

The City of Hanford
CALIFORNIA



City Council Meeting Agenda

March 2, 2021
7:00 PM – Regular Meeting
Council Chambers
400 N. Douty St.

Council Members will meet in-person in the Council Chambers. Due to social distancing restrictions, there will be a limited number of audience seats.

The meeting will also be lived streamed on the City's website:

<http://livestream.hanford.city/>

5:00 PM CALL TO ORDER STUDY AND CLOSED SESSION:

ROLL CALL BY THE CITY CLERK :

PUBLIC COMMENT :

*Comments from the public are limited to items on the agenda (GC 54954.3a). A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

STUDY SESSION :

- A. Recognition of Employees of the Year and Service Award Recipients
- B. Discussion and Council direction regarding the Naming of the proposed Prop 68 Regional Park

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING :

- A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (gc 54956.9(d)(2))
Government Claim submitted by Paula Lofgren.

CALL TO ORDER REGULAR SESSION:

ROLL CALL:

INVOCATION:

FLAG SALUTE:

CLOSED SESSION ACTION REPORT :

RECOGNITIONS/PROCLAMATIONS:

Employee Recognition Day Proclamation

STAFF COMMUNICATIONS:

COUNCIL REPORTS/COMMENTS:

PUBLIC COMMENT:

*This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

CONSENT CALENDAR:

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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

- A. PROCEDURAL WAIVER: Waive reading in full of resolutions and ordinances and approval and adoption of same by reading title the only.
- B. City Clerk: Approval of the Minutes of the December 1, 2020 Meeting
- C. City Clerk: Approval of the Minutes of the December 15, 2020 Meeting
- D. City Clerk: Appointment to fill unscheduled vacancy on the Parking and Traffic Commission.
- E. Administration: Reject Notice of Government Claim
- F. Community Development: Approval of the creation of a full-time Senior Plans Examiner Position to the Community Development Department and approve an increase to the personnel Budget of the department to cover the costs.
- G. Finance: Approval of a Revision of the Convenience Fees charged for Credit Card Processing for the City of Hanford Utility Billing, thereby revising Resolution 20-02-R.
- H. Public Works: Authorization to advertise for bids for the FY 20/21 Manhole Repair and Coating Project.
- I. FIRE: Award of an annual contract for Annual OSHA Physicals for Firefighters to Pinnacle Training Systems for Health and Wellness Services at an annual cost not to exceed \$19,624 per year for the 5-year contract.

GENERAL BUSINESS:

- A. Public Works: Approval of a Sole Source Contract with TelStar Instruments of Hanford, CA in the amount of \$62,686.00, for the purchase and installation of one chlorine building and associated electrical, instrumentation and programming to complete the chlorine injection system at Well 38 and approve the appropriation of \$62,686.00 from Water Capital Reserves to fund the project. (Location: Hidden Valley Park)
- B. Public Works: Approval of a Sole Source Contract with TelStar Instruments of Hanford, CA in the amount of \$21,289.00, for the purchase and installation of one Altivar 630 VFD including the programming, start-up and testing at Well 41 and appropriation of \$21,289.00 from Water Capital Reserves to fund the project. (Location: 11274 W. Fargo Ave.)
- C. Public Works: Authorization to purchase the property located southeast of E Whitney Drive, 300 ft south of E Ivy Street from Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the Lavenson-Avedisian Trust, as shown on the attached map, in the amount of \$328,050 plus escrow fees; accept the attached Grant Deed and authorize the City Manager to execute and the City Clerk to attest; and file said deeds with the Kings County Recorder's Office, and accept the attached Purchase and Sale Agreement and authorize City staff to execute said agreement. (APN 014-221-026 & 014-221-020).
- D. Adoption of Resolution No. 21-07-R, providing for the Censure of Council Member Arthur Brieno.

COUNCIL FUTURE AGENDA ITEMS:

- A. Council Future Agenda Items

Upcoming Dates

March 11: City Employee Appreciation Luncheon in Civic Park 11:00 a.m. – 2:00 p.m.

March 16: City Council Meeting

April 6: City Council Meeting

April 20: City Council Meeting

ADJOURNMENT:

Materials related to an item on this Agenda submitted to the City Council after distribution of the agenda packet are available to public inspection in the City Clerk's Office located at 319 N. Douty Street, Hanford, California 93230, during normal business hours. Such agendas are also available at the city's website, www.cityofhanfordca.com subject to staff's ability to post the agenda before the meeting.

If you need a disability-related modification or accommodation, including auxiliary aids or services, to participate in this meeting, please contact the City Clerk's office, 559-585-2515, 319 N. Douty Street, Hanford, California 93230, at least 2 days prior to the meeting {28 CFR 35.102.35.104 ADA Title II}



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021

AGENDA SECTION: B

SUBJECT:

Discussion and Council direction regarding the Naming of the proposed Prop 68 Regional Park

RECOMMENDATION:

That the City Council receive the report and presentation by staff and, by motion, decide on the naming of the proposed Proposition 68 40-acre regional park; Contingent upon the award of a grant.

BACKGROUND:

The Parks and Community Services staff have been working on preparing the grant application for the Statewide Park Development and Community Revitalization Program, to be funded by Proposition 68. During the February 2, 2021 City Council meeting, Council was provided an update on the grant application process and was asked their thoughts on the naming of the proposed new park. Council directed staff to reach out to the community to solicit possible names.

From February 5th to the 21st, staff launched a community outreach park naming marketing campaign to solicit possible names. This campaign included the City website, Social media (Facebook, Instagram and Twitter), email blast, call-in voice mail and an article in the Hanford Sentinel.

This campaign reached the following people:

Email blast: 2,903 people, 37.7% open rate and 10.2% click rate

Social Media: 2,708 people reached

Phone: 175 people left voice mails on the dedicated voice mail system

Mail: 1 individual mailed in their response

Upon closing of the campaign, staff received 2,358 responses on possible park names. The votes

and source are listed in the table below:

Name	On-line	Phone	Mail	Total Votes	Rank
Hanford's Heroes Park	1,944	0	0	1,944	1
Veteran's Park	192	175	1	368	2
Tyree Reed Park	24	0	0	24	3
Naomi Tagawa Memorial Park	22	0	0	22	4
TOTAL	2,182	175	1	2,358	

Hanford's Heroes Park provides many opportunities to create a place where heroes are recognized and honored. Public art can be used to signify the many varieties of community heroes, which could include veterans, first responders, medical professionals, educators, mentors, parent, and the common residents.

FISCAL IMPACT:

There is no fiscal impact to naming of the proposed park.

ATTACHMENTS:



**AGENDA
STAFF REPORT**

MEETING DATE: 3/2/2021	AGENDA SECTION: B
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SUBJECT:

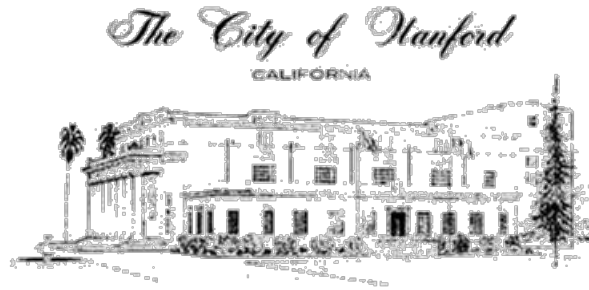
City Clerk: Approval of the Minutes of the December 1, 2020 Meeting

Approve the minutes of the December 1, 2020 Meeting.

FISCAL IMPACT:

ATTACHMENTS:

12.1.2021



**CITY COUNCIL MEETING
MINUTES
December 1, 2020 7:00 PM
Council Chambers
400 N. Douty St.**

5:30 PM CALL TO ORDER STUDY AND CLOSED SESSION :

Mayor Draxler call the Study Session and Closed Session to order at 5:30 p.m.

ROLL CALL BY CITY CLERK :

Present: John Draxler, Sue Sorensen, Art Brieno, Martin Devine, Francisco Ramirez

PUBLIC COMMENT :

None.

STUDY SESSION :

Fire: Update to Fire Master Plan, Strategic Plan, Community Risk Assessment, and Standard of Coverage

Chief Pendergrass presented the overview of the update to the Fire Master Plan. The last Master Plan was updated in 2012 and he'd like to update four planning documents. He also discussed the benefits and cost with the assistance of an advisor. The Council discussed the 2012 Master Plan, and the cost of hiring a consultant. Chief Pendergrass responded to concerns and questions from the Council.

It was a consensus of the Council to direct staff to move forward with the proposed amendments and updates to the following:

- Community Emergency Risk Assessment for the City
- Fire Department Strategic Plan
- Fire Department Master Plan
- Standard to Cover
- Authorize staff to hire a consultant to help update and develop plans at a price not to exceed \$10,000.

Mayor Draxler adjourned to Closed Session at 5:55 p.m.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING :

A. Conference with Legal Counsel-Real Property Negotiations (GC 54956.8)

Property: 218 N. Douty Street

Agency Negotiators: Mario Cifuentez, Ty Mizote

B. Public Employment (GC 54957 (b))

Title: Finance Director

CALL TO ORDER REGULAR SESSION:

Mayor Draxler called the meeting to order at 7:00 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
John Draxler	Mayor	Present	5:20 PM
Martin Devine	Council Member	Present	5:15 PM
Sue Sorensen	Council Member	Present	5:25 PM
Art Brieno	Council Member	Present	5:20 PM
Francisco Ramirez	Vice Mayor	Present	5:20 PM

INVOCATION:

The invocation was led by Pastor Stan Plooy.

FLAG SALUTE:

The Flag Salute was led by Vice Mayor Ramirez.

CLOSED SESSION ACTION REPORT:

No action reported.

RECOGNITIONS/PROCLAMATIONS:

A. Recognition of TKI by the Fire Department

Fire Chief Pendergrass presented TKI with a certificate of appreciation.

B. Christian Heritage Week Proclamation

Pastor Mark Curts introduced himself and the members of the Christian Leaders Network (CLN). Mayor Draxler presented CLN with a Proclamation for Christian Heritage Week.

STAFF COMMUNICATIONS:

City Manager Cifuentez discussed the building that was torn down on 11th Ave. He also discussed the increasing COVID-19 cases throughout California.

COUNCIL REPORTS/COMMENTS:

Vice Mayor Ramirez had nothing to report.

Council Member Devine had nothing to report.

Council Member Brieno attended the Homeless Coalition Project meeting.

Council Member Sorensen attended three of the Parks and Recreation Community meetings and the Main Street Hanford's last Board meeting of the year.

Mayor Draxler attended one of the Parks and Recreation Community meetings, the Kings Regional Waste Authority meeting, and the Homeless Coalition Project meeting.

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed.

*A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

Rose Shapley commented on the FY 20/21 budget and past budgets. She also expressed her concerns regarding refuse pick up and the city's parks.

Bob Ramos commented on the recruitment of Planning Commissioners. He also asked why the warrant register is no longer on the agenda?

Chamber of Commerce Director Amory Marple shared the upcoming events for the Hanford Chamber of Commerce.

CONSENT CALENDAR:

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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Council Member Brieno requested to pull item C [Approval of the proposed third amendment to the 2019-2020 Annual Action Plan Amendment and appropriation of \$338,702 in round 3 CDBG Coronavirus Aid, Relief and Economic Security Act (CDBG-CV3) funding.]

Motion to approve the Consent Calendar except for the items pulled for separate consideration.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- A. PROCEDURAL WAIVER: Waive reading in full of resolution and ordinances and approval and adoption of same by reading title only.
- B. Police: Second Reading of Ordinance No. 20-14. replacing Section 8.24 of the City's Municipal code, in its entirety, thereby adopting the new Shopping Cart Regulations.

Items pulled from Consent :

1. Community Development: Approval of the proposed third amendment to the 2019-2020 Annual Action Plan Amendment and appropriation of \$338,702 in round 3 CDBG Coronavirus Aid, Relief and Economic Security Act (CDBG-CV3) funding.

[Item C] Pulled by Council Member Brieno.

Administrative Analyst Sandra Lerma-Martinez gave a brief summary of the Third substantial Amendment to the 2019-2020 Annual Action Plan with clarification of the additional CDBG-CV3 allocated funds. She also answered questions from the Council.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Francisco Ramirez, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

PUBLIC HEARINGS:

- A. Community Development: Appeal of Citation B8753 (Code Compliance Case CE21-0110) issued to property owner George Sepeda, for illegal dumping behind the residence at 753 Lassen Drive, into Haye Park, a City- owned and maintained basin.

Mayor Draxler opened the public hearing at 7:45 p.m. and called for the staff report. Building Official Tom Webb presented the staff report and answered questions from the Council.

Mayor Draxler opened public comment at 7:50 p.m.

IN-FAVOR

None.

OPPOSED

The appellant, Mr. Sepeda explained that he was unaware of the trash that was left behind fence. He also stated that he did not receive a notice of violation from the City of Hanford. Mr. Sepeda answered questions from the Council.

Mayor Draxler closed public comment at 7:54 p.m.

Mr. Webb answered additional questions from Vice Mayor Ramirez and Council Member Brieno.

Motion to uphold the appeal, introduced by Council Member Brieno. Motion not seconded; motion failed.

Motion to deny the Appeal of Citation B8753 and require the Appellant to pay a reduced fine of \$150.

RESULT:	APPROVED [4 TO 1]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Art Brieno, Council Member
AYES:	Devine, Sorensen, Brieno, Ramirez
NAYS:	Draxler

- B. Community Development: Appeal of Citations B8806 and B8808 (Code Compliance Case CE20-0575) issued to property owners Michael and Cynthia Austin and to tenant Amanda Camacho, for violation of Hanford Municipal Code 17.10.140 (F)(D) Off-Street Parking

Mayor Draxler opened the public hearing at 8:05 p.m. and called for the staff report. Building Official Tom Webb presented the staff report with a detailed time line of notices and citations sent to the appellant. Mr. Webb also answered questions from the Council.

Mayor Draxler opened public comment opened at 8:10 p.m.

Attachment: 12.1.2021 (Clerk: 12-1-2020 Minutes)

IN-FAVOR

None.

OPPOSED

Appellant, Mike Austin contacted his tenant and was informed that the recreational vehicle was moved off of the landscape. Mr. Austin contacted the City and stated that he did not receive a return call from the Code Compliance Officers. He also explained that his tenant was laid off due to COVID-19 and the tenant is unable to pay the outstanding fees.

Mayor Draxler closed public comment 8:18 p.m.

City Attorney Ty Mizote clarified that both the tenant and property owner are responsible for the citation. Mr. Austin and Mr. Webb answered additional questions from the Council.

After further discussion, motion to deny the Appeal of Citation B8806 and B8808 and require the Appellant to pay a reduced fine of \$800.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

C. Community Development: Appeal of Administrative Citation B5667 (Code Compliance Case CE 21-0105) issued to Ralph Aguilar, tenant, for building permit required, substandard housing, illegal occupancy of sheds, illegal outdoor storage and property maintenance.

Mayor Draxler opened the public hearing at 8:35 p.m. and called for the staff report. Building Official Tom Webb presented staff report and answered questions from the Council.

Mayor Draxler opened the public comment 8:37 p.m.

IN-FAVOR

None.

OPPOSED

Appellant, Ralph Aguilar gave a background and an explanation of the condition of property. He also answered questions from the Council.

Mayor Draxler closed public comment 8:40 p.m.

Mr. Aguilar answered additional questions from the Council

Motion to deny the Appeal of Citation B5667 and require the Appellant to comply with the staff recommendations.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

D. Community Development: Appeal of Citation B6907 (Code Compliance Case CE20-0398) issued to property owner Michael Austin, for outstanding building compliance permit FY17-1085 and failure to obtain a building permit for corrections required by Code Compliance Case CE18-0111.

Mayor Draxler opened the public hearing at 8:56 p.m. and called for the staff report. Building Official Tom Webb presented the staff report and answered questions from the Council.

Mayor Draxler opened public comment at 9:04 p.m.

FAVOR

Shirley Joyner expressed her concerns regarding her daughter's tenancy in apartment A of the property. Ms. Joyner also answered questioned from the Council.

OPPOSED

Appellant, Mike Austin gave a background of his business and experience with the City of Hanford. He explained the situation of the property and provided current pictures of the stairs at the property. Mr. Austin also provided invoices for repairs and answered questions from the Council.

Mayor Draxler closed public comment at 9:16 p.m.

Mr. Webb and Mr. Austin answered additional questions from the Council.

Motion to deny the Appeal of Citation B6907 and require the Appellant to comply with the staff recommendations.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Draxler, Art Brieno
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- E. Community Development: Consideration and approval of proposed Modifications to the Live Oak Development Project. Modifications to Live Oak Development Agreement (Amendment 2): a request to modify the existing Development Agreement for the Live Oak Development and extend the expiration of the Development Agreement for five years. Modifications to Planned Unit Development (PUD) No. 2005-04: a request to modify the PUD/Master Plan to delete requirements for affordable housing units (consistent with Development Agreement Amendment 1), amend the goals and policies of the Live Oak Master Plan, update Municipal Code references to reflect the 2017 Municipal Code, and allow for increased lot density within a portion of the development. Modifications to Vesting Tentative Tract 865, 881, and 912: a request to remove the requirement for affordable housing units from the resolution, consistent with the Live Oak Development Agreement. Modifications to Vesting Tentative Tract 909: a request to remove the requirement for affordable housing units from the resolution, consistent with the Live Oak Development Agreement; modify language regarding park improvements consistent with the Development Agreement; and increase the number of residential lots from 642 to 719 units. The project is generally located in the southwest quadrant of the City of Hanford, east of 13th Avenue, west of 11th Avenue, north of Houston Avenue. APN (011-040-017 to -020; 011-110-016, -022, -029, and 030; 011-540-001 through -099)

Mayor Draxler opened the public hearing at 9:34 p.m. and called for the staff report. Senior Planner Gabrielle Myers handed out a revised second amendment agreement to the Council and presented the staff report. Ms. Myers and Norm Allinder answered questions from the Council.

Mayor Draxler opened public comment at 9:52 p.m.

IN-FAVOR

Jim Robinson, with San Joaquin Valley Homes, spoke in favor of the approval of proposed modifications to the Live Oak Development Project. He also discussed the affordable housing component and invited questions from the Council.

Norman Allinder spoke in favor for the approval of the proposed modifications to the Live Oak Development Project and provided more details of the project and invited questions from the Council.

OPPOSED

None.

Mayor Draxler closed public comment at 10:05 p.m.

Mr. Allinder and Mr., Robinson answered additional questions from the Council.

Motion to approve the proposed modifications to the Live Oak Development Project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

GENERAL BUSINESS:

- A. Police: Adoption of Resolution No. 20-38-R establishing fees associated with the adopted Shopping Cart Regulations HMC 8.24.

City Manager Cifuentez presented Resolution 20-38-R on behalf of Chief Sever and answered questions from Council Member Brieno.

Motion to approve Resolution No. 20-38-R.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- B. City Clerk: Review 2021 Calendar of City Council Meetings

The Council discussed the 2021 City Council meeting calendar and agreed to the cancel the January 5th, 2021 City Council Meeting.

RESULT:	CONSENSUS
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COUNCIL FUTURE AGENDA ITEMS:

Council Member Sorensen suggested adding additional Council Chamber signage on the outside of the Civic Auditorium.

Vice Mayor Ramirez suggested installing automatic hand sanitizers in the Council Chambers.

- A. Council Future Agenda Items

ADJOURNMENT:

Mayor Draxler adjourned the meeting at 10:15 p.m.

Respectfully submitted,

Natalie Corral
City Clerk



**AGENDA
STAFF REPORT**

MEETING DATE: 3/2/2021	AGENDA SECTION: C
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SUBJECT:

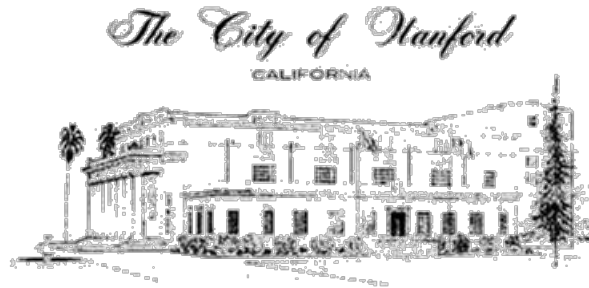
City Clerk: Approval of the Minutes of the December 15, 2020 Meeting

Approve the minutes of the December 15, 2020 Meeting.

FISCAL IMPACT:

ATTACHMENTS:

12-15-2020



CITY COUNCIL MEETING MINUTES

**December 15, 2020 6:00 PM
Council Chambers
400 N. Douty St.**

Video Teleconference via Zoom. Council Members attended remotely.

6:00 PM CALL TO ORDER STUDY:

Mayor Draxler called the Study Session to order at 6:00 p.m.

ROLL CALL BY CITY CLERK:

Present: John Draxler, Francisco Ramirez, Sue Sorensen, Martin Devine, Art Brieno.

PUBLIC COMMENT :

Comments from the public are limited to items on the agenda (GC 54954.3a). A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.

Bill Grimm commented on the letter that he emailed to the Council Members earlier in the day.

STUDY SESSION:

Presentation by the Kings County Human Services Agency on the proposed Kings Triangle Courtyard Project

Human Services Director, Sanya Bugay, presented the Project Homekey Kings Triangle Courtyard project that was awarded State funding of up to \$4.6 million. Ms. Bugay discussed the strict project timeline, participating agencies and the budget. The project was approved by the Kings County Board of Supervisors and the Kings County Human Services Agency will be moving forward on it. The Kings County Human Services Agency requested that the City Council fund or waive the estimated City Impact fees of \$208,076 and expedite any City reviews and approvals of water and sewer infrastructure plans and permits. City Manager Cifuentez explained that the impact fees cannot be waived, and general fund dollars would need to be used to contribute to the project. Public Works Director John Doyel explained the departments project review process and the City cannot commit to expediting the processes due to the use of contractors, and the time it will take for them to complete their work. The staff and Council discussed funding the impact fees from the General fund and the benefits to the community that the project will provide. Ms. Bugay stated that the contractors are motivated to work with the City to stick to a strict timeline to help expedite the process. City Attorney Ty Mizote reiterated that the impact fees cannot be waived and city will need to utilize its own funds to make up the difference. It was a consensus of the Council to support the project and fund the impact fees.

Motion to appropriate funding from the General Fund to cover the costs for the impact fees in support of the Kings Triangle Courtyard project.

RESULT: APPROVED [UNANIMOUS]
MOVER: Art Brieno, Council Member
SECONDER: Sue Sorensen, Council Member
AYES: Draxler, Devine, Sorensen, Brieno, Ramirez

CALL TO ORDER REGULAR SESSION:

Mayor Draxler called the meeting to order at 7:00 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
John Draxler	Mayor	Present	5:55 PM
Martin Devine	Council Member	Present	5:45 PM
Sue Sorensen	Council Member	Present	5:55 PM
Art Brieno	Council Member	Present	5:50 PM
Francisco Ramirez	Vice Mayor	Present	5:55 PM

INVOCATION:

The invocation was led by Pastor Thomas King

FLAG SALUTE:

The Flag Salute was led by Mayor Draxler.

RECOGNITIONS/PROCLAMATIONS:

City Manager Cifuentez presented gifts to outgoing Council Members, Martin Devine and Sue Sorensen.

STAFF COMMUNICATIONS:

City Manager Cifuentez gave a COVID-19 status update. He attended a meeting with Senator Hurtado's staff. He also recognized the Department heads for their hard work and efforts during the pandemic.

Police Chief Sever announced that Operation Red Reaper was selected by the FBI as one of the Top 30 gang investigations in the Nation.

COUNCIL REPORTS/COMMENTS:

Vice Mayor Ramirez attended the Parks and Recreation Commission meeting.

Council Member Brieno commented on a Fresno Bee article.

Mayor Draxler attended the EDOC zoom meeting.

Council Member Sorensen attended the HEAP Organization meeting.

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to

comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed.

*A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

Bob Ramos commented on the warrant register, the agenda format, the Carnegie Museum and on the Vice Mayors history and background. He also requested that item E be pulled from the consent calendar.

City Manager Cifuentez explained why the Warrant register is no longer included on the Consent Calendar.

Mark Pratter requested that item E be pulled from the consent calendar. He also expressed his concerns regarding the approval of establishing a fee for the processing of Citizen's Initiatives.

Nathan Vosberg, Former Mayor of Coalinga congratulated the newly elected City Council Members. He also recommended Vice Mayor Ramirez to be the next Mayor for the City of Hanford.

Michelle Brown thanked the Council for all of their hard work and support to Main Street Hanford. She also congratulated the newly elected Council Members.

Emily Bernnias congratulated the newly elected Council Members and she commended Vice Mayor Ramirez for his hard work and efforts in helping the community during the pandemic.

Daniel Bryant expressed his concerns regarding school closures.

Rebecca Bell asked if the City will be hosting any community activities soon. Parks and Community Services Director Albert responded to Ms. Bell's question.

CONSENT CALENDAR:

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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Bob Ramos and Mark Pratter requested to pull Item E [Adoption of Resolution 20-42-R, establishing a fee for the processing of Citizen's Initiatives].

Council Member Sorensen requested to pull Item G [Historic Resources Permit].

Motion to approve the Consent Calendar except for the items pulled for separate consideration.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Sue Sorensen, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- A. PROCEDURAL WAIVER: Waive reading in full of resolution and ordinances and approval and adoption of same by reading title only.
- B. City Clerk: Approval of the Minutes of the October 6, 2020 Meeting
- C. City Clerk: Approval of the Minutes of the October 21, 2020 Special Meeting

- D. Administration: Approval of the purchase of thirty (30) laptops and docking stations from Dell Inc, in the amount of \$42,410.85, and appropriation of the funding from the Computer Maintenance Fund to cover the cost of the purchase.
- E. Administration: Approval of the City of Hanford salary schedules.
- F. Public Works: Acceptance of a Grant of Easement from Cal Clark Farms, Inc. for the placement of utilities at Sangiovese Street between Napa Drive and Vintage Place.
- G. Public Works: Adoption of Resolution Nos., 20-40-R Initiation of Landscape Assessment District Proceedings and 20-41-R Intention to Levy Assessments and Confirmation of Engineer's Report for Landscape Assessment District 20-01 located at 13th Avenue and Devon Street, and set February 2, 2021 as the Public Hearing date.
- H. Public Works: Approval of a Notice of Completion for the FY 19/20 Fiberized Micro Surface Treatment Project and authorization for the Mayor to execute and the City Clerk to attest and file said Notice with the Kings County Recorder's Office.

Items pulled from Consent:

- 1. Administration: Adoption of Resolution 20-42-R, establishing a fee for the processing of Citizen's Initiatives by the City Clerk's office

[Item E] Pulled by Bob Ramos and Mark Pratter.

City Manager Cifuentez discussed the reasons for the request to establish a fee for the processing of Citizens Initiatives.

Motion to table the adoption of Resolution 20-45-R.

RESULT:	APPROVED [3 TO 2]
MOVER:	Art Brieno, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Devine, Brieno, Ramirez
NAYS:	Draxler, Sorensen

- 2. Community Development: Historic Resources Permit 2020-03 - a request to modify the exterior of vacant apartment units, located at 304 N. Harris Street within the Historic Overlay Zone. The property is designated as a non-contributing building. (APN 010-276-006)

[Item G] Pulled by Council Member Sorensen.

Senior Planner Gabrielle Myers presented the Historic Resource Permit 2020-03 and responded to questions from the Council. Mayor Draxler clarified that the item that was brought up in public comment is separate from Item G, he also suggested that Mr. Grimm contact staff directly. The Council discussed the history of the vacant apartment units and the additional request from Mr. Grimm. Council Member Brieno and Mayor Draxler expressed their concerns regarding Mr. Grimm's understanding of the current permit and suggested tabling the adoption of Resolution 20-31-R until a future meeting.

Motion to table adoption of Resolution 20-31-R.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

PUBLIC HEARINGS:

A. Community Development: Approval of the 2019/2020 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER)

Mayor Draxler opened the public hearing at 8:07 p.m. and called for the staff report. Administrative Analyst Sandra Lerma presented the staff report and answered questions from Council.

IN-FAVOR

None.

OPPOSED

None.

Motion to approve the 2019/2020 Community Development Block Grant (CDBG) Consolidated Annual Performance and Evaluation Report (CAPER).

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

GENERAL BUSINESS:

A. City Clerk: Adoption of Resolution 20-39-R, Declaring Canvass of Results of the Votes Cast and Statement of Election Results.

Motion to approve adoption of Resolution 20-39-R.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Martin Devine, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

B. Swearing In/Administer Oath of Office to Kalish Morrow and Diane Sharp

Riverside County Board of Supervisors, Jeff Hewitt administered the Oath of office to Kalish Morrow.

Kings County Superior Court Judge, Randy Edwards administered the Oath of office to Diane Sharp.

C. Reorganizing of the City Council - Selection of the Mayor and Vice Mayor

Council Member Brieno nominated Francisco Ramirez for Mayor, Council Member Morrow seconded the nomination. With 4 yeses and 1 abstention by Council Member Sharp, Francisco Ramirez was appointed Mayor.

Council Member Draxler nominated Diane Sharp for Vice Mayor, Council Member Morrow seconded the nomination. With 3 yeses, 1 abstention by Mayor Ramirez, and 1 no by Council Member Brieno, Diane Sharp was appointed Vice Mayor.

D. Finance: Adoption of the City of Hanford 2020-21 Investment Policy, Delegation of Investment Authority and Presentation of the Quarterly Report and Monthly Investment Transaction Report

Interim Finance Director Eric Frost presented the City Investment Policy and answered questions from the Council.

Due to technical difficulties during the presentation a motion to table the adoption of the City of Hanford 2020-21 Investment Policy, introduced by Council Member Brieno, Motion not seconded; motion failed.

Mayor Ramirez called for a 5-minute recess at 8:45 p.m. The meeting reconvened at 8:50 p.m. and Director Frost continued the presentation and answered questions from the Council.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Diane Sharp, Council Member
SECONDER:	John Draxler, Council Member
AYES:	Draxler, Sharp, Morrow, Brieno, Ramirez

E. Police: Introduction of Ordinance No. 20-15 approving the addition Section 12.20 to Title 12 of the Municipal Code, thereby adding Rules for City Parks and City Properties to govern acceptable use of these properties by the public.

Police Chief Sever briefly discussed Ordinance 20-15, and answered questions from the Council.

Motion, approve the introduction of Ordinance No. 20-15 and move to a second reading.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Draxler, Council Member
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Sharp, Morrow, Brieno, Ramirez

COUNCIL FUTURE AGENDA ITEMS:

A. Council Future Agenda Items

Council Member Brieno questioned the unfunded pension liabilities. City Manager Cifuentez assured the Council that staff has prepared an analysis that will be presented to the Council at a Study Session in January.

Council Member Morrow would like to discuss more support for small businesses at a future City Council meeting.

Mayor Ramirez recognized Council Member Draxler for doing a phenomenal job during his time as the Mayor.

Motion to allow Council Member Brieno to make a statement in closed session before the discussion begins, introduced by Council Member Morrow; seconded by Mayor Ramirez. Motion approved 5-0.

ADJOURNMENT:

Mayor Ramirez adjourned to closed session at 9:09 p.m.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (GC 54956.9(d)(2))

One potential case.

CLOSED SESSION ACTION REPORT:

No action reported.

Respectfully Submitted,

Natalie Corral
City Clerk

Attachment: 12-15-2020 (Clerk: 12-15-2020 Minutes)



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: D
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SUBJECT:

City Clerk: Appointment to fill unscheduled vacancy on the Parking and Traffic Commission.

RECOMMENDATION:

That the Mayor, with the approval of the full City Council, appoint Jeffery Medlin to fill an unscheduled vacancy on the Parking and Traffic Commission with a term expiring on 12/31/2023.

BACKGROUND:

Section 2.20.030 of the City of Hanford Municipal Code states that:

"Members of all commissions shall be appointed by the mayor with the approval of a majority of the members of the city council."

There is an unscheduled vacancy on the Parking & Traffic Commission with an unexpired term ending on December 31, 2023. Jeffery Medlin was also interviewed and ranked by the Mayor, Council Member Draxler, and the Commission Liaison, Engineer Manager Lisa Dock. Ms. Dock requested more time to review the Commissioner applications and the interview scores. Ms. Dock's recommendation is to appoint Mr. Medlin to fill the unscheduled vacancy.

FISCAL IMPACT:

ATTACHMENTS:



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: E
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SUBJECT:

Administration: Reject Notice of Government Claim

RECOMMENDATION:

The Council, by motion, reject the claim from Paula Lofgren, and direct the City Attorney's office and staff to send a notice of rejection of the claim.

BACKGROUND: Paula Lofgren, the City of Hanford's former Finance Director, has submitted a Government Claim to the City of Hanford. Lofgren states her potential legal theories as: (1) discrimination based upon gender; (2) harassment based upon gender; (3) sexual harassment; (4) sexual harassment quid pro quo; (5) discrimination based upon disability/medical condition; (6) failure to provide reasonable accommodations; (7) failure to engage in the interactive process; (8) retaliation under FEHA; (9) whistleblower retaliation; (10) violation of equal pay act; (11) intentional infliction of emotional distress; and (12) breach of implied in fact contract not to terminate for discriminatory/retaliatory purposes.

Ms. Lofgren did not state the amount of monetary damages she is seeking from the City.

FISCAL IMPACT:

ATTACHMENTS:



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021

AGENDA SECTION: F

SUBJECT:

Community Development: Approval of the creation of a full-time Senior Plans Examiner Position to the Community Development Department and approve an increase to the personnel Budget of the department to cover the costs.

STAFF RECOMMENDATION

Staff recommends that the City Council, by motion, approve the creation of a full-time Senior Plans Examiner Position to the Community Development Department and approve an increase to the personnel Budget of the department to cover the costs.

BACKGROUND

The City currently sends all large projects and most small projects to outside plans examiner companies, which are already under contract with the City. This process takes away local control of the projects and removes that "personal touch", which is a common criticism of the City's process. The addition of this position is important to the City because it:

- Provides local control
- Provides the public and staff with someone to contact locally
- Provides for consultation with other City staff, during plan review
- Has the potential to decrease turnaround time
- Ensures consistent review comments (as opposed to whomever checks the plans at the outside agency)

Community Development currently has a budget for plan review of \$100,000.00. So far, for this Fiscal Year, the department has taken in revenue of \$200,000.00. The estimated total cost of this position is \$115,500.00, which will easily be covered under the current budget structure and encompasses the following costs:

Annual Salary: \$65,724.05 - \$82,625.65

Benefits

Estimated Family Health, Med, Dental: \$12,000

Medicare: \$2,000

Def Comp: \$1,950

PERS: \$11,205

W/C: \$4,850

LIFE: \$500

Total Estimated Benefits: \$32,505

Total Cost: \$115,130

Current City policy allows for the City Manager to move funding around to cover the cost of the position but only the City Council has the authority to increase the number of allocated positions.

In accordance with the City Policy of comparing positions to other local agencies, staff looked at how other cities are providing similar services. The City of Visalia has a similar position, within a similar, proposed salary range. The other surrounding jurisdictions do not have a comparable position. As established with the last salary study, whenever there are not multiple jurisdictions to compare the position to, the City looks at internal relationships to establish a salary range. In this case, it was determined a salary range similar to a Senior Planner was appropriate, based on the level and scope of work to be performed.

The Building Division will continue to send the largest projects (Hotels, Manufacturing Plants, etc) to our outside consultants. However, staff believes that this change will bring improvements to the flow of work in the division and enable us to provide a higher level-of-service to those whom we serve, with relatively little or no additional impact to the City budget.

The cost of new equipment to outfit this position will be paid for through the Electronics fee already charged on each permit.

FISCAL IMPACT:

We currently have a budget for plan review of \$100,000.00. We have taken in revenue of \$200,000.00. The estimated total cost of this position is \$115,500.00.

ATTACHMENTS:



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: G
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SUBJECT:

Finance: Approval of a Revision of the Convenience Fees charged for Credit Card Processing for the City of Hanford Utility Billing, thereby revising Resolution 20-02-R.

RECOMMENDATION:

That Council approve the revision of Resolution 20-02-R's convenience fee from 2.80% of the transaction amount to 3.25% of the transaction amount for City transactions. It should be noted that customers have the choice to pay in cash or check and avoid the convenience fee.

BACKGROUND:

At the January 21, 2020 City Council meeting, the City Council adopted certain fees associated with the City's utility accounts. One of those fees, a credit card processing fees, is proposed to be changed and needs Council approval.

Currently, the City charges a fee if an individual desires to use their credit card. The current provider, Paymentus, charges a \$2.95 per transaction for every \$200 dollar transaction. So to pay more than \$200, a credit card may have multiple \$200 transactions, a bit awkward. Customers always have the option to pay in cash or check. However, for those wishing to pay by credit card there are two problems with the current situation:

- 1) All transactions are charged at least \$2.95 if a credit card is used. For a smaller transaction, say \$30, the convenience fee is 10% of the amount.
- 2) For those wishing to pay a fee that is greater than \$200, the customer may not use a credit card now.

To address the problem, Finance has negotiated a new agreement with another credit card vendor, Global Payments Direct, Inc. They have accepted our current fee schedule except for the

credit card convenience fee. Instead of a flat fee, \$2.95 per transaction with a \$200 per transaction limit, their proposal is to have the fee be 3.25% of the transaction. Thus, for a \$30 charge, the convenience fee would be \$0.98 rather than \$2.95. On the flip-side, a \$200 transaction would cost the customer \$6.50 instead of \$2.95. But, the customer would also be able to pay by check or cash and avoid the convenience fee.

Because customers have the choice in how they pay and that the proposed agreement with Global Direct will allow unlimited use of a credit card, Finance recommends that the Council approve the change in fees from Resolution 20-2-R to the new fee structure of:

Credit card processing fee from 2.80% to 3.25% per transaction.

Note that the resolution (Convenience fee of 2.8% per transaction) and what is practiced (\$2.95 per transaction fee up to \$200) are not the same. This action will resolve the discrepancy.

FISCAL IMPACT:

ATTACHMENTS:

Resolution 20-02-R (REVISED)

RESOLUTION NO. 20-02-R (REVISED)**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD,
APPROVING ADMINISTRATIVE AND APPEAL FEES ASSOCIATED WITH PUBLIC
SERVICES PROVIDED BY THE CITY**

WHEREAS, the City Council of the City of Hanford has heretofore established various schedules of rates, fees, and charges for services provided by the City; and

WHEREAS, pursuant to the provisions of the California Constitution and the laws of the State of California, the City of Hanford is authorized to adopt and implement rates, fees, and charges for municipal services; provided, however, that such rates, fees, and/or charges may not exceed the estimated reasonable cost of providing such services; and

WHEREAS, the City of Hanford provides various public services pursuant to Hanford Municipal Code Title 13; and

WHEREAS, it is the intent of the City Council to establish administrative and appeal fees and fines associated with the services that the City provides pursuant to Hanford Municipal Code Title 13; and

WHEREAS, the establishment and modification of rates, tolls, fares and charges are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines Section 15273 if such rates, tolls, fares, and charges are for the purpose of meeting the operating expenses of the City.

NOW THEREFORE, the City of Hanford City Council finds the following:

1. That the fees identified in the attached Exhibit "A" comply with the requirement that fees not exceed the estimated reasonable cost of providing the service for which the fee is charged.
2. That the fees are statutorily exempt from the California Environmental Quality Act as fees necessary to meet operating expenses.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Hanford hereby approves and adopts the fees and fines shown on the attached Exhibit "A."

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Passed and adopted at a regular meeting of the City Council of the City of Hanford, duly called and held on March 2, 2021, by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

FRANCISCO RAMIREZ
MAYOR of the City of Hanford

Attest:

NATALIE CORRAL
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, Natalie Corral, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted at a regular meeting of the City Council of the City of Hanford held on the 2nd day of March, 2021.

Date: _____

City Clerk

Attachment: Resolution 20-02-R (REVISED) (Finance: Revision of Convenience Fee)

Exhibit “A”

<i>Fee/Fine Type</i>	<i>Fee/Fine Amt.</i>
Establishment of new water service/installation of meter for new water service. Fee will be paid prior to connection.	\$125.00 administration and inspection fee plus applicable development impact fees.
Deposit for new residential utility services account. Deposits will be calculated on a fiscal year basis based upon average bill cost taking into consideration all residential utility accounts. Any new service account that, at the time of signup, agrees to make automated payment (ACH) on their account for at least twelve (12) months will have the new service deposit waived. If, however, at any time during the first twelve (12) month period the ACH is canceled or if payment is returned, a new utility service deposit will be immediately payable by the customer and will be posted to the customer's account.	Three times (3x) the determined average residential bill.
Deposit for new non-residential utility services account. Deposits will be calculated based upon previous billing activity for the service location. The deposit will be two times (2x) the average bill amount. If the service location is a new construction, the City will review similar accounts and will multiply the average by two times (2x) to determine the deposit amount.	Two times (2x) the average bill amount.
Fine/penalty for delinquent utility service charges.	\$50.00
Fee for delinquent utility service charges (fee pays the City's costs associated with delinquent account).	10% of delinquent amount.
Interest on delinquent utility service charges, unpaid late fees, unpaid penalties, and unpaid interest.	1.5% per month.
Reconnection fee for discontinued water service.	\$50.00 per occurrence.
Fee for missed reconnection appointment.	\$50.00 per occurrence.
Fee for appeal of utility service bill (HMC § 13.04.110.C).	\$205.00 plus deposit of entire bill amount.
Monthly fee for payment plan processing, review, and administration.	\$13.00 per month as long as Payment Agreement remains in effect.
Credit card processing fee (when set up in system)	3.25% per transaction.
Returned check fee (first check)	\$25.00.
Returned check (second and subsequent returned checks)	\$35.00 per occurrence.
City will also be entitled to damages allowed under law for returned checks.	
Unauthorized reconnection of water service, tampering with City water system, or illegal use of water. Unauthorized reconnection of water service includes, without limitation, the unauthorized reestablishment of water service that was discontinued by the City for non-payment. Illegal use of water includes, without limitation, unauthorized connection to another property's water source or unauthorized connection to a non-City water apparatus. The City may pursue civil, criminal, and/or administrative penalties in addition to this fee.	\$200.00 per occurrence plus the cost of water used.
Fee for damage to City equipment and/or improvements caused by unauthorized reconnection of water service or caused by tampering with City water system.	\$15.00 for broken lock plus actual costs incurred by City to repair and replace damaged equipment and improvements.
Deposit for use of water through hydrant meter or by truckload. Deposit will be retained or applied to the billing for the amount of water used.	\$1,000.00.
Fire flow tests. This fee will pay for the City's labor, equipment, and water required for the test. Fee must be paid prior to the test.	\$470.00
Backflow administration and inspection fee. Fee must be paid prior to installation of a backflow device.	\$125.00
Backflow test and repair. This fee will be payable if a customer fails to have its backflow device tested or if the customer fails to make necessary repairs in the timeframes	Cost of testing and repairs plus \$125.00 administrative and

provided in a service notice from the City's Utilities Superintendent. The City will have the right to have the backflow device tested and/or necessary repairs completed. The fee and associated costs will be paid within fifteen (15) calendar days of an invoice sent by the City to the customer.	inspection fee.
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AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: H
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SUBJECT:

Public Works: Authorization to advertise for bids for the FY 20/21 Manhole Repair and Coating Project

RECOMMENDATION:

That the City Council, by motion, authorize staff to advertise for bids for the FY 20/21 Manhole Repair and Coating Project.

BACKGROUND:

This project consists of repairing channels, grouting walls, and installing an epoxy coating system on existing sanitary sewer manholes that are in need of repairs. See attached location maps for specific locations.

Plans and specifications for the FY 20/21 Manhole Repair and Coating Project are complete. With Council approval, staff will solicit bids for this project. Bid Opening is anticipated to be on April 6, 2021.

FISCAL IMPACT:

The FY 20/21 Wastewater Capital Budget provides \$90,000.00 for construction, including contingency related to repairing and coating of damaged sanitary sewer manholes. A copy of budget page is attached for Council review.

ATTACHMENTS:

Budget Page
Location Maps

Manhole Repair and Coating Project

Project Background:

This project provides for repair and coating of damaged sanitary sewer manholes and lift stations where corrosion is affecting concrete surfaces.

Existing Conditions:

Project Justification:

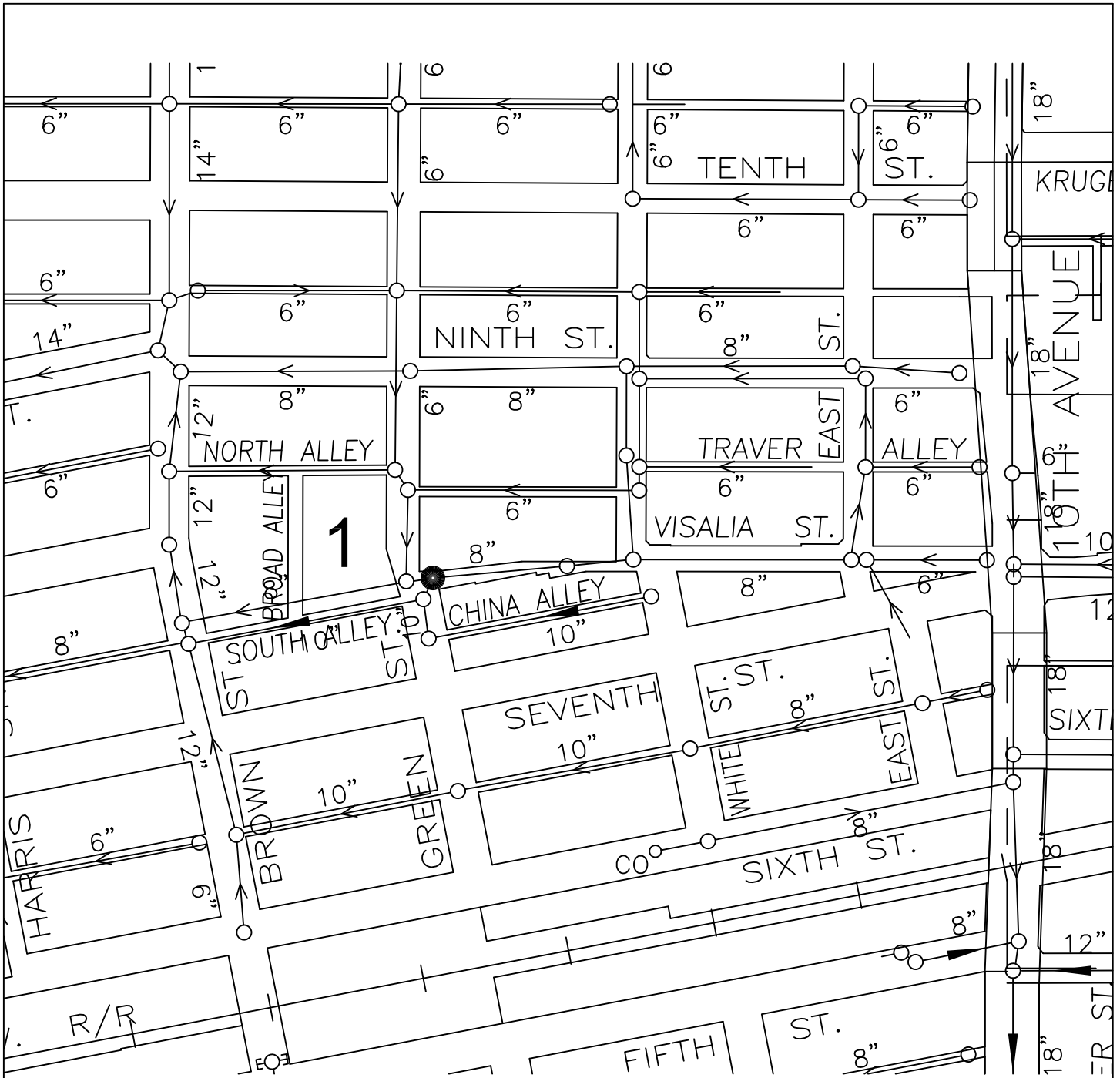
In order to limit damage to sewer facilities from corrosion, this project provides for repairing and coating the facilities.

Fiscal Implications:

Funding for the Manhole Repair and Coating Project will be allocated from Wastewater Capital reserves.

