

TO: Mayor and City Council Members

FROM: Rob Hunt, City Manager

SUBJECT: July 7, 2020 Agenda Items

DATE: July 1, 2020

6:30 p.m.

I. CALL TO ORDER CLOSED SESSION

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

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

- (1) 54956.9(c) Conference with Legal Counsel – Anticipated Litigation One (1) items of anticipated litigation

IV. RECONVENE CLOSED SESSION

V. CLOSED SESSION REPORT (if any)

VI. ADJOURN CLOSED SESSION

7:00 p.m. (Or, immediately following Closed Session)

VII. CALL TO ORDER REGULAR SESSION

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

IX. CITIZEN COMMENTS

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

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

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council.*

Please begin your comments by stating and spelling your name and providing your city of residence.

X. COMMUNICATIONS

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

XI. CONSENT CALENDAR

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

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of June 16, 2020 special/regular meeting. [Submitted by: R. Yoder]** The minutes of June 16, 2020 special/regular meeting are submitted for your approval. **Staff recommends Council approve as presented.**
- (3) Authorize the City Manager to execute the settlement agreement to acquire property by eminent domain for portions of certain properties located along Aronian Street between Kern Avenue and Tulare Avenue (State Route 137) as defined in the Resolution of Necessity 2020-21. [Submitted by: M. Zamora]** Capital Improvement Project (CIP) WT0038 will design and construct a new well and appurtenances on the east side of 'J' Street south of and adjacent to the Cartmill Avenue overcrossing. The general area of the well site was identified in a Technical Memorandum (Report) prepared by Carollo in 2012. After receiving positive results from a test well, the City purchased the well site in September 2019.

At the City Council meeting on March 3, 2020, Council accepted a small piece of property identified in the well site purchase as right-of-way for 'J' Street. The Board of Public Utilities approved the same at their meeting on February 20, 2020. Subsequently, the well site project was reviewed by the City's Site Plan Review Committee. At that time, it was determined that an additional 2-feet would be required across the well site frontage to meet the ultimate right-of-way requirements for 'J' Street. The additional dedication will not adversely impact the design of the well site.

It is requested that Council authorize the City Manager to complete and execute the documents necessary to declare as public right-of-way that portion of the property purchased for the 'J' Street at Cartmill Avenue well site needed to for the ultimate right-of-way width of 'J' Street. There are no costs associated with this action. **Staff recommends Council authorize the City Manager to execute the settlement agreement to acquire property by eminent domain for portions of certain properties located along Aronian Street between Kern Avenue and Tulare Avenue (State Route 137) as defined in the Resolution of Necessity 2020-21, as presented.**

- (4) **Award and authorize the City Manager to sign a contract with Romanazzi General Engineering of Exeter, CA in the amount not to exceed \$658,607.55 for Project EN0072 to construct a traffic signal and intersection improvements at Prosperity Avenue and Oaks Street, and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$65,860.76) of the contract award amount. [Submitted by: J. Funk]** Capital Improvement Program Project EN0072 is a project to construct a traffic signal and intersection improvements at the intersection of Prosperity Avenue and Oaks Street. The project will convert the current 4-way stop controlled intersection to a signalized intersection. Operation of the intersection will be controlled by an overhead video detection system. Signalization will include LED type street lights and pedestrian push buttons and pedestrian heads that meet current ADA and Caltrans standards. The contract includes the removal of conflicting striping and the installation of new striping for dedicated left-turn and right-turn pockets on Prosperity Avenue. New ADA compliant ramps will be constructed at the four corners as well as a storm drain line that will help with localized flooding near the intersection. Run-off from the south side of the intersection will be allowed to flow to the City storm basin west of the intersection and south of Prosperity Avenue.

On June 18, 2020, five bids were received and opened for the construction of Project EN0072. The bids were evaluated and the low bidder's bid was determined to be responsive to the requirements and instructions contained in the bid documents. Romanazzi General Engineering of Exeter, CA submitted the lowest bid in the amount of \$658,607.55. The bids received are as follows:

Company	Location	Amount
Romanazzi General Engineering	Exeter	\$ 658,607.55
Avison Construction	Madera	\$ 664,963.00
R.J. Berry Jr. Inc.	Selma	\$ 687,340.00
American Paving Co.	Fresno	\$ 691,910.00
MAC General Engineering Inc.	Porterville	\$ 765,314.93

Romanazzi General Engineering possesses a current and active Class A General Engineering Contractor's license issued by the State of California and

has submitted a list of licensed and experienced subcontractors who will be performing portions of the work.

The Engineer's opinion of probable construction costs for the entire work (traffic signal, ADA ramps, and storm drain improvements) is \$630,000. There are sufficient available funds in the EN0072 Project to cover property acquisitions costs and construction costs including construction, construction contingency, construction surveying, labor compliance services, material testing services, and inspection and construction/project management staff time. **Staff recommends Council award and authorize the City Manager to sign a contract with Romanazzi General Engineering of Exeter, CA in the amount not to exceed \$658,607.55 for Project EN0072 to construct a traffic signal and intersection improvements at Prosperity Avenue and Oaks Street, and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$65,860.76) of the contract award amount, as presented.**

- (5) **Adopt Ordinance 2020-06 to repeal and replace Section 9.48.120 of the Tulare Municipal Code pertaining to Commercial Vehicle Parking Restrictions. [Submitted by M. Miller]** At the June 16, 2020, meeting, the City Council passed-to-print by a vote of 4 to 0 (Council Member Nunley absent) Ordinance 2020-06. **Staff recommends Council adopt Ordinance 2020-06 to repeal and replace Section 9.48.120 of the Tulare Municipal Code pertaining to Commercial Vehicle Parking Restrictions, as presented.**
- (6) **Conditionally approve the final map and subdivision improvement agreement for Phase 3 of Willow Glen subdivision for recordation, and accept all easements and dedications offered to the City, subject to receipt of the signed final map, all fees, and other required items prior to September 05, 2020. [Submitted by: M. Miller]** Planning Commission Resolution No. 5192 adopted on September 22, 2016 approved the tentative map for the Willow Glen subdivision located at the northwest corner of Mooney Boulevard (State Route 63) and Cartmill Avenue. The overall subdivision comprises approximately 134 acres consisting of a combination of single family and multi-family residential lots. The proposed subdivision is being developed in phases.

Phase 3 of Willow Glen subdivision consists of 53 single-family residential lots and two landscape and lighting district lots. The subdivider is actively working to complete the final map. To expedite the final map approval process, the subdivider is requesting Council's conditional approval and acceptance subject to receipt of the signed map, all fees, and other required items within 60-days. Such requests have routinely been accommodated. A copy of the Planning Commission Resolution No. 5192 and final map is attached. **Staff recommends Council conditionally approve the final map and subdivision improvement agreement for Phase 3 of Willow Glen subdivision for recordation, and**

accept all easements and dedications offered to the City, subject to receipt of the signed final map, all fees, and other required items prior to September 05, 2020, as presented.

- (7) **Adopt Resolution of Intention 2020-36 to set July 21, 2020 as the public hearing date to adopt landscape maintenance assessments for fiscal year 2020-21. [Submitted by: M. Miller]** The city is required to adopt a resolution of intention to set a public hearing date to establish landscape maintenance assessments for fiscal year 2020-21. The attached resolution of intention serves as the public notice and is published in the local newspaper. **Staff recommends Council adopt Resolution of Intention 2020-36 to set July 21, 2020 as the public hearing date to adopt landscape maintenance assessments for fiscal year 2020-21, as presented.**
- (8) **Approve the Parcel Map filed by Joe Flores for the division of land located on the southeast corner of Santa Clara Street and Kern Avenue and accept the 6' wide public utility easement and the additional right-of-way as shown hereon, conveyed to the City of Tulare as an easement and dedication in fee. [Submitted by: M. Miller]** Tentative Parcel Map No. 2019-04 filed by Joe Flores for the division of land located on the southeast corner of Santa Clara Street and Kern Avenue was approved by the Parcel Map Committee on December 9, 2019. This parcel map is to create 2 parcels of record from one existing parcel (APN 175-013-003) which is currently zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area). This parcel map comprises approximately 14,294 square feet, which is to be subdivided into 2 parcels. Parcel 1 will be 7,419 square feet, Parcel 2 will be 7,505 square feet. The parcel map provides for a 6' public utility easement along Parcel 1 & 2 and an additional right-of-way dedication at the southeast corner of Kern Avenue and Santa Clara Street. The Engineering Division has examined the parcel map and determined that it is in compliance with the approved tentative parcel map. A copy of the Parcel Map and Parcel Map Committee Resolution No. 811 is attached. **Staff recommends Council Approve the Parcel Map filed by Joe Flores for the division of land located on the southeast corner of Santa Clara Street and Kern Avenue and accept the 6' wide public utility easement and the additional right-of-way as shown hereon, conveyed to the City of Tulare as an easement and dedication in fee, as presented.**
- (9) **Authorize the Mayor to execute a Grant Deed on behalf of the City of Tulare for a lot line adjustment affecting Parcel 1 of Parcel Map 4531 (APN 171-300-015), to which the City holds a deed of trust as the result its Credit Agreement with the Tulare Local Healthcare District. [Submitted by: M. Miller]** The Tulare Local Healthcare District has applied for Lot Line Adjustment (LLA) No. 253, which would affect the property on which the Evolutions health center is located. The LLA would shift the current property line on the east side of the parcel 45 feet to the west, resulting in the transfer of approximately 16,580

square feet to the adjacent parcel to the east. This transfer of property would facilitate the sale and subsequent commercial development of that adjacent parcel. The north half of the property being transferred is currently developed as a parking lot with a trash enclosure, and the south half is undeveloped. A new trash enclosure for the Evolutions center would be constructed by the subsequent commercial development on the adjacent parcel. The building improvements for the Evolutions center would be unaffected. An exhibit for LLA No. 253 is attached for reference.

Due to the City being a Deed of Trust holder on the Evolutions property as a result of the Credit Agreement between it and the Tulare Local Healthcare District, the City would be a signatory to the Grant Deed associated with LLA No. 253. The City Attorney has reviewed the proposed LLA with regard to the City's interest in the property, and has found no provisions of California law or the Tulare Municipal Code that would prohibit the City's processing of the LLA or execution of a Grant Deed. The impact of the LLA to the value of the Evolutions center parcel is expected to be minimal due to it not impacting the building improvements. As such, it is requested that Council authorize the Mayor to sign a Grant Deed for LLA No. 253 on behalf of the City. **Staff recommends Council authorize the Mayor to execute a Grant Deed on behalf of the City of Tulare for a lot line adjustment affecting Parcel 1 of Parcel Map 4531 (APN 171-300-015), to which the City holds a deed of trust as the result its Credit Agreement with the Tulare Local Healthcare District, as presented.**

- (10) **Receive the monthly investment report for May 2020. [Submitted by: D. Thompson]** The investment report for the period ending May 31, 2020, is submitted for review and acceptance. **Staff recommends Council receive, review, and file the Monthly Investment Report for May 2020, as presented.**

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) Spotlight on Excellence – Employee Recognition. [Submitted by: R. Hunt]

XIII. MAYOR'S REPORT

XIV. GENERAL BUSINESS

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

(1) Public Hearing:

- a. **Public hearing to adopt Resolution 2020-37 regarding placing costs of constructing utility connections and/or sidewalk, curb, gutter, and**

driveway construction on property rolls in installments. [Submitted by: D. Thompson] In 1997, Board of Public Utilities and City Council approved resolutions authorizing the adoption of the provisions of Streets and Highways Code Sections 5870 et seq., under the 1911 Act. These provisions provide for the financing of certain public works related costs and declaring the repayment of same to be assessed against property owners and placed on the property tax rolls.

Twenty-seven agreements have been entered into with various parties for the City of Tulare to construct and finance connections, primarily to city sewer services, and place those costs on property tax rolls in installments. Prior to sending the assessments to the County of Tulare, a public hearing is required to allow anyone objecting and wanting to address the City Council. **Staff recommends Council adopt Resolution 2020-37 regarding placing costs of constructing utility connections and/or sidewalk, curb, gutter, and driveway construction on property rolls in installments, as presented.**

- b. Public Hearing to pass-to-print Ordinance 2020-07 revising portions of Sections 7.32.040 through 7.32.070 of Chapter 7.32 of Title 7 of the City of Tulare Municipal Code to update the Water Conservation Ordinance. [Submitted by: A. Bettencourt]** With the adoption of Assembly Bill 1668 and Senate Bill 606, the Public Works Department believes it is necessary to update the Water Conservation Ordinance to be more in line with the future regulations that the City will have to abide to, including providing an annual water budget to the State that details all of the City's water usage. The most significant revision to the ordinance is the removal of language regarding voluntary compliance. It also deletes the language directly associated with the Governor's Emergency Executive Order #B-29-15 from 2015.

KEY CHANGES:

- *Revised 5-Stage Format: Public Works wanted to maintain a 5-stage format, but also wanted to add another step that bridged the large gap between the current Stage 3 regulations and the current Stage 4 regulations. Also, wanted to get rid of any provision that called for voluntary compliance, which is the entirety of the current Stage 1.*
- Addition of 7.32.045 – Definitions: The definitions will help avoid ambiguity. A couple of the key definitions are for “drip irrigation system” and “rain event”. A “rain event” means any amount of precipitation of more than one-tenth (1/10) of an inch. This addition also provides similarity between the City of Tulare's and the City of Visalia's Water Conservation ordinances, an important aspect given that the two municipalities are part of the same Groundwater Sustainability Agency (GSA) - the Mid-Kaweah GSA.

- *New Stage 1: The current ordinance calls for voluntary compliance with Stage 1, and allows watering every day of the week. Proposed changes include making compliance mandatory, and going to a 3-day-per-week schedule (Tuesdays, Thursdays and Saturdays for odd-numbered addresses, and Wednesdays, Fridays and Sundays for even-numbered addresses). Mondays are non-watering days. Most of the provisions of the proposed Stage 1 are the provisions from the current Stage 2. With the proposed Stage 1, outdoor irrigation is permitted year-round on the designated days.*
- *New Stage 2: Very much like the current Stage 3. The most notable change is adding February to the list of months where outdoor irrigation is prohibited. Added to this stage was prohibiting the overseeding of lawns. The reasoning behind this proposed change is that the overseeding of lawns during the fall and winter require regular outdoor irrigation during the months where outdoor irrigation is prohibited (December, January and February). Exception is provided for maintenance of sports fields, and golf course greens and tees.*

This would be the recommended stage to be in currently if revised Water Conservation chapter is adopted.

- *New Stage 3: Outdoor irrigation is limited to two days per week (Tuesdays and Saturdays for odd-numbered addresses, and Wednesdays and Sundays for even-numbered addresses). Mondays, Thursdays, and Fridays are non-watering days. This stage includes the addition of November to the list of months where outdoor irrigation is prohibited. This stage is a more logical progression step than the current format, which goes from watering three days per week (Stage 3) to one day per week (Stage 4).*
- *New Stage 4: The only change from the current stage 4 is that all water waste violations are subject to financial penalties (no warnings).*
- *New Stage 5: The only change from the current stage 5 is that all water waste violations are subject to financial penalties (no warnings).*

The Board of Public Utilities reviewed and approved the proposed revisions to the Water Conservation Ordinance at their regular meeting on May 21, 2020. **Staff recommends Council to pass-to-print Ordinance 2020-07 revising portions of Sections 7.32.040 through 7.32.070 of Chapter 7.32 of Title 7 of the City of Tulare Municipal Code to update the Water Conservation Ordinance, as presented.**

(2) **City Attorney/Community Services:**

a. **Review, discussion and direction regarding the proposed revisions to Park Ordinance Chapter 8.36. [Submitted by: M. Zamora, C. Miller]**

Currently, Chapter 8.36 of Title 8 of the City of Tulare Municipal Code does not address homelessness and sheltering within a City Park. The current Parks Ordinance requires revisions to be consistent with the *Boise* decision, which, in certain circumstances, allows homeless persons to sleep in public spaces when there is no shelter space in the City. The current ordinance does not address specific after hours use of parks, etc., and did not address sleeping or camping along the Santa Fe Trail. Due to the rising concerns over homelessness, encampments and vandalism in the City parks, it is recommended that Chapter 8.36 of Title 8 of the City of Tulare Municipal Code be revised to mitigate these issues.

Seven of the seventeen existing City Parks are owned by the School District, of which our lease agreement with them does not cover overnight uses, therefore requiring limiting sleeping in the remaining ten parks. Sleeping and camping along the Santa Fe Trail is prohibited in the updated ordinance as it is a public right-of-way. The current section 8.36.240, which is revised in the new ordinance as section 8.36.280, addresses who may remain in a City Park after the hours of use, what camping equipment may be used and where, how long the equipment can be there and the penalties for violation.

The Parks and Recreation Commission met at a special meeting on June 25, 2020 to discuss the proposed changes to the Park Ordinance. The Commission recommended that the following changes be included: (1) increased setbacks for sleeping within a park to 50 feet away from any structure or amenity within the park and from park boundary; (2) limit sleeping in parks to Elk Bayou Park (located on Hosfield Drive); and (3) a request for additional budgetary and enforcement consideration from the Council should this ordinance move forward.

The Commission's discussion on the number of parks that should be allowed for sleeping centered on the surrounding sensitive land use receptors, such as residential uses. It was the consensus of the Commissioners to recommend limiting the number of parks to the one that does not have sensitive receptors immediately adjacent thereto. The proposed ordinance was reviewed by the Police Department and will allow them to enforce accordingly. **Staff recommends Council review, discuss and provide direction regarding the proposed revisions to Park Ordinance Chapter 8.36, as requested.**

(3) City Manager:

- a. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]**

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

XVI. ADJOURN REGULAR MEETING

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

Jun 16, 2020

A closed session of the City Council, City of Tulare was held on Tuesday, June 16, 2020, at 6:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos

COUNCIL PRESENT VIA ZOOM/TELECONFERENCE: Terry Sayre, Carlton Jones

COUNCIL ABSENT: Greg Nunley

STAFF PRESENT: Rob Hunt, Mario Zamora, Janice Avila, Josh McDonnell, Wes Hensley, Melissa Hermann

I. CALL TO ORDER CLOSED SESSION

Mayor Sigala called the closed session to order at 6:03 p.m.

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.

There were no public comments.

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

Mayor Sigala adjourned to closed session for items as noted by City Attorney Mario Zamora at 6:05 p.m.

Continued discussion for Item (a) following regular session: Mayor Sigala adjourned to closed session at 10:15 p.m.

(a) 54957(b)(1) – Public Employee Performance Evaluation: City Manager
[Submitted by: J. Avila]
(Council Member Jones absent; not available by phone)

(b) 54956.8b Conference with Real Property Negotiators
Property: West Side medical Clinic Property
Under Negotiation: Purchase, price, and terms and conditions of potential purchase
Negotiating parties: Rob Hunt, Josh McDonnell [Submitted by: J. McDonnell]
(Council Member Jones absent; not available by phone)

IV. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed session at 7:14 p.m.

Continued discussion for Item (a) following regular session: Mayor Sigala reconvened from closed session at 10:55 p.m.

V. CLOSED SESSION REPORT (if any)

City Attorney Mario Zamora advised there was no reportable action in regard to Item (b). Item (a) would continue to be discussed in closed session following the regular session.

Continued Item (a) following regular session: Mayor Sigala advised there was no reportable action in regard to Item (a).

VI. ADJOURN CLOSED SESSION

Mayor Sigala recessed closed session at 7:14 p.m. as item (a) would continue to be discussed in closed session following the regular session.

Mayor Sigala adjourned closed session at 10:55 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, June 2, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos

COUNCIL PRESENT VIA ZOOM: Terry Sayre, Carlton Jones

COUNCIL ABSENT: Greg Nunley

STAFF PRESENT: Rob Hunt, Mario Zamora, Mandy Jeffcoach^{Via Zoom}, Josh McDonnell, Darlene Thompson, Traci Myers, Michael Miller, Trisha Whitfield, Craig Miller, Luis Nevarez, Janice Avila, Wes Hensley, Nick Bartsch, Melissa Hermann

VII. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:15 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and held a moment of silence.

IX. CITIZEN COMMENTS

Mayor Sigala 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.

Janet LeBaron and Sandi Miller expressed support for local law enforcement.

X. COMMUNICATIONS

There were no items for this section of the agenda.

