



Agri-Center of the World

City of Tulare

City Council

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, March 5, 2024
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 of residence, and make your comments. Comments are limited to three minutes per speaker.

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.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND INVOCATION**
3. **PROCLAMATIONS & RECOGNITIONS**
 - 3.1 **Proclamation for Women’s History Month - March 2024.**
 - 3.2 **Recognition of International Women’s Day and Women’s History Month.**
4. **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 fifteen minutes per item unless otherwise extended by Council. Please begin your comments by stating your name and providing your city of residence.
5. **COMMUNICATIONS** - Communications are to be submitted to the City Manager’s Office ten 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.
6. **COUNCIL REPORTS AND ITEMS OF INTEREST**
7. **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.
 - 7.1 **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.
 - 7.2 **Minutes of the Regular and/or Special Meeting on March 5, 2024.**
Recommended Action: Approve as submitted. [M. Hermann]
 - 7.3 **EN0088 Prosperity & West Traffic Signal Project – SCE Pole Relocation.**
Recommended Action: Authorize the City Manager to sign an invoice from Southern California Edison Company for the amount of \$233,123.78 for the relocation of their existing facilities within the right-of-way of Prosperity Avenue as required to accommodate construction of public improvements for the Prosperity and West Traffic Signal Project. [M. Miller]
 - 7.4 **Hidden Ridge Subdivision Notice of Completion.**
Recommended Action: Accept the required public works improvements for Hidden Ridge subdivision located on the north side of Bardsley Avenue approximately 2,300 ft east of Morrison 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]

7.5 De La Vina Street Traffic Signal Notice of Completion.

Recommended Action: Accept the required public works improvements for a traffic signal located at the De La Vina Street and Cartmill Avenue intersection associated with the Kensington Estates Phase 3 and 4 residential subdivisions 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]

7.6 Design Consultant Contract Amendment – EN0074 Cross Avenue Improvements Project.

Recommended Action: Authorize the City Engineer to sign a contract amendment for \$36,060 with 4Creeks of Visalia, CA for additional design services related to City Project EN0074 – Cross Avenue Improvements; and approve a revised project sheet reflecting both the revised contract cost and actual property acquisition costs incurred to date. [M. Miller]

7.7 Right-of-way Acquisition Services Contract - EN0078 Bardsley Avenue Sidewalk Project.

Recommended Action: Review and approve a contract with Paragon Partners Consultants, Inc. for right-of-way appraisal and acquisition services associated with CIP Project EN0078 – Bardsley Avenue Sidewalk Project in the amount of \$26,810.00; authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract award amount; and approve the revised project sheet reflecting increased project scope and costs. [M. Miller]

8. GENERAL BUSINESS - Comments related to General Business items are limited to three minutes per speaker, for a maximum of thirty minutes per item, unless otherwise extended by the Council.

8.1 Oppose Initiative 21-0042A1.

Recommended Action: Adopt a resolution opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act. [M. Mondell]

8.2 Municipal Code Revisions.

Recommended Action: Pass to print an ordinance repealing Chapter 4.36 (Abandoned, Wrecked Vehicles) and enacting Chapter 7.29 (Abandoned, Wrecked, Dismantled, or Inoperative Vehicles on Private Property) of the Tulare Municipal Code; and pass to print an ordinance repealing and replacing Sections 7.28.020, 7.28.030, and 7.28.090 of Title 7 (Health and Sanitation), Chapter 7.28 (Nuisances Generally) of the Tulare Municipal Code. [M. Correa]

8.3 American Rescue Plan Act (ARPA) Fund Allocation.

Recommended Action: Approve the allocation of expenditures of American Rescue Plan Act (ARPA) Funds toward councilmember-identified programs and projects; and adopt a resolution approving the expenditure of \$105,453 of ARPA funds. [J. McDonnell]

9. FUTURE AGENDA ITEMS

9.1 Request for Rezoning of Parcel.

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

10. STAFF UPDATES

11. ADJOURNMENT

The next regularly scheduled meeting of the Tulare City Council is Tuesday, March 19, 2024, 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 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: Thursday, February 29, 2024



Melissa Hermann, Chief Deputy City Clerk



To: Mayor and City Council Members
From: Marc Mondell, City Manager
Subject: March 5, 2024 Agenda Memo
Date: February 29, 2024

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.

7:00 p.m. - REGULAR MEETING

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE AND INVOCATION**
- 3. PROCLAMATIONS & RECOGNITIONS** [Time Estimate: 7:05-7:15 p.m.]
 - 3.1 Proclamation for Women's History Month - March 2024.**
 - 3.2 Recognition of International Women's Day and Women's History Month.**
- 4. 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 fifteen minutes per item unless otherwise extended by Council. Please begin your comments by stating your name and providing your city of residence. [Time Estimate: 7:15-7:25 p.m.]
- 5. COMMUNICATIONS** - Communications are to be submitted to the City Manager's Office ten 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: 7:25-7:25 p.m.]
- 6. COUNCIL REPORTS AND ITEMS OF INTEREST** [Time Estimate: 7:25-7:30 p.m.]

7. **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: 7:30-7:40 p.m.]

7.1 **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.

7.2 **Minutes of the Regular and/or Special Meeting on February 20, 2024.**

Recommended Action: Approve as submitted. [M. Hermann]

7.3 **EN0088 Prosperity & West Traffic Signal Project – SCE Pole Relocation.**

Recommended Action: Authorize the City Manager to sign an invoice from Southern California Edison Company for the amount of \$233,123.78 for the relocation of their existing facilities within the right-of-way of Prosperity Avenue as required to accommodate construction of public improvements for the Prosperity and West Traffic Signal Project. [M. Miller]

Summary: Capital Improvement Project EN0088 is an intersection improvement project to install a traffic signal at the intersection of Prosperity Avenue and West Street. Sections of both Prosperity Avenue and West Street will be widened to accommodate the necessary lane geometry and allow for the placement of traffic signal poles in their ultimate configuration. This roadway widening will require the relocation of 30 existing Southern California Edison (SCE) utility poles. Per the City's existing franchise agreement with SCE, the majority of these utility poles are subject to relocation by the utility at no cost to the City; however, five poles were determined to have been installed in an SCE utility easement that existed prior to the establishment of the public right-of-way for Prosperity Avenue. As such, the costs associated with the relocation of these five poles will be the City's responsibility. SCE has provided the attached invoice in the amount of \$233,123.78 to cover the estimated labor and materials costs associated with the relocation of their facilities to a new location within the City's right-of-way for Prosperity Avenue.

Fiscal Impact & Funding Source(s): The utility relocation costs will be added to the overall project construction costs. A revised project sheet is attached. The project will utilize the following funding sources:

Project EN0088 Funding Sources

Fund 021 – Measure R Local

Fund 022 – Gas Tax

Fund 230 – DIF – Local Streets and Traffic Signals

Fund 260 – DIF – Water Facilities

Fund 290 – DIF – Sewer/Wastewater Facilities

Fund 610 – Water CIP Fund

Fund 615 – Sewer/Wastewater CIP Fund

Legal Review: This item does not require legal review.

Alternative Action: 1) Approve with changes; 2) Deny - Should Council deny the request to approve the relocation contract with SCE. The City will not be able to move forward with the construction of Prosperity and West traffic signal project; or 3) Table - The postponement of the contract with SCE will delay the construction of Prosperity and West traffic signal project.

7.4 **Hidden Ridge Subdivision Notice of Completion.**

Recommended Action: Accept the required public works improvements for Hidden Ridge subdivision located on the north side of Bardsley Avenue approximately 2,300 ft east of Morrison 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 October 4, 2022, the City Council conditionally approved the final map for the Hidden Ridge subdivision, which created 32 single-family residential lots, as shown in the attached exhibit. The subdivision comprises approximately 8.62 acres.

The Subdivider, CRD Construction Company, Inc., A California Corporation, has completed construction of all required public works improvements for the Hidden Ridge subdivision in accordance with approved plans and specifications.

Fiscal Impact & Funding Source(s): N/A

Legal Review: The City's standard NOC 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.

7.5 **De La Vina Street Traffic Signal Notice of Completion.**

Recommended Action: Accept the required public works improvements for a traffic signal located at the De La Vina Street and Cartmill Avenue intersection associated with the Kensington Estates Phase 3 and 4 residential subdivisions 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: Presidio JJR Kensington II, LLC, a Delaware Limited Liability Company, is constructing the Kensington Estates Phase 3 and 4 single-family residential subdivisions located on the northwest corner of Cartmill Avenue and Mooney Boulevard. Included in the conditions of project approval, the Developer was required to install a traffic signal at the intersection of De La Vina Street and Cartmill Avenue. The developer has completed the construction of all required public works improvements in accordance with the approved plans and specifications for this development.

On December, 2022, the developer and City Council entered into a preliminary oversized construction reimbursement agreement for the construction of said

improvements. Following the recordation of a NOC for the improvements, staff will work with the developer on a final oversize 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 NOC 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 oversize construction reimbursement agreement for the installation of a traffic signal at De La Vina Street and Cartmill Avenue; or 3) Table - A delay in the City accepting the improvements would in turn delay future reimbursement for traffic signal improvements at De La Vina Street and Cartmill Avenue.

7.6 **Design Consultant Contract Amendment – EN0074 Cross Avenue Improvements Project.**

Recommended Action: Authorize the City Engineer to sign a contract amendment for \$36,060 with 4Creeks of Visalia, CA for additional design services related to City Project EN0074 – Cross Avenue Improvements; and approve a revised project sheet reflecting both the revised contract cost and actual property acquisition costs incurred to date. [M. Miller]

Summary: Capital Improvement Project EN0074 addresses pavement and utility infrastructure improvements along Cross Avenue west of West Street. The project includes street reconstruction, the installation of curb, gutter, sidewalk, and street pave-out along the north side of Cross Avenue, storm drain improvements, and water and sewer service modifications. The project will improve surface water drainage, as well as improve pedestrian connectivity in the area. The installation of curb, gutter, and sidewalk along the north side of Cross Avenue requires the acquisition of additional right-of-way from five parcels. The City has acquired property from three of the required five parcels and is actively working on acquiring the remaining property.

The original project scope of work assumed the completion of the Villa Toscana Subdivision (also known as Pleasant Oak Phase 8) before the start of the construction of the City Project. This private development project has not moved forward as anticipated, and it does not currently appear that there are immediate plans for it to do so. The revised project scope would allow the construction of the Cross Avenue Improvement Project to move forward independently of the Villa Toscana Subdivision. Instead of connecting to the storm drain system that the Villa Toscana project was to install, the revised scope extends the required Cross Avenue storm drain line to drain to the existing drainage basin located on the northeast corner of Cross Avenue and West Street. Other improvements that were added to the original project scope are additional paving, street signage, and street striping across the Villa Toscana Subdivision's project frontage.

On September 19, 2023, the Engineering Department took a revised project sheet to Council for review and approval. The revised project sheet accounted for the increased construction cost resulting from the revised scope of work discussed above and assumed that an additional \$20,000 would be required for the design engineer (4Creeks) to update the plans, specifications, and estimates (PS&E's) to reflect the design changes. The contract amendment provided by 4Creeks is \$36,060; \$16,060 above what was estimated. The Engineering Department has reviewed the proposed addendum and determined that the proposed costs are reasonable and consistent with current engineering design fees. The attached project sheet includes the additional costs of the contract addendum.

The attached project sheet has also been updated to better reflect actual right-of-way acquisition costs incurred to date. In addition to compensation paid to affected property owners, these costs include right-of-way acquisition consultant fees, city attorney fees, and title and escrow costs.

Fiscal Impact & Funding Source(s): The attached project sheet reflects the revised costs associated with both the design contract amendment with 4Creeks and updated right-of-way acquisition costs. An additional \$54,835 from Fund 601 – General Fund CIP is proposed.

Project EN0074
Fund 021 – Measure R Local
Fund 022 – Gas Tax
Fund 122 – Gas Tax (RMRA) SB1
Fund 601 – General Fund CIP

Legal Review: This item does not require legal review.

Alternative Action: 1) Approve with changes - Staff would work to incorporate changes directed by Council; 2) Deny - Should Council deny the request to amend the on-call design contract with 4Creeks, the City will have an incomplete plan set and will not be able to move forward with the project; or 3) Table - Postponing the amendment to the contract with 4Creeks would result in delay to the project schedule.

7.7 Right-of-way Acquisition Services Contract - EN0078 Bardsley Avenue Sidewalk Project.

Recommended Action: Review and approve a contract with Paragon Partners Consultants, Inc. for right-of-way appraisal and acquisition services associated with CIP Project EN0078 – Bardsley Avenue Sidewalk Project in the amount of \$26,810.00; authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract award amount; and approve the revised project sheet reflecting increased project scope and costs. [M. Miller]

Summary: Capital Improvement Project EN0078 is a traffic safety project to install missing sidewalk along the north side of Bardsley Avenue in the vicinity of the Mission Oak High School campus. This stretch of Bardsley Avenue serves as a primary route for school-age pedestrians walking to the high school. In areas where there is no sidewalk, pedestrians are required to walk along the dirt roadway shoulder. Numerous

citizen complaints have been received regarding this situation, especially during winter months when the roadway becomes muddy. In such situations, pedestrians frequently opt to walk on the roadway in close proximity to vehicular traffic.

CIP Project EN0078 was included and approved as a part of the City's 2023-2028 CIP. The total project cost included in the approved 2023-2028 was \$165,500.00. The original project scope included installation of sidewalk along two parcels located east of Morrison Street. These parcels are developed with single-family residences, meaning that no near-term development opportunities are foreseen whereby the City could conditionally require the installation of sidewalk.

The proposed installation of sidewalk across the two parcels east of Morrison Street will require the acquisition of approximately 12 feet of additional right-of-way width across their Bardsley Avenue frontage. The services of a right-of-way consultant is required for the preparation of appraisals and subsequent negotiations with property owners. A Request for Qualifications (RFQ) for On-Call Real Property, Right of Way, Appraisal, and Acquisition Consulting Services was issued on October 20, 2020, out of which three firms were recommended for inclusion on a list of prequalified construction surveying consultants. The staff recommended list was approved by the City Council at their December 15, 2020 meeting. Paragon Partners Consultants, Inc. is included on that list. In addition to the installation of sidewalk, the project will require the relocation of utility poles and overhead utilities, relocation of existing fences and private improvements, and installation of driveway approaches and curb and gutter per City Standards.

Since the development of the original project scope for EN0078, the City has processed new development projects along the north side of Bardsley Avenue west of Morrison Street. As a result of these projects, only one parcel will remain west of Morrison Street without sidewalk. That parcel is already developed with a single-family residence. Adding this parcel to the project scope would result in completion of sidewalk improvements along the north side of Bardsley Avenue from Nelder Grove Street to Oakmore Street and is recommended. No additional right-of-way is needed from this parcel, so the only additional costs would be actual construction costs.

It is recommended that the project sheet for EN0078 be revised to reflect the significant escalation in construction costs experienced in recently-bid projects and the addition of the third parcel west of Morrison Street. The revised estimated project cost would be \$303,444.00, which would be an increase of \$137,944.00 above the approved 2023-2028 CIP budget. The project funding is composed of Gas Tax and General Fund CIP. To address the increased cost, it is recommended that the Gas Tax funding programmed for the project be increased from \$150,500.00 to \$288,444.00 (i.e., by \$137,944.00).

Fiscal Impact & Funding Source(s): Fund 022 - Gas Tax - \$288,444.00; Fund 001 – GF Operations - \$15,000.00

Legal Review: This item does not require legal review.

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

8. **GENERAL BUSINESS** - Comments related to General Business items are limited to three minutes per speaker, for a maximum of thirty minutes per item, unless otherwise extended by the Council. [Time Estimate: 7:40-8:40 p.m.]

8.1 **Oppose Initiative 21-0042A1.**

Recommended Action: Adopt a resolution opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act. [M. Mondell]

Summary: On January 4, 2022, the California Business Roundtable filed the "Taxpayer Protection and Government Accountability Act" or AG 21-0042A1. On February 1, 2023, the measure qualified for the November 2024 ballot.

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative.

Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions, including the voter approved provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters and local government tax and fee authority.

Fees and Taxes

Local governments levy a variety of fees and other charges to provide core public services.

Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.
- Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, Cal Cities estimates the amount of local government fee and charge revenue at risk is approximately \$2 billion per year including those adopted since January 1, 2022. Over ten years, \$20 billion of local government fee and charge revenues will be at heightened legal peril.

Hundreds of local tax measures were approved in 2022 that likely do not comply with the provisions of the initiative. Nearly \$2 billion of annual revenues from these voter-approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures, unless the tax is re-submitted for voter approval.

Reductions on local government tax revenues have impacts on core services and infrastructure including fire and emergency response, law enforcement, streets and roads, drinking water, sewer sanitation, parks, libraries, affordable housing, homelessness prevention, and mental health services.

Fines and Penalties

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a continuing violation to correct or remedy the violation [Gov't Code 53069.4].
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [*Merco Construction Engineers v. Los Angeles Unified School District* (1969) 274 CA 2d 154, 166].
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively-imposed fines and penalties into taxes unless a new, undefined, and ambiguous "adjudicatory due process" is followed. This provision may put at risk authority to impose fines and penalties for violations of state and local law.

Fiscal Impact & Funding Source(s): The Taxpayer Protection and Government Accountability Act will take billions of dollars away from local government services statewide. In the case of the City of Tulare, this would impact Measure Y (tax on cannabis sales) which voters approved on November 8, 2022.

