



Agri-Center of the World

City of Tulare

City Council

Notice and Agenda

Mayor

Terry A. Sayre, District 2

Vice Mayor

Patrick Isherwood, District 5

Councilmembers

Jose Sigala, District 1

Stephen C. Harrell, District 3

Dennis A. Mederos, District 4

Tulare Public Library & Council Chamber
491 North M Street, Tulare
www.tulare.ca.gov

Tuesday, December 5, 2023
6:15 p.m. – Special Meeting
7:00 p.m. – Regular Meeting

Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Attending and Participating in Meetings

Regular Council Meetings are held on the first and third Tuesdays of the month in the Council Chamber located in the Tulare Public Library at 491 North M Street, Tulare, subject to cancellation. Additional meetings of the City Council may be called as needed.

Attend meetings in person or access the meeting live via YouTube. For those that wish to provide public comment while not physically in attendance, call **(559) 366-1849** during Public Comments and/or Public Hearing and General Business items. Please note that there will be approximately a 20-second delay in broadcast for viewers. When calling in, mute device used for viewing the meeting.

City of Tulare YouTube Channel:

https://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1_aw/videos

Documents related to items on the agenda are accessible on the City's website at www.tulare.ca.gov and available for viewing at the entrance of the Council Chamber.



Rules for Addressing Council

- Members of the public may address the City Council on matters within the jurisdiction of the City of Tulare.
 - If you wish to address Council, please complete one of the yellow speaker cards located at the entrance to the Council Chamber and provide to the Clerk.
 - Persons wishing to address Council concerning an **agendized** item will be invited to address the Council during the time that Council is considering that agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the Public Comments portion of the meeting.
 - When invited by the mayor to speak, please step up to the podium, state your name and city where you reside, and make your comments. Comments are limited to three minutes per speaker.
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Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification from the City Clerk's Office at (559) 684-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

NOTICE IS HEREBY GIVEN, pursuant to section 54956 of the California Government Code, that a special meeting of the City Council of the City of Tulare is hereby called.

6:15 p.m. – SPECIAL MEETING

1. **CALL TO ORDER SPECIAL MEETING**
2. **PUBLIC COMMENT** - Comments at a special meeting are limited to items listed on the special meeting agenda. Each speaker will be allowed three minutes per item.
3. **BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS** - Review applications, interview applicants, and appoint members to City boards, commissions, and committees to serve from January 1, 2024 through December 31, 2028. [M. Hermann]
4. **ADJOURN SPECIAL MEETING**

7:00 p.m. - REGULAR MEETING

5. **CALL TO ORDER REGULAR MEETING**
6. **PLEDGE OF ALLEGIANCE AND INVOCATION** - Joshua Mateine, Pastor of Unchained Church, to deliver invocation.
7. **PUBLIC COMMENTS** - This is the time for the public to comment on matters within the jurisdiction of the Tulare City Council that are not on the agenda. The Council asks that comments are kept brief and positive. The Council cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public 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 Public Hearing or General Business items will be heard at the time those items are discussed. 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 your name and providing your city of residence.
8. **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 meeting.
9. **COUNCIL REPORTS AND ITEMS OF INTEREST**
10. **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.
 - 10.1 **Waive the reading of ordinances and approve reading by title only.**
Recommended Action: Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.
 - 10.2 **Special and/or Regular Meeting Minutes of November 21, 2023.**
Recommended Action: Approve as submitted. [M. Hermann]

- 10.3 Receipt of County of Tulare American Rescue Plan Act Allocation.**
Recommended Action: Approve receipt of \$500,000 in County of Tulare American Rescue Plan Act (ARPA) funds for acquisition of materials (mattresses, cubicles, tables, chairs, etc.) associated with the construction of the Tulare Emergency Shelter and direct the City Manager or designee to execute the associated County of Tulare Health & Human Services Agency Services Agreement. [J. McDonnell]
- 10.4 Airport Rental Rate Changes.**
Recommended Action: Authorize changes in the Airport T-Hangar, Port-a-Hangar, Extended Hangar, and Business Hangar rental rates. [M. Correa]
- 10.5 Mooney Boulevard Street Right-of-Way and Public Utility Easement.**
Recommended Action: Accept a Grant Deed for dedication of street right of way and public utility purposes, and a Grant of Easement for public utilities purposes from Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest, for street dedication and public utilities located along the frontage of Mooney Boulevard; and authorize the City Manager or his designee to sign the Certificates of Acceptance for the same. [M. Miller]
- 10.6 Panda Express Notice of Completion.**
Recommended Action: Accept as complete the required public works improvements for Panda Express, a commercial development located at the northeast corner of Bardsley Avenue and Blackstone Street; authorize the City Engineer to sign a Notice of Completion (NOC); and direct the City Clerk to file the NOC with the Tulare County Recorder's Office. [M. Miller]
- 10.7 Magic Wave Car Wash, LLC. Development Impact Fee Deferral Request.**
Recommended Action: Adopt a resolution granting the deferral of development impact fees as requested by Magic Wave Car Wash, LLC. (Property Owner), located at 1012 South 'Q' Place, Tulare CA 93274, in the sum of \$40,641.00. [M. Anaya]
- 10.8 Oakcrest Subdivision Phase 1 Notice of Completion.**
Recommended Action: Accept the required public works improvements for Oakcrest Phase 1 subdivision located on the north side of Tulare Avenue ½-mile west of West Street as complete; authorize the City Engineer to sign a Notice of Completion (NOC); and direct the City Clerk to file the NOC with the Tulare County Recorder's Office. [M. Miller]
- 10.9 Right of Way Dedication and Public Utility Easement Dedication for Industrial Avenue and Industrial Place (SP22-013).**
Recommended Action: Accept a public utility easement and grant deed associated with the Industrial Avenue Shell Buildings development project (Site Plan Review No. SP22-013) and authorize the City Manager or his designee to sign Certificates of Acceptance for same. [M. Miller]

11. **PUBLIC HEARINGS** - Comments related to Public Hearing items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council.
 - 11.1 **Chandler Grove Master Plan and Annexation Project.**
Recommended Action: Adopt a resolution requesting the Tulare County Local Agency Formation Commission take proceedings for annexation No. 2020-01 (East Tulare No. 36 – Chandler Grove) and detachment of the property from County Service Area No. 1; adopt a resolution approving General Plan Amendment No. 2022-04 to implement the City’s adopted COS North Transit Oriented Development Plan and establish land use designations for areas of the project site as Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Public / Quasi Public and Parks and Recreation; pass to print an ordinance approving Zone Amendment No. 743, pre-zoning the subject property to the R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot area), (RM-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), RM-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) zoning designations; and adopt a resolution certifying the Final Environmental Impact Report with appropriate Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program prepared for the Chandler Grove Master Plan and Annexation Project. [S. Sopp]
12. **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.
 - 12.1 **Conditional Acceptance of Revised Tentative Parcel Map No. 2022-06 for the Fulton Estates Development.**
Recommended Action: Conditionally approve revised tentative parcel map No. 2022-06 for the Fulton Estates development project, accept all easements offered thereon to the City, and conditionally reject, until later accepted by a separate resolution of the City Council, irrevocable offers of dedication to the City for Oakmore Street (Road 124) and Tulare Avenue (S.R, 137), subject to receipt of the signed parcel map, all fees, and other required items prior to February 3, 2024. [M. Miller]
13. **CONVENE JOINTLY AS TULARE CITY COUNCIL AND TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE TULARE REDEVELOPMENT AGENCY**
 - 13.1 **Annual ROPS and Administrative Budget.**
Recommended Action: Adopt a resolution approving and adopting the recognized obligation payment schedule for the July 1, 2024 through June 30, 2025 period and the Fiscal Year 2024-25 Administrative Budget. [M. Gaboardi]
14. **ADJOURN AS TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE REDEVELOPMENT AGENCY AND REMAIN SEATED AS THE TULARE CITY COUNCIL**
15. **FUTURE AGENDA ITEMS**
 - 15.1 **Formation of Historic Preservation Committee.**
Recommended Action: Review and provide direction to either add to a future agenda or not. [Councilmember Harrell]

16. STAFF UPDATES

17. ADJOURN REGULAR MEETING

The next regularly scheduled meeting of the Tulare City Council is Tuesday, December 19, 2023, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.

AFFIDAVIT OF POSTING AGENDA

I hereby certify, in conformance with Government Code Sections 54954.2 and 54956, this notice and agenda was posted in the kiosk at the front of City Hall, 411 E. Kern Avenue, as well as on the City of Tulare's website (www.tulare.ca.gov).

POSTED: Wednesday, November 29, 2023



Melissa Hermann, Chief Deputy City Clerk



To: Mayor and City Council Members
From: Marc Mondell, City Manager
Subject: December 5, 2023 Agenda Memo
Date: November 29, 2023

Time Estimates - Time estimates are provided as part of the Council's effort to manage its time at Council meetings. Listed times are estimates only and are subject to change at any time, including while the meeting is in progress. The Council, by consensus, reserves the right to use more or less time on any item, to change the order of items and/or to continue items to another meeting. Items may be heard before or after the time estimated on the agenda. This may occur to best manage the time at a meeting or to adapt to the participation of the public.

6:15 p.m. - SPECIAL MEETING

- 1. CALL TO ORDER SPECIAL MEETING**
- 2. PUBLIC COMMENT** - Comments at a special meeting are limited to items listed on the special meeting agenda. Each speaker will be allowed three minutes per item.
- 3. BOARD, COMMISSION, AND COMMITTEE APPOINTMENTS** - Review applications, interview applicants, and appoint members to City boards, commissions, and committees to serve from January 1, 2024 through December 31, 2028. [M. Hermann]

Summary: The City has eight boards, commissions, and committees with members appointed by City Council. Below is a list of seats with terms expiring on December 31, 2023. Staff has also included a summary of each appointment process.

Aviation Committee

The Aviation Committee is a five-member committee established by the City Council pursuant to Minute Action on July 6, 1971, and is responsible for making recommendations to the Council and staff in all areas related to City airport use, improvements, and development. The membership is made up of the following: one Planning Commissioner (appointed by the Planning Commission), one airport lease holder, and three additional members. All members, with the exception of the Planning Commissioner, are appointed by the mayor and confirmed by the majority of the Council. There are three seats with terms expiring on December 31. Of the three, Cris Colson and Robert Smith have applied to be considered for reappointment.

Name	Appointed By	Type	Initial Appointment	Most Recent Appointment	Application Received
Cris Colson	Mayor	General	3/1/2022	3/1/2022	Yes
Robert Smith	Mayor	General	12/1/2015	1/7/2020	Yes

<i>Ryan Wilson</i>	<i>Mayor</i>	<i>General</i>	<i>1/7/2020</i>	<i>1/7/2020</i>	<i>No</i>
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Board of Public Utilities

The Board of Public Utilities Commissioners (BPU) is a five-member board established by the City Charter and is charged with the responsibility of regulating and managing the utility divisions of the City which includes Solid Waste, Water, Sewer, and Wastewater. Pursuant to Section 52 of the City Charter, all members are appointed by the mayor and confirmed by the City Council. There are three seats with terms expiring on December 31. Of the three, Renee Soto and Tony Sozinho have applied to be considered for reappointment. Tom Griesbach advised staff he is not seeking reappointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
Renee Soto	Mayor	6/18/2019	6/18/2019	Yes
<i>Thomas Griesbach</i>	<i>Mayor</i>	<i>4/18/2017</i>	<i>10/22/2019</i>	<i>No</i>
Tony Sozinho	Mayor	1/19/2021	1/19/2021	Yes

Committee on Aging

The Committee on Aging is a five-member committee established by the City Council in 1972 and is responsible for advising the Community Services Department on matters of senior citizen interest including such areas as recreation, social, and nutritional services. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. There are two seats with terms expiring on December 31. Both Pam Malloy and Ralph Cantu have applied to be considered for reappointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
Pam Malloy	Council Seat 1	11/5/2019	11/5/2019	Yes
Ralph Cantu	Council Seat 2	10/4/2022	10/4/2022	Yes

Measure I Citizen Oversight Committee

The Measure I Citizen Oversight Committee is a five-member committee established pursuant to ballot language (Resolution 05-5261) and by guidelines approved on May 16, 2017. The Committee meets twice annually, once to be briefed on the annual budget (mid-year) and again to review the Annual Audit Report, specific to Measure I. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. There are two seats with terms expiring on December 31. Neither member has applied to be considered for reappointment. Staff reached out to the members via email and telephone multiple times with no response. The one meeting held in September was attended by all members except for the two members whose seats are up for appointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
<i>Dawn "Michelle" Rowsey</i>	<i>Council Seat 2</i>	<i>11/5/2019</i>	<i>11/5/2019</i>	<i>No</i>
<i>Crystal Boling</i>	<i>Council Seat 4</i>	<i>2/15/2022</i>	<i>2/15/2022</i>	<i>No</i>

Parks and Recreation Commission

The Parks and Recreation Commission is a seven-member commission established by City Ordinance and acts on matters of recreational importance to all segments of the community, including recreational programs, facilities, and park development. The Commission also advises staff and Council on street trees to be removed or planted, standards for landscape enhancement, and tree preservation policy. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. The two remaining members are appointed at large by the City Council as a whole. There are four seats with terms expiring on December 31. Applications were received from all four members expressing interest in continuing to serve on the Commission.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
Lori Fishbough	Council Seat 1	12/1/2015	12/17/2019	Yes
W. Eric Farrenkopf	Council Seat 2	12/1/2015	12/17/2019	Yes
Nicholas Sherwood	Council Seat 3	12/1/2015	12/17/2019	Yes
Armando Da Silva	Council Seat 4	12/1/2015	12/17/2019	Yes

Planning Commission

The Parks and Recreation Commission is a seven-member commission established by City Ordinance and acts on matters of recreational importance to all segments of the community, including recreational programs, facilities, and park development. The Commission also advises staff and Council on street trees to be removed or planted, standards for landscape enhancement, and tree preservation policy. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. The two remaining members are appointed at large by the City Council as a whole. There are four seats with terms expiring on December 31. Applications were received from Charles Miguel and Sandra Miller expressing interest in continuing to serve on the Commission. Chad Petersen advised he is not seeking reappointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
<i>Chad Petersen</i>	<i>Council Seat 2</i>	<i>1/11/2022</i>	<i>1/11/2022</i>	<i>No</i>
Sandra Miller	Council Seat 4	12/1/2015	12/17/2019	Yes
Charles Miguel	Council Seat 5	12/1/2015	12/17/2019	Yes

All applications received from those interested in serving who confirmed they would still like to be considered are attached for Council review and consideration. All applicants live within the city limits. Applicants have been invited to the meeting to answer any questions the Council may have. Council may elect to make appointments at this meeting for terms that would be effective beginning January 1, 2024, or defer appointment at a future date understanding issues with quorums may arise at future meetings if appointment does not occur prior to December 31, 2023.

4. ADJOURN SPECIAL MEETING

7:00 p.m. - REGULAR MEETING

5. **CALL TO ORDER REGULAR MEETING**
6. **PLEDGE OF ALLEGIANCE AND INVOCATION** - Joshua Mateine, Pastor of Unchained Church, to deliver invocation.
7. **PUBLIC COMMENTS** - This is the time for the public to comment on matters within the jurisdiction of the Tulare City Council that are not on the agenda. The Council asks that comments are kept brief and positive. The Council cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public 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 Public Hearing or General Business items will be heard at the time those items are discussed. 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 your name and providing your city of residence. [Time Estimate: 7:05-7:20 p.m.]
8. **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. Public comments will be limited to three minutes per topic unless otherwise extended by Council. [Time Estimate: 7:20-7:20 p.m.]
9. **COUNCIL REPORTS AND ITEMS OF INTEREST** [Time Estimate: 7:20-7:25 p.m.]
10. **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. [Time Estimate: 7:25-7:30 p.m.]
 - 10.1 **Waive the reading of ordinances and approve reading by title only.**
Recommended Action: Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.
 - 10.2 **Special and/or Regular Meeting Minutes of November 21, 2023.**
Recommended Action: Approve as submitted. [M. Hermann]
 - 10.3 **Receipt of County of Tulare American Rescue Plan Act Allocation.**
Recommended Action: Approve receipt of \$500,000 in County of Tulare American Rescue Plan Act (ARPA) funds for acquisition of materials (mattresses, cubicles, tables, chairs, etc.) associated with the construction of the Tulare Emergency Shelter and direct the City Manager or designee to execute the associated County of Tulare Health & Human Services Agency Services Agreement. [J. McDonnell]

Summary: The City of Tulare is currently in the design phase and will soon begin construction of a new 200+ bed permanent emergency shelter. Located on County of Tulare property near the northwest corner of East O'Neal Avenue and South O Street,

the facility will operate on a 24-hour 365-day per year basis under contract with a non-profit and will accept all homeless individuals and families.

The County of Tulare has partnered with the City of Tulare to make the proposed facility a reality, both by making the land available for the physical location of the shelter, as well as offering a \$500,000 contribution from the County's ARPA allocation to defray costs associated with fitting out the future shelter facility, including the purchase of items such as mattresses, cubicles, tables, chairs, and other items necessary in a shelter setting.

The County of Tulare Health & Human Services Agency Services Agreement is included as Attachment 1 to this staff report. Items to be purchased with the County's \$500,000 contribution are identified in Exhibit B of Attachment 1.

Fiscal Impact & Funding Source(s): Approval of the agreement will result in the City receiving an additional \$500,000 from the County of Tulare to assist in the acquisition of specified items as part of the construction of the Tulare Emergency Shelter.

Legal Review: Not applicable.

Alternative Action: 1) Approve with changes – Direct staff to discuss alternatives for expenditure of the contribution; however, the materials identified in Exhibit B have been pre-approved by the County; 2) Deny – Do not move forward with accepting the \$500,000 County allocation; or 3) Table – Direct staff to research additional material associated with emergency shelter materials and return with the results.

10.4 Airport Rental Rate Changes.

Recommended Action: Authorize changes in the Airport T-Hangar, Port-a-Hangar, Extended Hangar, and Business Hangar rental rates. [M. Correa]

Summary: At the August 28, 2023 Aviation Committee meeting, the Committee reviewed current rates and leases for Hangar, Port-a-Hangar, Extended Hangar, and Business Hangar rentals and proposed new rates based upon market data at "like" airports. Based upon the data, the Committee voted to adopt the new rates and recommend to Council that rates be increased as follows:

CURRENT RATE	FUTURE RATE
Ten Port-a-Hangars @ \$125/month	Ten Port-a-Hangars @ \$170/month
19 T-Hangars @ \$150/month	19 T-Hangars @ \$200/month
Two Extended Hangars @ \$160/month	Two Extended Hangars @ \$215/month
Business Hangars	CPI or 10% whichever is lower when term expires

If the rate increase is authorized, all renters would be notified in writing and rates would go into effect on January 1, 2024. In addition, staff has been working on standardized contracts for the rentals and will be signed after rate approval.

Fiscal Impact & Funding Source(s): No fiscal impact.

Legal Review: City attorney reviewed the contract, no changes were needed.

Alternative Action: 1) Approve with changes; 2) Deny; or 3) Table.

10.5 **Mooney Boulevard Street Right-of-Way and Public Utility Easement.**

Recommended Action: Accept a Grant Deed for dedication of street right of way and public utility purposes, and a Grant of Easement for public utilities purposes from Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest, for street dedication and public utilities located along the frontage of Mooney Boulevard; and authorize the City Manager or his designee to sign the Certificates of Acceptance for the same. [M. Miller]

Summary: In accordance with Site Plan Review No. SP20-38, Gussan Shedid is constructing a Little Caesars restaurant located on property fronting Mooney Boulevard approximately 550 feet north of its intersection with Bardsley Avenue (APN 172-150-021). Dedication of additional street right-of-way and a public utility easement were required along the project's Mooney Boulevard frontage as conditions of project approval. A Grant Deed for the street right-of-way dedication and a Grant of Easement for the public utility easement have been executed by the owner and await recordation pending Council approval. Certificates of Acceptance signed by the City Manager will need to be recorded along with the Grant Deed and Grant of Easement.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: The standard format of Grant Deeds, Grants of Easement, and Certificates of Acceptance have been reviewed and approved as to form by the City Attorney.

Alternative Action: 1) Approve with changes - No impact; 2) Deny - Portion of the project's Mooney Boulevard frontage would remain under ownership of the developer, and a certificate of occupancy would not be issued for the Little Caesars project; or 3) Table - A certificate of occupancy would not be issued for the Little Caesars project.

10.6 **Panda Express Notice of Completion.**

Recommended Action: Accept as complete the required public works improvements for Panda Express, a commercial development located at the northeast corner of Bardsley Avenue and Blackstone Street; authorize the City Engineer to sign a Notice of Completion (NOC); and direct the City Clerk to file the NOC with the Tulare County Recorder's Office. [M. Miller]

Summary: CFT NV Developments, LLC, a Nevada limited liability company, is constructing a Panda Express restaurant as part of a commercial development located on the northeast corner of Bardsley Avenue and Blackstone Street. Included in the conditions of project approval, the Developer was required to construct a

median island and associated improvements in Bardsley Avenue to control turning movements into the project site. The developer has completed the construction of all required public works improvements in accordance with the approved plans and specifications for this development.

On February 24, 2023, the developer and City Council entered into a preliminary oversized construction reimbursement agreement for the construction of said improvements. Following the recordation of a notice of completion for the improvements, staff will work with the developer on a final oversized construction reimbursement agreement and will present that to Council for consideration at a future date.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: The City's standard Notice of Completion format has been reviewed and approved as to form by the City Attorney.

Alternative Action: 1) Approve with changes - No impact; 2) Deny - Not approving the NOC would prevent the developer from entering into a final oversized construction reimbursement agreement for median island improvements installed on Bardsley Avenue; or 3) Table - A delay in the City accepting the improvements would in turn delay future reimbursement for median island improvements on Bardsley Avenue.

10.7 Magic Wave Car Wash, LLC. Development Impact Fee Deferral Request.

Recommended Action: Adopt a resolution granting the deferral of development impact fees as requested by Magic Wave Car Wash, LLC. (Property Owner), located at 1012 South 'Q' Place, Tulare CA 93274, in the sum of \$40,641.00. [M. Anaya]

Summary: City through Site Plan Review No. 21-47 approved the construction of a car wash located at 1012 South 'Q' Place, Tulare CA 93274. On November 9, 2022, Property Owner applied for building permits accompanied by building plans to begin construction of the project.

Property Owner is requesting a deferral of the development impact fees totaling \$40,641.00 associated with the project pursuant to section 8.56.080 of the Tulare Municipal code which provides in part:

8.56.080 Payment of fees.

The fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below:

(B) Fees imposed on non-residential development may be deferred by action of the City Council. The action shall consist of the adoption of a resolution consistent with the following terms and conditions:

(1) A determination is made that such action will promote and stimulate economic development within the city. The City Council shall make

- specific findings setting forth how the subject project accomplishes this goal;
- (2) Establish a specific timetable for payment in full of the deferred fees. The City Council may also require a percentage to be paid with the issuance of a building permit. In no event shall deferral of payment in full be permitted for more than five years;
 - (3) Interest on the unpaid portion of deferred impact fees shall accrue at a rate equal to the Local Agency Investment Fund (LAIF) interest rate in effect at the time the resolution is adopted and shall be articulated in the resolution. Interest shall be due and payable, in full, with the final payment, although interest may be paid earlier at the election of the party developing the project;
 - (4) A written guarantee of payment in full of the impact fees, in the form of a surety bond or some other form of surety instrument as may be acceptable to the City Engineer and the City Attorney, shall be executed and delivered to the city prior to the issuance of a building permit for the project. Interest in real property may be deemed an appropriate form of surety; and
 - (5) A determination is made that the deferral of the fees shall not materially affect the financial ability of the city to satisfy its then current five-year capital improvement program.

The value of this project will generate new construction sales tax. The Property Owner, when possible, will employ a local contractor who commits to using local subcontractors. Additionally, a percentage of all construction materials associated with the project will be purchased locally when possible.

Property Owner shall be required to pay all non-development impact fee related fees totaling \$31,937.80 and \$10,160.25 (20%) of the development impact fees at the time of the issuance of the building permit. Developer agrees to pay the remaining outstanding eighty percent (80%) balance of \$40,641.00 in equal installments of \$10,160.25, plus interest on or before December 30 of the consecutive years 2024, 2025, 2026 and 2027.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: Notice of Completion have been reviewed and approved as to form by the City Attorney.

Alternative Action: 1) Approve with changes - No impact; 2) Deny - Would delay issuance of the building permit and construction of the proposed project; or 3) Table - Would delay issuance of the building permit and construction of the proposed project.

10.8 Oakcrest Subdivision Phase 1 Notice of Completion.

Recommended Action: Accept the required public works improvements for Oakcrest Phase 1 subdivision located on the north side of Tulare Avenue ½-mile west of West Street as complete; authorize the City Engineer to sign a Notice of Completion (NOC); and direct the City Clerk to file the NOC with the Tulare County Recorder's Office. [M Miller]

Summary: On April 20, 2022, City Council conditionally approved the final map for Oakcrest Phase 1 subdivision, which created 115 single-family residential lots, as shown in the attached exhibit. The overall subdivision comprises approximately 25.9 acres and consists of 119 lots.

The Subdivider, D.R. Horton CA3, Inc., a Delaware Corporation, has completed construction of all required public works improvements for Phase 1 of the Oakcrest subdivision in accordance with approved plans and specifications.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: The City's standard Notice of Completion format has been reviewed and approved as to form by the City Attorney.

Alternative Action: 1) Approve with changes - No impact; 2) Deny - Not approving the NOC would prevent residents from occupying their recently purchased homes; or 3) Table - A delay in the City accepting the improvements would prevent residents from occupying their recently purchased homes.

10.9 Right of Way Dedication and Public Utility Easement Dedication for Industrial Avenue and Industrial Place (SP22-013).

Recommended Action: Accept a public utility easement and grant deed associated with the Industrial Avenue Shell Buildings development project (Site Plan Review No. SP22-013) and authorize the City Manager or his designee to sign Certificates of Acceptance for same. [M. Miller]

Summary: Site Plan Review No. SP22-013 addresses Planning, Building and Engineering requirements for the development of an industrial shell building project located at the northwest corner of Industrial Avenue and Industrial Place. The project includes the installation of sidewalk on the north side of Industrial Avenue and the west side of Industrial Place, surface water improvements, water and sewer service modifications, and improvements on the northwest side of the intersection of Industrial Avenue and Industrial Place.

The installation of a ramped curb return along the northwest corner of Industrial Avenue and Industrial Place requires dedication of additional right-of-way for public street purposes at the intersection of Industrial Avenue and Industrial Place by way of a Grant Deed from CNS Real Estate, LLC, a California Limited Liability Company.

The development also requires dedication of a public utility easement along the project's Industrial Place frontage by way of a Grant of Easement from CNS Real Estate, LLC, a California Limited Liability Company.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: The exhibits, Grant Deed, and Grant of Easement will be reviewed for compliance with applicable legal requirements prior to recordation.

Alternative Action: 1) Approve with changes - Approving the proposed property acquisition with changes or additional conditions could require revision of the Grant Deed, Grant of Easement, or associated legal descriptions and exhibits, which could delay the project construction start date; 2) Deny - Denying the required dedications would prevent construction of conditionally required improvements and affect the ability of utility companies to locate their facilities along the west side of Industrial Place; or 3) Table - Tabling the acceptance of the required dedications could delay the project's finalization and occupancy date.

- 11. PUBLIC HEARINGS** - Comments related to Public Hearing items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Council. [Time Estimate: 7:30-8:10 p.m.]

11.1 Chandler Grove Master Plan and Annexation Project.

Recommended Action: Adopt a resolution requesting the Tulare County Local Agency Formation Commission take proceedings for annexation No. 2020-01 (East Tulare No. 36 – Chandler Grove) and detachment of the property from County Service Area No. 1; adopt a resolution approving General Plan Amendment No. 2022-04 to implement the City's adopted COS North Transit Oriented Development Plan and establish land use designations for areas of the project site as Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Public / Quasi Public and Parks and Recreation; pass to print an ordinance approving Zone Amendment No. 743, pre-zoning the subject property to the R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot area), (RM-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), RM-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) zoning designations; and adopt a resolution certifying the Final Environmental Impact Report with appropriate Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program prepared for the Chandler Grove Master Plan and Annexation Project. [S. Sopp]

Summary: This is a request by Arun Toor on behalf of AST LLC. to annex into the City limits approximately 863 acres of which 231 acres is considered the "Project Site" and is planned for future development. The applicant has proposed a master plan for the project site that is intended to implement to the requirements of the City of Tulare adopted COS North Transit Oriented Development (TOD) Plan. Development is proposed to consist of a mixed-use development that would consist of low, medium, and high-density residential units, a central park, a neighborhood commercial center, a potential school site and other related improvements.

As part of the project the applicant is proposing to establish general plan land use designations and pre-zoning to implement the proposed master plan and COS North TOD Plan. The applicant is not proposing specific development at this time. As such, the Environmental Impact Report (EIR) for the project analyzes the project based upon maximum densities allowed by proposed zoning and allowed uses within the zone. The EIR analyzed the development of 1,197 total units of low, medium and high density residential on approximately 163.1 acres, a neighborhood commercial center on approximately 10.8 acres, a 4.9-acre school site and other improvements such as parks, stormwater detention areas, as well as trails for recreation.

Upon annexation into the City limits, additional entitlement and site plan review applications will be required to be reviewed and approved prior to development. However, if specific proposed development remains consistent with the zoning and land use established and within the scope analyzed by the EIR prepared for the project, any additional environmental analysis would be minimal and timelines for approval would be expedited.

The area proposed for development is located on the northeast corner of Bardsley Avenue and Oakmore Street. The site is bounded by S. Oakmore Street (Road 124) to the west, the East Tulare Villa Community to the east, Avenue 228 to the north, and E. Bardsley Avenue to the South.

Annexation

The project proponents are requesting to annex approximately 863-acres into the City limits. Of this area, approximately 231-acres are owned by the project proponent and proposed for future development. The remaining area is owned by the College of the Sequoias Community College District and the Kaweah Delta Water Conservation District. The project site is located immediately adjacent to the existing City limit and currently consists of mainly orchards.

If approved, the annexation will result in the formation of a county island, wholly surrounded by the City limits. This island will be approximately 40-acres, located on the southwest corner of Bardsley Avenue and the Oakmore Street alignment. However, City staff have received a separate annexation application for the annexation of this property which is currently being processed and is on track to be brought for discretionary review and approval in 2024. Staff believes that it can be found that the project meets the requirements to waive the restrictions of Government Code Section 56744 (limit on creating county islands) by finding that the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city consistent with Government Code Section 56375(m). Staff has reviewed the proposed annexation and determined it to be consistent with Chapter 10.26 – Annexations, of the City of Tulare Municipal Code.

At the request of the Tulare County Local Agency Formation Commission (LAFCO), City staff have met or communicated with representatives of College of the Sequoias and the Kaweah Delta Water Conservation District to determine their interest and

willingness for land owned and managed by those entities to be included within the proposed annexation. After discussions, both entities were in support of or willing to have these lands included in the annexation. This includes approximately 632-acres of the proposed annexation area.

At the request of LAFCO, staff also sent survey letters to property owners and registered voters of the East Tulare Villas to the east of the proposed development as well as rural residential county residents located along the western side of Oakmore Street north of Mission Oak High School inquiring about interest in being included in the annexation. Results of the survey showed that a majority did not want to be included in the proposed annexation.

The 231-acre portion proposed for development is currently subject to a Land Conservation Contract (Williamson Act Contract). Upon annexation, the City will be required to succeed to the existing contract. The project applicant will be required to submit proof of executed exchange and cancellation of the Williamson Act Contract to the City prior to issuance of a grading or building permit for the project.

Following the approval of a resolution of application by the City Council, the applicant will be required to submit an application to the Tulare County Local Agency Formation Commission (LAFCO) in order to initiate annexation proceedings.

General Plan Amendment

The project site is designated as COS North Transit Oriented Development (TOD) in the City's adopted 2035 General Plan. The land use concept for the COS North plan area is intended to create a new community to serve COS students and staff as well as existing and future Tulare residents, with retail services, housing, and a new park and school. The TOD plan envisions a "complete neighborhood" where residents can access many of their basic activities and needs via walking or biking. Figure 3-3 of the COS North plan (see attached) provides a land use concept for how to achieve the goals of the TOD plan and sets the amount of land and densities that should be dedicated to each land use.

The COS North land use concept was included in the General Plan for illustrative purposes. The actual layout of the development is to be determined by future site planning. However, Land Use Element Policy P8.1 in General Plan 2035 calls for the City to implement a TOD land use pattern in the same spirit as the COS North land use concept.

The project proponent is requesting to change the General Plan land use designation on the project site to implement the current Transit Oriented Development Plan and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation. Staff has reviewed the proposed General Plan Amendment and determined it to be consistent with the goals and objectives of the City's General Plan, including COS North TOD plan, the City's Climate Action Plan, and Title 10 of the City of Tulare Municipal Code.

Zone Amendment

The area proposed for annexation is currently subject to the County's zoning requirements and is zoned AE-40 (Agricultural Exclusive, 40-acre minimum parcel size). The applicant is proposing to pre-zone the project site to the City's zoning to become effective upon annexation into the City limits of the City of Tulare. Proposed zoning designations of the project site are C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands). The proposed Zone Amendment is consistent with the goals and objectives of the City's General Plan, including the proposed General Plan Amendment associated with the project and the COS North Transit Oriented Development Plan.

Site Plan Review

While the proposed applications include a conceptual land use plan, more detailed subsequent site plans and maps, including subdivision and parcel maps, will be subject to the City's Site Plan Review process. The Site Plan Review Committee consists of representatives from Public Works, Engineering, Planning, Community Services, Fire and Solid Waste. Subsequent site plans, parcel, and subdivision maps will be reviewed by the Site Plan Review Committee to ensure appropriate coordination on the construction of public utility and circulation infrastructure. These entitlement processes will then be required to be reviewed by the relevant authority (Parcel Map Committee, Planning Commission, City Council) for approval.

Environmental

An environmental impact report (EIR) has been prepared for this project, in accordance with the California Environmental Quality Act (CEQA). The City of Tulare published a Notice of Availability (NOA) for the Draft EIR on July 27, 2023, inviting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH #2022090149), the County Clerk, and published in a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from July 27, 2023, through September 11, 2023 (45 days).

In accordance with CEQA Guidelines Section 15088, the Final EIR responds to all comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 2, Changes to the Draft EIR, of the Final EIR. The responses to comments do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The initial study and Final EIR prepared for the project found that despite the implementation of mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), significant unavoidable impacts would remain as a result of the project to agricultural resources, air quality, greenhouse gas emissions and transportation. As a result, staff is recommending that the City Council certify the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

On October 23, 2023, the Planning Commission voted 3-0 (with two members absent) to recommend that the City Council approve Annexation No. 2020-01 (East Tulare No. 36), General Plan Amendment No. 2022-04, Zone Amendment No. 743, and certification of the EIR prepared for the project.

Fiscal Impact & Funding Source(s): The proposed action will not have any immediate financial impact. As future development occurs, payment of entitlement, building permit, development impact fees, etc. will be required. It is recommended that future action be taken to amend the City's development impact fee program to add longer term infrastructure improvements specifically related to traffic to the program.

Legal Review: This item does not require legal review.

Alternative Action: 1) Approve with changes; 2) Deny - If denied, the proposed annexation area would remain within the jurisdiction of Tulare County and the "Project Area" would remain subject to the County's AE-40 (Agricultural Exclusive, 40-acre minimum parcel size) zoning designation; or 3) Table.

12. 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. [Time Estimate: 8:10-8:40 p.m.]

12.1 Conditional Acceptance of Revised Tentative Parcel Map No. 2022-06 for the Fulton Estates Development.

Recommended Action: Conditionally approve revised tentative parcel map No. 2022-06 for the Fulton Estates development project, accept all easements offered thereon to the City, and conditionally reject, until later accepted by a separate resolution of the City Council, irrevocable offers of dedication to the City for Oakmore Street (Road 124) and Tulare Avenue (S.R, 137), subject to receipt of the signed parcel map, all fees, and other required items prior to February 3, 2024. [M. Miller]

Summary: The Tulare Parcel Map Committee adopted Resolution No. 848 on January 30, 2023, approving Tentative Parcel Map No. 2022-06 for the Fulton Estate development located on the northwest corner of Hwy 137 (Tulare Avenue) and Oakmore Street (Road 124). The overall project comprises approximately 37 acres. The proposed parcel map will create four (4) parcels for residential use to be further subdivided at a later date as phases of the Fulton Estates subdivision, and one remainder lot that is zoned for commercial development.

To expedite the parcel map approval process, Council conditionally approved Tentative Parcel Map No. 2022-06 on November 21, 2023, subject to receipt of the signed map, all fees, and other required items within 60 days. That approval action also included acceptance of all easements and dedications offered to the City in accordance with the conditions of Tulare Parcel Map Committee Resolution No. 848. The conditions of approval of the parcel map required the Subdivider to dedicate additional right-of-way for Oakmore Street to the City, and for Tulare Avenue (State Route 137) to the State of California. While dedications to the City are typically accomplished by calling out the dedication on the recorded parcel map, dedications to

the State of California have previously been done by a separate instrument between the Subdivider and State of California with the resulting recorded document referenced on the parcel map. Such was the case for the Tulare Avenue dedication on Tentative Parcel Map No. 2022-06 when it was conditionally approved by Council on November 21, 2023.

Since Council's conditional approval, the Subdivider has determined that the amount of time required to complete the right-of-way dedication process to the State of California for Tulare Avenue exceeds the timeline they have agreed to for close of sale of one of the newly created parcels to a Developer for Phase 1 of the Fulton Estates subdivision. To be able to meet their deadline, the Subdivider is requesting to provide the City of Tulare with an irrevocable offer of dedication for the right-of-way for Tulare Avenue rather than the State of California. It would then be necessary at some future date for the City to accept said irrevocable offer of dedication and transfer the right-of-way to the State of California.

Fiscal Impact & Funding Source(s): Additional costs resulting from staff time and consultant services would likely be incurred by the City to complete future right-of-way transfer to the State of California.

General Fund (G/L #008-4630-1021) Regular Salaries - \$TBD
General Fund (G/L #008-4630-2017) Professional/Technical Services - \$TBD

Legal Review: The parcel map will be reviewed for compliance with applicable legal requirements prior to recordation.

Alternative Action: 1) Approve with changes - Changes would result in a delay to the approval of the Tentative Parcel Map No. 2022-06, which may jeopardize the subsequent development of the Fulton Estates subdivision due to the Subdivider's inability to meet deadlines related to the sale of property; 2) Deny - Council conditionally approved Tentative Parcel Map No. 2022-06 on November 21, 2023. Should Council opt to deny the revised tentative parcel map incorporating the Subdivider's request to dedicate Tulare Avenue (State Route 137) right-of-way to the City as opposed to the State of California directly, subsequent development of the Fulton Estates subdivision may be jeopardized due to the Subdivider's inability to meet deadlines related to the sale of property; or 3) Table - Delay resulting from tabling this item may be jeopardize the subsequent development of the Fulton Estates subdivision due to the Subdivider's inability to meet conditions related to the sale of property.