XI. CONSENT CALENDAR:

It was moved by Vice Mayor Mederos seconded by Council Member Sayre, and carried 4 to 0 (Council Member Nunley absent) that the items on the Consent Calendar be approved as presented with the exception of item 7.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of May 28, 2020 and June 2, 2020 special/regular meeting. [Submitted by: R. Yoder]**
- (3) **Authorize the City Manager to complete and execute the documents necessary to declare as public right-of-way a portion of the 'J' Street at Cartmill Avenue well site (Well 4-5: Project WT0038 – North 'J' Street Well Project), subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: J. Funk]**
- (4) **Authorize the Mayor to execute an oversized construction reimbursement agreement, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with Merced JJR KCOK, LLC for oversize improvements constructed with phase 2 of the KCOK Ranch Subdivision. [Submitted by: M. Miller]**
- (5) **Authorize the City Manager to execute a benefit district refunding agreement, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with Merced JJR KCOK, LLC for water, sanitary sewer, storm drain and street improvements constructed with phase 2 of the KCOK Ranch subdivision. [Submitted by: M. Miller]**
- (6) **Approve the Parcel Map 2020-02 filed by Pepsu, Inc. for the division of land located on the east side of Cherry Street between Prosperity and Merritt Avenues and accept the 25' wide public utility easement as shown**

hereon, conveyed to the City of Tulare as an easement. [Submitted by: M. Miller]

- (7) **Adopt Resolution 2020-31 authorizing the City of Tulare to apply for a Federal Railroad Administration's 2020 Consolidated Rail Infrastructure and Safety Improvements (CRISI) Program grant for proposed improvements to the at-grade crossing of Prosperity Avenue and the UPRR tracks and intersection of Prosperity Avenue and "J" Street, and designate the City Manager or his/her designee as the individual authorized to execute all grant documents on behalf of the City.** [Submitted by: N. Bartsch] Vice Mayor Mederos pulled this item for clarification. Senior Project Manager Nick Bartsch responded to questions posed by Council. It was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 3 to 0 (Council Members Nunley and Jones absent) to adopt Resolution 2020-31 with changes as suggested by Council.
- (8) **Adopt the Four-Year Memorandum of Understanding (July 1, 2018 through June 30, 2022) by and between the City of Tulare and the Tulare Police Officers Union (TPOU); Grant an additional half of percent (.50%) to Police Sergeants, Police Lieutenants, and Police Captains effective the first full pay period of July 2020 and approve changes to the payment of Long-Term Disability premiums for currently enrolled employees; and grant one (1) personal leave day.** [Submitted by: J. Avila & M. Zamora]
- (9) **Award and authorize the City Manager to execute a contract with Safety Striping Services, Inc. of Goshen, California, in the amount of \$277,361.19 for the City's 2020 Annual Street Striping Project.** [Submitted by: T. Whitfield]

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Spotlight on Excellence – Employee Recognition.** [Submitted by: R. Hunt] Mayor Sigala presented the Spotlight on Excellence award to Lorraine Zorn.
- (2) **Proclamation honoring Waste and Recycling Workers Week.** [Requested by: D. Mederos] Mayor Sigala presented a Proclamation to Art Avila and Jon Pimentel who accepted on behalf of the Solid Waste Department.
- (3) **Receive Tulare Chamber of Commerce Annual Report presented by Donnette Silva-Carter, CEO.** Donnette Silva-Carter provided a presentation to the Council.

XIII. MAYOR'S REPORT

There were no items for this section of the agenda.

XIV. GENERAL BUSINESS

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

Items in this portion of the agenda were taken out of order.

(1) Public Hearing:

- a. **Public Hearing to adopt Resolution 2020-32 approving the 2020/21 city operating budget, to adopt Resolution 2020-33 approving the 2020/21 Position Control Budget and fixing the rate of compensation of regular full-time employees, regular part-time employees, City Council members and seasonal/temporary employees of the City of Tulare, to adopt Resolution 2020-34 establishing the 2020/2021 appropriation limit; and to receive the BPU-adopted Utility Enterprise Fund Budgets. [Submitted by: D. Thompson]** Finance Director Darlene Thompson provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 9:12 p.m. Receiving no public comment, the public hearing was closed at 9:13 p.m. Questions posed by Council were responded to by staff. Following discussion, it was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 0 (Council Members Nunley and Jones absent) to adopt Resolution 2020-32. It was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 0 (Council Members Nunley and Jones absent) to adopt Resolution 2020-33. It was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 0 (Council Members Nunley and Jones absent) to adopt Resolution 2020-34. Lastly, it was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 0 (Council Members Nunley and Jones absent) to receive the BPU-adopted Utility Enterprise Fund Budgets.
- b. **Public Hearing to pass-to-print Ordinance 2020-06 to repeal and replace Section 9.48.120 of the Tulare Municipal Code pertaining to Commercial Vehicle Parking Restrictions. [Submitted by M. Miller]** City Engineer Michael Miller provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:23 p.m. Receiving no public comment, the public hearing was closed at 8:24 p.m. A call from Sandra Ormonde came in following the closure of the public hearing with questions regarding this matter. Questions posed by Council were responded to by staff. Following discussion, it was moved by Council Member Jones, seconded by Council Member Sayre, and carried 4 to 0 (Council Members Nunley) to pass-to-print Ordinance 2020-06.
- c. **Public Hearing to adopt Resolution 2020-35 confirming the report of the Tulare Downtown Association Board of Directors and to levy the annual Downtown Parking and Business Improvement District assessments for the 2020/21 fiscal year. [Submitted by: D. Thompson]** Finance Director

Darlene Thompson provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 8:15 p.m. Janet LeBaron of Tulare expressed support for this item. Receiving no other public comment, the public hearing was closed at 8:17 p.m. With no discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 4 to 0 (Council Members Nunley absent) to adopt Resolution 2020-35.

(2) Transit:

- a. Approve a Joint Powers Agreement for the creation of a Tulare County Regional Transit Agency and authorize the Mayor to sign and execute same, subject to minor conforming changes as necessary. [Submitted by: J. McDonnell]** Deputy City Manager Josh McDonnell provided a report for the Council's review and consideration. TCAG Executive Director Ted Smalley provided additional information and responses to questions posed by Council. Following discussion, it was moved by Mayor Sigala, seconded by Council Member Sayre, and carried 3 to 1 (Council Member Nunley absent; Council Member Jones voting no) to approve the item as presented.

(3) Engineering:

- a. Consider a request by Del Lago Place, LLC to grant a time extension for completion of public improvements for the Tesori subdivision, and if approved, authorize the City Manager to enter an amended subdivision improvement agreement reflecting said extension. [Submitted by: M. Miller]** City Attorney Mario Zamora left the room for this item. Special Counsel Mandy Jeffcoach provided a report for the Council's review and consideration. Jeff Warren, counsel for the Developer, responded to questions posed by Council. Public comment by Meena Reddy expressing frustration was provided by telephone. Following discussion, it was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 3 to 1 (Council Member Nunley absent; Mayor Sigala voting no) to grant a time extension to October 30, 2020. Ms. Jeffcoach advised a Closed Session item should be scheduled the first meeting of October with a Regular Session item scheduled at the second meeting of October.

(4) City Manager:

- a. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt]** City Manager Rob Hunt provided an update to the Council.

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

It was the consensus of the Council to agendaize an item to discuss the parking ordinance.

Patty Colson of Tulare came forth at this time to express appreciation for the Tulare Police Department and the placement of "No Parking" signs near Sunrise Estates following concerns expressed by residents in that area.

XVI. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 10:15 p.m. in the memory of Chief Deputy Clerk Roxanne Yoder's mother who passed away on Wednesday, June 10, 2020.

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

AGENDA ITEM: Consent 3

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

Submitting Department: City Attorney

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolutions Staff Report Other None

AGENDA ITEM:

Authorize the City Manager to execute the settlement agreement to acquire property by eminent domain for portions of certain properties located along Aronian Street between Kern Avenue and Tulare Avenue (State Route 137) as defined in the Resolution of Necessity 2020-21.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Capital Improvement Project EN0085 ("Project") addresses pavement, utility infrastructure, and ADA sidewalk improvements on Kern Avenue between Aronian Street and Silva Street, Aronian Street between Tulare Avenue and Kern Avenue, Moraine Street between Sunset Avenue and Kern Avenue, Latimer Street between Tulare Avenue and Kern Avenue, Silva Street between Tulare Avenue and Kern Avenue, and Sunset Avenue between Aronian Street and Moraine Street. This area was a former County island that was annexed into the City in 2006. The project will bring sewer to the area, and will replace existing substandard water and storm drain infrastructure. It will also make improvements to an existing storm drain basin, bringing the area into compliance with the City's MS4 permit. This project is included in the approved 2019-2024 Capital Program budget.

At the May 5, 2020 City Council Meeting, Resolution of Necessity 2020-21 for portions of APN 177-190-002, 177-200-008 and APN 177-200-009; authorizing the City Attorney to take the steps necessary to finalize the acquisition of the public right of way for the Project was adopted. On May 12, 2020, the City Attorney filed an eminent domain action against the property owners with the Tulare County Superior Court, case number VCU282875.

Since that time, the property owner and the City Attorney have negotiated a tentative agreement for City Council Approval. The property owners will deed the property to the City in exchange for payment in the amount of eighty-four thousand and fifty-nine dollars (\$84,059.00) to include; 1) eighty-three thousand and fifty-nine dollars (\$83,059.00) as the value of the property and 2) one thousand dollars (\$1,000.00) for the value of the appraisal pursuant to California Code of Civil Procedure §1263.025.

STAFF RECOMMENDATION:

Authorize the City Manager to execute the settlement agreement to acquire property by eminent domain for portions of certain properties located along Aronian Street between Kern Avenue and Tulare Avenue (State Route 137) as defined in the Resolution of Necessity 2020-21.

CITY ATTORNEY REVIEW/COMMENTS: " Yes T N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Nick Bartsch

Title: Senior Project Manager

Date: 6/26/2020

City Manager Approval: _____

SETTLEMENT AND RELEASE AGREEMENT

This Settlement and Release Agreement (*the "Agreement"*) shall be deemed entered into and effective on the date of its full execution by the parties hereto.

PARTIES

The parties to this Agreement are Plaintiff, City of Tulare ("*City*"), and Defendants, Emmanuel Vlazakis, as Trustee of the Vlazakis/Ametjian Family Trust, Paula C. Ametjian, as Trustee of the Vlazakis/Ametjian Family Trust and The Armistre Ametjian Staley Family Limited Partnership ("*Defendants*") (*all parties collectively referred to as "Settling Parties"*).

THIS AGREEMENT IS ENTERED INTO WITH RESPECT TO THE FOLLOWING FACTS:

1. On May 12, 2020, Plaintiff commenced an action against Defendants in the Tulare County Superior Court, case number VC282875 (the "*Court Action*").
2. The Court Action seeks for Plaintiff to take property owned by Defendants pursuant to eminent domain. The property to be taken is described as follows:

APNs: 177-190-002, 177-200-008, 177-200-009

That portion of the Northwest Quarter of the Northeast Quarter of Section 12, Township 20 South, Range 24 East, Mount Diablo Base and Meridian according to the official plat thereof, described as follows:

Commencing at the Southeast Comer of said Northwest Quarter of Northeast Quarter of Section 12; thence North 0°25'45" East along the East Line of said Northwest Quarter of Northeast Quarter, a distance of 30.00 feet to the TRUE POINT OF BEGINNING of this description; thence continuing North 0°25'45" East along said East Line, a distance of 1234.29 feet to a point 60.00 feet south of the North Line of said Section 12; thence South 89°27'43" West along a line parallel with and 60.00 feet distant from said North Line of Section 12, a distance of 50.34 feet to a point of cusp with tangent curve concave to the southwest having a radius of 20.00 feet to which a radial line bears North 0°32'17" West; thence southeasterly along said 20.00 foot radius curve through a central angle of 90°58'01" and an arc length of 31.75 feet to a tangent line parallel with and 30.00 feet distant from the East Line of the Northwest Quarter of the Northeast Quarter of said Section 12; thence South 0°25'45" West along said tangent line, a distance of 1194.21 feet; thence along a tangent curve concave to the northwest having a radius of 20.00 feet, a central angle of 89°06'52" and an arc length of 31.11 feet to a point of cusp with a tangent line parallel with and 30.00 feet distant from the South Line of the Northwest Quarter of the Northeast Quarter of Section 12; thence North 89°32'36" East along said tangent line, a distance of 49.70 feet to the Point of Beginning.

Containing 0.85 acres, more or less
(*"The Property"*)

3. The Settling Parties wish to resolve any disputes existing between them, relating to the matters described above, on the terms and conditions set forth herein.

IT IS THEREFORE AGREED AS FOLLOWS:

4. The Settling Parties agree that Defendants will execute a Grant Deed granting the Property to Plaintiff.

5. The Settling Parties agree that Plaintiff shall pay a total of eighty-four thousand and fifty-nine dollars (\$84,059.00) in exchange for the ownership of the Property.

- a. Eighty-three thousand and fifty-nine dollars (\$83,059.00) as the value of the property; and
- b. One thousand dollars (\$1,000.00) paid by Defendants for the value of the appraisal pursuant to California Code of Civil Procedure §1263.025. Attached as Exhibit 1 is a true and correct copy of the Hopper Company appraisal invoice, which was paid in full by Defendants.

6. The payment shall be made within ten (10) days after full execution and delivery of the Grant Deed to Plaintiff. The payment shall be made payable to Paula Ametjian.

7. The Settling Parties agree that within ten (10) days delivery of the Grant Deed to Plaintiff, the Court Action will be dismissed.

8. The Settling Parties agree that they will be responsible for their own respective attorneys' fees and costs.

9. In consideration of the matters set forth in paragraphs 4 through 8, Plaintiff shall, and hereby does, relinquish, forego and release any and all claims or causes of action against Defendants, its agents, employees, representatives, and persons acting for and/or on their behalf, with respect to the Court Action.

10. In consideration of the matters set forth in paragraphs 4 through 8, Defendants shall and hereby do, relinquish, forego and release any and all defense under Government Code section 15850, et seq.

11. Plaintiff acknowledges full satisfaction of all Settled Claims, and generally releases, settles and discharges Defendants from all Settled Claims in the Court Action. For purposes of this paragraph, "*Settled Claims*" means and includes any and all claims, actions, causes of action, offsets or liabilities running between Plaintiff and Defendants, whether known or unknown, suspected or unsuspected, contingent or matured, which the Settling Parties have had, now have, or may in the future have, arising out of any act, omission, transaction or event which occurred, in whole or in part, before the date this Agreement was executed, and (i) which is alleged in the Court Action or (ii) which arises from or in connection with the causes of action in the Court Action.

The Settling Parties waive and relinquish, to the fullest extent permitted by law, the benefits of California Civil Code section 1542 and all similar state or federal statutes or rules of law. California Civil Code section 1542 provides:

"A general release does not extend to claims which the creditor does not know or suspect to exist in his or her favor at the time of executing the release, which if known by him or her must have materially affected his or her settlement with the debtor."

The release stated above shall be and remain effective despite any discovery by the Settling Parties of facts in addition to or different from those which they now know or believe to be true with respect to the subject matter of the release.

12. Neither the making of this Agreement nor the performance of any act hereunder shall constitute or be construed as an admission of liability by any party to this Agreement.

13. This Agreement contains the entire agreement among Settling Parties, and fully supersedes any and all prior agreements or understandings, written or oral, with respect to each matter herein. No other agreements not specifically referred to herein, oral or otherwise, shall be deemed to exist or bind any of the parties hereto. An amendment or modification of this Agreement shall be effective only if in writing, signed by all parties hereto. All recitals in this Agreement are incorporated herein by reference.

14. This Agreement shall bind and inure to the benefit of the respective successors, assigns, grantees, legatees, heirs, and personal representatives of each of the Settling Parties.

15. Should any provision of this Agreement be declared or be determined by any court of competent jurisdiction to be illegal, invalid, or unenforceable, the legality, validity, and enforceability of the remaining parts, terms, or provisions shall not be affected thereby, and said illegal, unenforceable, or invalid part, term, or provision shall be deemed not a part of this Agreement.

16. Settling Parties and their attorneys agree to execute or deliver any instrument, furnish any information, or perform any other act necessary to carry out the provisions of this Agreement without undue delay or expense, including, but not limited to, appearing at any hearing by the Court concerning the status of any dispute relating to this Agreement.

17. Any individual signing this Agreement on behalf of a corporation, partnership, trust estate, or other entity, or as a receiver, trustee, executor or debtor in possession, represents and warrants that he/she has full authority to do so.

//

//

//

18. This Agreement may be executed and transmitted by facsimile signature in counterparts which, taken together, shall constitute the entire Agreement of the parties hereto.

City of Tulare

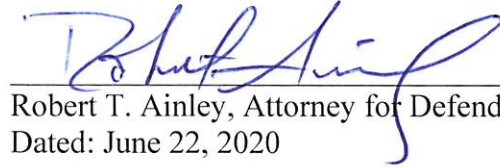
Approved as to form

Rob Hunt, City Manager City of Tulare
Dated:

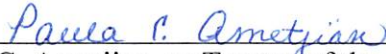
Mario U. Zamora, Attorney for City of Tulare
Dated:



Emmanuel Vlazakis, as Trustee of the
Vlazakis/Ametjian Family Trust
Dated: June 22, 2020




Robert T. Ainley, Attorney for Defendants
Dated: June 22, 2020



Paula C. Ametjian, as Trustee of the
Vlazakis/Ametjian Family Trust
Dated: June 22, 2020

The Armistre Ametjian Staley Family Limited
Partnership

By: 

Paula C. Ametjian, General Partner
Dated: June 22, 2020

AGENDA ITEM:

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

Submitting Department: Engineering Services / Project Management

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Award and authorize the City Manager to sign a contract with Romanazzi General Engineering of Exeter, CA in the amount not to exceed \$658,607.55 for Project EN0072 to construct a traffic signal and intersection improvements at Prosperity Avenue and Oaks Street, and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$65,860.76) of the contract award amount.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Capital Improvement Program Project EN0072 is a project to construct a traffic signal and intersection improvements at the intersection of Prosperity Avenue and Oaks Street. The project will convert the current 4-way stop controlled intersection to a signalized intersection. Operation of the intersection will be controlled by an overhead video detection system. Signalization will include LED type street lights and pedestrian push buttons and pedestrian heads that meet current ADA and Caltrans standards. The contract includes the removal of conflicting striping and the installation of new striping for dedicated left-turn and right-turn pockets on Prosperity Avenue. New ADA compliant ramps will be constructed at the four corners as well as a storm drain line that will help with localized flooding near the intersection. Run-off from the south side of the intersection will be allowed to flow to the City storm basin west of the intersection and south of Prosperity Avenue.

On June 18, 2020, five bids were received and opened for the construction of Project EN0072. The bids were evaluated and the low bidder's bid was determined to be responsive to the requirements and instructions contained in the bid documents. Romanazzi General Engineering of Exeter, CA submitted the lowest bid in the amount of \$658,607.55. The bids received are as follows:

Company	Location	Amount
Romanazzi General Engineering	Exeter	\$ 658,607.55
Avison Construction	Madera	\$ 664,963.00
R.J. Berry Jr. Inc.	Selma	\$ 687,340.00
American Paving Co.	Fresno	\$ 691,910.00
MAC General Engineering Inc.	Porterville	\$ 765,314.93

Romanazzi General Engineering possesses a current and active Class A General Engineering Contractor's license issued by the State of California and has submitted a list of licensed and experienced subcontractors who will be performing portions of the work.

The Engineer's opinion of probable construction costs for the entire work (traffic signal, ADA ramps, and storm drain improvements) is \$630,000. There are sufficient available funds in the EN0072 Project to cover property acquisitions costs and construction costs including construction, construction contingency, construction surveying, labor compliance services, material testing services, and inspection and construction/project management staff time.

STAFF RECOMMENDATION:

Award and authorize the City Manager to sign a contract with Romanazzi General Engineering of Exeter, CA in the amount not to exceed \$658,607.55 for Project EN0072 to construct a traffic signal and intersection improvements at Prosperity Avenue and Oaks Street, and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$65,860.76) of the contract award amount.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

EN0072-050-0602

Submitted by: James L. Funk

Title: Project Manager

Date: June 23, 2020

City Manager Approval: _____

ORDINANCE 2020-06

AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE REPEALING AND REPLACING SECTION 9.48.120 OF CHAPTER 9.48 OF THE TULARE MUNICIPAL CODE PERTAINING TO COMMERCIAL VEHICLE PARKING RESTRICTIONS

WHEREAS, it has been determined Section 9.48.120 of the Tulare Municipal Code does not adequately address concerns relating to the parking of commercial vehicles within the City of Tulare, especially with regards to impacts to residential districts and traffic safety on public streets and rights-of-way, and

WHEREAS, it is desired to amend said section of the Tulare Municipal Code to provide greater clarity with regard to restrictions on commercial vehicle parking, to strengthen restrictions to further reduce impacts of commercial vehicle parking to residential districts, and to address potential impacts of commercial vehicle parking to traffic safety.

THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULARE AS FOLLOWS, TO WIT:

SECTION 1: Section 9.48.120 of the Tulare Municipal Code of Ordinances is hereby amended and replaced as follows:

~~§ 9.48.120 Large trucks—Parking in residential district.~~

~~—It is unlawful to leave, park or allow to be parked any commercial vehicle of more than two-ton capacity commonly described as a truck, truck trailer, trailer or tractor, whether attended or unattended, in any residential district as such district is established and identified pursuant to Tulare City zoning, set forth in Title 10 of this city code; except to the extent that it may be necessary in order to make deliveries or perform services at such locations. This prohibition shall apply regardless of whether the commercial vehicle is located on the public street, highway or alley, or on private property, within the residential district. Notwithstanding any other provision of this chapter or of this city code, the penalty for violation of this section shall be as follows:~~

~~—(A) For the first violation, a fine of \$75; and~~

~~—(B) For the second and any succeeding violation within 12 months of a prior violation, a fine of \$150 and, in the event that the second and/or succeeding violation occurs on any public street, highway, alley or other public right-of-way, the commercial vehicle shall be subject to being towed, at the expense of the owner and/or operator of the commercial vehicle.~~

~~(1995 Code, § 9.48.120) (Ord. 96-1779, passed—1996)~~

§ 9.48.120 Commercial Vehicle Parking Restrictions.

(A) Definitions.

(1) This subsection shall apply to commercial vehicles of more than two-ton capacity commonly described as a truck, truck trailer, trailer, semi or tractor.

(2) For purposes of this subsection, a residential district shall be any such district as established and identified pursuant to Tulare City zoning, set forth in Title 10 of this city code.

(B) Parking Requirements in General.

(1) No commercial vehicle shall be left to idle for longer than five minutes, nor blow air horns.

(2) No commercial vehicle shall have cargo transferred from such commercial vehicle to another within a residential district or on any public street, highway, alley or other public right-of-way.

(3) No refrigeration unit shall be operated on any commercial vehicle parked or left standing within three hundred (300) feet of any residence.

(4) Commercial vehicles used for the transportation of hazardous waste, materials, or garbage, or which harbor vermin or pestilence, or which emit noxious or noisome odors, shall not be parked or stored within three hundred (300) feet of a residential district.

(C) Street Parking.

(1) It shall be unlawful for any person leave, park or allow to be parked any commercial vehicle, whether attended or unattended, within any residential district. This prohibition shall apply regardless of whether the commercial vehicle is located on the public street, highway or alley, or on private property within the residential district.

Exceptions:

i. During the first twenty-four (24) hours during which the vehicle is mechanically disabled.

ii. While a commercial vehicle is making a pick-up or delivery of materials or goods to or from any building or site.

(2) No commercial vehicle shall be parked or left standing on any public street or right-of-way unless it is a minimum of twelve (12) feet from the centerline of the street, or such that a minimum of twelve (12) feet is provided per lane if more than one lane, and under no circumstances shall be parked in any travel lanes.

(3) No commercial vehicle shall be parked or left standing on any street or right-of-way in such a manner that obstructs a designated bike lane or pedestrian path of travel.

(4) No commercial vehicle shall be parked or left standing within one hundred (100) feet of any street intersection, or in a manner that obstructs the visibility of an official traffic control device to such a degree that the Police Chief or his or her designee determines that it constitutes a traffic safety hazard.

(1995 Code, § 9.48.120) (Ord. 96-1779, passed - -1996) (Ord. 20-___, passed 06-16-2020)

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

////

SECTION 4: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

PASSED, ADOPTED AND APPROVED THIS ____ day of _____, 2020.

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

ATTEST:

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

AGENDA ITEM: Consent 6

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering

For Council Meeting of: July 07, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Conditionally approve the final map and subdivision improvement agreement for Phase 3 of Willow Glen subdivision for recordation, and accept all easements and dedications offered to the City, subject to receipt of the signed final map, all fees, and other required items prior to September 05, 2020.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Planning Commission Resolution No. 5192 adopted on September 22, 2016 approved the tentative map for the Willow Glen subdivision located at the northwest corner of Mooney Boulevard (State Route 63) and Cartmill Avenue. The overall subdivision comprises approximately 134 acres consisting of a combination of single family and multi-family residential lots. The proposed subdivision is being developed in phases.

Phase 3 of Willow Glen subdivision consists of 53 single-family residential lots and two landscape and lighting district lots. The subdivider is actively working to complete the final map. To expedite the final map approval process, the subdivider is requesting Council’s conditional approval and acceptance subject to receipt of the signed map, all fees, and other required items within 60-days. Such requests have routinely been accommodated. A copy of the Planning Commission Resolution No. 5192 and final map is attached.

STAFF RECOMMENDATION:

Conditionally approve the final map and subdivision improvement agreement for Phase 3 of the Willow Glen subdivision for recordation, and accept all easements and dedications offered to the City, subject to receipt of the signed final map, all fees, and other required items prior to September 05, 2020.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

The final map will be reviewed for compliance with applicable legal requirements prior to recordation.

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A
(If yes, please submit required budget appropriation request)

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Michael Miller

Title: City Engineer

Date: July 07, 2020

City Manager Approval: _____

RESOLUTION NO. 5192

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVING TENTATIVE SUBDIVISION MAP – WILLOW
GLEN**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held September 12, 2016 considered a request by Willow Glen Partnership to subdivide 133.63 acres into 392 single family residential lots, 16 multi-family lots (68 units on 11.28 acres), 13.7 acres of commercial and 3.78 acres of park land and to amend zoning to redistribute 15.9 acres from Community Commercial (C-3) to Single Family Residential (R-1-6 minimum 6,000 sf lot area) and approximately 4 acres of Single Family Residential (R-1-7 minimum 7,000 sf lot area) to Multi-family residential (R-M-2 3,000 sf minimum lot area per unit) on property located at the northwest corner of Mooney Boulevard and Cartmill Avenue; and

WHEREAS, the City of Tulare Planning Commission determined that the proposed subdivision map is consistent with applicable Tulare General Plan; and

WHEREAS, the City of Tulare Planning Commission determined the design or improvements of the proposed subdivision are consistent with the Tulare General Plan; and

WHEREAS, the City of Tulare Planning Commission determined the site is physically suitable for the type of development proposed; and

WHEREAS, the City of Tulare Planning Commission determined the site is physically suitable for the density of the development; and

WHEREAS, the City of Tulare Planning Commission determined the design of the proposed subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision; and

WHEREAS, the City of Tulare Planning Commission determined that the proposed subdivision map is consistent with the Tulare City Municipal Code

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that Tentative Subdivision Map Willow Glen is hereby approved subject to the following conditions:

- 1) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved tentative map.
- 2) Applicant to comply with conditions as required by the City Engineering Department and Fire Department (attached).
- 3) Adequate permanent or temporary fire protection facilities as approved by the Fire Chief, shall be installed prior to the issuance of any building permits and prior to the storage of combustible materials on site.

- 4) Final acceptance of the tract shall be contingent upon the subdivider's providing within and/or outside the tract, drainage disposal facilities, as required to receive drainage and dispose for drainage and storm waters from this tract. Said facilities shall be subject to the approval of the Public Works/Engineering Department.
- 5) Six-foot public utility easements shall be granted along all front yards as required for public utilities.
- 6) Final subdivision map shall depict all easements.
- 7) The applicant shall comply with the requirements of the Tulare Board of Public Utilities regarding sewage disposal and water supply facilities.
- 8) All lots shall meet the provisions of the applicable zoning district.
- 9) Street names will be consistent with street names approved by the Street Naming Committee, and approved by the Community Development Director.
- 10) Applicant to record a "Right to Farm" notice on final map.
- 11) Applicant to establish a landscape maintenance district prior to recordation of the final map. All landscape plans within the landscape maintenance district shall be consistent with city standards and approved by the Community Development Director and/or Parks Manager. Landscape maintenance district shall include the park site at 50% cost recovery for maintenance. Park design and amenities shall be reviewed and approved by the Community Development Director and/or Parks Manager.
- 12) Block wall is required along north, south, east and west boundaries of the project. A block wall design is required with a 6'-8" standards around all sides except the east side adjacent to Mooney Boulevard, which requires a 10' block wall wrapped/stepped down to match up to the 6'-8" block wall design. Final block wall design is subject to Community Development Director approval.
- 13) Applicant shall record a note on final map indicating that all residential lots are subject to a landscape maintenance district pursuant to the Landscape and Lighting Act.
- 14) Applicant to comply with SJVAPCD regulations regarding dust control during construction.

- 15) Applicant to comply with San Joaquin Valley Air Pollution Control District Rule 9510 for each final map phase.
- 16) Recording of the final map is subject to the approval of Zoning Amendment 717.
- 17) Applicant to comply with all conditions within the MND Mitigation and Monitoring Program per adopted Resolution 5191.
- 18) Applicant to obtain an Administrative Approval for all lots under the required minimum lot area for the zone district. (10% allowable).
- 19) Applicant to provide and locate mailbox clusters as approved by the U.S. Postmaster, Tulare.
- 20) Any change to phase lines or order of phasing is subject to approval from the Planning Director and City Engineer.
- 21) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.
- 22) Applicant to provide full width (curb to curb) street improvements where development is adjacent to city parks. Reimbursement is subject to standard city policy unless otherwise approved by the City Council.
- 23) Applicant to provide a retaining wall where ever adjacent lot grades exceed six inches.
- 24) Applicant shall comply with Chapter 8.52 for the protection and or replacement of heritage trees during both on-site and off-site construction and operation of the project.
- 25) Applicant shall comply with conditions as set forth by Caltrans. (Attached)

PASSED, APPROVED and ADOPTED on the twelfth day of September, 2016 by the following recorded vote:

AYES: Rocha, Miguel, Miller, Crase, Davis, Herrera, Killion

NOES: Ø

ABSENT: Ø

ABSTAIN: Ø



JEFF KILLION, CHAIRMAN
City of Tulare Planning Commission

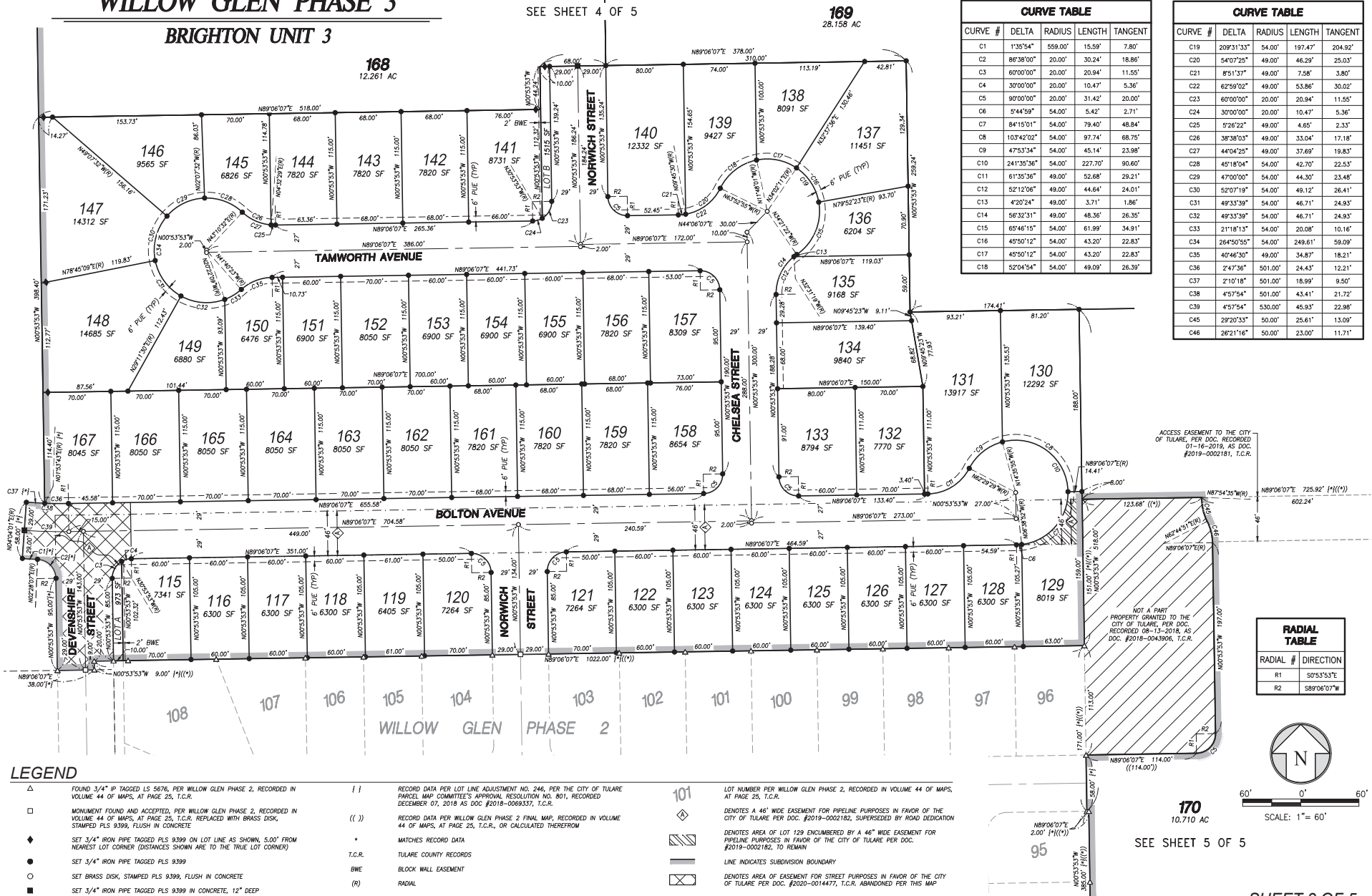
ATTEST:


ROB HUNT, SECRETARY
City of Tulare Planning Commission

WILLOW GLEN PHASE 3

SEE SHEET 4 OF 5

BRIGHTON UNIT 3



CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C1	1°35'54"	559.00'	15.59'
C2	86°38'00"	20.00'	30.24'
C3	60°00'00"	20.00'	20.94'
C4	30°00'00"	20.00'	10.47'
C5	90°00'00"	20.00'	31.42'
C6	5°44'59"	54.00'	5.42'
C7	84°15'01"	54.00'	79.40'
C8	103°42'02"	54.00'	97.74'
C9	47°53'34"	54.00'	45.14'
C10	241°35'36"	54.00'	227.70'
C11	61°35'36"	49.00'	52.68'
C12	52°12'06"	49.00'	44.64'
C13	4°20'24"	49.00'	3.71'
C14	56°32'31"	49.00'	48.36'
C15	65°46'15"	54.00'	61.99'
C16	45°50'12"	54.00'	43.20'
C17	45°50'12"	54.00'	43.20'
C18	52°04'54"	54.00'	49.09'

CURVE TABLE			
CURVE #	DELTA	RADIUS	LENGTH
C19	209°31'33"	54.00'	197.47'
C20	54°07'25"	49.00'	46.29'
C21	8°51'37"	49.00'	7.58'
C22	62°59'02"	49.00'	53.86'
C23	60°00'00"	20.00'	20.94'
C24	30°00'00"	20.00'	10.47'
C25	5°26'22"	49.00'	4.65'
C26	38°38'03"	49.00'	33.04'
C27	44°04'25"	49.00'	37.69'
C28	45°18'04"	54.00'	42.70'
C29	47°00'00"	54.00'	44.30'
C30	52°07'19"	54.00'	49.12'
C31	49°33'59"	54.00'	46.71'
C32	49°33'59"	54.00'	46.71'
C33	21°18'13"	54.00'	20.08'
C34	264°50'55"	54.00'	249.61'
C35	40°46'30"	49.00'	34.87'
C36	2°47'36"	501.00'	24.43'
C37	2°10'18"	501.00'	18.99'
C38	4°57'54"	501.00'	43.41'
C39	4°57'54"	530.00'	45.83'
C40	29°20'33"	50.00'	25.61'
C41	26°21'16"	50.00'	23.00'

RADIAL TABLE	
RADIAL #	DIRECTION
R1	S0°33'53"E
R2	S89°06'07"W



SCALE: 1" = 60'

- LEGEND**
- △ FOUND 3/4" IP TAGGED LS 5676, PER WILLOW GLEN PHASE 2, RECORDED IN VOLUME 44 OF MAPS, AT PAGE 25, T.C.R.
 - MONUMENT FOUND AND ACCEPTED, PER WILLOW GLEN PHASE 2, RECORDED IN VOLUME 44 OF MAPS, AT PAGE 25, T.C.R., REPLACED WITH BRASS DISK, STAMPED PLS 9399, FLUSH IN CONCRETE
 - ◆ SET 3/4" IRON PIPE TAGGED PLS 9399 ON LOT LINE AS SHOWN, 5.00' FROM NEAREST LOT CORNER (DISTANCES SHOWN ARE TO THE TRUE LOT CORNER)
 - SET 3/4" IRON PIPE TAGGED PLS 9399
 - SET BRASS DISK, STAMPED PLS 9399, FLUSH IN CONCRETE
 - SET 3/4" IRON PIPE TAGGED PLS 9399 IN CONCRETE, 12" DEEP

- || RECORD DATA PER LOT LINE ADJUSTMENT NO. 246, PER THE CITY OF TULARE PARCEL MAP COMMITTEE'S APPROVAL RESOLUTION NO. 801, RECORDED DECEMBER 07, 2018 AS DOC #2018-0069337, T.C.R.
- (()) RECORD DATA PER WILLOW GLEN PHASE 2 FINAL MAP, RECORDED IN VOLUME 44 OF MAPS, AT PAGE 25, T.C.R., OR CALCULATED THEREFROM
- *
- T.C.R. TULARE COUNTY RECORDS
- BWE BLOCK WALL EASEMENT
- (R) RADIAL

- 101 LOT NUMBER PER WILLOW GLEN PHASE 2, RECORDED IN VOLUME 44 OF MAPS, AT PAGE 25, T.C.R.
- ◆ DENOTES A 46' WIDE EASEMENT FOR PIPELINE PURPOSES IN FAVOR OF THE CITY OF TULARE PER DOC. #2019-0002182, SUPERSEDED BY ROAD DEDICATION
- ◆ DENOTES AREA OF LOT 129 ENCUMBERED BY A 46' WIDE EASEMENT FOR PIPELINE PURPOSES IN FAVOR OF THE CITY OF TULARE PER DOC. #2019-0002182, TO REMAIN
- LINE INDICATES SUBDIVISION BOUNDARY
- ◆ DENOTES AREA OF EASEMENT FOR STREET PURPOSES IN FAVOR OF THE CITY OF TULARE PER DOC. #2020-0014477, T.C.R. ABANDONED PER THIS MAP

170
10,710 AC
SEE SHEET 5 OF 5

AGENDA ITEM: Consent 7

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering Services - Engineering

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Adopt Resolution of Intention 2020-_____ to set July 21, 2020 as the public hearing date to adopt landscape maintenance assessments for fiscal year 2020-21.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The city is required to adopt a resolution of intention to set a public hearing date to establish landscape maintenance assessments for fiscal year 2020-21. The attached resolution of intention serves as the public notice and is published in the local newspaper.

STAFF RECOMMENDATION:

Adopt Resolution of Intention 2020-_____ to set July 21, 2020 as the public hearing date to adopt landscape maintenance assessments for fiscal year 2020-21.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Michael Miller

Title: City Engineer

Date: June 26, 2020

City Manager Approval: _____

RESOLUTION 2020-____

A RESOLUTION OF INTENTION OF THE COUNCIL OF THE CITY OF TULARE REGARDING LANDSCAPE MAINTENANCE DISTRICTS

Be it resolved by the Council of the City of Tulare, as follows, to wit:

A. The City Council intends to levy and collect assessments within the landscape maintenance districts for fiscal year 2020-21. The area of land to be assessed is located within the City of Tulare, Tulare County.

B. The improvements to be made in these assessment districts are generally described as follows:

89-01 North Oaks Estates – maintenance of landscaping and block wall along North Oaks Street. Proposed assessment is \$95.00.

89-02 The Grove Subdivision – maintenance of landscaping and block wall along Oaks Street and Prosperity Avenue. Proposed assessment is \$338.00 for 32 lots, 2 lots at \$507.00 and 2 lots at \$676.00.

