

TO: Mayor and City Council Members
FROM: Rob Hunt, City Manager
SUBJECT: September 15, 2020 Agenda Items
DATE: September 9, 2020

6:30 p.m.

I. CALL TO ORDER CLOSED SESSION

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

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

- (a) 54957.6b Conference with Labor Negotiators
Represented/Unrepresented Employee(s): Fire Unions
Negotiators: Rob Hunt, Janice Avila, Mario Zamora [Submitted by: J. Avila; M. Zamora]

IV. RECONVENE CLOSED SESSION

V. CLOSED SESSION REPORT (if any)

VI. ADJOURN CLOSED SESSION

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

VII. CALL TO ORDER REGULAR SESSION

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

IX. CITIZEN COMMENTS

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

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

hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.

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

X. COMMUNICATIONS

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

XI. CONSENT CALENDAR

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

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of September 1, 2020 special/regular meeting. [Submitted by: R. Yoder]** The minutes of September 1, 2020 special/regular meeting are submitted for your approval. **Staff recommends Council approve as presented.**
- (3) Approve the cancellation of Tulare City Council meeting scheduled for Tuesday, November 3, 2020, due to a lack of business and Election Night activities. [Submitted by: R. Hunt]** Due to the lack of pending business and Election Night activities for three of our sitting council members staff recommends cancelling the November 3, 2020, council meeting. **Staff recommends Council approve the cancellation of Tulare City Council meeting scheduled for Tuesday, November 3, 2020, due to a lack of business and Election Night activities, as requested.**
- (4) Adopt Ordinance 2020-09, an Ordinance revising Chapter 5.96 of the City of Tulare Municipal Code allowing businesses to sell non-inhalable or non-edible forms of cannabidiol (CBD) products without a cannabis license, and subject to additional restrictions on marketing and packaging. [Submitted by: M. Zamora]** On September 1, 2020, by a vote of 3 to 0 (Council Members Jones and Nunley absent) passed-to-print Ordinance 2020-09 revising Chapter

5.96 of the City's Municipal Code providing for the sale of non-inhalable or non-edible forms of CBD products without a license. **Staff recommends Council adopt Ordinance 2020-09, an Ordinance revising Chapter 5.96 of the City of Tulare Municipal Code allowing businesses to sell non-inhalable or non-edible forms of cannabidiol (CBD) products without a cannabis license, and subject to additional restrictions on marketing and packaging, as presented.**

- (5) **Adopt Resolution 2020-45 initiating proceedings and intention to set a public hearing for Landscape Maintenance District 2020-01 for the Farrar Estates subdivision. [Submitted by: M. Miller]** The Owners and Developers of the approved Farrar Estates tentative subdivision map have petitioned the City to establish an assessment district for their proposed development located north of Tulare Avenue and west of Morrison Street. This assessment district will provide for maintenance of landscaping, irrigation systems, park and playground equipment, pedestrian sidewalks and block walls associated with common lot areas, maintenance of local streets, and maintenance of the storm drainage basin serving the area within the district boundaries.

A public hearing is required and is requested to be set for October 6, 2020. Adoption of the two attached resolutions is the initial step in the formation of the assessment district. **Staff recommends Council adopt Resolution 2020-45 initiating proceedings and intention to set a public hearing for Landscape Maintenance District 2020-01 for the Farrar Estates subdivision, as presented.**

- (6) **Award and authorize the City Manager or designee to sign a contract with Talley Oil, Inc. of Madera, CA, for a total amount of \$211,275.60 for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent; subject only to minor conforming or clarifying changes acceptable to the City Attorney; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$21,127.56) of the contract award amount. [Submitted by: A. Bettencourt]** Asphalt rejuvenation emulsion is a product sprayed on streets to restore asphalt elasticity and to lengthen the life of the pavement. It is necessary to close travel lanes during application until the emulsion oil breaks and clean-washed sand is applied immediately to restore traction. This method of extending pavement life is used in many cities and counties, and was started in Tulare sixteen years ago with the last treatment of this type completed in 2018.

This project is a turnkey operation wherein the Contractor will be responsible for the application of the material, as well as the supply and delivery. Staff will be overseeing the project to ensure that it conforms to City expectations.

The bid fixes a price to supply, deliver and apply approximately 12,924 gallons of an asphalt rejuvenating agent to approximately 161,543.8 square yards of City-owned streets. A list of the streets to receive the treatment is attached.

The Engineer's Estimate for this project was \$240,000.

The RFB was published on August 14 and August 21, 2020 through local media and vendors. On September 3, 2020, the City of Tulare received and opened the following bid pertaining to RFB 21-717:

Bidder	Location	Mobilization	Traffic Control	Install	Total Bid
Talley Oil Inc.	Madera, CA	\$10,000.00	\$15,500.00	\$185,775.60	\$211,275.60

The bid was evaluated to determine if it was responsive to the requirements and instructions contained in the bid documents. It has been determined that Talley Oil, Inc. of Madera, CA, has submitted a responsive bid with the overall lowest unit costs for contract bid items. The work to be performed under this contract is a component of the Transportation System Planning Policy (Administrative Policy 15-01), and is programmed in the Transportation CIP annually. Talley Oil, Inc. possesses a current and active Class A General Engineering Contractor's license issued by the State of California.

Talley Oil, Inc. has examined the location of the proposed work, specifications, and all accompanying bid instructions, and proposes and agrees to furnish all materials and labor to do all the work required to complete said work in accordance with all stated specifications, and Contract Documents in the time and manner therein prescribed, for the proposed price. **Staff recommends Council award and authorize the City Manager or designee to sign a contract with Talley Oil, Inc. of Madera, CA, for a total amount of \$211,275.60 for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent; subject only to minor conforming or clarifying changes acceptable to the City Attorney; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$21,127.56) of the contract award amount, as presented.**

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

XIII. MAYOR'S REPORT

XIV. GENERAL BUSINESS

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

(1) Economic Development:

- a. **Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare. [Submitted by: T. Myers]** Applicant, GGH 1, LLC, are developers currently developing projects in the Central Valley, including Tulare. In addition, Mr. Roberts has completed projects in Southern California, Georgia, Colorado, Michigan and Texas.

Applicants have submitted the attached Economic Development Assistance Application requesting assistance with costs of public improvements associated with the development of a four acre retail center on Prosperity Avenue. The developer is working with highly desirable quick service restaurants (QSR's) to locate on three parcels fronting Prosperity. These three QSR's will generate both sales tax and property tax for the City as well as contribute to the quality of life in the City of Tulare.

This development has been in the process for two years. The developer has been forced to be creative and incur significant extra costs to navigate the many challenges caused by the COVID pandemic.

The developer is requesting an economic development assistance grant to assist with the funding of off-site improvements associated with the project. A left turn pocket from west-bound Prosperity Avenue between Brentwood Street and North Laspina Street must be installed to accommodate the high profile QSR's slated for the project. The left turn lane will provide for improved traffic flows and is a necessary element of the project. The cost of the turn lane is approximately \$60,000.

The developers have met with representatives from the Greater Tulare Chamber Trust and the Tulare Local Development Corporation who offered low interest loans on the project and not grants.