13. CONVENE JOINTLY AS TULARE CITY COUNCIL AND TULARE CITY COUNCIL ACTING AS THE SUCCESSOR AGENCY TO THE TULARE REDEVELOPMENT AGENCY [Time Estimate: 8:40-8:55 p.m.]

13.1 Annual ROPS and Administrative Budget.

Recommended Action: Adopt a resolution approving and adopting the recognized obligation payment schedule for the July 1, 2024 through June 30, 2025 period and the Fiscal Year 2024-25 Administrative Budget.

Summary: Redevelopment agencies were dissolved statewide in 2012. The City of Tulare ("City") elected to serve as the Successor Agency to the Tulare Redevelopment Agency ("Successor Agency"). It is responsible for winding down former Tulare Redevelopment Agency ("Former RDA") obligations. State law requires the Successor Agency to prepare a Recognized Obligation Payment Schedule ("ROPS") on an annual basis to request funding for payments owed in the upcoming fiscal year. The Successor Agency must also prepare an administrative budget for the upcoming fiscal year.

The ROPS must be approved by the Oversight Board to the Successor Agency ("Oversight Board") and submitted to the California Department of Finance ("DOF"). The ROPS for the period July 1, 2024 through June 30, 2025 ("24-25"), attached as Exhibit "A," is due to DOF by February 1, 2024. A copy of the ROPS must also be submitted to the Tulare County Auditor-Controller ("Auditor-Controller") and the State Controller's Office and posted on the City's website.

The ROPS requests funding for enforceable obligations from the Redevelopment Property Tax Trust Fund ("RPTTF"), or property tax increment revenue, as well as reserve balances and other funds. All ROPS expenses and funding sources must be approved by the Oversight Board and DOF.

The Tulare ROPS 24-25 requests \$3,499,608 in expenses, of which \$1,993,723 is from RPTTF, and \$1,505,885 is from Reserve Balance. The following sections elaborate on the enforceable obligations listed on the ROPS and significant aspects of the Cash Balances.

Debt Service Payments (Items 21 through 24)

The 2017 Bond Indenture of Trust requires the Successor Agency to request funding for each calendar year's debt service in the ROPS B period. The ROPS 24-25 requests to spend \$1,505,885 in a reserve balance set aside from the ROPS 23-24 to pay debt service due in August 2024, \$287,862 in RPTTF to pay debt service due in February 2024, and \$717,862 in RPTTF as a reserve for debt service due in August 2024.

City-Redevelopment Agency Loan (Item 12)

The City and the Former RDA entered into a Loan Repayment Agreement ("Agreement") on April 20, 2010, which was subsequently amended on June 29, 2010, February 1, 2011, and March 9, 2011 ("Third Amendment"). In order to assist the Former RDA in carrying out its redevelopment activities, the City advanced funds to the Former RDA from time to time in accordance with cooperation agreements for individual redevelopment projects. The Third Amendment formally acknowledged the amount of outstanding advances and established formal repayment terms for the Agreement ("City-RDA Loan").

State law limits annual payments on the City-RDA Loan to one half of the difference between the previous Fiscal Year's residual revenue and the Fiscal Year 2012-13 residual revenue. Residual revenue is the amount of RPTTF revenue—property taxes distributed by the Auditor-Controller—available after deducting ROPS obligations, administrative fees, and taxing agency pass-through payments.

The County approved Fiscal Year 2012-13 residual RPTTF is \$2,502,897. Although the Successor Agency disputes this value and believes it should be \$1,524,880, for the purpose of our estimates we are assuming the Fiscal Year 2012-13 residual RPTTF will be \$2,502,897. The Fiscal Year 2023-24 residual RPTTF is projected to be approximately \$2.6 million, resulting in a maximum payment of approximately \$53,342:

$$\$2,609,580 - \$2,502,897 = \$106,683 / 2 = 53,342$$

The actual FY 2024-25 City-RDA Loan payment cannot be calculated until after the January 2024 RPTTF distribution, which was unavailable at the time the ROPS was prepared. The ROPS requests \$600,000 in case the actual amount of residual RPTTF distributed in January 2024 permits a higher loan repayment amount.

Land O' Lakes Agreement (Item 4)

The request for payment to Land O' Lakes (Item 4) is based on an agreement with the dairy processor. The requested amount of \$280,000 is a projection of the future payment based on what this payment has been in recent years. The actual payment amount will depend on the assessed value of Land O' Lakes properties in the City, as agreed to between the Former RDA and Land O' Lakes.

To receive payment, Land O' Lakes is required to submit documentation to the City showing its employment level in the City, as specified in the agreement. If the employment level decreases below 350 full-time equivalent employees, the Successor Agency can reduce or eliminate the payments. To date, Land O' Lakes has submitted documentation showing it has met the employment threshold every year since the agreement.

Other Obligations

The Successor Agency is required to prepare an Administrative Budget and submit it to the Oversight Board for approval. The Successor Agency is requesting \$100,000 (ROPS Item 14). An Administrative Budget for the fiscal year is attached as Exhibit "B" to the accompanying resolution.

The Successor Agency requests \$3,000 in RPTTF to pay for LRPMP Property Disposition Costs (Item 26) associated with selling a Successor Agency property.

The Successor Agency requests \$4,000 to pay fiscal agent fees on the 2017 Bonds (Item 6) and \$1,000 to cover the cost of preparing a required annual continuing disclosure that describes the security of the 2017 Bonds (Item 25). Both are required aspects of the 2017 Bonds' management.

In total, the Successor Agency requests to receive and spend \$1,993,723 of RPTTF in Fiscal Year 2024-25. In addition, the Successor Agency requests to spend \$1,505,885 in reserves set aside from Fiscal Year 2024-25 on August 1, 2024 debt service.

Cash Balances

The Report of Cash Balances shows cash balance activity in FY 2021-22. Funds are being spent in a timely manner and consistent with the approvals of the Oversight

Board and DOF. The Cash Balances page helps the Successor Agency to identify other funds available to spend on enforceable obligations. The estimated remaining available cash balance that DOF may use in-lieu of RPTTF as of FY 20-21 is \$0. There was no available cash balance from Reserve Balance funds or RPTTF.

ROPS 20-21 Prior Period Adjustment

As required by HSC section 34186(c), the Successor Agency prepared a reconciliation between approved and actual payments on enforceable obligations from the ROPS covering Fiscal Year 2020-21 and submitted this reconciliation to the County Auditor-Controller by October 1, 2022. The reconciliation showed a difference of \$330,972 between approved and actual expenditures. This amount will be applied to expenditures in Fiscal Year 2024-25.

Fiscal Impact & Funding Source(s): ROPS 23-24 must be approved by the Successor Agency and Oversight Board and submitted to the State Department of Finance (“DOF”) by February 1, 2024 for the Successor Agency to receive RPTTF, administered by the Tulare County Auditor-Controller (“Auditor-Controller”), and pay enforceable obligations during the ROPS 24-25 period. If the ROPS is not submitted on time, the Successor Agency may be subject to a \$10,000 penalty per day.

Legal Review: Not applicable.

Alternative Action: 1) Approve with changes; 2) Deny; or 3) Table.

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

15. FUTURE AGENDA ITEMS [Time Estimate: 8:55-9:00 p.m.]

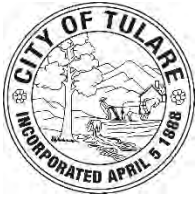
15.1 Formation of Historic Preservation Committee.

Recommended Action: Review and provide direction to either add to a future agenda or not. [Councilmember Harrell]

16. STAFF UPDATES [Time Estimate: 9:00-9:05 p.m.]

17. ADJOURN REGULAR MEETING

The next regularly scheduled meeting of the Tulare City Council is Tuesday, December 19, 2023, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 3
Special Meeting

Department: City Manager

Submitted by: Chief Deputy City Clerk Melissa Hermann

Agenda Title: Board, Commission, and Committee Appointments

RECOMMENDED ACTION

Review applications, interview applicants, and appoint members to City boards, commissions, and committees to serve from January 1, 2024 through December 31, 2028.

SUMMARY

The City has eight boards, commissions, and committees with members appointed by City Council. Below is a list of seats with terms expiring on December 31, 2023. Staff has also included a summary of each appointment process.

Aviation Committee

The Aviation Committee is a five-member committee established by the City Council pursuant to Minute Action on July 6, 1971, and is responsible for making recommendations to the Council and staff in all areas related to City airport use, improvements, and development. The membership is made up of the following: one Planning Commissioner (appointed by the Planning Commission), one airport lease holder, and three additional members. All members, with the exception of the Planning Commissioner, are appointed by the mayor and confirmed by the majority of the Council. There are three seats with terms expiring on December 31. Of the three, Cris Colson and Robert Smith have applied to be considered for reappointment.

Name	Appointed By	Type	Initial Appointment	Most Recent Appointment	Application Received
Cris Colson	Mayor	General	3/1/2022	3/1/2022	Yes
Robert Smith	Mayor	General	12/1/2015	1/7/2020	Yes
<i>Ryan Wilson</i>	<i>Mayor</i>	<i>General</i>	<i>1/7/2020</i>	<i>1/7/2020</i>	<i>No</i>

Board of Public Utilities Commissioners

The Board of Public Utilities Commissioners (BPU) is a five-member board established by the City Charter and is charged with the responsibility of regulating and managing the utility divisions of the City which includes Solid Waste, Water, Sewer, and Wastewater. Pursuant to Section 52 of the City Charter, all members are appointed by the mayor and confirmed by the City Council. There are three seats with terms expiring on December 31. Of the three, Renee Soto and Tony Sozinho have applied to be considered for reappointment. Tom Griesbach advised staff he is not seeking reappointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
Renee Soto	Mayor	6/18/2019	6/18/2019	Yes
<i>Thomas Griesbach</i>	<i>Mayor</i>	<i>4/18/2017</i>	<i>10/22/2019</i>	<i>No</i>
Tony Sozinho	Mayor	1/19/2021	1/19/2021	Yes

Committee on Aging

The Committee on Aging is a five-member committee established by the City Council in 1972 and is responsible for advising the Community Services Department on matters of senior citizen interest including such areas as recreation, social, and nutritional services. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. There are two seats with terms expiring on December 31. Both Pam Malloy and Ralph Cantu have applied to be considered for reappointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
Pam Malloy	Council Seat 1	11/5/2019	11/5/2019	Yes
Ralph Cantu	Council Seat 2	10/4/2022	10/4/2022	Yes

Measure I Citizen Oversight Committee

The Measure I Citizen Oversight Committee is a five-member committee established pursuant to ballot language (Resolution 05-5261) and by guidelines approved on May 16, 2017. The Committee meets twice annually, once to be briefed on the annual budget (mid-year) and again to review the Annual Audit Report, specific to Measure I. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. There are two seats with terms expiring on December 31. Neither member has applied to be considered for reappointment. Staff reached out to the members via email and telephone multiple times with no response. The one meeting held in September was attended by all members except for the two members whose seats are up for appointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
<i>Dawn "Michelle" Rowsey</i>	<i>Council Seat 2</i>	<i>11/5/2019</i>	<i>11/5/2019</i>	<i>No</i>
<i>Crystal Boling</i>	<i>Council Seat 4</i>	<i>2/15/2022</i>	<i>2/15/2022</i>	<i>No</i>

Parks and Recreation Commission

The Parks and Recreation Commission is a seven-member commission established by City Ordinance and acts on matters of recreational importance to all segments of the community, including recreational programs, facilities, and park development. The Commission also advises staff and Council on street trees to be removed or planted, standards for landscape enhancement, and tree preservation policy. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. The two remaining members are appointed at large by the City Council as a whole. There are four seats with terms expiring on December 31. Applications were received from all four members expressing interest in continuing to serve on the Commission.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
Lori Fishbough	Council Seat 1	12/1/2015	12/17/2019	Yes
W. Eric Farrenkopf	Council Seat 2	12/1/2015	12/17/2019	Yes
Nicholas Sherwood	Council Seat 3	12/1/2015	12/17/2019	Yes
Armando Da Silva	Council Seat 4	12/1/2015	12/17/2019	Yes

Planning Commission

The Parks and Recreation Commission is a seven-member commission established by City Ordinance and acts on matters of recreational importance to all segments of the community, including recreational programs, facilities, and park development. The Commission also advises staff and Council on street trees to be removed or planted, standards for landscape enhancement, and tree preservation policy. Members are appointed by the City Council with each Council seat afforded an appointment which is then confirmed by the majority of the Council. The two remaining members are appointed at large by the City Council as a whole. There are four seats with terms expiring on December 31. Applications were received from Charles Miguel and Sandra Miller expressing interest in continuing to serve on the Commission. Chad Petersen advised he is not seeking reappointment.

Name	Appointed By	Initial Appointment	Most Recent Appointment	Application Received
<i>Chad Petersen</i>	<i>Council Seat 2</i>	<i>1/11/2022</i>	<i>1/11/2022</i>	<i>No</i>
Sandra Miller	Council Seat 4	12/1/2015	12/17/2019	Yes
Charles Miguel	Council Seat 5	12/1/2015	12/17/2019	Yes

All applications received from those interested in serving who confirmed they would still like to be considered are attached for Council review and consideration. All applicants live within the city limits. Applicants have been invited to the meeting to answer any questions the Council may have. Council may elect to make appointments at this meeting for terms that would be effective beginning January 1, 2024, or defer appointment at a future date understanding issues with quorums may arise at future meetings if appointment does not occur prior to December 31, 2023.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ATTACHMENTS

1. Applications

Reviewed/Approved: 

Aviation Committee

Current Member Applications

Cris Colson
Robert Smith

New Applications

Steven Melendez
Jaime Mendez*

**Interested in other boards, commissions, and committees as well*

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 20, 2023 11:02:57 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/20/2023 11:02 PM
Response #: 33
Submitter ID: 8126
IP address: 2601:206:300:a580:40e:c096:df37:fb74
Time to complete: 41 min. , 41 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Cris Colson	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	criscolson@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	52	Employer	Self Employed

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Aviation Committee

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Not only am I a lifelong resident of Tulare, but I also have a sentimental interest in Tulare's Airport and why I would like to serve on the aviation advisory committee. I began taking flying lessons and received my Private Pilot License over 27 years ago at Gryphon Aviation in the now all but abandoned Mefford Field main hangar. The Following year after receiving my license I opened a pilot supply shop at the Visalia Airport, began negotiating and secured the purchase of Sierra Flight Center which provided aircraft rental and flight instruction services to local pilots. As such we were the only designated F.B.O. (Fixed Base Operator) on the Visalia Airport that provided such services. With that in mind I have an extensive aviation background, not only as a pilot but as an aviation business owner and operator as well, so I am very familiar with day-to-day Airport Operations and FAA Regulations regarding such. I feel along with fellow board members that I will be an asset to the City Council and Staff providing them knowledgeable recommendations and advice related to most all airport management, operations and safety. As well use, improvements and development of Mefford Field as a whole in Further insects of implementing the provisions of the city's airport master plan. In closing, I would like the opportunity to serve my community helping to keep our airport growing into the future, preserving its heritage along the way as an aviation advisory committee member.

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Tuesday, October 3, 2023 10:34:29 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/03/2023 10:34 AM
Response #: 29
Submitter ID: 8078
IP address: 2601:206:301:4460:2856:cbd3:fc2c:ae4f
Time to complete: 3 min. , 27 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Robert R Smith	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	rsmith1497@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	20+	Employer	UltraGro LLC

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Aviation Committee

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Lifetime resident, only being out of the area to attend University. Long time pilot, obtaining my license at Tulare Airport in the 70's.

I do enjoy discussing local government aviation priorities for the future of the Airport. I personally believe Tulare Airport is an underappreciated asset and benefit to the City of Tulare. It is my desire to help advise the council in a positive direction to ensure essential air service, development, and priorities for the future of aviation for the community.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Monday, October 30, 2023 3:38:57 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/30/2023 3:38 PM
Response #: 34
Submitter ID: 8152
IP address: 2600:1700:6f33:50:8819:7ffb:dc05:29d0
Time to complete: 12 min. , 58 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Steven Melendez	Address	[REDACTED]
Mailing Address (if different)	none	Email Address	smm_usmc@yahoo.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	25+	Employer	CURRENTLY FULL TIME COS WELDING STUDENT

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Aviation Committee

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Hello, my name is Steven Melendez I am a Marine Veteran. In the Marine Corps I worked as an FA-18 Aircraft Egress and Environmental Control Technician. I continued my same duties as a contractor for over 12 years between MCAS Miramar, and NAS Lemoore. I am interested in being part of this because I would like to help preserve and elevate our airport. I was always fascinated with the fact that our airport was once a training center for military aviation pilots. The airport and the aircraft on display lets Tulare residents know they are almost home when driving past on the 99 Freeway. I have Stopped by several times to view the aircrafts with my daughters and thank the service of those who flew them. I work very well with others on a team and would like to give back to my community and those that support the Armed Forces.

Thank you,

Board of Public Utilities Commissioners

Current Member Applications

Renee Soto

Tony Sozinho

New Applications

Paula Johnson*

Jonathan Juarez*

Jaime Mendez*

Jonathon Porter*

Derek Newman*

**Interested in other boards, commissions, and committees as well*

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, August 11, 2023 4:56:29 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 08/11/2023 4:56 PM
Response #: 25
Submitter ID: 7905
IP address: 165.225.216.236
Time to complete: 26 min. , 56 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Renee Soto	Address	[REDACTED] Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	renee@reneesoto.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	[REDACTED]
Years in Tulare	41	Employer	State Farm

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Board of Public Utilities

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I have been on the Board of Public Utility since June 2019. I have learned so much about over the past four years about this important part of City of Tulare Utilities. I have been a business owner since 2008 and have lived in Tulare since 1981. Both my children and my grandchildren have gone to local schools. I have my BA and MBA along with several American College of Financial Services designations and also have my Series 6 and 63. I have been on a variety of boards and continue to be involved in the community. Currently I am a board member for Tulare Lighthouse.

I look forward to continuing my service on the BPU.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Wednesday, November 22, 2023 8:08:40 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 11/22/2023 8:08 PM
Response #: 36
Submitter ID: 8202
IP address: 2600:1700:a491:9ce0:1859:29fe:e2ab:8615
Time to complete: 4 min. , 8 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Tony Sozinho	Address	[REDACTED] Tulare, Ca. 93274
Mailing Address (if different)	Not answered	Email Address	sozinhoinsurance@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	15	Employer	self

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Board of Public Utilities

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Born in Tulare and went to Tulare Western High School. I'm at the time in my life that I'd like to give back to the community.

Thank you,
City of Tulare

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From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Saturday, December 24, 2022 5:54:11 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 12/24/2022 5:54 PM
Response #: 15
Submitter ID: 7262
IP address: 172.116.29.171
Time to complete: 18 min. , 42 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Paula Johnson	Address	[REDACTED] Tulare
Mailing Address (if different)	Not answered	Email Address	Pauladionne78@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	0	Employer	Community Health System, Institutional Review Board

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Parks & Recreation Commission
 Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Just purchased a home in Tulare, the Windmills neighborhood and will be moving in 45 days.

I have 18 years of event planning management, including multi-million dollar events for Apple' annual web developer conferences. My background consists of Executive Assistance at a C-Suite level. I am a hybrid professional with a 24/7 mentality. I am looking to help make difference in the community.

I am very interested in the Parks and Recreation Committee and the Planning Committee. I believe I can be a valuable asset to the team.

My fiance, Dr Anu Banerjee and I recently moved to the area back in September from Southern California due to work. I now work for Community Health Systems on the Institutional Review Board and my fiance is

the CEO of Corcoran Hospital.

Thank you,
City of Tulare

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From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 28, 2022 8:49:19 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/28/2022 8:49 AM
Response #: 11
Submitter ID: 7164
IP address: 173.255.97.118
Time to complete: 10 min. , 28 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathan Juarez	Address	[REDACTED] Ave
Mailing Address (if different)	Not answered	Email Address	jjuarez@faclawoffices.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	[REDACTED]
Years in Tulare	21	Employer	Fitzgerald, Alvarez & Ciummo

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

My name is Jonathan Juarez and I am currently a public interest attorney who represents mothers in their CPS cases, the disabled in their conservatorships, and refugee children in their immigration proceedings. I've lived in Tulare my entire life excluding the 7 years I was in school for higher education. I love Tulare, and I want to give back to Tulare however my community sees fit.

Thank you,

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, April 21, 2023 1:58:11 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 04/21/2023 1:58 PM
Response #: 20
Submitter ID: 7520
IP address: 2601:206:300:f9b0:b488:a2a1:2f8c:de4b
Time to complete: 6 min. , 43 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jaime mendez	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	Jgmendez84@aol.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	35	Employer	VUSD

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Aviation Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Parks & Recreation Commission
<input checked="" type="checkbox"/> Tulare Mosquito Abatement District	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Hello my name is Jaime Mendez I've been a resident of Tulare for 35 years. I am married and have two children. I've coached various sports from youth all the way to the high school level. I would like to be more involved in my community and I believe serving on these boards would give me an opportunity to do so. Thank you for your time.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, October 19, 2023 7:15:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/19/2023 7:15 PM
Response #: 32
Submitter ID: 8125
IP address: 50.209.91.165
Time to complete: 3 min. , 14 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathon Porter	Address	[REDACTED] Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	Jcporter2014@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	27	Employer	Nationwide

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Board of Public Utilities
 Library Board
 Parks & Recreation Commission
 Planning Commission
 Tulare Mosquito Abatement District

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Bein a Tulare native I have a passion for seeing Tulare thrive. I would like to serve in a board/commission to be able to serve the community that I am from.
I come from an agricultural and government background which helps me be aware of both sides of regulation.

Thank you,
City of Tulare

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, January 20, 2023 2:31:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 01/20/2023 2:31 PM
Response #: 16
Submitter ID: 7313
IP address: 2600:1010:b1ad:f6bd:cd60:8d2e:d50f:7cba
Time to complete: 7 min. , 57 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Derek Newman	Address	[REDACTED]
Mailing Address (if different)	[REDACTED] Tulare, CA 93274	Email Address	Denewman3@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	0	Employer	Kings County District Attorney

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Good afternoon,

My name is Derek Newman. I am a relatively new resident of the City of Tulare, however I have spent my career in government at City, County, and Federal levels. I am greatly enthusiastic about applying to be on boards and commissions within the City of Tulare. In my current capacity I am Deputy District Attorney serving in Kings County. Prior to this, I worked for the County of Tulare Probation and Health and Human Services division as a supervisor and senior fiscal analyst. I would be most excited to contribute to helping the city to serve on the Police Department's Citizen Complaint Review Board. In my current capacity my primary job is to continue to work towards the safety of the people and to help make positive change within the local community.

As a practicing attorney, I feel that my skills and educational background will greatly benefit any position to which I may serve in, and ultimately will help the general public. I appreciate the opportunity to be considered for these positions.

Thank you,

Derek Newman

Thank you,
City of Tulare

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Committee on Aging

Current Member Applications

Pam Malloy
Ralph Cantu*

New Applications

Sharon Fien
Celeste Galeno*
Derek Newman*

**Interested in other boards, commissions, and committees as well*

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 13, 2023 5:38:28 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/13/2023 5:38 PM
Response #: 31
Submitter ID: 8105
IP address: 2601:206:300:f210:f043:42fd:4e70:6e14
Time to complete: 5 min. , 31 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Pam Malloy	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	pammalloy13@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	(559) 737-6720
Years in Tulare	37	Employer	Tulare County Office of Education

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Committee on Aging

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I am 65 years old, working full time, loving life.
Since I have been serving on the COA board for the past several years, I have learned so much, and have a new appreciation for the wonderful things our Senior Center provides to this community.

If accepted, I would happily continue to serve.

Thank you,
City of Tulare

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From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Monday, October 2, 2023 8:31:32 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/02/2023 8:31 AM
Response #: 28
Submitter ID: 8063
IP address: 2600:1700:a490:ce50:6426:6ef8:5c38:5a
Time to complete: 5 min. , 37 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Ralph Cantu	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	arecan2@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	62	Employer	Retired

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Committee on Aging
 Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I have completed my first year on the commission on aging. I have 15 years project management and performance consulting. I look forward to working on the commission again. Thank you.

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, August 4, 2022 5:02:18 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 08/04/2022 5:02 PM
Response #: 3
Submitter ID: 6983
IP address: 2601:206:380:77e0:2867:e784:4bc:909b
Time to complete: 24 min. , 44 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Sharon Fien	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	Mamafien@msn.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	35	Employer	Retired Sundale School librarian

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Committee on Aging

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I moved to Tulare in 1987 with my husband and family. At the time I worked at Kaweah Delta Hospital. In 1992, I decided to care for my twin grandchildren. In 1995 they entered Sundale School and I began my employment at Sundale. I retired after 20 years of service due to my husbands health issues. He passed in 2016. For the past five years I have been my youngest grandchild's babysitter. She enter kindergarten this week. Two of my 3 children attended school in Tulare and now my 7th grandchild is attending Sundale. I coached and served as president with Tulare Bobby Sox for 7 years. I was president of the CSEA at Sundale School. I now have free time to serve my community. I currently volunteer at the senior center for Bingo. Due to my age, Tulare longevity and work experience, I believe I would be an asset to serve on a committee who services the needs of the aging.

DISCLOSURE: Most of the City's boards and commissions require, by state law, that members file a Statement of Economic Interest (conflict of interest/disclosure statement) on an annual basis. Would you be willing to file such a statement in connection with an appointment?

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, June 15, 2023 2:14:08 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 06/15/2023 2:14 PM
Response #: 22
Submitter ID: 7769
IP address: 2600:387:6:805::4e
Time to complete: 18 min. , 53 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Celeste Galeno	Address	[REDACTED]
Mailing Address (if different)	[REDACTED]	Email Address	cmg93274@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	32 years	Employer	RCS, Associates, Inc.

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I have been in service for the Tulare schools, child care, churches, community services, and dairies for over 20 years. My love is for the people in Tulare county. I am a problem solver. I am in service to children, adults, and families as a child care provider and I am an Associate Marriage Family Therapist. In addition, I have hands on experience working in multiple areas of planning and bring value to our community.

Thank you,
City of Tulare

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From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, January 20, 2023 2:31:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 01/20/2023 2:31 PM
Response #: 16
Submitter ID: 7313
IP address: 2600:1010:b1ad:f6bd:cd60:8d2e:d50f:7cba
Time to complete: 7 min. , 57 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Derek Newman	Address	[REDACTED]
Mailing Address (if different)	[REDACTED] Tulare, CA 93274	Email Address	Denewman3@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	0	Employer	Kings County District Attorney

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Good afternoon,

My name is Derek Newman. I am a relatively new resident of the City of Tulare, however I have spent my career in government at City, County, and Federal levels. I am greatly enthusiastic about applying to be on boards and commissions within the City of Tulare. In my current capacity I am Deputy District Attorney serving in Kings County. Prior to this, I worked for the County of Tulare Probation and Health and Human Services division as a supervisor and senior fiscal analyst. I would be most excited to contribute to helping the city to serve on the Police Department's Citizen Complaint Review Board. In my current capacity my primary job is to continue to work towards the safety of the people and to help make positive change within the local community.

As a practicing attorney, I feel that my skills and educational background will greatly benefit any position to which I may serve in, and ultimately will help the general public. I appreciate the opportunity to be considered for these positions.

Thank you,

Derek Newman

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

Measure I Citizen Oversight Committee

Current Member Applications

None Applied

New Applications

Jonathon Juarez*

Jaime Mendez*

Celeste Galeno*

**Interested in other boards, commissions, and committees as well*

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 28, 2022 8:49:19 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/28/2022 8:49 AM
Response #: 11
Submitter ID: 7164
IP address: 173.255.97.118
Time to complete: 10 min. , 28 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathan Juarez	Address	[REDACTED] Ave
Mailing Address (if different)	Not answered	Email Address	jjuarez@faclawoffices.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	[REDACTED]
Years in Tulare	21	Employer	Fitzgerald, Alvarez & Ciummo

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

My name is Jonathan Juarez and I am currently a public interest attorney who represents mothers in their CPS cases, the disabled in their conservatorships, and refugee children in their immigration proceedings. I've lived in Tulare my entire life excluding the 7 years I was in school for higher education. I love Tulare, and I want to give back to Tulare however my community sees fit.

Thank you,

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, April 21, 2023 1:58:11 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 04/21/2023 1:58 PM
Response #: 20
Submitter ID: 7520
IP address: 2601:206:300:f9b0:b488:a2a1:2f8c:de4b
Time to complete: 6 min. , 43 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jaime mendez	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	Jgmendez84@aol.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	35	Employer	VUSD

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Aviation Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Parks & Recreation Commission
<input checked="" type="checkbox"/> Tulare Mosquito Abatement District	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Hello my name is Jaime Mendez I've been a resident of Tulare for 35 years. I am married and have two children. I've coached various sports from youth all the way to the high school level. I would like to be more involved in my community and I believe serving on these boards would give me an opportunity to do so. Thank you for your time.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, June 15, 2023 2:14:08 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 06/15/2023 2:14 PM
Response #: 22
Submitter ID: 7769
IP address: 2600:387:6:805::4e
Time to complete: 18 min. , 53 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Celeste Galeno	Address	[REDACTED]
Mailing Address (if different)	[REDACTED]	Email Address	cmg93274@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	32 years	Employer	RCS, Associates, Inc.

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I have been in service for the Tulare schools, child care, churches, community services, and dairies for over 20 years. My love is for the people in Tulare county. I am a problem solver. I am in service to children, adults, and families as a child care provider and I am an Associate Marriage Family Therapist. In addition, I have hands on experience working in multiple areas of planning and bring value to our community.

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

Parks & Recreation Commission

Current Member Applications

Armando Da Silva

Eric Farrenkopf

Lori Fishbough

Nick Sherwood

New Applications

Paula Johnson*

Jonathan Juarez*

Jaime Mendez*

Jonathon Porter*

Celeste Galeno*

Derek Newman*

**Interested in other boards, commissions, and committees as well*

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, August 10, 2023 1:52:48 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 08/10/2023 1:52 PM
Response #: 23
Submitter ID: 7901
IP address: 174.87.155.8
Time to complete: 6 min. , 37 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Armando da Silva	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	adasilva@lindsay.ca.us
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	15	Employer	City of Lindsay

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Parks & Recreation Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I've been on the Parks and Recreation Committee for the past 8 years and enjoy being part of project reviews, activities & event updates, and what the future of the department will look like. I've been in the public sector for 20 years and currently hold the position of Recreation Services Director with the City of Lindsay.

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 6, 2023 7:28:38 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/06/2023 7:28 AM
Response #: 30
Submitter ID: 8087
IP address: 12.52.32.3
Time to complete: 17 min. , 17 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	William "Eric" Farrenkopf	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	e.farrenkopf@sbcglobal.net
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	25	Employer	Tulare City School District

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Parks & Recreation Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

As a long time resident of Tulare, I wish to continue my service to our city through my continuation as a parks and recreation commissioner. In addition to the desire to serve my city I continue to strive to improve the breadth of activities and opportunities that reside in our community. In the past I coordinated the Tulare Band Review. At this event, young musicians from twenty schools would come to Tulare and participate in the traditional non competitive band review. In addition to the band review, I continue to help and or foster events to support various causes. Two examples include being the founder of the Motors at the Mission Car Show benefiting the MOHS Music Program, or as the director of the Tule Brass Band. The Tule Brass Band provides live free concerts in Tulare several times a year as support our Tulare Adult School by providing music at their graduation ceremony annually. Both examples allow for community enrichment both for participants as well as attendees.

I originally wanted to serve on the parks and recreation commission as I was very fortunate to grow up in the East Bay and routinely was able to use the East Bay Regional Parks system. Weather it was hiking or

biking in the open space around Mount Diablo, or riding my bicycle along the extensive trail system. Some of my most fond memories are those times spent with my friends outside.

Through my time on the commission I have gained a lot of insight on park development, goals of the city, and how important parks and recreation are to a community. The importance of parks and recreation extends far beyond what I experienced as a child growing up.

I hope you will consider appointing me to another term on the parks and recreation commission. -Eric

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Monday, August 14, 2023 7:00:26 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 08/14/2023 7:00 PM
Response #: 26
Submitter ID: 7913
IP address: 2601:206:300:be90:e53a:2f7f:855a:f874
Time to complete: 9 min. , 39 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Lori Fishbough	Address	[REDACTED] Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	lfishbough@yahoo.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	30+	Employer	Retired TCSD Teacher

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Parks & Recreation Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Hello! My name is Lori Fishbough, and I have served on the Parks & Recreation Commission for approximately 8 years now. I love giving back to my beloved Tulare by serving on this board. I am currently a retired TCSD teacher with a masters degree in teaching and a minor in Recreation Administration. I am an avid tennis player and like to keep the board up to date on the latest tennis activities in our city!

My two children were both raised in the Tulare City School system, and now two of my grandchildren are involved in our Tulare City Schools also. I hope to stay on the Parks & Recreation Commission to keep up with the current activities that are being offered and to provide any personal feedback with my background.

Thank you!

Lori Fishbough

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, September 21, 2023 11:19:22 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 09/21/2023 11:19 AM
Response #: 27
Submitter ID: 8037
IP address: 2600:387:f:6110::1
Time to complete: 15 min. , 45 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	NICHOLAS SHERWOOD	Address	██████████
Mailing Address (if different)	██████████	Email Address	sherwoodnn@aol.com
Preferred Phone Number	██████████	Alternative Phone Number	Not answered
Years in Tulare	15	Employer	Retired

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Planning Commission
 Parks & Recreation Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I want to continue to held makeTulare a city in which my grandchildren can continue to be proud to reside.
Im retired and can continue to give back to my community

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Saturday, December 24, 2022 5:54:11 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 12/24/2022 5:54 PM
Response #: 15
Submitter ID: 7262
IP address: 172.116.29.171
Time to complete: 18 min. , 42 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Paula Johnson	Address	[REDACTED] Tulare
Mailing Address (if different)	Not answered	Email Address	Pauladionne78@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	0	Employer	Community Health System, Institutional Review Board

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Parks & Recreation Commission
 Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Just purchased a home in Tulare, the Windmills neighborhood and will be moving in 45 days.

I have 18 years of event planning management, including multi-million dollar events for Apple' annual web developer conferences. My background consists of Executive Assistance at a C-Suite level. I am a hybrid professional with a 24/7 mentality. I am looking to help make difference in the community.

I am very interested in the Parks and Recreation Committee and the Planning Committee. I believe I can be a valuable asset to the team.

My fiance, Dr Anu Banerjee and I recently moved to the area back in September from Southern California due to work. I now work for Community Health Systems on the Institutional Review Board and my fiance is

the CEO of Corcoran Hospital.

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 28, 2022 8:49:19 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/28/2022 8:49 AM
Response #: 11
Submitter ID: 7164
IP address: 173.255.97.118
Time to complete: 10 min. , 28 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathan Juarez	Address	[REDACTED] Ave
Mailing Address (if different)	Not answered	Email Address	jjuarez@faclawoffices.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	[REDACTED]
Years in Tulare	21	Employer	Fitzgerald, Alvarez & Ciummo

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

My name is Jonathan Juarez and I am currently a public interest attorney who represents mothers in their CPS cases, the disabled in their conservatorships, and refugee children in their immigration proceedings. I've lived in Tulare my entire life excluding the 7 years I was in school for higher education. I love Tulare, and I want to give back to Tulare however my community sees fit.

Thank you,

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, April 21, 2023 1:58:11 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 04/21/2023 1:58 PM
Response #: 20
Submitter ID: 7520
IP address: 2601:206:300:f9b0:b488:a2a1:2f8c:de4b
Time to complete: 6 min. , 43 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jaime mendez	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	Jgmendez84@aol.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	35	Employer	VUSD

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Aviation Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Parks & Recreation Commission
<input checked="" type="checkbox"/> Tulare Mosquito Abatement District	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Hello my name is Jaime Mendez I've been a resident of Tulare for 35 years. I am married and have two children. I've coached various sports from youth all the way to the high school level. I would like to be more involved in my community and I believe serving on these boards would give me an opportunity to do so. Thank you for your time.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, October 19, 2023 7:15:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/19/2023 7:15 PM
Response #: 32
Submitter ID: 8125
IP address: 50.209.91.165
Time to complete: 3 min. , 14 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathon Porter	Address	[REDACTED] Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	Jcporter2014@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	27	Employer	Nationwide

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Board of Public Utilities
 Library Board
 Parks & Recreation Commission
 Planning Commission
 Tulare Mosquito Abatement District

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Bein a Tulare native I have a passion for seeing Tulare thrive. I would like to serve in a board/commission to be able to serve the community that I am from.
I come from an agricultural and government background which helps me be aware of both sides of regulation.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, June 15, 2023 2:14:08 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 06/15/2023 2:14 PM
Response #: 22
Submitter ID: 7769
IP address: 2600:387:6:805::4e
Time to complete: 18 min. , 53 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Celeste Galeno	Address	[REDACTED]
Mailing Address (if different)	[REDACTED]	Email Address	cmg93274@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	32 years	Employer	RCS, Associates, Inc.

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I have been in service for the Tulare schools, child care, churches, community services, and dairies for over 20 years. My love is for the people in Tulare county. I am a problem solver. I am in service to children, adults, and families as a child care provider and I am an Associate Marriage Family Therapist. In addition, I have hands on experience working in multiple areas of planning and bring value to our community.

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, January 20, 2023 2:31:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 01/20/2023 2:31 PM
Response #: 16
Submitter ID: 7313
IP address: 2600:1010:b1ad:f6bd:cd60:8d2e:d50f:7cba
Time to complete: 7 min. , 57 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Derek Newman	Address	[REDACTED]
Mailing Address (if different)	[REDACTED] Tulare, CA 93274	Email Address	Denewman3@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	0	Employer	Kings County District Attorney

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Good afternoon,

My name is Derek Newman. I am a relatively new resident of the City of Tulare, however I have spent my career in government at City, County, and Federal levels. I am greatly enthusiastic about applying to be on boards and commissions within the City of Tulare. In my current capacity I am Deputy District Attorney serving in Kings County. Prior to this, I worked for the County of Tulare Probation and Health and Human Services division as a supervisor and senior fiscal analyst. I would be most excited to contribute to helping the city to serve on the Police Department's Citizen Complaint Review Board. In my current capacity my primary job is to continue to work towards the safety of the people and to help make positive change within the local community.

As a practicing attorney, I feel that my skills and educational background will greatly benefit any position to which I may serve in, and ultimately will help the general public. I appreciate the opportunity to be considered for these positions.

Thank you,

Derek Newman

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

Planning Commission

Current Member Applications

Charles Miguel

Sandra Miller

New Applications

Jonathan Juarez*

Jaime Mendez*

Ralph Cantu*

Jonathon Porter*

Danielle Avila

Madalyn Souza

Derek Newman*

**Interested in other boards, commissions, and committees as well*

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, August 11, 2023 11:21:08 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 08/11/2023 11:20 AM
Response #: 24
Submitter ID: 7903
IP address: 2601:206:301:84f0:f10d:dd38:5cf8:2580
Time to complete: 10 min. , 31 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Charles Miguel	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	cjarcangel@aol.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	(559) 972-5640
Years in Tulare	55	Employer	Retired

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I was born and raised in Tulare. So the cities health and well being remains very important to me. I began attending City Council and Planning Commission meetings long before my appointment to the board. Where I now serve as Chair. Quality growth and infrastructure are key to improving quality of life. With continued expansions of our local economy and the construction of the Ag Center interchange we will be entering a new phase of development. Experience and forward thinking will remain critical as we strive to create prosperity in all quadrants of our city. I believe I possess the qualities necessary to continue that mission. Which is why I am anxious to be an active steward in our journey forward.

