

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

December 18, 2018

A regular session meeting of the City Council, City of Tulare was held on Tuesday, December 18, 2018, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos, Carlton Jones, Greg Nunley, Terry A. Sayre

STAFF PRESENT: Rob Hunt, Mario Zamora, Janice Avila, Matt Machado, Luis Nevarez, Steve Bonville, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Traci Myers, Nick Bartsch, Roxanne Yoder

I. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular meeting to order at 7:00 p.m.

II. PLEDGE OF ALLEGIANCE AND INVOCATION

General Services Director Steve Bonville led the Pledge of Allegiance and an invocation was given by Interim City Manager Rob Hunt.

III. CITIZEN COMMENTS

Mayor Sigala 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.

Jerry Sinift addressed the Council on behalf of the International Agri-Center Board and their donation of \$10,000 in memory of K9 Officer Bane.

Dennis McAnarney addressed the Council regarding the hospital.

Donnette Silva-Carter addressed the Council regarding Leadership Tulare and introduced participant Richard Payne.

IV. COMMUNICATIONS

- (1) Letter of Concern from Jesse Q. Martinez, on behalf of Vejars Restaurant.** Jesse Martinez addressed the Council regarding concerns surrounding their business. Staff will investigate.

V. CONSENT CALENDAR:

It was moved by Council Member Nunley, seconded by Council Member Sayre and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item(s) 11 and 13.

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of December 4 and December 11, 2018 regular/special meeting(s). [Submitted by: R. Yoder]
- (3) Declare Terry Sayre's seat on the Library Board vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]
- (4) Adopt Resolution 18-65, approving the Sacramento Street – Maple Avenue Improvements Project, and the associated California Environmental Quality Act (CEQA) Notice of Exemption. [Submitted by: M. Anaya]
- (5) Adopt Resolution 18-66, an erratum correcting the text in Mitigation Measure 4.0-1 approved by the Council of the City of Tulare as part of Resolution 18-62 on November 20, 2018. [Submitted by: M. Anaya]
- (6) Award and authorize the City Manager to sign a contract with A-C Electric Company of Visalia, CA in the amount not to exceed \$75,830.00 for Project EN0072 to construct traffic signal modifications at Prosperity Avenue and 'M' Street, and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$7,583.00) of the contract award amount. [Submitted by: J. Funk]
- (7) Receive, review, and file the Monthly Investment Report for October 2018. [Submitted by: D. Thompson]
- (8) Approve the purchase amount of \$33,356.12 for the purchase of one (1) 2019 Ford F-150 Super Crew Planning Truck from National Auto Fleet Group using State of California and Sourcewell Co-Operative Purchase Program. [Submitted by: S. Bonville]
- (9) Award Nixon-Egli Equipment Co. a Bid for a replacement LeeBoy paver for Streets Department thru Sourcewell (formally NJPA) pricing in the amount of \$225,966.18. [Submitted by: S. Bonville]
- (10) Authorize the Mayor, on behalf of the City Council, to execute an Interim City Manager Assignment Agreement made and entered into by and between the City of Tulare and Rob A. Hunt. [Submitted by: J. Avila]

