

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

**November 20, 2018**

**A regular session meeting of the City Council, City of Tulare was held on Tuesday, November 20, 2018, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.**

**COUNCIL PRESENT:** David Macedo, Maritsa Castellanoz, Carlton Jones, Jose Sigala

**COUNCIL ABSENT:** Greg Nunley

**STAFF PRESENT:** Willard Epps, Mario Zamora, Janice Avila, Matt Machado, Luis Nevarez, Steve Bonville, Rob Hunt, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Traci Myers, Nick Bartsch, Jason Bowling, Roxanne Yoder

**I. CALL TO ORDER REGULAR SESSION**

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

**II. PLEDGE OF ALLEGIANCE AND INVOCATION**

Captain Matt Machado led the Pledge of Allegiance and an invocation was given by Lieutenant Donnie Smith.

**III. CITIZEN COMMENTS**

Mayor Macedo requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

Brant John Michael Williams addressed the Council with concerns and allegations regarding Council Member Sigala.

**IV. COMMUNICATIONS**

There were no items for this section.

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**V. CONSENT CALENDAR:**

**It was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of item(s) 3, 5, 6, 9, 10, 11 & 12.**

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of November 6, 2018 regular meeting(s). [Submitted by: R. Yoder]**
- (3) Approve a Special Legal Services Agreement with Leonard Herr of Herr, Pedersen & Berglund, Attorneys at Law, LLP. [Submitted by: M. Zamora]**  
Council Member Jones pulled the item to provide comment. With no further discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 3 to 1 (Council Member Jones voting no; Council Member Nunley absent) to approve the item as presented.
- (4) Receive informational report on current City of Tulare, City Council 2018/2019 travel budget. [Submitted by: W. Epps, D. Thompson, R. Yoder]**
- (5) Adopt Resolution 18- 58 accepting Industrial Place street right-of-way from Industrial Avenue to ±1,093 feet north as shown as an irrevocable offer of dedication on Parcel Map No. 5021. Accept the required public works improvements on Industrial Place completed by BDH Group, LLC, authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]** Council Member Macedo declared a conflict due to ownership in the vicinity and recused himself from discussions. [See Consent Item 9.]
- (6) Adopt Resolution 18-59 rejecting an irrevocable offer of dedication for future right-of-way along the west side of Industrial Place between S. "K" Street and S. Blackstone Street until future acceptance by separate resolution of the City Council. Additionally, accept a grant of easement for a public utility easement and grant of easement for access and utility purposes associated with the CNS Real Estate, LLC, industrial development, and authorize the City Manager or his designee to sign Certificates of Acceptance for the same. [Submitted by: M. Miller]** Council Member Macedo declared a conflict, due to ownership in the vicinity and recused himself from discussions. [See Consent Item 9.]
- (7) Conditional approval for final map and subdivision improvement agreement for Phase 1 of The Greens at Oak Creek subdivision for recordation, and accept all easements and dedications offered to the City,**

including a Grant of Easement for temporary turnarounds for emergency vehicle purposes and a temporary run-off pond for street runoff, subject to receipt of the signed final map, all fees, and other required items prior to January 19, 2019. [Submitted by: M. Miller]

- (8) **Authorize the City Manager to execute a Grant of Easement to Southern California Edison Company for access along a City-owned pedestrian trail, located west of Mooney Boulevard and adjacent to the Tulare Irrigation District Main Canal. [Submitted by: M. Miller]**
- (9) **Acceptance of the following easement associated with a master planned water main installed in Cartmill Avenue as part of the Willow Glen subdivision, and authorize the City Manager or his designee to sign the Certificates of Acceptance for the same:**
- **A Grant of Easement from Del Lago Development Company, LLC, a California Limited Liability Company, for public utility purposes. [Submitted by: M. Miller]**

Mayor Macedo declared a conflict, due to ownership in the vicinity and recused himself from discussions.

With no further discussion, it was moved by Council Member Sigala, seconded by Council Member Jones and carried 3 to 0 (Mayor Macedo recused; Council Member Nunley absent) to approve Consent Items 5, 6 and 9 as presented.

- (10) **Conditionally approve the Parcel Map filed by Pilot Flying J for the division of land located at the southwest corner of Paige Avenue and Blackstone Street for recordation, and accept all easements and dedications offered to the City subject to receipt of the signed parcel map, all fees, and other required items prior to January 19, 2019. [Submitted by: M. Miller]** Council Member Sigala pulled the item to inquire if there was any conflict on the item due to the appeal. City Engineer Michael Miller advised that it did not. With no further comment it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Nunley absent) to approve the item as presented.
- (11) **Accept the required public works improvements for the Quail Creek No. 4 Subdivision located west of Morrison Street, south of East Bardsley Avenue as complete, authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]** Staff pulled the item to advise Council of a condition for approval with regard to a maintenance bond. With no further discussion, it was moved by Council Member Sigala, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley absent) to approve the item as amended,

conditionally approved, subject to the receipt of a maintenance bond.