Legal Review: This item does not require legal review.

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

8.2 Municipal Code Revisions.

Recommended Action: Pass to print an ordinance repealing Chapter 4.36 (Abandoned, Wrecked Vehicles) and enacting Chapter 7.29 (Abandoned, Wrecked, Dismantled, or Inoperative Vehicles on Private Property) of the Tulare Municipal Code; and pass to print an ordinance repealing and replacing Sections 7.28.020, 7.28.030, and 7.28.090 of Title 7 (Health and Sanitation), Chapter 7.28 (Nuisances Generally) of the Tulare Municipal Code. [M. Correa]

Summary: Staff is proposing changes to a few sections of the municipal code that are commonly used to fight visual blight in the city. The changes would assist staff by providing a solid foundation for enforcement action.

The proposed changes as discussed with Council on January 16, 2024, include the following:

- Repealing Chapter 4.36 (Abandoned, Wrecked Vehicles) of the Tulare Municipal Code. This section, with modifications as discussed with Council, will be enacted as Chapter 7.29 (Abandoned, Wrecked, Dismantled, or Inoperative Vehicles on Private Property). This moves the section pertaining to abandoned, wrecked, dismantled, and inoperative vehicles from Title 4 (Building Regulations) to Title 7 (Health and Sanitation).
- Revising the Abandoned, Wrecked Vehicle code authority from the Police Chief or his/her designee to the City Manager or his/her designee.
- Amending the definition of Abandoned Vehicle
 - **ABANDONED VEHICLE.** A vehicle is considered to be abandoned if it is left on a street or highway in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded or is left on a street or highway for a period of 72 hours without being moved more than 1,000 feet and appears to be a deserted vehicle. *A vehicle shall not be considered abandoned if it is on property owned or occupied by the owner of the vehicle.*
- Adding definitions to the code to further define the following:
 - **DISMANTLED VEHICLE.** Means any vehicle that is partially or wholly disassembled.
 - **INOPERATIVE VEHICLE.** Means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power, and which is not currently registered for operation with the California Department of Motor Vehicles. A Planned Non-Operation (PNO) will be recognized as current registration.
 - **WRECKED VEHICLE.** A vehicle which has been wrecked, or which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state.
- Updating the language pertaining to entering property
 - (A) The ~~Police Chief~~ *City Manager or their designee, or the employees in the City Manager's Department and other persons authorized by the City Manager,* may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this chapter *only with the consent of the owner or tenant unless a written order from the court has been issued.*

Staff is also proposing to amend sections of Chapter 7.28 of the Tulare Municipal Code as follows:

- Adding a definition for Dismantled Vehicle, Inoperative Vehicle, and Wrecked Vehicle. These definitions are the same as those provided in Chapter 7.29 (see above).
- Adding a definition for Accessory Vehicle
 - **ACCESSORY VEHICLE.** Means and includes recreational vehicles, travel trailers, campers, motorhomes, caravans, tent trailers, pop-up trailers, boats, watercraft, and/or utility, vehicle, or dump trailers.
- Adding a provision that all operable vehicles, recreational vehicles, motor homes, trailers, campers or camper shells and boats shall be parked or stored on an approved surface (Section 7.28.030(P)(5)(c)(1) provides exemptions to parking on an approved surface). This addition would also give Code Enforcement the authority in the NUISANCE section in addition to ZONING.
- Adding a provision that utility connections for water, sewer, or electrical cords or any type of power cords shall not extend from any such vehicle to a permanent structure for the purpose of receiving power to the vehicle for the purpose of maintaining human habitation.
- Adding regulations for storing accessory vehicles.
- Adding a section that regulates fences and walls, their maintenance, and the types of materials both approved and prohibited in their construction.
- Adding the following verbiage to Section 7.28.090 regarding keeping articles on and/or obstructing sidewalks.
 - It is unlawful for any person to loiter, stand or sit in or upon any public highway, alley, sidewalk, or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same, or so as to in any manner accost or molest persons passing along the same.

Fiscal Impact & Funding Source(s): None

Legal Review: Yes, City attorney's review will be needed.

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

8.3 American Rescue Plan Act (ARPA) Fund Allocation.

Recommended Action: Approve the allocation of expenditures of American Rescue Plan Act (ARPA) Funds toward councilmember-identified programs and projects; and adopt a resolution approving the expenditure of \$105,453 of ARPA funds. [J. McDonnell]

Summary: The City of Tulare received \$18,024,068 in ARPA funds from the federal government. The City Council allocated \$17,081,800 of this total towards citywide projects and programs and divided the remaining unallocated \$942,265 in ARPA funding into five equal portions of \$188,453. Each councilmember was given the responsibility of identifying programs and projects for their portion of the remaining unallocated funds.

To date, Council has allocated almost the entirety of the remaining \$942,265, with just \$116,906 remaining. Of this amount, \$93,453 has been identified by Councilmember Sigala for an improvement project on the west side of Tulare, but a specific use has yet to be identified. The remaining \$23,453 is under Mayor Sayre's purview.

Mayor Sayre and Councilmember Sigala have continued to carefully consider the requests and options available for programs and projects to fund and would like to allocate additional dollars in the following manner:

- Mayor Sayre
 - Up to \$10,000 to retain an architect to perform an assessment of the Women's Clubhouse building to determine the improvements necessary to make the facility habitable.
 - \$2,000 to purchase the brackets to hang the purchased banners for the new Military Banner Program.
- Councilmember Sigala
 - Up to \$5,000 to retain a landscape architect to perform a feasibility analysis and create renderings for a potential community garden to be located at the City-owned property located at 340 N. West Street.
 - This will decrease the total allocation for Community Improvement Project from \$93,453 as adopted in Resolution 2023-20 to \$88,453.

Staff is comfortable with allocating the amounts listed above under the current action with the caveat that the City's Purchasing Policy be followed when identifying and retaining the consultants for these efforts.

If the items above are approved by Council, \$842,359 of the \$942,265 in Council-specific ARPA designations will have been allocated, with the remaining outstanding balances assigned to Mayor Sayre (\$11,453). Although \$88,453 has been identified for Community Improvement Project by Councilmember Sigala, a more specific designation must be further identified in future Council action.

Fiscal Impact & Funding Source(s): If the recommended action above is approved by the City Council, Mayor Sayre will have \$11,453 in remaining ARPA funds to be allocated and Councilmember Sigala will have \$88,453 in remaining ARPA funds to be further allocated for a west side community project.

Legal Review: This item does not require legal review.

Alternative Action: 1) Approve with changes; 2) Deny; or 3) Table. *If Council denies the item, staff will search for other funding sources for this purchase.*

9. FUTURE AGENDA ITEMS [Time Estimate: 8:40-8:45 p.m.]

9.1 Request for Rezoning of Parcel.

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

10. STAFF UPDATES [Time Estimate: 8:45-8:50 p.m.]

11. ADJOURNMENT

The next regularly scheduled meeting of the Tulare City Council is Tuesday, March 19, 2024, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.



Proclamation

WHEREAS, March is nationally recognized as Women's History Month, celebrating women's contributions to history, culture, and society; and

WHEREAS, the Women's History Month theme for 2024 celebrates "Women Who Advocate for Equity, Diversity, and Inclusion," recognizing the invaluable contributions of women who have dedicated themselves to advocating for equity, diversity, and inclusion in all aspects of society; and

WHEREAS, women from diverse backgrounds have long been at the forefront of efforts to address systemic inequities and promote a more inclusive and just society; and

WHEREAS, the courageous advocacy of women for practical goals such as equity, diversity, and inclusion serves as a beacon of inspiration for all individuals and communities; and

WHEREAS, in 2024, we honor the women who have tirelessly worked to dismantle barriers, challenge prejudices, and create opportunities for all individuals, regardless of their background and attacks against Diversity, Equity, and Inclusions programs and training in our institutions; and

WHEREAS, the City of Tulare is proud to honor the history and contributions of women in our community, throughout our state, and nation.

NOW, THEREFORE, we, the City Council of the City of Tulare, do hereby proclaim the month of March 2024 as

Women's History Month

in the City of Tulare and encourage our communities and organizations to celebrate the achievements of women who have championed equity, diversity, and inclusion, and reaffirm our commitment to advancing these principles in our society. Let us honor the women who have dedicated themselves to advocating for equity, diversity, and inclusion, and let us continue to work together to build a more just, equitable, and inclusive world.

Dated this 5th day of March 2024.



Terry A. Sayre
Terry A. Sayre, Mayor

Patrick Isherwood
Patrick Isherwood, Vice Mayor

Jose Sigala
Jose Sigala, Councilmember

Stephen C. Harrell
Stephen C. Harrell, Councilmember

Dennis A. Mederos
Dennis A. Mederos, Councilmember

**CITY OF TULARE
CITY COUNCIL MEETING MINUTES**

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

Tuesday, February 20, 2024
7:00 p.m. - Regular Meeting

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

STAFF PRESENT: City Manager Marc Mondell; City Attorney Mario U. Zamora;
Chief Deputy City Clerk Melissa Hermann; Assistant City
Manager Josh McDonnell; Chief Financial Officer Mark
Roberts; 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 Shonna Oneal; Community Development
Director Mario Anaya; Executive Director of Economic
Development and Redevelopment Traci Myers

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.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Assistant City Manager Josh McDonnell led the Pledge of Allegiance, and an invocation was given by Susan Henard, Pastor of River Valley Church.

3. PUBLIC COMMENTS

The following provided public comment: Donnette Silva-Carter provided various Chamber updates; and Matt Williams.

It was the consensus of Council to move the closed session item forward to this point of the agenda (see Sections 11-13).

4. PRESENTATIONS

4.1 Community Choice Aggregation (CCA) Presentation by Rob England. Rob England of The Climate Center provided an overview on Community Choice Aggregation. It was the consensus of Council to have staff gather additional information on this topic and report back.

5. COMMUNICATIONS

City Manager Marc Mondell advised there were no communications.

6. COUNCIL REPORTS AND ITEMS OF INTEREST

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

7. CONSENT CALENDAR

It was moved by Councilmember Harrell, seconded by Councilmember Sigala, and unanimously carried to approve the items on the Consent Calendar as presented.

7.1 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.

7.2 Special and/or Regular Meeting Minutes of February 6, 2024.
Recommended Action: Approve as submitted. [M. Hermann]

7.3 Final Map Acceptance – Wild Oak Subdivision.
Recommended Action: Approve the final map and subdivision improvement agreement for the Wild Oaks subdivision for recordation, and accept all easements and dedications offered to the City. [M. Miller]

7.4 Oakcrest Subdivision Phase 2 Notice of Completion.
Recommended Action: Accept the required public works improvements for Phase 2 of the Oakcrest 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]

7.5 Notice of Completion for Project EN0094 - Sycamore and San Joaquin Improvements.
Recommended Action: Accept as complete the contract with Floyd Johnston Construction Co., Inc. of Clovis Ca, for Project EN0094 – Sycamore and San Joaquin Improvements. [M. Miller]

7.6 Monthly Investments Report.
Recommended Action: Accept the monthly investments report for December 2023. [M. Gaboardi]

8. GENERAL BUSINESS

8.1 Closure of Portion of Sonora Avenue to Vehicular Traffic.
Recommended Action: Approve a resolution authorizing the temporary closure of a portion of Sonora Avenue between Sacramento Street and Howard Street for the protection of persons attending Mulcahy Middle School and Roosevelt Elementary School.
Presented By: Assistant City Manager Josh McDonnell
Public Comment: None
Council Action: It was moved by Councilmember Sigala, seconded by Vice Mayor Isherwood, and unanimously carried to approve the item as presented.

9. FUTURE AGENDA ITEMS - NONE SUBMITTED**10. STAFF UPDATES**

Staff provided updates on department activities.

11. RECESS TO CLOSED SESSION TO DISCUSS THE FOLLOWING ITEMS**11.1 Conference with Real Property Negotiations (Govt. Code § 54956.8)**

Property: APN 164-130-005

Agency Negotiation: Mario Zamora, Marc Mondell, Michael Miller

Negotiating Parties: Jesus Ramirez, Ian Brady

Under Negotiations: Price and terms of payment

This item was taken out of order (followed Section 3. Public Comments). Council recessed to closed session at 7:10 p.m.

12. RECONVENE FROM CLOSED SESSION

Council reconvened from closed session at 7:22 p.m.

13. CLOSED SESSION REPORT

City Attorney Mario Zamora advised that an offer in the amount of \$30,000 was received by the property owner of 1236 W. Prosperity Avenue for a portion of this property along with construction easements, resolving the eminent domain case. The Council has agreed to this amount.

14. ADJOURNMENT

The regular meeting was adjourned at 8:20 p.m.

Approved by Council: March 5, 2024

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk



Staff Report

Meeting: City Council

Date: March 5, 2024

Item #: 7.3
Consent

Department: Engineering Services - Engineering

Submitted by: Michael Miller, City Engineer

Agenda Title: EN0088 Prosperity & West Traffic Signal Project – SCE Pole Relocation

RECOMMENDED ACTION

Authorize the City Manager to sign an invoice from Southern California Edison Company for the amount of \$233,123.78 for the relocation of their existing facilities within the right-of-way of Prosperity Avenue as required to accommodate construction of public improvements for the Prosperity and West Traffic Signal Project.

SUMMARY

Capital Improvement Project EN0088 is an intersection improvement project to install a traffic signal at the intersection of Prosperity Avenue and West Street. Sections of both Prosperity Avenue and West Street will be widened to accommodate the necessary lane geometry and allow for the placement of traffic signal poles in their ultimate configuration. This roadway widening will require the relocation of 30 existing Southern California Edison (SCE) utility poles. Per the City's existing franchise agreement with SCE, the majority of these utility poles are subject to relocation by the utility at no cost to the City; however, five poles were determined to have been installed in an SCE utility easement that existed prior to the establishment of the public right-of-way for Prosperity Avenue. As such, the costs associated with the relocation of these five poles will be the City's responsibility. SCE has provided the attached invoice in the amount of \$233,123.78 to cover the estimated labor and materials costs associated with the relocation of their facilities to a new location within the City's right-of-way for Prosperity Avenue.

FISCAL IMPACT & FUNDING SOURCE(S)

The utility relocation costs will be added to the overall project construction costs. A revised project sheet is attached. The project will utilize the following funding sources:

Project EN0088 Funding Sources

Fund 021 – Measure R Local

Fund 022 – Gas Tax

Fund 230 – DIF – Local Streets and Traffic Signals

Fund 260 – DIF – Water Facilities

Fund 290 – DIF – Sewer/Wastewater Facilities

Fund 610 – Water CIP Fund

Fund 615 – Sewer/Wastewater CIP Fund

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes brought forth by Council.
2. Deny – Should Council deny the request to approve the relocation contract with SCE. The City will not be able to move forward with the construction of Prosperity and West traffic signal project.
3. Table – The postponement of the contract with SCE will delay the construction of Prosperity and West traffic signal project.