90-01 Southgate Villa No. 11 – maintenance of landscaping and block wall along Bardsley Avenue. Proposed assessment is \$190.00 for 19 single family lots and \$570.00 for 2 multi-family lots.

91-01 Westwood Village Estates – maintenance of landscaping and block wall along West Street and Cross Avenue. Proposed assessment is \$76.00.

93-01 Sunrise Estates – maintenance of landscaping and block wall along Foster Drive, and 50% of maintenance costs of Sunrise Park. Proposed assessment is \$89.00.

2000-01 Del Lago Subdivisions – maintenance of landscaping and block wall within the Del Lago Specific Plan Area (Prosperity Avenue, Hillman Street, Cartmill Avenue, and Mooney Boulevard). Proposed assessment is \$300.00 for 1,261 lots and 3 lots at \$600.00.

2001-01 Autumn Glen Subdivision – maintenance of landscaping and block wall along Laspina Street. Proposed assessment is \$24.00.

2003-01 Shadow Wood and Majestic Subdivisions – maintenance of landscaping and block wall along Bardsley Avenue and Mooney Boulevard. Proposed assessment is \$60.00.

2003-02 Kaweah Estates – maintenance of landscaping, block wall and sidewalk along the public trail adjacent to the T.I.D. canal, north of Levin Avenue. Assessment is \$33.00.

2005-01 Academy Estates – maintenance of landscaping, block wall, sidewalks and trail improvements adjacent to the TID canal and landscaping along Academy Avenue. Proposed assessment is \$140.00.

2005-02 Palm Ranch, Woodbridge, and Cambridge Subdivisions – maintenance of landscaping, block walls, park maintenance, and sidewalks along Alpine Avenue and Morrison Street. Proposed assessment is \$159.00.

2005-03 Admiral Estates, Gail Estates, and Heritage North Subdivisions – maintenance of landscaping, block walls, sidewalks, along Gail Avenue. Proposed assessment is \$193.00.

2005-04 Valley Estates, Montecito, and Sherwood North Subdivisions – maintenance of landscaping and block walls, sidewalks along Pleasant Avenue and Cross Avenue. Proposed assessment \$82.00.

2005-05 Rancho Ventura - maintenance of landscaping, block wall and sidewalk along this proposed subdivision not built at this time. Assessment is \$0.00; no assessment is proposed to be collected this coming fiscal year.

2005-06 The Greens and KCOK Ranch Subdivisions – maintenance of landscaping, block walls, and sidewalks, along Tulare Avenue. Proposed assessment is \$164.00 for 213 lots and 1 lot at \$328.00.

2005-07 Westgate Estates – maintenance of landscaping, block walls, and sidewalks along Inyo Avenue and Tulare Drive. Proposed assessment is \$135.00.

2005-08 California Ranchos and Cottonwood Estates – maintenance of landscaping, block walls, trail improvements, and sidewalks along Mooney Blvd and Turner Drive. Proposed assessment is \$154.00 for 137 lots and 1 lot at \$308.00.

2007-01 Goble Court Subdivision – maintenance of landscaping, block wall and street trees along Bardslsey Avenue. Proposed assessment is \$100.00.

2010-01 Sycamore – maintenance of sycamore trees and repair of curb, gutter and sidewalks along Sycamore Avenue and along the east side of Cherry Avenue from Tulare Avenue to San Joaquin Avenue. Proposed assessment is \$180.00.

2016-01 Sierra Vista No. 2 – repairs due to vandalism or accidents; cost of supplying water and electricity; yearly County and City administrative charges; contract maintenance charges; graffiti abatement; and miscellaneous charges such as public hearing notices. Assessments are subject to yearly increases in accordance with the Consumer Price Index (CPI). Proposed assessment is \$161.00.

2018-01 Willow Glen and Kensington Estates subdivisions – preventative maintenance of local streets located within the district boundaries; maintenance and electrical charges for street lighting on local streets located within the district boundaries; repairs due to vandalism or accidents; cost of supplying water and electricity; annual county and city administrative charges; contract maintenance charges; graffiti abatement; and miscellaneous charges such as public hearing notices. Assessments are subject to yearly increases in accordance with the Consumer Price Index (CPI). Proposed assessment is \$229.00.

2018-02 The Greens At Oak Creek subdivision and Phases 2 thru 4 of the Oak Creek development – preventative maintenance of local streets located within the district boundaries; maintenance of the drainage basin serving properties within the district boundaries; repairs due to vandalism or accidents; cost of supplying water and electricity; annual county and city administrative charges; contract maintenance charges; graffiti abatement; and miscellaneous charges such as public hearing notices. Assessments are subject to yearly increases in accordance with the Consumer Price Index (CPI). No subdivision final maps within the district have recorded yet, and no improvements have been completed. Therefore, no assessment is proposed for fiscal year 2020-21.

Council hereby directs Michael W. Miller, City Engineer, to file the annual report with the City Clerk as required by the Landscaping and Lighting Act of 1972.

C. All interested persons are referred to that report for a full and detailed description of the improvements, the boundaries of the assessment district and the proposed assessments upon assessable lots and parcels of land within the assessment district.

D. On July 21, 2020, at the hour of 7:00 p.m., or shortly thereafter the City Council will conduct a public hearing to receive testimony regarding assessments for 2020-21 fiscal year. The hearing will be held at the meeting place of the City Council located at the Tulare Public Library and Council Chambers, 491 North "M" Street, Tulare, California.

////

E. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

Passed, approved, and adopted this _____ day of _____ 2020.

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, Rob Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 2020- ____ passed and adopted by the Council of the City of Tulare at a regular meeting held on _____ by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated: ROB HUNT, CITY CLERK

By Roxanne Yoder, Chief Deputy

AGENDA ITEM: Consent 8

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Approve the Parcel Map filed by Joe Flores for the division of land located on the southeast corner of Santa Clara Street and Kern Avenue and accept the 6' wide public utility easement and the additional right-of-way as shown hereon, conveyed to the City of Tulare as an easement and dedication in fee.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Tentative Parcel Map No. 2019-04 filed by Joe Flores for the division of land located on the southeast corner of Santa Clara Street and Kern Avenue was approved by the Parcel Map Committee on December 9, 2019. This parcel map is to create 2 parcels of record from one existing parcel (APN 175-013-003) which is currently zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area). This parcel map comprises approximately 14,294 square feet, which is to be subdivided into 2 parcels. Parcel 1 will be 7,419 square feet, Parcel 2 will be 7,505 square feet. The parcel map provides for a 6' public utility easement along Parcel 1 & 2 and an additional right-of-way dedication at the southeast corner of Kern Avenue and Santa Clara Street.

The Engineering Division has examined the parcel map and determined that it is in compliance with the approved tentative parcel map.

A copy of the Parcel Map and Parcel Map Committee Resolution No. 811 is attached.

STAFF RECOMMENDATION:

Approve the Parcel Map filed by Joe Flores for the division of land located on the southeast corner of Santa Clara Street and Kern Avenue and accept the 6' wide public utility easement and the additional right-of-way as shown hereon, conveyed to the City of Tulare as an easement and dedication in fee.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A
(If yes, please submit required budget appropriation request)

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Michael Miller

Title: City Engineer

Date: June 26, 2020

City Manager Approval: _____

RESOLUTION NO. 811

FILE COPY

**A RESOLUTION OF THE CITY OF TULARE PARCEL MAP COMMITTEE
FOR TENTATIVE PARCEL MAP APPLICATION NO. 2019-04**

WHEREAS, the Parcel Map Committee of the City of Tulare duly convened at a regular meeting on December 9, 2019 and approved the request by Joe Flores to create 2 parcels of record from one existing parcel (175-013-003) on property located on the southeast corner of Kern Avenue and Santa Clara Street, which is zoned R-1-6 (Single Family Residential, 6,000 sq. ft. minimum lot area); and,

WHEREAS, the Parcel Map Committee determined that the proposed parcel map is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located; and,

WHEREAS, the Parcel Map Committee determined that the proposed parcel map will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, the Parcel Map Committee determined that the proposed parcel map provides required dedications and easements to be recorded by final parcel map; and,

WHEREAS, the Parcel Map Committee determined that the proposed parcel map is in conformance with the goals and objectives of the General Plan; and,

WHEREAS, the Parcel Map Committee determined that the proposed parcel map will not have significant effect on surrounding properties and improvements in the vicinity of the project site; and,

WHEREAS, the Parcel Map Committee determined that the proposed project is exempt pursuant to Section 15315 of the California Environmental Quality Act of 1970, as amended; and,

WHEREAS, the Parcel Map Committee determined that the proposed parcel map is consistent with the Tulare Municipal Code,

NOW, THEREFORE, BE IT RESOLVED by the Parcel Map Committee that the project is exempt pursuant to Section 15315 of the California Environmental Quality Act of 1970, as amended.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Parcel Map Committee that Tentative Parcel Map 2019-04 is hereby approved and subject to the following conditions:

- 1) All requirements of Title 10 shall be met.

- 2) A final map shall be recorded in substantial compliance with the tentative parcel map number 2019-04.
- 3) Applicant shall comply with the attached Engineering conditions.

Engineering Conditions:

- 1) All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24" x 36" sheets, in a plan/profile format at a scale of 1"=50' or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans. Following approval of the improvement plans, the Engineer shall provide the City of Tulare with two reproducible plan sets. This shall be done prior to scheduling any pre-construction conferences or commencing any improvements.
- 2) Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Department, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license.
- 3) All design and construction of public improvements shall be in accordance with applicable City Standards, Specifications, Ordinances, and Standard Operating Procedures, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Department while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
- 4) Easements will be required for all public utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless otherwise waived by the City Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.
- 5) Existing curb and gutter, driveway approaches, sidewalk and ramped curb returns shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels.
- 6) New City standard sidewalk shall be constructed as indicated below. For adjacent sidewalk pattern, sidewalk shall transition behind driveway approaches and maintain a minimum width of 4 feet while doing so. The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For areas located within a Landscape and Lighting

District, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

<u>Street Frontage</u>	<u>Configuration</u>	<u>Sidewalk Width (ft)</u>
Kern Avenue	Parkway Configuration	5 feet
Santa Clara Street	Parkway Configuration	5 feet

- 7) New City standard ramped curb returns and/or pedestrian ramps shall be installed at the southeast corner of Kern Avenue and Santa Clara Street and west corner of the alley drive approach on Kern Avenue.
- 8) New City standard driveway approach(es) shall be constructed at locations shown on the approved site plan.
- 9) Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
- 10) The following right-of-way dedications are required for street/alley purposes:
 - a. 20' property corner radius: Southeast corner of Kern Avenue and Santa Clara Street.
- 11) All costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements shall be the responsibility of the project. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.160 (B) 3 of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the bonding provided for the project.
- 12) Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- 13) The proposed development shall install water services, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed.
- 14) Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.
- 15) The proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- 16) Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.

- 17) A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property. On-site retention of storm water runoff is required not required.

A letter verifying that lot grading was completed according to the approved grading / drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of any final occupancy permits or notice of completion for public improvements. The Engineer or Architect shall affix their stamp and seal to the letter.

- 18) A Public Works Inspection Fee is required prior to the construction of improvements.

- 19) A Parcel Map is required for the proposed project.

- 20) A landscaping plan subject to the review and approval of the Planning and Building Divisions shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.

- 21) If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City. When construction activities are not covered under the General Permit, storm water pollution control shall be implemented per the requirements of the City's Municipal Separate Storm Sewer System (MS4) permit.

- 22) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

- 23) All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of recordation of the final map. These fees include, but are not limited to:

Engineering inspection fee based on a percentage of the estimated cost of construction.

- Development in [] t fees to be paid with building permit.
- Engineering plan check fee to be paid at time of plan submittal.
- Final map plan check fee to be paid at time of map submittal.

PASSED, APPROVED AND ADOPTED this ninth day of December, 2019 by the following recorded vote:

AYES: MYERS, M. MILLER, S. MILLER

NOES: 0

ABSENT: 0

ABSTAIN: 0


SANDI MILLER, CHAIRMAN
City of Tulare Parcel Map Committee

ATTEST:


TRACI MYERS, VICE-CHAIRMAN
City of Tulare Parcel Map Committee

PARCEL MAP NO.

BEING A DIVISION OF LOTS 17, 18, 19 AND 20 OF BLOCK 25 OF WEST TULARE, AS PER MAP RECORDED IN BOOK 1, PAGE 22 OF MAPS, T.C.R.; ALSO BEING A PORTION OF THE NORTHWEST QUARTER OF SECTION 10, TOWNSHIP 20 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA.
OCTOBER 2019

PREPARED BY: NEIL ZERLANG - LAND SURVEYOR
2908-B WEST MAIN STREET, VISALIA, CA. 93291; PHONE: (559) 739-1616

PREPARED FOR: JOE FLORES
RJF@AOL.COM; (559) 690-2627

SCALE: 1" = 40'



CURVE DATA

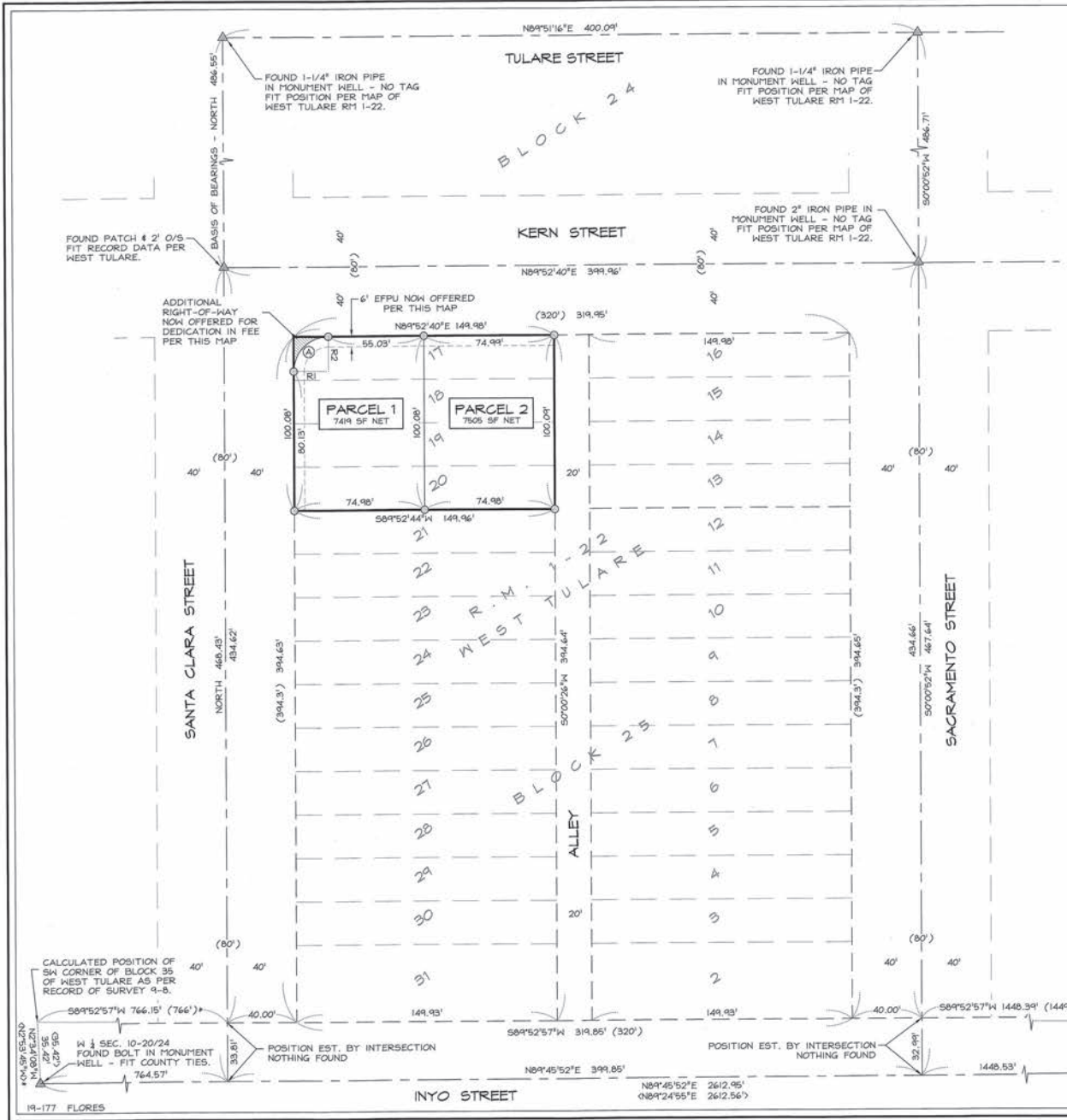
CURVE	RADIUS	DELTA	LENGTH	TANGENT	RADIAL R1	RADIAL R2
(A)	20.00'	89°52'40"	31.37'	19.96'	EAST	S07°07'20"E

BASIS OF BEARINGS

THE CENTERLINE OF SANTA CLARA STREET, BETWEEN TULARE STREET AND KERN STREET, ASSUMED TO BE 'NORTH'.

SURVEYOR'S NOTES

- △ FOUND AND ACCEPTED MONUMENT AS DESCRIBED.
 - SET 1/2" IRON PIPE TAGGED L5 5350 AT POSITIONS INDICATED.
 - ◊ SET 1/2" IRON PIPE TAGGED L5 5350, ON LINE, 5.00 FEET FROM TRUE CORNER.
 - BOLD BORDER LINE INDICATES SUBDIVISION BOUNDARY.
 - () RECORD DATA PER PARCEL MAP 1253, RECORDED IN BOOK 13 OF PARCEL MAPS, AT PAGE 54, TULARE COUNTY RECORDS.
 - < > RECORD DATA PER RECORD OF SURVEY RECORDED IN VOLUME 9 OF LICENSED SURVEYS, AT PAGE 6, TULARE COUNTY RECORDS.
 - EFPU EASEMENT FOR PUBLIC UTILITIES, IN FAVOR OF THE CITY OF TULARE.
- ALL DISTANCES AND DIMENSIONS IN FEET AND DECIMALS THEREOF.



AGENDA ITEM: Consent 9

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering Services / Engineering

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Authorize the Mayor to execute a Grant Deed on behalf of the City of Tulare for a lot line adjustment affecting Parcel 1 of Parcel Map 4531 (APN 171-300-015), to which the City holds a deed of trust as the result its Credit Agreement with the Tulare Local Healthcare District.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The Tulare Local Healthcare District has applied for Lot Line Adjustment (LLA) No. 253, which would affect the property on which the Evolutions health center is located. The LLA would shift the current property line on the east side of the parcel 45 feet to the west, resulting in the transfer of approximately 16,580 square feet to the adjacent parcel to the east. This transfer of property would facilitate the sale and subsequent commercial development of that adjacent parcel. The north half of the property being transferred is currently developed as a parking lot with a trash enclosure, and the south half is undeveloped. A new trash enclosure for the Evolutions center would be constructed by the subsequent commercial development on the adjacent parcel. The building improvements for the Evolutions center would be unaffected. An exhibit for LLA No. 253 is attached for reference.

Due to the City being a Deed of Trust holder on the Evolutions property as a result of the Credit Agreement between it and the Tulare Local Healthcare District, the City would be a signatory to the Grant Deed associated with LLA No. 253. The City Attorney has reviewed the proposed LLA with regard to the City’s interest in the property, and has found no provisions of California law or the Tulare Municipal Code that would prohibit the City’s processing of the LLA or execution of a Grant Deed. The impact of the LLA to the value of the Evolutions center parcel is expected to be minimal due to it not impacting the building improvements. As such, it is requested that Council authorize the Mayor to sign a Grant Deed for LLA No. 253 on behalf of the City.

STAFF RECOMMENDATION:

Authorize the Mayor to execute a Grant Deed on behalf of the City of Tulare for a lot line adjustment affecting Parcel 1 of Parcel Map 4531 (APN 171-300-015), to which the City holds a deed of trust as the result its Credit Agreement with the Tulare Local Healthcare District.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: Yes No N/A
(If yes, please submit required budget appropriation request)

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Michael Miller

Title: City Engineer

Date: June 29, 2020

City Manager Approval: _____

LOT LINE ADJUSTMENT NO. 253
EXHIBIT B

LLA #253

LEGEND/NOTES

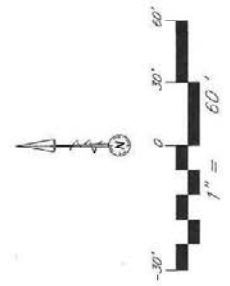
- (A) ADJUSTED ACREAGE/SQUARE FEET
- (E) EXISTING ACREAGE/SQUARE FEET
- P.U.E. PUBLIC UTILITY EASEMENT
- () RECORD DATA PER PARCEL MAP NO. 5282 AS RECORDED MONTH YEAR IN BOOK 53, OF PARCEL MAPS AT PAGE 89, T.C.R.
- [] RECORD DATA PER PARCEL MAP NO. 4531 AS RECORDED AUGUST 23, 2002 IN BOOK 46, OF PARCEL MAPS AT PAGE 36, T.C.R.

