

TO: Mayor and City Council Members

FROM: Rob Hunt, City Manager

SUBJECT: June 1, 2021 Agenda Items

DATE: May 27, 2021

TIME ESTIMATES - Time estimates are provided as part of the Council's effort to manage its time at Council meetings. Listed times are estimates only and are subject to change at any time, including while the meeting is in progress. The Council, by consensus, reserves the right to use more or less time on any item, to change the order of items and/or to continue items to another meeting. Particular items may be heard before or after the time estimated on the agenda. This may occur in order to best manage the time at a meeting or to adapt to the participation of the public.

6:00 p.m.

I. CALL TO ORDER CLOSED SESSION

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

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

- (a) 54956.9(d)(1) Conference with Legal Counsel – Existing Litigation (1) [Submitted by: M. Jeffcoach]
Name of Case: City of Tulare v. Del Lago Place, TCSC Case No. 286863
- (b) 54957.6b Conference with Labor Negotiators
Represented/Unrepresented Employee(s): Fire, All Groups; CLOCEA; Mid-Managers and Department Heads
Negotiators: Rob Hunt, Janice Avila, Mario Zamora [Submitted by: M. Zamora, R. Hunt, J. Avila]
- (c) 54957 Public Employment
Title: City Manager

IV. RECONVENE CLOSED SESSION

V. CLOSED SESSION REPORT (if any)

VI. ADJOURN CLOSED SESSION

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

VIII. CALL TO ORDER REGULAR SESSION

IX. PLEDGE OF ALLEGIANCE AND INVOCATION

X. 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.*

XI. COMMUNICATIONS [Time estimate: 7:15 p.m. to 7:20 p.m.]

*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.*

XII. CONSENT CALENDAR [Time estimate: 7:20 p.m. to 7:30 p.m.]

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 May 18, 2021 special/regular meeting(s). [Submitted by: R. Yoder]** The minutes of May 18, 2021 special/regular meeting(s) are

submitted for your approval. **Staff recommends Council approve as presented.**

- (3) **Adopt Resolution 2021-17 reassigning the authority and functions of the Housing & Building Appeals Board to the Tulare City Council. [Submitted by: R. Hunt]** On May 18, 2021, the Council reviewed all City Boards, Commissions and Committees and concluded, due chronic vacancies and in the effort of efficiency, that the authority and functions of the Housing & Building Appeals Board (Appeals Board) be reassigned to the City's governing body, the Tulare City Council.

The Appeals Board means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals; as set forth in the Section 4.32.050 of Chapter 4.32 of the Tulare Municipal Code. **Staff recommends Council adopt Resolution 2021-17 reassigning the authority and functions of the Housing & Building Appeals Board to the Tulare City Council, as presented.**

- (4) **Accept all required public works improvements for Jack in the Box located at the northeast corner of Mooney Boulevard and Bardsley Avenue 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]** On December 12, 2018, Site Plan Review Committee placed conditions on the Jack in the Box project that required improvements to its Mooney Boulevard and Bardsley Avenue frontage. The required improvements included street paving, curb and gutter, and sidewalk. The conditions of approval also included the relocation of the traffic signal located at the northeast corner of the intersection of Mooney Boulevard and Bardsley Avenue.

Jack in the Box has completed construction of all required public works improvements in accordance with the approved plans and specifications for this project. **Staff recommends Council accept all required public works improvements for Jack in the Box located at the northeast corner of Mooney Boulevard and Bardsley Avenue 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, as presented.**

- (5) **Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 169-300-008 in the amount of \$2,600.00 for the use of public right-of-way for Project EN0084 – Pleasant Avenue Improvements Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: J. Funk]** This Capital Improvement Project addresses pavement and utility infrastructure improvements along Pleasant Avenue between the Enterprise Street and North 'H' Street. As part of the larger project, curbs, gutters, ramps, and sidewalk improvements to facilitate the traffic signal at the intersection of Pleasant Avenue and West Street will be constructed. At the City Council meeting of May 4, 2021, Council awarded a contract for the Pleasant Avenue Improvement Project including the alternate bid item that covers complete construction of the traffic signal.

The City needs to acquire additional property to place the Project's curb and gutter improvements and signal equipment in their ultimate locations. Additionally, the offset in the centerline alignment of Pleasant Avenue both east and west of West Street is being reduced to provide for a smoother flow of vehicular traffic through the intersection once it is fully signalized. To remove the offset, the centerlines are being curved southerly to the west of the intersection, and northerly to the east of the intersection.

The subject property is located on the northeast corner of Pleasant Avenue and West Street. Mr. Joe Pacheco, the property owner, has worked diligently with City Staff through the acquisition process, and has agreed to sell the property for the amount of \$2,600.00 according to the terms contained in the Real Property Purchase and Sale Agreement. The area the City is purchasing is 115 square feet and is currently covered by a public utility easement. Additionally, a temporary construction easement of 321 square feet is being acquired to accommodate construction. The property is improved with a house, concrete flatwork, a manicured lawn, flowerbeds, and an ornamental fountain. The Project will require removal of a portion of the lawn and irrigation system and impacts to a portion of the flowerbeds.

In order to determine an agreeable compensation package with Mr. Pacheco, an appraisal of the property was ordered in April 2021. In their appraisal report, The Hopper Company notes the appraised value is \$2,300 not including costs for restoration of the area disturbed by construction. Normally, under such circumstances the City's contractor would be required to restore the impacted areas once construction is complete. Staff and Mr. Pacheco have agreed that \$2,600 would be fair compensation with, with Mr. Pacheco assuming the sole responsibility for the restoration of the property following construction. **Staff recommends Council authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 169-300-008 in the amount of \$2,600.00 for the use of public right-of-**

way for Project EN0084 – Pleasant Avenue Improvements Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, as presented.

- (6) **Accept as complete the contract with Romanazzi General Engineering for work on the Traffic Signal and Intersection Improvements at Prosperity Avenue and Oaks Street Project (Project EN0072). 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: J. Funk] Capital Improvement Project EN0072 is a project to construct a traffic signal and intersection improvements at the intersection of Prosperity Avenue and Oaks Street. The project converted the former 4-way stop controlled intersection to a signalized intersection.

Signalization included LED type streetlights, pedestrian push buttons, and pedestrian signal heads that meet current ADA and Caltrans standards. Operation of the signalized intersection is controlled by a Gridsmart overhead video detection system. Work included the removal of conflicting striping and the installation of new striping that provides dedicated left-turn and right-turn pockets on Prosperity Avenue. New ADA compliant ramps were constructed at the four corners as well as a storm drain line that is expected to reduce localized flooding near the intersection. Run-off from the south side of the intersection now will flow to the City storm basin between N ‘J’ Street and Oaks Street on the south side of Prosperity Avenue.

On July 7, 2020, the City Council awarded a contract in the amount of \$658,607.00 to Romanazzi General Engineering of Exeter, CA. The project is funded through a combination of Gas Tax, Measure R, Development Impact Fee, and Streets/Transportation CIP funds.

A summary of contract costs is as follows:

Original Contract Award:	\$ 658,607.00	
Contract Change Order No. 1:	\$ 19,482.77	(3.0%)
Contract Change Order No. 2:	\$ 16,227.08	(2.5%)
Contract Change Order No. 3:	\$ 3,000.00	(0.5%)
Contract Change Order No. 4:	\$ 8,317.23	(1.3%)
Contract Change Order No. 5:	\$ 753.00	(0.1%)
Contract Change Order No. 6:	<u>(\$ 4,900.00)</u>	<u>(0.7%)</u>
Total Construction Contract Cost:	\$ 701,487.08	(6.5%)

- Contract Change Order No. 1 was for changing the storm drain pipe material, adjusting a conflicting utility, additional costs for installing a storm drain lateral, and a credit for using recycled base rock.
- Contract Change Order No. 2 was for increasing the amount of mill and overlay item, increase in hot mix asphalt (HMA) price by using an acceptable

- supplier, additional HMA for trench restoration and a credit for reduced trucking costs.
- Contract Change Order No. 3 was for applying a slurry coating over the entire intersection including sections that were deemed acceptable by the City.
 - Contract Change Order No. 4 was for upgrading the pedestrian push button, relocation of the signal pole at the southwest corner of the intersection to avoid conflicting underground utilities, installing additional pavement markings, additional mobilization and demobilization to construct the ramp improvements at the southeast corner (delayed because of issues obtaining right of way), and removing and disposing of a conflicting, abandoned water pipe.
 - Contract Change Order No. 5 was for raising an additional water valve can.
 - Contract Change Order No. 6 was for the balance of quantities.

All work required of Romanazzi General Engineering under this contract has been completed in accordance with the approved plans and specifications. **Staff recommends Council accept as complete the contract with Romanazzi General Engineering for work on the Traffic Signal and Intersection Improvements at Prosperity Avenue and Oaks Street Project (Project EN0072). 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, as presented.**

- (7) **Approve Amendment No. 2 to the Caltrans Cooperative Agreement 06-1608, related to improvements to the State Route 99 and State Route 137 (Tulare Avenue) Interchange, allocating an additional \$325,000 of the City's RSTP funding, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [Submitted by: N. Bartsch]** The City Council adopted Resolution 14-65 at the October 21, 2014 regular City Council meeting, which allocated portions of the City's **Regional Surface Transportation Program (RSTP)** funding to be utilized on projects along State Route 137 (Tulare Avenue) and State Route 63 (Mooney Boulevard) within City limits. The highest priority project identified for potential use of these funds was the signalization of the State Route 99 and State Route 137 ramp intersections. This funding provided by the City has successfully been utilized to leverage additional Caltrans resources and funds for the design, right-of-way acquisition, and construction of the project.

This Project's improvements will signalize both northbound and southbound on/off-ramps, and will eliminate access to the State Route 99 southbound ramps from San Joaquin Avenue, and to the State Route 99 northbound ramps from Sierra Avenue in accordance with current Caltrans standards. The Project will also include construction of a hammerhead turnaround at the east end of San Joaquin Avenue at its previous point of connection point to the southbound

ramps, and a cul-de-sac at the west end of Sierra Avenue at its previous point of connection to the northbound ramps.

On September 6, 2016, City Staff and Caltrans presented an update to the City Council, describing the scope of work and timeline for the project. As a part of Caltrans' environmental review process and public outreach, a public notice was published in the newspaper on March 20, 2017, which provided a summary of identified project impacts, and gave contact information for those interested or concerned about those impacts. The City worked with Caltrans to minimize the impacts to properties and surrounding businesses. On October 6, 2020 Caltrans provided an update presentation on the status of the project. At that meeting, the City Council also approved a Resolution of Change to the City of Tulare-State of California Freeway Agreement. Since that time, final project plans were developed and the project was bid.

Caltrans received (4) bids, however, the lowest responsive and responsible bid received exceeds the project budget. In total, the budget shortfall is \$536,500. Caltrans has identified some funding to assist in filling this gap, but has approached the City with the request for an additional \$325,000 in order to award the project. Alternatively, the project will be delayed until additional funding is identified, requiring the project to be rebid at a later date.

This City has worked with the Tulare County Association of Governments (TCAG), the administrator of the RSTP funds used on this project, and has identified additional available funding adequate to meet this need with the City's current allocation of funds.

With the approval of the proposed Amendment No. 2 to the current Caltrans Cooperative Agreement, Caltrans will be able to proceed with the award of the contract to the low bidder and the project will be able to resume as planned. Due to the necessary timeframe for equipment procurement in advance of construction, work is anticipated to begin in late 2021, with completion in early 2022. The City currently has a project on Spruce Street and Sierra Avenue, adjacent to Caltrans's work on this project. If the two projects were to be completed independently, there would be some duplication of work to make all needed improvements. However, with the ability to coordinate work simultaneously, there will be an opportunity to achieve some cost savings to both projects. **Staff recommends Council approve Amendment No. 2 to the Caltrans Cooperative Agreement 06-1608, related to improvements to the State Route 99 and State Route 137 (Tulare Avenue) Interchange, allocating an additional \$325,000 of the City's RSTP funding, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager, as presented.**

- (8) **Authorize the City Manager to sign a contract with 4 Creeks of Visalia, CA in an amount not to exceed \$294,190 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0095, a street and utility improvement project between O Street and Blackstone Street, and between San Joaquin Ave. and the Santa Fe Trail; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$29,419) of the contract award amount; and approve the updated project scope and budget.**

[Submitted by: N. Bartsch] This project is a street and utility improvement project on: Apricot Ave. between Gem St. and Blackstone St.; Academy Ave. between Gem St. and Blackstone Ave.; Pine Dr. between Academy Ave. and Highland St.; E. La Mesa Dr. between Academy Ave. and Blackstone St.; N. Gem St. between San Joaquin Ave. and Academy Ave.; Highland St. between San Joaquin Ave. and the Santa Fe Trail; and Olympic Ct. at Apricot Ave. The project will reconstruct the street section and will include ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fall within the project limits. Additionally, it will address necessary water, sewer and storm drain improvements within those limits. The need for the project was identified through the City's Pavement Management System and the review of the condition of the City's utility infrastructure. This project is included as a part of the City's 2021-2026 transportation and utility CIP program budget.

A Request for Qualifications (RFQ) for On-Call Engineering and Land Surveying Consultants was issued on October 20, 2020. Ten (10) firms submitted all the necessary information to be considered for inclusion in a list of pre-approved consultants to provide these services. The proposals were reviewed and rated in accordance with the consultant selection procedures identified in the RFQ, and the top six (6) firms were recommended for inclusion on the list of prequalified general engineering and land surveying consultants. On December 15, 2020, the City Council approved this list of (6) consultants.

4 Creeks of Visalia, CA is included on the list of pre-qualified on-call Engineering consultants and demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the design of this project. 4 Creeks has proposed to perform the necessary work for \$294,190. The proposed cost is in line with industry standards and falls within the amount budget for this work on this project.

Due to the inclusion of funding from various utility funds on this project, this will also be submitted to the Board of Public Utilities for review and approval at its regular meeting on June 3, 2021. **Staff recommends Council authorize the City Manager to sign a contract with 4 Creeks of Visalia, CA in an amount not to exceed \$294,190 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0095, a street and utility improvement project between O Street and Blackstone**

Street, and between San Joaquin Ave. and the Santa Fe Trail; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$29,419) of the contract award amount; and approve the updated project scope and budget, as presented.

- (9) **Authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$435,220 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,522) of the contract award amount; and approve the updated project scope and budget. [Submitted by: N. Bartsch]** This project is a street and utility improvement project on: King Ave. between O St. and Cherry St.; Sycamore Ave. between Cherry St. and Blackstone St.; San Joaquin Ave. between O St. and Blackstone St.; Madden St. between Tulare Ave. and King St.; Delwood St. between Sycamore Ave. and San Joaquin Ave.; and N. Highland St. between Tulare Ave. and Sycamore Ave. The project will reconstruct the street section and will include ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fall within the project limits. Additionally, it will address necessary water, sewer and storm drain improvements within those limits. In order to complete the master-planned storm drain improvements within this project, additional analysis and planning will also be needed for future routing, sizing, and design of storm drain facilities to a future terminal basin outside of these project limits. The need for the project was identified through the City's Pavement Management System and the review of the condition of the City's utility infrastructure. This project is included as a part of the City's 2021-2026 transportation and utility CIP program budget.

A Request for Qualifications (RFQ) for On-Call Engineering and Land Surveying Consultants was issued on October 20, 2020. Ten (10) firms submitted all the necessary information to be considered for inclusion in a list of pre-approved consultants to provide these services. The proposals were reviewed and rated in accordance with the consultant selection procedures identified in the RFQ, and the top six (6) firms were recommended for inclusion on the list of prequalified general engineering and land surveying consultants. On December 15, 2020, the City Council approved this list of (6) consultants.

Peters Engineering Group of Clovis, CA is included on the list of pre-qualified on-call Engineering consultants and demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the design of this project. Peters Engineering Group has proposed to perform the necessary work for \$435,220. The proposed cost is in

line with industry standards and falls within the amount budget for this work on this project.

Due to the inclusion of funding from various utility funds on this project, this will also be submitted to the Board of Public Utilities for review and approval at its regular meeting on June 3, 2021. **Staff recommends Council authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$435,220 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,522) of the contract award amount; and approve the updated project scope and budget, as presented.**

- (10) **Receive a list of proposed projects to be funded through Senate Bill No. 1 (SB 1) revenues; and adopt Resolution 2021-18, which includes the 2021/22 Road Maintenance and Rehabilitation Account (RMRA) funds in the City's 2021/22 Capital Improvements Projects program budget and identifies a list of proposed projects that will utilize those funds. [Submitted by: N. Bartsch]** Senate Bill No. 1 (SB 1) was approved by the Governor on April 28, 2017 and filed with the Secretary of State on April 28, 2017. This bill created the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state's highway system as well as local street and road systems. Funds generated include the Road Maintenance and Rehabilitation Account (RMRA), which resides in the State Transportation Fund.

The California Transportation Commission (CTC) formally adopted the SB 1 Local Streets and Roads (LSR) Annual Reporting Guidelines on August 16, 2017. The guidelines outline the process for cities and counties to annually submit their project lists and expenditure reports to the CTC to establish eligibility for receiving SB 1 funds. At its March 21-22, 2018 meeting, the CTC adopted updated reporting guidelines, requiring that this list be submitted annually, no later than May 1. Due to the COVID-19 pandemic, the deadline was extended this year to July 1, 2021.

These revenues were programed into the approved 2019/24, and proposed 2021/26 Capital Improvements Project program. The approval of the project list is intended to secure the City's allocation of SB 1 funding and does not preclude the City from modifying the list. Actual expenditures will be tracked and reported according to the SB 1 reporting guidelines. **Staff recommends Council receive a list of proposed projects to be funded through Senate Bill No. 1 (SB 1) revenues; and adopt Resolution 2021-18, which includes the 2021/22 Road Maintenance and Rehabilitation Account (RMRA) funds in the City's**

2021/22 Capital Improvements Projects program budget and identifies a list of proposed projects that will utilize those funds, as presented.

- (11) **Adopt Resolution of Intent 2021-19 receiving the draft report of Tulare Downtown Association (TDA) Board of Directors, and setting June 15, 2021, as the public hearing date regarding annual downtown district assessments. [Submitted by: D. Thompson]** The City Code requires a public hearing be held annually regarding the work program and proposed assessments to be levied for the Downtown Parking and Business Improvement District. by action of the Council, the Tulare Downtown Association (TDA) Board of Directors serves as the Advisory Board of the district and administers the program. The report gives an overview of the current fiscal year activities, as well as the program and assessments for the fiscal year beginning July 1, 2021.

The report and resolution of intent to levy assessments are the first steps in this annual process. A TDA Board Member, will review the report in detail during the public hearing scheduled for June 15. The only action required at the June 1 meeting is adoption of the resolution receiving the draft report, declaring the intent to levy assessments, and setting June 15 as the public hearing date. **Staff recommends Council adopt Resolution of Intent 2021-19 receiving the draft report of Tulare Downtown Association (TDA) Board of Directors, and setting June 15, 2021, as the public hearing date regarding annual downtown district assessments, as presented.**

- (12) **Adopt Resolution 2021-20 authorizing the surplus of 11 City Vehicles/Equipment. [Submitted by: M. Correa]** The Fleet Control Budget was established in order to allow the Fleet Maintenance Department to bill departments for City vehicles, to recommend replacements, and properly size and make vehicles available to departments based on their needs. The following vehicles/equipment have been removed from service. These units have been inspected by Fleet Maintenance and have reached the end of useful life or have damage not economically feasible to repair.

3138	2017	FORD	INTERCEPTOR	Wreck
3104	2014	FORD	INTERCEPTOR	Wreck
918	2003	FORD	SILVERADO 1500	
3149	2019	FORD	INTERCEPTOR	Wreck
3031	2011	FORD	CROWN VICTORIA	
3119	2016	FORD	INTERCEPTOR	Wreck
389	2008	DODGE	CHARGER	
453	2007	CHEVY	SILVERADO 1500	
454	2007	CHEVY	SILVERADO 1500	
604	2007	CHEVY	SILVERADO 1500	
944	2017	FORD	F150	Wreck

Staff recommends Council adopt Resolution 2021-20 authorizing the surplus of 11 City Vehicles/Equipment, as presented.

- (13) Award and authorize the City Manager to sign a contract with Jaxon Enterprises, DBA Deer Creek Asphalt (Deer Creek), of Redding, CA in the amount of \$48/ton for 3/8" Plant Run Cold Mix with Oil, \$47/ton for 1/2" Plant Run Cold Mix with Oil and \$49.10/ton for 1/2" Hot Asphalt Concrete; subject to minor conforming or clarifying changes acceptable to the City Attorney. [Submitted: T. Whitfield]** As a part of the City's Pavement Management Program, the Streets Division annually programs transportation funding for minor street repair projects such as reclaimer, fiber seal, chip seal, or overlay project to stabilize and extend the life of city streets. This is a maintenance project that is independent from any of the Capital Projects currently scheduled and approved and will be funded from the annual Transportation Pavement Management program.

Through the annual Pavement Management program, there is approximately \$300,000 available for minor street repair projects. A contract for the 3/8" Plant Run Cold Mix with Oil, 1/2" Plant Run Cold Mix with Oil and 1/2" Hot Asphalt Concrete would give staff the ability to do 4-5 overlay projects at a cost of approximately \$282,000 over the next few months before the weather gets cold. A list of the proposed overlay streets is attached (Attachment A). An overlay project can be completed by City staff using the new paver that was purchased in April 2019. This also locks in the price for material used for pothole patching for one year.

Similar overlay projects were completed as follows in 2019/2020 and these streets have held up well since that time. Staff anticipates that this project will extend the life of the selected locations between eight and ten years.

Enterprise Street from Avenue 208 to 700' north
Oakmore from Ave. 228 to Tulare Avenue
Turner Drive from Foster Drive to city limit
Pacific Ave. from De La Vina to Mooney Blvd.
Paige Ave. from Pratt to 800' west of I Street
Intersection of Paige and Pratt

The City's Purchasing Policy (Section 4, page 18, C) allows for the use of "Cooperative Purchasing or Piggy-Back" contracts to take advantage of competitively bid purchasing if it would "provide the City with benefits". Awarding this contract to Deer Creek allows staff to move forward in an expeditious manner to complete this work while the weather allows it, because this product has recently been competitively bid by another public agency.

Tulare County awarded a contract for the purchase of the 3/8" Plant Run Cold Mix with Oil, 1/2" Plant Run Cold Mix with Oil and 1/2" Hot Asphalt Concrete to Deer Creek in April of 2020 after advertising for competitive bids. Deer Creek has agreed to hold the prices for those same products through June 30, 2022 as follows:

1) 3/8" Plant Run Cold Mix with Oil	\$48.00 per ton
2) 1/2" Plant Run Cold Mix with Oil	\$47.00 per ton
3) 1/2" Hot Asphalt Concrete	\$49.10 per ton

The bid proposal (Attachment B), and the subsequent contracts between the County of Tulare and Deer Creek are attached (Attachment C). **Staff recommends Council award and authorize the City Manager to sign a contract with Jaxon Enterprises, DBA Deer Creek Asphalt (Deer Creek), of Redding, CA in the amount of \$48/ton for 3/8" Plant Run Cold Mix with Oil, \$47/ton for 1/2" Plant Run Cold Mix with Oil and \$49.10/ton for 1/2" Hot Asphalt Concrete; subject to minor conforming or clarifying changes acceptable to the City Attorney, as presented.**

XIII. SCHEDULED CITIZEN OR GROUP PRESENTATIONS [Time estimate: 7:30 p.m. to 7:50 p.m.]

- (1) **Proclamation presentation in recognition of the LGBTQ Pride Month.**
- (2) **Tulare Chamber of Commerce Annual Report presented by Donnette Silva-Carter, CEO.**

XIV. MAYOR/COUNCIL REPORTS OR ITEMS OF INTEREST – G.C. 54954.2(3) [Time estimate: 7:50 p.m. to 8:00 p.m.]

XV. GENERAL BUSINESS

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

- (1) **Public Hearing:** [Time estimate: 8:00 p.m. to 8:20 p.m.]
 - a. **Public Hearing to adopt Resolution 2021-21 approving the 2021 Community Development Block Grant (CDBG) Annual Action Plan (APP) to allocate CDBG funds in the amount of \$373,897 to public infrastructure improvements, \$70,000 to job training and placement services, \$55,000 to minor home rehabilitation, \$116,286 to CDBG program administration, and \$106,797 to services for people experiencing and those at-risk of homelessness; and authorize the City Manager or his designee to submit the same to HUD on behalf of the**

City of Tulare. [Submitted by: T. Myers] Local administration of the Community Development Block Grant (CDBG) Program is overseen by the City’s Community & Economic Development Department in cooperation with other City departments. Through the Annual Action Plan process, the City Council and Department staff establish activities that meet the goals identified under the City’s 2020-2024 CDBG Consolidated Plan (ConPlan) and the national objectives and requirements of the CDBG Program as determined by the U.S. Department of Housing and Urban Development (HUD).

On May 5, 2020, the City Council adopted the ConPlan for use of CDBG funds following comprehensive public outreach, meetings, and consultation with other organizations and agencies. For reference, the prioritized goals of the current five-year ConPlan period include those listed below.

Table 1 – 2020-2024 Consolidated Plan Strategic / Priority Needs

1) Provide public infrastructure and facility improvements for moderate- and low-income households.
2) Provide direct assistance and/or housing for people experiencing homelessness and those at-risk.
3) Improve access to affordable housing for moderate- and low-income households and for people with special needs.
4) Provide public services for moderate- and low-income households and for people with special needs.
5) Improve access to employment and training opportunities for moderate- and low-income households, people with special needs, and people experiencing homelessness.
6) Provide professional and high-quality grant administration and fair housing services.

Between March 29th and June 1st, Department staff issued a Notice of Funding Availability (NOFA), sought public comment and review, held two public meetings, and consulted with local organizations and other City staff in order to gather information and proposals for the 2021 Program Year CDBG Action Plan (See pg. 5-7 of the Draft 2021 Action Plan for a summary of public outreach and participation). An array of local agencies and organizations were notified of the CDBG funding opportunity and encouraged to propose activities / projects. The City received nine (9) applications from nine (9) different agencies and organizations prior to the close of the NOFA period on Tuesday, April 27, 2021. Table 2 provides a brief overview of the applications and associated funding requests. Department staff reviewed applications according to criteria including, but not limited to, how a proposed activity and/or its sponsor: a) satisfies CDBG Program requirements and local ConPlan goals; b) offers relevant and reliable past experience; c) addresses unmet local need(s); and, d) supplements and/or coordinates with other local organizations and their services.

Table 2 – Applications for 2021 CDBG Projects & Funds

Organization	Project Type / Purpose	Funding Request
Kings View Corporation	Public Service / Outreach, aid, and referrals for people experiencing homelessness	\$25,000
Habitat for Humanity	Affordable Housing / Minor home rehabilitation program	\$50,000
Kings Tulare Homeless Alliance	Public Service / Continuum of Care services, outreach, and referrals for people experiencing homelessness	\$10,000
Salt+Light Works	Public Service / Outreach and provision of food and palliative relief items to people experiencing homelessness	\$111,405
Family Services of Tulare County	Public Service / Outreach, case management, and operation of Housing First vouchers for people experiencing homelessness	\$25,000
Lighthouse Rescue Mission / Community Impact Corps	Public Service / Purchase and installation of ten (10) two-bedroom manufactured units for emergency shelter	\$115,960
Public Works Department – Streets Division	Public Service / Offset personnel and operating costs of waste and graffiti removal in low-moderate income areas of City.	\$51,200
Workforce Investment Board of Tulare County	Economic Development / Provide job readiness, job training, and placement services to people experiencing or at-risk of homelessness	\$70,000
Engineering Department	Public Infrastructure / Complete pavement and utility system enhancements on Pratt St. – Mefford Choice Tract	\$380,000

Department staff held a final public meeting on Wednesday, May 19, at 5:15 PM to review the proposed Program Year 2021 Action Plan and to receive public comments and questions. This meeting was open to the general public, local organizations, public agencies, City Departments, and other stakeholders. Department staff conducted the meeting virtually through Zoom, with an option for limited in-person attendance for individuals requiring an accommodation. Department staff notified the general public and over several hundred nonprofit, private, and public entities of the meeting through a public notice in two local newspapers and through the email list-serves of partner organizations. A 30-day public review and comment period on a draft of the 2021 CDBG Action Plan began on April 30, 2021, more than 15 days before the meeting.

PROGRAM YEAR 2021 ANNUAL ACTION PLAN OPTIONS

Total expected funding for the upcoming 2021 Program Year consists of an annual allocation of \$701,980, an estimated \$10,000 in available CDBG program income, and an estimated \$10,000 in CDBG funds remaining from the current 2020 Program Year. Together, approximately \$721,980 is available for the City Council, with public comment, to award to local nonprofit organizations and City Departments to implement an eligible activity and project.

Since the CDBG Program places a cap of 15 percent on the amount of CDBG funds a jurisdiction may commit to public service activities in a given program year, only several of the proposed public service activities may receive a portion of the approximately \$106,797 available under this particular project type. Community Development Department staff requests City Council’s review and approval of 2021 CDBG activities and funding as presented below.

Table 3 – Proposed 2021 CDBG Action Plan

<p>*Public Services –</p> <ol style="list-style-type: none"> 1) Family Services of TC: \$25,000 2) Kings View: \$25,000 3) Kings Tulare Homeless Alliance: \$10,000 4) Salt+Light Works: \$46,797 <p>Public Infrastructure –</p> <ol style="list-style-type: none"> 5) Pratt St / Mefford Choice Tract: \$373,897 <p>Affordable Housing –</p> <ol style="list-style-type: none"> 6) Habitat for Humanity: \$55,000 <p>Economic Development –</p> <ol style="list-style-type: none"> 7) Workforce Investment Board: \$70,000 <p>Program Administration & Planning –</p> <ol style="list-style-type: none"> 8) Personnel & Operating Costs - \$116,286
<p><i>Notes</i></p> <ul style="list-style-type: none"> • Maintain direct outreach, aid, and case management services among four (4) providers for people experiencing homelessness; • *Utilize a different City funding source other than CDBG to support neighborhood cleanup (graffiti and waste removal) City-wide; Per HUD guidance, removal of waste / trash a part of an illegal dumping and graffiti abatement is considered a ‘general purpose of government’, not eligible for CDBG funding.

A focus on services for people experiencing homelessness and public infrastructure improvements in the proposed Action Plan aligns with goals as identified in the 2020-2024 Consolidated Plan. Information on the proposed activities and funding was available for public review and comment from April 30, 2021, to June 1, 2021. **Staff recommends Council adopt Resolution 2021-21 approving the 2021 Community Development Block Grant (CDBG) Annual Action Plan (APP) to allocate CDBG funds in the amount of \$373,897 to public infrastructure improvements, \$70,000 to job training and placement services, \$55,000 to minor home rehabilitation, \$116,286 to CDBG program administration, and \$106,797 to services for people experiencing and those at-risk of homelessness; and authorize the City Manager or his designee to submit the same to HUD on behalf of the City of Tulare, as presented.**

(2) **Community Development:** [Time estimate: 8:20 p.m. to 8:30 p.m.]

- a. **Tulare City Council, in its capacity as the Housing Successor Agency, review and consideration of a Loan Agreement between the City of Tulare and Self-Help Enterprises for a loan in the amount of One Million and No/100 Dollars (\$1,000,000) from the City's Housing Asset Fund for the development and construction of eighty-one (81) units of affordable multifamily rental housing in the City of Tulare, also known as Santa Fe Commons I. [Submitted by: T. Myers]** On December 15, 2020, City staff presented Council with an item for the review and consideration for approval to enter into negotiations with Self Help Enterprises to loan One Million and No/100 Dollars (\$1,000,000) in the low and moderate housing asset funds for multifamily rental affordable housing development. Affordable housing and loan agreements would be presented to City Council as the Housing Successor Board for consideration at a subsequent meeting.

At that time, Council agreed to continue the public hearing to January 12, 2021 to allow the Lighthouse Rescue Mission to cure any defects and update its original proposal submitted on June 30, 2020. Following the public hearing and presentations, Council voted to award the One Million and No/100 Dollars (\$1,000,000) from the City's Housing Asset Fund to Self Help Enterprises for the development and construction of eighty-one (81) units of affordable multifamily rental housing in the City of Tulare, also known as Santa Fe Commons I.

State law requires Housing Asset Funds to be spent in a timely manner to avoid excess surplus, or a cash balance larger than the last four years of deposits. Tulare's Housing Asset Funds must be spent or encumbered (committed in an executed agreement) by June 30, 2021 to avoid giving up funds to the California Department of Housing and Community Development ("HCD") as excess surplus.

The attached Loan Agreement was prepared by the joint efforts of legal Counsel for the City of Tulare and Self Help Enterprises. The highlights of the Loan Agreement are as follows:

The Project

Eight-one (81) units shall be comprised of:

- Twenty-five (25) Permanent Supportive Housing units (defined in Health & Safety Code Section 50675(b)(2)) that are affordable to Extremely Low Income households (defined in Health & Safety Code Section 50106),
- Thirty-two (32) units affordable to Very Low Income households (defined in Health & Safety Code Section 50105),
- Twenty-three (23) units affordable to Lower Income households (defined in Health & Safety Code Section 50079.5), and
- One (1) manager unit

Loan Terms

The City of Tulare agrees to make a loan to Self Help Enterprises in the principal sum of One Million and No/100 Dollars (\$1,000,000). The Loan term is fifty-five (55) years from the date of issuance of certificates of occupancy for the entire Project but in all events, all sums shall become due and payable on December 1, 2078, as set forth in a Promissory Note.

