

**City of Tulare
City Council Meeting Minutes**

A special meeting of the City Council of the City of Tulare was held on Tuesday, November 1, 2022 at 6:00 p.m. at the Tulare Public Library in the Council Chamber located at 491 North M Street.

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

STAFF PRESENT: Marc Mondell, Mario Zamora, Josh McDonnell, Janice Avila, Matt Machado, Trisha Whitfield, Justin Patananan, Jason Bowling, Melissa Hermann

1. CALL TO ORDER SPECIAL MEETING

A special meeting was called to order at 6:00 p.m. by Mayor Mederos.

2. PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS

There were no public comments.

3. RECESS TO CLOSED SESSION TO DISCUSS THE FOLLOWING

**3.1. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
CVRR v. City of Tulare
Tulare County Superior Court Case No. VCU282595**

**3.2. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Hood v. City of Tulare
Tulare County Superior Court Case No. VCU290768**

**3.3. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Villa v. City of Tulare
Tulare County Superior Court Case No. VCU290071**

**3.4. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Camin v. City of Tulare
Tulare County Superior Court Case No. VCU288750**

**3.5. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Charlton v. City of Tulare
Eastern District Court Case No. 1:20-cv-01136**

**3.6. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Cuevas v. City of Tulare
Eastern District Court Case No. 1:19-cv-01525**

**3.7. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Medina-Diaz v. City of Tulare
Tulare County Superior Court Case No. VCU290506**

- 3.8. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Murguia v. City of Tulare
Eastern District Court Case No. 1:19-cv-00942**
- 3.9. Conference with Legal Counsel – Existing Litigation (Gov. Code § 54956.9(1))
Reedom v. City of Tulare
Eastern District Court Case No. 1:18-cv-01135**

Mayor Mederos recessed to closed session at 6:01 p.m. for items on the agenda as stated by City Attorney Mario Zamora.

4. RECONVENE FROM CLOSED SESSION

Mayor Mederos reconvened from closed session at 7:00 p.m.

5. CLOSED SESSION REPORT

Mayor Mederos advised there was no reportable action.

6. ADJOURN SPECIAL MEETING

Mayor Mederos adjourned the special meeting at 7:00 p.m.

A regular meeting of the City Council of the City of Tulare was held on Tuesday, November 1, 2022 at 7:00 p.m. at the Tulare Public Library in the Council Chamber located at 491 North M Street.

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

STAFF PRESENT: Marc Mondell, Mario Zamora, Josh McDonnell, Mario Anaya, Janice Avila, Michael Ott, Matt Machado, Diego Ibanez, Michael Miller, Trisha Whitfield, Jason Glick, Nick Bartsch, Justin Patananan, Jason Bowling, Melissa Hermann

7. CALL TO ORDER REGULAR MEETING

A regular meeting was called to order at 7:01 p.m. by Mayor Mederos.

8. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Mederos led the pledge of allegiance and an invocation was given by Vice Mayor Sayre.

9. PUBLIC COMMENTS

The following provided public comment: Donnette Silva-Carter.

10. COMMUNICATIONS

There were no communications.

11. CONSENT CALENDAR

It was moved by Councilmember Harrell, seconded by Councilmember Sigala, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item 11.8.

- 11.1. Authorization to read ordinances by title only.**
- 11.2. Approve the minutes of the October 18, 2022, special and regular City Council meetings. [Submitted by: M. Hermann]**
- 11.3. Adopt Ordinance 2022-14 amending Title 4 of the Tulare Municipal Code to adopt Appendix X of the latest edition of the California Residential Code and Appendix O of the latest edition of the California Building Code, and commencing on January 1, 2023, Appendix Z of the 2022 California Residential Code or Appendix P of the 2022 California Building Code, as applicable. [Submitted by: M. Hermann]**
- 11.4. Adopt a resolution accepting and approving expenditures of the Edward Bryne 2022 Memorial Grant in the amount of \$20,756.00. [Submitted by: G. Merrill]**
- 11.5. Authorize the City Manager to complete and execute the documents necessary to purchase property located on the north east corner of Prosperity Avenue and West Street (portion of APN 164-130-004) needed for Project EN0088 – Prosperity Avenue & West Street Improvements Project in the amount of \$21,000, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]**
- 11.6. Review and approve the amended project scope for the design and construction of a new traffic signal and intersection improvements at Prosperity Avenue and West Street; Authorize the City Manager to sign a contract amendment with QK of Visalia, CA in an amount not to exceed \$16,000 for the modification to the design and alignment of ultimate frontage improvements along the north side of Prosperity Avenue, east of West Street within the project limits; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the revised contract amount. [Submitted by: N. Bartsch]**
- 11.7. Approve the Parcel Map filed by Varo-Real Investments, Inc., a California Corporation, for the division of land located at 1105 North “F” Street for recordation, and accept all easements and dedications offered to the City. [Submitted by: M. Miller]**
- 11.8. Authorize the City Manager to execute a preliminary oversize construction reimbursement agreement with Great Valley Builders, Inc. for construction costs associated with the Villa Sierra Ranch residential development that are 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]**

Councilmember Sigala pulled this item for clarification. It was moved by Councilmember Isherwood, seconded by Councilmember Harrell, and unanimously carried to approve the item as presented.