Currently, the economic development assistance fund has a cash balance of \$21,357. The fund balance is encumbered by a 2018 award allocation to Kaweah Brewing in the sum of \$30,000. The difference in the cash on hand and the fund balance results from a reconciliation of the account after all Council approved disbursements were made, which include prior awards for payment of building permits fees. Should Council wish to award GGH 1, LLC, an economic development assistance grant, it will be necessary to unencumber the current allocation to Kaweah Brewing. Staff has been in contact with Kaweah Brewing and while they are still committed to developing additional sites in Tulare, there is no project pending to date.

Staff recommends Council consider and provide direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare.

b. Census Update PowerPoint. [Submitted by: M. Roache]

(2) Police:

a. Presentation on the Tulare Police Department's Trespass Enforcement Program (TEP). [Submitted by: W. Hensley] On 08/18/2020, Mayor Jose Sigala requested to agendize the Tulare Police Department Trespass Enforcement Program for a Council presentation.

The TEP was created in 2015, which, allows property owners and managers to submit a signed authorization permitting law enforcement to make trespassing arrests in their physical absence.

In addition to the signed authorization, the property owner must purchase and post clearly marked signage identifying participation in this program.
Informational Item Only.

(3) City Manager:

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

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

XVI. ADJOURN REGULAR MEETING

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

September 1, 2020

A closed session of the City Council, City of Tulare was held on Tuesday, September 1, 2020, at 6:30 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos

COUNCIL PRESENT VIA ZOOM/TELECONFERENCE: Terry Sayre

COUNCIL ABSENT: Carlton Jones, Greg Nunley

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Wes Hensley, Janice Avila, Darlene Thompson, Jason Bowling, Clay Roberts, Roxanne Yoder

I. CALL TO ORDER CLOSED SESSION

Mayor Sigala called the closed session to order at 6:31 p.m.

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

There were no public comments.

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

Mayor Sigala adjourned to closed session for items as noted by City Attorney Mario Zamora at 6:34 p.m.

- (a) 54956.8b Conference with Real Property Negotiators
Property: Tulare County Courthouse property APN #176-062-014, 425 East Kern Ave and an adjacent parking lot, APN # 176-063-021
Negotiators: Rob Hunt, Josh McDonnell, Mario Zamora, Darlene Thompson
[Submitted by: J. McDonnell]

IV. RECONVENE CLOSED SESSION

Mayor Sigala reconvened from closed session at 7:05 p.m.

V. CLOSED SESSION REPORT (if any)

Mayor Sigala advised there was no reportable action.

VI. ADJOURN CLOSED SESSION

Mayor Sigala adjourned closed session at 7:05 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, September 1, 2020, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North “M” Street.

COUNCIL PRESENT: Jose Sigala, Dennis A. Mederos

COUNCIL PRESENT VIA ZOOM/TELECONFERENCE: Terry Sayre

COUNCIL ABSENT: Carlton Jones, Greg Nunley

STAFF PRESENT: Rob Hunt, Josh McDonnell, Mario Zamora, Traci Myers, Michael Miller, Trisha Whitfield, Craig Miller, Luis Nevarez, Janice Avila, Wes Hensley, Nick Bartsch, Jason Bowling, Clay Roberts, Roxanne Yoder

VII. CALL TO ORDER REGULAR SESSION

Mayor Sigala called the regular session to order at 7:05 p.m.

VIII. PLEDGE OF ALLEGIANCE AND INVOCATION

Mayor Sigala led the Pledge of Allegiance and Council Member Sayre led the invocation.

IX. CITIZEN COMMENTS

Mayor Sigala requested those who wish to speak on matters not on the agenda within the jurisdiction of the Council, or to address or request a matter be pulled from the consent calendar to do so at this time. He further stated comments related to general business matters would be heard at the time that matter is addressed on the agenda.

Debra McAlpine addressed the Council to thank the City for their efforts on mitigating the criminal activity at their mobile home park.

Donnette Silva-Carter, Tulare Chamber CEO provided an update on their Covid-19 efforts.

X. COMMUNICATIONS

City Manager Rob Hunt provided an update to the Council on staff's progress in bringing forward for Council's consideration regarding criteria and development standards regarding transitional housing with a projected date October 6, 2020. Mr. Hunt further advised that an item will be forth coming for Council's review and discussion related to the City's Nuisance Ordinance as it relates to parking.

XI. CONSENT CALENDAR:

It was moved by Vice Mayor Mederos, seconded by Council Member Sayre, and carried 3 to 0 (Council Members Jones and Nunley absent) that the items on the Consent Calendar be approved as presented.

- (1) Authorization to read ordinances by title only.
- (2) Approve minutes of August 18, 2020 special/regular meeting. [Submitted by: R. Yoder]
- (3) Council Member Sayre's selection of Aaron Gomes to serve as her respective appointment to the Strategic Action Ad Hoc Committee on Homelessness. [Requested by: Council Member Sayre]
- (4) Adopt Resolution 2020-44, an Addendum to the Mitigated Negative Declaration (MND) previously approved and certified by the Council of the City of Tulare for The Greens at Oak Creek Subdivision Project as part of Resolution 17-42 on September 19, 2017. [Submitted by: T. Myers]
- (5) Authorize the City Manager to execute a contract change order in the amount of \$364,619.00 with Valley Pump & Dairy Systems Inc. for Add Alternative #1 of the Storm Sewer Lift Stations Upgrades Project (Projects SD0016, SD0017, SD0018), and increase the amount the City Manager or his designee is authorized to approve for contract change orders to 10% of the revised contract amount (an additional \$36,461.90). [Submitted by: J. Funk]
- (6) Authorize the City Manager to complete and execute the documents necessary to declare as public right-of-way a portion of the "K" Street and Bardsley Avenue well site (Well 4-3: Project WT0040 – Pratt Water System Improvement Project), subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: J. Funk]
- (7) Receive the monthly investment report for July 2020. [Submitted by: D. Thompson]

XII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Proclamation presentation in recognition of Railroad Safety Month.**
Mayor Sigala presented the proclamation to City Engineer Michael Miller on behalf of the Tulare County Association of Governments who requested this item.

XIII. MAYOR'S REPORT

Mayor Sigala thanked staff for managing the business mini grants. He further commented on the Tulare County Mask-Up Program and that he would be handing

out 10 \$100 gift cards to mask wearing individuals to reward them on their continued efforts to wear masks to help slow the spread.

XIV. GENERAL BUSINESS

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

(1) Public Hearing:

- a. **Public Hearing to pass-to-print Ordinance No. 2020-09, an Ordinance revising Chapter 5.96 of the City of Tulare Municipal Code allowing businesses to sell non-inhalable or non-edible forms of cannabidiol (CBD) products without a cannabis license, and subject to additional restrictions on marketing and packaging. [Submitted by: M. Zamora]** City Attorney Mario Zamora provided a report for the Council's review and consideration. Mayor Sigala opened the public hearing at 7:24 p.m., receiving no public comment he closed the public hearing at 7:24 p.m. With no discussion, it was moved by Mayor Sigala, seconded by Council Member Sayre and carried 3 to 0 (Council Members Jones and Nunley absent) to pass-to-print Ordinance 2020-09, as presented.