Promissory Note

Prior to the distribution of the Loan and contingent on the following, Self Help Enterprises agrees to execute a promissory note, in like amount, which shall bear simple interest at the rate of three percent (3%) per annum. The Loan will also be evidenced by a Regulatory Agreement, and Declaration of Restrictive Covenants entered into between the City of Tulare and Self Help Enterprises and imposing occupancy and affordability restrictions on the Project, and by a Development Covenant imposing construction requirements on Self Help Enterprises. The aforementioned agreements shall be developed by the City of Tulare and Self Help Enterprises once funding is secured for the Project.

Security

Self Help Enterprises will provide the City of Tulare a Deed of Trust with Assignment of Rents on the real property, including all improvements, appurtenances and rents therefrom.

Disbursement Schedule

The City of Tulare shall disburse Loan proceeds to Self Help Enterprises at the commencement of construction. The City of Tulare will not disburse Loan proceeds until the Loan Documents are fully executed and delivered to the City of Tulare. Self Help Enterprises agrees that all funds to be loaned

hereunder shall be used only to pay for the construction and development of the Project, or such other costs as may be allowed by the City of Tulare.

Reporting

Within one hundred eighty (180) days after its fiscal year-end, Self Help Enterprises will provide to the City of Tulare a copy of Self Help Enterprise's annual financial statements.

Self Help Enterprises shall provide the reports and financial information required by the Regulatory Agreement within the time periods set forth therein. **Staff recommends Council consider a Loan Agreement between the City of Tulare and Self-Help Enterprises for a loan in the amount of One Million and No/100 Dollars (\$1,000,000) from the City's Housing Asset Fund for the development and construction of eighty-one (81) units of affordable multifamily rental housing in the City of Tulare, also known as Santa Fe Commons I, as presented.**

(3) Public Works: [Time estimate: 8:30 p.m. to 8:45 p.m.]

- a. Review, discuss and provide direction on the replication of the milk glass art work and painting of the water tower located at South "O" Street and Kern Avenue. [Submitted by: T. Whitfield]** The 140,000-gallon water tower located just east of the downtown area at Tulare Union High School was installed in 1913. The tank was last inspected and scope of work proposed for repairs and maintenance by Pittsburg Tank & Tower Co., Inc. of Henderson, Kentucky in 2016. The inspection in 2016 found structural and required preventative maintenance items, one of which was exterior painting. Due to budget limitations, only the inspection was completed in 2016 – the recommended preventative maintenance work and exterior painting were not completed. Instead, staff included a new inspection and repair/preventative maintenance work to the water tank in the FY 2020/21 capital budget.

This year's capital budget includes \$310,000 for inspection and repair of the water tower. When Pittsburg Tank inspected the tank in 2011 and 2016, they recommended repainting the exterior, but because of the art work staff postponed painting until a later date. Now that it has been 10 years since the last inspection with repairs, staff is preparing to move forward with the repairs and preventative maintenance as well as the re-painting of the tank.

In 2005, when the City was set to refurbish the water tower, the Chamber of Commerce and members of the Tulare Cultural Arts Foundation approached the City and joined forces to propose the "milk glass" rendering. Funding for the nearly \$40,000 project came from the California Dairy Council, local dairy owners, the Tulare Foundation, the City of Tulare, the Chamber of Commerce

and donations at fundraising events. In August 2005, the Board of Public Utilities authorized the “milk glass” design and painting of the tank.

To get a better idea of what the repainting of the tower would cost, staff reached out to a number of companies that inspect and repair elevated steel tanks. Pittsburgh Tank & Tower was the only contractor who responded. For basic painting of the water tower (white, blue, and the black lettering) it was quoted in the amount of \$72,400.00 and a second quote was provided for the paint work line item of which included the art work to replicate the glass of milk, in the amount of \$124,897.00, or an increase of \$52,497.00 to redo the exterior painting that was originally painted in 2005.

Given the history of the existing “milk glass” painting, staff asked the Council for direction regarding the needed repainting of the exterior of the tank at the City Council meeting of April 6, 2021. At the meeting, the Council consensus was to keep the existing artwork and it was requested that staff bring it back once there was an estimated cost for repainting. The Chamber of Commerce, Don LeBaron, and John Harmon supported the re-painting of the existing artwork and expressed interest in helping with the project. **Staff recommends Council review, discuss and provide direction on the replication of the milk glass art work and painting of the water tower located at South “O” Street and Kern Avenue, as requested.**

(4) City Attorney: [Time estimate: 8:45 p.m. to 9:15 p.m.]

- a. Update by City Attorney regarding the request to increase the administrative city fine for use and possession of illegal fireworks and for revising the City’s municipal code to add a chapter on illegal fireworks and amending the City’s municipal code to address specific time for use of Safe and Sane fireworks.** At the May 18, 2021 City Council Meeting, Councilmember Harrell requested that the City adopt a fee for illegal use of fireworks. Councilmember Harrell also requested that the Tulare Municipal Code be amended to address the use of illegal fireworks as well as address a specific time for use of Safe and Sane fireworks.

In order for the City to adopt a fine for illegal use of fireworks, it must be based on a municipal code violation. Currently, Tulare’s Municipal Code does not address illegal use of fireworks, and, therefore, the Municipal Code must be amended before the City can adopt a fine.

The procedure for amending the Municipal Code is by approval of an ordinance. An ordinance requires two readings, and is not effective until 30 days after its passing at the second reading. Therefore, it is not possible for a Municipal Code amendment to be achieved before the Fourth of July this year.

Additionally, even if the Council were to adopt an urgency ordinance at the next meeting, the Council would still need to also pass a Resolution to enact the fine. This Resolution would require a public hearing, and there would not be sufficient time to provide notice for that public hearing before the next meeting.

However, if Council desires to proceed with a Municipal Code amendment to address illegal use of fireworks—while it will not be in place for Fourth of July this year—it could be achieved before the New Year holiday. **Staff recommends Council receive the update and provide direction, as requested.**

(5) City Manager: [Time estimate: 9:15 p.m. to 9:20 p.m.]

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

XVI. STAFF UPDATES AND FUTURE AGENDA ITEMS – GC 54954.2(3) [Time estimate: 9:20 p.m. to 9:45 p.m.]

XVII. ADJOURN REGULAR MEETING

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

May 18, 2021

A budget session of the City Council, City of Tulare was held on Tuesday, May 18, 2021, at 5:30 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Dennis A. Mederos, Terry A. Sayre, Jose Sigala, Stephen C. Harrell, Patrick Isherwood

STAFF PRESENT: Rob Hunt, Megan Dodd, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Jason Glick, Wes Hensley, Janice Avila, Traci Myers, Nick Bartsch, Ken Wales, Jason Bowling, Brian Beck, Roxanne Yoder

5:30 p.m.

I. CALL TO ORDER BUDGET SESSION

Mayor Mederos called the budget session to order at 5:36 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. BUDGET SESSION

- a. Review and provide direction on the Fiscal Year 2021/22 Proposed Budget.**

[Submitted by: R. Hunt] Deputy City Manager Josh McDonnell provided a PowerPoint presentation for the Council's consideration, review and further direction. Finance Director Darlene Thompson provided further information for the Council's consideration regarding a loan repayment on the former Redevelopment Loan; review of proposed General Fund revenue and expenditures. Mr. McDonnell provided a summary on the City support and contributions to non-profits. He further reviewed the 10 budget requests posed by Council Member Sigala. Council Member Sigala provided his rationale on his requests. Comments by Council in response. Following a lengthy discussion, it was moved by Council Member Sigala, seconded by Vice Mayor Sayre, and unanimously carried to direct staff to augment the proposed budget as follows: (1) Establish a new line item in the amount of \$2,500 per council district for a total of \$12,500 for Community Improvement; and (2) Increase the Tulare Chamber of Commerce amount from \$12,500 to \$25,000.

IV. ADJOURN BUDGET SESSION

Mayor Mederos adjourned the budget session at 6:55 p.m.

A regular session of the City Council, City of Tulare was held on Tuesday, May 18, 2021, at 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street.

COUNCIL PRESENT: Dennis A. Mederos, Terry A. Sayre, Jose Sigala, Stephen C. Harrel, Patrick Isherwood

STAFF PRESENT: Rob Hunt, Megan Dodd, Josh McDonnell, Michael Miller, Darlene Thompson, Trisha Whitfield, Wes Hensley, Dave Rossman, Ryan Leonardo, Traci Myers, Janice Avila, Ken Wales, Jason Bowling, Nick Bartsch, Jim Funk, Roxanne Yoder

V. CALL TO ORDER REGULAR SESSION

Mayor Mederos called the regular session to order at 7:09 p.m.

VI. PLEDGE OF ALLEGIANCE AND INVOCATION

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

VII. CITIZEN COMMENTS

Mayor Mederos 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.

Donnette Silva-Carter, Chamber CEO, addressed the Council updating them on community efforts.

Kayla Nichols addressed the Council with concerns regarding homeless issues in her neighborhood.

VIII. COMMUNICATIONS

There were no items for this section of the agenda.

IX. CONSENT CALENDAR

It was moved by Council Member Harrell, seconded by Council Member Sigala, and unanimously carried that the items on the Consent Calendar be approved as presented with the exception of items 6 & 7.

- (1) Authorization to read ordinances by title only.**
- (2) Approve minutes of May 4, 2021 special/regular meeting(s) [Submitted by: R. Yoder]**

- (3) Authorize the City Manager to execute Agreement Supplement No. 12, in the annual amount of \$60,000 plus 4.8% administrative costs and expenses, with Townsend Public Affairs (TPA) public sector funding advocates to lobby for funding for City projects; and receive the annual advocacy report. [Submitted by: R. Hunt]**
- (4) Adopt Resolution 2021-15 approving the revisions to the City of Tulare Records Retention Schedules. [Submitted by: M. Hermann]**
- (5) Accept as complete the contract with Don Berry Construction, Inc. of Selma, CA for work on Project EN0071 – Prosperity & Blackstone Improvements; 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: N. Bartsch]**
- (6) Conditionally approve the final map and subdivision improvement agreement for Phase 4 of the Oak Creek Subdivision for recordation, and accept all easements and dedications offered to the City, subject to receipt of the signed final map, all fees, and other required items prior to July 17, 2021. [Submitted by: M. Miller]** Council Member Sigala pulled the item for clarification. City Engineer Michael Miller responded thereto. With no further discussion, it was moved by Council Member Isherwood, seconded by Council Member Harrell and carried 4 to 1 (Council Member Sigala voting no) to approve the item as presented.
- (7) Approve agreements with Luis Perez and Rosario Isais to construct and finance utility connection and/or side walk, curb, gutter, and driveway construction and place costs thereof on property tax rolls in installments. [Submitted by: D. Thompson]** Finance Director Darlene Thompson requested that the item be pulled to correct a clerical error in the agreements with regard to length of term from 5 years to 10 years. With no further discussion, it was moved by Mayor Mederos, seconded by Council Member Sigala, and unanimously carried to approve the item as amended.
- (8) Receive the monthly investment report for April 2021. [Submitted by: D. Thompson]**
- (9) Adopt Resolution 2021-16 extending the Abandoned Vehicle Abatement Program for 10 years. [Submitted by: W. Hensley]**

X. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) Certificate of Recognition to Richard Torrez, Jr. in recognition of qualifying for the U.S. Olympic Boxing Team.** Mayor Mederos presented Richard Torrez, Jr. with a Certificate of Recognition in qualifying for the U.S. Olympic Boxing Team. Richard Torrez, Sr. commented on his son’s career. Comments by Mr. Torrez, Jr. and Council.

- (2) **Presentation by Nathan Ahle, President/Chief Executive Officer of the Tulare County Economic Development Corporation outlining their goals and direction for Fiscal Year 2021/2022.** Chamber CEO Donnette Silva-Carter introduced Tulare County EDC President & CEO Nathan Ahle who provided a PowerPoint presentation for the Council's review and consideration and introduced Sam Diaz, VP, Business Success.

XI. MAYOR/COUNCIL REPORTS OR ITEMS OF INTEREST - G.C. 54954.2(3)

XII. 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 adopt Resolution 2021-14 approving the 2020 Community Development Block Grant (CDBG) Annual Action Plan (APP) Amendment I to confirm the allocation of available CDBG entitlement funds and program income in the amount of \$1,115,795 to existing project and activities approved under the 2020 AAP previously adopted on May 5, 2020; and authorize the City Manager or his designee to submit the same to HUD on behalf of the City of Tulare. [Submitted by: T. Myers]** Housing & Grant Specialist Alexis Costales provided a PowerPoint presentation for the Council's review and consideration. Mayor Mederos opened the public hearing at 8:15 p.m.; with no public comment, he closed the public hearing at 8:16 p.m. With no further discussion, it was moved by Council Member Sigala, seconded by Council Member Isherwood, and unanimously carried to adopt Resolution 2021-14 as presented.

(2) City Manager:

- a. **Receive a staff report on the City of Tulare's Boards, Commissions and Committees, consider options for the Strategic Action Ad Hoc Committee on Homelessness, and provide direction to staff related thereto. [Submitted by: J. McDonnell]** Deputy City Manager Josh McDonnell provided a PowerPoint presentation for the Council's review and consideration. Mayor Mederos invited public comment at 8:31 p.m. Chuck Miguel, Chair of the Strategic Action (Ad Hoc) Committee on Homelessness addressed the Council. Following a lengthy discussion, it was moved by Mayor Mederos, seconded by Vice Mayor Sayre, and unanimously carried to direct staff to return with a Resolution assigning the authority of the Housing & Building Appeals Board to the City Council. It was further moved by Mayor Mederos, seconded by Council Member Harrell, and unanimously carried to extend the following terms to December 31, 2021:

Police Review Board:

Vacancy (at-large appointment)
 Gene Chavez (Dist. 5 appointment)
 Karen Presant (Dist. 4 appointment)
 Maria Grijalva (Dist. 1 appointment)
 Xavier Avila (Dist. 2 appointment)
 Duane Goree, Jr. (at-large appointment)
 Charlie Ramos (Dist. 3 appointment)

Committee on Aging:

Jackie Zupp
 Albert Lemus
 Vacancy - 1

Measure I Oversight Committee

Jose Ruiz-Salas

The Council, by consensus, directed staff to schedule a special meeting for Tuesday, June 22, 2021 at 6 p.m. for review, discussion and direction regarding the Strategic Action Ad Hoc Committee on Homelessness; review and discussion regarding Council Member Sigala's list of non-housing homeless initiatives; discussion regarding a safe location for the homeless to reside and park their cars; and discussion and direction regarding the housing set-aside funds.

All other boards, committees and commissions will remain the same.

Council Member Sigala expressed concern over inconsistencies in the appointment process. Staff advised they would review his concerns.

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

XIII. STAFF UPDATES AND FUTURE AGENDA ITEMS – GC 54954.2(3)

Council Member Harrell requested a Public Hearing for the June 1 meeting to consider increasing the maximum fine for possession and use of illegal fireworks. It was the consensus of Council to direct staff to facilitate that request.

Council Member Harrell requested staff review amending the City's municipal code to add a chapter on the illegal fireworks and to amend Section 6.40.030 of Chapter 6.40 to include Safe and Sane Fireworks; and lastly, amend Section 6.40.073 to exempt Safe and Sane fireworks for a specific time frame. It was the consensus of Council to direct staff to return with an item for discussion.

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

Mayor Mederos adjourned to closed session at 9:25 p.m. for the item as noted by the City Attorney.

- (a) 54956.8 Conference with Real Property Negotiations
 Property: Property APN168-470-011 located at 325 N. West Ave. (30,117 sq.ft.)
 Agency Negotiators: Rob Hunt, Josh McDonnell, Manny Correa, Traci Myers
 Negotiating Parties: Lighthouse Rescue Mission

Under Negotiation: Price, terms and conditions regarding purchase and sale agreement

(b) 54956.9(d)(4) Conference with Legal Counsel -- Initiation of Litigation (1)

(c) 54957 Public Employment
Title: City Manager

XV. RECONVENE CLOSED SESSION

Mayor Mederos reconvened from closed session at 10:40 p.m.

XVI. CLOSED SESSION REPORT (if any)

Mayor Mederos advised there was no reportable action.

XVII. ADJOURN REGULAR MEETING

Mayor Mederos adjourned the regular meeting at 10:40 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’s Office

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Adopt Resolution 2021-___ reassigning the authority and functions of the Housing & Building Appeals Board to the Tulare City Council.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

On May 18, 2021, the Council reviewed all City Boards, Commissions and Committees and concluded, due chronic vacancies and in the effort of efficiency, that the authority and functions of the Housing & Building Appeals Board (Appeals Board) be reassigned to the City’s governing body, the Tulare City Council.

The Appeals Board means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals; as set forth in the Section 4.32.050 of Chapter 4.32 of the Tulare Municipal Code.

STAFF RECOMMENDATION:

Adopt Resolution 2021-___ reassigning the authority and functions of the Housing & Building Appeals Board to the Tulare City Council.

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: May 19, 2021

City Manager Approval: _____

RESOLUTION 2021-___

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TULARE
REASSIGNING THE AUTHORITY AND FUNCTIONS OF THE
HOUSING & BUILDING APPEALS BOARD
TO THE TULARE CITY COUNCIL**

WHEREAS, the Tulare City Council has reviewed all its City Boards, Commissions and Committees and concluded, due to chronic vacancies and in the effort of efficiency, that the authority and functions of the Housing & Building Appeals Board (Appeals Board) be reassigned to the City’s governing body, the Tulare City Council; and

WHEREAS, The Appeals Board means the board or agency of a city or county which is authorized by the governing body of the city or county to hear appeals regarding the requirements of the city or county relating to the use, maintenance, and change of occupancy of hotels, motels, lodging houses, apartment houses, and dwellings, or portions thereof, and buildings and structures accessory thereto, including requirements governing alteration, additions, repair, demolition, and moving of such buildings if also authorized to hear such appeals; as set forth in the Section 4.32.050 of Chapter 4.32 of the Tulare Municipal Code.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Tulare, as follows, to wit:

Section 1. Authorize the assignment of authority of the Housing & Building Appeals Board to the Tulare City Council.

PASSED AND ADOPTED this 1st day of June, 2021.

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

ATTEST:

STATE OF CALIFORNIA)
COUNT OF TULARE) ss.
CITY OF TULARE)

I, Rob Hunt, City Clerk of the City of Tulare, do hereby certify the foregoing is the full and true **Resolution 2021-___** passed and adopted by the Council of said city at a regular meeting held on **June 1, 2021**, by the following vote:

AYES: _____

NOES: _____ ABSENT: _____

Rob A. Hunt, CITY CLERK

By: Roxanne Yoder, Chief Deputy

AGENDA ITEM: Consent 4

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Accept all required public works improvements for Jack in the Box located at the northeast corner of Mooney Boulevard and Bardsley Avenue 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.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

On December 12, 2018, Site Plan Review Committee placed conditions on the Jack in the Box project that required improvements to its Mooney Boulevard and Bardsley Avenue frontage. The required improvements included street paving, curb and gutter, and sidewalk. The conditions of approval also included the relocation of the traffic signal located at the northeast corner of the intersection of Mooney Boulevard and Bardsley Avenue.

Jack in the Box has completed construction of all required public works improvements in accordance with the approved plans and specifications for this project.

STAFF RECOMMENDATION:

Accept all required public works improvements for Jack in the Box located at the northeast corner of Mooney Boulevard and Bardsley Avenue 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.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Michael Miller

Title: City Engineer

Date: June 1, 2021

City Manager Approval: _____

RECORDING REQUESTED BY:

City of Tulare

WHEN RECORDED MAIL TO:

City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257

**PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.**

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, 93274, is the owner of the real property, public works or structure hereinafter described.
2. The nature of the title of the stated owner is: In Fee.
3. On the 1st day of June 2021, a work of improvement on real property hereinafter described was completed by Jack in the Box, the Developer of record, whose address is 958 South Mooney Boulevard, Tulare, CA 93274.
4. The real property or public work or structure is described as follows:

Public Works Improvements for Jack in the Box at 958 South Mooney Boulevard, Tulare, CA 93274.
5. The public works improvements were accepted as complete by the City Council of the City of Tulare on June 1, 2020.

Dated: _____

CITY OF TULARE
A Municipal Corporation,

By: _____
Michael W. Miller, City Engineer

VERIFICATION:

I am the City Engineer of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2021 at Tulare, California.

By: _____
Michael W. Miller, City Engineer

AGENDA ITEM: Consent 5

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering / Project Management

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 169-300-008 in the amount of \$2,600.00 for the use of public right-of-way for Project EN0084 – Pleasant Avenue Improvements Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

This Capital Improvement Project addresses pavement and utility infrastructure improvements along Pleasant Avenue between the Enterprise Street and North 'H' Street. As part of the larger project, curbs, gutters, ramps, and sidewalk improvements to facilitate the traffic signal at the intersection of Pleasant Avenue and West Street will be constructed. At the City Council meeting of May 4, 2021, Council awarded a contract for the Pleasant Avenue Improvement Project including the alternate bid item that covers complete construction of the traffic signal.

The City needs to acquire additional property to place the Project's curb and gutter improvements and signal equipment in their ultimate locations. Additionally, the offset in the centerline alignment of Pleasant Avenue both east and west of West Street is being reduced to provide for a smoother flow of vehicular traffic through the intersection once it is fully signalized. To remove the offset, the centerlines are being curved southerly to the west of the intersection, and northerly to the east of the intersection.

The subject property is located on the northeast corner of Pleasant Avenue and West Street. Mr. Joe Pacheco, the property owner, has worked diligently with City Staff through the acquisition process, and has agreed to sell the property for the amount of \$2,600.00 according to the terms contained in the Real Property Purchase and Sale Agreement. The area the City is purchasing is 115 square feet and is currently covered by a public utility easement. Additionally, a temporary construction easement of 321 square feet is being acquired to accommodate construction. The property is improved with a house, concrete flatwork, a manicured lawn, flowerbeds, and an ornamental fountain. The Project will require removal of a portion of the lawn and irrigation system and impacts to a portion of the flowerbeds.

In order to determine an agreeable compensation package with Mr. Pacheco, an appraisal of the property was ordered in April 2021. In their appraisal report, The Hopper Company notes the appraised value is \$2,300 not including costs for restoration of the area disturbed by construction. Normally, under such circumstances the City's contractor would be required to restore the impacted areas once construction is complete. Staff and Mr. Pacheco have agreed

that \$2,600 would be fair compensation with, with Mr. Pacheco assuming the sole responsibility for the restoration of the property following construction.

STAFF RECOMMENDATION:

Authorize the City Manager to complete and execute the documents necessary to purchase property located as a portion of APN: 169-300-008 in the amount of \$2,600.00 for the use of public right-of-way for Project EN0084 – Pleasant Avenue Improvements Project, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

EN0084-040-0999

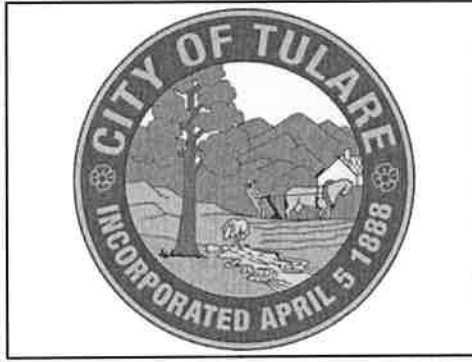
Submitted by: James L. Funk

Title: Project Manager

Date: May 17, 2021

City Manager Approval: _____

APPRAISAL REPORT



PACHECO PROPERTY

Partial Taking for the
Pleasant Avenue Improvements Project
704 North West Street
Tulare, California

Date of Value:
April 23, 2021

Client:
City of Tulare



HopperCompany
Real Property Valuation



HopperCompany
Real Property Valuation

April 28, 2021

James L. Funk, P.E.
Project Manager
City of Tulare
411 East Kern Avenue
Tulare, California 93274

RE: *Appraisal of partial taking from the Joe Pacheco property in Tulare, California. Our file no. 21-044.*

Dear Mr. Funk:

At your request, I am pleased to transmit the attached appraisal report. I have personally inspected and appraised the residential property located at 704 North West Street, in Tulare, California. The property is owned by Joe Pacheco and consists of a single-family house and garage that are situated on an 8,731-square-foot lot.

The City of Tulare is now undertaking the *Pleasant Avenue Improvements Project*, which will make needed pavement improvements, repair and replace underground utility facilities, and upgrade traffic control devices along Pleasant Avenue between Enterprise Street and 'H' Street, within the city. To help facilitate the project, partial acquisitions of permanent road right-of-way in fee title and a temporary construction easement are needed from the subject property.

An appraisal of the real property is necessary to assist the City in determining the just compensation to be paid to the property owner for the partial takings. The client for this assignment is considered to be the City of Tulare and they have ordered the attached appraisal.

The purpose of the appraisal is to provide an opinion of the fair market value of the fee and easement interests to be taken along with any net severance damages to the remainder resulting from the partial acquisitions and the construction and use of the project in the manner proposed. The specific definitions of these terms are contained within the attached appraisal report. This is considered to be a current value opinion with an effective date of April 23, 2021.

In conclusion, it is my opinion that the fair market value of the parts taken along with any net severance damages as of April 23, 2021 is:

Fair Market Value of Takings	\$1,654
Net Severance Damages to the Remainder	+ \$600
Final Total Value Opinion	<u>\$2,254</u>
Rounded to	<u><u>\$2,300</u></u>

This opinion of value has been arrived at using the State Rule of appraisal for partial takings. The attached appraisal report details the various steps and procedures that are used to arrive at the value conclusions.

It is the appraiser's intent that the value conclusions and the appraisal report will be used by the City of Tulare only for purposes of assisting in the determination of just compensation for the partial takings. Any reader of the attached report is cautioned to understand the limited purpose for which it has been prepared. Reliance upon the information, data, or conclusions indicated within the report by anyone other than the client, or other identified parties, or for any reason other than the stated intended use is inappropriate and could be misunderstood. This letter is intended only to transmit the attached appraisal report and should not be considered the report itself.

Thank you for this appraisal assignment. If you have any questions regarding it, please feel free to contact me.

Sincerely,



Keith J. Hopper, MAI, R/W-AC, AI-GRS
CA #AG002559 (expires 10/4/2022)

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INTRODUCTION TO THE APPRAISAL



HopperCompany
Real Property Valuation

THE APPRAISAL PROBLEM

The subject of this appraisal is a residential property that is located at the northeast corner of West Street and Pleasant Avenue, in Tulare, California. The property consists of a single-family house with attached garage that is situated on an 8,731-square-foot lot. It is owned by Joe Pacheco.

Pleasant Avenue is a well-traveled public roadway and the 1.75-mile-long segment between Enterprise Street and 'H' Street is in need of improvements to the pavement and installation of new ADA-compliant infrastructure. Additionally, some of the existing underground utility facilities are aging and need to be repaired or replaced, while certain intersections require upgraded traffic control devices and other modifications to improve their safety. As a result, the City of Tulare is now undertaking the *Pleasant Avenue Improvements Project* to do this much-needed work.

As part of the project, partial acquisitions of permanent road right-of-way in fee title and a temporary construction easement are needed from the subject property. An appraisal of the real property is required to assist the City in determining the just compensation to be paid to the property owner for these partial takings. This appraisal has been ordered by the City of Tulare and they are considered to be the client for the assignment. The only other intended user of the appraisal is the property owner.

The purpose of the appraisal is to provide an opinion of the fair market value of the fee and easement interests to be taken along with any net severance damages to the remainder resulting from the partial acquisitions and the construction and use of the project in the manner proposed. This is considered to be a current value opinion with an effective date of April 23, 2021, which is when the property was inspected by the appraiser.

The appraisal has been prepared in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP) of the Appraisal Foundation, the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute, the Ethical Rules of the International Right of Way Association, the California Code of Civil Procedures dealing with Eminent Domain Law, the California Evidence Code, and applicable case law. The results of the appraisal are communicated in this Appraisal Report that provides a thorough presentation of the information impacting the value of the property.

The appraiser who has prepared and signed this appraisal report is competent to value this type of property and is qualified under the competency rule of the USPAP. Significant professional assistance was also provided by Ross E. Lenz, MAI of the Hopper Company, who participated in the property inspection and in communications with the property owner.

This appraisal report is a copyrighted work and neither all nor any part of this document may be copied, reproduced, transmitted, or incorporated into any information retrieval system in any form or by any means without the express written permission of the author. The information contained herein is intended for the exclusive use of the client and the other intended user that is identified in this report, and is to be used solely for the intended use that is stated. The Hopper Company retains all ownership of this work and the client and other intended users are simply granted a license to use the work for the intended use. © Copyright 2021 by the Hopper Company. All Rights Reserved.

DEFINITIONS OF TERMS

The following terms are used throughout this appraisal report.

Appraisal: The act or process of developing an opinion of value; an opinion of value (noun). Of or pertaining to appraising and related functions such as appraisal practice or appraisal services (adjective). An appraisal is numerically expressed as a specific amount, as a range of numbers, or as a relationship (e.g., not more than, not less than) to a previous value opinion or numerical benchmark (e.g., assessed value, collateral value). (*USPAP*, Appraisal Foundation, 2020-21 edition, pg. 3).

Client: The party or parties (i.e., individual, group, or entity) who engage an appraiser by employment or contract in a specific assignment, whether directly or through an agent. (*USPAP*, Appraisal Foundation, 2020-21 edition, pg. 4).

Report: Any communication, written or oral, of an appraisal or appraisal review that is transmitted to the client or a party authorized by the client upon completion of an assignment. Two types of reports may be written under USPAP: Appraisal Report or Restricted Appraisal Report. (*USPAP*, Appraisal Foundation, 2020-21 edition, pg. 5).

Real Estate or Real Property: Real estate is an identified parcel or tract of land, including improvements, if any. Real property is the interests, benefits, and rights inherent in the ownership of real estate. (*USPAP*, Appraisal Foundation, 2020-21 edition, pg. 5).

Right of Way: A right to pass over land in some particular path; a strip of land used as a transportation corridor, such as streets and roads, railways, and utility and fiber optic lines, and for other private or public transportation uses. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pgs. 202-203). The right to pass across the lands of another; land or property, or an interest in land or property, for transportation purposes (for example, roads, public transport, utilities, and so forth). (*Principles of Right of Way*, 4th edition, International Right of Way Association, 2012, pg. 364).

Just Compensation: Article I, Section 19 of the California Constitution states that “private property may be taken or damaged for public use only when just compensation, ascertained by a jury unless waived, has first been paid to, or into court for, the owner.” Compensation shall be awarded for the property taken. The measure of this compensation is the fair market value of the property taken. (*California Code of Civil Procedure*, Section 1263.310).

Where the property acquired is part of a larger parcel, in addition to the compensation awarded for the part taken, compensation shall be awarded for the injury, if any, to the remainder. Compensation for injury to the remainder is the amount of the damage to the remainder reduced by the amount of the benefit to the remainder. If the amount of the benefit to the remainder equals or exceeds the amount of the damage to the remainder, such excess shall not be deducted from the compensation required to be awarded for the property taken. (*California Code of Civil Procedure*, Section 1263.410).

Fair Market Value: The fair market value of the property taken is the highest price on the date of valuation that would be agreed to by a seller, being willing to sell but under no particular or urgent necessity for so doing, nor obliged to sell, and a buyer, being ready, willing, and able to buy but

under no particular necessity for so doing, each dealing with the other with full knowledge of all the uses and purposes for which the property is reasonably adaptable and available.

The fair market value of property taken for which there is no relevant, comparable market is its value on the date of valuation as determined by any method of valuation that is just and equitable. (*California Code of Civil Procedure*, Section 1263.320).

The fair market value of the property taken shall not include any increase or decrease in the value of the property that is attributable to any of the following: (a) the project for which the property is taken; (b) the eminent domain proceeding in which the property is taken; or (c) any preliminary actions of the plaintiff relating to the taking of the property. (*California Code of Civil Procedure*, Section 1263.330).

Fee Simple Interest: Absolute ownership unencumbered by any other interest or estate, subject only to the limitations imposed by the governmental powers of taxation, eminent domain, police power, and escheat. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 90).

Partial Taking: The taking of part of a property for public use under the power of eminent domain; requires the payment of compensation. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 168).

Larger Parcel: In governmental land acquisitions and in valuation of charitable donations of partial interest in property such as easements, the tract or tracts of land that are under the beneficial control of a single individual or entity and have the same, or an integrated, highest and best use. Elements for consideration by the appraiser in making a determination in this regard are contiguity, or proximity, as it bears on the highest and best use of the property, unity of ownership, and unity of highest and best use. In most states, unity of ownership, contiguity, and unity of use are the three conditions that establish the larger parcel for the consideration of severance damages. In federal and some state cases, however, contiguity is sometimes subordinated to unitary use. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 127).

Part Taken: The portion of the larger parcel that is acquired. (*Principles of Right of Way*, 4th edition, International Right of Way Association, 2012, pg. 195).