Project Budget Summary:

		5-Year Funding Allocation				
		2021	2022	2023	2024	2025
Expenditure	Program or Project	Construction		Construction		Construction
	Engineering / Inspection	5,000		5,000		5,000
	Construction	82,000		80,000		80,000
	Contingency	8,000		8,000		8,000
	Department Overhead	8,558		2,000		2,000
Total Expenditure		\$103,558	\$0	\$95,000	\$0	\$95,000
Revenue	Funding					
	363 Wastewater Capital	103,558		95,000		95,000
Total Funding		\$103,558	\$0	\$95,000	\$0	\$95,000



NORTH
SCALE: 1" = 300'

TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

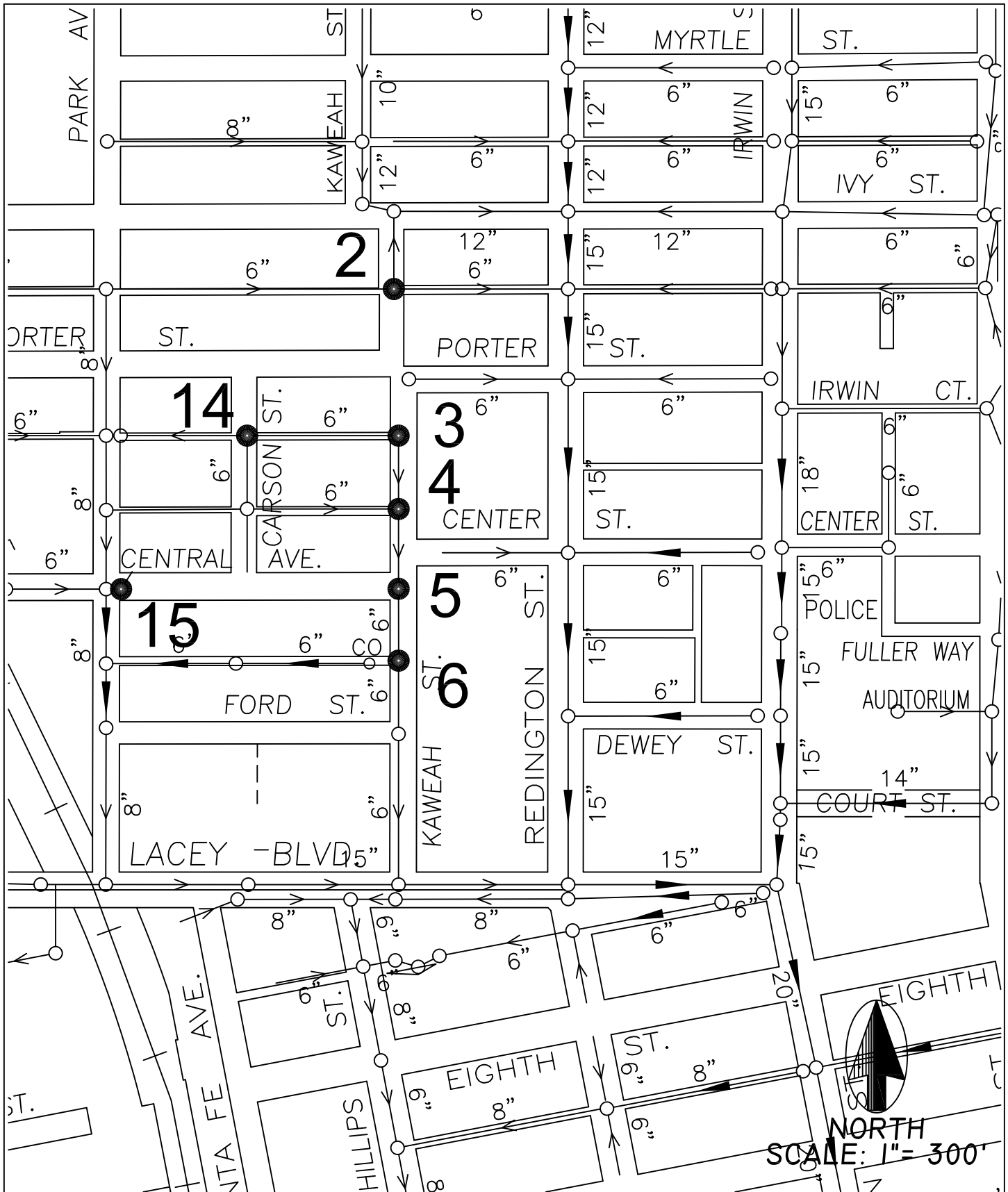
DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 1 OF 7



TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

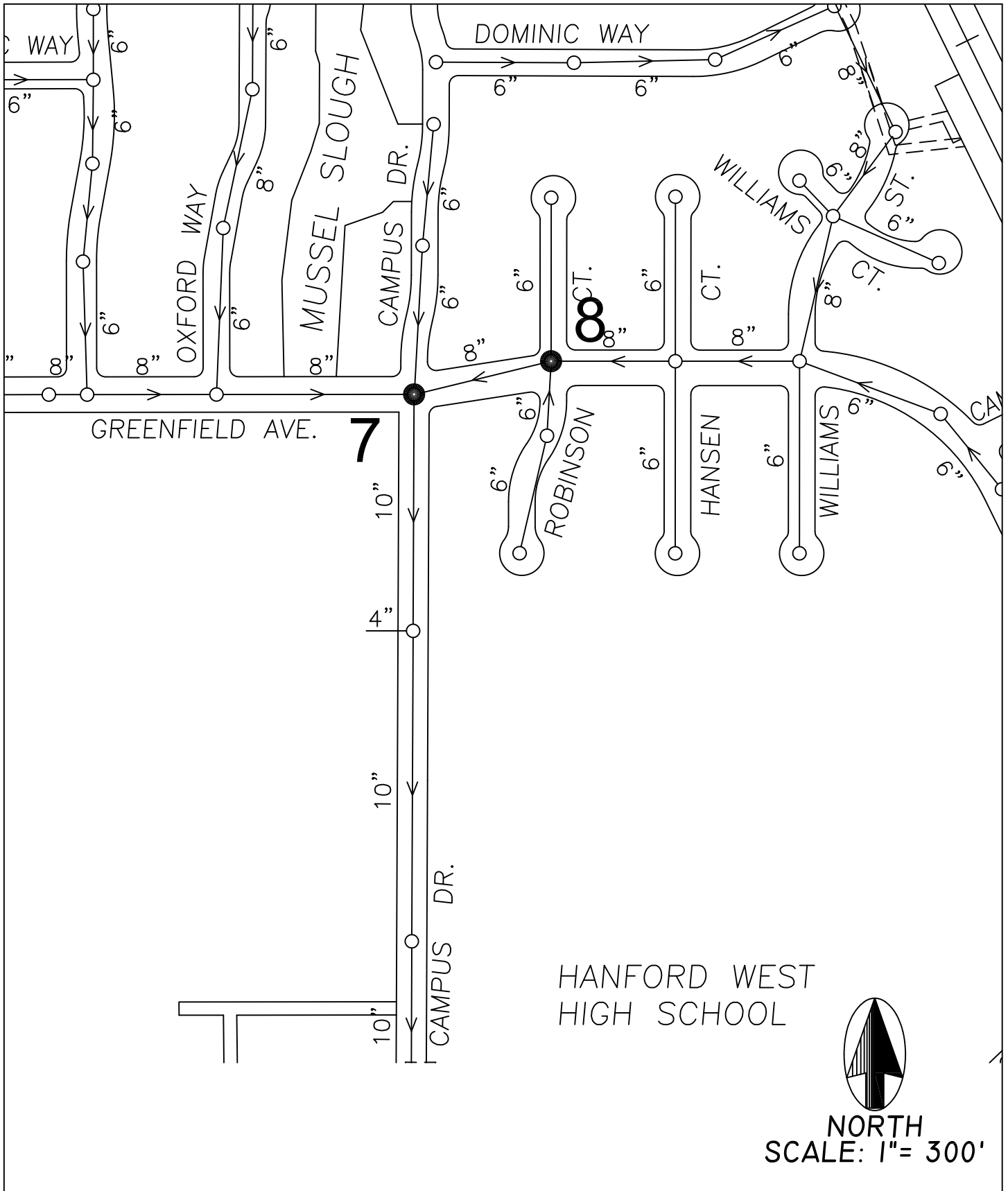
DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 2 OF 7



Attachment: Location Maps (PW: Permission to Advertise the FY 20/21 Manhole Repair and Coating Project)

TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

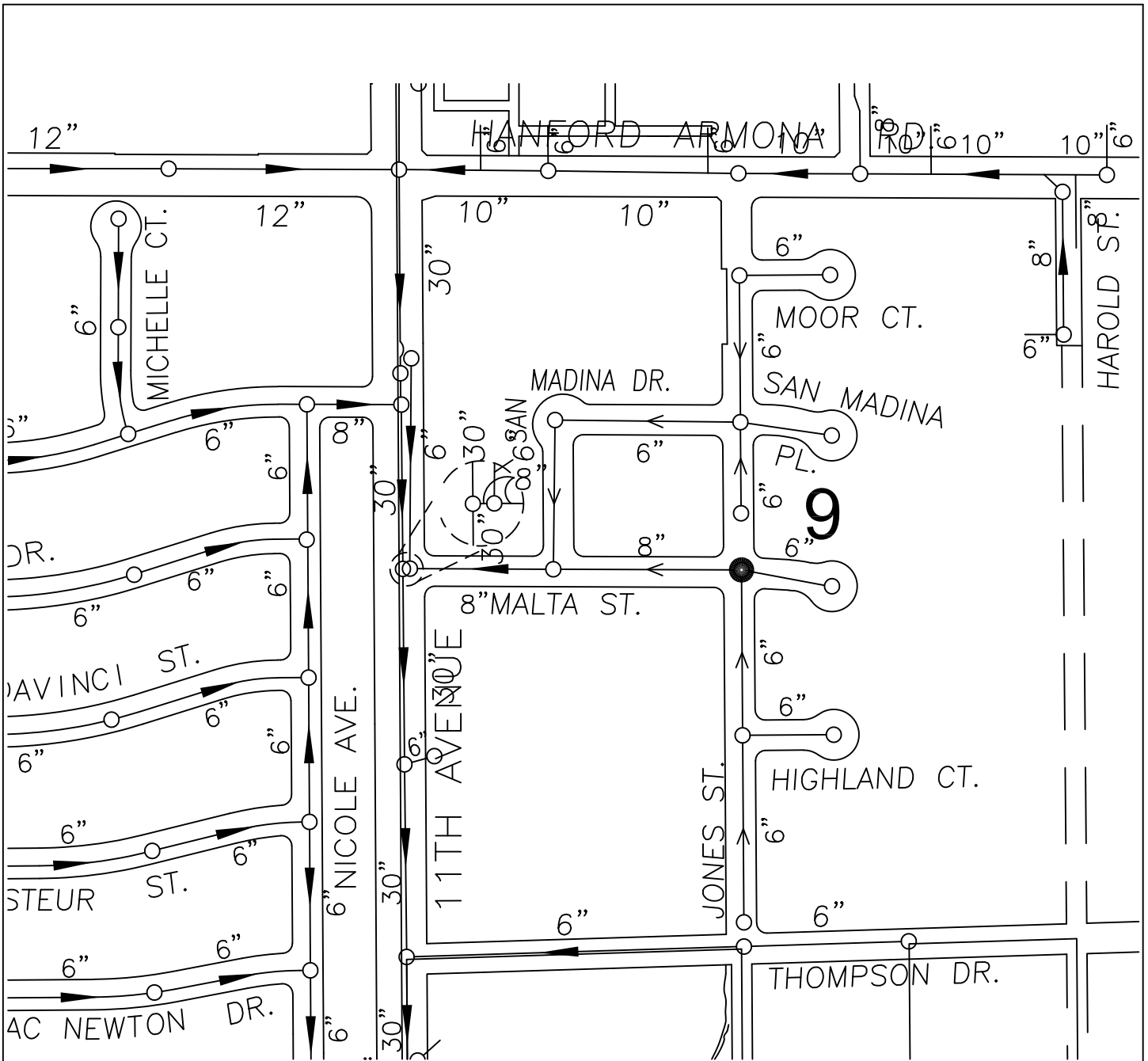
DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 3 OF 7



NORTH
SCALE: 1" = 300'

TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

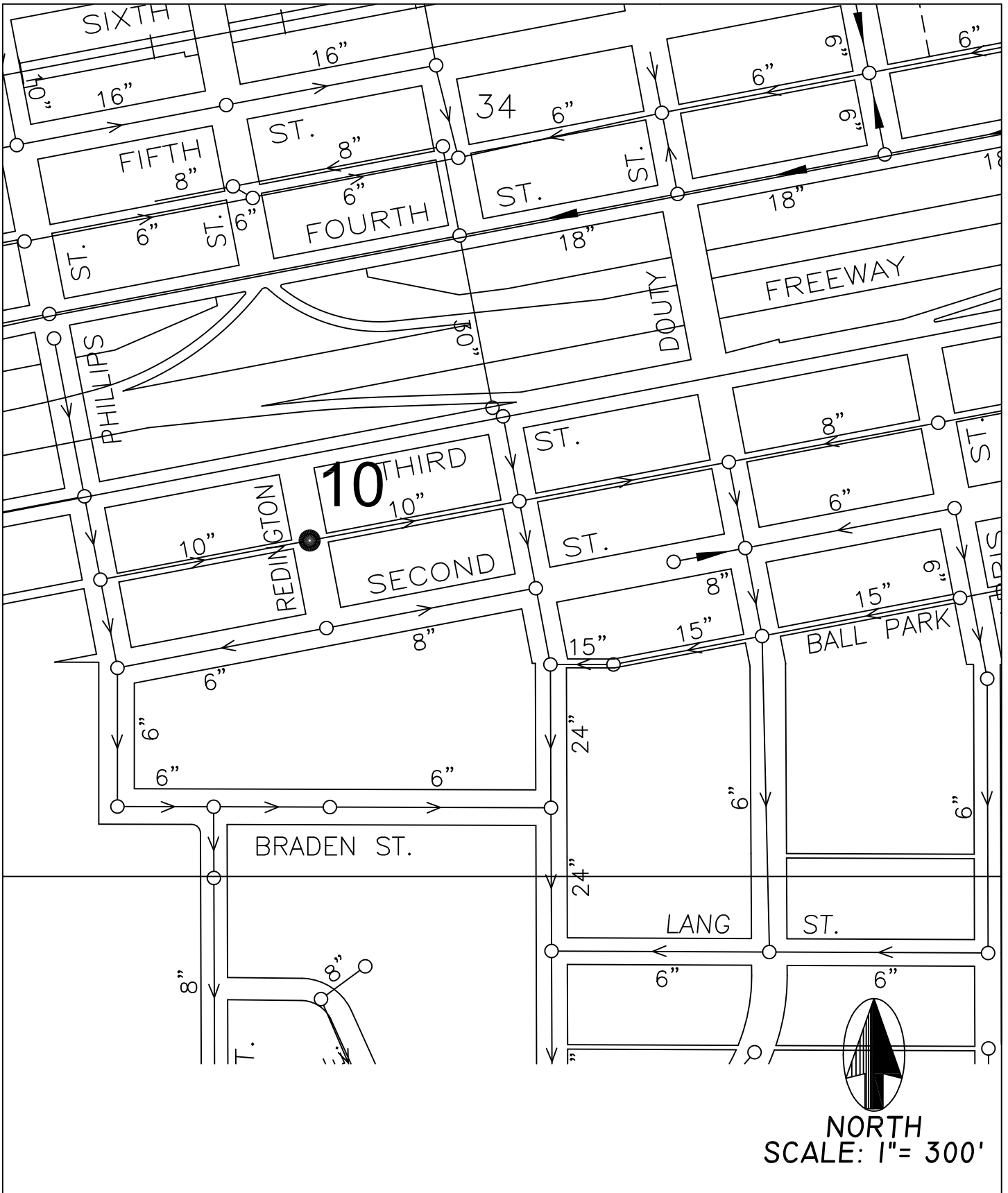
DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 4 OF 7



Attachment: Location Maps (PW: Permission to Advertise the FY 20/21 Manhole Repair and Coating Project)

TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

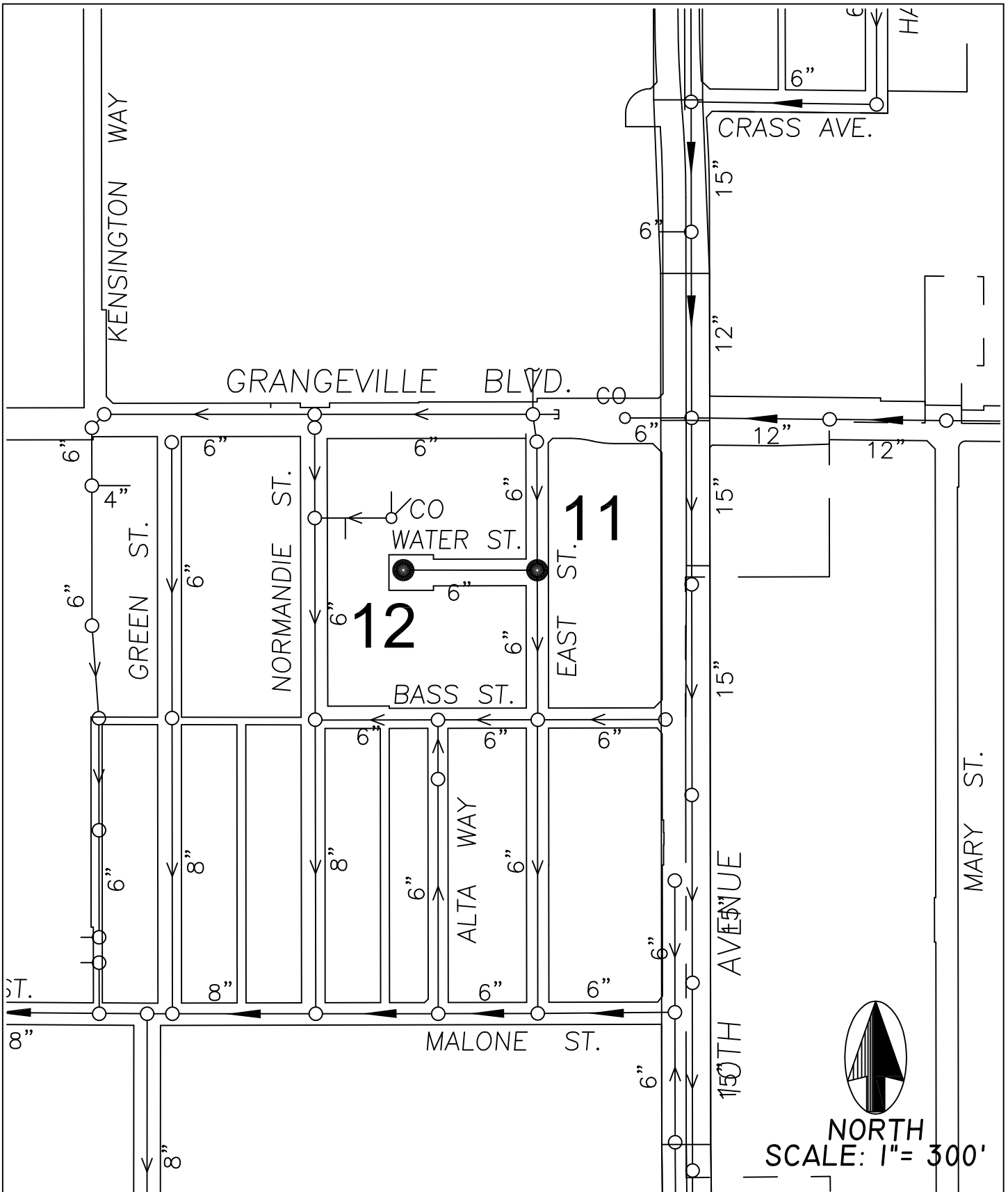
DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 5 OF 7



TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

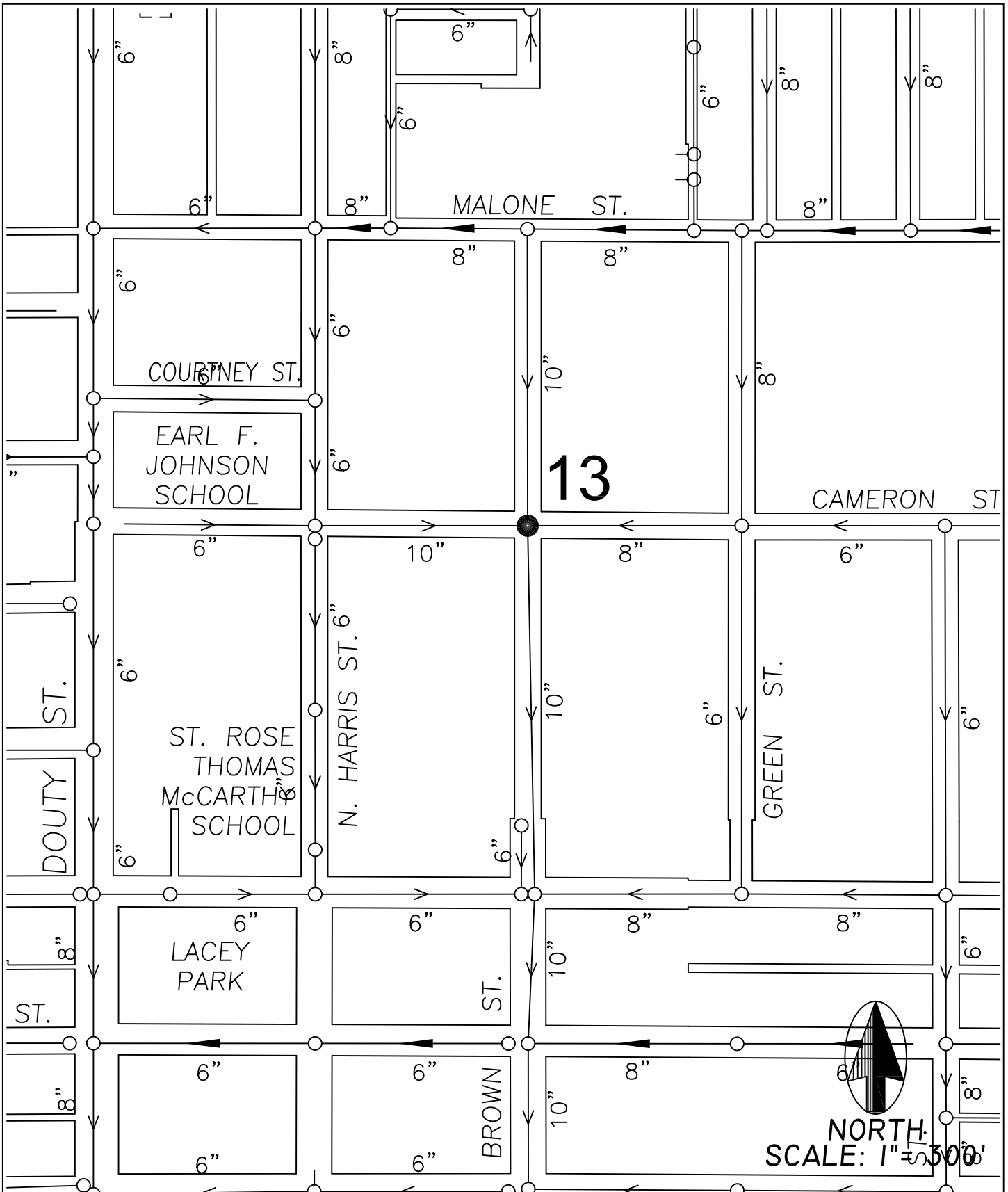
DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 6 OF 7



TITLE: FY 20/21 MANHOLE REPAIR PROJECT

APPROVED BY:

DRAWN BY: LAD

DATE: 1-11-21

JOB No.: 821633



SHEET 7 OF 7



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: I
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SUBJECT:

FIRE: Award of an annual contract for Annual OSHA Physicals for Firefighters to Pinnacle Training Systems for Health and Wellness Services at an annual cost not to exceed \$19,624 per year for the 5-year contract.

RECOMMENDATION:

That the City Council, by motion Award an annual contract for Annual OSHA Physicals for Firefighters to Pinnacle Training Systems for Health and Wellness Services, at an annual cost not to exceed \$19,624 per year for the 5-year contract, in order to meet the requirements established by 29 CFR 1910.120 for OSHA physicals.

BACKGROUND:

Pursuant to 29 CFR 1910.120(q)(9)(i)-(iv), employees who are or may be exposed to hazardous substances or health hazard at or above the permissible exposure limits (PEL) or, if there is no PEL, above the published exposure levels for these substances, without regard to the use of respirators, for 30 days or more a year; all employees who wear a respirator for 30 days or more a year or as required by their personal protective equipment (PPE) regulations; and members of HAZMAT teams must participate in a medical surveillance program with the department. All members of the Hanford Fire Department are part of our Hazardous Materials Response Team as decontamination member, HazMat Technicians, and/or HazMat Specialists and therefore are required to have access to the program.

Previously, the Department has sent members to Kings Industrial Medical Center, where they received the pre-employment physical minus blood work, chest x-ray, and a physical exertion test. Kings Industrial Medical Center specializes in occupational medicine and does not have the capability to accommodate the exertion examination, which is necessary for establishing a Work Capacity Test rating of Light, Moderate, or Arduous. This test provides a foundation for fitness for duty and can help identify potential health concerns to our employees before they become a health emergency, which would potentially increase our worker's compensation obligations. Additionally, this test helps to predict potential health concerns for employees, already at greater

risk due to the extremes posed for the job. Establishing minimum ratings is also required for Out of County responses, including the OES engine.

Contracting with an organization that understands the athletic expectations of the fire service provides an opportunity to meet mandates and best practices for industry standards. This understanding aids in developing health prevention programs directly related to the risks associated with firefighting, but also capable of providing specific information to the individual. Pinnacle Training Systems has agreements with several other departments including Fresno Fire Dept., Selma Fire Dept., and Novato Fire Dept. for similar services. They have the ability to set up at our location with the flexibility to complete the evaluations around the Department's schedules, which helps to limit overtime expenses.

Previously, the department has conducted evaluations every two years. The department would continue this practice for employees under 50 years of age. However, for employees over the age of 50, who have a greater risk of injury and health concerns, the department intends to move towards placing them on an annual program. To accommodate the changes and stay in compliance with OSHA mandates, we will conduct physicals for the entire department this year. The department will then split into three groups. Splitting into groups will help maintain coverage and also reduce overtime costs.

- Group 1: Employees over 50 will be completed annually (currently 6 employees)
- Group 2: 14 employees
- Group 3: 14 employees

Health and wellness of employees is critical toward building a commitment to a safe working environment, reducing overall costs, and creating a partnership with employees that demonstrates their value to the City of Hanford. Studies show that having proactive health and fitness screening aids assists in reducing worker's compensation claims and increase productivity due to the reduction in absenteeism and illness (Grossmeier et al., 2016). In addition, loss of production due to absenteeism is estimated to cost 2.3 time more in loss over the actual medical treatment (Berry, Mirabito, and Baun, 2010).

Securing a five-year contract will reduce unanticipated costs over a year to year verbal agreement. Expectations are established up front with a complete understanding by all parties of the services provided. Pinnacle Training Solutions has provided a proposal for services with built on a 'per employee' rate with an estimate not to exceed \$18,428 based on conducting 31 wellness examinations (see attached). The two vacancies in the department will be filled prior to the scheduled date of the examinations. It is therefore recommended that we include the additional positions in the first year of the agreement increasing the first year amount to not \$19,624.

Department physicals are a budgeted item and do not require an additional budget adjustment.

FISCAL IMPACT:

Budgeted Item. No additional fiscal impact.

ATTACHMENTS:
Pinnacle RFP



Pinnacle Training Systems

THE SCIENTIFIC APPROACH TO YOUR SUCCESS

A Proposal for:

City of Hanford Fire Department Physicals

February 17, 2021



Cover Letter/Executive Summary

Dear City of Hanford Fire Department:

Thank you for the opportunity to respond to the City of Hanford Fire Department Request for Proposals for Firefighter Physicals. On behalf of Pinnacle Training Systems, LLC. (PTS) it is my profound privilege to describe how our team of professionals, specifically trained and educated in preventative medicine and kinesiology, can assist your department by providing the services outlined in your solicitation. We thoroughly understand the unique physical demands, psychosocial stressors, chemical, biological and physical exposures that first responders encounter as part of their job.

Pinnacle Training Systems was founded in 2009 on a history of successfully coaching athletes. We began offering corporate wellness programs in 2010 and now have a long history of providing health and wellness services to a variety of entities such as private companies and municipalities as well as police and fire departments. Over the 11 years we have been in business, we have worked with police and fire departments throughout California. Our participation rates are well above industry standards. Most notably, we worked with the Fresno Fire Department and had a 92% participation rate in the 1st year of a voluntary, non-incentivized program. We are now into our third year with this Department and participation is 75%. Despite an increase in total calls over the past three years, we have helped the department reduce their OSHA reported injuries by almost 50%, and IP (injury paid) hours by 56%. We have also been successful at early detection of prostate cancer and identified cardiovascular issues that are now being monitored by the individual's physician. This means these fire fighters are able to get the medical oversight needed to manage their conditions and lives have been saved. Currently we have contracts with 16 first responder departments throughout the state of California. We provide health screening, fitness testing, functional movement screening assessments (FMS), individualized follow-ups, wellness challenges and health and wellness education. Our programs have been effective in reducing medical claims, workers compensation claims, saving lives and changing the culture to one of wellness.

At Pinnacle Training Systems, we are committed to providing the highest quality and most effective health and wellness programs. The mission of Pinnacle Training Systems is to offer a scientific based approach to help individuals achieve their wellness goals. We take great pride in having a highly educated and qualified staff. Our founder, Dr. Felicia Gomez, has her Ph.D. in Exercise Metabolism and Nutrition and has taught in the field of exercise physiology, health and wellness for over 25 years. Dr. Gomez will be the point of contact should we be awarded this contract. As a former professional athlete, Dr. Gomez, intimately understands the needs and concerns of high performing individuals including tactical operators. At Pinnacle Training Systems, we recognize the unique needs of emergency responders and we have aligned our resources to support the needs of tactical operators serving local communities. Over the course of her career, Dr. Gomez has effectively evaluated the needs of tactical operators and has developed fitness and wellness programs designed to improve the performance of emergency responders.

Throughout our proposal, we will describe how PTS is uniquely qualified to provide worksite wellness services that meet and exceed expectations. At PTS, we apply scientific principles to each and every program and service offered, giving individuals and organizations of all shapes, sizes and abilities a clear way to identify and achieve their goals. We are confident that the following key attributes of our company will compliment and support efforts to create a healthy work environment and encourage officers to be their healthy best.

The Scientific Approach: Many businesses purport to offer science-based programs, but lack the knowledge and education to back their claims. PTS distinguishes itself by hiring well-educated individuals with advanced degrees in health-related fields. Our fitness and wellness approach can be described as scientifically-based, cost-efficient and effective.

Worksite Wellness Based on Sound Science: We understand that the City of Hanford Fire Department seeks to provide a healthy work environment and strives to support their department personnel along their journey to optimal health. We pride ourselves on our ability to develop structured health and wellness programs that deliver meaningful outcomes. Our company's in-depth understanding of individual behavior change, group dynamics and organizational health change positions us to deliver personalized coaching, instruction and group exercise programs that will prepare employees to excel at adopting and sustaining healthy lifestyle choices.

Reliable Account Management Team: PTS is dedicated to providing our clients with prompt customer service and problem resolution. We are 100% privately owned, controlled and operated which allows us to ensure that our clients have direct and immediate access to our company's owner and lead decision-maker. Additionally, the Hanford Fire Department will have a dedicated PTS team to give this account the specific attention and service it deserves.

Should you have any questions about our proposal, please feel free to contact me directly by phone at (559) 977-1739 or by email at fgomez@pinnacletrainingsystems.com. Thank you again for your time and consideration. I look forward to speaking with you further about PTS and how we can work with together to achieve success.

Sincerely,



Felicia Gomez, Ph.D.
Founder/CEO
(559) 977-1739
fgomez@pinnacletrainingsystems.com

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

Experience and Qualifications

Felicia Gomez, Ph.D. owner of Pinnacle Training Systems remains intimately involved in all health and wellness contracts. While the Hanford Fire Department will have a qualified Project Manager and a team of other PTS employees involved in aspects of the program, Dr. Gomez provides program oversight and maintains contact with the lead decision makers for the Department. All personnel are certified in and/or licensed to conduct their assigned services. Our staff include certified EKG technicians, occupation hearing conservationist, phlebotomists, medical assistants, physician assistants and nurse practitioners. All our medical and wellness services are under the oversight of our Medical Director, Alex Habibe M.D.

In order to participate in any exercise testing procedure, each employee is required to complete a standard health history screening questionnaire. The American College of Sports Medicine has identified a number of abnormal responses and other criteria for which testing is contraindicated, or for which a test in progress should be terminated. If these abnormal responses or other criteria are discovered during testing, it may be necessary to either postpone a test until a later date, stop a test and refer the person for medical evaluation and obtain clearance before another test can be scheduled, or stop a test and call for immediate transportation to an emergency facility. All decisions made and actions taken will be in the best interest of the health and safety of the personnel involved.

Mike Bronze, BSc. will be the Project Manager for the City of Hanford Fire Department. He has been with Pinnacle Training Systems for 4 years and has worked extensively with all of our first responder contracts. He has been intricately involved in creating processes and procedures for NFPA 1582 testing and reporting. He is certified as an Occupational Hearing Conservationist, EKG Technician and Functional Movement Screen. He is the Lead Training Supervisor for other employees who serve as Project Managers for other agencies.

Garrett Johnson, BSc. will be assisting as “second in command”. While he is relatively new to working with Pinnacle (since May 2020) he is the Project Manager for two other contracts where NFPA and FMS are provided to fire personnel. He is FMS certified and has been trained in best practices to conduct various aspects of services provided.

PTS has a pool of qualified medical personnel to provide on-site physicals. We utilized nurse practitioners or physician assistants to conduct the hands-on physical portion of the assessments. All other staff are trained and qualified in the services we provide.

Appendix A – Resumes of Felicia Gomez, Ph.D., Alex Habibe, M.D., Garrett Johnson, B.Sc., Mike Bronze, B.Sc. (key employees providing services for the City of Hanford Fire Department).

Understanding of Request for Proposal/Scope of Services

All testing will be conducted at a designated Fire Department within the City of Hanford. All participants will be required to complete an NFPA 1582 medical history questionnaire which will be reviewed by the NP/PA during the hands on portion of the exam. In addition, firefighter personnel will be required to sign a waiver stating they understand all risks and benefits associated with all procedures. Four-five firefighters will be assessed as they rotate through different stations. This will allow us to be efficient when providing these services over the testing period. For example, one firefighter will start with the Nurse Practitioner/Physician Assistant, another on the treadmill, another for audiology, FMS etc. Once they complete their initial station, they will rotate to another until all components of the exam and FMS are completed. Privacy of medical information is paramount for our clients. Stations will be separated by privacy screens with a dedicated separate room for physical examinations. All results will be discussed in private and remain confidential. Based on our experience we estimate it will take approximately 1.5 hours to complete all stations related to the NFPA 1582 exam and FMS. All results that are available immediately will be discussed on-site with the firefighter. Each individual will receive a password protected "e-book" (electronic booklet) within 10 days of testing. A follow-up call with each participant to discuss their blood work and to answer any further questions will be scheduled approximately 5-6 days after the e-book as been received. In addition to the results from the physical exams and FMS, participants will also receive customized workout plans based on their individual FMS results. Mike Bronze will discuss these workout programs and answer any questions individuals may have in their follow-up coaching calls. The City of Hanford will be provided all OSHA mandated results. Should the City of Hanford Fire Department have other mandated procedures related to results and delivery of results, PTS will accommodate.

Delivery Schedule and Timeline

As mentioned above, all testing will be conducted at a designated Fire Department within the City of Hanford. Pinnacle Training Systems will work with department administration to determine the best dates and times to test firefighters on-site. We are well-versed in working with the dynamic schedules of first responders and are flexible in our ability to accommodate departments with whom we contract. For a department the size of Hanford, we typically complete testing in 2-3 days. For example, depending upon a mutually agreed upon schedule we test fire personnel on day 2 of one shift and day 1 of the next shift. PTS would then return to test the 3rd shift while on-duty. Some agencies can accommodate testing an out-going shift first and then an incoming shift immediately afterwards on the same day. PTS will work with the Hanford Fire Department to create a schedule that allows testing to be efficient and effective. We are confident that all testing can be completed within 3 days with an optional make-up day if required.

Commitment to Project Budget and Detailed Work Plan

The following components and associated cost will be included in the onsite physicals and FMS as required by the City of Hanford Fire Department.

Daily Equipment, Labor and Administration Charges	Cost (all years)
Program set-up and travel	Included
Daily equipment usage	Included
Daily labor	Included

Service	Cost (per person)				
	Year 1	Year 2	Year 3	Year 4	Year 5
NFPA 1582 Medical Exam (onsite) + FMS	\$560	\$650	\$650	\$670	\$690
Make-up Physicals (less 5)	\$620	\$680	\$680	\$700	\$721
TB Skin Test	\$38	\$39	\$40	\$42	\$42

Cost per person increases with a lower volume tested (due to fixed costs). These rates are based on 31 individuals testing year 1, and 18-19 individuals testing years 2-5. A minimum of 6 individuals tested each day in year 1; a minimum of 4 tested each day in years 2-5. The cost increase years 2-5 represent 3% due to increased cost of living.

Based upon 31 firefighter personnel tested in year 1, this project can be completed in its entirety within \$18,428. Project in year 1, not to exceed \$18,428. No other year will surpass \$18,428 based on above costs and estimates provided in proposal.

Added Value:

Pinnacle Training Systems has created a customized google site for Hanford Fire Department containing nutrition, injury prevention and physical fitness resources and information specific to fire fighters. Each month, the google site is updated with a nutrition, fitness and/or injury prevention information specific to the first responder. The google site can be found through the hyperlink below:

<https://sites.google.com/pinnacletrainingsystems.com/hanfordfire/home>

Furthermore, Hanford fire personnel would have complete access to the Project Manager who is on-call to answer any nutrition, fitness or injury prevention questions. This is a resource that is available for the duration of our contract.

Appendices include documents and samples of reports and data sheets Pinnacle Training Systems utilizes for our NFPA physicals and wellness programs.

Appendix B - Sample of NFPA Questionnaire (reviewed by fire personnel and medical examiner)

Appendix C - Sample of Data Sheet (completed during the physical exam and FMS assessment)

Appendix D - Sample of results book

References

Agency	Contact	Contract \$	Years	Work Performed
Fresno Fire Department	Chief Kerri Donis Kerri.donis@fresno.gov (559) 621-4199	\$140,000	2016-	Biometrics Fitness Testing Resting/Stress EKG FMS On-site Consultations Blood work Cancer Screenings
Selma Fire Department	Chief Robert Peterson robertp@cityofselma.com (559) 891-2213	\$25,000	2019-	Biometrics NFPA 1582 Exams FMS Wellness Challenges Education Seminars
Novato Fire Department	Chief Bill Tyler bt Tyler@novatofire.org (415) 878-2690	\$45,000	2019-	Biometrics NFPA 1582 Exams FMS Education Seminars Wellness Workshops Fitness Testing

Conclusion

At Pinnacle Training Systems we do not believe in a “one size fits all” approach. Although we have taken great care in this proposal to accommodate known preferences, time schedules and organization needs, should any program or aspect of a program need amending, please feel free to let us know. We are committed to working with the Hanford Fire Department to provide services to meet the specific needs of your agency.

APPENDIX A

Felicia Gomez, Ph.D.

(Office) 6011 N. Fresno St, Suite 120, Fresno, CA 93710

(Email) fgomez@pinnacletrainingsystems.com

Educational Experience:

1994-2000	University of Guelph Dept. of Human Biology and Nutritional Sciences Guelph, Ontario Canada N1G 2W1	Ph.D.
1992-1994	Queen's University Dept. of Physical and Health Education Kingston, Ontario Canada K7L 3N6	M.Sc.
1988-1992	University of New Brunswick Faculty of Kinesiology P.O. Box 4400 Fredericton, New Brunswick Canada E3B 5A3	B.P.E.

Professional Experience

Pinnacle Training Systems:

Founder and Owner, (2009-present)

A health and wellness company which provides scientific based training and services to a wide variety of clientele. We provide one on one coaching for all levels of athletes and individuals, nutritional consulting and coaching focusing on lifelong healthy eating, based on personalized goals and needs. We conduct physiological testing to assess current levels of cardiovascular fitness and progress to training. We also provide corporate wellness services throughout California. Our specialization focuses on health screening and fitness testing to public safety personnel where we have been successful in identifying potential life threatening illnesses and saving lives.

California State University, Fresno, Fresno, CA
Associate Professor, August 2002-April 2014

Courses Taught

- Physiology of Exercise (lecture/lab)
- Advanced Exercise Physiology II: Cardiovascular and Respiratory Physiology (lecture/lab)
- Fitness Development (lecture/activity)
- A&A Fitness (lecture/practical experience)
- Exercise, Nutrition and Body Composition (lecture/lab)
- Fitness and Wellness (lecture/lab)
- Humanistic and Integrative Aspects of Exercise Science (lecture)
- Performance Related Fitness (lecture/lab)
- Advanced Exercise Physiology (lecture/lab)
- Lifetime Fitness and Wellness (lecture)
- Research Methods
- Independent Study

Ohio University, Eastern, St. Clairsville, Ohio
Assistant Professor, (1999-2002)

Courses Taught

- Principles of Physical Activity and Aging (lecture/service learning)
- Principles of Human Movement and Fitness (lecture/lab)
- Human Dynamics of Sport (lecture)
- Physiology of Exercise (lecture/lab)
- Fitness Testing (lecture/lab)
- Exercise Prescription I (Healthy Populations) (lecture/lab)
- Exercise Prescription II (Special Populations) (lecture/lab)
- Introduction to Nutrition (lecture)
- Resistance Training (lecture/lab)
- Introduction to Coaching (lecture)
- Coaching of Track and Field (lecture/activity)
- Sport Science Practicum

Queen's University, Kingston, Ontario Canada
Lecturer, (1997-1999)

Courses Taught

- Work Physiology (lecture/lab)
- Physiology of Aging (lecture/service learning)
- Physiology of Training (lecture)
- Introduction to Exercise Physiology (lecture/lab)
- Independent Study
- Introduction to Nutrition

Certificates:

Certified Exercise Physiologist
 ACLS
 Tactical Strength and Conditioning Facilitator
 Certified EKG Technician

Publications (Refereed):

- F.A. Greer and L.A. Wolfe. Chronic exercise effects on subcutaneous adiposity in pregnancy. *Medicine and Science in Sports and Exercise*. 26: 663, 1994.
- F.A. Greer, D. Friars and T.E. Graham. The effect of theophylline on endurance exercise performance and muscle metabolism. *The Physiologist*. 39: A-55, 1996
- F.A. Greer, T.E. Graham and L.E. Nagy. Characterization of adenosine receptors in rat skeletal muscle. *Canadian Journal of Applied Physiology*. 22: 23P, 1997
- F.A. Greer. The endurance athlete: a series of weak links-substrate utilization. *Canadian Journal of Applied Physiology*. 23: 482, 1998
- F.A. Greer, R. Hudson, R. Ross and T.E. Graham. Adenosine receptor antagonism decreases glucose disposal in humans. *Clinical and Investigative Medicine*. 83 (Supplement), 1998
- F.A. Greer, R. Ross, R. Hudson and T. Graham. Caffeine ingestion decreases glucose disposal during hyperinsulinemic euglycemic clamp in humans. *Medicine and Science in Sports and Exercise*. 32: S291, 2000
- F.A. Greer, L. Nagy, T. Graham and A. Bonen. The presence of adenosine receptors in skeletal muscle. *The Physiologist*. 43: 347, 2000.
- J.L. Tarr, R.W. Galbreath, C.M. Gormastic, J.P. Metz, F. Greer. The cardiovascular-pulmonary effects of weight supported treadmill ambulation utilizing various harness applications. *Journal of the American Physical Therapy Association*. 83:9, 2003
- J.O. Morales, F. Greer, B. Pugh, M.G. Coles. Fatigue incurred during short-term, high power cycling is not related to surface EMG frequency variables. *Medicine and Science in Sports and Exercise*. 36: S118, 2004
- Coles, M.G., Jones-Harvey, V.N., Greer, F.A., & Gilbert, W.D. Effect of sports massage on range of motion, peak torque, and time to peak torque. *Medicine and Science in Sports and Exercise*. 36: S264, 2005
- F. A. Greer, J.O. Morales, M.G. Coles. Wingate Performance and Surface EMG Frequency Variables are Not Affected by Caffeine Ingestion. *Medicine and Science in Sports and Exercise*. 37: 5, S43, 2005.

Papers:

F.A. Greer, C. McLean and T.E. Graham. The effect of caffeine on repeated Wingate exercise tests. *Journal of Applied Physiology*, 85: 1502-1508, 1998.

F.A. Greer, D. Friars and T.E. Graham. Comparison of caffeine and theophylline ingestion: exercise, metabolism and endurance. *Journal of Applied Physiology*. 89: 1837-1844, 2000.

F.A. Greer, R. Ross, R. Hudson and T.E. Graham. Caffeine ingestion decreases glucose disposal using a hyperinsulinemic euglycemic clamp in sedentary humans. *Diabetes*. 50: 2349-2354, 2001.

F. Greer and J. Gilbert. Standards-Based Activities for Elementary Physical Education. *Journal of Teaching Physical Education*. 2006.

F. Greer, J. Morales and M. Coles. Wingate Performance and Surface EMG Frequency Variables are Not Affected by Caffeine Ingestion. *Applied Physiology, Nutrition and Metabolism*. 31(5): 597-603, 2006.

J. Kemp, F. Greer and L.A. Wolfe. Acid base regulation following maximal exercise testing in late gestation. *Journal of Applied Physiology*. 83: 644-651, 1997.

T. Graham, P. Sathasivam, M. Rowland, N. Marko, F. Greer and D. Battram. Caffeine ingestion elevates plasma insulin response in humans during an oral glucose tolerance test. *Canadian Journal of Physiology and Pharmacology*, 79: 559-565, 2001.

B. Reger, L. Cooper, S. Booth-Butterfield, H. Smith, A. Bauman, M. Wootan, S. Middlstat, B. Marcus and F. Greer. Wheeling Walks: A community campaign using paid media to encourage walking among sedentary older adults. *Preventative Medicine*. 35: 285-292, 2002.

F. Greer, V. Rondero-Hernandez, P. Sutton and K. Curtis. Obesity and Physical Inactivity Among Children and Adolescents in the San Joaquin Valley. October 2004.

F. Thong, J. Lally, D. Dyck, F. Greer, A. Bonen and T. Graham. Activation of the A₁ receptor increases insulin-stimulated glucose transport in isolated rat soleus muscle. *Applied Physiology, Nutrition and Metabolism*. 32: 701-710, 2007.

C. Cabrera, J. Morales, F. Greer, and R. Pettitt. Exercise bouts at three different intensities fail to potentiate concentric power. *International Journal of Exercise Science*. 2(1); 38-47, 2009 .

Sunderland K, Greer F, and Morales J. VO₂max and ventilatory threshold of trained cyclists are not affected by 28-day L-arginine supplementation. *J Strength Cond Res*, 25(3), 833-7, 2011.

Invited Presentations: (past 5 yrs)

2013

- Hanford Cycling Club, Nutrition for Athletes
- Ronald McDonald House, Health Eating for the Busy Family
- Women's Chamber of Commerce (Fresno), Health Eating for the Busy Family
- Women in Leadership Law Enforcement Conference, San Jose, CA
Leading in Health and Wellness, Your Role as a Woman
- Central California Women's Conference, Fresno CA
Healthy Living for the Busy Family
- Saint Agnes Medical Center Diabetes Symposium, Fresno CA
Taking Control of Your Diabetes Through Weight Management: The Role of Nutrition and Physical activity
- California Association of Health Underwriters Annual Conference, Fresno, CA
Worksite Wellness: Why Invest?

2014

- O'Neils Winery – On-Site Safety Meeting, Creating a Healthier Workplace Through On-Site Wellness Programs
- VWR International, Healthy Eating for the Busy Family. Visalia, CA
- Wellness and Fitness in Law Enforcement: "The Tactical Athlete"
BCJPIA, Pleasington, CA
- Worksite Wellness and Fitness
Sacramento Safety and Health Summit. Sacramento, CA

2015

- Preventing Fitness Training Injuries
Central San Joaquin Valley Risk Management Association, Ripon CA
- Wellness and Fitness for Police
Central San Joaquin Valley Risk Management Authority Regional Forum
- Wellness and Fitness for Police, Clovis CA
NCCSIF Risk Management Committee, Lincoln, CA
- Worksite Wellness: Why Invest?
Skyline Scaffolding Safety Summit. Sacramento, CA

2016

- Police Chief Forum, Emeryville, CA
Differentiating Between Injuries from Fitness for Duty and Recreational Activities –
What is a compensable injury
- FDAC, Sacramento, CA
Integrating Wellness, Fitness and Nutrition into Your Fire District Culture
- PARMA Conference, Indian Wells, CA
A New Paradigm of Worksite Wellness by Embracing a Healthy Culture

2017

- PARMA Conference, Anaheim, CA
Health and Wellness: Realistic Goals and Expectations
- FDAC, Sacramento, CA
Recipe for a Healthier Environment: Fire District Culture
- Fresno-Madera Police Chiefs Conference, Pismo, CA
Mental Wellness for Law Enforcement

2018

- PARMA Conference, Monterey, CA
Adapting Workplace Wellness Programs
- COPSWEST Conference
Health Screening and Fitness Testing for 1st Responders

2019

- PARMA State Conference
Implementing Effective Wellness Programs City-Wide
- CCWC State Conference, Anaheim, CA
An Apple a Day-Does It Keep The Doctor Away; Effectiveness of Wellness Programs
- KCSHRM Conference, Bakersfield, CA
Adapting Workplace Wellness Programs
- Central Valley SHRM, Fresno CA
Adapting Workplace Wellness Programs
- SHRM State Conference
Effectiveness of Workplace Wellness Program
- COPSWEST Conference
The Greatest Wealth is Health
- FDAC Leadership Conference
Wellness for the Tactical Athlete; Relevance of Assessing Disease and Injury Risk
- Fresno-Madera Police Chiefs Conference, Pismo, CA
Wellness for First Responders

Professional Affiliations:

2007-2009	Member at Large for Development. Executive Committee Southwest American College of Sports Medicine
2002-Present	Southwest American College of Sports Medicine
1993-Present	American College of Sports Medicine (ACSM)
1992-Present	Canadian Society of Exercise Physiology

Athletic Achievements:

2012	US Masters Road Cycling Champion (female 40-44)
2005-2008	Member of the Canadian National Cycling Team (World Championships 2005&2008) Alternate for 2008 Beijing Olympic Road Cycling Team

Alex O. Habibe M.D.
Internal Medicine
1383 E. Herndon Ave, Ste. 105
Fresno, CA 93720

PracticeInternal Medicine Physician, Board Certified

Private Practice, 2005 to current

1383 E. Herndon Avenue, Ste. 105, Fresno, CA 93720

Emergency Medicine Physician, Board Certified

Selma Community Hospital, Adventist Health

2007-2016

EducationResidency, Internal Medicine

University of Colorado Health Sciences Center

Internship, Internal Medicine

Saint Louis University Health Sciences Center

Doctor of Medicine

Saint Louis University School of Medicine

Bachelor of Arts, Political Science

University of California, Irvine

Certifications

Board Certified Internal Medicine

Board Certified Emergency Medicine

ACLS - Advanced Cardiac Life Support

ATLS - Advanced Trauma Life Support

Hospital Affiliations

Staff Physician, St. Agnes Medical Center

Staff Physician, Community Medical Centers

Garrett B. Johnson

5753 N Maroa Ave, #121

1(559) 356-1965

Fresno, CA 93704 gjohnson@pinnacletrainingsystems.com

EDUCATION:**California State University; Fresno, California: Graduated Summer 2017**

Bachelor of Science in Kinesiology, Exercise Science

Reedley Junior College; Reedley, California: Graduated December 2013

Associates Degree in Physical Education

WORK EXPERIENCE:**Pinnacle Training Systems, Contract Lead (5/2020-Present)**

-Execute primary responsibilities of the contract. Coordinate Pinnacle staff to help with testing/execution of the contract tasks. Work with Supervisor to coordinate specialty staff. Develop relationship with organization contact to schedule tasks related to the contract. Develop relationships with members of the organization to better impact their health. Review and interpret blood work and health screening results. Administer and interpret functional movement screenings. Construct health and wellness seminars, webinars, and workshops. Develop and conduct group and individual health and fitness classes. Plan, coordinate and facilitate health and wellness programs. Design and manage contract websites.

Personal Trainer/ Digital Fitness Coach (2016-2020) GarrettJohnsonCoaching.com

-Design and implement customized health and fitness programs for a wide variety of clients specific to their abilities and goals both in-person and remotely through digital communication. Aid in clients' sustainable pursuit of health and fitness both in and out of the gym. Develop an understanding and appreciation for the process of performing the essential work that is needed to accomplish their goals.

Personal Trainer/ Group Instructor, CrossFit Fresno, Fresno, CA (11/2015-2018)

- Responsible for coaching CrossFit based workouts. Providing specialized fitness coaching for groups, and individual clients. Along with maintaining a clean gym environment, and encouraging/recognizing member's journeys and successes, personally and via social media outlets. Produce specialized programs for a wide range of clients and their specific goals.

Personal Trainer/Group Instructor, Anvil Strength and Conditioning, Reedley CA (10/2013-10/2015)

-Responsible for program design and development, design and instruct intro classes for new clients, coaching of functional fitness-based workouts, introduction to basic nutrition education. Providing specialized fitness coaching for groups, and individual clients. Along with maintaining a clean gym environment, and encouraging/recognizing member's journeys and successes, personally and via social media outlets.

Personal Trainer/ Group Fitness Instructor, Xcelerate Fitness, Reedley, CA (12/2011-08/2014)

- Responsible for the creation of varying aerobic group sessions, and teaching functional fitness components of strength training within small groups and individual clients.

Program/Fitness Coach, Wellspring Adventure Camps, Scranton, PA (05/2012-08/2012)

- Responsible for watching over a select group of teenagers, instruct and manage various physical activities, lead games and other outdoor activities. Responsible for creating and planning, a structured fitness routine for each individual to follow.

CERTIFICATIONS:

- USA Weightlifting Sports Performance Coach Level 1
- -FMS Level 1

- CBEST (California Basic Educational Skills Test)

REFERENCES:

- Zachary Greenwald, Founder/ Owner: Strength Ratio LLC, (516) 343-8867
- Hidi Horikoshi, Owner: Resurrection Movement Studio, (914) 318-5305
- Erin Merrin, MSN, RN-BC, RN Innovation- PI Clinical Specialist, (559) 832-6136

MIKE BRONZE

CONTRACT LEAD SUPERVISOR

CONTACT

 559-554-5097



mbronze@pinnacletrainingsystems.com

PROFILE

A professional and accomplished leader, who's motivation is to help individuals improve their quality of life. Strengths include strong management and communication skills. Lots of field experience in disease management, and injury prevention. Goal oriented, dedicated to growing relationships with Clientele.

SKILLS

- CERTIFIED FUNCTIONAL MOVEMENT SPECIALIST
- CERTIFIED EKG TECHNICIAN
- ACSM CERTIFIED PERSONAL TRAINER
- HEARING CONSERVATIONISTS

EXPERIENCE

Pinnacle Training Systems

2017-Present

Contract Lead Supervisor

Ensure quality control for protocols and procedures related to FMS testing, health screening, fitness testing, and data reporting for all contracts. Oversight of the duties of all Contract Leads as well as training contract leads on their specific duties. Assist with implementing new processes and procedures per contract needs.

400+ Hours of Functional Movement Screening and interpretation.

300+ Hours of EKG testing and interpretation.

500+ Hours of Personal training.

Meathead Movers Moving Co.

2014-2017

Move Supervisor

Managed and coordinated daily job sites to ensure proper completion of daily tasks. Oversight of crews of four to ten personnel daily. Lead step progression training for new employees. Successfully supervised and completed over 400+ jobs

References available per request.

EDUCATION

Fresno State University

2015-2017

B.S Kinesiology: Exercise Physiology

Cuesta College

2012-2015

A.S. Kinesiology: Exercise Physiology

APPENDIX B

NFPA 1582

Periodic Medical Health History

To be completed by employee

Name (Last, First, MI)	Phone #	Job Title	Date
DEPARTMENT		LOCATION (CITY AND STATE)	

WORK HISTORY

Have you ever:

- Lost time from work, of at least 2 consecutive weeks or more in each instance, during the past 2 years due to injury or illness?
☐ No ☐ Yes, (specify each instance) _____
- Been exposed to asbestos? ☐ No ☐ Yes, explain: _____
- Been required to wear hearing protection? ☐ No ☐ Yes, explain: _____
- Worked in jobs with heat exposure? ☐ No ☐ Yes, explain: _____

Worked in hazardous areas or with chemicals? ☐ No ☐ Yes (see list below of Potential Occupational Environmental Hazards), _____

POTENTIAL OCCUPATIONAL ENVIRONMENTAL HAZARDS

(Note: This is a list of examples of potential occupational environmental hazards and is not all-inclusive. Please use abbreviations shown for hazards listed.)

ACE = Acetylenics ACN = Acrylonitrile AKA = Alkylamines AMM = Ammonia ARS = Arsenic/Arsenic ASB = Asbestos BEN = Benzene CAD = Cadmium	CHN = 1,1 Trichloroethane CHR = Chromates CTP = Coal Tar Products CYN = Cyanide/Nitriles DAB = Dabco and By-Products DNT = Dinitro Toluene EMU = Emulsions FCS = Free Crystalline Silica	FLU = Fluoride/Fluorine FRM = Formaldehyde GAS = Irritant Gases (Misc.) ISO = Isocyanates (TDI, MDI) LAB = Laboratory (Misc. Lab Chemicals) LED = Lead MDA = Methylenedianiline	MER = Mercury MNG = Manganese MTC = Methylene Chloride NIK = Nickel NSE = Noise NST = Nuisance Dusts (including rock wool) PVA = Polyvinyl Alcohol	RAD = Radiation (x-rays, gamma) TDA = Toluene Diamine VCM = Vinyl Chloride Monomer VNA = Vinyl Acetate
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MEDICAL / SURGICAL HISTORY

1. Have you had any major illnesses since your last physical examination? ☐ Yes ☐ No
If yes, explain: _____

2. Have you had any surgeries since your last physical examination? ☐ Yes ☐ No
If yes, explain: _____

RESPIRATORY HISTORY

3. Type(s) of respirator(s) to be worn. Check all that apply

☐ Half Face ☐ Full Face ☐ SCBA ☐ Other, explain: _____

4. How often will you wear a respirator?

☐ Daily: How Many Hours? _____

☐ Weekly: How Many Hours? _____

☐ Monthly: How Many Hours? _____

☐ Other, explain: _____



5. Have you ever worn a respirator?	☐ Yes	☐ No
6. Do you feel you have or will have any general or specific problems wearing a respirator? If yes, explain: _____	☐ Yes	☐ No
7. Have you felt any shortness of breath while wearing a respirator? If yes, is this with exertion only, or at rest? ☐ Exertion ☐ At Rest	☐ Yes	☐ No
8. During the past 3 years, have you worn a respirator for duty other than drills?	☐ Yes	☐ No
9. Have you had a weight change greater than 20 lbs. since your last respirator fit test?	☐ Yes	☐ No
10. Have you ever had a chest injury or chest surgery? If yes, explain: _____	☐ Yes	☐ No
11. Do you have trouble smelling odors? If yes, explain: _____	☐ Yes	☐ No
12. Do you have a fear of tight or enclosed spaces? If yes, have you felt claustrophobic when wearing a respirator?	☐ Yes ☐ Yes	☐ No ☐ No
13. Do you have a sensation of smothering when wearing a respirator?	☐ Yes	☐ No
14. Have you had heat exhaustion or heat stroke? If yes, when? _____	☐ Yes	☐ No

FAMILY HISTORY

Have any blood relatives had: ☐ Hypertension ☐ Heart Problems ☐ Stroke ☐ Cancer/leukemia ☐ Diabetes
 Who and which problem(s)? _____

PERSONAL HEALTH HISTORY

Allergies: _____
 Current Medications: _____
 Date of last tetanus booster: _____ Do you exercise regularly? ☐ No ☐ Yes, times per week _____
 Do you wear seatbelts? ☐ No ☐ Yes Do you smoke? ☐ No ☐ Yes, how much? _____ for how long? _____
 Do you have problems sleeping? ☐ No ☐ Yes, how often? _____ Do you drink alcoholic beverages? ☐ No ☐ Yes, how much? _____
 Do you drink more than 16 oz. of caffeinated beverages daily? ☐ No ☐ Yes, how much? _____
 Who is your family doctor? _____
 Are you currently under a doctor's care? ☐ No ☐ Yes, explain _____

 Have you had any hospitalization, surgery, serious illness, or injury? ☐ No ☐ Yes, explain: _____



PERSONAL HEALTH HISTORY - CONTINUED

Have you had or are you presently experiencing any of the following conditions which require medical attention:

<u>NEUROLOGICAL</u>			<u>HEART/BLOOD VESSELS</u>			<u>GENITOURINARY</u>		
	YES	NO		YES	NO		YES	NC
Migraines	☐	☐	Heart attack/angina/bypass	☐	☐	Kidney stones	☐	☐
Frequent/severe headaches	☐	☐	Rheumatic fever/heart murmur	☐	☐	Urinary infections	☐	☐
Fainting/dizzy spells	☐	☐	Palpitations/irregular heartbeat	☐	☐	Frequent urination	☐	☐
Head injuries or concussions	☐	☐	High blood pressure	☐	☐	Trouble starting/stopping urine	☐	☐
Epilepsy/seizures/convulsions	☐	☐	Pain/discomfort/tightness in chest	☐	☐	Blood in urine	☐	☐
Unusual lack of energy	☐	☐	Leg cramps	☐	☐	Pain or burning on urination	☐	☐
Difficulty with speech	☐	☐	Varicose veins/embolism/phlebitis	☐	☐			
Stroke	☐	☐						
<u>EYES</u>			<u>ABDOMEN</u>			<u>PSYCHIATRIC</u>		
	YES	NO		YES	NO		YES	NC
Glaucoma	☐	☐	Hepatitis/jaundice	☐	☐	Depression/suicide attempts	☐	☐
Pain/discomfort	☐	☐	Pain/discomfort in stomach	☐	☐	Nervous breakdowns	☐	☐
Double/blurred/decreased vision	☐	☐	Ulcers/gall bladder disease	☐	☐	Anxiety/nerve problems	☐	☐
Eye Injuries	☐	☐	Constipation/diarrhea	☐	☐	Bulimia/anorexia	☐	☐
			Blood in stools	☐	☐			
			Colitis	☐	☐			
			Hernias	☐	☐			
			Hemorrhoids	☐	☐			
			Received blood products or organ transplant prior to 7/92?	☐	☐			
<u>EAR/NOSE/THROAT</u>			<u>MUSCULOSKELETAL/EXTREMITIES</u>			<u>OTHER</u>		
	YES	NO		YES	NO		YES	NC
Frequent earaches	☐	☐	Arthritis	☐	☐	Anemia/bleeding disorders	☐	☐
Drainage from ear/infections	☐	☐	Pain/stiffness in joints	☐	☐	Diabetes/hypoglycemia	☐	☐
Hearing loss/ringing in ears	☐	☐	Weakness in arms or legs	☐	☐	Viral infection/mononucleosis	☐	☐
Frequent nosebleeds/sinus problems	☐	☐	Swelling of ankles or feet	☐	☐	Cancer/leukemia	☐	☐
Frequent/severe sore throats	☐	☐	Numbness/tingling in fingers/toes	☐	☐	Recent unexplained weight changes	☐	☐
Persistent hoarseness	☐	☐	Paralysis/loss of sensation in limbs	☐	☐	Thyroid disorder	☐	☐
Teeth or gum problems	☐	☐	Swelling of fingers or hands	☐	☐	Persistent rash/skin disorders.	☐	☐
Difficulty swallowing	☐	☐						
<u>LUNGS</u>								
	YES	NO						
Asthma/pneumonia/T.B.	☐	☐						
Persistent cough/wheezing	☐	☐						
Shortness of breath	☐	☐						
Productive coughs (mucus, blood)	☐	☐						

Please explain any yes answers:

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

APPENDIX C

Emergency Responder Medical Evaluation Report

Name:		Date:	
Email:		Phone:	
Basic Information			
Date of Birth:		Age:	Gender: ☐ Male ☐ Female
Smoker:	☐ Yes ☐ No		
Height: _____	Weight: _____	Percent Body Fat: _____	
Respiration: _____	Pulse: _____	Temperature: _____	
CARDIOVASCULAR FITNESS – Laptop # _____			
Resting Blood Pressure: _____ [OPTIMAL < 120/80 – BORDERLINE HIGH <140/90 – HIGH > 140/90]		Classification:	Staff initial:
Treadmill Test: _____ Total Time: _____ Last Stage Completed: _____		Classification:	Staff initial:
Estimated VO ₂ max (ml/kg/min): _____			
HEARING:			
Results: _____			
VISION (Snellen):			
Corrective Lenses: ☐ Yes ☐ No			
Results: _____			

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

Portal Data Entered _____

Portal Data Edited _____

PHYSICAL EXAMINATION:			
	Normal	Abnormal	Not Examined
Head/Neck			
Eyes			
Ears			
Nose/Mouth/Throat			
Lungs			
Heart			
Abdomen			
Hernia			
Skin			
Musculoskeletal			
Nervous System			
Circulation			
PHYSICAL FINDINGS:			
RECOMMENDATIONS:			
Based on the above findings, this individual has the ability to work while wearing protective equipment: ☐ Yes ☐ No If no please explain:			

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

SIGNATURE

The employee has been informed of the results of this medical evaluation and any medical conditions which require further examination or treatment.