- (12) Approve a list of pre-qualified consultants for On-Call Engineering & Land Surveying Consulting Services, and authorize the City Manager to enter into consultant professional service agreements, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with Lane Engineers of Tulare, CA; Peters Engineering Group of Clovis, CA; Provost & Pritchard Consulting Group of Visalia, CA; QK of Visalia, CA; and 4Creeks of Visalia, CA for a period of up to two years. [Submitted by: J. Funk] Council Member Sigala pulled the item to inquire as to how these types of lists are created and that he would like to see more diversity in the process. City Engineer Michael Miller advised that he would meet with Council Member Sigala regarding the process and any revisions thereto. With no further discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Castellanoz and carried 4 to 0 (Council Member Nunley absent) to approve the item as presented.**
- (13) Authorize the sole source purchase of a new Type-1 Fire Engine from Pierce Manufacturing Inc. in an amount not to exceed \$680,000.00 and authorize the pre-purchase payment amount of \$320,018.00. [Submitted by: L. Nevarez]**
- (14) Authorize the City Manager to execute all necessary documents on behalf of the City for a new 5-year Lease Agreement with the Temmerman Corp, Inc. (Operator) for the operation of the Tulare Cycle Park (Park).**
- (15) Reject the liability claim for damages filed by Jerod M. Boatman on November 1, 2018; and, reject the liability claim for damages filed by Fred Ynclan on November 1, 2018. [Submitted by: J. Avila]**
- (16) Adopt Resolution 16-60 amending Resolution 16-08 updating an Electronic E-Mail Retention Policy to increase email retention from 180 days to 365 days and incorporating said changes into the City of Tulare's Records Retention & Indexing Schedules and Information Management Policy. [Submitted by: J. Bowling]**
- (17) Adopt Resolution 18-61 accepting funding in the amount of \$248,698.96 from the State of California 911 Emergency Communications Office to upgrade hardware/software in the Tulare Police Department dispatch center and authorize the City Manager or designee to execute all documents related to processing and receiving said funding. [Submitted by: B Jones]**
- (18) Authorize the purchase of two (2), Braun Class D, ADA Equipped Entervans from Creative Bus Sales for the amount of \$96,845.68 (\$48,422.84 each).**

- (19) **Authorize approximately \$6,000 for the purchase of conex (c-train) storage containers. [Submitted by: B. Jones.]**

## **VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

There were no items for this section of the agenda.

## **VII. MAYOR'S REPORT**

There were no items for this section of the agenda.

## **VIII. GENERAL BUSINESS**

*Comments related to General Business Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.*

### **(1) Appeal Hearing:**

- a. **Appeal hearing of the Planning Commission's decision to approve Conditional Use Permit No. 2016-04, and adoption of the Project's Environmental Impact Report, Mitigation Monitoring and Reporting Program, CEQA Findings, Statement of Overriding Considerations, and further consideration of adoption of Resolution 18-62 denying or upholding the applicant's appeal as presented; or with conditions or direction to staff to remand the project back to Planning Commission for further consideration. [Submitted by: M. Anaya]** Principal Planner Mario Anaya provided a report and reviewed a PowerPoint slide presentation for the Council's review and consideration. Mayor Macedo opened the appeal hearing at 7:21 p.m. Elizabeth Pollock addressed the Council on behalf of the appellant in support of the appeal. Brandon Parks addressed the Council on behalf of the project and presented a PowerPoint slide presentation in support of denial of the appeal and in support of the amended mitigation measures proposed. Courtney Roche of Roche Oil addressed the Council about the amount of added truck traffic and if traffic lights would help with traffic control. He additionally, asked if the Council would delay a decision. With no further public comments, Mayor Macedo closed the public hearing at 7:41 p.m. Comments by Council addressed by staff and Project Engineer Christopher Thnay. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and carried 3 to 1 (Council Member Jones voting no; Council Member Nunley absent) to Adopt Resolution 18-62 denying the appeal and approving the items, including the proposed mitigation measures and street striping as noted on the record.

**(2) Public Hearing:**

- a. **Public Hearing to pass-to-print Ordinance 18-11 revising Title 7, adding Chapter 7.09 (Well Ordinance) establishing policies for the construction, modification, repair, abandonment, or destruction of wells in the City of Tulare in order to manage the safety, utilization and distribution of its groundwater supply. [Submitted by: T. Whitfield]** Public Works Director Trisha Whitfield provided a report for the Council's review and consideration. Mayor Macedo opened the public hearing at 8:22 p.m.; with no public comment, he closed the public hearing at 8:22 p.m. Following discussion, it was moved by Vice Mayor Castellanoz, seconded by Council Member Sigala and carried 4 to 0 (Council Member Nunley absent) to pass-to-print Ordinance 18-11 as presented.
- b. **Public Hearing to pass-to-print Ordinance 18-12 revising Title 10, Chapter 10.188, by repealing and replacing Section 10.188.050(J) related to changing the City's standards for non-commercial signs. [Submitted by: M. Anaya]** Principal Planner Mario Anaya provided a report for the Council's review and consideration. Mayor Macedo opened the public hearing at 8:29 p.m.; with no public comment, he closed the public hearing at 8:29 p.m. Following discussion, it was moved by Council Member Sigala, seconded by Council Member Jones and carried 4 to 0 (Council Member Nunley absent) to pass-to-print Ordinance 18-12 as presented.