Remainder: In eminent domain condemnation, that portion of a larger parcel remaining in the ownership of the property owner after a partial taking. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 195).

Easement: The right to use another's land for a stated purpose. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 71). A non-possessory interest one has in the property of another for a specific purpose. Easements may involve the right to use the property's subsurface, the airspace above the real estate, its surface, or any combination of the three. Easement rights may be granted exclusively to one user or nonexclusively to benefit many users. An easement restricts but does not abridge the rights of the fee owner to the use and enjoyment of his land. (*Principles of Right of Way*, 4th edition, International Right of Way Association, 2012, pg. 31).

Uneconomic Remnant: A remainder property of little value or use; the parcel of real property in which the owner is left with an interest after the partial acquisition of the owner's property,

and which the Agency has determined has little or no value or utility to the owner. (*Principles of Right of Way*, 4th edition, International Right of Way Association, 2012, pg. 373).

State Rule: In condemnation, the process of determining just compensation by estimating the value of the portion to be acquired as part of the whole property plus the net severance damages; may be referred to as a taking plus damages. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 220).

Damages: Damage to the remainder is the damage, if any, caused to the remainder by either or both of the following: (a) the severance of the remainder from the part taken; and/or (b) the construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the damage is caused by a portion of the project located on the part taken. (*California Code of Civil Procedure*, Section 1263.420).

In condemnation, the loss in value to the remainder in a partial taking of property. Generally, the difference between the value of the whole property before the taking and the value of the remainder after the taking is the measure of the value of the part taken and the damages to the remainder. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 59). The loss in value to the remaining property as a result of a partial taking. (*Principles of Right of Way*, 4th edition, International Right of Way Association, 2012, pg. 194).

Benefits: Benefit to the remainder is the benefit, if any, caused by the construction and use of the project for which the property is taken in the manner proposed by the plaintiff whether or not the benefit is caused by a portion of the project located on the part taken. (*California Code of Civil Procedure*, Section 1263.430).

In eminent domain valuation, the advantageous factors that arise from a public improvement for which private property has been taken. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 22). An increase in value to the remainder property subsequent to a taking for a public improvement. (*Principles of Right of Way*, 4th edition, International Right of Way Association, 2012, pg. 194).

Arm's Length Transaction: A transaction between unrelated parties who are each acting in his or her own best interest. (*The Dictionary of Real Estate Appraisal*, 6th edition, Appraisal Institute, 2015, pg. 13).

SCOPE OF WORK IN THE APPRAISAL

The scope of work undertaken in this appraisal refers to the type and extent of research and analysis that is performed in answering the appraisal problem and completing the assignment. An appropriate scope of work is determined based on input from the client and it leads to credible assignment results as measured within the context of the intended use of the appraisal. The scope of work includes the degree to which the subject property is identified and inspected, the type of data that is sought and the level of research that is performed, and the type and extent of analyses that are applied to arrive at opinions and conclusions. Credible assignment results require support by relevant evidence and logic. (*USPAP, Scope of Work Rule, Appraisal Foundation, 2020-21 edition, pgs. 13-14*).

Subject Property Identification & Inspection

In this appraisal, the appraiser has sought to become as knowledgeable about the subject property and the market within which it operates as typical market participants would be. With this goal in mind, it is important to recognize that the appraisal is performed with a limited amount of data and that various legal, monetary, and time constraints may preclude the appraiser from making exhaustive investigations.

The following tasks and investigations have been performed:

- The assignment was ordered by James Funk, a professional engineer with the Engineering Department of the City of Tulare and the project manager for the *Pleasant Avenue Improvements Project*. He authorized the assignment and provided a title report, plats and legal descriptions of the takings, and project plans for use in the appraisal.
- A telephone call was subsequently held with Brian Pacheco, the property owner's representative, to discuss the appraisal assignment and the subject property.
- A personal inspection of the property was made by the appraiser on April 23, 2021. The property owner was not available to meet on that date, but gave permission for the inspection to proceed in his absence. The inspection included viewing the site from the fronting streets and various places on the property, inspecting the exterior of the house improvements, taking detailed notes about site conditions, and photographing the property.
- The inspection also included a viewing of the proposed take areas, which were identified by painted markings and measurements made by the appraiser. An inventory of improvements in the take area was compiled and consideration was given to possible severance damages and/or benefits that would result from the takings and project construction and use.
- A title report provided by the client was reviewed to determine the current property ownership, a legal description for the property, and any significant encumbrances to the title. An ownership history going back a minimum of five years is researched, including any available details of recent sales, listings, or offers to purchase.
- Investigations were made into the applicable zoning and other land use restrictions impacting the use and development of the property.

Data Research

In an effort to properly understand the market in which the subject property operates, several additional steps have been taken:

- The surrounding neighborhood area has been visually inspected to identify existing land use patterns and trends, property conditions, potential market transactions, and other influences affecting the property.
- Demographic, regulatory, and economic data on the neighborhood, city, and region are collected from various governmental, Internet, and private sources to help in identifying trends that may be impacting the value of the property.
- Specialized research is made into the unique characteristics of the property's market segment to better understand the forces and factors that influence value and the current conditions affecting supply and demand.
- Discussions are held with various market participants to gain insight into current market conditions and transactions, including real estate agents, buyers, and sellers.
- Detailed market data is gathered in the form of property sales and development cost information. Numerous sources of information are used to help identify this market data, including public document recordings, local multiple listing services, Internet resources and databanks, the appraiser's own files and databases, published construction cost sources, and contacts with active market participants.

Valuation Analysis

Once the necessary background information about the subject and its market area are gathered, the valuation analysis is performed. Because the procedures and methods used in valuing properties subject to possible condemnation are strictly governed and controlled by law and the courts, diligent efforts have been made to adhere to California Code of Civil Procedure Title 7, which is the Eminent Domain law, the California Evidence Code, and applicable case law that establishes precedents or rulings pertaining to various aspects of condemnation valuation. While the appraiser is not an attorney, numerous resources have been consulted and specialized appraisal training has been received in an attempt to adequately understand and properly apply the law as it pertains to the valuation of the subject property.

These steps are followed:

- The highest and best use of the property is analyzed. This analysis is based on logic, observed evidence, and the appraiser's experience in the local market.
- The nine-step State Rule of appraisal for partial acquisitions is followed. In following this procedure, the sales comparison and cost approaches to value have been performed.
- The results of the appraisal process are then communicated in this narrative-style Appraisal Report that provides a thorough presentation of the important facts and information having an impact on the value of the subject property.

EFFECTIVE DATE OF VALUE AND APPRAISAL REPORT

The effective date of value represents the point in time to which the appraisal analyses and opinions pertain, and in this report the date of value is April 23, 2021. This represents the date when the appraiser made a personal inspection of the subject property and all assumptions and analyses used in the appraisal are based upon valuing the property as of this point in time. The concluded values are considered to be current value estimates because the effective date is concurrent with the date that the appraisal report was prepared.

The date of the appraisal report is April 28, 2021. This is the point in time when the final value conclusions were established and the completed appraisal report was transmitted to the client. This date helps to establish the perspective of the appraiser in relation to the effective date of value.

ASSUMPTIONS AND LIMITING CONDITIONS

The assumptions and limiting conditions listed below are central to this appraisal. The list includes basic assumptions and limiting conditions that are typical of many appraisal assignments as well as any extraordinary assumptions or hypothetical conditions that are specific to the subject property and this assignment. This appraisal should only be relied upon within the context of these items.

Basic Assumptions

1. The information and data reported in this appraisal have been obtained from sources that are deemed to be reliable. They are believed to be correct, but cannot be guaranteed by the appraiser. Sources such as government agencies, financial institutions, attorneys, accountants, appraisers, brokers, and buyers and sellers are believed to be true and correct unless conflicting information is discovered through another source. In cases of conflicting information, only reasonable and verifiable data is used, however, no responsibility for the accuracy of such information is assumed by the appraiser.
2. It is assumed that all information provided by the property owner and any persons employed by them is accurate and complete. This would include information about the subject property's physical condition, current and past economic performance, lease agreements, condition of title, and any other items or details that could potentially impact the property's valuation.
3. The effective date of value that applies to the opinions expressed in this report is set forth in the appraisal. The appraiser assumes no responsibility for events, conditions, or circumstances that may subsequently arise and alter the economic or physical condition of the subject property and the opinions and conclusions stated herein.
4. No opinion as to title is rendered. Data on ownership and the legal description have been obtained from sources generally considered reliable. Title is assumed to be marketable and free and clear of all liens and encumbrances, easements, and restrictions except those specifically expressed in the report.

5. It is assumed that the property is in full compliance with all applicable zoning and use restrictions unless otherwise indicated in the report. It is further assumed that the property is in complete compliance with all federal, state, and local laws and regulations governing environmental issues, unless otherwise indicated.
6. The property is appraised assuming it to be under responsible ownership and competent management. It is assumed that all required licenses, consents, and other legislative or administrative authority have been or can be obtained for any use on which the value estimate contained in this report has been based.
7. No encroachment of real property improvements is known to exist, and it is assumed that the utilization of the land and any improvements is within the boundaries of the property lines of the property described in this report, unless otherwise indicated.
8. It is assumed, unless indicated to the contrary in this report, that there are no hidden or unapparent conditions of the property, subsoils, or any structures that would render it more or less valuable. No responsibility is assumed for such conditions, and any reports provided to the appraiser by experts in these matters are accepted as true and correct.
9. No opinion regarding the value of subsurface oil, gas, or mineral rights is expressed. The property is not believed to be encumbered by easements nor rights to surface entry for the exploration or removal of such materials unless expressly stated.
10. Unless otherwise stated in this report, the existence of hazardous material substances, including without limitation asbestos, polychlorinated biphenyls, urea-formaldehyde, foam insulation, petroleum leakage, agricultural chemicals, or other potentially hazardous materials, which may or may not be present on the subject property, were not called to the attention of nor did the appraiser become aware of such during the appraiser's inspection. The appraiser has no knowledge of the existence of such materials on or in the property unless otherwise stated. The appraiser, however, is not qualified to test or detect such substances. The presence of such hazardous substances may affect the value of the property. Unless otherwise indicated in the report, all values estimated in this appraisal are based on the assumption that no hazardous substances exist on or in the property or in such proximity to it that would cause a loss in value. No responsibility is assumed for any hazardous substances or for any expertise or knowledge required to discover them. The client is urged to retain an expert in this field, if desired.
11. This appraisal report should not be considered an inspection report on the physical nature or condition of the property. The subject has been inspected on a casual level and no attempt beyond ordinary visual inspection has been made to determine the adequacy or condition of the property. The appraiser is not a construction, engineering, environmental, or legal expert, and any statements given on these matters should be considered preliminary in nature. It is assumed, unless otherwise noted, that all improvements meet applicable building codes.

Limiting Conditions

12. This appraisal is provided only for the purpose of property valuation and the appraiser is neither qualified nor attempting to go beyond that narrow scope. The reader should be aware that

there are inherent limitations to the accuracy of the information and analysis contained in this appraisal.

13. The liability of the appraiser and the Hopper Company is limited solely to the client and only to the amount of the fee actually paid for the appraisal services. Any third parties not identified as intended users who rely upon this appraisal, its facts, or conclusions, do so at their own risk and waive the right to bring any action, directly or indirectly, against the appraiser or firm.
14. The appraisal report is a technical document designed to serve the specific needs of the client and any other intended users that are specifically identified. Other readers are cautioned that the report may not contain all of the information known by the appraiser concerning the subject property or the real estate market. While no factors considered to be significant have been knowingly withheld, there is a potential that information of importance to another reader may not be included in the report.
15. This appraisal is performed with a limited amount of data. These limitations arise from economic, physical, and legal constraints that prohibit the appraiser from making exhaustive investigations about the subject property, the real estate market, and the comparable data.
16. A reasonable attempt to gather, investigate, and verify the comparable data used in this appraisal is made by the appraiser consistent with the efforts typically made by other real estate professionals operating in the local market. However, the analyses and conclusions used in this appraisal are subject to the accuracy of such data.
17. No opinion is intended to be expressed for legal matters or that which requires specialized investigation or knowledge beyond that ordinarily employed by real estate appraisers.
18. No engineering survey of the property has been made by the appraiser. Data relative to size, dimensions, and area are derived from sources deemed reliable. Maps, plats, and exhibits included in the report are for illustration only and should not be relied upon for any other purpose.
19. Neither all nor any part of the contents of this report shall be conveyed to the public through advertising, public relations, news, sales, or other media without the prior written consent and approval of the author, particularly as to the valuation conclusions, the identity of the appraiser or firm with which he is connected, or any reference to the Appraisal Institute or to the MAI or AI-GRS designations.
20. Possession of this report or any copy thereof does not carry with it the right of publication, nor may the same be used for any purpose by anyone except the appraiser, without the previous written consent of the appraiser, and in any event, only in its entirety.
21. No right to expert testimony is included with this report and the fee for this appraisal does not include payment for pre-trial conferences, taking of depositions, exhibit preparation, expert witness fees, or other additional work beyond the initial scope of this assignment. If the appraiser is subsequently required to provide any such services, the client or party initiating the demand will be responsible for payment of expert fees associated with the time and effort needed to provide them.

22. The Americans with Disabilities Act (ADA) became effective January 26, 1992. The appraiser has not made a specific compliance survey and analysis of the subject property to determine whether or not it is in conformity with the various detailed requirements of the ADA. It is possible that a compliance survey of the property together with a detailed analysis of the requirements of the ADA could reveal that the property is not in compliance with one or more of the requirements of the act. If so, this fact could have a negative effect upon the value of the property. Since the appraiser has no direct evidence relating to this issue, possible non-compliance with the requirements of ADA was not considered in estimating the value.
23. The age of any improvements to the subject property mentioned in this report should be considered an estimate based upon circumstantial, conversational, or documented evidence.
24. No separation of land and any improvement values may be used for any other purpose than that delineated elsewhere in this report.

Extraordinary Assumption

An extraordinary assumption is “an assignment-specific assumption as of the effective date regarding uncertain information used in an analysis which, if found to be false, could alter the appraiser’s opinions or conclusions. Uncertain information might include physical, legal, or economic characteristics of the subject property; or conditions external to the property, such as market conditions or trends; or the integrity of data used in an analysis.” (*USPAP*, Appraisal Foundation, 2020-21 edition, pg. 4). The use of one or more extraordinary assumptions may affect the assignment results.

25. Information about the proposed project and its improvements and use, as provided by the City of Tulare, is relied upon in analyzing the damages and/or benefits the project will have on the subject remainder property in its after condition. It is an extraordinary assumption that this project information is comprehensive and that no substantive changes to the project will be made after the date of this appraisal report that would have a material impact on the opinion of fair market value.

Hypothetical Condition

A hypothetical condition is “a condition, directly related to a specific assignment, which is contrary to what is known by the appraiser to exist on the effective date of the assignment results, but is used for the purpose of analysis. Hypothetical conditions are contrary to known facts about physical, legal, or economic characteristics of the subject property; or about conditions external to the property, such as market conditions or trends; or about the integrity of data used in the analysis.” (*USPAP*, Appraisal Foundation, 2020-21 edition, pg. 4). The use of one or more hypothetical conditions may affect the assignment results.

26. The valuation of the subject remainder property in its after condition is based on the hypothetical condition that the parts being taken have been severed from the larger parcel and the project has been constructed and is in use in the manner proposed as of the effective date of value for this appraisal.

CERTIFICATION OF THE APPRAISAL

I certify that, to the best of my knowledge and belief:

- The statements of fact contained in this report are true and correct.
- The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
- I have no present or prospective interest in the property that is the subject of this report and no personal interest with respect to the parties involved.
- I have performed no services, as an appraiser or in any other capacity, regarding the property that is the subject of this report within the three-year period immediately preceding acceptance of this assignment.
- I have no bias with respect to the property that is the subject of this report or to the parties involved with this assignment.
- My engagement in this assignment was not contingent upon developing or reporting predetermined results.
- My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
- My analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).
- I have made a personal inspection of the property that is the subject of this report.
- Ross E. Lenz, MAI provided significant real property appraisal assistance to the person signing this certification by participating in the property inspection and in communications with the property owner.
- The reported analyses, opinions, and conclusions were developed, and this report has been prepared, in conformity with the requirements of the Code of Professional Ethics and Standards of Professional Appraisal Practice of the Appraisal Institute.
- The use of this report is subject to the requirements of the Appraisal Institute relating to review by its duly authorized representatives.
- As of the date of this report, I have completed the continuing education program for Designated Members of the Appraisal Institute.
- I am competent to complete this appraisal assignment. Any steps necessary to achieve competency are disclosed in this report.
- This appraisal assignment was not based on a requested minimum valuation, a specific valuation, or the approval of a loan.



Keith J. Hopper, MAI, R/W-AC, AI-GRS
CA #AG002559 (expires 10/4/2022)

AREA AND PROJECT INFORMATION



HopperCompany
Real Property Valuation

REGIONAL AREA INFORMATION

The subject property is located in the city of Tulare, in Tulare County, California. Tulare County as a whole is located near the center of California in the heart of the San Joaquin Valley, a vast 450-mile-long region that forms the interior of the state. While the Valley has long been overshadowed by the major metropolitan areas of Southern California and the Bay Area, it is now the fastest growing section of California and is a rich agricultural region that is often referred to as the “bread basket of the world.” The county of Tulare is one of six counties comprising the southern San Joaquin Valley region of California and it is made up of eight incorporated cities and over 40 smaller unincorporated communities. Visalia is the largest city and the home of the county seat of government.



Tulare is the second largest city in Tulare County and it is located in the western section on the flat valley floor. The city is just four miles south of Visalia along State Route 99 and some 40 miles southeast of Fresno, the two largest nearby cities. Tulare is also centrally located within California being 150 miles north of Los Angeles, 135 miles east of the Central Coast, and 170 miles south of San Francisco.

Geography

Tulare County is situated between the Sierra Nevada Mountains to the east and the Coastal Mountains to the west. It covers nearly 4,935 square miles with about one-third of the area on the valley floor. The remaining land area is principally in the eastern section of the county and it consists of foothills, timbered slopes, and high mountains. Elevations vary from 270 feet above sea level on the valley floor to a peak of 14,495 at the top of Mount Whitney, the highest point in the continental United States.

The county is an area of superlatives and it serves as home to the nation’s tallest mountain, the world’s largest tree, the world’s biggest dairy herd, and the oldest living thing on earth. The giant Sequoia trees, some of the largest and oldest living things, are found in the Sequoia National Park.¹



Population Trends

While often viewed as the downtrodden sibling to California’s coastal powers, the San Joaquin Valley has emerged lately as an area on the rise as it has outpaced the Bay Area and Southern California in both population and economic growth. “Of the 20 fastest-growing counties in the state last year, 12 were in the Central Valley. . . Many Valley counties had strong birth rates, suggesting residents planting roots in the region are doing so to have children in a place far more affordable than the coastal counties. . . But

¹ Tulare County Economic Development Corporation, www.sequoiavalley.com.

the Valley is also seeing an influx of new residents from other parts of the United States – most notably from the expensive coastal regions of California. . . At the same time, the Bay Area and Southern California are losing tens of thousands of residents to other parts of the state and country.”²

California’s Department of Finance placed Tulare County’s population at 479,977 people as of January 2020 ranking it 18th in size amongst California’s 58 counties. This is an increase of 0.7% or 3,389 people over the previous twelve months, and it distinguishes the area as the 14th fastest growing county in California during 2019.³ This level of growth is part of a trend being seen throughout the southern San Joaquin Valley, which saw five of six counties place in the top 20 counties in California based on their percentages of increase. Over the past ten years, Tulare County’s population has grown at a compounded annual rate of 0.8% per year, and it has continued to increase every year for more than 50 years.

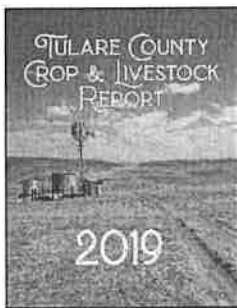


Tulare registered a population of 67,834 people at the beginning of 2020 for an increase of 1,377 people or 2.1% for the year. This makes it the fastest growing city, on a percentage basis, in Tulare County over the last twelve months. In the past decade, Tulare has grown by 8,556 people or 14.4% with a compound rate of 1.4% per year. California grew at a rate of just 0.2% in 2019, which is much slower than both the county and the city. It is expected that Tulare will continue to increase its population at a slow but steady pace over the next several years.



Economy & Industry

The primary industry in Tulare County is agriculture and in 2019 the county ranked as the third highest grossing area in the United States, behind only neighboring Fresno and Kern Counties, with a total commodity value of \$7.505 billion. This is an increase of \$292 million or 4.0% for the year and raises the economic value of the agricultural output to a record high level. Much of the credit for the increase goes to fruit and nut crops, which make up over 60% of the county’s production value and saw growth in their planted acreages, and in vegetable crops that experienced yield increases for broccoli and cucumbers.



Milk remains the county’s leading commodity, despite a -4.3% decline in production value, at \$1.612 billion or 21.5% of the total crop value. Milk production fell by 11% in 2019 and the local dairy industry continues to struggle under the weight of growing environmental regulations, rising labor costs, and fluctuating milk prices, which have caused some operators to relocate to other

states or simply close their facilities.

Other top crops include oranges (\$919 million), grapes (\$803 million), cattle and calves (\$595 million), tangerines (\$551 million), almonds (\$426 million), pistachios (\$327 million), peaches (\$270 million), lemons (\$191 million), and corn (\$167 million). Overall, Tulare County produces more than 120 different crops with 44 of these commodities generating annual income of over \$1.00 million each last year. Tulare

² *On the rise? The Central Valley is beating the Bay Area and L.A. in key measures*, Renee C. Byer, Sacramento Bee, January 7, 2019.

³ California Department of Finance, www.dof.ca.gov

County's crops provide food and fiber to more about 96 countries throughout the world with the top export countries being Korea, Japan, China, Canada, Taiwan, and Mexico.⁴

Labor & Employment

Farm-related employment represents around 27% of all jobs in Tulare County and it is perpetually the largest employment sector. Other sectors that make up the local economy include government (22%), retail trade (10%), manufacturing (8%), educational and health services (7%), leisure and hospitality (6%), professional and business services (6%), and construction (3%).

Tulare County's available labor pool was 193,700 people as of March 2021 with an unemployment rate of 11.6% for the month. This is unchanged from the prior month, but is below the 13.2% level of a year ago.⁵ There has been much improvement from the peak unemployment level of 18.6% experienced in April 2021, which spiked due to the COVID-19 pandemic that forced many employers to close and lay off workers. For the month, Tulare County ranked 54th out of 58 counties in California for unemployment.⁶

The city of Tulare's labor force stood at 27,000 workers in March 2021 with a jobless rate of 8.2% for the month. Employment and industry in the city, like much of Tulare County, is primarily centered on agriculture. Some of the major employers in the city include Land O' Lakes, Kraft General Foods, Haagen-Dazs, Saputo Cheese, and U.S. Cold Storage, all of which are involved in the processing, packaging, and storage of food products.

Income & Cost of Living

According to the U.S. Bureau of Economic Analysis, the per capita personal income of Tulare County residents was \$42,845 in 2019. This is an increase of 6.6% from the prior year, but it remains -35.7% below the California average of \$66,619 per person. Tulare County now ranks 49th out of 58 California counties. Over the past five years, the income level of Tulare County residents has risen an average of 2.9% per year, much slower than the state's 4.7% annualized rate. Tulare County's per capita income is second amongst the surrounding six-county area, ahead of Kings, Kern, Madera, and Merced Counties, but behind Fresno County.⁷

The Tulare County metropolitan area ranks in the bottom 20% of American cities for discretionary income, which is the amount of money that remains after subtracting taxes and basic living expenses. The average salary of Tulare County workers is \$45,199 per year, which is 3% above the national average, but with expenses running 7% greater than other cities area residents actually have a discretionary income below zero at negative \$857 per year. California had 20 small and medium-sized cities included in the study, with 19 of those ranking in the bottom 20% nationwide, making it the third worst state for discretionary income behind only New York and Hawaii.⁸

⁴2019 Tulare County Crop and Livestock Report, September 2020, Tulare County Agricultural Commissioner/Sealer.

⁵ California Employment Development Department, www.edd.ca.gov.

⁶ California Employment Development Department, www.edd.ca.gov.

⁷ United States Bureau of Economic Analysis.

⁸ *No extra spending money for Visalia-Porterville residents*, Porterville Recorder newspaper, October 25, 2017.

While it is evident that Tulare County and its communities are below the average effective incomes of California and the nation overall, this area is also somewhat lower with respect to the associated cost of living. Tulare's cost of living index stood at 87.9 in March 2019, well below the national average of 100.0 and other higher priced areas of California, like Los Angeles (145.8), San Francisco (174.3), Sacramento (101.9), and San Diego (140.3).

Real Estate Market

The real estate market in Visalia and Tulare County has now largely recovered from the Great Recession. Coming on the heels of one of the market's greatest periods of value appreciation and new development activity in 2003-05, the local market across all sectors turned downward in response to a recessionary economy. Residential properties were the first to experience weakness starting in 2006 followed by commercial properties in 2008. These weak market conditions persisted until the residential market began to bounce back in 2011, while commercial properties have been trending up since 2013.

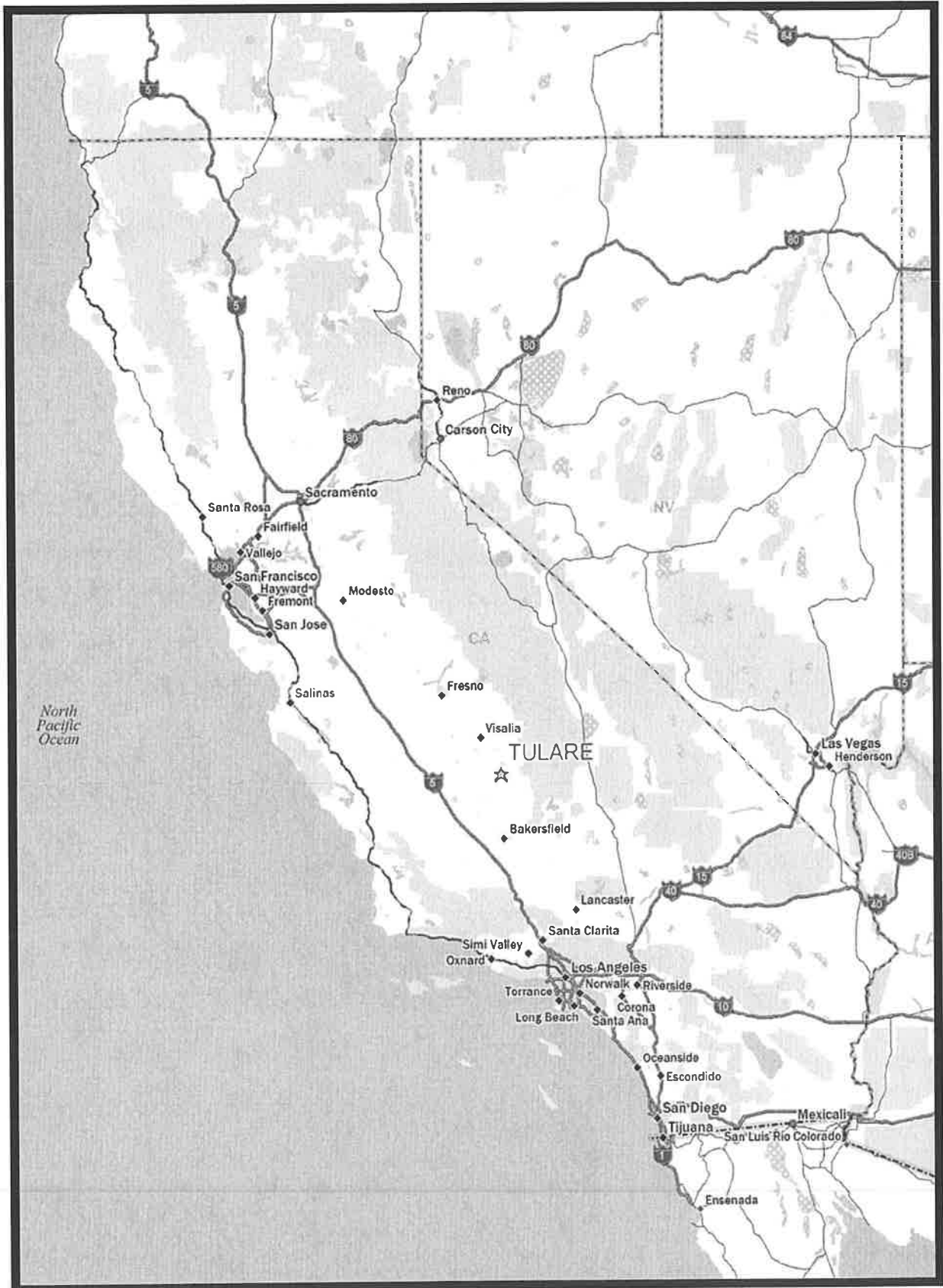
Home values in Tulare County peaked in December 2005 with a median house price of \$269,711, and the low point in the market was reached in April 2011 when house prices sat at a median level of just \$111,600. Since the low point of the trough, house values have recovered nicely and in June 2020 the median value stood at \$270,000, eclipsing the previous record high for the first time. Since then, values have continued to rise and in March 2021 they hit \$306,650. These highs come despite the COVID-19 pandemic's devastating impacts on the economy over the past year, and they are being driven largely by record-low mortgage interest rates. The median house value in Tulare County has increased by \$52,170 or 20.5% in the past twelve months.

One recent study concluded that Tulare County has the 20th hottest housing market in the nation. The study performed by insurify.com relied upon two measures to draw its conclusions: How long a house stays on the market, and how many views a house receives. Homes in Tulare County have been selling at nearly twice the rate of the national average, which is 76 days, and California accounted for six of the top 20 regions across the U.S.⁹

Conclusions

In general, Tulare County and its second largest city, Tulare, are rural areas located in the center of California's San Joaquin Valley agricultural region. This is one of the more affordable places to live in California and population growth has been slow but steady for well over a decade. Like many areas of the San Joaquin Valley, the local real estate market has rebounded well and in some sectors property values are now exceeding the peak value levels seen prior to the Great Recession. While, the unemployment rate has been trending downward in recent years, Tulare County continues to have one of the highest jobless levels in the state and in the surrounding four-county area. Also, with the COVID-19 pandemic now affecting the nation, unemployment has turned dramatically higher. Urban property values have risen in recent years with most sectors showing signs of strength, but some sectors are struggling during the pandemic while others are thriving.

⁹ *Visalia-Porterville nation's 20th hottest housing market*, Charles Whisnand, The Porterville Recorder, February 12, 2021.



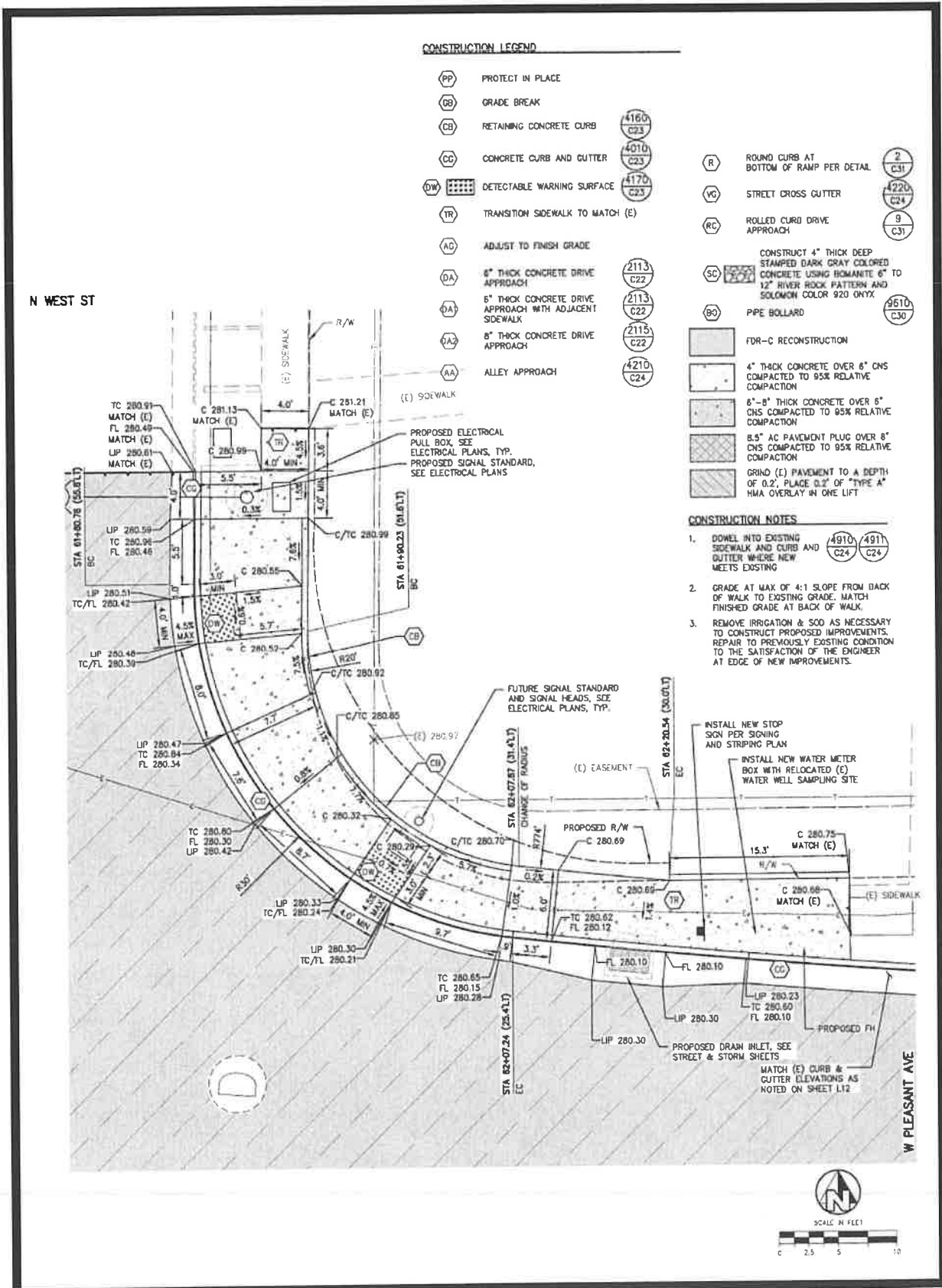
CITY LOCATION MAP

PROPOSED PROJECT INFORMATION

The *Pleasant Avenue Improvements Project* addresses pavement and utility infrastructure improvements along Pleasant Avenue between Enterprise Street and 'H' Street within the Tulare city limits. This 1.75-mile-long segment is heavily traveled and over the years the infrastructure has degraded. So, the project will make needed improvements to the pavement and install new ADA-compliant features. Repairs or replacements will also be made to some intersections that require upgraded traffic control devices and other modifications to improve their safety.