 Medical Practitioner's Signature

 Date

 Printed Name

APPENDIX D

2020 Health Screening Results

LAST, FIRST

Presented By:



Pinnacle Training Systems
THE SCIENTIFIC APPROACH TO YOUR SUCCESS

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

Health Screening

Pinnacle Training Systems provides health screening to assess risk factors associated with heart disease, as well as several other life-threatening conditions. Given the daily stressors and dangers associated with the job of a fire fighter, the risk of heart disease and sudden cardiac death is higher than any other occupation. Health screening is one of the most important tools for disease prevention. A description of the assessments and individual data will be reported below. Pinnacle Training Systems will be a continued health and wellness resource for all members.

Biometrics

	Result	Ideal	Explanation
Height	5'7"		
Weight	181.4		
Blood Pressure	112/70	<120/80mmHg	The American Heart Association guidelines for normal blood pressure is less than 120/80mmHg. Elevated blood pressure is a significant risk factor associated with heart disease, heart attack and stroke
Body Composition	26.7%	<25% Males	Body composition was assessed using a bioelectrical impedance scale which provides an estimated measure of muscle mass and fat mass. Healthy amounts of body fat and muscle mass are important for supporting the health, safety and physical occupational demands of the firefighter.

Cardiovascular Fitness

	Result	Ideal	Explanation
Estimated VO ₂ Max	57.7	≥ 42ml/kg/min	Cardiovascular or aerobic fitness is the most important aspect of health-related fitness parameters. Multiple research studies have recommended that firefighters have an aerobic fitness level of at least 42ml/kg/min in order to perform normal job-related duties without undue stress on the heart. High levels of fitness is also associated with decreased cardiovascular risk

Vision

	Result	Ideal	Explanation: Assessment of vision of distance, near, and peripheral for common visual disorders
Far Vision Both	20/30	20/20	Both Right and Left Eyes
Far Vision OD	20/25	20/20	Oculus Dexter: Right Eye
Far Vision OS	20/30	20/20	Oculus Sinister: Left Eye
Near Vision Both	20/18	20/20	Both Right and Left Eyes
Near Vision OD	20/18	20/20	Oculus Dexter: Right Eye
Near Vision OS	20/18	20/20	Oculus Sinister: Left Eye
Corrective Lenses			

Audiometry

	Result	Ideal	Explanation
Hearing Assessment	Within Normal Limits	Within Normal Limits	An assessment used to determine if hearing is within normal ranges for left and right ears. Due to this being the first assessment year, data represents a baseline reading.

Lipids

	High Risk	Moderate Risk	Low Risk	High Risk Range	Moderate Risk Range	Low Risk Range	Explanation
Total Cholesterol (mg/dL)			191	≥240	200-239	< 200	The total amount of cholesterol in your blood including LDL-C ("the bad") and HDL-C ("the good")
LDL Cholesterol (mg/dL)		103		≥130	100-129	<100	The measure of cholesterol that are carried in your blood by LDL particles. Elevated LDL-C is associated with an increased risk of heart disease
HDL Cholesterol (mg/dL)			56	<40		≥40	The measure of cholesterol that are carried in your blood by HDL particles. Lower levels of HDL-C are associated with an increased risk for heart disease (the higher the better)
Triglycerides (mg/dL)		160		≥200	150-199	<150	Fat in the blood which can be used to provide energy to the body. High triglyceride levels increase the risk of heart disease

Glycemic Control

	High Risk	Moderate Risk	Low Risk	High Risk Range	Moderate Risk Range	Low Risk Range	Explanation
Non-Fasting Glucose (mg/dL)			93	≥200	141-199	≤140	A snapshot of blood glucose (sugar) in a non-fasting state and is a predictor of diabetes risk.
Hemoglobin A1c (%)			5.2	> 6.4	5.7-6.4	4.8-5.6	Provides information on how the body has managed blood glucose levels over the past months. It is a strong predictor of diabetes risk.

Inflammation

	High Risk	Moderate Risk	Low Risk	High Risk Range	Moderate Risk Range	Low Risk Range	Explanation
C-Reactive Protein			0.30	>3.0	1.0-3.0	<1.0	A non-specific acute-phase reactant produced by the liver in response to any inflammation in the body. Can be used to assess the risk of cardiovascular and peripheral vascular disease.

Comprehensive Metabolic Panel

The comprehensive metabolic panel (CMP) is a frequently ordered panel of 14 tests that gives a healthcare provider important information about the status of a person's metabolism, including the health of the kidneys and liver, electrolyte and acid/base balance as well as levels of blood glucose and blood proteins.

	Result	Recommended Reference Interval	Explanation
Creatinine, serum (mg/dL)	1.03	0.76-1.27	waste product produced in the muscles; it is filtered out of the blood by the kidneys, so blood levels are a good indication of how well the kidneys are working
Blood Urea Nitrogen: BUN (mg/dL)	12	6.0-20.0	waste product filtered out of the blood by the kidneys; conditions that affect the kidney have the potential to affect the amount of urea in the blood
BUN: Creatinine Ratio	12	10.0-27.0	a ratio used when concentrations of BUN or Creatinine are abnormally high. An increased ratio can indicate conditions associated with a decrease of blood flow in the kidneys (ie: congestive heart failure, dehydration, increased protein in the diet) and a decreased ratio can be seen in liver disease and malnutrition.
Sodium: Na+ (mmol/L)	140	133.0-145.0	vital to normal body processes, including nerve and muscle function
Potassium: K+ (mmol/L)	4.2	3.5-5.3	vital to cell metabolism and muscle function
Chloride: Cl- (mmol/L)	101	98.0-110	helps to regulate the amount of fluid in the body and maintain the acid-base balance
Carbon Dioxide: CO2 (mmol/L)	26	19.0-31.0	helps to maintain the body's acid-base balance (pH)
Calcium (mg/dL)	9.5	8.8-10.5	one of the most important minerals in the body; it is essential for the proper functioning of muscles, nerves, and the heart and is required in blood clotting and in the formation of bones.
ALT/GPT (U/L)	19	<42.0	enzyme found mostly in the cells of the liver and kidney; a useful test for detecting liver damage
AST/GOT (U/L)	45	<41.0	enzyme found especially in cells in the heart and liver; also, a useful test for detecting liver damage
ALP (U/L)	57	35.0-117.0	enzyme found in the liver and other tissues, bone; elevated levels of ALP in the blood are most commonly caused by liver disease or bone disorders.
Total Bilirubin	0.4	<1.2	waste product produced by the liver as it breaks down and recycles aged red blood cells
Albumin (g/dL)	4.8	3.7-5.1	a small protein produced in the liver; the major protein in serum
Globulin (g/dL)	2.3	1.9-3.5	a group of proteins in the blood that play an important role in liver function and fighting infection
Albumin: Globulin Ratio	2.1	1.15-2.5	a ratio of albumin to globulin calculated by total protein subtracted from albumin.
Total Protein (g/dL)	7.1	6.1-8.0	measures albumin as well as all other proteins in serum

Urinalysis

A urinalysis is a group of physical, and chemical tests that detect several substances in the urine; such as byproducts of metabolism, cells, cellular fragments, and bacteria. Any abnormal levels of any substances should be addressed with your physician.

	Result	Recommended Reference Interval	Explanation
Specific Gravity	1.006	1.005-1.030	A measure of urine concentration.
pH	7.0	5.0-7.5	The Acidity of the Urine
Color	Yellow	Light Yellow	Urine can be a variety of colors, most often shades of yellow, from very pale or colorless to very dark or amber
Appearance	Clear	Clear	Appearance refers to how clear the urine is.
Ketones	Negative	Negative	By-products of fat metabolism. Produced when glucose is not available in the body as an energy source.
Glucose (mg/dL)	Negative	Negative	Glucose (Sugar) that is present in the Urine.
Protein (mg/dL)	Negative	Negative/Trace	The protein test provides a rough estimate of the amount of albumin in the urine.
Bilirubin (mg/dL)	Negative	Negative	Bilirubin is a waste product that is produced by the liver from the hemoglobin of RBCs that are broken down and removed from circulation.
Urobilinogen (mg/dL)	0.2	<2.0	This is formed in the intestine from bilirubin and may return to the bloodstream.
Nitrite	Negative	Negative	This test detects the possibility of bacterial infections.
Leuk. Esterase (wbcs/ μ L)	Negative	Negative	Leukocyte esterase is an enzyme present in most WBCs.
Blood (mg/dL)	Negative	Negative	Blood in the urine is not a normal finding, but it is not uncommon and not necessarily a cause for alarm.

Cancer Screenings

	Result	Recommended Reference Interval	Explanation
Fecal Occult	Negative	Negative	A screening for Colorectal Cancer (CRC). CRC is the third most frequently diagnosed cancer among men and women in the US. This test is designed as a preliminary screening and a positive result should be further evaluated with a physician.
PSA	0.9	0.0-4.0	The PSA test is used primarily to screen for prostate cancer. A PSA test measures the amount of prostate-specific antigen (PSA) in the blood. There are many other conditions, such as an enlarged or inflamed prostate, that can also increase PSA levels

CBC

The CBC with Automated Differential Blood Test reports of 20 different blood values that evaluates the cells that circulate in blood. Your blood consists of three types of cells: white blood cells (WBCs), red blood cells (RBCs), and platelets (PLTs). The results of a CBC can provide information about not only the number of cell types but also can give an indication of the physical characteristics of some of the cells. Significant abnormalities in one or more of the blood cell populations can indicate the presence of one or more conditions that would need to be addressed by a Physician.

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

	Result	Recommended Reference Interval	Explanation
WBC ($\times 10^3/\mu\text{L}$)	4.6	4.0-10.5	White blood cells, also called leukocytes, they help protect against infections, inflammation, allergic responses, and cancer.
RBC ($\times 10^3/\mu\text{L}$)	5.03	4.1-5.6	Red blood cells, also called erythrocytes, contain hemoglobin, a protein that transports oxygen throughout the body.
Hemoglobin (g/dL)	14.6	12.5-17.0	Hemoglobin is the iron-containing protein that enable RBCs to bind to oxygen and carry it to tissues and organs throughout the body.
Hematocrit (%)	43.2	36.0-50.0	The hematocrit is a ratio of the volume of red blood cells to the volume of the whole blood.
MCV (fL)	86.0	80.0-98.0	Mean corpuscular volume (MCV) is a measurement of the average size of a single red blood cell.
MCH (pg)	29.0	27.0-34.0	Mean corpuscular hemoglobin (MCH) is the average amount of hemoglobin inside a single red blood cell.
MCHC (g/dL)	33.8	32.0-36.0	Mean corpuscular hemoglobin concentration (MCHC) is the average concentration of hemoglobin inside a single red blood cell.
RDW (%)	14.0	11.7-15.0	Red cell distribution width (RDW) is the variation in the size of RBCs.
Platelets ($\times 10^3/\mu\text{L}$)	207	140.0-415.0	Platelets, also called thrombocytes, are tiny fragmentary cells that are essential for normal blood clotting.
Neutrophils (%)	55	40.0-74.0	Normally the most abundant type of WBC in the body
Lymphocytes (%)	32	14.0-46.0	A WBC that produce antibodies, and T cells, which recognize foreign substances and process them for removal.
Monocytes (%)	10	4.0-13.0	A WBC responsible for the ingestion of bacteria and other foreign particles.
Eosinophils (%)	3	0.0-7.0	A WBC that aids in allergic responses and in resisting some infections.
Basophils (%)	0	0.0-3.0	A WBC that may increase or decrease in certain diseases.
Neutrophils (absolute) ($\times 10^3/\mu\text{L}$)	2.6	1.8-7.8	Normally the most abundant type of WBC in the body
Lymphocytes (absolute) ($\times 10^3/\mu\text{L}$)	1.5	0.7-4.5	A WBC that produce antibodies, and T cells, which recognize foreign substances and process them for removal.
Monocytes (absolute) ($\times 10^3/\mu\text{L}$)	0.5	0.1-1.0	A WBC responsible for the ingestion of bacteria and other foreign particles.
Eosinophils (absolute) ($\times 10^3/\mu\text{L}$)	0.1	0.0-0.4	A WBC that aids in allergic responses and in resisting some infections.
Basophils (absolute) ($\times 10^3/\mu\text{L}$)	0.0	0.0-0.2	A WBC that may increase or decrease in certain diseases.
Immature Granulocytes (absolute) ($\times 10^3/\mu\text{L}$)	0.0	0.0-0.1	Immature WBCs, more specifically, immature Neutrophils, Eosinophils, and Basophils

Physical Examination

	Normal	Abnormal	Not Examined
Head/Neck	X		
Eyes	X		
Ears	X		
Nose/Mouth/Throat	X		
Lungs	X		
Heart	X		
Abdomen	X		
Hernia	X		
Skin	X		
Musculoskeletal	X		
Nervous System	X		
Circulation	X		

Physical Findings

None to report.

Physical Recommendations

None to report.

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)

Functional Movement Screening

TEST		RAW SCORE	FINAL SCORE	COMMENTS
DEEP SQUAT		2	2	3: Torso parallel w/tibia or vert, below horizontal, knees align w/feet, dowel aligned over feet 2: All above but w/feet elevated on board 1: Knees track inside feet, dowel not aligned over feet, not below horizontal, torso not parallel or vertical
HURDLE STEP	L	2	2	3: Hips, knees, ankles aligned, neutral lumbar spine, dowel hurdle parallel 2: alignment lost bet hips/knees/ankles, move in lumbar spine, dowel/hurdle not parallel 1: cannot clear hurdle/loss of balance
	R	2		
INLINE LUNGE W/ Ankle Mobility Clearing Test	L	3 - Y	3	3: Dowel maintain contact & vertical, min torso move, remain in sag plane, knee touches board, front foot flat and in start position 2: Dowel not vert and contact lost, move in torso, dowel/feet not in sag plane, knee does not hit center board, front foot not in start position 1: Inability to complete, get into set up position, loss of balance, stepping off board
	R	3 - G		
SHOULDER MOBILITY	L	3	3	3: fists w/in 1 hand length 2: fists w/in 1.5 hand lengths 1: fists within > 1.5 hand lengths
	R	3		
SHOULDER CLEARING TEST	L +/-	—		
	R +/-	—		
ACTIVE STRAIGHT-LEG RAISE	L	1	1	3: Vet line of ankle between mid-thigh & ASIS 2: Vert line of ankle between mid-thigh & mid-patella 1: Vert line of ankle below mid-patella (non-moving line = neutral for 1-3 score)
	R	1		
TRUNK STABILITY PUSHUP		3	3	3: Men-thumbs @ forehead Women @ chin, body lifts as 1-unit w/no lag 2: Med-thumbs @ chin Women @ clavicle, body lifts as 1-unit w/no lag 1: Med- unable to perform @ chin, Women- unable to perform @ clavicle
EXTENSION CLEARING TEST	+/-	—		
ROTARY STABILITY	L	2	2	3: Unilateral rep performed w/unilateral limbs over board w/out touching down 2: Unilateral rep performed w/unilateral limbs over board w/out touching down (With modification) 1: Inability to perform diagonal repetition
	R	2		
FLEXION CLEARING TEST	+/-	—		
TOTAL SCREEN SCORE		16		

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)



FMS

FUNCTIONAL MOVEMENT SCREEN SCORESHEET

Hand Measurements:

Tibial Tuberosity
Measurement:

1 Hand Length:

1.5 Hand Lengths:

TEST		RAW SCORE	FINAL SCORE	COMMENTS	NOTES
DEEP SQUAT				3: Torso parallel w/tibia or vert, below horizontal, knees align w/feet, dowel aligned over feet 2: All above but w/feet elevated on board 1: Knees track inside feet, dowel not aligned over feet, not below horizontal, torso not parallel or vertical	
HURDLE STEP	L			3: Hips, knees, ankles aligned, neutral lumbar spine, dowel hurdle parallel 2: alignment lost bet hips/knees/ankles, move in lumbar spine, dowel/hurdle not parallel 1: cannot clear hurdle/loss of balance	
	R				
INLINE LUNGE W/Ankle Mobility Clearing Test	L			3: Dowel maintain contact & vertical, min torso move, remain in sag plane, knee touches board, front foot flat and in start position 2: Dowel not vert and contact lost, move in torso, dowel/feet not in sag plane, knee does not hit center board, front foot not in start position 1: Inability to complete, get into set up position, loss of balance, stepping off board	
	R				
SHOULDER MOBILITY	L			3: fists w/in 1 hand length 2: fists w/in 1.5 hand lengths 1: fists within > 1.5 hand lengths	
	R				
SHOULDER CLEARING TEST	L +/-				
	R +/-				
ACTIVE STRAIGHT- LEG RAISE	L			3: Vet line of ankle between mid-thigh & ASIS 2: Vert line of ankle between mid-thigh & mid-patella 1: Vert line of ankle below mid-patella (non-moving line = neutral for 1-3 score)	
	R				
TRUNK STABILITY PUSHUP				3: Men-thumbs @ forehead Women @ chin, body lifts as 1-unit w/no lag 2: Med-thumbs @ chin Women @ clavicle, body lifts as 1-unit w/no lag 1: Med- unable to perform @ chin, Women- unable to perform @ clavicle	
EXTENSION CLEARING TEST	+/-				
ROTARY STABILITY	L			3: Unilateral rep performed w/unilateral limbs over board w/out touching down 2: Performs correct unilateral rep, but with modifications. 1: Inability to perform unilateral repetition	
	R				
FLEXION CLEARING TEST	+/-				
TOTAL SCREEN SCORE					

Attachment: Pinnacle RFP (FIRE: Contract for Annual OSHA Physicals)



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: A
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SUBJECT:

Public Works: Approval of a Sole Source Contract with TelStar Instruments of Hanford, CA in the amount of \$62,686.00, for the purchase and installation of one chlorine building and associated electrical, instrumentation and programming to complete the chlorine injection system at Well 38 and approve the appropriation of \$62,686.00 from Water Capital Reserves to fund the project. (Location: Hidden Valley Park)

RECOMMENDATION:

The City Council, by motion,

1. Approve a sole source contract with TelStar Instruments of Hanford, CA in the amount of \$62,686.00 for the purchase and installation of one chlorine building, and associated electrical, instrumentation and programming to complete the chlorine injection system at Well 38; and
2. Appropriate \$62,686.00 from the Water Capital reserves to fund the project.

BACKGROUND:

In 2014, the City of Hanford was required to chlorinate the water distribution system. At that time, chlorination facilities were installed at all active water supply wells throughout the city except Well 38 due to its location and its limited use. TelStar was the contractor awarded to complete that project.

Operationally, now that this well is being pumped directly into Tank No. 6 to assist in providing better system performance than if it was pumped directly to the system, the State Water Resources Control Board is requiring the City to install a chlorine injection system at Well 38 which will allow Tank 6 and the City system to be properly disinfected.

Staff is requesting that the Council approve the sole source purchase from TelStar Instruments of Hanford, CA because of the benefits of maintaining the same parts for the injection pumps and the control modules for communication and connection to the City's SCADA system.

FISCAL IMPACT:

The FY 21 Water Capital Budget does not include this project. An appropriation of \$62,686.00 from the Water Capital Reserves is necessary to complete this project. The unencumbered fund balance in the Water Capital Reserve is shown below:

Water Capital Reserve	
July 1, 2019 Fund Balance	\$7,038,219
Encumberances (CIP Projects)	\$3,026,024
Unencumbered Fund Balance	\$4,012,195

ATTACHMENTS:

Well 38



Contractor License #422364
Contractor DIR #1000000899

**CONTROL SYSTEM INTEGRATION • INSTRUMENTATION SERVICES
SCADA/AUTOMATION • PLC/HMI • ELECTRICAL • CALIBRATION • MAINTENANCE**

February 24, 2021

Hanford PW
900 S. 10th Ave.
Hanford, CA 93230
Sent via Email: rwilliams@cityofhanfordca.com

Attn: Bob Williams
Subject: Well 38 Chlorine Injection System
Reference: SR 20-37926

Drawings: N/A
Specifications: N/A

Dear Bob,

Telstar Instruments ("Telstar") is pleased to provide a quote for the referenced project to the above identified purchaser ("Customer"). Well 38 Chlorine Injection System. (To provide and install a new Chlorine Building, and associated electrical, instrumentation and programming to complete the chlorine injection system at well 38.) The new Injection System will be integrated into the existing SCADA system for indication and control.

By accepting this proposal from Telstar, you agree to treat this as confidential information.

SCOPE OF SUPPLY / SERVICES:

1. Supply and install one (1) custom Chlorine Building similar to the existing Well Sites. The building will include the following equipment:
 - a. Install one (1) 500 Gallon Double Containment Tank. **Provided by the City.**
 - b. One (1) Chlorine Analyzer.
 - c. One (1) Peristaltic Pump. **Provided by the City.**
 - d. One (1) each of the following: Interior Lights, Exhaust Fan, Intrusion Alarm, Exterior Motion Light.
2. Supply and install one (1) eyewash station/safety shower.
3. Supply and install one (1) analog output card for existing PLC to allow integration into the SCADA System.
4. Run new power and signal conduits to the building from the existing PLC and MCC for provided equipment, pull wire, and terminate.

1717 Solano Way, Unit 34, **Concord**, CA 94520 Phone 925-671-2888, Fax 925-671-9507
4017 Vista Park Court, **Sacramento**, CA 95834 Phone 916-646-1999, Fax 916-646-1096
202 South Douty Street, **Hanford**, CA 93230 Phone 559-584-7116, Fax 559-584-8028



Contractor License #422364
Contractor DIR #100000899

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5. Run new ¾" water line from the existing tap in the vault to the analyzer and eyewash.
6. Run drain line for analyzer. **Note:** Location to be determine by the city.
7. Run new 3/8" tubing for the injection line sleeved in conduit from the shed to the injection point.

Note: City will supply and install a new concrete vault and saddle for the chemical injection quill. Telstar will assist the city personal as needed.

8. Program/configure analyzer and peristaltic Pump.
9. Program well 38 PLC. Program SCADA to match existing chemical feed systems.
10. Start-up and Testing.

Lump Sum Price for this Scope.....\$62,686.00

Shipping and Handling for Telstar Supplied Materials IS INCLUDED

Sales Tax IS INCLUDED

This quotation is based on Customer's representation that this IS a prevailing wage project.

CLARIFICATIONS, EXCEPTIONS, AND EXCLUSIONS

- a. This quotation is based on the inclusion of Telstar's standard Terms and Conditions as part of any purchase order, contract or other agreement.
- b. Telstar's quotation includes only those items listed above. Requests for additions/deletions from our scope will require a change in the quoted price.
- c. Telstar assumes no responsibility for performance, applicability, compatibility, start-up, testing, or acceptance of any equipment not furnished by Telstar under this proposal.
- d. Telstar is supplying only equipment specified and noted above.
- e. Please reference the above stated quote number in all correspondence and purchase orders.
- f. City will supply and install new concrete vault and saddle for the chemical injection quill. Telstar will assist the city personal as needed.

TERMS AND CONDITIONS

Base Terms: Quotation is valid for 30 days from the date of Telstar's quotation. Payment is due and payable 30 days from date of invoice. If payment is not received by the 30th day, a .05% daily service charge (18-3/4% per annum) will be charged on all accounts past due. In the event of a dispute concerning payment, attorney's fees, court costs and costs of collection will be paid to the prevailing party. The cost for permits and bonding are excluded unless expressly referenced in Telstar's quotation. Our standard insurance applies unless agreed to in writing by Telstar. Telstar's standard one year parts only warranty applies to this quotation. All other warranties, express or implied, or referenced elsewhere in contract documents are excluded, including but not limited to implied warranties of merchantability or fitness for purpose. Unless expressly stated in Telstar's estimate, this quote is based on standard straight time hours and does not include any prevailing wage rates. The price quoted herein is for the labor and



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materials specifically listed within the body of this quote. Service calls are charged at a 4-hour minimum per person, excluding travel time. Unless expressly stated in the quotation, training, operation and maintenance manuals, and preparation of as built drawings are excluded from Telstar's scope of work.

Limitation of Liability: (a) In no event shall Telstar, its suppliers or subcontractors be liable for special, indirect, incidental or consequential damages, whether in contract, warranty, tort, negligence, strict liability or otherwise, including, but not limited to, loss of profits or revenue, loss of use of the Equipment or any associated equipment, cost of capital, cost of substitute equipment, facilities or services, downtime costs, delays, and claims of customers of Customer, its officers, directors, members employees or any third parties for any damages. Telstar's liability for any claim whether in contract, warranty, tort, negligence, strict liability, or otherwise for any loss or damage arising out of, connected with, or resulting from this Agreement or the performance or breach thereof, or from the design, manufacture, sale, delivery, resale, repair, replacement, installation, technical direction of installation, inspection, operation or use of any equipment covered by or furnished under this Agreement, or from any services rendered in connection therewith, shall in no case exceed twenty-five percent (25%) of the purchase price allocable to the Equipment, part or Services that is the subject of the claim. (b) All causes of action against Telstar Instruments arising out of or relating to this Agreement or the performance or breach hereof shall be deemed barred unless brought within one year from the date of discovery or other accrual. (c) In no event, regardless of cause, shall Telstar Instruments be liable for liquidated damages, offsets or penalties of any kind or to indemnify, defend or hold harmless Customer, its officers, directors, members, employees or any third party, arising from or related to the Equipment and/or Services provided by Telstar.

Force Majeure: Telstar shall neither be liable for loss, damage, detention or delay nor be deemed to be in default for failure to perform when prevented from doing so by causes beyond its reasonable control including but not limited to acts of war (declared or undeclared), Acts of God, fire, strike, labor difficulties, acts or omissions of any governmental authority or of Customer, compliance with government regulations, insurrection or riot, embargo, delays or shortages in transportation or inability to obtain necessary labor, materials, or manufacturing facilities from usual sources or from defects or delays in the performance of its suppliers or subcontractors due to any of the foregoing enumerated causes. In the event of delay due to any such cause, the date of delivery will be extended by period equal to the delay plus a reasonable time to resume production, and the price will be adjusted to compensate Telstar Instruments for such delay.

Cancellation: In the event of cancellation by Customer, Customer agrees to fully reimburse and compensate Telstar for all costs associated with this Quotation or subsequent order, including but not limited to engineering, labor, materials, quote and estimating time, and product return fees, plus a ten percent (10%) markup to compensate for disruption in scheduling, planned production, indirect costs and profit. Payment for cancellation shall be due within ten (10) days from the date of submission of charges by Telstar.

Entire Agreement: This Quotation constitutes the entire agreement between Telstar and Customer. There are no agreements, understandings, restrictions, warranties, or representations between Telstar and Customer other than those set forth herein or herein provided. This Quotation may only be amended, changed or revised by a written amendment signed by an authorized representative of Telstar. No oral or implied agreements shall be of any force or affect.

Precedence: In the event Telstar is issued an authorization for work, Purchase Order, Contract or similar Agreement with conflicting Terms and Conditions than those set forth herein, these Terms and Conditions will shall take precedence and shall supersede any and all other conflicting Terms and Conditions.

Submittals: In the event Telstar receives a Notice to Proceed or a written statement to proceed with submittals, Telstar will be entitled to compensation based on percent of completion of submittal cost to Customer. Telstar will prepare only one set of submittals, and any resubmittals shall be subject to an additional charge for engineering time and other costs in preparing re-submittals.

Prevailing Wages: Telstar relies upon Customer's representations as to whether this Project requires payment of prevailing wages. Customer agrees to defend, indemnify and hold Telstar harmless from and against any and all claims, actions and demands, including but not limited to payment of legal fees, fines, back pay, and any penalties

Attachment: Well 38 (PW: Well 38 Chlorination Project)



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or interest, associated with Customer's inaccurate representation of whether prevailing wages are required to be paid.

Bonding: Cost of Bonding is not included. Contact Telstar for a quote if bonding is required.

We look forward to working with you on this project. If you have any questions, please contact me at the phone number below.

Sincerely,

Konor Meeks
Hanford Branch Manager
Telstar Instruments
(559) 584-7116

Attachment: Well 38 (PW: Well 38 Chlorination Project)



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: B
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SUBJECT:

Public Works: Approval of a Sole Source Contract with TelStar Instruments of Hanford, CA in the amount of \$21,289.00, for the purchase and installation of one Altivar 630 VFD including the programming, start-up and testing at Well 41 and appropriation of \$21,289.00 from Water Capital Reserves to fund the project. (Location: 11274 W. Fargo Ave.)

RECOMMENDATION:

The City Council, by motion,

1. Approve a contract with TelStar Instruments of Hanford, CA in the amount of \$21,289.00 for the purchase and installation of one Altivar 630 Variable Frequency Drive ("VFD") including the programming, start-up and testing at Well No. 41;
2. Appropriate \$21,289.00 from the Water Capital reserves to fund the project.

BACKGROUND:

Well No. 41, located at 11274 W. Fargo, was installed in 1998 and utilized the pump and the VFD from an existing well site that was no longer compliant with State and Federal Drinking Water Standards. That existing VFD has recently failed and parts are unavailable to make the necessary repairs. The purchase of a new VFD for Well No. 41 is necessary to supply water primarily to the northeast side of the distribution system.

TelStar Instruments was able to locate a replacement VFD since this repair is considered an emergency due to the upcoming seasonal demand for water. As a result of the time constraints, the Public Works Director and the City Manager authorized the expenditure due to the need to ensure water supply during the impending seasonal demand.

This approval is necessary to ensure compliance with the Council's current purchasing policy.

FISCAL IMPACT:

The FY 21 Water Capital Budget does not include this project. An appropriation of \$21,289.00 from the Water Capital Reserves is necessary to complete this project. The unencumbered fund balance in the Water Capital Reserve is shown below:

Water Capital Reserve	
July 1, 2019 Fund Balance	\$7,038,219
Encumbrances (CIP Projects)	\$3,026,024
Unencumbered Fund Balance	\$4,012,195

ATTACHMENTS:

Well 41 VFD Telestar Quote



Contractor License #422364
Contractor DIR #1000000899

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February 17, 2021

Hanford PW
900 S. 10th Ave.
Hanford, CA 93230
Sent via Email: rwilliams@cityofhanfordca.com

Attn: Bob Williams
Subject: Well 41 VFD
Reference: SR 20-37909

Dear Bob,

Telstar Instruments ("Telstar") is pleased to provide a quote for the referenced project to the above identified purchaser ("Customer"). Well 41 VFD.

By accepting this proposal from Telstar you agree to treat this as confidential information.

SCOPE OF SUPPLY / SERVICES

1. Telstar will remove existing VFD.
2. Telstar will provide and install one (1) Altivar 630 VFD.
3. Telstar will program and commission the VFD.
4. Start-up and Testing included.

Lump Sum Price for this Scope.....\$21,289.00

Shipping and Handling for Telstar Supplied Materials IS INCLUDED

Sales Tax IS INCLUDED

This quotation is based on Customer's representation that this IS a prevailing wage project.

CLARIFICATIONS, EXCEPTIONS, AND EXCLUSIONS

- a. This quotation is based on the inclusion of Telstar's standard Terms and Conditions as part of any purchase order, contract or other agreement.
- b. Telstar's quotation includes only those items listed above. Requests for additions/deletions from our scope will require a change in the quoted price.

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4017 Vista Park Court, **Sacramento**, CA 95834 Phone 916-646-1999, Fax 916-646-1096
202 South Douty Street, **Hanford**, CA 93230 Phone 559-584-7116, Fax 559-584-8028



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- c. Telstar assumes no responsibility for performance, applicability, compatibility, start-up, testing, or acceptance of any equipment not furnished by Telstar under this proposal.
- d. Telstar is supplying only equipment specified and noted above.
- e. Please reference the above stated quote number in all correspondence and purchase orders.

TERMS AND CONDITIONS

Base Terms: Quotation is valid for 30 days from the date of Telstar's quotation. Payment is due and payable 30 days from date of invoice. If payment is not received by the 30th day, a .05% daily service charge (18-3/4% per annum) will be charged on all accounts past due. In the event of a dispute concerning payment, attorney's fees, court costs and costs of collection will be paid to the prevailing party. The cost for permits and bonding are excluded unless expressly referenced in Telstar's quotation. Our standard insurance applies unless agreed to in writing by Telstar. Telstar's standard one year parts only warranty applies to this quotation. All other warranties, express or implied, or referenced elsewhere in contract documents are excluded, including but not limited to implied warranties of merchantability or fitness for purpose. Unless expressly stated in Telstar's estimate, this quote is based on standard straight time hours and does not include any prevailing wage rates. The price quoted herein is for the labor and materials specifically listed within the body of this quote. Service calls are charged at a 4-hour minimum per person, excluding travel time. Unless expressly stated in the quotation, training, operation and maintenance manuals, and preparation of as built drawings are excluded from Telstar's scope of work.

Limitation of Liability: (a) In no event shall Telstar, its suppliers or subcontractors be liable for special, indirect, incidental or consequential damages, whether in contract, warranty, tort, negligence, strict liability or otherwise, including, but not limited to, loss of profits or revenue, loss of use of the Equipment or any associated equipment, cost of capital, cost of substitute equipment, facilities or services, downtime costs, delays, and claims of customers of Customer, its officers, directors, members employees or any third parties for any damages. Telstar's liability for any claim whether in contract, warranty, tort, negligence, strict liability, or otherwise for any loss or damage arising out of, connected with, or resulting from this Agreement or the performance or breach thereof, or from the design, manufacture, sale, delivery, resale, repair, replacement, installation, technical direction of installation, inspection, operation or use of any equipment covered by or furnished under this Agreement, or from any services rendered in connection therewith, shall in no case exceed twenty-five percent (25%) of the purchase price allocable to the Equipment, part or Services that is the subject of the claim. (b) All causes of action against Telstar Instruments arising out of or relating to this Agreement or the performance or breach hereof shall be deemed barred unless brought within one year from the date of discovery or other accrual. (c) In no event, regardless of cause, shall Telstar Instruments be liable for liquidated damages, offsets or penalties of any kind or to indemnify, defend or hold harmless Customer, its officers, directors, members, employees or any third party, arising from or related to the Equipment and/or Services provided by Telstar.

Force Majeure: Telstar shall neither be liable for loss, damage, detention or delay nor be deemed to be in default for failure to perform when prevented from doing so by causes beyond its reasonable control including but not limited to acts of war (declared or undeclared), Acts of God, fire, strike, labor difficulties, acts or omissions of any governmental authority or of Customer, compliance with government regulations, insurrection or riot, embargo, delays or shortages in transportation or inability to obtain necessary labor, materials, or manufacturing facilities from usual sources or from defects or delays in the performance of its suppliers or subcontractors due to any of the foregoing enumerated causes. In the event of delay due to any such cause, the date of delivery will be extended by period equal to the delay plus a reasonable time to resume production, and the price will be adjusted to compensate Telstar Instruments for such delay.

Cancellation: In the event of cancellation by Customer, Customer agrees to fully reimburse and compensate Telstar for all costs associated with this Quotation or subsequent order, including but not limited to engineering, labor, materials, quote and estimating time, and product return fees, plus a ten percent (10%) markup to compensate for

Attachment: Well 41 VFD Telstar Quote (PW: Well 41 VFD Purchase)



Contractor License #422364
Contractor DIR #100000899

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disruption in scheduling, planned production, indirect costs and profit. Payment for cancellation shall be due within ten (10) days from the date of submission of charges by Telstar.

Entire Agreement: This Quotation constitutes the entire agreement between Telstar and Customer. There are no agreements, understandings, restrictions, warranties, or representations between Telstar and Customer other than those set forth herein or herein provided. This Quotation may only be amended, changed or revised by a written amendment signed by an authorized representative of Telstar. No oral or implied agreements shall be of any force or affect.

Precedence: In the event Telstar is issued an authorization for work, Purchase Order, Contract or similar Agreement with conflicting Terms and Conditions than those set forth herein, these Terms and Conditions will shall take precedence and shall supersede any and all other conflicting Terms and Conditions.

Submittals: In the event Telstar receives a Notice to Proceed or a written statement to proceed with submittals, Telstar will be entitled to compensation based on percent of completion of submittal cost to Customer. Telstar will prepare only one set of submittals, and any resubmittals shall be subject to an additional charge for engineering time and other costs in preparing re-submittals.

Prevailing Wages: Telstar relies upon Customer's representations as to whether this Project requires payment of prevailing wages. Customer agrees to defend, indemnify and hold Telstar harmless from and against any and all claims, actions and demands, including but not limited to payment of legal fees, fines, back pay, and any penalties or interest, associated with Customer's inaccurate representation of whether prevailing wages are required to be paid.

Bonding: Cost of Bonding is not included. Contact Telstar for a quote if bonding is required.

We look forward to working with you on this project. If you have any questions, please contact me at the phone number below.

Sincerely,

Felipe Martinez
Electrical Engineer / IC&E Specialist
Telstar Instruments
(559) 584-7116

Attachment: Well 41 VFD Telstar Quote (PW: Well 41 VFD Purchase)



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: C
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SUBJECT:

Public Works: Authorization to purchase the property located southeast of E Whitney Drive, 300 ft south of E Ivy Street from Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the Lavenson-Avedisian Trust, as shown on the attached map, in the amount of \$328,050 plus escrow fees; accept the attached Grant Deed and authorize the City Manager to execute and the City Clerk to attest; and file said deeds with the Kings County Recorder's Office, and accept the attached Purchase and Sale Agreement and authorize City staff to execute said agreement. (APN 014-221-026 & 014-221-020).

RECOMMENDATION:

That the City Council, by motion:

1. Authorize the purchase of property for a future basin located southeast of E Whitney Drive, 300 ft south of E Ivy Street from Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the Lavenson-Avedisian Trust, as shown on the attached map, in the amount of \$328,050 plus escrow fees.
2. Accept the attached Grant Deed and authorize the City Manager to execute and the City Clerk to attest and file said deeds with the Kings County Recorder's Office.
3. Accept the attached Purchase and Sale Agreement and authorize City staff to execute said agreement.

BACKGROUND:

The City intends to use this property to build a drainage basin for the upcoming widening of East Lacey Boulevard. The project will involve the widening and reconstruction of East Lacey Boulevard, between 10th Avenue and Sierra Drive, to facilitate two lanes in each direction of travel plus turn lanes. Improvements will include the reconstruction of existing pavement sections, installation of a new drainage collection/disposal system, installation of curbs, gutters, sidewalks, drive approaches and ADA ramps, and the installation of a traffic signal system at East Lacey Boulevard and Ninth Avenue.

FISCAL IMPACT:

The FY 20/21 Transportation Capital Improvement Program Budget provided \$420,000 for land acquisition for this project. A copy of the budget page is attached for Council review.

ATTACHMENTS:

Purchase and Sale Agreement
Lavens-Avedisian Grant Deed
COH-LAVENSON BASIN MAP
FY21 Budget Page

PORTION OF PARCEL NO.: 014-221-026 & 014-221-020

PROJECT: City of Hanford – Lacey Drainage Basin in East Hanford

**OWNER: Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the
Lavenson-Avedisian Trust Under Declaration Dated April 16, 1997**

PURCHASE AND SALE AGREEMENT

THIS AGREEMENT is made and entered into by and between

Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the Lavenson-Avedisian Trust
Under Declaration Dated April 16, 1997

(hereinafter called "Grantor"), and

The City of Hanford, a Municipal Corporation,

(hereinafter called "City").

Instruments in the form of a Grant Deed ("Deed") covering the property particularly described therein ("Property"), will be executed concurrently with this Agreement and delivered to City representatives.

In consideration of which, and other considerations hereinafter set forth, it is mutually agreed as follows:

1. The parties have herein set forth the whole of their agreement. The performance of this Agreement constitutes the entire consideration for said document and shall relieve the City of all further obligation or claims on this account, or on account of the location, grade or construction of the proposed public improvement, except as stated in Paragraphs 2.E. and 2.F. below.
2. The City shall:
 - A. PAYMENT - Pay to the order of the Grantor the sum of **\$328,050.00** as consideration in full for the Property, for the loss, replacement and moving of any improvements, and for entering into this Agreement. Said sum shall be paid when title to the Property has vested in City free and clear of all liens, encumbrances, assessments, easements and leases recorded or unrecorded, except for recorded public utility easements and public right of way.
 - B. RECORDATION OF INSTRUMENT - Accept the Deed and cause the same to be recorded in the office of the Kings County Recorder at such time as when clear title can be conveyed.

C. MISCELLANEOUS COSTS - Pay any escrow, title insurance, and recording fees incurred in this transaction. The cost to rewrite the Grantor's remaining properties legal descriptions are included in the agreement payment sum.

D. CLEARANCE OF BONDS, ASSESSMENTS, OR DELINQUENT TAXES - Have the authority to deduct and pay from the amount shown in Clause 2.A. above any amount necessary to satisfy any bond demands and delinquent taxes due in any year except the year in which the Deeds record, together with penalties and interest thereon, and/or delinquent and unpaid non-delinquent assessments which have become a lien as of the date of recordation of the Deeds.

E. CONSTRUCTION AND RESTORATION - The City shall, upon completion of basin construction, generally restore Grantor's remaining real property to a comparable or better condition than which existed prior to City's project construction, to the extent reasonably practical. At no expense to the Grantor, City will relocate Grantor's existing impacted fences to the new property line. Permission is hereby granted to City or its authorized agent to enter on Grantor's land to relocate any fences as described herein. Grantor understands and agrees that after completion of the work described, said fences will be considered as Grantor's sole property and Grantor will be responsible for their future maintenance and repair.

F. INDEMNIFICATION - Indemnify and hold harmless Grantor from any and all claims, damages, costs, judgments, or liability proximately caused by City or its officers, employees, or agents specifically arising from City construction and restoration work on the Property.

3. The Grantor:

A. PAYMENT ON MORTGAGE OR DEED OF TRUST - Agrees that any or all monies payable under this Agreement up to and including the total amount of the unpaid principal and interest on the note(s) secured by mortgage(s) or deed(s) of trust, if any, and all other amounts due and payable in accordance with the terms and conditions of said mortgage(s) or deed(s) of trust, shall upon demand(s) be made payable to the mortgagee(s) or beneficiary(s) entitled thereunder. Grantor shall cooperate with the Escrow Officer in obtaining lien clearance documents from any and all creditors holding liens against the Property.

B. LEASE INDEMNIFICATION - Warrants there are no oral or written leases on all or any portion of the Property, or if there are such leases, Grantor agrees to hold the City harmless and reimburse City for any and all of its losses and expenses occasioned by reason of any lease of said Property held by tenant of Grantor.

C. PERMISSION TO ENTER - Hereby grants to the City, its agents and contractors, permission to enter the Property prior to the close of escrow for the purposes of preparation for the construction of the City's facilities, subject to all applicable terms and conditions contained in this Agreement and the associated Deed.

D. TITLE INDEMNITY AND WARRANTY - In consideration of the City waiving the requirements to clear any defects and imperfections in all matters of record title, the Grantor indemnifies and holds the City harmless from any and all claims that other parties may make or assert on the title to the Property. Grantor's obligation to indemnify the City shall not exceed the amount paid to the Grantor under this Agreement. Grantor hereby represents and warrants that he/she/they are the sole vested owners of the Property, holding all ownership and possessory rights, and are the authorized signatories to grant the rights referenced in this Agreement without conflict or claims from other parties.

E. HAZARDOUS SUBSTANCES - Represents and warrants, to the best of Grantor's knowledge, and after reasonable inquiry, the following:

During Grantor's ownership of the Property, Grantor knows of no disposal, releases, or threatened releases of hazardous substances on, from, or under the Property or Grantor's remaining adjacent property. Grantor further represents and warrants that Grantor has no knowledge of disposal, release, or threatened release of hazardous substances on, from, or under the Property, or Grantor's remaining adjacent property, which may have occurred prior to Grantor's ownership.

There is no pending claim, lawsuit, agency proceeding, or any administrative challenge concerning the presence or use of hazardous substances on or within the Property or Grantor's remaining adjacent property.

Grantor has not used the Property, or Grantor's remaining adjacent property, for any industrial operations that use hazardous substances. Grantor is not aware of any prior use of such property. Grantor has not installed any underground storage tanks, above ground storage tanks, barrels, sumps, impoundments or other containers used to contain hazardous substances on any part of the Property or Grantor's remaining adjacent property. Grantors are not aware of any such prior installations. The purchase price of the Property being acquired reflects the fair market value of the Property without the presence of contamination. If the Property is found to be contaminated by the presence of hazardous substances which require mitigation under Federal or State law, City may elect to recover its cleanup costs from those who caused or contributed to the contamination.

F. TAX REPORTING AND WITHHOLDING - The Foreign Investment in Real Property Tax Act of 1980 ("FIRPTA"), as amended by the Tax Reform Act of 1984, places special requirements for tax reporting and withholding on the parties to a real estate transaction where the transferor (Grantor) is a non-resident alien or non-domestic corporation or partnership, or is a domestic corporation or partnership controlled by a non-resident or non-resident corporation or partnership. In accordance with the provisions of Section 1445 of the Internal Revenue Code of 1954, as amended, and any regulations promulgated thereunder, Grantor shall execute an affidavit under penalty of perjury setting forth Grantor's name, address, federal tax identification number, and certifying whether Grantor is a "foreign person" in accordance with the provisions of the Internal Revenue Code. Further, tax

withholding may be required in accordance with the California Revenue and Taxation Code Section 18662. It is specifically understood and agreed by Grantor that closing of this escrow is subject to, and contingent upon, deposit into escrow of a FIRPTA Affidavit of Non-Foreign Status and a California Form 593-C,

Real Estate Withholding Certificate and associated required paperwork, completed and signed by Grantor, and Escrow Agent is hereby authorized and instructed to withhold from Grantor's proceeds amounts so required by these laws and to forward any amounts withheld to the appropriate taxing authority.

4. The Parties agree:

A. ESCROW - At City's option, to open an escrow in accordance with this Agreement at an escrow company of City's choice. Opening an escrow shall be at City's sole discretion and City may decide to process this transaction without the use of an escrow agent. However, if an escrow agent is utilized, this Agreement constitutes the joint escrow instructions of City and Grantor, and the escrow agent to whom these instructions are delivered is hereby empowered to act under this Agreement. The parties hereto agree to do all acts necessary to close this escrow in the shortest possible time.

If an escrow is utilized, as soon as possible after opening of escrow, City will deposit the executed Deeds by Grantor, with Certificate of Acceptance attached, with the escrow agent on Grantor's behalf. City agrees to deposit the purchase price upon demand of escrow agent. City and Grantor agree to deposit with escrow agent all additional instruments as may be necessary to complete this transaction. All funds received in this escrow shall be deposited with other escrow funds in a general escrow fund account(s) and may be transferred to any other such escrow trust account in any State or National Bank doing business in the State of California. All disbursements shall be made by check or wire transfer from such account.

Any taxes which have been paid by Grantor, prior to opening of this escrow, shall be prorated between City and Grantor, and refunded for any such documented taxes paid which may be due to the Grantor for the period after City's acquisition. This amount shall be included in this agreement amount.

i) ESCROW AGENT DIRECTIVES - Escrow Agent is authorized to, and shall:

- a) Pay and charge Grantor for any unpaid delinquent taxes and/or any penalties and interest thereon, and for any delinquent assessments or bonds against that portion of Grantor's property subject to this transaction as required to convey clear title.
- b) Pay and charge City for any escrow fees, charges and costs payable under Paragraph 2.C. of this Agreement;

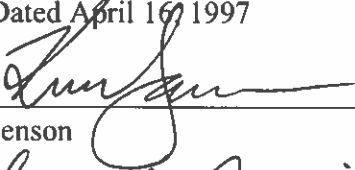
- c) Disburse funds and deliver Deeds when conditions of this escrow have been fulfilled by City and Grantor.
 - d) Following recording of Deeds from Grantor, if requested by City, provide City with a CLTA Standard Coverage Policy of Title Insurance in the amount of **\$328,050.00** issued by Title Company of City's choice showing that title to the Property is vested in City, subject only to the following exceptions, and the printed exceptions and stipulations in said policy:
 - 1) Real Property Taxes for the fiscal year in which escrow closes;
 - 2) Public utility easements and public rights of way;
 - 3) Other items that may be approved in writing by City in advance of the close of escrow.
 - ii) CLOSE OF ESCROW - The term "close of escrow", if and where written in these instructions, shall mean the date necessary instruments of conveyance are recorded in the office of the County Recorder. Recordation of instruments delivered through this escrow is hereby authorized.
- B. MISCELLANEOUS REALTY ITEMS ACQUIRED** - Payment in Clause 2.A. includes payment for 3.70 acres of property, and is considered to be realty being acquired by the City in this transaction.
- C. JUDGMENT IN LIEU OF DEED** - In the event Grantor does not deliver title in a reasonable time under the terms of the Agreement, the City may file an action in eminent domain to pursue the acquisition of the Property, and this Agreement shall constitute a stipulation which may be filed in said proceedings as final and conclusive evidence of the total amount of damages for the taking, including all of the items listed in Section 1260.230 of the Code of Civil Procedure, regarding said property rights.
- D. ARTICLE HEADINGS** - Article headings in this Agreement are for convenience only and are not intended to be used in interpreting or construing the terms, covenants and conditions of this Agreement.
- E. COMPLETE UNDERSTANDING** - This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, superseding all negotiations, prior discussions, and preliminary agreements or understandings, written or oral. This Agreement may not be amended except in writing by the parties hereto or their successors or assigns.

- F. CITY COUNCIL APPROVAL - This Agreement is subject to and conditioned upon approval by the Hanford City Council. This Agreement is not binding upon the City until executed by the appropriate City official(s) acting in their authorized capacity.
- G. COUNTERPARTS - This Agreement may be executed in counterparts, each of which so executed shall irrespective of the date of its execution and delivery be deemed an original, and all such counterparts together shall constitute one and the same document.
- H. ELECTRONIC AND FACSIMILE SIGNATURES - In the event that the parties hereto utilize electronic or facsimile documents which include signatures, such documents shall be accepted as if they bore original signatures provided that documents bearing ORIGINAL SIGNATURES are provided following transmittal of the electronic or facsimile signature. Documents for recordation by the Clerk Recorder must contain original signatures.
- I. NO THIRD-PARTY BENEFICIARIES INTENDED - Unless specifically set forth, the parties to this Agreement do not intend to provide any other party with any benefit or enforceable legal or equitable right or remedy.
- J. BINDING EFFECT - This Agreement shall inure to the benefit of and constitute a binding obligation upon the successors and assigns of the parties hereto.

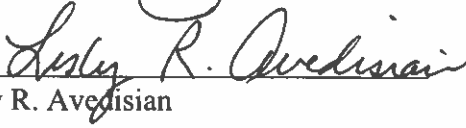
No Obligation Other Than Those Set Forth Herein Will Be Recognized.

GRANTOR:

Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the Lavenson-Avedisian Trust Under Declaration Dated April 16, 1997

By: 
Kurt Lavenson

Date: 2-18-2021

By: 
Lesly R. Avedisian

Date: 2/18/2021

GRANTOR'S ADDRESS: 1842 Leimert Boulevard Oakland CA, 94602

CITY OF HANFORD

By: _____
Name:
Title:

Date: _____

MAILING ADDRESS OF CITY: Public Works Department, 900 S 10th Ave. Hanford, CA 93230

RECORDING REQUESTED BY:
CITY OF HANFORD

**WHEN RECORDED MAIL RECORDED
DOCUMENT AND TAX STATEMENTS TO:**
CITY OF HANFORD
319 N. Douty Street
Hanford, California 93230
(559) 585-2500

Portions of APN(s): 014-221-020 and 014-221-026

SPACE ABOVE THIS LINE IS FOR RECORDER'S USE

GRANT DEED

DOCUMENT IS SUBJECT TO THE IMPOSITION FEE PER GOV'T CODE § 27388.1 FEE

THE UNDERSIGNED GRANTOR(S) DECLARE(S) UNDER PENALTY OF PERJURY THAT THE FOLLOWING IS TRUE AND CORRECT: DOCUMENTARY TRANSFER TAX IS \$: -0- Governmental Agency acquiring title, Revenue and Taxation Code section 11922

FOR A VALUABLE CONSIDERATION, RECEIPT OF WHICH IS HEREBY ACKNOWLEDGED.

GRANTOR(S): KURT LAVENSON and LESLY R. AVEDISIAN, Co-Trustees of the
LAVENSON-AVEDISIAN TRUST, Dated April 16, 1997

hereby **GRANT(S) TO:** CITY OF HANFORD , a municipal corporation

the following real property in the City of Hanford, County of Kings, State of California, more particularly described in Exhibit "A" and Plat "A-1", attached hereto and incorporated herein with the following exceptions:

EXCEPTING THEREFROM Per Grant of Easement, recorded September 23, 1957, as Document Number 8876, in Book 690, Page 460, Official Records, Kings County, Frank Armi and Mildred Armi, husband and wife, granted to Southern California Edison Company a 10 foot wide easement centered on a line lying 987.00 feet West of and parallel with the East line of said Southeast Quarter, the easement begins at a point 200.00 feet north of the South line of said Southeast Quarter and terminates 900.00 feet north of the South line of said Southeast Quarter, location of said easement is approximate; reference is made to last said document for full particulars.

ALSO EXCEPTING THEREFROM all oil, gas and other hydrocarbons and minerals situate therein or thereunder, together with rights incidental to the development of same as excepted and reserved by California Lands, Inc., a corporation, in Deed recorded December 13, 1938 in Book 196 at Page 401 of Official Records, as Document Number 6844. By instrument recorded July 28, 1960 in Book 762 at Page 994 of Official Records, as Document Number 8191, the record owner of said mineral rights Quitclaimed all rights of entry and other rights to the surface of said land down to a depth of 500 feet below the surface of said land.

Portions of APN(s): 014-221-020 and 014-221-026

Dated: February __, 2021

KURT LAVENSON, Co-Trustee

Dated: February __, 2021

LESLY R. AVEDISIAN, Co-Trustee

DEED CERTIFICATION

This is to certify that the interest in real property conveyed by the Grant Deed dated

_____, 20____ from

Kurt Lavenson and Lesly R. Avedisian, Co-Trustees of the Lavenson-Avedisian Trust Under Declaration Dated April 16, 1997,

to the CITY OF HANFORD, a municipal corporation, is hereby accepted in fee title interest by order of the City Council of the City of Hanford and the Grantee consents to recordation by its duly authorized officer.

