

## CORONAVIRUS (COVID-19) ADVISORY

On March 4, 2020, Governor Newsom proclaimed a State of Emergency in California due to the threat of COVID-19. On March 12 and 18, 2020, the Governor issued Executive Order N-25-20 and N-29-20, which temporarily suspends portions of the Brown Act addressing the conduct of public meetings.

As such, Tulare City Council Meetings may include teleconference participation by some or all of the City Council Members and City staff. Pursuant to Executive Order N-20-20, teleconference locations utilized by City Council Members shall not be accessible to the public and are not subject to special posting requirements.

For those individuals who choose not to shelter in place and attend the Council meeting, in an effort to promote social distancing, seating in the Council Chamber has been reduced to 12 available seats on a first come, first served basis.

Meetings **will be available** for public viewing via YouTube  
[https://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1\\_aw/videos](https://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1_aw/videos)

If you are sheltering in place, and wish to provide public comment during the meeting you may do so **by calling 559-366-1849**, if you receive a busy signal please continue to call until you are able to get through.

Note: There will be approximately a 20 second delay in broadcast for viewers. If viewing from YouTube and calling in please mute your speakers.

## AMENDED AGENDA

**TULARE CITY COUNCIL  
TUESDAY, APRIL 7, 2020  
Closed Session 6:30 p.m.  
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.

**6:30 p.m.**

### **I. CALL TO ORDER SPECIAL 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) 54956.8b Conference with Real Property Negotiators  
Property: located along Aronian Street between Kern Avenue and Tulare Avenue (State Route 137) (APN#177-190-002), (APN#177-200-008), and (APN#177-200-009)  
Under Negotiation: Direction as to price, terms, conditions of potential purchase  
Negotiating parties: Rob Hunt, Josh McDonnell, Michael Miller, Nick Bartsch, Will Washburn, and Mario Zamora [Submitted by: N. Bartsch]
- (b) 54956.9(c) Conference with Legal Counsel – Initiation of Litigation One (1) item

**IV. RECONVENE CLOSED SESSION**

**V. CLOSED SESSION REPORT (if any)**

**VI. ADJOURN SPECIAL 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 March 17, 2020 special/regular meeting. [Submitted by: R. Yoder]
- (3) Approve a list of pre-qualified consultants for on-call construction management, resident engineer and inspection services, and authorize the City Manager to enter into consultant professional service contracts, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with NV5 Inc. of Fresno, CA and 4Creeks, Inc. of Visalia, CA for a period of up to two years. [Submitted by: N. Bartsch]
- (4) Approve a list of pre-qualified consultants for on-call construction surveying services, and authorize the City Manager to enter into consultant professional service contracts, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with Lane Engineers, Inc. of Tulare, CA, 4Creeks, Inc. of Visalia, CA, Provost & Pritchard of Visalia, CA and Guida Surveying, Inc. of Fresno, CA for a period of up to two years. [Submitted by: N. Bartsch]
- (5) Approve a list of pre-qualified consultants for on-call geotechnical engineering and materials testing services, and authorize the City Manager to enter into consultant professional service contracts, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with NV5 West, Inc. of Bakersfield, CA; Krazan & Associates, Inc. of Clovis, CA; RMA GeoScience, Inc. of Fresno, CA; Kleinfelder of Fresno, CA; and BSK Associates of Fresno, CA for a period of up to two years. [Submitted by: N. Bartsch]
- (6) Approve a list of pre-qualified consultants for on-call labor compliance and monitoring services, and authorize the City Manager to enter into consultant

professional service contracts, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with Labor Consultants of California of Hanford, CA, QK of Visalia, CA, and Silveira Consulting of Galt, CA for a period of up to two years. [Submitted by: N. Bartsch]