Thank you,
City of Tulare

This is an automated message generated by Granicus. Please do not reply directly to this email.

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Wednesday, November 15, 2023 3:09:14 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 11/15/2023 3:09 PM
Response #: 35
Submitter ID: 8189
IP address: 2601:206:300:590:71c9:e3fa:1e51:9572
Time to complete: 13 min. , 48 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Sandra Miller	Address	[REDACTED] Tulare
Mailing Address (if different)	Not answered	Email Address	sandimiller45@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	60+	Employer	Retired

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I am passionate about economic development and realize that a well balanced city offers living wage paying jobs, a variety of job opportunities, a wide range of shopping opportunities as well as a place to relax and enjoy family and friends. I worked extensively with new businesses wanting to locate in Tulare County during my 20+ year career with the Workforce Investment Board which provided me with the opportunity to see first hand the importance of job variety and choice. I feel strongly that a well planned thoughtfully designed city is a boon to citizens, businesses and visitors.

It was my great pleasure to be one of the Planning Commission's representatives to serve on 2035 City Plan Update. We are now seeing the fruition of that work in the new master plan that is taking place North of Bardsley Avenue with the Transit Oriented Design (TOD) a center piece to the design.

Tulare is a great place to live, raise a family and be part of the community. It is my great pleasure to serve our citizens as a member of the Commission and I hope to be reappointed.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, October 28, 2022 8:49:19 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/28/2022 8:49 AM
Response #: 11
Submitter ID: 7164
IP address: 173.255.97.118
Time to complete: 10 min. , 28 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathan Juarez	Address	[REDACTED] Ave
Mailing Address (if different)	Not answered	Email Address	jjuarez@faclawoffices.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	[REDACTED]
Years in Tulare	21	Employer	Fitzgerald, Alvarez & Ciummo

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

My name is Jonathan Juarez and I am currently a public interest attorney who represents mothers in their CPS cases, the disabled in their conservatorships, and refugee children in their immigration proceedings. I've lived in Tulare my entire life excluding the 7 years I was in school for higher education. I love Tulare, and I want to give back to Tulare however my community sees fit.

Thank you,

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, April 21, 2023 1:58:11 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 04/21/2023 1:58 PM
Response #: 20
Submitter ID: 7520
IP address: 2601:206:300:f9b0:b488:a2a1:2f8c:de4b
Time to complete: 6 min. , 43 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jaime mendez	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	Jgmendez84@aol.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	35	Employer	VUSD

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Aviation Committee	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Measure I Citizen Oversight Committee	<input checked="" type="checkbox"/> Library Board
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Parks & Recreation Commission
<input checked="" type="checkbox"/> Tulare Mosquito Abatement District	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Hello my name is Jaime Mendez I've been a resident of Tulare for 35 years. I am married and have two children. I've coached various sports from youth all the way to the high school level. I would like to be more involved in my community and I believe serving on these boards would give me an opportunity to do so. Thank you for your time.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Monday, October 2, 2023 8:31:32 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/02/2023 8:31 AM
Response #: 28
Submitter ID: 8063
IP address: 2600:1700:a490:ce50:6426:6ef8:5c38:5a
Time to complete: 5 min. , 37 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Ralph Cantu	Address	[REDACTED]
Mailing Address (if different)	Not answered	Email Address	arecan2@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	62	Employer	Retired

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Committee on Aging
 Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

I have completed my first year on the commission on aging. I have 15 years project management and performance consulting. I look forward to working on the commission again. Thank you.

Thank you,
City of Tulare

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From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Thursday, October 19, 2023 7:15:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 10/19/2023 7:15 PM
Response #: 32
Submitter ID: 8125
IP address: 50.209.91.165
Time to complete: 3 min. , 14 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Jonathon Porter	Address	[REDACTED] Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	Jcporter2014@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	27	Employer	Nationwide

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Board of Public Utilities
 Library Board
 Parks & Recreation Commission
 Planning Commission
 Tulare Mosquito Abatement District

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Bein a Tulare native I have a passion for seeing Tulare thrive. I would like to serve in a board/commission to be able to serve the community that I am from.
I come from an agricultural and government background which helps me be aware of both sides of regulation.

Thank you,
City of Tulare

From: donotreply@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Wednesday, November 22, 2023 9:41:42 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 11/22/2023 9:41 PM
Response #: 37
Submitter ID: 8203
IP address: 2601:201:8702:3080:18c3:828a:7f26:bb7b
Time to complete: 10 min. , 46 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Danielle Avila	Address	[REDACTED] Ave Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	Danielle@sequoiainvestors.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	34	Employer	Sequoia Investors

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Planning Commission

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

As a lifelong Tulare resident I have always had a great interest in Public Services. From teens on boards a high school student, working for the Bureau of Reclamation under the Department of the Interior while attending Fresno State where I obtaining a Agriculture Business Degree and later my MBA, to formerly serving as CEO of a major local Engineering & Planning firm. I feel I have the knowledge and passion to assist in the development of our community.

My new role at Sequoia Investors has a focus on completing Land Development and Improvement projects within Tulare and I have found so much pride and purpose in seeing them come to fruition. I would greatly enjoy taking this pride and purpose and using it to serve on our local Planning Commission.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Roxanne Yoder](#)
Subject: Board, Commission and Committee Application
Date: Friday, February 18, 2022 8:38:23 AM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 02/18/2022 8:38 AM
Response #: 19
Submitter ID: 6665
IP address: 12.7.115.50
Time to complete: 19 min. , 46 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Madalyn Souza	Address	[REDACTED] Tulare, CA 93274
Mailing Address (if different)	Not answered	Email Address	madalynsouza@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	15	Employer	Vanguard Ag

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

Planning Commission Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

My name is Madalyn Souza and I was born and raised in Tulare. In high school my family moved to Visalia, but I recently purchased my first home and I am back in the city of "We've Got It". In 2020, I graduated from California Polytechnic State University, San Luis Obispo with a B.S. in Agricultural Communications. I currently serve as the Marketing Manager for Vanguard Ag in Tulare.

I love Tulare and the community that has been built. As a citizen, I think its important to participate in the functioning of local government and to make a personal contribution to the improvement of our community. Making local government effective and responsive is everybody's responsibility. I would bring a unique perspective to the Planning Commission and/or the Police Department Citizen Complaint Review Board. I would accept the responsibilities, that many have before me, to continue to improve our community.

From: webmaster@tulare.ca.gov
To: [Melissa Hermann](#); [Maegan Peton](#)
Subject: Board, Commission and Committee Application
Date: Friday, January 20, 2023 2:31:34 PM

A new entry to a form/survey has been submitted.

Form Name: Board, Commission and Committee Application
Date & Time: 01/20/2023 2:31 PM
Response #: 16
Submitter ID: 7313
IP address: 2600:1010:b1ad:f6bd:cd60:8d2e:d50f:7cba
Time to complete: 7 min. , 57 sec.

Survey Details

Page 1

Please complete the following information.

First and Last Name	Derek Newman	Address	[REDACTED]
Mailing Address (if different)	[REDACTED] Tulare, CA 93274	Email Address	Denewman3@gmail.com
Preferred Phone Number	[REDACTED]	Alternative Phone Number	Not answered
Years in Tulare	0	Employer	Kings County District Attorney

Please indicate which boards, commissions or committees you would like to be considered for. You may select more than one.

<input checked="" type="checkbox"/> Committee on Aging	<input checked="" type="checkbox"/> Board of Public Utilities
<input checked="" type="checkbox"/> Planning Commission	<input checked="" type="checkbox"/> Library Board
	<input checked="" type="checkbox"/> Parks & Recreation Commission
	<input checked="" type="checkbox"/> Police Department Citizen Complaint Review Board

Please provide a brief statement about yourself, background and why you are interested in serving on the above selected boards, commissions or committees.

Good afternoon,

My name is Derek Newman. I am a relatively new resident of the City of Tulare, however I have spent my career in government at City, County, and Federal levels. I am greatly enthusiastic about applying to be on boards and commissions within the City of Tulare. In my current capacity I am Deputy District Attorney serving in Kings County. Prior to this, I worked for the County of Tulare Probation and Health and Human Services division as a supervisor and senior fiscal analyst. I would be most excited to contribute to helping the city to serve on the Police Department's Citizen Complaint Review Board. In my current capacity my primary job is to continue to work towards the safety of the people and to help make positive change within the local community.

As a practicing attorney, I feel that my skills and educational background will greatly benefit any position to which I may serve in, and ultimately will help the general public. I appreciate the opportunity to be considered for these positions.

Thank you,

Derek Newman

Thank you,
City of Tulare

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**CITY OF TULARE
CITY COUNCIL MEETING MINUTES**

**Tulare Public Library & Council Chamber
491 North M Street, Tulare**

**Tuesday, November 21, 2023
7:00 p.m. - Regular Meeting**

COUNCIL PRESENT: Mayor Terry A. Sayre
Vice Mayor Patrick Isherwood
Councilmember Stephen C. Harrell
Councilmember Dennis A. Mederos

COUNCIL ABSENT: Councilmember Jose Sigala

STAFF PRESENT: City Manager Marc Mondell; City Attorney Mario U. Zamora; Chief Deputy City Clerk Melissa Hermann; Assistant City Manager Josh McDonnell; Assistant Finance Director Melanie Gaboardi; City Engineer Michael Miller; Public Works Director Trisha Whitfield; Community Services Director Jason Glick; Police Chief Fred Ynclan; Fire Chief Michael Ott; Human Resources Director Janice Avila; Community Development Director Mario Anaya; Executive Director of Economic Development and Redevelopment Traci Myers; Chief Technology Officer Jason Bowling

Proper notice of this meeting was given pursuant to Government Code Section 54954.2 and 54956.

1. CALL TO ORDER

Mayor Sayre called the regular meeting of the City Council to order at 7:00 p.m. in the Council Chamber located at 491 North M Street.

Mayor Sayre advised that Councilmember Sigala would not be in attendance due to medical reasons and excused his absence.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Mayor Isherwood led the Pledge of Allegiance, and an invocation was given by John Maher, Pastor of Calvary Chapel Tulare.

3. PUBLIC COMMENTS

The following provided public comment: Jan Smith and Barbara Harrell on behalf of the Tulare Hospital and Community Health Foundation expressing appreciation for Council in regard to the Festival of Trees event; and John Thomas on behalf of the Tulare Library Foundation inviting everyone to the upcoming Night at the Library fundraising event.

4. COMMUNICATIONS

City Manager Marc Mondell advised there were no communications.

5. COUNCIL REPORTS AND ITEMS OF INTEREST

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

6. CONSENT CALENDAR

It was moved by Councilmember Mederos, seconded by Councilmember Harrell, and carried 4 to 0 (Councilmember Sigala absent) to approve the items on the Consent Calendar as presented.

- 6.1 Waive the reading of ordinances and approve reading by title only.**
Recommended Action: Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.
- 6.2 Special and/or Regular Meeting Minutes of November 7, 2023.**
Recommended Action: Approve as submitted. [M. Hermann]
- 6.3 Conditional Acceptance of Tentative Parcel Map No. 2022-06 for the Fulton Estates Development.**
Recommended Action: Conditionally approve tentative parcel map No. 2022-06 for the Fulton Estates development project and accept all easements and dedications offered to the City, subject to receipt of the signed parcel map, all fees, and other required items prior to January 20, 2024. [M. Miller]
- 6.4 Data Backup Replacement.**
Recommended Action: Authorize the City Manager to enter into a three-year service and equipment contract with ePlus Technology, Inc., of Rocklin, to purchase Rubrik data protection equipment, support, maintenance, and off-site backup storage piggybacking the National Association of State Procurement Officials (NASPO) master contract; and authorize the prepayment of the entire three years not to exceed \$83,409.12. [J. Bowling]
- 6.5 Tulare Local Road Safety Plan 2023.**
Recommended Action: Adopt a resolution adopting the Tulare Local Road Safety Plan 2023 prepared by Peters Engineering Group on behalf of the City. [M. Miller]
- 6.6 Tulare Cares Temporary Encampment Revised Rules and Regulations.**
Recommended Action: Approve the Tulare Cares Temporary Encampment Revised Rules and Regulations included as Attachment 1 and direct staff to utilize them in association with the operations of the Tulare Cares Temporary Encampment Rules and Regulations. [J. Glick]
- 6.7 Fire Department Memoranda of Understanding.**
Recommended Action: Approve the enclosed MOUs for Division Chief Group, Non-Management Bargaining Group, and Management Bargaining Group. [M. Zamora]

6.8 Motorcycle Radios Purchase.

Recommended Action: Approve the purchase of four APX 8500 Series Motorcycle Radios and accessories from J's Communications of Fresno, CA using the quote # 2366968 in the amount of \$27,807.02. [D. Hastings]

6.9 Contract Amendment with Peters Engineering Group related to design services for Project EN0093.

Recommended Action: Approve and authorize the City Manager to sign a contract amendment in the amount of \$60,000 with Peters Engineering Group for additional design services related to City Project EN0093 – Prosperity Avenue / “J” Street RR Crossing Improvements, a traffic safety improvement project to improve the UPRR crossing of Prosperity Avenue and adjacent traffic signal at “J” Street; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the revised contract amount. [M. Miller]

7. GENERAL BUSINESS**7.1 Appointment to Selection Committee for the Operator of the Tulare Emergency Homeless Shelter.**

Recommended Action: Appoint one councilmember to serve on an ad hoc selection committee for an operator of the City's planned Tulare Emergency Homeless Shelter.

Presented By: Community Services Director Jason Glick

Public Comment: None

Council Action: It was moved by Councilmember Mederos, seconded by Councilmember Harrell, and carried 4 to 0 (Councilmember Sigala absent) to appoint Vice Mayor Isherwood as the Council representative on the selection committee.

7.2 Nomination of Candidate for the SJVAPCD Governing Board.

Recommended Action: Adopt a resolution nominating Visalia Councilmember Elizabeth Wynn for consideration by the Special City Selection Committee for appointment to the San Joaquin Valley Air Pollution Control District Governing Board.

Presented By: Chief Deputy City Clerk Melissa Hermann

Public Comment: None

Council Action: It was moved by Councilmember Mederos, seconded by Councilmember Harrell, and carried 4 to 0 (Councilmember Sigala absent) to approve the item as presented.

8. FUTURE AGENDA ITEMS - NONE SUBMITTED**9. STAFF UPDATES**

Staff provided updates on department activities.

10. ADJOURNMENT

A moment of silence was held in honor of Chuck Taylor. The regular meeting was adjourned at 7:33 p.m.

Approved by Council: December 5, 2023

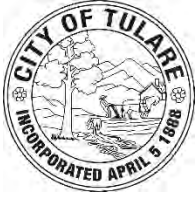
TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

DRAFT



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 10.3
Consent

Department: City Manager

Submitted by: Josh McDonnell, Assistant City Manager

Agenda Title: Receipt of County of Tulare American Rescue Plan Act Allocation

RECOMMENDED ACTION

Approve receipt of \$500,000 in County of Tulare American Rescue Plan Act (ARPA) funds for acquisition of materials (mattresses, cubicles, tables, chairs, etc.) associated with the construction of the Tulare Emergency Shelter and direct the City Manager or designee to execute the associated County of Tulare Health & Human Services Agency Services Agreement.

SUMMARY

The City of Tulare is currently in the design phase and will soon begin construction of a new 200+ bed permanent emergency shelter. Located on County of Tulare property near the northwest corner of East O'Neal Avenue and South O Street, the facility will operate on a 24-hour 365-day per year basis under contract with a non-profit and will accept all homeless individuals and families.

The County of Tulare has partnered with the City of Tulare to make the proposed facility a reality, both by making the land available for the physical location of the shelter, as well as offering a \$500,000 contribution from the County's ARPA allocation to defray costs associated with fitting out the future shelter facility, including the purchase of items such as mattresses, cubicles, tables, chairs, and other items necessary in a shelter setting.

The County of Tulare Health & Human Services Agency Services Agreement is included as Attachment 1 to this staff report. Items to be purchased with the County's \$500,000 contribution are identified in Exhibit B of Attachment 1.

FISCAL IMPACT & FUNDING SOURCE(S)

Approval of the agreement will result in the City receiving an additional \$500,000 from the County of Tulare to assist in the acquisition of specified items as part of the construction of the Tulare Emergency Shelter.

LEGAL REVIEW

Not applicable.

ALTERNATIVE ACTION

1. Approve with changes – Direct staff to discuss alternatives for expenditure of the contribution; however, the materials identified in Exhibit B have been pre-approved by the County.
2. Deny – Do not move forward with accepting the \$500,000 County allocation.
3. Table – Direct staff to research additional material associated with emergency shelter materials and return with the results.

ATTACHMENTS

1. County of Tulare Health & Human Services Agency Services Agreement

Reviewed/Approved: 

**COUNTY OF TULARE
HEALTH & HUMAN SERVICES AGENCY
SERVICES AGREEMENT**

THIS AGREEMENT (“Agreement”) is entered into as of _____, between the **COUNTY OF TULARE**, a political subdivision of the State of California (“COUNTY”), and **CITY OF TULARE**, (“CONTRACTOR”). COUNTY and CONTRACTOR are each a “Party” and together are the “Parties” to this Agreement, which is made with reference to the following:

- A.** COUNTY wishes to retain the services of the CONTRACTOR to fund furniture costs related to the permanent Emergency Homeless Shelter project in Tulare.
- B.** CONTRACTOR has the experience and qualifications to provide the services COUNTY requires pertaining to the COUNTY’S Homeless Program; and
- C.** CONTRACTOR is willing to enter into this agreement with COUNTY upon the terms and conditions set forth herein.

THE PARTIES AGREE AS FOLLOWS:

- 1. TERM:** This Agreement becomes effective as of October 1, 2023 and expires at 11:59 PM on December 31, 2024, unless earlier terminated as provided below, or unless the Parties extend the term by a written amendment to this Agreement.
- 2. SERVICES:** CONTRACTOR shall provide COUNTY with the services shown on the attached **Exhibits A and A-1**.
- 3. PAYMENT FOR SERVICES:** As consideration for the services provided by CONTRACTOR hereunder, COUNTY shall pay CONTRACTOR in accordance with the attached **Exhibit B**.
- 4. GENERAL AGREEMENT TERMS AND CONDITIONS:** COUNTY’S “General Agreement Terms and Conditions (Form revision approved as of 01/01/2021)” are hereby incorporated by reference and made a part of this Agreement as if fully set forth herein. COUNTY’S “General Agreement Terms and Conditions” can be viewed at <http://tularecountycounsel.org/default/index.cfm/public-information/>
- 5. ADDITIONAL EXHIBITS:** CONTRACTOR shall comply with the terms and conditions of the Exhibits listed below and identified with a checked box, which are by this reference made a part of this Agreement. Complete Exhibits D, E, F, G, G-1, and H can be viewed at <http://tularecountycounsel.org/default/index.cfm/public-information/>

**COUNTY OF TULARE
HEALTH & HUMAN SERVICES AGENCY
SERVICES AGREEMENT**

<input type="checkbox"/>	Exhibit D	Health Insurance Portability and Accountability Act (HIPAA) Business Associate Agreement
<input type="checkbox"/>	Exhibit E	Cultural Competence and Diversity
<input type="checkbox"/>	Exhibit F	Information Confidentiality and Security Requirements
<input type="checkbox"/>	Exhibit G	Contract Provider Disclosures (<u>Must be completed by Contractor and submitted to County prior to approval of agreement.</u>)
<input type="checkbox"/>	Exhibit G1	National Standards for Culturally and Linguistically Appropriate Services (CLAS) in Health and Health Care
<input checked="" type="checkbox"/>	Exhibit H	Additional terms and conditions for federally-funded contracts

6. NOTICES: (a) Except as may be otherwise required by law, any notice to be given must be written and must be either personally delivered, sent by facsimile transmission or sent by first class mail, postage pre-paid and addressed as follows:

COUNTY:

Contracts Unit
Tulare County Health and Human
Services Agency
5957 S. Mooney Blvd
Visalia, CA 93277
Phone No.: 559-624-8000
FAX No.: 559-749-9825

With a Copy to:

COUNTY ADMINISTRATIVE OFFICER
2800 W. Burrel Ave.
Visalia, CA 93291
Phone No.: 559-636-5005
Fax No.: 559- 733-6318

CONTRACTOR:

City of Tulare
475 M Street
Tulare, CA 93274
Phone No.: 559-684-4312

(b). Notice personally delivered is effective when delivered. Notice sent by facsimile transmission is deemed to be received upon successful transmission. Notice sent by first class mail will be deemed received on the fifth calendar day after the date of mailing. Either Party may change the above address by giving written notice under this section.

7. AUTHORITY: CONTRACTOR represents and warrants to COUNTY that the individual(s) signing this Agreement on its behalf are duly authorized and have legal capacity to sign this Agreement and bind CONTRACTOR to its terms. CONTRACTOR acknowledges that COUNTY has relied upon this representation and warranty in entering into this Agreement.

**COUNTY OF TULARE
HEALTH & HUMAN SERVICES AGENCY
SERVICES AGREEMENT**

8. COUNTERPARTS: The Parties may sign this Agreement in counterparts, each of which shall be deemed an original and all of which taken together form one and the same agreement. A signed copy or signed counterpart of this Agreement delivered by facsimile, email, or other means of electronic transmission shall be deemed to have the same legal effect as delivery of a signed original or signed copy of this Agreement.

9. MANUAL OR ELECTRONIC SIGNATURES: The Parties may sign this Agreement by means of manual or electronic signatures. The Parties agree that the electronic signature of a Party, whether digital or encrypted, is intended to authenticate this Agreement and to have the same force and effect as a manual signature. For purposes of this Agreement, the term “electronic signature” means any electronic sound, symbol, or process attached to or logically associated with this Agreement and executed and adopted by a Party with the intent to sign this Agreement, including facsimile, portable document format, or email electronic signatures, pursuant to the California Uniform Electronic Transactions Act (Cal. Civ. Code §§ 1633.1 to 1633.17), as it may be amended from time to time.

[THIS SPACE LEFT BLANK INTENTIONALLY; SIGNATURES FOLLOW ON NEXT PAGE]

**COUNTY OF TULARE
HEALTH & HUMAN SERVICES AGENCY
SERVICES AGREEMENT**

THE PARTIES, having read and considered the above provisions, indicate their agreement by their authorized signatures below.

City of Tulare

Date: _____

By _____

Print Name _____

Title _____

Date: _____

By _____

Print Name _____

Title _____

[Pursuant to Corporations Code section 313, County policy requires that contracts with a **Corporation** be signed by both (1) the chairman of the Board of Directors, the president or any vice-president (or another officer having general, operational responsibilities), and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer (or another officer having recordkeeping or financial responsibilities), unless the contract is accompanied by a certified copy of a resolution of the corporation's Board of Directors authorizing the execution of the contract. Similarly, pursuant to California Corporations Code section 17703.01, County policy requires that contracts with a **Limited Liability Company** be signed by at least two managers, unless the contract is accompanied by a certified copy of the articles of organization stating that the LLC is managed by only one manager.]

COUNTY OF TULARE

Date: _____

By _____

Chair, Board of Supervisors

ATTEST: JASON T. BRITT
County Administrative Officer/Clerk of the Board
of Supervisors of the County of Tulare

By _____

Deputy Clerk

Approved as to Form
COUNTY COUNSEL

By _____

Deputy

Date: _____

Matter # _____



Exhibit A

Scope of Work

Project Description: The project is a 200 bed permanent emergency shelter that can scale to 400 beds if necessary. The facility will operate on a 24-hour 365-day per year basis under contract with a non-profit and will accept all homeless individuals and families. The City of Tulare will be responsible for the facility's ongoing operating costs. Three internal levels of residency will be provided, including Entry, Participation, and Recovery.

The project is funded via a variety of sources, including County of Tulare American Rescue Plan Act (ARPA), City of Tulare ARPA, City of Tulare General Fund Reserves, State of California Encampment Resolution Funds, and a federal budget appropriation. In addition, the project will include private financing rental assistance agreements, and other operating subsidies in order to house the lowest-income and most vulnerable families and individuals.

Allocation Amount and Use of Funds: The County's \$500,000 ARPA contribution will pay towards the costs associated with fitting out the shelter facility, including items such as mattresses, cubicles, tables, chairs and other items necessary in a shelter setting.



The following list and cost of shelter items in Exhibit B identifies the items that will be purchased using the County's \$500,000 ARPA contribution. All of the listed items will be for the exclusive use of the emergency shelter.



1. Compliance and Reporting Guidance

Awareness: The proposed emergency shelter will be the focal point of the City of Tulare’s homeless outreach efforts. The City currently has direct relationships with the various partners and stakeholders in and around the homeless community in Tulare County. All organizations will be

Access and Distribution: Project residents will equally have access to opportunities and services provided at the site. Services include individual/group-based services space, support staff, and computer/community rooms. On-site management staff will oversee the Project to ensure that all available resources are successfully utilized.

Outcomes: The intended outcome is to provide permanent supportive housing for individuals and mixed-income families with disabilities or experiencing homelessness. The proposed project, through its inclusion of a range of housing options and variety of service provision, will utilize the resources identified above to facilitate the safe accommodation of unhoused individuals.

2. Performance Indicators

City of Tulare will acquire its Certificate of Occupancy, along with necessary inspections and permits by September, 2024. The ARPA funds will assist in accomplishing the following goals:

- Complete the fitting out of the emergency shelter.
- Construction Completion by July 2024
- Project is expected to begin occupancy for phase 1 in September, 2024, with a robust continuum of services offered on site.

3. Serving Disadvantaged Communities

The emergency shelter project is intended to serve any member of the community experiencing homelessness. Referrals to the units reserved for homeless households will be made through any one of a number of public agencies and non-profit organizations, including departments from the City of Tulare and County of Tulare as well as Lighthouse Rescue Mission, Kings Tulare Homeless Alliance, Salt & Light, and Family Services of Tulare County.



The physical site location will be on a portion of the County of Tulare’s “Hillman Center” campus located in southwestern Tulare on the north side of O’Neal Avenue between K Street and O Street. Homeless service providers will be able to direct potential users to the facility, and multiple web sites, including the City of Tulare’s website, will provide a description of the facility location as well as the services offered.

Exhibit B
City of Tulare
List and Cost of Shelter Items

Location	Qty	Units	Unit Cost	Cost	Notes
Main Shelter					
1st Stage Area					
Twin Size Bed Frames (Double Bunk)	86	ea	\$500	\$43,000	
Twin Size Mattress	86	sets	\$300	\$25,800	
Interior Picnic Tables	14	ea	\$3,500	\$49,000	
Lockers (12 unit 45"x78"x18")	8	ea	\$2,000	\$16,000	Qty = # beds / 12
2nd Stage Area					
Cubicles	64	ea	\$1,200	\$76,800	
Twin Size Bed Frames (Single Unit)	64	ea	\$500	\$32,000	
Twin Size Mattress	64	sets	\$300	\$19,200	
Interior Picnic Tables	2	ea	\$3,500	\$7,000	
Side Tables	128	ea	\$50	\$6,400	
Lockers (6 unit 45"x78"x18")	11	ea	\$1,800	\$19,800	Qty = # beds / 6
3rd Stage (Recovery) Area					
Private spaces (2"x4" framed)	24	ea	\$2,400	\$57,600	
Queen Size Bed Frames	24	ea	\$400	\$9,600	
Queen Size Mattress	24	ea	\$500	\$12,000	
Side Tables	48	ea	\$50	\$2,400	
Storage Closets	24	ea	\$400	\$9,600	
Village Area					
Queen Size Bed Frames	32	ea	\$400	\$12,800.	
Queen Size Mattress	32	ea	\$500	\$16,000	
Side Tables	64	ea	\$50	\$3,200	
Interior Tables	32	ea	\$200	\$6,400	
Interior Chairs	32	ea	\$200	\$6,400	
Storage Closets	32	ea	\$400	\$12,800	
Food Pantry (1/2 of a 24'x60' modular)					
Commercial Grade Refrigerator	4	ea	\$2,200	\$8,800	
Prep Tables	8	ea	\$400	\$3,200	
Ice Machine	1	ea	\$2,400	\$2,400	
Commercial Grade Dishwasher	1	ea	\$3,000	\$3,000	
Food Warmers	2	ea	\$400	\$800	
Laundry Room (1/2 of a 24'x60' modular)					
Washers	20	ea	\$500	\$10,000	
Dryers	20	ea	\$500	\$10,000	
Classroom (24'x40' modular)					
Desks/Tables	21	ea	\$200	\$4,200	
Chairs	21	ea	\$50	\$1,050	

Administrative Office (24'x40' modular with two private offices, one large reception area and restroom)					
Computers	4	ea	\$1,000	\$4,000	
Desks	4	ea	\$200	\$800	
Desk Chairs	4	ea	\$160	\$650	
Chairs	10	ea	\$130	\$1,300	
General Site Improvements					
Metal Detector	1	ea	\$6,000	\$6,000	
TOTAL COST				\$500,000	

Exhibit H

American Rescue Plan Act (ARPA) Addendum

As a recipient of the American Rescue Plan Act of 2021 (ARPA) Coronavirus State and Local Fiscal Recovery Funds (SLFRF) – 31 CFR Part 35, also known as ARPA SLFRF Funding, acknowledge that the funding will be used for costs spent in accordance with Section 9901 of ARPA amended Title VI of the Social Security Act¹⁷ (the Act) to which has been added section 602, which establishes the Coronavirus State Fiscal Recovery Fund, and section 603, which establishes the Coronavirus Local Fiscal Recovery Fund, and which provides the following criteria for eligible uses of funds -

1. To respond to the public health emergency or its negative economic impacts, including assistance to households, small businesses, and nonprofits, or aid to impacted industries such as tourism, travel, and hospitality;
2. To respond to workers performing essential work during the COVID-19 public health emergency by providing premium pay to eligible workers;
3. For the provision of government services to the extent of the reduction in revenue due to the COVID-19 public health emergency relative to revenues collected in the most recent full fiscal year prior to the emergency; and
4. To make necessary investments in water, sewer, or broadband infrastructure.

Congress has further declared two uses of ARPA SLFRF funds to be expressly ineligible, namely:

1. Sections 602(c)(2)(B) and 603(c)(2) provide that these eligible uses do not include, and thus funds may not be used for, depositing funds into any pension fund, which Treasury has interpreted to mean any contribution into a pension fund outside of normal employer payroll contributions, and;
2. Section 602(c)(2)(A) also provides, for States and territories, that the eligible uses do not include: “directly or indirectly offset[ing] a reduction in the net tax revenue of [the] State or territory resulting from a change in law, regulation, or administrative interpretation.”

In addition, recipients and subrecipients of ARPA SLFRF Funding are required to abide by United States Department of the Treasury guidelines under the Final Rule for Coronavirus State and Local Fiscal Recovery Funds, which is available at the following link: < <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds> >. Please note that the Treasury Department may update the guidelines, which should be consulted upon approval of this Agreement, and upon invoicing for payment.

Recipients not only are required to comply with the guidelines mentioned above, they are also required to submit a series of regular and interim reports to the Department of the Treasury.

Reporting requirements are outlined in the Compliance and Reporting Guidance <<https://home.treasury.gov/system/files/136/SLFRF-Compliance-and-Reporting-Guidance.pdf>> as well as the User Guide: Treasury's Portal for User Reporting <https://home.treasury.gov/system/files/136/SLFRF_Treasury-Portal-Recipient-Reporting-User-Guide.pdf>. While Tulare County will submit reports to Treasury as a primary recipient of ARPA SLFRF funds, all other recipients and subrecipients must make available to Tulare County documentation sufficient to complete reporting requirements as outlined above.

It is also recommended that recipients review Treasury Department Frequently Asked Questions, which are regularly updated, at this link: <<https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>>.

Additional explanation on Treasury guidance is available at the Treasury's web page for Coronavirus State and Local Fiscal Recovery Funds: <<https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>>. Please note that all recipients and subrecipients of ARPA SLFRF funds must abide by all requirements posted on Treasury's web page for Coronavirus State and Local Fiscal Recovery Funds, in addition to the ones already mentioned. They should also take note and be aware of the guidance and recommendations contained in posted materials. As Treasury may periodically update posted materials, recipients and subrecipients should consult the web page upon approval of this Agreement, and upon invoicing for payment.

Finally, recipients/subrecipients are prohibited from receiving or seeking additional Federal funds for services paid for under this Agreement. Additionally, funds (except in a few limited circumstances) may only be applied to costs incurred and obligated during the period starting on March 3, 2021 and extending through December 31, 2024; such circumstances are outlined in the Treasury's Interim Final Rule for ARPA SLFRF, previously mentioned above. It should also be noted that ARPA SLFRF funds are assigned an Assistance Listing (here: <<https://sam.gov/fal/7cecfdef62dc42729a3fdcd449bd62b8/view>>) and final Catalog of Federal Domestic Assistance (CFDA) number, which is 21.027. Recipients and subrecipients are required to use the final CFDA number for all financial accounting, audits, subawards, and associated program reporting requirements.

Recipient/subrecipient agrees to maintain and make available to Tulare County Health and Human Services Agency upon request all documents and financial records sufficient to establish compliance with subsection 603 of the Social Security Act, as amended, (42 U.S.C. 801(d)). Records shall be maintained for a period of 5 years after final payment is made using ARPA SLFRF Funding.

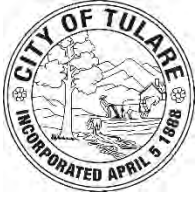
For ARPA SLFRF purposes, your organization is a:

(check one)

Subrecipient

Contractor

For what this represents under the current ARPA SLFRF rules, please refer to your point of contact at the Tulare County Health and Human Services Agency.



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 10.4
Consent

Department: Office of Safety, Compliance, & Facilities

Submitted by: Manny Correa, Safety, Compliance and Facilities Officer

Agenda Title: Airport Rental Rate Changes

RECOMMENDED ACTION

Authorize changes in the Airport T-Hangar, Port-a-Hangar, Extended Hangar, and Business Hangar rental rates.

SUMMARY

At the August 28, 2023 Aviation Committee meeting, the Committee reviewed current rates and leases for Hangar, Port-a-Hangar, Extended Hangar, and Business Hangar rentals and proposed new rates based upon market data at "like" airports. Based upon the data, the Committee voted to adopt the new rates and recommend to Council that rates be increased as follows:

CURRENT RATE	FUTURE RATE
Ten Port-a-Hangars @ \$125/month	Ten Port-a-Hangars @ \$170/month
19 T-Hangars @ \$150/month	19 T-Hangars @ \$200/month
Two Extended Hangars @ \$160/month	Two Extended Hangars @ \$215/month
Business Hangars	CPI or 10% whichever is lower when term expires

If the rate increase is authorized, all renters would be notified in writing and rates would go into effect on January 1, 2024. In addition, staff has been working on standardized contracts for the rentals and will be signed after rate approval.

FISCAL IMPACT & FUNDING SOURCE(S)

No fiscal impact.

LEGAL REVIEW

City attorney reviewed the contract, no changes were needed.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ATTACHMENTS

None

Reviewed/Approved: 



Staff Report

Meeting: City Council
Date: December 5, 2023

Item #: 10.5
Consent

Department: Engineering Services - Engineering
Submitted by: City Engineer Michael Miller
Agenda Title: Mooney Boulevard Street Right-of-Way and Public Utility Easement

RECOMMENDED ACTION

Accept a Grant Deed for dedication of street right of way and public utility purposes, and a Grant of Easement for public utilities purposes from Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest, for street dedication and public utilities located along the frontage of Mooney Boulevard; and authorize the City Manager or his designee to sign the Certificates of Acceptance for the same.

SUMMARY

In accordance with Site Plan Review No. SP20-38, Gussan Shedid is constructing a Little Caesars restaurant located on property fronting Mooney Boulevard approximately 550 feet north of its intersection with Bardsley Avenue (APN 172-150-021). Dedication of additional street right-of-way and a public utility easement were required along the project's Mooney Boulevard frontage as conditions of project approval. A Grant Deed for the street right-of-way dedication and a Grant of Easement for the public utility easement have been executed by the owner and await recordation pending Council approval. Certificates of Acceptance signed by the City Manager will need to be recorded along with the Grant Deed and Grant of Easement.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

The standard format of Grant Deeds, Grants of Easement, and Certificates of Acceptance have been reviewed and approved as to form by the City Attorney.

ALTERNATIVE ACTION

1. Approve with changes – No impact.
2. Deny – Portion of the project's Mooney Boulevard frontage would remain under ownership of the developer, and a certificate of occupancy would not be issued for the Little Caesars project.
3. Table – A certificate of occupancy would not be issued for the Little Caesars project.

ATTACHMENTS

1. Mooney Boulevard Street Right-of-Way Grant Deed
2. Mooney Boulevard Street Right-of-Way Grant Deed Certificate of Acceptance
3. Mooney Boulevard Public Utility Easement
4. Mooney Boulevard Public Utility Easement Certificate of Acceptance

Reviewed/Approved: 

RECORDING REQUESTED BY:

CITY OF TULARE

AND WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

SPACE ABOVE FOR RECORDER'S USE

Grant Deed

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$ NONE

- City of Tulare Parcel No.: 172-150-021
- Computed on full value of interest or property conveyed, or
- Computed on full value less value liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, represents that, as the owner(s) of herein described real property,

Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest ("Grantor")

Hereby GRANT(S) to the **City of Tulare, a Municipal Corporation** ("Grantee"), in fee interest, for street right of way and public utility purposes, over the real property in the City of Tulare, County of Tulare, State of California, described as follows:

SEE ATTACHED **EXHIBIT 'A'** FOR LEGAL DESCRIPTION AND **EXHIBIT 'B'** FOR PLAT.

Date: _____

Grantor: Gussan Shedid Trust of 2018

By: _____
Gussan Shedid, Trustee

Date: _____

Grantor: Joseph Feghali, a Married Man

By: _____

Date: _____

Grantor: Maroun Feghali, a Married Man

By: _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On _____ before me, _____

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On _____ before me, _____

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On _____ before me, _____

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

EXHIBIT 'A'

Lane Engineers, Inc. Job No. 20329
November 21, 2023

ADDITIONAL RIGHT OF WAY DEDICATION:

The East 23.00 feet of the West 68.00 feet of the following described parcel:

COMMENCING at the Southwest corner of Section 7, Township 20 South, Range 25 East, Mount Diablo Base and Meridian;

Thence North 00°43'51" East 457.45 feet along the West line of the SW1/4 of said Section 7 to the TRUE POINT OF BEGINNING;

Thence South 88°27'42" East 222.02 feet along a line parallel with and 457.4 feet North of the South line of said SW1/4 of Section 7 as measured at right angles thereto;

Thence North 00°43'51" East 196.22 feet along a line parallel with and 222.0 feet East of the West line of said SW1/4 of Section 7 as measured at right angles thereto to the South line of Parcel 4 of Parcel Map No. 4628, recorded in Book 47 of Parcel Maps, at Page 33, T.C.R.;

Thence North 88°27'42" West 222.02 feet along said South line of Parcel 4 and the prolongation thereof to the West line of said SW1/4 of Section 7;

Thence South 00°43'51" West 196.22 feet along said West line to the TRUE POINT OF BEGINNING.

