”) 170-263-002, Property #19, in the amount of \$6,250.** General Services Director Steve Bonville provided a report for the Council’s review and consideration. Following comments, it was moved by Council Member Nunley, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Members Macedo and Sigala absent) to approve Items 2a through 1e, as presented.
- f. **Approve the Recognized Obligation Payment Schedule (ROPS 18-19) for the period of July 1, 2018 to June 30, 2019 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 Council's review and consideration. Following comments, it was moved by Council Member Nunley, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Council Members Macedo and Sigala absent) to approve Item 2f, as presented.

**XII. 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 meeting at 7:29 p.m.

**XIII. 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:**

*The following, Item 1a, is to be continued by a vote of the Council to February 6, 2018 to allow for the appropriate statutory time to receive and accept the report and to preserve notice:*

- a. **Public Hearing to receive and accept the City's annual Development Impact Fee Fund Report for the fiscal year ended June 30, 2017.** It was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and carried 3 to 0 (Council Members Macedo and Sigala absent) to continue this item to February 6, 2018, as requested by staff.
- b. **Public Hearing to pass-to-print Ordinance 18-01 approving an Amendment to Chapter 10.120 of the Municipal Code and associated references in Chapters 10.12.030, 10.40.030 10.64.020, 10.148.030, 10.188.040, 10.196.030, 10.196.040, 10.196.050, 10.196.070, and 10.218.030, related to changing the City's Design Review process to a Site Plan Review process. The Ordinance Amendment would affect properties citywide.** Community & Economic Development Director Josh McDonnell provided a report for the Council's review and consideration. Mayor Jones opened the public hearing at 7:33 p.m. Mike Lane of BIA addressed the Council in support of the item. With no further public comments, Mayor Jones closed the public hearing at 7:34 p.m. With no further discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and carried 3 to 0 (Council Members Macedo & Sigala absent) to pass-to-print Ordinance 18-01, as presented.

**(2) Public Works:**

- a. **Receive update on the commissioning of the natural gas fuel cell at the wastewater treatment facility.** City Manager Joe Carlini provided a brief report and introduced Jennifer Hunt of Fuel Cell Energy who provided background and technical information on the start-up of the project. City Manager Joe Carlini provided further information regarding the financial aspects of the project. Questions and comments posed by Council address by City Manager Carlini, Ms. Hunt and Mr. Clinton Smith. Informational item only.

**(3) Community Development:**

- a. **Council consideration and direction to staff on the request by Applicant Kenny Hildebrand dba Kaweah Brewing for an economic development assistance grant in the sum of \$40,000 for a contribution to the installation of a fire sprinkler system inside a new 8,000 sq. ft. brewery, restaurant, and tasting room to be located on Industrial Avenue in the City of Tulare.** Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Applicant Kenny Hildebrand addressed questions posed by Council. Following discussion, it was moved by Council Member Sigala, seconded by Council Member Nunley and carried 4 to 0 (Council Member Macedo absent) approving the item as presented.
- b. **Council consideration and direction to staff on a request by West Coast Construction for annexation of 143.43 acres of vacant land (APNs 149-230-010, 149-230-019, 149-230-020, 149-230-021) at the northeast corner of State Highway 99 and Cartmill Avenue.** Community & Economic Development Director Josh McDonnell provided a report for the Council's review and consideration. Staff and representatives of West Coast Construction addressed questions and comments posed by Council. Following discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Macedo absent) to direct staff to proceed with the item as requested.
- c. **Discussion of Paige Avenue Interchange and history of planned improvements. [No written staff report provided.]** City Engineer Michael Miller provided a report for the Council's review and consideration. TCAG Executive Director Ted Smalley addressed questions and comments posed by Council. Council Member Sigala expressed an interest in having staff invite the Agri-Center to present at a future meeting, their plans within the year. Vice Mayor Castellanoz urged waiting until all information is available. Lynn Dredge and Susan Dyst addressed the Council regarding this discussion.

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

Vice Mayor Castellanoz reported on her travel to Washington, D.C. to testify on behalf of the Women's Clubhouse and on her travel to Las Vegas for the Latino Caucus.

Council Member Sigala advised that he was asked by Senator Fuller's office to address the State Audit Committee on January 30, 2018. He then requested the following items for upcoming meetings:

- Designate March 6, 2018 to honor International Women's Month, the Council agreed by consensus;
- A staff report on the \$100,000 available to TCAG January 1, 2018, for sidewalk repairs, the Council agreed by consensus *(to be included in the budget process, as funds not available to City till July 1, 2018)*;
- A closed session to be advised as to the cost and time of the police investigation. City Attorney Sarah Tobias addressed that the safe haven sections would not allow for this discussion in closed session. He further stated, if not in closed session, then a legal opinion as to the Council's role in the investigation process and the prohibition of knowing the time and cost involved. No consensus from the Council provided.

Mayor Jones advised of his attendance at the US Conference of Mayors next week and requested to offset costs by utilizing Council Member Nunley's funds. An item was placed on the February 6 agenda to facilitate that transfer request. He further requested that Finance Director Darlene Thompson provide a report at the next meeting on where the City stands with sales tax.

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

Mayor Jones advised that Item b was pulled and that he would not be attending closed session due to having to report back to work. Council Member Sigala inquired how the item was removed. Mayor Jones stated it was requested by Council Member Macedo, so he could participate. Council Member Sigala was concerned about the removal of the item and requested that the Council vote to remove or keep it on. There was no consensus.

Mayor Jones adjourned to closed session at 10:23 p.m.

- (a) 54956.8b Conference with Real Property Negotiators  
Property: City interest in property in Goshen Ca. APN #072-053-010  
Under Negotiation: Price, terms & conditions for potential sale

Negotiating parties: City of Tulare, City Manager Joe Carlini, General Services Director, Steve Bonville, Finance Director, Darlene Thompson, and Legal Counsel Heather Phillips; Albert and Grace Goyenette.

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

**XVI. RECONVENE FROM CLOSED SESSION**

Vice Mayor Castellanoz reconvened from closed session at 10:35 p.m.

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

Vice Mayor Castellanoz advised there was no reportable action.

**XVIII. ADJOURN REGULAR MEETING**

Vice Mayor Castellanoz adjourned the regular meeting at 10:35 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