One such intersection is at Pleasant Avenue and West Street. Here, the project makes necessary curb, gutter, ramp, and sidewalk improvements to facilitate a traffic signal. The complete build out of the traffic signal is an alternative that City staff are recommending, but the City Council has not yet decided whether it will be installed at this time or in the future as another project. If the Council chooses not to include the full build out, the curb alignments, poles with overhead luminaires, and underground signal infrastructure will still be constructed with the current project, but the mast arms and signal heads will not.

The City needs to acquire additional right-of-way to place the proposed curb and gutter improvements and signal poles with luminaires in their ultimate locations. Additionally, the offset in the centerline alignment of Pleasant Avenue both east and west of West Street is being reduced to provide for a smoother flow of vehicular traffic through the intersection once it is fully signalized. To remove the offset, the centerlines are being curved southerly to the west of the intersection, and northerly to the east of the intersection.



PROPOSED PROJECT PLAN

SUBJECT PROPERTY DESCRIPTION AND ANALYSIS



HopperCompany
Real Property Valuation

LARGER PARCEL IDENTIFICATION

The larger parcel represents the whole property from which a portion is to be taken in a partial acquisition. Properly identifying the larger parcel is an essential step in any appraisal involving a partial taking because it defines the scope of the assignment. The larger parcel may be all of one parcel, part of a parcel, or several parcels combined depending on the three unities of title, use, and contiguity. Unity of title refers to how ownership of the property is held, and it is usually required that the larger parcel be owned by the same individual or group of individuals. Unity of use implies that the parcel must be put to the same use or an integrated highest and best use with the property from which the partial acquisition will be taken. Finally, contiguity typically means physical proximity, although in some instances an actual physical connection is not necessary. The following information pertains to and describes the larger parcel that has been identified as the subject of this appraisal.

Property Ownership

The subject property is owned by:

Joe Pacheco
704 North West Street
Tulare, California 93274

Ownership and Sales History

Title to the subject property has been held by the current owner for many years and no sales have transacted in the past five years. The property is not currently listed for sale.

Legal Description and Street Address

The following legal description details the subject property.

Lot 8 of Amended Map of Pleasant Valley West No. 1, in the City of Tulare, County of Tulare, State of California, as per map recorded in Book 32, Page 3 of Maps, in the Office of the County Recorder of said County.

The property is more commonly known by its street address:

704 North West Street
Tulare, California 93274

The subject is also identified as Tulare County Assessor's Parcel Number:

APN 169-300-008

LARGER PARCEL DESCRIPTION

The subject larger parcel property consists of a single parcel of land that is located at the northeast corner of West Street and Pleasant Avenue, in Tulare, California. It is improved with a single-family residence with garage and related yard improvements.

Site Description

The land parcel is slightly irregular in shape and has a corner lot orientation with frontages of 52.50 feet along the east side of West Street and 102.64 feet on the north side of Pleasant Avenue. The property contains 8,731 square feet of total land area, more or less.

The site has a level topography and it is elevated slightly above the height of the fronting streets. Soil conditions are believed to be stable. The parcel is finished with concrete curb, gutter, and sidewalk off-site improvements installed along each of the street frontages and there is an asphalt-paved public alley that runs along the east side of the lot connecting Pleasant Avenue with San Mateo Avenue to the north. All public utility services are also available to the parcel. The property is entirely within an 'X' flood hazard zone, which is not a special flood hazard area that typically requires flood insurance. The California GeoTracker website does not list the subject as having any known contamination, so it is assumed to be environmentally clean.

A title guarantee report prepared by Chicago Title Company dated October 21, 2020 has been reviewed as part of this assignment and it identifies the following items of significance. The property is burdened by easements for public utilities that extend across the southerly six feet, the westerly six feet, and the northerly two feet of the westerly half of the lot. Access rights to West Street have also been relinquished along the parcel's west property line. A homestead declaration was recorded by the property owner in May 2008.

Improvements Description

The property is improved with a single-family residence with an attached two-car garage. The house is a one-story structure and according to public records it contains approximately 1,131 square feet of living space with a 3-bedroom/2½-bath floor plan. The house is built over a concrete slab floor, with wood stud framed exterior walls that are covered with stucco, and a gable-style roof that is supported on wood trusses and finished with composition shingles. The garage has similar construction with 456 square feet of space and an aluminum sectional overhead door. Both structures were built in 1984 and they appear to have been maintained in average to good condition.

The balance of the property is finished with yard improvements. The lot is very nicely landscaped with grass, rose bushes and other shrubs, and flowers that are irrigated by an in-ground sprinkler system. A decorative lamppost and fountain are also situated in the front yard. Wood plank fencing encloses the back and side yard areas. Concrete walkways lead to the house and garage entrances, while a concrete driveway provides access to the garage from the alley.

Zoning & Property Restrictions

The use and development of the subject property are governed by the following public and private restrictions.

Tulare Zoning Ordinance

The subject property is zoned R-1-6 by the City of Tulare as part of a single-family residential district. The purpose of this zone is to provide living areas within the city where development is limited to low-density concentrations of one-family dwellings. The objective of the zone is to facilitate the development of a suitable environment for family life, create neighborhoods that exhibit high standards of design, provide space for community facilities that complement residential areas, and minimize traffic congestion.

Allowable uses in this zone include one-family dwellings, licensed day care homes, licensed group homes, community care facilities, one manufactured home, raising of fruit and nut trees, raising of horticultural specialties, accessory structures, home occupations, employee housing, and public water well sites and drainage basins. With a conditional use permit, it is also possible to have nursery schools, educational or religious facilities, private clubs or lodges, public administrative or recreational facilities, utility installations, mobile home parks, and condominiums.

Development standards for the R-1-6 zone require a minimum parcel size of 6,000 square feet with a minimum width of 70 feet for corner lots and minimum depth of 100 feet. No more than one dwelling unit per site is allowed and the maximum lot coverage by structures is 50%. Required yard setbacks include 20 feet in the front, 10 feet for the street side on a corner lot, and 5 feet at the rear. A minimum of two covered parking spaces are to be provided for single-family dwellings. The current use of the property as a single-family residence is permitted in this zone and the improvements also seem to comply with the development standards.

Private Restrictions

In addition to the public zoning, a private Declaration of Restrictions (CC&Rs) was recorded in July 1983 for the Pleasant Valley West Unit No. 1 subdivision. The restrictions run with the land for an initial term of 30 years from the date of recording, after which they are automatically extended for successive 10-year periods unless a majority of the property owners record an instrument agreeing to modify them.

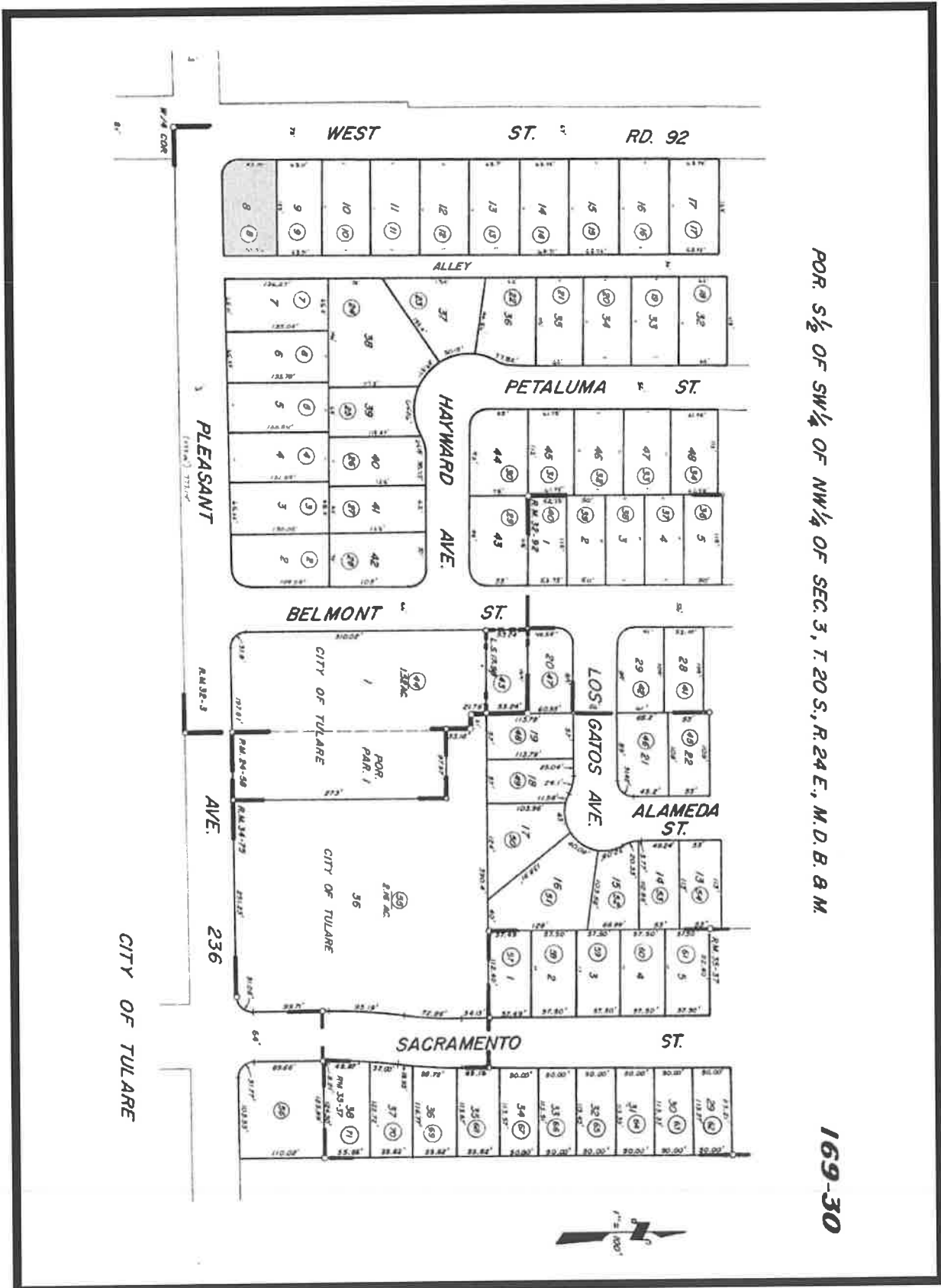
Lots 2 through 56 of the subdivision are declared to be residential in character and only one detached single-family dwelling not to exceed two stories in height, a private garage for no more than two cars, and other outbuildings purely incident to the residential use are allowed. One-story houses are to have a minimum of 1,000 square feet of living space, while two-story homes must have at least 900 square feet on the ground floor.

No noxious or offensive activity may be carried out on any lot that would be an annoyance or nuisance to the neighborhood. No trailer, tent, shack, barn, or other outbuilding may be used as a residence. Only household pets may be kept on a lot, and no animals, livestock, or poultry of any kind is to be raised, bred, or kept. Individual water supply or sewage disposal systems are not permitted on any lot. Oil drilling, refining, quarrying, and mining operations are also prohibited. Lots 8 through 24 are not to have any direct access rights for ingress or egress to West Street.

Highest & Best Use of Larger Parcel

The zoning applied to the property is primarily intended for single-family residential uses and the private restrictions imposed on the Pleasant Valley West No. 1 subdivision only allow residences and related outbuildings to be placed on the lots in the tract. The physical characteristics of the parcel are well suited to supporting a residence and garage due to the level topography, stable soils, good lot dimensions and shape, and the availability of all utilities. Local real estate market conditions are some of the best that have been seen in many years and it is financially feasible to construct new homes at this time. Therefore, the highest and best use of the land as though vacant is to construct a new single-family house on the site.

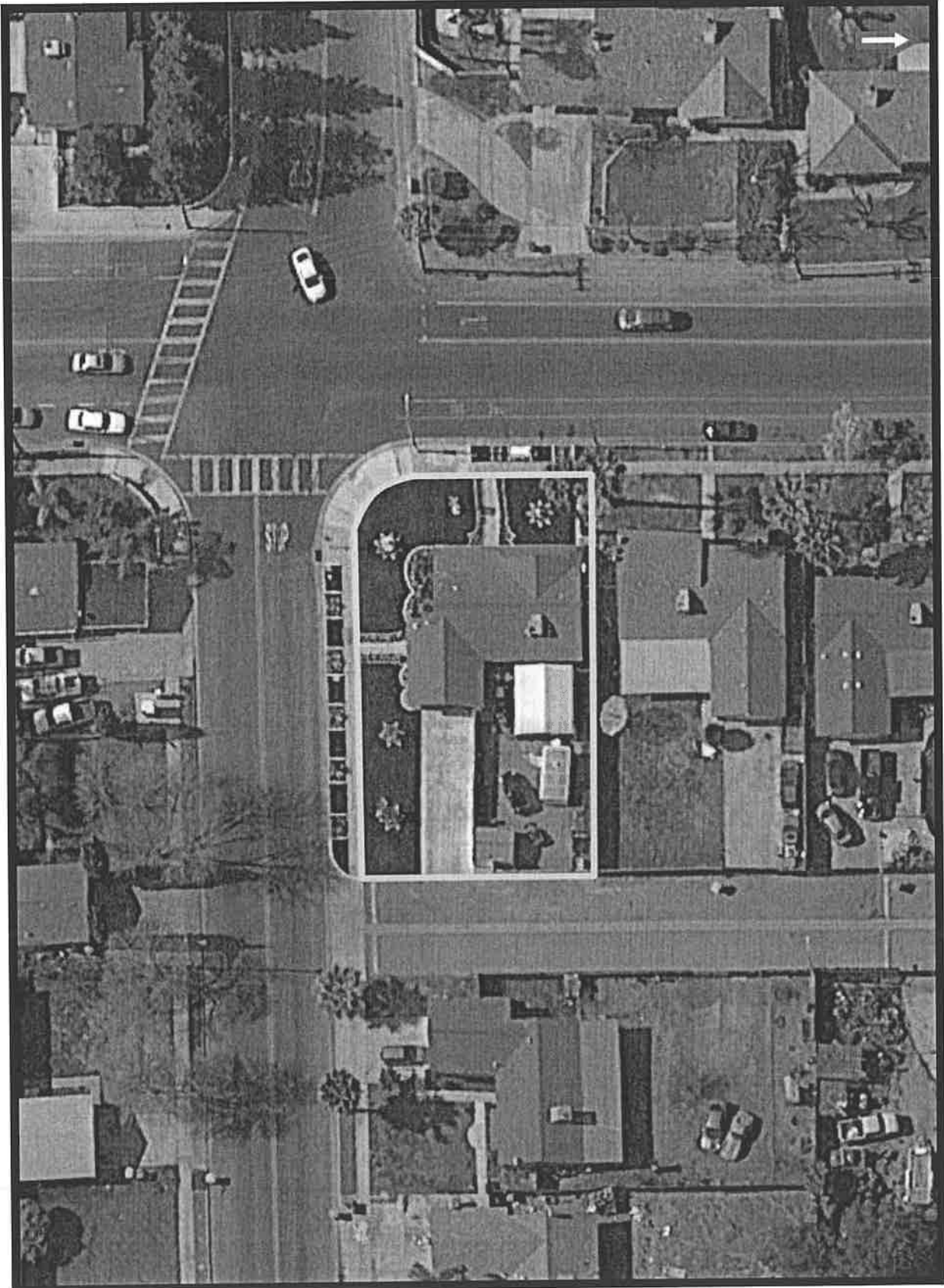
The existing use of the subject's building improvements as a house and garage are allowed in the R-1-6 zone and the structures appear to comply with the development standards. The house is about 37 years old, but it is in average to good condition and appears to be one of the better-kept homes in the neighborhood. No significant repairs seem to be needed and the home offers good functional utility. Thus, the highest and best use of the property as improved is to continue occupying it as a single-family residence.



POR 1/2 OF SW 1/4 OF NW 1/4 OF SEC. 3, T. 20 S., R. 24 E., M. D. B. & M.

169-30

ASSESSOR'S PARCEL MAP



AERIAL PHOTOGRAPH



View of the subject property looking northeast from the intersection of West Street and Pleasant Avenue.



View of the subject property looking northwest from Pleasant Avenue and the public alley.



Front view of the single-family residence looking east from the West Street frontage.



Side view of the house and garage looking north from the Pleasant Avenue frontage.

PARTIAL ACQUISITION DESCRIPTION

As part of the planned project, partial acquisitions are needed from the subject property for use as permanent right-of-way in fee title and a temporary construction easement.

Permanent Right-Of-Way Taking

The right-of-way (ROW) take area is situated at the southwest corner of the subject property closest to the intersection of the two fronting streets. It is an irregular-shaped portion that parallels the lot's curved corner extending for a total length of 60.53 feet along part of the south and west property lines. At its northwestern end, the taking is just 0.50 feet deep, widening to a maximum depth of 4± feet at the apex of the curve, and then narrows to 1.50 feet deep at its southeastern end. Altogether, it contains 115 square feet of land area. The only improvements that are situated in the take area are grass landscaping with sprinkler irrigation, three linear feet of scalloped concrete planter edging, and some flowers.

The following legal description of the ROW taking has been provided by the client:

That portion of Lot 8 of Pleasant Valley West No. 1, according to the Amended Map thereof recorded in Book 32 of Maps at Page 3, Tulare County Records, in the City of Tulare, County of Tulare, State of California, described as follows:

Beginning at a point on the West line of said Lot 8, said point lying at the North end of the curved right-of-way return at the Northeast corner of West Street and Pleasant Avenue, as shown on said map of Pleasant Valley West No. 1; thence North 0°44'51" East, along said West line of Lot 8, a distance of 18.39 feet; thence South 89°40'40" East, 0.50 feet; thence South 0°44'51" West, parallel with said West line, 11.79 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 25.00 feet; thence Southeasterly, 39.75 feet along the arc of last said curve, through a central angle of 91°06'11"; thence North 89°38'41" East, parallel with the South line of said Lot 8, a distance of 4.71 feet; thence South 0°21'19" East, 1.50 feet to the South line of said Lot 8; thence South 89°38'41" West, along said South line, 10.34 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 20.00 feet; thence Northwesterly, 31.80 feet along the arc of last said curve, through a central angle of 91°06'11" to the Point of Beginning.

Temporary Easement Taking

The temporary construction easement (TCE) will be used by the project's contractor during the course of construction to help build and install the planned improvements. It will run for a maximum term of 24 months and once it ends the easement will terminate and will no longer be an encumbrance to the remainder.

The TCE taking parallels the east side of the ROW take area. It also has a mostly-curved shape and is 5.00 feet wide along much of its course, but widens to 5.50 feet deep at the northwestern end and 6.50 feet deep at the southeastern end in order to wrap around the ROW taking. In total, 321 square feet of land area will be burdened by the TCE.

Yard improvements are situated in the easement area, including grass with sprinklers, planter edging, flowers, and concrete walkway. Most of these will be protected in place by the contractor. Items that are damaged, which might include the grass and flowers, will be restored to their pre-construction condition by the contractor to the property owner's satisfaction.

The legal description below details the TCE taking and it has been provided by the client:

That portion of Lot 8 of Pleasant Valley West No. 1, according to the Amended Map thereof recorded in Book 32 of Maps at Page 3, Tulare County Records, in the City of Tulare, County of Tulare, State of California, described as follows:

Commencing for reference at a point on the West line of said Lot 8, said point lying at the North end of the curved right-of-way return at the Northeast corner of West Street and Pleasant Avenue, as shown on said map of Pleasant Valley West No. 1; thence North 0°44'51" East, along said West line of Lot 8, a distance of 18.39 feet to the True Point of Beginning; thence South 89°40'40" East, 0.50 feet; thence South 0°44'51" West, parallel with said West line, 11.79 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 25.00 feet; thence Southeasterly, 39.75 feet along the arc of last said curve, through a central angle of 91°06'11"; thence North 89°38'41" East, parallel with the South line of said Lot 8, a distance of 4.71 feet; thence South 0°21'19" East, 1.50 feet to the South line of said Lot 8; thence North 89°38'41" East, along said South line, 5.00 feet; thence North 0°21'19" West, 6.50 feet; thence South 89°38'41" West, parallel with said South line, 9.71 feet to the beginning of a tangent curve, concave Northeasterly and having a radius of 20.00 feet; thence Northwesterly, 31.80 feet along the arc of last said curve, through a central angle of 91°06'11"; thence North 0°44'51" East, parallel with said West line, 16.83 feet; thence North 89°40'40" West, 5.50 feet to said West line; thence South 0°44'51" West, along said West line, 5.00 feet to the Point of Beginning.

Construction Contract Work

Sometimes it is necessary to do certain work, either inside the right-of-way or on the owner's private property, in order to restore the utility and value of the remainder property, and this work may be most economically and/or practically performed by the project's contractor. This is known as construction contract work.

For the subject property, the owner prefers to make changes to the sprinkler system that is in and around the ROW take area so that it properly irrigates the landscaping on the remainder property. Compensation for this work is included in the appraisal. However, the project contractor will perform any work needed to fix other damages and restore the TCE to its pre-construction condition.

Analysis of the Remainder

In the after condition, the remainder property will be slightly smaller at 8,616 square feet, which will continue to meet the minimum lot size specified for the R-1-6 zoning. The shape of the parcel will be altered very slightly, but the maximum width and depth dimensions will remain the same and the change in shape will not have a negative impact on value. The property's two street frontages will stay the same and the lot will still have good visibility with vehicular access continuing to come from the alley.

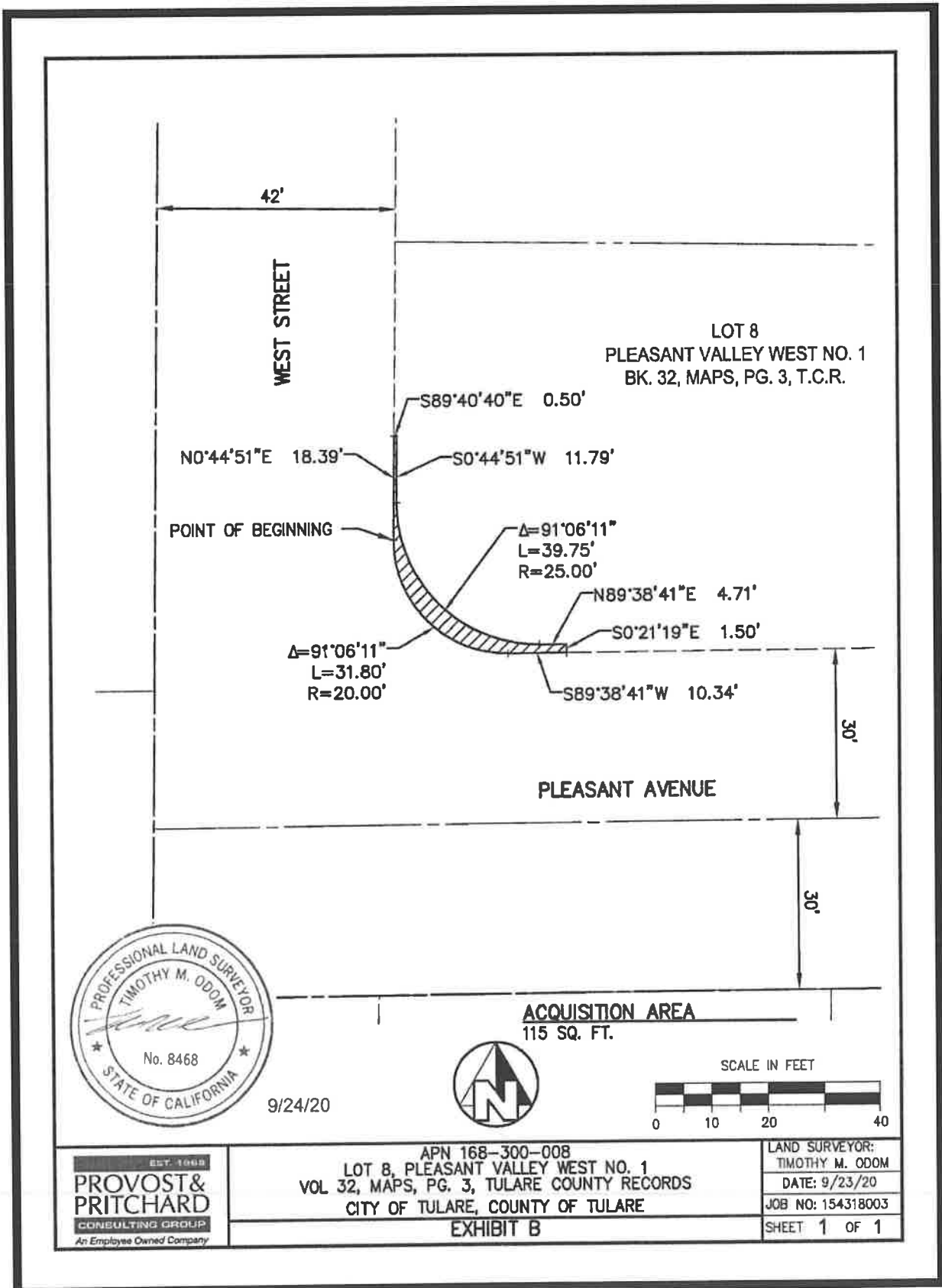
The house and garage will not be affected and their setbacks from the roadways will still comply with the zoning requirement.

The loss of a small patch of grass should not adversely impact the overall visual appeal of the landscaping or greatly diminish the front yard. Corrective work to fix the sprinkler system so that it continues to properly irrigate the remaining lawn will need to be done, however. Most other remaining improvements will be protected in place, and if any damage is done to them the contractor will be responsible for restoring the property to its pre-construction condition.

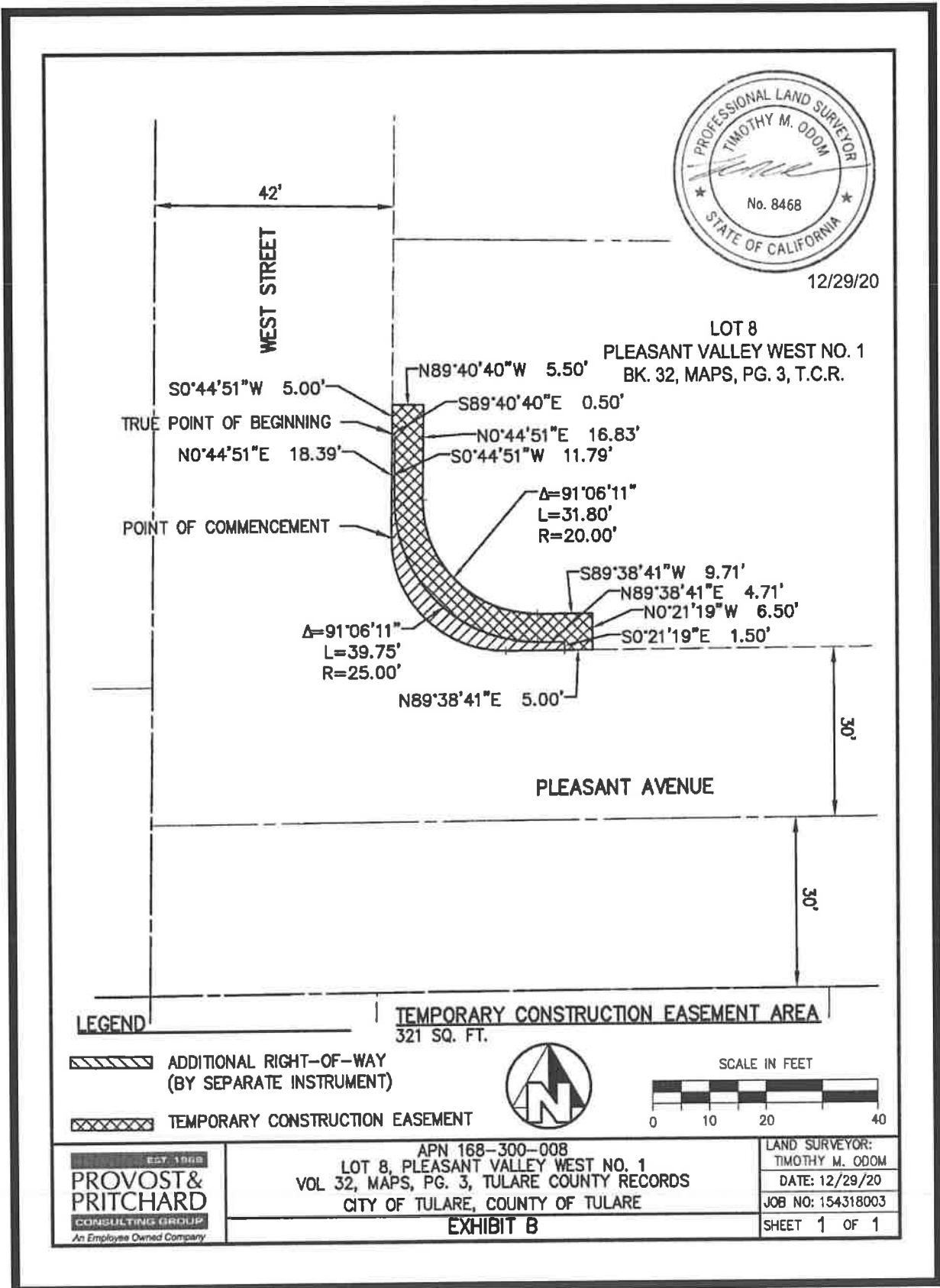
The project improvements are intended to improve traffic control and intersection safety. While this will be generally beneficial to properties in the area, the project is not likely to measurably increase the value of the subject remainder.

Highest & Best Use of the Remainder

No significant changes to the highest and best use of the remainder property are expected to result from the partial takings and project construction and use. The highest and best use of the land as though vacant will still be to construct a new single-family house on the site. Also, the highest and best use of the property as improved will be to continue occupying it as a single-family residence.



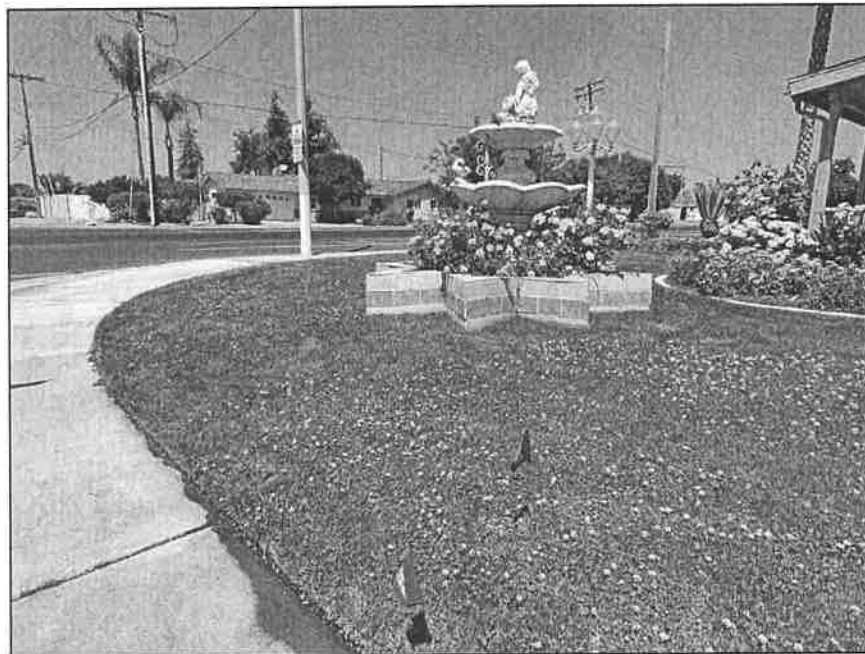
PLAT OF THE RIGHT-OF-WAY TAKING



PLAT OF THE TEMPORARY EASEMENT TAKING



View looking south along the ROW and TCE take areas from their northwestern end along West Street.