ATTACHMENTS

1. SCE Invoice
2. Revised Project Sheet

Reviewed/Approved: 

ATTACHMENT 1



Southern California Edison Company

411 E KERN AVE
TULARE CA 93274

Document #	7590490094
Invoice Term:	90 Days
Customer Name:	TULARE, CITY OF
Customer Email:	DDORMAN@CI.TULARE.CA.US
Invoice Date:	04/25/2023
SCE Contact:	Kenny Santiago
Telephone:	
Install - Billing Option:	
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA 93274

Description		Amount
Service Request Number 3011219	Project Location: 1084 W PROSPERITY AVE TULARE CA 93274	
Project Description TD1794882 - RELOCATION NON BILL, TD1902463 - RELOCATION BILL, TD1909897 - RM ST LIGHT	Invoice # 504012	
Design #: 1353508	Design Description	
Product #: 1902463 - RELOCATE FACILITIES		
LABOR: This amount represents the total SCE labor required to complete the work request. In most cases, this labor amount will consist of construction labor and any additional labor required for completing the work request. The construction labor amount will typically consist of installation and service labor required for the work request. The additional labor amount will typically consist of labor for inspection, cable and equipment make-up, dead ending, traffic control, grounding, supervision, and switching. All applicable labor related overheads for items such as the design, engineering, and project management are also included in the total SCE labor amount.		\$50,543.40
MATERIAL: This amount represents the total SCE material required to complete the work request. In most cases, this material amount will consist of construction material and any additional material required for completing the work request. The construction material will typically consist of installation and service material such as transformers, cable, conductor, poles, meters, riser, switches, fusing equipment, handholes, and cross-arms. All applicable material related overheads are also included		\$50,798.28
OTHER: This amount represents the total SCE other costs required to complete the work request. In most cases, this other amount will consist of all additional requirements needed for completing the work request. This other amount typically consists of items such as Added Facilities one time charges, contractor work, rights check, and permits.		\$89,756.78
TOTAL LABOR, MATERIAL, OTHER:		\$191,098.46
CREDITS: This amount represents the total SCE credits required to complete the work request. In most cases, this credit amount will consist of: Salvage Credit Depreciation Credit JPA Credit Overhead Equivalent Credit		\$(116.88)
TOTAL CREDITS:		\$(116.88)
NET CONSTRUCTION BILLING / RELOCATION ADVANCE:		\$190,981.58
TAX:	1. ITCC on Applicant Furnished	Tax Base (Taxable Amount): \$0.00 Tax Rate: 24.00% Tax Amount: \$0.00
	2. ITCC on Net Construction (Less Non Taxable Amount)	Tax Base (Taxable Amount): \$175,592.52 Tax Rate: 24.00% Tax Amount: \$42,142.20
TOTAL TAX:		\$42,142.20
DEPOSITS:		
	Preliminary Design & Engineering Advance	\$0.00
	Previous Payment	\$0.00
TOTAL DEPOSITS:		\$0.00
COMMENTS:		
<p>* Enclosed are two copies of your invoice. Please return one copy of the invoice with your payment to Accounts Receivable in the enclosed return-addressed envelope. The other copy of the invoice is for your records.</p> <p>* ALL PRICES ARE APPLICABLE FOR A PERIOD OF 90 DAYS FROM THIS DATE AND ARE SUBJECT TO CHANGE THEREAFTER.</p> <p>* All payments must be delivered by mail, an alternate postal method, or one of our electronic payment options. Walk-in payments are no longer accepted at any SCE location, including Accounts Receivable.</p> <p>* Please complete all applications and/or contracts and return to your planning office, using the enclosed return-addressed envelope.</p> <p>* If a street light work order is associated with this project, contracts for that project will be enclosed.</p>		
TOTAL PROJECT INVOICE AMOUNT:		\$233,123.96



Southern California Edison Company

411 E KERN AVE
TULARE CA 93274

Document #	7590490094
Invoice Term:	90 Days
Customer Name:	TULARE, CITY OF
Customer Email:	DDORMAN@CI.TULARE.CA.US
Invoice Date:	04/25/2023
SCE Contact:	Kenny Santiago
Telephone:	
Install - Billing Option:	
District Address:	2425 SOUTH BLACKSTONE AVENUE TULARE CA 93274

COMMENTS CONTINUED:

- * Easement documents will be mailed directly to you from our Right of Way department. Please complete and return them as soon as possible, as we will not be able to proceed with the project without clearance
- * Call the Edison company at 1-800-655-4555 to make application for electrical service.
- * An Edison Inspector must approve all underground systems. Please call your designated inspector 48 hours prior to construction to schedule an inspection.
- * Final electrical inspection from the local governmental building and safety department must be received before we can energize your service.
- * By paying this invoice, customer acknowledges and agrees that if this project is canceled by customer for any reason or customer does not proceed with the project completion.
- * Any expense incurred by SCE, including, but not limited to, expenses related to engineering, inspection and construction, prior to the project cancellation or completion will be deducted from any applicable refund due to the customer.
- * To ensure worker and public safety, please maintain the appropriate clearance distance from utility infrastructure during your construction project to avoid encroachments that may result in serious injury or damage.
- * If relocation of existing utility infrastructure is pending, please adjust your work around the proposed relocation schedule as appropriate. If you have any questions, please contact the designated SCE representative assigned to your project.

ADDITIONAL PAYMENT INSTRUCTIONS:

If paying by check, please follow instructions on payment stub

Instructions for wire or ACH payments:

JP Morgan Chase Bank
New York, NY
ABA#: 021000021 - Acct#: 323-394434
SCE Taxpayer ID No. 95-1240335
SCE Contact: Kenny Santiago
Document #: 7590490094

***** Failure to properly identify your document number and SCE contact may delay the application of funds and initiation of your project**

Special Instructions for overnight delivery methods:

Southern California Edison
Attn: Accounts Receivable
8631 Rush Street G-53
Rosemead, CA 91770

Please detach and return payment stub with payment

**Payment
Stub**

Please pay total amount now due:

\$233,123.78



Thank you for paying promptly

Document # 7590490094
TULARE, CITY OF
411 E KERN AVE
TULARE CA 93274

Make check payable to Southern California Edison

ATTN: Accounts Receivable
PO Box 800
Rosemead, CA 91771-001

ATTACHMENT 2

2023 - 2028 CIP Transportation	
PROJECT #:	EN0088
Prosperity & West Traffic Signal Improvements	
(Capital)	
(Capital)	
District(s):	1, 2

PROJECT MANAGER: Michael Miller

PROJECT DESCRIPTION & PURPOSE: Installation of a new traffic signal due to increased traffic volume at the intersection of Prosperity Avenue and West Street. Includes acquisition of necessary right of way to achieve the ultimate alignment of the intersection. The project also addressed ADA concrete work.

KEY POINTS: Critical Utility Infrastructure Improvements; Traffic safety; Relief from potential liability concerns; Compliance to the American Disabilities Act.

PROJECT STATUS: Underway

PROJECTED START DATE: 12/1/2019

PROJECTED END DATE: 6/30/2024

FUTURE M & O: (Additional Cost & Maintenance and utility costs are estimated at \$2,500 / year.
Department Responsibility)

CRITERIA (1-8): Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year									Total	Unfunded
	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028		
010 - Conceptual	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
020 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
030 - Environmental	\$312	\$0	\$43,494	\$35,752	\$0	\$0	\$0	\$0	\$0	\$79,558	\$0
0206 - Environmental	\$0	\$0	\$2,532	\$35,752	\$0	\$0	\$0	\$0	\$0		
0210 - Attorney	\$0	\$0	\$877	\$936	\$10,000	\$0	\$0	\$0	\$0		
0230 - Right-of-Way	\$0	\$0	\$40,085	\$25,848	\$85,000	\$0	\$0	\$0	\$0		
0987 - Development Services Time	\$312	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0		
040 - Final Design	\$91,959	\$42,614	\$12,090	\$24,706	\$592	\$0	\$0	\$0	\$0	\$171,960	\$0
0202 - Engineering	\$87,856	\$29,336	\$3,172	\$16,067	\$0	\$0	\$0	\$0	\$0		
0996 - Project Management Time	\$3,467	\$11,768	\$8,451	\$6,504	\$0	\$0	\$0	\$0	\$0		
0998 - Development Services Time	\$636	\$1,510	\$467	\$2,135	\$592	\$0	\$0	\$0	\$0		
050 - Construct/Impliment	\$0	\$0	\$3,011	\$0	\$6,181,916	\$0	\$0	\$0	\$0	\$6,184,927	\$0
0202 - Engineering	\$0	\$0	\$0	\$0	\$37,414	\$0	\$0	\$0	\$0		
0203 - Construction Management	\$0	\$0	\$0	\$0	\$350,755	\$0	\$0	\$0	\$0		
0205 - Labor Compliance	\$0	\$0	\$0	\$0	\$46,767	\$0	\$0	\$0	\$0		
0225 - Miscellaneous	\$0	\$0	\$0	\$0	\$36,000	\$0	\$0	\$0	\$0		
0231 - Property Surveys & Testing	\$0	\$0	\$0	\$0	\$93,535	\$0	\$0	\$0	\$0		
0601 - Construction Costs	\$0	\$0	\$0	\$0	\$4,676,732	\$0	\$0	\$0	\$0		
0612 - Materials Testing	\$0	\$0	\$0	\$0	\$116,918	\$0	\$0	\$0	\$0		
0996 - Project Management Time	\$0	\$0	\$0	\$0	\$70,151	\$0	\$0	\$0	\$0		
0998 - Development Services Time	\$0	\$0	\$0	\$0	\$4,677	\$0	\$0	\$0	\$0		
0999 - Contingency	\$0	\$0	\$3,011	\$0	\$748,967.30	\$0	\$0	\$0	\$0		
060 - Close Out	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs:	\$92,271	\$42,614	\$58,595	\$60,458	\$6,182,507	\$0	\$0	\$0	\$0	\$6,436,445	\$0

Funding Sources	Fiscal Year									Total	Unfunded
	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025	2025/2026	2026/2027	2027/2028		
Fund 021 - Measure R Local	\$134,538	\$1,000,000	\$0	\$0	\$588,009.49	\$0	\$0	\$0	\$0	\$1,722,547	\$0
Fund 022 - Gas Tax	\$0	\$0	\$1,564,114	\$0	\$1,264,509.64	\$0	\$0	\$0	\$0	\$2,828,624	\$0
Fund 230 - Local Streets & Traffic Signals DIF	\$0	\$0	\$0	\$0	\$749,027	\$0	\$0	\$0	\$0	\$749,027	\$0
Fund 260 - Water DIF Fund	\$0	\$0	\$0	\$0	\$10,239	\$0	\$0	\$0	\$0	\$10,239	\$0
Fund 290 - Sewer DIF Fund	\$0	\$0	\$0	\$0	\$72,696	\$0	\$0	\$0	\$0	\$72,696	\$0
Fund 610 - Water CIP Fund	\$0	\$354,689	\$0	\$0	\$141,333.40	\$0	\$0	\$0	\$0	\$496,022	\$0
Fund 615 - Sewer/Wastewater CIP Fund	\$0	\$0	\$398,499	\$0	\$158,790.43	\$0	\$0	\$0	\$0	\$557,289	\$0
Total Funding:	\$134,538	\$1,354,689	\$1,962,613	\$0	\$2,984,605	\$0	\$0	\$0	\$0	\$6,436,445	\$0
G/L #'s:		643-4643-6028									
Notes:		Revised 03/05/24 to include SCE relocation costs of \$233,123,78 in contingency. Approved by TMT on 3/22/19. Approved by Council on 11/05/19.									



Staff Report

Meeting: City Council
Date: March 5, 2024

Item #: 7.4
Consent

Department: Engineering Services - Engineering
Submitted by: Michael Miller, City Engineer
Agenda Title: Hidden Ridge Subdivision Notice of Completion

RECOMMENDED ACTION

Accept the required public works improvements for Hidden Ridge subdivision located on the north side of Bardsley Avenue approximately 2,300 ft east of Morrison 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 October 4, 2022, the City Council conditionally approved the final map for the Hidden Ridge subdivision, which created 32 single-family residential lots, as shown in the attached exhibit. The subdivision comprises approximately 8.62 acres.

The Subdivider, CRD Construction Company, Inc., A California Corporation, has completed construction of all required public works improvements for the Hidden Ridge subdivision in accordance with approved plans and specifications.

FISCAL IMPACT & FUNDING SOURCE(S)

N/A

LEGAL REVIEW

The City's standard NOC 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. Hidden Ridge Subdivision NOC
2. Hidden Ridge subdivision final map

Reviewed/Approved: 

ATTACHMENT 1

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 26^h day of February 2024, a work of improvement on real property hereinafter described was completed by CRD Construction Company, Inc., A California Corporation, the Subdivider of record, whose address is 1648B W Tulare Ave, Tulare, CA 93274.
- 4. The surety for the work of improvements is a Certificate of Deposit held by Mechanics Bank 2005 East Prosperity Ave, Tulare, CA 93274.
- 5. The real property or public work or structure is described as follows:

Public Works Improvements for the Hidden Ridge subdivision.
- 6. The public works improvements were accepted as complete by the City Council of the City of Tulare on March 5, 2024.

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 _____, at Tulare, California.

By: _____
Michael W. Miller, City Engineer

HIDDEN RIDGE

THAT PORTION OF THE EASEMENT FOR THE CITY OF TULARE COUNTY, CALIFORNIA, DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE SOUTH LINE OF SAID SECTION 10, THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION, DISTANCE OF 991.00 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 100 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SECTION, A DISTANCE OF 991.00 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 395.60 FEET TO THE POINT OF BEGINNING, ENCLOSING THEREIN AN AREA OF 131,887.00 SQUARE FEET OF LAND.

ACCORDING TO THE ORIGINAL RECORDS OF THE COUNTY OF TULARE, CALIFORNIA, THE CORNER OF THE MOUNTAIN AND MERIDIAN, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA, BEING A POINT ON THE SOUTH LINE OF SAID SECTION 10, THENCE NORTH PARALLEL WITH THE WEST LINE OF SAID SECTION, DISTANCE OF 991.00 FEET; THENCE EAST PARALLEL WITH THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 100 FEET; THENCE SOUTH PARALLEL WITH THE WEST LINE OF SAID SECTION, A DISTANCE OF 991.00 FEET TO THE SOUTH LINE OF SAID SECTION; THENCE WEST ALONG THE SOUTH LINE OF SAID SECTION, A DISTANCE OF 395.60 FEET TO THE POINT OF BEGINNING, ENCLOSING THEREIN AN AREA OF 131,887.00 SQUARE FEET OF LAND.

LEGEND
 O INDICATES FOUND MONUMENT AS NOTED
 ● SET CITY STANDARD STREET MONUMENT, STAMPED PER RM
 () RECORD DATA PER PARCEL MAP 4289 BK 47 OF PARCELS MAPS PG 31 FOR
 (/) RECORD DATA PER CAMBRIDGE HOMES PH 1 VOL 41 MAPS PG 47 FOR
 (|) RECORD DATA PER SHADOW WOODS UNIT NO. 4 VOL 40 MAPS PG 18 FOR
 (| |) RECORD DATA PER SHADOW WOODS UNIT NO. 3 VOL 41 MAPS PG 22 FOR
 (| | |) RECORD DATA PER SHADOW WOODS UNIT NO. 2 VOL 41 MAPS PG 22 FOR
 (| | | |) RECORD DATA PER DOCUMENT NO. 2020-000001
 (| | | | |) DEDICATION TO THE CITY OF TULARE FOR PUBLIC STREET PURPOSES FOR THIS MAP
 (| | | | | |) WAIVER OF DIRECT ACCESS RIGHTS
 (| | | | | | |) STORMDRAIN LAYOUT
 C # CURVE DATA NUMBER
 R # RADIAL DATA NUMBER
 FD FOUND
 MON MONUMENT
 TCR TULARE COUNTY RECORDS
 COF COUNTY OF TULARE
 OR OFFICIAL RECORDS
 PULE PUBLIC UTILITY ALIGNMENT
 S# SEARCHED NOTHING FOUND

NOTE: SET 3/4" P WIRE CAPS 1/8" DIA AT ALL CORNERS, ANGLE POINTS AND BEGINNING AND END OF CURVES
 THE BEAS OF BEARINGS BETWEEN TWO FOUND MONUMENTS ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 7,
 PAGE 33 OF TULARE COUNTY RECORDS AND BEING NORTH 09° 48' 17" WEST.

BASES OF BEARINGS
 THE BEAS OF BEARINGS BETWEEN TWO FOUND MONUMENTS ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SECTION 7,
 PAGE 33 OF TULARE COUNTY RECORDS AND BEING NORTH 09° 48' 17" WEST.

PARCEL LINE TABLE
 LINE BEARING DISTANCE
 L1 N09°00'00"E 10.00'
 L2 N09°00'00"E 10.00'
 L3 N89°59'47"W 10.35'
 L4 N02°47'17"W 18.95'
 L5 N89°59'47"W 9.99'
 L6 N89°59'47"W 19.81'
 L7 N89°59'47"W 13.82'
 L8 N89°59'47"W 1.04'
 L9 N89°59'47"W 13.80'
 L10 N02°47'17"W 7.20'

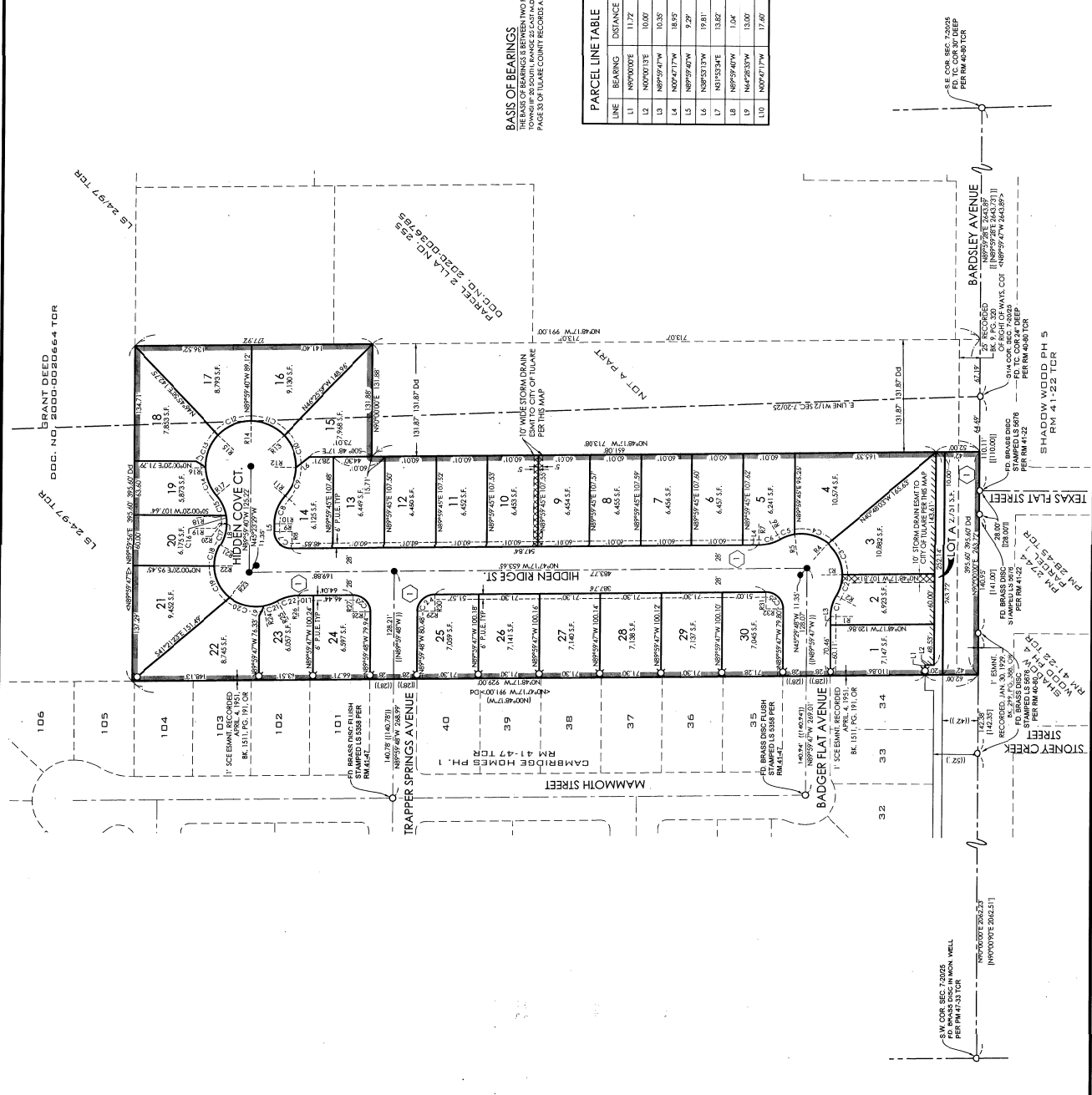
RADIAL TABLE
 RADIAL # BEARING
 R1 S09°00'00"W
 R2 N29°43'07"E
 R3 S09°49'23"E
 R4 S09°07'14"E
 R5 N09°00'11"E
 R6 S09°29'53"W
 R7 S89°12'45"W
 R8 N89°12'45"E
 R9 S09°20'21"W
 R10 N09°20'21"E
 R11 S49°16'49"W
 R12 S19°02'36"W
 R13 N49°02'36"E
 R14 S89°59'47"E
 R15 N89°59'47"E
 R16 N49°04'07"W
 R17 S49°04'07"E
 R18 S09°20'21"W
 R19 S09°20'21"W
 R20 S09°20'21"W
 R21 S09°20'21"W
 R22 N10°03'37"W
 R23 S09°20'21"W
 R24 S09°20'21"W
 R25 N89°12'45"E
 R26 S89°12'45"E
 R27 S09°12'45"W
 R28 S09°12'45"W
 R29 S09°12'45"W
 R30 S09°12'45"W
 R31 S09°12'45"W