**(3) Community Development:**

- a. **Council consideration the adoption of Resolution 18-63 and provide direction to staff on the request by Applicant, California Land Company, for a deferral of project-related development impact fees associated with property located at 2043-2049 Hillman Street in the sum of \$49,629.00 under section 8.56.080(B) of the Tulare Municipal Code. [Submitted by: T. Myers]** Mayor Macedo recused himself from discussions due to property ownership. Community Development Deputy Director Traci Myers provided a report for the Council's review and consideration. Following discussion, it was moved by Council Member Jones, seconded by Vice Mayor Castellanoz and carried 3 to 0 (Mayor Macedo recused and Council Member Nunley absent) to adopt Resolution 18-63 as presented.

**(4) City Attorney:**

- a. **Discussion regarding the Tulare City Council Travel Policy related to uses and restrictions and directions to staff related thereto. [Submitted by: M. Zamora]** Council Member Jones requested that

Council Member Sigala repay the City for expenditures related to his travel to the League of California Cities Annual Conference due to alleged political campaigning while in attendance. Council Member Sigala responded thereto denying the allegations. Mayor Macedo and Vice Mayor Castellanoz commented that the newly seated Council Members and respective Council consider any revisions or clean up language to the policy at a future date if needed. No action taken.

**(5) Public Works:**

- a. Informational update on the TCP Project and compliance order received by the State Water Resources Control Board. [Submitted by: W. Epps]** Charles Ritchie addressed the Council regarding the City's decision on the treatment of TCP in its water system. Public Works Director Trisha Whitfield provided a report for the Council's review and consideration. Ms. Whitfield and Water and Wastewater Collections Utility Manager Tim Doyle addressed questions and comments related thereto. Informational Item Only.

**IX. COUNCIL/STAFF UPDATES, REPORTS OR ITEMS OF INTEREST – GC 54954.2(3)**

Council Member Jones requested a Fuel Cell update for a future meeting.

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

Mayor Macedo adjourned to closed session at 9:33 p.m. for matters as stated by Interim City Attorney Mario Zamora. Mayor Macedo will be recusing on Item E due to property ownership.

- (a) 54956.8b Conference with Real Property Negotiators  
Property: Tulare County Courthouse property APN #176-062-014, 425 East Kern Ave and an adjacent parking lot, APN # 176-063-021  
Under Negotiation: Direction regarding potential purchase of property  
Negotiating parties: Willard Epps, Mario Zamora, Steve Bonville, Darlene Thompson [Submitted by: S. Bonville]
- (b) 54956.8b Conference with Real Property Negotiators  
Property: City property APN #170-263-002-000, 424 N. K Street  
Under Negotiation: Direction regarding potential purchase and development agreement from Gussan Shedid  
Negotiating parties: Willard Epps, Mario Zamora, Steve Bonville, Josh McDonnell [Submitted by: S. Bonville]
- (c) 54956.8b Conference with Real Property Negotiators

Property: City properties APN's #170-232-010-000 and #170-232-011-000, 450 N. N Street

Under Negotiation: Direction regarding potential purchase and development agreement from Gerrid Climer

Negotiating parties: Willard Epps, Mario Zamora, Steve Bonville [Submitted by: S. Bonville]

- (d) 54957 – Public Employee Dismissal/Release [Submitted by: M. Zamora, J. Avila]
- (e) 54956.8b Conference with Real Property Negotiators  
 Property: property located along Cartmill Avenue between State Route 99 and De La Vina Street. (APN#149-060-016), (APN#149-240-024), (APN#149-060-005), (APN#149-190-061), (APN#149-240-024), (APN#149-230-018), (APN#149-230-005), (APN#149-220-008), and (APN#149-230-014)  
 Under Negotiation: acquisition status, terms, and conditions of the purchase of property  
 Negotiating parties: Josh McDonnell, Steve Bonville, Michael Miller, Nick Bartsch, Will Washburn, and Mario Zamora. [Submitted by: N. Bartsch]

#### **XI. RECONVENE CLOSED SESSION**

Mayor Macedo reconvened from closed meeting at 10:40 p.m.

#### **XII. CLOSED SESSION REPORT (if any)**

Mayor Macedo advised there were no reportable actions.

#### **XIII. ADJOURN REGULAR MEETING**

Mayor Macedo adjourned the regular meeting at 10:40 p.m.