- (11) **Approve proposals and authorize City Manager or his designee to enter into Professional Landscape Maintenance Consultant Services Agreements for various Landscape & Lighting Districts, City Facilities and Streetscapes as follows: Route A – Quinn Landscape Services (Tulare) \$144,792.36; Route B – Perfect Care Landscape (Tulare) \$180,850.68; Route C – Perfect Care Landscape (Tulare) \$146,411.64; Route D - Perfect Care Landscape (Tulare) \$146,721.96; Route E – Perfect Care Landscape (Tulare) \$38,820.36; Route F – Quinn Landscape Services (Tulare) \$30,755.40; subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: R. Hunt]** Council Member Nunley recused himself from discussion due to a business relationship and left the room. With no discussion, it was moved by Council Member Jones, seconded by Vice Mayor Mederos and carried 4 to 0 (Council Member Nunley recused) to approve the item as presented.
- (12) **Surplus Police K-9 “Blaze” and authorize the sale of same to his former handler, Police Officer Jeremy Tanck, for the purchase price of \$1.00. [Submitted by: M. Machado]**
- (13) **Receive the Fuel Cell Performance Update. [Submitted by: T. Whitfield]** Council Member Jones pulled the item to request continuance to a date that would allow adequate time for questions, that request was seconded by Council Member Sayre and unanimously carried to continue the item to a date that would allow for further discussion [approximately February 5, 2019.]
- (14) **Approve and authorize the City Manager to execute an amendment to the Power Purchase Agreement (PPA) between the City and 1875 West St Solar, LLC, referred to as Borrego Solar Systems, execute revisions to the Lease and Easement Agreement, and execute the PPA Consent and Assignment, Lease Consent and Assignment, PPA Estoppel, and Lease Estoppel subject to minor conforming changes by the City Attorney’s Office. [Submitted by: T. Whitfield]**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Staff presentation regarding a request from the Tulare Local Healthcare District Board for funding assistance. [Requested by: Council 12/11/18]** Council Member Nunley and Vice Mayor Mederos recused themselves from discussion and left the room due to property/business relationships. Interim City Manager Rob Hunt provided a report for the Council’s review and consideration. Interim City Attorney Mario Zamora provided clarification as to changes to the options presented for consideration in the staff report. Hospital Board Chair Kevin Northcraft addressed the Council in support of their request. Council Member Jones expressed concerns with the request. Council Member Sayre expressed concerns with a public entity loaning money in this manner. Mayor Sigala asked staff to clarify loan or line of credit and funding sources.

Finance Director Darlene Thompson responded thereto. Following discussion, it was moved by Council Member Sayre, seconded by Mayor Sigala and carried 3 to 0 (Council Member Nunley and Vice Mayor Mederos recused) to continue this item for further discussion and action to the January 15, 2018 meeting.

VII. MAYOR'S REPORT

There were no items for this section of the agenda.

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

Mayor Sigala convened jointly at 8:03 p.m.

(1) Successor Agency:

- a. **Adopt Successor Agency Resolution 2018-04 approving the Recognized Obligation Payment Schedule for the July 1, 2019 through June 30, 2020 time period (ROPS 19-20) and the Fiscal Year 2019-20 Administrative Budget. [Submitted by: D. Thompson]** Finance Director Darlene Thompson provided a report for the Council's review and consideration. With no discussion, it was moved by Council Member Nunley, seconded by Council Member Jones and unanimously carried to adopt Resolution 2018-04 as presented.

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

Mayor Sigala adjourned the joint session, but remained seated as the Tulare City Council at 8:05 p.m.

X. 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 receive and accept the City's annual Development Impact Fee Fund Report for the fiscal year ended June 30, 2018. [Submitted by: D. Thompson]** Council Member Nunley recused himself from discussion and left the room due to property ownership. Finance Director Darlene Thompson provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:08 p.m. Receiving no public comments, Mayor Sigala closed the public hearing at

8:08 p.m. Staff addressed questions and comments posed by Council. Following discussion, it was moved by Council Member Jones, seconded by Vice Mayor Mederos and carried 4 to 0 (Council Member Nunley recused) to approve the item as presented.

- b. Public Hearing to consider the adoption of four Resolutions of Necessity to acquire property by eminent domain for portions of certain properties located in the area of the Cartmill Avenue and Hillman Street Intersection Project; Resolution of Necessity 18-67 for a portion of APN 166-220-008, Resolution of Necessity 18-68 for a portion of APN 149-230-005, Resolution of Necessity 18-69 for a portion of APN 149-230-014, and Resolution of Necessity 18-70 for a portion of APN 149-230-018; authorizing the City Attorney to take the steps necessary to finalize the acquisition of the public right of way for the Project through eminent domain. [Submitted by: M. Zamora]** Council Member Nunley recused himself from discussion and left the room due to property ownership. Interim City Attorney Mario Zamora provided a report for the Council's review and consideration and explained the Eminent Domain process. Mayor Sigala opened the public hearing with regard to Resolution 18-67 at 8:12 p.m. Daniel Evans addressed the Council on behalf of Jon Bassett obo Mary Ann Anderson Trust objecting to the Resolution of Necessity. With no further public comment, Mayor Sigala closed the public hearing at 8:15 p.m. Following discussion, it was moved by Council Member Jones, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley recused) to adopt Resolution of Necessity 18-67 as presented.