CURVED DATA
 CURVE LENGTH RADIUS DELTA
 C1 28.94 50.00 2944.54'
 C2 26.15 49.00 3074.32'
 C3 42.16 49.00 4911.749'
 C4 42.65 49.00 4922.34'
 C5 17.54 49.00 2020.18'
 C6 25.93 50.00 2042.50'
 C7 31.69 50.00 3042.33'
 C8 35.38 50.00 4046.30'
 C9 34.46 53.00 3929.13'
 C10 41.05 53.00 4422.48'
 C11 43.44 53.00 4655.94'
 C12 43.41 53.00 4655.94'
 C13 41.67 53.00 4502.98'
 C14 35.89 53.00 3948.00'
 C15 26.39 50.00 3091.425'
 C16 9.19 50.00 1072.04'
 C17 25.56 49.00 2053.11'
 C18 26.54 49.00 3100.32'
 C19 42.37 49.00 3070.42'
 C20 42.38 49.00 4946.15'

CURVED DATA
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 C18 26.54 49.00 3100.32'
 C19 42.37 49.00 3070.42'
 C20 42.38 49.00 4946.15'

SCALE: 1" = 80'
 0 80 160

724 N. BURNING WOODS WAY
 595-13-818 INCORPORATING.COM
 MAY 2021 SHEET 2 OF 2





Staff Report

Meeting: City Council
Date: March 5, 2024

**Item #: 7.5
Consent**

Department: Engineering Services - Engineering
Submitted by: City Engineer Michael Miller
Agenda Title: De La Vina Street Traffic Signal Notice of Completion

RECOMMENDED ACTION

Accept the required public works improvements for a traffic signal located at the De La Vina Street and Cartmill Avenue intersection associated with the Kensington Estates Phase 3 and 4 residential subdivisions 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

Presidio JJR Kensington II, LLC, a Delaware Limited Liability Company, is constructing the Kensington Estates Phase 3 and 4 single-family residential subdivisions located on the northwest corner of Cartmill Avenue and Mooney Boulevard. Included in the conditions of project approval, the Developer was required to install a traffic signal at the intersection of De La Vina Street and Cartmill Avenue. The developer has completed the construction of all required public works improvements in accordance with the approved plans and specifications for this development.

On December, 2022, the developer and City Council entered into a preliminary oversized construction reimbursement agreement for the construction of said improvements. Following the recordation of a NOC 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 impacted associated with this action.

LEGAL REVIEW

The City's standard NOC 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 the installation of a traffic signal at De La Vina Street and Cartmill Avenue.
3. Table – A delay in the City accepting the improvements would in turn delay future reimbursement for traffic signal improvements at De La Vina Street and Cartmill Avenue.

ATTACHMENTS

1. De La Vina Street Traffic Signal Notice of Completion

Reviewed/Approved: 

ATTACHMENT 1

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 February 26, 2024, a work of improvement on real property hereinafter described was completed by Presidio JJR Kensington II, LLC, a Delaware Limited Liability Company, the Developer of record, whose address is 5607 Avenida de Los Robles Visalia, CA 93720.**
4. **The real property or public work or structure is described as follows:**

Traffic Signal located at the intersection of De La Vina Street and Cartmill Avenue.
5. **The public works improvements were accepted as complete by the City Council of the City of Tulare on March 5, 2024.**

Dated: _____

CITY OF TULARE
A Municipal Corporation,

By: _____
Michael W. Miller, City Engineer

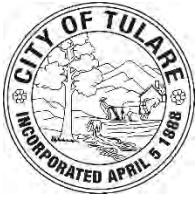
VERIFICATION:

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 _____, at Tulare, California.

By: _____
Michael W. Miller, City Engineer



Staff Report

Meeting: City Council
Date: March 5, 2024

Department: Engineering Services - Project Management
Submitted by: Michael Miller, City Engineer
Agenda Title: Design Consultant Contract Amendment – EN0074 Cross Avenue Improvements Project

RECOMMENDED ACTION

Authorize the City Engineer to sign a contract amendment for \$36,060 with 4Creeks of Visalia, CA for additional design services related to City Project EN0074 – Cross Avenue Improvements; and approve a revised project sheet reflecting both the revised contract cost and actual property acquisition costs incurred to date.

SUMMARY

Capital Improvement Project EN0074 addresses pavement and utility infrastructure improvements along Cross Avenue west of West Street. The project includes street reconstruction, the installation of curb, gutter, sidewalk, and street pave-out along the north side of Cross Avenue, storm drain improvements, and water and sewer service modifications. The project will improve surface water drainage, as well as improve pedestrian connectivity in the area. The installation of curb, gutter, and sidewalk along the north side of Cross Avenue requires the acquisition of additional right-of-way from five parcels. The City has acquired property from three of the required five parcels and is actively working on acquiring the remaining property.

The original project scope of work assumed the completion of the Villa Toscana Subdivision (also known as Pleasant Oak Phase 8) before the start of the construction of the City Project. This private development project has not moved forward as anticipated, and it does not currently appear that there are immediate plans for it to do so. The revised project scope would allow the construction of the Cross Avenue Improvement Project to move forward independently of the Villa Toscana Subdivision. Instead of connecting to the storm drain system that the Villa Toscana project was to install, the revised scope extends the required Cross Avenue storm drain line to drain to the existing drainage basin located on the northeast corner of Cross Avenue and West Street. Other improvements that were added to the original project scope are additional paving, street signage, and street striping across the Villa Toscana Subdivision’s project frontage.

On September 19, 2023, the Engineering Department took a revised project sheet to Council for review and approval. The revised project sheet accounted for the increased construction cost resulting from the revised scope of work discussed above and assumed that an additional \$20,000 would be required for the design engineer (4Creeks) to update the plans, specifications, and estimates (PS&E’s) to reflect the design changes. The contract amendment provided by 4Creeks is \$36,060; \$16,060 above what was estimated. The Engineering Department has reviewed the proposed addendum and determined that the proposed costs are reasonable and consistent with current engineering design fees. The attached project sheet includes the additional costs of the contract addendum.

The attached project sheet has also been updated to better reflect actual right-of-way acquisition costs incurred to date. In addition to compensation paid to affected property owners, these costs include right-of-way acquisition consultant fees, city attorney fees, and title and escrow costs.

FISCAL IMPACT & FUNDING SOURCE(S)

The attached project sheet reflects the revised costs associated with both the design contract amendment with 4Creeks and updated right-of-way acquisition costs. An additional \$54,835 from Fund 601 – General Fund CIP is proposed.

- Project EN0074*
- Fund 021 – Measure R Local*
- Fund 022 – Gas Tax*
- Fund 122 – Gas Tax (RMRA) SB1*
- Fund 601 – General Fund CIP*

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes – Staff would work to incorporate changes directed by Council.
2. Deny – Should Council deny the request to amend the on-call design contract with 4Creeks, the City will have an incomplete plan set and will not be able to move forward with the project.
3. Table – Postponing the amendment to the contract with 4Creeks would result in delay to the project schedule.

ATTACHMENTS

1. Revised Project Sheet

Reviewed/Approved: 

ATTACHMENT 1

2023 - 2028 CIP Transportation	
PROJECT #: EN0074	
Cross Avenue Improvements	
(Capital)	
(Capital)	
District(s): 1	

PROJECT MANAGER: Michael Miller

PROJECT DESCRIPTION & PURPOSE: Pavement Management System project on Cross Ave. between West Tulare and West St. Includes ADA Concrete work.

KEY POINTS: Traffic safety; Relief from potential liability concerns; Compliance to the American Disabilities Act.

PROJECT STATUS: Underway

PROJECTED START DATE: 7/1/2017

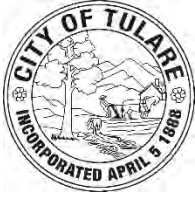
PROJECTED END DATE: 6/30/2024

FUTURE M & O: N/A
(Additional Cost & Department Responsibility)

CRITERIA (1-8): Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year								Total	Unfunded
	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025		
010 - Conceptual	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
020 - Preliminary Design	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
030 - Environmental	\$0.00	\$0.00	\$0.00	\$15,945.00	\$19,765.00	\$35,423.82	\$115,235.42	\$0.00	\$186,369.24	\$0.00
0206 - Environmental	\$0.00	\$0.00	\$0.00	\$15,945.00	\$19,765.00	\$4,890.24	\$0.00	\$0.00	\$40,600.24	\$0.00
0210 - Attorney	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$5,000.00	\$0.00	\$5,000.00	\$0.00
0610 - Property Acquisition	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$30,533.58	\$110,235.42	\$0.00	\$140,769.00	\$0.00
040 - Final Design	\$20,694.69	\$5,920.04	\$16,722.43	\$15,813.65	\$14,057.37	\$13,063.75	\$42,060.00	\$0.00	\$128,331.93	\$0.00
0202 - Engineering	\$7,965.00	\$0.00	\$15,775.00	\$12,525.00	\$13,700.00	\$2,925.00	\$36,060.00	\$0.00	\$88,950.00	\$0.00
0996 - Project Management Time	\$1,872.10	\$1,507.90	\$491.75	\$828.66	\$219.60	\$9,467.38	\$5,000.00	\$0.00	\$19,387.39	\$0.00
0998 - Development Services Time	\$10,857.59	\$4,412.14	\$455.68	\$2,459.99	\$137.77	\$671.37	\$1,000.00	\$0.00	\$19,994.54	\$0.00
050 - Construct/Impliment	\$370.00	\$0.00	\$0.00	\$2,500.00	\$0.00	\$1,897.42	\$61,800.00	\$2,057,189.90	\$2,123,757.32	\$0.00
0202 - Engineering	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
0203 - Construction Management	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$81,904.00	\$81,904.00	\$0.00
0225 - Labor Compliance	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16,381.00	\$16,381.00	\$0.00
0225 - Materials Testing	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$32,762.00	\$32,762.00	\$0.00
0225 - Construction Surveying	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$32,762.00	\$32,762.00	\$0.00
0601 - Construction Costs	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$40,000.00	\$1,640,000.00	\$1,680,000.00	\$0.00
0996 - Project Management Time	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,897.42	\$5,000.00	\$65,000.00	\$71,897.42	\$0.00
0998 - Development Services Time	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$500.00	\$8,000.00	\$8,500.00	\$0.00
0999 - Contingency	\$370.00	\$0.00	\$0.00	\$2,500.00	\$0.00	\$0.00	\$16,300.00	\$180,380.90	\$199,550.90	\$0.00
060 - Close Out	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Total Costs:	\$21,064.69	\$5,920.04	\$16,722.43	\$34,258.65	\$33,822.37	\$50,384.99	\$219,095.42	\$2,057,189.90	\$2,438,458.49	\$0.00

Funding Sources	Fiscal Year								Total	Unfunded
	2017/2018	2018/2019	2019/2020	2020/2021	2021/2022	2022/2023	2023/2024	2024/2025		
Fund 021 - Measure R Local	\$0.00	\$0.00	\$134,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$134,500.00	\$0.00
Fund 022 - Gas Tax	\$0.00	\$0.00	\$128,000.00	\$0.00	\$0.00	\$0.00	\$156,870.00	\$284,253.00	\$569,123.00	\$0.00
Fund 601 - General Fund CIP	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$54,835.00	\$1,100,000.00	\$1,154,835.00	\$0.00
Fund 122 - Gas Tax (RMRA) SB1	\$0.00	\$80,000.00	\$500,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$580,000.00	\$0.00
Total Funding:	\$0.00	\$80,000.00	\$762,500.00	\$0.00	\$0.00	\$0.00	\$211,705.00	\$1,384,253.00	\$2,438,458.00	\$0.00
G/L #'s: 643-4643-6830										
Notes: Revised 03/05/24 to reflect design contract amendment and updated ROW costs.										



Staff Report

Meeting: City Council
Date: March 5, 2024

Department: Engineering Services - Project Management
Submitted by: Michael Miller, City Engineer
Agenda Title: Right-of-way Acquisition Services Contract - EN0078 Bardsley Avenue Sidewalk Project

RECOMMENDED ACTION

Review and approve a contract with Paragon Partners Consultants, Inc. for right-of-way appraisal and acquisition services associated with CIP Project EN0078 – Bardsley Avenue Sidewalk Project in the amount of \$26,810.00; authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of the contract award amount; and approve the revised project sheet reflecting increased project scope and costs.

SUMMARY

Capital Improvement Project EN0078 is a traffic safety project to install missing sidewalk along the north side of Bardsley Avenue in the vicinity of the Mission Oak High School campus. This stretch of Bardsley Avenue serves as a primary route for school-age pedestrians walking to the high school. In areas where there is no sidewalk, pedestrians are required to walk along the dirt roadway shoulder. Numerous citizen complaints have been received regarding this situation, especially during winter months when the roadway becomes muddy. In such situations, pedestrians frequently opt to walk on the roadway in close proximity to vehicular traffic.

CIP Project EN0078 was included and approved as a part of the City's 2023-2028 CIP. The total project cost included in the approved 2023-2028 was \$165,500.00. The original project scope included installation of sidewalk along two parcels located east of Morrison Street. These parcels are developed with single-family residences, meaning that no near-term development opportunities are foreseen whereby the City could conditionally require the installation of sidewalk.

The proposed installation of sidewalk across the two parcels east of Morrison Street will require the acquisition of approximately 12 feet of additional right-of-way width across their Bardsley Avenue frontage. The services of a right-of-way consultant is required for the preparation of appraisals and subsequent negotiations with property owners. A Request for Qualifications (RFQ) for On-Call Real Property, Right of Way, Appraisal, and Acquisition Consulting Services was issued on October 20, 2020, out of which three firms were recommended for inclusion on a list of prequalified construction surveying consultants. The staff recommended list was approved by the City Council at their December 15, 2020 meeting. Paragon Partners Consultants, Inc. is included on that list. In addition to the installation of sidewalk, the project will require the relocation of utility poles and overhead utilities, relocation of existing fences and private improvements, and installation of driveway approaches and curb and gutter per City Standards.

Since the development of the original project scope for EN0078, the City has processed new development projects along the north side of Bardsley Avenue west of Morrison Street. As a result of these projects, only one parcel will remain west of Morrison Street without sidewalk. That parcel is already developed with a single-family residence. Adding this parcel to the project scope would result in completion of sidewalk improvements along the north side of Bardsley Avenue from Nelder Grove Street to Oakmore Street and is recommended. No additional right-of-way is needed from this parcel, so the only additional costs would be actual construction costs.

It is recommended that the project sheet for EN0078 be revised to reflect the significant escalation in construction costs experienced in recently-bid projects and the addition of the third parcel west of Morrison Street. The revised estimated project cost would be \$303,444.00, which would be an increase of \$137,944.00 above the approved 2023-2028 CIP budget. The project funding is composed of Gas Tax and General Fund CIP. To address the increased cost, it is recommended that the Gas Tax funding programmed for the project be increased from \$150,500.00 to \$288,444.00 (i.e., by \$137,944.00).

FISCAL IMPACT & FUNDING SOURCE(S)

Fund 022 - Gas Tax - \$288,444.00
Fund 001 – GF Operations - \$15,000.00

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ATTACHMENTS

1. Revised EN0078 Project Sheet
2. EN0078 Exhibit
3. Paragon Partners Consultants, Inc. Proposal

Reviewed/Approved: 

ATTACHMENT 1

2023 - 2028 CIP Transportation
PROJECT #: EN0078
Bardsley/Morrison St Swlk Impr at MOHS
(Capital)
(Capital)
District(s): 5

PROJECT MANAGER: Michael Miller

PROJECT DESCRIPTION & PURPOSE: Traffic Safety Project on Bardsley Ave., at Morrison St. Includes ADA Concrete work. The project addresses a safety concern pertaining to the last remaining non-continuous section of sidewalk on the North side of Bardsley, East and West sides at Morrison St. Attached Exhibit.

