

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

**July 6, 2021**

**A closed session of the City Council, City of Tulare was held on Tuesday, July 6, 2021, at 6:30 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** Dennis A. Mederos, Terry A. Sayre<sup>(Via Zoom)</sup>, Jose Sigala, Stephen C. Harrell, Patrick Isherwood

**STAFF PRESENT:** Mario Zamora, Leonard Herr, Janice Avila, Wes Hensley, Jose Rivas, Jason Bowling, Dave Rossman, Jason Glick, Roxanne Yoder

**6:30 p.m.**

**I. CALL TO ORDER CLOSED SESSION**

Mayor Mederos called the closed session to order at 6:31 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.

There were no public comments.

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

Mayor Mederos adjourned to closed session at 6:33 p.m., for those 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. 276579  
[Submitted by: Special Counsel Leonard Herr]
- (b) 54957 Public Employment  
Title: City Manager

**IV. RECONVENE CLOSED SESSION**

Mayor Mederos reconvened closed session at 6:58 p.m.

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

Mayor Mederos advised there was reportable action. City Attorney Mario Zamora advised that as to the matter City of Tulare vs. Phillips, the Council by unanimous vote

approved a settlement of \$750,000 on this matter and release of all claims related thereto.

## **VI. ADJOURN CLOSED SESSION**

Mayor Mederos adjourned closed session at 7:59 p.m.

**A regular session of the City Council, City of Tulare was held on Tuesday, July 6, 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<sup>(Via Zoom)</sup>, Jose Sigala, Stephen C. Harrel, Patrick Isherwood

**STAFF PRESENT:** Mario Zamora, Josh McDonnell, Michael Miller, Trisha Whitfield, Jason Glick, Wes Hensley, Dave Rossman, Mario Anaya, Janice Avila, Jose Rivas, Jason Bowling, Nick Bartsch, Roxanne Yoder

## **VII. CALL TO ORDER REGULAR SESSION**

Mayor Mederos called the regular session to order at 7:01 p.m.

## **VIII. PLEDGE OF ALLEGIANCE AND INVOCATION**

Mayor Mederos led the Pledge of Allegiance and Council Member Isherwood 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.

Euler Torrez, ROOX Agency, addressed the Council advising that Viva Tulare begins Friday, July 9; but due to the expected heat wave they may postpone to the following Friday. He further requested assistance from the City to allow vendors to use electricity and for advertisement of their event on the downtown electronic sign. Mr. Torrez was advised to contact John Harman of the Tulare Downtown Association with regard to electronic sign.

Donnette Silva-Carter, CEO Tulare Chamber of Commerce, addressed the Council on current activities for their consideration.

## **X. COMMUNICATIONS**

There were no items for this section of the agenda.

**XI. CONSENT CALENDAR**

**It was moved by Council Member Harrell, seconded by Council Member Sigala, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 3 & 5.**

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of June 15 and June 22, 2021 special/regular meeting(s) [Submitted by: R. Yoder]**
- (3) Approve a short-term deferred improvement agreement with Presidio JJR Kensington II 100, LLC allowing the construction of frontage improvements along the west side of Mooney Boulevard (State Route 63) from Cartmill Avenue to Pacific Avenue to be deferred for a maximum of two (2) years, or prior to the City's acceptance of the required public improvements for Phase 4 of the Kensington Estates subdivision, whichever occurs first. [Submitted by: M. Miller]** Council Member Sigala pulled the item for clarification. City Engineer Michael Miller responded thereto advising that a standard agreement and appropriate bonding will be in place for the project. Following discussion, it was moved by Council Member Sigala, seconded by Council Member Isherwood, and unanimously carried to approve the item as presented.
- (4) Accept a grant deed and public utility easement from D.R. Horton CA3, Inc. associated with Phase 1 of The Greens at Oak Creek subdivision, and authorize the City Manager or his designee to sign the Certificates of Acceptance for the same; and adopt Resolution 2021-32 for the summary vacation of portions of Spanish Bay Street and abandonment of public utility easement located in Phase 1 of The Greens at Oak Creek subdivision. [Submitted by: M. Miller]**
- (5) Adopt Resolution of Intention 2021-33 to set July 20, 2021 as the public hearing date to adopt landscape maintenance assessments for fiscal year 2021-22. [Submitted by: M. Miller]** City Engineer Michael Miller pulled the item to advise of a revision to the resolution of intention. Following this clarification, it was moved by Council Member Sigala, seconded by Mayor Mederos, and unanimously carried to adopt Resolution 2021-33 as amended.
- (6) Accept the required public works improvements for Phase 3 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]**
- (7) Receive the monthly investment report for May 2021. [Submitted by: D. Thompson]**

## XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Certificates of Recognition to the former Housing & Building Appeals Board Members.** Mayor Mederos presented Peggy Wright with a Certificate of Recognition in honor of her service to the Board.
- (2) **Engineering Project Management CIP Update.** Senior Project Manager Nick Bartsch provided a report for the Council's review and consideration.

## 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) Appeal Hearing:

- a. **Public Hearing Council to adopt Resolution 2021-34 to uphold or deny an appeal by Knight Transportation of the Planning Commission's denial of the request by Appellant to install a 10 foot tall perimeter electrified security fence in addition to an existing six foot chain link fence topped with barbed wire on the property located at 4450 South Blackstone Avenue. [Submitted by: T. Myers]** Deputy City Manager Josh McDonnell provided a PowerPoint presentation and provided a report for the Council's review and consideration. Mayor Mederos opened the public hearing at 7:56 p.m. Keith Kaneko, Director of Government Relations for Amarok (perimeter security) obo Knight Transportation, who provided a PowerPoint presentation for the Council's review and consideration. Ron and Linda Wilbourn, Jason Bender, and Euler Torrez addressed the Council in support of the appellant's appeal. With no further public comment, Mayor Mederos closed the public hearing at 8:23 p.m. Questions and comments posed by Council addressed by Mr. Kaneko and/or staff. Following discussion, it was moved by Mayor Mederos, seconded by Vice Mayor Sayre, and carried 4 to 1 (Council Member Sigala voting no) to adopt Resolution 2021-34 granting the appeal and installation of the proposed fencing may proceed in compliance with state law; however, any portion which encroaches on public property shall require a license agreement issued by the City and indemnification by Appellant in favor of the City as a condition of said license.

### (2) Community & Economic Development:

- a. **Discussion and feedback to staff on a request by San Joaquin Valley Homes for annexation of approximately 37.24-acres of land located on the northwest corner of Cartmill Avenue and De La Vina Street (APN 149-060-037). [Submitted by: T. Myers]** Principal Planner Mario Anaya provided a PowerPoint presentation for the Council's review and

consideration. Developer Jim Robinson addressed the Council in support of the request. Comments made by Council. No formal approval is required by Council at this time.

**(3) Parks:**

- a. Review and approve the project scope and project budget for tree removal and sidewalk replacement in the Del Lago Subdivision, Project PK0028.** Project Manager Jim Funk provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Isherwood, seconded by Mayor Mederos, and carried 4 to 1 (Council Member Harrell voting no) to approve the item as presented.

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

Council Member Sigala requested a list of the citations issued for illegal fireworks.

Council Member Sigala requested and received consensus to direct staff to return with an item for the consideration of an Ordinance to amend the municipal code as it relates to electric fences.

Council Member Sigala requested and received consensus to direct staff to return with a discussion item on businesses designating self-checkout only.

**XVI. ADJOURN REGULAR MEETING**

Mayor Mederos adjourned the regular meeting at 9:45 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