CONTAINING 4,513 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO.



11/21/2023

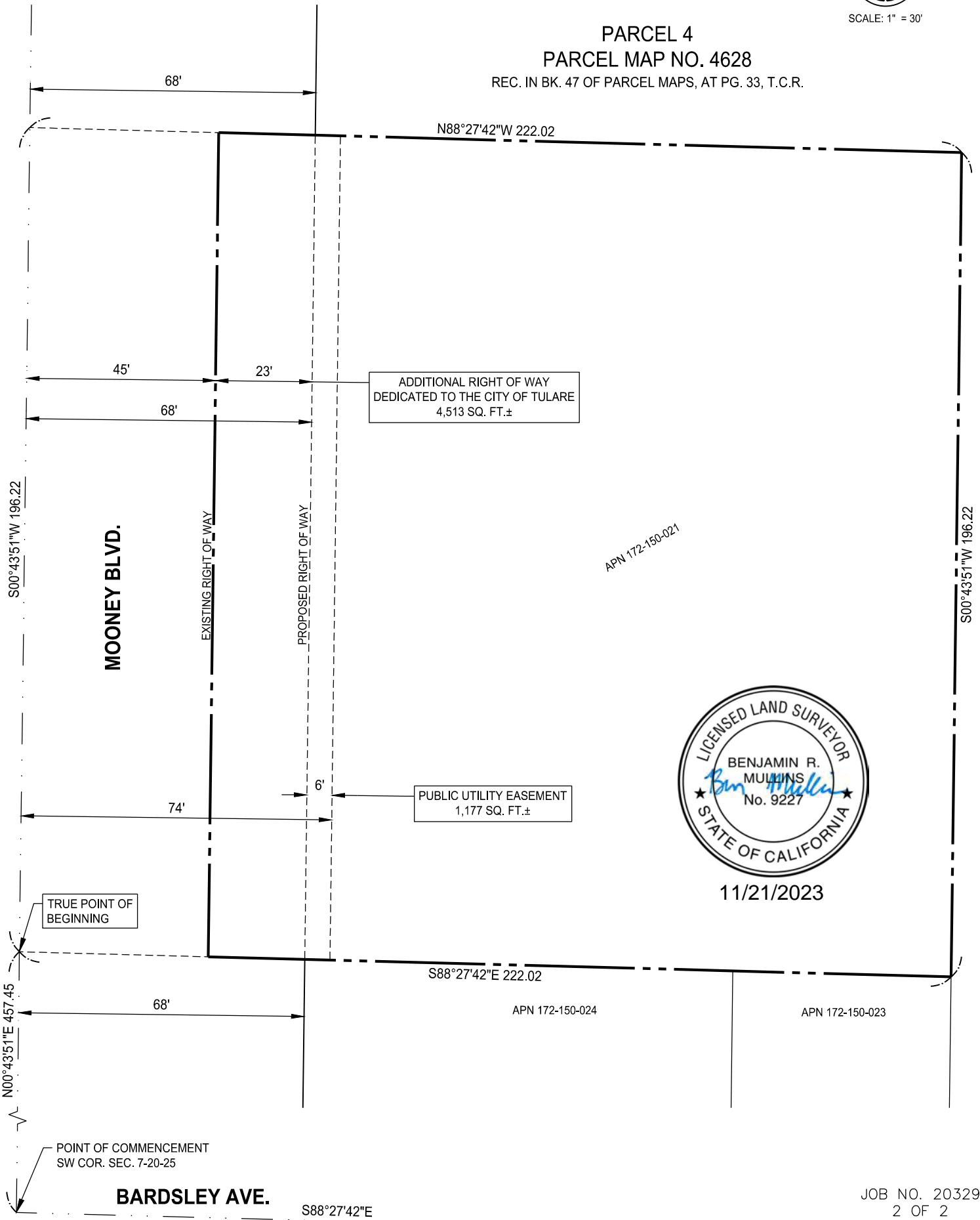
EXHIBIT B

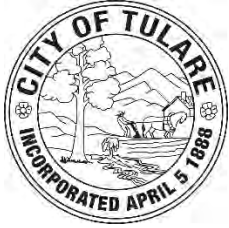
SCALE: 1" = 30'



PARCEL 4 PARCEL MAP NO. 4628

REC. IN BK. 47 OF PARCEL MAPS, AT PG. 33, T.C.R.





OFFICE OF THE CITY CLERK

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the **Grant Deed** dated _____, from **Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest**, to the City of Tulare, Municipal Corporation of the State of California, was duly accepted by the City Council of the City of Tulare on **December 5, 2023**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant Deed**.

CITY OF TULARE

By: _____
Marc Mondell, City Manager

ATTEST:

Melissa Hermann, Chief Deputy City Clerk

RECORDING REQUESTED BY:

CITY OF TULARE

AND WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

SPACE ABOVE FOR RECORDER'S USE

Grant of Easement

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$ NONE

- City of Tulare Parcel No.: 172-150-021
- Computed on full value of interest or property conveyed, or
- Computed on full value less value liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, represents that, as the owner(s) of herein described real property,

Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest ("Grantor")

Hereby GRANT(S) to the **City of Tulare, a Municipal Corporation** ("Grantee"), an easement for **Public Utility** purposes over the real property in the City of Tulare, County of Tulare, State of California, described as follows:

SEE ATTACHED **EXHIBIT 'A'** FOR LEGAL DESCRIPTION AND **EXHIBIT 'B'** FOR PLAT.

Date: _____

Grantor: Gussan Shedid Trust of 2018

By: _____
Gussan Shedid, Trustee

Date: _____

Grantor: Joseph Feghali, a Married Man

By: _____

Date: _____

Grantor: Maroun Feghali, a Married Man

By: _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On _____ before me, _____

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On _____ before me, _____

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On _____ before me, _____

Notary Public, personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

(Seal)

EXHIBIT 'A'

Lane Engineers, Inc. Job No. 20329

November 21, 2023

PUBLIC UTILITY EASEMENT:

The East 6.00 feet of the West 74.00 feet of the following described parcel:

COMMENCING at the Southwest corner of Section 7, Township 20 South, Range 25 East, Mount Diablo Base and Meridian;

Thence North 00°43'51" East 457.45 feet along the West line of the SW1/4 of said Section 7 to the TRUE POINT OF BEGINNING;

Thence South 88°27'42" East 222.02 feet along a line parallel with and 457.4 feet North of the South line of said SW1/4 of Section 7 as measured at right angles thereto;

Thence North 00°43'51" East 196.22 feet along a line parallel with and 222.0 feet East of the West line of said SW1/4 of Section 7 as measured at right angles thereto to the South line of Parcel 4 of Parcel Map No. 4628, recorded in Book 47 of Parcel Maps, at Page 33, T.C.R.;

Thence North 88°27'42" West 222.02 feet along said South line of Parcel 4 and the prolongation thereof to the West line of said SW1/4 of Section 7;

Thence South 00°43'51" West 196.22 feet along said West line to the TRUE POINT OF BEGINNING.

CONTAINING 1,177 SQUARE FEET, MORE OR LESS.

SEE EXHIBIT 'B' ATTACHED HERETO.



11/21/2023

EXHIBIT B

SCALE: 1" = 30'

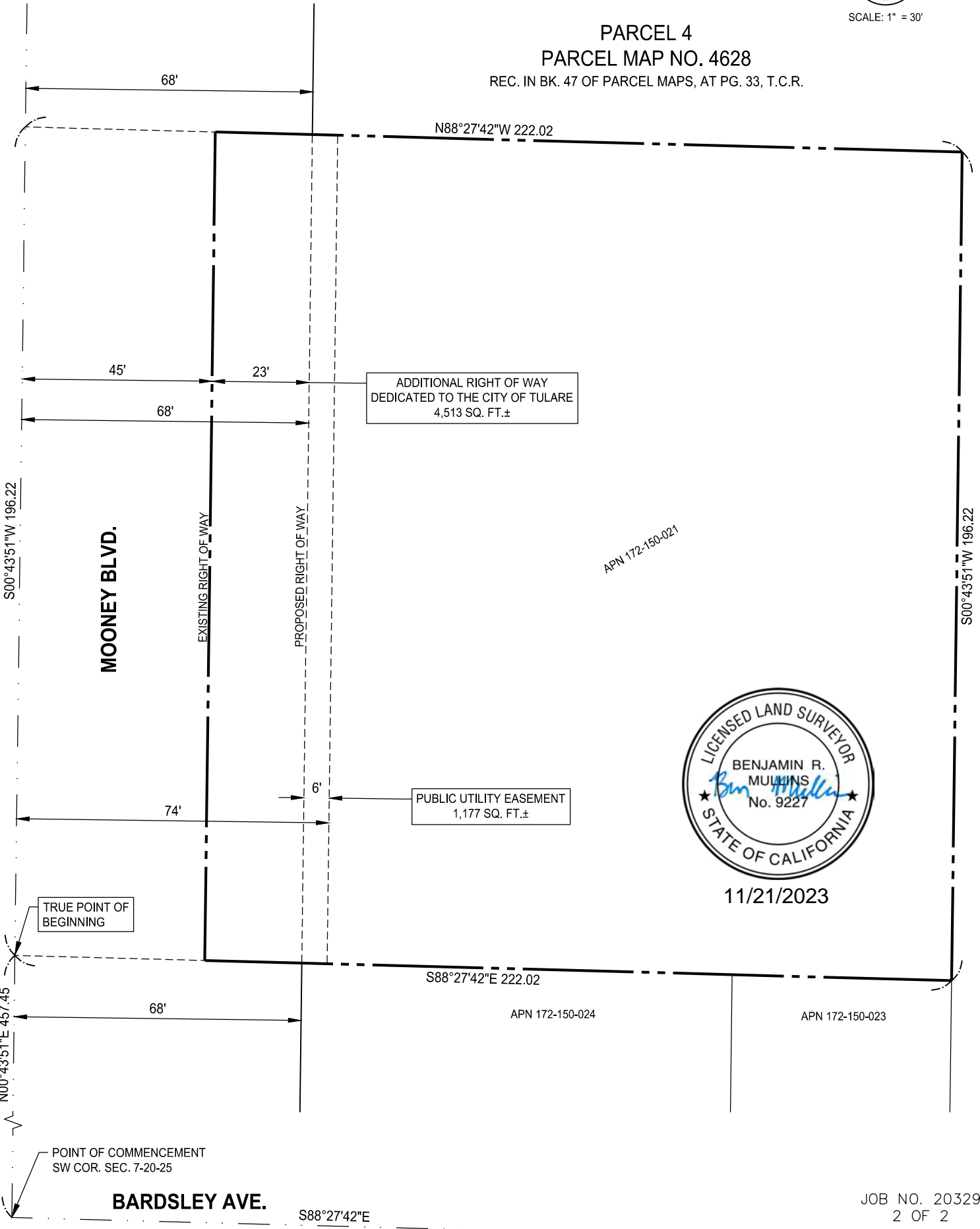
NORTH



SCALE: 1" = 30'

PARCEL 4 PARCEL MAP NO. 4628

REC. IN BK. 47 OF PARCEL MAPS, AT PG. 33, T.C.R.



11/21/2023



OFFICE OF THE CITY CLERK

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the **Grant of Easement** dated _____, from **Gussan Shedid, Trustee of the Gussan Shedid Trust of 2018, as to an undivided 33.334% interest; Joseph Feghali, a Married Man, as to an undivided 33.333% interest and Maroun Feghali, a Married Man, as to an undivided 33.333% interest**, to the City of Tulare, Municipal Corporation of the State of California, was duly accepted by the City Council of the City of Tulare on **December 5, 2023**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant of Easement**.

CITY OF TULARE

By: _____
Marc Mondell, City Manager

ATTEST:

Melissa Hermann, Chief Deputy City Clerk



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 10.6
Consent

Department: Engineering Services - Engineering
Submitted by: City Engineer Michael Miller
Agenda Title: Panda Express Notice of Completion

RECOMMENDED ACTION

Accept as complete the required public works improvements for Panda Express, a commercial development located at the northeast corner of Bardsley Avenue and Blackstone Street; authorize the City Engineer to sign a Notice of Completion (NOC); and direct the City Clerk to file the NOC with the Tulare County Recorder's Office.

SUMMARY

CFT NV Developments, LLC, a Nevada limited liability company, is constructing a Panda Express restaurant as part of a commercial development located on the northeast corner of Bardsley Avenue and Blackstone Street. Included in the conditions of project approval, the Developer was required to construct a median island and associated improvements in Bardsley Avenue to control turning movements into the project site. The developer has completed the construction of all required public works improvements in accordance with the approved plans and specifications for this development.

On February 24, 2023, the developer and City Council entered into a preliminary oversized construction reimbursement agreement for the construction of said improvements. Following the recordation of a notice of completion for the improvements, staff will work with the developer on a final oversized construction reimbursement agreement and will present that to Council for consideration at a future date.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

The City's standard Notice of Completion format has been reviewed and approved as to form by the City Attorney.

ALTERNATIVE ACTION

1. Approve with changes – No impact.
2. Deny – Not approving the NOC would prevent the developer from entering into a final oversized construction reimbursement agreement for median island improvements installed on Bardsley Avenue.
3. Table – A delay in the City accepting the improvements would in turn delay future reimbursement for median island improvements on Bardsley Avenue.

ATTACHMENTS

1. Notice of Completion
2. Preliminary Oversize Construction Reimbursement Agreement

Reviewed/Approved: 

RECORDING REQUESTED BY:

City of Tulare

WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. **The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, 93274, is the owner of the real property, public works or structure hereinafter described.**
2. **The nature of the title of the stated owner is: In Fee.**
3. **On the December 5, 2023, a work of improvement on real property hereinafter described was completed by CFT NV Developments, LLC, a Nevada limited liability company, the Developer of record, whose address is 1120 N. Town Center Drive, Suite 150, Las Vegas, Nevada 98144**
4. **The real property or public work or structure is described as follows:**

Public improvements on Blackstone Street and Bardsley Avenue associated with the Panda Express commercial development, including, but not limited to, the installation of master plan median island improvements in Blackstone Street.
5. **The public works improvements were accepted as complete by the City Council of the City of Tulare on December 5, 2023.**

Dated: _____

**CITY OF TULARE
A Municipal Corporation,**

By: _____
Michael W. Miller, City Engineer

VERIFICATION:

I am the City Engineer of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2023 at Tulare, California.

By: _____
Michael W. Miller, City Engineer

PRELIMINARY OVERSIZE CONSTRUCTION REIMBURSEMENT AGREEMENT

This Preliminary Oversize Construction Reimbursement Agreement (“**Agreement**”) is made and entered into as of this day of FEBRUARY 24, 2023 (“**Effective Date**”), by and between the **CITY OF TULARE, a Municipal Corporation in the State of California (“CITY”)**, and **CFT NV Developments, LLC, a Nevada limited liability company (“DEVELOPER”)**, with reference to the following facts:

RECITALS

WHEREAS, **DEVELOPER** is the owner of that certain land legally described and shown on Exhibit A attached hereto, located at the northeast corner of Bardsley Avenue and Highway 99, Tulare, California (hereinafter referred to as “**PROPERTY**”). Developer intends to develop the Property for retail use (hereinafter referred to as “**PROJECT**”);

WHEREAS, the conditions of approval for the **PROJECT** require **DEVELOPER** to construct a raised median in Bardsley Avenue between Blackstone Street and the southbound ramp intersection of Highway 99 (“**Oversize Improvements**”);

WHEREAS, the **CITY** has identified certain components of the required improvements that are supplemental in nature and subject to oversized construction reimbursement in accordance with the provisions of Chapter 8.64 of Title 8 of the Municipal Code of Tulare;

WHEREAS, Chapter 8.64 of Title 8 of the Municipal Code of Tulare requires, in the event that sewer, water, storm drain or street improvements are installed by a developer or a right-of-way is dedicated by the same, any of which contain supplemental improvements as described in that Chapter, that the **CITY** shall enter into a reimbursement agreement for Oversize Improvements with the developer; and

WHEREAS, **CITY** and **DEVELOPER** desire to memorialize their agreement with respect to the foregoing as more fully set forth below in this Agreement.

AGREEMENT

NOW, THEREFORE, incorporating the foregoing recitals, and in good consideration of the mutual covenants and agreements contained herein and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by both parties, **CITY** and **DEVELOPER** hereby agree as follows:

1. Reimbursable Oversize Improvements. **CITY** and **DEVELOPER** agree that the following components of the Oversize Improvements required as conditions of approval for the **PROJECT**, are eligible for oversized construction reimbursement by the **CITY** to **DEVELOPER**, in accordance with Chapter 8.64 of Title 8 of the City Code of Tulare, which includes the following:

- a. **Bardsley Avenue Median Island**: The approximate median island area required by the PROJECT's conditions of approval has been estimated at 4,994 square feet. The estimated value of the Bardsley Avenue median island is as follows:

Value of Median Island Curb:

$$980 \text{ LF} \times \$28 \text{ per LF} = \$27,440$$

Value of Median Island Concrete Flatwork (4" thick):

$$3,781 \text{ SF} \times \$14 \text{ per SF} = \$52,934$$

Value of Median Signage, Pavement Markers, and Painting:

$$\text{Lump Sum} = \$2,800$$

Value of Supplemental Median Paving:

$$62 \text{ Tons AC} \times \$250/\text{Ton} = \$15,550$$

$$34 \text{ Tons AB} \times \$16/\text{Ton} = \$544$$

Traffic Control

$$\text{Lump Sum} = \$40,000$$

The total estimated costs eligible for oversize construction reimbursement is **One Hundred Thirty-Nine Thousand, Two Hundred Sixty-Eight Dollars (\$139,268.00)** (estimated "Oversized Reimbursement"). The CITY acknowledges that the figures set forth herein are merely estimates and are not and shall not be deemed to limit Developer's right to reimbursement for the actual cost of the Oversized Improvements.

2. The Oversized Reimbursement shall be based on the actual cost of installation and in accordance with this Agreement. In addition, the Oversized Reimbursement shall be limited to the additional material costs where a difference in material quantities is involved. Further, the costs of engineering, staking, compaction tests, and all fees paid to the city, county or state shall be excluded from the Oversized Reimbursement, except for that portion of the inspection fees directly attributable to the Oversized Improvements.
3. The CITY shall pay interest on any outstanding principal balance owed to the DEVELOPER pursuant to this Agreement at a variable rate, compounded annually. The interest rate for each calendar year shall be equal to the average annual Local Agency Investment Fund (LAIF) rate of return on City of Tulare investments from the previous calendar year. Interest for a portion of a year shall be prorated to the nearest month and shall commence from the acceptance date on the notice of completion.
4. The total principal and interest for Oversized Reimbursement and excessive right of way dedication shall be paid to the DEVELOPER by the CITY in accordance with Chapter 8.64.020 of the City of Tulare Municipal Code which is incorporated herein.

5. CITY shall maintain a Reimbursement List for each fund maintained through the City's DIF program. DEVELOPER shall be added to each applicable list in date order. The applicable date for purposes of proper placement on the Reimbursement List shall be the date upon which the City accepts the improvements following the notice of completion.
6. Reimbursements are to be sent, postage prepaid, by either (a) United States registered or certified mail, return receipt requested, or (b) reputable national overnight courier or delivery service to the DEVELOPER at the following address (DEVELOPER reserves the right to change its address by delivering to the City a written notification thereof):

**CFT NV Developments, LLC
1120 N. Town Center Drive, Suite 150
Las Vegas, Nevada 89144
Attn: Charlie Shen**

7. CITY and DEVELOPER each make the following representations and warranties to the other: (i) it has the legal power, right, and authority to enter this Agreement and to perform its obligations hereunder, (ii) all requisite action has been taken and all required consents, approvals, and authorizations have been obtained by it in connection with entering into this Agreement, (iii) no further consent of any partner, shareholder, trustee, trustor, beneficiary, creditor, investor, judicial or administrative body, governmental authority or other person or entity is required for it to perform its obligations under Agreement, (iv) the individuals executing this Agreement on its behalf have the legal power, right and actual authority to bind it to the terms and conditions hereof, and (v) upon full execution, this Agreement shall constitute the legal, valid and binding obligations of it, enforceable against it in accordance with its terms, to the extent permitted by law.
8. The DEVELOPER shall not transfer the rights to reimbursements without the express written consent of the CITY after having submitted a signed and notarized written request for said transfer to the City Engineer, which consent shall not be unreasonably withheld.
9. If either DEVELOPER or CITY brings an action, suit or other legal proceeding against the other for any matter relating to or arising out of this Agreement, then the prevailing party in such action or dispute, shall be entitled to recover from the other party, in addition to any other relief granted, all reasonable costs and expenses of such legal action, including reasonable attorney's fees, unless otherwise mutually agreed upon in writing by the parties.
10. This Agreement represents the entire understanding of the CITY and the DEVELOPER as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing and signed by both the CITY and the DEVELOPER.

11. If any section, subsection, paragraph, sentence, clause, or phrase of this Agreement is held to be unconstitutional or invalid or ineffective by any Court or tribunal of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Agreement, or any part thereof.
12. Venue with respect to any disputes arising from this Agreement is proper in the Superior Court of California, County of Tulare.
13. The parties agree that each shall give the other 60 days' advance written notice and attempt to settle any disputes through mediation prior to filing any legal action in the Superior Court, unless this requirement is expressly waived in writing by both parties.
14. Service of any notices or documents relating to this Agreement is proper through personal service to the City Manager's Office or Developer's principal business office at 1120 N. Town Center Drive, Suite 150, Las Vegas, Nevada 89144, or by U.S. Certified Mail or reputable overnight courier service to the addresses as follows:

CITY:

Attn: _____

DEVELOPER:

**CFT NV Developments, LLC
1120 North Town Center Drive, Suite 150
Las Vegas, Nevada 89144
Attn: Charlie Shen**

With copy to:
**CFT NV Developments, LLC
1120 N. Town Center Drive, Suite 150
Las Vegas, NV 89144
Attn: CFT Real Estate Legal**

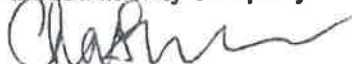
Service shall be deemed complete upon personal service, upon the first (1st) business day following deposit with reputable overnight courier service, or upon the fifth (5th) calendar day following the post-marked date upon anything served by mail.

IN WITNESS WHEREOF, this Agreement is executed on the date and year first above written.

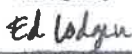
"DEVELOPER"

CFT NV Developments, LLC,
a Nevada limited liability company

CFT NV Developments, LLC by:

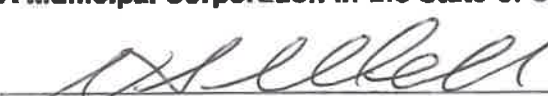
By: 
Name: Charlie Shen
Its: Manager
Date: 2/24/2023

Approved as to form:

Declassified by:


"CITY"

**CITY OF TULARE,
A Municipal Corporation in the State of California**



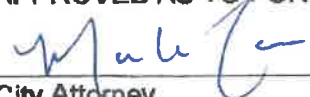
Marc Mondell
City Manager

ATTEST:



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

APPROVED AS TO FORM:


City Attorney

CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California }
County of Los Angeles }

On February 24, 23 before me, Arica Rodriguez, Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Charlie Shen
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.



Place Notary Seal and/or Stamp Above

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Handwritten Signature]
Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: Preliminary oversized construction

Document Date: February 24, 2023 Number of Pages: 8

Signer(s) Other Than Named Above: N/A

Capacity(ies) Claimed by Signer(s)

Signer's Name: Charlie Shen

Corporate Officer – Title(s): Manager

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

CFT NY Developments, LLC

Signer's Name: _____

Corporate Officer – Title(s): _____

Partner – Limited General

Individual Attorney in Fact

Trustee Guardian or Conservator

Other: _____

Signer is Representing: _____

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare)

On 3/10/2023 before me, Maegan Peton, Notary Public, personally appeared Marc Mondell who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Maegan S. Peton
Signature of Notary Public



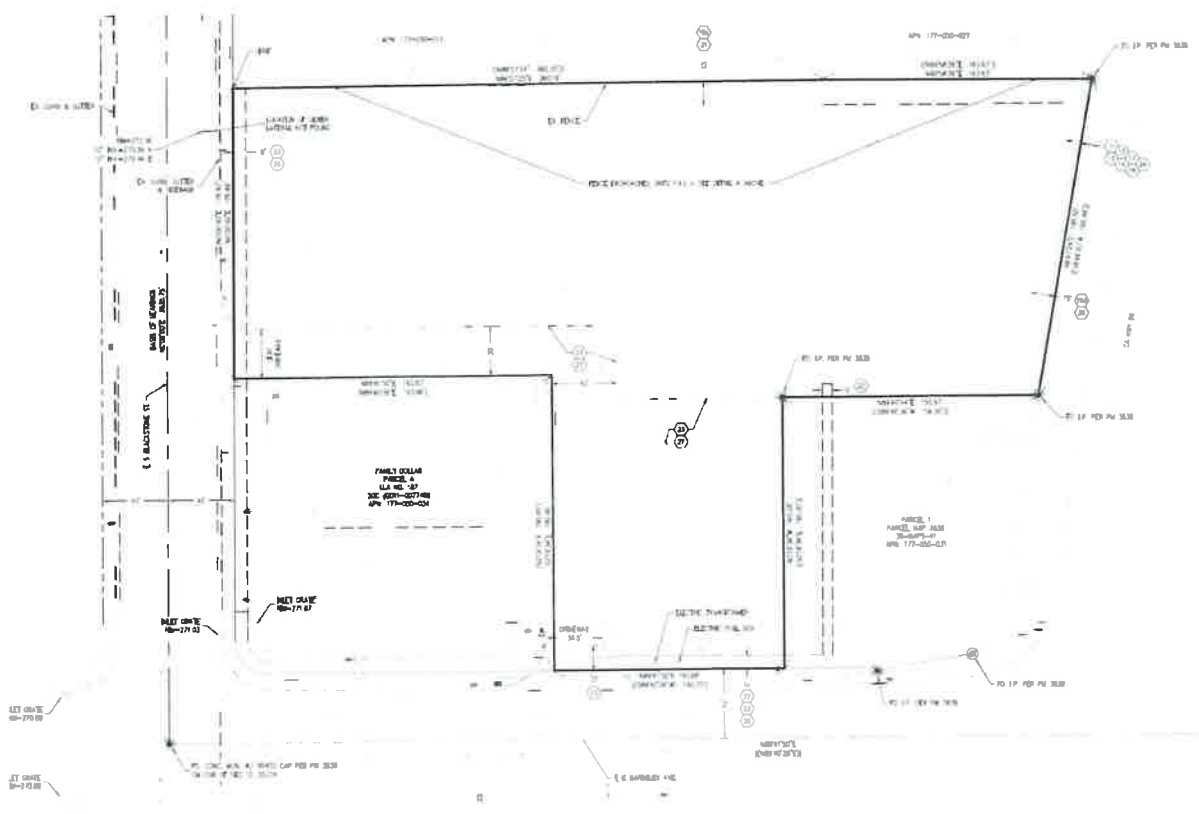
Exhibit A-1
Legal Description of the Property

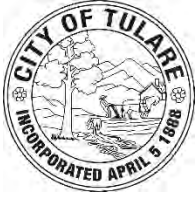
PARCEL B AS SHOWN ON LOT LINE ADJUSTMENT NO. 187, AS EVIDENCED BY DOCUMENT RECORDED DECEMBER 14, 2011 AS INSTRUMENT NO. 2011-0077496 OF OFFICIAL RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

PORTION OF PARCEL 3 OF PARCEL MAP NO. 3838, RECORDED IN BOOK 39 OF PARCEL MAPS AT PAGE 41, TULARE COUNTY RECORDS, SITUATED IN THE SOUTHWEST QUARTER OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 24 EAST, MOUNT DIABLO BASE AND MERIDIAN, ACCORDING TO THE OFFICIAL UNITED STATES GOVERNMENT TOWNSHIP PLAT THEREOF, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHWEST CORNER OF SAID PARCEL 3; THENCE NORTH 89°27'24" EAST, ALONG THE NORTH LINE OF SAID PARCEL 3, A DISTANCE OF 360.20 FEET; THENCE NORTH 89°58'26" EAST, CONTINUING ALONG SAID NORTH LINE, A DISTANCE OF 163.63 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 3; THENCE SOUTH 09°46'20" WEST, ALONG THE EAST LINE OF SAID PARCEL 3, A DISTANCE OF 195.49 FEET TO THE NORTHEAST CORNER OF PARCEL 1 OF SAID PARCEL MAP NO. 3838; THENCE SOUTH 89°40'26" WEST, ALONG THE NORTH LINE OF SAID PARCEL 1, A DISTANCE OF 156.00 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 00°19'34" EAST, ALONG THE WEST LINE OF SAID PARCEL 1, A DISTANCE OF 165.00 FEET TO THE SOUTHWEST CORNER OF SAID PARCEL 1; THENCE SOUTH 89°40'26" WEST, ALONG THE SOUTH LINE OF SAID PARCEL 3, A DISTANCE OF 140.70 FEET; THENCE NORTH 00°19'34" WEST, A DISTANCE OF 180.05 FEET; THENCE SOUTH 89°40'26" WEST, A DISTANCE OF 193.86 FEET TO THE WEST LINE OF SAID PARCEL 3; THENCE NORTH 00°00'00" EAST, ALONG LAST SAID WEST LINE, A DISTANCE OF 176.92 FEET TO THE POINT OF BEGINNING.

Exhibit A-2 Depiction of the Property





Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 10.7
Consent

Department: Community Development

Submitted by: Mario Anaya, Community Development Director

Agenda Title: Magic Wave Car Wash, LLC. Development Impact Fee Deferral Request

RECOMMENDED ACTION

Adopt a resolution granting the deferral of development impact fees as requested by Magic Wave Car Wash, LLC. (Property Owner), located at 1012 South 'Q' Place, Tulare CA 93274, in the sum of \$40,641.00.

SUMMARY

City through Site Plan Review No. 21-47 approved the construction of a car wash located at 1012 South 'Q' Place, Tulare CA 93274. On November 9, 2022, Property Owner applied for building permits accompanied by building plans to begin construction of the project.

Property Owner is requesting a deferral of the development impact fees totaling \$40,641.00 associated with the project pursuant to section 8.56.080 of the Tulare Municipal code which provides in part:

8.56.080 Payment of fees.

The fees established pursuant to this chapter shall be paid for the property on which a development project is proposed at the time of the issuance of any required building permit, except as otherwise provided below:

- (B) Fees imposed on non-residential development may be deferred by action of the City Council. The action shall consist of the adoption of a resolution consistent with the following terms and conditions:
 - (1) A determination is made that such action will promote and stimulate economic development within the city. The City Council shall make specific findings setting forth how the subject project accomplishes this goal;
 - (2) Establish a specific timetable for payment in full of the deferred fees. The City Council may also require a percentage to be paid with the issuance of a building permit. In no event shall deferral of payment in full be permitted for more than five years;
 - (3) Interest on the unpaid portion of deferred impact fees shall accrue at a rate equal to the Local Agency Investment Fund (LAIF) interest rate in effect at the time the resolution is adopted and shall be articulated in the resolution. Interest shall be due and payable, in full, with the final payment, although interest may be paid earlier at the election of the party developing the project;

- (4) A written guarantee of payment in full of the impact fees, in the form of a surety bond or some other form of surety instrument as may be acceptable to the City Engineer and the City Attorney, shall be executed and delivered to the city prior to the issuance of a building permit for the project. Interest in real property may be deemed an appropriate form of surety; and
- (5) A determination is made that the deferral of the fees shall not materially affect the financial ability of the city to satisfy its then current five-year capital improvement program.

The value of this project will generate new construction sales tax. The Property Owner, when possible, will employ a local contractor who commits to using local subcontractors. Additionally, a percentage of all construction materials associated with the project will be purchased locally when possible.

Property Owner shall be required to pay all non-development impact fee related fees totaling \$31,937.80 and \$10,160.25 (20%) of the development impact fees at the time of the issuance of the building permit. Developer agrees to pay the remaining outstanding eighty percent (80%) balance of \$40,641.00 in equal installments of \$10,160.25, plus interest on or before December 30 of the consecutive years 2024, 2025, 2026 and 2027.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

Notice of Completion have been reviewed and approved as to form by the City Attorney.

ALTERNATIVE ACTION

1. Approve with changes – No impact.
2. Deny – Would delay issuance of the building permit and construction of the proposed project.
3. Table – Would delay issuance of the building permit and construction of the proposed project.

ATTACHMENTS

1. Development Impact Fee Deferral Resolution
2. Agreement for Issuance of Building Permits and Deferral of Payment of Impact Fees

Reviewed/Approved: 

RESOLUTION 2023-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE APPROVING A DEFERRAL OF DEVELOPMENT IMPACT FEES PURSUANT TO SECTION 8.56.080 OF THE TULARE MUNICIPAL CODE

WHEREAS, Property Owner, Magic Wave Car Wash, LLC. has submitted plans and specifications and applied for associated permits for a development project (the "Project") located at the southeast corner of Bardsley Avenue and South Q Street; and

WHEREAS, as a condition of receiving the required permits to commence construction on the Project, Property Owner must agree to pay the required development impact fees in the sum of \$50,801.25, which includes police, fire, general government, wastewater, water, groundwater recharge, and transportation impact fees which have been set by Resolution of the City Council and in conformity with California Government Code Section 66001 et seq.; and

WHEREAS, City Council has made determination the project will promote and stimulate economic development within the city; and

WHEREAS, Property Owner has requested, and City Council approved on December 5, 2023, a four-year development impact fee deferral; and

WHEREAS, Property Owner shall pay \$10,160.25 which represents twenty percent (20%) of the Total development impact fees due and owing at the time of issuance of the building permits on the project; and

WHEREAS, Property Owner shall pay the remaining outstanding eighty percent (80%) balance of \$40,641.00 in equal installments of \$10,160.25, plus interest on or before December 30 of the consecutive years 2024, 2025, 2026, and 2027.

WHEREAS, Property Owner shall execute an Agreement, which shall be recorded in the office of the County Recorder of Tulare County and, from the date of recordation, shall constitute a lien for the payment of the fee, which shall be enforceable against successors in interest to the Property owner or lessee at the time of issuance of the building permit; and

WHEREAS, a determination is made that the deferral of the fees shall not materially affect the financial ability of the city to satisfy its then current five-year capital improvement program.

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

Section 1. The request by Magic Wave Car Wash, LLC. for a deferral of project related development impact fees in the sum of \$40,641.00 under section 8.56.080 of the Tulare Municipal Code is hereby approved.

PASSED, APPROVED, AND ADOPTED on this 5th day of December 2023.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

**RECORDING REQUESTED BY
AND
WHEN RECORDED MAIL TO:**

CITY OF TULARE
CITY CLERK
411 E. KERN AVE.
TULARE, CA 93274

No Recording Fee G.C. 6103

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**CITY OF TULARE
AGREEMENT FOR ISSUANCE OF BUILDING PERMITS AND
DEFERRAL OF PAYMENT OF IMPACT FEES
(Non-Residential)**

This agreement is entered into this ____ day of December 2023, by and between the City of Tulare hereinafter called the "City" and Magic Wave Car Wash, LLC., hereinafter called "Property Owner".

RECITAL

WHEREAS, Property Owner owns real property situated in the City of Tulare, County of Tulare, described in Exhibit "A" attached and incorporated by reference, which is located at 1012 South 'Q' Place Tulare, CA 93274 (APN 181-070-067); and

WHEREAS, Property Owner intends to construct a commercial development on said property; and

WHEREAS, Property Owner has filed, and the City has approved Site Plan Review No. 21-47 for construction of a car wash on said property hereinafter called the "Project"; and

WHEREAS, by virtue of City Resolution No. 08-90, adopted on October 7, 2008, Property Owner is obligated to pay Impact Fees for the Project; and

WHEREAS, Property Owner has submitted building plans and has requested that the City issue building permits for construction of the Project and has requested a deferment of payment of said impact fees for a four-year time period; and

WHEREAS, on December 5, 2023, the Tulare City Council adopted Resolution 2023-____ approving a four-year development impact fee deferral in favor of Property Owner.

NOW, THEREFORE, in consideration of the premises, the issuance of said permits and promises and covenants herein contained, the undersigned agree as follows:

1. Deferment of payment of the impact fees shown on Exhibit "B" is hereby granted and Property Owner hereby promises to pay to the City the full amount of said fees, without reduction or offset, over a four-year time period as follows:

Payment of \$10,160.25 which represents twenty percent (20%) of the total development impact fees due and owing at the time of issuance of the building permits on the project; and

Payment of the remaining outstanding eighty percent (80%) balance of \$40,641.00 in equal installments of \$10,160.25, plus interest on or before December 30th of the consecutive years 2024, 2025, 2026 and 2027.

2. Should the Property Owner fail to comply with the provisions of Paragraph 1 above, the City is hereby granted a statutory lien as to the full amount of the impact fees shown on Exhibit "B", pursuant to Civil Code Sections 2884, et seq., with all the rights of a lien or therein set forth.
3. Property Owner shall indemnify, defend and hold free and harmless the City, its officers, employees and agents from any claims, lawsuits, costs, liability, damages or expenses, including costs of suit and fees and expenses for legal services, arising from or out of the construction of the Project or the issuance of building permits as requested by the Property Owner.
4. To further assure the City of Property Owner's promises herein contained, the Property Owner agrees that this agreement may be recorded in the office of the Tulare County Recorder against the property on which the Project is to be constructed.
5. In the event legal action is undertaken by either party to enforce the terms of this agreement, or to remedy the breach thereof, the prevailing party in such action shall be entitled to an award of its attorney's fees and costs.
6. The obligations of the Property Owner provided in this Agreement are joint and several and shall be binding upon his heirs, successors, assigns and transferees.
7. The foregoing obligations of the Property Owner shall burden the property described and constitute a covenant running with the land in favor of and for the benefit of the City of Tulare and its property, shall be enforceable thereby, and shall be binding upon the successor, assigns, transferees, and heirs of Property Owner.

CITY OF TULARE

ATTEST

City Manager

Deputy City Clerk

PROPERTY OWNER
Magic Wave Car Wash, LLC

Jaswinder Singh
President

EXHIBIT "A"

PARCEL NO. 11 OF PARCEL MAP 4770 IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 48, PAGE 75 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

EXHIBIT "B"

BLD-22-25692
7,652 SF BUILDING

DEVELOPMENT IMPACT FEE (COMMUNITY COMMERCIAL)	TOTAL FEES
Transportation Impact Fee	\$9,871.08
Groundwater Recharge Impact Fee	\$2,938.89
Sewer Facility Impact Fee	\$11,260.00
General Government Impact Fee	\$1,453.88
Water Facility Impact Fee	\$23,747.00
Fire Station Impact Fee	\$1,300.84
Police Facility Impact Fee	\$229.56
Library Facility Impact Fee	N/A
Storm Drainage Impact Fee	N/A
Park Facility Impact Fee	N/A
	=

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of Tulare)

On _____ before me, _____, Notary Public,
personally appeared _____ who proved to me on the basis
of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within
instrument and acknowledged to me that he/she/they executed the same in his/her/their
authorized capacity(ies),
and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf
of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the
foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 10.8
Consent

Department: Engineering Services - Engineering

Submitted by: Michael Miller, City Engineer

Agenda Title: Oakcrest Subdivision Phase 1 Notice of Completion

RECOMMENDED ACTION

Accept the required public works improvements for Oakcrest Phase 1 subdivision located on the north side of Tulare Avenue ½-mile west of West Street as complete; authorize the City Engineer to sign a Notice of Completion (NOC); and direct the City Clerk to file the NOC with the Tulare County Recorder's Office.