View looking northwest along the two take areas from their southeastern end along Pleasant Avenue. The fountain is not within either taking and will be protected in place.

PROPERTY VALUATION



HopperCompany
Real Property Valuation

METHOD OF VALUATION

The purpose of this appraisal is to provide an opinion of the fair market value of the portion of the subject larger parcel that are to be taken, together with any net damages to the remainder property. This valuation will assist the client in determining the just compensation to be paid for the partial acquisitions.

In performing the valuation, a strict set of procedures known as the State Rule is used. In California, these procedures have been established as a means to facilitate proper and accurate estimates of value for compensation. The State Rule procedures encompass nine logical and progressive steps that lead to the appropriate value conclusions. These steps include:

1. Value of Larger Parcel Before the Taking	\$	
2. Value of the Part Taken as a Part of the Whole	– \$	
3. Value of the Remainder as a Part of the Whole	= \$	
4. Value of the Remainder After the Taking Without Benefits	– \$	
5. Severance Damages to the Remainder	= \$	
6. Value of the Remainder After the Taking With Benefits	\$	
7. Benefits to the Remainder (step 6 - step 4)	\$	
8. Net Damages to the Remainder (step 5 - step 7)	\$	
9. Total Just Compensation (step 2 + step 8)	\$	

Steps 1 through 3 deal with the larger parcel in its condition prior to any influence or acquisitions by reason of the proposed project. Steps 4 and 5 focus on the property in its after condition once the part taken has been severed and the project constructed in an effort to determine any damages that are caused to the remainder. Steps 6 and 7 also value the remainder property in the after condition, but in this instance attention is focused on any benefits that will accrue to the property due to the project. Step 8 compares the damages found in step 5 with the benefits derived in step 7 to provide an indication of any net severance damages that will remain once benefits are used as an offset. Finally, step 9 provides the total just compensation estimate for the partial taking by adding the value of the part taken to the net damages to the remainder.

Each of these steps and the valuation approaches they employ are outlined in detail in the following sections of this report. Traditionally, real property valuation revolves around three approaches to value: the income capitalization, sales comparison, and cost approach. However, not all properties are well suited to the use of all three approaches and it may be impossible or inappropriate to use them all for certain properties. In this appraisal, the sales comparison and cost approaches are used to value the subject property, while the income capitalization approach is not applicable to the valuation of single-family residences like this and is excluded.

In instances where the taking is somewhat nominal and there are neither significant damages nor benefits to the remainder property, often an abbreviated form of valuation known as a strip appraisal is used. In a strip appraisal, only those portions of the property that affect the proper estimate of compensation are valued. Such an appraisal is appropriate for pre-condemnation use and it is an acceptable method of valuation. The strip appraisal is well suited to this subject property and is utilized in this appraisal.

VALUE OF LARGER PARCEL BEFORE THE TAKINGS

The subject larger parcel is valued using a combination of the sales comparison approach for the underlying land and the cost approach to determine the contribution of the improvements.

Land Valuation

The practice of making comparisons between the subject and the market in which it is located is central to all of the appraisal process, but in no method of valuation is this practice more prevalent than in the sales comparison approach. This approach is based on the principles of supply and demand, substitution, and balance, and these principles often lead market participants to value properties on the basis of the prices being paid for other similar and competing properties in the local market. On this basis, the sales comparison approach seeks to value the subject larger parcel by comparing it to recent sales of other land parcels that are similar in various ways.

Comparable Residential Lot Sales

The search for comparable residential lot sales for use in this appraisal began in the subject's immediate surrounding area, but only a limited amount of useful data is found in close proximity. So, the search is expanded to include all of the city of Tulare in order to find sufficient data for proper analyses and comparisons. In the end, four data items are selected and they are all closed sale transactions. These data items are referred to in this report as sale nos. 1 through 4. Each is described below along with a map showing their location relative to the subject.

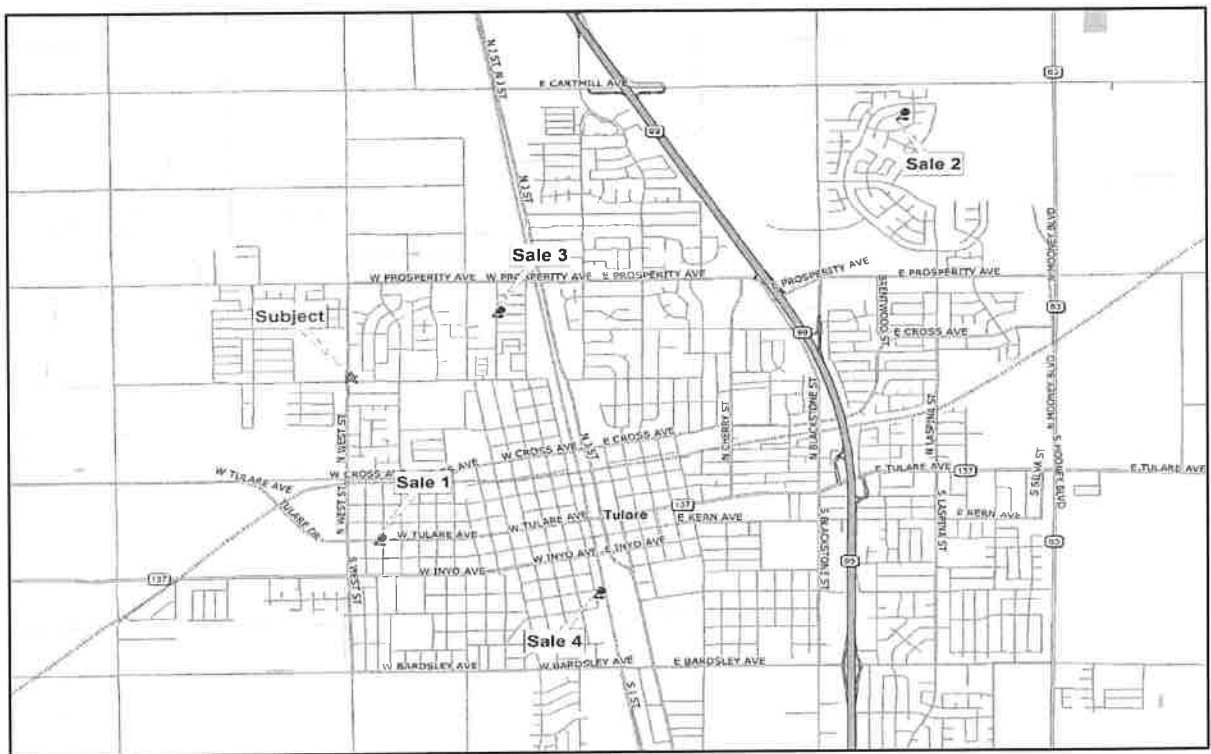
Sale no. 1 is located along the south side of Tulare Avenue between Los Angeles Street and Santa Clara Street, in Tulare. The 7,988-square-foot vacant lot has curb and gutter off-sites in place along its street frontage and there is a public alley along its east side. All public utilities are available to serve the property and it is zoned R-1-6 for single-family residential uses. An old, dilapidated shop structure was on the property, but it did not contribute any value in the transaction. The property was listed for sale at an asking price of \$34,900 and it took just one month to close a sale in February 2020 at \$36,000. The buyer paid all cash for the lot.

Sale no. 2 refers to a lot in the La Vina Estates No. 6 subdivision, which is part of the Del Lago area of Tulare. The lot sits on the south side of Dover Canyon Drive, just west of Kenwood Street. It has an interior lot orientation and it is finished with curb and gutter off-sites with public utilities stubbed to it for easy connection. There is 16,475 square feet of land area. An R-1-12.5 zoning is applied by the City of Tulare, which is a single-family residential zone with a 12,500-square-foot minimum lot size. This was one of the last remaining vacant lots in the tract and it was listed for sale at an asking price of \$159,000. After five months of market exposure, the property sold in August 2020 for \$155,000 all cash.

Sale no. 3 is situated along the west side of North 'F' Street at the Stadium Avenue alignment, in Tulare. The lot is slightly irregular in shape and it contains 23,905 square feet of land area. Curb and gutter off-sites are installed along the street frontage and public utility services are available. The zoning is R-1-6 for single-family residential uses. Previously, the property was improved with two houses, but both structures were demolished and cleared from the site leaving a vacant lot. The listing price established

for the property was \$96,000 and it was on the market for six months before being purchased by an investor for \$80,000 all cash in January 2021.

Sale no. 4 represents a vacant residential property that is located on the west side of South 'I' Street, south of Sonora Avenue, in Tulare. It is part of an older residential section of the city and is across the street from the Union Pacific Railroad track corridor. The interior-oriented site contains 12,000 square feet of land area. Curb and gutter off-sites are in place along the street frontage, a public alley is at the rear, and all public utilities are readily available. The zoning is R-M-3 for multifamily residential uses, which would allow up to six dwelling units to be built on the parcel. An asking price of \$35,000 was established when it was put up for sale, and it only took one month to close the sale at a price of \$45,000. The transaction recorded in February 2021. The buyer later relisted the property for sale in April 2021 at \$139,900 with an approved site plan and plans for a new fourplex included.



Land Sales Comparisons

These sales are evidence of local market conditions and pricing for properties such as the subject and they are useful in shedding light on the value of the property being appraised. In analyzing these sales consideration is given to various elements of comparison that market participants recognize as having an impact on the prices that are paid for this type of property. These elements may include the property rights conveyed, financing terms, conditions of sale, market conditions, location, zoning, parcel size, and other physical factors. While there can be an infinite number of variations between properties, the market typically is concerned with only a limited number of variables that are considered to be most influential.

LAND SALES COMPARISON GRID <i>Comparable Residential Lot Sales</i>				
	Sale No. 1	Sale No. 2	Sale No. 3	Sale No. 4
Address	1229 W. Tulare Ave.	2446 Dover Cyn. Dr.	1105 No. 'F' St.	525 So. 'I' St.
City	Tulare	Tulare	Tulare	Tulare
APN	175-022-004	149-290-018	169-070-007	175-190-002
Buyer	Corral	Iniguez	Varo-Real Inv.	Valley Builders
Document No.	20-12489	20-46675	21-04123	21-09806
Recording Date	2/28/2020	8/6/2020	1/19/2021	2/9/2021
Sale Price	\$36,000	\$155,000	\$80,000	\$45,000
Lot Size – SF	7,988	16,475	23,905	12,000
Price / SF	\$4.51	\$9.41	\$3.35	\$3.75
Zoning	R-1-6	R-1-12.5	R-1-6	R-M-3
Orientation	Interior	Interior	Interior	Interior
Utilities	W-S-G-E	W-S-G-E	W-S-G-E	W-S-G-E
Off-Sites	C-G	C-G	C-G	C-G
Property Rights	=	=	=	=
Financing	=	=	=	=
Conds. of Sale	=	=	=	=
Market Conds.	+	+	=	=
Interim Value	> \$36,000	> \$155,000	= \$80,000	= \$45,000
Location	+	-	+	+
Zoning	=	=	=	=
Parcel Size	=	-	-	-
Utilities	=	=	=	=
Off-Sites	=	=	=	=
Final Indication	> \$36,000	< \$155,000	< \$80,000	> \$45,000

The table above summarizes how each data item is compared to the subject. A "+" symbol is shown if the data item is inferior to the subject, a "-" is used if the sale is superior, and an "=" sign is indicated if the data item is generally comparable. Not all elements of comparison are weighted equally by the market, however; and in some instances the magnitude of impact on the sale price may be greater than in other comparisons where the same symbol is used.

Land Value Conclusion

Based on these comparisons, the subject lot should be valued above the \$36,000 to \$45,000 indicated by sale nos. 1 and 4, but below the \$80,000 to \$155,000 pricing reflected in sale nos. 2 and 3. Thus, the value is reasonably bracketed between \$45,000 and \$80,000.

The subject is a corner-oriented lot in an established residential section of Tulare. The definition of fair market value that applies in this appraisal specifies that it is to be the “highest price” that is reasonable in the marketplace. In consideration of these factors, the value is determined to be weighted toward the upper end of the bracketed spread and \$70,000 is concluded. This is equal to \$8.02 per square foot for the 8,731-square-foot lot.

Improvement Valuation

In a strip appraisal where the majority of the property’s improvements are not being affected by the partial acquisition, it is still important to include in the value of the larger parcel the contribution of any improvements that are being taken. The cost approach is used to estimate this improvement value, and it is derived from the concept that market participants often equate cost to value. Buyers and sellers tend to estimate the value of a property by comparing it to the cost of constructing a suitable substitute that exhibits similar physical characteristics, age, quality and condition, and functional utility.

Yard improvements are situated in the two take areas, but some of these will be protected in place or restored by the project contractor once construction is completed. The only improvements that will be lost entirely are valued in the table below.

<i>CONTRIBUTORY VALUE OF IMPROVEMENTS As Part of the Whole Larger Parcel</i>				
<i>Improvement Type</i>	<i>Improvement Size</i>	<i>Replacement Cost per Unit</i>	<i>Depreciation Rate</i>	<i>Contributory Value</i>
Grass	114 s.f.	\$1.00	25%	\$85.50
Sprinklers	114 s.f.	\$1.25	25%	\$106.88
Planter Edging	3 l.f.	\$2.00	25%	\$4.50
Flowers	Lump sum	\$20.00	0%	\$20.00
Total			Rounded to	\$217

Altogether, the contributory value of the yard improvements that will be lost to the takings totals \$217.

Total Value for the Larger Parcel

Adding the land value to the contribution of the improvements provides a total value for the subject larger parcel of \$71,217.

$$\text{Land Value} + \text{Improvement Value} = \text{Total Larger Parcel Value}$$

$$\$70,000 + \$217 = \$70,217$$

VALUE OF PARTS TAKEN

The second step in applying the State Rule of valuation is to value the portions of the property that are being taken as a part of the whole larger parcel. In this step, the contributory value of the property within the area of the taking is valued.

Permanent Right-Of-Way

The same unit land value of \$8.02 per square foot that has been estimated for the larger parcel is also applied to the portion of the site that is to be acquired in fee title for use as permanent right-of-way. This results in a land value of \$922. To this is added the contributory value of the affected improvements of \$217, leading to a total value for the permanent taking of \$1,139.

Land Size x Value per S.F. = Land Value + Improvement Value = Value of Permanent Taking

$$115 \text{ s.f.} \times \$8.02 = \$922 + \$217 = \$1,139$$

Temporary Construction Easement

The valuation of the temporary construction easement acquisition utilizes a somewhat different methodology because this take area will not be permanently taken and will only be needed for a relatively short period of time. During this time, the larger parcel will be without the use of this area though, and the owner must be compensated accordingly.

The most appropriate method of valuing this temporary easement area is to estimate the rental value of the property within the take area over the specified term. Ground leases for residential lots are not common in the local market, but it is not too unusual to find this type of rental for commercial sites. Typically, commercial ground leases have rents that are based on some percentage of the value of the underlying land, with 9% to 10% frequently being the basis. Using this as a guide, a 10% return is applied to the land value with the easement area and then by the 2-year term, which results in a value for the temporary easement of \$515.

Easement Size x Unit Land Value x Annual Rate of Return x Easement Term = Value of Easement

$$321 \text{ s.f.} \times \$8.02 \times 10\% \times 2 \text{ years} = \$515$$

Total Value of Takings

Adding the values of the different take areas together provides a total value for the parts taken as part of the whole of \$1,654.

Permanent Take Area	\$1,139
Temporary Take Area	+ \$515
Total Value of Takings	<u>\$1,654</u>

Subtracting the value of the parts taken from the value of the larger parcel provides a value for the remainder as part of the whole of \$68,563.

Total Larger Parcel Value – Value of Part Taken = Value of Remainder as Part of Whole

$$\$70,217 - \$1,654 = \$68,563$$

SEVERANCE DAMAGES TO THE REMAINDER

This step of the valuation addresses the remainder property in its after condition. The focus is solely on measuring the damages, if any, that will result, with no consideration of any potential benefits, which will be estimated later. Losses in value to the remainder are referred to as severance damages, and they may result either from the severing of the portion acquired from the larger parcel or from the construction and use of the project for which it was taken. This latter form of damage can occur whether or not the loss is caused by a portion of the project that is physically located on the part taken.

In instances where the severance damages may be both physically and economically corrected, the loss in value may be determined by estimating the cost to cure. This is the cost to restore an item or feature to proper condition or functionality. However, this measure of damage is only appropriate if the total cost to cure does not exceed the loss resulting from the severance damage.

The only severance damage that is identified for the subject remainder is the need to reconfigure the sprinkler system so that it will properly irrigate the remaining lawn area. The cost of this work is estimated at \$500, and an additional \$100 is added to compensate the owner for the time and effort to coordinate the work and for possible cover overruns. This brings the total damages to \$600.

BENEFITS TO THE REMAINDER

Benefits are the increase in value to the remainder property that result from either the taking or the project, and in California the law does not treat this positive impact any differently based on whether the benefit comes specifically to the subject property or accrues to properties in general. Benefits are to be measured using market data and, unlike damages, they may not be measured based on the cost to the owner of providing a similar benefit.

While the subject is expected to benefit generally from better street pavement, new utility infrastructure, and improved traffic control at the intersection, this is not expected to measurably increase the value of the property in the after condition. Thus, no benefits are quantified.

With no benefits to offset the severance damages, the net damages to the remainder property are \$600.

Severance Damages – Benefits = Net Damages to the Remainder

$$\$600 - \$0 = \$600$$

FINAL TOTAL VALUE OPINION

The final total value opinion is equal to the value of the taking plus the net severance damages to the remainder, which totals \$2,254 and is rounded to \$2,300.

Value of Taking + Net Severance Damages = Final Total Value Opinion

$$\$1,654 + \$600 = \$2,254 \approx \$2,300$$

Therefore, after considering all of the data and pertinent information regarding the subject property and the proposed intersection improvement project, it is my opinion that the fair market value of the portions of the property to be taken along with any net severance damages to the remainder resulting from the partial acquisition and the construction and use of the project in the manner proposed as of April 23, 2021 is:

TWO THOUSAND THREE HUNDRED DOLLARS
\$2,300

SUMMARY OF VALUE CONCLUSIONS

The estimate of fair market value plus net severance damages for the subject is summarized below:

1 – Value of Larger Parcel Before Taking:		
Land Value	\$70,000	
Affected Improvement Value	+ \$217	
		\$70,217
2 – Value of Part Taken as Part of Whole:		
Value of Permanent Taking	\$1,139	
Value of Temporary Taking	+ \$515	
		– \$1,654
3 – Value of Remainder as Part of Whole:		
Land Value	\$68,563	
Affected Improvement Value	+ \$0	
		= \$68,563
4 – Value of Remainder Without Benefits:		
Remainder Property Value	\$68,563	
Curable Damages	\$600	
Permanent Damages	– \$0	
		– \$67,963
5 – Severance Damages:		
Step Three Value	\$68,563	
Step Four Value	– \$67,963	
Total Severance Damages		= \$600
6 – Value of Remainder With Benefits:		
Property Value	\$67,963	
Benefits	+ \$0	
		\$67,963
7 – Benefits to the Remainder:		
Step Six Value	\$67,963	
Step Four Value	– \$67,963	
		\$0
8 – Net Damages to the Remainder:		
Step Five Value	\$600	
Step Seven Value	– \$0	
		\$600
9 – Estimate of Just Compensation:		
Step Two Value	\$1,654	
Step Eight Value	+ \$600	
Final Total Value Opinion		\$2,254
	Rounded to	<u>\$2,300</u>

ADDENDA



HopperCompany
Real Property Valuation



QUALIFICATIONS OF KEITH J. HOPPER
MAI, R/W-AC, AI-GRS

Professional Designations

- MAI designation – Member of the Appraisal Institute
- R/W-AC designation – Appraisal Certification of the International Right of Way Association
- AI-GRS designation – General Review Specialist of the Appraisal Institute

Certifications and Licenses

- California Certified General Real Estate Appraiser: Certificate No. AG002559
- California Real Estate Broker's License: License No. 01105905

Education

- California State University, Fresno: B.S. Degree, Business Admin. - Real Estate and Urban Land Economics
- Appraisal Institute:
 - Real Estate Appraisal Principles (1A-1) & Basic Valuation Procedures (1A-2)
 - Capitalization Theory & Techniques (A & B)
 - Case Studies in Real Estate Valuation (2-1)
 - Report Writing and Valuation Analysis (2-2)
 - Standards of Professional Practice, National USPAP Update, & California Laws and Regulations
 - Advanced Sales Comparison and Cost Approaches (530)
 - Land Valuation Assignments and Adjustment Procedures & Subdivision Valuation
 - General Appraiser Market Analysis and Highest & Best Use
 - Real Estate Finance, Statistics, and Valuation Modeling
 - Uniform Appraisal Standards for Federal Land Acquisitions (Yellow Book)
 - Litigation Professional Development Program:
 - Litigation Valuation Overview (700)
 - Litigation Appraising – Specialized Topics and Applications (705)
 - Condemnation Appraising (710)
 - Advanced Condemnation Appraising (720)
 - Review Theory – General
- International Right of Way Association:
 - Ethics and the Right of Way Profession (103)
 - Standards of Practice for the Right of Way Profession (104)
 - Principles of Real Estate Appraisal (400)
 - Appraisal of Partial Acquisitions (401)
 - Easement Valuation (403) & Legal Aspects of Easements (802)
 - Reviewing Appraisals in Eminent Domain (410)
 - Problems in the Valuation of Partial Acquisitions (431)
 - Corridor Valuation
- American Society of Farm Managers and Rural Appraisers:
 - Integrated Approaches to Value (A304)

Best Practices for Rural Property Appraisals
 Highest and Best Use
 Valuation of Permanent Plantings in Changing Markets

Appraisal Experience

Actively engaged in appraisal in the Central Valley since 1989. Appraised many types of commercial, industrial, residential, apartment, subdivision, land, agricultural, and special purpose properties. Clients include:

- Government: U.S. Postal Service, U.S. Navy, U.S. Marshall's Office, Calif. Dept. of Forestry, Calif. Dept. of Transportation, Resolution Trust Corp., Federal Deposit Insurance Corp., County of Tulare, County of Kings, Administrative Office of the Courts
- Cities: Visalia, Tulare, Porterville, Kingsburg, Dinuba, Exeter, Woodlake, Hanford, Bakersfield, Farmersville, Reedley
- Schools: Visalia Unified, Hanford Elementary, Central Valley Christian, College of the Sequoias, Tulare City Schools, Tulare High School District, Liberty Elementary, Porterville Unified, Burton School District, Alta Vista School District
- Lenders: Wells Fargo, Union Bank, J.P. Morgan, Bank of the Sierra, Comerica Bank, Westamerica Bank, Key Bank, Aegon Realty Advisors, Rabobank, Housing Capital Co., Citizens Business Bank, Premier Valley Bank, RBC Builder Finance, Farm Credit West, Kingsburg Land Bank, Bank of the West, Suncrest Bank, Central Valley Community Bank, Evangelical Christian Credit Union, United Security Bank
- Corporations: Kraft General Foods, Chevron USA, McDonald's Corp., Wal-Mart Stores, Campbell Soup Co., Pepsi Cola Co., Southern California Edison Co., Southern Pacific Railroad, Jostens, Payless Cashways, Frito Lay, Southland Corp., RR Donnelley, Leprino Foods, California Dairies, Sun Maid
- Insurance Companies: Nationwide Mutual Insurance Co., Chicago Title Insurance Co., Ticor Title Insurance Co., Fidelity National Title Co.
- Attorneys: McGregor Dahl Sullivan & Klug, Navy Exchange Service Command, Dale Bruder, Dennis Lynch, Rauber & Johnson, Hurley & Laird, Williams Jordan & Broderson, Paul Hastings Janofsky & Walker, Houk & Hornburg, Baker Manock & Jensen, Griswold LaSalle Cobb Dowd & Gin, Dowling Aaron & Keeler, Dooly & Herr, Peltzer & Richardson, Hooper Lundy & Bookman, McCormick Barstow, Kahn Soares & Conway, Ruddell Cochran Stanton & Bixler, Michael Lampe
- Right-of-Way Firms: Universal Field Services, Bender Rosenthal, Paragon Partners, Tarvin & Associates, Hamner Jewell & Associates, Overland Pacific & Cutler
- Churches: Methodist, Baptist, Calvary Chapel, Nazarene, Mennonite, Catholic, Grace Community, Living Christ, Bethel Assembly, New Hope, Praise Center
- Health Care: Kaweah Delta HCD, Tulare Regional MC, Sierra View District Local HCD, Tulare Community Health Clinic, Visalia Medical Clinic, Family Health Care Network
- Other: YMCA, Farm Bureau, Housing Authority, Tulare Irrigation District, International Agri-Center, Visalia Rescue Mission

Litigation Experience

Appraised properties on behalf of private and public agency clients for eminent domain, divorce, and other matters involving litigation. Have given depositions, appeared at mediation and arbitration hearings, and qualified as an expert witness in Tulare County and Kern County Superior Courts, Kings County Board of Equalization, and Federal Bankruptcy Court.

Right-of-Way Experience

Appraised hundreds of properties involved in full or partial takings on behalf of public agencies, right-of-way firms, law firms, and private property owners. Projects have included road widenings, overcrossings and undercrossings, utility installations, permanent and temporary easements, and railroad corridors.

CONDITION OF TITLE

Issued By:



CHICAGO TITLE INSURANCE COMPANY

Guarantee Number:

FWVI-TO20002425

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, AND THE GUARANTEE CONDITIONS ATTACHED HERETO AND MADE A PART OF THIS GUARANTEE,

CHICAGO TITLE INSURANCE COMPANY
a corporation, herein called the Company

GUARANTEES

the Assured named in Schedule A of this Guarantee

against loss or damage not exceeding the Amount of Liability stated in Schedule A sustained by the Assured by reason of any incorrectness in the Assurances set forth in Schedule A.

Chicago Title Company
2540 West Shaw Lane, #112
Fresno, CA 93711

Countersigned By:

Authorized Officer or Agent



Chicago Title Insurance Company

By:

President

Attest:

Secretary

ISSUING OFFICE:
Title Officer: Erica Madrigal Chicago Title Company 2540 West Shaw Lane, #112 Fresno, CA 93711 Phone: (559)492-4228 Fax: (559)448-8530 Main Phone: (559)492-4208 Email: eamadrigal@fnf.com

SCHEDULE A

Amount of Liability	Fee	Title Officer
\$5,000.00	\$500.00	Erica Madrigal

Date of Guarantee: October 21, 2020 at 07:30 AM

1. Name of Assured: Joe Pacheco

2. The estate or interest in the Land which is covered by this Guarantee is:

A Fee

3. The Land referred to in this Guarantee is described as follows:

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

4. ASSURANCES:

According to the Public Records as of the Date of Guarantee,

a. Title to the estate or interest in the Land is vested in:

Joe Pacheco by Judgment recorded October 14, 2009 Case No. 06-219786

b. Title to the estate or interest is subject to defects, liens or encumbrances shown in Schedule B which are not necessarily shown in the order of their priority.

END OF SCHEDULE A

EXHIBIT "A"
Legal Description

For APN/Parcel ID(s): 169-300-008-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

LOT 8 OF AMENDED MAP OF PLEASANT VALLEY WEST NO. 1, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 32, PAGE(S) 3 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

SCHEDULE B

1. REAL ESTATE TAXES:

- a. Property taxes, including any personal property taxes and any assessments collected with taxes are as follows:

Code Area: 005-008
 Tax Identification No.: 169-300-008-000
 Fiscal Year: 2020-2021
 1st Installment: \$575.87 Open
 2nd Installment: \$575.87 Open
 Exemption: \$0.00
 Land: \$28,106.00
 Improvements: \$73,786.00
 Personal Property: \$0.00
 Bill No.: 169300008000

- b. The lien of supplemental or escaped assessments of property taxes, if any, made pursuant to the provisions of Chapter 3.5 (commencing with Section 75) or Part 2, Chapter 3, Articles 3 and 4, respectively, of the Revenue and Taxation Code of the State of California as a result of the transfer of title to the vestee named in Schedule A or as a result of changes in ownership or new construction occurring prior to Date of Policy.

2. THE FOLLOWING DEFECTS, LIENS AND ENCUMBRANCES (WHICH ARE NOT NECESSARILY SHOWN IN THEIR ORDER OF PRIORITY) AGAINST THE INTEREST:

- a. Easement(s) for the purpose(s) shown below and rights incidental thereto as delineated or as offered for dedication, on the map of said tract/plat;

Purpose: Public utilities
 Affects: The Southerly 6 feet, the Westerly 6 feet and the Northerly 2 feet of the Westerly half of said Lot

- b. The Fact that the ownership of said land does not include rights of access to or from the street or highway abutting said land, such rights having been relinquished by map of said tract

Affects : The East line to West Street

- c. Covenants, conditions and restrictions but omitting any covenants or restrictions, if any, including but not limited to those based upon race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, genetic information, medical condition, citizenship, primary language, and immigration status, as set forth in applicable state or federal laws, except to the extent that said covenant or restriction is permitted by applicable law, as set forth in the document

Recording Date: July 1, 1983
 Recording No.: Book 4085, Page 216, of Official Records

SCHEDULE B
(continued)

d. Easement(s) for the purpose(s) shown below and rights incidental thereto, as granted in a document:

Granted to: Southern California Edison Company, a Corporation (No representation is made as to the present ownership of said easement)
Purpose: Underground electrical supply systems and communication systems for transmission of electrical energy and communication purposes and appurtenances
Recording Date: August 12, 1983
Recording No.: Book 4098, Page 79, of Official Records
Affects: The Southerly 6 feet, the Westerly 6 feet and the Northerly 2 feet of the Westerly half of said Lot

Said easement includes the right of egress and ingress
Said easement grants the right to trim trees in and over said easement
Said easement contains an agreement prohibiting the erection of any structure, building, or wells within said easement

e. A homestead declaration

Executed by: Joe Pacheco
Recording Date: May 15, 2008
Recording No.: 2008-0034927, of Official Records

f. Notice: Please be aware that due to the conflict between federal and state laws concerning the cultivation, distribution, manufacture or sale of marijuana, the Company is not able to close or insure any transaction involving Land that is associated with these activities.

3. THE FOLLOWING MATTERS ARE DISCLOSED BY NAME ONLY AND THE COMPANY, WITHOUT ADDITIONAL INFORMATION, IS UNABLE TO DETERMINE WHETHER ANY OR ALL OF THESE MATTERS ARE DEFECTS, LIENS OR ENCUMBRANCES AGAINST THE INTEREST:

a. This company will not provide any assurance as to the effect of documents, proceedings, liens, decrees, or other matters which do not specifically describe said land, but which, if any do exist, may affect the title or impose liens or encumbrances thereon.

Parties: Joe Pacheco aka Jose D. Pacheco

END OF SCHEDULE B

AGENDA ITEM: Consent 6

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering / Project Management

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Accept as complete the contract with Romanazzi General Engineering for work on the Traffic Signal and Intersection Improvements at Prosperity Avenue and Oaks Street Project (Project EN0072). 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.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Capital Improvement Project EN0072 is a project to construct a traffic signal and intersection improvements at the intersection of Prosperity Avenue and Oaks Street. The project converted the former 4-way stop controlled intersection to a signalized intersection.

Signalization included LED type streetlights, pedestrian push buttons, and pedestrian signal heads that meet current ADA and Caltrans standards. Operation of the signalized intersection is controlled by a Gridsmart overhead video detection system. Work included the removal of conflicting striping and the installation of new striping that provides dedicated left-turn and right-turn pockets on Prosperity Avenue. New ADA compliant ramps were constructed at the four corners as well as a storm drain line that is expected to reduce localized flooding near the intersection. Run-off from the south side of the intersection now will flow to the City storm basin between N 'J' Street and Oaks Street on the south side of Prosperity Avenue.

On July 7, 2020, the City Council awarded a contract in the amount of \$658,607.00 to Romanazzi General Engineering of Exeter, CA. The project is funded through a combination of Gas Tax, Measure R, Development Impact Fee, and Streets/Transportation CIP funds.

A summary of contract costs is as follows:

Original Contract Award:	\$ 658,607.00	
Contract Change Order No. 1:	\$ 19,482.77	(3.0%)
Contract Change Order No. 2:	\$ 16,227.08	(2.5%)
Contract Change Order No. 3:	\$ 3,000.00	(0.5%)
Contract Change Order No. 4:	\$ 8,317.23	(1.3%)
Contract Change Order No. 5:	\$ 753.00	(0.1%)
Contract Change Order No. 6:	<u>(\$ 4,900.00)</u>	<u>(0.7%)</u>
Total Construction Contract Cost:	\$ 701,487.08	(6.5%)

- Contract Change Order No. 1 was for changing the storm drain pipe material, adjusting a conflicting utility, additional costs for installing a storm drain lateral, and a credit for using recycled base rock.

