

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

February 16, 2021

A closed session of the City Council, City of Tulare was held on Tuesday, February 16, 2021, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Dennis A. Mederos, Terry A. Sayre, Jose Sigala, Stephen C. Harrell, Patrick Isherwood

STAFF PRESENT: Rob Hunt, Mario Zamora, Special Counsel – Mandy Jeffcoach, Leonard Herr^(Via Phone), Josh McDonnell, Michael Miller, Janice Avila, Ken Wales, Jason Bowling, Roxanne Yoder

6:00 p.m.

I. CALL TO ORDER CLOSED SESSION

Mayor Mederos called closed session to order at 6:00 p.m.

- II. CITIZEN COMMENTS** - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

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

Mayor Mederos adjourned to closed session at 6:02 p.m. for the items as stated by City Attorney Mario Zamora.

- (a) 54956.9(a) Conference with Legal Counsel – Existing Litigation (1)
Name: City of Tulare v. Phillips, et. al. - TCSC No. VCU 276579
[Submitted by: Special Counsel Leonard Herr]
- (b) 54956.9(d)(2)&(e)(2) Conference with Legal Counsel – Anticipated Litigation One (1) item of anticipated litigation (*This involves the Agreement and Undertaking between the City and Del Lago Place LLC and the status of discussions with the surety following the bond claim.*) [Submitted by: Special Counsel Mandy Jeffcoach]
- (c) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: Del Lago Place, LLC v. City of Tulare – TCSC No. VCU 285610
[Submitted by: Special Counsel Mandy Jeffcoach]
- (d) 54956.9(b) Conference with Legal Counsel – Anticipated Litigation One (1) item of significant exposure. Threat of litigation by Meena Reddy against the City regarding homeowners association in Tesori subdivision. [Submitted by: M. Zamora]

IV. RECONVENE CLOSED SESSION

Mayor Mederos reconvened from closed session at 7:25 p.m.

V. CLOSED SESSION REPORT (if any)

Mayor Mederos advised there was no reportable action.

VI. ADJOURN CLOSED SESSION

Mayor Mederos adjourned closed session at 7:25 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, February 16, 2021, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Dennis A. Mederos, Terry A. Sayre, Jose Sigala, Stephen C. Harrel, Patrick Isherwood

STAFF PRESENT: Rob Hunt, Mario Zamora, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Wes Hensley, Rodnie Roberts, Traci Myers, Janice Avila, Ken Wales, Jason Bowling, Nick Bartsch, Alexis Costales, Mario Anaya, Ray Guerrero, Russell Laswell, Manny Correa, Jon Hamlin, Roxanne Yoder

VII. CALL TO ORDER REGULAR SESSION

Mayor Mederos called the regular session to order at 7:25 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Council Member Sigala led the Pledge of Allegiance and Vice Mayor Sayre led the invocation.

IX. CITIZEN COMMENTS

Mayor Mederos 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.

Donnette Silva-Carter, Tulare Chamber of Commerce CEO provided an update of COVID related Chamber efforts.

Samantha (no last name provided) addressed the Council with concerns regarding homeless encampments and moving them from place to place.

X. COMMUNICATIONS

City Manager Rob Hunt provided an update on conversations with City School officials regarding the after-hours use of school property.

XI. CONSENT CALENDAR

It was moved by Council Member Harrell, seconded by Vice Mayor Sayre, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item 4.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of January 26 & 27, 2021 and February 2, 2021 special/regular meeting(s) [Submitted by: R. Yoder]**
- (3) **Declare John Avila's (at-large) seat and Jesse Salido's (District 3 appointment) seat on the Police Department Citizen Complaint Review Board, extended terms ending June 30, 2021, vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]**
- (4) **Authorize the City Manager to execute a preliminary oversized reimbursement agreement with Quest Equity, LLC that identifies estimated construction and property dedication costs associated with improvements required for various private development projects that will be eligible for reimbursement in accordance with Chapter 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]** Council Member Sigala pulled the item for discussion and clarification. City Engineer Michael Miller responded thereto. Following discussion, it was moved by Council Member Isherwood, seconded by Vice Mayor Sayre and carried 4 to 1 (Council Member Sigala voting no) to approve the item as presented.
- (5) **Approve Parcel Map 2020-05 filed by Isabel Casanova Ruiz for the division of land located on the south side of Prosperity Avenue, east of Sacramento Street for recordation, and accept all easements and dedications offered to the City. [Submitted by: M. Miller]**
- (6) **Receive and accept the City's annual audited financial statements Comprehensive Annual Financial Report (CAFR) for 2019-2020 fiscal year. [Submitted by: D. Thompson] *Note: Due to its size a copy of the CAFR is available for public viewing in the Office of the City Clerk.***
- (7) **Accept as complete the contract with Talley Oil, Inc. of Madera, CA for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent project (RFB 21-717); and authorize the Public Works Director 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: T. Whitfield]**

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Presentation from City staff and the vendor regarding the Tulare Cycle Park. [Submitted by: J. McDonnell]** Vendor/Operator Dieter Temmerman and General Services Manager Manny Correa provided a PowerPoint presentation for the Council's edification.
- (2) **Community & Economic Development Update. [Submitted by: T. Myers]** Community & Economic Development Director Traci Myers provided an update on the City's' Community & Economic Development projects throughout the community.