Mayor Sigala opened the public hearing with regard to Resolution 18-68 at 8:18 p.m. Daniel Evans addressed the Council on behalf of Jon Bassett obo the Mary Ann Anderson Trust objecting to the Resolution of Necessity. With no further public comment, Mayor Sigala closed the public hearing at 8:20 p.m. With no further discussion, it was moved by Council Member Jones, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley recused) to adopt Resolution of Necessity 18-68 as presented.

Mayor Sigala opened the public hearing with regard to Resolution 18-69 at 8:21 p.m. Receiving no public comment, Mayor Sigala closed the public hearing at 8:22 p.m. With no further discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley recused) to adopt Resolution of Necessity 18-69 as presented.

Mayor Sigala opened the public hearing with regard to Resolution 18-70 at 8:24 p.m. Attorney Nicholas Buss addressed the Council obo Moranbah Farms, Inc. objecting to the Resolution of Necessity. With no further discussion, it was moved by Council Member Jones, seconded by Council

Member Sayre and carried 4 to 0 (Council Member Nunley recused) to adopt Resolution of Necessity 18-70 as presented.

- c. **Public Hearing to adopt Resolution 18-71 adopting a Negative Declaration Addendum prepared for changes to the list of properties included as part of Implementation Program A-3 of the City's 2015-2023 Housing Element, General Plan Amendment No. 2018-02, Zone Amendment No 732; and adopt Resolution 18-72 to approve General Plan Amendment No. 2018-02 providing for a change in land use designation on approximately 123.08 acres throughout the City from their current land use designation to High Density Residential, and pass-to-print Ordinance 18-13 approving Zone Amendment No. 732, changing the existing zoning on approximately 123.08 acres throughout the City from the existing zoning district on the affected parcels to R-M-4 (Multiple Family Residential, 1,500 sq. ft. minimum site area per dwelling unit). This re-zoning would apply to the following parcel numbers: 166-230-007, 168-330-018, 171-250-017, 172-040-073, 177-060-002, 177-060-009, 177-060-010, 177-060-011, 177-060-012, 177-060-013, 177-300-026, 182-340-001, 182-340-002, 182-330-014, 184-100-010, 149-070-008[partial], 177-190-002, 168-180-012, 168-010-009, 168-010-010, 168-010-035, and 168-020-003. [Submitted by: M. Anaya]** Council Member Nunley recused himself from discussions and left the room due to property ownership. Principal Planner Mario Anaya provided a PowerPoint slide presentation for the Council's review and consideration.

Mayor Sigala opened the public hearing at 8:39 p.m. Bob Clark, Richard Walker, Sr. Planner of 4Creeks obo Alex & Josh Mendrin, Allen Williams obo Blackstone Ranch, LLC., Don Dolin, Mike Torrez, Robert Modill, Cassidy Dolin, Adrianna Hooker-(unintelligible), Kevin (unintelligible), Debbie Rodriguez, Mike Silicato, Coach Baker, Sylvia Torrez, and (unintelligible) Modill addressed the Council objecting to the rezoning. Receiving no further public comment, Mayor Sigala closed the public hearing at 9:01 p.m.

Following discussion, it was moved by Vice Mayor Mederos to exclude properties 2, 3, 11, 12, 13, 14, 15, and 21 as identified on the map, seconded by Council Member Sayre and carried 4 to 0 to **adopt Resolution 18-71, as amended**; it was further moved by Vice Mayor Mederos to exclude properties 2, 3, 11, 12, 13, 14, 15, and 21 as identified on the map, seconded by Council Member Sayre and carried 4 to 0 to **adopt Resolution 18-72, as amended**; lastly, it was moved by Vice Mayor Mederos to exclude properties 2, 3, 11, 12, 13, 14, 15, and 21 as identified on the map, seconded by Council Member Sayre and carried 4 to 0 to **pass-to-print Ordinance 18-13, as amended**.

(2) Engineering:

- a. **Consider a request by Brian and Sara Martinho to release a long-term deferred improvement agreement deferring the construction of curb, gutter, sidewalk, pave-out, drive approach, streetlights, and drainage facilities per City standards along the frontage of 1210 W. Prosperity Avenue. [Submitted by: M. Miller]** The item was pulled, no further action.