DATED: _____, 2021

CITY OF HANFORD,
a Municipal Corporation

By: _____
Mario Cifuentes, City Manager

Attest: _____
_____, City Clerk

Attachment: Lavens-Avedisian Grant Deed (PW: Acquisition of Real Property for Storm Drainage Baisn, APN 014-221-026 & 014-221-020)

EXHIBIT "A"

BASIN SITE LEGAL DESCRIPTION

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF KINGS, STATE OF CALIFORNIA, ACCORDING TO THE GOVERNMENT TOWNSHIP PLAT APPROVED MAY 31, 1855, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF PARCEL 2 AS DESCRIBED IN GRANT DEED RECORDED SEPTEMBER 6, 2017 AS DOCUMENT NO. 1715661, OFFICIAL RECORDS OF KINGS COUNTY, SAID GRANT DEED WAS RECORDED PURSUANT TO KINGS COUNTY CERTIFICATE OF COMPLIANCE NO. 17-01 RECORDED APRIL 17, 2017 AS DOCUMENT NO. 1706661, OFFICIAL RECORDS OF KINGS COUNTY, SAID PARCEL 2 IS SHOWN AS THE 3.00 ACRE PARCEL ON THAT CERTAIN RECORD OF SURVEY RECORDED MAY 23, 2017 IN VOLUME 25 OF LICENSED SURVEYOR'S PLATS AT PAGE 86, OF KINGS COUNTY RECORDS;

THENCE NORTH 89°55'07" WEST, ALONG THE SOUTH LINE OF PARCEL 1 OF SAID GRANT DEED, ALSO BEING THE 0.70 ACRE PARCEL AS SHOWN ON SAID RECORD OF SURVEY, A DISTANCE OF 273.06 FEET, TO THE SOUTHWEST CORNER OF SAID PARCEL 1, ALSO BEING A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF WHITNEY DRIVE, AND ALSO BEING A POINT OF CURVATURE;

THENCE, ALONG SAID RIGHT-OF-WAY LINE, ALSO BEING A COMMON LINE WITH THE WESTERLY LINE OF SAID PARCEL 1, NORTHEASTERLY ALONG A NON-TANGENT 190.00 FOOT RADIUS CURVE TO THE RIGHT, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 3°21'35", A DISTANCE OF 11.14 FEET, A RADIAL BEARING TO SAID POINT OF CURVATURE BEARS NORTH 79°42'54";

THENCE, CONTINUING ALONG SAID COMMON LINE, NORTH 13°45'06" EAST A DISTANCE OF 14.51 FEET, TO THE NORTHWEST CORNER OF SAID PARCEL 1;

THENCE, ALONG THE NORTH LINE OF SAID PARCEL 1, SOUTH 89°55'07" EAST A DISTANCE OF 747.19 FEET;

THENCE SOUTH 00°16'11" EAST, PARALLEL WITH THE WEST LINE OF SAID PARCEL 2, A DISTANCE OF 321.80 FEET;

THENCE NORTH 89°55'07" WEST, PARALLEL WITH THE NORTH LINE OF SAID PARCEL 2, A DISTANCE OF 480.00 FEET, TO A POINT ON THE WEST LINE OF SAID PARCEL 2;

THENCE, ALONG SAID WEST LINE, NORTH 00°16'11" WEST A DISTANCE OF 296.80 FEET, TO THE **POINT OF BEGINNING**.

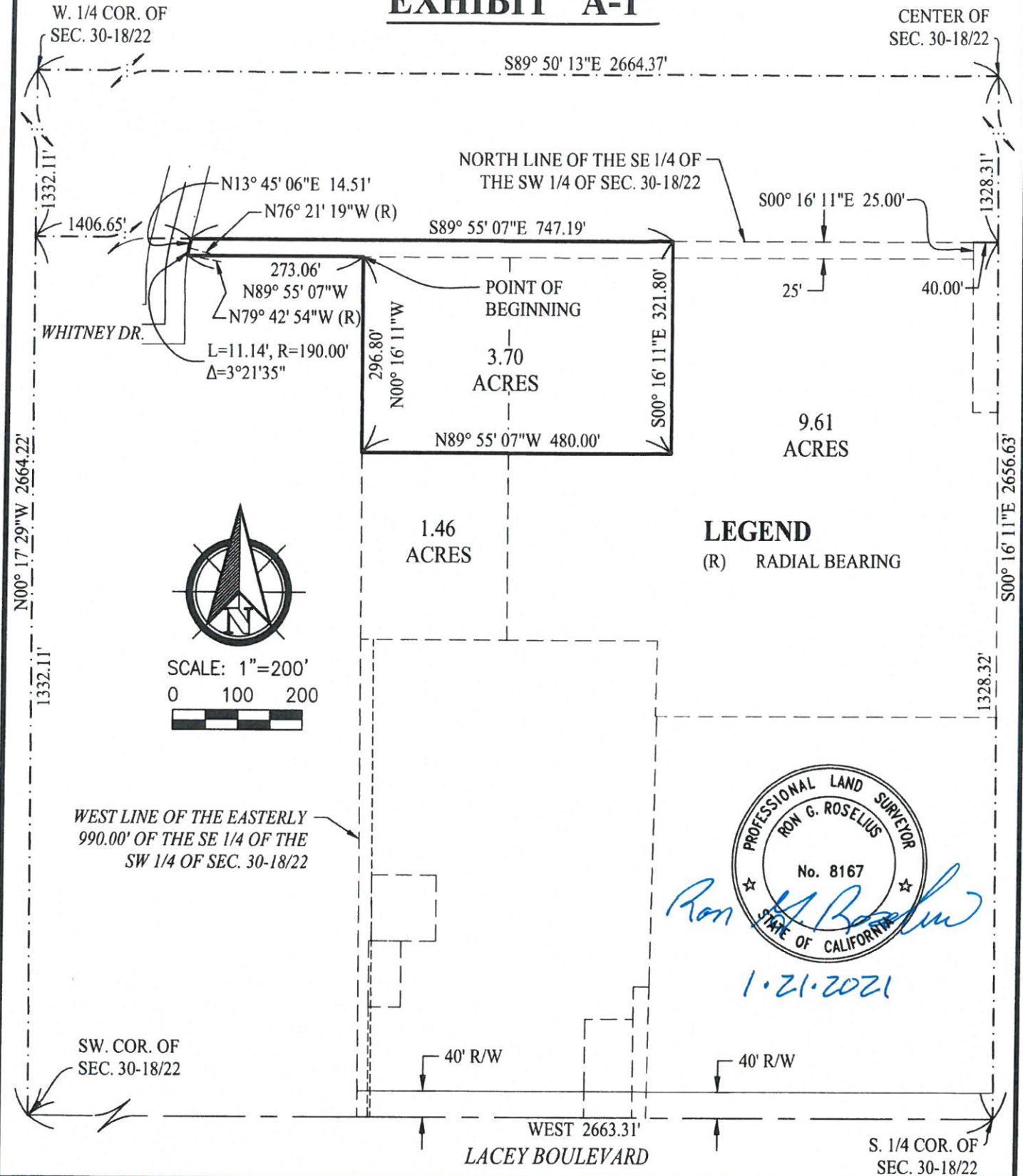
CONTAINING 3.70 ACRES, MORE OR LESS.

ATTACHED HERETO IS A PLAT LABELED EXHIBIT "A- 1" AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



EXHIBIT "A-1"



CML ENGINEERS
ZUMWALT
HANSEN &
LAND SURVEYORS

609 N. Irwin St.
Hanford, CA 93230
Office: (559) 582-1056
Fax: (559) 584-4143

**PONDING BASIN
FOR
CITY OF HANFORD**

Job No. 0778912
Drawn By: MO
Checked By: RR
Indexed By:
Date: 1/21/2021

Sheet No.
1 of 1

EXHIBIT "A"**BASIN SITE LEGAL DESCRIPTION**

THAT PORTION OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 30, TOWNSHIP 18 SOUTH, RANGE 22 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF KINGS, STATE OF CALIFORNIA, ACCORDING TO THE GOVERNMENT TOWNSHIP PLAT APPROVED MAY 31, 1855, DESCRIBED AS FOLLOWS:

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THENCE, ALONG THE NORTH LINE OF SAID PARCEL 1, SOUTH 89°55'07" EAST A DISTANCE OF 747.19 FEET;

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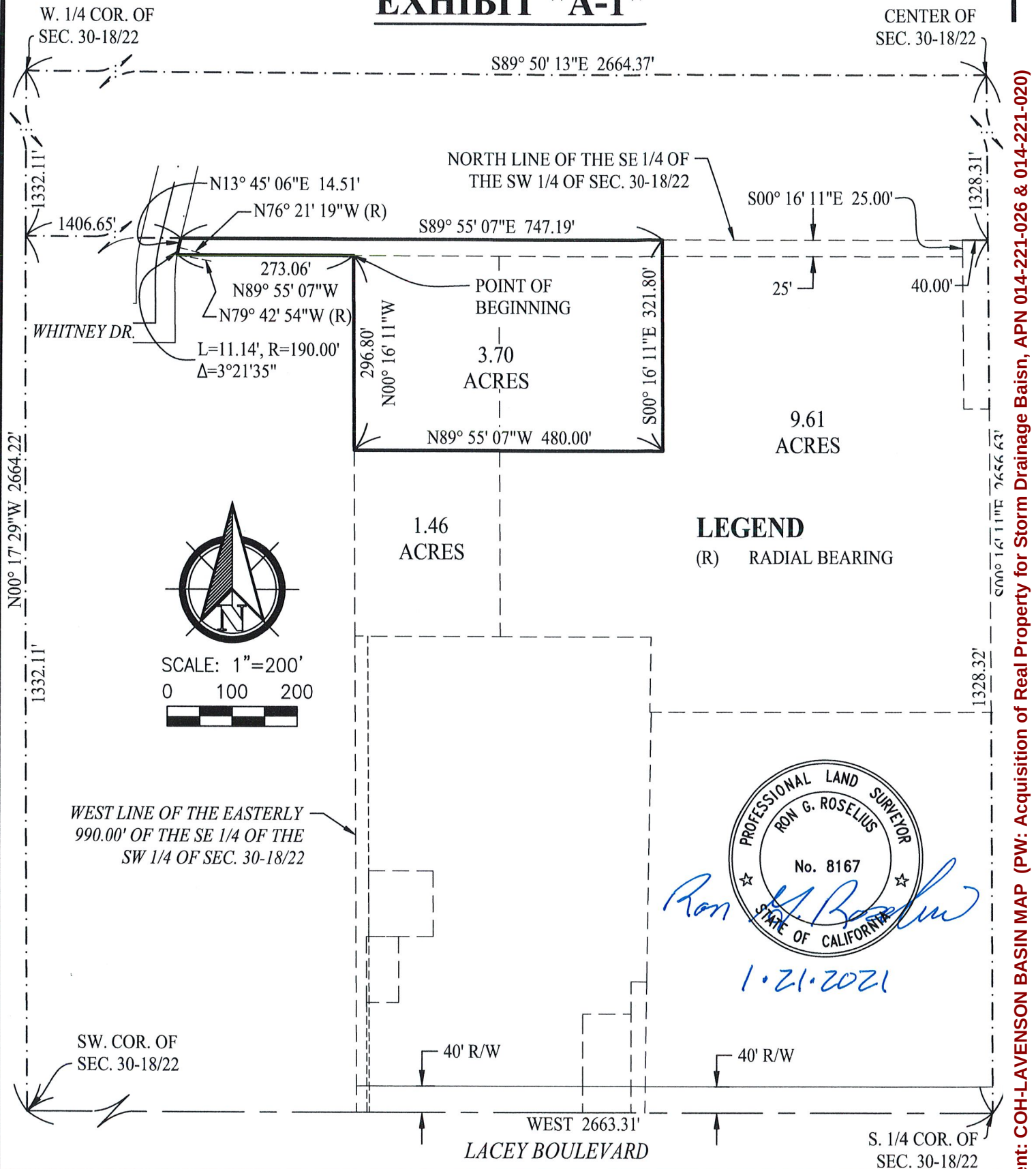
THENCE, ALONG SAID WEST LINE, NORTH 00°16'11" WEST A DISTANCE OF 296.80 FEET, TO THE **POINT OF BEGINNING**.

CONTAINING 3.70 ACRES, MORE OR LESS.

ATTACHED HERETO IS A PLAT LABELED EXHIBIT "A- 1" AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION



EXHIBIT "A-1"

CIVIL ENGINEERS
ZUMWALT
HANSEN &
LAND SURVEYORS

609 N. Irwin St.
 Hanford, CA 93230
 Office: (559) 582-1056
 Fax: (559) 584-4143

**PONDING BASIN
 FOR
 CITY OF HANFORD**

Job No. 0778912
 Drawn By: MO
 Checked By: RR
 Indexed By:
 Date: 1/21/2021

Sheet No.

1 of 1

East Lacey Boulevard Widening / Reconstruction, 10th Avenue to Sierra Drive

Project Background:

This project will involve the widening and reconstruction of East Lacey Boulevard, between 10th Avenue and Sierra Drive, to facilitate two lanes in each direction of travel plus turn lanes. Improvements will include the reconstruction of existing pavement section, installation of a new drainage collection/disposal system, installation of curbs, gutters, sidewalks, drive approaches and ADA ramps, installation of a traffic signal system at East Lacey Boulevard / Ninth Avenue and installation of additional street lighting.

Existing Conditions:

East Lacey Boulevard, between 10th Avenue and Sierra Drive is currently a two lane arterial roadway. Current average daily traffic volume is approximately 7,000 vehicles per day. The existing roadway surface is deteriorating due to traffic loads and weather impacts and is in need of resurfacing. Traffic volumes are anticipated to increase substantially with the development of a regional shopping center including Costco.

Project Justification:

This project will improve traffic flow capacity and safety by providing additional travel lanes and a protected left turn lane and the installation of a traffic signal system at the intersection of East Lacey Boulevard / Ninth Avenue. Drainage and pedestrian safety will also be improved with the addition of curb, gutter, sidewalks and street lighting. Design and right-of-way acquisition will be performed in FY20 with Construction in FY21 and FY22.

Fiscal Implications:

Funding for this project will be allocated from various fund sources.

Project Budget Summary:

		5-Year Funding Allocation				
		2021	2022	2023	2024	2025
Expenditure	Program or Project	Design / RW	Construction	Construction		
	Engineering / Inspection	250,000	100,000	100,000		
	Right of Way Acquisition	420,000	0	0		
	Construction		3,950,000	3,950,000		
	Contingency		395,000	395,000		
	Department Overhead	60,363	25,000	25,000		
Total Expenditure		\$730,363	\$4,470,000	\$4,470,000	\$0	\$0
Revenue	Funding					
	045 Gas Tax (RMRA)		950,000	950,000		
	181 Transportation Impact Fees	109,009	1,500,000	1,500,000		
	358 Storm Drainage Capital	457,839	750,000	750,000		
	391 Water Capital		350,000	300,000		
	363 Wastewater Capital		252,000	84,000		
	050 Gas Tax (TDA Transportation)	67,150	225,000	0		
	055 Congestion Mitig./Air Quality (CMAQ)	96,365	443,000	886,000		
Total Funding		\$730,363	\$4,470,000	\$4,470,000	\$0	\$0



AGENDA STAFF REPORT

MEETING DATE: 3/2/2021	AGENDA SECTION: D
-------------------------------	--------------------------

SUBJECT:

Adoption of Resolution No. 21-07-R, providing for the Censure of Council Member Arthur Brieno

RECOMMENDATION: That the Council, by motion, adopt Resolution No. 21-07-R, a Resolution that censures Council Member Arthur Brieno.

Recommended motion: I move to approve Resolution No. 21-07-R.

BACKGROUND:

The City received complaints from Community Development Director Darlene Mata in 2020 regarding Council Member Brieno. Such complaints included, without limitation, allegations of harassment, invasion of privacy, disclosure of confidential personnel information, retaliation, and false light.

State law establishes workplace requirements for employers. Government Code Section 12940(k) requires employers to “take all reasonable steps necessary to prevent discrimination and harassment from occurring.” Furthermore, Government Code Section 12940(j) makes an employer liable for harassment of an employee if the employer “knows or should have known” of harassing conduct and “fails to take immediate and appropriate corrective action.” The appellate court in *Northrop Grumman Corp. v. Workers’ Comp. Appeals Bd.* (2002) 103 Cal.App.4th 1021, 1035, 127 Cal.Rptr.2d 285 interpreted such requirements to mean, “Prompt investigation of a discrimination claim is a necessary step by which an employer meets its obligation to ensure a discrimination-free work environment.”

An independent investigation of Ms. Mata’s allegations was conducted by an outside party, attorney Daniel Rowley of the Fike & Boranian law firm, to satisfy the City’s legal obligations of an employer that received a harassment complaint. The attached Resolution summarizes the findings of the investigation, and a copy of Mr. Rowley’s investigation report is included in the

agenda packet. The report has been redacted to eliminate non-disclosable confidential information.

The investigation confirmed that Council Member Brieno engaged in highly objectionable conduct that is unbecoming of a Council Member. By approving the Resolution, the Council will: (i) strongly denounce Council Member Brieno's unacceptable conduct; and (ii) take required corrective action.

Council Member Brieno possesses due process rights, including the right to be heard, in censure proceedings. Prior to acting on the Resolution, Council Member Brieno should be provided an opportunity to address the Council regarding Ms. Mata's allegations and the independent investigation.

ATTACHMENTS:

Resolution No. 21-07-R and investigation report.

FISCAL IMPACT:

ATTACHMENTS:

2021.02.25 Resolution Censure Brieno

2020.12.31 Investigation Report Revised Redacted Final

RESOLUTION NO. 21-07-R
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HANFORD,
CALIFORNIA, TO CENSURE COUNCIL MEMBER ARTHUR BRIENO

WHEREAS, the City of Hanford (City) received a complaint dated September 10, 2020, regarding the conduct of Council Member Arthur Brieno; and

WHEREAS, City Manager Mario Cifuentez, in conjunction with the City Attorneys' Office, caused the complaint to be investigated by a third party; and

WHEREAS, the independent investigation revealed that Council Member Brieno made the following statements to the investigator or to members of the public:

1. He does not trust a woman to hold the position of Community Development Director;
2. City of Hanford Community Development Director Darlene Mata should be removed from her position;
3. He does not know how Director Mata was given the Community Development Director position over a man;
4. Women are to be submissive to men and he does not trust women;
5. Director Mata and City Manager Mario Cifuentez were in an intimate personal relationship;
6. Director Mata is a divorced woman who dislikes men;
7. Director Mata was married to a Latino, but she now prefers white people;
8. There are many differences between men and women and believes that men work together to solve problems, but women manipulate and undermine people with whom they disagree; and

WHEREAS, the investigation revealed that Council Member Brieno disclosed Director Mata's confidential personnel information to at least one (1) member of the public; and

WHEREAS, the investigation further revealed that Council Member Brieno engaged in conduct that blurred the line between his role as a Council Member and as an advocate for a party for whom he was working in a matter requiring City approval; and

WHEREAS, the results of the investigation have been reviewed and discussed by the City Council; and

WHEREAS, the City Council condemns discrimination in all forms and will not tolerate such conduct by City officials or employees, including a Council Member; and

WHEREAS, Council Members are to accord the utmost courtesy to City employees and never harass an employee nor invade his/her privacy; and

WHEREAS, Council Members are to avoid abuse of their positions on the City Council to advance their personal interests or the interests of parties for whom Council Members may work; and

WHEREAS, the City Council has determined that Council Member Brieno engaged in conduct unbecoming of a City Council Member; and

WHEREAS, Council Member Brieno has shown no remorse for his actions and statements described herein; and

WHEREAS, the City Council believes it is of utmost importance to publicly address Council Member Brieno's unacceptable conduct in order to be transparent; and

WHEREAS, the actions of the Council herein do not arise out of any good faith disagreement by or with Council Member Brieno on any matter.

NOW, THEREFORE, BE IT RESOLVED, the City Council hereby finds, determines, and resolves the following:

It receives and accepts the third party investigation.

It publicly censures Council Member Brieno for discriminatory conduct and for conduct that is wrong and unacceptable.

It directs Council Member Brieno to stop such conduct and comply with all laws, including, without limitation, laws relating to discrimination and conflicts of interest, and with the policies of the City of Hanford.

It directs Council Member Brieno to attend sensitivity training and training regarding the role of a Council Member to be coordinated by the City Manager.

It removes Council Member Brieno from all committees, commissions, and agency appointments presently held by him as a representative of the City Council and the City, and Council Member Brieno shall not serve as a City representative to any committee, commission, or agency until further action is taken by the Council.

It denies Council Member Brieno all travel on behalf of the City and rescinds all budget appropriations for such travel.

If Council Member Brieno desires to communicate with a City employee other than the City Manager, it directs that all such communication occur through the City Manager.

When Council Member Brieno approaches the City Manager in a matter in which Council Member Brieno is acting on his personal behalf as a resident of Hanford or on behalf of a party for whom Council Member Brieno is working, Council Member Brieno shall state the capacity in which he is communicating with the City Manager.

This resolution shall be effective immediately after its passage and approval.

PASSED, ADOPTED AND APPROVED this ____ day of _____, 2021 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

Attest:

NATALIE CORRAL
CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF KINGS) ss
CITY OF HANFORD)

I, Natalie Corral, City Clerk of the City of Hanford, do hereby certify the foregoing Resolution was duly passed and adopted at a special meeting of the City Council of the City of Hanford held on the ____ day of _____, 2021.

Date: _____

City Clerk

Attachment: 2021.02.25 Resolution Censure Brieno (Resolution No. 21-07-R, Censure Council Member Arthur Brieno)

FIKE & BORANIAN

ATTORNEYS AT LAW
An Association of Attorneys

David A. Fike
A Professional Corporation
dfike@fikeboranianlaw.com

Meggin Boranian
mboranian@fikeboranianlaw.com

401 Clovis Avenue, Ste. 202
Clovis, California 93612
Telephone (559) 229-2200
Facsimile (559) 225-5504

Daniel W. Rowley
Of Counsel
drowley@fikeboranianlaw.com

December 31, 2020

VIA EMAIL ONLY

Mario Zamora
Griswold, LaSalle, Cobb, Dowd & Ginn
111 E. Seventh Street
Hanford, CA 93230
zamora@griswoldlasalle.com

Re: Report on Confidential Investigation

Dear Mr. Zamora:

In September 2020, I was asked to conduct an impartial, objective investigation of complaints received by the City of Hanford ("City") from Darlene Mata, Director of the Community Development Department against Art Brieno who is a member of the City Council. Ms. Mata's complaint alleges gender discrimination and harassment. I agreed to perform the investigation and have recently completed my investigation of this matter. The purpose of this report is to provide you with my factual conclusions and findings regarding this matter.

Initially, it must be noted that I was retained as an attorney to conduct an objective, impartial factual investigation and provide a report containing my conclusions and findings regarding the facts. It is my understanding that you will use my report to provide the City with legal advice on the matters that are the subject of this report.

This report does not purport to include and discuss every detail provided by the witnesses or documents obtained or reviewed during the investigation. It does, however, discuss the facts which I found to be pertinent to the investigation.

The evidence was reviewed and analyzed to determine whether the factual allegations should or should not be sustained based on a preponderance of the evidence standard. "Preponderance of the evidence," for purposes of this report, means that the evidence on one side outweighs the evidence on the other side, or is more likely to be true than not true.

FIKE & BORANIAN

ATTORNEYS AT LAW
An Association of Attorneys

Mario Zamora
December 31, 2020
Page 2

The investigation consisted of the personal interviews of Darlene Mata, Art Brieno, Jacob Sanchez, John Doyel, Mario Cifuentez, Parker Sever and Sarah Cardoza. In addition, I conducted phone interviews of Mike Olmos, Darrel Pyle, and Francisco Ramirez.

I was provided with and/or obtained the following documents during the investigation:

- A copy of a letter dated August 9, 2020, from Ms. Mata’s attorney Rachele Berglund to City Manager Mario Cifuentez. A copy of this document is attached as Exhibit 1.
- A copy of a letter dated September 10, 2020, from Ms. Berglund to Mario Zamora¹ and attachments. Copies of these documents are attached as Exhibit 2. Hereinafter, Exhibits 1 and 2 shall collectively be referred to as the “Complaint.”
- A copy of various emails provided by Ms. Berglund on behalf of Ms. Mata. Some of these emails were redacted by Ms. Berglund. Copies of these documents are attached as Exhibit 3.
- A copy of an email dated October 21, 2020, from Ms. Cardoza to Dan Rowley, Subject: D. Mata and attachments. Copies of these documents are attached as Exhibit 4.
- A copy of an email dated October 9, 2020, from Ms. Berglund to Dan Rowley, Subject: Darlene Mata and attachments. Copies of these documents are attached as Exhibit 5.
- A copy of the minutes for the City Council meeting on May 19, 2020. A copy of this document is attached as Exhibit 6.
- A copy of the minutes for the City Council meeting on July 7, 2020. A copy of this document is attached as Exhibit 7.

¹ Although this report is addressed to you, in this report for the sake of consistency of reference and clarity, I will refer to you in the third person.

FIKE & BORANIAN

ATTORNEYS AT LAW
An Association of Attorneys

Mario Zamora
December 31, 2020
Page 3

- A copy of the minutes for the City Council meeting on March 17, 2020. A copy of this document is attached as Exhibit 8

I. BACKGROUND**A. Darlene Mata**

Ms. Mata has many years of experience as a city planner in the public sector, including several years at the City of Visalia, and as a consultant for developers and builders in the private sector. Approximately seven years ago, former City Manager Darrel Pyle hired her as the Community Development Director for the City.

Prior to hiring Ms. Mata, Mr. Pyle had dealt with her in her role as a consultant representing developers while he served in various roles in government employment. Mr. Pyle reported that initially, he invited Ms. Mata to serve on the interview panel to help select the new Community Development Director for the City. However, during that process, he concluded that she was a very good candidate herself and asked her to apply. She did so and was hired.

Mr. Pyle described Ms. Mata as being fair in every way and treating everyone with respect and professionalism. He also praised Ms. Mata for working with people who come to the city with no development/building experience and walking them through the process.

By way of example, Mr. Pyle reported that a person purchased a two-story building in downtown Hanford with the intent to convert the second story into a dance studio for his daughter. After the purchase, the new owner began remodeling the second floor as a dance studio. However, he was doing it without building permits. The City learned of the remodel work and contacted the owner. Upon review, problems with the owner's plans were discovered. For example, the building was not zoned for a dance studio and it was not ADA accessible to the second floor without installing an elevator. According to Mr. Pyle, because of financial limitations, the owner was only able to do the required work a little at a time and Ms. Mata worked with him through the process that took over a year to complete.

According to Mr. Pyle, Ms. Mata treats everyone with the same empathy and understanding that she showed to this building owner. He also opined that everyone has access to the same type of assistance as Ms. Mata provided in this example.

When asked if Ms. Mata was too "black and white" or strict with how she dealt with people and issues, Mr. Pyle responded, "Absolutely not." He went on to state

FIKE & BORANIAN

ATTORNEYS AT LAW
*An Association of Attorneys*Mario Zamora
December 31, 2020
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that he witnessed how hard she worked with property owners to get to “yes.” He noted that on numerous occasions, he watched her meet with and work with people who screamed at her. Mr. Pyle stated that Ms. Mata has a solid moral compass. She does not bend the rules but will work to solve problems. In his opinion, Ms. Mata “will not fudge” on the City code or allow people to violate it but is willing to work to change the code.

Mr. Pyle left the City in July 2019 to take a job in Oklahoma. Prior to Mr. Pyle’s departure, the City Council hired Mike Olmos to serve as the interim City Manager until a replacement could be hired. Mr. Olmos served as the interim City Manager from July 3, 2019, to November 2019.

Mr. Olmos reported that he has known Ms. Mata since 2001 when he became the City Planner for the planning division of the City of Visalia. At that time, Ms. Mata was a planner for the City of Visalia and worked under Mr. Olmos’ supervision.

Mr. Olmos reported that Ms. Mata is very smart and very competent as a planner and Community Development Director. If she has a fault, in Mr. Olmos’ assessment, it is that she can be “black and white” which creates frustration and leads to being viewed as an obstructionist by others. In his opinion, Ms. Mata could be more “can do” and solution-oriented, when possible.

Current City Manager Mario Cifuentez had praise for Ms. Mata. He stated that when people ask him about Ms. Mata, he tells them that he does not know a more capable planner than Ms. Mata. However, he also described Ms. Mata as being very “black and white.” He commented that her “black and white” approach can frustrate some people when the answer is no.

Mr. Cifuentez explained that, at times, Ms. Mata will just tell people “no” when what they want to do is prohibited for some reason. In Mr. Cifuentez’ assessment, Ms. Mata could improve by saying “no” but working on how the “no” is communicated and seeing if there is another path that can lead to “yes” even if it is a difficult path.

Mr. Cifuentez reported that it is his perception that Ms. Mata is well liked by her staff² and noted that he does not know any City employees who have problems with Ms. Mata. When asked about Ms. Mata’s relationship with the members of the City

² Mr. Doyel had a different opinion on this subject. He shared that a key member of Ms. Mata’s staff does not care for her leadership and is looking forward to retirement. Mr. Doyel also shared his concerns about Ms. Mata.

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Council, he identified a few members who have had issues with Ms. Mata in the past. However, in Mr. Cifuentez' assessment, these individuals have come around to recognize that Ms. Mata is doing a good job, except for Mr. Brieno. Mr. Cifuentez explained that constituents occasionally share negative reports regarding Ms. Mata with members of the City Council and these concerns are passed on to him along with negative opinions about Ms. Mata's work performance. Mr. Cifuentez explained that the natural tendency of the members of the City Council is to believe and pass judgment based on what their constituents tell them. However, when Mr. Cifuentez asks for facts there are none to support the allegation. If "facts" were provided, he researched the issue and discovered that the "facts" were not facts at all, and Ms. Mata was correct.

By way of example, a local resident purchased a piece of property and intended to use it as service commercial property. However, Ms. Mata told him that the property was not and never had been zoned service commercial. At the City Council meeting in which Ms. Mata made this report, according to Mr. Cifuentez, the local resident accused Ms. Mata of lying to the City Council because the property used to have a service commercial business on the property.

Mr. Cifuentez researched the issue and discovered that, in fact, the property had never been zoned service commercial. However, when the property was initially zoned by the City it had a non-conforming, pre-existing use that could continue until the property was sold. Thus, in this instance, Ms. Mata was correct.

John Doyel is the Public Works Director for the City and has worked for the City for 20 years. Mr. Doyel opined that Ms. Mata is technically good at what she does. In his assessment, her biggest issue is how she presents things. While she is technically accurate, he thinks that she comes across as "off-putting" and condescending. According to Mr. Doyel, people have complained about Ms. Mata since she started working for the City. He reported that they have said that she is not helpful.

B. Art Brieno

Mr. Brieno reported that he initially got interested in politics while a student at Cal Poly San Luis Obispo. This interest was driven by his observation of unfairness and hostility toward minorities, a desire to help the disadvantaged and low income and those who speak Spanish as their only language. Mr. Brieno views government as being about serving people and saw the political process as a way to help people and make positive changes.

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Mr. Brieno's interest in politics and bringing about change has led to him serving on the City Council from 1987 to 1991 and on the local high school board for eight years prior to his election to the City Council in November 2018.

Mr. Brieno reported that, based on his experience in the political arena, he does not take everything staff presents as being all the available information. His mind set is that there is always more information that he is entitled to receive, and he asks for it. He summarized this approach by stating that he does not trust everything that staff presents, and he thinks there is more information to be obtained. To secure this information, according to Mr. Brieno, he asks questions such as requesting the source of the information presented. Mr. Brieno stated that during City Council meetings, he is the one who questions things.

He stated that he views his election as a way to make changes with the application of practicality and common sense. Mr. Brieno also noted that people only reach out to you because they need your help. Therefore, if constituents from his district or other residents contact him, he tries to help them.

Mr. Pyle described Mr. Brieno as being very personable and as a person who cares about the City. He also noted that Mr. Brieno has a desire to help people, specifically disadvantaged and poor people. It is Mr. Pyle's opinion that, in part, Mr. Brieno's view of helping people is to help them remove barriers and hold them to a different standard. For example, do not charge fees for remodeling a building owned by someone who only earns a low income but charge fees to those who can afford it.

Mr. Olmos reported that Mr. Brieno was like a lot of elected officials he has worked with in that he wanted the residents in his district to be taken care of, not inconvenienced, and find a way to make things work for them. In his opinion, Mr. Brieno was critical of Ms. Mata because she did not do what he expected her to do.

Mr. Cifuentez described Mr. Brieno as educated and being very caring for his district and focused on parks and in fill development. Mr. Cifuentez noted that based on his observations of Mr. Brieno's interactions with staff, it appears that Mr. Brieno does not trust the staff and thinks they are hiding things or lying. He also commented that when Mr. Brieno hears something he does not want to hear or does not like, he "checks out." Mr. Cifuentez also noted that Mr. Brieno tends to have "jaded views" of events and recollections that support his view, but not necessarily what happened.

Mr. Cifuentez also stated that when Mr. Brieno gets involved in a code enforcement matter, his objectivity goes away and he becomes an advocate for the person

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who the City has found in violation. In such matters, Mr. Brieno advocates for the City to go easy on the person because they did not understand, are illiterate, etc.

Police Chief Parker Sever described Mr. Brieno as someone who, depending upon the situation, wants to be involved in the daily operations. He noted that Mr. Brieno is very much in favor of the little guy and wants to make sure the small businessperson and less fortunate are considered.

Chief Sever also noted that Mr. Brieno always thinks he is right and when it is explained to him that he is not right, he does not take that very kindly. At such times, according to Chief Sever, Mr. Brieno becomes indifferent, steps back and shuts down.

C. The Brieno/Mata Relationship

When asked to describe Ms. Mata, Mr. Brieno related an experience he had approximately six months before he was elected to the City Council in 2018. He reported that he owned and was attempting to sell an approximately five (5) acre parcel in the county but adjacent to the City and within its sphere of influence. Mr. Brieno described the property as having a shop and a duplex that needed some work that he did not want to perform. According to Mr. Brieno, the part of the property that fronted the street was zoned commercial service and the back of the property was zoned residential.

Mr. Brieno reported that he was approached by a possible buyer who was interested in using the property to sell mobile homes. According to Mr. Brieno, when the potential buyer contacted the County to see if his proposed use would be allowed, he was told that because it was within the City's sphere of influence, he needed to go to the City. When the potential buyer contacted the City, Ms. Mata told him that that use would not be allowed.

Mr. Brieno felt that this answer was wrong and inappropriate. Therefore, he then went to City Hall and talked to the staff at the counter about the zoning and using the property to sell mobile homes. According to Mr. Brieno, staff told him that that use would not be allowed on his property. Mr. Brieno admits that he was "ticked" by this response. Ultimately, the County agreed to work with him, but by then the buyer had found another parcel. According to Mr. Brieno, he ended up selling the property at a loss because of the work that the buildings needed.

Mr. Brieno reported that after he was elected to the City Council in 2018, he started getting phone calls from people who complained to him about Ms. Mata. He claims that he withheld judgment and decided to learn about her for himself.

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Mr. Brieno concluded that Ms. Mata is a bright person who really “knows her stuff.” However, in his opinion, she lacks the management skills to be the Director of Community Development. He noted that the scope of her authority includes code enforcement, planning, building, and managing City owned properties.

In his view, Ms. Mata “pushes her weight around.” He volunteered that he understands that she is a divorced woman and pictures her as one who does not like men. In his opinion, she picks the men she likes and belittles those she does not like. In his assessment, she is arbitrary and manipulative. He also thinks that she has a hard time dealing with him and his questions.

Mr. Brieno then explained that he was married for 25 years and has gone through a divorce. He commented that they took vows, participated in counseling over the years and yet she did not keep her vows and they got divorced. He described his ex-wife as being intelligent and professionally successful. He noted that he was a Christian and paraphrased the scripture from the Bible that states that a wife should submit to her husband. Mr. Brieno then went on to state that his wife did not like him helping those who are low income and in need. He noted that his ex-wife became “uppity” about his helping others.

He also reported that after they had been apart for 16 months, she wanted to reconcile and get back together, but he was unwilling to do so because he did not trust her. He then went on to state that he does not know Ms. Mata’s ex-husband, but Mr. Brieno is sure that her ex-husband “left something in her” that causes her to “take it out” on men. He stated that he feels sorry for her and does not want to see her get hurt, but they have a job to do.³

Mr. Brieno then stated that he sees some of the characteristics of his ex-wife in Ms. Mata. He commented that he understood that she was previously married to a Vasquez, but that now she “prefers white people.”

Mr. Brieno was asked how much of the difficulty that he has with Ms. Mata is because she is female. In response, he stated that men and women are different and there are a lot of differences. He explained that in his professional career and when he was on the City Council before, he worked with men in the planning department and was

³ When asked who he has shared his perspective with regarding Ms. Mata, Mr. Brieno stated that he has shared it with Mr. Ramirez and a developer he refused to disclose.

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able to get things done by working things out. In his experience men feel challenged when working with other men and work things out.

In his view, however, women have a different strategy in such situations and that is to undermine the other side. Mr. Brieno went on to state that with Ms. Mata, the undermining occurs by going to the City Manager and painting a picture of how “bad” he is. He stated that in 30-minutes, a picture that is not very good can be painted. In this regard, he noted that Ms. Mata has total access to the City Manager, but his access is limited. In his view, the first one to paint a picture of the other has the advantage, like the perception of the importance of first impressions. He also noted that he sees Ms. Mata as a manipulator.

Mr. Brieno opined that Ms. Mata could be a good planner, but he does not think she is a good manager. He is of the opinion that she exercises her authority in a way that is sometimes arbitrary⁴ and subjective. He added that he sees his role as trying to find solutions, yet he is repeatedly told that certain things cannot be done, and it is frustrating. In his view, Ms. Mata has pain and manifests it by not being flexible or not being willing to look at things from a different perspective.

In his view, Ms. Mata needs to try and find solutions. By contrast, Mr. Brieno praised Mr. Pyle as someone who showed the council members respect,⁵ made time available for them, listened to them and was solutions oriented.⁶

From Ms. Mata’s perspective, “the common denominator to the vast majority of the unprofessional and unlawful conduct” that she has been subjected to over approximately the last year is Mr. Brieno. Ms. Mata believes that she has been “the target of unwarranted scrutiny and ridicule” during City Council meetings, including attempts to undermine her credibility with staff and the public. She also asserts that

⁴ When asked what he meant by referring to Ms. Mata’s decisions as arbitrary, Mr. Brieno explained that he meant that Ms. Mata is not willing to work to find solutions for some people.

⁵ For example, Mr. Brieno was impressed by Mr. Pyle’s reference to council members as “your honor” when he greeted them.

⁶ It should be noted that some of the witnesses considered Mr. Pyle to be too quick and easy to tell members of the City Council that something could be done without research or consultation with staff. Later, when the council member’s request could not be allowed or granted, staff delivered the official “no.”

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Mr. Brieno has attempted to have her fired. In addition, Ms. Mata alleges that Mr. Brieno has violated her right to privacy by sharing confidential information about her health.⁷

Ms. Mata alleges that Mr. Brieno threatens her in this manner because of her gender. In more specific terms, Ms. Mata asserts that this “became apparent during the May 30 one-on-one meeting [Ms. Mata and Mr. Brieno] had when she refused his demands to make exceptions to a permitting process. He became angry because she did not conform to the stereotypical gender role to which he held her; “he” told her to do something and “she” did not do it. He has continued his unlawful gender expectations since that date, which is evidenced by his conduct towards her and his statements to others (e.g., a man would be better in this job).”⁸

All the witnesses, either by personally witnessing interactions between Mr. Brieno and Ms. Mata, or by being told by Mr. Brieno or Ms. Mata, reported that Mr. Brieno and Ms. Mata did not work well together. The issues primarily arise when Mr. Brieno brings an issue or concern to Ms. Mata that falls, as least in part, under her authority as Director of Community Development, for example, code enforcement, violations of the building code, the use of Community Development Block Grant (CDBG) funds and similar issues.

As a passionate representative for the poor and/or disadvantaged and/or Spanish speaking resident who has issues with the City, Mr. Brieno has, according to Ms. Mata, asked her for relief from the City’s requirements. For example, asking Ms. Mata to exercise her discretion to waive the requirement that mobile homes have eaves. Ms. Mata reviewed the code provision regarding the exercise of discretion with Mr. Brieno and concluded that she could not make the findings to waive the requirements.⁹

According to Ms. Mata, because of her insistence that the rules, laws, codes, regulations, and conditions be followed, Mr. Brieno has, at times, responded with undeserved criticism, questioning, made untrue allegations about her and stated that she should be removed from her job. For example, according to Ms. Mata, Mr. Brieno has;

⁷ These assertions are contained in Exhibit 1.

⁸ See, Exhibit 5.

⁹ See, entry dated May 30, 2019, in the attachment to the email included as part of Exhibit 2.

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alleged that her staff were singling out certain people for code enforcement,¹⁰ asserted that staff had been heavy-handed in their dealings with the owner of an automotive repair business who had failed to comply with the conditions of an administrative permit,¹¹ stated that because she is female she could not do her job, and that she was having an affair with Mr. Cifuentez.¹²

On the other hand, as discussed above, Mr. Brieno views Ms. Mata as too ridged, inflexible and “black and white.” He wants to find ways to work things out but feels that Ms. Mata is not even willing to try.

II. THE COMPLAINTS

Ms. Mata’s Complaint alleges several incidents in which she asserts that Mr. Brieno has treated her in an unprofessional, inappropriate, dismissive and/or discriminatory manner. She alleges that this treatment is because of her gender, and more specifically, because she refused to do what Mr. Brieno asked/told her to do. Simply stated, she alleges that Mr. Brieno’s treatment of her is because she is a female and/or because she is strong and refused to conform herself to the stereotypical role of a submissive female. Ms. Mata’s allegations are discussed below.

A. Seeking Ms. Mata’s Termination

Ms. Mata asserts that Mr. Brieno has repeatedly stated and requested to have Ms. Mata’s employment with the City terminated. These statements, according to Ms. Mata, are being made because she is a strong female and constitute gender discrimination.

Ms. Mata has reported some incidents that she believes support this allegation. Each of the allegations are discussed below.

¹⁰ See, entry dated February 12, 2020, in the attachment to the email included as part of Exhibit 2.

¹¹ See, entry dated July 7, 2020, in the attachment to the email included as part of Exhibit 2.

¹² See, entry dated August 11, 2020, in the attachment to the email included as part of Exhibit 2.

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Page 12**1. The Phone Call**

Ms. Mata reported that during a day in late April or early May 2019, Mr. Pyle was in her office when he received a call on his cell phone from Francisco Ramirez who is a member of the City Council. Mr. Pyle answered the phone using the speaker and did not disclose to Mr. Ramirez that the phone was in speaker mode or that he was in Ms. Mata's office. Mr. Ramirez asked Mr. Pyle a question which Mr. Pyle answered. After the question was answered, Mr. Ramirez went on to state that he and Mr. Brieno and other Councilmembers thought that Ms. Mata should be fired.¹³

Mr. Ramirez reportedly went on to assert that Ms. Mata was not "business friendly" and was not approving projects. He explained that the City needed to be approving projects that people wanted and not deny them because of the Code. Ms. Mata reported that he also mentioned Ms. Mata refusing to shake his hand and the fact that she drove a Mercedes Benz. He further commented that she was "out of touch" with the citizens of Hanford.

At this point, Mr. Pyle left the room and continued to speak with Mr. Ramirez. According to Ms. Mata, Mr. Pyle later told her that he talked with City Attorney Bob Dowd and the Mayor about Mr. Ramirez' comments. Ms. Mata also reported that Mr. Pyle told her that the Mayor claimed to know nothing about what Mr. Ramirez was desiring to be done with regard to Ms. Mata's employment.

In response to this allegation, Mr. Brieno claimed that all he ever said to Mr. Ramirez was that he gets calls from others who say that Ms. Mata should be fired. He also stated that he has said that she is not capable for management, but she is a good planner who "knows her stuff."

In another part of his interview, however, Mr. Brieno stated that what he said to Mr. Ramirez was that she is a good planner, but the other stuff is over her head. He also shared that there are many people who have told him that she needs to be fired. These include Bob Ramos and Mark Pratter.

Mr. Brieno also stated that he never asked a City Manager to fire Ms. Mata. He claimed that he has not advocated that she be fired but acknowledged that he is of the opinion she should be removed from her current position. In summary, Mr. Brieno thinks

¹³ Ms. Mata reported that after overhearing Mr. Ramirez' statement, all of her dealings with Mr. Brieno and Mr. Ramirez were colored by the thought that they want her fired.

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her role should be limited to being a planner and she should be removed as Development Director.

When Mr. Ramirez was interviewed, he reported that Mr. Brieno never stated to him that Ms. Mata should be fired. He reported that he and Mr. Brieno were both frustrated with some of the things they have seen, but neither one of them has said that Ms. Mata should be fired. According to Mr. Ramirez, Mr. Brieno's position regarding Ms. Mata is that they should go through the process and if her job performance does not improve, then she should be fired.

When asked if her ever told Mr. Pyle that he and Mr. Brieno thought Ms. Mata should be fired, he denied making the statement. He acknowledged telling Mr. Pyle that if department heads were not giving 110%, they should be evaluated and if they are not doing good enough, action should be taken.

During his time on the City Council, Mr. Brieno has worked with three City Managers: Mr. Pyle, Mr. Olmos, and Mr. Cifuentez. None of them reported receiving a request or demand from Mr. Brieno that Ms. Mata be fired.

Mr. Pyle confirmed receiving the phone call from Mr. Ramirez, having his phone in speaker mode and the statement from Mr. Ramirez that he, Mr. Brieno, and others on the Council wanted Ms. Mata fired. He also noted that Mr. Ramirez stated that this was based on complaints from constituents.¹⁴ Mr. Pyle also reported that Mr. Ramirez made comments about the fact that Ms. Mata drove a Mercedes Benz.

Ms. Mata and Mr. Pyle were percipient witnesses to Mr. Ramirez' statement. Their reports are consistent. Although Mr. Ramirez denies making the statement, I find that the weight of the evidence supports Ms. Mata's allegation that Mr. Ramirez told Mr. Pyle during the phone call that they thought Ms. Mata should be fired. Therefore, this allegation is sustained.

Regarding the allegation that Mr. Ramirez and Mr. Brieno agreed that Ms. Mata should be fired, both Mr. Ramirez and Mr. Brieno have denied making this statement. However, Mr. Brieno has acknowledged telling Mr. Ramirez that Ms. Mata is not capable for management and while she is a good planner, the other stuff is over her head. Mr. Brieno also acknowledges that it is his opinion Ms. Mata should be removed as Director but could stay employed by the City as a planner. These statements all

¹⁴ Mr. Ramirez reported that he has "heard rumors" that Ms. Mata is not doing a good job.

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strongly imply that Mr. Brieno wants Ms. Mata removed – i.e., fired, removed, or demoted – as the Director, but in his opinion, she has the skills to stay on as a planner.

Furthermore, while there are no witnesses who report hearing Mr. Brieno expressly state that he wants Ms. Mata “fired,” the evidence, in my assessment, supports the conclusion that Mr. Brieno was of the opinion that Ms. Mata was not qualified to be the Director and should be removed from that role. The evidence also supports the conclusion that Mr. Brieno shared his opinion with others, including Mr. Ramirez.

Based on the foregoing, I find that the allegation that Mr. Brieno told Mr. Ramirez that he wanted Ms. Mata fired is supported by the weight of the evidence and is sustained.

2. Mr. Olmos Questioned During Interview

Ms. Mata reported that Mr. Pyle told her that after Mr. Olmos interviewed for the interim City Manager role, Mr. Olmos shared with him a question asked by Mr. Brieno. According to Ms. Mata, Mr. Pyle told her that Mr. Olmos reported that during his interview Mr. Brieno asked him if he would fire a department head. Ms. Mata reported that Mr. Pyle told her that Mr. Olmos responded that if they did something wrong, he would terminate the employee. However, if the employee had not done something wrong, he would not fire an employee because a Councilmember wanted them fired.

Mr. Pyle confirmed that Mr. Olmos had shared these comments with him and that he passed them along to Ms. Mata.

Mr. Olmos reported that during his interview, either Mr. Brieno or Mr. Ramirez asked him if he would fire a department head. He noted that Mr. Brieno and Mr. Ramirez were seated next to each other and he did not recall who asked the question. According to Mr. Olmos, he responded to the question by explaining that as the interim City Manager, he was not there to “clean house.” He explained that his job was to “keep the ship afloat and not to throw people overboard.” However, if an employee does something egregious – something that warrants firing- he will fire them. He also reported that he told the City Council that he would not fire a department head because the City Council did not like their job performance. However, he would talk with the new City Manager who would replace him and share his assessment of their job performance.

The evidence supports this allegation. Although Mr. Olmos did not recall whether the question was asked by Mr. Ramirez or Mr. Brieno, Mr. Pyle confirmed that

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Mr. Olmos told him immediately after the meeting that the question came from Mr. Brieno.

Therefore, I find that the allegation that Mr. Brieno asked Mr. Olmos during his job interview if he would fire a department head is supported by the weight of evidence. Therefore, this allegation is sustained.

3. Requesting a Copy of Ms. Mata's Employment Contract

Ms. Mata reports that Mr. Pyle informed her that Mr. Brieno asked him for a copy of Ms. Mata's employment contract. In response to this request, according to Ms. Mata, Mr. Pyle told Mr. Brieno that she did not have an employment contract and instead the terms of her employment were governed by an MOU for management employees.

Mr. Pyle confirmed Ms. Mata's allegation. He also noted that, at the time, Mr. Brieno was grumbling about how Ms. Mata was having a negative impact on poor people in his district.

Mr. Brieno reported that he did not think he asked for a copy of her employment contract. It is his recollection that he asked for a copy of her job description. When asked why he wanted her job description, he explained that he wanted to see why she had such broad powers over planning and code enforcement.¹⁵

Mr. Brieno "thinks" it was the job description that he requested. Mr. Pyle confirmed that the request was for her employment contract and recalled informing Mr. Pyle that she did not have a contract and the MOU contained the terms of her employment. There would be no need to discuss the MOU if the document requested was Ms. Mata's job description.

I find that the weight of the evidence supports Ms. Mata's allegation that Mr. Brieno asked Mr. Pyle for a copy of Ms. Mata's employment contract and, in response, Mr. Pyle referred him to the MOU. This allegation is, therefore, sustained.

¹⁵ During his interview, Mr. Brieno also commented that he is going to ask for a copy of her job application so he can see what her qualifications are for being the Community Development Director.

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4. Comments to Jacob Sanchez

In the early summer of 2020, Jacob Sanchez was considering running for the seat on City Council held by Sue Sorenson. His campaign was going to be managed by Mr. Brieno's son Aaron. Mr. Sanchez had met Mr. Brieno on one occasion while helping Aaron with a project he was working on.

Mr. Sanchez had also become acquainted with a local developer/contractor named Jerry Irons. They had met at meetings of the local non-profit organization Main Street Hanford.

According to Mr. Sanchez, he was contacted by phone by Mr. Brieno and Mr. Irons about his campaign. It was Mr. Sanchez' understanding that they were interested in supporting his efforts to unseat Ms. Sorenson. As things turned out, however, they decided to support another candidate named Kalish Morrow and eventually attempted to persuade Mr. Sanchez to drop out of the race.

According to Mr. Sanchez, at an early stage of their communications, he met with Mr. Irons and Mr. Brieno at Mr. Iron's home. During the meeting, the issue of the City Council hearing regarding the Aguilar and Sons auto repair business came up.

According to Mr. Sanchez, Mr. Brieno and Mr. Irons were supportive of Mr. Aguilar and his efforts to stay in business. Mr. Sanchez reported that comments were made which portrayed Ms. Mata as the "bad guy" even though Mr. Sanchez was of the opinion she was just following the process the City Council had put in place.

According to Mr. Sanchez, Mr. Brieno stated that Ms. Mata was out on stress leave, could not handle the work and if she could not handle the work maybe she should step aside. Mr. Brieno also reportedly said that he did not trust a woman to hold the job Ms. Mata held and that a man was better suited for that job. He also allegedly stated that he did not know how a woman got that job over a man.

During the conversation, according to Mr. Sanchez, Mr. Brieno stated that Ms. Mata and Mr. Cifuentez were having an affair. Mr. Brieno explained that they were both divorced and both from Visalia and that Mr. Cifuentez had checked to see how Ms. Mata was doing after tough City Council meetings.

Mr. Sanchez reported that subsequently, he shared various parts of this information with Ms. Mata, Chief Sever and Mr. Cifuentez. Ms. Mata, Chief Sever, and Mr. Cifuentez have all confirmed this and provided the information they recall Mr. Sanchez sharing with them.

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Mr. Brieno initially reported that the only comment he made regarding Ms. Mata during the discussions with Mr. Sanchez was that her management skills were weak. When asked if anyone said anything about a relationship between Ms. Mata and Mr. Cifuentez, Mr. Brieno was evasive and rambled about unresponsive matters. When pressed again for an answer, Mr. Brieno responded that he did not recall anything like that being said by him.

The statements reported by Mr. Sanchez that Mr. Brieno thinks that Ms. Mata maybe could not handle the work and if she could not handle the work maybe she should step aside, that he did not trust a woman to hold the job Ms. Mata held, that a man was better suited for that job and he did not know how a woman got that job over a man are very similar to the statements Mr. Brieno made regarding Ms. Mata during his interview.

These similar statements include his opinion that Ms. Mata lacks the management skills to be the Director of Community Development, that she is not a good manager, but is a good planner. He also noted his difficulty working things out with Ms. Mata when in the past he was able to work things out when he worked with males in the planning department; that men work things out, but the strategy of women is to undermine.

Mr. Brieno shared his experience with a 25-year marriage that ended in divorce. He stated that he is a Christian and the Bible says that a wife should submit to her husband. He noted that his now ex-wife did not like things about him because he liked to help those in need. He referred to his ex-wife as “uppity” and stated that he sees the same qualities in Ms. Mata. He also stated that Ms. Mata’s ex-husband “left something in her” that causes her to “take it out” on men. In his view, Ms. Mata has pain and manifests it by not being flexible or not being willing to look at things from a different perspective. Mr. Brieno also noted a few times that he does not trust Ms. Mata.

Mr. Sanchez’ prior consistent statements and the similarity of the statements Mr. Brieno made to Mr. Sanchez with the statements he made during his interview support the conclusion that Mr. Brieno made the statements reported by Mr. Sanchez.

In my assessment, the weight of the evidence supports the conclusion that Mr. Brieno said to Mr. Sanchez that Ms. Mata could not handle the work and if she could not handle the work maybe she should step aside, that he did not trust a woman to hold the job Ms. Mata held, that a man was better suited for that job and that he did not know how a woman got that job over a man. Therefore, these allegations are sustained.

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B. Negative Statements to or About Ms. Mata

There have been incidents, according to Ms. Mata, in which Mr. Brieno has made negative statements to and/or about her job performance. She asserts that these statements are unjustified and constitute harassment. These incidents are discussed below.

1. Self Help Housing Comments

(a) May 5, 2020 Closed Session Comments

A local non-profit known as Self Help builds affordable housing. They acquired a parcel at a tax sale and were working with the City to build affordable housing on the land.

This parcel is in Mr. Brieno's district and near the home where he lives. When Mr. Brieno learned of the proposal to build affordable housing on the property, he suggested and advocated for the City to purchase the land from Self Help and use it to build a local park. There was some concern about how the City would pay for the purchase, construction, and maintenance of the park.

According to Ms. Mata and Mr. Cifuentez, the City Council was not supportive of the idea because of the costs. In response to these concerns, Mr. Brieno represented that he could obtain the support of the homeowners in the area to agree to pay the costs by way of a special assessment district. Ms. Mata and Mr. Cifuentez reported that the City Council gave Mr. Brieno a period to reach out to the homeowners in the area and obtain their support.

In March 2020, according to Ms. Mata and Mr. Cifuentez, the period given to Mr. Brieno to establish support in the area expired and the matter was brought back to the City Council in closed session. Ms. Mata reported that in the meeting it was learned that Mr. Brieno had not done any outreach to learn if the homeowners would support the park. According to Ms. Mata and Mr. Cifuentez, because of the lack of information from Mr. Brieno, the City Council directed Ms. Mata to do a survey of homeowners in the area to see if they would vote to support a tax increase to pay for the maintenance of the park.

As directed by the City Council, Ms. Mata prepared and sent out a survey to the homeowners in the area. As it turns out, however, because Mr. Brieno rents his home and is not a homeowner in the area, he did not receive a survey request or any other notice or copy of the survey. According to Ms. Mata, the results of the survey revealed

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that the overwhelming majority of those who returned the survey were not in favor of taxing themselves to pay for the maintenance of the park.

On May 5, 2020, according to Ms. Mata, the results of the survey were shared with the City Council in closed session. Ms. Mata reported that when she shared the results Mr. Brieno was upset that he was not given a copy of the survey and stated that Ms. Mata was trying to hide things from him by not giving him notice of the survey. Ms. Mata stated that Mr. Brieno was very upset and may have hung up¹⁶ before the discussion concluded. Ms. Mata stated that after the closed session ended, the report on this session was that Self Help was going to be allowed to proceed with its plans to build affordable housing on the land.

Mr. Brieno reported that during this closed session the Mayor would not let him speak. Mr. Brieno reported that he was not included in the process and that because he was not a homeowner, he did not receive a copy of the survey or any notice as the Councilmember representing that district.

Mr. Brieno also stated that he did not recall the City Council directing that a survey be done. In his interview, Mr. Brieno stated that he felt that the survey was a “dirty trick.” He also reported that he was planning to do a campaign to support the establishment of the park but did not have the opportunity to do so.