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

#### **ATTEST:**

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

**ORDINANCE 18-11**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE  
AMENDING TITLE 7, HEALTH AND SANITATION, OF THE MUNICIPAL  
CODE TO ADD CHAPTER 07.09 (WELLS), ESTABLISHING POLICIES FOR THE  
CONSTRUCTION, MODIFICATION, REPAIR, ABANDONMENT, OR  
DESTRUCTION OF WELLS IN THE CITY**

WHEREAS, the State of California has adopted the 2014 Sustainable Groundwater Management Act (SGMA) to assist local agencies in managing sustainable groundwater basins; and

WHEREAS, local agencies are the primary institutional entities to manage groundwater within the State of California; and

WHEREAS, it is imperative that local agencies manage the use of groundwater in a manner that can assure it will be maintained during the planning and implementation horizon without causing undesirable results; and

WHEREAS, areas of California are experiencing overdraft conditions within their groundwater basins and local agencies need to monitor and manage those conditions so as to assure reasonable base water usage, safe yield, and manage overdraft conditions; and

WHEREAS, the Council desires to limit the number of private wells within its managed groundwater basin to assure adequate water to accommodate planned development and growth; and

WHEREAS, the assurance that all water users within the City can connect into the City's water system necessitates the above monitoring and management objectives to comply with the Sustainable Groundwater Management Act.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULARE, CALIFORNIA, AS FOLLOWS:

**SECTION 1:** Title 7 of the Tulare Municipal Code is hereby amended to add Chapter 07.09 (Wells) as follows:

Chapter 7.09 WELLS

Sections:

07.09.010 Title.

07.09.020 Legislative Intent.

07.09.030 Definitions.

07.09.040 Acts Prohibited, Permit Required.

- 07.09.050 Meter Required.
- 07.09.055 Reporting Water Use.
- 07.09.060 Permits.
- 07.09.070 Rules and Regulations.
- 07.09.080 Cash Deposit or Security Bond.
- 07.09.090 Suspension or Revocation of Permit.
- 07.09.100 Appeal.
- 07.09.110 Public Nuisance.
- 07.09.120 Inspection.
- 07.09.130 Backflow Prevention.

**07.09.010 Title.**

This chapter shall be known and referred to as the Well Ordinance of the City of Tulare.

**07.09.020 Legislative Intent.**

It is the purpose of this Ordinance to regulate the construction, modification or repair, abandonment or destruction of wells in such a manner that the groundwater of this City will not be contaminated or polluted, and that water obtained from wells will be suitable for beneficial use and will not jeopardize the health, safety or welfare of the people of this City, and to monitor the amount of water pumped from wells.

**07.09.030 Definitions.**

(A) "Person." Person shall mean any individual, firm, partnership, general corporation, association, or governmental entity.

(B) "Well." Well shall mean any artificial excavation for the purpose of extracting water from, or injecting water into, the ground, or for providing cathodic protection, or for making tests or observations of underground conditions, or for any other similar purpose. This definition shall not include: (1) oil, gas, or geothermal wells; or (2) wells used for the purpose of (a) dewatering excavation during construction or (b) stabilizing hillsides or earth embankments.

(C) "Contamination." Contamination shall mean the impairment of the quality of water to a degree which creates, or may create a hazard, to the public health through poisoning or through spread of disease.

(D) "Pollution." Pollution shall mean the alteration of the quality of water, in full or part, which affects or may affect such water for beneficial uses. Pollution may include contamination.

(E) "Public Works Director." Public Works Director shall mean the Public Works Director of the City of Tulare or his/her duly authorized representatives.

(F) "Public Nuisance." Public Nuisance, when applied to a well, shall mean any action or omission which threatens to or which in fact contaminates or pollutes the groundwater or otherwise jeopardizes the health, safety and welfare of the public.

(G) "Abandon or Abandonment." Abandon or Abandonment, when applied to a well, shall mean to cease maintenance or use of the well for a period of one (1) year.

(H) "Destroy or Destruction." Destroy or Destruction, when applied to a well, shall mean any action which causes the well to no longer produce or act as a conduit for the interchange of water.

(I) "Emergency." Emergency shall mean a circumstance which (1) causes an imminent threat of or actual contamination or pollution of the City's groundwater, or (2) jeopardizes the health or safety of the people of this City, or (3) is likely to cause a substantial and immediate loss of property.

**07.09.040 Acts Prohibited, Permit Required.**

(A) It shall be unlawful for any person to construct, modify or repair, abandon or destroy any well, unless such person has a valid permit issued by the Public Works Director for the specific action to be taken.

(B) It shall be unlawful for any person to construct, modify or repair, abandon or destroy any well, unless such construction, modification or repair, abandonment or destruction is in conformance with the terms and conditions contained in the permit issued by the Public Works Director.

(C) It shall be unlawful for any person to construct any private well, whether for domestic, industrial, or any other use. No permit shall be issued for construction of a well, if the property to be served is connected to the City's water supply system or the property is within 500 feet of a feasible connection point to the City's water supply system.

(D) It shall be unlawful for any person to modify an existing private well, and no permit shall be issued for modifications other than abandonment and destruction if the property is within 500 feet of a feasible connection point to the City's water supply system.