- Contract Change Order No. 2 was for increasing the amount of mill and overlay item, increase in hot mix asphalt (HMA) price by using an acceptable supplier, additional HMA for trench restoration and a credit for reduced trucking costs.
- Contract Change Order No. 3 was for applying a slurry coating over the entire intersection including sections that were deemed acceptable by the City.
- Contract Change Order No. 4 was for upgrading the pedestrian push button, relocation of the signal pole at the southwest corner of the intersection to avoid conflicting underground utilities, installing additional pavement markings, additional mobilization and demobilization to construct the ramp improvements at the southeast corner (delayed because of issues obtaining right of way), and removing and disposing of a conflicting, abandoned water pipe.
- Contract Change Order No. 5 was for raising an additional water valve can.
- Contract Change Order No. 6 was for the balance of quantities.

All work required of Romanazzi General Engineering under this contract has been completed in accordance with the approved plans and specifications.

STAFF RECOMMENDATION:

Accept as complete the contract with Romanazzi General Engineering for work on the Traffic Signal and Intersection Improvements at Prosperity Avenue and Oaks Street Project (Project EN0072). 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.

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:

EN0072-050-0602
 021 – Measure R
 022 – Gas Tax
 199 – Development Impact Fees (DIF)
 643 – Streets/Transportation CIP

Submitted by: James L. Funk

Title: Project Manager

Date: May 24, 2021

City Manager Approval: _____

**RECORDING REQUESTED BY:
CITY OF TULARE**

AND WHEN RECORDED MAIL TO:

**City Clerk
City of Tulare
411 East Kern Avenue
Tulare, CA 93274-4257**

**PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED.**

NOTICE OF COMPLETION

NOTICE IS HEREBY GIVEN THAT:

1. The City of Tulare, a Municipal Corporation, whose address is 411 East Kern Avenue, Tulare, California, is the owner of the real property, public works, or structure hereinafter described.
2. The nature of the title of the stated owner is: In fee
3. On the 1st day of June, 2021, a work of improvement on real property hereinafter described was completed pursuant to a contract to which Title 15 of Part 4 of Division 3 of the Civil Code applies.
4. The name of the Contractor who performed said work of improvements pursuant to such contract with the City of Tulare is Romanazzi General Engineering, whose address is 69 S. Cornucopia Road, Exeter, CA 93221. The surety on said contract is Great American Insurance Company.
5. The real property or public works or structure is described as follows:

Project No. EN0072 (Traffic Signal and Intersection Improvements at Prosperity Avenue and Oaks Street).

Dated: _____, 2021

**CITY OF TULARE
A Municipal Corporation,**

**By: _____
Michael W. Miller, City Engineer**

VERIFICATION

I am the City Engineer of the City of Tulare and am authorized to make this verification on behalf of the City. I have read the foregoing Notice of Completion, know the contents thereof, and believe it to be true and correct to the best of my knowledge.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on _____, 2021 at

Tulare, California.

**By: _____
Michael W. Miller, City Engineer**

AGENDA ITEM: Consent 7

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Engineering Services / Project Management

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Approve Amendment No. 2 to the Caltrans Cooperative Agreement 06-1608, related to improvements to the State Route 99 and State Route 137 (Tulare Avenue) Interchange, allocating an additional \$325,000 of the City's RSTP funding, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The City Council adopted Resolution 14-65 at the October 21, 2014 regular City Council meeting, which allocated portions of the City's **Regional Surface Transportation Program (RSTP)** funding to be utilized on projects along State Route 137 (Tulare Avenue) and State Route 63 (Mooney Boulevard) within City limits. The highest priority project identified for potential use of these funds was the signalization of the State Route 99 and State Route 137 ramp intersections. This funding provided by the City has successfully been utilized to leverage additional Caltrans resources and funds for the design, right-of-way acquisition, and construction of the project.

This Project's improvements will signalize both northbound and southbound on/off-ramps, and will eliminate access to the State Route 99 southbound ramps from San Joaquin Avenue, and to the State Route 99 northbound ramps from Sierra Avenue in accordance with current Caltrans standards. The Project will also include construction of a hammerhead turnaround at the east end of San Joaquin Avenue at its previous point of connection point to the southbound ramps, and a cul-de-sac at the west end of Sierra Avenue at its previous point of connection to the northbound ramps.

On September 6, 2016, City Staff and Caltrans presented an update to the City Council, describing the scope of work and timeline for the project. As a part of Caltrans' environmental review process and public outreach, a public notice was published in the newspaper on March 20, 2017, which provided a summary of identified project impacts, and gave contact information for those interested or concerned about those impacts. The City worked with Caltrans to minimize the impacts to properties and surrounding businesses. On October 6, 2020 Caltrans provided an update presentation on the status of the project. At that meeting, the City Council also approved a Resolution of Change to the City of Tulare-State of California Freeway Agreement. Since that time, final project plans were developed and the project was bid.

Caltrans received (4) bids, however, the lowest responsive and responsible bid received exceeds the project budget. In total, the budget shortfall is \$536,500. Caltrans has identified some funding to assist in filling this gap, but has approached the City with the request for an

additional \$325,000 in order to award the project. Alternatively, the project will be delayed until additional funding is identified, requiring the project to be rebid at a later date.

This City has worked with the Tulare County Association of Governments (TCAG), the administrator of the RSTP funds used on this project, and has identified additional available funding adequate to meet this need with the City's current allocation of funds.

With the approval of the proposed Amendment No. 2 to the current Caltrans Cooperative Agreement, Caltrans will be able to proceed with the award of the contract to the low bidder and the project will be able to resume as planned. Due to the necessary timeframe for equipment procurement in advance of construction, work is anticipated to begin in late 2021, with completion in early 2022. The City currently has a project on Spruce Street and Sierra Avenue, adjacent to Caltrans's work on this project. If the two projects were to be completed independently, there would be some duplication of work to make all needed improvements. However, with the ability to coordinate work simultaneously, there will be an opportunity to achieve some cost savings to both projects.

STAFF RECOMMENDATION:

Approve Amendment No. 2 to the Caltrans Cooperative Agreement 06-1608, related to improvements to the State Route 99 and State Route 137 (Tulare Avenue) Interchange, allocating an additional \$325,000 of the City's RSTP funding, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

EN0056-050-0601

Submitted by: Nick Bartsch

Title: Sr. Project Manager

Date: May 21, 2021

City Manager Approval: _____

AMENDMENT NO. 2 TO AGREEMENT 06-1608

This Amendment No. 2 (AMENDMENT) to Agreement 06-1608 (AGREEMENT), effective on _____, is between the State of California, acting through its Department of Transportation, referred to as CALTRANS, and:

City of Tulare, a body politic and municipal corporation or chartered city of the State of California, referred to hereinafter as CITY.

RECITALS

1. CALTRANS and CITY, collectively referred to as PARTIES, entered into AGREEMENT on August 3, 2016, defining the terms and conditions for installing signals at State Route 137 and 99 on and off ramps, referred to as PROJECT.
2. PARTIES entered into Amendment No. 1, to AGREEMENT on March 4, 2019 to increase Right of Way Capital Costs to \$165,000 and decrease Construction Capital costs to \$1,810,000 ~~\$1,485,000~~
3. The AGREEMENT established Construction Capital costs of \$1,485,000.
4. PARTIES now seek to increase Construction Capital Costs to \$1,810,000.

IT IS THEREFORE MUTUALLY AGREED:

1. Article 3 is the AGREEMENT is replaced in its entirety to read as follows:

CITY will contribute a fixed amount of \$1,975,000 to the PROJECT. Contributed funds will be used for the PROJECT.

2. Article 12 in the AGREEMENT is replaced in its entirety to read as follows:

FUNDING SUMMARY			
Fund Source	Fund Type	Project Component	Amount
FEDERAL	RSTIP	R/W Capital	\$165,000
FEDERAL	RSTIP	Construction Capital	\$1,810,000
Total Funds			\$1,975,000

3. All other terms and conditions of the AGREEMENT shall remain in full force and effect.

4. This AMENDMENT is deemed to be included and made a part of the AGREEMENT.

CONTACT INFORMATION

The information provided below indicates the primary contact information for each PARTY to this AGREEMENT. PARTIES will notify each other in writing of any personnel or location changes. Contact information changes do not require an amendment to this AGREEMENT.

CITY OF TULARE

Project Manager: Nick Bartsch

Phone Number: (559) 684-4209

E-mail: nbartsch@tulare.ca.gov

Billing Address: 411 East Kern Avenue, Tulare, CA 93274

CALTRANS

Project Manager: Eric Karlson

Phone Number: (559) 246-7337

E-mail: eric.karlson@dot.ca.gov

SIGNATURES

PARTIES are empowered by the law to enter into this AMENDMENT and have delegated to the undersigned the authority to execute this AMENDMENT on behalf of the respective agencies and covenants to have followed all the necessary legal requirements to validly execute this AMENDMENT.

This AMENDMENT may be executed and delivered in counterparts, and by each PARTY in a separate counterpart, each of which when so executed and delivered shall constitute an original and all of which taken together shall constitute one and the same instrument.

The PARTIES acknowledge that executed copies of this AMENDMENT may be exchanged by facsimile or email, and that such copies shall be deemed to be effective as originals.

STATE OF CALIFORNIA
DEPARTMENT OF TRANSPORTATION

CITY OF TULARE

By: _____
Diana Gomez
District Director

By: _____
Rob Hunt
City Manager

VERIFIED OF FUNDS & AUTHORITY:

ATTEST:

By: _____
William Etherton
District Budget Manager

By: _____
Roxanne Yoder
Chief Deputy City Clerk

CERTIFIED AS TO FINANCIAL TERMS
AND POLICIES:

APPROVED AS TO FORM &
PROCEDURE:

By: _____
Darwin Salmos
HQ Accounting Supervisor

By: _____
City Attorney

AGENDA ITEM: Consent 8

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

Submitting Department: Engineering Services / Project Management

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Authorize the City Manager to sign a contract with 4 Creeks of Visalia, CA in an amount not to exceed \$294,190 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0095, a street and utility improvement project between O Street and Blackstone Street, and between San Joaquin Ave. and the Santa Fe Trail; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$29,419) of the contract award amount; and approve the updated project scope and budget.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

This project is a street and utility improvement project on: Apricot Ave. between Gem St. and Blackstone St.; Academy Ave. between Gem St. and Blackstone Ave.; Pine Dr. between Academy Ave. and Highland St.; E. La Mesa Dr. between Academy Ave. and Blackstone St.; N. Gem St. between San Joaquin Ave. and Academy Ave.; Highland St. between San Joaquin Ave. and the Santa Fe Trail; and Olympic Ct. at Apricot Ave. The project will reconstruct the street section and will include ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fall within the project limits. Additionally, it will address necessary water, sewer and storm drain improvements within those limits. The need for the project was identified through the City's Pavement Management System and the review of the condition of the City's utility infrastructure. This project is included as a part of the City's 2021-2026 transportation and utility CIP program budget.

A Request for Qualifications (RFQ) for On-Call Engineering and Land Surveying Consultants was issued on October 20, 2020. Ten (10) firms submitted all the necessary information to be considered for inclusion in a list of pre-approved consultants to provide these services. The proposals were reviewed and rated in accordance with the consultant selection procedures identified in the RFQ, and the top six (6) firms were recommended for inclusion on the list of prequalified general engineering and land surveying consultants. On December 15, 2020, the City Council approved this list of (6) consultants.

4 Creeks of Visalia, CA is included on the list of pre-qualified on-call Engineering consultants and demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the design of this project. 4 Creeks has proposed to perform the necessary work for \$294,190. The proposed cost is in line with industry standards and falls within the amount budget for this work on this project.

Due to the inclusion of funding from various utility funds on this project, this will also be submitted to the Board of Public Utilities for review and approval at its regular meeting on June 3, 2021.

STAFF RECOMMENDATION:

Authorize the City Manager to sign a contract with 4 Creeks of Visalia, CA in an amount not to exceed \$294,190 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0095, a street and utility improvement project between O Street and Blackstone Street, and between San Joaquin Ave. and the Santa Fe Trail; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$29,419) of the contract award amount; and approve the updated project scope and budget.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

EN0095-040-0202

022 – Gas Tax (HUTA)

122 – Gas Tax (RMRA – SB1)

610 – Water CIP (Bonds)

615 – Sewer Wastewater CIP

647 – Surface Water Management CIP

Submitted by: Nick Bartsch

Title: Sr. Project Manager

Date: May 20, 2021

City Manager Approval: _____

TRANSPORTATION PROJECT

PROJECT #EN0095	G/L #:
Academy-Apricot Improvements (EN2016-006 - Highland-Academy Tracts; EN2021-8A)	
(Capital)	
(Capital)	
District(s): 4	

PROJECT MANAGER: Nick Bartsch

PROJECT DESCRIPTION & PURPOSE: Pavement Management System / Utility project on Apricot Ave. between Gem St. and Blackstone St.; Academy Ave. between Gem St. and Blackstone Ave.; Pine Dr. between Academy Ave. and Highland St.; E. La Mesa Dr. between Academy Ave. and Blackstone St.; N. Gem St. between San Joaquin Ave. and Academy Ave.; Highland St. between San Joaquin Ave. and the Santa Fe Trail; and Olympic Ct. at Apricot Ave. Includes ADA Concrete work, Water, Sewer and Surface Water facilities.

KEY POINTS: Critical Utility Infrastructure Improvements; Traffic safety; Relief from potential liability concerns; Compliance to the American Disabilities Act

PROJECT STATUS: Approved by TMT on 3/25/2021

PROJECTED START DATE: 7/1/2021

PROJECTED END DATE: 6/30/2023

FUTURE M & O: No additional Cost
(Additional Cost & Department Responsibility)

CRITERIA (1-8): Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year					Total	Unfunded
	2021/22	2022/23	2023/24	2024/25	2025/26		
001 - Conceptual	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
002 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
003 - Environmental	\$2,500	\$0	\$0	\$0	\$0	\$2,500	\$ -
004 - Final Design	\$567,164	\$0	\$0	\$0	\$0	\$567,164	\$ -
005 - Construct/Impliment	\$0	\$6,864,404	\$0	\$0	\$0	\$6,864,404	\$ -
006 - Close Out	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Total Costs:	\$569,664	\$6,864,404	\$0	\$0	\$0	\$7,434,068	\$ -
Funding Sources							
122 - Gas Tax (RMRA)	\$69,880	\$842,046	\$0	\$0	\$0	\$911,926	\$ -
022 - Gas Tax (HUTA)	\$0	\$153,934	\$0	\$0	\$0	\$153,934	\$ -
610 - Water CIP (Bonds)	\$198,239	\$2,388,766	\$0	\$0	\$0	\$2,587,005	\$ -
615 - Sewer/Wastewater CIP	\$233,902	\$2,818,500	\$0	\$0	\$0	\$3,052,402	\$ -
647 - Surface Water CIP	\$67,643	\$661,158	\$0	\$0	\$0	\$728,801	\$ -
Total Funding:	\$569,664	\$6,864,404	\$0	\$0	\$0	\$7,434,068	\$ -



Google Earth

© 2021 Google

1000 ft



May 18, 2021

Mr. Nick Bartsch

Sr. Project Manager
City of Tulare
411 E. Kern Ave.
Tulare, CA 93274



Subject: Design Proposal for EN2021-8A – Academy - Apricot Improvement Project

Dear Mr. Bartsch,

We have prepared a scope and fee for the services required to complete the proposed project design for the Academy - Apricot street reconstruction, underground wet utility improvements, curb ramp, alley approach, and drive approach replacements on Academy Ave, Apricot Ave, Gem St, Pine Dr, Highland St, and La Mesa Dr. The limits of work consist of Academy Ave between Gem St and Blackstone St, Apricot Ave between Gem St and Blackstone St, Gem St between Academy Ave and San Joaquin Ave, Pine Dr between Academy Ave and Highland St, Highland St between Pine Dr and San Joaquin, and La Mesa Dr between Academy Ave and Blackstone St. Project limits are also shown on the attached Exhibit A. Our understanding is that the scope of work will generally include the following improvements:

- Replacement of (26) Curb ramps
- Replacement of (6) Alley Approaches
- Replacement of approximately (14) Drive Approaches due to proximity of sewer laterals and water services.
- Around 9,020 LF of New Water Main (and associated valves and services). Existing system will be abandoned in place.
- Replacing Fire Hydrants and where necessary, adding Fire Hydrants to achieve City standard spacing
- Around 8,425 LF of New Sewer Main (and associated manholes and sewer laterals). Removal and Replacement of existing system.
- Around 2,537 LF of New Storm Drain Mains and Laterals (and associated manholes and drain inlets). Removal and Replacement of existing system.
- Full Street Section replacement of Apricot Ave, Academy Ave, Gem St, Pine Dr, Highland St, and La Mesa Dr. Our understanding is that street reconstructions will not extend into San Joaquin Ave or Blackstone St. Our understanding is that street replacement will continue up the side streets to the curb returns of the new ramps. The existing asphalt will be removed from the streets.
- Signing, striping, and marking for the roadway.

The project design will be completed so the City can bid the project by the end of January 2022 or earlier. Below you will find a breakdown of the tasks needed to complete this project.

Task 1: Topographic Survey

- The survey shall include (but not be limited to):
 - Full topographic survey of the streets included with the project.
 - 50' Cross Sections
 - Sewer and Storm Drain inverts to be dipped wherever possible
 - More detailed topo around accessibility ramp locations
 - Existing observable improvements within the right of way or directly adjacent thereto that may be affected by the project
 - Observable Utilities, which includes fire hydrants, water meter boxes, sewer cleanouts, sewer and storm manholes, valve boxes, etc.
 - Tie into City of Tulare benchmark system
 - Prior to the survey we will have a design staff member mark uplifted/depressed/damaged curb and gutter within the limits of project for removal and replacement with the project.

324 S. Santa Fe, Suite A
Visalia, California 93292
www.4-creeks.com

- Our understanding is that after the Topo is completed and preliminary wet utility design has been completed that the City will pothole existing utilities that may conflict with new project improvements. Our survey crew will survey in the surface locations of these potholes after the potholing has been completed so this information can be incorporated into the project design.
- Right of way limits will be drafted on the Topo from record maps. This fee does not include ordering title reports for separate properties or record research of dedicated easements/additional right of way along the corridor.

The above **Task 1** services will be provided for a **Fixed Fee of \$38,325**.

Task 2: Utility Research and Coordination

- Conduct utility research and identify potential conflicts with record utilities.
- Show existing utility locations on construction documents.
- Meet with utility companies at around the 30% design stage after potholing of the potential utility conflicts has been completed to determine if conflicts actually exist.
- Work with utility companies to address and resolve identified conflicts.
- Review the existing street light spacing along the corridor and provide a recommendation to the City on where new wood pole mounted street lights should be installed. City will coordinate with utility agency as they desire.

The above **Task 2** services will be provided for a **Fixed Fee of \$9,920**.

Task 3: Geotechnical Analysis

- Perform a geotechnical investigation with cores to determine the pavement section that is appropriate for the project or conventional asphalt over aggregate base section. Cores will identify existing HMA and AB thicknesses as well. Cores will be taken at a spacing of approximately 600 feet (12 borings).
- Obtain soils samples and run sand equivalent testing to identify whether native materials are suitable as backfill over wet utilities and if the soil meets the City's standard bedding requirements (min. 30% sand equivalent).
- Provide 12 R-Value tests, Gradations and Sand Equivalents on the on-site materials.
- Evaluate Gradations and R-Value on 4 samples of the existing Class 2 aggregate base.
- Obtain a City of Tulare Encroachment Permit
- Set up traffic control for the work. We plan to take cores along the shoulders of the roadway to minimize traffic control costs and disruption in the roadway.
- Temporarily backfill the cored holes with asphalt cold patch.
- Provide a geotech report of the findings and the recommended street section.

The above **Task 3** services will be provided for a **Fixed Fee of \$15,525**.

For Tasks 4 & 5 Plans and Cost estimates will be provided at the 30%, 90%, and 100% final submittal stages. Specifications will be provided at the 90% and 100% submittal stages.

Plans will be on 22x34 size sheets.

Task 4: Construction Plans

- 4Creeks anticipates providing the following plan sheets for the project:
 - Cover Sheet
 - General Notes
 - Phasing Plan with Key Map
 - Street Cross Sections
 - Layout Sheets (Assumed 1"=20' scale, 18 sheets). Storm drain plan and profiles will be shown on these sheets.
 - Utility Plan and Profile Sheets (Assumed 1"=20', 18 sheets). Sewer and water profiles will be shown on these sheets.
 - Curb Ramp Detail Sheets (Assumed 4 per page at 1"=5', 7 sheets). Ramp details will include elevations, dimensions, and will show transitions to the existing concrete sidewalks.
 - Alley Approach Details (Assumed 2 per page at 1"=5', 3 sheets)

- Construction and City Standard Details (Assumed 5 pages)
- Striping and Signage Plans (Assumed 1"=20', 9 sheets).
- We plan on holding 4 meetings with the City at the following stages Project Kickoff, 30%, 90% and 100% plan submittal stages.
- Address plan check comments from the City at each submittal stage.

The above **Task 4** services will be provided for a **Fixed Fee of \$188,650.**

Task 5: Cost Estimate & Specifications

- Provide opinion of probable cost estimate based on the Construction Documents.
- Provide technical specifications, special provisions, and bid item descriptions to complete the project.
- Provide the City with an itemized excel quantity breakdown file that shows quantity breakdowns with street names and stationing.
- Our understanding is that the City will provide their typical front-end bid document in word format and we will modify all of the information for this project.

The above **Task 5** services will be provided for a **Fixed Fee of \$11,970.**

Task 6: Bidding Phase Services

- Hold Pre-Bid Meeting with Contractors
- Maintain Contractor Plan Holders List
- Provide supplemental instructions and clarifications to bidders as necessary. Produce addendums to modify the bid documents (plans and specs) as required.
- Receive bids.
- Tabulate bids after opening and recommend lowest awarded bidder to the City.

The above **Task 6** services will be provided for a **Fixed Fee of \$7,035.**

Optional Task 7: Construction Assistance

- Attend the pre-construction meeting
- Respond to Requests for Information
- Review Submittals if requested by the City
- Issue Contract Document revisions as required
- Assist the City with Change Order review as required
- Draft a set of Record As-Built plans at project completion using information provided by the City/Contractor

The above **Optional Task 7** services can be provided on a time and materials basis. We propose that the City budget **\$22,765** for these services. Our understanding is that the City plans to use our company on a very minimal basis during construction.

Total Fixed Fee Amount for Tasks 1-6 = \$271,425

Total Estimated Contract Amount if all Tasks 1-7 are included = \$294,190

City of Tulare Responsibilities

- Provide a draft set of front-end bid specifications in Word format
- Provide record drawings for the project area if available
- Provide potholing as necessary to determine true utility locations
- Provide guidance to consultant scope of work questions

Exclusions

- Any work not specifically listed in this scope of services.

We are very excited to submit this proposal and look forward to continuing to develop a strong working relationship with the City of Tulare. If you have any questions or need any additional information please feel free to give us a call to discuss.

Sincerely,



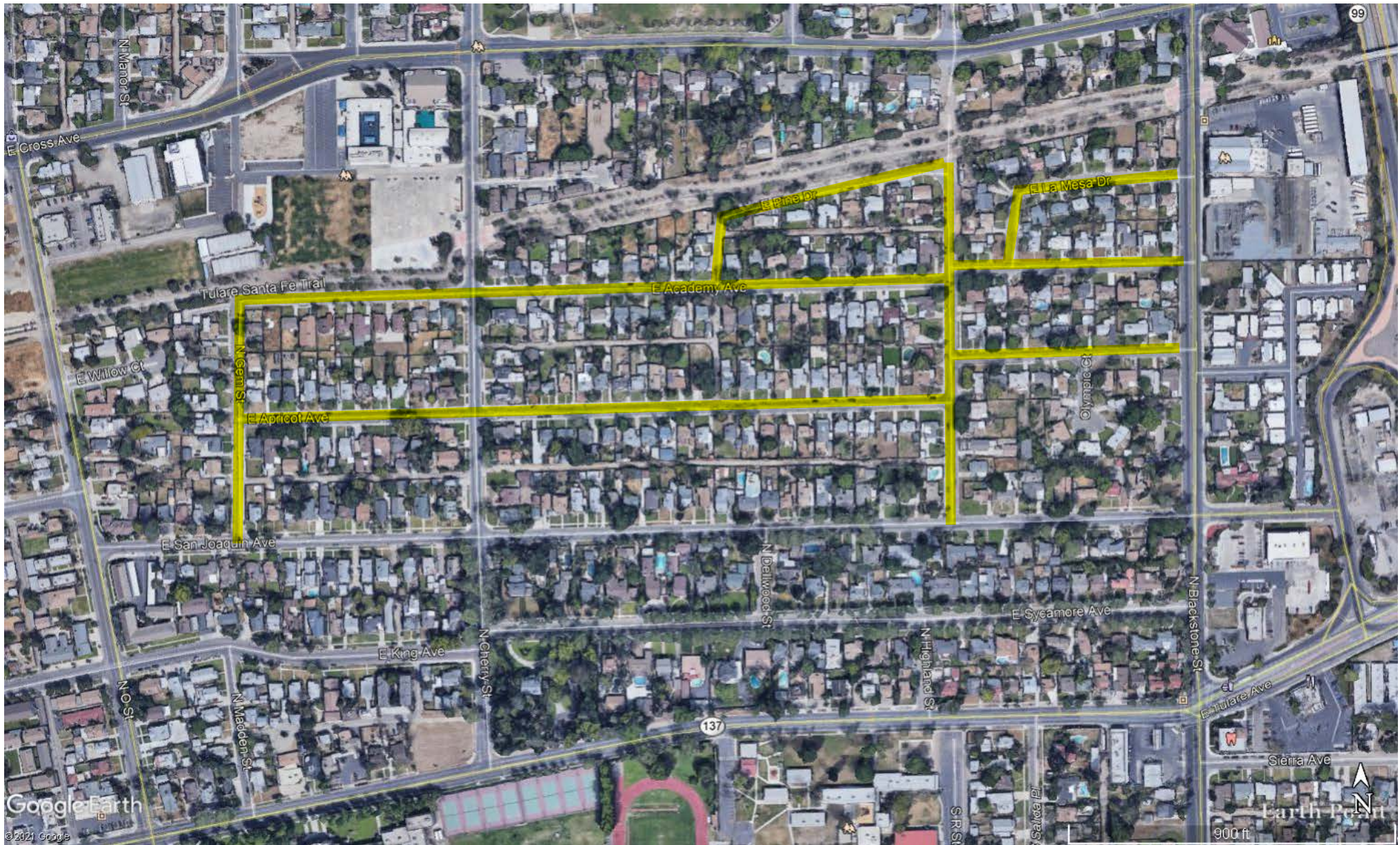
Chris Crawford, PE 71192
Sr. Civil Engineer



Matthew D. Ainley, PE 66233
Principal-In-Charge

encl: 4Creeks, Inc. Fee Estimate Breakdown, Exhibit A Project Limits, 4Creeks Fee Schedule, Current Prevailing Wage Surveying Rates also attached

City of Tulare
Academy - Apricot Improvement Project
Exhibit A - Project Area



EN2021-08A Academy - Apricot Improvements Fee Estimate

Fee Breakdown

M. Ainley & C. Crawford 5/18/21

Project Technician I	Project Technician II	Project Tech V	Engineer I	Engineer IV	Engineer V	Principal Engineer	Utility Designer II	Krazan & Associates	Associate Surveyor	Surveyor	Survey Crew (2-Man Topo)	Reimbursable Expenses Fee Varies	TOTAL
\$55	\$65	\$95	\$110	\$140	\$150	\$170	\$130	\$1.15	\$110	\$150	\$280		

Task Number

Task 1 - Topographic Survey

Field Data Collection											96		\$26,880
Office Drafting									45				\$4,950
Right of Way										32			\$4,800
Project Management/Admin			1	10		2						\$200.00	\$1,695
													\$38,325

Task 2 - Utility Coordination

Obtain Maps			4										\$380
Draft Maps in Topo								20					\$2,600
Draft Conflict Maps								10					\$1,300
Utility Applications and Coordination			16					8					\$2,560
Street Light Analysis and Coordination								20					\$2,600
Project Management/Admin				2				2					\$480
													\$9,920

Task 3 - Geotechnical Analysis

Geotech Subconsultant Costs									13500					\$15,525
													\$15,525	

Task 4 - Construction Plans

30% Plans Submittal			80	260	80	40							\$53,400
90% Plans Submittal			80	610	140	40							\$100,300
100% Plans Submittal			40	50	40	30							\$19,400
Project Management/Admin		30				50	30					\$1,000.00	\$15,550
													\$188,650

Task 5 - Cost Est. & Specs

30% Submittal				8	8								\$2,000
90% Submittal				40	10	12							\$7,600
100% Submittal				20									\$2,200
Project Management/Admin								1					\$170
													\$11,970

Task 6 - Bidding Phase Services

Pre-bid Meeting								3					\$450
Maintain Bid Holders List				8									\$880
Provide Supplemental Instructions and Addendums				18	8	4							\$3,700
Receive and Tabulate Bids				6									\$660
Project Management/Admin		1		1			4	1				\$400.00	\$1,345
													\$7,035

Task 7 - Construction Assistance (Estimate Only)

Attend Precon Meeting				3				3					\$780
Respond to RFI's and Document Revisions during bid				60	10	10							\$9,500
Assist with Minimal Submittal Review					10	4							\$2,000
Assist with Minimal Change Order Review					10	4							\$2,000
Review Contractor SWPPP and Dust Control Plans					8								\$1,120
Draft Record As-Built Drawings				30	12	4							\$5,580
Project Management/Admin		1		4			4	4					\$1,785
													\$22,765

TOTAL:

0	32	221	1130	336	214	36	60	\$ 13,500.00	45	32	96	\$1,600.00	
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SUBTOTAL TASKS = \$294,190

Effective June 1, 2020

Per the RFQ, "The Consultant's submitted hourly fee schedule shall accurately reflect rates for the full potential initial 24 month agreement period. The selected Consultant(s) will be allowed to submit a revised fee schedule for option years with increases in-line with local inflation/cost of living adjustments for the prior year."



4Creeks, Inc. Fee Schedule – Professional

Fees are based on the median hourly pay rate for employees in each classification, plus indirect costs, overhead, and profit. Fee schedules for the various billing categories are:

Classification	Charges Per Hour	Classification	Charges Per Hour
Civil Engineering Services		Construction Inspection (Non-Prevailing Wage)	
Associate Engineer	\$100	Construction Inspector I *	\$110
Engineer I	\$110	Construction Inspector II *	\$120
Engineer II	\$120	Construction Inspector III *	\$130
Engineer III	\$130	Construction Inspector IV *	\$140
Engineer IV	\$140	Construction Inspector V *	\$160
Engineer V	\$150		
Principal Engineer	\$170		
Planning Services		Construction Management	
Planner I	\$90	Construction Manager I	\$120
Planner II	\$105	Construction Manager II	\$130
Planner III	\$120	Construction Manager III	\$140
Planner IV	\$130	Construction Manager IV	\$150
Planner V	\$140	Senior Construction Manager	\$160
Planner VI	\$160		
Structural Engineering Services		Support Staff	
Structural Engineer I	\$125	Project Technician I	\$55
Structural Engineer II	\$135	Project Technician II	\$65
Structural Engineer III	\$145	Project Technician III	\$75
		Project Technician IV	\$85
		Project Technician V	\$95
		Drafter I	\$70
		Drafter II	\$80
		Expert Witness	\$205
		Drone Pilot	\$155
GIS Services		Executive Staff	
GIS Technician I	\$90	Executive I	\$120
GIS Technician II	\$100	Executive II	\$130
		Executive III	\$140
Utility Design Services		4Creeks Creative	
Designer I	\$110	Creative Technician I	\$65
Designer II	\$130	Creative Technician II	\$75
Designer III	\$165	Creative Technician III	\$85
		Creative Technician IV	\$95
Land Surveying Services		Programmer / Developer I	\$105
Assistant Surveyor	\$100	Programmer / Developer II	\$115
Land Surveyor I	\$110	Creative Director	\$120
Land Surveyor II	\$120	Director of Business Development	\$145
Land Surveyor III	\$130		
Land Surveyor IV	\$140		
Land Surveyor V	\$150		
Principal Land Surveyor	\$170		
1-Man Survey Crew *	\$105		
1-Man Survey Crew – Construction Staking *	\$115		
2-Man Survey Crew *	\$175		
2-Man Survey Crew – Construction Staking *	\$185		

Direct Charges

At cost plus fifteen percent (15%):

- Transportation and per diem expenses (auto mileage @ current IRS rate, off road charges \$50.00/day)
- Printing and reproduction: \$0.03 per b/w copy, \$0.12 per color copy, \$0.80 per sq. ft. large printing
- Equipment rentals, subcontractors, laboratory analyses
- Website Hosting Fees: \$15/mo. | \$150/annual

*Prevailing wage rates by separate schedule – Varies by County

Per the RFQ: "The City will not provide reimbursement for Consultant expenses related to travel to and from the City of Tulare, lodging or meals. The cost of performing work in the City of Tulare shall be the responsibility of the Consultant."

