

AGENDA

**TULARE CITY COUNCIL
TUESDAY, MAY 7, 2019
Regular Session 7:00 p.m.
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.

7:00 p.m.

I. CALL TO ORDER REGULAR SESSION

II. PLEDGE OF ALLEGIANCE AND INVOCATION

III. 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.*

IV. 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.*

V. 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 16 and April 23, 2019 special/regular meeting(s).
[Submitted by: R. Yoder]
- (3) Approve the cancellation of Tulare City Council meeting scheduled for Tuesday, May 21, 2019, due to the lack of a quorum and schedule a special meeting for Tuesday, May 14, 2019, beginning at 6 p.m.
- (4) Confirm the Mayor's appointment of Ray Fonseca to the Board of Public Utilities vacancy for a term ending December 31, 2021. [Submitted by: R. Hunt]
- (5) Accept the required public works improvements for Phase 1 of the Willow Glen subdivision located along the north side of Cartmill Avenue east of Devenshire Street as complete, authorize the City Engineer to sign a Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]
- (6) Authorize the City Manager to execute three reimbursement agreements with Presidio JJR Brighton 115, LLC for construction costs associated with Phase 1 of the Willow Glen subdivision that are eligible for reimbursement in accordance with Chapters 8.60 and 8.64 of the Municipal Code, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: M. Miller]
- (7) Accept the required public works improvements Parcel Map 2015-04 by Evaristo and Emma Aguayo located along the west side of "E" Street north of Gail Avenue as complete, authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office. [Submitted by: M. Miller]
- (8) Conditionally approve the final map and subdivision improvement agreement for Phase 1 of The Greens at Oak Creek subdivision for recordation, and accept all easements and dedications offered to the City, including a Grant of Easement for

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temporary turnarounds for emergency vehicle purposes and a temporary run-off pond for street runoff, subject to receipt of the signed final map, all fees, and other required items prior to July 6, 2019. [Submitted by: M. Miller]

- (9) Authorize the City Manager or his designee to sign a contract amendment with Krazan of Fresno, CA in the amount of \$64,950.00 for additional material testing services on the O Street Improvements Project between Bardsley Avenue and Pleasant Avenue, Project EN0076. [Submitted by: J. Funk]
- (10) Authorize the City Manager to sign contracts related to City Project EN0082, a street and utility improvement project on Sacramento Street and Maple Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of each contract amount; and approve the revised project scope and budget. [Submitted by: M. Miller]
- | | |
|-------------------------------------|-----------------|
| (a) Yarbs Grading and Paving, Inc.: | \$ 5,264,066.07 |
| (b) Lane Engineers: | \$ 115,500.00 |
| (c) NV5: | \$ 111,683.00 |
| (d) 4Creeks: | \$ 225,600.00 |
- (11) Receive, review, and file the Monthly Investment Report for March 2019. [Submitted by: D. Thompson]
- (12) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-241-011 located in the 300 Block of M Street ("Property") to All Valley Housing Inc. in the amount of \$45,000.00 with an 18-month time frame for development and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]
- (13) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-241-012 located in the 300 Block of N Street ("Property") to All Valley Housing Inc. in the amount of \$45,000.00 with a 24-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]
- (14) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-242-016 located in the 300 Block North N Street ("Property") to All Valley Housing Inc. in the amount of \$41,250.00 with a 36-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]

- (15) Approve the sale of real property with Development Agreement under RFP #18-643, APN # 170-242-017 located in the 300 Block North O Street ("Property") to All Valley Housing Inc. in the amount of \$41,250.00 with a 12-month time frame for development, and allow the City Manager to sign all documents required for the sale and Legal Counsel to make any minor conforming changes. [Submitted by: S. Bonville]
- (16) **Adopt Resolution 19-16** authorizing the City Manager to accept a Grant from the State Off-Highway Motor Vehicle (OHMV) Division for Cycle Park operating expenses not to exceed \$359,764.00 for the year 2019 and to sign all applicable paperwork related to application of the grant. [Submitted by: S. Bonville]
- (17) Authorize the City Manager to execute all necessary documents on behalf of the City for a new Lease Agreement for a portion of the Meitzenheimer building at 830 South Blackstone to the Tulare County Office of Education. [Submitted by: S. Bonville]
- (18) Reject the liability claim for damages filed by James Kelly on April 10, 2019. [Submitted by: J. Avila]
- (19) Reject the liability claim for damages filed by Attorney Stanley Goff on behalf of Rosa Cuevas for severe injuries and emotional distress as a result of an officer-involved shooting. [Submitted by: J. Avila]
- (20) Reject the liability claim for damages filed by Attorney Stanley Goff on behalf of Leticia Tuggle-Nelsen for wrongful death of her son and severe emotional distress. [Submitted by: J. Avila]

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) Plaque Presentation to Roxanne Yoder, Chief Deputy City Clerk, on obtaining the International Institute of Municipal Clerk's designation as Certified Municipal Clerk by Fresno City Clerk Yvonne Spence, MMC and Mentor and CMC Pinning by Mayor Jose Sigala.
- (2) Proclamation presentation regarding the 50th Anniversary of Municipal Clerks Week, May 5 through 11, 2019.
- (3) Proclamation presentation regarding National Travel & Tourism Week, May 5 through 11, 2019.
- (4) Proclamation presentation regarding National Small Business Week, May 5 through 11, 2019.

- (5) Proclamation presentation regarding National Police Week, May 12 through May 18, 2019.
- (6) Proclamation presentation regarding Salvation Army Week, May 13 through May 19, 2019.

VII. MAYOR'S REPORT

VIII. STUDENT REPORTS

IX. 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 19-01** adopting amended Section 9.12.010 of Chapter 9.12 of the City Code of Tulare entitled and pertaining to "Prima Facie Speed Limits". [Submitted by: M. Miller]
- (2) Engineering/Project Management:
 - a. Provide City Staff with clarification and direction regarding any additions or final modifications to the proposed Capital Improvements Projects Budget for Fiscal Years (FY) 2019-2024.
- (3) City Manager:
 - a. Council Member Nunley confirm appointment of Jose Ruiz-Salas to the Measure I Citizen Oversight Committee vacancy. [Submitted by: R. Hunt & R. Yoder]
 - b. Homeless Ad Hoc Committee Report for discussion and direction regarding City/County Partnership for HOPE Team Project. [Submitted by: R. Hunt]
 - c. Discussion and direction regarding a request from the Homeless Ad Hoc Committee on the allocation of the remaining balance of the 18/19 Social Services Fund (approx. \$14,000.00). [Submitted by: R. Hunt]

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

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

- (1) 54957(b) PUBLIC EMPLOYEE APPOINTMENT - Title: City Manager [Submitted by: J. Avila]

XII. RECONVENE CLOSED SESSION

XIII. CLOSED SESSION REPORT (if any)

XIV. 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.]