Mr. Cifuentez reported that during the meeting, Mr. Brieno stated that the survey was put out behind his back and Ms. Mata did so because she wanted it to fail. Mr. Cifuentez also noted that Mr. Brieno stated that he did not recall the City Council directing that a survey be conducted. In response to Mr. Brieno’s lack of recollection, according to Mr. Cifuentez (and Ms. Mata) Mr. Cifuentez told him that he was present when the City Council directed Ms. Mata to conduct the survey.

The weight of the evidence supports the finding that during the May 5, 2020, closed session of the City Council meeting, Mr. Brieno made negative comments about Ms. Mata and her conducting of a survey that had been directed to be done by the City Council. These statements include reference to the survey being done behind his back, that Ms. Mata was trying to hide things and that Ms. Mata wanted the survey and/or Mr. Brieno’s park proposal to fail. Therefore, this allegation is sustained.

¹⁶ The closed session was held by Zoom or conference call.

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(b) May 19, 2020, City Council Meeting

A couple of weeks later, the City Council's public meeting on May 19, 2020, included a discussion and approval of the 2020/2021 allocation of CDBG funds.¹⁷ Ms. Mata began this discussion¹⁸ by asking the City Council if it had any changes to the directions given staff on March 17, 2020¹⁹, regarding the allocation of CDBG funds. She noted that \$90,000 had previously been allocated to Self Help for their affordable housing project but due to a delay²⁰, the money was reallocated to other uses. Ms. Mata informed the City Council that under the law, they could change the funding allocations if they wanted to do so.

During the discussion, she suggested that some of the money could be allocated to Self Help. Ms. Sorenson expressed concern that Self Help had not done anything to move the project forward. Ms. Mata explained that Self Help had not moved forward because of City Council action and that they were ready to move forward.

The City Council then discussed and allocated the funds to three different projects that did not include Self Help. In fact, no one on the City Council spoke in favor of funding Self Help with a 2020/2021 allocation. One of the approved allocations was to fund one-half of a \$150,000 request from Kings Gospel Mission for work with the homeless. During the discussion, Ms. Sandra Lerma-Martinez, who is the member of Ms. Mata's staff who oversees the CDBG programs, suggested that the other half of the \$150,000 for Kings Gospel Mission (i.e., \$75,000) could be identified as an alternative recipient in the event they received additional funding. Ms. Sorensen then added that she had not understood all of background regarding Self Help and stated that she would like Self Help to be listed as an alternative recipient as well.

As the City Council was attempting to clarify and reach consensus on the allocation, Ms. Mata was asked to summarize her understanding of the City Council's consensus. She then explained that \$20,000 would be allocated for utility assistance;

¹⁷ See, Exhibit 6.

¹⁸ The facts set forth below regarding what was said during the May 19, 2020, City Council meeting are based on my review of the audio recording of that meeting.

¹⁹ See, Exhibit 8. According to the minutes of that meeting, the City Council reached consensus on allocating \$27,000 to KCOA and \$20,000 for utility assistance.

²⁰ The delay was the result of Mr. Brieno's efforts to use the property to build a park. The cause of the delay was not mentioned in the meeting.

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Housing Rehabilitation would receive \$141,000 and Kings Gospel Mission would receive \$75,000. “And that we keep the Kings Gospel and the Self Help project as alternative projects in case we get extra payoffs throughout the year in case in which we could bring that back to you for fund should we have that money. But it will not require an amendment if we keep them as alternate projects for that year.”²¹

Mr. Brieno was then recognized and said he had a question. He then proceeded to have the following exchange with Ms. Mata:²²

Darlene why are you so fixed on . . . Self Help taking 90.
Why are you so fixed on it? I do not understand this. I mean this is the first time I have heard that you have already made up that commitment. Why do you have this?

Ms. Mata then responded as follows:

I am not making a commitment. That does not fund them at all. It lists them as an alternative project, an alternate project, in the event we get extra payoffs so that we could fund it. It would still require that we come to Council.

Mr. Brieno then commented:

You see that is totally different from what I was understanding. That you had already out of the 201 had 90 for Self Help and now that we brought Kings Gospel it is a possibility.

Ms. Mata responded:

Well, that is what I heard from Council with consensus so that is what I summarized.

Ms. Mata alleges that during the meeting, Mr. Brieno stated that “he had never heard of this project before and asked why [she] was pushing it, did I have a side

²¹ This quote is from the recorded City Council meeting.

²² The following is based on the recording of the meeting. However, it is not an official transcript and has been edited to remove pauses and misstatements.

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deal with Self Help or something.”²³ Ms. Mata states that Mr. Brieno was well aware of the Self Help project as he was the reason they had not previously moved forward with the project.

When asked what he said to Ms. Mata during this meeting, Mr. Brieno did not answer the question immediately. Instead, he stated that at some point after the City Council meeting Mr. Cifuentez accused him of saying that it was a backroom deal. Mr. Brieno then denied making that statement. Instead of trying to restate what he said in the City Council meeting, Mr. Brieno referred me to the tape of the City Council meeting.

Later in his interview, Mr. Brieno reported that during a meeting with Mr. Cifuentez to review the agenda for a City Council meeting, Mr. Brieno stated that he was concerned about the \$90,000 for Self Help and it seemed to him like a backroom deal. He then reasserted that he did not make such a about a backroom deal during the City Council meeting. He further explained that during the City Council meeting, he asked where this (i.e., the request from Self Help for funding) came from, and that he had not seen this before. He noted that if it was brought forward before, he missed it.

The allegation that Mr. Brieno stated that he had never heard of this project before is not supported by the audio recording of this meeting. What Mr. Brieno said was that this was the first time he heard that Ms. Mata had made a commitment to fund Self Help. In her response, Ms. Mata explained that she was not making a commitment. After Ms. Mata’s explanation, Mr. Brieno acknowledged that her explanation was “totally different from what I was understanding.” The weight of the evidence does not support this allegation. Therefore, it is not sustained.

Ms. Mata also alleges that Mr. Brieno asked her why she was pushing the Self Help project. The recording does not support the precise words that she was “pushing” the project. However, Mr. Brieno did state, “Darlene why are you so fixed on . . . Self Help taking 90. Why are you so fixed on it?” These questions can reasonably be understood to mean that Mr. Brieno is accusing Ms. Mata of advocating for or pushing for the Self Help project. The weight of the evidence supports this allegation. Therefore, the allegation is sustained.

The last allegation is that Mr. Brieno asked her if she had a side deal with Self Help. The recording of the meeting alone does not support the allegation that the words “side deal” were used. However, Mr. Brieno did acknowledge telling Mr. Cifuentez that it seemed like a backroom deal to him. This evidence combined with

²³ See the May 19, 2020, entry in the attachment that is part of Exhibit 2.

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the questions about why Ms. Mata was so “fixed” on Self Help support the conclusion that Mr. Brieno’s intent with his questions was to imply that there was a backroom deal between Ms. Mata and Self Help. While the words were not used, both Ms. Mata and Mr. Cifuentez understood Mr. Brieno’s questions to mean what he intended them to mean. Specifically, he was questioning Ms. Mata about whether she had a backroom or side room deal with Self Help.

Based on the forgoing, I find that the weight of the evidence supports the conclusion that Mr. Brieno’s questioning of Ms. Mata was intended to determine whether there was a backroom or side room deal between Ms. Mata and Self Help. Therefore, this allegation is sustained.

(c) **July 7, 2020, City Council Hearing**

On July 7, 2020, the City Council held a hearing to determine whether an administrative permit related to the operation of an automobile repair business should be revoked. The business, Aguilar & Son was initially issued the administrative permit in March 2001, subject to conditions, including the construction of a trash enclosure. The trash enclosure was never constructed. In addition, the business subsequently installed three automotive lifts without permits. Over the years, City Code Enforcement had also cited the business for such things as parking on the street.

Over the years, the zoning on the property was changed when the City adopted a new general plan. In addition, over time building requirements, such as the size of the trash enclosure had changed.

From 2001 to 2020, according Ms. Mata, Mr. Pyle, Mr. Olmos and Mr. Cifuentez, City staff attempted to get the business to comply with the conditions set forth in the administrative permit and correct subsequent problems such as the installation of the car lifts without permits. While some issues were resolved, others were not brought into compliance.

Shortly after his election to the City Council, Mr. Brieno got involved in this matter and advocated that the City find a way to allow the business to remain open. This resulted in meetings with Mr. Brieno, at least two City Managers and Mr. Aguilar. At one point, an agreement was reached which required Mr. Aguilar to complete specific tasks by a certain date and he failed to do so. Mr. Brieno reported that the failure was because an engineer retained by Mr. Aguilar failed to provide engineered drawings/specifications in a timely manner.

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Given the failure to comply, according to Ms. Mata, City staff was required to bring the matter to the City Council for a hearing to determine whether the administrative permit should be revoked. As an alternative, staff prepared and included in the City Council packet, an alternative to revocation that gave the business additional time to come into compliance and imposed several conditions.²⁴ The conditions included; no servicing of vehicles in the parking lot or street, all cars that are kept overnight cannot be left in the parking lot but must be parked in the screened in area behind the fence, etc.

That hearing was held on July 7, 2020.

At the July 7, 2020, City Council meeting, several people spoke in praise of Mr. Aguilar as a good, fair, and caring local businessman.

During his comments²⁵, Mr. Brieno noted that this matter goes back to 2001 and that prior staff and City Councils “left this to be a continuation.” Mr. Brieno went on to report that he and the City Manager at the time (Mr. Pyle), had talked about this situation and Mr. Pyle told him it was not a problem. However, after Mr. Pyle left, the dynamics changed, and things stalled. Mr. Brieno opined that this came about because of a great chasm²⁶ in communication. Mr. Brieno went on to acknowledge that Mr. Aguilar admits his carelessness in the past and stated that there were issues with an architect and engineer.

Mr. Brieno stated that this should have been dealt with in 2005 or 2010. He also commented on some of the conditions in the proposed alternative resolution and then stated that “we are over regulating” and “operating in a very petty” fashion.

Mr. Brieno then stated, “2001, give me a break. What happened to the staff? As Mr. Gonzales stated they were not paying attention. Suddenly, the man comes on the radar and we are going to bring all of the past history on to the thing. And he has had time to do it. We told him to do it. Okay. Okay.”

²⁴ The alternative resolution was adopted, and its content is set forth in the minutes of the July 7, 2020, City Council meeting attached as Exhibit 7.

²⁵ The description of the comments made, and dialog recited are based on my review of the audio recording of the meeting.

²⁶ This word is hard to make out in the audio. This is my best understanding given the context of the statement.

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Ms. Mata alleges that during his comments, Mr. Brieno “made statements to the effect that staff had been heavy-handed . . .”

The statements about the conditions in the proposed regulation constituting over regulation and operating in a very petty fashion support the allegation that Mr. Brieno made statements about staff being heavy-handed. Likewise, the statements about what happened to staff and “we are going to bring all of the past history on to the thing” also support this allegation.

The weight of the evidence supports that allegation that during the July 7, 2020, City Council meeting, Mr. Brieno made statements to the effect that staff had been heavy-handed. This allegation is sustained.

C. Mr. Brieno’s Role Unclear

In connection with Mr. Brieno’s advocacy on behalf of some of the residents of Hanford, it has been unclear if he was acting as a member of the City Council or as an advisor/consultant/contractor on behalf of the resident. Ms. Mata believes that regarding one or more of these projects, Mr. Brieno has been involved with the project in some capacity prior to his election to the City Council. Specifically, this was an issue with a code enforcement matter involving a mobile home.

According to Ms. Mata, a mobile home had been moved onto a lot and set up without a permit. City staff had become aware of the situation and was attempting to work with the owners to either move the mobile home off of the property or get a building permit and make it compliant with the City’s requirements.

It was reported by Ms. Mata that the owners had decided to apply for a permit and their application had gone through the City’s site plan development process. That process resulted in the imposition of several conditions including a paved driveway, covered parking, installing eaves on the mobile home and moving a power pole. According to Ms. Mata, the cost of the improvements exceeded the financial ability of the owners to pay for them.

According to Ms. Mata, on May 30, 2020, Mr. Brieno came to her office to discuss the conditions. Ms. Mata reported that during the discussion, Mr. Brieno asked Ms. Mata to waive the requirement that the mobile home have eaves, which are required under the municipal code. As part of their discussion, they reviewed the ordinance and it was noted that it gave Ms. Mata, as the Director, discretion regarding the eaves IF certain

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findings could be made. After reviewing the findings with Mr. Brieno, she informed him that she could not make the required findings.

In response, according to Ms. Mata, Mr. Brieno stated that the housing in the area was already marginal and so adding more marginal housing would be in keeping with the area and would not make a difference. He noted that some of the mobile homes in the mobile home park adjacent to this property did not have eaves. Ms. Mata reported that she responded to this statement by informing Mr. Brieno that she expected more for the people of Hanford and she could not make the requested finding. She also told him that the owners could appeal the requirements. Mr. Brieno also asked her if she would reconsider her decision if he got planners from other public agencies to say that they would waive the requirements. In response, Ms. Mata noted that she is always open to having a discussion.

When asked about this matter, Mr. Brieno reported that the code required that mobile homes not have metal roofs or siding. He stated, however, that this mobile home could not be seen from the street. He mentioned the discretion granted to the Director under the code and stated that he met with Ms. Mata to negotiate with her on this issue.

When asked whether he was acting on behalf of the applicant or a Council member, Mr. Brieno stated that he was not clear about this. He added that he started the application process before he was elected and by the time of the meeting, he was on the City Council. He noted that he thought that as a City Council member, he should be able to talk with Ms. Mata. When asked if he was trying to change her discretion, he responded that Spanish speaking people do not understand the discretion that Ms. Mata has, but he does. He then admitted that he was acting on their behalf.

Mr. Brieno reported that after Ms. Mata refused to exercise her discretion, he took the matter to Mr. Pyle who said he could fix it. However, Mr. Pyle left his position as City Manager before anything was done.

Mr. Brieno also reported that he called the City Attorney Mr. Dowd about the situation. According to Mr. Brieno, Mr. Dowd told him that if the department head were not willing to do it the City Manager could.

Mr. Brieno admitted that he “started the application” for the mobile home before his election and that after he became a Councilmember, he met with Ms. Mata on this matter acting on behalf of the owners. Therefore, the allegation that Mr. Brieno was

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acting on behalf of the owners in connection with this matter is supported by the weight of the evidence. This allegation is sustained.

D. Rumors of an Affair

As discussed in detail above, according to Mr. Sanchez, during the conversation between Mr. Brieno and Mr. Sanchez, Mr. Brieno stated that Ms. Mata and Mr. Cifuentez were having an affair. Mr. Brieno explained that they were both divorced and both from Visalia and that Mr. Cifuentez had checked to see how Ms. Mata was doing after tough City Council meetings.

Mr. Brieno initially reported that the only comment he made regarding Ms. Mata during the discussions with Mr. Sanchez was that her management skills were weak. When asked if anyone said anything about a relationship between Ms. Mata and Mr. Cifuentez, Mr. Brieno was evasive and rambled about unresponsive matters. When pressed again for an answer, Mr. Brieno responded that he did not recall saying this.

It should be noted that Chief Sever reported that Paula Lofgren, the City's former Finance Director, told him that she believed that Ms. Mata and Mr. Cifuentez were in a relationship because she was always in his office.

Mr. Sanchez was a credible witness. Furthermore, as discussed above, some of the statements Mr. Sanchez reported being made by Mr. Brieno are consistent with statements Mr. Brieno made during his interview.

In my assessment, the weight of the credible evidence supports the conclusion that during the conversation between Mr. Sanchez and Mr. Brieno, Mr. Brieno told Mr. Sanchez that Ms. Mata and Mr. Cifuentez were having an affair. Therefore, this allegation is sustained.

E. Telling Others that Ms. Mata was on Stress Leave

In Ms. Mata's letter to Mr. Cifuentez dated August 9, 2020²⁷, Ms. Mata's attorney asserts that a merchant in Hanford told Ms. Mata that they had heard that Ms. Mata was out on stress leave. The letter suggests that Mr. Brieno may be the one sharing this information with members of the community but acknowledges that "we

²⁷ See, Exhibit 1.

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cannot definitively conclude Councilmember Brieno is the one who disseminated Ms. Mata's confidential medical and personnel information."

A couple of days later, however, Mr. Sanchez told Ms. Mata about the discussions he had had with Mr. Brieno. Mr. Sanchez informed Ms. Mata, among other things, that Mr. Brieno stated that Ms. Mata was out on stress leave, that she could not handle the work and if she could not handle the work maybe she should step aside.

It should also be noted that Mr. Sanchez reported that after he heard this from Mr. Brieno, he heard it from three or four other colleagues.

During his interview, Mr. Brieno stated that he knew Ms. Mata was on leave, but claimed that he did not know why she was on leave. He did say, however, that he understood she was sick and that this happened after the Aguilar hearing. He noted that he guessed the hearing was stressful.

When asked if he heard or formed the opinion that she was on stress leave, Mr. Brieno responded "no." He then added that the week after the hearing, Mr. Cifuentez told him that he told her to go home because she looked sick. He stated that this is all he heard. He also reported that Mr. Cifuentez counseled him to not say anything regarding why she was on leave.

As noted above, Mr. Sanchez was a credible witness.

Mr. Cifuentez reported that he informed the City Council in closed session that Ms. Mata was currently out of the office. When asked if he told them that she was out on stress leave, he responded that he thinks he told them she was out on medical leave.

Mr. Cifuentez reported that Mr. Doyel had told him that during a conversation with a local engineer named John Zumwalt, Mr. Zumwalt stated that he had heard that Ms. Mata was out on stress leave.

The weight of the evidence supports the conclusion that at or about the time of Mr. Brieno's statement to Mr. Sanchez, many individuals were aware of Ms. Mata's stress leave. However, we do not have any evidence of where Mr. Brieno learned this and whether he was the or one of the original sources.

In my assessment, the weight of the credible evidence supports the conclusion that Mr. Brieno told Mr. Sanchez that Ms. Mata was on stress leave. Therefore, this allegation is sustained.

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However, there is insufficient evidence to conclude that Mr. Brieno was an original source or just passing along gossip that he heard from someone else. Therefore, to the extent that Ms. Mata alleges that Mr. Brieno was an original source, I find that there is insufficient evidence to support this allegation. Therefore, it is not sustained.

F. Because Ms. Mata is Female and/or a Strong Female?

Ms. Mata alleges that the treatment she has received from Mr. Brieno is because she is a woman and/or a strong woman.

During his interview, Mr. Brieno stated that Ms. Mata “pushes her weight around.” He volunteered that he understands that she is a divorced woman and pictures her as one who does not like men. In his opinion, she picks the men she likes and belittles those she does not like. In his assessment, she is arbitrary and manipulative. He also thinks that she has a hard time dealing with him and his questions.

Mr. Brieno then explained that he has gone through a divorce. He described his ex-wife as being intelligent and professionally successful. He noted that he was a Christian and paraphrased the scripture from the Bible that states that a wife should submit to her husband. Mr. Brieno then went on to state that his wife did not like him helping those who are low income and in need. He noted that his ex-wife became “uppity” about his helping others.

Mr. Brieno then stated that he sees the same qualities in Ms. Mata. He commented that he understood that she was previously married to a Vasquez, but now she “prefers white people.”

Mr. Brieno was asked how much of the difficulty he has with Ms. Mata is because she is female. In response, he stated that men and women are different and there are a lot of differences. He explained that in his professional career and when he was on the City Council before, he worked with men in the planning department and was able to get things done by working things out. In his experience, men feel challenged when working with other men and work things out.

In his view, however, women have a different strategy in such situations and that is to undermine the other side. Mr. Brieno went on to state that with Ms. Mata, the undermining occurs by going to the City Manager and painting a picture of how “bad” he is. He stated that in 30-minutes, a picture that is not very good can be painted. In this regard, he noted that Ms. Mata has total access to the City Manager, but his access is limited. In his view, the first one to paint a picture of the other has the advantage, like

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the perception of the importance of first impressions. He also noted that he sees Ms. Mata as a manipulator.

Mr. Brieno also noted that he was married for 25 years, that they took vows, participated in counseling over the years and yet she did not keep her vows and they got divorced. He stated that he is a Christian and the Bible says that a wife should submit to her husband. He noted that his now ex-wife did not like things about him because he liked to help those in need. He referred to his ex-wife as “uppity” and stated that he sees the same qualities in Ms. Mata.

He also reported that after they had been apart for 16 months, she wanted to reconcile and get back together, but he was unwilling to do so because he did not trust her. He then went on to state that he does not know Ms. Mata’s ex-husband, but Mr. Brieno is sure that her ex-husband “left something in her” that causes her to “take it out” on men. He stated that he feels sorry for her and does not want to see her get hurt, but they have a job to do.²⁸

Mr. Brieno opined that Ms. Mata could be a good planner, but he does not think she is a good manager. He is of the opinion that she exercises her authority in a way that is sometimes arbitrary²⁹ and subjective. He added that he sees his role as trying to find solutions, yet he is repeatedly told that certain things cannot be done, and it is frustrating. In his view, Ms. Mata has pain and manifests it by not being flexible or not being willing to look at things from a different perspective.

Mr. Sanchez reported that during his discussions with Mr. Irons and Mr. Brieno, comments were made which portrayed Ms. Mata as the “bad guy” even though Mr. Sanchez was of the opinion she was just following the process the City Council had put in place.

According to Mr. Sanchez, Mr. Brieno stated that Ms. Mata was out on stress leave, could not handle the work and if she could not handle the work maybe she should step aside. Mr. Brieno also is reported to have said that he did not trust a woman

²⁸ When asked who he has shared his perspective with regarding Ms. Mata, Mr. Brieno stated that he has shared it with Mr. Ramirez and a developer he refused to disclose.

²⁹ When asked what he meant by referring to Ms. Mata’s decisions as arbitrary, Mr. Brieno explained that he meant that Ms. Mata is not willing to work to find solutions for some people.

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to hold the job Ms. Mata held and that a man was better suited for that job. He also allegedly stated that he did not know how a woman got that job over a man.

During the conversation, according to Mr. Sanchez, Mr. Brieno stated that Ms. Mata and Mr. Cifuentez were having an affair. Mr. Brieno explained that they were both divorced and both from Visalia and that Mr. Cifuentez had checked to see how Ms. Mata was doing after tough City Council meetings.

The fundamental issue that Mr. Brieno has had with Ms. Mata is that she will not work with him to find a solution. This has resulted in her telling him “no” on several occasions, beginning with the property he owned and wanted to sell prior to his being elected to the City Council. In the past, he has been able to work things out with male planners, but Ms. Mata will not work things out with him.

Mr. Brieno’s comments about women suggest that they are not strong enough to handle the job of Development Director, that women should be submissive and that he does not trust women. He specifically stated that thinks Ms. Mata is manipulative and like his ex-wife.

On the other hand, this investigation has not gathered any evidence of similar problems with other female employees. For example, Sarah Cardoza reported that she has not had any negative experiences with Mr. Brieno. She also noted, however, that she does not have much contact with him.

The City Council has had one female member, Sue Sorenson. According to Mr. Sanchez, during his discussions with Mr. Brieno, Mr. Brieno stated that Ms. Sorenson was evil and that she was the reason he could not pass anything.

Mr. Doyel and others reported that during City Council meetings, Mr. Brieno has asked them tough questions and challenged them like he does Ms. Mata. However, what is missing in those exchanges is the negative statements and suggestions such as backroom deals. In other words, with Ms. Mata it is personal and not about policy, performance, or accountability. On the other hand, not all of Mr. Brieno’s exchanges with Ms. Mata involve personal attacks or negative statements.

In my assessment, the weight of this evidence supports the conclusion that Mr. Brieno’s treatment of Ms. Mata as discussed above is based, at least in part, on the fact that she is female and/or a strong female. Therefore, this allegation is sustained.

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III. CONCLUSION

I find that the weight of the evidence supports Ms. Mata's allegation that Mr. Ramirez stated to Mr. Pyle by phone that he and Mr. Brieno thought Ms. Mata should be fired. Therefore, this allegation is sustained.

With regard to the allegation that Mr. Ramirez and Mr. Brieno thought that Ms. Mata should be fired, in my assessment, the weight of the evidence supports the conclusion that Mr. Brieno was of the opinion that Ms. Mata was not qualified to be the Director and should be removed from that role. The weight of the evidence also supports the conclusion that Mr. Brieno shared his opinion with others, including Mr. Ramirez. Based on the foregoing, I find that the allegation that Mr. Brieno told Mr. Ramirez that he thought that Ms. Mata should be fired is supported by the weight of the evidence and is sustained.

I find that the allegation that Mr. Brieno asked Mr. Olmos during his job interview if he would fire a department head is supported by the weight of evidence. Therefore, this allegation is sustained.

I find that the weight of the evidence supports Ms. Mata's allegation that Mr. Brieno asked Mr. Pyle for a copy of Ms. Mata's employment contract and, in response, Mr. Pyle referred him to the MOU. This allegation is, therefore, sustained.

In my assessment, the weight of the evidence supports the conclusion that Mr. Brieno said to Mr. Sanchez; Ms. Mata could not handle the work and if she could not handle the work maybe she should step aside, that he did not trust a woman to hold the job Ms. Mata held, that a man was better suited for that job, and that he did not know how a woman got that job over a man. Therefore, these allegations are sustained.

The weight of the evidence supports the finding that during the May 5, 2020, closed session of the City Council meeting, Mr. Brieno made negative comments about Ms. Mata and her conducting of a survey that had been directed to be done by the City Council. These statements include reference to the survey being done behind his back, that Ms. Mata was trying to hide things and that Ms. Mata wanted the survey and/or Mr. Brieno's park proposal to fail. Therefore, this allegation is sustained.

The allegation that Mr. Brieno stated that he had never heard of the project before is not supported by the audio recording of this meeting. What Mr. Brieno said was that this is the first time he heard that Ms. Mata had made a commitment to fund Self Help. In her response, Ms. Mata explained that she was not making a commitment.

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After Ms. Mata's explanation, Mr. Brieno acknowledged that her explanation was "totally different from what I was understanding." The weight of the evidence does not support this allegation. Therefore, it is not sustained.

Ms. Mata also alleges that Mr. Brieno asked her why she was pushing the Self Help project. The recording does not support the precise words that she was "pushing" the project. However, Mr. Brieno did state, "Darlene why are you so fixed on . . . Self Help taking 90. Why are you so fixed on it?" These questions can reasonably be understood to mean that Mr. Brieno is accusing Ms. Mata of advocating for or pushing for the Self Help project. The weight of the evidence supports this allegation. Therefore, the allegation is sustained.

The last allegation is that Mr. Brieno asked her if she had a side deal with Self Help. The recording of the meeting alone does not support the allegation that the words "side deal" were used. However, Mr. Brieno did acknowledge telling Mr. Cifuentez that it seemed like a backroom deal to him. This evidence combined with the questions about why Ms. Mata was so "fixed" on Self Help support the conclusion that Mr. Brieno's intent with his questions was to imply that there was a backroom deal between Ms. Mata and Self Help. While the words were not used, both Ms. Mata and Mr. Cifuentez understood Mr. Brieno's questions to mean what he intended them to mean. Specifically, he was questioning Ms. Mata about whether she had a backroom or side room deal with Self Help.

Based on the forgoing, I find that the weight of the evidence supports the conclusion that Mr. Brieno's questioning of Ms. Mata was intended to determine whether there was a backroom or side room deal between Ms. Mata and Self Help. Therefore, this allegation is sustained.

The weight of the evidence supports that allegation that during the July 7, 2020, City Council meeting Mr. Brieno made statements to the effect that staff had been heavy-handed. This allegation is sustained.

Mr. Brieno admitted that he "started the application" for the mobile home before his election and that after he became a Councilmember, he met with Ms. Mata on this matter acting on behalf of the owners. Therefore, the allegation that Mr. Brieno was acting on behalf the owners in connection with this matter is supported by the weight of the evidence. This allegation is sustained.

In my assessment, the weight of the credible evidence supports the conclusion that during the conversation between Mr. Sanchez and Mr. Brieno, Mr. Brieno

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told Mr. Sanchez that Ms. Mata and Mr. Cifuentez were having an affair. Therefore, this allegation is sustained.

In my assessment, the weight of the credible evidence supports the conclusion that Mr. Brieno told Mr. Sanchez that Ms. Mata was on stress leave. Therefore, this allegation is sustained.

However, there is insufficient evidence to conclude that Mr. Brieno was an original source or just passing along gossip that he heard from someone else. Therefore, to the extent that Ms. Mata alleges that Mr. Brieno was an original source, I find that there is insufficient evidence to support this allegation. Therefore, it is not sustained.

In my assessment, the weight of this evidence supports the conclusion that Mr. Brieno's treatment of Ms. Mata as discussed above is based, at least in part, on the fact that she is female and/or a strong female. Therefore, this allegation is sustained.

The opinions and conclusions expressed above are based solely upon my evaluation of the evidence I obtained during my investigation. I hope this report will be of assistance to you. If I can be of any further assistance, or if you have any questions, please let me know.

Respectfully,



Daniel W. Rowley

Attachments

Attachment: 2020.12.31 Investigation Report Revised Redacted Final (Resolution No. 21-07-R, Censure Council Member Arthur Brieno)

EXHIBIT 1



August 9, 2020

Via Electronic Mail Only

Mario Cifuentez, City Manager
CITY OF HANFORD
315-321 North Douty Street
Hanford, California 93230

Re: Darlene R. Mata, Community Development Director

Dear Mr. Cifuentez:

I am writing on behalf of Darlene R. Mata with respect to her employment with City of Hanford.

As you know, Ms. Mata has diligently and competently served in the position of Community Development Director for the City of Hanford for seven years. She is one of six Department Heads, and one of two females to serve in a Department Head.

As the Community Development Director, Ms. Mata provides leadership and plans, organizes, directs and reviews the activities and operations of the Community Development department, which includes, among many other things, planning and code enforcement. This is a position that requires keen technical skills and understanding of a variety of local, state and federal policies, procedures, guidelines, regulations and law. It requires integrity and consistency to help foster the City's credibility with its community. Ms. Mata has decades of experience in this field; her knowledge, technical skills and customer service are unmatched.

Although Ms. Mata's tenure with the City of Hanford has generally been one centered on mutual respect and professionalism, over the last year, she has begun to experience unprofessional, inappropriate and even unlawful treatment. The unlawful treatment can be fairly categorized as a hostile working environment based on gender and violation of her constitutional right to privacy.

I will not belabor the details at this juncture, as I have been informed and believe you are aware of the detailed complaints, and have worked to support Ms. Mata through

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FACSIMILE: (559) 410-8922

WWW.HPBLAW.NET

Mario Cifuentes
 Re: Darlene R. Mata
 August 9, 2020
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these ongoing and persistent challenges. Despite these efforts, Ms. Mata continues to be the target of unwarranted scrutiny and ridicule. As you know, Ms. Mata has been unfairly ridiculed during City Council meetings and by one member in particular, in such a way that it undermines her credibility with staff and the public. She is the target of hostile exchanges and is unnecessarily patronized in public forums. Despite her experience and expertise, her knowledge is often dismissed in favor of, what may be, "doing favors" for friends of the Councilmembers. Do not misconstrue this; Ms. Mata does not shy away from being challenged. In fact, she recognizes it as an important part of personal and professional development. However, the open hostility behind these ongoing attacks are a disservice to the City of Hanford and the community it serves.

Most recently troubling is the fact someone has been disseminating information about Ms. Mata, information to which she has a legally recognized privacy interest. There are approximately four people who know Ms. Mata has been experiencing [REDACTED]

[REDACTED]. Imagine her shock and dismay when, while at a local business, the owner noted he was surprised to see her, because he had "heard [she] was out on stress leave." One of the four individuals who knew of the reasons for Ms. Mata's brief absence, has disseminated this to others with no legally cognizable reason to have the information; so much so it has become the "talk of the town." Ms. Mata has never authorized disclosure of confidential medical or personnel information on her behalf.

The common denominator to the vast majority of the unprofessional and unlawful conduct seems to be Councilmember Art Brieno. It is Councilmember Brieno who publicly ridicules and scrutinizes Ms. Mata, and undermines her credibility with staff and businesses. I have been informed and believe efforts were made last week to put Council "on notice" this conduct cannot be tolerated and must stop. I am cautiously hopeful that message was heard and understood, and his behavior will reflect the same. Obviously, at this juncture we cannot definitively conclude Councilmember Brieno is the one who disseminated Ms. Mata's confidential medical and personnel information. However, it is my understanding Councilmember Brieno is one of the four individuals who knew of the reasons for Ms. Mata's brief leave and, taken together with his open hostility towards her, reasonable conclusions can be made.

In addition to what is described above and despite her quality performance over the years, Ms. Mata is aware of Councilmember Brieno's "push" to have her fired. Based on the information I have, there are no legally plausible explanations for termination. Not only is such action unwarranted, it would amount to retaliation and add to the City's liability resulting from Councilmember Brieno's conduct.

All of these things have left Ms. Mata feeling scared, singled-out, tokenized and emotionally distraught. All of these things pose significant legal liability for the City. Our aim here is to find a successful and amicable path forward – one that is free of harassment and hostility, and where privacy rights are adequately protected. I trust

Mario Cifuentes
Re: Darlene R. Mata
August 9, 2020
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you will take immediate steps to ensure Ms. Mata no longer has to suffer or tolerate such behavior.

Very truly yours,

HERR PEDERSEN & BERGLUND LLP

/s/

Rachele Berglund

cc: Mario Zamora, City Attorney (via electronic mail)
Client

RB

RB Ltr to M. Cifuentes (8-9-2020).doc

EXHIBIT 2



September 10, 2020

VIA ELECTRONIC MAIL ONLY

Mario Zamora, Esq.
GRISWOLD LaSALLE COBB DOWD & GIN, LLP
111 East Seventh Street
Hanford, California 93230
Email: zamora@griswoldlasalle.com

Re: Darlene R. Mata, Community Development Director

Dear Mr. Zamora:

Thank you for speaking with me Friday, September 4, 2020 regarding Ms. Mata's employment matters. I likewise appreciate you understanding the concerns I expressed regarding an interview with your office under these circumstances. Consistent with our agreement last Friday, enclosed with this correspondence is a summary of the inappropriate and unlawful conduct Ms. Mata (and others) have endured as a result of Mr. Brieno's conduct. These notes were made contemporaneously with the events they describe.

While my office's investigation is ongoing, based on Ms. Mata's personal notes and my extensive interviews with her, Ms. Mata's legal rights have been violated in the following ways:

1. Harassment based on gender;
2. Harassment based on actual and/or perceived disability;
3. Hostile work environment harassment;
4. Invasion of privacy;
5. Disclosure of Constitutionally protected privacy interests;
6. Improper disclosure of medical information;
7. Disclosure of confidential personnel information;
8. Retaliation; and
9. False light.

This is not necessarily an exhaustive list, and we reserve the right to supplement it as additional facts are discovered. I trust the City will properly address these matters in such a way no additional harm is caused to Ms. Mata.

Based on my review of her personal notes, along with my extensive interviews with Ms. Mata, it also appears Mr. Brieno has engaged in misfeasance and abuse of power while

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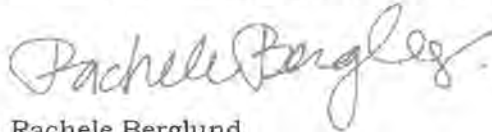
Mario Zamora, Esq.
Re: Darlene R. Mata
September 10, 2020
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acting in the capacity of a City of Hanford Council member. It also appears his loyalties may be divided between his personal interests and those of the City. Over the past year, these things have proven to be problematic for Ms. Mata. If not properly and promptly addressed, I also expect them to become problematic for the City of Hanford as they are reminiscent of another, slightly more southern city.

Please contact me with any questions. Thank you in advance for your ongoing courtesies and cooperation.

Very truly yours,

HERR PEDERSEN & BERGLUND LLP



Rachele Berglund

RB/vn
Enclosure
CC: Client
RB Ltr to M. Zamora (9-10-2020).doc

From: Darlene Mata <DMata@cityofhanfordca.com>
Date: July 3, 2019 at 4:16:00 PM PDT
To: Darrel Pyle <DPyle@cityofhanfordca.com>, Bob Dowd
<dowd@griswoldlasalle.com>
Cc: Sarah Cardoza <scardoza@cityofhanfordca.com>
Subject: Art Brieno

Darrel and Bob,

Given more recent comments by Mr. Brieno I felt that I needed to document his actions and my interaction with him. Please see the attached. I am not requesting anything, just that this information be documented. I will try to meet with him when others are present, however, he usually just drops by and doesn't make an appointment or call first, which makes that difficult.

Thank you.

Darlene R. Mata _____
Community Development Director

Councilmembers: Sue Sorensen, John Draxler (currently Mayor), Martin Devine, Francisco Ramirez, Art Brieno. Councilmembers Francisco Ramirez and Art Brieno were seating on the Council in December of 2018.

Discussions regarding Mr. Aguilar's Automotive began in March of 2018. Mr. Brieno went to Darrel Pyle (City Manager at the time) after Code Enforcement went to the cite and issued a citation. Mr. Brieno believes Mr. Pyle told him that he would take care of the issue. However, the site was out of compliance and had to be brought into compliance. Many conversations occurred regarding this issue.

Late April or early May, Francisco Ramirez called Darrel while Darrel was in my office. Darrel answered on speaker phone. Mr. Ramirez asked a quick question, which Darrel answered. Then Mr. Ramirez proceeded to say he had one more thing and that he and Art, and other Councilmembers thought Darlene Mata should be fired. He stated that I wasn't being business friendly and approving projects. That we just needed to approve projects that people wanted and not deny them because of the code. He said something about me refusing to shake Mr. Aguilar's hand and that I drive a Mercedes and am out of touch. Darrel then left the room and continued talking to Mr. Ramirez.

Darrel later said that he spoke with Bob Dowd and the Mayor, who didn't know what Francisco was talking about.

May 30, 2019 Mr. Brieno came to my office to discuss a site plan review application 2018-36. The application is for a mobile home on a multi-family residential parcel. He asked me to consider waiving the requirement for requiring that the mobile home have eaves, which is a requirement of the municipal code.

We went over the ordinance, which states that the director has some discretion on the requirements if certain findings could be made, which I asserted I could not make. He essentially stated that the housing in this area is already marginal, so more marginal housing would not make a difference and would be in keeping with the neighborhood. He stated that the mobile home park adjacent had mobile homes that did not have eaves. I stated I expected more for the people of Hanford and that I could not make the findings. I let him know the applicant is welcome to appeal the requirements of the site plan review committee. He asked if I would reconsider if he got more input from other city planners. I said that I was always open to have a discussion.

The next week after the meeting I went out to look at the area, which is very blighted. The mobile home park next to the area has homes without eaves and some with eaves.

May 30, 2019 I spoke with Darrel about the above conversation. He suggested we discuss with the issue with Bob Dowd.

June 3, 2019 Met with Bob at 2:00. Explained the situation and went over the codes with him. He said I was on the right course and taking the appropriate action. I expressed my concern that Art was abusing his position by pushing me to making a decision that he may be the private contractor on. To date I do not know if he is or is not the contractor.

June 17, 2019 Darrel and I talked about the Council hiring Mike Olmos as an interim city manager. He said that in a conversation he had with Mike, that Mike said that Mr. Brieno asked in their interview if he would fire a department head. Darrel said Mike said yes, if they did something wrong,

but not at the direction of a councilmember if they hadn't. Darrel also told me that Mr. Brieno has asked to see a copy of my employment contract. Darrel went over the fact that I do not have a contract but am in EMEA and have an MOU.

June 27, 2019 During agenda review with Sue and John, we updated them on the status of the mobile home issue with Art. I was directed by Sue to ask Art if he is meeting with me as a Councilmember representing a constituent or a contractor who did work for the property owner.

July 2, 2019 Mr. Brieno came to the front counter to see me. I asked if we could schedule a meeting as I was working on my presentations, but he said he wanted to see me about the fees on the agenda. He asked about a property where someone wanted to encroach into the rear yard setback and what fee they would have to pay. He thought a CUP, but I corrected him and said it would be a variance and gave him the existing fee and proposed fee. I also told him about the findings that needed to be made to support a variance. He then asked about the fee to put in a second unit and what they would pay. I gave him the proposed fee for site plan review and if it was on a single family parcel it would not go to site plan review. He stated, "so this would help me on my Segura project", I said no that they were zoned multi-family and would still go through site plan review and all the same requirements would apply. I was not comfortable asking Mr. Brieno whether he was acting as a Councilmember or contractor as the Mayor had asked me to do, so I did not do so.

July 2, 2019 Darrel came into my office and told me that Art had gone to Craig Millers office and told him he didn't believe the grant consultant told him that monies would be available for parks acquisition in the next round of grants. He also asked Craig if Darlene stopped the work on the park project. Darrel and I discussed that when they asked what the zone was, I told them it was in the County and needed to be annexed.

September 17, 2019 Closed session regarding Bastille and proposal by Jerry Irons was last night. Mike Olmos called Jerry Irons to tell him that we were going to put out an RFP on the Bastille and not enter into an agreement with him. Following that call, Mike called me to tell me he talked to Jerry. He said Jerry told him he already knew the vote was 3-2 to go out for an RFP. He also said that Jerry told him he knew that Darlene had said that he didn't give us a complete proposal. Although Jerry did not say explicitly, he spoke with. Art Brieno had been pushing for him. I believe he disclosed details of closed session matters including the vote and not did not disclose it truthfully just to disparage me.

February 12, 2020 Meeting regarding 311 South St. Code Enforcement Case. Mr. Brieno met with CM Cifuentez, Ty Mizote and I. Mr. Brieno objected to my saying that the code enforcement case had been ongoing for two years and nothing had been done. His disagreement was obvious toward me. I showed him the log of activity. He stated he felt I was, or my office, was singling out only certain people for code enforcement. He asked for additional time for the Property Owner. Staff agreed to 15 days. Over the next few weeks Mr. Brieno asked for copies of all documents for code enforcement on multiple other properties. Information was sent out to all the CC.

March 17, 2020 Closed Session regarding the purchase of property from Self Help to build a park instead of the three units they proposed. Potential cost of to build and maintain a park was presented to Council. Mr. Brieno had previously stated that he would get support from the subdivision to support paying to maintain the park. He hadn't done any outreach so it was suggested that we do a survey of

the residents to see if they would vote to tax themselves to pay for the maintenance of the park. City Council directed me to complete a survey and bring back the results.

May 5, 2020 Closed session item to discuss the purchase of property from Self Help to build a park in the Parkside subdivision. I gave the Council the results of the survey which was that there was overwhelming no votes to tax themselves to pay for the maintenance of the park. Mr. Brieno expressed his displeasure with me, as did Francisco Ramirez, for his lack of notice of a survey. I and the CM informed Mr. Brieno that he was aware that we were doing the survey as it was the direction of the City Council. I had already been told by the CM that he was very unhappy with me that he didn't get a notice. He was very accusatory and stated that he felt staff (me) had purposely not noticed him. Mr. Brieno is not a property owner and would not have gotten a copy of the notice as they went to property owners only as that is who would vote to tax themselves.

May 19, 2020 Mr. Brieno, during a City Council meeting approving the Annual Action Plan for CDBG, asked why a Self Help housing project was part of our CDBG program. He said he had never heard of the project before and asked why I was pushing it, did I have a side deal with Self Help or something. It was very inappropriate and Mr. Brieno was well aware of the Self Help project as he was the reason they hadn't moved forward on their project. See previous

May 2020 Art getting involved 11400 12th Code Enforcement Substandard.

July 5, 2020 Called Mario from home asking how bad things may be on Tuesday. Ended up in tears. [REDACTED]

July 7, 2020 Aguilar revocation was on the agenda. Mr. Brieno made statements to the effect that staff was being heavy handed even though he had been in at least three meeting over the course of the last year where staff had been trying to gain compliance from Mr. Aguilar. [REDACTED]

July 8, 2020 While at work was [REDACTED]. After exec. Staff meeting I asked the Fire Chief to come to my office. I broke into tears and said something was wrong with me. [REDACTED]

[REDACTED]. I only remember it was [REDACTED]. He advised I should get checked out. [REDACTED]

July 21, 2020 Item on the agenda to get permission to apply for a grant jointly with Self Help and Upholdings. No project was part of the item. Mr. Brieno questions Betsy McGovern about the project extensively, although there was no project. He then questioned me about concessions and other items that I would not have answers to since there was not any project at the time. This went on for some time and he asked for information. Information on concessions was sent to him the following day.

July 27, 2020 [REDACTED] [REDACTED]
[REDACTED] Nothing specific happened that day.

August 3, 2020 Mario came in and spoke with me about what he has been hearing. That Mr. Brieno and Mr. Ramirez are supporting a candidate for Council because they want to now fire Mario Cifuentez

because he won't fire me. They need a majority vote, which they don't have right now. I was told a couple of weeks ago by Mario that Mr. Brieno had inquired with the City Attorney into changing the Municipal Code so that Council may get involved in hiring and firing of directors. Right now they only hire the CM and the City Attorney.

August 11, 2020 Planning Commissioner Jacob Sanchez came into my office with a question about political signs as he is running for a council seat. As we were talking he said he really felt bad for me that he knows I put up with a lot. I asked him if he heard anything. He said yes and asked to shut my door. He proceeded to tell me Art Brieno and Jerry Irons called him together to get him to drop out of the council race. That they needed to get Mario and I out. He then said that Art Brieno called him alone after the call and told him he thought that I couldn't handle the job that's why I was out on stress leave and that a man would be able to do the job. He also said that he thought Mario and I were having a sexual affair. Jacob then said he was told the following day that a friend wanted to talk to him about some rumors at City Hall, but he said he didn't want to discuss it. He acknowledged that he felt the information shared by Art was inappropriate and my private information which is why he was sharing it with me. Reported this information immediately to Mario Cifuentez.

August 12, 2020 Mario Cifuentez met with Jacob Sanchez and was told the exact information I was told.

August 21, 2020 Police Chief Parker Sever let me know that Jacob Sanchez had also spoke to him about the above information. I got upset and asked him not to talk to anybody about it.

In addition to the above, there have been other items that Mr. Brieno has tried to push us to approve. I just don't have specific dates or info. Following the issue with Mr. Aguilar at the beginning in March, Mr. Brieno no longer acknowledged my presence in a meeting or in the hallway, to the extent that Mike Olmos asked if he had once when we were meeting. It was very apparent. He usually acknowledges the other directors at work or prior to Council meetings. I have tried to set up meetings with him at the direction of the CM and he will not respond to my emails or calls. If he has questions that should go through the CM or at least me, he will just call my staff directly rather than speak to me, which has also caused some issues.

EXHIBIT 3

From: Mario Cifuentez mcifuentez@cityofhanfordca.com
 Subject: RE: [REDACTED] Building Permit FY19-1183
 Date: Feb 12, 2020 at 4:43:50 PM
 To: Darlene Mata DMata@cityofhanfordca.com
 Cc: Sandra Lerma SLerma@cityofhanfordca.com, Ty Mizote
tmizote@griswoldlasalle.com

Perfect. Thank you. I just double-checked and our appointment is Friday but my 10am happens to be free tomorrow in case he comes in then.

Mario

From: Darlene Mata
Sent: Wednesday, February 12, 2020 3:21 PM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Cc: Sandra Lerma <SLerma@cityofhanfordca.com>; Ty Mizote
 <tmizote@griswoldlasalle.com>
Subject: FW: [REDACTED] Building Permit FY19-1183

Mario,

To document the follow up to the email with Art below. We called the applicants, and spoke with [REDACTED] to inform them of the information shared with Art today and in the email below. They do not want to move forward on the permit to Interwest, but will go through the site plan review process and see if they will move forward. She understands site plan review will require some changes to show the driveway in the right location.

Ms. [REDACTED] is coming in this afternoon to sign an agency authorization form so that Art can act as her agent. She said he is working with her on her permit. Once we get that, all communication can be with Mr. Brieno regarding the permit and he would be able to discuss with Interwest as her agent. I'll get you a copy of the form.

I included Sandra on this email because Ms. [REDACTED] primarily speaks Spanish and Sandra assisted me on the call to ensure she understood.

If you have any questions, let me know.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Darlene Mata
Sent: Wednesday, February 12, 2020 2:04 PM
To: Art Brieno <abrieno@cityofhanfordca.com>
Cc: Mario Cifuentez <mcifuentez@cityofhanfordca.com>; 'tmizote@griswoldlasalle.com'

<tmizote@griswoldlasalle.com>

Subject: [REDACTED] Building Permit FY19-1183

Art,

The plans for [REDACTED] have not been sent to Interwest, the original plans were submitted as a remodel, the revised plans are essentially a new structure. A plan check fee of \$563.98 is due before we can send it to Interwest. The previous plan check fee that was paid (\$282.84) was not enough for the new plans, but has been credited. I'm sorry I wasn't aware that the full plan check fee had not been paid when I sent the letter.

Now that we have had our meeting and realize that the driveway is probably on the parcel, they will need to go through site plan review, and as stated in the letter. Normally we don't send out until site plan review has been completed, unless they want to do it at their own risk. Meaning, if they decide the project is not feasible, the plan check fee is not refundable. Please have them pay the plan check fee and submit a letter recognizing that they wish to proceed with the building permit at their risk and we will send the plans out immediately.

You mentioned that you would like to visit Interwest about this permit. Are you the contractor or agent for the property owners? If you are, then Interwest will communicate with you once the first plan check is completed. If you are not, they will communicate with the person that applied for the permit.

If you wish for us to communicate this information directly with the property owner, let me know.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Mario Cifuentez mcifuentez@cityofhanfordca.com
 Subject: RE: [REDACTED] Building Permit FY19-1183
 Date: Feb 18, 2020 at 4:45:20 PM
 To: Darlene Mata DMata@cityofhanfordca.com

Thank you.

From: Darlene Mata
Sent: Tuesday, February 18, 2020 4:29 PM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Subject: RE: [REDACTED] Building Permit FY19-1183

NOTE: Ms. [REDACTED] did not come in with the agency authorization form, so we will only speak with her on the matter. She has not given us permission to consult with Art.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Mario Cifuentez
Sent: Wednesday, February 12, 2020 2:09 PM
To: Darlene Mata <DMata@cityofhanfordca.com>
Subject: RE: [REDACTED] Building Permit FY19-1183

Given his history, you should call him and let him know that you sent him a detailed email about this property that he needs to read.

Also, convey to him when the applicant was made aware of the additional plan check fee.

Mar

----- Original message -----

From: Darlene Mata <DMata@cityofhanfordca.com>
Date: 2/12/20 2:04 PM (GMT-08:00)
To: Art Brieno <abrieno@cityofhanfordca.com>
Cc: Mario Cifuentez <mcifuentez@cityofhanfordca.com>, Ty Mizote <tmizote@griswoldlasalle.com>
Subject: [REDACTED] Building Permit FY19-1183

Art,

The plans for [REDACTED] have not been sent to Interwest, the original plans were submitted as a remodel, the revised plans are essentially a new structure. A plan check fee of \$563.98 is due before we can send it to Interwest. The previous plan check fee that was paid (\$282.84) was

not enough for the new plans, but has been credited. I'm sorry I wasn't aware that the full plan check fee had not been paid when I sent the letter.

Now that we have had our meeting and realize that the driveway is probably on the parcel, they will need to go through site plan review, and as stated in the letter. Normally we don't send out until site plan review has been completed, unless they want to do it at their own risk. Meaning, if they decide the project is not feasible, the plan check fee is not refundable. Please have them pay the plan check fee and submit a letter recognizing that they wish to proceed with the building permit at their risk and we will send the plans out immediately.

You mentioned that you would like to visit Interwest about this permit. Are you the contractor or agent for the property owners? If you are, then Interwest will communicate with you once the first plan check is completed. If you are not, they will communicate with the person that applied for the permit.

If you wish for us to communicate this information directly with the property owner, let me know.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: **Mario Cifuentes** mcifuentes@cityofhanfordca.com
Subject: **RE: Art Brieno**
Date: **Feb 20, 2020 at 2:13:17 PM**
To: **Darlene Mata** DMata@cityofhanfordca.com

Good stuff! Thank you!

From: Darlene Mata
Sent: Thursday, February 20, 2020 2:12 PM
To: Mario Cifuentes <mcifuentes@cityofhanfordca.com>
Subject: Art Brieno

Given that I didn't have an address, this is what I found. We have an open enforcement case on 610 E Ivy for outdoor storage and debris. They are up to \$2120 in citations and fees. The case was opened in September of 2019 and they have received three citations to date. There have been eight different code enforcement cases against this address since 2008 for a variety of issues.

If this is not the address Mr. Brieno is inquiring about, I would need an address or a lot between two addresses to look up additional information.

Darlene R. Mata
Community Development Director
[\(559\) 585-2590](tel:(559)585-2590)

From: Art Brieno abrieno@cityofhanfordca.com
Subject: Re: 730 S. Williams
Date: Feb 26, 2020 at 8:57:04 PM
To: Darlene Mata DMata@cityofhanfordca.com

....I can receive on this address, thank you.

On February 26, 2020, at 4:06 PM, Darlene Mata <DMata@cityofhanfordca.com> wrote:

Mr. Brieno,

We received the agency authorization from [REDACTED] that you are representing them for the site plan review application and the building permit at 730 S. Williams. All communication will now go through you as their representative, not as a councilmember. You may get emails and calls from other staff as well, so we wanted you to know. Ms. [REDACTED] did not provide a different email address for you on the form, all we have is your councilmember email. If you want us to use a different one, please let me know.

If you are not representing the [REDACTED] let me know.

Thank you.

Darlene R. Mata
Community Development Director
[\(559\) 585-2590](tel:(559)585-2590)

From: Mario Cifuentez mcifuentez@cityofhanfordca.com
 Subject: RE: Councilmember Brieno
 Date: Jun 4, 2020 at 8:21:56 AM
 To: Darlene Mata DMata@cityofhanfordca.com

Thank you. I have already asked for a meeting with Art and plan to go over all of this and my concerns with his behavior under the Muni Code and the Council Handbook.

Mario

From: Darlene Mata
 Sent: Thursday, June 4, 2020 8:18 AM
 To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
 Subject: FW: Councilmember Brieno

See below. FYI We don't have a report listing the locations of grants.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Roberta Monzelli
 Sent: Wednesday, June 3, 2020 4:31 PM
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Cc: Sandra Lerma <SLerma@cityofhanfordca.com>
 Subject: RE: Councilmember Brieno

Received a call today from Art Brieno wanting to know if I could answer some questions he had from the Staff Report. I replied that I would certainly try. He said that according to our program we are to assist in blight areas of Hanford. He said the Staff Report indicated we had done quite a few roof replacements in northeast Hanford. I didn't respond because I was waiting for a question. He then asked that as long as they are low income we can assist them? I replied yes, that is one of the criteria. He then stated that he knows we should have a report listing who has received assistance that doesn't give names and that he wanted a copy. I told him I was not aware of such report. He also asked if I was the person who prepared the Staff Report in which I told him no, Sandra does the Staff Reports as the Administrator. He wanted to know what I did and I told him I was Sandra's assistant. He said he had left a message for her yesterday but didn't receive a call back and he understood that she was out for the rest of the week. He said he would get back to her about the Staff Report and ended the conversation.

Roberta E. Monzelli
 Community Development-Housing
 559-585-2587
RMonzelli@cityofhanfordca.com

From: Darlene Mata
Sent: Wednesday, June 3, 2020 3:49 PM
To: Roberta Monzelli <RMonzelli@cityofhanfordca.com>
Cc: Sandra Lerma <SLerma@cityofhanfordca.com>
Subject: Councilmember Brieno

Roberta,

When you have time, can you please summarize your conversation with Mr. Brieno to me in an email.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Mario Cifuentes mcifuentes@cityofhanfordca.com
 Subject: FW: SHE Funding
 Date: Jun 4, 2020 at 2:48:39 PM
 To: Darlene Mata DMata@cityofhanfordca.com

Is what Art requested already included in what I sent him in this email?

Mar

From: Mario Cifuentes
Sent: Monday, June 1, 2020 10:19 AM
To: Art Brieno <abrieno@cityofhanfordca.com>
Subject: SHE Funding

Hi Art,

I found the documents that we discussed with regards to prior years funding for SHE for the \$90,000 for Parkside. I've attached the 2017 Action Plan that had the \$90k. Then, because of delays in the project as we looked into the park, the second document pulls that funding and reallocates it elsewhere. Then, on April 2, 2019, Council approved the amendment No. 1 to the 2018 Action Plan, which provided the \$90k once again. Because we continued to move slowly on looking into the park, the funding eventually had to be used elsewhere and was reallocated in early 2020.