KEY POINTS: Traffic Safety; Relief from potential liability concerns; Compliance to the American Disabilities Act.

PROJECT STATUS: Underway

PROJECTED START DATE: 7/1/2024

PROJECTED END DATE: 6/30/2025

FUTURE M & O: N/A
(Additional Cost & Department Responsibility)

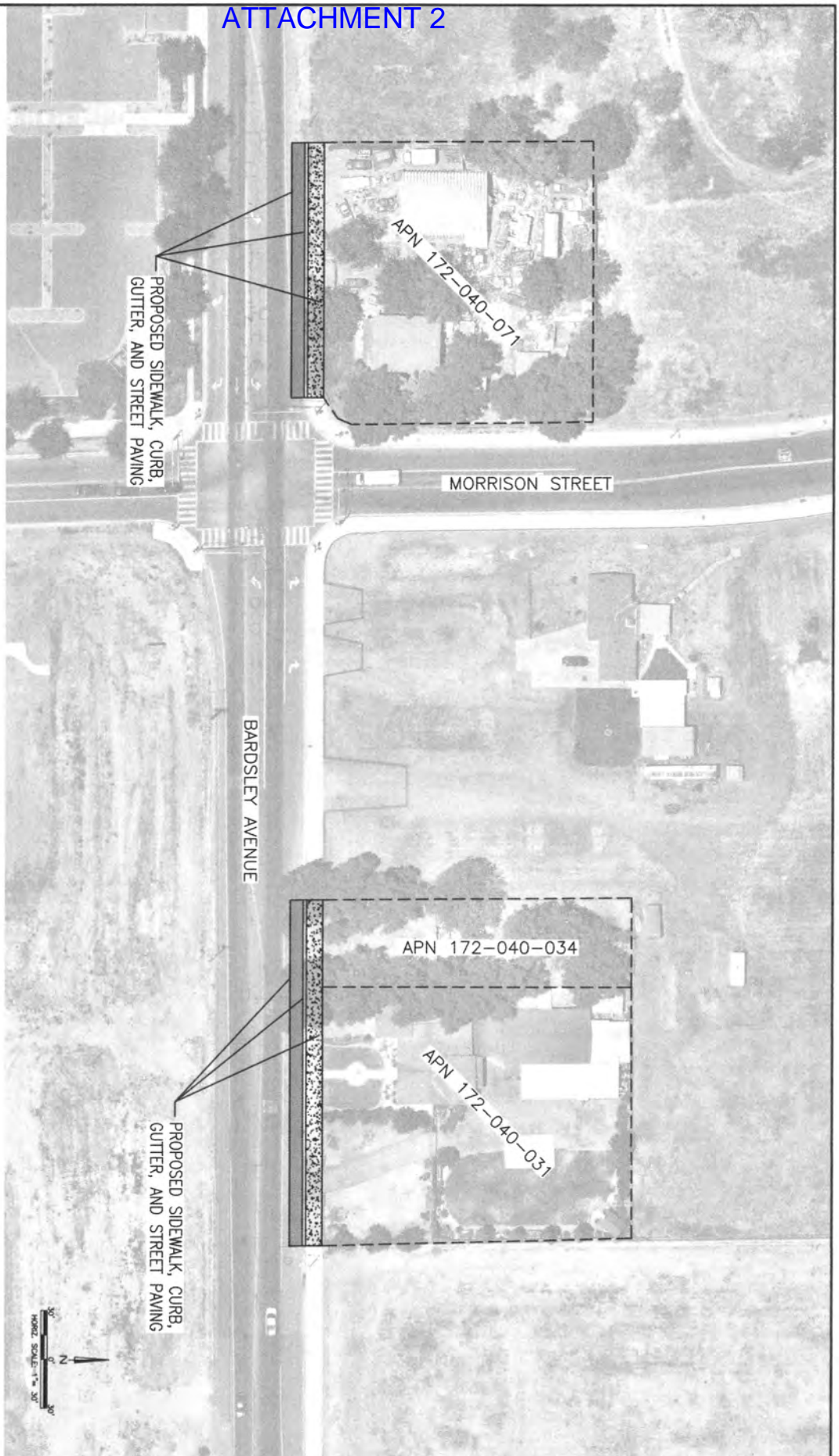
CRITERIA (1-8): Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year						Total	Unfunded
	Prior Years	Remaining Year	2023/2024	2024/2025	2025/2026	2026/2027		
010 - Conceptual	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
020 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
030 - Environmental	\$0	\$0	\$70,334	\$0	\$0	\$0	\$0	\$70,334
0206 - Right-of-Way	\$0	\$0	\$70,334	\$0	\$0	\$0	\$0	\$70,334
040 - Final Design	\$0	\$0	\$7,000	\$0	\$0	\$0	\$0	\$7,000
0202 - Engineering/Survey	\$0	\$0	\$7,000	\$0	\$0	\$0	\$0	\$7,000
0996 - Project Management Time	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
0998 - Development Services Time	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
050 - Construct/Implement	\$0	\$0	\$226,110	\$0	\$0	\$0	\$0	\$226,110
0202 - Engineering	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
0205 - Labor Compliance	\$0	\$0	\$6,500	\$0	\$0	\$0	\$0	\$6,500
0601 - Construction Costs	\$0	\$0	\$185,525	\$0	\$0	\$0	\$0	\$185,525
0996 - Project Management Time	\$0	\$0	\$5,000	\$0	\$0	\$0	\$0	\$5,000
0998 - Development Services Time	\$0	\$0	\$1,500	\$0	\$0	\$0	\$0	\$1,500
0999 - Contingency	\$0	\$0	\$27,585	\$0	\$0	\$0	\$0	\$27,585
060 - Close Out	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Total Costs:	\$0	\$0	\$303,444	\$0	\$0	\$0	\$0	\$303,444

Funding Sources									
Fund 022 - Gas Tax	\$0	\$0	\$288,444	\$0	\$0	\$0	\$0	\$288,444	\$0
Fund 001 - GF Operations	\$0	\$0	\$15,000	\$0	\$0	\$0	\$0	\$15,000	\$0
Total Funding:	\$0	\$0	\$303,444	\$0	\$0	\$0	\$0	\$303,444	\$0
G/L #'s: 643-4643-6830									
Notes: Project fund balance as of 05/04/23 = \$0.00.									

\$1 Balance

EXHIBIT - BARDSLEY AVENUE SIDEWALK CAPITAL IMPROVEMENT PROJECT



DATE: _____
 PROJECT NO: _____
 DRAWING NUMBER: _____
 SHEET: _____

**BARDSLEY AVENUE
 CAPITAL IMPROVEMENT PROJECT
 SIDEWALK IMPROVEMENTS**

DRAWN BY: _____
 DESIGNED BY: _____
 CHECKED BY: _____



APPROVED BY: _____
 DATE: _____

NO.	DATE	DESCRIPTION

CHECKLIST OF DOCUMENTS
 This document, the ideas and designs incorporated herein, is an instrument of Professional Service in the Property of
 CITY OF TULARE
 and is not to be used, in whole or in part for any other project without the written consent of the City of Tulare.



October 27, 2023

Jan Bowen, PE
Senior Engineer
City of Tulare
411 E. Kern Avenue
Tulare, CA 93274

Subject: Right-of-Way Services for the City of Tulare Bardsley Ave Sidewalk Improvements Project

Dear Mr. Bowen,

Pursuant to your request, Paragon Partners Consultants, Inc. (Paragon) is pleased to submit the following scope and budget to provide right-of-way services to the City of Tulare (City) for a sidewalk improvement project along Bardsley Ave. We understand that the scope of work consists of acquiring a partial property acquisition in fee from two (2) property owners for sidewalk improvements.

SCOPE OF WORK

Paragon will provide the below scope of work in accordance with the right-of-way acquisition needs of the project.

- Communicate with the City on a regular basis to report progress of expected deliverables.
- Prepare and deliver bi-weekly progress status reports.
- Order and review two (2) title reports.
- Order and review two (2) sets of plat maps and legal descriptions.
- Order and review two (2) appraisal reports.
- Prepare offer packages and related documents.
- Present and negotiate with property owners, as required.
- Prepare and maintain parcel diaries.
- Manage opening and closing of escrows.
- Work with City for Project Certification.
- Prepare project files to submit to client.

COST AND PRICE

Provided below is Paragon's cost proposal to provide right-of-way services for two (2) property owners covering two (2) parcels. Paragon will invoice monthly for its services on a time and materials basis.



**TULARE BARDSLEY AVENUE SIDEWALK IMPROVEMENTS PROJECT
SCOPE OF WORK - 2 PROPERTY OWNERS (2 PARCELS)**

TASKS	Project Manager	Acquisition Agent	Total Hours	Fees
Hourly Rate	\$190	\$105		
Project Management	12	8	20	\$3,120
Order and Review 2 Title Reports	1	4	5	\$610
Order and Review 2 Plat Maps and Legal Descriptions	2	4	6	\$800
Order and Review 2 Appraisal Reports	2	6	8	\$1,010
Develop Offer Packages and Related Documents	4	12	16	\$2,020
Present Offers and Negotiations	5	50	55	\$6,200
Escrow Coordination	2	22	24	\$2,690
Project Certification	1	4	5	\$610
Project Closeout	1	2	3	\$400
				\$17,460
2 Title Reports - Placer Title Company				\$1,000
2 Plat Maps and Legal Descriptions - 4 Creeks Inc.				\$1,600
2 Appraisal Reports - Scott Appraisal Inc.				\$6,000
Expenses - Travel, Mileage, Postage, etc.				\$750
Total				\$26,810

Assumptions

- Engineering drawings, CAD files etc. will be provided to Paragon by the City.
- Project duration assumed to be 12 months from notice to proceed. Extension of schedule beyond target completion date may require additional budget.
- Quote assumes no condemnation support.

If you have any questions, please do not hesitate to contact Colin Valles at (714) 379-3376 ext. 119 or email cvalles@paragon-partners.com.

Respectfully submitted,

Phillip L. Bonina
Senior Director – Public Infrastructure



Staff Report

Meeting: City Council

Date: March 5, 2024

Item #: 8.1
General Business

Department: City Manager

Submitted by: Marc Mondell, City Manager

Agenda Title: Oppose Initiative 21-0042A1

RECOMMENDED ACTION

Adopt a resolution opposing Initiative 21-0042A1, the Taxpayer Protection and Government Accountability Act.

SUMMARY

On January 4, 2022, the California Business Roundtable filed the “Taxpayer Protection and Government Accountability Act” or AG 21-0042A1. On February 1, 2023, the measure qualified for the November 2024 ballot.

The League of California Cities, along with a broad coalition of local governments, labor and public safety leaders, infrastructure advocates, and businesses, strongly opposes this initiative.

Local government revenue-raising authority is currently substantially restricted by state statute and constitutional provisions, including the voter approved provisions of Proposition 13 of 1978, Proposition 218 of 1996, and Proposition 26 of 2010. The Taxpayer Protection and Government Accountability Act adds and expands restrictions on voters and local government tax and fee authority.

Fees and Taxes

Local governments levy a variety of fees and other charges to provide core public services. Major examples of affected fees and charges are:

- Nuisance abatement charges, such as for weed, rubbish, and general nuisance abatement to fund community safety, code enforcement, and neighborhood cleanup programs.
- Commercial franchise fees.
- Emergency response fees, such as in connection with DUI.
- Advanced Life Support (ALS) transport charges.
- Document processing and duplication fees.
- Transit fees, tolls, parking fees, and public airport and harbor use fees.
- Facility use charges, fees for parks and recreation services, garbage disposal tipping fees.

Virtually every city, county, and special district must regularly (e.g., annually) adopt increases to fee rates and charges and revise rate schedules to accommodate new users and activities. Most of these would be subject to new standards and limitations under threat of legal challenge. Based on the current volume of fees and charges imposed by local agencies, including council-adopted increases to simply accommodate inflation, Cal Cities estimates the

amount of local government fee and charge revenue at risk is approximately \$2 billion per year including those adopted since January 1, 2022. Over ten years, \$20 billion of local government fee and charge revenues will be at heightened legal peril.

Hundreds of local tax measures were approved in 2022 that likely do not comply with the provisions of the initiative. Nearly \$2 billion of annual revenues from these voter-approved measures will cease a year after the effective date of the measure, reducing the local public services funded by these measures, unless the tax is re-submitted for voter approval.

Reductions on local government tax revenues have impacts on core services and infrastructure including fire and emergency response, law enforcement, streets and roads, drinking water, sewer sanitation, parks, libraries, affordable housing, homelessness prevention, and mental health services.

Fines and Penalties

Under existing law, cities are required to provide due process before imposing a penalty or fine for violation of its municipal code:

1. A local agency must adopt administrative procedures that govern imposing fines and penalties, including providing a reasonable period of time for a person responsible for a continuing violation to correct or remedy the violation [Gov't Code 53069.4].
2. Notice must be given to the violating party before imposing the penalty; and give the party an opportunity to be heard and present any facts or arguments [*Merco Construction Engineers v. Los Angeles Unified School District* (1969) 274 CA 2d 154, 166].
3. The fine may not be "excessive" [U.S. Constitution amendments VIII and XIV].

The initiative converts administratively-imposed fines and penalties into taxes unless a new, undefined, and ambiguous "adjudicatory due process" is followed. This provision may put at risk authority to impose fines and penalties for violations of state and local law.

FISCAL IMPACT & FUNDING SOURCE(S)

The Taxpayer Protection and Government Accountability Act will take billions of dollars away from local government services statewide. In the case of the City of Tulare, this would impact Measure Y (tax on cannabis sales) which voters approved on November 8, 2022.

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ATTACHMENTS

1. Resolution
2. Letter of Opposition

Reviewed/Approved: 

RESOLUTION 2024-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE OPPOSING INITIATIVE 21-0042A1, A NOVEMBER 2024 STATEWIDE BALLOT PROPOSITION

WHEREAS, an association representing California's wealthiest corporations is spending tens of millions of dollars to promote a deceptive ballot measure currently eligible for the November 2024 statewide ballot; and

WHEREAS, the measure creates constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities, which could force residents and taxpayers to pay more to maintain services; and

WHEREAS, the measure threatens billions of dollars every year in local government funding for services like fire and emergency response, law enforcement, affordable housing, services to support homeless residents, mental health services, and more; and

WHEREAS, the measure is an attack on voters' rights, containing undemocratic provisions that would make it more difficult for local voters to pass measures to fund services, provisions that retroactively cancel measures recently passed by voters, and provisions that prevent voters from passing advisory measures that provide direction on how they want their local tax dollars spent; and

WHEREAS, the measure contains intentionally restrictive language that will encourage hundreds of frivolous lawsuits against cities and local governments – costing taxpayers many millions and stopping investments in vital local services; and

WHEREAS, specifically for the City of Tulare, this initiative would impact Measure Y (tax on cannabis sales) which Tulare voters approved on November 8, 2022.

WHEREAS, the measure would make it much more difficult for state and local regulators to issue fines and levies on corporations that violate laws intended to protect our environment, public health and safety, and our neighborhoods; and

WHEREAS, the measure is opposed by hundreds of local governments, teachers, firefighters, working families and local elected officials.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Tulare, opposes Initiative 21-0042A1.

BE IT FURTHER RESOLVED that the City of Tulare will join the "Stop the Taxpayer Deception Act" coalition, a growing coalition of public safety, education, labor, local government, and infrastructure groups throughout the state.

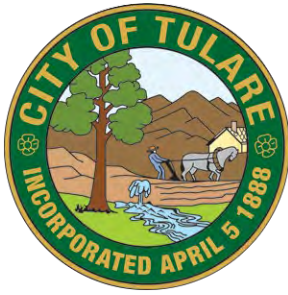
PASSED, APPROVED, AND ADOPTED on this 5th day of March 2024.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk



March 5, 2024

League of California Cities
c/o Public Affairs Department
1400 K Street, Suite 400
Sacramento, CA 95814

RE: Letter Opposing Initiative 21-0042A1

On March 5, 2024, the City of Tulare voted to oppose Initiative 21-0042A1, a November 2024 statewide ballot proposition. The measure is a significant threat to local control and voters' rights that could jeopardize funding for vital services.

This measure creates new constitutional loopholes that allow corporations to pay far less than their fair share for the impacts they have on our communities which could force residents and taxpayers to pay more to maintain services.

The measure puts billions of dollars currently dedicated to local services at risk and could force cuts to fire and emergency response, law enforcement, services to support homeless residents, and more.

The measure is also an attack on voters' rights, containing undemocratic provisions that would make it more difficult for local voters to pass measures to fund local services, provisions that retroactively cancel measures recently passed by voters, and provisions that prevent voters from passing advisory measures that provide direction on how they want their local tax dollars spent.

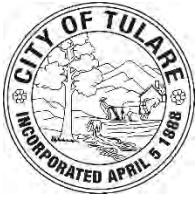
Furthermore, the measure contains intentionally vague and restrictive language that will encourage hundreds of frivolous lawsuits against cities and local governments costing taxpayers millions and blocking investments, development, and long-term planning.