- 11.9. Authorize the Mayor to sign a letter of support for the SR 99 Tulare Six-lane and Paige Avenue Interchange Improvement Project for submittal to the California Transportation Commission. [Submitted by: M. Miller]**
- 11.10. Authorize the City Manager to execute a Grant of Easement and Certificate of Conveyance to Southern California Edison Company (SCE) for installation and maintenance of SCE utilities located within landscaping Outlot A of Phase 1 of the Liberty Hill subdivision and a City-owned lot (APN 168-009-017), subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: M. Miller]**
- 11.11. Authorize the City Manager to execute a preliminary oversized construction reimbursement agreement with Gussan Shedid for construction costs associated with the Little Caesars commercial development that are 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]**
- 11.12. Approve a contract with NTM Productions, subject to minor and conforming changes approved by the city manager and city attorney in the amount of \$275,100.15 for purchase, and installation of Audio-Visual Equipment in the Council Chambers and Charter Room; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$27,510) of the contract amount. [Submitted by: J. Bowling]**

12. MAYOR/COUNCIL REPORTS OR ITEMS OF INTEREST

Council reported out on recent events and discussed items of interest.

13. PUBLIC HEARINGS

- 13.1. Adopt a Resolution of Necessity for APN 164-130-005 (the “Property”) authorizing the City Attorney to take the steps necessary to finalize the acquisition of the property owned by Jesus Ramirez for the upgrade of the intersection of Prosperity Avenue and West Street by the City (the “Project”). [Submitted by: M. Zamora]** City Attorney Mario Zamora provided a report for Council consideration. Mayor Mederos opened the public hearing at 7:22 p.m. With no comments received, the public hearing was closed at 7:22 p.m. It was moved by Councilmember Sigala, seconded by Vice Mayor Sayre, and unanimously carried to adopt the resolution of necessity as presented.
- 13.2. Adopt a Resolution of Necessity for APN 164-130-006 (the “Property”) authorizing the City Attorney to take the steps necessary to finalize the acquisition of the property owned by Guillermo Hernandez Rubio, Jennifer Hernandez, and Maria Gonzalez for the upgrade of the intersection of**

Prosperity Avenue and West Street by the City (the “Project”). [Submitted by: M. Zamora] City Attorney Mario Zamora provided a report for Council consideration. Mayor Mederos opened the public hearing at 7:26 p.m. With no comments received, the public hearing was closed at 7:27 p.m. It was moved by Councilmember Sigala, seconded by Councilmember Isherwood, and unanimously carried to adopt the resolution of necessity as presented.

14. GENERAL BUSINESS

14.1. Review the existing siting criteria, including distance requirements, for approving a conditional use permit to establish the operation of a vendor stand or stationary mobile food vendor vehicle/trailer in the City of Tulare, pursuant to Tulare Municipal Code Chapter 10.180; and provide direction to staff thereto. [Submitted by: M. Anaya] City Planner Mario Anaya provided a report for Council consideration. Following discussion, it was moved by Councilmember Sigala to review the existing distance in general, review the distance between vendors that serve varying food items, and direct staff to review and report back on how the City can assist vendors to come into compliance. The motion died for lack of a second. It was moved by Councilmember Isherwood and seconded by Vice Mayor Sayre to direct staff to conduct an analysis of the 500 feet requirement. The motion carried 3 to 2 by rollcall vote as follows:

AYES: Councilmember Isherwood, Vice Mayor Sayre, Mayor Mederos

NOES: Councilmembers Harrell and Sigala

15. STAFF UPDATES AND FUTURE AGENDA ITEMS

Staff provided the Council updates on current departmental activities. There were no future agenda item requests.

16. ADJOURN REGULAR MEETING

Mayor Mederos adjourned the regular meeting at 8:27 p.m.

ATTEST:

President of the Council and Ex-Officio
Mayor of the City of Tulare

Chief Deputy City Clerk and Clerk of the
Council of the City of Tulare

Approved by Council: November 15, 2022