(2) Community and Economic Development:

- a. **Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four acre retail development on Prosperity Avenue in the City of Tulare. [Submitted by: T. Myers]** Mayor Sigala advised that this item will be continued to September 15, 2020; however, it allowed Mike Jamaica to address the Council in support of this item.
- b. **PowerPoint Presentation Census Update. [T. Myers]** Community & Economic Development Director Traci Myers introduced the item and Librarian Mollie Roache, who provided a PowerPoint presentation on the current Census efforts. Ms. Roache noted that the deadline of October 31 was changed to September 30 by Presidential Executive Order. Council asked if the Police Department Facebook page could be used to notify the community of Census workers being in area neighborhoods and to place this item on the September 15 agenda to continue to promote the completion of the Census.

(3) City Manager:

- a. **Select Voting Delegate and alternate for League of California Cities VIRTUAL Annual Conference business session to be held Friday, October 9, 2020, authorize the City Clerk to execute the delegate form;**

and provide direction to Voting Delegate on the City's position (support, oppose, or no position) on League Resolution Packet. [Submitted by: R. Hunt] City Manager Rob Hunt provided a report for the Council's review and consideration. Following discussion, it was moved by Mayor Sigala, seconded by Vice Mayor Mederos and carried 3 to 0 (Council Members Jones and Nunley absent) to select Council Member Sayre as the City's voting delegate and Vice Mayor Mederos as the City's voting alternate, if necessary. Following discussion, it was further moved by Mayor Sigala, seconded by Vice Mayor Mederos and carried 3 to 0 (Council Members Jones and Nunley absent) to support the League Resolution as presented.

b. Update, discussion and receive direction, if necessary, regarding COVID-19, etc. [Submitted by: R. Hunt] City Manager Rob Hunt provided an update for the Council's review and consideration.

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

XVI. ADJOURN REGULAR MEETING

Mayor Sigala adjourned the regular meeting at 8:06 p.m.

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

ATTEST:

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

AGENDA ITEM: Consent 3

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

Submitting Department: City Manager

For Council Meeting of: September 15, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Approve the cancellation of Tulare City Council meeting scheduled for Tuesday, November 3, 2020, due to a lack of business and Election Night activities.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Due to the lack of pending business and Election Night activities for three of our sitting council members staff recommends cancelling the November 3, 2020, council meeting.

STAFF RECOMMENDATION:

Approve the cancellation of Tulare City Council meeting scheduled for Tuesday, November 3, 2020, due to a lack of business and Election Night activities.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Rob Hunt

Title: City Manager

Date: September 8, 2020

City Manager Approval: _____

ORDINANCE NO. 2020-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TULARE REVISING CHAPTER 5.96 OF THE TULARE MUNICIPAL CODE SECTION 5.96.240 PERTAINING TO THE DEFINITION OF CANNABIS AND ADDING SECTION 5.96.250 PERTAINING TO PACKAGING, DESIGN AND MARKETING

WHEREAS, the City Council of the City of Tulare, a Charter city under California law, finds the need to revise section 5.96.240 of Chapter 5.96 of Title 5 of the City of Tulare Municipal Code regarding the definition of “Cannabis”.

WHEREAS, the purpose of the revisions of this Ordinance is to permit the sale of non-inhalable or non-edible forms of cannabidiol (CBD) of (0.3 percent per weight or less of THC) products without a regulatory permit or retail permit.

WHEREAS, the City Council of the City of Tulare, a Charter city under California law, finds the need to add section 5.96.250 to Chapter 5.96 of Title 5 of the City of Tulare Municipal Code.

WHEREAS, the purpose of the addition is to prohibit businesses from selling CBD products which are designed to be attractive to children.

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

SECTION 1: The definition of “Cannabis” in Section 5.96.240 of Chapter 5.96 of Title 5 of the City of Tulare Municipal Code is hereby revised as follows:

5.96.240 **Definitions**

...

“Cannabis” means all parts of the plant Cannabis sativa Linnaeus, Cannabis indica, or Cannabis ruderalis, or any other strain or varietal of the genus Cannabis that may exist or hereafter be discovered or developed that has psychoactive or medicinal properties, whether growing or not, including the seeds thereof. “Cannabis” also means 1) cannabis as defined by Section 11018 of the Health and Safety Code as enacted by Chapter 1407 of the Statutes of 1972, and amended by the California Control, Regulate and Tax Adult Use of Cannabis Initiative, 2) industrial hemp as defined by Section 11018.5 of the Health and Safety Code, and 3) as defined by other applicable State law. “Cannabis” shall not mean cannabidiol (CBD) or hemp products of (.03 percent per weight or less of THC), such as creams or lotions, so long as those products cannot be inhaled, or manufactured as edible food products.

...

SECTION 2: Section 5.96.250 of Chapter 5.96 of Title 5 of the City of Tulare Municipal Code is hereby added as follows:

5.96.250 Packaging, Design and Marketing

Businesses shall not be permitted to sell any cannabis or CBD products, which may be attractive to children by packaging, design, or marketing.

SECTION 3: This Ordinance shall go into full force and effect _____, 2020.

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

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

ATTEST:

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

AGENDA ITEM: Consent 5

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering Services

For Council Meeting of: September 15, 2018

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Adopt Resolution 2020-___ initiating proceedings and intention to set a public hearing for Landscape Maintenance District 2020-01 for the Farrar Estates subdivision.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The Owners and Developers of the approved Farrar Estates tentative subdivision map have petitioned the City to establish an assessment district for their proposed development located north of Tulare Avenue and west of Morrison Street. This assessment district will provide for maintenance of landscaping, irrigation systems, park and playground equipment, pedestrian sidewalks and block walls associated with common lot areas, maintenance of local streets, and maintenance of the storm drainage basin serving the area within the district boundaries.

A public hearing is required and is requested to be set for October 6, 2020. Adoption of the two attached resolutions is the initial step in the formation of the assessment district.

STAFF RECOMMENDATION:

Adopt Resolution 2020-___ initiating proceedings for the formation of Assessment District No. 2020-01 and to set October 6, 2020 as the date for a Public Hearing to consider the formation of Assessment District No. 2020-01.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Michael Miller

Title: City Engineer

Date: September 7, 2020

City Manager Approval: _____

AGENDA ITEM: Consent 6

**CITY OF TULARE, CALIFORNIA
CITY COUNCIL
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Public Works – Streets Division

For Council Meeting of: September 15, 2020

Documents Attached: Ordinance Resolution Other None

AGENDA ITEM:

Award and authorize the City Manager or designee to sign a contract with Talley Oil, Inc. of Madera, CA, for a total amount of \$211,275.60 for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent; subject only to minor conforming or clarifying changes acceptable to the City Attorney; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$21,127.56) of the contract award amount.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Asphalt rejuvenation emulsion is a product sprayed on streets to restore asphalt elasticity and to lengthen the life of the pavement. It is necessary to close travel lanes during application until the emulsion oil breaks and clean-washed sand is applied immediately to restore traction. This method of extending pavement life is used in many cities and counties, and was started in Tulare sixteen years ago with the last treatment of this type completed in 2018.