Mario

pdf	pdf	pdf
2017 Action Plan.pdf	2017 Remo...l Funds.pdf	2018 AP Amend 1.pdf
112 KB	247 KB	471 KB

From: Mario Cifuentez mcifuentez@cityofhanfordca.com
 Subject: FW: Letter, regarding authorizing for me to negotiate a solution on his behalf...
 Date: Jun 5, 2020 at 7:31:13 AM
 To: Darlene Mata DMata@cityofhanfordca.com

FYI

From: Art Brieno
Sent: Friday, June 5, 2020 6:09 AM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Subject: Re: Letter, regarding authorizing for me to negotiate a solution on his behalf...

Good morning.

As I had stated in my call he had contacted me to look into this issue. My intent was to help him to find a resolution,..being he is a constituent that I've known.

Many issues seem to arrive from broken communication, I'm sure there is more

to the story than I can have known,..if you could have told me of what a acceptable payment option was , I could have conveyed this to him...

I knew originally, he had some hostility toward the city, , I was hoping to help him see what the best way to be able to obtain the permits that he needs to ObtainI 'll convey to him of what your position is, and that I wouldn't be Able to help him any further.....

Art

On June 4, 2020, at 7:07 AM, Mario Cifuentez <mcifuentez@cityofhanfordca.com> wrote:

Good Morning Art,

I received your note and the letter from Mr. [REDACTED] To be candid, \$45 per month is not an acceptable payment plan for fines and violations as substantial as what Mr. [REDACTED] is facing. When Ty and I had discussed the matter, we had considered half up front and the balance within 30 days. I say that to show you the vast difference between what I would see as acceptable and where Mr. [REDACTED] stands.

Additionally, as I mentioned below and in the email where I sent you the CDBG guidelines, we can't even begin to move forward with assisting Mr. [REDACTED] with any of this through the various funding sources unless he is willing to demolish the rental unit, which his letter infers is not an option. None of the CDBG funds can be used on property that derives rental income.

If Mr. [REDACTED] wants to set up a meeting with staff to discuss his options we can certainly do that. With regards to your involvement, much like we've discussed in the past cases that you have brought to me, we need to clearly identify your role in this particular process. If you are simply acting as a Council member in this matter, you are not a party to the action and should not be in that meeting. If you are a contractor or a duly authorized agent of Mr. [REDACTED] you can attend the meetings and act on his behalf but you would then be precluded from inquiring or acting in any official City capacity with regards to this matter.

My calendar is pretty full but I can discuss further with you after 3pm today or after 1pm tomorrow.

Mario

From: Mario Cifuentez

Sent: Thursday, May 28, 2020 10:14 AM

To: Art Brieno <abrieno@cityofhanfordca.com>

Subject: RE: Letter, regarding authorizing for me to negotiate a solution on his behalf...

Hi Art,

I know you said that you were out today but I wanted to get you the information I have in case you would still be talking to Mr. [REDACTED] today. I forwarded this to the City Attorney as I stated I would. Ty had much more background to offer on the case and I have included it below:

Mr. [REDACTED] called Ty last September and he was disappointed when the City Attorney was not agreeable to bending the rules for him. The following are highlights from the conversation between the two of them and Ty's notes from 9/11/19:

- Mr. [REDACTED] initiated the call in the afternoon regarding the residence that he owns at 11400 12th Ave.

- Mr. [REDACTED] stated that he had spoken with Frank Rocha and Tom Webb earlier that day. There was an issue with rats and mice at [REDACTED] property. He believes the problem had been resolved. [REDACTED] sister occupied a portion of the residence. The sister was in the hospital recently, and, upon her return, she noticed only one mouse.

- Mr. [REDACTED] is allowing two people to live in the property's garage while the occupant's

residence is being renovated and they paid \$50 for use of the garage. Mr. [REDACTED] believes that the occupants will depart within ten days. Mr. [REDACTED] indicated one of the occupants is suffering from health problems and noted that, if the occupants are forced to leave, they will be homeless and will end up living in one of the storm drainage basins off of 12th Ave. Mr. [REDACTED] stated that he had built a bathroom that the occupants may use. The occupants have been using the garage 3-4 weeks.

Mr. [REDACTED] acknowledged that he received a letter dated 9/10/19 from the City. The letter gave Mr. [REDACTED] ten (10) days to address problems. Mr. [REDACTED] was unhappy because Tom Webb informed him that the occupants must be out of the garage immediately and Mr. [REDACTED] believes that the City should adhere to its ten-day letter.

- Ty called Tom after speaking with Mr. [REDACTED] and Tom explained that the ten-day letter only applies to the substandard conditions, which were reported to the City by the County Health Dept. Tom confirmed that use of a garage as a living space gives rise to a health and safety issue and that Tom would be mailing a citation to Mr. [REDACTED] the next day. Tom had already spoken to Mr. [REDACTED] about an inspection of the residence and Mr. [REDACTED] said that he may not consent to an inspection. In response, Tom had told Mr. [REDACTED] that the City may obtain an inspection warrant from the court and charge Mr. [REDACTED] for the costs incurred. Tom also confirmed that the bathroom mentioned by Mr. [REDACTED] was built without a permit.

- Ty then called Mr. [REDACTED] back and informed him that the ten-day letter applies only to the substandard conditions and that the letter does not cover the people living in [REDACTED] garage. Ty further informed Mr. [REDACTED] on that day that the occupants in the garage are a health and safety problem and that they need to be out immediately. He also stated that if one of the occupants has health problems as Mr. [REDACTED] mentioned, living in his garage is not good for her.

- Mr. [REDACTED] asked whether Ty could have Tom postpone action on the garage matter for 5-10 days. Ty informed him that the City Attorney has no authority to give direction to staff, and even if such authority existed, Ty would not ask staff to violate state health and safety laws. He informed Mr. [REDACTED] that it would be disastrous if one of the occupants is injured in the garage during the grace period.

- Mr. [REDACTED] said that he understands but disagrees with the City's position, and, if he is cited, he will not pay the fines.

This additional history and documented statements present several problems to reaching a resolution on this matter with Mr. [REDACTED]

First and foremost, Mr. [REDACTED] will be required to pay all fines before we can move forward and he has repeatedly stated to multiple people that he will not do so. Neither I, nor my staff possess the authority to waive fees. When Council passed Resolution 19-21-R, which outlines code violation fines, in July 2019, the cure period that existed under the predecessor resolution was eliminated. While fees under the "old" Resolution were waived if the citation recipient cured the violation within the specified time, that option is no longer available to us. If you feel that the City should take a more lenient approach on this matter, you will

need to ask the other Council members to consider a change to the City's citation policy.

Lastly, while I would love to be able to issue a permit to provide hot water and cooling to the main residence, much like with the fees, neither I nor my staff possess the authority to selectively apply the Building Code, especially provisions that protect the health and safety of building occupants. I have significant concerns that Mr. [REDACTED] has not complied with the unsafe to occupy posting from last year. He still has people living in the area that has been posted and because we as the City are aware of it, it now becomes a liability issue if the City encourages or facilitates violations (e.g., issuance of a permit or certificate of occupancy in violation of the Building Code). To even consider issuing permits to a residence with known uncured violations would require a policy approved by Council that facilitates the violation of the Building Code and that decision would need to be made by the full Council, with an understanding of potential liability exposure to the City.

Absent a Council policy change as noted above, Mr. [REDACTED] will need to do the following before we could issue permits for the appliances that he is wishing to install:

1. Pay all fines due for the violations
2. Comply with recommended actions in the Survey Report that was provided to him on September 19, 2019 which included options for demolition or obtaining a building permit, after the fact, for the improvements that were already in place. This does not mean that he has to have completed all of the improvements. He simply needs to apply for permits and work with Tom and his staff on a plan.

My apologies that this is so lengthy but I wanted you to be able see the full history and the legal options that we have in this case and be able to convey all of this to Mr. [REDACTED] before we set a meeting.

Let me know if you have any questions.

Mario

From: Art Brieno

Sent: Wednesday, May 27, 2020 4:28 PM

To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>

Subject: Fwd: Letter, regarding authorizing for me to negotiate a solution on his behalf...

..as I've stated, I believe we could come to a resolution on Mr. [REDACTED] Housing issues.

Art

----- Original Message -----

Subject: Letter

From: Astro Media <astrokvll@gmail.com>
Sent: Wednesday, May 27, 2020, 4:23 PM
To: Art Brieno <abrieno@cityofhanfordca.com>
CC:

From: Ruth Belmonte RBelmonte@cityofhanfordca.com
 Subject: RE: 311 South St.
 Date: Aug 4, 2020 at 1:51:02 PM
 To: Darlene Mata DMata@cityofhanfordca.com

Darlene,

I left it open in case in other abatement needed to be taken care. There has not been any issues at this point.

I have not placed the lien on this property but I can do that today and closed the case.

Ruth

From: Darlene Mata
 Sent: Tuesday, August 4, 2020 1:44 PM
 To: Ruth Belmonte <RBelmonte@cityofhanfordca.com>
 Subject: RE: 311 South St.

Ruth,

Is this case closed. I see the fines are still unpaid.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Ruth Belmonte
 Sent: Friday, March 6, 2020 2:34 PM
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Cc: Tom Webb <TWebb@cityofhanfordca.com>; Ty Mizote <tmizote@griswoldlasalle.com>
 Subject: 311 South St.

Darlene,

This a follow on this property of 311 South St.

I completed a tow of the last vehicle on this property on March 5th. While the tow truck driver was enter the property with the bed in reverse, Mr. [REDACTED] son and Art Brieno showed up for the removal. While waiting in the rear yard, noticed the majority of the property was cleaned (95%) and a some trash from the vehicle left underneath and a few weeds. I noticed on the burned residence, they removed the burned rafters and ceiling

joist and began replacing temporary rafters to board up the roof as instructed.

I asked Mr. [REDACTED] I see that Mr. Brieno is out with you. He said yes, he's helping and guiding me of how to do it. He knows a little construction. When the vehicle was on the bed of the tow truck. Mr. Brieno asked about the tow. I told him that we notified the vehicle owner prior but I received a call from the vehicle owner requesting the city to go ahead and remove it.

I had called Mr. [REDACTED] son prior to the tow that we would be on the property with their permission after 2 pm which we were granted.

No photos taken.

Ruth Belmonte,
Code Compliance Officer
City of Hanford Code Compliance
317 N Douty Street
Hanford, CA 93230

From: Darlene Mata DMata@cityofhanfordca.com
Subject: live oak master plan layout
Date: Jan 28, 2019 at 2:54:00 PM
To: Art Brieno abrieno@cityofhanfordca.com
Cc: Darrel Pyle DPyle@cityofhanfordca.com

Councilmember Brieno,

Attached you find a color map of the approved Live Oak Master Plan. It shows generally the park and open space in the plan. There have been minor modifications to the layout since 2009, but generally the park and open space has stayed the same. The park space is about 17 acres and there is much more open space in the slough areas.

If you have any questions, please feel free to give me a call. If you would like to see the final approved maps, let me know. They are not in color and you can't see the parks and open space as well.

Darlene R. Mata
(559) 585-2590

W

live oak ma...layout.docx
1.2 MB

From: Darlene Mata DMata@cityofhanfordca.com
Subject: Mr. [REDACTED]
Date: May 23, 2019 at 10:52:00 AM
To: Art Brieno abrieno@cityofhanfordca.com
Cc: Darrel Pyle DPyle@cityofhanfordca.com

Councilmember Brieno,

A correction letter went out to Mr. [REDACTED] on his permit for the trash enclosure. Per the current International Building Code pertaining to ADA regulations, he will have to provide an ADA compliant path of travel from his business to the trash enclosure, the enclosure is required to be a 10 foot X 20 foot enclosure and we are requesting some design changes to the footing of the enclosure. The correction letter probably went out yesterday.

The enclosure will have to be set back from the alley to meet the requirement as the ADA path of travel cannot go into a road or alley.

The ADA path of travel to the trash enclosure is something that is new in the last few years.

Since you are assisting him, I thought you should know where we are with the permit.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: RE: Mr. [REDACTED]
 Date: May 28, 2019 at 10:27:00 AM
 To: Art Brieno abrieno@cityofhanfordca.com

You would need to speak with John Doyle, he provided the requirement. I think it has something to do with the new recycle laws the State has imposed on the City. I believe he will be required to have two bins.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Art Brieno
Sent: Tuesday, May 28, 2019 10:22 AM
To: Darlene Mata <DMata@cityofhanfordca.com>
Subject: Re: Mr. Aguilar

I have a question, why is the enclosure required, to be 20ft. wide?...it seems over size,. He has weekly service, an doesn't always full the present dumpster. Thanks

On May 23, 2019, at 10:52 AM, Darlene Mata <DMata@cityofhanfordca.com> wrote:

Councilmember Brieno,

A correction letter went out to Mr. [REDACTED] on his permit for the trash enclosure. Per the current International Building Code pertaining to ADA regulations, he will have to provide an ADA compliant path of travel from his business to the trash enclosure, the enclosure is required to be a 10 foot X 20 foot enclosure and we are requesting some design changes to the footing of the enclosure. The correction letter probably went out yesterday.

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Since you are assisting him, I thought you should know where we are with the permit.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Darlene Mata <DMata@cityofhanfordca.com>
 Subject: RE: Mr. [REDACTED]
 Date: May 28, 2019 at 10:27:00 AM
 To: Art Brieno <abrieno@cityofhanfordca.com>

You would need to speak with John Doyle, he provided the requirement. I think it has something to do with the new recycle laws the State has imposed on the City. I believe he will be required to have two bins.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Art Brieno
 Sent: Tuesday, May 28, 2019 10:22 AM
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Subject: Re: Mr. [REDACTED]

I have a question, why is the enclosure required, to be 20ft. wide?...it seems over size, He has weekly service, an doesn't always full the present dumpster.
 Thanks

On May 23, 2019, at 10:52 AM, Darlene Mata <DMata@cityofhanfordca.com> wrote:

Councilmember Brieno,

A correction letter went out to Mr. [REDACTED] on his permit for the trash enclosure. Per the current International Building Code pertaining to ADA regulations, he will have to provide an ADA compliant path of travel from his business to the trash enclosure, the enclosure is required to be a 10 foot X 20 foot enclosure and we are requesting some design changes to the footing of the enclosure. The correction letter probably went out yesterday.

The enclosure will have to be set back from the alley to meet the requirement as the ADA path of travel cannot go into a road or alley.

The ADA path of travel to the trash enclosure is something that is new in the last few years.

Since you are assisting him, I thought you should know where we are with the permit.

Darlene R. Mata

Community Development Director
(559) 585-2590

From: Darlene Mata DMata@cityofhanfordca.com
Subject: Live Oak
Date: Jul 26, 2019 at 12:06:00 PM
To: Art Brieno abrieno@cityofhanfordca.com
Cc: Mike Olmos molmos@cityofhanfordca.com

Councilman Brieno,

Alvin said you would like to know when the Live Oak project will expire. The development agreement and associated approvals will expire in December of 2021 unless the agreement is extended by the parties. We do talk to the owners and the engineers working for the owners and they have been working on a request to change some of the conditions and requirements in the plan and development agreement. As a matter of fact, I spoke with one of the engineers this week. As for when they might build, they would have to file a final map before the expiration date. They could then start construction any time after the final map is recorded.

If you have any other questions, let me know.

Thanks.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Darlene Mata DMata@cityofhanfordca.com
Subject: 330 E. Seventh Street
Date: Jul 30, 2019 at 1:23:00 PM
To: Art Brieno abrieno@cityofhanfordca.com
Cc: Mike Olmos molmos@cityofhanfordca.com

Councilmember Brieno,

Mike Olmos said that you wanted to facilitate a meeting with Mr. [REDACTED] and City staff to go over what he needs to do to be compliant with his current administrative permit. Currently, Mike and I are both available on Monday, August 5, all day or Thursday, August 8 in the afternoon. Do you want to see if Mr. [REDACTED] is available and let me know if either date works with both your schedules?

Just let me know what time works and I'll put it on our calendars.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Darlene Mata DMata@cityofhannfordca.com
 Subject: Fwd: Bastille engineering report
 Date: Sep 4, 2019 at 6:06:46 PM
 To: Mike Olmos molmos@cityofhannfordca.com

Hi Mike,

Attached is the email I received yesterday. It did not ask to make arrangements to get into the Bastille. I got the pdf of plans last Wednesday, but as you know I was very busy on the Carnegie issues and out of the office Friday. Also, we have not gotten the letter of interest yet, so wasn't sure if we are sending out the plans.

Jerry Irons called my cell phone this morning at 11:11, but there was not a voicemail. I have no record of a call to my office phone or any additional calls from Jerry Irons.

At 3:30 I received a call from a Rosa Contreras in Parks and Rec that Jerry Irons was calling and wanted Richard to open the Bastille and that he made the arrangements with me. When I went to check my phone while talking to Rosa there was a voicemail I hadn't seen come inform Mr. Irons. I called Randy Shaw and Lou Camera to see if anyone was available, but could not reach anyone. I checked with you to see if we had agreed to let him have access and we agreed that we were expecting a letter of interest before proceeding. At your direction, I called Mr. Irons at 3:40 to tell him I had no one available to unlock the building and reiterated that we were expecting a letter of interest. I was told I was not being helpful or a good manager or working very hard to bring business here and that he wasn't going to submit something to the council unless he did his due diligence. I was also told that Art Brieno was supposed to meet him there, but he didn't show up.

Later Randy Shaw called to say Councilmember Brieno called John Doyle to have him get someone to let him into the Bastille. I then had you interrupted in your meeting, which is where everyone with keys was, so we could figure out what to do since Councilmember Brieno was now there. I believe Councilmember Brieno was then calling you. You directed Lou to have Randy open the building.

Sent from my iPad

Darlene R. Mata

Begin forwarded message:

From: Jerry Irons <jerryirons@msn.com>
Date: September 3, 2019 at 10:32:58 AM PDT
To: "dmata@cityofhanfordca.com" <dmata@cityofhanfordca.com>
Subject: Bastille engineering report

Darlene:

Checking to see if a PDF of the above report is ready for me.

Let me know please.

Thank you

Jerry Irons

Sent from my iPhone

From: Darlene Mata DMata@cityofhanfordca.com
Subject: Letter to Mr. [REDACTED]
Date: Nov 5, 2019 at 11:28:00 AM
To: Mike Olmos molmos@cityofhanfordca.com, Art Brieno
abrieno@cityofhanfordca.com

Attached is the letter sent to Mr. [REDACTED] this morning in response to two letters he submitted to the City.

Please call me if you have any questions.

Darlene R. Mata
Community Development Director
(559) 585-2590

pdf

Response...5-2019.pdf
388 KB

City of **H A N F O R D**
 CALIFORNIA 93230
 CITY OFFICES 317 NORTH DOUTY STREET



MAYOR
SUE SORENSON
 VICEMAYOR
JOHN DRAXLER
 COUNCIL MEMBERS
MARTIN DE VINI
FRANCISCO RAMINEZ
ARTHUR BRIENO
 CITY MANAGER
MIKE ULMOS
 CITY ATTORNEY
ROBERT M. COWD

November 4, 2019

██████████
 Aguilar and Son's Automotive
 330 E 7th
 Hanford CA 93230

RE: Administrative Approval 2019-10

Dear Mr. ██████████

The City has received your two letters dated October 30, 2019 and October 24, 2019. You have requested that the City reconsider several conditions of approval listed in the approval letter and relief from complying with City development standards for the trash enclosure.

Your request to amend Administrative Approval 2001-03 was limited to the addition of the two lifts; and all other conditions of approval were to remain the same. Condition # 11 and # 13 are conditions from the original Administrative Approval 2001-03, see attached. As we have discussed, the use is currently legally existing, but non-conforming. Legal non-conforming uses can remain in their current use, but cannot be expanded or substantially changed. As such, we cannot make the changes you request to the conditions of approval as outlined below:

Condition #11 That no cars are to remain on the site for over ten days. You cannot store vehicles longer than 10 days. Long term storage is contributing to the congestion of cars on site on a daily basis, therefore the City cannot remove this condition.

Condition #13 That no discarded and/or used parts are to be kept or stored at the site. We understand that in the normal course of business there will be used and discarded parts, they must be regularly disposed of or picked up for recycling. Storage of parts to be picked up only twice a year is not permitted because it allows excessive accumulation of discarded parts that can become unsightly and may leak automotive fluids.

Trash Enclosure – The City requires restaurants and automotive uses to have a trash enclosure with hot and cold water and a drain with grease interceptor. This requirement is imposed on all new automotive uses and new trash enclosures for automotive uses. The requirement is a State of California Building Code requirement Section 1226.4.9 as attached. As it is State law, the City cannot waive this requirement. This requirement was added to the California Building Code in the last two-three years, resulting in the City also amending requirements to add the grease interceptor to protect the integrity of the City sewer system. The original requirement of a 10 X 10 enclosure was changed as a result of State law changes as well.

The City found some leeway to allow you to retain the two lifts by verifying their existence prior to the zoning change, however, amending original conditions of approval that may result in additional impacts to adjacent properties is not possible. These conditions of approval would have had to be appealed when Administrative Approval 2001-03 was approved and would have required a public hearing at the Planning Commission. You acknowledged these conditions when you signed the approval documents in 2001.

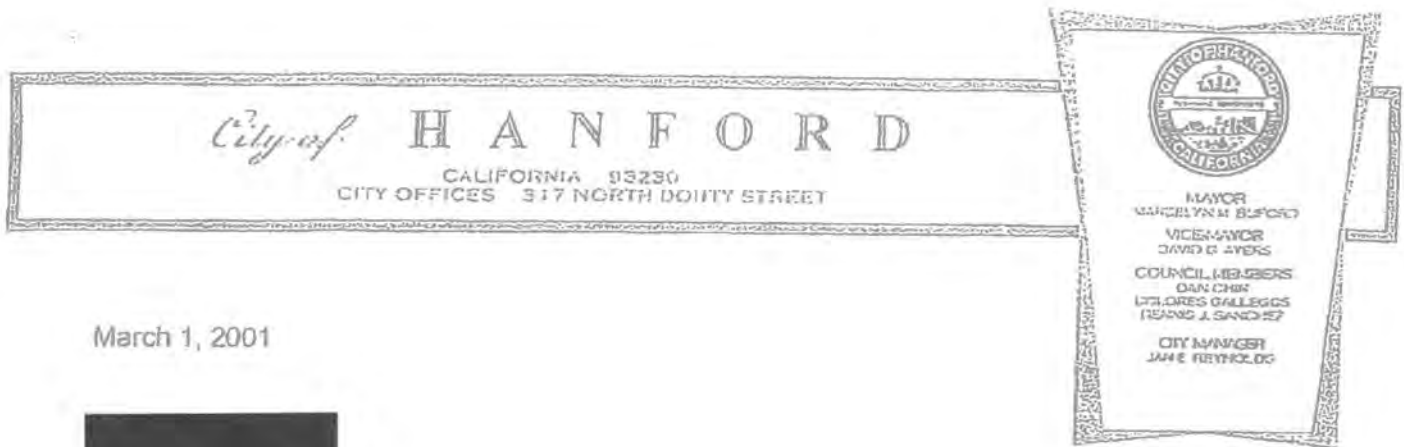
If you have any questions, or wish to discuss further, please contact me at dmata@cityofhanfordca.com or (559) 585-2590.

Sincerely,



Darlene R. Mata
Community Development Director

Cc: Mike Olmos
Art Brieno



March 1, 2001

[REDACTED]
Hanford CA 93230

Re: Administrative Approval No. 2001-03 (File 514.174)

Dear Mr. [REDACTED]

Your application for Administrative Approval No. 2001-03, a proposal to establish a smog check and automotive repair shop located at 330 E. Seventh Street has been completed. The City of Hanford has made all the necessary findings required by the Zoning Ordinance in order to approve the Administrative Approval subject to the following conditions required by the various city departments.

PLANNING DEPARTMENT

Contact Associate Planner: John Stowe (559) 585-2579
Concerning questions that you may have on the conditions listed below:

General:

1. That the applicant hereby agrees to hold the City of Hanford and all of its departments, officers, agents, and employees free and harmless of and from all claims of any kind or nature arising out of or by reason of the approval of this project.
2. That approval of this project does not exempt compliance with all applicable sections of the Zoning Ordinance, Public Works Improvement Standards, fees, or other City Ordinances.
3. That all approved proposals of the applicant be conditions of development if not mentioned herein.
4. That all development conform to the site plan for Administrative Approval No. 2001-03, as amended in red, and approved by the Community Development Department.
5. That the site be developed according to the administrative approval with minor modifications to be approved by the Community Development Department.
6. That no occupancy shall be permitted of any building and/or structure which is not in substantial compliance with approved plans, excepting upon specific review and approval of any "as built" modifications by the authorizing City body (City Council, Planning Commission, Community Development Department or other appropriate City departments).

7. That no expansion of the use which would tend to increase the projected scale of operations beyond the scope and nature described in this Administrative approval, shall be permitted except upon application for, and approval of, modification of this application according to all procedures and requirements therefor.
8. That all open and unlandscaped portions of the site be maintained in good condition, free from weeds, dust, trash and debris.

Architectural Conditions:

1. That all vents, gutters, downspouts, flashing, etc. are to match the color of adjacent surface.

Fencing and Walls:

1. That the applicant construct chainlink fencing as shown on the approved site plan. Earth tone colored vinyl slats are to be placed in the fence along the east property line.
2. That all proposed and existing fencing on the site be maintained in good repair with graffiti being removed in a timely manner.

Lighting:

1. That all lighting be hooded and directed on site.

Environmental Requirements:

1. That the employer of the facility is encouraged to fill job openings from local sources.

Signage:

1. That all signs proposed for this development be designed and approved in conformance with the City's Sign Ordinance. A separate application is required.
2. That banners, streamers, balloons, and the like are permitted only for a two-week grand-opening period beginning when the Certificate of Occupancy is approved.

Special Requirements

1. That all cars are to be serviced within the confines of the site no cars are to be serviced or stored within the public right-of-way.

Screening:

1. That all outside storage be screened in a manner that is architecturally compatible with the building.
2. That no car are to remain on the site for over ten days
3. That all cars that are kept over night must be placed in screen in area behind the building.
4. That no discarded and/or used parts are to be kept or stored at the site.

Park Fee:

1. That the development is not subject to a park fee.

Off-Street Parking:

1. That a minimum of two off street parking spaces and one handicap space be installed in accordance with City standards as shown on the attached site plan.
2. That signing for the parking lot is to include marked handicap space.
3. That a regular parking lot maintenance program be created to prevent the buildup of dust, debris, and automobile related pollution.

PRIVATE UTILITY COMPANIES

Contact the following persons concerning questions that you may have on the conditions listed below:

Southern California Edison Co., Kevin Arellano: (559) 685-3286

Pacific Bell, Dom Rendon: (559) 454-4257

Southern California Gas Co., Larry Looney: (559) 584-6317

Media One, Keith Parr: (559) 735-2103

USA: 1 (800) 642-2444

1. That the local gas, electric, cable and telephone companies be contacted for exact location of their services.
2. That any alterations or reallocations of utilities be the responsibility of the developer.
3. That all new utilities be underground within the site.

FIRE DEPARTMENT

Contact Assistant Fire Chief/Fire Marshall: Tim Ieronimo (559) 585-2545

Concerning questions that you may have on the conditions listed below:

General:

1. That building plans be reviewed by the Fire Department to make an adequate fire protection determination.
2. That approval of this project does not exempt compliance with all applicable sections of the City adopted fire codes and local fire ordinances.

Fire Extinguisher(s):

1. That Fire Extinguishers be mounted and/or recessed in cabinets where required by the Fire Department. The size, type and location shall be determined by the City Fire Department.

Special Requirements:

1. That the applicant replace the broken windows on the located on the west wall.

CITY UTILITY DIVISION

Contact Utilities Superintendent: Terry Carr (559) 585-2560
Concerning questions that you may have on the conditions listed below:

General:

1. That all work within the City right-of-way shall be under the control of a General Engineering Contractor, licensed for that purpose. Contractor shall verify all conditions in the field prior to commencing construction.
2. That all work and materials shall conform to City of Hanford Construction Standards and Specifications, latest edition.

Water:

1. That the backflow preventer assembly be tested by the applicant with the test results given to the City Utility Superintendent. Modifications and/or repairs required by the city is the responsibility of the applicant.
2. That the backflow cage and adjacent guard post be reset to city standards.
3. If any automotive detailing is performed at with includes washing or steam cleaning then a sand trap must be installed.

PUBLIC WORKS DEPARTMENT

Contact Assistant City Engineer: Lou Camara (559) 585-2555
Concerning questions that you may have on the conditions listed below:

Impact Fees:

1. That development is subject to impact fees.

REFUSE DIVISION

Contact Refuse Supervisor: Lionel Dias (559) 585-2569
Concerning questions that you may have on the conditions listed below:

1. That a 10 ft. x 10 ft. inside clear dimension refuse enclosure with a 6 ft. high solid block perimeter walls be provided. The refuse enclosure shall have gates of chainlink with earth tone colored vinyl slats. The enclosure is to be architecturally compatible with the building.

BUILDING DIVISION

Contact Building Official: Jim Kochar (559) 585-2584
Concerning questions that you may have on the conditions listed below:

1. That building permits must be obtained from the City Building Division for any structural, plumbing, electrical or mechanical work being done.
2. That the site, as well as the building, be made accessible and usable by the handicapped according to State Handicap Regulations.
3. That no building or structure shall be used or occupied, and no change in the existing occupancy classification of building or structure or portion thereof shall be made until the building official has issued a Certificate of Occupancy.

It should be noted that expansion of the proposed use which would tend to increase the projected scale of operation beyond the scope and nature described in the Administrative Approval application is not permitted, unless prior approval is given by the city. Expiration of the Administrative Approval will occur if the proposed use is abandoned for six months, or does not commence within one year of the date of this approval. If you are dissatisfied with the conditions of approval you may appeal to the Planning Commission by filing an appeal form and processing fee with the Community Development Department within ten (10) days of the date of the approval.

APPLICANT'S STATEMENT (Must be signed prior to issuance of a building permit)

I have reviewed a copy of the Administrative Approval No. 2001-03, and I understand that the proposed construction and/or land use is dependent upon the fulfillment of the conditions of approval and construction of all required public improvements prior to use, inauguration or occupancy unless other arrangements are approved.

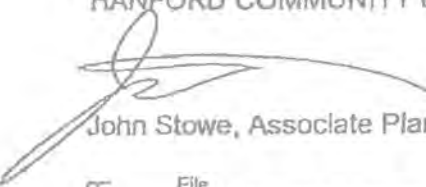
Applicant or Authorized Representative:

 _____ Date

If you have any questions regarding this approval, please contact me at (559) 585-2579.

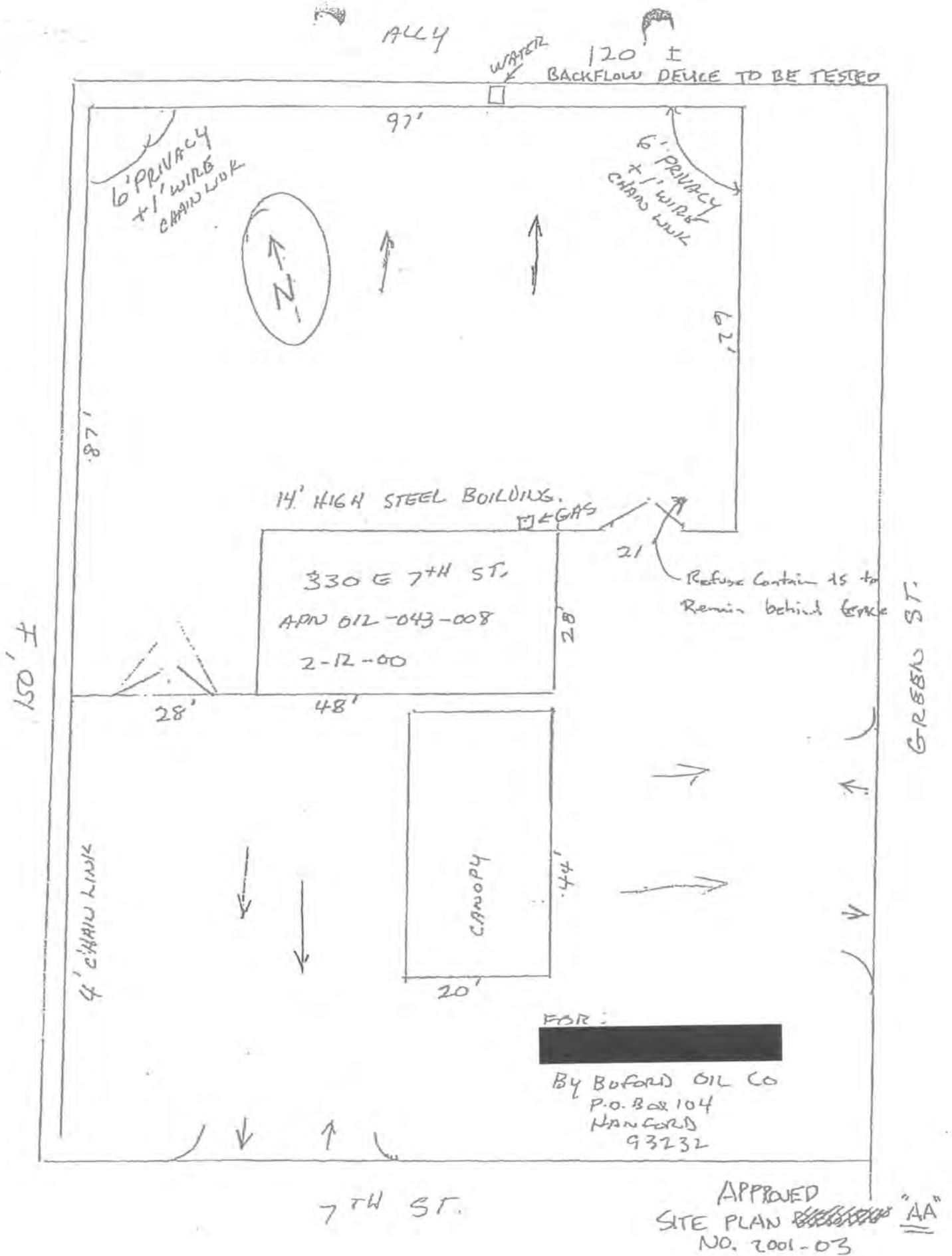
Sincerely,

HANFORD COMMUNITY DEVELOPMENT DEPARTMENT


John Stowe, Associate Planner

cc: File
City of Hanford Building Division
City of Hanford Public Works Department (City Utilities, Engineering, and Refuse)

S: COMDEV/PLANNING/ADMINISTRATIVE APPROVAL/AA# 2001-03 FINAL.DOC



1226.4.9 Garbage, solid waste, medical waste and trash storage

These facilities shall comply with the appropriate local health and environmental authorities' requirements, California Department of Public Health requirements for medical waste management, and comply with the following minimum requirements:

1226.4.9.1 Location

A location shall be provided for waste collection and storage with sufficient space based upon the volume of projected waste and length of anticipated storage. The location of compactors, balers, sharps containers, and recycling container staging at docks or other waste removal areas shall comply with Section 1224.4.2.

1226.4.9.2 Enclosure

A lockable room or screened enclosure of at least 25 square feet (2.32 m²) shall be provided for the washing and cleaning of garbage containers and for the storage of garbage, trash and other solid wastes.

Exception: This amount of space may not be required by the enforcing agency if there is a proposed method of handling and storage which requires a lesser amount of space. Additional space may be required by the enforcing agency when special operations or collection and disposal methods result in greater than usual accumulation of solid wastes.

The room or screened enclosure shall include the following:

1. **Floor and curb.** A concrete floor with a curb and with a drain connected to the sewer.
2. **Water.** Steam or hot water and cold water supplies in accordance with the California Plumbing Code.
3. **Size.** A minimum floor area of not less than 25 square feet (2.32 m²), the least dimension of which shall be 4 feet (1219 mm). This amount of space may not be required by the enforcing agency if there is proposed a method of handling, storage, or cleaning of containers which requires a lesser amount of space. Additional space may be required by the enforcing agency when special operations or collection and disposal methods result in greater than usual accumulation of solid wastes.

1226.4.9.3 Waste holding room

As an alternative to the requirements in Section 1226.4.9.2, a holding room for medical waste and garbage may be provided.

Exception: This amount of space may not be required by the enforcing agency if there is a proposed method of handling and storage which requires a lesser amount of space. Additional space may be required by the enforcing agency when special operations or collection and disposal methods result in greater than usual accumulation of solid wastes.

The waste holding room shall comply with the following:

1. The waste holding room shall be a minimum of 25 square feet, with the least dimension of which is 4 feet.
2. The waste holding room shall have 100 percent exhaust ventilation.
3. All finishes in the waste holding room shall comply with the requirements in Section 1224.4.11.
4. The waste holding room shall be immediately accessible to an exterior door.

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: Re: SJVEDC v. City of Hanford
 Date: Jan 3, 2020 at 11:46:04 AM
 To: Art Brieno abrieno@cityofhanfordca.com
 Cc: Mario Cifuentez mcifuentez@cityofhanfordca.com

Hi Art,

This is the lawsuit over the approval of the general. The court found for the City. SJVEDC appealed the ruling. The letter states they have dropped the appeal so this lawsuit is now over.

If you have any other questions, just let me know.

Darlene R. Mata
 Sent from my iPhone

On Jan 3, 2020, at 11:33 AM, Art Brieno <abrieno@cityofhanfordca.com> wrote:

I didn't see an attachment, what is this letter about...Art

On December 30, 2019, at 11:49 AM, Darlene Mata <DMata@cityofhanfordca.com> wrote:

YAY! Thank you Mario!!

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Sarah Valencia [<mailto:valencia@griswoldlasalle.com>]
 Sent: Monday, December 30, 2019 11:30 AM
 To: John Draxler <jdraxler@cityofhanfordca.com>; Francisco Ramirez <framirez@cityofhanfordca.com>; Sue Sorensen <ssorensen@cityofhanfordca.com>; Martin Devine <mdevine@cityofhanfordca.com>; Art Brieno <abrieno@cityofhanfordca.com>; Mario Cifuentez <mcifuentez@cityofhanfordca.com>

Cc: [REDACTED]
 Darlene Mata <DMata@cityofhanfordca.com>; Mario Zamora

<zamora@griswoldlasalle.com>

Subject: SJVEDC v. City of Hanford

Good morning all,

[REDACTED]

Sarah Valencia, Paralegal
GRISWOLD, LaSALLE, COBB, DOWD & GIN, L.L.P.
111 East Seventh Street
Hanford, California 93230
Office: (559) 584-6656 x 131
Fax: (559) 582-3106

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From: Darlene Mata DMata@cityofhanfordca.com
 Subject: RE: Building Permit FY19-1183
 Date: Jan 7, 2020 at 4:25:00 PM
 To: Steve Pendergrass spendergrass@cityofhanfordca.com

No problem. When I, or Mario, get the call from Councilmember Brieno, this is helpful to know.

Thanks.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Steve Pendergrass
Sent: Tuesday, January 7, 2020 4:24 PM
To: Darlene Mata <DMata@cityofhanfordca.com>
Subject: Re: Building Permit FY19-1183

Sorry for not getting back to you sooner. There have been several calls in that specific area. The fires that have occurred were impacted in the fact that crews attempted to engage the fire from the alley and access was tight. The decision for further incidents was to stay out of the alley. This limits effectiveness to the rear structures. There is no formal policy addressing this property, and some captains may choose a different approach but this was the consensus after reviewing the incidents in the area previous incident reports.

Steve Pendergrass
 Fire Chief
 Hanford Fire Department
 559-585-2145
 spendergrass@cityofhanfordca.com

"To protect residents and visitors of Hanford from conditions that would pose a threat to life, property, or the environment by utilizing aggressive techniques, and when needed, respond to all emergencies in a safe, swift, and efficient manner"

RESPECT*CARING*INTEGRITY*ACCOUNTABILITY*FAMILY*QUALITY

From: Darlene Mata
Sent: Tuesday, January 7, 2020 4:11 PM
To: Art Brieno
Cc: Mario Cifuentes; Steve Pendergrass
Subject: Building Permit FY19-1183

Councilmember Brieno,

You are listed as the drafts person on this permit. As a courtesy, I am forwarding you a copy of a letter that was sent to the property owners today, as you were not listed on the application. They have the same problem here that they had with the mobile home. If this parcel is going to share a driveway, site plan review is required and the same conditions as those that were discussed for the mobile home would apply, which is an improved driveway for fire access.

Please let me know if you have any questions.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: Re: Art Brieno
 Date: Feb 8, 2020 at 12:16:24 PM
 To: Mario Cifuentez mcifuentez@cityofhanfordca.com

Yes. This is concerning.

Sent from my iPad

Darlene R. Mata

On Feb 7, 2020, at 8:27 PM, Mario Cifuentez <mcifuentez@cityofhanfordca.com> wrote:

Good Lord. Make sure I'm available as well.

Thank you,

Mar

----- Original message -----

From: Darlene Mata <DMata@cityofhanfordca.com>
 Date: 2/7/20 7:54 PM (GMT-08:00)
 To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
 Subject: Fwd: Art Brieno

FYI

Darlene R. Mata
 Sent from my iPhone

Begin forwarded message:

From: Tom Webb <TWebb@cityofhanfordca.com>
 Date: February 7, 2020 at 4:26:31 PM PST

To: Darlene Mata <DMata@cityofhanfordca.com>

Subject: Art Brieno

FYI

Art came to the counter to discuss a code case at 311 South St with Ruth and I. The owner would not comply with our citations. We sent it to the city Attorney. They sent a letter which prompted the owner to agree to the City doing the abatement. The city Attorney was to draft an agreement for the owner to sign. Art got involved and told them to clean it up themselves and get a permit to rehab the house using a City loan from Sandra.

Before he left, he also asked about the plans for the house on Williams street that you were going to tell the owners about all of the needed improvements before we sent it out for Plan Review. I haven't heard whether they wanted to proceed or not so it is still in my office waiting to be sent to Interwest.

Art said he has a meeting with you on Monday so he will probably talk to you about these items as well as others.

Tom Webb
Building Official
City of Hanford
[559-585-2584](tel:559-585-2584)
twebb@cityofhanfordca.com

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: RE: Art Brieno
 Date: Feb 20, 2020 at 2:20:00 PM
 To: Mario Cifuentes mcifuentes@cityofhanfordca.com

At 902 S Phillips, there have been five code cases for a variety of issues since 2018. The one for the house following a fire is still open. WE have not ignored this site. There is only one citation issued for \$250. It looks like we were trying to work with them due to the property being in probate. At one point it looked like it sold, so we were working with someone, but it was not this property that had sold. Code enforcement will pursue boarding up the building by either the property owner or us.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Mario Cifuentes
 Sent: Thursday, February 20, 2020 2:13 PM
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Subject: RE: Art Brieno

Good stuff! Thank you!

From: Darlene Mata
 Sent: Thursday, February 20, 2020 2:12 PM
 To: Mario Cifuentes <mcifuentes@cityofhanfordca.com>
 Subject: Art Brieno

Given that I didn't have an address, this is what I found. We have an open enforcement case on 610 E Ivy for outdoor storage and debris. They are up to \$2120 in citations and fees. The case was opened in September of 2019 and they have received three citations to date. There have been eight different code enforcement cases against this address since 2008 for a variety of issues.

If this is not the address Mr. Brieno is inquiring about, I would need an address or a lot between two addresses to look up additional information.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: FW: March 11, 2020 Site Plan Review Meeting
 Date: Mar 11, 2020 at 2:25:00 PM
 To: Art Brieno abrieno@cityofhanfordca.com
 Cc: Mario Cifuentes mcifuentes@cityofhanfordca.com

Hi Art,

The site plan review for 730 S. Williams was today at 1:45. See the attached agenda that was sent to you last Tuesday. You were listed as the agent representing the property owner on this project, so the notice went to you. We require that someone representing the project attend site plan review. We will put it back on for next Tuesday. You will get another email with the time slot for your item. The email will be from Diana Black.

Thank you.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Diana Black
 Sent: Wednesday, March 11, 2020 2:12 PM
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Cc: Gabrielle Myers <GdeSilva@cityofhanfordca.com>
 Subject: FW: March 11, 2020 Site Plan Review Meeting

Diana Black
 Development Services Technician
 City of Hanford
 317 N. Douty Street
 Hanford, CA 93230
 P: (559) 585-4768
 F: (559) 583-1633
dblack@cityofhanfordca.com

From: Diana Black
 Sent: Tuesday, March 3, 2020 4:07 PM
 To: 'artbrieno@yahoo.com' <artbrieno@yahoo.com>
 Subject: March 11, 2020 Site Plan Review Meeting

Hello Art,

Next week's site plan review agenda is attached. The meeting is held in the Administration Office conference room.

Please feel free to contact me if you have any questions.

Diana Black
 Development Services Technician
 City of Hanford
 317 N. Douly Street
 Hanford, CA 93230
 P: (559) 585-4768
 F: (559) 583-1633
dblack@cityofhanfordca.com

SITE PLAN REVIEW AGENDA
 March 11, 2020
 1:30 p.m.

- 1:30 Staff
- 1:45 SPR 2020-06 (559-14336)
 Applicant: [REDACTED]
 Address: 730 S. Williams St.
 APN: G12-161-036
 Project Description: Shared Access (residential)

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: FW: 11400 12th Ave
 Date: May 27, 2020 at 10:53:00 AM
 To: Mario Cifuentes mcifuentes@cityofhanfordca.com

For your records.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Ruth Belmonte
 Sent: Wednesday, May 27, 2020 10:35 AM
 To: Tom Webb <TWebb@cityofhanfordca.com>
 Cc: Darlene Mata <DMata@cityofhanfordca.com>; Frank Rocha <FRocha@cityofhanfordca.com>; Hector Ramos <hramos@cityofhanfordca.com>
 Subject: 11400 12th Ave

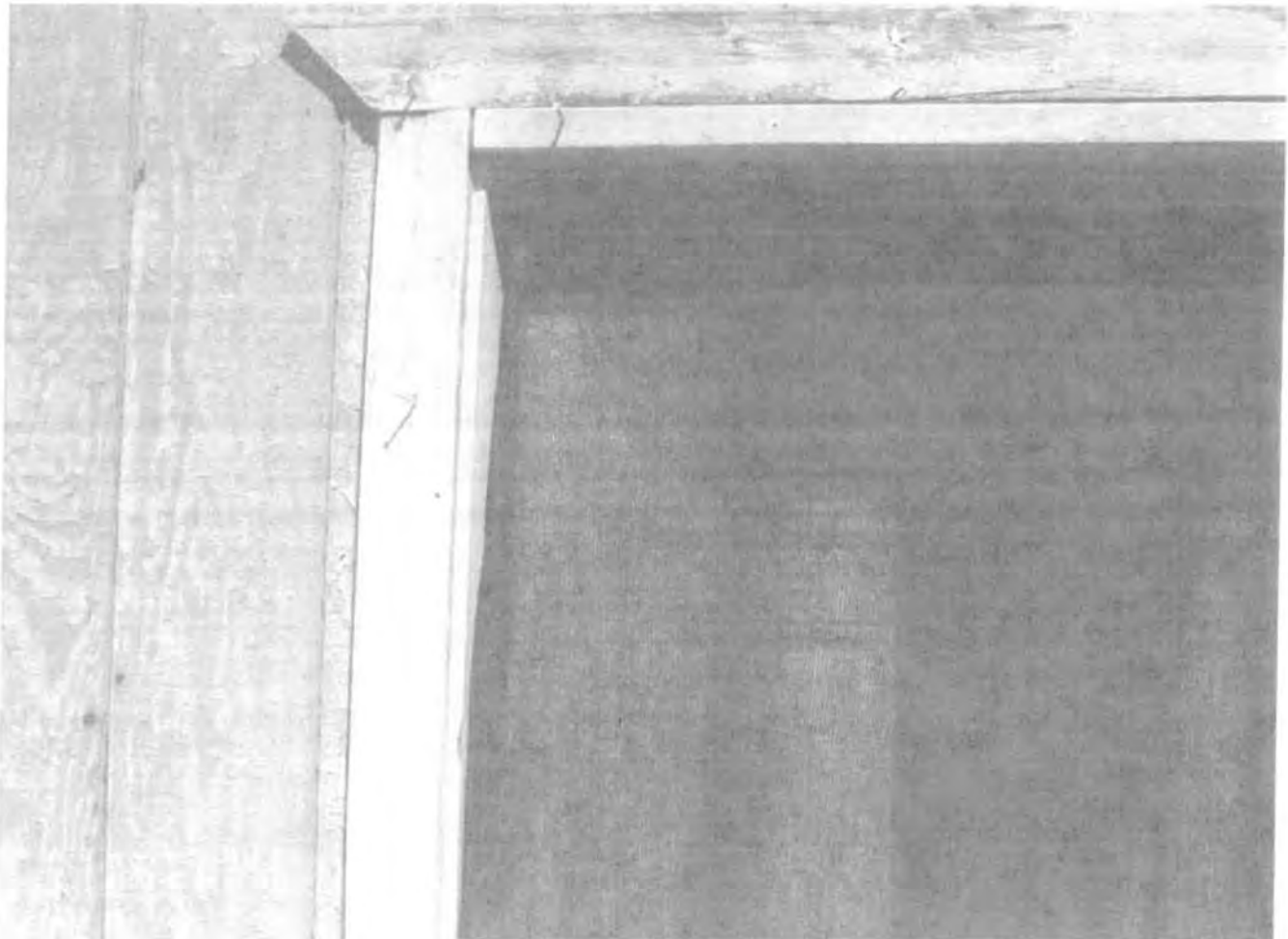
Tom,

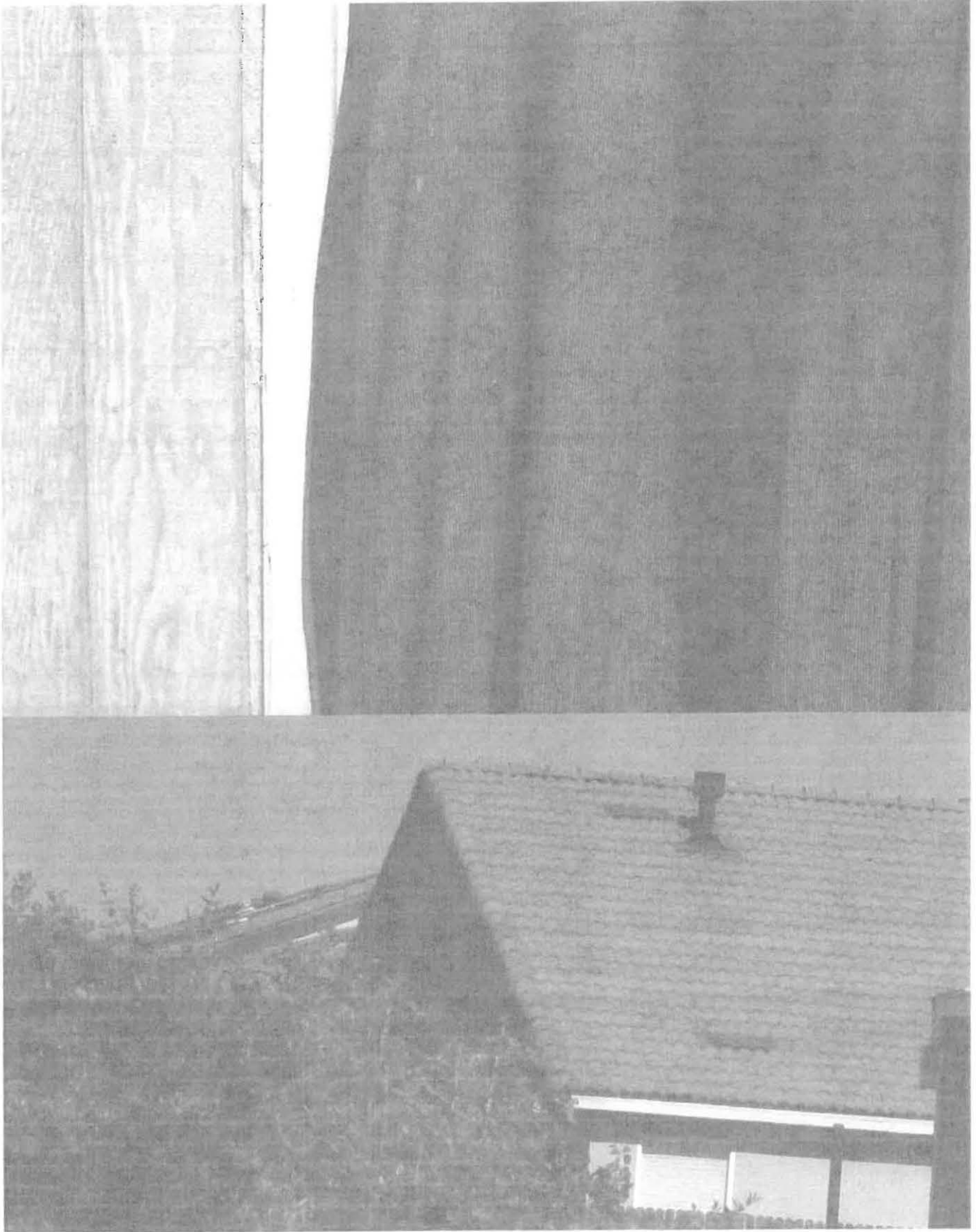
Myself, Frank Rocha, Hector Ramos contacted Mr. [REDACTED] We had Ofc Ryan Torrey assist in case of any incident with this person. I asked Mr. [REDACTED] attorney. I asked for the attorney's name. He stated Hardcastle and Tim Jolly. He said that Mr. Jolly called you and the call was never returned.

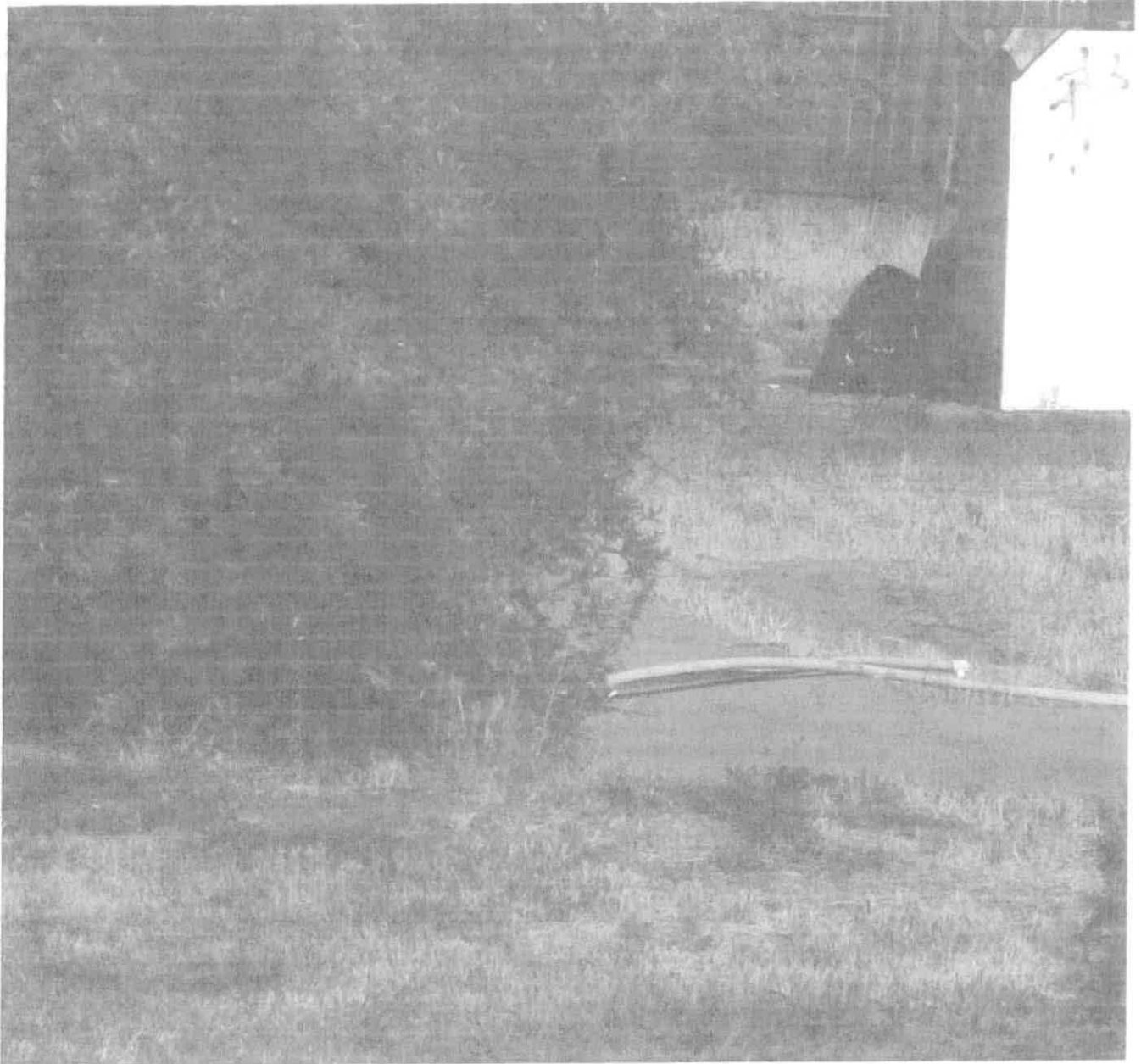
Mr. [REDACTED] stated that we should have called and made an appointment with him prior to coming out. He was very insistent on that. We left the premises of

I did contact Maroot and Hardcastle law offices, and Tim Jolly is an attorney in this office. Mr. Jolly represents Mr. [REDACTED] grandson. I left a message for him substandard. He stated that he will call Mr. [REDACTED] to schedule a date and time for the Building Department to go back out for a re-inspection. I asked if he

Ruth Belmonte,
 Code Compliance Officer
 City of Hanford Code Compliance
 317 N. Douty Street
 Hanford, CA 93230







From: Darlene Mata DMata@cityofhanfordca.com
 Subject: FW: Councilmember Brieno
 Date: Jun 4, 2020 at 8:17:00 AM
 To: Mario Cifuentes mcifuentes@cityofhanfordca.com

See below. FYI We don't have a report listing the locations of grants.

