

# AGENDA

**TULARE CITY COUNCIL  
TUESDAY, MARCH 5, 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](http://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.

## **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 revised minutes of February 19, 2019 special and regular meeting(s). [Submitted by: R. Yoder]
- (3) Declare Chris Soria's seat on the Board of Public Utilities vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]
- (4) Declare Nic Ferreira's seat on the Measure I Oversight Committee vacant and direct staff to post the vacancy and solicit applications. [Submitted by: R. Yoder]
- (5) **Adopt Resolution 19-08** accepting the Irrevocable Offer of Dedication for Old Town Drive at its western terminus west of "E" Street as shown on the Recorded Map of Parkwood Meadows Unit No. 7 filed on July 28, 1993 in Volume 36 of Maps at Page 21 in the Office of the Tulare County Recorder. Direct the City Clerk to cause a certified copy of the resolution accepting the Irrevocable Offer of Dedication to be recorded in the Office of the Tulare County Recorder and authorize the City Manager or his designee to sign a Certificate of Acceptance for the same. [Submitted by: M. Miller]
- (6) Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-060-016 & 149-060-024 in the amount of \$72,000 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project. [Submitted by: N. Bartsch]
- (7) Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 149-240-024 in the amount of \$34,200 for the use of public right-of-way for Project EN0073 – Cartmill Avenue Improvements project. [Submitted by: N. Bartsch]
- (8) Award and authorize the City Manager to sign a contract with NV5 of Fresno, CA in an amount not to exceed \$570,157.20 for construction management and inspection services associated with Project EN0073, a street and utility improvement project on Cartmill Avenue; and authorize the City Manager, or designee, to approve contract change orders in an amount not to exceed 10% (\$57,015.72) of the contract award amount. [Submitted by: N. Bartsch]

- (9) Award and authorize the City Manager to sign a contract with 4Creeks of Visalia, CA in an amount not to exceed \$72,500 for construction surveying services associated with Project EN0073, a street and utility improvement project on Cartmill Avenue; and authorize the City Manager, or designee, to approve contract change orders in an amount not to exceed 10% (\$7,250) of the contract award amount. [Submitted by: N. Bartsch]
- (10) Award and authorize the City Manager to sign a contract with Kleinfelder of Fresno, CA in an amount not to exceed \$134,076.40 for materials testing services associated with Project EN0073, a street and utility improvement project on Cartmill Avenue; and authorize the City Manager, or designee, to approve contract change orders in an amount not to exceed 10% (\$13,407.64) of the contract award amount. [Submitted by: N. Bartsch]
- (11) Receive, review, and file the Monthly Investment Report for January 2019. [Submitted by: D. Thompson]

#### **VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS**

- (1) Presentation by VCD Athletic Boxing Club.

#### **VII. MAYOR'S REPORT**

- (1) Proclamation Recognition of National Ag Day – March 14, 2019.

#### **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) Economic Development:
  - a. Review the Consultant Services Agreement between the City of Tulare and the Buxton Group for retail attraction and recruitment and consideration to exercise the City's option to renew for a one-year extension as provided for in the Agreement and to grant authorization to the Interim City Manager to execute documents necessary to effectuate the extension. [Submitted by: T. Myers]
  - b. Update on the status of the economic development assistance fund balance and Council consideration and direction to staff on three requests for an economic development assistance grant; 1) by Applicant, Rhett Bullock for an economic development assistance grant in the sum of \$10,000 for

contribution to the interior renovations to be performed on an existing building located at 160 North L Street; and 2) by Sequoia Tourism Council for an economic development assistance grant in the sum of \$9,000 to fund 2019 regional tourism efforts; and 3) by Randy Robertson in the sum of \$25,000 for a contribution to the construction of a Jack in the Box at South Mooney Boulevard and Bardsley Avenue. [Submitted by: T. Myers]

- c. Receive update and provide direction related to the upcoming International Council of Shopping Centers (ICSC) Conferences. [Submitted by: T. Myers]

(2) Engineering/Project Management:

- a. Award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$6,407,827.10 for street and utility improvements associated with Project EN0073, a street and utility improvement project on Cartmill Avenue; Approve the revised project budget (attached); Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$640,782.71) of the contract award amount. [Submitted by: N. Bartch]

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

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

- (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  
Under Negotiation: Direction regarding potential purchase of property  
Negotiating parties: Rob Hunt, Mario Zamora, Steve Bonville, Darlene Thompson [Submitted by: S. Bonville]
- (b) 54957.6b Conference with Labor Negotiators  
Represented/Unrepresented Employee(s): CLOCEA; TPOU  
Negotiators: Rob Hunt, Darlene Thompson, Janice Avila, Mario Zamora  
[Submitted by: J. Avila; M. Zamora]
- (c) 54956.9(d)(2) Conference with Legal Counsel – Anticipated Litigation (1) no further facts to state [Submitted by: M. Zamora]
- (d) 54957(b)(1) – Public Employee Evaluation/Appointment: City Attorney  
[Submitted by: J. Avila as approved to schedule by Council on 2/5/19]

**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.]