

AGENDA

**TULARE CITY COUNCIL
TUESDAY, May 2, 2017
Closed Session 6:00 p.m.
Regular Session 7:00 p.m. (Or, immediately following Closed Session)
TULARE PUBLIC LIBRARY & COUNCIL CHAMBERS
491 North "M" Street**

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

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

6:00 p.m.

I. CALL TO ORDER CLOSED SESSION

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

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

(a) 54957(b)(1) – Public Employment: City Manager

The following closed session items may be heard at the end of the regular meeting, if there is not enough time to address during the 6 p.m. closed session:

(b) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation [*Re: discussion and advice on Request to Correct Brown Act Violations by Saputo Cheese USA and Saputo Dairy Foods USA on April 6, 2017, relating to alleged violations of notice provisions codified in the California Brown Act and the Code of Federal Regulations (40 C.F.R. 405.3(c) in the adoption of Ordinance 17-03 on March 21, 2017.*]

(c) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (3)
Name of Case: Vohra v. City of Tulare, TCSC Case No. VCU266567
Name of Case: City of Tulare v. Tulare Lodging Associates (DBA Fairfield Inns and Suites), TCSC Case No. VCU268840

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

IV. RECONVENE CLOSED SESSION

V. CLOSED SESSION REPORT (if any)

VI. ADJOURN CLOSED SESSION

VII. CALL TO ORDER REGULAR SESSION

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

IX. CITIZEN COMMENTS

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

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

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

X. COMMUNICATIONS

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

XI. CONSENT CALENDAR

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

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of April 11 and April 18, 2017 special/regular meeting(s).
- (3) Declare Howard Stroman's at-large seat on the Police Review Board vacant and direct staff to post the vacancy and solicit additional applications.

- (4) Approve an agreement between Rumaldo R. Saenz and the City of Tulare to construct and finance utility connections and/or sidewalk, curb, gutter, and driveway construction, and place costs thereof on property tax rolls in installments.
- (5) Approve the Parcel Map filed by Greg Nunley for the division of land located at the southeast corner of Seminole Avenue and Mooney Blvd. (State Route 63) for recordation, and accept all easements and dedications offered to the City.
- (6) Accept a Grant of Easement from Kings Rehabilitation Center, Inc., a California Corporation, for pedestrian purposes located at the north east corner of Cross Avenue and "L" Street. Authorize the City Manager to sign the Certificate of Acceptance.
- (7) Receive, review, and file the Monthly Investment Report for March 2017.
- (8) **Adopt Resolution 17-20** authorizing the disposal/recycling of one (1) City Police Patrol Vehicle unit #0322.

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

XIII. MAYOR'S REPORT

XIV. STUDENT REPORTS

XV. GENERAL BUSINESS

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

- (1) Public Hearing:
 - a. Public Hearing to **pass-to-print Ordinance 17-04** adopting amended Section 9.12.019 of Chapter 9.12 of the City Code of Tulare entitled and pertaining to Prima Facie Speed Limits in the City of Tulare.
- (2) City Manager:
 - a. Consideration to appoint Richard (Dick) Johnson to the Aviation Committee or direct staff to solicit additional applications.
- (3) Engineering:
 - a. Consideration of a request by Great Valley Builder's, Inc. and Hidden Oak Development, Inc. to release all remaining lots for issuance of building permits

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for the Bella Oaks subdivision, and receive Council direction regarding provisions of a proposed development agreement for improvements to Mooney Boulevard (State Route 63).

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

The following closed session items may be heard at the end of the regular meeting, if there is not enough time to address during the 6 p.m. closed session:

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

- (a) 54956.9(e)(2) Conference with Legal Counsel – Anticipated Litigation *[Re: discussion and advice on Request to Correct Brown Act Violations by Saputo Cheese USA and Saputo Dairy Foods USA on April 6, 2017, relating to alleged violations of notice provisions codified in the California Brown Act and the Code of Federal Regulations (40 C.F.R. 405.3(c) in the adoption of Ordinance 17-03 on March 21, 2017.]*
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XVIII. RECONVENE FROM CLOSED SESSION

XIX. CLOSED SESSION REPORT (if any)

XX. ADJOURN REGULAR MEETING

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

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