This measure would place in jeopardy revenues from dozens of tax and bond measures approved by voters throughout California between January 1, 2022, and November 9, 2022, subjecting them to additional voter approval if not in compliance with the initiative. In the case of the City of Tulare, this would impact Measure Y (tax on cannabis sales) which voters approved on November 8, 2022.

You may list the City of Tulare in formal opposition to Initiative 21-0042A1 and include our city as part of the growing coalition of public safety, labor, local government, infrastructure advocates, and other organizations throughout the state opposed to this deceptive proposition.

Sincerely,

Terry A. Sayre
Mayor of the City of Tulare



Staff Report

Meeting: City Council

Date: March 5, 2024

Item #: 8.2
General Business

Department: Office of Safety, Compliance, & Facilities

Submitted by: Manuel Correa

Agenda Title: Municipal Code Revisions

RECOMMENDED ACTION

Pass to print an ordinance repealing Chapter 4.36 (Abandoned, Wrecked Vehicles) and enacting Chapter 7.29 (Abandoned, Wrecked, Dismantled, or Inoperative Vehicles on Private Property) of the Tulare Municipal Code; and pass to print an ordinance repealing and replacing Sections 7.28.020, 7.28.030, and 7.28.090 of Title 7 (Health and Sanitation), Chapter 7.28 (Nuisances Generally) of the Tulare Municipal Code.

SUMMARY

Staff is proposing changes to a few sections of the municipal code that are commonly used to fight visual blight in the city. The changes would assist staff by providing a solid foundation for enforcement action.

The proposed changes as discussed with Council on January 16, 2024, include the following:

- Repealing Chapter 4.36 (Abandoned, Wrecked Vehicles) of the Tulare Municipal Code. This section, with modifications as discussed with Council, will be enacted as Chapter 7.29 (Abandoned, Wrecked, Dismantled, or Inoperative Vehicles on Private Property). This moves the section pertaining to abandoned, wrecked, dismantled, and inoperative vehicles from Title 4 (Building Regulations) to Title 7 (Health and Sanitation).
- Revising the Abandoned, Wrecked Vehicle code authority from the Police Chief or his/her designee to the City Manager or his/her designee.
- Amending the definition of Abandoned Vehicle
 - **ABANDONED VEHICLE.** A vehicle is considered to be abandoned if it is left on a street or highway in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded or is left on a street or highway for a period of 72 hours without being moved more than 1,000 feet and appears to be a deserted vehicle. *A vehicle shall not be considered abandoned if it is on property owned or occupied by the owner of the vehicle.*
- Adding definitions to the code to further define the following:
 - **DISMANTLED VEHICLE.** Means any vehicle that is partially or wholly disassembled.
 - **INOPERATIVE VEHICLE.** Means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power, and which is not currently registered for operation with the California Department of Motor

Vehicles. A Planned Non-Operation (PNO) will be recognized as current registration.

- **WRECKED VEHICLE.** A vehicle which has been wrecked, or which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state.
- Updating the language pertaining to entering property
 - (A) The ~~Police Chief~~ *City Manager or their designee, or the employees in the City Manager's Department and other persons authorized by the City Manager,* may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this chapter *only with the consent of the owner or tenant unless a written order from the court has been issued.*

Staff is also proposing to amend sections of Chapter 7.28 of the Tulare Municipal Code as follows:

- Adding a definition for Dismantled Vehicle, Inoperative Vehicle, and Wrecked Vehicle. These definitions are the same as those provided in Chapter 7.29 (see above).
- Adding a definition for Accessory Vehicle
 - **ACCESSORY VEHICLE.** Means and includes recreational vehicles, travel trailers, campers, motorhomes, caravans, tent trailers, pop-up trailers, boats, watercraft, and/or utility, vehicle, or dump trailers.
- Adding a provision that all operable vehicles, recreational vehicles, motor homes, trailers, campers or camper shells and boats shall be parked or stored on an approved surface (Section 7.28.030(P)(5)(c)(1) provides exemptions to parking on an approved surface). This addition would also give Code Enforcement the authority in the NUISANCE section in addition to ZONING.
- Adding a provision that utility connections for water, sewer, or electrical cords or any type of power cords shall not extend from any such vehicle to a permanent structure for the purpose of receiving power to the vehicle for the purpose of maintaining human habitation.
- Adding regulations for storing accessory vehicles.
- Adding a section that regulates fences and walls, their maintenance, and the types of materials both approved and prohibited in their construction.
- Adding the following verbiage to Section 7.28.090 regarding keeping articles on and/or obstructing sidewalks.
 - *It is unlawful for any person to loiter, stand or sit in or upon any public highway, alley, sidewalk, or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same, or so as to in any manner accost or molest persons passing along the same.*

FISCAL IMPACT & FUNDING SOURCE(S)

None

LEGAL REVIEW

Yes, City attorney's review will be needed.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ALTERNATIVE ACTION

1. Ordinance to Repeal Chapter 4.36 and Enact Chapter 7.29
2. Ordinance to Amend Chapter 7.28

Reviewed/Approved: 

ORDINANCE 2024-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULARE
REPEALING CHAPTER 4.36 (ABANDONED, WRECKED VEHICLES) AND
ENACTING CHAPTER 7.29 (ABANDONED, WRECKED, DISMANTLED, OR
INOPERATIVE VEHICLES ON PRIVATE PROPERTY) OF THE TULARE MUNICIPAL
CODE**

WHEREAS, it is the desire of this Council to define the conditions for abandoned, dismantled, inoperative, and wrecked vehicles as they pertain to the Tulare Municipal Code; and

WHEREAS, there is a need to update Section 4.36.060 (Entering Property) to protect residents against violations of their Fourth Amendment rights; and

WHEREAS, there is further need to transfer authority of Chapter 4.36 from the Police Chief and/or Fire Marshal to the City Manager; and

WHEREAS, there is a desire to remove Chapter 4.36 (Abandoned, Wrecked Vehicles) of the Tulare Municipal Code from Title 4 (Building Regulations) to Title 7 (Health and Sanitation) with the enactment of Chapter 7.29 (Abandoned, Wrecked, Dismantled, or Inoperative Vehicles on Private Property); and

WHEREAS, the enactment of Chapter 7.29 will include the same provisions in Chapter 4.36 while addressing the definitions for abandoned, dismantled, inoperative, and wrecked vehicles; updating language regarding consent to enter property for purpose of inspection; and transferring authority over the chapter to the City Manager; and

WHEREAS, the City Council declares these revisions herein are require to maintain the immediate preservation of the public peace, health, and safety of the citizens of Tulare.

NOW, THEREFORE, be it ordained by the Council of the City of Tulare as follows:

SECTION 1. Chapter 4.36 of the Tulare Municipal Code is hereby repealed.

SECTION 2. Chapter 7.29 of the Tulare Municipal Code is hereby enacted and shall read as follows:

**CHAPTER 7.29
ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLES ON
PRIVATE PROPERTY**

Sections:

7.29.010 Nuisance declared.

- 7.29.020 Definitions.
- 7.29.030 Exceptions.
- 7.29.040 Chapter not exclusive.
- 7.29.050 Enforcement.
- 7.29.060 Entering property.
- 7.29.070 Voluntary compliance.
- 7.29.080 Notice of intention to abate.
- 7.29.090 Request for hearing.
- 7.29.100 Failure to request hearing - Removal - Costs.
- 7.29.110 Public hearing.
- 7.29.120 Conduct of hearing.
- 7.29.130 Decision by City Manager or designee.
- 7.29.140 Appeal.
- 7.29.150 Removal of vehicle.
- 7.29.160 Reconstruction of vehicle.
- 7.29.170 Notice to Department of Motor Vehicles.
- 7.29.180 Collection of costs.
- 7.29.190 Costs - Payment by state.

7.29.010 Nuisance declared.

In addition to and in accordance with the determination made and the authority granted by the State of California, under Cal. Vehicle Code § 22660, to remove abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following declarations: The accumulation and storage of abandoned, wrecked, dismantled or inoperative vehicles or parts thereof **on private or public property including highways** is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety, and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled, or inoperative vehicle or part thereof, **on private or public property including highways, except as expressly herein permitted**, is hereby declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

7.29.020 Definitions.

Except where the context otherwise requires, the following definitions shall govern the construction of this chapter.

ABANDONED VEHICLE. A vehicle is considered to be abandoned if it is left on a street or highway in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded **or is left on a street or highway for a period of 72 hours without being moved more than 1,000 feet and appears to be a deserted vehicle.** A vehicle shall not be considered abandoned if it is on property owned or occupied by the owner of the vehicle.

ADMINISTRATIVE COSTS. The costs to the city, and to the county when acting on behalf of the city pursuant to an agreement of performing the acts required under this chapter, except the actual removal of the vehicle. The City Council may, from time to time, by resolution, determine the administrative costs for the removal of each vehicle removed by the city if the vehicle is removed without a hearing pursuant to § 7.29.100 of this chapter. When the acts required by this chapter are performed by the county acting on behalf of the city, the administrative costs, if the vehicle is removed without a hearing, shall be that amount to be determined from time to time by the Board of Supervisors to be the administrative costs of removal of abandoned vehicles from unincorporated areas of Tulare County rather than the amount determined by the City Council. In those cases in which the City Manager, or designee, conducts a hearing pursuant to § 7.29.110 of this chapter, they shall fix and determine the administrative costs which shall be the actual cost of performing acts pertaining to the specific vehicle which is the subject of the hearing.

COST OF REMOVAL. The actual cost to the city of having the vehicle removed. The City Council may, from time to time, by resolution, determine the cost of removal.

DISMANTLED VEHICLE. Means any vehicle that is partially or wholly disassembled.

HIGHWAY. A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. The term **HIGHWAY** includes **STREETS**.

INOPERATIVE VEHICLE. Means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power, and which is not currently registered for operation with the California Department of Motor Vehicles. A Planned Non-Operation (PNO) will be recognized as current registration.

PUBLIC PROPERTY. Includes **HIGHWAY**.

VEHICLE. A device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. The term **VEHICLE** also includes any part or portion of a vehicle which is less than a whole vehicle, and all of the provisions of this chapter apply to a part or portion of a vehicle which is less than a whole vehicle.

WRECKED VEHICLE. A vehicle which has been wrecked, or which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state.

7.29.030 Exceptions.

This chapter shall not apply to:

(A) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or

(B) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise. Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than Cal. Vehicle Code Chapter 10 (Commencing with § 22650) of Division 11.

7.29.040 Chapter not exclusive.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state or any other legal entity or agency having jurisdiction.

7.29.050 Enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the City Manager, or designee, and the employees in the City Manager's Department or other persons authorized by the City Manager to administer and enforce this chapter.

7.29.060 Entering property.

(A) The City Manager, or designee, or the employees in the City Manager's Department and other persons authorized by the City Manager may enter upon private or public property to examine a vehicle and to obtain information as to the ownership and identity of a vehicle when enforcing this chapter only with the consent of the owner or tenant unless a written order from the court has been issued.

(B) If the city enters into a contract with any person to remove or cause the removal of vehicles which have been declared to be public nuisances pursuant to this chapter, the person may enter upon private or public property to remove the vehicles.

(C) Every person is guilty of a misdemeanor who in any way denies, obstructs, or hampers the entrance of the persons mentioned in this section upon private or public property to carry out the aforementioned duties or who denies, obstructs, or hampers the performance of the duties by the persons after they have entered the property.

7.29.070 Voluntary compliance.

If it appears to the City Manager, or designee, that an abandoned, wrecked, dismantled, or inoperative vehicle is located on private or public property, they may follow such administrative procedures to secure voluntary removal of the vehicle as appear advisable in each individual case prior to giving a notice of intention to abate pursuant to § 7.29.070 of this chapter.

7.29.080 Notice of intention to abate.

If the City Manager, or designee, cannot secure voluntary removal of the vehicle, pursuant to § 7.29.070 of this chapter, they shall give written notice of intention to abate

and remove the vehicle. The notice shall contain a statement of the hearing rights of the owner of the property on which the vehicle is located and the owner of the vehicle. The statement shall include notice to the property owner that they may appear in person at a hearing or may present a sworn written statement denying responsibility for the presence of the vehicle on the land with the reasons for the denial, in lieu of appearing. The notice of intention to abate shall be mailed, by certified mail, to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership.

7.29.090 Request for hearing.

The registered or legal owner of the vehicle or the owner of the land on which the vehicle is located may request a hearing on the question of abatement and removal of the abandoned, wrecked, dismantled, or inoperative vehicle and on the question of assessment of the administrative costs and cost of removal against the property on which it is located. The request for a hearing shall be in writing and shall be filed with the City Manager, or designee, not more than ten days after the date on which the notice of intention described in § 7.29.080 of this chapter was mailed by the City Manager, or designee. If the owner of the land on which the vehicle is located files with the City Manager, or designee, a sworn statement denying responsibility for the presence of the vehicle on his or her land within the ten-day period, the statement shall be construed as a request for a hearing which does not require the presence of the owner submitting the request.

7.29.100 Failure to request hearing - Removal - Costs.

If no hearing is requested within the time limit specified in § 7.29.090 of this chapter, the City Manager, or designee, shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard, or refuse disposal site. Except as otherwise provided in § 7.29.190 of this chapter, when no hearing has been requested, the owner shall be required to pay the administrative costs, as determined by the City Council or the Board of Supervisors, and the cost of removal, as determined by the City Council in accordance with § 7.29.020 of this chapter. The City Manager, or designee, shall send a request for payment of the costs to the owner of the property by regular mail and if he or she does not pay the costs within 30 days after the date on which the letter was mailed, the procedure set forth in § 7.29.180(C) of this chapter shall be followed.

7.29.110 Public hearing.

If a public hearing has been requested in accordance with the provisions of § 7.29.090 of this chapter, a public hearing shall be held on the question of abatement and removal of a vehicle as an abandoned, wrecked, dismantled, or inoperative vehicle and the assessment of the administrative costs and cost of removal against the property on which it is located. The City Manager, or designee, shall cause notices of the time and place of the hearing to be sent by regular mail to the owner of the land as shown on the last equalized county assessment roll and to the last registered and legal owners of record of the vehicle unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices shall be mailed at least ten days

before the date of the hearing.

7.29.120 Conduct of hearing.

The public hearings under this chapter shall be conducted by the City Manager, or designee. The City Manager, or designee, shall hear all pertinent evidence offered by all interested persons, including testimony on the condition of the vehicle and the circumstances concerning its location on private property or public property. The technical rules of evidence shall not be applicable to the hearing. The owner of the land on which the vehicle is located may appear in person at the hearing or present a sworn written statement for consideration at the hearing. The owner of the land may deny responsibility for the presence of the vehicle on the land, with their reasons for the denial.

7.29.130 Decision by City Manager or designee.

(A) At the conclusion of the public hearing, the City Manager, or designee, may find that a vehicle has been abandoned, wrecked, dismantled, or is inoperative on private or public property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided. The City Manager, or designee, may also determine the amount of the administrative costs, in accordance with §§ 7.29.020 and 7.29.190 of this chapter, and may determine that all or a portion of the administrative costs and the cost of removal are to be charged against the owner of the land on which the vehicle is located.

(B) If it is determined by the City Manager, or designee, that the vehicle was placed on the land without the consent of the landowner and that he or she was not subsequently acquiesced in its presence, the City Manager, or designee, shall not assess administrative costs or the cost of removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect the costs from the landowner.

(C) The City Manager, designee, may impose such conditions and take such other action as he or she deems appropriate under the circumstances to carry out the purposes of this chapter. The City Manager, or designee, may delay the time for removal of the vehicle if, in their opinion, the circumstances justify it.

(D) The City Manager, or designee, shall give written notice of their decision to all of the interested persons to whom the notice of hearing was mailed.

7.29.140 Appeal.

Within ten days, excluding Saturdays, Sundays, and legal holidays, after notice of the decision of the City Manager, or designee, has been mailed to the interested parties, any person affected by the decision may file with the City Clerk a written notice of appeal from the decision. The City Council shall thereafter set the matter for hearing. The City Clerk shall give written notice of the hearing to all of the persons mentioned in § 7.29.110 of this chapter. At the time and place set for the hearing, the City Council shall hear the matter de novo and all of the provisions of § 7.29.120 of this chapter shall

be applicable to the hearing. The decision of the City Council after the hearing upon the appeal is final and conclusive as to all things involved in the matter. The City Clerk shall give written notice of the decision of the City Council to all of the persons to whom notice of the hearing was mailed.

7.29.150 Removal of vehicle.

(A) At any time after the City Manager, or designee, orders an abandoned, wrecked, dismantled, or inoperative vehicle to be removed pursuant to § 7.29.130 of this chapter, any interested party may cause the vehicle to be removed. If the City Manager, or designee, has assessed administrative costs and the cost of removal against the property on which the vehicle is located, and the vehicle is voluntarily removed without cost to the city, only the administrative costs shall thereafter be collected from the owner of the land.

(B) If no appeal has been filed and the vehicle has not been removed within ten days, excluding Saturdays, Sundays, and legal holidays, after the notice of the decision of the City Manager, or designee, was mailed to the interested parties, the City Manager, or designee, shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard, or refuse disposal site.

(C) If an appeal has been filed, and the vehicle had not been removed within ten days, excluding Saturdays, Sundays, and legal holidays, after the notice of the decision of the City Council was mailed to the interested parties, the City Manager, or designee, shall cause the vehicle to be removed and taken to a junk yard, automobile dismantling yard, or refuse disposal site.

7.29.160 Reconstruction of vehicle.

After a vehicle has been removed pursuant to the provisions of this chapter, it shall not thereafter be reconstructed or made operable.

