

(REVISED) AGENDA

as to Consent Item 4

**TULARE CITY COUNCIL
TUESDAY, OCTOBER 22, 2019
Study Session 6:00 p.m.
Regular Session 7:00 p.m.
TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS
491 North "M" Street**

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

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

On August 6, 2019, the Tulare City Council rescheduled the October 15, 2019 regular meeting to October 22, 2019.

6:00 p.m.

I. CALL TO ORDER STUDY SESSION

- II. CITIZEN COMMENTS** - Comments from the public are limited to items listed on the agenda (GC 54954.3a). Speakers will be allowed three minutes. Please begin your comments by stating and spelling your name and providing your city of residence.

III. STUDY SESSION

- (1) Review of comprehensive Cannabis Ordinance prepared at the direction of the City Council at the September 17, 2019 meeting and direction to set for public hearing. [Submitted by: M. Zamora]

IV. ADJOURN STUDY SESSION

7:00 p.m. (or immediately following Study Session)

V. PLEDGE OF ALLEGIANCE AND INVOCATION

VI. CITIZEN COMMENTS

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

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

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

VII. COMMUNICATIONS

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

VIII. CONSENT CALENDAR

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

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of October 1, 2019 special/regular meeting. [Submitted by: R. Yoder]
- (3) Confirm the Mayor's reappointment of Chris Harrel and Tom Griesbach to the Board of Public Utilities vacancy for terms ending December 31, 2023. [Submitted by: R. Hunt]
- (4) **Adopt Resolution 19-46** amending the City's Non-Utility Position Control Budget (PCB) to reflect the following:
 - a. Add and set the salary ranges for the classifications of one (1) Deputy City Manager and one (1) General Services Manager; and,
 - b. Change the salary range of the Community and Economic Development Director classification; and,
 - c. Delete the classifications of one (1) Community Development Deputy Director and one (1) General Services Director.

- (5) **Adopt Ordinance 19-06** for a zoning text Amendment to Chapters 10.40 and 10.64 of the City of Tulare Municipal Code in order to add solar arrays to the list of uses permitted and conditionally permitted in Commercial (10.40) and Industrial (10.64) zone districts. [Submitted by: M. Anaya]
- (6) Extend the conditional approval for the final map and subdivision improvement agreement of 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 December 21, 2019. [Submitted by: M. Miller]
- (7) Accept as complete the contract with A-C Electric Company for work on Project EN0072 to construct traffic signal modifications at Prosperity Avenue and 'M' Street. 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: J. Funk]
- (8) Receive, review, and file the Monthly Investment Report for August and September 2019. [Submitted by: D. Thompson]
- (9) Reject the following claims for damage filed on September 12, 2019:
 - Hanah Salazar; John Blakely; Sadie Blakely; Lucas Blakely; Eric Blakely; Aiden Blakely [Submitted by: J. Avila]

IX. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) Library Board Annual Report presented by Board Chair Lisa Hollingshead.
- (2) Progress Update by Randy Dodd, President, Adventist Health Tulare.

X. MAYOR'S REPORT

- (1) Consideration to identify available funding and authorize any necessary budget transfers, for the upcoming visit of Angra do Herosimo, Tulare's Sister City, November 8, 2019, to be utilized toward a welcome event coordinated with the Angra do Herosimo Sister City Foundation for said visit. [Submitted by: R. Hunt]
- (2) Consideration of authorizing the Mayor to execute a letter to the California Transportation Commission to fully fund SR-99 project components recommended for deletion.

XI. CONVENE JOINTLY AS TULARE CITY COUNCIL AND TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE TULARE REDEVELOPMENT AGENCY –

(1) Successor Agency:

- a. Authorize the City Manager to execute the documents necessary to waive the First Right of Refusal and future covenants with regard to the sale of the property APN# 176-400-011 and to record those documents, subject to minor conforming changes approved by the City Attorney. [Submitted by: S. Bonville]

XII. ADJOURN AS TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND REMAIN SEATED AS THE TULARE CITY COUNCIL –

XIII. GENERAL BUSINESS

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

(1) Public Hearing:

Note: Due to its size the Development Impact Fee Study for the following item is available for review in the Community Development Department, City Clerk's Office or on the City's website.

- a. Public Hearing to receive presentation from TischlerBise regarding Development Impact Fee (DIF) Study and receive testimony regarding the same. Identify preferred alternative and consider **adoption of Resolution 19-47** to establish new Development Impact Fees for residential development in the City of Tulare with direction to **pass-to-print Ordinance 19-08** for the repeal and replacement of Chapter 8.56 of title VIII of the Municipal Code pertaining to development impact mitigation fees. [Submitted by: M. Miller]

Note: Due to its size the final Environmental Impact Report for the following item is available for review in the Community Development Department, City Clerk's Office or on the City's website.

b. Public Hearing to consider adoption of the following:

- **Resolution 19-48** certifying the final environmental impact report (EIR) and adopting CEQA Findings, a Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program for the Cartmill Crossings Project - Annexation No. 2017-01, General Plan Amendment No. 2017-03, and Zone Amendment No. 725.

- **Resolution 19-49** approving General Plan Amendment No. 2017-03, changing the General Plan designation on the site from Regional Commercial to a combination of Regional Commercial, Low Density Residential, Medium Density Residential, High Density Residential, and Parks & Recreation.
 - **Resolution 19-50** requesting the Tulare County Local Agency Formation Commission take proceedings for annexation No. 2017-01 (Cartmill Crossings) and detachment of the property from County Service Area No. 1 and the Tulare Irrigation District.
 - **Pass-to-print Ordinance 19-09** approving Zone Amendment No. 725, pre-zoning the subject property to the following zoning designations: C-3 (Retail Commercial), R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum site area per dwelling unit density standard), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum site area per dwelling unit density standard), and PL (Public Lands), to become effective upon annexation into the City limits on property located adjacent to and east of State Route 99 and on the north side of Cartmill Avenue. [Submitted by: M. Anaya]
- c. Public Hearing to **pass-to-print Ordinance 19-10** authorizing the issuance of City of Tulare Water Revenue Bonds, Series 2019 in a principal amount not to exceed \$20 million. Proceeds from the Bonds would be used to fund water system capital improvements and potentially refinance an outstanding equipment lease for savings; the ordinance also approves the form of a bond indenture which includes the same legal provisions as the City's prior issuance of 2017 water revenue bonds. [Submitted by: D. Thompson]
- (2) Public Works:
- a. Provide an informational update to the City Council regarding water quality at the Matheny Tract and the proposed Matheny sewer project with Tulare County. [Submitted by: T. Whitfield]
- (3) Police:
- a. Massage Ordinance Enforcement Update. [Submitted by: W. Hensley]

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

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

- (a) 54956.9(d)(2) & (e)(3) Conference with Legal Counsel – Anticipated Litigation
One (1) item of anticipated litigation [Submitted by: M. Zamora added at 9/17 meeting by the City Council]

- (b) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1)
Name of Case: Nunley v. City of Tulare, TCSC Case No. 280739

XVI. RECONVENE CLOSED SESSION

XVII. CLOSED SESSION REPORT (if any)

XVIII. ADJOURN REGULAR MEETING

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

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