BASIS OF BEARINGS

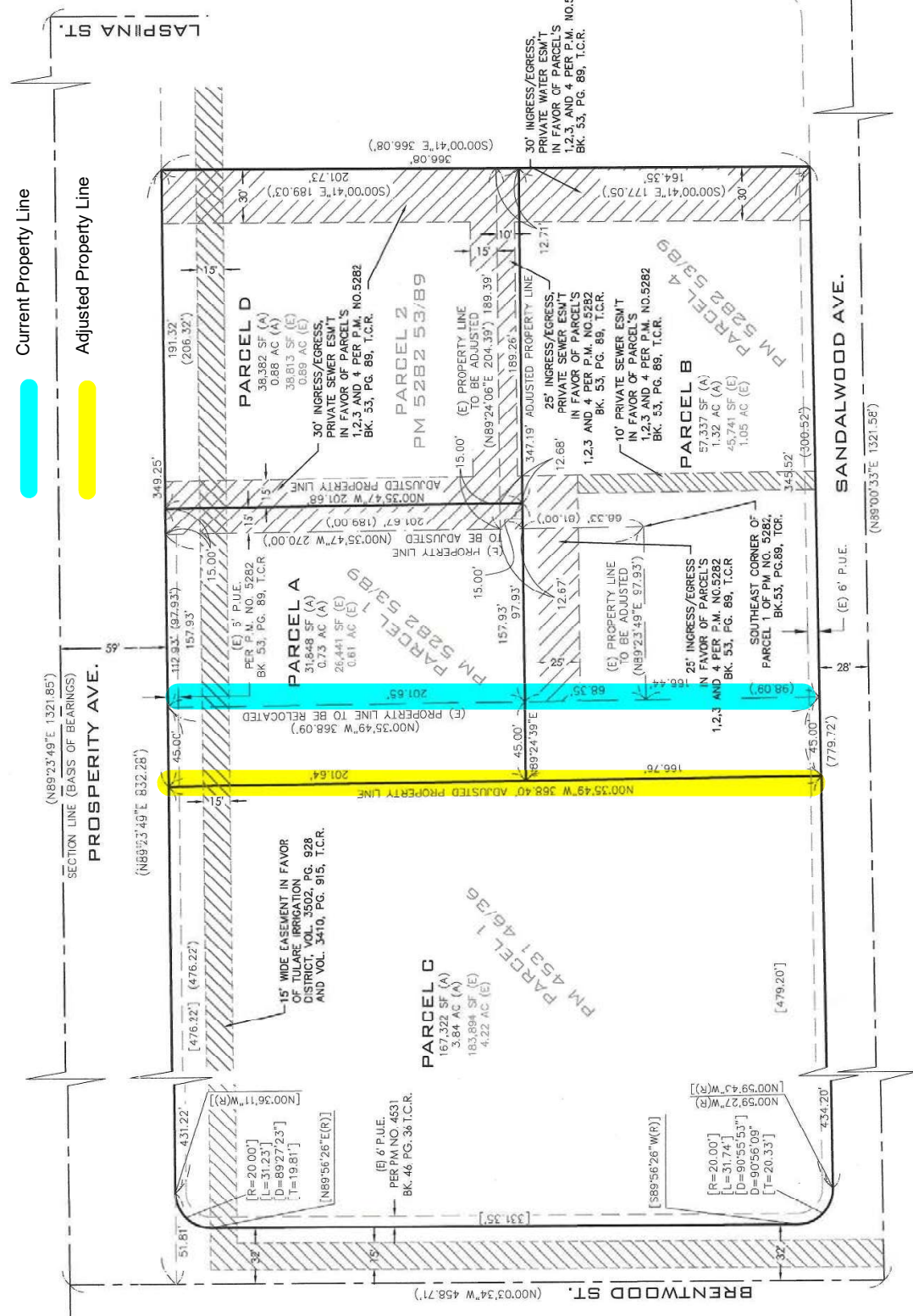
THE NORTH LINE OF THE NW 1/4 OF SECTION 1, T.20S., R.24E. BEARS N89°23'49"E PER PARCEL MAP NO. 5282, RECORDED IN BOOK 53 OF PARCEL MAPS AT PAGE 89 OF TULARE COUNTY RECORDS.

OWNER:

TULARE LOCAL HEALTH CARE DISTRICT
869 N. CHERRY ST.
TULARE, CA. 93274
PH. 559-686-0827



5-7-20



**CITY OF TULARE
SUMMARY TREASURER'S REPORT
SUMMARY OF ALL INVESTMENTS
MAY 31, 2020**

<u>TYPE OF INVESTMENT</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>CURRENT YIELD</u>	<u>BOOK VALUE % OF TOTAL</u>
UNRESTRICTED INVESTMENTS - SEE PAGE 2	137,990,790	138,585,093	1.672%	83.21%
RESTRICTED INVESTMENTS - SEE PAGE 4	<u>27,852,215</u>	<u>27,852,215</u>	N/A	<u>16.79%</u>
TOTAL INVESTMENTS	<u><u>165,843,005</u></u>	<u><u>166,437,308</u></u>	N/A	<u><u>100.00%</u></u>

Note: The City's financial statements will report market values, not book values, at June 30 each year.

I certify that this report reflects all City investments and complies with the investment policy of the City of Tulare as approved by City Council. Furthermore, I certify that sufficient investment liquidity and anticipated revenues are available to meet the City's budgeted expenditures for the next six months.

Presented to the City Council on June 12, 2020.

Presented to the Board of Public Utility Commissioners on June 12, 2020.

Respectfully submitted, Darlene J. Thompson, CPA, Finance Director/Treasurer

Darlene J. Thompson 6-12-2020
Date

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
SUMMARY OF UNRESTRICTED INVESTMENTS
MAY 31, 2020

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE MARKET VALUE	UNREALIZED GAIN/(LOSS):		ESTIMATED EARNINGS:		BOOK VALUE % OF U/I~
		ACQUISITION MATURITY	STATED CURRENT YIELD	THIS MONTH	LAST MONTH			ANNUAL	THIS MONTH			
Petty Cash	N/A	N/A	N/A	N/A	6,825	6,825	N/A	N/A	N/A	N/A	0.00%	
Checking Account - City	Wells Fargo Bank	N/A	N/A	N/A	2,324,767	2,324,767	N/A	N/A	N/A	N/A	1.68%	
		On Demand	None									
					Balance per bank is \$3,019,516							
Local Agency Investment Fund (LAIF)	State of California	Various	N/A	N/A	63,000,000	63,000,000	471,304	858,690	45.66%			
		On Demand	1.363%		63,471,304	63,471,304	387,517	71,558				
Sub-Total												
Fixed Income Investments	Various (See page 5-8)		N/A	N/A	65,331,592	65,331,592	471,304	858,690	47.34%			
	Investments in Safekeeping With BNY Western Trust Company		1.305%		65,802,896	65,802,896	387,517	71,558				
					Per BNY WTC							
					64,898,098	64,898,098	122,999	993,017	47.03%			
					65,021,097	65,021,097	144,939	82,751				
Commerical Paper			6.000%		7,761,100	7,761,100	0	465,666	5.62%			
	Investments in Safekeeping With City Clerk		6.000%		7,761,100	7,761,100	0	39,550				
TOTAL UNRESTRICTED INVESTMENTS												
					137,990,790	137,990,790	594,303	2,317,373	100.00%			
					138,585,093	138,585,093	532,456	193,859				

* LAIF market values are based on the most currently available amortized cost information - March, 2020: 1.007481015 ~ U/I = Unrestricted Investments

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
SUMMARY OF RESTRICTED INVESTMENTS
MAY 31, 2020

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	ACQUISITION DATE	MATURITY DATE	STATED INTEREST RATE	PAR VALUE	BOOK VALUE	MARKET VALUE	BALANCES	
								AS-OF DATE	DATE
Bond Funds (All are Managed by U.S. Bank Trust Except LAIF):									
2018 Lease Revenue and Refunding Bonds (Account No. 244938000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	1,701,575	1,701,575	1,701,575	05-31-20
2012 Sewer Revenue Refunding Bonds (Account No. 162033000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	4,655	4,655	4,655	05-31-20
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	923,363	923,363	923,363	05-31-20
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	928,018	928,018	928,018	05-31-20
2015 Sewer Revenue Refunding Bonds (Account No. 203701000)	Bayerische Landesbank	08-01-13	11-15-22	2.310%	N/A	2,745,126	2,745,126	2,745,126	05-31-20
Guarantee Invest. Cont.	Bayerische Landesbank	08-01-13	11-15-22	2.310%	N/A	2,745,126	2,745,126	2,745,126	05-31-20
2015 Sewer Revenue Refunding Bonds (Account No. 2615940000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	12	12	12	05-31-20
First American Govt Fd	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	6,765,184	6,765,184	6,765,184	05-31-20
Investment Repurchase GIC	Bayerische Landesbank	11-15-15	11-15-25	1.960%	N/A	6,765,196	6,765,196	6,765,196	05-31-20
2016 Sewer Revenue Refunding Bonds (Account No. 260)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	833	833	833	05-31-20
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	833	833	833	05-31-20
2017 Water Revenue Bonds (Account No. 219189000)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	383,250	383,250	383,250	05-31-20
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	383,250	383,250	383,250	05-31-20
2020 Water Revenue Bonds (Account No. XXX)	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	15,277,770	15,277,770	15,277,770	05-31-20
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various Reserve Fund	N/A	15,277,770	15,277,770	15,277,770	05-31-20

- CONTINUED ON PAGE 4 -

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS
MAY 31, 2020

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE	UNREALIZED GAIN/(LOSS):	ESTIMATED EARNINGS:
		ACQUISITION	MATURITY	STATED	CURRENT YIELD				
**									
							Per BNY WTC		
Federal Farm Credit Banks	3133EJAW9	01-29-18		2.250%		1,500,000	1,497,825	21,990	33,750
		01-29-21	C	2.220%			1,519,815	24,570	2,813
Federal Home Ln Mtg Corp	3134GVAHI	02-10-20		1.625%		2,000,000	2,000,000	4,640	32,500
		08-10-22	C	1.620%			2,004,640	6,420	2,708
Federal Farm Credit Bks Funding Corp	3133ELQT4	03-09-20		1.500%		3,000,000	3,000,000	570	45,000
		09-09-22	C	1.500%			3,000,570	2,430	3,750
Federal Home Ln Mtg Corp	3134GU6Q8	02-07-20		1.750%		2,000,000	2,000,000	4,680	35,000
		11-07-23	C	1.750%			2,004,680	6,440	2,917
Federal Home Ln Mtg Corp	3134GVEG9	02-28-20		1.625%		2,500,000	2,500,000	3,950	40,625
		02-28-24	C	1.620%			2,503,950	4,975	3,385
Federal Farm Credit Bks Funding Corp	3133ELUM4	03-25-20		1.200%		1,500,000	1,500,000	15	18,000
		03-25-24	C	1.200%			1,500,015	(1,185)	1,500
Federal Farm Credit Bks Funding Corp	3133ELQU1	03-03-20		1.670%		2,000,000	2,000,000	80	33,400
		06-03-24	C	1.670%			2,000,080	1,060	2,783
Federal Home Loan Mtg Corp	3134GTRM7	06-11-19		2.520%		1,500,000	1,500,000	765	37,800
		06-11-24	C	2.520%			1,500,765	2,790	3,150
Federal Home Loan Bks	3130AGQE8	07-22-19		2.270%		2,000,000	2,000,000	4,560	45,400
		07-22-24	C	2.260%			2,004,560	6,960	3,783
Federal Farm Credit Bks Funding Corp	3133ELQV9	03-03-20		1.700%		2,500,000	2,500,000	125	42,500
		09-03-24	C	1.700%			2,500,125	1,600	3,542
Federal Farm Credit Bks Funding Corp	3133ELSU9	03-12-20		1.250%		2,000,000	2,000,000	200	25,000
		09-12-24	C	1.250%			2,000,200	420	2,083

- CONTINUED ON PAGE 6 -

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS, CONTINUED
MAY 31, 2020

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE MARKET VALUE	UNREALIZED		ESTIMATED	
		ACQUISITION	MATURITY	STATED	CURRENT YIELD			GAIN/(LOSS):	THIS MONTH	EARNINGS:	ANNUAL
								THIS MONTH	LAST MONTH	THIS MONTH	
U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED											
Federal Home Loan Mtg Corp	3134GUWU0	12-12-19	12-12-24	2.000%	2.000%	2,000,000	2,000,000	960	3,333	40,000	3,333
Federal Home Loan Banks	3130AHPM9	12-16-19	12-16-24	2.050%	2.050%	2,000,000	2,001,280	1,280	3,417	41,000	3,417
Federal Home Loan Mtg Corp	3134GUYS3	12-23-19	12-23-24	2.020%	2.020%	2,000,000	2,001,780	1,780	3,367	40,400	3,367
Federal Home Loan Mtg Corp	3134GVAE8	02-10-20	02-10-25	1.875%	1.870%	2,000,000	2,004,440	4,440	3,125	37,500	3,125
Federal Home Loan Banks	3130AJ3X5	02-11-20	02-11-25	1.850%	1.850%	2,000,000	2,004,500	4,500	3,083	37,000	3,083
Federal Home Loan Banks	3130AJ4Q9	02-12-20	02-12-25	1.800%	1.790%	2,000,000	2,015,980	15,980	3,000	36,000	3,000
Federal Farm Credit Bks Funding Corp	3133ELA46	05-29-20	02-20-25	0.720%	0.720%	2,000,000	2,000,060	60	1,200	14,400	1,200
Federal Home Loan Mtg Corp	3134GVDP0	02-27-20	02-27-25	1.700%	1.700%	3,000,000	3,006,060	6,060	4,250	51,000	4,250
Federal Farm Credit Bks Funding Corp	3133ELQE7	03-03-20	03-03-25	1.640%	1.620%	2,500,000	2,525,275	25,275	3,417	41,000	3,417
Federal Farm Credit Bks Funding Corp	3133ELQF4	03-03-20	03-03-25	1.750%	1.750%	2,500,000	2,500,250	250	3,646	43,750	3,646
Federal Farm Credit Bks Funding Corp	3133ELTE4	03-17-20	03-17-25	1.220%	1.220%	2,500,000	2,500,275	275	625	30,500	2,542

Per BNY WTC

**

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS, CONTINUED
MAY 31, 2020

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE MARKET VALUE	UNREALIZED GAIN/(LOSS):		ESTIMATED EARNINGS: ANNUAL THIS MONTH
		ACQUISITION MATURITY	STATED CURRENT YIELD	THIS MONTH LAST MONTH	THIS MONTH LAST MONTH					
**										
Federal Home Loan Mtg Corp	3134GVGB8	03-17-20	1.150%	1,500,000	1,500,000	1,035	17,250			
		03-17-25	1.150%		1,501,035	1,110	1,438			
Federal Home Loan Mtg Corp	3134GVGG7	03-17-20	1.000%	2,500,000	2,500,000	600	25,000			
		03-17-25	1.000%		2,500,600	450	2,083			
Federal Home Loan Mtg Corp	3134GVHH4	03-30-20	1.350%	2,000,000	2,000,000	3,460	27,000			
		03-24-25	1.350%		2,003,460	3,480	2,250			
Federal Home Loan Banks	3130AJF79	03-25-20	1.200%	1,500,000	1,500,000	4,410	18,000			
		03-25-20	1.200%		1,504,410	4,380	1,500			
Federal Farm Credit Bks Funding Corp	3133ELUK8	03-25-20	1.200%	2,000,000	2,000,000	11,340	24,000			
		03-25-25	1.190%		2,011,340	(700)	2,000			
Federal Home Loan Banks	3130AJDQ9	04-02-20	1.100%	1,500,000	1,500,000	75	16,500			
		04-02-25	1.100%		1,500,075	(1,395)	1,375			
Federal Home Loan Mtg Corp	3134GVNR5	04-28-20	1.030%	1,400,000	1,400,000	168	14,420			
		04-28-25	1.030%		1,400,168	1,792	1,202			
Federal Home Loan Mtg Corp	3134GVNQ7	04-29-20	1.020%	1,500,000	1,500,000	435	15,300			
		04-29-25	1.020%		1,500,435	1,842	1,275			
Federal Home Loan Mtg Corp	3134GVRM2	05-13-20	0.900%	2,000,000	2,000,000	20	18,000			
		05-06-25	0.900%		2,000,020	0	1,500			
Federal Home Loan Mtg Corp	3134GVZU5	05-29-20	0.800%	2,000,000	2,000,000	(968)	16,000			
		05-27-25	0.800%		1,999,032		1,333			
Government National Mortgage Association II Pool	36202AHH3	01-24-94	8.500%	N/A	273	(11)	22			
		09-20-22	0.083%		262	(10)	2			
TOTAL FIXED INCOME INVESTMENTS			N/A	N/A	64,898,098	122,999	993,017			
All are in safekeeping with BNY Western Trust Company										
			1.530%		65,021,097	144,939	82,751			

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
COMMERCIAL PAPER
MAY 31, 2020

INSTITUTION	CUSIP NUMBER	INTEREST RATES:		DATES:		BOOK VALUE	MARKET VALUE	UNREALIZED		ESTIMATED
		STATED	CURRENT YIELD	ACQUISITION	INVESTED			GAIN/(LOSS)	THIS MONTH	
Tulare Local Healthcare District		6.000%		02/19/2019		7,761,100		0		465,666
		6.000%		02/19/2024		7,761,100		0		39,550
TOTAL COMMERCIAL PAPER		6.000%				<u>7,761,100</u>		<u>0</u>		<u>465,666</u>
										<u>39,550</u>

Safekeeping with City Clerk's Office

**CITY OF TULARE
INVESTMENTS BALANCE AND YIELD HISTORY FOR EIGHT MONTHS
MAY 31, 2020**

BALANCES: CATEGORY	BOOK VALUE MARKET VALUE DIFFERENCE							
	APRIL 2020	MARCH 2020	FEBRUARY 2020	JANUARY 2020	DECEMBER 2019	NOVEMBER 2019	OCTOBER 2019	SEPTEMBER 2019
Total Investments	166,642,140	160,802,823	158,825,720	159,460,643	141,352,789	135,290,877	200,196,836	198,549,496
	167,185,686	161,042,532	159,013,585	159,569,550	141,298,362	135,171,807	200,188,033	198,463,927
	543,546	239,709	187,865	108,907	(54,427)	(119,070)	(8,803)	(85,569)
Unrestricted Investments	138,181,071	130,789,038	130,548,781	127,672,437	128,223,897	118,073,289	127,377,929	125,294,929
	138,724,617	131,028,747	130,736,646	127,781,344	128,169,470	117,934,219	127,392,178	125,220,886
	543,546	239,709	187,865	108,907	(54,427)	(119,070)	14,249	(74,043)
Restricted Investments	28,461,069	30,013,785	28,276,939	31,788,206	13,128,892	17,217,588	72,818,907	73,254,567
	28,461,069	30,013,785	28,276,939	31,788,206	13,128,892	17,217,588	72,795,855	73,243,041
	0	0	0	0	0	0	(23,052)	(11,526)
Local Agency Investment Fund (LAIF)	51,800,000	24,500,000	42,000,000	43,000,000	36,500,000	31,500,000	43,385,698	35,000,000
	52,187,517	24,543,372	42,074,353	43,076,123	36,564,616	31,551,749	43,456,973	35,059,913
	387,517	43,372	74,353	76,123	64,616	51,749	71,275	59,913
Fixed Income Investments (Total)	77,398,111	90,750,624	77,748,862	73,747,374	77,247,387	76,245,149	76,244,862	80,244,874
	77,554,140	90,946,961	77,862,374	73,780,158	77,128,344	76,074,330	76,187,836	80,110,918
	156,029	196,337	113,512	32,784	(119,043)	(170,819)	(57,026)	(133,956)
Commerical Paper	7,761,100	7,761,100	8,100,000	7,900,000	7,900,000	7,900,000	7,650,000	7,050,000
	7,761,100	7,761,100	8,100,000	7,900,000	7,900,000	7,900,000	7,650,000	7,050,000
	0	0	0	0	0	0	0	0

AVERAGE STATED YIELDS:

Unrestricted Investments	1.858%	1.833%	2.020%	2.064%	2.030%	2.130%	2.215%	2.191%
Restricted Investments	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Local Agency Investment Fund (LAIF)	1.648%	1.787%	1.912%	1.967%	2.043%	2.103%	2.190%	2.280%
Fixed Income Investments (Total)	1.620%	1.650%	1.740%	1.790%	1.790%	1.800%	1.850%	1.900%
Commerical Paper	6.000%	6.000%	6.000%	6.000%	6.000%	6.000%	6.000%	6.000%

AGENDA ITEM: Gen Bus PH 1a

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

Submitting Department: Finance

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Public hearing to adopt Resolution 2020-___ regarding placing costs of constructing utility connections and/or sidewalk, curb, gutter, and driveway construction on property rolls in installments.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

In 1997, Board of Public Utilities and City Council approved resolutions authorizing the adoption of the provisions of Streets and Highways Code Sections 5870 et seq., under the 1911 Act. These provisions provide for the financing of certain public works related costs and declaring the repayment of same to be assessed against property owners and placed on the property tax rolls.