XIII. MAYOR/COUNCIL REPORTS OR ITEMS OF INTEREST - G.C. 54954.2(3)

XIV. 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 2021-01 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 Mederos requested to reopen the public hearing from the previous meeting. It was moved by Council Member Isherwood, seconded by Council Member Sigala and unanimously carried to reopen the public hearing. Mayor Mederos opened the public hearing at 8:32 p.m. Following discussion and with no public comment, Mayor Mederos closed the public hearing at 8:38 p.m. With no further discussion, it was moved by Council Member Sigala, seconded by Council Member Harrell and unanimously carried to pass-to-print Ordinance 2021-01 as presented.
- b. **Public Hearing to adopt Resolution 2021-05 approving the 2019 Community Development Block Grant (CDBG) Annual Action Plan (APP) Amendment IV to allocate CARES Act CDBG funds in the amount of \$273,963 for emergency rental, mortgage, and utility assistance, \$72,843 for food, personal protective equipment, and other services for people experiencing homelessness, and \$50,000 to food pantry and delivery services; and authorize the City Manager or his designee to submit the same to HUD on behalf of the City of Tulare. [Submitted by: T. Myers]** Vice Mayor Sayre recused due to a business relationship with Salt+Light and left the meeting. Community & Economic Development Director Traci Myers introduced Housing & Grants Specialist Alexis Costales who provided a PowerPoint presentation for the Council's review and consideration. Mayor Mederos opened the public hearing at 8:52 p.m. Adrienne Hillman, CEO of Salt+Light, addressed the Council. Following discussion, Mayor Mederos

closed the public hearing at 9:25 p.m. With no further discussion, it was moved by Council Member Isherwood, seconded by Council Member Sigala and carried 4 to 0 (Vice Mayor Sayre recused) to adopt Resolution 2021-05 as presented.

(2) Appeal Hearing:

- a. Appeal hearing of the Chief of Police's decision to revoke registration for Kern Ave Massage, located at 151 E. Kern Avenue, and further consideration of adoption of Resolution 2021-06 denying applicant's appeal or upholding the applicant's appeal as presented. [Submitted by: W. Hensley and R. Guerrero]** Mayor Mederos opened the appeal hearing at 9:26 p.m. Sergeant Ray Guerrero and Principal Planner Mario Anaya provided a report for the Council's review and consideration in support of denying the appeal based upon facts and circumstances contained in the staff report, photos and in the testimony as presented. Chunmei Xu, appellant and Michael Sereno addressed the Council in support of upholding the appeal. Mayor Mederos opened public comments at 9:46 p.m., with no public comments forthcoming, he closed public comments at 9:46 p.m. Sergeant Ray Guerrero and Police Chief Wes Hensley addressed the Council in rebuttal. Mayor Mederos closed the appeal hearing at 9:48 p.m. Following questions and comments, it was moved by Council Member Harrell, seconded by Council Member Isherwood and unanimously carried to deny the appeal and revoke registration for Kern Ave Massage, as requested by staff and as supported by the evidence and testimony received.

(3) Transit:

- a. Receive and file report on status of two items related to the provision of Transit in the City of Tulare: 1) Status of utilization of CARES funds granted to the City, and 2) Status of transition from management of City of Tulare's Transit system to the Tulare County Regional Transit Authority. [Submitted by: J. McDonnell and D. Thompson]** Deputy City Manager Josh McDonnell and Finance Director Darlene Thompson provided a report for the Council's review and consideration. Informational item only.

(4) City Manager:

- a. Report on street banner programs honoring military service members. [Submitted by: J. McDonnell]** Deputy City Manager Josh McDonnell provided a report for the Council's review and consideration. Comments offered by Gary Cole (Brave Project Visalia).
- b. Report and Discussion regarding State Route 99 encampments and Press Release related there to. [Submitted by: R. Hunt]** City Manager Rob Hunt provided a report for the Council's review and consideration. Questions and comments addressed by staff.

- c. **Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]** City Manager Rob Hunt provided an update for the Council's review and consideration. Questions and comments made by Council and staff.

XV. STAFF UPDATES AND FUTURE AGENDA ITEMS – GC 54954.2(3)

Council Member Harrell inquired about mattress and graffiti abatement. Staff to address.

Council Member Sigala requested and received consensus to add the following items to a future agenda for discussion:

Discussion on being the first city to transfer operations to the Tulare County Regional Transit Authority.

Discussion on the City's loan with the Hospital District.

Discussion on requesting the County allocate the City of Tulare their respective portion of \$13.8 million in federal funding for rental assistance received.

City Manager Rob Hunt reminded Council and Staff of the following items at upcoming meetings:

February 24, 2021 – Special Study Session at 6:00 p.m. on Homeless Shelter Siting Criteria and further discussion on the State Route 99 Encampments.

March 2, 2021 – County Presentation by Board Supervisor Pete Vander Poel and Health and Human Services Authority Presentation on COVID-19 and vaccinations.

March 16, 2021 – Study Session at 6:00 p.m. to receive and discuss the Council's Strategic Planning Report and review of priorities.

XVI. ADJOURN REGULAR MEETING

Mayor Mederos adjourned the regular meeting at 11:08 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