- (7) 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 on the final map, including a Grant of Easement for temporary turnarounds for emergency vehicle purposes and a temporary run-off pond for street runoff. Accept by separate instrument an easement for storm drain basin, an access easement for the storm drain basin, an easement for a storm drain line, and a public utility and access easement for Aberdeen Street located outside the subdivision boundaries. Authorize the City Manager to sign the respective Certificates of Acceptance for the easements. Acknowledge an irrevocable offer of dedication for Aberdeen Street right-of-way. [Submitted by: M. Miller]
- (8) **Adopt Resolution 2020-10** setting the Maximum Utility User's Tax at \$12,590.00 per utility for the period July 1, 2020 through June 30, 2021. [Submitted by: D. Thompson]
- (9) **Adopt Resolution 2020-11** authorizing the City of Tulare to apply for Robert T. Stafford Disaster Relief and Emergency Assistance from the California Office of Emergency Services, to accept the funds if approved, and designate the City Manager or designee as the individual authorized to execute all documents on behalf of the City. [Submitted by: D. Thompson]
- (10) Receive, review, and file the Monthly Investment Report for February 2020. [Submitted by: D. Thompson]
- (11) Authorize the Mayor to sign the consent letter regarding Tulare Local Healthcare District Refunding Revenue Bonds, Series 2020A, and Taxable Refunding Revenue Bonds, Series 2020B. [Submitted by: D. Thompson]
- (12) Approve a list of pre-qualified consultants for On-Call Building Consultant Services, and authorize the City Manager to enter into consultant professional service agreements, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, with 4Leaf, Inc. of Newport Beach, CA; CGS Consultants of Newman, CA; Interwest Consulting Group, Inc. of Fresno, CA; and Willdan Engineering of Fresno, CA for a period of up to two years. [Submitted by: M. Miller]
- (13) Receive and File the City of Tulare Housing Element Progress Report for 2019. [Submitted by: T. Myers]

**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.*

*Public Hearing Item (1) a and b were continued from the March 17, 2020, Council Meeting.*

(1) Public Hearing:

- a. Public Hearing to pass-to-print Ordinance 19-12, an Ordinance revoking and replacing Chapter 5.96 of the City of Tulare Municipal Code allowing Recreational Cannabis Businesses and Establishing Permitting Procedures and Regulations. [Submitted by: M. Zamora]
- b. Appeal Hearing to Adopt Resolution 2020-08 on upholding or denying the appeal of the City Engineer's decision to deny an encroachment permit for construction of a new driveway approach on Cross Avenue for the property located at 1101 N. Lincoln Street. [Submitted by: M. Miller]
- c. Public Hearing to **adopt Resolution 2020-12** adopting a Mitigated Negative Declaration Addendum prepared for General Plan Amendment No. 2020-01 and Zone Amendment No 740; and **Resolution 2020-13** to approve General Plan Amendment No. 2020-01 providing for a change in land use designation on approximately 0.38-acres from Office Commercial to Community Commercial, and **pass-to-print Ordinance 2020-04** approving Zone Amendment No. 740, changing the existing zoning designation on approximately 0.38-acres from C-2 (Office Commercial) to the C-3 (Retail Commercial) zone district on property located south of Prosperity Avenue between Brentwood and Laspina Streets. [Submitted by: T. Myers]

(2) Engineering/Project Management:

- a. Award and authorize the City Manager to sign contracts related to City Project EN0086, a street and utility improvement project on Tulare Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% of each contract amount. [Submitted by: N. Bartsch]

**AGENDA**  
**TULARE CITY COUNCIL**  
**April 7, 2020**  
**Page 6**

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- (a) 4 Creeks of Visalia, CA: \$ 77,500.00
- (b) Kleinfelder of Fresno, CA: \$ 108,837.00
- (c) NV5 of Visalia, CA: \$ 294,000.00

- b. Award and authorize the City Manager to sign contracts related to City Project EN0085 – Tract 65 and 372 Improvements, a street and utility improvement project on Aronian St., Moraine St., Latimer St., Silva St., Sunset Ave. and Kern Ave; 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: N. Bartsch]

- (a) 99 Pipeline, Inc. of Porterville, CA \$ 3,884,889.89
- (b) Lane Engineers of Tulare, CA: \$ 68,900.00
- (c) NV5 of Bakersfield, CA: \$ 78,553.00
- (d) 4 Creeks of Visalia, CA: \$ 265,010.00

(3) City Manager:

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

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

**XVII. 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.]