SUMMARY

On April 20, 2022, City Council conditionally approved the final map for Oakcrest Phase 1 subdivision, which created 115 single-family residential lots, as shown in the attached exhibit. The overall subdivision comprises approximately 25.9 acres and consists of 119 lots.

The Subdivider, D.R. Horton CA3, Inc., a Delaware Corporation, has completed construction of all required public works improvements for Phase 1 of the Oakcrest subdivision in accordance with approved plans and specifications.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

The City's standard Notice of Completion format has been reviewed and approved as to form by the City Attorney.

ALTERNATIVE ACTION

1. Approve with changes – No impact.
2. Deny – Not approving the NOC would prevent residents from occupying their recently purchased homes.
3. Table – A delay in the City accepting the improvements would prevent residents from occupying their recently purchased homes.

ATTACHMENTS

1. Notice of Completion
2. Oakcrest subdivision final map

Reviewed/Approved: 

RECORDING REQUESTED BY:

City of Tulare

WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. **The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, 93274, is the owner of the real property, public works or structure hereinafter described.**
2. **The nature of the title of the stated owner is: In Fee.**
3. **On the 5^h day of December 2023, a work of improvement on real property hereinafter described was completed by D.R. Horton CA3, Inc., a Delaware Corporation, the Subdivider of record, whose address is 419 West Murray Avenue, Visalia, CA 93291.**
4. **The name of the surety for the work of improvements is Liberty Mutual Insurance Company, 175 Berkeley St, Boston, MA, 02116.**
5. **The real property or public work or structure is described as follows:**

Public Works Improvements for Phase 1 of the Oakcrest subdivision.
6. **The public works improvements were accepted as complete by the City Council of the City of Tulare on December 5, 2023.**

Dated: _____

**CITY OF TULARE
A Municipal Corporation,**

By: _____
Michael W. Miller, City Engineer

VERIFICATION:

I am the City Engineer of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2023 at Tulare, California.

By: _____
Michael W. Miller, City Engineer

OAKCREST SUBDIVISION - PHASE 1

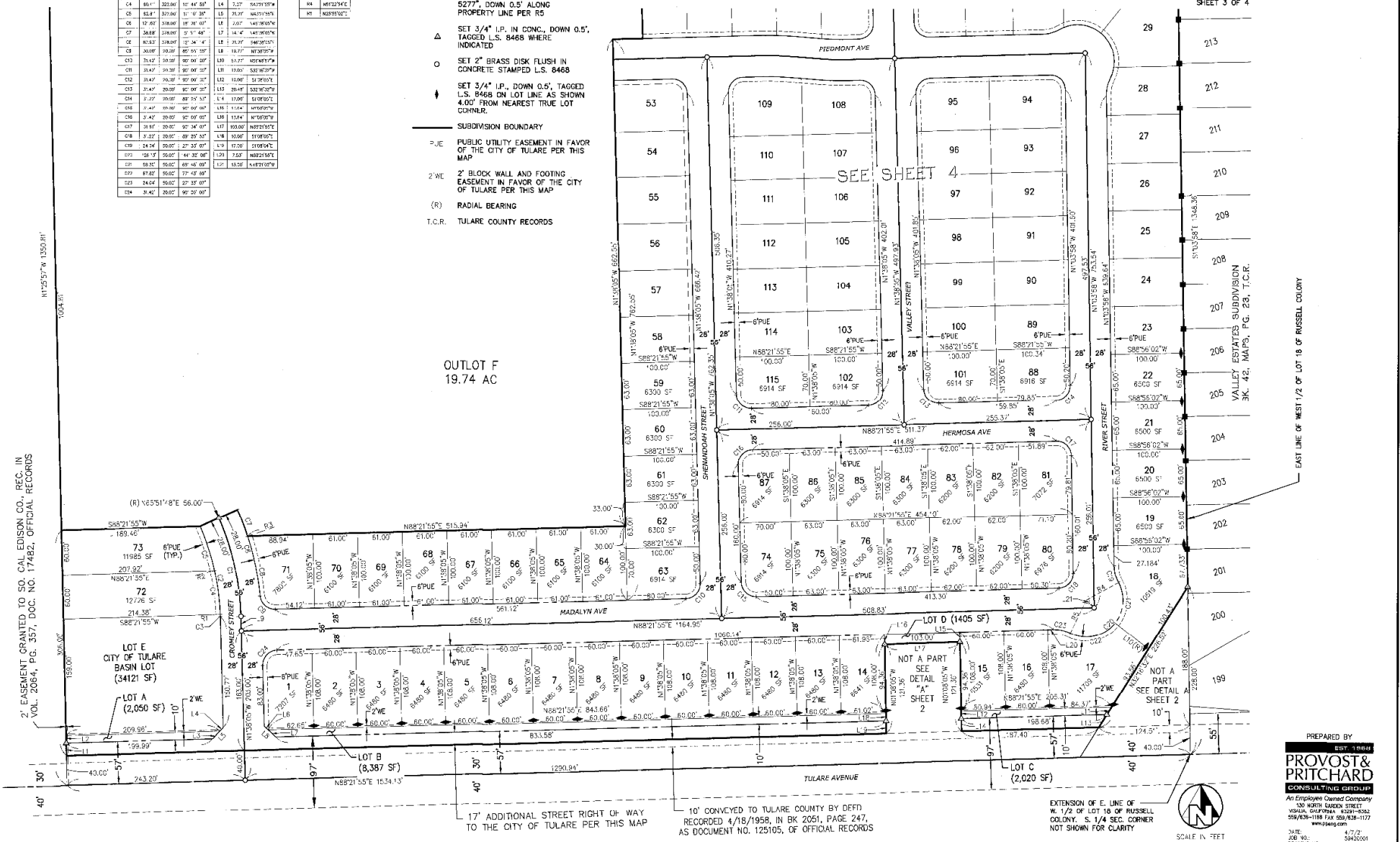
A PORTION OF THE SOUTH HALF OF SECTION 4, T.20S., R.24E., M.D.B.M., IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA.

CONSISTING OF 4 SHEETS
SHEET 3 OF 4

CURVE TABLE			LINE TABLE			RADIAL TABLE		
NUMBER	LENGTH	RADIUS	LINE	LENGTH	BEARING	RADIAL	BEARING	
C1	137.46	252.00	L1	17.62	N87°29'57"W	R1	N87°29'57"W	
C2	126.88	322.00	L2	16.07	N87°31'57"W	R2	N87°31'57"W	
C3	323	322.00	L3	14.74	N43°19'53"W	R3	N43°19'53"W	
C4	56.11	322.00	L4	3.27	S87°39'59"W	R4	N87°39'59"W	
C5	81.81	371.00	L5	21.97	N43°19'53"W	R5	N43°19'53"W	
C6	17.81	318.00	L6	2.67	N43°19'53"W	R6	N43°19'53"W	
C7	34.89	318.00	L7	5.34	N43°19'53"W	R7	N43°19'53"W	
C8	83.83	318.00	L8	13.14	N43°19'53"W	R8	N43°19'53"W	
C9	30.00	30.00	L9	14.77	N87°39'59"W	R9	N87°39'59"W	
C10	71.47	30.00	L10	11.77	N87°39'59"W	R10	N87°39'59"W	
C11	11.47	30.00	L11	13.00	S87°39'59"W	R11	S87°39'59"W	
C12	13.47	30.00	L12	13.00	S87°39'59"W	R12	S87°39'59"W	
C13	31.47	30.00	L13	13.00	S87°39'59"W	R13	S87°39'59"W	
C14	1.27	30.00	L14	13.00	S10°00'00"E	R14	S10°00'00"E	
C15	3.47	30.00	L15	11.54	N43°19'53"W	R15	N43°19'53"W	
C16	3.47	30.00	L16	11.54	N43°19'53"W	R16	N43°19'53"W	
C17	31.97	30.00	L17	10.00	N87°39'59"W	R17	N87°39'59"W	
C18	31.27	30.00	L18	10.00	S10°00'00"E	R18	S10°00'00"E	
C19	24.94	30.00	L19	11.26	S10°00'00"E	R19	S10°00'00"E	
C20	16.14	30.00	L20	7.63	N82°15'00"E	R20	N82°15'00"E	
C21	18.32	30.00	L21	11.56	N43°19'53"W	R21	N43°19'53"W	
C22	87.82	30.00	L22	77.43	89°			
C23	24.04	30.00	L23	27.39	89°			
C24	31.42	30.00	L24	30.29	89°			

- LEGEND**
- MONUMENTS FOUND AND ACCEPTED, AS DESCRIBED
 - FOUND 3/4" I.P., TAGGED 'LS 5277', DOWN 0.5' ALONG PROPERTY LINE PER RS
 - △ SET 3/4" I.P. IN CONC., DOWN 0.5', TAGGED L.S. 8468 WHERE INDICATED
 - SET 2" BRASS DISK FLUSH IN CONCRETE STAMPED L.S. 8468
 - ⬇ SET 3/4" I.P., DOWN 0.5', TAGGED L.S. 8468 ON LOT LINE AS SHOWN 4.00' FROM NEAREST TRUE LOT CORNER
 - SUBDIVISION BOUNDARY
 - P-UE PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF TULARE PER THIS MAP
 - 2'W 2' BLOCK WALL AND FOOTING EASEMENT IN FAVOR OF THE CITY OF TULARE PER THIS MAP
 - (R) RADIAL BEARING
 - T.C.R. TULARE COUNTY RECORDS

MONUMENTATION NOTES
 SET 3/4" I.P., 2.5' LONG, DOWN 0.5', TAGGED L.S. 8468 AT ALL LOT CORNERS, ANGLE POINTS, AND CURVES, UNLESS SHOWN OTHERWISE



2' EASEMENT GRANTED TO SO. CAL EDISON CO., REC. IN VOL. 2084, PG. 357, DOC. NO. 17482, OFFICIAL RECORDS

OUTLET F
19.74 AC

LOT D (1405 SF)
NOT A PART SEE DETAIL SHEET 2

LOT C (2,020 SF)
NOT A PART SEE DETAIL SHEET 2

17' ADDITIONAL STREET RIGHT OF WAY TO THE CITY OF TULARE PER THIS MAP

10' CONVEYED TO TULARE COUNTY BY DEED RECORDED 4/18/1958, IN BK 2051, PAGE 247, AS DOCUMENT NO. 125105, OF OFFICIAL RECORDS

EXTENSION OF E. LINE OF W. 1/2 OF LOT 18 OF RUSSELL COLONY, S. 1/4 SEC. CORNER NOT SHOWN FOR CLARITY



PREPARED BY
EST. 1969
PROVOST & PRITCHARD
CONSULTING GROUP
An Employee Owned Company
150 NORTH BUREAU STREET
TULARE, CALIFORNIA 93201-5532
559/838-1188 FAX 559/838-1177
www.ppg.com

DATE: 4/7/2
JOB NO.: 5862001
DRAWING NO.: FM-P-8

55-14-2021

OAK CREST SUBDIVISION - PHASE 1

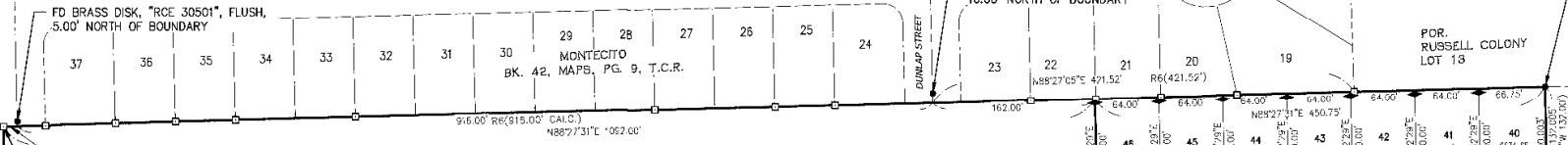
A PORTION OF THE SOUTH HALF OF SECTION 4, T.20S., R.24E., M.D.B.M., IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA.

CONSISTING OF 4 SHEETS
SHEET 4 OF 4

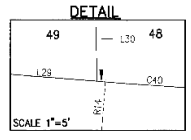
POR. RUSSELL COLONY LOT 13

NORTHEAST CORNER, W. 1/2 OF LOT 18, FD 3/4" IP, DOWN 0.5' PER R3, TAGGED "RCE 24673" (TAG NOT OF RECORD, NO REFERENCES FOUND)

BRASS CAP FLUSH IN CONCRETE, "LS 5277" PER R5



NORTHWEST CORNER, LOT 17
FD 1/2" IP, "RCE 30501", DOWN 0.5', PER BK. 42 MAPS, PG. 9, T.C.R.



LEGEND

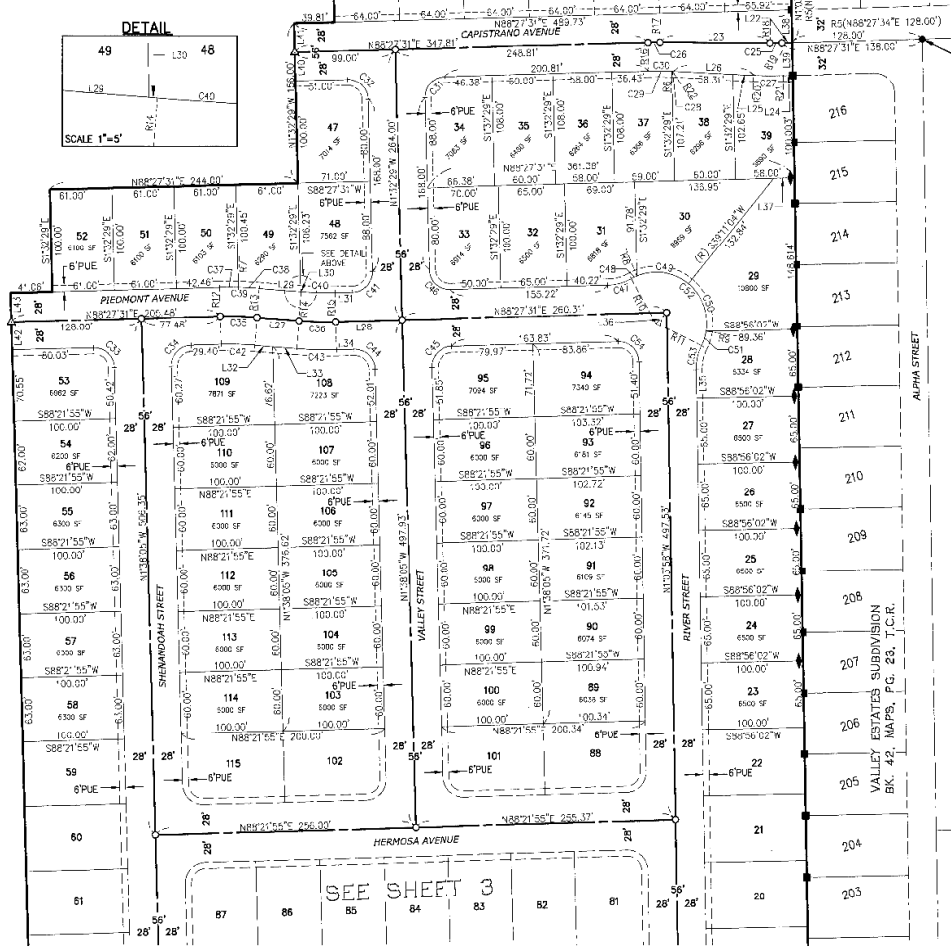
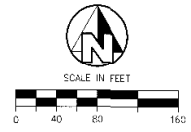
- MONUMENTS FOUND AND ACCEPTED, AS NOTED
- FOUND 3/4" I.P., TAGGED "LS 5277", DOWN 0.5' ALONG PROPERTY LINE PER R5
- FOUND 3/4" I.P., TAGGED "RCE 30501", DOWN 0.5' ALONG PROPERTY LINE PER R6
- △ SET 3/4" I.P. IN CONC., DOWN 0.5', TAGGED L.S. 8468 WHERE INDICATED
- SET 2" BRASS DISK FLUSH IN CONCRETE STAMPED L.S. 8468
- ◆ SET 3/4" I.P., DOWN 0.5', TAGGED L.S. 8468 ON LOT LINE AS SHOWN 4.00' FROM NEAREST TRUE LOT CORNER.
- SUBDIVISION BOUNDARY
- PUE PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF TULARE PER THIS MAP
- (R) RADIAL BEARING
- C.R. TULARE COUNTY RECORDS
- R5() RECORD DATA AS PER "VALLEY ESTATES" RECORDED IN VOLUME 42 OF MAPS AT PAGE 23, T.C.R., OR CALCULATED THEREFROM
- R6() RECORD DATA AS PER "MONTECITO" RECORDED IN VOLUME 42 OF MAPS AT PAGE 9, T.C.R., OR CALCULATED THEREFROM

OUTLOT F
19.74 AC

CURVE TABLE			
NUMBER	LENGTH	BEGINNING	DELTA
026	17.567	332.000	1° 54' 33"
027	17.667	332.000	1° 54' 33"
028	28.017	332.000	4° 21' 02"
029	1.897	332.000	0° 18' 54"
029	22.569	332.000	4° 01' 00"
030	26.460	332.000	4° 21' 02"
031	13.427	202.000	3° 50' 50"
032	31.427	202.000	8° 00' 00"
033	31.387	202.000	8° 00' 00"
034	31.387	202.000	8° 00' 00"
035	31.387	202.000	8° 00' 00"
036	31.387	202.000	8° 00' 00"
037	18.547	584.000	2° 46' 38"
038	20.517	584.000	3° 20' 02"
039	20.517	584.000	3° 20' 02"
040	33.317	592.000	3° 50' 40"
041	33.317	592.000	3° 50' 40"
042	33.317	592.000	3° 50' 40"
043	33.317	592.000	3° 50' 40"
044	31.387	584.000	8° 00' 00"
045	31.387	584.000	8° 00' 00"
046	31.387	584.000	8° 00' 00"
047	31.387	584.000	8° 00' 00"
048	31.387	584.000	8° 00' 00"
049	31.387	584.000	8° 00' 00"
050	31.387	584.000	8° 00' 00"
051	13.500	82.000	17° 25' 15"
052	137.500	82.000	145° 49' 25"
053	24.119	82.000	27° 40' 17"
054	31.598	22.000	107° 36' 31"

LINE TABLE		
LINE	LENGTH	BEARING
L20	10.000	N88°27'31"E
L21	100.000	N88°27'31"E
L22	100.000	N88°27'31"E
L23	100.000	N88°27'31"E
L24	100.000	N88°27'31"E
L25	100.000	N88°27'31"E
L26	78.727	S89°12'21"E
L27	40.971	S89°12'21"E
L28	40.971	S89°12'21"E
L29	104.654	N88°27'31"E
L30	40.971	N88°27'31"E
L31	0.500	N88°27'31"E
L32	17.481	S89°12'21"E
L33	100.000	S89°12'21"E
L34	100.000	S89°12'21"E
L35	20.517	N88°27'31"E
L36	1.500	S89°12'21"E
L37	20.517	S89°12'21"E
L38	20.517	S89°12'21"E
L39	33.317	S89°12'21"E
L40	33.317	S89°12'21"E
L41	33.317	S89°12'21"E
L42	33.317	S89°12'21"E
L43	20.517	N88°27'31"E
L44	20.517	N88°27'31"E
L45	20.517	N88°27'31"E
L46	20.517	N88°27'31"E
L47	20.517	N88°27'31"E
L48	20.517	N88°27'31"E
L49	20.517	N88°27'31"E
L50	20.517	N88°27'31"E
L51	20.517	N88°27'31"E
L52	20.517	N88°27'31"E
L53	20.517	N88°27'31"E
L54	20.517	N88°27'31"E
L55	20.517	N88°27'31"E
L56	20.517	N88°27'31"E
L57	20.517	N88°27'31"E
L58	20.517	N88°27'31"E
L59	20.517	N88°27'31"E
L60	20.517	N88°27'31"E
L61	20.517	N88°27'31"E
L62	20.517	N88°27'31"E
L63	20.517	N88°27'31"E
L64	20.517	N88°27'31"E
L65	20.517	N88°27'31"E
L66	20.517	N88°27'31"E
L67	20.517	N88°27'31"E
L68	20.517	N88°27'31"E
L69	20.517	N88°27'31"E
L70	20.517	N88°27'31"E
L71	20.517	N88°27'31"E
L72	20.517	N88°27'31"E
L73	20.517	N88°27'31"E
L74	20.517	N88°27'31"E
L75	20.517	N88°27'31"E
L76	20.517	N88°27'31"E
L77	20.517	N88°27'31"E
L78	20.517	N88°27'31"E
L79	20.517	N88°27'31"E
L80	20.517	N88°27'31"E
L81	20.517	N88°27'31"E
L82	20.517	N88°27'31"E
L83	20.517	N88°27'31"E
L84	20.517	N88°27'31"E
L85	20.517	N88°27'31"E
L86	20.517	N88°27'31"E
L87	20.517	N88°27'31"E
L88	20.517	N88°27'31"E
L89	20.517	N88°27'31"E
L90	20.517	N88°27'31"E
L91	20.517	N88°27'31"E
L92	20.517	N88°27'31"E
L93	20.517	N88°27'31"E
L94	20.517	N88°27'31"E
L95	20.517	N88°27'31"E
L96	20.517	N88°27'31"E
L97	20.517	N88°27'31"E
L98	20.517	N88°27'31"E
L99	20.517	N88°27'31"E
L100	20.517	N88°27'31"E

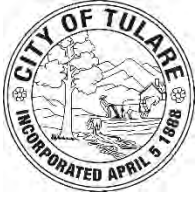
RADIAL TABLE	
RADIAL	BEARING
R1	N88°27'31"E
R2	N88°27'31"E
R3	N88°27'31"E
R4	N88°27'31"E
R5	N88°27'31"E
R6	N88°27'31"E
R7	N88°27'31"E
R8	N88°27'31"E
R9	N88°27'31"E
R10	N88°27'31"E
R11	N88°27'31"E
R12	N88°27'31"E
R13	N88°27'31"E
R14	N88°27'31"E
R15	N88°27'31"E
R16	N88°27'31"E
R17	N88°27'31"E
R18	N88°27'31"E
R19	N88°27'31"E
R20	N88°27'31"E
R21	N88°27'31"E
R22	N88°27'31"E



SEE SHEET 3

PREPARED BY
PRIVOST & PRITCHARD
 CONSULTING GROUP
 An Employee Owned Company
 120 NORTH GARDEN STREET
 VISALIA, CALIFORNIA 93291-4262
 559/536-1166 FAX 559/536-1177
 www.prg.com
 DATE: 4/1/2011
 JOB NO.: 10400000
 DRAWING NO.: 104-711

S.D. 2011



Staff Report

Meeting: City Council
Date: December 5, 2023

Item #: 10.9
Consent

Department: Engineering Services - Engineering
Submitted by: Michael Miller, City Engineer
Agenda Title: Right of Way Dedication and Public Utility Easement Dedication for Industrial Avenue and Industrial Place (SP22-013)

RECOMMENDED ACTION

Accept a public utility easement and grant deed associated with the Industrial Avenue Shell Buildings development project (Site Plan Review No. SP22-013) and authorize the City Manager or his designee to sign Certificates of Acceptance for same.

SUMMARY

Site Plan Review No. SP22-013 addresses Planning, Building and Engineering requirements for the development of an industrial shell building project located at the northwest corner of Industrial Avenue and Industrial Place. The project includes the installation of sidewalk on the north side of Industrial Avenue and the west side of Industrial Place, surface water improvements, water and sewer service modifications, and improvements on the northwest side of the intersection of Industrial Avenue and Industrial Place.

The installation of a ramped curb return along the northwest corner of Industrial Avenue and Industrial Place requires dedication of additional right-of-way for public street purposes at the intersection of Industrial Avenue and Industrial Place by way of a Grant Deed from CNS Real Estate, LLC, a California Limited Liability Company.

The development also requires dedication of a public utility easement along the project's Industrial Place frontage by way of a Grant of Easement from CNS Real Estate, LLC, a California Limited Liability Company.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

The exhibits, Grant Deed, and Grant of Easement will be reviewed for compliance with applicable legal requirements prior to recordation.

ALTERNATIVE ACTION

1. Approving the proposed property acquisition with changes or additional conditions could require revision of the Grant Deed, Grant of Easement, or associated legal descriptions and exhibits, which could delay the project construction start date.
2. Denying the required dedications would prevent construction of conditionally required improvements and affect the ability of utility companies to locate their facilities along the west side of Industrial Place.
3. Tabling the acceptance of the required dedications could delay the project's finalization and occupancy date.

ATTACHMENTS

1. Grant of Easement – Public Utility Easement
2. Grant Deed – Right of Way Dedication

Reviewed/Approved: 

RECORDING REQUESTED BY:

CITY OF TULARE

AND WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

MAIL TAX STATEMENTS TO PARTY LISTED ABOVE

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.

SPACE ABOVE FOR RECORDER'S USE

Grant of Easement

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$ NONE

City of Tulare Parcel No.: 191-320-017

Computed on full value of interest or property conveyed, or

Computed on full value less value liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, represents that, as the owner(s) of herein described real property,

CNS Real Estate, LLC, a California limited liability company ("Grantor")

Hereby GRANT(S) to the **City of Tulare, a Municipal Corporation** ("Grantee"), an easement for Public Utility purposes over the real property in the City of Tulare, County of Tulare, State of California, described as follows:

SEE ATTACHED **EXHIBIT 'A'** FOR LEGAL DESCRIPTION AND **EXHIBIT 'B'** FOR PLAT.

Date: 9-11-23

Grantor: CNS Real Estate, LLC

By: Clint Andrew Russell
(Clint Andrew Russell) (President)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

On 9/11/2023 before me, Meaghan Baker

Notary Public, personally appeared Clint Russell

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

[Signature]
Signature of Notary Public



(Seal)

EXHIBIT "A"

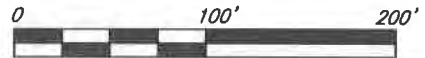
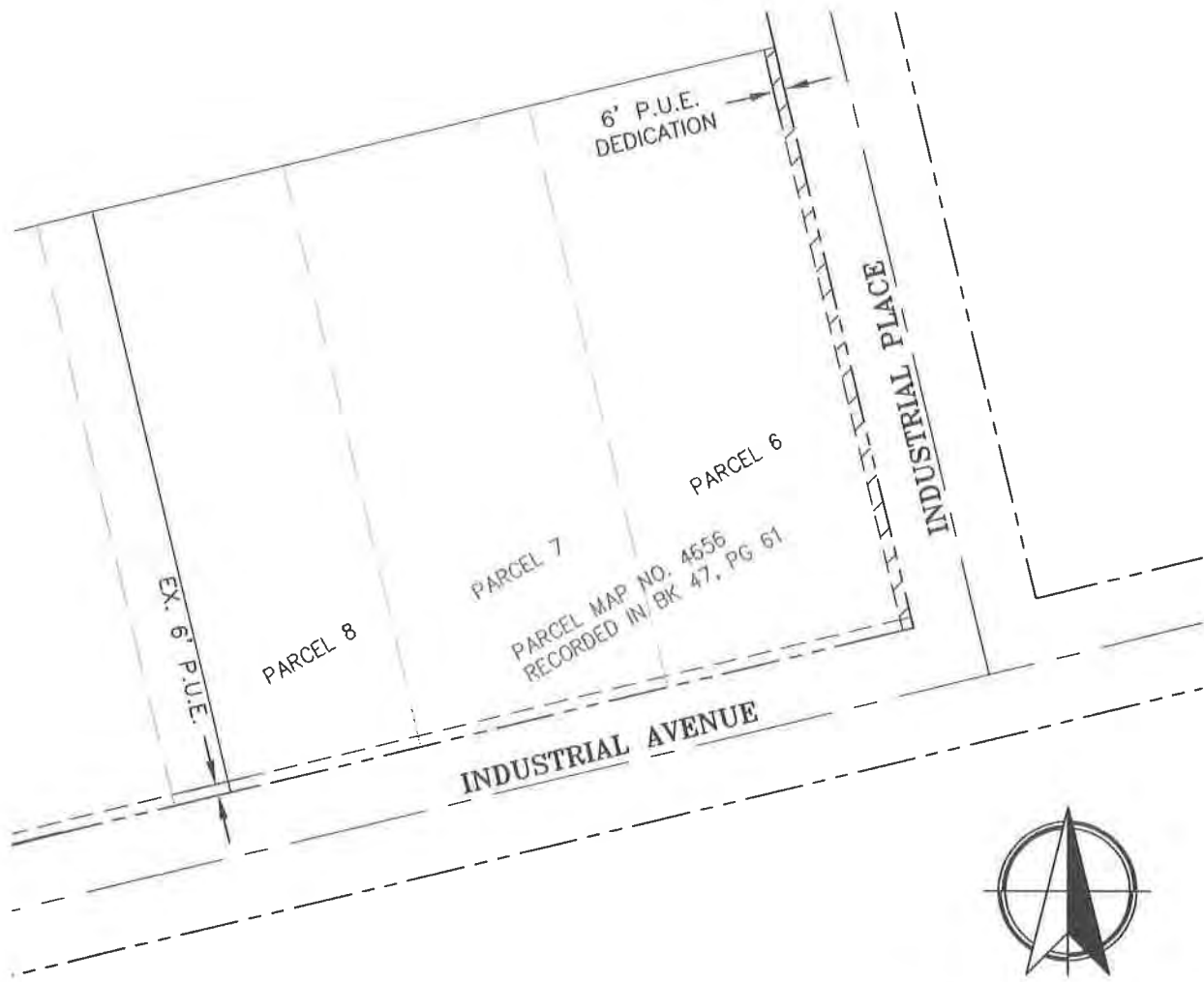
That portion of lot 6 of Parcel Map No. 4656, in the City of Tulare, County of Tulare, State of California, according to the map thereof filed in Book 47, Page 61, Tulare County Records, described as follows:

The Easterly 6.00 feet.

Contains an area of: 1921 Sq. Ft., more or less



EXHIBIT "B"



SCALE 1" = 100'

LEGEND

- EXISTING RIGHT-OF-WAY
- STREET CENTERLINE
- EXISTING LOT LINES
- INDICATES AREA OF PUBLIC UTILITY EASEMENT DEDICATION AREA: 1921 SQ. FT.
- P.U.E. PUBLIC UTILITY EASEMENT



REF. & REV. 2022-____ PWF PLAT	CITY OF TULARE EXHIBIT "B" PUBLIC UTILITY EASEMENT NO. _____	PROJ. ID. _____ KRA _____ FUND NO. _____ RES TYPE _____ PROJ. ID. _____	SHEET NO. <u>1</u> OF <u>1</u> SHEETS EXHIBIT "B"
DR. BY _____ CH. BY _____ DATE _____ SCALE _____ JOB NO. _____			



OFFICE OF THE CITY CLERK

CERTIFICATE OF ACCEPTANCE

THIS IS TO CERTIFY that the interest in real property conveyed by the **Grant of Easement** dated **September 11, 2023**, from **CNS Real Estate, LLC**, to the City of Tulare, Municipal Corporation of the State of California, was duly accepted by the City Council of the City of Tulare on **December 5, 2023**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant of Easement**.

CITY OF TULARE

By: _____
Marc Mondell, City Manager

ATTEST:

Melissa Hermann, Chief Deputy City Clerk

RECORDING REQUESTED BY:

CITY OF TULARE

AND WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

MAIL TAX STATEMENTS TO PARTY LISTED ABOVE

SPACE ABOVE FOR RECORDER'S USE

Grant Deed in Fee Interest

THE UNDERSIGNED GRANTOR(S) DECLARE(S)
DOCUMENTARY TRANSFER TAX IS \$ NONE

- City of Tulare Parcel No.: 191-320-017
- Computed on full value of interest or property conveyed, or
- Computed on full value less value liens or encumbrances remaining at time of sale, and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged, represents that, as the owner(s) of herein described real property,

CNS Real Estate, LLC, a California limited liability company ("Grantor")

Hereby GRANT(S) in fee interest to the **City of Tulare, a Municipal Corporation** ("Grantee"), for the real property in The City of Tulare, County of Tulare, State of California, described as follows:

SEE ATTACHED **EXHIBIT 'A'** FOR LEGAL DESCRIPTION AND **EXHIBIT 'B'** FOR PLAT.

Date: 11/21/23 Date: _____
 Grantor: CNS Real Estate, LLC Grantor: _____
 By: Clint Andrew Russell By: _____
 (Clint Andrew Russell) (President) (Print Name) (Title)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
County of Tulare) S.S.

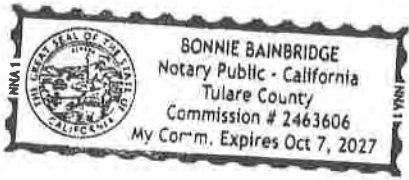
On NOV. 21, 2023 before me, Bonnie Bainbridge
Notary Public, personally appeared Clint Andrew Russell

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

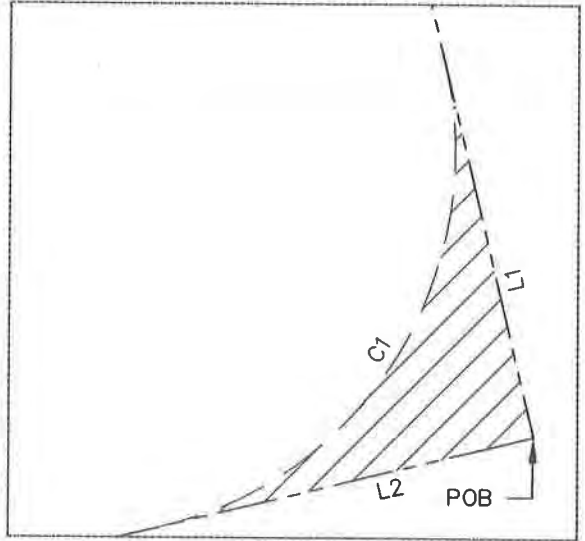
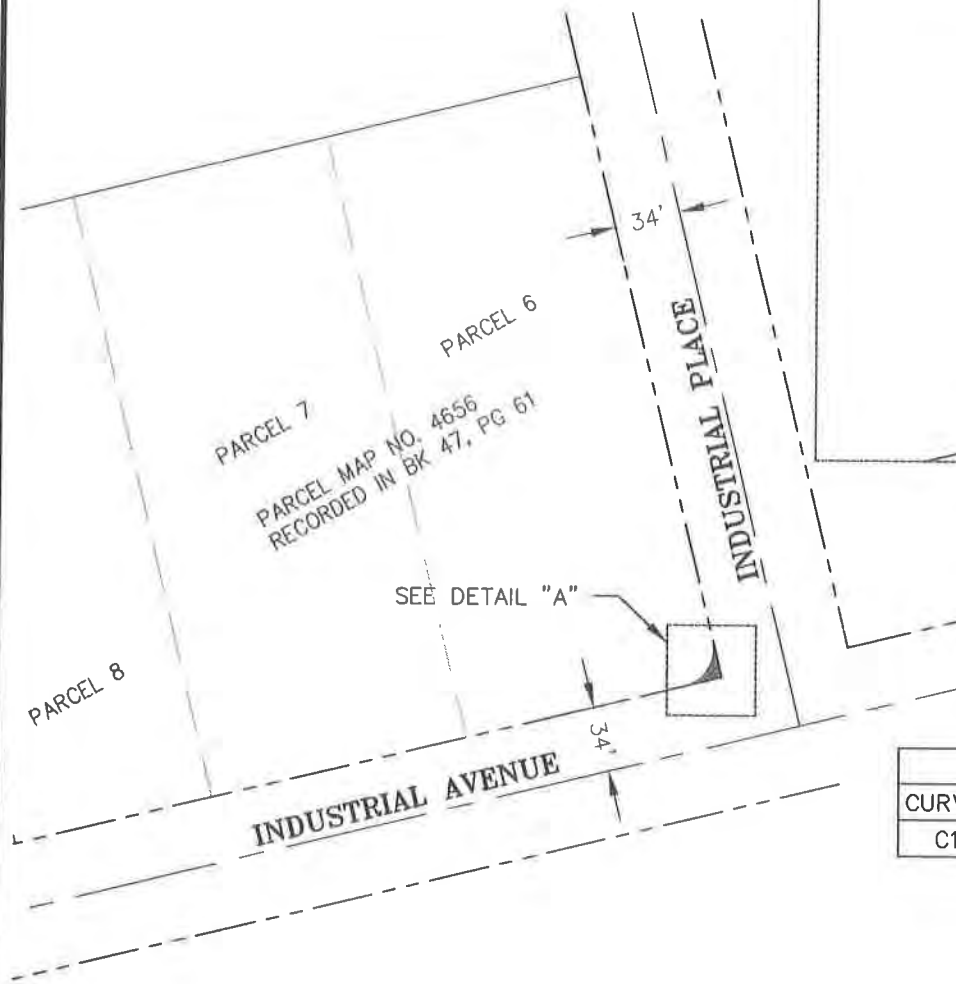
WITNESS my hand and official seal.

Signature of Notary Public



(Seal)

EXHIBIT "B"



DETAIL "A"

SCALE: 1"=10'

PARCEL LINE TABLE		
LINE#	LENGTH	DIRECTION
L1	20.00	N13° 39' 53"W
L2	20.00	S76° 20' 07"W

CURVE TABLE			
CURVE	RADIUS	LENGTH	DELTA
C1	20.00'	31.42'	90° 00' 00"



SCALE 1" = 100'

LEGEND

- EXISTING RIGHT-OF-WAY
- STREET CENTERLINE
- EXISTING LOT LINES
- INDICATES AREA OF RIGHT-OF-WAY DEDICATION FOR STREET PURPOSES
AREA: 86 SQ. FT.

POB POINT OF BEGINNING



11-1-2023

REF. & REV. 2022-____ PWF PLAT	CITY OF TULARE	PROJ. ID. _____	KRA _____
	EXHIBIT "B" RIGHT-OF-WAY DEDICATION	FUND NO. _____	RES TYPE _____
		DR. BY _____	SHEET NO. 1
		CH. BY _____	OF 1 SHEETS
		DATE _____	EXHIBIT "B"
		SCALE _____	
		JOB NO. _____	

EXHIBIT "A"

APN: 191-320-017 (PORTION)

RIGHT OF WAY DEDICATION

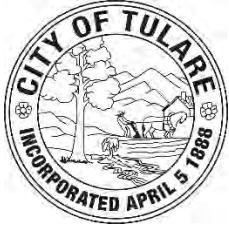
That portion of lot 6 of Parcel Map No. 4656, in the City of Tulare, County of Tulare, State of California, according to the map thereof filed in Book 47, Page 61, Tulare County Records, described as follows:

Beginning at the Southeast corner of lot 6 of Parcel Map No. 4656; Thence S76° 20' 07"W along the southerly line of lot 6; a distance of 20.00 feet to the beginning of a tangent curve, concave Northwesterly having a radius of 20.00 feet and through a central angle of 90° 00' 00"; thence along said curve a distance of 31.42 feet to the east line of lot 6; Thence S13° 39' 53"E for 20.00 feet to the point of beginning.