4 Creeks, Inc.
Fee Schedule – Professional

Effective February 1, 2020

Fees are based on the median hourly pay rate for employees in each classification, plus indirect costs, overhead, and profit. Fee schedules for the various billing categories are:

Classification	Charges per Hour
Construction Inspection (Prevailing Wage)	
Construction Inspector	\$150
Construction Inspector Over Time	\$180
Construction Inspector – Sunday	\$210

Classification (Prevailing Wage)	Charges per Hour
1-Man Survey Crew- Tulare County	\$140
1-Man Survey Crew- Fresno County	\$140
1-Man Survey Crew- Kings County	\$140
1-Man Survey Crew- Kern County	\$140
1-Man Survey Crew- Merced County	\$140
2-Man Survey Crew- Tulare County	\$270
2-Man Survey Crew- Fresno County	\$270
2-Man Survey Crew- Kings County	\$270
2-Man Survey Crew- Kern County	\$270
2-Man Survey Crew- Merced County	\$270
1-Man Survey Crew- Tulare County (Construction Staking)	\$150
1-Man Survey Crew- Fresno County (Construction Staking)	\$150
1-Man Survey Crew- Kings County (Construction Staking)	\$150
1-Man Survey Crew- Kern County (Construction Staking)	\$150
1-Man Survey Crew- Merced County (Construction Staking)	\$150
2-Man Survey Crew- Tulare County (Construction Staking)	\$280
2-Man Survey Crew- Fresno County (Construction Staking)	\$280
2-Man Survey Crew- Kings County (Construction Staking)	\$280
2-Man Survey Crew- Kern County (Construction Staking)	\$280
2-Man Survey Crew- Merced County (Construction Staking)	\$280

Direct Charges

At cost plus fifteen percent (15%):

- ~~Transportation and per diem expenses (auto mileage @ current IRS rate, off road charges \$50.00/day)~~
- Printing and reproduction: \$0.02 per b/w copy, \$0.10 per color copy, \$0.75 per sq. ft. large printing
- Equipment rentals, subcontractors, laboratory analyses

AGENDA ITEM: Consent 9

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

Submitting Department: Engineering Services / Project Management

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$435,220 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,522) of the contract award amount; and approve the updated project scope and budget.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

This project is a street and utility improvement project on: King Ave. between O St. and Cherry St.; Sycamore Ave. between Cherry St. and Blackstone St.; San Joaquin Ave. between O St. and Blackstone St.; Madden St. between Tulare Ave. and King St.; Delwood St. between Sycamore Ave. and San Joaquin Ave.; and N. Highland St. between Tulare Ave. and Sycamore Ave. The project will reconstruct the street section and will include ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fall within the project limits. Additionally, it will address necessary water, sewer and storm drain improvements within those limits. In order to complete the master-planned storm drain improvements within this project, additional analysis and planning will also be needed for future routing, sizing, and design of storm drain facilities to a future terminal basin outside of these project limits. The need for the project was identified through the City's Pavement Management System and the review of the condition of the City's utility infrastructure. This project is included as a part of the City's 2021-2026 transportation and utility CIP program budget.

A Request for Qualifications (RFQ) for On-Call Engineering and Land Surveying Consultants was issued on October 20, 2020. Ten (10) firms submitted all the necessary information to be considered for inclusion in a list of pre-approved consultants to provide these services. The proposals were reviewed and rated in accordance with the consultant selection procedures identified in the RFQ, and the top six (6) firms were recommended for inclusion on the list of prequalified general engineering and land surveying consultants. On December 15, 2020, the City Council approved this list of (6) consultants.

Peters Engineering Group of Clovis, CA is included on the list of pre-qualified on-call Engineering consultants and demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the design of this pro-

ject. Peters Engineering Group has proposed to perform the necessary work for \$435,220. The proposed cost is in line with industry standards and falls within the amount budget for this work on this project.

Due to the inclusion of funding from various utility funds on this project, this will also be submitted to the Board of Public Utilities for review and approval at its regular meeting on June 3, 2021.

STAFF RECOMMENDATION:

Authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$435,220 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0094, a street and utility improvement project between O Street and Blackstone Street, and between Tulare Ave. and San Joaquin Ave; Authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$43,522) of the contract award amount; and approve the updated project scope and budget.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

EN0094-040-0202

122 – Gas Tax (RMRA – SB1)

077 - CDBG

610 – Water CIP (Bonds)

615 – Sewer Wastewater CIP

647 – Surface Water Management CIP

Submitted by: Nick Bartsch

Title: Sr. Project Manager

Date: May 21, 2021

City Manager Approval: _____

TRANSPORTATION PROJECT

PROJECT #EN0094	G/L #:
Sycamore-San Joaquin Improvements (EN2016-006 - Highland-Academy Tracts; EN2021-8B)	
(Capital)	
(Capital)	
District(s): 4	

PROJECT MANAGER: Nick Bartsch

PROJECT DESCRIPTION & PURPOSE:

Pavement Management System / Utility project on King Ave. between O St. and Cerry St.; Sycamore Ave. between Cherry St. and Blackstone St.; San Joaquin Ave. between O St. and Blackstone St.; Madden St. between Tulare Ave. and King St.; Delwood St. between Sycamore Ave. and San Joaquin Ave.; and N. Highland St. between Tulare Ave. and Sycamore Ave. Includes ADA Concrete work, Water, Sewer and Surface Water facilities.

KEY POINTS:

Critical Utility Infrastructure Improvements; Traffic safety; Relief from potential liability concerns; Compliance to the American Disabilities Act

PROJECT STATUS:

Approved by TMT on 3/25/2021

PROJECTED START DATE:

7/1/2021

PROJECTED END DATE:

6/30/2023

FUTURE M & O:

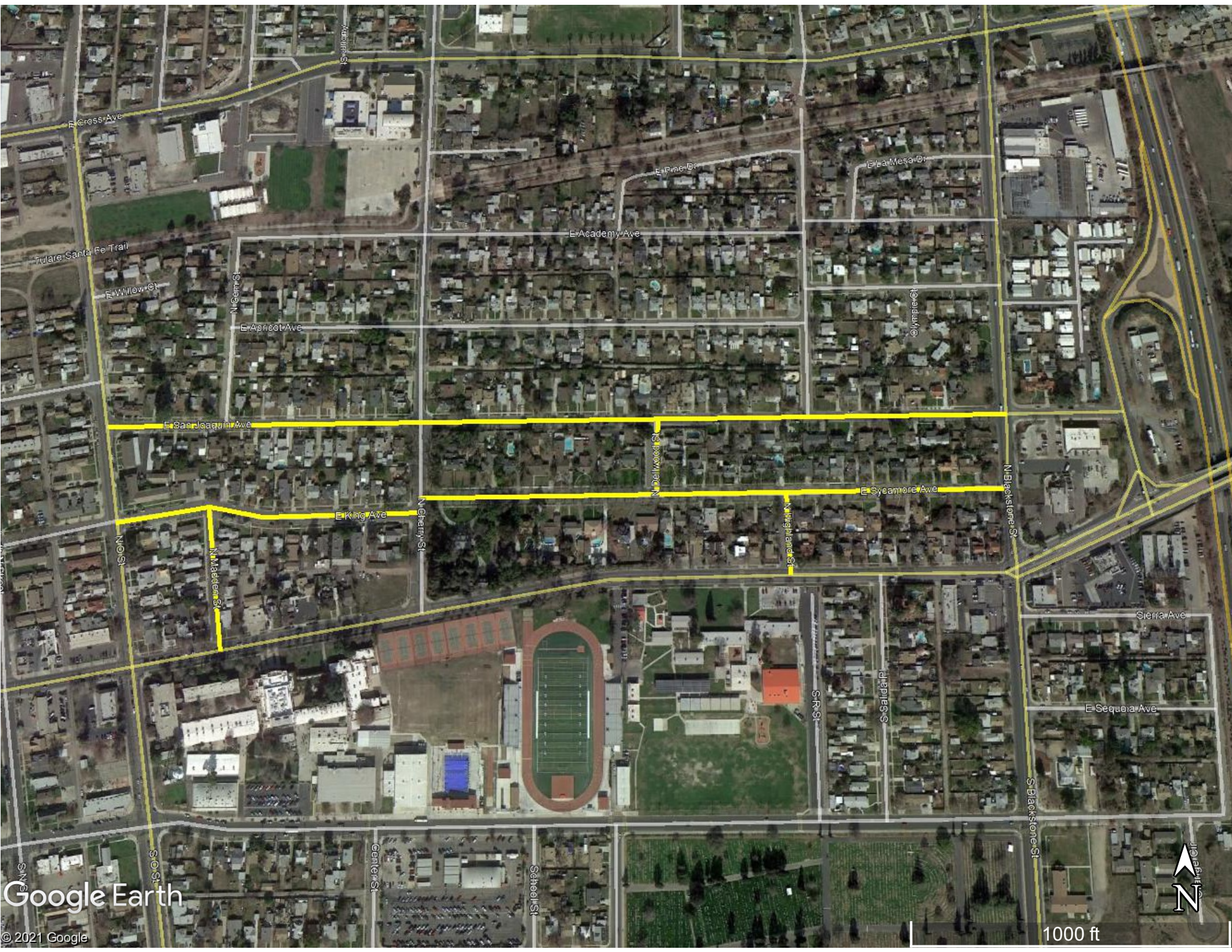
(Additional Cost & Department Responsibility)

No additional Cost

CRITERIA (1-8):

Criteria 7: Project addresses regulatory, safety, or environmental requirements that could threaten in whole or in part the City's ability to operate a core program or function at some future time if not replaced or repaired.

Costs Description	Fiscal Year					Total	Unfunded
	2021/22	2022/23	2023/24	2024/25	2025/26		
001 - Conceptual	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
002 - Preliminary Design	\$0	\$0	\$0	\$0	\$0	\$ -	\$ -
003 - Environmental	\$2,500	\$0	\$0	\$0	\$0	\$2,500	\$ -
004 - Final Design	\$495,055	\$0	\$0	\$0	\$0	\$495,055	\$ -
005 - Construct/Impliment	\$0	\$5,990,315	\$0	\$0	\$0	\$5,990,315	\$ -
006 - Close Out	\$0	\$0	\$0	\$0	\$0	\$0	\$ -
Total Costs:	\$497,555	\$5,990,315	\$0	\$0	\$0	\$6,487,870	\$ -
Funding Sources							
122 - Gas Tax (RMRA)	\$62,276	\$718,775	\$0	\$0	\$0	\$781,052	\$ -
077 - CDBG	\$0	\$390,000	\$0	\$0	\$0	\$390,000	\$ -
610 - Water CIP (Bonds)	\$153,975	\$1,787,780	\$0	\$0	\$0	\$1,941,755	\$ -
615 - Sewer/Wastewater CIP	\$166,730	\$2,007,349	\$0	\$0	\$0	\$2,174,079	\$ -
647 - Surface Water CIP	\$114,574	\$1,086,411	\$0	\$0	\$0	\$1,200,985	\$ -
Total Funding:	\$497,555	\$5,990,315	\$0	\$0	\$0	\$6,487,870	\$ -



Google Earth

© 2021 Google



1000 ft



Mr. Michael Miller
City of Tulare
411 East Kern Avenue
Tulare, California 93274

May 21, 2021

Subject: EN2021-08B Sycamore-San Joaquin Improvements,
Tulare, California

Dear Mr. Miller:

Please find enclosed our proposed scope of services and fee for the subject project. Our understanding of the City's requirements for this scope of work is based on our preliminary work on this project and City staff direction.

Thank you for the opportunity to provide you with this proposal. Please feel free to call me if you have any questions.

PETERS ENGINEERING GROUP

A handwritten signature in blue ink that reads 'David Peters'.

David Peters, PE, TE
Principal Engineer

Attachment: Exhibit "A" - Scope of Services
Exhibit "B" - Project Exhibit
Exhibit "C" - Fee Proposal

**Exhibit “A”
SCOPE OF SERVICES**

**Civil Engineering Services for
EN2021-08B Sycamore-San Joaquin Improvements
Tulare, California**

INTRODUCTION

Peters Engineering Group (Consultant) will provide the City of Tulare (Client) with engineering services for the subject project as described herein. Consultant’s services will result in the preparation of plans, specifications, and estimate for the proposed improvements to the Sycamore and San Joaquin area as shown in Exhibit “B” and consisting of the following streets:

- San Joaquin Avenue from O Street to Blackstone Street (Approximately 3,000 feet)
- Sycamore Avenue from Cherry Street to Blackstone Street (Approximately 2,950 feet)
- King Avenue between O Street and Cherry Street (Approximately 1,000 feet)
- Madden Street between King Street and Tulare Avenue (Approximately 400 feet)
- Delwood Street between San Joaquin Avenue and Sycamore Avenue (Approximately 200 feet)
- Highland Street between Sycamore Avenue and Tulare Avenue (Approximately 200 feet)

All of the above listed streets will receive the infrastructure outlined below:

- Removal of existing and installation of new 8” SDR-26 sanitary sewer main with alignment along the centerline of the street or centerline of the alley with an offset manhole using an eccentric cone. Proposed manholes will be constructed at intersections and/or every 400 feet maximum. Connections at O Street and Cherry Street will be made to infrastructure previously stubbed from those two recent projects.
- Abandonment of existing water main and installation of new 8” water main. Connect to existing water service behind existing curb. Placement of new valves and fire hydrants shall be in coordination with City Staff.
- Reconstruct street, with design based on geotechnical report and coordination with City Staff. Options for reconstructed pavement section would be HMA over Class II Base or HMA over FDR w/cement.
- Remove and replace or install new curb and gutter, residential drive approaches and alley approaches where necessary as determined by City Staff, in collaboration with information from topographic survey. Improvements will be shown in plan and profile view as needed.
- Construct new ADA compliant ramps at intersection corners. There are approximately 17 locations that will need new ADA compliant ramps.

- Coordination with Caltrans will be necessary to obtain encroachment permit for improvements within SR 137 Right of Way, including preparation of a separate plan set for the encroachment permit and preparation of a Storm Water Pollution Prevention Plan.

In addition to the general items listed above, the following storm drain improvements will be designed in accordance with the City of Tulare Storm Drain Master Plan and City policy for replacement of storm drain laterals and inlets:

- Removal of existing storm drain manholes, inlets and pipeline, as necessary.
- Installation of 24" RGRCP, manholes, and inlets in Cherry Avenue from King Street to San Joaquin Avenue.
- Installation of 24" RGRCP, manholes and inlets in San Joaquin Avenue from Cherry Street to Highland Street
- Installation of 24" RGRCP, manholes and inlets in King Street from O Street to Cherry Street
- Installation of 15" SDR-26 pipeline, manholes, and inlets in Sycamore Street between Cherry Street and Highland Street.
- Installation of 12" SDR-26 pipeline, manholes, and inlets in Highland Street between Sycamore Street between Highland and Tulare.
- Installation of 12" SDR-26 pipeline, manholes, and inlets in San Joaquin Avenue between O Street and Gem Street.

WORK TASKS

The Consultant will provide the following work tasks:

Task 100 - Preliminary Engineering

101 Project Coordination and Kickoff Meeting

Consultant will attend a kickoff meeting with Client to discuss expectations and objectives for the project. A field review will follow to review the project.

102 Field Surveys and Mapping

Consultant will perform a topographic and boundary survey of the existing features and right-of-way. The topographic survey will extend throughout the limits of the project and will be used to develop digital mapping for design of the proposed improvements. The boundary survey will verify existing right of way and assist the design of new improvements as outlined below:

- Use RTK GPS to establish horizontal control points – assumed horizontal system.
- Run and adjust a level loop through survey control points – from City of Tulare benchmark(s).

- Gather topographic data using total station systems to ensure good vertical data at intersection returns.
- Cross-Sections streets at 100+ foot intervals (FL, CL, FL) with RTK GPS (+/- 0.1').
- Locate FL at centerline of driveways with RTK GPS (+/- 0.1').
- Locate obvious uplifts of curb (not details, just location shot).
- Locate and identify visible utilities in the street along with water meters behind the curb.
- Measure flow-line elevation and pipe size on SSMH and SDMH.
- Locate and tie in sufficient monumentation to calculate right-of-way lines of streets, but not individual lot boundaries.
- Locate and tie out monuments within the street with potential to be disturbed by this project.
- City to provide or verify right-of-way data.
- Provide electronic file of the survey in an AutoCAD compatible version.
- Prepare & file Corner Records for centerline monuments (estimated to be 10).

It is anticipated that the City's surveyor for construction will tie out existing monuments and create corner records as necessary.

103 Research Existing Underground and Overhead Utilities

The location of existing underground and overhead utilities will be identified through available City and utility company record drawings and through the topographic survey. Utility companies will be contacted and a request for utility records will be made. Known existing underground utilities will be incorporated in digital topographic mapping and shown in both plan and profile on the construction documents. The City and any other agency affected by the project will be notified through the Preliminary Design Memorandum whether relocation or other mitigations are required. Preliminary plans will be distributed to affected agencies for assistance in utility coordination and possible relocation. While correspondence will be prepared by consultant, letters and other communications may need to be sent by City Staff to acquire the information for use by the Consultant.

104 Geotechnical Analysis

Geotechnical Consultant will drill twelve (12) exploratory borings to evaluate the subsurface soil conditions along the alignment of the residential streets within the project area. The exploratory borings will be located near one side of the applicable streets and will be advanced to depths of 10 feet below the existing ground surface. Prior to drilling, the locations of the planned test borings will be marked and Underground Service Alert (USA) will be contacted to locate and mark onsite utility lines in the vicinity of the planned test borings. An encroachment permit will be submitted for review and approval by the Client. This encroachment permit will be a no fee permit. Since the work will be done in a residential area with minor, low-speed traffic it is assumed that only limited traffic control (advance warning signs and some traffic cones) will be required, which can be set up by the Consultant. During drilling operations, penetration tests will be performed at regular intervals to evaluate the soil consistency and to obtain information regarding the engineering properties of the subsoils. At each boring location the pavement section will be measured and soil

samples will be obtained for laboratory testing and reference purposes. At some locations, two additional shallow (up to 3 feet deep) borings will be performed in order to obtain additional subgrade and aggregate base samples that will be required for the full depth reclamation with cement (FDR-C) analysis which will be performed for this project. The soils encountered will be continuously examined and visually classified in accordance with the Unified Soil Classification System. The boreholes will be backfilled with soil and aggregate base, and then capped with asphalt cold patch to match the thickness of the existing asphalt. All fieldwork will be done under the supervision of a Geotechnical Engineer.

Laboratory testing will be dependent on the results of the field-testing and sampling program, as well as consideration of the design and construction involved with this project. At this time, sand equivalency, dry density determinations, moisture contents, sieve analysis tests, direct shear tests, sand equivalent tests, R-value tests, and tests to evaluate the corrosion potential will be performed to evaluate relevant geotechnical properties of the soils within the project area. In addition, three representative samples will be treated with cement and then tested to evaluate the maximum dry density, optimum moisture content, and compressive strength as part of the FDR-C analysis for this project. The results of the field exploration, laboratory testing, and engineering analysis will be presented in a formal report.

105 Storm Drain Master Plan Confirmation

Consultant will review the existing storm drain master plan for the City of Tulare. Specifically, the pipeline alignment from the proposed storm drain basin located at the southwest corner of J Street and Owens to the intersection of O Street and King. Consultant will prepare a plan and profile view that provides preliminary design grades for the storm drain along this alignment to determine what the elevation of the proposed master plan pipeline at the O Street and King intersection should be in order to drain hydraulically to the future basin.

106 Preliminary Sewer, Water, Storm Drain and Ramp Designs

Consultant will prepare initial utility layout and improvement designs for water, sewer and storm drainage facilities within the project area. The improvements will be based on ultimate facilities described in each utility's Master Plan or as stated above. The drawings will be prepared in plan and profile for review. Facilities requested to be included in the design which are not shown in the Master Plan documents or identified above will be included as Additional Services.

Consultant will prepare initial geometric plans for the proposed street improvements. Roadway impacts and constraints will be identified. The plans will identify the location of proposed ADA ramps, existing driveway locations, and potential curb and gutter removal and replacement locations. The curb and gutter replacement locations will be identified in an onsite meeting with the Client after an analysis of the existing topographic survey has been completed. This analysis will consist of a review of the existing slope of the curb and gutter, driveway and existing tree locations, and existing and proposed drainage facilities.

107 Design Criteria Confirmation

Consultant will prepare a preliminary design criteria which will confirm City expectations for design of the improvements, including pipe slope, minimum pipe cover, minimum separation of utilities, pipe sizing and type, pavement design, and construction scheduling. This criteria will be presented and discussed at both the project kick-off meeting and the preliminary design/30% meeting with City Staff. Discussion and decisions will be made regarding various design components including utility relocation, design constraints/issues, and a recommendation which will be based on a life cycle cost analysis depicting the most cost effective strategy. This information will be continuously updated throughout the entirety of the design phase of the project.

108 30% Plans Submittal & Estimate

Consultant will prepare thirty percent (30%) plans including preliminary roadway city utility, signal and lighting, and landscaping designs. Plans will be developed in AutoCAD 2021, or a version acceptable to the City. A digital copy and three (3) hard copies of the 30% plans and a preliminary cost estimate will be submitted for City review. Copies of the 30% plans will be distributed to affected utility companies for use in their design of relocations.

Task 200 - Construction Documents

201 Agency Coordination

Consultant will coordinate final design of the project with Caltrans and other stakeholders affected by the project. Permit requirements will be determined and prepared as necessary and delivered to the City of Tulare for submittal to various agencies.

202 Preliminary PS&E (95%)

Thirty percent (30%) PS&E review comments received from the City will be addressed and incorporated into the 95% PS&E. The 95% PS&E will be submitted in pdf format for City review. Peters Engineering Group will meet with City personnel to discuss any final revisions.

203 Final PS&E (100%)

Ninety five percent (95%) PS&E review comments received from the City will be addressed and incorporated into the one hundred (100%) PS&E. The 100% PS&E will be submitted in pdf format for City review. Peters Engineering Group will meet with City personnel to discuss any final revisions

204 Construction Documents

One hundred percent (100%) PS&E review comments received from the City will be addressed and incorporated into the final construction documents.

Specifications will be prepared in Microsoft Word 2013 or newer.

One (1) set of bond plans, original specifications, and estimates will be submitted to the City. Construction documents will be stamped and signed by a registered civil engineer.

Electronic files of all construction documents will be available as requested by the City.

205 Bidding Coordination and Support

Consultant will review and respond to requests for information (RFI's) during the bidding portion of the project and will be responsible for soliciting and receiving bids for the project. This will include preparation of advertisement and printing and distribution of plans, specifications, and addendums during the bid process. Specifications will be prepared in an electronic word processing program compatible with City software.

301 Construction Support

Consultant will review submittals during construction. Consultant will review and respond to requests for information (RFI's) during the construction portion of the project. It is anticipated that, due to the nature of the project, coordination will be extensive due to the number of existing facilities that will be modified or connected to. Five site visits during construction are included in this scope. If an addendum or addition review is required due to a change in the scope of work, or more than five visits will be required, then it will be regarded as additional services. This phase will be billed at time and materials, not to exceed the budget in Exhibit C.

CLIENT'S DUTIES AND RESPONSIBILITIES

The Client shall:

- a) Provide all criteria and full information concerning Client's requirements for the project.
- b) Provide Consultant with plans indicating the locations, types, and sizes of existing improvements. City of Tulare has already provided the approved master plans for City water, sewer, and storm drain. City Staff will call for USA of the project prior to topographic survey. Potholing for existing elevations of gas lines for conflicts will be provided by City Staff. Verification of depth and condition of existing manholes will be provided by City Staff.
- c) Provide an arborist, as necessary.
- d) Give prompt notice to Consultant whenever Client observes or otherwise becomes aware of any development that affects the scope or timing of Consultant's services.
- e) At Client's discretion, authorize and direct Consultant to provide necessary Additional Services.
- f) Acquire any necessary Right-of-Way.
- g) Pay for any outside agency permits.
- h) Provide environmental clearance.
- i) Provide for Construction Surveying Services, including ties to existing survey monuments and corner records.

ADDITIONAL SERVICES

The Client may, at its sole discretion, request that Consultant perform Additional Services. Both parties, prior to proceeding with these services, shall execute a written amendment to this Agreement.

Additional services will be required if Consultant is to perform services not specifically described herein. Additional services will be required if any additional project alternatives will be requested, including assistance with acquisition of right of way. Additional Services will be required if Consultant is required to attend additional meetings not already identified in this scope of work, including but not limited to project design team, public hearings, planning commission meetings, and city council meetings. Additional Services will be required if Eminent Domain proceedings should be required to acquire parcels. Additional Services will be required if Consultant is required to attend weekly meetings during the construction phase.

RIGHT TO RELY

Consistent with the professional standard of care, Consultant shall be entitled to rely upon the accuracy of data and information provided by the Client or others without independent review or evaluation unless specifically required in the Scope of Services.

COMPENSATION

Consultant's fee for the services described herein shall be in accordance with Exhibit "C" and billed to the Client on a lump sum per task basis monthly on a percent complete basis.

SCHEDULE

The anticipated start for the project is July 1st, 2021. During the months of July and August, design survey and geotechnical reports will be prepared. A design kick-off meeting will be scheduled during the middle of August. Submittal of the 30% design plans and estimate will be the last week of October, with the review meeting scheduled for the first week of November. 90% design plans, estimates and specifications will be submitted before the Christmas break, with a review meeting scheduled for the first week in January 2022. The 100% plans will be submitted the third week in January, with the final Construction Documents ready for bid the first week in February 2022.

Exhibit B



**City of Tulare, Sycamore and San Joaquin Improvements Project
Engineering Fee Proposal
Exhibit "C"**

Task	Description	Person-Hours					Surveyor	Geotech	Other Direct Costs	Total
		Principal Engineer @ \$195 /hr	Senior Civil Engineer @ \$180 /hr	Staff Engineer @ \$130 /hr	Clerical @ \$75 /hr					
100	PRELIMINARY ENGINEERING									
101	Initial Project Coordination and Kick-off Meeting	2	12	4	4			\$200	\$3,570	
102	Topographic Survey		12	48		\$53,400		\$100	\$61,900	
103	Utility Research & Coordination		8	24	12			\$100	\$5,560	
104	Geotechnical Engineer Report and Analysis		8	4	4		\$12,500	\$50	\$14,810	
105	Storm Drain Master Plan Confirmation	8	40	60	4			\$100	\$16,960	
106	Preliminary Sewer, Water, Storm Drain and Ramp Design	2	40	240				\$100	\$38,890	
106	Design Criteria Confirmation	2	12	12				\$100	\$4,210	
108	30% Plans and Estimate & Review Meeting	4	56	340	8			\$300	\$55,960	
Total Task 100 Hours		16	188	732	32	\$53,400	\$12,500	Total = \$201,860		
200	CONSTRUCTION DRAWINGS/FINAL PS&E									
201	Agency Coordination		20	40	12			\$200	\$9,900	
202.1	Prepare 95% Cross Sections	1	12	60				\$50		
202.2	Prepare 95% Street and Storm Drain Plan and Profiles	1	40	160				\$50		
202.3	Prepare 95% Sewer and Water Plan and Profiles	1	40	160				\$50		
202.4	Prepare 95% Construction Details	1	24	120				\$50		
202.5	Prepare 95% Traffic Control and Construction Staging Plans	2	16	40				\$50		
202.6	Prepare 95% Specifications	4	40	16	12			\$50		
202.7	Prepare 95% Construction Cost Estimate	2	16	60				\$50		
202	Prepare 95% Plans, Specifications, and Estimate (total) & Design Review Meeting	12	188	616	12	\$0	\$0	\$350	\$117,510	
203	Prepare 100% Plans, Specifications, and Estimate & Design Review Meeting	4	56	200	8			\$250	\$37,710	
204	Construction Documents	4	44	110	8			\$250	\$23,850	
205	Bidding Coordination and Support	4	32	24	8			\$500	\$10,760	
Total Task 200 Hours		24	340	990	48	0	0	Total = \$199,730		

Task	Description	Person-Hours					Geotech	Other Direct Costs	Total
		Principal Engineer @ \$195 /hr	Senior Civil Engineer @ \$180 /hr	Staff Engineer @ \$130 /hr	Clerical @ \$75 /hr	Surveyor			
300	CONSTRUCTION SUPPORT								
301	Construction Support	12	135	48	8			\$150	\$33,630
	Total Hours	12	135	48	8	0	0	Total =	\$33,630
	Total Hours	52	663	1770	88	\$53,400	\$12,500	Grand Total =	\$435,220



PETERS ENGINEERING GROUP
A CALIFORNIA CORPORATION

EXHIBIT "C"

HOURLY RATE SCHEDULE
(Effective 1/1/21 to 12/31/22)

<u>CLASSIFICATION</u>	<u>RATE</u>
Principal Civil Engineer	\$195/hr
Senior Civil Engineer	\$180/hr
Civil Engineer	\$155/hr
Land Surveyor	\$135/hr
Staff Engineer	\$130/hr
Draftsperson/Technician/Inspector	\$105/hr
Clerical	\$75/hr
Litigation Support	\$350/hr

REIMBURSABLES SCHEDULE
(Effective 1/1/20 to 12/31/20)

<u>DESCRIPTION</u>	<u>RATE</u>
Postage	Actual Cost + 10%
Reproduction	Actual Cost + 10%
Subconsultant	Actual Cost + 10%

Peters Engineering Group will furnish monthly billing for work performed in accordance with previously authorized fees and the above fee schedule. Payments shall be due upon presentation and no later than 30 days from the date of original invoice. Finance charges will apply to unpaid balances.

AGENDA ITEM: Consent 10

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

Submitting Department: Engineering / Project Management

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Receive a list of proposed projects to be funded through Senate Bill No. 1 (SB 1) revenues; and adopt Resolution 2021-18, which includes the 2021/22 Road Maintenance and Rehabilitation Account (RMRA) funds in the City's 2021/22 Capital Improvements Projects program budget and identifies a list of proposed projects that will utilize those funds.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Senate Bill No. 1 (SB 1) was approved by the Governor on April 28, 2017 and filed with the Secretary of State on April 28, 2017. This bill created the Road Maintenance and Rehabilitation Program to address deferred maintenance on the state's highway system as well as local street and road systems. Funds generated include the Road Maintenance and Rehabilitation Account (RMRA), which resides in the State Transportation Fund.

The California Transportation Commission (CTC) formally adopted the SB 1 Local Streets and Roads (LSR) Annual Reporting Guidelines on August 16, 2017. The guidelines outline the process for cities and counties to annually submit their project lists and expenditure reports to the CTC to establish eligibility for receiving SB 1 funds. At its March 21-22, 2018 meeting, the CTC adopted updated reporting guidelines, requiring that this list be submitted annually, no later than May 1. Due to the COVID-19 pandemic, the deadline was extended this year to July 1, 2021.

These revenues were programed into the approved 2019/24, and proposed 2021/26 Capital Improvements Project program. The approval of the project list is intended to secure the City's allocation of SB 1 funding and does not preclude the City from modifying the list. Actual expenditures will be tracked and reported according to the SB 1 reporting guidelines.

STAFF RECOMMENDATION:

Receive a list of proposed projects to be funded through Senate Bill No. 1 (SB 1) revenues; and adopt Resolution 2021-18, which includes the 2021/22 Road Maintenance and Rehabilitation Account (RMRA) funds in the City's 2021/22 Capital Improvements Projects program budget and identifies a list of proposed projects that will utilize those funds.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:
N/A

Submitted by: Nick Bartsch

Date: May 24, 2021

Title: Sr. Project Manager

City Manager Approval: _____

RESOLUTION 2020-18

RESOLUTION TO ADOPT A LIST OF PROJECTS FUNDED BY SB 1: THE ROAD REPAIR AND ACCOUNTABILITY ACT

WHEREAS, Senate Bill 1 (SB 1), the Road Repair and Accountability Act of 2017 (Chapter 5, Statutes of 2017) was passed by the Legislature and Signed into law by the Governor in April 2017 in order to address the significant multi-modal transportation funding shortfalls statewide; and

WHEREAS, SB 1 includes accountability and transparency provisions that will ensure the residents of our City of Tulare are aware of the projects proposed for funding in our community and which projects have been completed each fiscal year; and

WHEREAS, the City of Tulare must include a list of all projects proposed to receive funding from the Road Maintenance and Rehabilitation Account (RMRA), created by SB 1, in the City of Tulare budget, which must include a description and the location of each proposed project, a proposed schedule for the project's completion, and the estimated useful life of the improvement; and

WHEREAS, the City of Tulare, will receive and estimated \$1,303,111 in RMRA funding in Fiscal Year 2021-22 from SB 1; and

WHEREAS, this is the fourth year in which the City of Tulare is receiving SB 1 funding and will enable the City of Tulare to continue essential road maintenance and rehabilitation projects, safety improvements, repairing and replacing aging bridges, and increasing access and mobility options for the traveling public that would not have otherwise been possible without SB 1; and

WHEREAS, the City of Tulare has undergone a robust public process to ensure public input into our community's transportation priorities/the project list; and

WHEREAS, the City of Tulare used a Pavement Management System to develop the SB 1 project list to ensure revenues are being used on the most high-priority and cost-effective projects that also meet the communities priorities for transportation investment; and

WHEREAS, the funding from SB 1 will help the City of Tulare maintain and rehabilitate streets and transportation infrastructure throughout the City of Tulare this year and similar projects into the future; and

WHEREAS, the 2018 California Statewide Local Streets and Roads Needs Assessment found that the City of Tulare’s streets and roads are in an “at-risk” condition and this revenue will help us increase the overall quality of our road system and over the next decade will bring our streets and roads into a “good” condition; and

WHEREAS, the SB 1 project list and overall investment in our local streets and roads infrastructure with a focus on basic maintenance and safety, investing in complete streets infrastructure, and using cutting-edge technology, materials and practices, will have significant positive co-benefits statewide.