**07.09.050 Meter Required.**

In the event that a meter is not installed on an existing constructed private water well the Public Works Director may cause a meter to be installed, at the cost of the City. Existing private water wells are defined as those constructed prior to the effective date of this Ordinance. In the event any water well meter is not properly maintained by the well owner, the Public Works Director may perform the necessary maintenance on the meter and recover the costs from the owner.

**07.09.055 Reporting Water Use.**

The owner of each well within the City of Tulare on which a water meter has been installed shall allow the City access to read said meter annually on or about October 1 of each year and, not later than thirty (30) days thereafter. This information shall be reported to the Public Works Director as the amount of water pumped since the last meter reading. In the event the meter is not read and the amount pumped not reported to the Public Works Director in accordance with this Ordinance, he/she may cause the meter to be read by any lawful means.

**07.09.060 Permits.**

(A) The application for the permit required by this ordinance shall be:

(1) Made in writing to the Public Works Director on such forms as he/she may prescribe, setting forth such information as he/she may require to carry out the purposes of this ordinance.

(2) Signed by the applicant.

(B) The application shall be accompanied by any filing fee established for said applications by the City Council, through Resolution. No part of the filing fee is refundable.

(C) Permits issued pursuant to this Ordinance by the Public Works Director may contain, and be subject to, such terms and conditions as the Public Works Director determines are necessary to carry out the purposes of this Ordinance. The Public Works Director shall deny any Application for a Permit if, in his/her determination, its issuance would tend to jeopardize the purposes of this Ordinance.

**07.09.070 Rules and Regulations.**

The Public Works Director may adopt rules and regulations to implement and administer this Ordinance. Said rules and regulations shall be approved by the City Council.

**07.09.080 Cash Deposit or Security Bond.**

Prior to the issuance of a Permit, the applicant shall post with the Public Works Director a cash deposit or security bond to guarantee compliance with any terms and conditions of the Permit and the proper performance of the work. Such cash and security bond shall be in the amount determined necessary by the Public Works Director to ensure compliance with this Ordinance, but in no event will such cash deposit or security bond be for an amount in excess of the total estimated cost of the work to be performed. The deposit or bond will be returned to the permittee upon satisfactory completion of the work.

**07.09.090 Suspension or Revocation of Permit.**

(A) The Public Works Director may suspend or revoke a water well Permit issued under this Ordinance whenever the Public Works Director determines that any work performed under such a permit constitutes a Public Nuisance or when the applicant, his agents, employees, or the licensed well drilling contractor performing the work (1) violates any provision of this Ordinance or any terms and conditions of the permit, or (2) misrepresents any material fact(s) in the Permit Application.

(B) Before the Public Works Director suspends or revokes a water well permit, the Public Works Director shall make reasonable effort to notify the landowner where the well is located or the licensed well drilling contractor performing work on the well.

**07.09.100 Appeal.**

Any person whose Permit Application has been denied, granted conditionally, or any person who's Permit has been suspended or revoked, may appeal to the City Council:

(A) Said person shall file a Notice of Appeal with the City Clerk on or before the 14th calendar day following the date of decision by the Public Works Director.

(B) The matter shall be scheduled for hearing before the City Council, no later than 30 days following receipt of the Appeal, absent mutual agreement to the contrary. The Appellant shall be served with notice of the time and place of the hearing, as well as any relevant materials, at least five calendar days prior to the hearing. The hearing may be continued, upon mutual consent. At the time of the hearing the appealing party, the Public Works Director, and any other interested person may present such relevant evidence as he or she may have, relating to the determination from which the appeal is taken.

(C) Based upon the submission of such evidence and any other relevant material including city files, the City Council shall issue a decision upholding, modifying, or reversing the determination from which the appeal is taken. Notice of Decision shall be given within 14 days following submission of the matter to the Council and shall state the

reasons for the Decision. Any notices under this section may be sent by regular mail, postage prepaid, and shall be deemed received on the fifth calendar day following the date of mailing.

**07.09.110 Public Nuisance.**

Upon finding by the Public Works Director that a well may cause contamination or pollution to the groundwater or is a threat to the public health, safety or welfare, such well shall constitute a Public Nuisance. The Public Works Director may take any action necessary to abate such Public Nuisance. The owner of the property upon which the well is located and / or the permittee for such well shall be liable for any and all costs incurred by, or at the request of, the Public Works Director in the abatement of said Public Nuisance.

**07.09.120 Inspection.**

The Public Works Director or his/her designee(s) may, at any and all reasonable times (absent an emergency, reasonable times exclude any time of day on weekends or holidays and prior to 8am or after 6pm on weekdays), enter any and all places, property, enclosures and structures for the purpose of examining or investigating the construction, modification or repair, abandonment, or destruction of wells.