This project is a turnkey operation wherein the Contractor will be responsible for the application of the material, as well as the supply and delivery. Staff will be overseeing the project to ensure that it conforms to City expectations.

The bid fixes a price to supply, deliver and apply approximately 12,924 gallons of an asphalt rejuvenating agent to approximately 161,543.8 square yards of City-owned streets. A list of the streets to receive the treatment is attached.

The Engineer’s Estimate for this project was \$240,000.

The RFB was published on August 14 and August 21, 2020 through local media and vendors. On September 3, 2020, the City of Tulare received and opened the following bid pertaining to RFB 21-717:

Bidder	Location	Mobilization	Traffic Control	Install	Total Bid
Talley Oil Inc.	Madera, CA	\$10,000.00	\$15,500.00	\$185,775.60	\$211,275.60

The bid was evaluated to determine if it was responsive to the requirements and instructions contained in the bid documents. It has been determined that Talley Oil, Inc. of Madera, CA, has submitted a responsive bid with the overall lowest unit costs for contract bid items. The work to be performed under this contract is a component of the Transportation System Planning Policy (Administrative Policy 15-01), and is programmed in the Transportation CIP annually. Talley Oil, Inc. possesses a current and active Class A General Engineering Contractor's license issued by the State of California.

Talley Oil, Inc. has examined the location of the proposed work, specifications, and all accompanying bid instructions, and proposes and agrees to furnish all materials and labor to do all the work required to complete said work in accordance with all stated specifications, and Contract Documents in the time and manner therein prescribed, for the proposed price.

STAFF RECOMMENDATION:

Award and authorize the City Manager or designee to sign a contract with Talley Oil, Inc. of Madera, CA, for a total amount of \$211,275.60 for the turnkey supply, delivery and application of asphaltic pavement preservation rejuvenating agent; subject only to minor conforming or clarifying changes acceptable to the City Attorney; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$21,127.56) of the contract award amount.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Signed: Andrew Bettencourt

Title: Management Analyst

Date: September 4, 2020

City Manager Approval: _____

RESOLUTION 2020- _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE INITIATING
PROCEEDINGS FOR ASSESSMENT DISTRICT NO. 2020-01
(Pursuant to the Landscaping and Lighting Act of 1972)**

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

1. The City Council proposes to form an assessment district pursuant to the Landscaping and Lighting Act of 1972 (Section 22500 and following, Streets and Highway Codes) for the following improvements:

2020-01: maintenance of landscaping, irrigation systems, park and playground equipment, pedestrian sidewalks and block walls associated with common lot areas, maintenance of local streets, and maintenance of the storm drainage basin serving the area within the district boundaries.

2. The proposed district shall be designated Assessment District 2020-01 and shall include the land shown on the map designated, "Assessment Diagram", as attached.
3. The City Engineer of the City of Tulare is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the City Engineer to prepare and file with the City Clerk a report in accordance with Article 4, Chapter 1 of the Landscaping and Lighting Act of 1972.
4. On October 6, 2020, at the hour of 7:00 p.m., or shortly thereafter, the City Council will conduct a public hearing to receive testimony regarding the establishment of Assessment District No. 2020-01 and subsequent assessment of fees. The hearing will be held at the meeting place of the City Council located at the Tulare Public Library and Council Chambers, 491 North "M" Street, Tulare, California.
5. The City Clerk is authorized and directed to give the notice of hearing required by the Landscaping and Lighting Act of 1972.

Passed, approved, and adopted this 15th day of September, 2020.

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

ATTEST:

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss
CITY OF TULARE)

I, Rob Hunt, City Clerk of the City of Tulare, certify that the foregoing is the full and true Resolution 2020-____ passed and adopted by the Council of the City of Tulare at a regular meeting held on the 15th day of September, 2020 by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated: _____

ROB HUNT, CITY CLERK

BY: Roxanne Yoder, Chief Deputy

ASPHALT REJUVENATION LOCATIONS AND APPLICATION RATES TABLE

<u>STREETS</u>	<u>BOUNDARY</u>	<u>LENGTH</u>	<u>WIDE</u>	<u>RATE</u>	<u>GAL</u>	<u>SQ. YDS</u>
<u>Yellowstone St</u>	<u>Colorado Ave/American Ave</u>	<u>660</u>	<u>32</u>	<u>0.08</u>	<u>188</u>	<u>2346.7</u>
<u>Yellowstone St</u>	<u>American Ave/Delaware Ave</u>	<u>960</u>	<u>32</u>	<u>0.08</u>	<u>273</u>	<u>3413.3</u>
<u>American Ave</u>	<u>Tulare Dr/Cumberland St.</u>	<u>400</u>	<u>40</u>	<u>0.08</u>	<u>142</u>	<u>1777.8</u>
<u>Cumberland St</u>	<u>C/S/Hudson Ave</u>	<u>950</u>	<u>32</u>	<u>0.08</u>	<u>270</u>	<u>3377.8</u>
<u>Hudson Ave</u>	<u>Cumberland St/White St</u>	<u>325</u>	<u>32</u>	<u>0.08</u>	<u>92</u>	<u>1155.6</u>
<u>White St</u>	<u>Hudson Ave/Maricopa Dr</u>	<u>490</u>	<u>32</u>	<u>0.08</u>	<u>139</u>	<u>1742.2</u>
<u>White St</u>	<u>Maricopa Dr/Colorado Ave</u>	<u>440</u>	<u>32</u>	<u>0.08</u>	<u>125</u>	<u>1564.4</u>
<u>White St</u>	<u>Colorado Ave/C/S</u>	<u>121</u>	<u>32</u>	<u>0.08</u>	<u>34</u>	<u>430.2</u>
<u>Maricopa Dr</u>	<u>Cumberland Ct/W Inyo Ave</u>	<u>1220</u>	<u>40</u>	<u>0.08</u>	<u>434</u>	<u>5422.2</u>
<u>Delaware Ave</u>	<u>Yellowstone St/Maricopa Dr</u>	<u>760</u>	<u>32</u>	<u>0.08</u>	<u>216</u>	<u>2702.2</u>
<u>Colorado Ave</u>	<u>Yellowstone St/C/S</u>	<u>1340</u>	<u>32</u>	<u>0.08</u>	<u>381</u>	<u>4764.4</u>
<u>Rio Grande St</u>	<u>Colorado Ct/Maricopa Dr</u>	<u>540</u>	<u>32</u>	<u>0.08</u>	<u>154</u>	<u>1920</u>
<u>Feather Ct</u>	<u>Rio Grande St/C/S</u>	<u>220</u>	<u>32</u>	<u>0.08</u>	<u>63</u>	<u>782.2</u>
<u>Arkansas Ave</u>	<u>Maricopa Dr/C/S</u>	<u>360</u>	<u>32</u>	<u>0.08</u>	<u>102</u>	<u>1280</u>
<u>Gemini St</u>	<u>W Inyo Ave/C/S</u>	<u>788</u>	<u>32</u>	<u>0.08</u>	<u>224</u>	<u>2801.8</u>
<u>Gemini St</u>	<u>Gemini St/C/S</u>	<u>180</u>	<u>32</u>	<u>0.08</u>	<u>54</u>	<u>675.6</u>
<u>Arkansas Ct</u>	<u>West of Gemini St/C/S</u>	<u>258</u>	<u>32</u>	<u>0.08</u>	<u>73</u>	<u>917.3</u>
<u>Arkansas Ct</u>	<u>East of Gemini St/C/S</u>	<u>117</u>	<u>32</u>	<u>0.08</u>	<u>33</u>	<u>416</u>