(3) City Manager:

- a. **City Council upon review of materials and interviews, reappoint existing members or appoint new members to the following: Aviation Committee (3); Board of Public Utilities (1); Housing & Building Appeals Board (1); Library Board (1); Police Review Board (7) [Submitted by: R. Yoder]** Chief Deputy City Clerk Roxanne Yoder introduced the item. Mayor Sigala nominated Chris Harrell to the vacancy on the Board of Public Utilities, seconded by Vice Mayor Mederos and unanimously carried to appoint Chris Harrell to the Board.

It was moved by Council Member Nunley, seconded by Council Member Jones and unanimously carried to reappointment Michael Groah and Casey Jenkins to the Aviation Committee. Mr. Schoenau was disqualified due to his business relationship with the airport. There still exists one vacancy that will be re-posted to further solicit applications.

It was moved by Vice Mayor Mederos, seconded by Council Member Nunley and unanimously carried to reappoint Peggy Wright to the Housing & Building Appeals Board.

It was moved by Vice Mayor Mederos, seconded by Council Member Nunley and unanimously carried to reappoint Donna Schauland to the Library Board. There still exist one vacancy that will be posted to solicit applications.

Lastly, Vice Mayor Mederos recommended Karen Presant to fill the vacancy for his District seat on the Police Review Board. Although not required it was seconded by Council Member Nunley and unanimously carried to appoint Ms. Presant. It was further moved by Council Member Jones, seconded by Council Member Nunley and unanimously carried to reappoint John Avila and Duane Goree, Jr. to the at-large positions. All remaining District seats were reappointed as presented.

- b. **Review, discussion, selection and update of City Council Representation on outside agency Boards and Committees List, specific to Tulare County Association of Governments, Tulare Irrigation District Joint Committee, South San Joaquin Valley Air Board City Selection**

Committee and Tulare County Homeless Taskforce. [Submitted by: R. Yoder] Mayor Sigala reviewed the item with Council for clarification of the respective appointments and/or nominations. Following discussion, it was moved by Council Member Nunley, seconded by Council Member Jones to appoint Mr. Jones as the TCAG representative and Council Member Sayre as the alternate; that motion failed 2 to 3 (Council Member Sayre, Vice Mayor Mederos and Mayor Sigala voting no). It was further moved by Vice Mayor Mederos, seconded by Council Member Nunley and unanimously carried to appoint Ms. Sayre as the TCAG representative and Council Member Jones as the alternate.

It was further clarified and the consensus of the Council that Vice Mayor Mederos and Mayor Sigala will serve on the Tulare Irrigation District Joint Committee. Additionally, it was also clarified and the consensus of the Council that Mayor Sigala will serve as the representative and Council Member Jones as the alternate on the Air Board's City Selection Committee. Lastly, with regard to the Tulare County Homeless Taskforce, Ms. Sayre will withdraw her request for consideration to serve allowing Mr. Jones to continue with his pursuit of appointment through the County process. *Note: Mr. Jones must file an application with the County for consideration.*

Council Member Jones left the meeting at 10:00 p.m.

- c. Provide direction to staff regarding scheduling a goal setting session for the City Council and allocate up to \$15,000. [Submitted by: R. Hunt]** Interim City Manager Rob Hunt introduced the item for the Council's review and consideration. Following discussion, it was moved by Council Member Nunley, seconded by Council Member Sayre and carried 4 to 0 (Council Member Jones absent) to approve the allocation as presented.

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

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

Mayor Sigala adjourned to closed session at 10:10 p.m. for matters as stated by Interim City Attorney Mario Zamora.

- (a) 54956.8b Conference with Real Property Negotiators
 Property: City property located at Paige and Highway 99 APN # 191-070-015
 Under Negotiation: Direction as to future use or licensing of the property
 Negotiating parties: Steve Bonville, Josh McDonnell, Mario Zamora [Submitted by: S. Bonville]

XIII. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed meeting at 10:20 p.m.

XIV. CLOSED SESSION REPORT (if any)

Mayor Sigala advised there were no reportable actions.

XV. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 10:20 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