Darlene R. Mata
 Community Development Director
(559) 585-2590

From: Roberta Monzelli
 Sent: Wednesday, June 3, 2020 4:31 PM
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Cc: Sandra Lerma <SLerma@cityofhanfordca.com>
 Subject: RE: Councilmember Brieno

Received a call today from Art Brieno wanting to know if I could answer some questions he had from the Staff Report. I replied that I would certainly try. He said that according to our program we are to assist in blight areas of Hanford. He said the Staff Report indicated we had done quite a few roof replacements in northeast Hanford. I didn't respond because I was waiting for a question. He then asked that as long as they are low income we can assist them? I replied yes, that is one of the criteria. He then stated that he knows we should have a report listing who has received assistance that doesn't give names and that he wanted a copy. I told him I was not aware of such report. He also asked if I was the person who prepared the Staff Report in which I told him no, Sandra does the Staff Reports as the Administrator. He wanted to know what I did and I told him I was Sandra's assistant. He said he had left a message for her yesterday but didn't receive a call back and he understood that she was out for the rest of the week. He said he would get back to her about the Staff Report and ended the conversation.

Roberta E. Monzelli
 Community Development-Housing
559-585-2587
RMonzelli@cityofhanfordca.com

From: Darlene Mata
 Sent: Wednesday, June 3, 2020 3:49 PM
 To: Roberta Monzelli <RMonzelli@cityofhanfordca.com>
 Cc: Sandra Lerma <SLerma@cityofhanfordca.com>
 Subject: Councilmember Brieno

Roberta,

When you have time, can you please summarize your conversation with Mr. Brieno to me in an email.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

From: Darlene Mata DMata@cityofhanfordca.com
 Subject: FW: Art Brieno
 Date: Jun 4, 2020 at 9:01:00 AM
 To: Mario Cifuentes mcifuentes@cityofhanfordca.com

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Darlene Mata
Sent: Wednesday, July 3, 2019 4:16 PM
To: Darrel Pyle <DPyle@cityofhanfordca.com>; Bob Dowd <dowd@griswoldlasalle.com>
Cc: Sarah Cardoza <scardoza@cityofhanfordca.com>
Subject: Art Brieno

Darrel and Bob,

Given more recent comments by Mr. Brieno I felt that I needed to document his actions and my interaction with him. Please see the attached. I am not requesting anything, just that this information be documented. I will try to meet with him when others are present, however, he usually just drops by and doesn't make an appointment or call first, which makes that difficult.

Thank you.

Darlene R. Mata
 Community Development Director

W

Art Brieno.docx

15 KB

From: Art Brieno abrieno@cityofhanfordca.com
Subject: Re: Housing Element
Date: Jan 7, 2019 at 5:52:02 PM
To: Darlene Mata DMata@cityofhanfordca.com

..thank you....

| On Jan 7, 2019 4:17 PM, Darlene Mata <DMata@cityofhanfordca.com> wrote:

Councilman Brieno,

I have put a copy of the Housing Element in your box. We do a joint element with all the cities in the County. The program sections for the other cities have been removed. This document is also on our website.

The blue tab is where the City of Hanford programs are described. We are in compliance with all the programs. Program 3.9 Affordable Housing Assistance, states we support affordable housing and may use CDBG funds. We have only had two requests for CDBG funds for affordable housing in the last five years. One was awarded and never accepted the grant of funds, the other we are still working on with Self Help.

If you have any questions, please feel free to give me a call.

Thank you.

Darlene R. Mata

Community Development Director

(559) 585-2590

From: Art Brieno abrieno@cityofhanfordca.com
 Subject: Re: Mr. [REDACTED]
 Date: May 28, 2019 at 10:22:08 AM
 To: Darlene Mata DMata@cityofhanfordca.com

I have a question, why is the enclosure required, to be 20ft. wide?...it seems over size,. He has weekly service, an doesn't always full the present dumpster. Thanks

On May 23, 2019, at 10:52 AM, Darlene Mata <DMata@cityofhanfordca.com> wrote:

Councilmember Brieno,

A correction letter went out to Mr. [REDACTED] on his permit for the trash enclosure. Per the current International Building Code pertaining to ADA regulations, he will have to provide an ADA compliant path of travel from his business to the trash enclosure, the enclosure is required to be a 10 foot X 20 foot enclosure and we are requesting some design changes to the footing of the enclosure. The correction letter probably went out yesterday.

The enclosure will have to be set back from the alley to meet the requirement as the ADA path of travel cannot go into a road or alley.

The ADA path of travel to the trash enclosure is something that is new in the last few years.

Since you are assisting him, I thought you should know where we are with the permit.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Mario Cifuentez mcifuentez@cityofhanfordca.com
 Subject: RE: Art Brieno
 Date: Feb 7, 2020 at 8:27:36 PM
 To: Darlene Mata DMata@cityofhanfordca.com

Good Lord. Make sure I'm available as well.

Thank you,

Mar

----- Original message -----

From: Darlene Mata <DMata@cityofhanfordca.com>
 Date: 2/7/20 7:54 PM (GMT-08:00)
 To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
 Subject: Fwd: Art Brieno

FYI

Darlene R. Mata
 Sent from my iPhone

Begin forwarded message:

From: Tom Webb <TWebb@cityofhanfordca.com>
 Date: February 7, 2020 at 4:26:31 PM PST
 To: Darlene Mata <DMata@cityofhanfordca.com>
 Subject: Art Brieno

FYI

Art came to the counter to discuss a code case at 311 South St with Ruth and I. The owner would not comply with our citations. We sent it to the city Attorney. They sent a letter which prompted the owner to agree to the City doing the abatement. The city Attorney was to draft an agreement for the owner to sign. Art got involved and told them to clean it up themselves and get a permit to rehab the house using a City loan from Sandra.

Before he left, he also asked about the plans for the house on Williams street that you were going to tell the owners about all of the needed improvements before we sent it out for Plan Review. I haven't heard whether they wanted to proceed or not so it is still in my office waiting to be sent to Interwest.

Art said he has a meeting with you on Monday so he will probably talk to you about these items as well as others.

Tom Webb
Building Official
City of Hanford
559-585-2584
twebb@cityofhanfordca.com

From: Mario Cifuentez mcifuentez@cityofhanfordca.com
 Subject: RE: Meeting
 Date: Feb 11, 2020 at 8:56:07 AM
 To: Darlene Mata DMata@cityofhanfordca.com, Art Brieno
abrieno@cityofhanfordca.com
 Cc: Ty Mizote tmizote@griswoldlasalle.com

Per my conversation with Art just now, we will meet at 11am tomorrow in my office.

Mario

From: Darlene Mata
Sent: Monday, February 10, 2020 4:45 PM
To: Art Brieno <abrieno@cityofhanfordca.com>
Cc: Mario Cifuentez <mcifuentez@cityofhanfordca.com>; Ty Mizote
 <tmizote@griswoldlasalle.com>
Subject: Meeting

Councilmember Brieno,

Following up from a phone message I left earlier. The City Manager would like Councilmember contacts to involve him as well. I had, from your message and your visit to talk with Tom Webb, that you would like to discuss 311 South Street and 730 S. Williams. The only time we have available is 9-10 on Tuesday, tomorrow, or 11-12 on Wednesday. I have included Ty Mizote to attend this meeting to discuss 311 South Street, since our attorney's office is scheduled to pursue an abatement warrant.

Let me know which time works for you.

Thank you.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

EXHIBIT 4

Dan Rowley

From: Sarah Cardoza <scardoza@cityofhanfordca.com>
Sent: Wednesday, October 21, 2020 4:58 PM
To: Dan Rowley
Subject: D. Mata
Attachments: D. Mata emails.pdf

Good afternoon Dan,

Following up on our interview from earlier today regarding the complaint brought forward by Community Development Director, Darlene Mata against Council member, Art Brieno. Here is the information that you requested of me:

July 3, 2019 –Ms. Mata emailed City Manager, Darrel Pyle and City Attorney, Bob Dowd (copied me as well) and attached a memo outlining her interactions with Mr. Brieno.

June 3, 2020 – Ms. Mata emailed City Manager, Mario Cifuentez regarding Mr. Brieno's behavior and attached the memo she previously sent to Darrel Pyle and Bob Dowd. Mr. Cifuentez then forwarded that information to myself and HR Analyst, Brenda Garcia.

I have attached the emails referenced above and what I have received after June 3, 2020 regarding this situation. All have been reviewed and approved to send to you by Mario Zamora. If information is requested, he advised some may have to be redacted as attorney-client privilege, but felt that you needed to know the efforts to date.

Here are additional dates that you requested:

July 7, 2020 – Public Hearing regarding the mechanic shop (Mr. Aguilar).

July 10, 2020 – [REDACTED]

August 5, 2020 - Ms. Mata came in while I was meeting with Mario Cifuentez and began crying and shared that a business owner said he was surprised to see her as he had heard she was out on stress leave. By her own admission (the timeline she provided) and the emails from Mario Cifuentez to Ty Mizote and/or Mario Zamora on occasion Ms. Mata felt ill at work or cried and went home, however, on this date (August 5, 2020) she was actively working.

August 13, 2020 – Ms. Mata has been off from work and has not returned in any capacity.

Sincerely,



Sarah Cardoza

Human Resources Manager
 City of Hanford
 319 N. Douty St.
 Hanford, CA 93230
 Ph. (559) 585-2521
 Fax (559) 585-2595

Sarah Cardoza

From: Darlene Mata
Sent: Wednesday, July 3, 2019 4:16 PM
To: Darrel Pyle; Bob Dowd
Cc: Sarah Cardoza
Subject: Art Brieno
Attachments: Art Brieno.docx

Darrel and Bob,

Given more recent comments by Mr. Brieno I felt that I needed to document his actions and my interaction with him. Please see the attached. I am not requesting anything, just that this information be documented. I will try to meet with him when others are present, however, he usually just drops by and doesn't make an appointment or call first, which makes that difficult.

Thank you.

Darlene R. Mata
Community Development Director

DATE: July 3, 2019
TO: Darrel Pyle, City Manager
 Bob Dowd, City Attorney
 Sarah Cardoza, Human Resources
FROM: Darlene Mata, Community Development Director
CC:
SUBJECT: Art Brieno

Darrel and Bob,

I'm writing this memo to memorialize several conversations that have occurred involving Councilmember Brieno's interaction with me. It has become clear that I cannot determine whether Mr. Brieno is acting as a Councilman or a contractor on behalf of a client. When I have not answered the way he has wanted, I then hear about he is questioning my employment or outright wanting me to be fired.

Mr. Brieno has been acting as the contractor for a project located at 902 S Williams. He is listed on the first application for site plan review in 2016 as the draftsman. This project predates his election to the City Council. Prior to the dates in this summary, Mr. Brieno had several conversations with me about the property owner not understanding what they were being told as they don't speak English. I informed him that at all times we had a certified Spanish interpreter in the meetings and she had her son in all the meetings I had with the property owner.

A summary of all meetings and discussions that I have documented is as follows:

May 30, 2019 Mr. Brieno came to my office to discuss a site plan review application 2018-36. The application is for a mobile home on a multi-family residential parcel. He asked me to consider waiving the requirement for requiring that the mobile home have eaves, which is a requirement of the municipal code.

We went over the ordinance, which states that the director has some discretion on the requirements if certain findings could be made, which I asserted I could not make. He essentially stated that the housing in this area is already marginal, so more marginal housing would not make a difference and would be in keeping with the neighborhood. He stated that the mobile home park adjacent had mobile homes that did not have eaves. I stated I expected more for the people of Hanford and that I could not make the findings. I let him know the applicant is welcome to appeal the requirements of the site plan review committee. He asked if I would reconsider if he got more input from other city planners. I said that I was always open to have a discussion.

The next week after the meeting I went out to look at the area, which is very blighted. The mobile home park next to the area has homes without eaves and some with eaves.

May 30, 2019 I spoke with Darrel about the above conversation. He suggested we discuss with the issue with Bob Dowd.

June 3, 2019 Met with Bob at 2:00. Explained the situation and went over the codes with him. He said I was on the right course and taking the appropriate action. I expressed my concern that Art was abusing his position by pushing me to making a decision that he may be the private contractor on. To date I do not know if he is or is not the contractor.

June 17, 2019 Darrel and I talked about the Council hiring Mike Olmos as an interim city manager. He said that in a conversation he had with Mike, that Mike said that Mr. Brieno asked in their interview if he would fire a department head. Darrel said Mike said yes, if they did something wrong, but not at the direction of a councilmember if they hadn't. Darrel also told me that Mr. Brieno has asked to see a copy of my employment contract. Darrel went over the fact that I do not have a contract but am in EMEA and have an MOU.

June 27, 2019 During agenda review with Sue and John, we updated them on the status of the mobile home issue with Art. I was directed by Sue to ask Art if he is meeting with me as a Councilmember representing a constituent or a contractor who did work for the property owner.

July 2, 2019 Mr. Brieno came to the front counter to see me. I asked if we could schedule a meeting as I was working on my presentations, but he said he wanted to see me about the fees on the agenda. He asked about a property where someone wanted to encroach into the rear yard setback and what fee they would have to pay. He thought a CUP, but I corrected him and said it would be a variance and gave him the existing fee and proposed fee. I also told him about the findings that needed to be made to support a variance. He then asked about the fee to put in a second unit and what they would pay. I gave him the proposed fee for site plan review and if it was on a single family parcel it would not go to site plan review. He stated, "so this would help me on my Segura project", I said no that they were zoned multi-family and would still go through site plan review and all the same requirements would apply. I was not comfortable asking Mr. Brieno whether he was acting as a Councilmember or contractor as the Mayor had asked me to do, so I did not do so.

July 2, 2019 Darrel came into my office and told me that Art had gone to Craig Millers office and told him he didn't believe the grant consultant told him that monies would be available for parks acquisition in the next round of grants. He also asked Craig if Darlene stopped the work on the park project. Darrel and I discussed that when they asked what the zone was, I told them it was in the County and needed to be annexed.

In addition to the above documentation, sometime in late April or early May, Francisco Ramirez called Darrel while Darrel was in my office. Darrel answered on speaker phone. Mr. Ramirez asked a quick question, which Darrel answered. Then Mr. Ramirez proceeded to say he had one more thing and that he and Art, and other Councilmembers thought Darlene Mata should be fired. He stated that I wasn't being business friendly and approving projects. That we just needed to approve projects that people wanted and not deny them because of the code. He said something about me refusing to shake someone's hand and that I drive a Mercedes and am out of touch. Darrel then left the room and continued talking to Mr. Ramirez.

Darrel later said that he spoke with Bob Dowd and the Mayor, who didn't know what Francisco was talking about.

If future discussions occur, I will follow up with a memo for each one.

Sarah Cardoza

From: Mario Cifuentez
Sent: Wednesday, June 3, 2020 1:24 PM
To: Sarah Cardoza; Brenda Garcia
Subject: FW: Last Nights Council Meeting
Attachments: Art Brieno.docx

Ladies,

I wanted to forward you this email from Darlene. I was already angry about Art's behavior towards her and Sandra over the past 2 Council meetings but the attached memo that she prepared some time ago is very disconcerting. This matter has previously been brought to the City's attention and it does not appear that any formal action was taken by Council. This behavior is in direct violation of the Council handbook and it is my belief that it has risen to the level of requiring a Council Censure of Mr. Brieno.

I have forwarded this to Ty Mizote and will let you know after I discuss the matter with him.

Mario

From: Darlene Mata
Sent: Wednesday, June 3, 2020 11:30 AM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Subject: Last Nights Council Meeting

Mario,

I'm not sure what I need to do. I feel as though Councilmember Brieno continues to question my integrity, now at public meetings as well. On May 19, during discussion of CDBG funds, he asked why I was so fixed on Self Help Project and that it seemed I already made a commitment and that I was pushing this. This was said as I was summarizing the Council's comments, not as a result of pushing from me. Checking to see if Self Help wanted to move forward was a direction of the Council during closed session after the decision was made not to move forward on a park in Parkside. The recent delays with the Self Help project were a result of his desire to have a park on their property, so they stopped working on their project. He also made statements to the effect that what he hears us saying is that we are just trying to find work for our staff, while he was pushing for funds to be allocated to KCAO. I was informed that after that Council meeting, he was asking for my Housing staff job descriptions, I'm not sure what for. He has done this previously asking for my job description when he wanted me fired when I wouldn't "use my discretion" among other things, the circumstances are highlighted in the attached memo. Last night, his statements in his discussion toward me and now my staff, were again disconcerting. I feel that his push to try to fund a program to address blight to assist landlords is a direct result of the code enforcement action he has become involved in regarding a landlord of substandard property.

I'm concerned, not just for myself, but for my staff. To be honest, it's beginning to feel like harassment, which I have never felt in any job I have ever had. I don't know if it's because, I, or my staff, will not just approve all his problem projects he brings to us, or that I won't use my discretion. It's one thing to have to deal with these issues in the office, yet another to be called out improperly at public meetings now too.

Attached is a memo given to Darrel Pyle before he left highlighting his previous actions as well.

Darlene R. Mata
 Community Development Director

DATE: July 3, 2019
TO: Darrel Pyle, City Manager
 Bob Dowd, City Attorney
 Sarah Cardoza, Human Resources
FROM: Darlene Mata, Community Development Director
CC:
SUBJECT: Art Brieno

Darrel and Bob,

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Darrel later said that he spoke with Bob Dowd and the Mayor, who didn't know what Francisco was talking about.

If future discussions occur, I will follow up with a memo for each one.

ADDED ON SEPTEMBER 18, 2018

Closed session regarding Bastille and proposal by Jerry Irons was last night. Mike Olmos called Jerry Irons to tell him that we were going to put out an RFP on the Bastille and not enter into an agreement with him. Following that call, Mike called me to tell me he talked to Jerry. He said Jerry told him he already knew the vote was 3-2 to go out for an RFP. He also said that Jerry told him he knew that Darlene said that he didn't give us a complete proposal. Although Jerry did not say explicitly, he spoke with Art Brieno who disclosed details of closed session matters including the vote and not disclosing it truthfully just to disparage me.

Sarah Cardoza

From: Mario Cifuentez
Sent: Thursday, June 4, 2020 9:23 AM
To: Sarah Cardoza
Cc: Ty Mizote; Mario Zamora
Subject: FW: Councilmember Brieno

Per our conversation. Again, given the fact that all employees are acutely aware of the City's current financial constraints, these types of questions of a lower level staff person by a Councilmember are completely inappropriate and caused Roberta much concern.

Mario C.

From: Darlene Mata
Sent: Thursday, June 4, 2020 8:18 AM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Subject: FW: Councilmember Brieno

See below. FYI We don't have a report listing the locations of grants.

Darlene R. Mata
 Community Development Director
 (559) 585-2590

From: Roberta Monzelli
Sent: Wednesday, June 3, 2020 4:31 PM
To: Darlene Mata <DMata@cityofhanfordca.com>
Cc: Sandra Lerma <SLerma@cityofhanfordca.com>
Subject: RE: Councilmember Brieno

Received a call today from Art Brieno wanting to know if I could answer some questions he had from the Staff Report. I replied that I would certainly try. He said that according to our program we are to assist in blight areas of Hanford. He said the Staff Report indicated we had done quite a few roof replacements in northeast Hanford. I didn't respond because I was waiting for a question. He then asked that as long as they are low income we can assist them? I replied yes, that is one of the criteria. He then stated that he knows we should have a report listing who has received assistance that doesn't give names and that he wanted a copy. I told him I was not aware of such report. He also asked if I was the person who prepared the Staff Report in which I told him no, Sandra does the Staff Reports as the Administrator. He wanted to know what I did and I told him I was Sandra's assistant. He said he had left a message for her yesterday but didn't receive a call back and he understood that she was out for the rest of the week. He said he would get back to her about the Staff Report and ended the conversation.

Roberta F. Monzelli
 Community Development-Housing
 559-585-2587
RMonzelli@cityofhanfordca.com

From: Darlene Mata
Sent: Wednesday, June 3, 2020 3:49 PM

To: Roberta Monzelli <RMonzelli@cityofhanfordca.com>
Cc: Sandra Lerma <SLerma@cityofhanfordca.com>
Subject: Councilmember Brieno

Roberta,

When you have time, can you please summarize your conversation with Mr. Brieno to me in an email.

Thank you.

Darlene R. Mata
Community Development Director
(559) 585-2590

Sarah Cardoza

From: Mario Cifuentez
Sent: Wednesday, June 17, 2020 4:20 PM
To: Sarah Cardoza
Subject: FW: Art Brieno

Sorry. Forgot to CC you as well.

From: Mario Cifuentez
Sent: Wednesday, June 17, 2020 4:20 PM
To: Mario Zamora <zamora@griswoldlasalle.com>
Cc: Ty Mizote <tmizote@griswoldlasalle.com>
Subject: Art Brieno

Mario,

[REDACTED]

[REDACTED]

[REDACTED]

Thank you,

Mario C.

Attachment: 2020.12.31 Investigation Report Revised Redacted Final (Resolution No. 21-07-R, Censure Council Member Arthur Brieno)

Sarah Cardoza

From: Mario Cifuentez
Sent: Friday, June 19, 2020 10:00 AM
To: Sarah Cardoza
Subject: FW: Councilman Brieno Complaints
Attachments: 2020.06.19 Ltr to M Cifuentez re Art Brieno complaints.pdf

FYI

From: Sarah Valencia <valencia@griswoldlasalle.com>
Sent: Friday, June 19, 2020 9:54 AM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Cc: Mario Zamora <zamora@griswoldlasalle.com>; Ty Mizote <tmizote@griswoldlasalle.com>
Subject: Councilman Brieno Complaints

Good morning Mario,

[REDACTED]

Sarah Valencia, Paralegal
 GRISWOLD, LaSALLE, COBB, DOWD & GIN, L.L.P.
 111 East Seventh Street
 Hanford, California 93230
 Office: (559) 584-6656 x 131
 Fax: (559) 582-3106

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Robert M. Dowd*
 Robert W. Gint†
 Jim D. Lee†
 Jeffrey L. Levinson*
 Raymond L. Carlson
 Ty N. Mizole*
 Michael R. Johnson*
 Marko U. Zamora*
 Andrew J. Brownson
 Jared C. Kapheim
 Megan N. Dodd
 Anthony J. Miranda
 Christina G. Di Filippo

*A Professional Corporation
 †Of Counsel

GRISWOLD LASALLE

COBB DOWD & GIN LLP

ATTORNEYS
 A California Limited Liability Partnership Including Professional Corporations

111 E. SEVENTH STREET
 HANFORD, CA 93230

Telephone: (559) 684-6858
 www.griswoldlasalle.com
 Facsimile: (800) 948-6085
 zamora@griswoldlasalle.com

June 19, 2020

Lyman D. Griswold
 (1914-2000)

Michael E. LaSalle
 (Retired)

Steven W. Cobb
 (1947-1993)

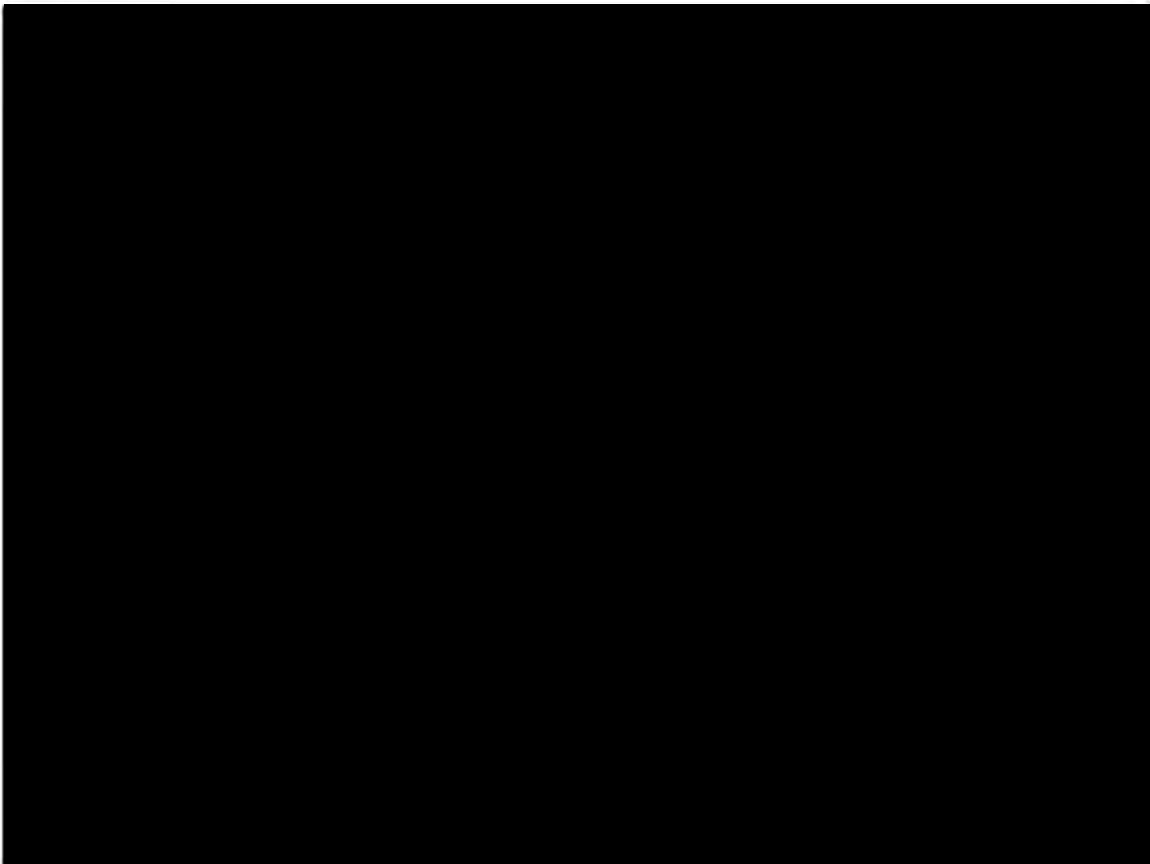
VIA ELECTRONIC MAIL ONLY

mcifuentez@cityofhanfordca.com

Mario Cifuentez
 City Manager
 City of Hanford

Re: *Councilman Art Brieno Complaints*

Dear Mario:

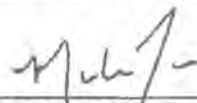


Art Brieno Complaints
June 19, 2020
Page 2



Sincerely,

GRISWOLD, LaSALLE, COBB,
DOWD & GIN, LLP

By: 
MARIO U. ZAMORA

MUZ\sv
cc: Ty N. Mizote

Sarah Cardoza

From: Mario Cifuentez
Sent: Tuesday, July 14, 2020 8:12 AM
To: Sarah Cardoza
Subject: FW: July 10 Meeting and Aguilar Code Enforcement Matter
Attachments: HMC Sec. 17.70.230.pdf; 2020.06.18 Letter Mailed and Hand Delivered To Richard Aguilar.pdf

[REDACTED]

Mario

From: tmizote@griswoldlasalle.com <tmizote@griswoldlasalle.com>
Sent: Monday, July 13, 2020 7:20 PM
To: Art Brieno <abrieno@cityofhanfordca.com>
Subject: July 10 Meeting and Aguilar Code Enforcement Matter

Art,

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Thank you,

Ty N. Mizote
 GRISWOLD, LaSALLE, COBB,
 DOWD & GIN, L.L.P.
 111 E. Seventh St.
 Hanford, CA 93230
 Email: tmizote@griswoldlasalle.com
 Phone: (559) 584-6656 x113
 FAX: (800) 948-2707

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Internal Revenue Service Circular 230 and the regulations of the Internal Revenue Service require that we advise that any tax advice contained in this communication (including attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing, or recommending to another party any transaction or matter addressed herein.

7/13/2020

17.70.230 Suspension and revocation of approved permit.

Hanford Municipal Code

[Up](#)[Previous](#)[Next](#)[Main](#)[Search](#)[Print](#)[No Frames](#)[Title 17 ZONING](#)[Chapter 17.70 PERMITS AND APPLICATIONS](#)**17.70.230 Suspension and revocation of approved permit.**

- A. Upon the violation of any applicable provision of this title, the provisions of any use permit or upon the failure to comply with or satisfy any condition of approval related thereto, the permit or approval issued pursuant to this chapter shall be automatically suspended. Written notice of the suspension shall be sent by the Community Development Director to the person to whom the use permit was issued, or to their successor if known, advising them of the suspension and the violations causing the suspension.
- B. No building, grading, encroachment or other development permit shall be issued for any building, excavation, or other structures proposed as a part of a permit that has been suspended. For any construction activity taking place on the site that is the subject of the suspended permit, the Building Official shall issue a stop work order.
- C. The City Council shall hold a public hearing and hear evidence from City staff, the holder of the permit and other interested persons. Should the City Council find that there has been a violation of this title, the provisions of the permit, or a failure to comply with or satisfy any condition of approval related thereto, the City Council may either revoke the permit or take such other action as the City Council deems necessary to ensure compliance with the provisions of this title, the permit, and the related conditions of approval. (Ord. 17-04, 2017)

[View the mobile version.](#)

City of **HANFORD**
 CALIFORNIA 93230
 CITY OFFICES 317 NORTH DOUTY STREET

June 18, 2020

Richard Aguilar (Mail and Hand Delivery)
 Aguilar and Son's Automotive
 330 E 7th
 Hanford CA 93230



NOTICE OF SUSPENSION NOTICE OF PUBLIC HEARING

Your permits to operate a smog check and automotive repair business at 330 E 7th Street are suspended.

A public hearing will be held before the Hanford City Council on Tuesday, July 7, 2020 at 7:00 p.m. in the Council Chambers of the Civic Auditorium, 400 N. Douty Street, Hanford, California, pertaining to the revocation of Administrative Approval 2001-03 and Administrative Approval 2019-10.

Administrative Approval 2019-10 amended Administrative Approval 2001-03 to allow the additional two lifts and shade structure to your business. You were required to get a building permit and construct the foundations for the lifts as a condition of the approval and to complete the construction of the trash enclosures and parking lot striping, which have been required since the original approval in March of 2001. You were given six months, until April 14, 2020, and several extensions to June 14, 2020, to comply with the conditions of approval. A correction notice was sent on building permit FY 19-1833 on or about May 7, 2020 requiring corrections. To date, no progress has been made to complete construction, as required.

In accordance with the Hanford Municipal Code, cited below, failure to comply with the conditions of a permit results in suspension of the permit and a public hearing to consider revoking the permit. The revocation of your permits will be considered by the City Council at a public hearing on July 7, 2020 at 7:00 p.m.

17.70.230 Suspension and revocation of approved permit.

A. Upon the violation of any applicable provision of this title, the provisions of any use permit or upon the failure to comply with or satisfy any condition of approval related thereto, the permit or approval issued pursuant to this chapter shall be automatically suspended. Written notice of the suspension shall be sent by the Community Development Director to the person to whom the use permit was issued, or to their successor if known, advising them of the suspension and the violations causing the suspension.

PLANNING 559-585-2580 • BUILDING 559-585-2581 • FACSIMILE: 559-583-1633

B. No building, grading, encroachment or other development permit shall be issued for any building, excavation, or other structures proposed as a part of a permit that has been suspended. For any construction activity taking place on the site that is the subject of the suspended permit, the Building Official shall issue a stop work order.

C. The City Council shall hold a public hearing and hear evidence from City staff, the holder of the permit and other interested persons. Should the City Council find that there has been a violation of this title, the provisions of the permit, or a failure to comply with or satisfy any condition of approval related thereto, the City Council may either revoke the permit or take such other action as the City Council deems necessary to ensure compliance with the provisions of this title, the permit, and the related conditions of approval.

Operation of an automotive business while your permit is suspended is subject to citation.

If you have any questions, or wish to discuss further, please contact me at dmata@cityofhanfordca.com or (559) 585-2590.

Sincerely,



Darlene R. Mata
Community Development Director

Cc: Mario Cifuentes, City Manager
Ty Mizote, City Attorney
Code Enforcement

Sarah Cardoza

From: Mario Cifuentez
Sent: Tuesday, July 28, 2020 2:36 PM
To: Sarah Cardoza; Brenda Garcia
Subject: FW: Employee Medical Information

FYI

----- Original message -----

From: tmizote@griswoldlasalle.com
Date: 7/28/20 11:51 AM (GMT-08:00)
To: John Draxler <jdraxler@cityofhanfordca.com>, Francisco Ramirez <framirez@cityofhanfordca.com>, Art Brieno <abrieno@cityofhanfordca.com>, Martin Devine <mdevine@cityofhanfordca.com>, Sue Sorensen <ssorensen@cityofhanfordca.com>
Subject: Employee Medical Information

Mayor, Vice Mayor, and Council Members,

[REDACTED]

[REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

■ [REDACTED]

[REDACTED]

[REDACTED]

Thank you,

Ty

Ty N. Mizote
 GRISWOLD, LaSALLE, COBB,
 DOWD & GIN, L.L.P.

111 E. Seventh St.
Hanford, CA 93230
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Sarah Cardoza

From: Mario Cifuentes
Sent: Wednesday, August 5, 2020 3:18 PM
To: Ty Mizote; Mario Zamora
Cc: Sarah Cardoza
Subject: Darlene Mata

Gentlemen,

[REDACTED]

[REDACTED]

Marlo



August 9, 2020

Via Electronic Mail Only

Mario Cifuentez, City Manager
CITY OF HANFORD
315-321 North Douty Street
Hanford, California 93230

Re: Darlene R. Mata, Community Development Director

Dear Mr. Cifuentez:

I am writing on behalf of Darlene R. Mata with respect to her employment with City of Hanford.

As you know, Ms. Mata has diligently and competently served in the position of Community Development Director for the City of Hanford for seven years. She is one of six Department Heads, and one of two females to serve in a Department Head.

As the Community Development Director, Ms. Mata provides leadership and plans, organizes, directs and reviews the activities and operations of the Community Development department, which includes, among many other things, planning and code enforcement. This is a position that requires keen technical skills and understanding of a variety of local, state and federal policies, procedures, guidelines, regulations and law. It requires integrity and consistency to help foster the City's credibility with its community. Ms. Mata has decades of experience in this field; her knowledge, technical skills and customer service are unmatched.

Although Ms. Mata's tenure with the City of Hanford has generally been one centered on mutual respect and professionalism, over the last year, she has begun to experience unprofessional, inappropriate and even unlawful treatment. The unlawful treatment can be fairly categorized as a hostile working environment based on gender and violation of her constitutional right to privacy.

I will not belabor the details at this juncture, as I have been informed and believe you are aware of the detailed complaints, and have worked to support Ms. Mata through

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HANFORD, CA 93230
TELEPHONE: (559) 410-8560
FACSIMILE: (559) 410-8922

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Mario Cifuentes
 Re: Darlene R. Mata
 August 9, 2020
 Page 2 of 3

these ongoing and persistent challenges. Despite these efforts, Ms. Mata continues to be the target of unwarranted scrutiny and ridicule. As you know, Ms. Mata has been unfairly ridiculed during City Council meetings and by one member in particular, in such a way that it undermines her credibility with staff and the public. She is the target of hostile exchanges and is unnecessarily patronized in public forums. Despite her experience and expertise, her knowledge is often dismissed in favor of, what may be, "doing favors" for friends of the Councilmembers. Do not misconstrue this; Ms. Mata does not shy away from being challenged. In fact, she recognizes it as an important part of personal and professional development. However, the open hostility behind these ongoing attacks are a disservice to the City of Hanford and the community it serves.

Most recently troubling is the fact someone has been disseminating information about Ms. Mata, information to which she has a legally recognized privacy interest. There are approximately four people who know Ms. Mata has been experiencing [REDACTED]

[REDACTED] Imagine her shock and dismay when, while at a local business, the owner noted he was surprised to see her, because he had "heard [she] was out on stress leave." One of the four individuals who knew of the reasons for Ms. Mata's brief absence, has disseminated this to others with no legally cognizable reason to have the information; so much so it has become the "talk of the town." Ms. Mata has never authorized disclosure of confidential medical or personnel information on her behalf.

The common denominator to the vast majority of the unprofessional and unlawful conduct seems to be Councilmember Art Brieno. It is Councilmember Brieno who publicly ridicules and scrutinizes Ms. Mata, and undermines her credibility with staff and businesses. I have been informed and believe efforts were made last week to put Council "on notice" this conduct cannot be tolerated and must stop. I am cautiously hopeful that message was heard and understood, and his behavior will reflect the same. Obviously, at this juncture we cannot definitively conclude Councilmember Brieno is the one who disseminated Ms. Mata's confidential medical and personnel information. However, it is my understanding Councilmember Brieno is one of the four individuals who knew of the reasons for Ms. Mata's brief leave and, taken together with his open hostility towards her, reasonable conclusions can be made.

In addition to what is described above and despite her quality performance over the years, Ms. Mata is aware of Councilmember Brieno's "push" to have her fired. Based on the information I have, there are no legally plausible explanations for termination. Not only is such action unwarranted, it would amount to retaliation and add to the City's liability resulting from Councilmember Brieno's conduct.

All of these things have left Ms. Mata feeling scared, singled-out, tokenized and emotionally distraught. All of these things pose significant legal liability for the City. Our aim here is to find a successful and amicable path forward – one that is free of harassment and hostility, and where privacy rights are adequately protected. I trust

Mario Cifuentes
Re: Darlene R. Mata
August 9, 2020
Page 3 of 3

you will take immediate steps to ensure Ms. Mata no longer has to suffer or tolerate such behavior.

Very truly yours,

HERR PEDERSEN & BERGLUND LLP

/s/

Rachele Berglund

cc: Mario Zamora, City Attorney (via electronic mail)
Client

RB
RB Ltr to M Cifuentes (8-9-2020).doc

printRobert M. Dowd*
 Robert W. Gin*†
 Jim D. Lee†
 Jeffrey L. Levinson*
 Raymond L. Carlson
 Ty N. Mizote*
 Michael R. Johnson*
 Mario U. Zamora*
 Andrew J. Brownson
 Jared C. Kapheim
 Megan N. Dodd
 Anthony J. Miranda
 Christina G. Di Filippo

*A Professional Corporation
 †Of Counsel

GRISWOLD LaSALLE

COBB DOWD & GIN LLP

ATTORNEYS
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 zamora@griswoldlasalle.com

Lyman D. Griswold
 (1914-2000)
 Michael E. LaSalle
 (Retired)
 Steven W. Cobb
 (1947-1993)

August 27, 2020

VIA ELECTRONIC MAIL ONLY
 rberglund@hpblaw.net

Rachele Berglund
 Herr, Pedersen & Berglund, LLP
 100 Willow Plaza Suite 300
 Visalia, CA 93291

Re: *Darlene Mata Personnel Matter*

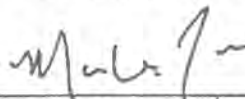
Dear Rachele:

Our office has reviewed your letter dated August 9, 2020 and your email dated August 12, 2020. We have conferred with our client and will be initiating an investigation into the matter of Ms. Mata's confidential and protected information being shared. Our office will be contacting you shortly to set up an appointment for your client to be interviewed.

Please do not hesitate to contact our office if you have any questions.

Sincerely,

GRISWOLD, LaSALLE, COBB,
 DOWD & GIN, LLP

By: 
 MARIO U. ZAMORA

MUZ\sv
 cc: Mario Cifuentes
 Sarah Cardoza

printRobert M. Dowd*
 Robert W. Gin*†
 Jim D. Lee†
 Jeffrey L. Levinson*
 Raymond L. Carlson
 Ty N. Mizote*
 Michael R. Johnson*
 Mario U. Zamora*
 Andrew J. Brownson
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September 1, 2020

Lyman D. Griswold
 (1914-2000)

Michael E. LaSalle
 (Retired)

Steven W. Cobb
 (1947-1993)

VIA ELECTRONIC MAIL ONLY

rberglund@hpblaw.net

Rachele Berglund
 Herr, Pedersen & Berglund, LLP
 100 Willow Plaza Suite 300
 Visalia, CA 93291

Re: *Darlene Mata Personnel Matter*

Dear Rachele:

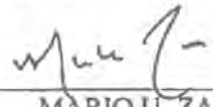
Our office is preparing to begin interviewing witnesses in relation to your client's claims and would like to set up a date and time for Darlene Mata's interview. We would prefer to begin the interviews as soon as possible with Friday, September 4, 2020, or Tuesday, September 8, 2020, available for a video conference or Tuesday, September 8, 2020, for an in-person interview.

We are conducting the interview as part of our investigation into Ms. Mata's claims of retaliation and the unauthorized disclosure of her confidential medical information.

Please contact my assistant, Sarah, to set up an interview at your earliest convenience.

Sincerely,

GRISWOLD, LaSALLE, COBB,
 DOWD & GIN, LLP

By: 

MARIO U. ZAMORA

MUZ/sv

cc: Sarah Cardoza



**HERR
PEDERSEN
BERGLUND**
ATTORNEYS AT LAW LLP

September 10, 2020

VIA ELECTRONIC MAIL ONLY

Mario Zamora, Esq.
GRISWOLD LaSALLE COBB DOWD & GIN, LLP
111 East Seventh Street
Hanford, California 93230
Email: zamora@griswoldlasalle.com

Re: Darlene R. Mata, Community Development Director

Dear Mr. Zamora:

Thank you for speaking with me Friday, September 4, 2020 regarding Ms. Mata's employment matters. I likewise appreciate you understanding the concerns I expressed regarding an interview with your office under these circumstances. Consistent with our agreement last Friday, enclosed with this correspondence is a summary of the inappropriate and unlawful conduct Ms. Mata (and others) have endured as a result of Mr. Brieno's conduct. These notes were made contemporaneously with the events they describe.

While my office's investigation is ongoing, based on Ms. Mata's personal notes and my extensive interviews with her, Ms. Mata's legal rights have been violated in the following ways:

1. Harassment based on gender;
2. Harassment based on actual and/or perceived disability;
3. Hostile work environment harassment;
4. Invasion of privacy;
5. Disclosure of Constitutionally protected privacy interests;
6. Improper disclosure of medical information;
7. Disclosure of confidential personnel information;
8. Retaliation; and
9. False light.

This is not necessarily an exhaustive list, and we reserve the right to supplement it as additional facts are discovered. I trust the City will properly address these matters in such a way no additional harm is caused to Ms. Mata.

Based on my review of her personal notes, along with my extensive interviews with Ms. Mata, it also appears Mr. Brieno has engaged in misfeasance and abuse of power while

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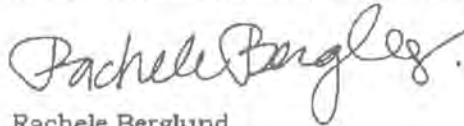
Mario Zamora, Esq.
Re: Darlene R. Mata
September 10, 2020
Page 2 of 2

acting in the capacity of a City of Hanford Council member. It also appears his loyalties may be divided between his personal interests and those of the City. Over the past year, these things have proven to be problematic for Ms. Mata. If not properly and promptly addressed, I also expect them to become problematic for the City of Hanford as they are reminiscent of another, slightly more southern city.

Please contact me with any questions. Thank you in advance for your ongoing courtesies and cooperation.

Very truly yours,

HERR PEDERSEN & BERGLUND LLP

A handwritten signature in black ink, appearing to read "Rachele Berglund". The signature is fluid and cursive, with a large initial "R" and a long, sweeping underline.

Rachele Berglund

RB/vn
Enclosure
CC: Client
RB Ltr to M. Zamora (9-10-2020).doc

From: Darlene Mata <DMata@cityofhanfordca.com>
Date: July 3, 2019 at 4:16:00 PM PDT
To: Darrel Pyle <DPyle@cityofhanfordca.com>, Bob Dowd
<dowd@griswoldlasalle.com>
Cc: Sarah Cardoza <scardoza@cityofhanfordca.com>
Subject: Art Brieno

Darrel and Bob,

Given more recent comments by Mr. Brieno I felt that I needed to document his actions and my interaction with him. Please see the attached. I am not requesting anything, just that this information be documented. I will try to meet with him when others are present, however, he usually just drops by and doesn't make an appointment or call first, which makes that difficult.

Thank you.

Darlene R. Mata _____
Community Development Director

Councilmembers: Sue Sorensen, John Draxler (currently Mayor), Martin Devine, Francisco Ramirez, Art Brieno. Councilmembers Francisco Ramirez and Art Brieno were seating on the Council in December of 2018.

Discussions regarding Mr. Aguilar's Automotive began in March of 2018. Mr. Brieno went to Darrel Pyle (City Manager at the time) after Code Enforcement went to the cite and issued a citation. Mr. Brieno believes Mr. Pyle told him that he would take care of the issue. However, the site was out of compliance and had to be brought into compliance. Many conversations occurred regarding this issue.

Late April or early May, Francisco Ramirez called Darrel while Darrel was in my office. Darrel answered on speaker phone. Mr. Ramirez asked a quick question, which Darrel answered. Then Mr. Ramirez proceeded to say he had one more thing and that he and Art, and other Councilmembers thought Darlene Mata should be fired. He stated that I wasn't being business friendly and approving projects. That we just needed to approve projects that people wanted and not deny them because of the code. He said something about me refusing to shake Mr. Aguilar's hand and that I drive a Mercedes and am out of touch. Darrel then left the room and continued talking to Mr. Ramirez.

Darrel later said that he spoke with Bob Dowd and the Mayor, who didn't know what Francisco was talking about.

May 30, 2019 Mr. Brieno came to my office to discuss a site plan review application 2018-36. The application is for a mobile home on a multi-family residential parcel. He asked me to consider waiving the requirement for requiring that the mobile home have eaves, which is a requirement of the municipal code.

We went over the ordinance, which states that the director has some discretion on the requirements if certain findings could be made, which I asserted I could not make. He essentially stated that the housing in this area is already marginal, so more marginal housing would not make a difference and would be in keeping with the neighborhood. He stated that the mobile home park adjacent had mobile homes that did not have eaves. I stated I expected more for the people of Hanford and that I could not make the findings. I let him know the applicant is welcome to appeal the requirements of the site plan review committee. He asked if I would reconsider if he got more input from other city planners. I said that I was always open to have a discussion.

The next week after the meeting I went out to look at the area, which is very blighted. The mobile home park next to the area has homes without eaves and some with eaves.

May 30, 2019 I spoke with Darrel about the above conversation. He suggested we discuss with the issue with Bob Dowd.

June 3, 2019 Met with Bob at 2:00. Explained the situation and went over the codes with him. He said I was on the right course and taking the appropriate action. I expressed my concern that Art was abusing his position by pushing me to making a decision that he may be the private contractor on. To date I do not know if he is or is not the contractor.

June 17, 2019 Darrel and I talked about the Council hiring Mike Olmos as an interim city manager. He said that in a conversation he had with Mike, that Mike said that Mr. Brieno asked in their interview if he would fire a department head. Darrel said Mike said yes, if they did something wrong.

but not at the direction of a councilmember if they hadn't. Darrel also told me that Mr. Brieno has asked to see a copy of my employment contract. Darrel went over the fact that I do not have a contract but am in EMEA and have an MOU.

June 27, 2019 During agenda review with Sue and John, we updated them on the status of the mobile home issue with Art. I was directed by Sue to ask Art if he is meeting with me as a Councilmember representing a constituent or a contractor who did work for the property owner.

July 2, 2019 Mr. Brieno came to the front counter to see me. I asked if we could schedule a meeting as I was working on my presentations, but he said he wanted to see me about the fees on the agenda. He asked about a property where someone wanted to encroach into the rear yard setback and what fee they would have to pay. He thought a CUP, but I corrected him and said it would be a variance and gave him the existing fee and proposed fee. I also told him about the findings that needed to be made to support a variance. He then asked about the fee to put in a second unit and what they would pay. I gave him the proposed fee for site plan review and if it was on a single family parcel it would not go to site plan review. He stated, "so this would help me on my Segura project", I said no that they were zoned multi-family and would still go through site plan review and all the same requirements would apply. I was not comfortable asking Mr. Brieno whether he was acting as a Councilmember or contractor as the Mayor had asked me to do, so I did not do so.

July 2, 2019 Darrel came into my office and told me that Art had gone to Craig Millers office and told him he didn't believe the grant consultant told him that monies would be available for parks acquisition in the next round of grants. He also asked Craig if Darlene stopped the work on the park project. Darrel and I discussed that when they asked what the zone was, I told them it was in the County and needed to be annexed.

September 17, 2019 Closed session regarding Bastille and proposal by Jerry Irons was last night. Mike Olmos called Jerry Irons to tell him that we were going to put out an RFP on the Bastille and not enter into an agreement with him. Following that call, Mike called me to tell me he talked to Jerry. He said Jerry told him he already knew the vote was 3-2 to go out for an RFP. He also said that Jerry told him he knew that Darlene had said that he didn't give us a complete proposal. Although Jerry did not say explicitly, he spoke with Art Brieno had been pushing for him. I believe he disclosed details of closed session matters including the vote and not did not disclose it truthfully just to disparage me.

February 12, 2020 Meeting regarding 311 South St. Code Enforcement Case. Mr. Brieno met with CM Cifuentes, Ty Mizote and I. Mr. Brieno objected to my saying that the code enforcement case had been ongoing for two years and nothing had been done. His disagreement was obvious toward me. I showed him the log of activity. He stated he felt I was, or my office, was singling out only certain people for code enforcement. He asked for additional time for the Property Owner. Staff agreed to 15 days. Over the next few weeks Mr. Brieno asked for copies of all documents for code enforcement on multiple other properties. Information was sent out to all the CC.

March 17, 2020 Closed Session regarding the purchase of property from Self Help to build a park instead of the three units they proposed. Potential cost of to build and maintain a park was presented to Council. Mr. Brieno had previously stated that he would get support from the subdivision to support paying to maintain the park. He hadn't done any outreach so it was suggested that we do a survey of

the residents to see if they would vote to tax themselves to pay for the maintenance of the park. City Council directed me to complete a survey and bring back the results.

May 5, 2020 Closed session item to discuss the purchase of property from Self Help to build a park in the Parkside subdivision. I gave the Council the results of the survey which was that there was overwhelming no votes to tax themselves to pay for the maintenance of the park. Mr. Brieno expressed his displeasure with me, as did Francisco Ramirez, for his lack of notice of a survey. I and the CM informed Mr. Brieno that he was aware that we were doing the survey as it was the direction of the City Council. I had already been told by the CM that he was very unhappy with me that he didn't get a notice. He was very accusatory and stated that he felt staff (me) had purposely not noticed him. Mr. Brieno is not a property owner and would not have gotten a copy of the notice as they went to property owners only as that is who would vote to tax themselves.

May 19, 2020 Mr. Brieno, during a City Council meeting approving the Annual Action Plan for CDBG, asked why a Self Help housing project was part of our CDBG program. He said he had never heard of the project before and asked why I was pushing it, did I have a side deal with Self Help or something. It was very inappropriate and Mr. Brieno was well aware of the Self Help project as he was the reason they hadn't moved forward on their project. See previous

May 2020 Art getting involved 11400 12th Code Enforcement Substandard.

July 5, 2020 Called Mario from home asking how bad things may be on Tuesday. Ended up in tears. [REDACTED]

July 7, 2020 Aguilar revocation was on the agenda. Mr. Brieno made statements to the effect that staff was being heavy handed even though he had been in at least three meeting over the course of the last year where staff had been trying to gain compliance from Mr. Aguilar. [REDACTED]

July 8, 2020 While at work was feeling [REDACTED]. [REDACTED] After exec. Staff meeting I asked the Fire Chief to come to my office. I broke into tears and said something was wrong with me.

[REDACTED] I only remember it was [REDACTED] He advised I should get checked out. [REDACTED]

July 21, 2020 Item on the agenda to get permission to apply for a grant jointly with Self Help and Upholdings. No project was part of the item. Mr. Brieno questions Betsy McGovern about the project extensively, although there was no project. He then questioned me about concessions and other items that I would not have answers to since there was not any project at the time. This went on for some time and he asked for information. Information on concessions was sent to him the following day.

July 27, 2020 [REDACTED] [REDACTED]
[REDACTED] Nothing specific happened that day.

August 3, 2020 Mario came in and spoke with me about what he has been hearing. That Mr. Brieno and Mr. Ramirez are supporting a candidate for Council because they want to now fire Mario Cifuentez

because he won't fire me. They need a majority vote, which they don't have right now. I was told a couple of weeks ago by Mario that Mr. Brieno had inquired with the City Attorney into changing the Municipal Code so that Council may get involved in hiring and firing of directors. Right now they only hire the CM and the City Attorney.

August 11, 2020 Planning Commissioner Jacob Sanchez came into my office with a question about political signs as he is running for a council seat. As we were talking he said he really felt bad for me that he knows I put up with a lot. I asked him if he heard anything. He said yes and asked to shut my door. He proceeded to tell me Art Brieno and Jerry Irons called him together to get him to drop out of the council race. That they needed to get Mario and I out. He then said that Art Brieno called him alone after the call and told him he thought that I couldn't handle the job that's why I was out on stress leave and that a man would be able to do the job. He also said that he thought Mario and I were having a sexual affair. Jacob then said he was told the following day that a friend wanted to talk to him about some rumors at City Hall, but he said he didn't want to discuss it. He acknowledged that he felt the information shared by Art was inappropriate and my private information which is why he was sharing it with me. Reported this information immediately to Mario Cifuentez.

August 12, 2020 Mario Cifuentez met with Jacob Sanchez and was told the exact information I was told.

August 21, 2020 Police Chief Parker Sever let me know that Jacob Sanchez had also spoke to him about the above information. I got upset and asked him not to talk to anybody about it.

In addition to the above, there have been other items that Mr. Brieno has tried to push us to approve. I just don't have specific dates or info. Following the issue with Mr. Aguilar at the beginning in March, Mr. Brieno no longer acknowledged my presence in a meeting or in the hallway, to the extent that Mike Olmos asked if he had once when we were meeting. It was very apparent. He usually acknowledges the other directors at work or prior to Council meetings. I have tried to set up meetings with him at the direction of the CM and he will not respond to my emails or calls. If he has questions that should go through the CM or at least me, he will just call my staff directly rather than speak to me, which has also caused some issues.

Sarah Cardoza

From: Mario Cifuentez
Sent: Wednesday, October 14, 2020 3:46 PM
To: Sarah Cardoza
Subject: FW: Kris McRae - RE: Art Brieno

----- Original message -----

From: Gabrielle Myers <GdeSilva@cityofhanfordca.com>
Date: 9/22/20 4:27 PM (GMT-08:00)
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Subject: Kris McRae - RE: Art Brieno

Mario –

I chatted with Kris McRae, she was trying to assist Art in completing paperwork necessary for a re-roof permit (she said as far as she knows it was for himself).

Art had spoken with Robert Sutton about completing some missing paperwork for a re-roof permit before he came into the office, but when Art came in, because Robert was swamped, Kris volunteered to go over the paperwork with Art. Art insisted he needed to meet with Robert (although Robert had already told Kris about the paperwork and knew she could help him with it). After some back and forth, Kris told Art something to the effect of, "you do not need to be rude to me, I am just trying to help you." A couple other staff members overheard her and her tone was not confrontational.

