

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

February 20, 2018

A regular session meeting of the City Council, City of Tulare was held on Tuesday, February 20, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

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

STAFF PRESENT: Joe Carlini, Heather Phillips, Sarah Tobias, Willard Epps, Barry Jones, 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 7:05 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Nunley 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.

Lorena Maldonado addressed the Council regarding a neighborhood request for stop signs along the area of Inyo and Bardsley along South H Street. Michael Miller advised of the process to submit the request to the Transportation Management Team. Mayor Jones requested notification of the meeting date so he can go and speak in support of their request.

Jerry Sinift addressed the Council and the Community for their support and patience during the World Ag Expo. He further advised that a new Economic Impact Study is in process and when available they look forward to sharing that report.

Kevin Northcraft addressed the Council providing an update on the Hospital.

Stephen Harrell addressed the Council regarding concerns over comments made by Mayor Jones on social media and in the Times Delta, questioning his integrity.

Esau Torres, Rook Agency, addressed the Council regarding concerns over unfair treatment by City staff related to the Pueblo Fest event and requested the Council investigate the alleged actions.

Pedro Dominguez addressed the Council regarding concerns over unfair treatment related to the Pueblo Fest event.

Gerardo Calderon addressed the Council regarding concerns related to the Pueblo Fest event.

Euler Torres addressed the Council regarding concerns over unfair treatment by City staff related to the Pueblo Fest event, echoing Esau Torres' comments, and requested the Council investigate the alleged actions.

Ashley Werner, Leadership for Justice and Accountability, addressed the Council with regard to the Closed Session item regarding a sewer system for Matheny Tract and encouraged the Council to direct staff to work cooperatively toward that regard.

Adolfo Contreras, Matheny Tract resident, addressed the Council regarding concerns with failing septic tanks in Matheny Tract.

Pedro Hernandez, Leadership for Justice and Accountability, addressed the Council urging the Council and staff to work with their organization and others regarding a sewer system for Matheny Tract.

Donnette Silva-Carter, Tulare Chamber of Commerce, introduced Tulare Leadership participant Melissa Oliveira.

John Harman, Tulare Downtown Association, addressed the Council regarding new downtown banners and an upcoming Beer Bus Crawl event on March 15.

Eric Coyne, Tulare County, addressed the Council regarding Matheny Tract Issues.

IV. COMMUNICATIONS

There were no items for this section.

V. CONSENT CALENDAR:

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

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of February 6, 2017 regular meeting(s).**

- (3) Conditionally approve the final map and subdivision improvement agreement for Phase 1 of The Greens At Oak Creek subdivision for recordation, and accept all easements and dedications offered to the City, including a Grant of Easement for two temporary turnarounds for emergency vehicle purposes and a temporary drainage basin for street runoff, subject to receipt of the signed final map, all fees, and other required items prior to April 20, 2018. Council Member Nunley recused himself from discussion due to property ownership. 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 approve the item as presented.**
- (4) Award and authorize the City Manager to sign a contract with Steve Dovali Construction, Inc. of Fresno, CA in an amount not to exceed \$4,507,048.83 for street and utility improvements associated with EN0064 - 'E'. St. Improvements project; approve the revised project budget (attached); and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$450,705) of the contract award amount.**
- (5) Award and authorize the City Manager to sign a contract with Kleinfelder of Fresno, CA in an amount not to exceed \$100,269.80 for materials testing services associated with EN0064 - 'E'. St. Improvements project; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$10,027) of the contract award amount.**
- (6) Award and authorize the City Manager to sign a contract with Cannon of Bakersfield, CA in an amount not to exceed \$83,265 for construction surveying services associated with EN0064 - 'E'. St. Improvements project; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$8,327) of the contract award amount.**
- (7) Receive the City's annual audited financial statements/Comprehensive Annual Financial Report (CAFR) for 2016-2017 fiscal year.**
- (8) Adopt Resolution 18-06 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.**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Presentation to the Mission Oak High School Volleyball team and coaches regarding the 2017-18 East Yosemite Central Section Division 3 Valley Championship.** Mayor Jones presented Certificates of Recognition to the Coaches and athletes.

VII. MAYOR'S REPORT

There were no items for this section of the agenda.

VIII. STUDENT REPORTS

There were no items for this section of the agenda.