**07.09.130 Backflow Prevention of Existing Auxiliary Water Supply Wells**

(California Administrative Code Title 17)

The water purveyor has the primary responsibility to prevent water from unapproved sources entering the public water supply system. Each service connection from a public water system supplying water to premises having an auxiliary water supply (well) shall be protected against backflow of water from the premises into the public water system by the installation of a City-approved reduced pressure principle backflow prevention device installed at the public water supply meter connection. It shall be the responsibility of the water user to provide protective devices as required under this Code. It shall be the duty of the water user on any premise for which backflow protective devices are installed to have a competent licensed inspection and test performed at least once per year at the expense of the water user.

**SECTION 2:** If any provision of the Tulare Municipal Code or Title 7 of the Ordinance Code of the City of Tulare, whether approved or adopted prior to or subsequent to Chapter 7.09 is in conflict therewith, the provisions of Chapter 7.09 shall govern.

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**SECTION 3:** This Ordinance shall be in full force and effect thirty (30) days from and after its final passage, adoption, and approval.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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

**ORDINANCE NO. 18-12**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE REPEALING CHAPTER 10.188.050(J) OF TITLE 10 (ZONING) OF THE MUNICIPAL CODE IN ITS ENTIRETY AND RESTATING AND ADDING CHAPTER 10.188.050(J) (NON-COMMERCIAL SIGNAGE) TO ESTABLISH A COMPREHENSIVE AND LEGAL PROCESS FOR REGULATING NON-COMMERCIAL SIGNS.**

The City Council of the City of Tulare, State of California, ordains as follows:

**WHEREAS**, To protect the public health, safety, and welfare, it is the desire of the City Council of the City of Tulare to modify Zoning Ordinance Chapter 10.188.050(J) regarding the regulation of non-commercial signs. The Zoning Ordinance Amendment would affect properties city-wide.

**WHEREAS**, The City Council of the City of Tulare determined that the proposed amendment is in the public interest.

**WHEREAS**, The City Council of the City of Tulare determined the proposed action will promote the goals and objectives of the Zoning Title as prescribed in Section 10.188.050(J) of the Tulare City Code.

**WHEREAS**, The City Council of the City of Tulare determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity.

**WHEREAS**, At a duly noticed public hearing on October 22, 2018, the Planning Commission of the City of Tulare reviewed and recommended that the City Council revise Chapter 10.188.050(J) of Title 10 (Zoning) of the Tulare Municipal Code.

**WHEREAS**, The Zoning Ordinance Amendment is exempt from Environmental Review under the California Environmental Quality Act (CEQA), pursuant to Section 15061(B)(3).

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULARE, CALIFORNIA AS FOLLOWS:**

**SECTION I:** Chapter 10.188.050(J) of Title 10 (Zoning) of the Tulare Municipal Code is repealed in its entirety.

**SECTION II:** Chapter 10.188.050(J) of Title 10 (Zoning) of the Tulare Municipal Code is re-stated and added as follows:

## CHAPTER 10.188: SIGNS

### Section

10.188.050 Standards by sign type.

#### § 10.188.050 Standards by sign type.

(J) *Non-commercial Signage.*

Commercial signage is defined as any sign likely to be engaged in commerce and where the intended audience is commercial or actual or potential customers, and where the content of the message is commercial in character. Any signage which is not commercial is allowed in any zoning district, and without review by the City, with the following restrictions:

- (1) Signs shall be placed on lots or parcels privately owned with permission of the property owner.
- (2) The combined area of sign on any one parcel shall not exceed 32 square feet.
- (3) Non-commercial signs shall not be attached to trees, fence posts, or utility poles, except on private property where signs may be attached to trees and fence posts with permission of the property owner.
- (4) Signs shall not be placed in any street right-of-way or on any city owned property, or any portion thereof.
- (5) No sign shall be erected in violation of street corner setback requirements, which are established to ensure traffic safety, nor shall any such sign interfere with pedestrian traffic.

**SECTION III:** If any section, subsection, sentence, clause or phrase of this ordinance is for any reason declared to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or invalid.

**SECTION IV:** This ordinance shall be in full force and effect at 12:01 a.m. on the thirty first day (31) from and after is final passage, adoption and approval.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2018.

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

ATTEST:

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

## RESOLUTION 18-64

### RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TULARE DECLARING CANVASS OF RETURNS AND RESULT OF GENERAL MUNICIPAL ELECTIONS

**WHEREAS**, by proceedings heretofore duly had and taken, the General Municipal Election was held in the City of Tulare (hereinafter called the "City") on November 6, 2018; and

**WHEREAS**, the General Municipal Election was held on said date in accordance with law, and the votes thereat (including absentee voters) received, cast and canvassed, and the returns thereof ascertained, determined and declared in all respects as required by law.