Gabrielle de Silva Myers

Senior Planner

City of Hanford

317 N. Douty Street

Hanford, CA 93230

Direct: (559)585-2578

E-mail: gmyers@cityofhanfordca.com

TDD/TYY, Dial 711

EXHIBIT 5

Dan Rowley

From: Rachele Berglund <rberglund@hpblaw.net>
Sent: Friday, October 9, 2020 3:04 PM
To: Dan Rowley
Cc: Vivian Napoles
Subject: Darlene Mata
Attachments: RE: Personnel Matter; RE: Personnel Matter

Dear Dan:

Thank you for speaking with Ms. Mata yesterday to gain a better understanding of her workplace complaints.

After her interview with you, Ms. Mata restated she believes Mr. Brieno treats her the way he does because she is female. I doubt this is any surprise to you, given what she has already shared. However, after the interview she noted this became apparent during the May 30 one-on-one meeting they had where she refused his demands to make exceptions to a permitting process. He became angry because she did not conform to the stereotypical gender role to which he held her; "he" told her to do something and "she" didn't do it. He continued his unlawful gender expectations since that date, which is evidenced by his conduct towards her and his statements to others (e.g., a man would be better in this job). I wanted to pass that along to you for your consideration.

You noted yesterday you previously received a copy of my August 9 and September 10 correspondence to the City regarding this matter. For your reference, I have also attached my email communications with the City Manager, Mario Cifuentez, which took place after my initial August 9 correspondence and before my September 4, 2020 telephone call with City Attorney Zamora.

Please contact me with any questions.

Kindly,

Rachele



Rachele Berglund, Esq.
 HERR PEDERSEN & BERGLUND LLP
Visalia Location
 100 Willow Plaza, Suite 300
 Visalia, California 93291
 Phone: (559) 636-0200
rberglund@hpblaw.net
www.hpblaw.net

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Dan Rowley

From: Rachele Berglund <rberglund@hpblaw.net>
Sent: Monday, August 24, 2020 1:15 PM
To: mcifuentez@cityofhanfordca.com
Cc: Zamora Mario; Samira Perez; Vivian Napoles
Subject: RE: Personnel Matter

Good afternoon, Mr. Cifuentez. I hope this message finds you healthy and well.

It has now been over two weeks since my initial correspondence and nearly as much since my last. I know that I do not have to remind you (but I will), the City has an affirmative duty to take immediate and appropriate corrective actions with respect to Ms. Mata's complaint. Such action includes, at a minimum, an objective investigation. This is true regardless of whether the City elects to defend and indemnify Councilmember Brieno.

This is a very serious matter for the City and has had very serious negative impacts on Ms. Mata. Please provide some assurance the City has undertaken steps to mitigate the harm to Ms. Mata and provide a timeline for the timely investigation the City is obligated to perform.

Thank you in advance for your cooperation.

Rachele

From: Rachele Berglund
Sent: Wednesday, August 12, 2020 3:43 PM
To: mcifuentez@cityofhanfordca.com
Cc: Zamora Mario <zamora@griswoldlasalle.com>; 'Samira Perez (sperez@hpblaw.net)' <sperez@hpblaw.net>
Subject: RE: Personnel Matter

Good afternoon, Mr. Cifuentez.

It appears our suspicions have been confirmed: Councilmember Brieno is the source of disclosing confidential and protected information about Ms. Mata. Yesterday, Ms. Mata was confronted by a Commissioner who told her that Councilmember Brieno told him it was "clear" Ms. Mata "couldn't handle the position" because she was "out on stress leave." He also said, "a man could do a better job and handle the stress." Lastly, Councilmember Brieno told the Commissioner you and Ms. Mata were engaged in a sexual affair which, as you know, is utterly false.

It is clear based on what the Commissioner reported, Councilmember Brieno is harassing Ms. Mata based on her gender, creating a hostile work environment, and is now disparaging and harming her (and your) reputation and credibility. This simply has to stop; it has taken a devastating emotional toll on Ms. Mata. In addition, she is now incurring medical, attorney and other fees and costs she would otherwise not have to incur, which would be recovered through litigation if necessary. The City can no longer take a soft approach to this matter. It is legally obligated to investigate Ms. Mata's claims and to take immediate and appropriate corrective action.

Please provide some assurance the City will appropriately and promptly address, and redress, these matters.

Thank you for your anticipated cooperation.

Rachele

From: Rachele Berglund
Sent: Sunday, August 9, 2020 11:48 AM
To: mcifuentez@cityofhanfordca.com
Cc: Zamora Mario <zamora@griswoldlasalle.com>; Samira Perez (sperez@hpblaw.net) <sperez@hpblaw.net>
Subject: Personnel Matter

Good morning, Mr. Cifuentez.

Please see the attached correspondence.

Warmly,

Rachele



Rachele Berglund, Esq.
 HERR PEDERSEN & BERGLUND LLP
Visalia Location
 100 Willow Plaza, Suite 300
 Visalia, California 93291
 Phone: (559) 636-0200
rberglund@hpblaw.net
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Dan Rowley

From: Rachele Berglund <rberglund@hpblaw.net>
Sent: Thursday, August 13, 2020 7:11 AM
To: Mario Cifuentez
Subject: RE: Personnel Matter

Thank you.

Rachele

----- Original message -----

From: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Date: 8/12/20 6:47 PM (GMT-08:00)
To: Rachele Berglund <rberglund@hpblaw.net>
Subject: RE: Personnel Matter

Good evening, Ms. Berglund.

Thank you for the additional information. My apologies that I have not previously acknowledged receipt of your prior email. I am awaiting input from Counsel and will officially respond to both emails soon.

Respectfully,

Mario



Mario Cifuentez, II
 City Manager

Phone: 559.585.2516
 Mobile: 559.799.7342
 Email: mcifuentez@cityofhanfordca.com
 319 N. Douty Street
 Hanford, CA 93230
www.cityofhanfordca.com

From: Rachele Berglund <rberglund@hpblaw.net>
Sent: Wednesday, August 12, 2020 3:43 PM
To: Mario Cifuentez <mcifuentez@cityofhanfordca.com>
Cc: Mario Zamora <zamora@griswoldlasalle.com>; Samira Perez <sperez@hpblaw.net>
Subject: RE: Personnel Matter

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Please provide some assurance the City will appropriately and promptly address, and redress, these matters.

Thank you for your anticipated cooperation.

Rachele

From: Rachele Berglund

Sent: Sunday, August 9, 2020 11:48 AM

To: mcifuentez@cityofhanfordca.com

Cc: Zamora Mario <zamora@griswoldlasalle.com>; Samira Perez (sperez@hpblaw.net) <sperez@hpblaw.net>

Subject: Personnel Matter

Good morning, Mr. Cifuentez.

Please see the attached correspondence.

Warmly,

Rachele



Rachele Berglund, Esq.
HERR PEDERSEN & BERGLUND LLP
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EXHIBIT 6



CITY COUNCIL MEETING MINUTES

May 19, 2020 7:00 PM
Council Chambers
400 N. Douty Street

Video Teleconference via Zoom. Council Members attended remotely.
(Limited virtual access)

5:30 PM CALL TO ORDER STUDY & REGULAR SESSION:

Mayor Draxler called the meeting to order at 5:30 p.m.

ROLL CALL BY THE CITY CLERK:

Present: John Draxler, Francisco Ramirez, Martin Devine, Sue Sorensen
Late: Art Brieno (5:33 p.m.)

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed.

*A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

*Comments from the public are limited to items on the agenda (GC 54954.3a). A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

Diane Sharp, Hanford thanked City Council for adjusting the change-of-use and sign fees. She suggested that the City notify landlords about backflow tests electronically. She also mentioned that currently, the City can charge \$15 if a dumpster lock has been removed. She suggested an across-the-board fee increase of a dollar (or another amount) for dumpster service, to cover the lock fee.

STUDY SESSION:

- A. Receive and review the Master Fee Schedule for the City of Hanford and discuss proposed new fees and increases/adjustments to existing fees for the City of Hanford for Fiscal Year 2020-21.

City Manager Cifuentez presented a review of fee-schedule goals and an overall structure for the Master Fee Schedule, providing a comparison between user fees and taxes. Finance Director Lofgren noted that fees have not been adjusted for 20 years. She is recommending that the business license process be changed from

quarterly to a semi-annual process and that business licenses for Thursday Night Marketplace be a one-time license for the entire season. City Manager Cifuentez and department directors responded to Council Members' questions.

Mayor Draxler adjourned to Closed Session at 6:45 p.m.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

A. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (GC 54957(b)(1))

Classification Title: City Manager

7:00 PM CALL TO ORDER REGULAR SESSION:

Mayor Draxler called the meeting to order at 7:06 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
John Draxler	Mayor	Present	
Martin Devine	Council Member	Present	
Sue Sorensen	Council Member	Present	
Art Brieno	Council Member	Present	
Francisco Ramirez	Vice Mayor	Present	

INVOCATION:

Invocation led by Chief Pendergrass.

FLAG SALUTE:

Mayor Draxler led the flag salute.

CLOSED SESSION ACTION REPORT:

City Attorney Mizote reported no action taken in Closed Session.

STAFF COMMUNICATIONS:

City Manager Mario Cifuentez introduced Bradley Albert as the newly hired Parks and Community Services Director. Director Albert greeted the Council and expressed his enthusiasm for his new position. Mayor Draxler welcomed him.

COUNCIL REPORTS/COMMENTS:

A. Council Comments

Council Member Sorensen inquired as to the status of the Lacey Boulevard extension project. Public Works Director Doyel stated that he would provide an update. She expressed thanks for the Kings County position and pressure put on the governor and the state to be able to move forward with reopening. She reported that she attended Farmer's Market, which was a different experience with the current pandemic. She stated that the City Manager will be involved in a change coming in the Chamber of Commerce. She asked if there has been an update with staff checking parks restrooms.

Vice Mayor Ramirez had nothing to report.

Council Member Devine expressed his well wishes for people experiencing hardships due to the COVID-19 pandemic.

Council Member Brieno reported the need to address vandalism at Centennial and Coe Parks. He stated that, on a recent trip to Bryce National Canyon in Utah, he noticed that grounds were sprinklered, with no flooding. He suggested more control of expenditures, with the State not supporting cities as much, and he encouraged support of the small business community.

Mayor Draxler referred to the homelessness situation in Kings County and the needs of the community during the COVID-19 pandemic. He stated that he would like to see businesses open as soon as possible, if they can do so in a safe manner. He reported that he had been on webinars with Senator Hurtado and webinars with other mayors concerning budgets over the next year.

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed.

*A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

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Mark Pratter commented on General Business Item B: His group plans to gather signatures to have an initiative on the November ballot. Item C: He expressed his concern regarding the Kings County Supervisors' stance on the COVID-19 issue. He will write a letter expressing those concerns and asked that it be inserted into the record.

Michelle Brown, Main Street Hanford (MSH), provided an update on small businesses downtown: some are preparing for opening, and some are open (with precautions and guidelines). She reported that businesses and customers are respecting the restrictions. Main Street Hanford is providing information to business owners about where they can purchase masks and cleaning/sanitizing supplies. She mentioned a previous discussion about a possible use of Business Improvement District (BID) funds for a COVID-relief grant, to be administered through MSH, with which businesses could be reimbursed for related supplies. She noted that Thursday Night Marketplace has been greatly down-sized during the pandemic; but, they hope to grow it back, safely.

Abel Divano of Karing 4 Kids foster agency and Pastor Juan of Victory Outreach each asked that the \$250 Temporary Use Permit fee be waived for fireworks booths, during the pandemic.

Pastor Steve Luna, Christian Faith Center, requested that the \$250 Temporary Use Permit fee for fireworks booth be waived during the pandemic--and in years to come.

Jack Schwartz suggested that the attendance at the Thursday Night Marketplace be expanded, possibly by piping in music and having some food trucks. He commented on the Master Fee Schedule study session, noting that several fees went up. He felt that they should stay the same or go down, considering the present economy. He also stated that a comparison to fees in similarly sized cities should have been provided.

Jeff Garner, Executive Director, Kings Community Action Organization (KCAO), stated that they recently received State funding to help local childcare providers provide cleaning and disinfectant supplies. He encouraged providers to stay open or reopen.

Bob Ramos questioned a warrant item of over \$6,000 for purchase of hats for Public Works. He asked how many hats are purchased for that amount. Mr. Ramos also stated that the property adjacent to Hidden Valley Park should be returned to parkland.

Nate Odom welcomed Director Albert and thanked everyone for watching the meeting at home, announcing that the evening's Study Session broke 1,000 views.

Lou Martinez stated that the community has said many times that they do not want the Hidden Valley Park 18 acres to be sold. He asked if Public Comment is three minutes total or three minutes per item. Mayor Draxler stated that a person cannot speak both in the general Public Comment session and the Public Hearing Public Comment on the same topic in the same meeting.

Paul Castanon works at Kings Gospel Mission (KGM), and he requested assistance with development for KGM.

CONSENT CALENDAR:

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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion on these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

Council Member Sorensen requested to pull Item B [Fire Department pick-up truck]; Council Member Brieno requested to pull Item D [Warrant Register].

Motion to approve the Consent Calendar.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- A. City Clerk: Approval of the minutes from the City Council Meeting held on March 17, 2020.
- B. Public Works: Authorization to advertise bids for the Well 38 Pipeline Improvement Project, and Pre-Authorization for the City Manager to award and execute the contract on behalf of the City, to the lowest responsible bidder, providing project bid is within current budget appropriation.

ITEMS PULLED FROM CONSENT:

1. FIRE: Approval of the Purchase of one 2021 Chevrolet pickup truck from Keller Motors of Hanford, approval of the upfitting as an emergency response vehicle, and appropriation of an additional \$19,074.71 for an amount, not to exceed \$59,774.71.

Council Member Sorensen asked why the cost of upgrades is so high. Fire Chief Pendergrass gave a brief explanation of the upgrade and why it is necessary. He further stated that the funds are allocated through a privately funded grant, so there is no cost to the general fund or from tax money.

Chief Pendergrass replied to additional questions from Council Members.

Motion to approve the purchase of one 2021 Chevrolet replacement pickup truck for the Fire Department.

RESULT:	APPROVED [3 TO 2]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen
NAYS:	Brieno, Ramirez

2. Finance: Warrant Register.

Council Member Brieno requested an answer to Mr. Ramos' earlier question regarding cost of hats for Public Works. Council Member Brieno had asked City Manager Cifuentez earlier about Fire Department expenses from a uniform supply company.

Public Works Director Doyel explained that City Council had approved a change of uniform colors for employees: Blue for Public Works employees and green for Parks and Recreation employees. Two new hats per uniformed employee were purchased from a local vendor, at \$16 each. Each division pays cost for their employees.

City Manager Cifuentez reported that the Fire Department uniform supply company expenses were monthly charges for changing out floor mats and rags used weekly for cleaning.

Motion to approve the Warrant Register.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

PUBLIC HEARINGS:

- A. Police Department: Conduct a public hearing and approval of the use of the Coronavirus Emergency Supplemental Funding Program Grant funds to fund \$65,280 in overtime costs related to responding to the COVID-19 crisis.

Mayor Draxler opened the public hearing and called for the staff report.

Police Chief Parker Sever presented the staff report and answered questions from Council Members.

Mayor Draxler opened Public Comment:

OPPOSED

Mark Pratter stated his opposition toward the acceptance of the grant, citing that the Kings County Sheriff and Hanford Police have not enforced the quarantine directives from the State.

IN FAVOR

Jack Schwartz expressed support of the use of the funds. He asked if there will be a separate accounting of the funds for this grant.

Pastor Juan spoke in favor of the use of the funds.

Chief Sever replied to Council Members' questions, and Mayor Draxler called for a motion.

Motion to approve the use of the Coronavirus Emergency Supplemental Funding Program Grant funds to fund \$65,280 in overtime costs related to responding to the COVID-19 crisis.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Martin Devine, Council Member
SECONDER:	Sue Sorensen, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

B. Community Development: Zone Text Amendment No. 2020-01, a request to amend Title 17, Section 17.56.230 of the Hanford Municipal Code in order to expand on the City's existing mural regulations. Location: Citywide.

Mayor Draxler opened the Public Hearing and called for the staff report.

Community Development Director Mata presented the staff report and answered questions of staff.

Mayor Draxler opened Public Comment:

IN FAVOR

Nate Odom expressed support of the Zone Text Amendment and requested clarification regarding the word "insure" in the section regarding safety of the artist and public. Mayor Draxler stated that staff will look at that.

OPPOSED

None.

Mayor Draxler closed the Public Hearing and invited Council Member questions of staff. Director Mata responded to questions.

Motion to introduce and waive the first reading of Ordinance 20-04, approving Zone Text Amendment No. 2020-01.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

C. Police: Introduction and waiver of the first reading of Ordinance 20-05, a proposed amendment to Title 6 of the Hanford Municipal Code, the addition of Chapter 6.10 to establish Keeping of Chickens - to allow the keeping of chickens within city boundaries in certain residential zones.

Mayor Draxler opened the public hearing and called for the staff report.

Police Chief Sever presented the staff report and recommended that Council waive the first reading of the ordinance and approve Ordinance 20-05.

Following Council discussion, Mayor Draxler opened Public Comment:

IN FAVOR

Nate Odom spoke in favor of the Ordinance and the 5' setback. He shared several fun facts about chickens. Mayor Draxler requested that any future fun facts be provided on paper, rather than during public comment.

OPPOSED

Abel stated that he had a neighbor with a rooster that woke him up at 4:00 every morning. He asked who would oversee that. He is in favor of chickens but not roosters. Police Chief Sever stated that Animal Control officers will respond to any complaints. Owners will be asked to remove any roosters, or they will be cited.

Judy Scott does not want chickens allowed, due to the smell.

Andrea stated that Animal Control is not available on weekends. He feels that dogs will be barking more than usual, due to the presence of chickens, and he does not like the smell.

REBUTTAL

Nate Odom commented that chickens are not smelly, if they are cared for properly, and they are not that noisy.

Council Member Sorensen asked if Chief Sever could address some of the questions/comments in opposition to the Ordinance. Chief Sever does not anticipate a huge increase in the volume of calls for service. He noted that chickens do not stink, if they are cared for properly.

Following Council discussion, Mayor Draxler called for a motion.

Motion to introduce and waive the first reading of Ordinance 20-05, approving the Municipal Code Amendment to Title 6, amending the language to stipulate a 5' set back from the property line, instead of a 10' set back.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

GENERAL BUSINESS:

A. COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG): Federal CARES Act (CDBG-CV) AP19 CDBG Funding Options AP20

Community Development Director Mata stated that this is not a public hearing but an overview and a time to receive input from Council.

Housing Administrative Analyst Sandra Lerma presented the staff report. She and Director Mata then answered questions from Council.

Mayor Draxler welcomed public comment:

Diane Sharp, representing the proposed Kings Gospel Mission housing project, stated three points: 1) She noted that the Kings County contract for renting rooms in hotels ends June 30, and the Kings Gospel Mission houses could be up in 90 days; 2) She thought more letters were sent to the City in favor of this project than were included in the packet and asked if the Council had been briefed on those; 3) She understood that the 2020 expenditures could be reopened and expenditures approved that may/may not be COVID related; 4) She compared the cost of building the three accessory dwelling units at \$87/sq. ft. to the cost of a slightly larger home that is on the market at \$219/sq. ft..

Jack Schwartz agreed that the administrative cost should be reviewed and perhaps reduced. He suggested that, since KCAO and The Salvation Army both already provide rental assistance, this would reduce staff cost and would be a faster, more efficient means of getting money out. He suggested reallocating Lacey Park funds to a future year and using the \$177,600 for rental assistance or food assistance.

Jeff Garner, Executive Director, KCAO presented the following points: 1) He emphasized that rental assistance is a high need; and, through KCAO, every penny would go to pay rent. Administrative costs would be covered by other funds; 2) KCAO is able to provide several services (e.g., food assistance, utility assistance, childcare assistance). They are also able to stay connected with clients; 3) The \$28,000 that the City recommended in March to go to KCAO would allow them to assist five families.

Dave Clevenger, Kings Gospel Mission (KGM), stated that the homeless population is at risk of contracting COVID-19. Funding for hotel rooms expires June 30, leaving a gap of suitable quarantine for those who have nothing else. He noted that KGM has been providing homeless services for five years and have not requested funding.

1. CDBG-CV Grant Funds

Mayor Draxler asked Director Mata to address the Small Business Grant Program. She provided comments and answered Council Members' questions. Following discussion, Director Mata requested Council's direction to staff.

By consensus, Council directed that the CDBG-CV grant fund be allocated as follows:

- Rental Assistance Program \$145,000
- Small Business Grant Program \$100,000
- Food Assistance Program \$ 50,000
- Planning and Administration \$ 30,000

2. CDBG 20/21 Allocation

Director Mata asked if Council had any changes to direction given at the March 17 meeting, remembering that Self-Help Enterprises wants to go back to their Parkside project, which was \$90,000. Due to a delay, staff had to reallocate their funds.

Following considerable discussion,

By consensus, Council directed staff to make the following changes in funds allocations:

- Big Brothers Big Sisters \$ 0
- Increase Utility Assistance by \$10,000 to \$ 20,000
- Reduce Housing Rehabilitation by \$60,000 to \$141,000
- Half of requested \$150,000 Kings Gospel Mission \$ 75,000

The remaining \$75,000 for Kings Gospel Mission housing project and the Self-Help Parkside project will be kept as alternate projects, in the event of extra pay-offs next year.

- B. Community Development: Referral of the Citizen's Initiative, to change the land use and zoning on land adjacent to Hidden Valley Park and in the northwest area of the future city, to the Planning Commission for review for consistency with the General Plan.

Director Mata presented the staff report and requested direction to the Planning Commission for review and comment, with a report coming back to City Council. She stated that she would send an email to Council Members explaining the General Plan requirements for parkland.

Council Member Sorensen stated that her position has been misrepresented by some in the public. She clarified that she is in favor of selling the 18 acres adjacent to Hidden Valley Park, not in favor of selling Hidden Valley Park.

Council Member Devine expressed frustration with the ongoing discussion regarding Hidden Valley Park. He stated that all the email and phone calls he has received from the public are not supportive of the initiative's proposal.

Mayor Draxler listed several problems with the proposal, as written.

Motion to send the item to the Planning Commission for review and forward comments to City Council.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Sue Sorensen, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

C. Administration: Discussion regarding Kings County's plans to reopen businesses and direction from the City Council and potential action on reopening of businesses and facilities.

City Manager Cifuentez recapped the Road Map to Reopening information from the previous week. Kings County and City of Hanford have taken the position that businesses that are licensed and reopening are urged to take caution and seek counsel. The public health agency has agreed to work with folks, at the direction of the County. They will provide guidelines. Michelle Brown, of Main Street Hanford, has offered to administer any funds that Council would like to allocate to assist downtown businesses.

Staff answered questions from Council Members.

Motion to support the Road Map to Reopening, allocate \$25,000 in Business Improvement District (BID) funds to Main Street Hanford to assist small businesses affected by COVID-19, and to approve a banner encouraging adherence to COVID-19 guidelines to be placed downtown.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

COUNCIL FUTURE AGENDA ITEMS:

Upcoming Dates

May 25: Memorial Day Holiday - City Offices Closed
 June 2: City Council Meeting
 June 16: City Council Meeting
 July 3: Independence Day (*observed*) - City Offices Closed
 July 7: City Council Meeting
 July 21: City Council Meeting

A. Council Future Agenda Items

Council Member Sorensen requested the Food Truck Ordinance.

Council Member Ramirez would like add a discussion of the waiver of the \$250 Temporary Use Permit fee for fireworks booths.

Mayor Draxler requested a review of the City Attorney contract and a status update on cannabis businesses

ADJOURNMENT:

Mayor Draxler adjourned the meeting at 10:49 p.m.

Respectfully submitted

Diana Black

Deputy City Clerk

EXHIBIT 7



**CITY COUNCIL MEETING
MINUTES**

**July 7, 2020 7:00 PM
Council Chambers
400 N. Douty St.**

Video Teleconference via ZOOM. Council Members will attend remotely.
(Limited virtual access.)

5:30 PM CALL TO ORDER STUDY & CLOSED SESSION:

ROLL CALL BY CITY CLERK:

Present: John Draxler, Francisco Ramirez, Sue Sorensen, Martin Devine, Art Brieno

PUBLIC COMMENT:

Comments from the public are limited to items on the agenda (GC 54954.3a). A maximum of three minutes is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.

Jack Swartz, Hanford - He expressed concerns on the conditions of City parks and how funds are being utilized in all the parks.

Bob Ramos, Hanford - He asked questions regarding Prop 68 allocation program funds and the intentions of the Parks and Recreation Department applying for grants in the future. He also asked that item B be pulled from the Consent Calendar.

STUDY SESSION:

- A. Presentation by the Hanford Chamber of Commerce to update Council on their current operations and potential Council actions related to the existing Agreement between the Chamber and the City of Hanford.

New CEO, Amory Marple, gave a presentation on their current operations and their plan to become self-sufficient, with the City's continued contributions through the end of the year.

The Council agreed to bring back the Hanford Chamber of Commerce for a follow-up on their progress, with the commitment of the first-quarter contribution payment to them.

- B. Parks and Community Services: Discussion and Council recommendations on the proposed park projects to be funded by Proposition 68 Per Capita Allocation program.

Parks and Community Services Director Albert gave a presentation on four recommended park projects for possible funding by the Proposition 68 Per Capita Allocation Program. The City of Hanford was awarded \$177,952, which was based on population.

Mayor Draxler, Vice Mayor Ramirez, Sorensen, and Devine were in support of the pickleball project at Lacey Park and recognized the importance of cameras at the parks. Council asked Director Albert if there are other funds available for the camera project. Brieno felt that the barrier restroom walls at Lacey Park and the cameras at Centennial Park should take priority over the pickle ball court.

Council directed Director Albert to take the Council's input to the Parks and Recreation Commission and bring a resolution back to City Council.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

Mayor Draxler called for Closed Session to be held after the meeting.

A. CONFERENCE WITH LEGAL COUSEL - REAL PROPERTY NEGOTIATIONS (GC 5495.8)

Property: 109 E. Eighth St.

Agency Negotiations: Mario Cifuentez and Ty Mizote

Negotiating Party: The Carnegie Museum

7:00 PM CALL TO ORDER REGULAR SESSION:

Mayor Draxler called the meeting to order at 7:00 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
John Draxler	Mayor	Present	7:00 PM
Martin Devine	Council Member	Present	7:00 PM
Sue Sorensen	Council Member	Present	7:00 PM
Art Brieno	Council Member	Present	7:00 PM
Francisco Ramirez	Vice Mayor	Present	7:00 PM

INVOCATION:

Invocation led by Pastor Thomas King.

FLAG SALUTE:

CLOSED SESSION ACTION REPORT:

No action taken.

RECOGNITIONS/PROCLAMATIONS:

A. Proclamation for Parks and Community Services "Parks Make Life Better!" Month.

A Proclamation for Parks and Community Services "Parks Make Life Better!" Month was presented to Commissioner Joseph Castaneda.

B. Recognition of Mr. Ruben Valdavinos, PAL Program

Sergeant Cano presented a recognition certificate to Mr. Ruben Valdavinos.

STAFF COMMUNICATIONS:

City Manager Cifuentes reported that the Community Development Department is working with local restaurants to help facilitate more of the outdoor seating, due to the governor's shutdown of dine-in seating. Seventh Street has been closed due to a fire and should be open by tomorrow, which is sooner than planned. He mentioned that the City of Hanford received almost \$733,000 in allocations from CARES funding and allocations from the State budget, to help pay for COVID-related expenses. He stated that Fire Chief Pendergrass has been tracking COVID-related expenses, in order to recoup the bulk of those expenses to help offset the deficit budget.

Police Chief Sever gave an update of promotions in the Police Department: James Edlund was promoted to Lieutenant, Jason Stingley and Frank Martinez were promoted to Sergeant, Jeff Davis was promoted to Corporal, and Albert Cano was promoted to Corporal.

Fire Chief Steve Pendergrass gave an update on the Fourth of July fire calls and statistics, with a total 147 fireworks calls. He stated that some community members were upset because fireworks were not being stopped. He explained that citations or confiscation can happen from a resident's complaint phone call.

COUNCIL REPORTS/COMMENTS:

A. Council Comments

Devine - He attended the San Joaquin Valley Regional Council policy meeting and reported reduction of nearly one billion dollars in State transportation funds for Fiscal Year 20/21. He attended the KCAG meeting and the KART/KAPTA meeting and reported an adopted balanced budget. He also shared his concerns regarding face mask guidelines in California.

Ramirez - No comments.

Brieno - He expressed concern about the bad economy, due to COVID-19.

Sorensen - She walked another LAD district. She recognized the City Manager and Directors for working hard at putting the budget together.

Draxler - He attended Kings Waste Recycle Authority and reported an approved balance budget. He mentioned that the City of Hanford is in the process of hiring a Recycling Coordinator that will help get the City back in line for the State recycle guidelines. He will be doing another LAD district walk.

PUBLIC COMMENT:

This is the time for citizens to comment on subject matters not on the agenda and that are within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed. A maximum of three minutes is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.

Lou Martinez, Hanford - He thanked the Police Department for their hard work and stated that he will always support them. He expressed his concerns for businesses in Hanford and stated that he believes that the City of Hanford is one of the most business-unfriendly towns in the entire Valley. He was opposed to the revocation of Mr. Aguilar's permit.

Amory Marple, Hanford - She introduced herself as the new CEO of the Hanford Chamber of Commerce and promoted the Chamber's upcoming events.

Steve Morrison, Hanford - Opposed to Mr. Aguilar's revocation.

Jeff Mecedos, Hanford - Opposed to Mr. Aguilar's revocation. He also asked about improvements on Seventh Street.

Maurice and Silvia Robinson - Opposed to Mr. Aguilar's revocation.

Chi - Opposed to Mr. Aguilar's revocation.

Mark Pratter, Hanford - He stated that there was no allocation of Prop 68 money for the extension of Hidden Valley Park, and he felt that was against the will of the community. He understood that the City received a grant, with a separate application process, that the City did not invoke. He mentioned his email to Mayor Draxler regarding the Park, to which he did not receive a response. He would like to know if Mr. Zumwalt intends to bid on the engineering work for housing units.

Richard Smith, Hanford - He thanked Chief Sever and Chief Pendergrass, and their staffs, for their work over the holiday weekend. He expressed concern about the negative effects that fireworks have on the community. He spoke to Council Member Devine regarding the issue. He said that he hopes that we can take active creative measures to try to impact this dangerous behavior.

Michelle Brown, Hanford - She gave an update on the Re-open Safely Grant. Main Street Hanford has given out approximately \$15,000, to 30 businesses to assist them in reopening safely. She thanked the City for the grant funds. She also gave an update on the Thursday Night Market Place. Quesadilla Gorilla is opening up soon in downtown Hanford. Main Street Hanford is working on an event that would temporarily close the streets, for small business to create an outdoor shopping and dining experience.

Jerry Irons, Hanford - Opposed to Mr. Aguilar's revocation.

CONSENT CALENDAR:

Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion on these matters unless a request is made and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Martin Devine, Council Member
SECONDER:	John Draxler, Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- A. City Clerk: Approval of the minutes from the City Council Meeting held on April 21, 2020.
- B. City Clerk: Approval of the minutes from the City Council Meeting held on May 5, 2020.
- C. City Clerk: Approval of the minutes from the City Council Special Meeting held on May 8, 2020.
- D. Administration: Authorization to accept the settlement offers from both AT&T and Verizon, resulting from a class action lawsuit for violating cooperative purchasing agreements and authorization for the City Manager to execute the necessary documents on behalf of the City.
- E. Administration: Approval of the Re-Adoption of Ordinance Nos. 18-05, 18-06, 19-04, 19-06, 19-07, 19-10, 19-11, 19-12, 20-01, and 20-03.
- F. Information Technology: Approval of a 3-year Lease with Dell Financial Services for the replacement of Police Department server storage equipment, in the total amount of \$69,552.62, with a \$1 buyout option at the end of the Lease Term.

- G. Public Works: Approval of the Notice of Completion for the Hanford-Armona Road at Irwin Street/10 ½ Avenue Traffic Signal Installation Project, and authorization for the Mayor to execute, and the City Clerk to attest and file said Notice with Kings County Recorder's Office.
- H. Public Works: Approval of the Notice of Completion for the 11th Avenue Median Landscape Renovation Project and authorization the Mayor to execute and the City Clerk to attest and file said Notice with Kings County Recorder's Office.
- I. Public Works: Approval of the Notice of Completion for the City Hall Roof Re-Coating Project and authorization for the Mayor to execute and the City Clerk to attest and file said Notice with Kings County Recorder's Office.
- J. Public Works: Authorization to advertise for bids for the Stonecrest Basin Equipment Installation Project, and pre-authorize the City Manager to award and execute the contract on behalf of the City to the lowest responsible bidder, provided that the project bid is within current budget appropriation.
- K. Fire: Authorization for the City Manager to execute an Agreement with the California Office of Emergency Services (OES) for Temporary Assignment of Vehicular Equipment for a Type 1 Fire Engine.
- L. Fire: Authorization to transfer approximately \$313,000.00 in accrued funding for the 1998 Ferrara Spartan Fire Vehicle from the Vehicle Replacement Reserve fund to the Fire Equipment Replacement Reserve fund to pay off the loan on Fire Ladder Truck and transfer remaining balance of accrued funding back to the General Fund.
- M. Finance: Acceptance of the Warrant Register for the period of June 19, 2020 through June 30, 2020.

ITEMS PULLED FROM CONSENT:

- A. Administration: Adoption of Resolution 20-14-R, amending the Handbook of Rules and Procedures to include various amendments as recommended by the Majority of Council.

Item pulled by public, Bob Ramos.

City Manager, Mario explained that he spoke to Bob regarding his questions before he left the meeting. Bob questioned the placement of the camera of our new camera system. He also asked if cameras will be allowed to be placed on the back wall. Mario explained to Bob that the camera will be placed just south of the seating area where the Community Development Director and Police Chief usually sit.

No further discussion by Council.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- B. Community Development: Approval of Program Guidelines for City of Hanford CDBG-CV Programs CARES Emergency Rental Assistance and Small Business Grant Programs.

Item pulled by Council Member Ramirez.

Director Darlene Mata gave a brief description and qualifications of the Programs.

Ramirez asked if Mr. Aguilar can qualify for this program. Director Mata explained that Mr. Aguilar would have to show a loss of income due to COVID.

Motion to approve.

RESULT:	APPROVED [4 TO 1]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Ramirez
NAYS:	Brieno

PUBLIC HEARINGS:

- A. Community Development: Update on status of previously awarded cannabis dispensary permits and award of one additional Commercial Cannabis Business Permit to California Erudite Ventures, dba Herb N' Joy, located at 102 S. Douty Street (APN 012-095-006) for an adult use and medical dispensary with delivery in approximately 1,700 square feet.

Mayor Draxler opened the public hearing and called for the staff report.

Community Development Director Mata presented the staff report and recommended adoption of Resolution 20-16-R. She introduced Jeff Linden, of California Erudite, who then gave a presentation of Herb N' Joy.

Following discussion, Mayor Draxler opened Public Comment.

Comments from those IN FAVOR:

Richard, Hanford - He asked about the dispensary going into the old Serrano's furniture store building. Director Mata replied that Hanford Harvest withdrew their application, and she gave an update on CALIVA.

Comments from those OPPOSED:

No comments.

Following additional discussion, Mayor Draxler closed the public hearing and called for a motion.

Motion to approve.

RESULT:	FAILED [2 TO 3]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	John Draxler, Mayor
AYES:	Draxler, Ramirez
NAYS:	Devine, Sorensen, Brieno

- B. Award Commercial Cannabis Business Permit to California Erudite Ventures, dba Herb N' Joy, located at 102 S. Douty Street (APN: 012-095-006) for an adult use Medical dispensary with delivery in approximately 1700 square feet.

Motion to approve.

RESULT:	APPROVED [4 TO 1]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Ramirez
NAYS:	Brieno

C. Community Development: Revocation of Administrative Approval 2001-03 and 2019-20 consideration of revoking the approvals for a smog and automotive repair business and expansion for failure to comply with conditions of approval. The business is located at 330 E. 7th Street.

Mayor John Draxler opened the Public Hearing for comments from the public.

Comments from those IN FAVOR:

No Comments.

Comments from those OPPOSED:

Richard, Aguilar, Hanford - Opposed.
 David Aguilar, Hanford - Opposed.
 Hanford Citizen - Opposed.
 Fredrick Moro, Hanford - Opposed.
 Greg Morano, Hanford - Opposed.
 Erin Bowling, Hanford - Opposed.
 Mark Silver, Hanford - Opposed.
 Luke Robinson, Hanford - Opposed.
 Dennis Fausone, Hanford - Opposed.
 Joaquin Gonzales, Hanford - Opposed.
 Jack Swartz, Hanford - Opposed.
 Richard Aguilar, Hanford - Opposed.
 Marsh, Hanford - Opposed.

Community Development Director Mata presented the staff report, and recommended that City Council revoke Administrative Approvals 2001-03 and 2019-20. Director Mata provided a recommended alternative motion with additional items with a strict and short time line.

Ramirez - He asked Aguilar to approach the podium to give the Council a realistic timeline and business goals. He also asked Director Mata what the process would be for Aguilar to get four lifts.

Director Mata responded that it would require a zone change, and that there are few alternative zoning options.

Brieno - He asked Aguilar what prospects he has to obtain funds. He also said it is not necessary to send the Fire Marshal and Code Compliance to inspect his business because Fire Marshal inspections have not been completed in the past. He does not agree with all conditions in the alternative resolution. He would like to bring Aguilar back to Council, if needed.

Sorenson - She said the important thing is to help Aguilar work in a safe environment for him, his employees, and customers and protect him in his service to the community. The details need to allow flexibility to help accomplish the goal in a timely manner.

Mayor Draxler - He shared his concern for Aguilar needing to finish this project within the timeline given before the State passes new regulations that might affect his business.

Motion to approve Resolution 20-17-R to confirm the continuation of the permit to allow an additional extension of time to comply with conditions of approval, amended to add a condition of a consecutive 180 days to comply with all conditions and the removal of the condition "Failure to comply will result in immediate revocation." Conditions of approval:

1. That within seven days, or by July 14, an inspection of the premises is made by Fire, Code Enforcement, and Building. This is to ensure compliance with storage of vehicles and used part storage and potentially other violations of the conditions that may be occurring on site.
2. That the applicant be issued a building permit within 14 days, or by July 21 on the trash enclosure lifts, and parking lot.
3. That construction begins within 30 days or by August 7, 2020.
4. That construction be completed within 90 days or by October 7, 2020.
5. That the applicant must require that all patrons park in designated parking spaces only once the parking lot is properly striped. Currently there is an issue with vehicles parking in the public right of way and in some instances double parked in the street.
6. That no servicing of vehicles may occur in the parking lot or public street.
7. That all cars that are kept overnight must be placed in the screened-in area behind the building. No cars shall be left in the parking lot.
8. That the applicant dispose of used parts on a regular basis. The applicant previously requested to be allowed to dispose of parts twice a year. The request was denied.
9. That all other conditions of Administrative Approvals 2001-3 and 2019-10 continue to apply.
10. That the applicant must comply with all requirements within 180 consecutive days.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	John Draxler, Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

GENERAL BUSINESS:

- A. Police: Approval of a Purchase and Sale Agreement with the California Department of General Services and authorization for the City Manager to execute the appropriate documents for the purpose of purchasing the National Guard Armory for a Purchase price of \$437,000.00.

Chief Sever requested the Council's approval to purchase The National Guard Armory. The facility is currently used by the Police Department for the PAL boxing program, SWAT briefing, SWAT training, and storage of the PD vehicles. There has been \$15,000 of improvements on the facility. The facility is to be used countywide, as a K9 training facility. The purchase price is not to exceed \$437,000 plus additional fees that may include transfer, title, insurance premiums, recording, and escrow fees.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Francisco Ramirez, Vice Mayor
SECONDER:	Sue Sorensen, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- B. Public Works: Authorization to award a contract to J.L. Plank Inc. dba Cen-Cal Construction of Bakersfield, CA in the amount of \$114,735.00 for the FY 19/20 Manhole Raising Project; establish a construction contingency of \$10,000.00; and approve an additional appropriation of \$70,435.00 from the Water Capital Reserves and \$54,300.00 from the Wastewater Capital Reserves.

Public Works Director Doyel presented the second phase of the downtown street resurfacing project. He requested additional appropriation of funds, because all funds were utilized for the resurfacing project to do as much resurfacing as they could.

Following discussion, Mayor Draxler called for a motion.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

COUNCIL FUTURE AGENDA ITEMS:

Upcoming Dates

July 13: *First Day to Pull Nomination Papers from the City Clerk's Office for the November 3, 2020 Municipal Election*

July 17: Movies in the Park, Hidden Valley Park, dusk

July 21: City Council Meeting

July 31: Movies in the Park, Civic Park, dusk

August 4: City Council Meeting

August 7: Last Day to File Nomination Papers with the City Clerk, 5:00 p.m. deadline

August 12: Last to file Nomination Papers during Extension Period, 5:00 p.m. deadline

August 18: City Council Meeting

A. Council Future Agenda Items

Draxler called to move the closed session item to the July 21st meeting.

ADJOURNMENT:

Mayor Draxler adjourned the meeting at 10:23 p.m.

Respectfully Submitted,

Natalie Ortega
Interim City Clerk

EXHIBIT 8



**CITY COUNCIL MEETING
MINUTES**

**March 17, 2020 7:00 PM
Council Chambers
400 N. Douty St.**

5:30 PM CALL TO ORDER STUDY & CLOSED SESSION:

Mayor Draxler called the Study and Closed Session to order at 5:30 p.m.

ROLL CALL BY THE CITY CLERK:

Present: John Draxler, Martin Devine, Sue Sorensen, Art Brieno, and Francisco Ramirez.

PUBLIC COMMENT:

Comments from the public are limited to items listed on the agenda (GC 54954.3a). A maximum of three minutes is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.

Alicia Ramirez, representative from Assemblyman Rudy Salas's Office - She said the Assemblyman's office is a resource available to the City of Hanford.

STUDY SESSION:

A. Update from Kings County Office of Public Health on COVID-19

Ed Hill, Kings County Public Health Director provided an overview of the Coronavirus, (COVID-19) pandemic and the county's response to State and Federal news. Council Member Sorensen asked specific questions about the symptoms and prognosis of the virus. As of March 17th, there were no confirmed cases in Kings County. Mr. Hill said that his recommendation at this time is to cancel any large gathering events.

B. CDBG 2020: Action Plan input on needs, priorities, and designated amounts.

Ms. Sandra Lerma-Martinez provided an overview to the council regarding the applications the department has received for the 2020 Community Development Block Grant funding. Council Member Brieno asked about the funding for Kings Community Action Organization's funding for housing. Ms. Lerma-Martinez explained the City has not helped with this funding in the past.

The Council reached consensus on allocating \$27,000.00 for KCAO and \$20,000.00 for utility assistance. Ms. Lerma-Martinez will give another presentation in May to follow up on the direction given by the Council for the funding.

CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:

Mayor Draxler adjourned the Council to Closed Session at 6:11 p.m.

A. CONFERENCE WITH LEGAL COUNSEL - LABOR NEGOTIATIONS (GC 54957.6)

Agency Designated Representatives: Mario Cifuentez, Sarah Cardoza, Paula Lofgren, and Ty Mizote
Employee Organizations: Hanford Firefighters Local 3898 (IAFF); General Employees Management Association (GEMA); Executive Management Employees Association (EMEA)

B. CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS (GC 54956.8)

Property: Property west of Parkside Drive, south of Woodland Drive
Agency Negotiators: Mario Cifuentez, Darlene Mata, Ty Mizote
Negotiating Party: Self Help Enterprises

Property: APNs 028-240-008, 028-310-016, 028-310-021
Agency Negotiators: Mario Cifuentez, Ty Mizote
Negotiating Party: AG Green Farms, LLC; Bobby Whalen and Robert Gold

Property: The Bastille
Agency Negotiators: Mario Cifuentez, Darlene Mata, Ty Mizote
Negotiating Party: Jerry Irons

Property: 122 E. Eighth Street and 128 E. Eighth Street (APN 010-276-006, 010-276-008)
Agency Negotiators: Mario Cifuentez, Darlene Mata, and Ty Mizote
Negotiating Party: William and Maryann Grimm

C. CONFERENCE WITH LEGAL COUNSEL EXISTING LITIGATION (GC 54956.9(d)(1))

Sara Perez v. City of Hanford
Kings County Case No.: 17C0335

D. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION (GC 54956.9(d)(2))

One potential case.

SUCCESSOR AGENCY CLOSED SESSION FOR DISCUSSION OF THE FOLLOWING:**A. CONFERENCE WITH LEGAL COUNSEL - REAL PROPERTY NEGOTIATIONS (GC 54956.8)**

Property: APN 018-242-067
Agency Negotiators: Mario Cifuentez and Ty Mizote

7:00 PM CALL TO ORDER REGULAR SESSION:

Mayor Draxler called the meeting to order at 7:00 p.m.

ROLL CALL:

Attendee Name	Title	Status	Arrived
John Draxler	Mayor	Present	5:15 PM
Martin Devine	Council Member	Present	5:15 PM
Sue Sorensen	Council Member	Present	5:15 PM
Art Brieno	Council Member	Present	5:15 PM
Francisco Ramirez	Vice Mayor	Present	5:15 PM

INVOCATION:

Invocation led by Ms. Diana Black.

FLAG SALUTE:**CLOSED SESSION ACTION REPORT:**

City Attorney Ty Mizote reported the Council discussed Closed Session items A and C. Items B and D will be discussed after the regular meeting.

STAFF COMMUNICATIONS:

City Manager, Mario Cifuentez - He and Police Chief Parker Sever met with the leadership from the Kings County Superior Court where they discussed the parking issues that occur when large jury pools are summoned.

Public Works Director, John Doyel - He informed the Council of sidewalk grinding that will begin in the downtown area.

COUNCIL REPORTS/COMMENTS:

Council Member Sorensen - She attended the Hanford Chamber of Commerce mixer and looks forward to future events.

Council Member Brieno - He spoke about a fire at the old College of the Sequoias campus building off of 13th Ave. He also spoke about the homeless and drug use issues at the bathroom at Lacey Park.

Council Member Devine - He had nothing to report.

Vice Mayor Ramirez - He attended his third WELL conference seminar and his next one has been canceled.

Mayor Draxler - He attended the ribbon cutting for Luz Dermatology. He recognized the Sierra Pacific girls' basketball team; he said that if the season was canceled early they could have won another state championship.

PUBLIC COMMENT:

*This is the time for citizens to comment on subject matters not on the agenda within the jurisdiction of the Hanford City Council. This is also the public's opportunity to request an item from the Consent Calendar be pulled for discussion purposes or to comment on any item on the agenda. Comments related to Public Hearing items will be heard at the time the item is discussed. A maximum of **three minutes** is allowed for each speaker. Please begin your comments by stating your name and providing your city of residence.*

Delores Alves, Hanford - She stated there is a problem with Lacey Park which includes drugs, alcohol, prostitution, and homelessness. She asked the Council and City officials to address the problems at Lacey Park.

Charles Williams, Hanford - He asked about the city funding for the Annual Black History Month program and why it was cut. Chief Sever explained that his group, like all other non-profit groups, are renting the facility for free.

Jack Schwartz, Hanford - He spoke in support of live streaming the City Council meetings. He requested Item C to be pulled from the Consent Calendar to discuss the facts of the case and assessment of liability.

CONSENT CALENDAR:

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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

A member of the public requested to remove Item C [Settlement Agreement] and Council Member Brieno removed Item J [Warrant Register].

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Martin Devine, Council Member
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- A. City Clerk: Deny claim and direct the City Clerk to send notification of denial to claimant, Jamie Lee Medina.
- B. City Clerk: Deny claim and direct the City Clerk to send notification of denial to claimant, Tammy Bradford.
- C. Community Development: Adoption of Amended RESOLUTION NO. 18-26-R; Supporting an Application for Funding from the State of California Department of Housing and Community Development HOME Investment Partnership Program (HOME)
- D. Public Works: Authorization to advertise for bids for the 11th Avenue Median Landscape Project (from Hume Avenue to Marconi Drive), and pre-authorize the City Manager to award and execute the contract on behalf of the City to the lowest responsible bidder providing project bid is within current budget appropriation.

- E. Public Works: As it relates to FY 2019/20 Transportation Development Act (TDA) Funds Claim: 1) Adopt Resolution # 20-04-R regarding the public transit needs within the City of Hanford and authorize the City Manager to sign and submit claim for funds and any subsequent amended claims required; 2) Determine, based on City's financial participation in and support of the existing Kings County Area Public Transit System, that there are no areas within the City of Hanford with unmet public transit needs which could reasonably be met by the expansion of the existing system or by the establishment of a new system; 3) Approve the filing of a Notice of Exemption to certify that projects to be constructed with these funds are categorically exempt from the California Environmental Quality Act.
- F. Public Works: Approval of the Notice of Completion for the 13th Avenue at Grangeville Boulevard Traffic Signal Installation Project, and authorize the Mayor to execute and the City Clerk to attest and file said Notice with the Kings County Recorder's Office.
- G. Public Works: Approval of the Notice of Completion for Tract No. 918, Bella Vista Phase 2 and authorization for the Mayor to execute and the City Clerk to attest and file said Notice with the Kings County Recorder's Office. (Northwest corner of Devon Street and Centennial Drive)
- H. Public Works: Approval of the Notice of Completion for Tract No. 919 Bonterra Unit 1 and authorization for the Mayor to execute and the City Clerk to attest and file said Notice with the Kings County Recorder's Office. (Southwest corner of Fargo Avenue and Centennial Drive)

ITEMS PULLED FROM CONSENT:

- A. Approval of proposed settlement agreement: Sara Perez v. City of Hanford, Michael Hughes

[Item C]

Atty. Mizote explained the facts of the case. CSAC, the City's insurer had authorized a settlement of \$300,000.00; however, Ms. Perez stated she would accept \$700,000.00 at mediation. The mediator identified the amount of \$500,000.00 as reasonable; CSAC's board found that amount acceptable. The City was responsible for the first \$100,000.00 for the costs associated with the claim, then CSAC covers the rest.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Sue Sorensen, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- B. Finance: Warrant Register

[Item J]

Council Member Brieno had a question about a payment made to Wirbro Inc. Public Works Director, John Doyel stated that was payment for work on a street, curb, and gutter project on Brown Street. Council Member Brieno then inquired about police vehicles that were recently purchased.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

GENERAL BUSINESS:

- A. Public Works: Approve the Purchase of five 2021 Peterbilt 520 residential refuse trucks from E.M. Tharp Inc., of Porterville, Ca., in the amount of \$1,552,025.80; authorize an appropriation of \$12,025.80 from Refuse Enterprise Reserve; and declare five 2011 automated refuse vehicles as surplus and authorize sale.

Dir. Doyel provided background information on the replacement cycle for refuse trucks. Vice Mayor Ramirez asked Dir. Doyel to explain the benefit of newer trucks; Dir. Doyel stated it would reduce the maintenance and repair costs. Council Member Sorensen and Mayor Draxler asked some follow up questions on the features of the replacement trucks.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Sue Sorensen, Council Member
SECONDER:	Art Brieno, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- B. Public Works: Approval of a Memorandum of Understanding (MOU) with the California High Speed Rail Authority and the County of Kings as it relates to construction of raised platform track and station south of the Union Pacific Railroad and Authorization for the Mayor to execute the MOU.

Dir. Doyel explained the City has been working with Kings County and the High Speed Rail Authority. The Authority approached Kings County staff and the City of Hanford staff to discuss the option of raising the platform and the proposed station about 27 feet above grade as it crosses the Railroad and Highway 198. City and County staff expressed significant concern over this proposed modification since both had lobbied heavily to award the contract to the bidder who proposed the at grade station. The Authority agreed to some concessions in exchange for the County and City support of raising the platform and the station.

The Council Members expressed their concerns with High Speed Rail and the importance of making sure there is a stop within Hanford city limits.

Motion to approve.

RESULT: APPROVED [UNANIMOUS]
MOVER: John Draxler, Mayor
SECONDER: Sue Sorensen, Council Member
AYES: Draxler, Devine, Sorensen, Brieno, Ramirez

C. Public Works: Authorization to reject all bids and Re-Advertise the Eastside Sanitary Sewer Trunk Main Project

Dir. Doyel explained the current low bidder on the project, Tierchert & Sons., did not include a page necessary to complete their bid therefore the bid could not be accepted. Dir. Doyel asked the Council to reject all current bids and resubmit for new bid proposals.

Motion to approve.

RESULT: APPROVED [UNANIMOUS]
MOVER: Francisco Ramirez, Vice Mayor
SECONDER: Martin Devine, Council Member
AYES: Draxler, Devine, Sorensen, Brieno, Ramirez

D. Authorization for City Staff to suspend the Issuance of Permits and the leasing of City Facilities, which would result in large gatherings of individuals, consistent with State Guidelines.

City Attorney, Ty Mizote stated the Governor's Executive Order N-25-20 states all residents are to heed any orders and guidance of state and local health officials, including but not limited to the imposition of social distancing measures, to control the spread of COVID-19. The City is bound to impose the terms of the guidance of the Governor's Order.

Motion to approve.

RESULT: APPROVED [UNANIMOUS]
MOVER: Martin Devine, Council Member
SECONDER: Francisco Ramirez, Vice Mayor
AYES: Draxler, Devine, Sorensen, Brieno, Ramirez

E. Motion to Adopt Resolution 20-05-R declaring the existence of a local emergency (COVID 19)

City Attorney, Ty Mizote explained the adoption of Resolution 20-05-R would declare a local emergency in the City of Hanford and will observe all directives, mandates, and executive orders issued by the state or county including requirements for social distancing. Council Member Brieno expressed his concern for small businesses and questioned how city services would be delivered. Council Member Sorensen stated that she was concerned about the closure of small businesses as well. Council Member asked Mr. Mizote for clarification on the Brown Act provisions in response to the Governor's order.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	John Draxler, Mayor
SECONDER:	Francisco Ramirez, Vice Mayor
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

- F. Motion to Adopt Ordinance 20-01, Urgency Ordinance relating to provision for a local emergency (COVID-19); providing prohibition of price gouging and overcharging to merchandise sold by businesses; providing for the suspension of automatic approval deadlines for development approvals

City Attorney Ty Mizote stated one of the issues addressed in this ordinance is price gouging; its definition and associated penalties. He stated that as long as the emergency is in place, the urgency ordinance will be in place. Council Member Sorensen asked about the effective date of the ordinance. Mr. Mizote said it would be once the ordinance is approved.

Motion to approve.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Art Brieno, Council Member
SECONDER:	Martin Devine, Council Member
AYES:	Draxler, Devine, Sorensen, Brieno, Ramirez

COUNCIL FUTURE AGENDA ITEMS:

A. Council Future Agenda Items

Council Member Brieno - He would like staff to start looking into a part-time person to check out the parks on the weekends. He suggested the bathroom entryways at Lacey Park be monitored regularly.

Mayor Draxler - He asked his fellow council members and citizens to keep in mind that this [COVID-19] is uncharted territory. He stated that the Council needs to be understanding of staff's time during this situation.

RECONVENE FOR CLOSED SESSION:

Mayor Draxler reconvened the Council to Closed Session at 8:50 pm.

ADJOURNMENT:

With nothing to report from Closed Session, Mayor Draxler adjourned the meeting at 10:03 p.m.

Respectfully submitted,

Sarah Martinez
City Clerk



**AGENDA
STAFF REPORT**

MEETING DATE: 3/2/2021	AGENDA SECTION: A
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SUBJECT:

Council Future Agenda Items

FISCAL IMPACT:

ATTACHMENTS:

Council Future Agenda Items

Council Future Agenda Items

Originated Date	Item	Originator	Staff Lead	Date Estimate
4/7/20	Discussion of Pay for Parking Options in the Downtown Area	Council Consensus	John Doyel	3/16/2021
9/3/20	Proposed Rates & Fees adjustments	City Manager	Various Staff	5/4/2021
9/3/20	Revised Business License Ordinance	Finance	Various Staff	3/16/2021
9/9/20	Revised Refuse Ordinance	Public Works	Jim Ross	4/20/2021
10/02/20	Introduction Hemp Ordinance	Council Consensus	Various Staff	3/16/2021
11/12/20	Discussion of Coe Park and changes to traffic and pedestrian to flow to enhance park usages	City Manager	Various Staff	5/4/2021
6/18/20	Discussion of Courthouse improvements and financing options	Council Consensus	Brad Albert	5/4/2021

Attachment: Council Future Agenda Items (Council: Future Agenda Items)