<u>Delaware Ct</u>	<u>Gemini St/C/S</u>	<u>259</u>	<u>28</u>	<u>0.08</u>	<u>64</u>	<u>805.8</u>
<u>Tahoe Ave</u>	<u>Turner Dr/South Placer St</u>	<u>130</u>	<u>40</u>	<u>0.08</u>	<u>46</u>	<u>577.8</u>
<u>South Placer St</u>	<u>E. Toulumne Ave/C/S</u>	<u>426</u>	<u>32</u>	<u>0.08</u>	<u>121</u>	<u>1514.7</u>
<u>Tahoe Ave</u>	<u>South Placer St/S. Foster Dr</u>	<u>916</u>	<u>40</u>	<u>0.08</u>	<u>326</u>	<u>4071.1</u>
<u>S. Foster Dr</u>	<u>E. Toulumne Ave/C/S to E/R</u>	<u>870</u>	<u>32</u>	<u>0.08</u>	<u>247</u>	<u>3093.3</u>
<u>Tahoe Ave</u>	<u>S. Foster Dr/C/S</u>	<u>76</u>	<u>40</u>	<u>0.08</u>	<u>27</u>	<u>337.8</u>
<u>E. Toulumne Ave</u>	<u>South Placer St/S. Foster Dr</u>	<u>917</u>	<u>32</u>	<u>0.08</u>	<u>261</u>	<u>3260.4</u>
<u>E. Solano Ave.</u>	<u>E/R to E/R</u>	<u>950</u>	<u>32</u>	<u>0.08</u>	<u>270</u>	<u>3377.8</u>
<u>S. Plumas St.</u>	<u>E. Toulumne/E. Solano Ave</u>	<u>242</u>	<u>32</u>	<u>0.08</u>	<u>69</u>	<u>860.4</u>
<u>S. Yolo Ct.</u>	<u>E. Solano Ave/C/S</u>	<u>273</u>	<u>32</u>	<u>0.08</u>	<u>78</u>	<u>970.7</u>
<u>E. Toulumne Ave</u>	<u>S. Foster Dr/C/S</u>	<u>91</u>	<u>40</u>	<u>0.08</u>	<u>32</u>	<u>404.4</u>
<u>E. San Joaquin Ave</u>	<u>North O St/North M St</u>	<u>356</u>	<u>52</u>	<u>0.08</u>	<u>165</u>	<u>2056.9</u>
<u>E. San Joaquin Ave</u>	<u>North N St/North M St</u>	<u>355</u>	<u>52</u>	<u>0.08</u>	<u>164</u>	<u>2051.1</u>
<u>E. San Joaquin Ave</u>	<u>North M St/North L St</u>	<u>354</u>	<u>52</u>	<u>0.08</u>	<u>164</u>	<u>2045.3</u>
<u>E. San Joaquin Ave</u>	<u>North L St/North K St</u>	<u>360</u>	<u>52</u>	<u>0.08</u>	<u>166</u>	<u>2080</u>
<u>E. San Joaquin Ave</u>	<u>North K St/North J St</u>	<u>345</u>	<u>52</u>	<u>0.08</u>	<u>159</u>	<u>1993.3</u>
<u>Ser Ct.</u>	<u>Grove Dr/E.O.C.</u>	<u>364</u>	<u>32</u>	<u>0.08</u>	<u>104</u>	<u>1294.2</u>
<u>Chandler Ct</u>	<u>Grove Dr/E.O.C. S/B</u>	<u>155</u>	<u>32</u>	<u>0.08</u>	<u>44</u>	<u>551.1</u>
<u>Chandler Ct</u>	<u>Grove Dr/E.O.C. N/B</u>	<u>245</u>	<u>32</u>	<u>0.08</u>	<u>70</u>	<u>871.1</u>
<u>Hartley Ct</u>	<u>Grove Dr/E.O.C.</u>	<u>200</u>	<u>32</u>	<u>0.08</u>	<u>57</u>	<u>711.1</u>
<u>Grove Dr</u>	<u>N Oak St/N</u>	<u>1510</u>	<u>32</u>	<u>0.08</u>	<u>430</u>	<u>5368.9</u>
<u>Cromley Rd</u>	<u>W. Pleasant Ave/W. Merritt</u>	<u>1275</u>	<u>32</u>	<u>0.08</u>	<u>363</u>	<u>4533.3</u>
<u>W. Merritt Ave</u>	<u>Cromley Rd/Warren St</u>	<u>795</u>	<u>32</u>	<u>0.08</u>	<u>226</u>	<u>2826.7</u>

<u>Dandelion Ave</u>	<u>Cromley Rd/Warren St</u>	<u>801</u>	<u>32</u>	<u>0.08</u>	<u>228</u>	<u>2848</u>
<u>Poppyview Ct</u>	<u>Cromley Rd/E.O.C.</u>	<u>398</u>	<u>28</u>	<u>0.08</u>	<u>99</u>	<u>1238.2</u>
<u>Poppyview Ave</u>	<u>Warren St/E.O.C.</u>	<u>356</u>	<u>28</u>	<u>0.08</u>	<u>89</u>	<u>1107.6</u>
<u>Country View Ave</u>	<u>Cromley Rd/Warren St</u>	<u>780</u>	<u>32</u>	<u>0.08</u>	<u>222</u>	<u>2773.3</u>
<u>Haven Ct</u>	<u>Country View Ave/E.O.C.</u>	<u>420</u>	<u>28</u>	<u>0.08</u>	<u>105</u>	<u>1306.7</u>
<u>Randle Ct</u>	<u>Country View Ave/E.O.C.</u>	<u>420</u>	<u>28</u>	<u>0.08</u>	<u>105</u>	<u>1306.7</u>
<u>Warren St</u>	<u>Country View Ave/E.O.C.</u>	<u>420</u>	<u>28</u>	<u>0.08</u>	<u>105</u>	<u>1306.7</u>
<u>Warren St</u>	<u>W. Merritt Ave/Country View Ave</u>	<u>780</u>	<u>32</u>	<u>0.08</u>	<u>222</u>	<u>2773.3</u>
<u>Poppyview Ave</u>	<u>La Dawna St/Warren St</u>	<u>246</u>	<u>32</u>	<u>0.08</u>	<u>70</u>	<u>874.7</u>
<u>S. Laspina St</u>	<u>Edison Bld/Golf Course</u>	<u>1089</u>	<u>95</u>	<u>0.08</u>	<u>920</u>	<u>11495</u>
		<u>1080</u>	<u>77</u>	<u>0.08</u>	<u>739</u>	<u>9240</u>
		<u>320</u>	<u>66</u>	<u>0.08</u>	<u>188</u>	<u>2346.7</u>
		<u>2344</u>	<u>60</u>	<u>0.08</u>	<u>1250</u>	<u>15626.7</u>
<u>E. Bardsley Ave</u>	<u>S. Blackstone St/South K St</u>	<u>3623</u>	<u>60</u>	<u>0.08</u>	<u>1932</u>	<u>24153.3</u>

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

Submitting Department: Community & Economic Development Department

For Council Meeting of: September 15, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four-acre retail development on Prosperity Avenue in the City of Tulare.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Applicant, GGH 1, LLC, are developers currently developing projects in the Central Valley, including Tulare. In addition, Mr. Roberts has completed projects in Southern California, Georgia, Colorado, Michigan and Texas.

