

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

**May 7, 2019**

**A regular session of the City Council, City of Tulare was held on Tuesday, May 7, 2019, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

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

**COUNCIL ABSENT:** Greg Nunley

**STUDENTS ABSENT:** Greg Garcia, Alex Arroyo

**STAFF PRESENT:** Rob Hunt, Megan Dodd, Janice Avila, Wes Hensley, Luis Nevarez, Steve Bonville, Josh McDonnell, Darlene Thompson, Brian Beck, Trisha Whitfield, 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**

Interim Community Services Director Brian Beck led the Pledge of Allegiance and an invocation was given by Council Member Sayre.

**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.

Michelle Duran, Kimberly Walker, Megan Downs and David Garcia addressed the Council with continued concerns over speeding in their neighborhood and demanded the City address these concerns.

Euler Torres addressed the Council regarding the Viva Tulare event and thanked staff for their assistance in moving it forward.

**IV. COMMUNICATIONS**

There were no items for this section of the agenda.

**V. CONSENT CALENDAR:**

It was moved by Vice Mayor Mederos, seconded Council Member Sayre and carried 4 to 0 (Council Member Nunley absent) that the items on the Consent Calendar be approved as presented with the exception of item(s) 9, 10, 12, 13, 14, 15 & 18.

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of April 16 and April 23, 2019 special/regular meeting. [Submitted by: R. Yoder]
- (3) Approve the cancellation of Tulare City Council meeting scheduled for Tuesday, May 21, 2019, due to the lack of a quorum and schedule a special meeting for Tuesday, May 14, 2019, beginning at 6 p.m. [Submitted by: R. Yoder]
- (4) Confirm the Mayor's appointment of Ray Fonseca to the Board of Public Utilities vacancy for a term ending December 31, 2021. [Submitted by: R. Hunt]
- (5) Accept the required public works improvements for Phase 1 of the Willow Glen subdivision located along the north side of Cartmill Avenue east of Devenshire Street as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]
- (6) Authorize the City Manager to execute three reimbursement agreements with Presidio JJR Brighton 115, LLC for construction costs associated with Phase 1 of the Willow Glen subdivision that are eligible for reimbursement in accordance with Chapters 8.60 and 8.64 of the Municipal Code, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: M. Miller]
- (7) Accept the required public works improvements Parcel Map 2015-04 by Evaristo and Emma Aguayo located along the west side of "E" Street north of Gail Avenue 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. [Submitted by: M. Miller]
- (8) 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 temporary turnarounds for emergency vehicle purposes and a temporary run-off pond for street runoff, subject to receipt of the signed final map, all fees, and other required items prior to July 6, 2019. [Submitted by: M. Miller]

**(9) Authorize the City Manager or his designee to sign a contract amendment with Krazan of Fresno, CA in the amount of \$64,950.00 for additional material testing services on the O Street Improvements Project between Bardsley Avenue and Pleasant Avenue, Project EN0076. [Submitted by: J. Funk]** Vice Mayor Mederos pulled the item for clarification. Senior Project Manager Nick Bartsch responded to comments and questions related thereto. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley absent) to approve the item as presented.

**(10) Authorize the City Manager to sign contracts related to City Project EN0082, a street and utility improvement project on Sacramento Street and Maple Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of each contract amount; and approve the revised project scope and budget. [Submitted by: M. Miller]**

<b>(a) Yarbs Grading and Paving, Inc.:</b>	<b>\$ 5,264,066.07</b>
<b>(b) Lane Engineers:</b>	<b>\$ 115,500.00</b>
<b>(c) NV5:</b>	<b>\$ 111,683.00</b>
<b>(d) 4Creeks:</b>	<b>\$ 225,600.00</b>

Vice Mayor Mederos pulled the item for clarification. Senior Project Manager Nick Bartsch responded to comments and questions related thereto. Following discussion, it was moved by Council Member Jones, seconded by Vice Mayor Mederos and carried 4 to 0 (Council Member Nunley absent) to approve the item as presented.

**(11) Receive, review, and file the Monthly Investment Report for March 2019. [Submitted by: D. Thompson]**

**(12) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-241-011 located in the 300 Block of M Street ("Property") to All Valley Housing Inc. in the amount of \$45,000.00 with an 18-month time frame for development and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**

- (13) **Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-241-012 located in the 300 Block of N Street (“Property”) to All Valley Housing Inc. in the amount of \$45,000.00 with a 24-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**
- (14) **Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-242-016 located in the 300 Block North N Street (“Property”) to All Valley Housing Inc. in the amount of \$41,250.00 with a 36-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**
- (15) **Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-242-017 located in the 300 Block North O Street (“Property”) to All Valley Housing Inc. in the amount of \$41,250.00 with a 12-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]**

Items 12, 13, 14 & 15 were pulled by staff due to additional information for review and will be brought back to Council at a future meeting.