7.29.170 Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle pursuant to the provisions of this chapter, the City Manager, or designee, shall give notice of the removal to the Department of Motor Vehicles of the State of California identifying the vehicle removed and transmit to the Department any evidence of registration available, including, but not limited to, registration certificates, certificates of title, and license plates.

7.29.180 Collection of costs.

(A) If the City Manager, or designee, has caused the vehicle to be removed from the property and has assessed administrative costs and the cost of removal against the owner of the property on which the vehicle is located, they shall mail a notice to the owner of the property of the total costs to be paid by the owner of the property.

(B) If any interested party has caused the vehicle to be removed from the property without cost to the city and the City Manager, or designee, has previously assessed administrative costs and the cost of removal against the owner of the property

on which the vehicle is located, the City Manager, or designee, shall mail a notice to the owner of the property of the administrative costs to be paid by the owner of the property.

(C) If the costs referred to in divisions (A) and (B) above are not paid within 30 days after the date on which the notice referred to therein is mailed to the owner of the property, the City Council may direct the County Auditor to place the unpaid costs on the city tax roll as a special assessment against the property pursuant to Cal. Gov't Code § 38773-5.

7.29.190 Costs - Payment by state.

(A) The City Council may, from time to time, enter into agreements with the State of California, through the California Highway Patrol, or such other agency of the state as shall be designated by the state, providing that the state shall pay all, or any portion, of the administrative costs. The City Council may, from time to time, determine, by resolution, whether the payment agreed upon is sufficient to pay all, or only a portion, of the costs of administration.

(B) Whenever the city has entered into an agreement with the county for the performance by the county of such acts as under this chapter may be delegated to the county, the county may contract with the state for the payment to the county of such administrative costs for the removal of vehicles removed within the city. In such case if the county determines whether payments received from the state for removal of abandoned vehicles are sufficient to pay all, or only a portion, of the administrative cost, that determination shall apply also to payments of administrative costs of removal of vehicles within the city.

(C) Except where administrative costs are determined by the City Manager, or designee, at a hearing, the amount assessed against an owner of land pursuant to §§ 7.29.130 and 7.29.180 of this chapter shall be limited to the portion of the administrative cost found to be not covered by such an agreement with the State of California and the cost of removal. This limitation on the assessment shall apply to all cases assessed while such a resolution is in effect. However, the limitation shall not apply to cases in which the written notice of intention to remove was mailed prior to the effective date of the resolution and the resolution increases the amount assessable.

(D) Any cost of removal incurred shall be paid by the city out of its general fund.

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 2024.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

ORDINANCE 2024-XX

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULARE
REPEALING AND REPLACING SECTIONS 7.28.020, 7.28.030, AND 7.28.090 OF
TITLE 7 (HEALTH AND SANITATION), CHAPTER 7.28 (NUISANCES GENERALLY)
OF THE TULARE MUNICIPAL CODE**

WHEREAS, it is the desire of this Council to amend the definition of abandoned vehicles and to provide definitions for dismantled, inoperative, and wrecked vehicles as they pertain to the Tulare Municipal Code; and

WHEREAS, there is a need to update Section 7.28.030(P)(5)(c) to include that all operable vehicles, recreational vehicles, motor homes, trailers, campers or camper shells, and boats shall be parked on an approved surface and in accordance with § 10.192.050; to add water and sewer to the list of prohibited utility connections; and adding language regarding the storage of accessory vehicles; and

WHEREAS, there is a need add § 7.28.030(U) to address the need to maintain fences and walls in good repair to ensure structural integrity and to keep them from becoming dilapidated, dangerous, or unsightly. This Section will also define permitted and prohibited materials that may be used to construct these fences and walls; and

WHEREAS, revisions to Chapter 7.28 of the Tulare Municipal Code are proposed to address definitions of abandoned, dismantled, inoperative, and wrecked vehicles, the parking of operable vehicles on an approved surface, and the addition of regulations for fences and walls and the continued maintenance of said fences and walls; and

WHEREAS, the City Council declares these revisions herein are require to maintain the immediate preservation of the public peace, health, and safety of the citizens of Tulare.

NOW, THEREFORE, be it ordained by the Council of the City of Tulare as follows:

SECTION 1. Chapter 7.28.020 of the Tulare Municipal Code is hereby repealed and replaced and shall read as follows:

7.28.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meaning given in this chapter.

ABANDONED VEHICLE. Any vehicle, which has been left on private property or public property in such inoperable or neglected condition that the owner's intention to relinquish all further rights or interests in it may be reasonably concluded; except, if the vehicle is stored as provided in § 7.29.030(B) of the city code.

ABATEMENT. The demolition, removal, repair, rehabilitation, maintenance,

construction, reconstruction, replacement or reconditioning of structures, appliances or equipment; or the removal, transportation, disposal and treatment of waste and abandoned materials and equipment capable of harboring, breeding or attracting rodents or insects or producing odors or blight.

ACCESSORY VEHICLE. Means and includes recreational vehicles, travel trailers, campers, motorhomes, caravans, tent trailers, pop-up trailers, boats, watercraft, and/or utility, vehicle, or dump trailers.

ATTRACTIVE NUISANCE. Any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to children by reason of their inability to appreciate the peril which exists, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it. **ATTRACTIVE NUISANCES** may include, but shall not be limited to:

- (A) Abandoned and/or broken equipment;
- (B) Hazardous pools, ponds, culverts, excavations;
- (C) Neglected machinery; and
- (D) Dangerous structures.

BUILDING. Any structure including, but not limited to any house, garage, duplex, apartment, condominium, stock cooperative, mobile home or other residential structure or any portion thereof, which is designed, built, rented or leased to be occupied or otherwise is intended for supporting or sheltering any use or occupancy, and any commercial, industrial or other establishment, warehouse, kiosk or other structures affixed to or upon real property, used for the purpose of conducting a business, storage or other activity.

CITY. The City of Tulare.

CODE ENFORCEMENT OFFICER. The Code Enforcement Officer for the City of Tulare.

CONSTRUCTION DEBRIS. Any material discarded as a result of the building or destruction of structures, roads and bridges and includes concrete, rocks, asphalt, plasterboard, wood, and other related material.

DISMANTLED VEHICLE. Means any vehicle that is partially or wholly disassembled.

EXCAVATION. Any wells, shafts, basements, cesspools, septic tanks, fishponds and other like or similar conditions more than six inches in diameter and 18 inches in depth.

FOUL. Very annoying to the senses of reasonable persons of normal sensitivity or

which endangers the comfort, repose, health, or peace of the public or of any person using or occupying other property in the vicinity.

GARBAGE. Any putrescible animal, fish, fowl, food, fruit, or vegetable matter resulting from the cultivation, preparation, storage, handling, decay, or consumption of the substance.

GOOD REPAIR. The reconstruction or renewal of any part of an existing building or property for the purpose of its maintenance, so as to not become a hazard to the public in general and conform with the adjoining properties.

HAZARDOUS MATERIALS AND WASTE. Any chemical, compound, mixture, substance, or article which is identified or listed by the United States Environmental Protection Agency or an appropriate agency of the State of California as a “hazardous waste”, as defined in 40 C.F.R. § 261.33, except that for the purposes of this chapter, hazardous waste also shall include household waste, as defined in 40 C.F.R. § 261.4(B)(1).

HEARING OFFICER. The individual appointed by the City Manager of the City of Tulare to hear the appeal on a finding that a nuisance exists.

IMPLEMENT OF HUSBANDRY. Any vehicle, tool or equipment used for farming or agricultural use.

IMPROVED SURFACE. Any surface that resists the growth of weeds or vegetation.

INOPERATIVE VEHICLE. Means any motor vehicle designed to be operated on a public roadway that cannot be moved under its own power, or which is not currently registered for operation with the California Department of Motor Vehicles. A Planned Non-Operation, PNO, from the California Department of Motor Vehicles in and of itself is not to be considered a violation.

NOXIOUS. Hurtful or unwholesome.

NUISANCE. Activities or conditions which affect the social and economic stability of neighborhoods, impair property values and which are injurious or detrimental to the health, safety, and general welfare of the citizens of Tulare.

ODOR. Any smell, scent, or fragrance.

OWNER. Any person, agent, firm, or corporation having legal or equitable interest in the property.

PERSON. An individual, partnership, corporation, association or organization, or agent of any of the foregoing.

PREMISES. Any lot or parcel of land upon which a building is situated, including any portion thereof improved or unimproved, and adjacent streets, sidewalks, parkways, and parking areas.

PROPERTY. Any lot or parcel of land, including any alley, sidewalk, parkway, or unimproved public easement.

REFUSE. Any putrescible and non-putrescible solid waste, except sewerage, whether combustible or noncombustible and includes garbage and rubbish.

RUBBISH. Non-putrescible solid wastes consisting of both combustible and noncombustible wastes such as paper, wrappings, cigarettes, cardboard, tin cans, yard clippings, leaves, wood, glass, bedding, crockery, and similar materials.

UNMERCHANTABLE. Unsalable.

VEHICLE. Any device by which any person or property may be propelled, moved, or drawn upon a highway, or upon water, excepting a device moved exclusively by human power, or used exclusively upon stationary rails or tracks.

VIOLATOR. Any responsible party, including the landowner, or lessee, tenant, or any other person who had possession or custody of the property.

WASTE MATTER. Any rubbish or construction material.

WEEDS. Useless and troublesome plants generally accepted as having no value and frequently of uncontrolled growth.

WRECKED VEHICLE. A vehicle which has been wrecked, or which lacks an engine, transmission, wheels, tires, doors, windshield, or any other part or equipment necessary to operate safely on the highways of this state.

SECTION 2. Chapter 7.28.030 of the Tulare Municipal Code is hereby repealed and replaced and shall read as follows:

7.29.030 Declaration of nuisance.

It is unlawful and is declared a nuisance when any person owning, leasing, renting, occupying, charged with the management of or having charge or possession of any property in the city who maintains or fails to maintain the property in such a manner that any of the following conditions are present.

(A) An unsafe building or structure, as defined in § 283 of the Uniform Building Code, as adopted and in force within the city;

(B) To maintain any building or structure in a condition such that it would constitute a “dangerous building”, as defined in § 302 of the Uniform Code for the Abatement of Dangerous Buildings, or as prepared by the International Conference of

Building Officials and adopted in force within the city;

(C) To maintain any building or structure in a condition that would constitute a substandard building as defined in Chapter 10 of the Uniform Housing Code;

(D) To abandon or permanently vacate, or cause to be abandoned or permanently vacated, any building or structure, so that it becomes accessible to unauthorized persons including, but not limited to, juveniles and vagrants, for unlawful or hazardous use;

(E) To maintain property containing attractive nuisances in the form of:

(1) Abandoned or broken equipment or machinery, other than implements of husbandry kept on a lot in the R-A zone, the U-R zone, or the A zone, which are stored as provided for in this chapter; and

(2) Unfenced or otherwise unprotected wells, swimming pools, spas, ponds, or excavations.

(F) To maintain property, including any sidewalks and parkways adjacent thereto, containing weeds, dry grasses, dead trees, dead shrubs or any other material which bear seeds of a wingy or downy nature or which by reason of their size, manner of growth, or location constitute a fire hazard or a threat to public health, or containing weeds, vegetation, grasses, trees or shrubs, including but not limited to sagebrush, chaparral and Russian Thistle (tumbleweed) which, when dry, will in reasonable probability constitute a fire hazard or be blown onto adjoining property by prevailing winds; except, as otherwise exempted by Chapter 3.22 of this Code;

(G) To maintain property containing refuse, rubbish, broken or discarded furniture or household equipment visible from the public right-of-way or adjoining properties. This includes, but is not limited to, the keeping of or disposing of or the scattering over the property or premises of any of the following:

(1) Junk, trash, or debris; and

(2) Abandoned or discarded objects or equipment such as automobiles, furniture, stoves, refrigerators, freezers, cans, boxes, or other containers.

(H) To maintain property containing stagnant water, refuse, rubbish, garbage, offal, animal excrement or other waste materials which emit odors that are unreasonably offensive to the physical senses of a normal person(s), or which may cause or attract the migration of insects;

(I) To maintain premises with garbage or trash containers stored in front yards and visible from the public right-of-way. Except when in places of collection, refuse must be placed at a designated location by 6:00 a.m. on the day set for collection. Empty

containers shall be removed the same day, as permitted by § 7.16.080 of this code. Where the property is a corner lot, this division shall apply to storage of garbage and trash containers within those side-yard setbacks, which are adjacent to the street;

(J) To operate or maintain, any device, instrument, vehicle or machinery in such a manner as to create loud or unusual noise, cause vibrations, or unreasonable light spillage or glare which cause discomfort or annoyance to reasonable persons of normal sensitivity, or which endangers the comfort, repose, health or peace of the public or of any person using or occupying other property in the vicinity;

(K) The existence of hazardous substances and waste unlawfully released, discharged or deposited upon any premises or onto any city property, storm drain, gutter or public right-of-way;

(L) To maintain property in such a manner as to cause a hazard to the public by obscuring visibility of or at any public right-of-way, road intersection or pedestrian walkway;

(M) To maintain any building or structure, or any part thereof, which has been constructed or is maintained in violation of any applicable state or local law or regulation relating to the condition, use or maintenance of buildings;

(N) To maintain property in such condition as to create a detriment or hazard to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by Cal. Civil Code § 3490;

(O) To allow or perform the maintenance, repair, restoration or dismantling of any vehicle, large machinery or large equipment upon any residential property, walkway, or easement visible from a public street or sidewalk or from adjoining property. This prohibition shall not apply to work which is specifically authorized by state or local law or regulation and shall not apply to minor repair or maintenance of vehicles, machinery or equipment belonging to the person who resides on the property, and which is performed inside an enclosed structure such as a garage or which is performed outside but is not visible for longer than 72 consecutive hours;

(P) To maintain any property or structure in such a manner as to cause or allow the property or structure to become defective, unsightly or in such other condition of deterioration or disrepair as the same may cause substantial depreciation of the property values of, or similar detriment to surrounding properties, as well as an adverse effect on the health, safety, and welfare of the citizens of the city. This includes but is not limited to any of the following:

(1) Any improvement on the property, including but not limited to buildings, garages, carports, or roofs or gutters when the condition of the patio, stucco, siding or other exterior coating, has become so deteriorated as to permit decay, weathered woodwork, peeling paint, excessive checking, cracking, broken windows, or warping,

rendering the building unsightly and in a state of disrepair;

(2) Buildings or structures which are abandoned, boarded up, partially destroyed or left in a state of partial construction or repair for an unreasonable time; a period of 90 days shall serve as a guide in determining whether an unreasonable time has gone by;

(3) Maintenance of property containing abandoned or broken equipment or machinery, visible from a public street or sidewalk or from adjoining property;

(4) Property with excessive trash and debris, visible from a public street or sidewalk or from adjoining property; and

(5) Property, which is not in compliance with the following minimum standard requirements:

(a) Front and visible side yards, except for lots in the R-A zones, one acre or larger, shall be landscaped (except for improved surfaces including but not limited to walks and driveways) with ground cover, plant material, decorative rock, redwood bark and/or lawn, so as to prevent excessive dust, accumulation of debris, or depreciated values of adjacent properties. Lots in the R-A zones, five acres or larger, shall comply with the provisions of Chapter 3.22 of this code relating to the abatement of seasonal and recurrent weeds.

(b) Trees, shrubs, lawns, and other landscaping shall be maintained, including regular irrigation, pruning of trees, trimming of shrubs, and cutting of lawns. Parcels in the R-A zones shall comply with the weed abatement standards in Chapter 3.22 of this Code; and, in any case, dead, decayed, diseased, overgrown, or hazardous trees, weeds and vegetation, cultivated or uncultivated, which is likely to harbor rats or vermin, or constitute an unsightly appearance, or is detrimental to neighboring properties or property values, shall be abated.

(c) All operable vehicles, recreational vehicles, motor homes, trailers, campers or camper shells and boats shall be parked or stored on an approved surface and in accordance with § 10.192.050 of Tulare City Code, as adopted by the city; none of the above shall be occupied for the purpose of human habitation; nor shall any person sleep in, inhabit, live in or use any such vehicle for any purpose while the same is parked in the public right-of-way; nor shall utility connections for water, sewer, or power electrical cords or any type of power cords extend from any such vehicle to a permanent structure for the purpose of receiving power to the vehicle for the purpose of maintaining human habitation. It is a violation of this section to store an accessory vehicle in any zoning district at the following locations:

- In any front yard or street side yard setback in any zone including driveways;
- On a public street in any zone; or

- In any required off-street parking area in any commercial or industrial zone except as provided in subsection (c)(1) below:

(1) Exceptions;

(a) Off-street parking area in any commercial or industrial zone specifically approved to serve a business whose primary purpose is to service, sell, repair, or perform maintenance upon an accessory vehicle.

(b) Mobile or portable structures for city, county, state, and federal government use are permitted in all zones.

(c) Construction site temporary offices.

(d) A motor home or mounted camper which is normally used for everyday transportation, is mounted on a one ton or less pickup, and is not more than nine feet in height measured from the surface of the street.

(e) A person who has been granted a reasonable accommodation.

(d) Abandoned, dismantled, wrecked, inoperative vehicles, or parts thereof, on private property shall be stored in a completely enclosed building or structure. The exceptions provided by this section shall not be construed to authorize the maintenance of a public or private nuisance, as such nuisance may be defined under any provisions of law commencing with Cal. Vehicle Code § 22650 and may be subject to the abatement procedure contained within Chapter 7.29 of this code.