Contains an area of: 85 Sq. Ft., more or less



11-1-2023



OFFICE OF THE CITY CLERK

CERTIFICATE OF ACCEPTANCE

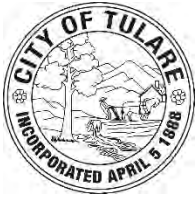
THIS IS TO CERTIFY that the interest in real property conveyed by the **Grant Deed** dated **November 21, 2023**, from **CNS Real Estate, LLC**, to the City of Tulare, Municipal Corporation of the State of California, was duly accepted by the City Council of the City of Tulare on **December 5, 2023**, and by the same order of the City Council of the City of Tulare, the City Manager was authorized to execute this Certificate of Acceptance to be recorded with the **Grant Deed**.

CITY OF TULARE

By: _____
Marc Mondell, City Manager

ATTEST:

Melissa Hermann, Chief Deputy City Clerk



Staff Report

Meeting: City Council
Date: December 5, 2023

Department: Community Development - Planning
Submitted by: Steven Sopp, Principal Planner
Agenda Title: Chandler Grove Master Plan and Annexation Project

RECOMMENDED ACTION

Adopt a resolution requesting the Tulare County Local Agency Formation Commission take proceedings for annexation No. 2020-01 (East Tulare No. 36 – Chandler Grove) and detachment of the property from County Service Area No. 1; adopt a resolution approving General Plan Amendment No. 2022-04 to implement the City’s adopted COS North Transit Oriented Development Plan and establish land use designations for areas of the project site as Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Public / Quasi Public and Parks and Recreation; pass to print an ordinance approving Zone Amendment No. 743, pre-zoning the subject property to the R-1-5 (Single-family Residential, 5,000 sq. ft. minimum lot area), (RM-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), RM-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) zoning designations; and adopt a resolution certifying the Final Environmental Impact Report with appropriate Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program prepared for the Chandler Grove Master Plan and Annexation Project.

SUMMARY

This is a request by Arun Toor on behalf of AST LLC. to annex into the City limits approximately 863 acres of which 231 acres is considered the “Project Site” and is planned for future development. The applicant has proposed a master plan for the project site that is intended to implement to the requirements of the City of Tulare adopted COS North Transit Oriented Development (TOD) Plan. Development is proposed to consist of a mixed-use development that would consist of low, medium, and high-density residential units, a central park, a neighborhood commercial center, a potential school site and other related improvements.

As part of the project the applicant is proposing to establish general plan land use designations and pre-zoning to implement the proposed master plan and COS North TOD Plan. The applicant is not proposing specific development at this time. As such, the Environmental Impact Report (EIR) for the project analyzes the project based upon maximum densities allowed by proposed zoning and allowed uses within the zone. The EIR analyzed the development of 1,197 total units of low, medium and high density residential on approximately 163.1 acres, a neighborhood commercial center on approximately 10.8 acres, a 4.9-acre school site and other improvements such as parks, stormwater detention areas, as well as trails for recreation.

Upon annexation into the City limits, additional entitlement and site plan review applications will be required to be reviewed and approved prior to development. However, if specific proposed development remains consistent with the zoning and land use established and within

the scope analyzed by the EIR prepared for the project, any additional environmental analysis would be minimal and timelines for approval would be expedited.

The area proposed for development is located on the northeast corner of Bardsley Avenue and Oakmore Street. The site is bounded by S. Oakmore Street (Road 124) to the west, the East Tulare Villa Community to the east, Avenue 228 to the north, and E. Bardsley Avenue to the South.

Annexation

The project proponents are requesting to annex approximately 863-acres into the City limits. Of this area, approximately 231-acres are owned by the project proponent and proposed for future development. The remaining area is owned by the College of the Sequoias Community College District and the Kaweah Delta Water Conservation District. The project site is located immediately adjacent to the existing City limit and currently consists of mainly orchards.

If approved, the annexation will result in the formation of a county island, wholly surrounded by the City limits. This island will be approximately 40-acres, located on the southwest corner of Bardsley Avenue and the Oakmore Street alignment. However, City staff have received a separate annexation application for the annexation of this property which is currently being processed and is on track to be brought for discretionary review and approval in 2024. Staff believes that it can be found that the project meets the requirements to waive the restrictions of Government Code Section 56744 (limit on creating county islands) by finding that the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city consistent with Government Code Section 56375(m). Staff has reviewed the proposed annexation and determined it to be consistent with Chapter 10.26 – Annexations, of the City of Tulare Municipal Code.

At the request of the Tulare County Local Agency Formation Commission (LAFCO), City staff have met or communicated with representatives of College of the Sequoias and the Kaweah Delta Water Conservation District to determine their interest and willingness for land owned and managed by those entities to be included within the proposed annexation. After discussions, both entities were in support of or willing to have these lands included in the annexation. This includes approximately 632-acres of the proposed annexation area.

At the request of LAFCO, staff also sent survey letters to property owners and registered voters of the East Tulare Villas to the east of the proposed development as well as rural residential county residents located along the western side of Oakmore Street north of Mission Oak High School inquiring about interest in being included in the annexation. Results of the survey showed that a majority did not want to be included in the proposed annexation.

The 231-acre portion proposed for development is currently subject to a Land Conservation Contract (Williamson Act Contract). Upon annexation, the City will be required to succeed to the existing contract. The project applicant will be required to submit proof of executed exchange and cancellation of the Williamson Act Contract to the City prior to issuance of a grading or building permit for the project.

Following the approval of a resolution of application by the City Council, the applicant will be required to submit an application to the Tulare County Local Agency Formation Commission (LAFCO) in order to initiate annexation proceedings.

General Plan Amendment

The project site is designated as COS North Transit Oriented Development (TOD) in the City's adopted 2035 General Plan. The land use concept for the COS North plan area is intended to create a new community to serve COS students and staff as well as existing and future Tulare residents, with retail services, housing, and a new park and school. The TOD plan envisions a "complete neighborhood" where residents can access many of their basic activities and needs via walking or biking. Figure 3-3 of the COS North plan (see attached) provides a land use concept for how to achieve the goals of the TOD plan and sets the amount of land and densities that should be dedicated to each land use.

The COS North land use concept was included in the General Plan for illustrative purposes. The actual layout of the development is to be determined by future site planning. However, Land Use Element Policy P8.1 in General Plan 2035 calls for the City to implement a TOD land use pattern in the same spirit as the COS North land use concept.

The project proponent is requesting to change the General Plan land use designation on the project site to implement the current Transit Oriented Development Plan and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation. Staff has reviewed the proposed General Plan Amendment and determined it to be consistent with the goals and objectives of the City's General Plan, including COS North TOD plan, the City's Climate Action Plan, and Title 10 of the City of Tulare Municipal Code.

Zone Amendment

The area proposed for annexation is currently subject to the County's zoning requirements and is zoned AE-40 (Agricultural Exclusive, 40-acre minimum parcel size). The applicant is proposing to pre-zone the project site to the City's zoning to become effective upon annexation into the City limits of the City of Tulare. Proposed zoning designations of the project site are C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands). The proposed Zone Amendment is consistent with the goals and objectives of the City's General Plan, including the proposed General Plan Amendment associated with the project and the COS North Transit Oriented Development Plan.

Site Plan Review

While the proposed applications include a conceptual land use plan, more detailed subsequent site plans and maps, including subdivision and parcel maps, will be subject to the City's Site Plan Review process. The Site Plan Review Committee consists of representatives from Public Works, Engineering, Planning, Community Services, Fire and Solid Waste. Subsequent site plans, parcel, and subdivision maps will be reviewed by the Site Plan Review Committee to ensure appropriate coordination on the construction of public utility and circulation infrastructure. These entitlement processes will then be required to be reviewed by the relevant authority (Parcel Map Committee, Planning Commission, City Council) for approval.

Environmental

An environmental impact report (EIR) has been prepared for this project, in accordance with the California Environmental Quality Act (CEQA). The City of Tulare published a Notice of Availability (NOA) for the Draft EIR on July 27, 2023, inviting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH #2022090149), the County Clerk, and published in a newspaper of

regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from July 27, 2023, through September 11, 2023 (45 days).

In accordance with CEQA Guidelines Section 15088, the Final EIR responds to all comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 2, Changes to the Draft EIR, of the Final EIR. The responses to comments do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The initial study and Final EIR prepared for the project found that despite the implementation of mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), significant unavoidable impacts would remain as a result of the project to agricultural resources, air quality, greenhouse gas emissions and transportation. As a result, staff is recommending that the City Council certify the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

On October 23, 2023, the Planning Commission voted 3-0 (with two members absent) to recommend that the City Council approve Annexation No. 2020-01 (East Tulare No. 36), General Plan Amendment No. 2022-04, Zone Amendment No. 743, and certification of the EIR prepared for the project.

FISCAL IMPACT & FUNDING SOURCE(S)

The proposed action will not have any immediate financial impact. As future development occurs, payment of entitlement, building permit, development impact fees, etc. will be required. It is recommended that future action be taken to amend the City’s development impact fee program to add longer term infrastructure improvements specifically related to traffic to the program.

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny – If denied, the proposed annexation area would remain within the jurisdiction of Tulare County and the “Project Area” would remain subject to the County’s AE-40 (Agricultural Exclusive, 40-acre minimum parcel size) zoning designation.
3. Table

ATTACHMENTS

1. Resolution – Annexation
2. Resolution – General Plan Amendment
3. Resolution – EIR Certification
4. Ordinance – Zone Amendment
5. Planning Commission Package
6. Final EIR (*available as separate electronic file*)
7. Findings, Statement of Overriding Considerations (*available as separate electronic file*)
8. Draft EIR (*available as separate electronic file*)
9. EIR Appendices (*available as separate electronic file*)

Reviewed/Approved: 

RESOLUTION 2023-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE REQUESTING THE TULARE COUNTY LOCAL AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS FOR ANNEXATION NO. 2020-01 (EAST TULARE NO. 36 – CHANDLER GROVE) AND DETACHMENT OF THE PROPERTY FROM COUNTY SERVICE AREA NO. 1

WHEREAS, the City Council of the City of Tulare, desires to initiate proceedings for annexation to said city of territory described on the attached legal description; and

WHEREAS, the City Council of the City of Tulare at a regular meeting on December 5, 2023 held a public hearing to consider a request by Arun Toor on behalf of AST LLC. to annex approximately 863-acres into the city limits of the City of Tulare. The project is generally located on the northeast corner of Bardsley Avenue and Oakmore Street; and

WHEREAS, the City Council of the City of Tulare desires to annex said territory to the City of Tulare for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Code of the State of California; and,

WHEREAS, the proposed annexation will create a temporary county island located at the southwest corner of Bardsley Avenue and the Oakmore Street alignment; and

WHEREAS, a finding can be made by the Tulare County Local Formation Commission that the project meets the requirements to waive the restrictions of Government Code Section 56744 by finding that the restrictions would be detrimental to the orderly development of the community and that the area that would be enclosed by the annexation or incorporation is so located that it cannot reasonably be annexed to another city or incorporated as a new city consistent with Government Code Section 56375m; and

WHEREAS, even after the implementation of mitigation measures, significant and unavoidable cumulative impacts would remain to agricultural resources, air quality, greenhouse gas emissions and transportation as a result of development of the Project, in combination with other cumulative development in the project vicinity; and

WHEREAS, the City Council certified the Final Environmental Impact Report with appropriate Findings, and Statement of Overriding Considerations and Mitigation Monitoring and Reporting Program prepared for the Chandler Grove Master Plan and Annexation Project.

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

Section 1. That the Council of the City of Tulare hereby authorizes application to be made to the Executive Officer of the Local Agency Formation Commission (LAFCO), County of Tulare, State of California, for an annexation of territory illustrated in the map attached as Exhibit 'A'.

Section 2. In conjunction with the proceedings being taken for this annexation proposal application is also hereby authorized to be made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California for detachment from County Service Area No. 1.

Section 3. That upon annexation, the territory shall be zoned C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) consistent with Zone Amendment No. 743.

PASSED, APPROVED, AND ADOPTED on this 5th day of December 2023.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

RESOLUTION 2023-XX

**A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE
ADOPTING GENERAL PLAN AMENDMENT NO. 2022-04**

WHEREAS, the Tulare City Council at a regular meeting on December 5, 2023, held a public hearing to consider amending the City of Tulare General Plan land use designation to implement the City-adopted COS North Transit Oriented Development Plan and establish the Low Density Residential, Medium Density Residential, High Density Residential, Neighborhood Commercial, Public / Quasi Public and Parks and Recreation land use designations on lands associated with the Chandler Grove Master Plan and Annexation Project and generally located on the northeast corner of Bardsley Avenue and Oakmore Street; and

WHEREAS, the Tulare City Council has determined that the proposed amendment is in the public interest; and

WHEREAS, the Tulare City Council determined that the proposed amendment is consistent and compatible with the General Plan and implementation programs which may be affected; and

WHEREAS, the Tulare City Council determined that the proposed amendment's impacts have been adequately assessed and have been determined not to be detrimental to public, health, safety, or welfare; and

WHEREAS, the Tulare City Council determined that the proposed amendment has been processed in accordance with the applicable provisions of the California Government Code and the California Environmental Quality Act (CEQA).

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

Section 1. General Plan Amendment No. 2022-04 is hereby adopted and will be reflected on the General Plan Land Use Map.

PASSED, APPROVED, AND ADOPTED on this 5th day of December 2023.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

RESOLUTION 2023-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE CERTIFYING AN ENVIRONMENTAL IMPACT REPORT AND ADOPTING CEQA FINDINGS, A STATEMENT OF OVERRIDING CONSIDERATIONS, AND A MITIGATION MONITORING AND REPORTING PROGRAM FOR ANNEXATION NO. 2020-01 (EAST TULARE NO. 36 – CHANDLER GROVE), GENERAL PLAN AMENDMENT NO. 2022-04, AND ZONE AMENDMENT NO. 743 FOR THE CHANDLER GROVE MASTER PLAN AND ANNEXATION PROJECT

WHEREAS, the Council of the City of Tulare at a regular meeting on December 5, 2023 held a public hearing, received public testimony, and considered a request by Arun Toor on behalf of AST LLC., for General Plan Amendment No. 2022-04, Annexation No. 2020-01 (East Tulare No. 36 – Chandler Grove), and Zone Amendment No. 743, to annex into the City limits approximately 863-acres for a planned multi-use commercial and residential development, the Chandler Grove Master Plan and Annexation Project (Project); and

WHEREAS, an environmental impact report (EIR) was prepared for the Chandler Grove Master Plan Project pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines; and

WHEREAS, the Final EIR responds to all comments received during the public review period in accordance with CEQA Guidelines Section 15088; and

WHEREAS, the Tulare City Council has determined that the responses to comments in the Final EIR do not involve any new significant impacts or significant new information that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5; and

WHEREAS, mitigation measures are included in the Project's Mitigation Monitoring and Reporting Program to mitigate the potential impacts of the Project on the environment to the extent feasible, and are included as conditions of approval for the EIR and the Project; and

WHEREAS, even after the implementation of mitigation measures, significant and unavoidable cumulative impacts would remain to agricultural resources, air quality, greenhouse gas emissions and transportation as a result of development of the Project, in combination with other cumulative development in the project vicinity; and

WHEREAS, the City of Tulare Planning Commission, at a meeting held on October 23, 2023, voted 3-0 (2 members absent) to recommend that the Tulare City Council certify the Final EIR, adopt the CEQA Findings, Statement of Overriding Considerations, and Mitigation Monitoring and Reporting Program in support of the Project; and

WHEREAS, the Final EIR was presented to the Tulare City Council, the decision-making body of the lead agency, which reviewed and considered the information in the Final EIR; and

WHEREAS, the Tulare City Council has determined that based on the entire record and the EIR, the economic and social benefits of the project in Tulare, consistent with Goals and Policies in the City's General Plan, outweigh and override any significant unavoidable environmental impacts that would result from future project implementation; and

WHEREAS, the Tulare City Council determined that the EIR, Findings pursuant to CEQA Section 15091, and Statement of Overriding Considerations pursuant to Section 15093, reflect the independent judgement of the City of Tulare, as lead agency under CEQA.

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

Section 1. The Environmental Impact Report (EIR), Mitigation Monitoring and Reporting Program, CEQA Findings, and Statement of Overriding Considerations prepared in support of General Plan Amendment No. 2022-04, Annexation No. 2020-01 (East Tulare No. 36 – Chandler Grove), and Zone Amendment No. 743, to Pre-Zone approximately 863 acres upon annexation, for the Chandler Grove Master Plan and Annexation Project, is hereby adopted.

PASSED, APPROVED, AND ADOPTED on this 5th day of December 2023.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

ORDINANCE 2023-XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULARE AMENDING THE ZONING MAP OF THE CITY BEING A PART OF THE SECTION 10.04.04 OF SAID CODE ZONE AMENDMENT NO. 743

WHEREAS, the Council of the City of Tulare finds that this application is necessary to achieve the objectives of the Zoning Title prescribed in Section 10.04.02 of the Tulare City Code; and

WHEREAS, the Council of the City of Tulare finds that this zone change is in conformance with the adopted General Plan for the City of Tulare; and

WHEREAS, the Council of the City of Tulare finds that the request will not be detrimental to the public interest, health, safety, convenience or welfare of the City; and

WHEREAS, the Council of the City of Tulare finds that an Environmental Impact Report has been prepared in accordance with the California Environmental Quality Act.

NOW, THEREFORE, be it ordained by the Council of the City of Tulare as follows:

SECTION 1. The Zoning Map of the City of Tulare as referred to in Section 10.24.05 of the City Code of the City of Tulare, and as enacted, being made a part of the Zoning title of said Code in Section 10.04.04; thereof, a property portion of said map, being attached hereto, is hereby amended as follows:

PRE-ZONING approximately 863-acres of property to the following zoning designations in order to implement the City of Tulare adopted COS North Transit Oriented Development Plan and the General Plan: R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) zone district to become effective upon annexation into the City limits and is generally located on the northeast corner of Bardsley Avenue and Oakmore Street as set forth more specifically on said map.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 3. If any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity of the other remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 4. Pursuant to Section 15 of the Charter of the City of Tulare, it is ordered that a summary of this ordinance be issued in a daily newspaper of general circulation in the City of Tulare for one day and that the ordinance be available in at least one public place at the City offices. This ordinance shall be in full force and effect 30 days from and after the date of its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Tulare on the XX day of XXXX 2023.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

**CITY OF TULARE PLANNING COMMISSION
STAFF REPORT**

Agenda Item No.

October 23, 2023

**ANNEXATION 2020-01, GENERAL PLAN AMENDMENT NO. 2022-04, AND
ZONE AMENDMENT NO. 743 FOR CHANDLER GROVE PROJECT**

PROJECT PLANNER: Steven Sopp, Principal Planner

APPLICANT: Arun Toor on behalf of AST LLC.

CONSULTANT: Dudek

LOCATION: Property is approximately 231-acres located on the northeast corner of Oakmore Street and Bardsley Avenue (Main Area for Development other parcels included for annexation)

APN: 184-050-034, -035, & -007
(Main Area for Development other parcels included for annexation)

ZONING CLASSIFICATION: Project site is currently outside of the City limits and is subject to the County's AE-40 (Agricultural Exclusive, 40-acre minimum parcel size) zoning designation *Project proposes to pre-zone the subject site to the following designations: C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) in preparation for annexation into the City limits*

GENERAL PLAN DESIGNATION: Transit Oriented Development
Project proposes to implement the COS North Transit Oriented Development and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High

Density Residential, Neighborhood Commercial, Public / Quasi Public and Parks and Recreation

SURROUNDING LAND USES AND ZONING:

North: Agriculture	County
South: COS Campus	County
West: High School / Res	PL / County
East: Residential	County

REQUEST

The following items are requested:

- Annexation No. 2020-01, East Tulare No. 36 – Chandler Grove– request for annexation of approximately 863 acres into the City limits of which 231 acres is considered the “Project Site” and is planned for future development. The request also includes detachment from County Service Area #1.
- General Plan Amendment No. 2020-01 – Chandler Grove – request to change the General Plan designation on the site to implement the current Transit Oriented Development Plan and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation.
- Zone Amendment 743 – request to pre-zone the subject property to the following designations: C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) in preparation for annexation into the City limits.

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve Resolution No. 5465 recommending to the City Council approval of Annexation No. 2020-01 (East Tulare No. 36) – Chandler Grove, General Plan Amendment No. 2022-04, Zone Amendment No. 743 and certification of the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program. Staff’s recommendation is based on the findings and the project’s consistency with the policies and intent of the City’s General Plan and Municipal Code.

DETAILS OF THE PROPOSAL:

This is a request by Arun Toor on behalf of AST LLC. to annex into the City limits approximately 863 acres of which 231 acres is considered the “Project Site” and is planned for future development. The applicant has proposed a master plan for the project site that is intended to implement to the requirements of the City of Tulare adopted COS North Transit Oriented Development (TOD) Plan. Development is proposed to consist of a mixed-use

development that would consist of low, medium and high-density residential units, a central park, a neighborhood commercial center, a potential school site and other related improvements.

As part of the project the applicant is proposing to establish general plan land use designations and pre-zoning to implement the proposed master plan and COS North TOD Plan. The applicant is not proposing specific development at this time. As such, the Environmental Impact Report (EIR) for the project analyzes the project based upon maximum densities allowed by proposed zoning and allowed uses within the zone. The EIR analyzed the development of 1,197 total units of low, medium and high density residential on approximately 163.1 acres, a neighborhood commercial center on approximately 10.8 acres, a 4.9 acre school site and other improvements such as parks, stormwater detention areas, as well as trails for recreation.

Upon annexation into the City limits, additional entitlement and site plan review applications will be required to be reviewed and approved prior to development. However, if specific proposed development remains consistent with the zoning and land use established and within the scope analyzed by the EIR prepared for the project, any additional environmental analysis would be minimal and timelines for approval would be expedited.

The area proposed for development is located on the northeast corner of Bardsley Avenue and Oakmore Street. The site is bounded by S. Oakmore Street (Road 124) to the west, the east Tulare Villa Community to the East, Avenue 228 to the north, and E. Bardsley Avenue to the South

STAFF COMMENTS:

Annexation

The project proponents are requesting to annex approximately 863-acres into the City limits. Of this area, approximately 231-acres are owned by the project proponent and proposed for future development. The remaining area is owned by the College of the Sequoia's Community College District and the Kaweah Delta Water Conservation District. The project site is located immediately adjacent to the existing City limit and currently consists of mainly orchards.

If approved, the annexation will result in the formation of a County island, wholly surrounded by the City limits. This island will be approximately 40-acres, located on the southwest corner of Bardsley Avenue and the Oakmore Street alignment. However, City staff have received a separate annexation application for the annexation of this property which is currently being processed and is on track to be brought for discretionary review and approval in early 2024. Staff believes that it can be found that the proposed annexation represents an orderly expansion of the City limits and does not contribute to the creation of an island or peninsula. Staff has reviewed the proposed annexation and determined it to be consistent with Chapter 10.26 – Annexations, of the City of Tulare Municipal Code.

At the request of the Tulare County Local Agency Formation Commission (LAFCO), City staff have met or communicated with representatives of College of the Sequoias and the Kaweah Delta Water Conservation District to determine their interest and willingness for land owned and managed by those entities to be included within the proposed annexation. After discussions, both entities were in support of or willing to have these lands included in the annexation. This includes approximately 632-acres of the proposed annexation area.

At the request of LAFCO, staff also sent survey letters to property owners and registered voters of the East Tulare Villas to the east of the proposed development as well as rural residential county residents located along the western side of Oakmore Street north of Mission Oak High School inquiring about interest in being included in the annexation. Results of the survey showed that a majority did not want to be included in the proposed annexation.

The 231-acre portion proposed for development is currently subject to a Land Conservation Contract (Williamson Act Contract). Upon annexation, the City will be required to succeed to the existing contract. The project applicant will be required to submit proof of executed exchange and cancellation of the Williamson Act Contract to the City prior to issuance of a grading or building permit for the project.

Following the approval of a resolution of application by the City Council, the applicant will be required to submit an application to the Tulare County Local Agency Formation Commission (LAFCO) in order to initiate annexation proceedings.

General Plan Amendment

The project site is designated as COS North Transit Oriented Development (TOD) in the City's adopted 2035 General Plan. The land use concept for the COS North plan area is intended to create a new community to serve COS students and staff as well as existing and future Tulare residents, with retail services, housing, and a new park and school. The TOD plan envisions a "complete neighborhood" where residents can access many of their basic activities and needs via walking or biking. Figure 3-3 of the COS North plan (see attached) provides a land use concept for how to achieve the goals of the TOD plan and sets the amount of land and densities that should be dedicated to each land use.

The COS North land use concept was included in the General Plan for illustrative purposes. The actual layout of the development is to be determined by future site planning. However, Land Use Element Policy P8.1 in General Plan 2035 calls for the City to implement a TOD land use pattern in the same spirit as the COS North land use concept.

The project proponent is requesting to change the General Plan land use designation on the project site to implement the current Transit Oriented Development Plan and establish the following General Plan designations: Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation. Staff has reviewed the proposed General Plan Amendment and determined it to be consistent with the goals and objectives of the City's General Plan, including COS North TOD plan, the City's Climate Action Plan, and Title 10 of the City of Tulare Municipal Code.

Zone Amendment

The area proposed for annexation is currently subject to the County's zoning requirements and is zoned AE-40 (Agricultural Exclusive, 40-acre minimum parcel size). The applicant is proposing to pre-zone the project site to the City's zoning to become effective upon annexation into the City limits of the City of Tulare. Proposed zoning designations of the project site are C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands). The proposed Zone Amendment is consistent with the goals and objectives of the City's General Plan, including the proposed General Plan Amendment associated with the project and the COS North Transit Oriented Development Plan.

Site Plan Review

While the proposed applications include a conceptual land use plan, more detailed subsequent site plans and maps, including subdivision and parcel maps, will be subject to the City's Site Plan Review process. The Site Plan Review Committee consists of representatives from Public Works, Engineering, Planning, Community Services, Fire and Solid Waste. Subsequent site plans, parcel, and subdivision maps will be reviewed by the Site Plan Review Committee to ensure appropriate coordination on the construction of public utility and circulation infrastructure. These entitlement processes will then be required to be reviewed by the relevant authority (Parcel Map Committee, Planning Commission, City Council) for approval.

ENVIRONMENTAL:

An environmental impact report (EIR) has been prepared for this project, in accordance with the California Environmental Quality Act (CEQA). The City of Tulare published a Notice of Availability (NOA) for the Draft EIR on July 27, 2023, inviting comments from the general public, agencies, organizations, and other interested parties. The NOA was filed with the State Clearinghouse (SCH #2022090149), the County Clerk, and published in a newspaper of regional circulation pursuant to the public noticing requirements of CEQA. The public review period was from July 27, 2023 through September 11, 2023 (45 days).

The City of Tulare received two (2) comment letters on the Draft EIR during the public review period. The comment letters were received from the California Department of Fish and Wildlife (CDFW) and the San Joaquin Valley Air Pollution Control District (SJVAPCD). The CDFW's letter expressed the opinion that the Draft EIR does not adequately address Crotch's Bumblebee and recommends a qualified biologist conduct a habitat assessment to determine if suitable habitat is present. The City provided response to the CDFW's comments and directed district staff to Appendix C of the Draft EIR in Section 3.2.1, Page 9, a qualified biologist conducted a habitat assessment on July 26, 2022 to determine the potential for special-status wildlife species, including Crotch's Bumblebee, to occur onsite. Further, the biologist had been trained in the identification of the species and suitable habitat and determined that Crotch's bumblebee is "not expected to occur, no suitable habitat present on the Project Site." The district also requested that if construction be scheduled during Swainson's Hawk nesting

season (February 1 through September 15) that a pre-construction survey be completed by a qualified biologist for active nests within 0.5 miles of the project site rather than 0.25 miles. Staff has amended Mitigation Measure BIO-3 as requested.

SJVAPCD comments generally centered upon district rules and requirements that are either suggested or will be required of the project. The comments did suggest that the Draft EIR be revised to include a Voluntary Emission Reduction Agreement (VERA) to decrease the Project's operational emissions below thresholds. City staff provided response to SJVAPCD comments and acknowledged the districts rules and requirements of the applicant. Staff communicated that the Project proponent has considered the districts VERA suggestion and has elected to not enter into the voluntary agreement. The applicant will be required to meet the districts Rule 9510 which will result in the Project's operational emissions of oxides of nitrogen (NOx) and particulate matter with an aerodynamic diameter less than or equal to 10 microns (PM10) being reduced below the districts regional thresholds of significance after compliance. However, emissions of organic gases (ROG) or volatile organic compounds (VOC) will be above district regional thresholds of significance primarily from consumer products used by future residents.

In accordance with CEQA Guidelines Section 15088, the Final EIR responds to all comments received during the public review period. The Final EIR also contains minor edits to the Draft EIR, which are included in Section 2, Changes to the Draft EIR, of the Final EIR. The responses to comments do not involve any new significant impacts or "significant new information" that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.

The initial study and Final EIR prepared for the project found that despite the implementation of mitigation measures identified in the Mitigation Monitoring and Reporting Program (MMRP), significant unavoidable impacts would remain as a result of the project to agricultural resources, air quality, greenhouse gas emissions and transportation. As a result, staff is recommending that the Planning Commission recommend that the City Council certify the final environmental impact report with appropriate Findings, and Statement of Overriding Considerations, and a Mitigation Monitoring and Reporting Program.

FINDINGS:

Staff recommends that the Planning Commission make the following findings with regard to the Chandler Grove project applications:

Environmental:

- 1) That an Environmental Impact Report (EIR) was prepared pursuant to the California Environmental Quality Act of 1970 and State CEQA Guidelines.
- 2) That in accordance with CEQA Guidelines Section 15088, the Final EIR responds to all comments received during the public review period.

- 3) That responses to comments do not involve any new significant impacts or “significant new information” that would require recirculation of the Draft EIR pursuant to CEQA Guidelines Section 15088.5.
- 4) That mitigation measures are included as conditions of approval for the EIR, to mitigate the potential impacts of the Project on the environment to the extent feasible, and that these mitigation measures are recommended for approval and will be monitored and tracked for compliance with City Council adoption of the Mitigation Monitoring and Reporting Program (MMRP), included and attached to this Staff Report.
- 5) That despite the implementation of mitigation measures identified in the MMRP, significant unavoidable impacts would remain as a result of the proposed project to the following resources:
 - Agricultural resources based on the conversion of Prime farmland and conflict with an existing Williamson Act contract.
 - Air quality based upon cumulatively considerable net increase of criteria pollutants for which the project region is non-attainment.
 - Greenhouse gas emissions based upon the projects cumulative effect on greenhouse gas emissions and potential to conflict with an applicable plan, policy or regulation adopted for the purpose of reducing greenhouse gases.
 - Transportation based upon cumulative transportation impacts and potential to substantially increase hazards due to a geometric design feature or incompatible use.
- 6) That based on the entire record and the EIR, the economic and social benefits of the project in Tulare outweigh and override any significant unavoidable environmental impacts that would result from future project implementation, and therefore, the Planning Commission recommends that the Tulare City Council adopt the Statement of Overriding Considerations related to the Project Findings, included herein, and attached to this Staff Report.
- 7) That the Final EIR was presented to the Planning Commission, which reviewed and considered the information in the Final EIR, prior to recommending to the Tulare City Council, the decision-making body of the lead agency, approval of the Project and Certification of the EIR.
- 8) The Planning Commission finds that the Final EIR reflects the independent judgment and analysis of the City of Tulare.

General Plan Amendment No. 2022-04:

- 1) That the proposed General Plan amendment is consistent with the goals and objectives of the Tulare General Plan.
- 2) That the proposed conceptual land use plan for this project is consistent with the growth projections in the Tulare General Plan.

Zone Amendment No. 743:

- 1) The proposed amendment is consistent with the Tulare General Plan.
- 2) That the proposed request will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.

Annexation No. 2020-01 – Chandler Grove

- 1) The proposed annexation is consistent with the Tulare General Plan.
- 2) The proposed annexation is within the City’s approved Urban Development Boundary.

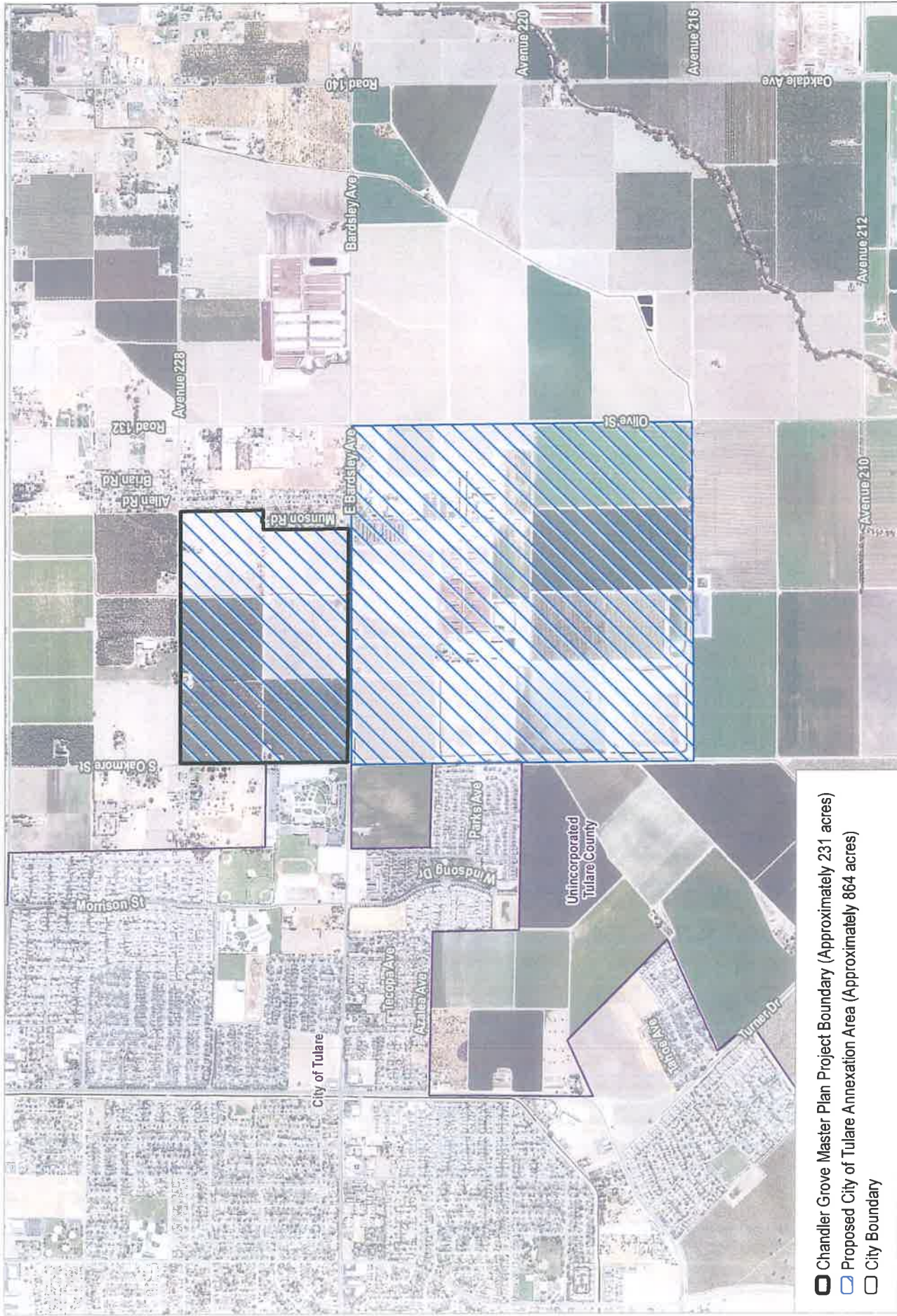
APPEAL INFORMATION:

According to the City of Tulare Zoning Ordinance Section 10.20.020, decisions of the Planning Commission may be appealed by filing a letter with the City Clerk, located at 411 East Kern Avenue, Tulare, CA 93274, no later than ten (10) days after the day on which the decision was made. The appeal shall state the name of the person making the appeal, the decision that is being appealed, and the reasons for the appeal, including an error, abuse of discretion or a decision that is not supported by the evidence in the record.

Given that the Planning Commission’s actions on this matter are recommendations to the City Council, and that the City Council will take final action on the proposed Annexation, Zone Amendment, General Plan Amendment, and supporting CEQA environmental documents, the item will automatically be forwarded to the City Council for review and consideration.