- (16) **Adopt Resolution 19-16 authorizing the City Manager to accept a Grant from the State Off-Highway Motor Vehicle (OHMV) Division for Cycle Park operating expenses not to exceed \$359,764.00 for the year 2019 and to sign all applicable paperwork related to application of the grant. [Submitted by: S. Bonville]**
- (17) **Authorize the City Manager to execute all necessary documents on behalf of the City for a new Lease Agreement for a portion of the Meitzenheimer building at 830 South Blackstone to the Tulare County Office of Education. [Submitted by: S. Bonville]**
- (18) **Reject the liability claim for damages filed by James Kelly on April 10, 2019. [Submitted by: J. Avila]** Council Member Jones pulled the item to recuse himself and leave the room due to being named in the claim. With no further discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 3 to 0 (Council Member Jones recused and Council Member Nunley absent) to reject the liability claim as presented.
- (19) **Reject the liability claim for damages filed by Attorney Stanley Goff on behalf of Rosa Cuevas for severe injuries and emotional distress as a result of an officer-involved shooting. [Submitted by: J. Avila]**

- (20) **Reject the liability claim for damages filed by Attorney Stanley Goff on behalf of Leticia Tuggle-Nelsen for wrongful death of her son and severe emotional distress. [Submitted by: J. Avila]**

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

- (1) **Plaque Presentation to Roxanne Yoder, Chief Deputy City Clerk, on obtaining the International Institute of Municipal Clerk's designation as Certified Municipal Clerk by Fresno City Clerk Yvonne Spence, MMC and Mentor and CMC Pinning by Mayor Jose Sigala.**
- (2) **Proclamation presentation regarding the 50<sup>th</sup> Anniversary of Municipal Clerks Week, May 5 through 11, 2019.**
- (3) **Proclamation presentation regarding National Travel & Tourism Week, May 5 through 11, 2019.**
- (4) **Proclamation presentation regarding National Small Business Week, May 5 through 11, 2019.**
- (5) **Proclamation presentation regarding National Police Week, May 12 through May 18, 2019.**
- (6) **Proclamation presentation regarding Salvation Army Week, May 13 through May 19, 2019.**

## **VII. MAYOR'S REPORT**

There were no items for this section.

## **VIII. STUDENT REPORTS**

There were no students present to provide a report.

## **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 pass-to-print Ordinance 19-01 adopting amended Section 9.12.010 of Chapter 9.12 of the City Code of Tulare entitled and pertaining to "Prima Facie Speed Limits". [Submitted by: M. Miller]** City Engineer Michael Miller provided a report for the Council's review and consideration. Mayor Sigala opened the Public Hearing at 7:52 p.m.; receiving no public comment he closed the Public Hearing at 7:52 p.m. Mr. Miller addressed questions and comments posed by

Council. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley absent) to pass-to-print Ordinance 19-01 as presented.

**(2) Engineering/Project Management:**

- a. **Provide City Staff with clarification and direction regarding any additions or final modifications to the proposed Capital Improvements Projects Budget for Fiscal Years (FY) 2019-2024. [Submitted by: N. Bartsch]** Senior Project Manager Nick Bartsch provided a brief PowerPoint presentation seeking clarification from Council on additions or final modifications to the City's proposed Capital Budget. Tulare County Association of Governments Director Ted Smalley addressed the Council regarding an opportunity for a no-interest loan. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley absent) to utilize available funding on improvements to extend the limits of the EN0073 - Cartmill Avenue Improvements Project from the current eastern construction limit at Del La Vina Street to Mooney Boulevard. The Council also expressed support of the funding opportunity proposed by Mr. Smalley, which included an advancement of approximately 1-years' worth of Measure R funding via a no-interest loan, to be paid back within 5 years.

**(3) City Manager:**

- a. **Council Member Nunley confirm appointment of Jose Ruiz-Salas to the Measure I Citizen Oversight Committee vacancy. [Submitted by: R. Hunt & R. Yoder]** Interim City Manager Rob Hunt provided a report for the Council's review and consideration in Council Member Nunley's absence. Mayor Sigala asked Mr. Jose Ruiz-Salas to provide an introduction. With no further discussion and to expedite the matter, it was moved by Council Member Jones, seconded by Vice Mayor Mederos and carried 4 to 0 (Council Member Nunley absent) to confirm the appointment of Mr. Ruiz-Salas to the District 5 vacancy.
- b. **Homeless Ad Hoc Committee Report for discussion and direction regarding City/County Partnership for HOPE Team Project. [Submitted by: R. Hunt]** Mayor Sigala and Council Member Sayre provided a report for the Council's review and consideration. Questions posed by Council Member Jones were addressed by Mayor Sigala regarding the partnership of City of Visalia and Tulare County Mental Health HOPE Team and how Tulare might be able to develop a similar partnership. It was moved by Mayor Sigala, seconded by Council Member Sayre and carried 4 to 0 (Council Member Nunley absent) to direct Chief Hensley and Interim City Manager Hunt to speak with Visalia's Chief Salazar and County representative Tim Lutz on how the HOPE team was formed, funded, etc. and return with a report to the Council at a future meeting.

- c. **Discussion and direction regarding a request from the Homeless Ad Hoc Committee on the allocation of the remaining balance of the 18/19 Social Services Fund (approx. \$14,000.00). [Submitted by: R. Hunt]** Council discussion regarding use of funding. No action taken.

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

City Engineer Michael Miller advised that staff will bring an item for Council's consideration at a future meeting regarding the development of a speed hump policy.

Mayor Sigala requested an item regarding a letter to Jason Britt, County Administrative Officer, seeking a satellite mental health office in the City of Tulare. With the consensus of Council, the matter will be placed on the June 4 agenda.

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

Mayor Sigala adjourned to closed session at 9:07 p.m. for the item as noted by Assistant City Attorney Megan Dodd.

- (1) 54957(b) PUBLIC EMPLOYEE APPOINTMENT - Title: City Manager [Submitted by: J. Avila]

**XII. RECONVENE CLOSED SESSION**

Mayor Sigala reconvened from closed session at 9:35 p.m.

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

Mayor Sigala advised there was no reportable action.

**XIV. ADJOURN REGULAR MEETING**

Mayor Sigala adjourned the regular meeting at 9:35 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