Applicants have submitted the attached Economic Development Assistance Application requesting assistance with costs of public improvements associated with the development of a four acre retail center on Prosperity Avenue. The developer is working with highly desirable quick service restaurants (QSR's) to locate on three parcels fronting Prosperity. These three QSR's will generate both sales tax and property tax for the City as well as contribute to the quality of life in the City of Tulare.

This development has been in the process for two years. The developer has been forced to be creative and incur significant extra costs to navigate the many challenges caused by the COVID pandemic.

The developer is requesting an economic development assistance grant to assist with the funding of off-site improvements associated with the project. A left turn pocket from west-bound Prosperity Avenue between Brentwood Street and North Laspina Street must be installed to accommodate the high profile QSR's slated for the project. The left turn lane will provide for improved traffic flows and is a necessary element of the project. The cost of the turn lane is approximately \$60,000.

The developers have met with representatives from the Greater Tulare Chamber Trust and the Tulare Local Development Corporation who offered low interest loans on the project and not grants.

Currently, the economic development assistance fund has a cash balance of \$21,357. The fund balance is encumbered by a 2018 award allocation to Kaweah Brewing in the sum of \$30,000. The difference in the cash on hand and the fund balance results from a reconciliation of the account after all Council approved disbursements were made, which include prior awards for payment of building permits fees. Should Council wish to award GGH 1, LLC, an economic development assistance grant, it will be necessary to unencumber the current allocation to Kaweah Brewing. Staff has been in contact with Kaweah Brewing and while they are still committed to developing additional sites in Tulare, there is no project pending to date.

STAFF RECOMMENDATION:

Council consideration and direction to staff on the request by Applicant GGH, 1, LLC, a project specific entity owned by John Roberts and Kent McNiece, for an economic development assistance grant in the sum of \$21,357 as a contribution to the installation of public improvements associated with a four-acre retail development on Prosperity Avenue in the City of Tulare.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER: Economic Development Assistance Fund

Signed: Traci Myers

Title: Community & Economic Development Director

Date: September 3, 2020

City Manager Approval: 

Attachment: Economic Development Assistance Application
Approved site plan



APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

This application must be completed any time City assistance is requested of the Tulare City Council by an individual, existing or new business. City assistance includes any direct/indirect assistance or subsidy (other than federal/state funding sources), including the following or any combination of the following: loans, grants, below market value transfer of City real property or facilities, guarantees, City fee reductions, deferrals or abatements, subsidized infrastructure or on-site/off-site improvements, non-market concessions on ground or facility leases, bonding capacity, revenue or tax sharing agreements.

INSTRUCTIONS

Please complete the information below. Applicants must submit one (1) signed original and two (2) copies – a total of 3 – copies of this Application to the City Economic Development Department. Incomplete or partial applications will not be accepted.

1. APPLICANT INFORMATION

Contact Person: John Roberts
Address: 7991 Paseo Esmerado, Carlsbad, CA 92009
Telephone: 760-707-4661
Fax: 760-944-9703
Email: jcroberts100@gmail.com

Website of Applicant or Applicant Entity: n/a

Type of Applicant (Select all that apply)

Individual/Owner Developer

LLP

Corporation

XX Other LLC

XX New construction

Existing business

Other _____

Applicant is GGH 1, LLC, a project specific entity owned by John Roberts and Kent McNiece. Mr. Roberts and Mr. McNiece are developers with long-term local ties in Agricultural Community. In Tulare County they have completed development projects in Tulare, Visalia, and Goshen. Mr. Roberts has also executed projects in San Diego, Georgia, Colorado, Michigan, and Texas with other partners.

Project Category: (Select only one): Retail, Mixed Use

Project Name: Prosperity Center

2. CITY COSTS FOR PROCESSING OF APPLICATION

The City shall provide the Applicant an estimate of the maximum cost of staff and Consultants' costs to conduct each phase of evaluation. Applicant, prior to initiation of the Due diligence process by the City, must deposit that amount with the City, to pay for City billing of staff time, consultants and any special studies or reports that may be needed to assist the City in its evaluation and before the evaluation will begin. The City, at its sole discretion, may reduce the billing fee for staff time. Any amounts remaining after the process is concluded will be refunded to the Applicant.

XX I am requesting a waiver of City costs (including staff costs) as part of this request.

3. AMOUNT AND TYPE OF CITY ASSISTANCE REQUESTED

Please provide a brief description of amount and type of assistance requested:

A left turn pocket from west-bound Prosperity Avenue between Brentwood Street and N. Laspina Street must be installed to attract high profile Quick Service Restaurant (QSR) users to Prosperity Center. The left turn lane is a necessary enabling element of this project and provides improved traffic flows in this section of Prosperity. Cost of the turn lane is approximately \$60,000 (including construction \$54,671, irrigation \$1,500, miscellaneous repairs \$3,000).

The commercial drive approaches, curb and gutter, city sidewalks, handicap ramps will complete this section of Prosperity Avenue, enhancing drive lanes and storm drainage for all Tulare residents. Cost of completing this section of city street is approximately \$120,000. Costs of the storm drain and fire hydrants which will also be incurred by the developer are in addition to this number.

The southern boundary of Prosperity Center borders on Sandalwood Avenue. The developer was asked to build a 7 foot block wall and install climbing vines on its south side to shield the neighborhood from any negative impacts of vehicle headlights. The cost of this wall is approximately \$44,000 (wall construction, landscape and irrigation).

Total cost of major offsite construction which enables this project and enhances Tulare for all residents exceeds \$215,000. The developer is asking for up to a 50% cost share on this amount in the form of either grant funds or fee offsets. We respectfully ask that the city consider the long-term positive economic impacts (jobs, sales tax, property tax) and quality of life enhancements (best in class national food brands) this project will have on Tulare.

4. PROJECT SUMMARY

Briefly summarize your project emphasizing the primary objectives and results, including but not limited to, project investment, anticipated job creation, estimate as to the dollar value of sales subject to sales tax, potential property taxes to be generated at 1% of construction value and any other favorable impacts on City direct revenues.

Prosperity Center is a 4 acre retail development consisting of 4 parcels, three of those with frontage on Prosperity Avenue. This site is the last piece to be developed in order to complete this section of Prosperity. The developer is targeting highly desirable Quick Service Restaurants (QSRs) for at the front parcels, and a complementary retail or office use on the back parcel.