Attachments:

- I. Location Map – Proposed Annexation Area
- II. COS North Concept Plan (Figure 3-3)
- III. Conceptual Master Plan
- IV. Proposed General Plan Land Use
- V. Proposed Zoning
- VI. Final EIR, including Responses to Comments and Mitigation Monitoring and Reporting Plan (MMRP)
- VII. CEQA Findings of Fact and Statement of Overriding Considerations
- VIII. Resolution 5465



- Chandler Grove Master Plan Project Boundary (Approximately 231 acres)
- Proposed City of Tulare Annexation Area (Approximately 864 acres)
- City Boundary

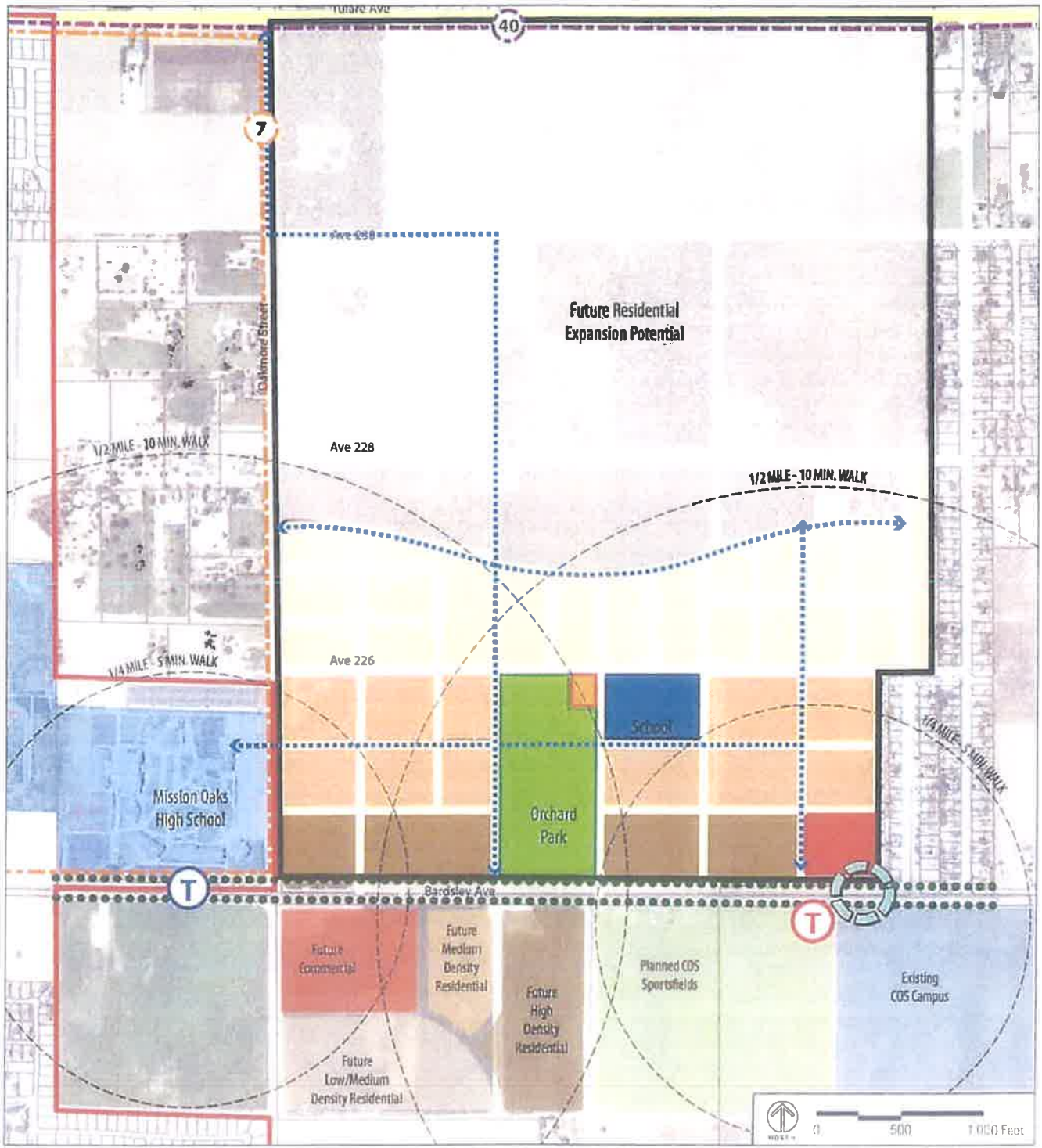
TULARE MAP 2520



FIGURE 3-6

Proposed City of Tulare Annexation Area

Chandler Grove Master Plan and Annexation Project



- | | | |
|---|-------------------------------|---------------------------|
| High Density Residential (14-29 DU/ac) | COS North Study Area Boundary | Existing Bus Stop |
| Medium Density Residential (7-14 DU/ac) | New Street | Future COS Transit Center |
| Low Density Residential (3-7 DU/ac) | Streetscape Improvements | TIME Bus Route |
| Neighborhood Commercial | Pedestrian/Bike Connections | TCAT Bus Route |
| Public/ Cultural/ Community Use | Gateway Opportunity | City Limits |
| School | | |
| Park | | |

AAR00040

FIGURE 3.3
 COS NORTH LAND USE CONCEPT

Land Use

Land Use	Quantity
Low Density Residential	
	364
Total Acreage	100.3 AC
Density (DU/AC)	3.6 DU/AC
Medium Density Residential	
	160
	121
Total Medium Density Units	281
Total Acreage	32.9 AC
Density (DU/AC)	8.5 DU/AC
High Density Residential	
	552
Total Acreage	29.9 AC
Density (DU/AC)	18.5 DU/AC
Total Units	
	1,197
Other Uses	
Parks and Recreation (Central Park)	14.1 AC
Neighborhood Commercial Center	10.8 AC
Public / Quasi-Public (School)	4.9 AC
Public / Quasi-Public (Community Center)	0.78 AC



Legend

- Property line
- Piped irrigation canal
- Proposed bus stop

FIGURE 3-5

Proposed Chandler Grove Master Plan Conceptual Master Plan

Chandler Grove Master Plan and Annexation Project

Land Use

Land Use	Quantity
Low Density Residential	364 Units
Total Acreage	100.3 AC
Density (DU/AC)	3.6 DU/AC
Medium Density Residential	281 Units
Total Acreage	32.9 AC
Density (DU/AC)	8.5 DU/AC
High Density Residential	552
Total Acreage	29.9 AC
Density (DU/AC)	18.5 DU/AC
Other Uses	
Parks and Recreation (Central Park)	14.1 AC
Natural Areas	12.3 AC
Neighborhood Commercial Center	10.8 AC
Public / Quasi-Public (School)	4.9 AC
Public / Quasi-Public (Community Center)	0.78 AC

Legend

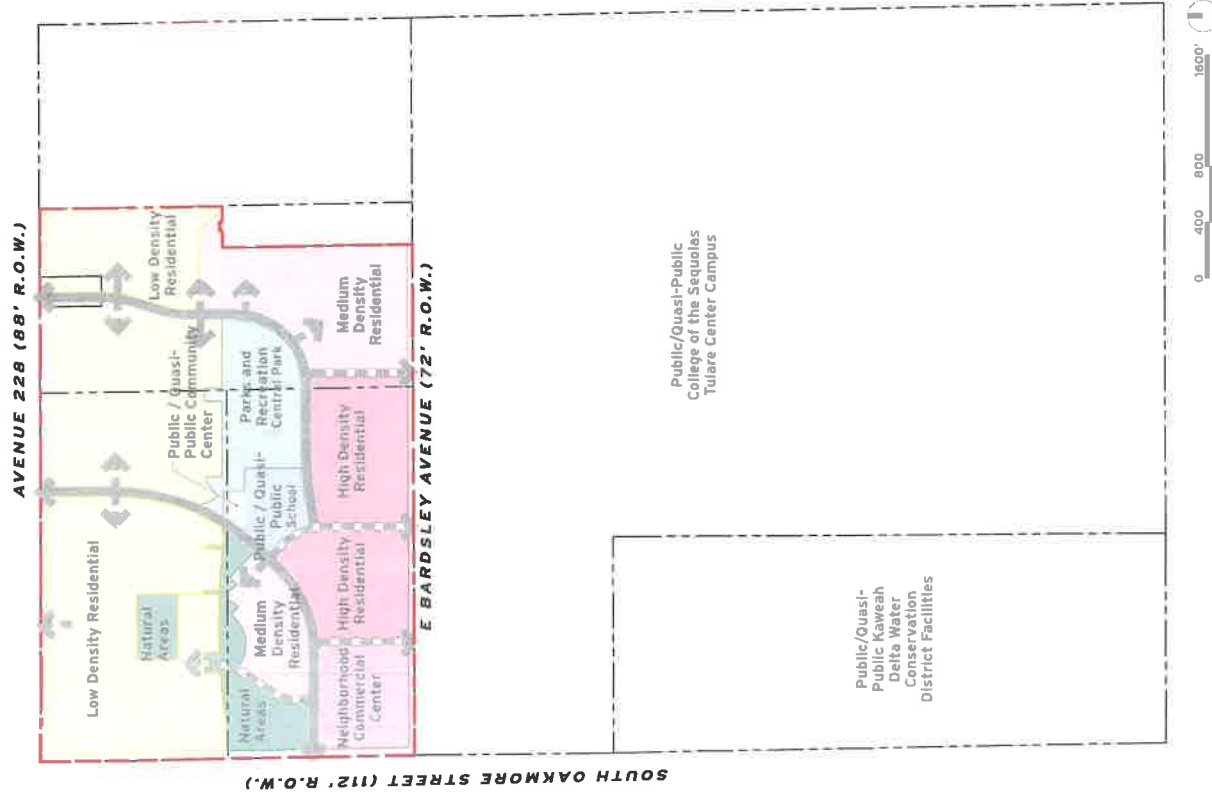
Property line



Collector Road (public right-of-way - area not calculated)



Local Road connections (public right-of-way - area not calculated)

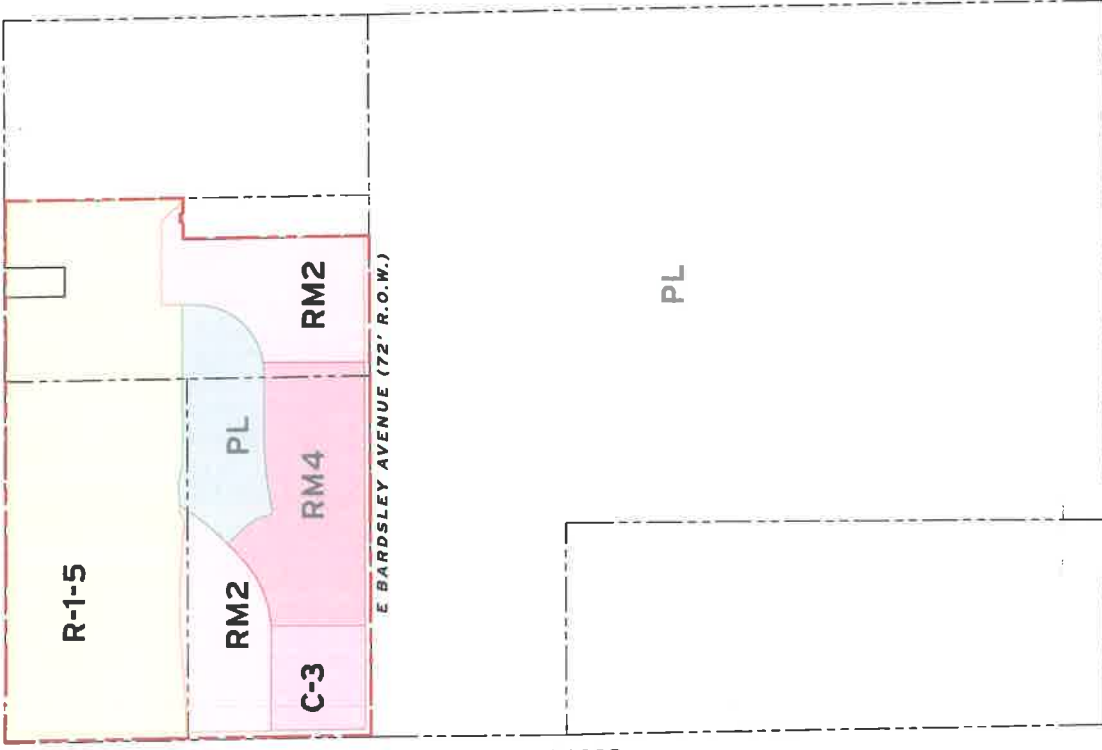


SOURCE: Russell Mills 2022



FIGURE 3-3
Proposed Chandler Grove Land Use
Chandler Grove Master Plan and Annexation Project

AVENUE 228 (88' R.O.W.)



Zoning

Zoning	Information
R-1-5	Single Family 5,000 SF minimum lot size
RM2	Multiple Family 3,000 SF minimum lot size
RM4	Multiple Family 1,500 SF minimum lot size
C-3	Retail Commercial
PL	Public Lands (School, Central park, Community Center)

Legend

Property line

FIGURE 3-4
Proposed Chandler Grove Zoning
Chandler Grove Master Plan and Annexation Project

RESOLUTION NO. 5465

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVAL OF ANNEXATION NO. 2020-01 (EAST TULARE No.
36) – CHANDLER GROVE AND GENERAL PLAN AMENDMENT NO. 2022-04 AND
ZONE AMENDMENT NO. 743 TO THE CITY COUNCIL FOR ADOPTION**

WHEREAS, the City of Tulare Planning Commission at a regular meeting held October 23, 2023 considered a request by Arun Toor on behalf of AST LLC. to annex into the City limits 863 acres within the City’s urban development boundary into the City limits of which 231 acres is considered the “Project Site” and is planned for future development. In addition to the annexation request, the Planning Commission will also consider a General Plan amendment and Zoning Amendment for the establishment of a planned mixed-use commercial and residential development. The project site is located on the northeast corner of Bardsley Avenue and Oakmore Street. The project site concept envisions development of low, medium, and high-density residential units, a neighborhood commercial center with locally serving commercial uses, a school, a community center, park, and open space; and,

WHEREAS, the project applicant is requesting to change the existing General Plan designation to implement the current Transit Oriented Development Plan and establish land use designations as Low Density Residential, Medium Density Residential, High Density Residential, Community Commercial, Public / Quasi Public and Parks and Recreation; and,

WHEREAS, the project applicant is also requesting to pre-zone the subject property to the C-3 (Retail Commercial), R-1-5 (Single Family Residential, 5,000 sq. ft. minimum lot area), R-M-2 (Multiple-family Residential, 3,000 sq. ft. minimum per unit), R-M-4 (Multiple-family Residential, 1,500 sq. ft. minimum per unit), and PL (Public Lands) zoning designations; and,

WHEREAS, the proponent desires to annex said territory to the City of Tulare for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and,

WHEREAS, the proposal is made pursuant to the Cortese-Knox-Herzberg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendment is in the public interest; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendments are consistent and compatible with the general plan and implementation programs which may be affected; and

WHEREAS, the City of Tulare Planning Commission determined the proposed amendment will promote the goals and objectives of the Zoning Title as prescribed in Section 10.04.020 of the Tulare City Code; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, an Environmental Impact Report was prepared for the Project pursuant to the California Environmental Quality Act (CEQA) and State CEQA Guidelines; and

WHEREAS, the Final Environmental Impact Report responds to all comments received during the public review period in accordance with CEQA Guidelines Section 15088; and,

WHEREAS, mitigation measures are included in the Project's Mitigation Monitoring and Reporting Plan to mitigate the potential impacts of the Project on the environment to the extent feasible, and are included as conditions of approval for the Environmental Impact Report and the Project; and,

WHEREAS, even after the implementation of mitigation measures, significant and unavoidable cumulative impacts would remain to agricultural resources, air quality, greenhouse gas emissions, and transportation as a result of the Project; and,

WHEREAS, it was found that the economic and social benefits of the project in Tulare, consistent with the Goals and Policies of the Tulare General Plan, outweigh and override the significant and unavoidable cumulative impacts that would result from future project implementation; and,

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that the Environmental Impact Report, Mitigation Monitoring and Reporting Plan, Findings of Fact, and Statement of Overriding Considerations prepared for Annexation No. 2020-01 (East Tulare No. 36) Chandler Grove, General Plan Amendment No. 2022-04, and Zone Amendment No. 743 is hereby recommended to the City Council for adoption; and,

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that Annexation No. 2020-01 (East Tulare No. 36) Chandler Grove is hereby recommended to the City Council for adoption.

BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that General Plan Amendment No. 2022-04 is hereby recommended to the City Council for adoption.

BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that Zone Amendment Application No. 743 is hereby recommended to the City Council for adoption.


PASSED, APPROVED AND ADOPTED this twenty-third day of October, 2023 by the following recorded vote:

AYES: Miguel, Miller, Lima

NOES: 0

ABSENT: Cubas, Petersen

ABSTAIN: 0


CHUCK MIGUEL, CHAIR
City of Tulare Planning Commission

ATTEST:


MARIO ANAYA, SECRETARY
City of Tulare Planning Commission



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 12.1
General Business

Department: Engineering Services - Engineering

Submitted by: Michael Miller, City Engineer

Agenda Title: Conditional Acceptance of Revised Tentative Parcel Map No. 2022-06 for the Fulton Estates Development

RECOMMENDED ACTION

Conditionally approve revised tentative parcel map No. 2022-06 for the Fulton Estates development project, accept all easements offered thereon to the City, and conditionally reject, until later accepted by a separate resolution of the City Council, irrevocable offers of dedication to the City for Oakmore Street (Road 124) and Tulare Avenue (S.R, 137), subject to receipt of the signed parcel map, all fees, and other required items prior to February 3, 2024.

SUMMARY

The Tulare Parcel Map Committee adopted Resolution No. 848 on January 30, 2023, approving Tentative Parcel Map No. 2022-06 for the Fulton Estate development located on the northwest corner of Hwy 137 (Tulare Avenue) and Oakmore Street (Road 124). The overall project comprises approximately 37 acres. The proposed parcel map will create four (4) parcels for residential use to be further subdivided at a later date as phases of the Fulton Estates subdivision, and one remainder lot that is zoned for commercial development.

To expedite the parcel map approval process, Council conditionally approved Tentative Parcel Map No. 2022-06 on November 21, 2023, subject to receipt of the signed map, all fees, and other required items within 60 days. That approval action also included acceptance of all easements and dedications offered to the City in accordance with the conditions of Tulare Parcel Map Committee Resolution No. 848. The conditions of approval of the parcel map required the Subdivider to dedicate additional right-of-way for Oakmore Street to the City, and for Tulare Avenue (State Route 137) to the State of California. While dedications to the City are typically accomplished by calling out the dedication on the recorded parcel map, dedications to the State of California have previously been done by a separate instrument between the Subdivider and State of California with the resulting recorded document referenced on the parcel map. Such was the case for the Tulare Avenue dedication on Tentative Parcel Map No. 2022-06 when it was conditionally approved by Council on November 21, 2023.

Since Council's conditional approval, the Subdivider has determined that the amount of time required to complete the right-of-way dedication process to the State of California for Tulare Avenue exceeds the timeline they have agreed to for close of sale of one of the newly created parcels to a Developer for Phase 1 of the Fulton Estates subdivision. To be able to meet their deadline, the Subdivider is requesting to provide the City of Tulare with an irrevocable offer of dedication for the right-of-way for Tulare Avenue rather than the State of California. It would then be necessary at some future date for the City to accept said irrevocable offer of dedication and transfer the right-of-way to the State of California.

FISCAL IMPACT & FUNDING SOURCE(S)

Additional costs resulting from staff time and consultant services would likely be incurred by the City to complete future right-of-way transfer to the State of California.

General Fund (G/L #008-4630-1021) Regular Salaries - \$TBD

General Fund (G/L #008-4630-2017) Professional/Technical Services - \$TBD

LEGAL REVIEW

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

ALTERNATIVE ACTION

1. Approve with changes – Changes would result in a delay to the approval of the Tentative Parcel Map No. 2022-06, which may jeopardize the subsequent development of the Fulton Estates subdivision due to the Subdivider’s inability to meet deadlines related to the sale of property.
2. Deny – Council conditionally approved Tentative Parcel Map No. 2022-06 on November 21, 2023. Should Council opt to deny the revised tentative parcel map incorporating the Subdivider’s request to dedicate Tulare Avenue (State Route 137) right-of-way to the City as opposed to the State of California directly, subsequent development of the Fulton Estates subdivision may be jeopardized due to the Subdivider’s inability to meet deadlines related to the sale of property.
3. Table – Delay resulting from tabling this item may be jeopardize the subsequent development of the Fulton Estates subdivision due to the Subdivider’s inability to meet conditions related to the sale of property.

ATTACHMENTS

1. Tulare Parcel Map Committee Resolution No. 848
2. Revised Tentative Parcel Map No. 2022-06 Exhibit

Reviewed/Approved: 

**A RESOLUTION OF THE CITY OF TULARE PARCEL MAP COMMITTEE
FOR TENTATIVE PARCEL MAP APPLICATION NO. 2022-06**

WHEREAS, the Parcel Map Committee of the City of Tulare duly convened at a regular meeting on January 30, 2023 and approved the request by Quest Equity to create 4 parcels of record and a remainder from one existing parcel (APN 172-030-010) on property located on the southwest corner Tulare Avenue (SR-137) and Oakmore Street; 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 2022-06 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 No. 2022-06.
- 3) Applicant shall comply with attached Engineering conditions.

Engineering

The Engineering Division recommends the following Site Plan Review Status for the subject project:

Resubmit with the following required revisions to the site plan:

1. Please provide cross sections of _____ on the Site Plan. Cross sections shall include (at a minimum) dimensions from right-of-way (ROW) to ROW (existing and proposed), dimensions from ROW to landscape lot (if applicable), dimensions from ROW to sections line, dimensions from sections line to curb face, dimensions from curb face to sidewalk, sidewalk width, and median width and location with respect to section line (if applicable).

2. _____

Proceed and comply with Engineering Conditions of Approval checked below.

- Required right-of-way improvements for Parcels 1, 2, 3, 4, and the Remainder Lot are identified in Engineering Conditions contained in Resolution No. 5435 adopted by the Planning Commission on October 24, 2022 for the Fulton Estates Tentative Map.
- Right-of-way improvements for Parcels 1, 2, 4 and the Remainder Lot may be deferred until future building permit, or engineering permit is issued for the development of said lots.
- A deferred improvement agreement for right-of-way improvements identified in Engineering Conditions contained in Resolution No. 5435 adopted by the Planning Commission on October 24, 2022 for the Fulton Estates Tentative Map along Parcel 3's frontage is required prior to recordation of the Parcel Map. This condition may be waived if the improvements are completed, or the existing residence is removed, prior to recordation of the parcel map.
- Dedications identified below shall be shown as Irrevocable Offers of Dedication on the Parcel Map.

Proceed. No applicable Engineering Conditions of Approval.

General Engineering Conditions:

All public improvements conditionally required for project approval shall comply with the provisions of Chapter 8.24 "Subdivision Regulations" of the Tulare Municipal Code, the "City of Tulare Design Guidelines and Public Improvement Standards", and all other applicable City policies, specifications, ordinances and standard operating procedures in effect at the time of their construction, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Division 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.

- 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 Developer's Engineer shall provide the City of Tulare with an AutoCAD drawing file of the approved plans. This shall be done prior to scheduling any pre-construction conferences or commencing construction of any improvements. Following the recordation of a Notice of Completion for the project, the Developer's Engineer shall provide the City of Tulare with an AutoCAD drawing file showing all As-Built revisions approved by the City and incorporated into the construction of the project improvements.
- Prior to the start of construction, a meeting will be called by the City Engineer with the Owner/Developer, Contractor and all concerned including utility companies to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City requirements are met. The Contractor shall perform no construction in the field until after this meeting.
- Applicant shall obtain a Street Closure Permit from the City. A traffic control plan prepared by a registered civil engineer, traffic engineer or traffic control specialist shall be submitted with the Street Closure Permit application, and will be subject to the approval of the City Engineer prior to application approval.

Required Data, Studies and Master Plan Documents:

- The Owner/Developer shall submit a preliminary soils report for structural foundation, which shall be prepared by a Registered Civil Engineer based upon adequate soil test borings. Said report shall be submitted to the City Engineer or Chief Building Official.
- The Owner/Developer shall have the soils investigated and make recommendations as to the correct method of trench backfill for the soils encountered in the subdivision so as to assure 90% relative compaction between the select bedding around the pipe to within 2 feet of the subbase. The top 2 feet shall be compacted to 95% relative compaction. Compaction tests are required on all trenches and street subgrades. All soils testing shall be performed at the sole cost of the Owner/Developer. The Owner/Developer shall establish an account with a licensed and certified soil-testing firm acceptable to the City Engineer prior to the start of construction for compaction testing of trench backfill and fills. The City shall order and direct all compaction tests.

- R-Value tests shall be taken for the design of all pavement areas to be constructed by this project. The spacing of said R-Value tests shall not be more than 400 feet apart, per linear foot of paving.
- Percolation tests are required for the design of new drainage basin facilities, or the expansion of existing drainage basin facilities.
- Project trip generation data based upon the ITE Trip Generation Manual is required. A Transportation Impact Study identifying the project impacts and proposed mitigation measures may be required as a condition of project approval, and shall be subject to the approval of the City Engineer. Traffic impact studies shall conform to current CEQA “state of the practice” standards, the Caltrans “Guide For The Preparation of Traffic Impact Studies”, and City of Tulare General Plan requirements. Traffic impact studies shall address provisions for pedestrian, bicycle and transit access to the project. In evaluating project impacts to existing roadway facilities, traffic impact studies shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments (TCAG), and shall specifically address the project impacts and any appropriate mitigations to facilities identified by the City Engineer.
- A Transportation Impact Study (TIS) identifying the project impacts and proposed mitigation measures shall be submitted to the City for review, and shall be subject to the approval of the City Engineer. The TIS shall conform to current CEQA “state of the practice” standards, the Caltrans “Guide For The Preparation of Traffic Impact Studies”, and City of Tulare General Plan requirements. The TIS shall address provisions for pedestrian, bicycle and transit access to the project. In evaluating the project’s impact to existing roadway facilities, the TIS shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments, and shall specifically address the project impacts and any appropriate mitigations to the following facilities:
 1. Intersections, (including lane geometry and turn pocket lengths):
 2. Roadway Segments:
 3. Other:
- Compaction tests are required on all street subgrades, and at utility trench crossings of curb, gutter and sidewalk. All soil testing shall be performed at the sole cost of the Owner/Developer.
- Master Plan drawings are needed for: Water, Sewer, Storm Drain, Streets

Right of Way Requirements

- Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Division, 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. Separate encroachment permits are also required from

the following agencies or work within their rights-of-way or on their facilities: County of Tulare: _____, State: _____, Tulare Irrigation District.

The following right-of-way dedications are required for street/alley purposes:

a. 20' property corner radius: _____.

b. Chamfer property corner: Southwest corner of Tulare Avenue (SR 137) and Oakmore Street.

c. Alley: _____

d. Street:

- Tulare Avenue (SR 137) – Per Caltrans requirements.
- Oakmore Street – 32 feet of right-of-way dedication (57 feet total from section line).

Waiver of direct access rights is required at the following locations: _____.

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.

Final Map Requirements

Submit to the City of Tulare a title report for the parcel(s) to be developed.

Submit closures and tabulation of areas (square feet) of all lots within the subdivision. A blue line area shall also be submitted.

Provide the City of Tulare with three (3) prints of the final map of the subdivision, and three (3) prints of the improvement drawings for final checking.

Following the approval of final subdivision or parcel maps, the Developer's Licensed Surveyor or Engineer shall provide the City of Tulare with an AutoCAD drawing file of the approved final map, or GIS shapefile for the related parcels included on said final map.

A City Clerk's Certificate is required on the final map for required dedications.

A Public Works Certificate required on the final map if improvements are not constructed prior to recordation. This provision would require an engineer's estimate and an improvement security.

Roadway Improvements

- Street design shall conform to City of Tulare Design Guidelines and Public Improvement Standards. The structural section design for new roadways and pave-out areas shall be based upon the results of R-Value tests at locations approved by the City Engineer, and the design criteria provided below. Minimum structural sections allowed shall be per the City of Tulare Design Guidelines and Public Improvement Standards:

Roadway	Classification	Traffic Index	Paved Width
a)	-	-	-
b)	-	-	-

- Construct full pave-out width from lip of gutter to the existing edge of pavement on the following existing roadways impacted by the development is required: _____.
- Reconstruct/rehabilitate the following existing roadway segments impacted by the development in accordance with methods to be approved by the City Engineer: _____.
- Provide stabilized shoulders along the following existing roadway segments in accordance with the City of Tulare’s adopted PM-10 control guidelines: _____.
- Backing lot treatment with common area landscaping, irrigation and block wall improvements shall apply to the following frontages: _____.
- As opening day improvements for either Phase 2 (residential) or Phase 3 (commercial) of the project, install median improvements in Tulare Avenue (State Route 137) per Caltrans requirements as outlined in their letter dated August 19, 2022.
- Provide pavement transitions from existing roadway cross-sections to new roadway cross-sections per the requirements of the City Engineer at the following locations: _____.
- Curb and Gutter – Existing curb and gutter to remain 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. New City Standard curb and gutter shall be constructed as indicated below.

<u>Street Frontage(s)</u>	<u>Configuration</u>
	-

- Construct City standard cross gutter at the following locations: _____.

- Driveway Approaches – Existing driveway approaches to remain 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. New City Standard driveway approaches shall be constructed as indicated below.

<u>Street Frontage(s)</u>
Tulare Avenue (State Route 137) – In accordance with Caltrans letter dated August 19, 2022, driveway approaches on Tulare Avenue shall maintain the minimum access spacing of 427 feet between access points (driveways), and maintain the minimum corner clearance distance of 344 feet from the intersection of Tulare Avenue and Oakmore Street.
Oakmore Street – In accordance with City Standard Drawing No. 2110, commercial driveway approaches on Oakmore Street shall maintain a minimum corner clearance distance of 50 feet from the intersection of Tulare Avenue and Oakmore Street as measured from the beginning of the curb return.

- Sidewalks – Existing sidewalk to remain 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, and cracked or raised concrete. 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.

<u>Street Frontage</u>	<u>Configuration</u>	<u>Sidewalk Width (ft)</u>
	-	-

- Ramped Curb Returns – Existing ramped curb returns to remain 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. New City standard ramped curb returns and/or pedestrian ramps shall be installed as indicated below.

<u>Location</u>	<u>Configuration</u>
	-

- Alley Improvements – The following alley improvements are required:

1. Construct vee gutter at the following locations: _____.
2. Construct ADA compliant alley approach at the following locations: _____.
3. Other: _____.

- Street monuments – Street monuments shall be installed at locations as required by the City Engineer.
- Temporary Turnarounds – Turnarounds are required at all dead end or stubbed streets, except where refuse pickup on lot frontages does not require the refuse collection vehicle to back up. Grants of easement shall be provided to the City of Tulare for all temporary turnaround locations.
- Damage to Existing Street Improvements – If work by the Owner/Developer or his contractors render any existing City street to be in a condition unacceptable to the City Engineer, or his authorized representatives, said street must be restored to a condition as good as or better than before the development’s construction activities began. Said repair work must be completed within 2 weeks of the damage having occurred, or in accordance with a schedule authorized by the City Engineer. Thenceforth, the Owner/Developer shall maintain the street in its repaired state for the duration of the development’s construction activities.
- Street Lights – Street lights shall be owned and maintained by Southern California Edison, and shall be installed at locations designated by the City Engineer per the City of Tulare Design Guidelines and Public Improvement Standards. Luminaires shall be LED fixtures mounted on standard concrete marbelite poles, and shall comply with the following general requirements:

Roadway Classification	Wattage	Color Rating (kelvin)	Minimum Lumens	Mounting Height	Mast Arm Length
Local Streets	31 Watt	4,000	4,000	26 feet	6 foot
Collector Streets	39 Watt	4,000	5,000	26 feet	8 foot
Minor Arterial Streets	39 Watt	4,000	5,000	32 feet	8 foot
Arterial Streets	71 Watt	4,000	8,500	32 feet	8 foot
Traffic Signal		4,000	15,000	Varies	Varies

- Traffic Control Devices – Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.

- Traffic Calming Measures – The proposed development shall incorporate the following traffic calming measures: _____.
- Bicycle and Pedestrian Facilities – The proposed development shall incorporate the following bicycle/pedestrian facilities: _____.
- Transit Facilities – The proposed development shall incorporate City standard bus turnout(s) at the following location(s): _____.

Grading Requirements

- 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.

- The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For Landscape and Lighting Act District parcels, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

Utility Improvements

- All utility services to be located within paved areas shall be placed in the streets prior to paving.
- The Owner/Developer must make provisions for the installation of a gas distribution system in all streets and at the sizes determined by the Southern California Gas Company.
- 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 8.24.500 (M) of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the bonding provided for the project. The following streets have above ground utilities that will need to be undergrounded:

<u>Street</u>	<u>Location</u>

Water System Requirements

- Water main alignments shall be 6 feet south and/or west of street centerline unless otherwise approved by the City Engineer. The proposed development shall be responsible for the following water main extensions and connections: _____.
- Pressure, leakage, and purity tests are required on all City water system installations at the sole cost of the Owner/Developer.
- 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.
- The proposed development shall install water services with back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be separate metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed. All R-M-2 lots shall require individual water services (1 ½" minimum) with meter boxes.
- Water sampling stations shall be installed as follows: _____.
- Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.

Sewer System Requirements

- Sewer main alignments shall be 11 feet north and/or east of street centerline unless otherwise approved by the City Engineer. The proposed development shall be responsible for the following sanitary sewer main extensions and connections: _____.
- 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.
- All sewer lines shall pass both mandrel and air pressure tests. The Owner/Developer shall video inspect all sewer mains prior to placement of asphalt concrete and again after paving is complete. City Public Works Inspector shall review each video inspection prior to approval.
- A sewer monitoring station, oil/sand/water separator and/or grease interceptor shall be installed as required by the wastewater manager.
- Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.

Storm Drainage System Requirements

- Storm drain alignments shall be 6 feet north and/or east of street centerline unless otherwise approved by the City Engineer. The proposed development shall be responsible for the following storm drain line extensions and connections: _____
- The Owner/Developer shall video inspect all storm drain mains and laterals prior to placement of asphalt concrete and again after paving is complete. City Public Works Inspector shall review each video inspection prior to approval.

Landscaping and Parks Requirements

- A landscape & irrigation master plan for all phases of the subdivision shall be submitted with the initial phase to assist City staff in the formation of the Landscape & Lighting District. The landscape & irrigation master plan shall be approved by the Director of Parks and Community Services a minimum 75 days before approval of the final map or approval of the improvement plans (whichever comes first).
- A Landscape & Lighting District will maintain common area landscaping, common area irrigation systems, common area block walls, street trees, street lights and local street maintenance. The Owner/Developer shall submit a completed Landscape & Lighting District application and all necessary calculations and supporting documentation for the formation of a the district a minimum of 75 days before approval of the final map or approval of the improvement plans (whichever comes first). Dedication to the City is required for all landscape and common area lots to be maintained by the Landscape & Lighting District.

On-site Improvements

- On-site A.C. pavement design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the following minimum traffic index requirements: 4.5 for parking areas/travel lanes and 5.0 for truck routes (including path of travel of solid waste collection vehicles).
- All on-site water, sewer, and storm drain shall be privately owned. All City owned water meters shall be located within the City's ROW.
- All unused culverts and irrigation lines shall be abandoned and plugged in a manner acceptable to the City Engineer.
- A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
- 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.

- If applicable, existing irrigation ditches and/or canals shall be piped, developed into a trail, or relocated outside the project boundaries per the direction of the City Engineer and affected irrigation district. Related irrigation facilities shall be subject to the same requirements for piping or relocation.
- In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
- Fugitive dust shall be controlled in accordance with the applicable rules of the San Joaquin Valley Air Pollution Control District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application shall be provided to the City.
- 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.
- 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.

Oversize Construction

- The conditions of project approval require the construction of facilities which have been designated as "masterplan facilities" by the City Engineer, and as such the Owner/Developer may be eligible to receive reimbursement for oversized construction costs in accordance with Chapter 8.64 "Oversized Construction Reimbursement" of the Tulare Municipal Code, and the oversized construction reimbursement policies of the Engineering Services Department. Eligibility for any reimbursement of oversized construction costs is subject to the City

Engineer's review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Owner/Developer shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversized improvements. If the financial statement is not filed within this time period, the Owner/Developer shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds

Fees

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 final map recordation or upon the date of issuance of other discretionary permit, whichever is applicable. These fees include, but are not limited to:

- Sewer front foot charges of \$ 26.00 per front foot for frontages on _____.
- Sewer lift station fee of \$ _____ per acre.
- Water front foot charges of \$ 17.50 per front foot for frontages on _____.
- Street front foot charges of \$ _____ per front foot for frontages on _____.
- Benefit district creation fee (if applicable): \$ 1,356.00 per district.
- Traffic signal in-lieu fee of \$ _____.
- TID ditch piping in-lieu fee of \$ _____.
- Sewer main construction in-lieu fee of \$ _____.
- Water main construction in-lieu fee of \$ _____.
- Street construction in-lieu fee of \$ _____.
- Engineering inspection fee based on a percentage of the estimated cost of construction is required prior to the construction of the improvements.
- Development impact fees to be paid with building permit at rates in effect at time of permit issuance.
- 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.
- Other: _____

Prepared By: Jan Bowen, Engineering Department

PASSED, APPROVED AND ADOPTED this thirtieth day of January, 2023 by the following recorded vote:

AYES: Anaya, Miller

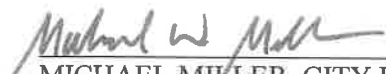
NOES: Ø

ABSENT: Miller

ABSTAIN: Ø


MARIO ANAYA, VICE-CHAIR
City of Tulare Parcel Map Committee

ATTEST:


MICHAEL MILLER, CITY ENGINEER
City of Tulare Parcel Map Committee

OWNER'S STATEMENT

WE HEREBY STATE THAT WE ARE THE LEGAL OWNERS OF, OR HAVE SOME RIGHT, TITLE OR INTEREST IN AND TO THE REAL PROPERTY INCLUDED WITHIN THE BOUNDARIES OF THE SUBDIVISION SHOWN UPON THIS PARCEL MAP, AND THAT WE ARE THE ONLY PERSONS WHOSE CONSENT IS NECESSARY TO PASS A CLEAR TITLE TO SAID PROPERTY, AND WE CONSENT TO THE MAKING AND FILING OF SAID PARCEL MAP AS SHOWN WITHIN THE BOLD BORDER LINES HEREON. WE HEREBY OFFER TO DEDICATE AND DO HEREBY DEDICATE THE FOLLOWING, AS SHOWN WITHIN THE BOUNDARIES OF THE MAP HEREON, FOR THE SPECIFIED PURPOSES:

- 1. STREET RIGHT OF WAY FOR OAKMORE STREET IN FEE TO THE CITY OF TULARE.
2. PUBLIC EASEMENTS FOR THE INSTALLATION AND MAINTENANCE OF GAS LINES AND CONDUITS FOR ELECTRIC, CABLE, AND TELEPHONE SERVICES, TOGETHER WITH ANY AND ALL APPURTENANCES PERTAINING THERETO, AS SHOWN HEREON AND DESIGNATED AS "PUE" (PUBLIC UTILITY EASEMENTS).
3. Irrevocable Offer of Dedication (IOD) for Tulare Avenue Street right of way to the City of Tulare.

FOR: MERVIN E. FULTON AND SUSAN D. JOHNSON, TRUSTEES, OR HIS SUCCESSORS IN TRUST UNDER THE FULTON LIVING TRUST DATED MAY 26, 2009

BY: MERVIN E. FULTON TRUSTEE DATE
BY: SUSAN D. JOHNSON TRUSTEE DATE

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA COUNTY OF S.S. ON BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEY AUTHORIZED CAPACITY(ES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S), ACTED, EXECUTED THE INSTRUMENT.

I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT. WITNESS MY HAND.

NOTARY PUBLIC SIGNATURE
PRINTED NAME:
COUNTY OF:
COMMISSION EXPIRES:
COMMISSION NO.:

NOTARY ACKNOWLEDGEMENT

A NOTARY PUBLIC OR OTHER OFFICER COMPLETING THIS CERTIFICATE VERIFIES ONLY THE IDENTITY OF THE INDIVIDUAL WHO SIGNED THE DOCUMENT TO WHICH THIS CERTIFICATE IS ATTACHED, AND NOT THE TRUTHFULNESS, ACCURACY, OR VALIDITY OF THAT DOCUMENT.

STATE OF CALIFORNIA COUNTY OF S.S. ON BEFORE ME, A NOTARY PUBLIC, PERSONALLY APPEARED, WHO PROVED TO ME ON THE BASIS OF SATISFACTORY EVIDENCE TO BE THE PERSON(S) WHOSE NAME(S) IS/ARE SUBSCRIBED TO THE WITHIN INSTRUMENT AND ACKNOWLEDGED TO ME THAT HE/SHE/THEY EXECUTED THE SAME IN HIS/HER/THEY AUTHORIZED CAPACITY(ES) AND THAT BY HIS/HER/THEIR SIGNATURE(S) ON THE INSTRUMENT THE PERSON(S), OR THE ENTITY UPON BEHALF OF WHICH THE PERSON(S), ACTED, EXECUTED THE INSTRUMENT.