IX. 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 8:02 p.m.

(1) City Council:

- a. **Adopt City of Tulare Resolution 18-07 authorizing the City Manager to record a quitclaim deed for RDA Property #3 APN# 175-220-010-000 in favor of the Successor Agency to the Tulare Redevelopment Agency 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. With no discussion, it was moved by Council Member Macedo, seconded by Council Member Nunley and unanimously carried to adopt Resolution 18-07 as presented.

(2) Successor Agency:

- a. **Recommend a purchase offer to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency ("Oversight Board") for purchase of Assessor Parcel Number ("APN") 170-232-008, Property #6 for the amount of \$500.00 from the City of Tulare, 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. With no discussion, it was moved by Council Member Macedo, seconded by Council Member Nunley to approve the item as presented.

- b. **Recommend a purchase offer 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 for the amount of \$5,000.00 from the City of Tulare, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.** At the request of staff, this item was pulled as it was addressed at a previous meeting.
- c. **Recommend a purchase offer to the Oversight Board of the Successor Agency to the Tulare Redevelopment Agency (“Oversight Board”) for purchase of Assessor Parcel Number (“APN”) 191-070-015, Property #26 for the amount of \$25,000.00 from the City of Tulare, and to authorize the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes.** Council Member Macedo recused himself from discussion due to owning property in the area. General Services Director Steve Bonville 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 recused) to approve the item as presented.
- d. **Adopt Successor Agency Resolution 2018-01 authorizing the City Manager to record a quitclaim deed for RDA Property #3 APN# 175-220-010-000 in favor of the Successor Agency to the Tulare Redevelopment Agency 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. With no discussion, it was moved Council Member Macedo, seconded by Council Member Nunley and unanimously carried to adopt Successor Agency Resolution 2018-01 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 meeting at 8:09 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) Community Development:

- a. **Council consideration and direction to staff on the Application for Economic Development Assistance submitted by Tulare Chamber of Commerce on behalf of the Sequoia Tourism Council for financial assistance in the form of a \$9,000 economic development contribution to fund 2017-2018 regional tourism efforts.** Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Donnette Silva-Carter, Tulare Chamber and Eric Coyne, Tulare County Tourism addressed the Council in support of the item. With no further discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Nunley and carried 4 to 1, to approve the item as presented (Council Member Macedo voting No).

(2) Finance:

- a. **Receive and discuss the Expenditures and Revenue Report reflecting City's labor cost for the International World Ag Expo compared to reimbursement revenue received.** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Staff addressed questions and comments posed by Council.

(3) City Manager:

- a. **Review, discussion, selection and update of City Council Representation on outside agency Boards and Committees List.** Mayor Jones discussed his intent for the review of this item. Discussion regarding the establishment of a Tulare Arts Committee to be considered at the meeting of March 20. Gregory Blevins sought clarification from the Council regarding the alternate positions of the GSA Board. He asked if his and Howard Stroman's appointments were at-large or specific to either Council Member Nunley or Sigala. An item will be brought to the next meeting to clarify the matter.

XII. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)**XIII. ADJOURN TO CLOSED SESSION PURSUANT TO GOVERNMENT CODE SECTION(S):**

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

- (a) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: Brubaker v. City of Tulare, TCSC Case No. 272595
- (b) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation (2)

- Discussion and advice regarding current conflict pertaining to Matheny Tract Sewer System.
 - Relating to cancellation of Burnout Festival 2018.
- (c) 54956.8b Conference with Real Property Negotiators
 Property: City owned property parcel (APN#169-040-013) and (APN #169-140-014) located on the SWC of Cross and “J” Street
 Under Negotiation: Price, terms & conditions for potential purchase and development of property
 Negotiating parties: Joe Carlini, Darlene Thompson, Steve Bonville, Josh Mc Donald, Traci Meyers, City Attorney Heather Phillips, Orosco Development No. 11, LLC.
- (d) 54957(b)(1) – Public Employee Performance Evaluation: City Attorney
- (e) 54957(b)(1) – Public Employee Performance Evaluation: City Manager

XIV. CLOSED SESSION REPORT (if any)

Mayor Jones advised there was no reportable action.

XV. ADJOURN REGULAR MEETING

Mayor Jones adjourned the regular meeting at 11:45 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