CITY OF TULARE APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

Developer expects that total sales across the three QSR parcels will exceed \$15 million annually once operations are stabilized. Sales on the rear parcel is unclear until a specific use is determined, but assuming reasonable sales per square foot another \$3-5 million in sales should be generated.

Project cost for each QSR will be in the \$3.5 - \$5 million range. Property taxes will be generated off the final assessed value of each parcel.

High volume QSRs generate a significant number of jobs. We expect the first two users to create more than 100-150 positions each, approximately 10 of which are managers. Each of the first two users are known to be very desirable places to work.

5. PROJECT TIMELINE AND BUDGET

Briefly summarize your project timeline and budget, including anticipated funding source.

Prosperity Center has been in process for two years. The developer has been forced to creative and incur significant extra costs to navigate the many challenges caused by the Covid pandemic. We are proud to have kept this project on track in these challenging times.

On and Off-Site Improvement Plans have been through multiple submissions and are near approval. The first user has also submitted Construction Drawings and received the first set of comments from the city. Provided there are no delays caused by factors outside the control of the developer and users, this project should commence construction in September 2020.

We expect the first two users to be open for business in the second half of 2021.

The project is being funded by the developer. Increased costs due to delays and higher than expected construction costs (also pandemic related) have created some financial challenges. Hence, we are asking the city to support this project to help get it across the finish line promptly.

6. PROJECT STATUS (If project is underway)

Summarize the status of the project and provide the name(s) of any technical consultants with any additional information on the project. Include whether the Applicant or any representative of the Applicant has undertaken any environmental work on the project as required by CEQA.

Project is fully entitled by the City of Tulare. No further environmental review required.

Developer's On and Off-Site improvement drawings are near approval.

First user construction drawings submitted. Second submittal expected mid-August 2020.

Allen Williams of AW Engineering in Visalia has led the project design.

CITY OF TULARE APPLICATION FOR ECONOMIC DEVELOPMENT ASSISTANCE

The Tulare City Council requires applicants to seek alternative assistance sources prior to a submittal of an assistance request to the City of Tulare. Applications for City assistance will be placed on City Council agenda no sooner than 30 days from the receipt of a completed, signed Application for Assistance from the applicant and with the approval of the City Manager. Placing the request on the Council agenda is not an approval of the Applicant's request.

SIGNATURE OF AUTHORIZING OFFICIAL: (Original copy must have an original signature and be in ink.)

Signature:  Date: 8/7/20

Print Name and Title: JOHN C. ROBERTS, MANAGER, RGH MANAGER LLC

Tulare City Council meetings are held on the 1st and 3rd Tuesdays of each month and begin at 7:00pm unless otherwise specified. Applications for City Assistance will be heard in the order that they are placed on the agenda, unless otherwise directed by the Mayor.

**For more information please contact the Economic Development Department at:
(559) 684-4233**



Gill Reeves Company, Inc.
 7824 W. Sunnyview Ave.
 Visalia CA 93291
 Office: (559)625-1870
 Fax: (559)635-1870

Prepared by: Matthew L. Gill
matt@gillreeves.com
 Date: 7/21/2020

A Proposal for: Three Rivers Development
 Project Name: Tulare Commercial
 Location: Prosperity Ave, Tulare CA

Budget Estimate Only

Turn Pocket	Quantity	Unit	Unit Price	Item Total
Mobilization	0	EA	\$ 2,450.00	\$ -
Curb & Gutter Grading	330	LF	\$ 13.00	\$ 4,290.00
A Curb	330	LF	\$ 18.65	\$ 6,154.50
Stamped Concrete	764	SF	\$ 11.25	\$ 8,595.00
Prosperity 7" AC 13.5" AB	4450	SF	\$ 6.89	\$ 30,671.63
Traffic Control	1	LS	\$ 4,960.00	\$ 4,960.00
Striping	1	LS	\$ 3,520.00	\$ 3,520.00

Turn Pocket Total \$ 54,671.13

Offsite Prosperity	Quantity	Unit	Unit Price	Item Total
Commercial Drive Grade & AB	1350	SF	\$ 1.15	\$ 1,552.50
Commercial Drive Approach	2	EA	\$ 12,510.00	\$ 25,020.00
Prosperity 7" AC 13.5" AB	5171	SF	\$ 6.89	\$ 35,641.12
Handicap Ramp	4	EA	\$ 1,245.00	\$ 4,980.00
City Sidewalk	7191	SF	\$ 3.50	\$ 25,168.50
Curb & Gutter Grading	820	LF	\$ 13.00	\$ 10,660.00
Curb & Gutter	820	LF	\$ 20.91	\$ 17,146.20
Offsite Sidewalk Grade	7191	SF	\$ 0.85	\$ 6,112.35

Comm. Drive & offsite Total \$ 120,168.32

CMU Wall	Quantity	Unit	Unit Price	Item Total
7' CMU Wall	500	LF	\$ 80.00	\$ 40,000.00

CMU Total \$ 40,000.00

The following will be adjusted at the time of construction:

Asphalt: \$ 68.61 per ton FOB jobsite
 Base Rock: \$ 19.24 per ton FOB jobsite
 Trucking: \$ 122.00 per hour

This proposal is based off current prices shown above.

Proposal based on unapproved plans by A/W Engineering dated March 5th 2020.

Excludes off haul of organic top soils not suitable as engineered fill.

Bid to balance onsite.

Excludes any flat work or blockwall grading and/or backfill, unless specified above.

Excludes any additional mobilizations.