Twenty-seven agreements have been entered into with various parties for the City of Tulare to construct and finance connections, primarily to city sewer services, and place those costs on property tax rolls in installments. Prior to sending the assessments to the County of Tulare, a public hearing is required to allow anyone objecting and wanting to address the City Council.

STAFF RECOMMENDATION:

Adopt Resolution 2020-___ regarding placing costs of constructing utility connections and/or sidewalk, curb, gutter, and driveway construction on property rolls in installments.

CITY ATTORNEY REVIEW: Yes No N/A

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

Submitted by: Darlene J Thompson

Title: Finance Director/Treasurer

Date: June 22, 2020

City Manager Approval: _____

RESOLUTION 2020-_____

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE CONFIRMING THE REPORT AND ASSESSMENT LIST FOR 1911 ACT COSTS OF UTILITY CONNECTIONS AND/OR CURB, GUTTER, PAVEMENT, SIDEWALK AND DRIVEWAY CONSTRUCTION

WHEREAS, Resolution No. 97-4314, dated May 6, 1997, of the City Council of the City of Tulare, authorized the adoption of the provisions of Streets & Highways Code Sections 5870 et seq., under the 1911 Act, for the purpose of financing certain costs and declaring the repayment of same to be assessed against property owners and placed on the property tax rolls; and

WHEREAS, after public hearings, the Council did approve said work and order the costs be assessed and collected on the property tax rolls; and

WHEREAS, a public hearing was held before the City Council of the City of Tulare on July 7, 2020 pertaining to the report and assessment list for these costs; and

WHEREAS, said assessment list has been reviewed by the City Council and public comment considered;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF TULARE, that the report and assessment list for recovering costs of improvements and/or utility connections, attached hereto as Exhibit "A" and incorporated herein by this reference, is hereby confirmed, and City staff is directed to place same on the Tulare County tax assessment rolls.

PASSED, ADOPTED AND APPROVED THIS 7th DAY OF July 2020.

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, Rob A Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 2020-_____ passed and adopted by the Council of the City of Tulare at a regular meeting held on July 7, 2020, by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated:

Rob A. Hunt, CITY CLERK

By Roxanne Yoder, Chief Deputy

EXHIBIT "A"

<u>APN</u>	<u>NAME</u>	<u>Public Works Improvement Loan Repayments</u>
164-072-015	Rangel & Misti Mata	464.28
164-072-024	Raymond & Pamela Vargas	401.88
164-072-031	Billy R Price	391.04
164-073-007	Edward & Leah King	419.46
164-130-005	Alvaro & Maria Alcala	805.34
166-072-002	Benigna Borba	401.36
166-072-006	Alejandro Hernandez	392.18
166-073-003	Daniel Ensico	438.50
169-070-004	Omar Siller	360.62
169-080-018	Alfonso Perales	475.80
171-090-027	Albert Pamplona	711.70
172-060-024	Janeth Quintero	453.88
176-276-014	Faustino & Norma Gomez	1,253.40
177-241-002	Virginia Jimenez	390.06
177-031-004	Salvador & Maria Tapia	412.76
177-033-020	Cecelia Cabrera	515.40
177-241-010	Satini & Heione Tautuaa	395.96
177-244-007	James Barrera	395.40
177-245-003	Quirino & Pamela Garza	370.04
182-030-014	Isidro & Elvia Parra	404.86
182-100-004	Engracia Herrera	535.12
182-100-014	Richard Burch	859.64
182-100-016	Rumaldo Sanez	442.10
182-100-020	Ramon & Anastacia Sanchez	509.12
182-100-023	Fernando & Maria Mendez	548.66
182-220-054	Philip Smith	565.08
184-160-021	Hilda Cortez	88.38

13,402.02

AGENDA ITEM: Gen Bus PH 1b

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

Submitting Department: Public Works

For Council Meeting of: July 7, 2020

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

AGENDA ITEM:

Public Hearing to pass-to-print Ordinance 2020-07 revising portions of Sections 7.32.040 through 7.32.070 of Chapter 7.32 of Title 7 of the City of Tulare Municipal Code to update the Water Conservation Ordinance.

IS PUBLIC HEARING REQUIRED: **Yes** **No**

BACKGROUND/EXPLANATION:

With the adoption of Assembly Bill 1668 and Senate Bill 606, the Public Works Department believes it is necessary to update the Water Conservation Ordinance to be more in line with the future regulations that the City will have to abide to, including providing an annual water budget to the State that details all of the City's water usage. The most significant revision to the ordinance is the removal of language regarding voluntary compliance. It also deletes the language directly associated with the Governor's Emergency Executive Order #B-29-15 from 2015.

KEY CHANGES:

- **Revised 5-Stage Format:** Public Works wanted to maintain a 5-stage format, but also wanted to add another step that bridged the large gap between the current Stage 3 regulations and the current Stage 4 regulations. Also, wanted to get rid of any provision that called for voluntary compliance, which is the entirety of the current Stage 1.
- **Addition of 7.32.045 – Definitions:** The definitions will help avoid ambiguity. A couple of the key definitions are for "drip irrigation system" and "rain event". A "rain event" means any amount of precipitation of more than one-tenth (1/10) of an inch. This addition also provides similarity between the City of Tulare's and the City of Visalia's Water Conservation ordinances, an important aspect given that the two municipalities are part of the same Groundwater Sustainability Agency (GSA) - the Mid-Kaweah GSA.
- **New Stage 1:** The current ordinance calls for voluntary compliance with Stage 1, and allows watering every day of the week. Proposed changes include making compliance mandatory, and going to a 3-day-per-week schedule (Tuesdays, Thursdays and Saturdays for odd-numbered addresses, and Wednesdays, Fridays and Sundays for even-numbered addresses). Mondays are non-watering days. Most of the provisions of the proposed Stage 1 are the provisions from the current Stage 2. With the proposed Stage 1, outdoor irrigation is permitted year-round on the designated days.
- **New Stage 2:** Very much like the current Stage 3. The most notable change is adding February to the list of months where outdoor irrigation is prohibited. Added to this stage was prohibiting the overseeding of lawns. The reasoning behind this proposed change is that the overseeding of lawns during the fall and winter require regular outdoor irriga-

tion during the months where outdoor irrigation is prohibited (December, January and February). Exception is provided for maintenance of sports fields, and golf course greens and tees.

*****This would be the recommended stage to be in currently if revised Water Conservation chapter is adopted.*****

- **New Stage 3:** Outdoor irrigation is limited to two days per week (Tuesdays and Saturdays for odd-numbered addresses, and Wednesdays and Sundays for even-numbered addresses). Mondays, Thursdays, and Fridays are non-watering days. This stage includes the addition of November to the list of months where outdoor irrigation is prohibited. This stage is a more logical progression step than the current format, which goes from watering three days per week (Stage 3) to one day per week (Stage 4).
- **New Stage 4:** The only change from the current stage 4 is that all water waste violations are subject to financial penalties (no warnings).
- **New Stage 5:** The only change from the current stage 5 is that all water waste violations are subject to financial penalties (no warnings).

The Board of Public Utilities reviewed and approved the proposed revisions to the Water Conservation Ordinance at their regular meeting on May 21, 2020.

STAFF RECOMMENDATION:

Pass-to-print Ordinance 2020-07 revising portions of Sections 7.32.040 through 7.32.070 of Chapter 7.32 of Title 7 of the City of Tulare Municipal Code to update the Water Conservation Ordinance.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Andrew Bettencourt

Title: Management Analyst

Date: June 26, 2020

City Manager Approval: _____

ORDINANCE 2020-___

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF TULARE AMENDING
TITLE 7 OF THE MUNICIPAL CODE BY AMENDING CHAPTER 7.32
WATER CONSERVATION**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TULARE AS FOLLOWS TO
WIT:

SECTION 1: Title 7 of the Tulare Municipal Code is hereby amended to amend Chapter
7.32 as follows:

Chapter 7.32 – Water Conservation

Section

- 7.32.010 Purpose.
- 7.32.020 Short title.
- 7.32.030 Authorization.
- 7.32.040 Application.
- 7.32.045 Definitions.
- 7.32.050 Prohibition on water waste.
- 7.32.060 Outdoor water use – Water conservation stages.
- 7.32.070 Exemptions.
- 7.32.080 Violation – Penalties.

7.32.010 Purpose.

It is the purpose and intent of the ordinance codified in this chapter to eliminate water waste and to minimize outdoor water use and to control unnecessary consumption of the available potable water supplies in the city.

§ 7.32.020 Short title.

The Ordinance codified in this chapter shall be known as the “Water Conservation Ordinance of the City of Tulare”.

§7.32.030 Authorization.

The City of Tulare Board of Public Utilities, upon the recommendation of the City Manager, is hereby authorized and directed to implement the applicable provisions of this chapter upon the board’s determination supported by its findings that the implementation is necessary to protect the public welfare and safety including without limitation the City’s long or short term water supply and water quality.

§ 7.32.040 Application.

The provisions of this chapter shall apply to all persons, customers and property within the limits of the city, and shall be included in any contract pertaining to the provision of water services outside of the City limits.

The provisions of this chapter do not apply to uses of water for essential government services such as police, fire, and other similar emergency services.

§ 7.32.045 Definitions.

For the purposes of this chapter, the following terms have the meanings set forth in this section.

- (A) "Commercial nursery" means the use of land, buildings or structures for the growing and/or storing of flowers, fruit trees, ornamental trees, vegetable plants, shrubs, trees and similar vegetation for the purpose of transplanting, for use as stock or grafting, and includes the retail sale or wholesale distribution of such items directly from the premises/lot.
- (B) "Drip irrigation system" means a non-spray, low pressure, and low-volume irrigation system utilizing emission devices with a precipitation or flow rate measured in gallons per hour (GPH), designed to slowly apply small volumes of water at or near the root zone of plants or other landscaping, and in no event, emits more than four (4) gallons of water per hour.
- (C) "Irrigation system" means the components of a system meant to apply water to an area for the purpose of irrigation, including, but not limited to, piping, fittings, sprinkler heads or nozzles, drip tubing, valves and control wiring.
- (D) "Large Landscape Area" means an area of vegetation at least three (3) acres in size supporting a business necessity or public benefit use such as parks, golf courses, schools and cemeteries.
- (E) "Rain event" means any amount of precipitation of more than one-tenth (1/10) of an inch (0.10").
- (F) "Ornamental landscape" means plants for the purpose of improving the aesthetic appearance of property, including but not limited to, tree shrubs, bushes, flowers, ground cover, turf, lawns, and grass, but does not include crops or other agricultural products or special landscape areas.
- (G) "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the limits of the City of Tulare.
- (H) "Runoff" means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape onto other areas.
- (I) "Sports Field" means a public or private facility improved with apparatus and/or striping supporting a public benefit use or business necessity that provides turf areas as playing surface for regularly scheduled individual and team sports, and does not include a facility on a residential property.
- (J) "Turf" means a ground cover surface of grass that can be mowed.
- (K) "Water feature" means a design element where open, artificially supplied water performs an aesthetic or recreation function, including, but not limited to, ponds, lakes, waterfalls, fountains and streams.

§ 7.32.050 Prohibition on water waste.

The following uses of water are defined as a “waste of water” and are hereby prohibited, except as otherwise authorized:

(A) The use of water which allows excess water run off to a gutter, ditch or drain. Excess water runoff is runoff in such quantities that the water runoff is capable of flowing or moving in more than droplets on the impervious service. Every water user is deemed to have his or her water distribution lines and facilities under their control at all times and to know the manner and extent of their water use and excess runoff.

(B) The excessive use, loss or escape of water through breaks, leaks or malfunctions in the water user’s plumbing or distribution facilities after such an event should reasonably have been discovered and corrected. It shall be presumed that a period of 48 hours after discovery is a reasonable time within which to correct the defect causing the water waste to occur.

(C) The washing of vehicles, building exteriors, sidewalks , driveways, parking areas, tennis courts, patios or other paved areas without the use of a positive shut-off nozzle on the hose, which results in excessive runoff, except where necessary in an emergency or to abate a danger to public health and safety. The watering of lawns, ground cover and shrubbery in violation of the Stage then in effect, as described in this ordinance in section 7.32.060.

(D) Irrigation of ornamental landscape or other vegetated areas within 48 hours of a rain even if it is a designated watering day.

(E) Any watering or irrigation of ornamental landscape, turf, or other vegetated area between the hours of 11 a.m. and 6 p.m. on any day, except by the use of a hand-held bucket or similar container, a hand-held hose fitted with a positive shut-off nozzle or device that causes it to cease dispensing water immediately when not in use, or for very short periods of time for the express purpose of adjusting or repairing an irrigation system.

(F) Installation of non-recirculating water systems in commercial car wash and laundry systems.

(G) The draining of swimming pools more than once every three years, except for structural repairs, chemical imbalance, or to comply with public health standards determined by the County Health Officer or City code enforcement officer. Any resident whose swimming pool is drained by order of the City or County for failure to maintain it properly will also be issued a notice of violation. The draining of pools for reasons of health and safety hazards as determined by a City officer or Department of Health is permitted. Pool drain permit applications due to structural repairs or chemical imbalance shall include the results of a pool water test conducted by an independent testing organization which shows a cyanuric acid level above 100 parts per million, total dissolved solids over 2,500 parts per million, or calcium over 450 parts per million, or a statement of repairs from a licensed pool contractor stating the nature and duration of repairs to be made and the date on which the pool will be drained.

(H) Operating a water feature that does not use recirculated water

(I) Food preparation establishments, such as restaurants or cafes, using non-water conserving dish-wash spray valves.

§ 7.32.060 Outdoor water use – Water conservation stages.

No person subject to this ordinance shall knowingly make, cause, use or permit the of water for residential, commercial, industrial, government or any other purpose in a manner contrary to any provision of this chapter, or in an amount in excess of that use permitted by the conservation stage described immediately below then in effect as determined and declared by the Board.

(A) **Stage 1, Mandatory Compliance, Water Alert Condition.** The following restrictions shall apply to all persons year-round unless removed by the board declaring implementation of either Stage 2 or Stage 3 or Stage 4. Upon the board removing all of Stages 2 – 4, Stage 1 shall be in effect.

(1) All outdoor irrigation shall occur only between the hours of 6 p.m. and 10 a.m. on designated days. Outdoor irrigation is permitted at any time if:

- (a) A hand-held faucet filled bucket of five gallons or less is used; or
- (b) A drip irrigation system is used.

(2) Dwellings or establishments with even-numbered street addresses shall water only on Wednesday, Friday, and Sunday, subject to the time restrictions set forth above.

(3) Dwellings or establishments with odd-numbered street addresses shall water only on Tuesday, Thursday, and Saturday, subject to the time restrictions set forth above.

(4) Monday is a non-watering day unless an exemption is on file with the Public Works Department.

(5) The washing of automobiles, trucks, trailers, boats, airplanes and other types of mobile equipment is permitted only when using a hand-held hose equipped with a positive shut-off nozzle for quick rinses.

(6) The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas is prohibited unless an approved or conditionally approved exemption is on file with the Public Works Department.

(7) The operation of any ornamental fountain or other water feature structure making similar use of water is prohibited unless the fountain uses a recycling system, such as an electric pump. Water features are any structure other than a swimming pool or spa (as defined in California Health and Safety Code 115921) that use, receive, or discharge water for other than irrigation, or human or animal consumption.

(8) All restaurants are requested to serve water to customers only when specifically requested by customers, and commercial kitchens are required to use pre-rinse spray valves.

(9) Lodging establishments must offer customers the option to not receive linen service between the days of their stay.

(10) The use of water for irrigation of golf greens and tees is permitted only on designated irrigation days between the hours of 8 p.m. and 10 a.m.

(11) Any person found violating any portion of Stage 1 mandatory compliance more than once will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

The foregoing restrictions do not apply to:

- a. Landscape irrigation zones that exclusively use drip irrigation systems.

- b. Irrigation of ornamental landscapes with the use of an attended hand-held bucket or similar container, or an attended hand-held hose equipped with a positive self-closing shut-off nozzle or device.
- c. Operation for very short periods of time for the express purpose of adjusting or repairing an irrigation system. A sign must be displayed notifying the public of the repairs while the area remains wet.
- d. Sports Fields and public and private golf course greens and tees may deviate from the mandatory irrigation day and time restrictions in order to maintain play areas and accommodated event schedules by submitting to the Public Works Director or designee an alternative watering schedule that reduces overall water use by 10% based on their respective 2013 consumption levels.
- e. Large Landscape Areas may deviate from the mandatory irrigation day restrictions by submitting to the Public Works Director or designee an alternative watering schedule that reduces overall water use by 10% based on their respective 2013 consumption levels. Applicants must reapply for the exception annually and provide documentation that the alternative watering schedule achieved the required water use reduction. Documentation may consist of water utility bills, pump electric utility bills, or other documentation that provides the required information.

(B) **Stage 2, Mandatory Compliance, Water Warning Condition.** In addition to all of the provisions included in Stage 1, the following restrictions shall apply upon the Board declaring implementation of Stage 2:

(1) No outdoor irrigation allowed during the months of: December, January and February.

(2) For the months watering is allowed: All outdoor irrigation shall occur only three days per week as described in 7.32.060 (B) (3) - (4), between 12 a.m. and 4 a.m., then again between 9 a.m. and 11 a.m., and then again between 10 p.m. and 12 a.m. on the permitted watering days specified in 7.32.060 (B) (3) – (4). All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.050.

(3) Dwellings or establishments with even-numbered street addresses shall water only on Wednesday, Friday, and Sunday, subject to the permitted time restrictions set forth above.

(4) Dwellings or establishments with odd-numbered street addresses shall water only on Tuesday, Thursday, and Saturday, subject to the permitted time restrictions set forth above.

(5) Monday will be a non-watering day, unless an approved or conditionally approved exemption is on file with the Public Works Department.

(6) Overseeding of lawns is prohibited. Exception is provided for maintenance of sports fields, and golf course greens and tees.

(7) The washing of sidewalks, driveways, parking areas, courts, patios, or other paved areas is prohibited unless an approved or conditionally approved exemption is on file with the Public Works Department. In addition, the following prohibitions will apply:

(a) The washing of automobiles, trucks, trailers, boats, airplanes, and other types of mobile equipment is permitted only when using a hand-held hose equipped with a positive shut-off nozzle for quick rinses and on one permitted watering days. No fund-raising car washes will be permitted.

(b) Use of water from fire hydrants shall be limited to fire-fighting and/or testing activities necessary to maintain the health, safety and welfare of the citizens of Tulare.

(c) Commercial nurseries and commercial sod farms, sports fields, golf courses, cemeteries, city parks and other large lawn areas will reduce their water consumption by 25% based on their respective 2013 consumption levels.

(8) Any person found violating any portion of Stage 2 mandatory compliance more than once will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

(C) **Stage 3, Mandatory Compliance, Water Emergency Condition.** In addition to all of the provisions included in Stage 1 and Stage 2, the following restrictions shall apply upon the Board declaring implementation of Stage 3:

(1) No outdoor irrigation allowed during the months of: November, December, January and February.

(2) For the months watering is allowed: All outdoor irrigation shall occur only two days per week as described in 7.32.060 (C) (3) - (4), between 12 a.m. and 4 a.m., then again between 9 a.m. and 11 a.m., and then again between 10 p.m. and 12 a.m. on the permitted watering days specified in 7.32.060 (C) (3) – (4). All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.050.

