

## CORONAVIRUS (COVID-19) ADVISORY

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California due to the threat of COVID-19. On March 12 and 18, 2020, the Governor issued Executive Order N-25-20 and N-29-20, which temporarily suspends portions of the Brown Act addressing the conduct of public meetings, and has been extended to September 30, 2021.

As such, Tulare City Council Meetings may include teleconference participation by some or all of the City Council Members and City staff. Pursuant to Executive Order N-20-20, teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

Meetings **will be available** for public viewing via YouTube  
[https://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1\\_aw/videos](https://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1_aw/videos)

If you wish to provide public comment via telephone during the meeting, you may do so **by calling (559) 366-1849**. If you receive a busy signal, please continue to call until you are able to get through. You are also welcomed to attend the meeting and provide public comment in person.

Note: There will be approximately a 20 second delay in broadcast for viewers. If viewing from YouTube and calling in, please mute your speakers.

## AGENDA

**TULARE CITY COUNCIL**  
**TUESDAY, September 7, 2021**  
**Closed Session 6:00 p.m.**  
**Regular Session 7:00 p.m.**  
**TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS**  
**491 North "M" Street**

**MISSION STATEMENT**  
**TO PROMOTE A QUALITY OF LIFE MAKING TULARE THE MOST DESIRABLE COMMUNITY IN WHICH TO LIVE, LEARN, PLAY, WORK, WORSHIP AND PROSPER.**

Meeting audio will be uploaded to the City's website [www.tulare.ca.gov](http://www.tulare.ca.gov), no later than the Friday following the meeting, barring any technical difficulties, accessible by selecting the appropriate meeting date on the City Meeting Calendar page.

### 6:00 p.m.

- I. CALL TO ORDER CLOSED SESSION**
- 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):**

- (a) Conference with Legal Counsel – Anticipated Litigation  
Initiation of litigation pursuant to § 54956.9(c): 1 case
- (b) 54957 Public Employment  
Title: City Manager

**IV. RECONVENE CLOSED SESSION**

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

**VI. ADJOURN CLOSED SESSION**

**7:00 p.m. (Or, immediately following closed session)**

**VII. CALL TO ORDER REGULAR SESSION**

**VIII. PLEDGE OF ALLEGIANCE AND INVOCATION**

**IX. CITIZEN COMMENTS**

*This is the time for citizens to comment on subject matters, not on the agenda within the jurisdiction of the Tulare City Council. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight.*

*This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to general business/city manager items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council. Please begin your comments by stating and spelling your name and providing your city of residence.*

**X. COMMUNICATIONS**

*Communications are to be submitted to the City Manager's Office 10 days prior to a Council Meeting to be considered for this section of the Agenda. No action will be taken on matters listed under communications; however, the Council may direct staff to schedule issues raised during communications for a future agenda. Citizen*

*comments will be limited to **three minutes**, per topic, unless otherwise extended by Council.*

## **XI. CONSENT CALENDAR**

*All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of August 17 and 26, 2021, and September 1, 2021, special/regular meeting(s). [Submitted by: R. Yoder]
- (3) Authorize the Mayor to execute the First Amendment to the Employment Agreement for City Manager Rob A. Hunt. [Submitted by: M. Zamora]
- (4) Authorize the Mayor to execute an oversized construction reimbursement agreement, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with LandDesign Consulting, Inc. for the dedication of real property for a City storm drainage basin on Parcel Map No. 5310 associated with the Liberty Hill subdivision. [Submitted by: M. Miller]
- (5) Authorize the City Manager to execute a Compromise Agreement and Release between 99 Pipeline and MAC Engineering, Inc. regarding Project #EN0085 – Tract 65 & 372 Improvements. [Submitted by: M. Zamora]
- (6) Accept as complete the contract with 99 Pipeline, Inc. of Porterville, CA for work on Project EN0085 – Tract 65 and 372 Improvements, a street and utility improvement project on Aronian St., Moraine St., Latimer St., Silva St., Sunset Ave. and Kern Ave. 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: N. Bartsch]
- (7) Receive the monthly investment report for July 2021. [Submitted by: D. Thompson]
- (8) Adopt Resolution 20201- 39 authorizing the purchase of the Tulare County Courthouse ("building") property APN #176-062-014, located at 425 East Kern Avenue and the neighboring "parking lot", APN # 176-063-021, located East of and across of South N Street from the building, in the amount of \$500,000.00 and authorize the City Manager or representative to execute the required documents. [Submitted by: J. McDonnell]

- (9) Award and authorize the City Manager to sign a contract with Evergreen Landscape & Sprinklers Inc. of Tulare, CA, in the amount of \$110,550.00 for Project PK0028 – Del Lago Tree Removal and Sidewalk Replacement Project; authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$11,055.00) of the contract award amount, and approved the revised budget. [Submitted by: J. Funk/I. Nicar]
  
- (10) Award and authorize the City Manager to sign a contract with FlexGroundSurfaces, Inc. of Roseville, CA, in the amount of \$127,838.84 for Project PK0029– Del Lago Playground Resurfacing Project; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$12,783.88) of the contract award amount. [Submitted by: J. Funk/I. Nicar]

## **XII. SCHEDULED PRESENTATIONS**

- (1) Presentation by the International Agri-Center on the Economic Impact Report for the 2019 World Ag Expo.
  
- (2) Scheduled Presentations Engineering Project Management Capital Improvement Project Update.

## **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 2021-02** an Ordinance amending Chapter 5.96 Section 5.96.020 (Cannabis Permitted Uses and Zoning) of the City of Tulare Municipal Code reducing storefront distances from 1,000 feet to 600 feet. [Submitted by: M. Zamora]

*[Due to size, attachments for the following item are available for review on the City's website or in the City Clerk's Office.]*

- b. Public Hearing to **adopt Resolution 2021-40** approving the City of Tulare 2020 Urban Water Management Plan (UWMP) and the City of Tulare Water Shortage Contingency Plan (WSCP). [Submitted by: T. Whitfield]

(2) Community Development:

- a. Council consideration to **adopt Resolution 2021-41** and direction to staff on the request by Roman Catholic Bishop of Fresno for a deferral of project related development impact fees in the sum of \$202,581.63 under section 8.56.080 of the Tulare Municipal Code for a period of time not to exceed five (5) years. [Submitted by: T. Myers]

(3) City Manager:

- a. Discussion and direction regarding the nomination and appointment of a City of Tulare representative to the Tulare County Association of Governments (TCAG) Measure "R" Citizen's Oversight Committee. [Submitted by: R. Hunt]

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

**XVI. ADJOURN REGULAR MEETING**

In compliance with the Americans with Disabilities and Brown Act, if you need special assistance to participate in the meeting, including the receipt of the agenda and documents in the agenda package in an alternate format, please contact the City Manager's Office (559) 684-4200. Notification 48 hours prior to the meeting will enable the city to make reasonable arrangements to ensure accessibility to this meeting (28 CFR 35.102-35, 104 ADA Title II), and allow for the preparation of documents in the appropriate alternate format.

[Note: Pursuant to Government Code 54957.5 - Effective 7/1/08 Documents produced and distributed less than 72 hours prior to or during an open session of a regular meeting to a majority of the legislative body regarding any item on the agenda will be made available for public inspection at the meeting and at the City Clerk's Office at City Hall located at 411 East Kern Avenue during normal business hours.]