(e) Walkways on private property, driveways and other improved surfaces shall be maintained in good repair free from unsightly stains and in safe condition, free from accumulation of pooled oil or grease or other hazardous material on paved or unpaved surfaces, buildings, walls, or fences. Parking lot striping and handicapped markings shall be maintained in good condition, and clearly visible to all motorists.

(f) Buildings, structures, sidewalks, and driveways shall be free of graffiti. The graffiti shall be removed according to the graffiti code in § 6.52.060 of the city code.

(g) Property shall be free from infestation of termites, insects, vermin, or rodents.

(h) Improved property shall be properly connected to sewage disposal system or sanitary sewer and free from sewage seepage.

(i) Interiors of all buildings shall be maintained in good repair, sanitary

condition and in compliance with all applicable building codes.

(j) Swimming pools, ponds, or other bodies of water shall be filtered or maintained so as to not result in the water becoming polluted. Polluted water means water which contains bacterial growth, algae, remains of insects, remains of deceased animal life, rubbish, dirt, debris, papers, chemicals or other matter or material which, because of the magnitude, nature, or location, constitutes an unhealthy or unsafe condition.

(Q) To maintain residentially zoned property by storing or permitting the storage of household items customarily used in the interior of a dwelling, including appliances, equipment, construction materials or machinery in any front yard setback or driveway area;

(R) To store or place equipment, construction materials or machinery upon public property or public right-of-way (this prohibition shall not apply to otherwise permissible parking of vehicles, nor to permitted temporary placements such as for purposes of loading or unloading a vehicle or for permitted waste collections, or for authorized public equipment or vehicles during necessary work or repairs, or similar authorized uses);

(S) To maintain, place or otherwise display upon any fence, wall, tree, bush or any other structure or portion thereof, any linens, rugs, fabrics, nylon, or any other item of clothing or similar items except upon a recognized clothesline facility. For the purpose of this section, the placement of clothesline(s) shall be prohibited within any required front yard setback area or required street side yard setback area; and

(T) The maintenance of properties, so out of harmony or conformity with the maintenance standards of abutting, or adjacent properties in the surrounding vicinity, as to cause substantial diminution of the enjoyment, use or property values of the surrounding properties.

(U) All fences and walls shall be maintained in good repair and regularly maintained to ensure continued structural integrity. Fences may not list or lean more than 20 degrees from vertical. Fences may not have broken fence boards or be reinforced from falling by propping up with other materials. Any dilapidated, dangerous, or unsightly fences or walls shall be repaired or removed.

(1) Permitted Materials. A fence may be constructed of permanent material, such as wood, chain link, stone, rock, concrete block, masonry brick, brick, decorative wrought iron, or other material approved by the City Manager, or designee.

(2) Prohibited Materials. Fencing materials prohibited include, but are not limited to cast-off, secondhand, or other items not originally intended to be used for constructing or maintaining a fence. Plywood less than five-eighths inches thick, plywood not of a grade, particle board, paper, and visqueen plastic, plastic tarp, metal roofing panels, corrugated or sheet metal and garage doors or similar material shall be

prohibited unless approved by the City Manager, or designee.

SECTION 3. Chapter 7.28.090 of the Tulare Municipal Code is hereby repealed and replaced and shall read as follows:

7.29.090 Keeping articles on sidewalks.

Placing or keeping or permitting to be placed or kept on the sidewalks or pavements of the main business streets in the city of any goods, wares or merchandise, boxes, bootblack stands, vehicles, lumber, bricks, dirt, sand, firewood, or any other article or thing is a type of nuisance. It is unlawful for any person to loiter, stand or sit in or upon any public highway, alley, sidewalk, or crosswalk so as to in any manner hinder or obstruct the free passage therein or thereon of persons or vehicles passing or attempting to pass along the same, or so as to in any manner accost or molest persons passing along the same. When, however, in the construction, alteration, or repair of any building, it becomes necessary to temporarily obstruct a portion of the sidewalk or pavement, the same may be done upon permission of the Chief of Police being first had and obtained. Nothing in this section shall prohibit the unloading of goods, wares, and merchandise on any such sidewalk where the same is immediately removed.

SECTION 4. 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 5. 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 2024.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk



Staff Report

Meeting: City Council

Date: March 5, 2024

Item #: 8.3
General Business

Department: City Manager

Submitted by: Josh McDonnell, Assistant City Manager

Agenda Title: American Rescue Plan Act (ARPA) Fund Allocation

RECOMMENDED ACTION

Approve the allocation of expenditures of American Rescue Plan Act (ARPA) Funds toward councilmember-identified programs and projects; and adopt a resolution approving the expenditure of \$105,453 of ARPA funds.

SUMMARY

The City of Tulare received \$18,024,068 in ARPA funds from the federal government. The City Council allocated \$17,081,800 of this total towards citywide projects and programs and divided the remaining unallocated \$942,265 in ARPA funding into five equal portions of \$188,453. Each councilmember was given the responsibility of identifying programs and projects for their portion of the remaining unallocated funds.

To date, Council has allocated almost the entirety of the remaining \$942,265, with just \$116,906 remaining. Of this amount, \$93,453 has been identified by Councilmember Sigala for an improvement project on the west side of Tulare, but a specific use has yet to be identified. The remaining \$23,453 is under Mayor Sayre's purview.

Mayor Sayre and Councilmember Sigala have continued to carefully consider the requests and options available for programs and projects to fund and would like to allocate additional dollars in the following manner:

- Mayor Sayre
 - Up to \$10,000 to retain an architect to perform an assessment of the Women's Clubhouse building to determine the improvements necessary to make the facility habitable.
 - \$2,000 to purchase the brackets to hang the purchased banners for the new Military Banner Program.
- Councilmember Sigala
 - Up to \$5,000 to retain a landscape architect to perform a feasibility analysis and create renderings for a potential community garden to be located at the City-owned property located at 340 N. West Street.
 - This will decrease the total allocation for Community Improvement Project from \$93,453 as adopted in Resolution 2023-20 to \$88,453.

Staff is comfortable with allocating the amounts listed above under the current action with the caveat that the City's Purchasing Policy be followed when identifying and retaining the consultants for these efforts.

If the items above are approved by Council, \$842,359 of the \$942,265 in Council-specific ARPA designations will have been allocated, with the remaining outstanding balances assigned to Mayor Sayre (\$11,453). Although \$88,453 has been identified for Community Improvement Project by Councilmember Sigala, a more specific designation must be further identified in future Council action.

FISCAL IMPACT & FUNDING SOURCE(S)

If the recommended action above is approved by the City Council, Mayor Sayre will have \$11,453 in remaining ARPA funds to be allocated and Councilmember Sigala will have \$88,453 in remaining ARPA funds to be further allocated for a west side community project.

LEGAL REVIEW

This item does not require legal review.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

If Council denies the item, staff will search for other funding sources for this purchase.

ATTACHMENTS

1. Resolution

Reviewed/Approved: 

RESOLUTION 2024-XX

**A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE
ALLOCATING AMERICAN RESCUE PLAN FUNDS FROM THE UNITED STATES
GOVERNMENT**

WHEREAS, on March 11, 2021, the President of the United States signed into law House Bill 1315, the American Rescue Plan Act of 2021 (ARPA) to provide continued relief from the impact of the Covid-19 pandemic; and

WHEREAS, on May 10, 2021, the United States Department of the Treasury announced the launch of the Coronavirus State and Local Fiscal Recovery Funds (the "Fiscal Recovery Funds" or CSLFRF), established by ARPA, to provide \$350 billion in emergency funding for eligible state, local, territorial, and Tribal governments to recover from the COVID-19 pandemic; and

WHEREAS, the City of Tulare has been negatively impacted by the COVID-19 pandemic; and

WHEREAS, the City of Tulare has been awarded a total of \$18,024,068 in funding; such funding was received in two tranches; and

WHEREAS, the City of Tulare has received the initial funding in the amount \$18,024,068 as of September 1, 2022; and

WHEREAS, the United States Department of Treasury has adopted guidance regarding the use of ARPA funds; and

WHEREAS, the City of Tulare, in response to the pandemic, has had expenditures and anticipates future expenditures consistent with the United States Department of Treasury's ARPA guidance; and

WHEREAS, ARPA permits the City to use the Fiscal Recovery Funds to cover eligible costs incurred during the period beginning March 3, 2021, and ending December 31, 2024; and

WHEREAS, the City of Tulare must agree to specific Terms and Conditions set forth by the United States Department of Treasury as part of accepting the funds; and

WHEREAS, the City of Tulare, on December 7, 2021, adopted Resolutions 2021-52 and 2021-58 approving the allocation of \$12,351,800 ARPA funds to the following projects:

Project/Program	Amount
ARPA Consultant	\$50,000
Marketing and Social Media	\$100,000
Set aside for ongoing Pandemic Response	\$50,000
Courthouse Remodel	\$1,300,000

Downtown Façade/Rehabilitation Grant	\$1,000,000
Downtown Master Plan Update	\$100,000
Homeless Shelter	\$2,000,000
Zumwalt Park Refurbishment	\$5,000,000
Vaccination Incentive	\$220,000
City Employee One-Time Bonus	\$681,800
Fire Department Ladder Truck	\$1,500,000
Dispatch Radio Replacement	\$350,000
Total Allocation	\$12,351,800

WHEREAS, the City of Tulare, on February 15, 2022, adopted Resolution 2022-05 approving the allocation of an additional \$4,730,000 in ARPA funds to the following projects:

Project/Program	Amount
Police and Fire CAD/RMS Replacement	\$1,180,000
HWY 99 Water Crossing (International Agri-Center Way)	\$1,200,000
Financial System Replacement	\$1,650,000
Live/Recorded/Remote Council Chambers Upgrade	\$200,000
Tulare Joint Union High School – 50M Pool	\$500,000
Total Allocation	\$4,730,000

WHEREAS, the City of Tulare, on September 20, 2022, adopted Resolution 2022-52 approving the allocation of an additional \$254,039 in ARPA funds to the following projects:

Project/Program	Councilmember	Amount
Water Tower Artwork	Mederos	\$7,500
Eden House	Sayre	\$116,539
Elementary School Support	Harrell	\$15,000
Police Explorer Program	Harrell	\$5,000
Grandma's House	Isherwood,	\$10,000
	Mederos	\$5,000
Family Services of Tulare County	Isherwood	\$15,000
Mission Oak High Engineering Pathway	Isherwood	\$5,000
Tulare Boys and Girls Club Support	Isherwood	\$10,000
Japanese Internment Camp Memorial	Sigala,	\$30,000
	Isherwood,	\$15,000
	Mederos	\$5,000
Historical Museum Support	Sigala,	\$5,000
	Isherwood	\$5,000
	Mederos	\$5,000
Total Allocation		\$254,039

WHEREAS, the City of Tulare, on February 7, 2023, adopted Resolution 2023-03 approving the allocation of an additional \$639,773 in ARPA funds to the following projects:

Project/Program	Councilmember	Amount
New Life Ministries	Isherwood	\$10,000
His Heart Beats	Isherwood	\$5,000
Tulare Boxing Club	Isherwood	\$60,000
Tulare Local Hospital District	Mederos,	\$100,000
	Harrell	\$100,000
Tulare Chamber Incubator	Mederos,	\$25,000
	Sayre,	\$5,000
	Sigala,	\$10,000
	Isherwood	\$5,000
Tulare Boys and Girls Club	Mederos	\$5,000
Encore Theater Assistance	Mederos,	\$5,000
	Sayre	\$5,000
Tulare Baseball Association	Mederos,	\$2,500
	Harrell	\$2,500
Tulare Softball Association	Mederos,	\$2,500
	Harrell,	\$2,500
	Sayre,	\$5,000
	Sigala	\$25,000
Lighthouse Rescue Mission	Mederos,	\$5,000
	Sayre	\$5,000
Salt and Light	Mederos,	\$5,000
	Sayre	\$5,000
National Junior Basketball	Mederos	\$5,000
Sharks Swim Club	Mederos,	\$5,000
	Sayre	\$2,000
AYSO	Mederos,	\$2,500
	Harrell	\$2,500
TYSL	Mederos,	\$2,500
	Harrell	\$2,500
Historical Museum	Mederos,	\$953
	Harrell,	\$2,500
	Sayre	\$2,500
Future Farmers of America	Harrell	\$6,000
Japanese Internment Camp Memorial	Harrell,	\$2,500
	Sayre	\$5,000
Pop Warner	Harrell	\$5,000
Tulare Cemetery District	Harrell	\$5,000
Tulare Hospital & Comm. Health Found.	Harrell	\$5,000
Tulare Downtown Association	Harrell	\$4,100
Tulare Fire Department	Harrell	\$3,500
Happy Trails Riding Academy	Harrell	\$5,000
University of California Tulare 4-H	Harrell	\$5,000

Salvation Army Tulare	Harrell	\$3,853
Boy Scout Troop 251	Harrell	\$5,000
Family Services of Tulare County	Sayre	\$17,414
Veterans Organization Assistance	Sayre	\$5,000
Community Improvement Project	Sigala	\$118,453
Tulare Animal Services	Harrell, Sayre	\$6,000 \$10,000
Grandma's House	Sayre	\$5,000
Total Allocation		\$639,773

WHEREAS, the City of Tulare, on June 6, 2023, adopted Resolution 2023-20 approving the allocation of an additional \$118,453 in ARPA funds to the following projects:

<u>Project/Program</u>	<u>Councilmember</u>	<u>Amount</u>
Tulare Cemetery District	Isherwood	\$5,000
Tulare Youth Athletic Association	Isherwood	\$25,000
Determined by Mayor	Isherwood	\$23,453
Community Improvement Project	Sigala	\$93,453*
Hispanic Alliance for Culture, Education, and Recognition (HACER)	Sigala	\$25,000
Total Allocation		\$118,453

*A more specific designation must be further identified in future Council action

WHEREAS, the original allocation for Community Improvement Project by Councilmember Sigala for \$118,453 as approved by Resolution 2023-03, was reduced by \$25,000 at the request of Councilmember Sigala, leaving the balance for this project at \$93,453. The \$25,000 was then allocated to the Hispanic Alliance for Culture, Education, and Recognition (HACER).

WHEREAS, through the adoption of Resolutions 2021-52, 2021-58, 2022-05, 2022-52, 2023-03, and 2023-20, the City of Tulare has a remaining balance of \$116,906 in undesignated ARPA funds (the \$93,453 identified by Councilmember Sigala for a Community Improvement Project on the west side of Tulare in Resolutions 2023-03 and 2023-20 needs to be more specifically allocated and thus is identified as unallocated funds for this resolution); and

WHEREAS, the City of Tulare has analyzed and considered a variety of programs and projects for additional ARPA funding allocations.

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

Section 1. The City of Tulare is authorized to accept and receive funding under the American Rescue Plan Act (ARPA) and re-verifies that it accepts the total allocation of \$18,024,068 of Fiscal Recovery Funds from the United States Department of Treasury.

Section 2. The City Council's adoption of Resolutions 2021-52 and 2021-58 approving the allocation of \$12,351,800 in ARPA funds remains in full force and effect.

Section 3. The City Council's adoption of Resolution 2022-05 approving the allocation of \$4,730,000 in ARPA funds remains in full force and effect.

Section 4. The City Council's adoption of Resolution 2022-52 approving the allocation of \$254,039 in ARPA funds remains in full force and effect.

Section 5. The City Council's adoption of Resolution 2023-03 approving the allocation of \$639,773 in ARPA funds remains in full force and effect with the exception of \$118,453 for Community Improvement Project as requested by Councilmember Sigala which was reduced to \$93,453 with the adoption of Resolution 2023-20.

Section 6. The City Council's adoption of Resolution 2023-20 approving the allocation of \$55,000 in ARPA funds remains in full force and effect with the exception of \$93,453 for Community Improvement Project as requested by Councilmember Sigala which is being reduced to \$88,453 with the adoption of this resolution and requires further specificity.

Section 7. An additional \$105,453 in ARPA funding is hereby allocated to programs and projects as follows:

Project/Program	Councilmember	Amount
Women's Clubhouse Structural Study	Sayre	\$10,000
Military Banner Program Brackets	Sayre	\$2,000
Community Garden Feasibility Study and Renderings	Sigala	\$5,000
Community Improvement Project*	Sigala	\$88,453
Total Allocation		\$105,453

*A more specific designation must be further identified in future Council action

Section 8. This resolution shall take effect upon its adoption by the City Council

PASSED, APPROVED, AND ADOPTED on this 5th day of March 2024.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk

COUNCIL ITEM REQUEST FORM



City of Tulare
Agri-Center of the World

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 COUNCILMEMBER JOSE SIGALA	TODAY'S DATE 2-26-24	AGENDA DATE 3-5-24
ITEM TITLE Request For Re-Zoning of Parcel		
BRIEF DESCRIPTION/BACKGROUND INFORMATION OF ITEM Dear Council Members, I would like to request your support in agendizing a discussion on the possibility of annexing into the city limits and re-zoning a parcel located at the Southwest corner of Bardsley and West to a C-1 zone. (APN 174-010-013) There is a need to set aside more land on the westside that would be designated for commercial use and encourage more commercial businesses to set up on the westside that would service residents. The property is currently owned by the City of Tulare Public Works department and it is about 5.2 acres. It is located in the county. The agenda item would also include a request for staff to research the steps necessary to achieve this re-zoning. It would get us one step closer to more businesses. Thank you for your consideration. JOSE		