(3) Dwellings or establishments with even-numbered street addresses shall water only on Wednesday and Sunday, subject to the permitted time restrictions set forth above.

(4) Dwellings or establishments with odd-numbered street addresses shall water only on Tuesday and Saturday, subject to the permitted time restrictions set forth above.

(5) Monday, Thursday and Friday are non-watering days, unless an approved or conditionally approved exemption is on file with the Public Works Department.

(6) Any person found violating any portion of Stage 3 mandatory compliance more than once will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

(D) **Stage 4, Mandatory Compliance, Water Emergency Condition, Drought Emergency.** In addition to all of the provisions included in Stages 1 through Stage 3, the following restrictions shall apply upon the Board declaring implementation of Stage 4:

(1) No outdoor irrigation allowed during the months of: November, December, January, February and March.

(2) For the months watering is allowed: All outdoor irrigation shall occur only one day per week as described in 7.32.060 (D) (3) - (4), between 12 a.m. and 4 a.m., then again between 9 a.m. and 11 a.m., and then again between 10 p.m. and 12 a.m. on the permitted watering days specified in 7.32.060 (D) (3) – (4). All persons,

customers and property within the limits of the City shall not commit water waste as identified in 7.32.050.

(3) Dwellings or establishments with even-numbered street addresses can water landscapes on SUNDAY only.

(4) Dwellings or establishments with odd-numbered street addresses can water landscapes on SATURDAY only.

(5) Monday, Tuesday, Wednesday, Thursday and Friday are non-watering days, unless an approved or conditionally approved exemption is on file with the Public Works Department.

(6) The washing down of sidewalks, driveways, parking areas, courtyards, patios, or any other paved areas is prohibited.

(7) Commercial nurseries and commercial sod farms, sports fields, golf courses, cemeteries, city parks and other large lawn areas will reduce their water consumption by 50% based on their respective 2013 consumption levels.

(9) Any person found violating any portion of Stage 4 mandatory compliance will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

(E) **Stage 5, Mandatory Compliance, Water Extreme Emergency Condition, Extreme Drought Emergency.** In addition to all of the provisions included in Stages 1 through Stage 4, the following restrictions shall apply upon the Board declaring implementation of Stage 5:

(1) Dwellings or establishments with even-numbered addresses can hand-water trees and large shrubs on SUNDAY ONLY, between the hours of 7 a.m. and midnight.

(2) Dwellings or establishments with odd-numbered addresses can hand-water trees and large shrubs on SATURDAY ONLY, between the hours of 7 a.m. and midnight.

(3) Any person found violating any portion of Stage 5 mandatory compliance will be subject to penalties. All persons, customers and property within the limits of the City shall not commit water waste as identified in 7.32.50.

§ 7.32.070 Exemptions.

Exemptions from any provision of this ordinance may be requested upon the filing of an application and the payment of the application processing fee. The Public Works Director or designee will, within 30 days after submission of the completed application either reject the request, or approve or conditionally approve the application upon a finding that such an exemption is within the intent of this ordinance and that unusual circumstances make it otherwise impossible or commercially infeasible for the applicant to comply. Where no decision is issued the request will be deemed denied. Appeals of an adverse decision by the Public Works Director or designee may be taken to the board for final decision.

§ 7.32.080 Violations—Penalties.

Any person violating any provision of this chapter shall be subject to penalties and fees as determined by the board by resolution or by the City Council by ordinance or resolution. All remedies provided for herein shall be cumulative and not exclusive.

SECTION 2: This ordinance shall be in full force and effect thirty (30) days from and after its passage, adoption, and approval.

PASSED, ADOPTED AND APPROVED this _____ day of _____, 2020.

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

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

Submitting Department: City Attorney & Community Services

For Council Meeting of: July 7, 2020

Documents Attached: Ordinance Resolutions Staff Report Other None

AGENDA ITEM:

Review, discussion and direction regarding Park Ordinance Chapter and proposed revisions to Chapter 8.36 of Title 8 of the City of Tulare Municipal Code.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Currently, Chapter 8.36 of Title 8 of the City of Tulare Municipal Code does not address homelessness and sheltering within a City Park. The current Parks Ordinance requires revisions to be consistent with the *Boise* decision, which, in certain circumstances, allows homeless persons to sleep in public spaces when there is no shelter space in the City. The current ordinance does not address specific after hours use of parks, etc., and did not address sleeping or camping along the Santa Fe Trail. Due to the rising concerns over homelessness, encampments and vandalism in the City parks, it is recommended that Chapter 8.36 of Title 8 of the City of Tulare Municipal Code be revised to mitigate these issues.

Seven of the seventeen existing City Parks are owned by the School District, of which our lease agreement with them does not cover overnight uses, therefore requiring limiting sleeping in the remaining ten parks. Sleeping and camping along the Santa Fe Trail is prohibited in the updated ordinance as it is a public right-of-way. The current section 8.36.240, which is revised in the new ordinance as section 8.36.280, addresses who may remain in a City Park after the hours of use, what camping equipment may be used and where, how long the equipment can be there and the penalties for violation.

The Parks and Recreation Commission met at a special meeting on June 25, 2020 to discuss the proposed changes to the Park Ordinance. The Commission recommended that the following changes be included: (1) increased setbacks for sleeping within a park to 50 feet away from any structure or amenity within the park and from park boundary; (2) limit sleeping in parks to Elk Bayou Park (located on Hosfield Drive); and (3) a request for additional budgetary and enforcement consideration from the Council should this ordinance move forward.

The Commission's discussion on the number of parks that should be allowed for sleeping centered on the surrounding sensitive land use receptors, such as residential uses. It was the consensus of the Commissioners to recommend limiting the number of parks to the one that does not have sensitive receptors immediately adjacent thereto. The proposed ordinance was reviewed by the Police Department and will allow them to enforce accordingly.

STAFF RECOMMENDATION:

Review, discussion and direction regarding Park Ordinance Chapter and proposed revisions to Chapter 8.36 of Title 8 of the City of Tulare Municipal Code.

CITY ATTORNEY REVIEW/COMMENTS: " Yes T N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Mario Zamora

Title: City Attorney

Date: 6/30/2020

City Manager Approval: _____

ORDINANCE NO. __ - __

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULARE REVISING PORTIONS OF CHAPTER 8.36 OF TITLE 8 OF THE CITY OF TULARE MUNICIPAL CODE

WHEREAS, the City Council of the City of Tulare, a Charter city under California law, finds the need to revise portions of Chapter 8.36 of Title 8 of the City of Tulare Municipal Code related to rules and regulations for City of Tulare parks.

WHEREAS, the purpose of the revisions of this Ordinance is to address homelessness and sheltering within a City Park.

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

SECTION 1: Chapter 8.36 of Title 8 of the City of Tulare Municipal Code is hereby revised as follows:

CHAPTER 8.36: CITY PARK AND TRAIL ORDINANCE

Section

- 8.36.010 Definitions.
- 8.36.020 Activities requiring permits for the use of a park facility.
- 8.36.030 Permit—Application contents.
- 8.36.040 Permit—Standards for issuance.
- 8.36.050 Violation of regulations— Sanctions.
- 8.36.060 Authority to close~~Closure of~~ facilities.
- 8.36.070 Failure to obtain required permit.
- 8.36.080 Priority of use.
- 8.36.090 Exhibiting permit.
- 8.36.100 Selling and advertising.
- 8.36.110 Restrooms~~and washrooms~~.
- 8.36.120 Water pollution.
- 8.36.130 Refuse.
- 8.36.140 No S~~S~~smoking.
- 8.36.150 No F~~F~~fires.
- 8.36.160 No F~~F~~ireworks.
- 8.36.170 No F~~F~~irearms, airguns and other weapons.
- 8.36.180 Animals.
- 8.36.~~181—190~~ 190 Fishing in Del Lago Park.
- 8.36.~~190—200~~ 200 Real property—Appropriation or encumbrance.
- 8.36.~~200—210~~ 210 Property—Use of.
- 8.36.~~210—220~~ 220 Lock and keys.
- 8.36.~~220—230~~ 230 No Motorized~~motorized~~ vehicles use.
- 8.36.~~230—240~~ 240 Use of B~~B~~bicycles and skateboards on pedestrian paths.
- ~~8.36.231—Definitions relating to skateboard parks.~~
- 8.36.~~232—250~~ 250 Requirements for use of skateboard park.
- 8.36.~~233—260~~ 260 Rules and Regulations for use of skateboard park.

- 8.36.234—270 Posting of rules.
- ~~8.36.235 Violation—Penalty.~~
- 8.36.240—280 Hours of use.
- 8.36.250—290 ~~Games~~Dangerous activities prohibited.
- 8.36.260—300 Swimming in parks.
- 8.36.270—310 Alcohol sale and consumption by permission only.
- 8.36.280—320 Personal gain.
- 8.36.290—330 Sale of food and beverage by groups and organizations.
- 8.36.300—340 Regulations.
- 8.36.310—350 Sound amplification equipment.
- 8.36.320—360 Severability.
- 8.36.330—370 Excessive noise.
- 8.36.340—380 Prohibition of glass beverage containers.
- 8.36.350—390 Concession operations.
- 8.36.360—400 Disorderly conduct.
- 8.36.370—410 Exclusive use permit.
- 8.36.420 Violation—Penalty.

§ 8.36.010 Definitions.

Except as otherwise provided in this section, the words and phrases used in this chapter shall have the same meaning as described thereto, unless from the context hereof it clearly appears that a different meaning is intended.

(A) **AVAILABLE SHELTER.** A public or private shelter or similar accommodation, with an available overnight space, open to an individual or family unit experiencing homelessness, at no charge. A shelter shall not be considered available when the individual cannot occupy said space due to overcapacity, exhaustion of stay limitations, or when religious observance is required as a condition of gaining shelter. If the individual refuses available shelter or otherwise cannot utilize the available shelter space due to voluntary actions including, but not limited to, intoxication, drug use, unruly behavior, or violation of shelter rules, the overnight shelter space shall be considered available.

(B) **CAMP.** Placing, setting up or utilizing camping equipment such as tents, tarpaulins, temporary shelters whether commercially produced or improvised from random materials, cooking facilities, hammocks, ground cover, bedding, sleeping bags or other equipment of a similar nature used for living accommodation or lodging purposes in the outdoors. Camping does not include use of umbrellas or sun shades during the time the park is open to the public or the use of temporary structures pursuant to a permit issued pursuant to this chapter. An activity shall constitute camping when it reasonably appears, in light of all the circumstances, the participants in conducting these activities are in fact using the area as a sleeping or living accommodation regardless of the intent of the participants or the nature of any other activities in which they may also be engaging. "Camping" shall not include merely sitting, lying or sleeping outside in a public park area or the use of a blanket, towel or mat in a public park/recreation area during the time the park is open to the public.

(C) **CAMP EQUIPMENT.** Tents, tarpaulins, lean-tos, huts, cardboard boxes, or similar makeshift temporary shelters constructed from random materials, as well as cooking facilities, hammocks, ground cover, bedding, sleeping bags, or other similar equipment used for living in the outdoors.

(D) **CITY.** The City of Tulare.

(E) **DEPARTMENT.** The Parks, Library and Recreation Department.

(F) **DIRECTOR.** The Community Services Director of the city or his or her authorized

representative.

(G) **IN-LINE SKATES.** A common roller skate with wheels in a straight line resembling the blade of an ice skate.

(H) **PARK.** Any outdoor area, including but not limited to any body of water, land, campsite, recreation area, building, or structure, owned by the City opened to the public for recreational use.

~~— **FACILITY** or **PARK FACILITY.** Any body of water, land, campsite, recreation area, building, structure, system.~~

(I) **PARK AND RECREATION COMMISSION.** An advisory board to the City Council to advise and assist in the development of park and recreation activities in the city.

(J) **ROLLER BLADES.** A type of roller skate in which the wheels are set in a single straight line under the boot; a type of “in-line skate”.

(K) **ROLLER SKATES.** A shoe, boot, or an apparatus worn on a shoe or boot with wheels attached, whether permanently or temporarily, to such shoe, boot or apparatus.

(L) **SKATEBOARD.** A four wheeled platform used for the activity of skateboarding that is propelled by pushing with one foot while the other remains on the board, or by pumping in structures such as a mega ramp, vert ramp, half-pipe, mini ramp, quarter pipe or bowl.

(M) **SKATEBOARD PARK.** Any area designated by the City for exclusive public use of in-line skates, roller blades, or skateboards.

(N) **TULARE CITY COUNCIL.** The elected or appointed legislative body of the City of Tulare. (1995 Code, § 8.36.010) (Ord. 14-05, passed 10-21-2014; Ord. 03-1915, passed - -2003) (Ord. 08-13, passed 7-15-2008)

§ 8.36.020 Activities requiring permits for the use of a park facility.

A permit for the use of a park ~~facility~~ owned by or under the control of the city shall be required for the uses hereinafter set forth:

(A) Reservation of soccer fields, tennis courts and baseball and softball diamonds for organized play;

(B) Use of picnic pavilion for group picnicking activities;

(C) Use of all lighted facilities with the exception of coin-operated light meters for recreation use. Permits required for daytime and evening tennis tournament use;

(D) Group cultural activities; displays of wares and merchandise, fund-raising projects, exhibitions as part of an open, industrial wide-show; bandstand use; organized non-city sponsored athletic and nonathletic programs or projects; tournament play; traditional sports programs not city-sponsored;

(E) Nontraditional organized sports activities;

(F) Concessionaire, person, group or organization sale of food and/or nonalcoholic beverages when provided in conjunction with approved non-city-sponsored activities;

(G) Any group of 50 or more persons; and

(H) Any group or person that will install and/or use equipment or facilities which is not owned or operated by the City of Tulare.

(1995 Code, § 8.36.020)

§ 8.36.030 Permit—Application contents.

Whenever a permit is required in this chapter, an application shall be filed with the Director stating:

(A) The name and address of the applicant;

(B) The name and address of the person, group, organization or corporation sponsoring the activity;

(C) The nature of the proposed activity;

(D) The dates, hours and park ~~location~~ ~~facility~~ for which the permit is desired;

(E) An estimate of attendance;

(F) The signing of a waiver release holding the city, their officers and employees

harmless against any and all liability; and

(G) Any other information which the Director, regarding public health, safety and welfare, finds reasonably necessary to a fair determination as to whether a permit should be issued.

(1995 Code, § 8.36.030)

§ 8.36.040 Permit—Standards for issuance.

The Director shall issue a permit hereunder when he or she finds:

(A) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

(B) That the proposed activity or use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

(C) That all conditions, including where applicable, the payment of fees, approval of the Tulare City Council, and insurance coverage, are met;

(D) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

(E) That the proposed activity or use will not entail unusual, extraordinary or burdensome expense or security operation by the Department;

(F) That the facilities desired have not been reserved for other use;

(G) The conduct of the activity or use of the area will not have an adverse impact on the surrounding neighborhood due to parking, noise or crowds;

(H) Insurance coverage shall be required, if in the opinion of the Director, the conduct of the event or program would potentially constitute a hazard to public safety. The Director, or his or her designee, may, at his or her discretion, require an insurance policy as a condition of the issuance of the permit. If a policy is required, the permittee must obtain, pay for, and maintain a policy of general liability insurance, approved as to form by City Attorney which shall insure the city, its officers and employees against any liability, or claims of liability, brought or made by or on behalf of any person for personal injury or property damage caused by or arising out of any negligent act or omission of either the permittee or his or her agents or employees and occurring during the period and as a result of the activities for which the permit was issued. The amount of coverage to be provided by the policy shall be determined by the Director, or his or her designee. The City Attorney may accept, as compliance with the requirement imposed by this division, the presentation of a certificate of insurance, for at least the required amount of coverage, which indicates that, by endorsement thereto, the city, its officers and employees, have been added as additional insured. The certificate shall additionally provide that the required insurance will not be modified, changed or terminated until at least ten days' written notice thereof has been transmitted to the Director; and

(I) It shall be a condition of the issuance of any park facilities permit that the permittee shall agree to defend and to hold the city, its officers and employees harmless from any and all claims and liability of any kind whatsoever resulting from or arising out of the issuance of the permit.

(1995 Code, § 8.36.040) (Ord. 14-05, passed 10-21-2014; Ord. 03-1915, passed - - 2003)

§ 8.36.050 Violation of regulations—Sanctions.

(A) Any person violating the provision of this chapter shall be guilty of a misdemeanor and subject to the following penalties; a fine of not more than \$500, by imprisonment for not more than six months in the County Jail, or both the fine and imprisonment. Notwithstanding the classification of a violation of this chapter as a misdemeanor at the time an action is amended to enforce the provisions of this chapter, the Trial Court, upon recommendation of the prosecuting attorney, may reduce the charge of the offense from a misdemeanor to an infraction pursuant to Cal. Penal Code § 19(c). Any person convicted of an infraction of this chapter shall be punished by:

- (1) A fine not exceeding \$50 for the first violation;
- (2) A fine not exceeding \$100 for the second violation of this chapter within one year; and
- (3) A fine not exceeding \$250 for each additional violation of this chapter within one year.

(B) The Director shall have the authority to revoke a permit upon a finding of violation of any regulation contained in this chapter or upon a finding of violation of other city ordinance or laws of this state.

(C) The Director shall have the authority to eject from any park ~~facility~~, any person acting in violation of regulations contained in this chapter; and

(D) The regulations contained herein shall not prohibit any person authorized by the Director from the normal exercise of requested, assigned or contractual duties.

(E) Malicious injury or destruction of any real or personal property which constitutes vandalism under the provision of Cal. Penal Code § 594 shall be prosecuted as a violation of Cal. Penal Code § 594 and shall be punishable as either an infraction, misdemeanor, or a felony, as provided in Cal. Penal Code § 594. Under Cal. Penal Code § 594, if vandalism results in damage of \$1,000 or more, the vandalism may constitute a felony punishable by a fine of \$1,000 or up to a year in state prison or both. (1995 Code, § 8.36.050)

§ 8.36.060 Authority to close facilities. Closure of facilities.

The Director shall have the authority to close any park ~~facility~~ or portion thereof and require the exit of all persons therein when he or she determines that conditions exist in the facility or portion thereof which present a hazard to the facility or to public safety. The Director shall have the authority to close to the public any park ~~facility~~ or portion thereof at any time and for any interval of time, either temporarily or at regular or stated intervals, and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(1995 Code, § 8.36.060)

§ 8.36.070 Failure to obtain required permit.

No person shall use, occupy or otherwise remain in any park ~~facility~~ or portion thereof for which a permit is required without first having obtained the permit.

(1995 Code, § 8.36.070)

§ 8.36.080 Priority of use.

Any person using a park ~~facility~~ or portion thereof which may be reserved by obtaining a permit, but who has not obtained the permit, shall vacate the area when holders of a valid permit present themselves.

(1995 Code, § 8.36.080)

§ 8.36.090 Exhibiting permit.

No person shall fail to produce and exhibit a permit he or she claims to have upon request of any department employee or any peace officer who desires to inspect the permit for the purpose of enforcing compliance with any regulation in this chapter.

(1995 Code, § 8.36.090)

§ 8.36.100 Selling and advertising.

Within the boundaries of any park ~~facility~~ or on public property adjacent to a park-~~facility~~, no person shall sell, vend, peddle, expose, offer for sale or distribute after sale to the public any merchandise, service or property or sell tickets for any event, nor shall any person distribute, circulate, give away, throw or deposit in or on any park ~~facility~~ or on public property adjacent to a park ~~facility~~, any handbill, circulars, pamphlets, papers or advertisements, which material calls the public attention in any way to any article or service for sale or hire, nor within any park ~~facility~~ or on public property adjacent to a park ~~facility~~, shall any person solicit or collect donations of money or other goods from the public, without the express approval of the Park and Recreation Commission for

such activity within the specific park ~~facility~~ or on public property adjacent to a park ~~facility~~.

(1995 Code, § 8.36.100)

§ 8.36.110 Restrooms and washrooms.

Male persons shall not enter any restroom ~~or washroom~~ set apart for females, and female persons shall not enter any restroom ~~or washroom~~ set apart for males, except this shall not apply to children under the age of six years, who are accompanied by a person who is of the sex designated for that facility-park and who has reason to be responsible for the child.

(1995 Code, § 8.36.110)

§ 8.36.120 Water pollution.

While within the boundaries of any park ~~facility~~, no person shall throw, discharge or otherwise place or cause to be placed in the water or in any tributary, stream or drain flowing into such waters, any substances, matter or thing, liquid or solid, including, without limitation to, particles or objects made of paper, metal, glass, garbage, rubbish, rubber, fuel, food matter, wood, fiber and plastics.