**NOW, THEREFORE, BE IT RESOLVED** by the Council of the City of Tulare, as follows:

1. The foregoing recitals are, and each of them is true and correct and this Council so finds and determines.
2. The City Clerk of the City be and is hereby instructed to enter this resolution on the minutes of this Council as a statement of the result of said election.
3. The total number of ballots received and cast in the City (including absentee ballots) at said general municipal election for City Council Districts 2 and 4 was as follows: **Pursuant to Attachment "A"**.
4. The list of candidates nominated for the offices hereinafter set forth to be filled at said General Municipal Election and the names of the candidates, and the number of votes received and cast in favor of each of the candidates in the respective Districts, was as follows: **Pursuant to Attachment "A"**.
5. That **Terry Sayre**, received the highest number of votes cast for the office of Council Member (four year term) **District 2** for which he was a candidate, and said person was thereby elected to said office for the term herein above set forth, and the City Clerk is hereby authorized to sign and deliver thereto a Certificate of

Election and administer thereto the Oath prescribed in the Constitution of the State of California.

6. That **Dennis Mederos**, received the highest number of votes cast for the office of Council Member (four year term) **District 4** for which he was a candidate, and said person was thereby elected to said office for the term herein above set forth, and the City Clerk is hereby authorized to sign and deliver thereto a Certificate of Election and administer thereto the Oath prescribed in the Constitution of the State of California.

**PASSED, ADOPTED AND APPROVED** this \_\_\_\_ day of December 2018.

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

ATTEST:

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss.  
CITY OF TULARE )

I, Willard Epps, Interim City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 18-\_\_\_ passed and adopted by the Council of the City of Tulare at a regular meeting held on December \_\_\_\_, 2018, by the following vote:

Aye(s) \_\_\_\_\_

Noe(s) \_\_\_\_\_ Abstention(s) \_\_\_\_\_

Dated: Willard Epps, INTERIM CITY CLERK

By Roxanne Yoder, Chief Deputy City Clerk

**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** City Manager

**For Council Meeting of:** December 4, 2018

**Documents Attached:**  Ordinance  Resolution  Staff Report  Other  None

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**AGENDA ITEM:**

Reorganization of the City Council – Mayor and Vice Mayor Selection - Interim City Attorney Mario Zamora will oversee this section of the agenda for the nomination and selection of the Mayor.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

Following the November 6, 2018, City Council Election, the newly seated Council, nominates and votes two of its members to serve in the capacity of Mayor and Vice Mayor, these positions typically serve a period of two years, but may do so without limit.

The City Charter has no restrictions on who may serve as Mayor or Vice Mayor. The selection is by nomination and majority vote.

The Mayor shall be recognized as the official head of the City of Tulare for all ceremonial purposes, act as the Presiding Office at meetings, perform such other duties consistent with the office as may be imposed by the City Council, and preserves strict order and decorum at all times. The Mayor signs ordinances, resolutions and other such items as agreements, contracts, etc., except where otherwise instructed or set forth by policy. In the absence of the Mayor, the Vice Mayor shall perform the duties of the Mayor as outlined above.

Note: Interim City Attorney Mario Zamora will oversee the nomination and selection of the Mayor, once completed, the Mayor will take their respective seat and then oversee the nomination and selection of the Vice Mayor.

**STAFF RECOMMENDATION:**

Following nominations the Council, by majority vote, select a representative for the Mayor and Vice Mayor positions.

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**FUNDING SOURCE/ACCOUNT NUMBER:**

**Submitted by:** Willard Epps

**Title:** Interim City Manager

**Date:** November 26, 2018

**City Manager Approval:** \_\_\_\_\_

**CITY COUNCIL REPRESENTATION ON BOARDS/COMMITTEES  
2018/2019**

<u>Board/Committee</u>	<u>Representative</u>
Agri-Center Board Liaison	Macedo _____
Council of Cities	Sigala Castellanoz- alternate _____
Chamber Liaison ( <i>request by John Harman</i> )	Castellanoz _____
Tulare County Association of Governments Meets 3 <sup>rd</sup> Monday; 1 p.m.	Castellanoz (appointment made xx/xx/xx) _____ Macedo- 1 <sup>st</sup> alternate _____
*Tulare County Local Agency Formation Commission (City Selection Committee recommends; appointed by Board of Supervisors) Meets 1 <sup>st</sup> Wednesday, 2 p.m. - County Admin. Bldg,	Jones (alternate board member as selected by the City Selection Committee on 1/23/17 terms expires May 2021 per TCAG)
Tulare Downtown Association Meets 1 <sup>st</sup> Wednesday, 7 a.m. – Chamber Office	Nunley
Tulare County Economic Development Corp. Board of Directors (EDC) & Business Incentive Zone Council - Meets 4 <sup>th</sup> Wednesday, 7:30 a.m.	Sigala Macedo – alternate _____
City Employee Health Insurance Committee Meets quarterly, 3 <sup>rd</sup> Thursday, 10 a.m., City Hall	Castellanoz _____
City Investment Committee Meets quarterly, 11 a.m., City Hall	Macedo (Mayor) _____
Teens on Board Liaison	Jones
Tulare Irrigation District Joint Committee	Sigala & Jones
South San Joaquin Valley Air Board (Selection process made by Air Board selection committee.)	Sigala
**Groundwater Sustainability Agency Board	**Sigala & Stroman
	**Note: City Council & Board of Public Utilities Members are eligible to serve on the GSA Board. Jose Sigala and Howard Stroman are the Board Members; Carlton Jones and Jim Pennington are the Alternate Board Members for Tulare.
Tulare County Homeless Taskforce	Jones