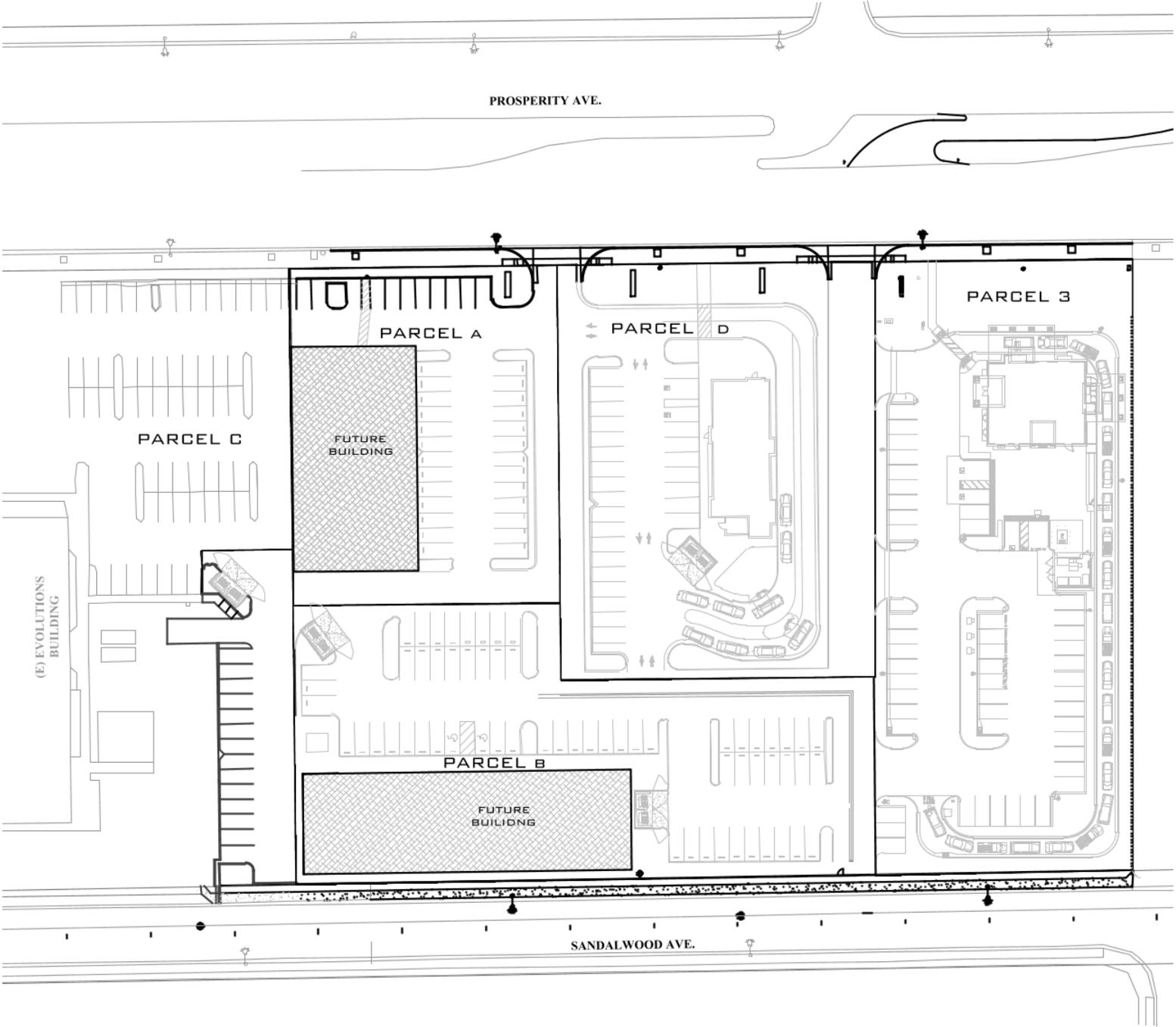
Excludes prevailing wages if required.

Excludes any permitting if required.

Excludes any exploration, demolition, and/or removal of buried structures associated with prior use.

Excludes repairs to existing traffic loops or striping in the work area.

PROSPERITY CENTER
SITE PLAN



AGENDA ITEM: Gen Bus PD 2a

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

Submitting Department: Police Department

For Council Meeting of: September 15, 2020

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Presentation on the Tulare Police Department Trespass Enforcement Program (TEP).

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

On 08/18/2020, Mayor Jose Sigala requested to agendize the Tulare Police Department Trespass Enforcement Program for a Council presentation.

The TEP was created in 2015, which, allows property owners and managers to submit a signed authorization permitting law enforcement to make trespassing arrests in their physical absence.

In addition to the signed authorization, the property owner must purchase and post clearly marked signage identifying participation in this program.

STAFF RECOMMENDATION:

Informational item only.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Signed: Wes Hensley

Title: Chief of Police

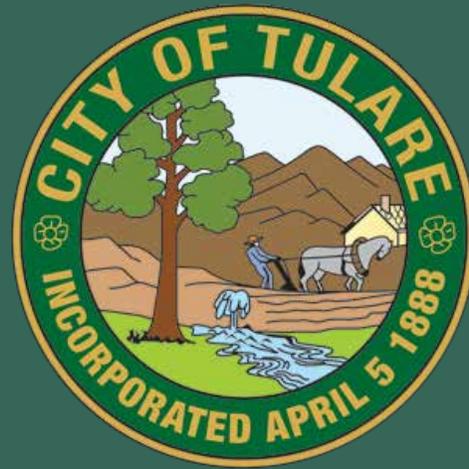
Date: 09/08/2020

City Manager Approval: _____

Agenda Item

City Council

September 15th, 2020





Background

- | The Tulare Police Department established the Trespass Enforcement Program in 2015.
- | The TEP was developed for commercial properties during mostly nighttime hours.
- | The TEP allows a 602(o)2 PC arrest in lieu of a citizen's arrest by giving the department consent to act as the owner's agent, or person in lawful possession of the property in their absence.
- | This program allows officers to enforce trespass laws and violations at your property with a properly filled out form and posted signage.
- | The TPD currently has 8 properties in the program.



When should the program be used?

- | The owner, owner's agent or the person in lawful possession of the property is absent from the property. (If they are present have them 837 PC the trespasser)
- | There is a valid Trespass Enforcement Program form on file.
- | The owner must renew every 30 days. If the property is closed to the public and posted as being closed, 602(o)2 PC will remain in effect for six (6) months.
- | It is within the dates for the enforcement.
- | The property is closed to the general public.



Additional Information

Under the program a trespasser **must first be told to leave**. Officers will verbally tell the trespassers that they are acting on behalf of the owner and warn them not to return. If they **do leave**, document the warning in the Call for Service log. If they **refuse or fail** to leave they may be arrested. If they do leave but return while the property is still enrolled they may be arrested again without further warning.



SIGNAGE

NO TRESPASSING

THE OWNER OF THIS PROPERTY HEREBY AUTHORIZES THE TULARE POLICE DEPARTMENT TO PATROL THE PREMISES AND ARREST PERSON TRESPASSING PURSUANT TO CALIFORNIA PENAL CODE SECTION 602. TRESPASSERS INCLUDE THOSE WHO ARE NOT ON THE PREMISES TO VISIT OR CONDUCT LAWFUL BUSINESS WITH THE MANAGEMENT OR THE RESIDENT OF THE PREMISES

LOITERING DEFINED

647(H)PC:

ANYONE WHO LOITERS, PROWLs, OR WANDERS UPON THE PRIVATE PROPERTY OF ANOTHER, AT ANY TIME, WITHOUT VISIBLE OR LAWFUL BUSINESS WITH THE OWNER OR OCCUPANT.

TRESPASS ENFORCEMENT PROGRAM (TEP)

TULARE VILLAGE (VALLARTA) TG20-60,001	601 – 795 E. Prosperity 1101 – 1297 N. Cherry
MONTE VISTA SHOPPING PLAZA (SMART & FINAL) TG20-60,002	969 – 1087 E. Prosperity
UNION BANK TG20-60,003	801 E. Prosperity
HERITAGE PLAZA (GROCERY OUTLET) TG20-60,004	100 – 294 E. Cross Ave
BLACKSTONE PROFESSIONAL CENTER TG20-60,005	901 – 991 N. Blackstone
ADAIR & EVANS TG20-60,006	111 – 123 E. Kern Ave
TNT QUICK LUBE WASH & SMOG TG20-60,007	48 W. Cross Ave
Lazer Broadcasting Building TG20-60,008	1450 E. Bardsley Ave

CONTACT INFORMATION

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