(1995 Code, § 8.36.120)

§ 8.36.130 Refuse.

No person shall dump, deposit or release any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or trash in or on any park ~~facility~~ except that refuse which is incidental to the use of the facility-park may be deposited in the receptacles provided therefor. For purposes of this section, an incinerator, stove, fire ring, barbecue or other device used to contain fires or for cooking is not a proper receptacle for refuse or other waste material.

(1995 Code, § 8.36.130)

§ 8.36.140 No Smoking.

No person shall smoke any substance in any area designated as a ~~nature trail or nature area or in or on any~~ park ~~facility where smoking is prohibited~~.

(1995 Code, § 8.36.140)

§ 8.36.150 No Fires.

(A) Without a permit issued by the Director, no person shall ignite, maintain or use any fire in any place within any park ~~facility~~ except in a barbecue cooker or other cooking device authorized by the Director for that purpose.

(B) No person shall ignite or maintain a fire or materials deposited in any can, box, trench, pit or other receptacle maintained for the purpose of garbage disposal or incineration.

(1995 Code, § 8.36.150)

§ 8.36.160 No Fireworks.

No person shall possess or ignite in any park ~~facility~~ firecrackers or fireworks, including any material for the making of a pyrotechnic display. Nothing contained in this section, however, shall prohibit any discharge or display of fireworks defined and classified as "safe and sane fireworks" in Cal. Health and Safety Code § 12508 at any public gathering or patriotic celebration provided a permit for the discharge has been obtained from the Director.

(1995 Code, § 8.36.160)

§ 8.36.170 No Firearms, airguns and other weapons.

No person other than peace officers in the discharge of their duties shall use, maintain, possess, fire or discharge any firearm, airgun, bow and arrow, sling shot or any other weapon potentially dangerous to wildlife or human safety except in areas, at times and under conditions, designated by the Director for the use. Firearms may be possessed with a valid concealed weapon permit.

(1995 Code, § 8.36.170)

§ 8.36.180 Animals.

No person shall:

(A) Hunt, molest, harm, provide a noxious substance to, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal within the boundaries of any park ~~facility~~, nor remove or have in his or her possession the young, eggs or nest of any such creature;

(B) Abandon any animal dead or alive within any park ~~facility~~;

(C) Remove any animal not his or her own from within any park ~~facility~~; exception is made to the foregoing in that in proper season, fish may be fished and removed from areas designated for fishing by licensed persons;

(D) Bring into or maintain in or upon any park ~~facility~~ any dog, cat or other animal unless the animal at all times is kept on a leash and under full control of its owner or custodian; provided, however, the Director may designate areas and times within which person may show, demonstrate or train unleashed animals under full control of their owners or custodians;

(E) Permit cattle, sheep, goats, horses or other animals owned by him or her or in his or her possession, to graze within the boundaries of any park ~~facility~~;

(F) Ride a horse, pony, mule, burro or other animal onto or over real property within any park ~~facility~~ other than at times and upon roads or trails designated for riding of animals; and

(G) Fail to promptly remove from any park to an appropriate receptacle fecal matter deposited thereon by a dog in the person's charge.

(1995 Code, § 8.36.180)

§ 8.36.181—190 Fishing in Del Lago Park.

(A) No person, other than a child or disabled person as defined by this section, shall fish in the lake in Del Lago Park.

(B) For the purpose of this section, **CHILD** shall mean any person aged 15 years or younger.

(C) For the purpose of this section, **DISABLED PERSON** shall mean any person with a developmental disability, as defined by Cal. Welfare and Institutions Code § 4512 as well as any condition that is substantially similar to a developmental disability but that originates after the age of 18. **DISABLED PERSON** shall also include any person having any permanent physical condition that substantially requires the use of a wheelchair for mobility.

(D) Any person violating this section is guilty of an infraction, and upon conviction thereof shall be punished by a fine of not more than \$50 for the first violation; a fine of not more than \$100 for the second violation within one year, and a fine of not more than \$250 for each additional violation within one year.

(E) The Director, police officers, and code enforcement officers are charged with enforcing this section and may issue citations for any violation of this section.

(Ord. 09-12, passed 10-6-2009)

§ 8.36.190—200 Real property—Appropriation or encumbrance.

No person shall deposit any earth, sand, rock, stone or other substance within any park ~~facility~~, nor shall he or she dig or remove any such material from within any park ~~facility~~, nor shall he erect or attempt to erect any building, wharf or structure of any kind, by driving or setting up posts or piles, nor in any manner appropriate or encumber any portion of the real property owned, operated, controlled or managed by the Department, without a permit from the Director.

(1995 Code, § 8.36.190-200)

§ 8.36.200—210 Property—Use of.

No person shall:

(A) Dig up, pick, remove, mutilate, injure, cut or destroy any turf, tree, plant, shrub,

bloom, flower, artifact or archeological site, or any portion thereof;

(B) Cut, break, injure, deface or disturb any building, sign, fence, bench, structure, apparatus, equipment or property, or any portion thereof, or

(C) Without authorization from the Director, make or place on any tree, plant, shrub, bloom, flower, buildings, sign, fence, bench, table, structure, apparatus, equipment or property, or any portion thereof, any rope, wire, mark, writing, printing, sign, card, display or similar inscription or device.

(1995 Code, § 8.36.~~200~~210)

§ 8.36.~~210~~—220 Lock and keys.

No person other than one acting under the direction of the Director shall duplicate or cause to be duplicated a key used by the Department for a padlock or door lock of any type or description, nor shall any person divulge the combination of any lock so equipped to any unauthorized person.

(1995 Code, § 8.36.~~210~~220)

§ 8.36.~~220~~—230 No motorized vehicle use~~Motorized vehicles.~~

No motorized vehicle shall be permitted within the boundaries of any park ~~facility~~ unless such ~~facility~~ park has been specifically designed and constructed to permit the use of motorized vehicles and a notice to this effect has been posted at the entrance of the park ~~facility~~. In cases where the park ~~facility~~ has been designated and constructed and posted as aforesaid, the following regulations will apply:

(A) While within the boundaries of any park ~~facility~~, no person shall drive or operate any automobile, motorcycle, motorscooter, trail bike, dune buggy, truck or other motorized vehicle on roads, turf, maintenance service roads and pathways, or trails other than those designated for that purpose.

(B) While within the boundaries of any park ~~facility~~, no person shall drive any automobile, motorcycle, motorscooter, truck or other motorized conveyance, except an authorized emergency vehicle, at a rate of speed exceeding ten mph except as may be otherwise posted by the Director or in any case at speeds exceeding safe conditions dictated by prevailing circumstances.

(C) No person shall operate any automobile or other motorized vehicle within the boundaries of any park ~~facility~~ unless the vehicle is currently licensed, except unlicensed vehicles may be operated in areas designated and posted for the use and in accordance with the rules established for the areas.

(D) No person shall park any automobile or other motorized vehicle within any park ~~facility~~ except in areas specifically designated as parking areas. In no case shall any person park a motorized vehicle in a manner that presents a hazard to the public.

(E) No person shall park or otherwise allow automobiles and other conveyances to remain within the boundaries of any park ~~facility~~ during the hours the ~~facility~~ park is closed without a permit from the Director.

(F) No person shall abandon any motorized vehicle within the boundaries of any park ~~facility~~.

(G) No person shall wash or repair any automobile or other motorized vehicle within the boundaries of any park ~~facility~~.

(H) All motorized vehicles within the boundaries of any park ~~facility~~ shall be equipped with a property installed muffler device which is in constant operation and which prevents excessive or unusual noise. No muffler device or exhaust system shall be equipped with a cutout, by pass or other similar device.

(1995 Code, § 8.36.~~220~~230)

§ 8.36.~~230~~—240 Use of ~~B~~bicycles and skateboards on pedestrian paths.

(A) No person shall ride a bicycle or skateboard on any grassy area, service roads or pathways, path or pathways designated for pedestrian use. A bicyclist shall be permitted to push a bicycle by hand over any such grassy area, path or walkway.

(B) No person shall leave a bicycle or skateboard in any place or position where other persons may trip over or be injured by it. Bicycles shall be left in a bicycle rack when one is provided and there is space available.

(1995 Code, § 8.36.230-240)

~~§ 8.36.231 Definitions relating to skateboard parks.~~

~~—For the purpose of §§ 8.36.232 through 8.36.235, the following definitions shall apply unless the context clearly indicates or requires a different meaning.~~

~~**IN-LINE SKATES.** A common roller skate with wheels in a straight line resembling the blade of an ice skate.~~

~~—**ROLLER BLADES.** A type of roller skate in which the wheels are set in a single straight line under the boot; a type of “in-line skate”.~~

~~—**ROLLER SKATES.** A shoe, boot, or an apparatus worn on a shoe or boot with wheels attached, whether permanently or temporarily, to such shoe, boot or apparatus.~~

~~—**SKATEBOARD.** A four wheeled platform used for the activity of skateboarding that is propelled by pushing with one foot while the other remains on the board, or by pumping in structures such as a mega ramp, vert ramp, half-pipe, mini ramp, quarter pipe or bowl.~~

~~—**SKATEBOARD PARK.** The fenced-in area in Alice Topham Park, located at 85 West Tulare Avenue, which is designated for the use of skateboards, roller blades/in-line skates and roller skates only.~~

~~(Ord. 08-13, passed 7-15-2008)~~

§ 8.36.232–250 Requirements for use of skateboard park.

(A) It is unlawful for any person to utilize the skateboard park unless that person is wearing proper safety equipment including, but not limited to: a helmet, elbow pads, knee pads and appropriate footwear (no sandals, open-toed footwear or bare feet).

(B) Any person who fails or refuses to comply with § 8.36.230-240 (Bicycles and skateboards) or any rules and regulations adopted by the Council covering the skateboard park or who is injured while using the skateboard park shall be deemed negligent.

(Ord. 08-13, passed 7-15-2008)

§ 8.36.233–260 Rules and Regulations for use of skateboard park.

The City Council by resolution upon the recommendation of the Director shall adopt Rules and Regulations for the operation and use of the skateboard park.

(Ord. 14-05, passed 10-21-2014; Ord. 08-13, passed 7-15-2008)

§ 8.36.234–270 Posting of rules.

The Parks, Library and Recreation Department shall cause a sign or signs to be posted at all such skateboard parks or facilities providing reasonable notice stating that any person failing to comply with the skateboard park rules shall be guilty of an infraction of the skateboard park rules and subject to citation.

(Ord. 14-05, passed 10-21-2014; Ord. 08-13, passed 7-15-2008)

~~§ 8.36.235 Violation—Penalty.~~

~~—Any person convicted of violating §§ 8.36.231 through 8.36.233 is guilty of an infraction, and upon conviction thereof shall be punished by a fine of \$50 for the first offense; a fine of \$100 for the second offense, and a fine of \$150 for each additional offense. Upon the third offense the City shall have the right to seize the subject property of the offending party and the owner of said property forfeits all rights to recovery or reimbursement thereto.~~

~~(Ord. 08-13, passed 7-15-2008)~~

§ 8.36.240–280 Hours of use.

The Director is authorized to promulgate responsible opening and closing hours for park facilities. No person shall enter, remain in or camp in or on any park ~~facility~~ during the hours or any part of the hour(s) the facility park is closed without a permit from the

Director. This policy shall establish a curfew between 10:00 p.m. and 6:00 a.m. in all public parks.

(A) No person shall remain or ~~loiter~~ camp in any public park between the hours of 10:00 p.m. and 6:00 a.m. of the following day.

(B) The prohibitions contained in division (A) of this section will not apply to:

(1) Special use facilities, as may be posted by the Department extending use hours;

(2) Any person attending a meeting, entertainment event, recreation activity, dance or similar activity in the park, provided the activity is sponsored or co-sponsored by the Department of Parks and Community Services or a permit therefor, has been issued by the Department of Parks and Community Services;

(3) Any person exiting the park immediately after the conclusion of any activity set forth in division (B)(2) of this section;

(4) Any peace officer or employee of the city while engaged in the performance of his or her duties;

(5) Any individual experiencing homelessness, unless it is confirmed that there is available shelter as defined in Section 8.36.010.-

(C) Pursuant to the exemption in subsection (B)(5), Camping equipment, may not be affixed or attached to, or constructed upon or with, or inside of or otherwise located within fifty (50) feet from, any trees, fences, designated trails, walkways, parking lots or park amenities and structures. Camping equipment is limited to a single person use and is only allowable during the hours of 10:00 p.m. and 6:00 a.m.

(D) Camping pursuant to this section must not be in the same site within the park for more than one consecutive night.

(E) Each park ~~and/or recreation area~~ subject to closure during specified hours pursuant to this chapter shall be properly and appropriately posted. Signs setting forth the hour and time of closure and re-opening of the ~~facility park~~ as provided in this chapter shall be posted at every entranceway to the ~~facility park~~. The signs shall be not less than one square foot in area and shall contain lettering, not less than one-half inch in height, identifying the hours during which the ~~facility park~~ shall be closed and further advising the public that entry to the ~~facility park~~ or remaining on the facilities grounds between the designated hours is a violation of the law. In the event that there are no natural or man-made barriers which prohibit access to entry upon a park or recreation facility subject to this chapter, signs shall also be posted at intervals of every 300 feet along the perimeter of the ~~facility park~~ accessible to the public

(F) Camping is not allowed along the Santa Fe Trail at any time.

(G) Camping is only allowed at Elk Bayou Park located at 19701 S. Hosfield Drive, Tulare.

(H) Any person violating the provisions of this section shall be guilty of a misdemeanor and subject to the penalties set forth in section 1.61.040(B).

(1995 Code, § 8.36.240280)

§ 8.36.250—290 Dangerous activities prohibited Games.

The playing of rough or comparatively dangerous games such as football, horseshoes, soccer, baseball or any games involving thrown, hit or otherwise propelled objects such as golf balls, balls of other description, stones, arrows, javelins or model airplanes is prohibited except in fields, courts or areas specifically provided therefor, or with express permission of the Director in areas compatible to that use. Persons desiring to use a park ~~facility~~ for the specific purpose for which the ~~facility park~~ was established shall have the priority of use over the ~~facility park~~ for another non-prescribed purpose.

(1995 Code, § 8.36.250290)

§ 8.36.260—300 No ~~S~~swimming in parks.

No person shall swim, bath or wade in any water or waterways within any park ~~facility~~ when the activity is prohibited and so posted by the Director upon his or her finding that use of the water could be dangerous to the user, incompatible with the function of the ~~facility~~ park or inimical to public health.

(1995 Code, § 8.36.~~260~~300)

§ 8.36.270—310 Alcohol sale and consumption by permission only.

Sale and/or possession and/or consumption of alcoholic beverages shall not be allowed upon the premises of any Tulare City Park, including adjoining parking lots, except that the sale of beer and wine may be sold and consumed on premises of Zumwalt Park in the City of Tulare pursuant to the following regulations and policies.

- (A) Sale, possession and consumption shall be limited to beer and wine only.
- (B) Beer and wine sales shall be limited to public, quasi-public and/or non-profit organizations.
- (C) Events must be open to the general public. Closed or private events will not be issued a permit.
- (D) Applicant must obtain license from the Department of Alcohol Beverage Control pertinent to the date(s) of event.
- (E) A minimum of two security guards shall be required for all events. One guard shall be stationed at each point of alcohol sale. In the event attendance is anticipated to exceed 200, one additional guard shall be required for each additional 100 persons.
- (F) Cup size for beer sales shall be limited to 12 ounces and cup size for wine shall be limited to ten ounces. The sale of wine by the bottle is prohibited.
- (G) There shall be a two cup limit at each purchase.
- (H) Beer gardens are not mandatory but may be required by the Director given the nature/type of event.
- (I) Applicants shall furnish city with a \$1,000,000 Liquor Liability Insurance Certificate naming the City of Tulare as an additional insured.
- (J) Bring-on alcohol may be approved at the discretion of the Director.
- (K) Alcohol sales may not extend beyond 9:00 p.m.
- (L) The Director may impose additional requirements and/or restrictions as may be appropriate under the circumstances of the event.

(1995 Code, § 8.36.~~270~~310) (Ord. 05-1978, passed 8-3-2005; Ord. 95-1769, passed - - 1995)

§ 8.36.280—320 Personal gain.

No person shall operate, conduct or otherwise promote or sponsor activities that would result in personal gain, either financially or otherwise.

(1995 Code, § 8.36.~~280~~320)

§ 8.36.290—330 Sale of food and beverage by groups and organizations.

The sale of food and/or nonalcoholic beverages may be permitted at a park ~~facility~~ providing the sale of food and/or beverage is not done so for personal gain or advantage and is done so in conjunction with a bona fide activity for which a permit has been issued by the Director. All food served, catered or otherwise presented, must comply with city, county and state health ordinances, codes and/or regulations.

(1995 Code, § 8.36.~~290~~330)

§ 8.36.300—340 Regulations.

The Director may establish and post regulations governing the use of park facilities which are not inconsistent with the regulations contained in this chapter and which promote public health and safety and the preservation of property.

(1995 Code, § 8.36.~~300~~340)

§ 8.36.310—350 Sound amplification equipment.

Within any park ~~facility~~, no person shall use sound amplification equipment without a

permit from the Director.

(1995 Code, § 8.36.~~340~~350)

§ 8.36.320—360 Severability.

If any section, division, sentence, clause, phrase or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, the portion shall be deemed a separate, distinct and independent provision, and the holdings shall not affect the validity of the remaining portions thereof.

(1995 Code, § 8.36.~~320~~360)

§ 8.36.330—370 Excessive noise.

No person in a park or on public or private property adjacent to a park shall produce, suffer or allow to be produced any loud noise from a radio, stereo, tape deck or other means, which noise disturbs the peaceful quiet enjoyment of any person in a public park.

(1995 Code, § 8.36.~~330~~370)

§ 8.36.340—380 Prohibition of glass beverage containers.

This policy shall ban the presence of bottles and glass containers in public parks, including adjacent parking lots.

(A) It is unlawful for any person to possess any beverage container made of glass in any city park or playground or to bring, carry or transport any beverage container made of glass into any city park or playground.

(B) A first violation of this section shall constitute an infraction punishable by a fine not exceeding \$25; a fine not exceeding \$100 for a second violation within one year of the first; and a fine not exceeding \$250 for each additional violation within one year of the first.

(1995 Code, § 8.36.~~340~~380)

§ 8.36.350—390 Concession operations.

The sale of food and nonalcoholic beverages in public parks, by nonprofit community based clubs and organizations and commercial vendors are permitted as part of an event sponsored by a community based non-profit group. The commercial vendor must receive prior approval of the department and obtain the appropriate permits. Conditions of sales shall include:

- (A) Business license and compliance with applicable health codes;
- (B) Filing of a department application;
- (C) Motorized commercial concessionaires must obtain a special permit and be stationed in areas designated by the Department;
- (D) In the case of sporting events by nonprofit groups, concession areas will be established for each athletic field in areas designated by the Department; and
- (E) All food served, catered or otherwise, must comply with city, county and state health ordinances, codes and/or regulations.

(1995 Code, § 8.36.350)

§ 8.36.360—400 Disorderly conduct.

No persons shall sleep or protractedly lounge on the seats, or other areas, or engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct, or behavior tending to breach the public peace.

(1995 Code, § 8.36.~~400~~360)

§ 8.36.370—410 Exclusive use permit.

Parks may be made available for the exclusive use of bona fide, ~~recognized civic groups, nonprofit service or youth organizations~~ public and tax exempt organizations within the Tulare, service area and for activities sponsored by or supported financially or otherwise by the city, subject to the issuance of a permit by the Director. Organizations and groups may conduct fundraising activities only for community projects, charitable projects or educational projects.

(1995 Code, § 8.36.~~370~~410).

§ 8.36.420 Violation—Penalty.

Any person convicted of violating §§ 8.36.250 through 8.36.260 is guilty of an infraction, and upon conviction thereof shall be punished by a fine of \$50 for the first offense; a fine of \$100 for the second offense, and a fine of \$150 for each additional offense. Upon the third offense the City shall have the right to seize the subject property of the offending party and the owner of said property forfeits all rights to recovery or reimbursement thereto.

SECTION 2: If any provision of the Tulare Municipal Code or Title of the Ordinance Code of the City of Tulare, whether approved or adopted prior to or subsequent to Chapter 8.36 is in conflict therewith, these provisions of Chapter 8.36 shall govern.

SECTION 3: This Ordinance shall go into full force and effect 30 days after publication.

PASSED, ADOPTED AND APPROVED this 7th day of July, 2020.

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