Item g

## **POLICE REVIEW BOARD 16 - 18**

**Maria Grijalva** (appointed 12/20/16 – D1)

**Xavier Avila** (appointed 7/24/18 – D2)

**Jesse Salcido** (reappointed 12/20/16 – D3)

**Vacant** (appointed \_\_\_\_\_ – D4)

**Gene Chavez** (appointed 12/20/16 – D5)

**John Avila** (reappointed 12/20/16 – at large)

**Duane Goree, Jr.** (reappointed 12/20/16 at-large)

## **CURRENT BOARD, COMMITTEE, COMMISSION TERM ENDING LIST**

### **LIBRARY BOARD**

Donna Schauland appointed 12/2/14 seeks reappointment

Vacancy appointed 00/00/00

### **AVIATION COMMITTEE**

Vacant appointed 00/00/00

Michael Groah appointed 07/21/15 seeks reappointment

Casey Jenkins appointed 7/21/14

Michael Schoenau new applicant seeks reappointment (potential conflict of interest)

### **HOUSING & BUILDING APPEALS BOARD**

Peggy Wright appointed 12/2/14

**AGENDA ITEM:**

**CITY OF TULARE, CA  
AGENDA ITEM TRANSMITTAL SHEET**

**Submitting Department:** Community & Economic Development Department

**For Council Meeting of:** December 4, 2018

**Documents Attached:**  Ordinance  Resolution  Staff Report  Other  None

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**AGENDA ITEM:**

Update to Council on attendance at 2018 International Council of Shopping Centers Conference October 9 – 10, 2018 in Los Angeles, California and consideration of Council attendance at 2019 RECon event May 19- 22, 2019 in Las Vegas, Nevada.

**IS PUBLIC HEARING REQUIRED:**  Yes  No

**BACKGROUND/EXPLANATION:**

The International Council of Shopping Centers (“ICSC”) connects member communities and development partners with resources that help strengthen collaborative partnerships. ICSC has over 70,000 members including shopping center owners, developers, managers, investors, retailers, brokers and public officials. ICSC offers many deal making events each year as a tool to help achieve this goal. Deal making events are networking forums where developers, retailers, brokers and the public sector are able meet face-to-face to discuss current and/or future retail projects. ICSC deal making events are designed to facilitate deals and connections across all aspects of retail real estate and are a prime opportunity to expand the City’s professional relationships.

Most recently, on October 9 -10, 2018, Council member Jones, city staff and Chamber of Commerce representatives attended the Western Conference and Deal Making event in Los Angeles. Prior to attending the conference, staff was able to utilize the reporting information provided by the Buxton Group to direct efforts towards those retailers who were cited to be a direct match for the City of Tulare. Staff pre-arranged appointments with the representatives of these retailers during the conference. While at the day and a half event, the team was able to connect with five fast food/restaurant groups, three gasoline/convenient store representatives, one grocery store chain as well as current brokers for the vacant Rite Aid building located at 110 East Cross in Tulare. Additionally, the team was able to take advantage of the venue to further retention efforts with new retailers such as Turner Outdoor, BurgerIM, Ross and DD’s Discount Stores and Planet Fitness.

Following the October event, staff has had continuing dialogue with at least three new retailers looking to locate in Tulare. We are assisting with answering questions related to signage, infrastructure and the permitting process.

Looking ahead, a team consisting of a City Council member(s), city staff and a Chamber of Commerce representative will be attending the ICSC RECon event in Las Vegas on May 19 – 22, 2019. This event is the world’s largest gathering of retail professionals drawing approximately 40,000 attendees and over 1,500 exhibitors. The cost to register before April 26, 2019 is \$660.00.

Council member Jones has expressed a desire to attend. In accordance with the City Council Travel Policy adopted by Resolution 18-02, staff submits this inquiry of attendance pursuant to Section E of same.

**STAFF RECOMMENDATION:**

Receive staff’s update to Council on attendance at 2018 International Council of Shopping Centers Conference October 9 – 10, 2018 in Los Angeles, California and consideration of Council attendance at 2019 RECon event May 19- 22, 2019 in Las Vegas, Nevada.

**CITY ATTORNEY REVIEW/COMMENTS:**  Yes  N/A

**IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED:**  Yes  No  N/A

**FUNDING SOURCE/ACCOUNT NUMBER:**

City Council District 3 Travel Budget (001-4010-2316); Economic Development Budget (001-4040-2017)

**Signed:** Traci Myers

**Title:** Community & Economic Development Deputy Director

**Date:** November 26, 2018

**City Manager Approval:** \_\_\_\_\_