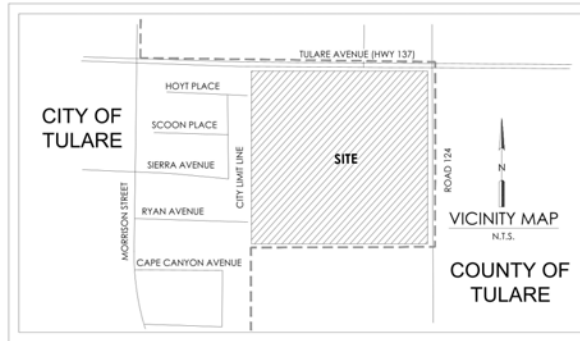
I CERTIFY UNDER PENALTY OF PERJURY UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING PARAGRAPH IS TRUE AND CORRECT. WITNESS MY HAND.

NOTARY PUBLIC SIGNATURE
PRINTED NAME:
COUNTY OF:
COMMISSION EXPIRES:
COMMISSION NO.:

PARCEL MAP NO.

BING A DIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 20 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA, IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 18, 1967 AS DOCUMENT NO. 26878, IN BOOK 2732Z AT PAGE 413, OF OFFICIAL RECORDS.



SURVEYOR'S STATEMENT

THIS MAP WAS PREPARED BY ME OR UNDER MY DIRECTION AND IS BASED UPON A FIELD SURVEY IN CONFORMANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND LOCAL ORDINANCE AT THE REQUEST OF QUEST EQUITY LLC, APRIL, 2022. I HEREBY STATE THAT THIS PARCEL MAP SUBSTANTIALLY CONFORMS TO THE APPROVED OR CONDITIONALLY APPROVED TENTATIVE MAP, IF ANY. I ALSO HEREBY STATE THAT ALL MONUMENTS ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED, AND ARE SUFFICIENT TO ENABLE THE SURVEY TO BE RETRACED. THE MONUMENTS NOT YET SET, WILL BE SET WITHIN ONE YEAR OF RECORDATION OF THIS MAP.

BRIAN S. BORUM, L.S. 8006 DATE

CITY SURVEYOR'S STATEMENT

I HEREBY STATE THAT I HAVE CAREFULLY EXAMINED THIS MAP AND AM SATISFIED THAT THIS MAP IS TECHNICALLY CORRECT, PURSUANT TO THE PROVISIONS OF THE SUBDIVISION MAP ACT.

TIMOTHY M. ODOM, P.L.S 8468, CITY SURVEYOR DATE

CITY ENGINEER'S STATEMENT

I HEREBY STATE THAT I HAVE EXAMINED THIS MAP, THAT THE SUBDIVISION AS SHOWN IS SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP AND ANY APPROVED ALTERATIONS THEREOF, AND THAT ALL PROVISIONS OF THE SUBDIVISION MAP ACT AND ANY LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH. I FURTHER CERTIFY THAT ALL REQUIRED OFFSITE AND ONSITE IMPROVEMENTS HAVE EITHER ALREADY BEEN INSTALLED, HAVE BEEN DEFERRED UNTIL FUTURE DEVELOPMENT, OR ADEQUATE BONDS OR OTHER SUITABLE SURETIES HAVE BEEN PROVIDED.

MICHAEL W. MILLER, RCE 53462, CITY ENGINEER DATE

COMMUNITY DEVELOPMENT DIRECTOR'S STATEMENT

I HEREBY CERTIFY ON BEHALF OF THE PARCEL MAP COMMITTEE THAT THIS PARCEL MAP CONFORMS TO THE APPROVED TENTATIVE PARCEL MAP NUMBER 2022-04 BY THE CITY OF TULARE PLANNING COMMISSION AT THE REGULAR MEETING HELD ON THE 30TH DAY OF JANUARY, 2023.

MARIO ANAYA, COMMUNITY DEVELOPMENT DIRECTOR DATE

BOARD OF SUPERVISOR'S STATEMENT

I, JASON T. BRITT, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF TULARE, STATE OF CALIFORNIA, DO HEREBY CERTIFY THAT SAID BOARD OF SUPERVISORS HAS APPROVED THE PROVISIONS MADE FOR THE PAYMENT OF TAXES AS PROVIDED IN DIVISION 2 OF TITLE 7 OF THE GOVERNMENT CODE OF THE STATE OF CALIFORNIA.

DATED THIS DAY OF 20 BY: JASON T. BRITT, COUNTY ADMINISTRATIVE OFFICER/CLERK OF THE BOARD OF SUPERVISORS

DEPUTY CLERK

RECORDER'S CERTIFICATE

DOCUMENT NO. FEE PAID: FILED THIS DAY OF 20 AT " " M. IN BOOK OF PARCEL MAPS, AT PAGE TULARE COUNTY RECORDS AT THE REQUEST OF BRIAN S. BORUM - LAND SURVEYOR. TARA K. FREITAS, CPA, TULARE COUNTY ASSESSOR/CLERK-RECORDER BY: DEPUTY

EASEMENTS AFFECTING SUBJECT PROPERTY

- 1. AN EASEMENT TO PACIFIC TELEPHONE AND TELEGRAPH COMPANY RECORDED IN BOOK 835 PAGE 83 OF OFFICIAL RECORDS
2. AN EASEMENT TO SOUTHERN CALIFORNIA EDISON RECORDED IN BOOK 1701 PAGE 633 OF OFFICIAL RECORDS
3. AN EASEMENT TO PACIFIC BELL TELEPHONE COMPANY, A CALIFORNIA CORPORATION RECORDED AS DOCUMENT NO. 2006-0054060 OF OFFICIAL RECORDS

CITY CLERK'S STATEMENT

THIS IS TO CERTIFY THAT AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF TULARE HELD ON THE DAY OF 20, AN ORDER WAS DULY AND REGULARLY MADE AND ENTERED APPROVING THIS PARCEL MAP AND ACCEPTING ON BEHALF OF THE PUBLIC, SUBJECT TO IMPROVEMENT, THE PUBLIC STREETS AND PUBLIC UTILITY EASEMENTS INCLUDED WITHIN THE BOUNDARIES AS SHOWN UPON THIS MAP.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF TULARE, THIS DAY OF 20. MARC MONDELL, CITY MANAGER/CITY CLERK

MELISSA HERMANN, CMC, CPMC, CHIEF DEPUTY CITY CLERK

RIGHT TO FARM NOTICE

IN ACCORDANCE WITH SECTION 10, 160.050 OF THE CITY OF TULARE ORDINANCE CODE, AND AS A CONDITION OF APPROVAL OF THE ABOVE REFERENCED PARCEL MAP, SUBDIVISION MAP, OR USE PERMIT, THE OWNERS HEREBY ACKNOWLEDGE THAT:

IF THE PROPERTY IN WHICH YOU ARE TAKING AN INTEREST IS LOCATED ADJACENT TO AGRICULTURAL LANDS OR OPERATIONS, OR IS INCLUDED WITHIN AN AREA ZONED FOR AGRICULTURAL PURPOSES, YOU MAY BE SUBJECT TO INCONVENIENCES OR DISCOMFORT ARISING FROM SUCH OPERATIONS INCLUDING, BUT NOT LIMITED TO: NOISE, ODORS, FUMES, DUST, SMOKE, INSECTS, OPERATIONS OF MACHINERY (INCLUDING AIRCRAFT) DURING ANY 24-HOUR PERIOD, STORAGE AND DISPOSAL OF MANURE, AND THE APPLICATION (BY SPRAYING OR OTHERWISE) OF CHEMICAL FERTILIZERS, SOIL AMENDMENTS, HERBICIDES, AND PESTICIDES. ONE OR MORE OF THE INCONVENIENCES DESCRIBED HEREIN MAY OCCUR AS A RESULT OF ANY SUCH AGRICULTURAL OPERATION WHICH IS IN CONFORMANCE WITH EXISTING LAWS AND REGULATIONS AND ACCEPTED CUSTOMS AND STANDARDS. IF YOU LIVE ADJACENT TO AN AGRICULTURAL OPERATION, YOU SHOULD BE PREPARED TO ACCEPT SUCH INCONVENIENCES AND DISCOMFORT AS A NORMAL AND NECESSARY ASPECT OF LIVING IN A CITY WITH A STRONG RURAL CHARACTER AND AN ACTIVE AGRICULTURAL SECTOR IN THE REGION.

SOIL ENGINEER'S STATEMENT

I HEREBY CERTIFY THAT A SOILS REPORT WAS PREPARED BY ME ON MAY 17TH, 2022 IN CONFORMANCE WITH THE PROVISIONS OF STATE AND LOCAL STATUTES.

WITNESS MY HAND AND OFFICIAL SEAL THIS DAY OF 2023.

L. THOMAS BAYNE, CE 26106 GE 125

DEFERRED IMPROVEMENTS

PUBLIC STREET IMPROVEMENTS IN ACCORDANCE WITH CITY OF TULARE PARCEL MAP COMMITTEE RESOLUTION NO. 848 ARE DEFERRED UNTIL THE DEVELOPMENT OF THE PARCELS.

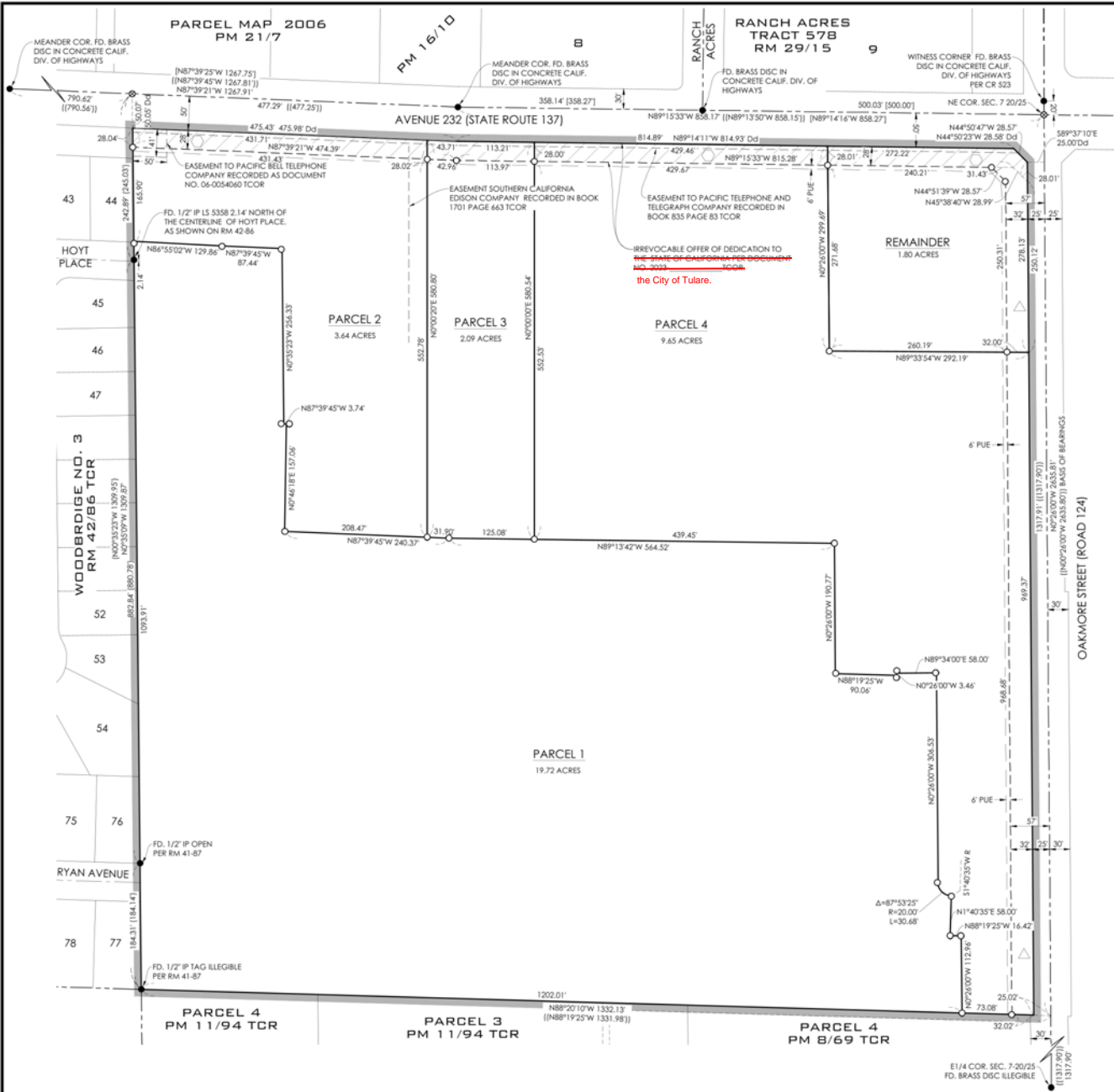
A DEFERRED IMPROVEMENT AGREEMENT FOR RIGHT-OF-WAY IMPROVEMENTS IDENTIFIED IN ENGINEERING CONDITIONS CONTAINED IN RESOLUTION NO. 8483 ADOPTED BY THE PLANNING COMMISSION ON OCTOBER 24, 2022 FOR THE FULTON ESTATES TENTATIVE MAP ALONG PARCEL 3'S FRONTAGE IS REQUIRED PRIOR TO RECORDATION OF THE PARCEL MAP. THIS CONDITION MAY BE WAIVED IF THE IMPROVEMENTS ARE COMPLETED, OR THE EXISTING RESIDENCE IS REMOVED, PRIOR TO RECORDATION OF THE PARCEL MAP.



PARCEL MAP NO. _____

BEING A DIVISION OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 20 SOUTH, RANGE 25 EAST, MOUNT DIABLO BASE AND MERIDIAN, IN THE COUNTY OF TULARE, STATE OF CALIFORNIA, ACCORDING TO THE OFFICIAL PLAT THEREOF.

EXCEPTING THEREFROM THAT PORTION CONVEYED TO THE STATE OF CALIFORNIA, IN THAT CERTAIN GRANT DEED RECORDED SEPTEMBER 18, 1967 AS DOCUMENT NO. 26878, IN BOOK 2732 AT PAGE 413, OF OFFICIAL RECORDS.



LEGEND

- INDICATES FOUND MONUMENT AS NOTED
- SET 5/8" X 24" LONG REBAR WITH CAP LS 8004 DOWN 0.5 FEET UNLESS NOTED OTHERWISE
- ⊙ NOTHING FOUND NOTHING SET
- () RECORD DATA PER WOODBRIDGE NO. 3 RECORDED IN VOLUME 42 OF MAPS AT PAGE 86 TCR OR CALCULATED THEREFROM
- (|) RECORD DATA PER WOODBRIDGE NO. 1 RECORDED IN VOLUME 41 OF MAPS AT PAGE 87 TCR OR CALCULATED THEREFROM
- (| |) RECORD DATA PER RANCH ACRES TRACT NO. 578 RECORDED IN VOLUME 29 OF MAPS AT PAGE 15 TCR
- Dd RECORD DATA PER GRANT DEED TO THE STATE OF CALIFORNIA RECORDED IN BOOK 2732 PAGE 413 TCR
- BD BRASS DISC
- TCR TULARE COUNTY RECORDS
- TCOR TULARE COUNTY OFFICIAL RECORDS
- SNF SEARCHED NOTHING FOUND
- R RADIAL
- LINE INDICATES SUBDIVISION BOUNDARY
- SECTION LINE
- △ DEDICATION IN FEE TO THE CITY OF TULARE FOR STREET RIGHT OF WAY PER THIS MAP
- PUE PUBLIC UTILITY EASEMENT DEDICATION TO THE CITY OF TULARE PER THIS MAP
- IRREVOCABLE OFFER OF DEDICATION IN FEE TO THE STATE OF CALIFORNIA RECORDED AS DOCUMENT NO. 26878 IN BOOK 2732 AT PAGE 413 OF OFFICIAL RECORDS. City of Tulare.

BASIS OF BEARINGS

THE BASIS OF BEARINGS IS BETWEEN TWO FOUND MONUMENTS ON THE EAST LINE OF THE NORTHEAST QUARTER OF SECTION 7, TOWNSHIP 20 SOUTH, RANGE 25 EAST, MOUNT DIABLO MERIDIAN AND BEARS N00°26'00"W PER WOODBRIDGE NO. 1 AS RECORDED IN VOLUME 41 OF MAPS AT PAGE 87 OF TULARE COUNTY RECORDS.

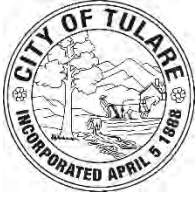
N

SCALE: 1" = 100'

0' 100' 200'

BLS
Borum Land Surveying Inc.
www.borumlandsurveying.com

JOB: 202153 SHEET 2 OF 2



Staff Report

Meeting: City Council

Date: December 5, 2023

Item #: 13.1
Successor Agency

Department: Finance

Submitted by: Melanie Gaboardi, Assistant Finance Director

Agenda Title: Annual ROPS and Administrative Budget

RECOMMENDED ACTION

Adopt a resolution approving and adopting the recognized obligation payment schedule for the July 1, 2024 through June 30, 2025 period and the Fiscal Year 2024-25 Administrative Budget.

SUMMARY

Redevelopment agencies were dissolved statewide in 2012. The City of Tulare ("City") elected to serve as the Successor Agency to the Tulare Redevelopment Agency ("Successor Agency"). It is responsible for winding down former Tulare Redevelopment Agency ("Former RDA") obligations. State law requires the Successor Agency to prepare a Recognized Obligation Payment Schedule ("ROPS") on an annual basis to request funding for payments owed in the upcoming fiscal year. The Successor Agency must also prepare an administrative budget for the upcoming fiscal year.

The ROPS must be approved by the Oversight Board to the Successor Agency ("Oversight Board") and submitted to the California Department of Finance ("DOF"). The ROPS for the period July 1, 2024 through June 30, 2025 ("24-25"), attached as Exhibit "A," is due to DOF by February 1, 2024. A copy of the ROPS must also be submitted to the Tulare County Auditor-Controller ("Auditor-Controller") and the State Controller's Office and posted on the City's website.

The ROPS requests funding for enforceable obligations from the Redevelopment Property Tax Trust Fund ("RPTTF"), or property tax increment revenue, as well as reserve balances and other funds. All ROPS expenses and funding sources must be approved by the Oversight Board and DOF.

The Tulare ROPS 24-25 requests \$3,499,608 in expenses, of which \$1,993,723 is from RPTTF, and \$1,505,885 is from Reserve Balance. The following sections elaborate on the enforceable obligations listed on the ROPS and significant aspects of the Cash Balances.

Debt Service Payments (Items 21 through 24)

The 2017 Bond Indenture of Trust requires the Successor Agency to request funding for each calendar year's debt service in the ROPS B period. The ROPS 24-25 requests to spend \$1,505,885 in a reserve balance set aside from the ROPS 23-24 to pay debt service due in August 2024, \$287,862 in RPTTF to pay debt service due in February 2024, and \$717,862 in RPTTF as a reserve for debt service due in August 2024.

City-Redevelopment Agency Loan (Item 12)

The City and the Former RDA entered into a Loan Repayment Agreement ("Agreement") on April 20, 2010, which was subsequently amended on June 29, 2010, February 1, 2011, and

March 9, 2011 (“Third Amendment”). In order to assist the Former RDA in carrying out its redevelopment activities, the City advanced funds to the Former RDA from time to time in accordance with cooperation agreements for individual redevelopment projects. The Third Amendment formally acknowledged the amount of outstanding advances and established formal repayment terms for the Agreement (“City-RDA Loan”).

State law limits annual payments on the City-RDA Loan to one half of the difference between the previous Fiscal Year’s residual revenue and the Fiscal Year 2012-13 residual revenue. Residual revenue is the amount of RPTTF revenue—property taxes distributed by the Auditor-Controller—available after deducting ROPS obligations, administrative fees, and taxing agency pass-through payments.

The County approved Fiscal Year 2012-13 residual RPTTF is \$2,502,897. Although the Successor Agency disputes this value and believes it should be \$1,524,880, for the purpose of our estimates we are assuming the Fiscal Year 2012-13 residual RPTTF will be \$2,502,897. The Fiscal Year 2023-24 residual RPTTF is projected to be approximately \$2.6 million, resulting in a maximum payment of approximately \$53,342:

$$\$2,609,580 - \$2,502,897 = \$106,683 / 2 = 53,342$$

The actual FY 2024-25 City-RDA Loan payment cannot be calculated until after the January 2024 RPTTF distribution, which was unavailable at the time the ROPS was prepared. The ROPS requests \$600,000 in case the actual amount of residual RPTTF distributed in January 2024 permits a higher loan repayment amount.

Land O’ Lakes Agreement (Item 4)

The request for payment to Land O’ Lakes (Item 4) is based on an agreement with the dairy processor. The requested amount of \$280,000 is a projection of the future payment based on what this payment has been in recent years. The actual payment amount will depend on the assessed value of Land O’ Lakes properties in the City, as agreed to between the Former RDA and Land O’ Lakes.

To receive payment, Land O’ Lakes is required to submit documentation to the City showing its employment level in the City, as specified in the agreement. If the employment level decreases below 350 full-time equivalent employees, the Successor Agency can reduce or eliminate the payments. To date, Land O’ Lakes has submitted documentation showing it has met the employment threshold every year since the agreement.

Other Obligations

The Successor Agency is required to prepare an Administrative Budget and submit it to the Oversight Board for approval. The Successor Agency is requesting \$100,000 (ROPS Item 14). An Administrative Budget for the fiscal year is attached as Exhibit “B” to the accompanying resolution.

The Successor Agency requests \$3,000 in RPTTF to pay for LRPMP Property Disposition Costs (Item 26) associated with selling a Successor Agency property.

The Successor Agency requests \$4,000 to pay fiscal agent fees on the 2017 Bonds (Item 6) and \$1,000 to cover the cost of preparing a required annual continuing disclosure that describes the security of the 2017 Bonds (Item 25). Both are required aspects of the 2017 Bonds’ management.

In total, the Successor Agency requests to receive and spend \$1,993,723 of RPTTF in Fiscal Year 2024-25. In addition, the Successor Agency requests to spend \$1,505,885 in reserves set aside from Fiscal Year 2024-25 on August 1, 2024 debt service.

Cash Balances

The Report of Cash Balances shows cash balance activity in FY 2021-22. Funds are being spent in a timely manner and consistent with the approvals of the Oversight Board and DOF. The Cash Balances page helps the Successor Agency to identify other funds available to spend on enforceable obligations. The estimated remaining available cash balance that DOF may use in-lieu of RPTTF as of FY 20-21 is \$0. There was no available cash balance from Reserve Balance funds or RPTTF.

ROPS 20-21 Prior Period Adjustment

As required by HSC section 34186(c), the Successor Agency prepared a reconciliation between approved and actual payments on enforceable obligations from the ROPS covering Fiscal Year 2020-21 and submitted this reconciliation to the County Auditor-Controller by October 1, 2022. The reconciliation showed a difference of \$330,972 between approved and actual expenditures. This amount will be applied to expenditures in Fiscal Year 2024-25.

FISCAL IMPACT & FUNDING SOURCE(S)

ROPS 23-24 must be approved by the Successor Agency and Oversight Board and submitted to the State Department of Finance (“DOF”) by February 1, 2024 for the Successor Agency to receive RPTTF, administered by the Tulare County Auditor-Controller (“Auditor-Controller”), and pay enforceable obligations during the ROPS 24-25 period. If the ROPS is not submitted on time, the Successor Agency may be subject to a \$10,000 penalty per day.

LEGAL REVIEW

Not applicable.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ATTACHMENTS

1. Resolution

Reviewed/Approved: 

RESOLUTION 2023-01

A RESOLUTION OF SUCCESSOR AGENCY TO THE FORMER TULARE REDEVELOPMENT AGENCY ADOPTING THE RECOGNIZED OBLIGATION PAYMENT SCHEDULE FOR THE JULY 1, 2024 THROUGH JUNE 30, 2025 PERIOD AND THE FISCAL YEAR 2024-25 ADMINISTRATIVE BUDGET

WHEREAS, the City of Tulare elected to serve as the Successor Agency to the former Tulare Redevelopment Agency (“Successor Agency”) pursuant to Assembly Bill x1 26 (“ABx1 26”) as codified in the California Health & Safety Code (“HSC”); and

WHEREAS, ABx1 26 was amended by Assembly Bills 1484 and 471 and Senate Bill 107 (collectively, the “Dissolution Act”); and

WHEREAS, among the duties of successor agencies under the Dissolution Act as amended is the preparation of an annual Recognized Obligation Payment Schedule (“ROPS”), per HSC Section 34177 (l), that includes the ensuing two six-month periods for consideration by an oversight board and the California Department of Finance (“DOF”) for purposes of administering the wind-down of financial obligations of the former Redevelopment Agency; and

WHEREAS, HSC Section 34177 (l) further requires that the proposed ROPS be transmitted to the oversight board, after which time the oversight board may approve the ROPS and the Successor Agency’s transmittal of the adopted ROPS to DOF, the County Auditor-Controller, and the State Controller’s Office for their consideration; and

WHEREAS, the Tulare County Consolidated Oversight Board (“Oversight Board”), formed July 1, 2018, has jurisdiction over the Successor Agency; and

WHEREAS, the proposed ROPS 24-25 covering Fiscal Year 2024-25, attached hereto as Exhibit “A”, has been prepared and is consistent with the provisions of the Dissolution Act and in the format made available by DOF; and

WHEREAS, the Successor Agency is required to prepare an annual administrative budget and submit it to the Oversight Board per HSC Section 34177 (j); and

WHEREAS, the Successor Agency prepared the Fiscal Year 2024-25 Administrative Budget in accordance with the Dissolution Act, attached hereto as Exhibit “B”; and

WHEREAS, the Oversight Board will review the ROPS 24-25 and Administrative Budget on January 12, 2024; and

WHEREAS, the Successor Agency desires to approve the ROPS 24-25 and the Fiscal Year 2024-25 Administrative Budget and transmit them to various parties as required by the Dissolution Act.

NOW, THEREFORE, BE IT RESOLVED by the Successor Agency to the former Tulare Redevelopment Agency, as follows, to wit:

Section 1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. The Successor Agency hereby approves and adopts the ROPS 24-25 covering the period of July 1, 2024 to June 30, 2025 in substantially the form attached hereto as Exhibit A, as required by the Dissolution Act. The Successor Agency accepts changes made by the Consolidated Oversight Board in advance in order to enable the Successor Agency to submit the ROPS 24-25 to DOF by the deadline of February 1, 2024.

Section 3. Pursuant to the Dissolution Act, the Successor Agency approves the Fiscal Year 2024-25 Administrative Budget for the period July 1, 2024 to June 30, 2025 submitted herewith as Exhibit B, which is incorporated herein by this reference.

Section 4. The City Manager or another representative of the Successor Agency is hereby authorized and directed to post a copy of the ROPS 24-25 on the City's website and transmit a copy of the ROPS 24-25 to the offices of the Tulare County Auditor-Controller, the State Controller's Office, and the State of California Department of Finance.

PASSED, APPROVED, AND ADOPTED on this 5th day of December 2023.

TERRY A. SAYRE, SUCCESSOR
AGENCY CHAIR

ATTEST:

MARC MONDELL, CITY CLERK /
SUCCESSOR AGENCY SECRETARY

By Melissa Hermann, Chief Deputy City Clerk

**Recognized Obligation Payment Schedule (ROPS 24-25) - Summary
Filed for the July 1, 2024 through June 30, 2025 Period**

Successor Agency: Tulare

County: Tulare

Current Period Requested Funding for Enforceable Obligations (ROPS Detail)	24-25A Total (July - December)	24-25B Total (January - June)	ROPS 24-25 Total
A Enforceable Obligations Funded as Follows (B+C+D)	\$ 1,505,885	\$ -	\$ 1,505,885
B Bond Proceeds	-	-	-
C Reserve Balance	1,505,885	-	1,505,885
D Other Funds	-	-	-
E Redevelopment Property Tax Trust Fund (RPTTF) (F+G)	\$ 708,000	\$ 1,285,724	\$ 1,993,724
F RPTTF	608,000	1,285,724	1,893,724
G Administrative RPTTF	100,000	-	100,000
H Current Period Enforceable Obligations (A+E)	\$ 2,213,885	\$ 1,285,724	\$ 3,499,609

Certification of Oversight Board Chairman:

Pursuant to Section 34177 (o) of the Health and Safety code, I hereby certify that the above is a true and accurate Recognized Obligation Payment Schedule for the above named successor agency.

Name Title

/s/ _____
Signature Date

Tulare
Recognized Obligation Payment Schedule (ROPS 24-25) - ROPS Detail
July 1, 2024 through June 30, 2025

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 24-25 Total	ROPS 24-25A (Jul - Dec)					24-25A Total	ROPS 24-25B (Jan - Jun)					24-25B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
								\$60,448,909		\$3,499,609	\$-	\$1,505,885	\$-	\$608,000	\$100,000	\$2,213,885	\$-	\$-	\$-	\$1,285,724	\$-	\$1,285,724
4	Owner Participant Agreement	OPA/DDA/ Construction	04/21/2011	07/19/2026	Land 'O Lakes Inc	Payment per OPA	Downtown/ Alpine	280,000	N	\$280,000	-	-	-	-	-	\$-	-	-	-	280,000	-	\$280,000
6	US Bank	Fees	06/30/2011	08/01/2040	U S Bank	Trustee for bonds	All Areas	68,000	N	\$4,000	-	-	-	4,000	-	\$4,000	-	-	-	-	-	\$-
12	City of Tulare - Loan	City/County Loan (Prior 06/28/11), Cash exchange	03/09/2011	08/01/2040	City of Tulare	Loan for various projects in project area	All Areas	15,294,871	N	\$600,000	-	-	-	600,000	-	\$600,000	-	-	-	-	-	\$-
14	Salary & Benefits, consultants and Attorney Cost	Admin Costs	02/01/2012	06/30/2067	City of Tulare	Salary and Benefits, consultants and attorney costs	All Areas	2,500,000	N	\$100,000	-	-	-	-	100,000	\$100,000	-	-	-	-	-	\$-
21	2017 Tax Allocation Refunding Bonds - Series A	Refunding Bonds Issued After 6/27/12	02/01/2017	08/01/2040	U S Bank	Bonds issued to refund 2010 bonds	All Areas	10,227,475	N	\$889,900	-	753,500	-	-	-	\$753,500	-	-	-	136,400	-	\$136,400
22	2017 Tax Allocation Refunding Bonds - Series B	Refunding Bonds Issued After 6/27/12	02/01/2017	08/01/2040	U S Bank	Bonds issued to refund 2010 bonds	All Areas	10,915,544	N	\$903,847	-	752,385	-	-	-	\$752,385	-	-	-	151,462	-	\$151,462
23	Reserve for 2017 Tax Allocation Refunding Bonds - Series A	Reserves	02/01/2017	08/01/2040	U S Bank	Reserve for next period's debt service payment	All Areas	10,227,475	N	\$301,400	-	-	-	-	-	\$-	-	-	-	301,400	-	\$301,400
24	Reserve for 2017 Tax Allocation Refunding Bonds - Series B	Reserves	02/01/2017	08/01/2040	U S Bank	Reserve for next period's debt service payment	All Areas	10,915,544	N	\$416,462	-	-	-	-	-	\$-	-	-	-	416,462	-	\$416,462
25	2017	Fees	02/01/	08/01/2040	City of	Continuing	All Areas	17,000	N	\$1,000	-	-	-	1,000	-	\$1,000	-	-	-	-	-	\$-

A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	Q	R	S	T	U	V	W
Item #	Project Name	Obligation Type	Agreement Execution Date	Agreement Termination Date	Payee	Description	Project Area	Total Outstanding Obligation	Retired	ROPS 24-25 Total	ROPS 24-25A (Jul - Dec)					24-25A Total	ROPS 24-25B (Jan - Jun)					24-25B Total
											Fund Sources						Fund Sources					
											Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF		Bond Proceeds	Reserve Balance	Other Funds	RPTTF	Admin RPTTF	
	Bonds Continuing Disclosure		2017		Tulare	Disclosure prepared by City staff																
26	LRPMP Property Disposition Costs	Property Dispositions	07/01/2021	06/30/2022	RSG; Craig Smith & Associates; Troy Guy - Broker; Anderson Real Estate Group	Broker opinions of value and other costs of property disposition not paid from sale proceeds	All Areas	3,000	N	\$3,000	-	-	-	3,000	-	\$3,000	-	-	-	-	-	\$-

Tulare
Recognized Obligation Payment Schedule (ROPS 24-25) - Report of Cash Balances
July 1, 2021 through June 30, 2022
(Report Amounts in Whole Dollars)

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.							
A	B	C	D	E	F	G	H
	ROPS 21-22 Cash Balances (07/01/21 - 06/30/22)	Fund Sources				Comments	
		Bond Proceeds		Reserve Balance	Other Funds		RPTTF
		Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.		Non-Admin and Admin
1	Beginning Available Cash Balance (Actual 07/01/21) RPTTF amount should exclude "A" period distribution amount.			1,525,547	534,724	480,794	(E): \$206,700 + \$508,812 (Other Funds) + \$741,049 in 2017 TAB Reserve RPTTF Payments + \$68,986 held for ROPS 22-23 Item #23; (F): \$190,221 in OF for ROPS 21-22 Item #12 + \$344,503 in OF for ROPS 22-23 Item #23; (G): \$225,909 in 18-19 PPA for ROPS 21-22 + \$254,885 in 19-20 PPA for ROPS 22-23;
2	Revenue/Income (Actual 06/30/22) RPTTF amount should tie to the ROPS 21-22 total distribution from the County Auditor-Controller					2,373,715	(F): \$0 interest income accounting for unrealized GASB per Trial Balance; (G): RPTTF Distribution approved by DOF
3	Expenditures for ROPS 21-22 Enforceable Obligations (Actual 06/30/22)			1,456,561	190,221	794,050	(E): \$206,700 + \$508,812 (Other Funds) + \$741,049 in 2017 TAB Reserve RPTTF Payments; (F): \$190,221 in OF for ROPS 21-22 Item #12; (G): \$794,050 in approved ROPS 21-22 expenditures excluding reserves for ROPS 22-23;
4	Retention of Available Cash Balance (Actual 06/30/22) RPTTF amount retained should only include the amounts			68,986	344,503	1,729,487	(E): \$68,986 for ROPS 22-23 Item #23; (F): \$344,503 in Other Funds for ROPS 22-23

Pursuant to Health and Safety Code section 34177 (l), Redevelopment Property Tax Trust Fund (RPTTF) may be listed as a source of payment on the ROPS, but only to the extent no other funding source is available or when payment from property tax revenues is required by an enforceable obligation.

A	B	C	D	E	F	G	H
		Fund Sources					
		Bond Proceeds		Reserve Balance	Other Funds	RPTTF	
	ROPS 21-22 Cash Balances (07/01/21 - 06/30/22)	Bonds issued on or before 12/31/10	Bonds issued on or after 01/01/11	Prior ROPS RPTTF and Reserve Balances retained for future period(s)	Rent, grants, interest, etc.	Non-Admin and Admin	Comments
	distributed as reserve for future period(s)						Item #23; (G): \$254,885 in 19-20 PPA for ROPS 22-23 + \$205,700 and \$1,268,902 in RPTTF Reserves for 2017 TAB payment in ROPS 22-23;
5	ROPS 21-22 RPTTF Prior Period Adjustment RPTTF amount should tie to the Agency's ROPS 21-22 PPA form submitted to the CAC			No entry required		330,972	21-22 PPA
6	Ending Actual Available Cash Balance (06/30/22) C to F = (1 + 2 - 3 - 4), G = (1 + 2 - 3 - 4 - 5)	\$-	\$-	\$-	\$-	\$-	

Tulare
Recognized Obligation Payment Schedule (ROPS 24-25) - Notes
July 1, 2024 through June 30, 2025

Item #	Notes/Comments
4	
6	
12	
14	
21	
22	
23	
24	
25	
26	

ATTACHMENT B
Successor Agency to the Tulare Redevelopment Agency
Administrative Budget
July 1, 2024 – June 30, 2025

Expense Category	Responsibility	Budget Amount
<u>Personnel Costs</u>		
City Manager Department	<ul style="list-style-type: none"> • Provide direction to other staff and consultants as needed 	\$ 10,400
City Attorney Department	<ul style="list-style-type: none"> • Provide general legal services as needed • Review staff reports and resolutions 	6,700
Finance Department	<ul style="list-style-type: none"> • Process payment of enforceable obligations • Maintain documentation of Agency records • Coordinate with consultant to answer questions and provide documentation as requested by Oversight Board, County Auditor-Controller, and Department of Finance 	12,100
Successor Agency Staff	<ul style="list-style-type: none"> • Administration and implementation of Agency wind-down 	20,800
Total Personnel Costs		\$ 50,000
<u>Services</u>		
Consultants	<ul style="list-style-type: none"> • Prepare ROPS, PPA, staff reports, and resolutions • Assist with calculations for and administration of the Land O' Lakes Owner Participation Agreement • Coordinate with and answer questions for Oversight Board, County Auditor-Controller, and Department of Finance • Monitor and project cash flow to ensure sufficient revenues for obligations and to inform Agency staff of expected revenues 	\$ 25,000
Financial Services	<ul style="list-style-type: none"> • Audits and other financial services as needed 	\$ 25,000
Total Services Costs		\$ 50,000
Total Budget		
Total Budget Costs		\$ 100,000



City of Tulare

Agri-Center of the World

COUNCIL ITEM REQUEST FORM

The Council Item Request Form is for members of the City Council to submit written requests to the City Clerk's Office for inclusion of an item on a future City Council meeting agenda. At the meeting where the initial written request is heard, discussion shall be limited to whether the item should be added to an agenda and a date, not the merit of the item. A majority vote of the City Council is required for the item to be added to a future Council meeting agenda for action. No more than 10 items may be submitted collectively for consideration by all councilmembers at any regular meeting of the Council, and in that regard, no individual councilmember may submit more than three items for consideration at any regular meeting of the Council. In the event more than 10 items are submitted collectively, no more than two items shall be accepted for consideration from any one councilmember.

NAME OF REQUESTING COUNCIL MEMBER Stephen Harrell	TODAY'S DATE November 15, 2023	AGENDA DATE December 5, 2023
ITEM TITLE Formation of Historic Preservation Committee		
BRIEF DESCRIPTION/BACKGROUND INFORMATION OF ITEM Historic preservation is a conversation with our past about our future. It provides us with opportunities to ask, What is important in the history of Tulare ? and what parts of our past should we preserve for the future? Historic resources are important community assets: they provide ways of reaching out and touching, buildings, trees, physical locations that link us to Tulare's historical and cultural heritage. they help create Tulare's special character and identity the maintenance, rehabilitation, and adaptive reuse of older buildings will create economic benefits to Tulare. I am asking Council support in developing this committee as a means of protecting our past .		