NOW, THEREFORE IT IS HEREBY RESOLVED, ORDERED AND FOUND by the City Council of the City of Tulare, State of California, as follows:

1. The foregoing recitals are true and correct.
2. The following list of newly proposed projects will be funded in-part or solely with Fiscal Year 2021-22 Road Maintenance and Rehabilitation Account revenues:

Project Title: Elliott Tract Improvements

Description: Pavement Management System project to reconstruct streets within the existing Elliott Tract. Includes ADA Concrete work and Surface Water infrastructure improvements.

Project Location: Owens Avenue between West Street and Santa Clara Street; Los Angeles Street between Bardsley Avenue and Owens Avenue; Elm Avenue between West Street and Sacramento Street; Santa Clara Street between Bardsley Avenue and Inyo Avenue.

Estimated Project Schedule: Start (07/21) – Completion (06/22)

Estimated Useful Project Life: 25 years

Project Title: Apricot and Academy Improvements

Description: Pavement Management System / Utility project to design the reconstruction of Apricot Avenue between O Street and Blackstone Street, and between San Joaquin Avenue and the Santa Fe Trail. Includes ADA Concrete work and Surface Water facilities.

Project Location: Apricot Ave. between Gem St. and Blackstone St.; Academy Ave. between Gem St. and Blackstone Ave.; Pine Dr. between Academy Ave. and Highland St.; E. La Mesa Dr. between Academy Ave. and Blackstone St.; N. Gem St. between San Joaquin Ave. and Academy Ave.; Highland St. between San Joaquin Ave. and the Santa Fe Trail; and Olympic Ct. at Apricot Ave.

Estimated Project Schedule: Start (07/21) – Completion (06/23)

Estimated Useful Project Life: 25 years

Project Title: Sycamore and San Joaquin

Description: Pavement Management System project to design the reconstruction of streets between O Street and Blackstone Street, and between Tulare Avenue and San Joaquin Avenue. Includes ADA Concrete work and Surface Water infrastructure improvements.

Project Location: King Ave. between O St. and Cherry St.; Sycamore Ave. between Cherry St. and Blackstone St.; San Joaquin Ave. between O St. and Blackstone St.; Madden St. between Tulare Ave. and King St.; Delwood St. between Sycamore Ave. and San Joaquin Ave.; and N. Highland St. between Tulare Ave. and Sycamore Ave.

Estimated Project Schedule: Start (07/21) – Completion (06/23)

Estimated Useful Project Life: 25 years

3. The following previously proposed and adopted projects may also utilize Fiscal Year 2021-22 Road Maintenance and Rehabilitation Account revenues in their delivery. With the relisting of these projects in the adopted fiscal year resolution, the City of Tulare is reaffirming to the public and the State our intent to fund these projects with Road Maintenance and Rehabilitation Account revenues:

Project Title: Sequoia/Spruce Tract Improvements

Description: Pavement Management System project to reconstruct streets within the existing Sequoia and Spruce Tracts. Includes ADA Concrete work and Surface Water infrastructure improvements.

Project Location: Spruce Street between Bardsley Avenue and Tulare Avenue; Sierra Avenue between SR99 and Spruce Street; Sierra/Sequoia Alley between SR99 and Spruce Street; Sequoia Avenue between Dayton Street and Spruce Street; Sequoia/Kern Alley between Dayton Street and Spruce Street; Kern Avenue between Dayton Street and Spruce Street.

Estimated Project Schedule: Start (07/20) – Completion (06/22)

Estimated Useful Project Life: 25 years

Project Title: Pratt Street Improvements

Description: Pavement Management System project to design and reconstruct Pratt Street between Bardsley Avenue and Inyo Avenue (SR137). Includes ADA Concrete work and Surface Water facilities.

Project Location: Pratt Street between Bardsley Avenue and Inyo Avenue (SR137)

Estimated Project Schedule: Start (07/20) – Completion (12/22)

Estimated Useful Project Life: 25 years

Project Title: Cross Avenue Improvements

Description: Pavement Management System project to design and reconstruct Cross Avenue between West Tulare Avenue and West Street. Includes ADA Concrete work, ADA traffic signal improvements as well as Surface Water infrastructure improvements.

Project Location: Cross Avenue between West Tulare Avenue and West St.

Estimated Project Schedule: Start (07/19) – Completion (12/22)

Estimated Useful Project Life: 25 years

Passed, approved and adopted this _____ day of _____, 2021.

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 the foregoing is the full and true Resolution 2021-18 passed and adopted by the Council of the City of Tulare at a regular meeting held on June 1, 2021, by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated: Rob Hunt, CITY CLERK

By Roxanne Yoder, Chief Deputy

Local Streets and Roads - Projected FY2021-22 Revenues

Based on State Dept of Finance statewide revenue projections

Estimated May 2021

	Highway Users Tax Acct (HUTA) ⁽¹⁾ Streets & Highways Code					TOTAL HUTA	Road Mntnc Rehab Acct	TOTAL
	Sec2103 ⁽⁵⁾	Sec2105 ⁽³⁾	Sec2106 ⁽³⁾	Sec2107 ⁽³⁾	Sec2107.5 ⁽⁴⁾			
TULARE COUNTY								
DINUBA	200,311	147,150	82,979	187,147	6,000	623,587	499,352	1,122,939
EXETER	84,998	62,440	37,974	79,412	3,000	267,823	211,890	479,713
FARMERSVILLE	87,841	64,529	39,083	82,068	3,000	276,522	218,978	495,500
LINDSAY	101,366	74,464	44,362	94,704	3,000	317,895	252,692	570,587
PORTERVILLE	459,705	337,702	184,218	429,493	7,500	1,418,617	1,145,990	2,564,607
TULARE	522,733	384,002	208,817	488,379	7,500	1,611,430	1,303,111	2,914,541
VISALIA	1,068,438	784,879	421,799	998,219	10,000	3,283,335	2,663,488	5,946,823
WOODLAKE	59,899	44,002	28,178	55,963	2,000	190,042	149,322	339,364
TUOLUMNE COUNTY								
SONORA	37,783	27,755	30,723	35,300	1,000	132,561	94,188	226,749
VENTURA COUNTY								
CAMARILLO	541,436	397,741	254,411	505,852	7,500	1,706,940	1,349,734	3,056,674
FILLMORE	119,953	88,118	60,100	112,069	4,000	384,240	299,027	683,267
MOORPARK	279,561	205,366	133,682	261,188	6,000	885,797	696,911	1,582,708
OJAI	58,235	42,779	31,647	54,407	2,000	189,069	145,172	334,241
OXNARD	1,590,161	1,168,140	737,892	1,485,655	10,000	4,991,848	3,964,082	8,955,930
PORT HUENEME	181,917	133,637	88,667	169,961	5,000	579,182	453,497	1,032,680
SAN BUENAVENTURA	820,179	602,508	382,917	766,277	10,000	2,581,880	2,044,609	4,626,489
SANTA PAULA	234,180	172,029	112,761	218,789	6,000	743,759	583,782	1,327,540
SIMI VALLEY	964,144	708,265	449,287	900,780	10,000	3,032,475	2,403,496	5,435,971
THOUSAND OAKS	976,227	717,141	454,857	912,069	10,000	3,070,294	2,433,618	5,503,912
YOLO COUNTY								
DAVIS	533,128	391,639	237,349	498,091	7,500	1,667,707	1,329,026	2,996,732
WEST SACRAMENTO	418,655	307,546	187,416	391,141	7,500	1,312,257	1,043,657	2,355,914
WINTERS	56,092	41,206	29,267	52,406	2,000	180,971	139,832	320,803
WOODLAND	468,082	343,855	208,975	437,319	7,500	1,465,731	1,166,872	2,632,603
YUBA COUNTY								
MARYSVILLE	95,740	70,331	41,670	89,448	3,000	300,189	238,669	538,857
WHEATLAND	28,058	20,611	15,605	26,214	1,000	91,488	69,945	161,433
Statewide Total	\$ 256,660,500	\$ 188,544,000	\$ 110,553,454	\$ 245,016,500	\$ 2,709,500	\$ 803,483,954	\$ 639,824,000	\$ 1,443,307,954

Notes:

1. The Highway Users Tax is also known as the "Motor Vehicle Fuel Tax", the "Gasoline Excise Tax" and "Article XIX Revenues."
2. Rolling Hills has no public streets and is therefore not eligible for HUTA or RMRA allocations.
3. Str&HwysCode §§ 2103, 2105, 2106, 2107 and RMRA amounts are paid monthly. Includes special payments for snow removal.
4. Str&HwysCode § 2107.5 amounts are typically paid by the State Controller once per year in July.
5. Str&HwysCode § 2103 allocations replace the former Prop42 TCRF revenues. Previously adjusted annually by the BOE until July 2019.

AGENDA ITEM: Consent 11

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

Submitting Department: Finance

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Adopt Resolution of Intent 2021-19 receiving the draft report of Tulare Downtown Association (TDA) Board of Directors, and setting June 15, 2021, as the public hearing date regarding annual downtown district assessments.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The City Code requires a public hearing be held annually regarding the work program and proposed assessments to be levied for the Downtown Parking and Business Improvement District. by action of the Council, the Tulare Downtown Association (TDA) Board of Directors serves as the Advisory Board of the district and administers the program. The report gives an overview of the current fiscal year activities, as well as the program and assessments for the fiscal year beginning July 1, 2021.

The report and resolution of intent to levy assessments are the first steps in this annual process. A TDA Board Member, will review the report in detail during the public hearing scheduled for June 15. The only action required at the June 1 meeting is adoption of the resolution receiving the draft report, declaring the intent to levy assessments, and setting June 15 as the public hearing date.

STAFF RECOMMENDATION:

Adopt Resolution of Intent 2021-19 receiving the draft report of Tulare Downtown Association (TDA) Board of Directors, and setting June 15, 2021, as the public hearing date regarding annual downtown district assessments.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

FUNDING SOURCE/ACCOUNT NUMBER:

Submitted by: Darlene Thompson **Title:** Finance Director

Date: May 11, 2021 **City Manager Approval:** _____

RESOLUTION 2021-19

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF TULARE TO LEVY AN ANNUAL ASSESSMENT FOR THE 2021/22 FISCAL YEAR FOR THE TULARE DOWNTOWN PARKING AND BUSINESS IMPROVEMENT DISTRICT

WHEREAS, the City of Tulare, pursuant to Streets and Highways Code Sections 36500 et seq. and Tulare City Code Chapter 8.48, has previously created the Tulare Downtown Parking and Business District and has created two benefit zones within said District; and

WHEREAS, the City Council has designated the Tulare Downtown Association (TDA) Board of Directors as the Advisory Board for said District; and

WHEREAS, pursuant to Streets and Highways Code Section 46533, said Advisory Board has prepared a report for the 2021/22 fiscal year for said District and has presented same to the City Council; and

WHEREAS, it is appropriate and necessary that the City Council review said report, act upon and establish a date for a public hearing for consideration of levying of an annual assessment for the 2021/22 fiscal year for the Tulare Downtown Parking and Business Improvement District.

NOW, THEREFORE, BE IT RESOLVED, AS FOLLOWS, TO WIT:

1. The City Council has received the report filed by the TDA Board of Directors acting as the Advisory Board to the City Council for purposes of the Tulare Downtown Parking and Business Improvement District.
2. The proposed improvements and activities to be carried out during the 2021/22 fiscal year are as set forth in Attachment "A" attached hereto and incorporated herein by this reference.
3. The report from the TDA Board of Directors for the 2021/22 fiscal year is on file with the City Clerk and the same contains a full and detailed description of the improvements and activities to be provided for said fiscal year and the proposed assessments to be levied upon the businesses within the area for said fiscal year.
4. June 15, 2021, at the hour of 7:00 p.m., in the Tulare Public Library & Council Chambers, 491 North "M" Street, Tulare, California is the time and place fixed for a public hearing to be held by the City Council on the levying of the proposed assessments for the 2021/22 fiscal year.

5. At said public hearing, written and oral protests may be made. Any such protests shall comply with the requirements of Streets and Highways Code Section 36524 and 36525.
6. The City Clerk is herewith directed to give notice of the public hearing by causing this Resolution of Intention to be published once in the Tulare Advance-Register not later than seven days before the date of said public hearing.

Passed, approved and adopted this _____ day of _____, 2021.

 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 the foregoing is the full and true Resolution 2021-19 passed and adopted by the Council of the City of Tulare at a regular meeting held on June 1, 2021, by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated: Rob Hunt, CITY CLERK

By Roxanne Yoder, Chief Deputy

EXHIBIT "A"

The Tulare Improvement Program, Incorporated, Board of Directors, offers the following recommendations for the management and operation of activities associated with the Tulare Parking and Business Area during the 2021/22 fiscal year (July 1, 2021 - June 30, 2022):

- (1) Recommend no changes in boundaries or benefit zones.
- (2) Continue to work closely with city staff, in implementing the program of the Downtown Project Area, and to aggressively recruit new business to Downtown Tulare.
- (3) Continue to carefully track real estate opportunities and challenges, assisting and working with real estate professionals.
- (4) Continue to work with the city in efforts to control graffiti and other vandalism in the downtown.
- (5) Continue to support the Greater Tulare Chamber of Commerce, The Tulare Downtown Foundation, The Tower Square PBID Association, as well as other organizations and individuals, in their efforts to encourage growth in Downtown Tulare.
- (6) Continue to support efforts to market and develop attractions in the downtown, such as murals, Tower Square, Zumwalt Park activities and the beneficial activities produced by various other groups.

TULARE DOWNTOWN ASSOCIATION

Annual Report



2021-2022

Lino Pimentel, President

TULARE DOWNTOWN ASSOCIATION

Board of Directors

Member- At-Large **Don LeBaron**
830 Sycamore, Tulare, CA 93274, 936-3244

Member-At-Large **Chris Beck**
Motor Cars Inc, 213 E King Ave, Tulare, CA 93274, 688 0404

Terms Expire June 30, 2023

Zone A **Bonnie Bainbridge**
200 N "L" Street, Tulare, CA 93274 (559) 686-6431

Terms Expire June 30, 2022

Zone A **Carlos Melendez**
Unique Enterprises, PO Box 2327, (559)936-3839

Zone A **Lino Pimentel**
Lino Pimentel Real Estate, 260 N "J" St, Tulare, CA 93274 (559) 688-1900

Zone B **Rigo Moya**
Rigo Signs, 301 E Inyo Ave, Tulare, CA 93274, (559) 687-8750

Zone B **Jackie Paull**
Life Star Ambulance, 234 N M St, Tulare, CA 93274 (559) 688-2550

Terms Expire June 30, 2024

Zone A **Artemisa Valdez**
Kingo View South Tulare Mobile Services, 201 N K St, Tulare, CA 93274,

Zone A **Blake Shawn**
The Downtown Dream, 241 E Kern Ave, Tulare, CA 93274, 334 7990

Zone B **Karen Bravo**
Land O Lakes, 400 S M St, Tulare, CA 93274, (559) 687-8287

City Appointments

City Council **Steve Harrell, Councilmember**
411 E. Kern Avenue Tulare, CA 93274 (559) 684-4200

Police Department **Sgt. Raymond Guerrero**, Tulare Police Department

Past Projects and Objectives

Addressed issue of synthetic cannabinoid control ordinance, implemented 24-Hour downtown graffiti removal initiative, assisted with homeless/vagrants in downtown, implemented the Tower Square PBID and established Tulare Downtown Foundation.

Recent Projects and Objectives

While COVID-19 played a pivotal role in how the TDA approached its responsibilities and goals this past year, and funding was an on-going concern, the Association accomplished much. This past year the Association pandemic-pared goals included:

- Management of the Tower Square PBID
 - Designing continued capital improvements to property.
 - Continuing with Tower Square common area clean up.
- The TDA "Clean and Safe" program for Downtown.
 - Weed removal and eradication.
 - Clean-up of sidewalks, alleys, streets and trash enclosures, etc.
- TDA redesigned the list of properties available in the downtown area and acted as a resource.
 - Property list now on interactive web page.
- Re-positioned Facebook page and website to be resource center for COVID-19 information for downtown businesses and businesses in general.
 - Worked with downtown businesses in safe re-openings
 - Active promotion of businesses open under Stage 1 and 2.
- Active re-design and use of the overpass sign on J Street
 - Disseminated COVID-19 safety information
 - Promoted City of Tulare
 - Promoted Downtown businesses that were open.
- Worked with landlords, real estate agents and property owners to connect business and property owners/agents in downtown to reduce vacancies.

2020-2021 Outlook

For this fiscal year, the Tulare Downtown Association:

- Continues its representation of the downtown Business and Parking District.
- Continues implementation of the Clean and Safe program for Downtown Tulare.
- Supports and manages the Tulare Tower Square PBID
- Continually updates improved real estate vacancy tracking system.
- With COVID-19 restrictions easing, the TDA will team with its sister organization, the Tulare Downtown Foundation, to bring events and other promotional activities to the Downtown.
- The TDA is actively pursuing remedies to the ongoing homeless issue plaguing downtown business and is building alliances and connections with agencies close to the issue.
- The TDA is continuing to build alliances with businesses outside the downtown district to bring aesthetic upgrades to the core of downtown.

Conclusion: The Board will continue to support efforts that add to the success of the Tulare downtown area and make recommendations to the City of Tulare regarding same.

Tulare City Council
411 East Kern Avenue
Tulare, California 93274

The Tulare Downtown Association Inc. Board of Directors, offers the following recommendations for the management and operation of activities associated with the Tulare Parking and Business Area during the fiscal year (July 1, 2018-June 30, 2019):

- No changes in boundaries or benefit zones.
- Continue working with City Staff on projects and business recruitment.
- Continue to track real estate and work with realtors.
- Work with the City, Code Enforcement and Police Department to control graffiti, vandalism and crime in the downtown.
- Continue to seek additional means to address the demands of a changing economy and the downtown business community.
- Continue to work with the Tulare Chamber of Commerce as well as other organizations and individuals in their efforts to encourage growth in Downtown Tulare.
- Support efforts to market and develop attractions in the downtown, encourage other groups and individuals in producing events and attractions, implement new strategies aligned with existing strategies to improve the business climate in the downtown.
- Continue efforts to develop cooperative marketing plans with Association members and the downtown at large.
- Attached is the approved TDA budget of the cost of providing the improvements and the activities for fiscal year 2020-2021.

Lino Pimentel, President
Tulare Downtown Association

TulareDowntown Association
Profit & Loss Budget Overview
July 2021 through June 2022

	Jul '21 - Jun 22
Ordinary Income/Expense	
Income	97,000.00
Expense	
700 - Administrative Expenses	80,712.60
720 - Architectural Design & Parking	1,500.00
730 - Market Recruit & Retention	1,012.00
750 - Promotional Expenses	12,575.40
761 - Gift Certificates	1,200.00
800 - Uncategorized Expenses	0.00
Total Expense	<u>97,000.00</u>
Net Ordinary Income	0.00
Other Income/Expense	
Other Income	<u>9.96</u>
Net Other Income	<u>9.96</u>
Net Income	<u><u>9.96</u></u>

AGENDA ITEM: Consent 12

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

Submitting Department: General Services

For Board Meeting of: June 1st, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Adopt Resolution 2021-20 authorizing the surplus of 11 City Vehicles/Equipment.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The Fleet Control Budget was established in order to allow the Fleet Maintenance Department to bill departments for City vehicles, to recommend replacements, and properly size and make vehicles available to departments based on their needs.

The following vehicles/equipment have been removed from service. These units have been inspected by Fleet Maintenance and have reached the end of useful life or have damage not economically feasible to repair.

3138	2017	FORD	INTERCEPTOR	Wreck
3104	2014	FORD	INTERCEPTOR	Wreck
918	2003	FORD	SILVERADO 1500	
3149	2019	FORD	INTERCEPTOR	Wreck
3031	2011	FORD	CROWN VICTORIA	
3119	2016	FORD	INTERCEPTOR	Wreck
389	2008	DODGE	CHARGER	
453	2007	CHEVY	SILVERADO 1500	
454	2007	CHEVY	SILVERADO 1500	
604	2007	CHEVY	SILVERADO 1500	
944	2017	FORD	F150	Wreck

STAFF RECOMMENDATION:

Adopt Resolution 2021-20 authorizing the surplus of eleven (11) City Vehicles/Equipment.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

Submitted by: Manuel Correa Title: General Services Manager

Date: May 25, 2021 City Manager Approval: _____

RESOLUTION 2021-20

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
TULARE DECLARING CERTAIN PERSONAL PROPERTY
TO BE SURPLUS AND AUTHORIZING ITS DISPOSITION**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TULARE, AS
FOLLOWS, TO WIT:**

SECTION 1. That certain property listed below, of which has been filed by the Purchasing Officer with the City Clerk, is hereby declared to be surplus property of the City of Tulare.

<u>Surplus Items</u>				
3138	2017	FORD	INTERCEPTOR	Wreck
3104	2014	FORD	INTERCEPTOR	Wreck
918	2003	FORD	SILVERADO 1500	
3149	2019	FORD	INTERCEPTOR	Wreck
3031	2011	FORD	CROWN VICTORIA	
3119	2016	FORD	INTERCEPTOR	Wreck
389	2008	DODGE	CHARGER	
453	2007	CHEVY	SILVERADO 1500	
454	2007	CHEVY	SILVERADO 1500	
604	2007	CHEVY	SILVERADO 1500	
944	2017	FORD	F150	Wreck

SECTION 2. The Finance Director/Treasurer of the City of Tulare is hereby authorized to dispose of said property and to deposit any funds received in the general and/or enterprise funds of the City of Tulare.

PASSED, ADOPTED AND APPROVED this 1st day of June, 2021.

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 the foregoing is the full and true Resolution 2021-20 passed and adopted by the Council of the City of Tulare at a regular meeting held on June 1, 2021, by the following vote:

Aye(s) _____

Noe(s) _____ Abstention(s) _____

Dated: Rob Hunt, CITY CLERK

By Roxanne Yoder, Chief Deputy

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

Submitting Department: Public Works – Streets Division

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Award and authorize the City Manager to sign a contract with Jaxon Enterprises, DBA Deer Creek Asphalt (Deer Creek), of Redding, CA in the amount of \$48/ton for 3/8” Plant Run Cold Mix with Oil, \$47/ton for 1/2” Plant Run Cold Mix with Oil and \$49.10/ton for 1/2” Hot Asphalt Concrete; subject to minor conforming or clarifying changes acceptable to the City Attorney.

IS PUBLIC HEARING REQUIRED: **Yes** **No**

BACKGROUND/EXPLANATION:

As a part of the City’s Pavement Management Program, the Streets Division annually programs transportation funding for minor street repair projects such as reclamite, fiber seal, chip seal, or overlay project to stabilize and extend the life of city streets. This is a maintenance project that is independent from any of the Capital Projects currently scheduled and approved and will be funded from the annual Transportation Pavement Management program.

Through the annual Pavement Management program, there is approximately \$300,000 available for minor street repair projects. A contract for the 3/8” Plant Run Cold Mix with Oil, 1/2” Plant Run Cold Mix with Oil and 1/2” Hot Asphalt Concrete would give staff the ability to do 4-5 overlay projects at a cost of approximately \$282,000 over the next few months before the weather gets cold. A list of the proposed overlay streets is attached (Attachment A). An overlay project can be completed by City staff using the new paver that was purchased in April 2019. This also locks in the price for material used for pothole patching for one year.

Similar overlay projects were completed as follows in 2019/2020 and these streets have held up well since that time. Staff anticipates that this project will extend the life of the selected locations between eight and ten years.

- 1) Enterprise Street from Avenue 208 to 700’ north
- 2) Oakmore from Ave. 228 to Tulare Avenue
- 3) Turner Drive form Foster Drive to city limit
- 4) Pacific Ave. from De La Vina to Mooney Blvd.
- 5) Paige Ave. from Pratt to 800’ west of I Street
- 6) Intersection of Paige and Pratt

The City's Purchasing Policy (Section 4, page 18, C) allows for the use of "Cooperative Purchasing or Piggy-Back" contracts to take advantage of competitively bid purchasing if it would "provide the City with benefits". Awarding this contract to Deer Creek allows staff to move forward in an expeditious manner to complete this work while the weather allows it, because this product has recently been competitively bid by another public agency.

Tulare County awarded a contract for the purchase of the 3/8" Plant Run Cold Mix with Oil, 1/2" Plant Run Cold Mix with Oil and 1/2" Hot Asphalt Concrete to Deer Creek in April of 2020 after advertising for competitive bids. Deer Creek has agreed to hold the prices for those same products through June 30, 2022 as follows:

- | | |
|-------------------------------------|-----------------|
| 1) 3/8" Plant Run Cold Mix with Oil | \$48.00 per ton |
| 2) 1/2" Plant Run Cold Mix with Oil | \$47.00 per ton |
| 3) 1/2" Hot Asphalt Concrete | \$49.10 per ton |

The bid proposal (Attachment B), and the subsequent contracts between the County of Tulare and Deer Creek are attached (Attachment C).

STAFF RECOMMENDATION:

Award and authorize the City Manager to sign a contract with Jaxon Enterprises, DBA Deer Creek Asphalt (Deer Creek), of Redding, CA in the amount of \$48/ton for 3/8" Plant Run Cold Mix with Oil, \$47/ton for 1/2" Plant Run Cold Mix with Oil and \$49.10/ton for 1/2" Hot Asphalt Concrete; subject to minor conforming or clarifying changes acceptable to the City Attorney.

CITY ATTORNEY REVIEW/COMMENTS: *R Yes £ No £ N/A*

IS ADDITIONAL (NON-BUDGETED) FUNDING REQUIRED: *Yes RNo £ N/A*

FUNDING SOURCE/ACCOUNT NUMBER:

Annual Transportation – Pavement Management #ST0006

Signed: Trisha Whitfield

Title: Director, Public Works

Date: May 24, 2021

City Manager Approval:

Street Paving Projects 2021-2022

<i>Street</i>	<i>Lineal Footage</i>	<i>Estimated Cost</i>
1. K St: Cross Ave to Santa Fe Trail	425'x46'	\$35,515
2. L St: Cross Ave to Santa Fe Trail	425'x46'	\$35,515
3. D St: Inyo Ave to Owens Ave	690'x37'	\$23,190
4. Owens Ave: Between C St & D St	60'x10', 175'x 32'	\$6,710
5. Pine Ave: D St to west end	310'x36'	\$14,310
6. Paige Ave N/B Ramp: HWY99 to Paige Ave	693'x30'	\$18,005
7. Paige Ave S/B Ramp: Hw Owens Ave	455'x36'	\$14,035
8. Cross Ave: West St to Maricopa St	550'x24'	\$10,945
9. Ave 200 Over Pass: Rankin Ave to Hosfield	800'x24'	\$17,010
10. Hosfield Dr: C.L. to Bridge	1400'x24'	\$30,830
11. Blackstone St: Paige Ave south	490'x12'	\$14,965
12. S. K St Between 4000-4500 Blk	1600x12'	\$34,020
13. S Blackstone St.: Cul De Sac	175'x90'	\$27,200
	Total:	\$282,250



County of Tulare PURCHASING DEPARTMENT

2637 W. Burrel Ave Suite 200., Visalia CA 93291-4593
Telephone 559-636205-1100 Fax 559-687-6939

April 12, 2021

Jaxon Enterprises
DBA Deer Creek Asphalt
Attn: Don Thomason
1643 Tahoe Court
Redding, CA 96003

Email: dthomason@jaxonaggregates.com

SUBJECT: MATERIAL CONTRACT NO. 1663 - RENEWAL NO. 02, 3/8" COLD MIX – NORTH/SOUTH COUNTY

Our current contract Number 1663 for 3/8" COLD MIX – NORTH/SOUTH COUNTY expires on JUNE 30, 2021. The contract clause "RENEWAL" states that the "Contract may be renewed for an additional year by mutual written consent provided prices, terms and conditions remain the same."

If you consent to renewing this Contract at the same prices, terms and conditions for an additional year, please print and sign one (1) copies of this Renewal Form and **return via email** to mfernandez1@tularecounty.ca.gov by June 1, 2021 Upon the return of this signed form, Contract No. 1663 will be renewed through June 30, 2022.

Sincerely,

Cher Castellini,
Purchasing Manager

CONTRACT RENEWAL

I consent to providing 3/8" Cold Mix – North/South County to the County of Tulare per Contract No. 1663 for an additional year through June 30, 2022 under the same prices, terms and conditions.

Date: _____ Signature: _____

Title: President

Date: _____ Signature: _____

Title: Vice President

Corporations Code section 313 requires that contracts with a corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president, and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer, unless the contract is accompanied by a certified copy of the corporation's Board of Directors' resolution authorizing the execution of the contract.

RENEWAL 02

CONTRACT NO.: 1663

VENDOR NO.: 1241600 **BID/PROPOSAL NO.:** 20-003
VENDOR NAME: JAXON ENTERPRISES **PHONE:** (530) 241-2112
DBA DEER CREEK ASPHALT **FAX:** (530) 243-0787
STREET ADDRESS: 1643 TAHOE COURT **VENDOR CONTACT NAME:**
DON THOMASON
CITY STATE ZIP CODE: REDDING, CA 96003 **E-MAIL:**
dthomason@jaxonaggregates.com

ORDER FROM: JAXON ENTERPRISES
DBA DEER CREEK ASPHALT
STREET ADDRESS: 1643 TAHOE COURT
CITY STATE ZIP CODE: REDDING, CA 96003

REMIT TO: JAXON ENTERPRISES
STREET ADDRESS: PO BOX 994248
CITY STATE ZIP CODE: REDDING, CA 96099-4248

SUBJECT: 3/8" COLD MIX MATERIAL – NORTH/SOUTH COUNTY

COMMODITY CODE: 74514

CONTRACT PERIOD: JULY 1, 2019 THROUGH JUNE 30, 2022

PAYMENT TERMS: NET 1% 30 DAYS

SALES TAX: IN ADDITION TO PRICES SHOWN WHEN APPLICABLE

DELIVERY: F.O.B. PLANT LOCATION

MINIMUM ORDER: NONE

MERCHANDISE RETURNS: FULL CREDIT TO THE COUNTY FOR ANY MERCHANDISE RETURNED IN UNOPENED CONDITION.

PRICES: SEE EXHIBIT B – COMPENSATION ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS APPLY TO THIS CONTRACT. FIRM FOR THE CONTRACT PERIOD

Catalog listing of commodities description and pricing to follow:

SUPPLIER PART NUMBER	EXTENDED DESCRIPTION	UNIT OF MEASURE	LIST PRICE
001	3/8" COLD MIX – NORTH/SOUTH COUNTY	TON	\$48.00

SPECIFICATIONS

DELIVERIES: Deliveries are to be made at the vendor's plant and/or storage location as required. Approximately two hundred (200) tons to two thousand (2,000) tons per day. County representative will give 48 hours notice of delivery date.

GUARANTEE OF DELIVERY: A continued, uninterrupted and guaranteed availability of Cold Mix Material is important and necessary to the County for the economic completion of its road work projects.

PRICES: Prices shall be F.O.B. Plant Location and shall exclude Federal Excise Taxes, for which the County is exempt. California State Sales Tax will be allowed on the net bid price. The price per ton shall include all fees for the duration of the contract. Example, environmental fees, etc.

NOTE: For the purpose of this Request for Bid, TON is determined to be 2,000 pounds avoirdupois.

3/8" PLANT RUN COLD MIX with OIL: **\$ 48.00 PER TON**

Plant Run Cold Mix – 3/8" mix as per CalTrans Specs. Section #39 or as requested by County representative. SC-800 or SC-3000 grade oil as per CalTrans Spec. #93 in conformance with the latest editions and amendments of the Standard Specifications of the State of California, Department of Transportation, Division of CalTrans for such Plant Run Cold Mix or as requested by County representative.

2,000 Tons total estimated quantity for North County/South County through June 30, 2022.

Applicable sales tax will be added in addition to the price indicated above.

The amount of liquid asphalt added to produce Plant Run Cold Mix shall be determined by the Engineer.

PLANT LOCATION/SHIPPING POINT:
93257

27671 AVENUE 120, PORTERVILLE, CA

SMARA MINE ID 91-54-0021

PARTICIPATING DEPARTMENTS:

RMA Road Yard #1, Porterville
RMA Road Yard #2/3 Visalia
RMA Road Yard #4, Dinuba
RMA Road Yard #5, Terra Bella



County of Tulare PURCHASING DEPARTMENT

2637 W. Burrel Ave Suite 200., Visalia CA 93291-4593
Telephone 559-636205-1100 Fax 559-687-6939

April 12, 2021

Jaxon Enterprises
Dba Deer Creek Asphalt
Attn: Don Thomason
1643 Tahoe Ct
Redding, Ca. 96003

Email: dthomason@jaxonaggregates.com

SUBJECT: MATERIAL CONTRACT NO. 1666 - RENEWAL NO. 02, 1/2" COLD MIX – NORTH/SOUTH COUNTY

Our current contract Number 1666 for 1/2" COLD MIX – NORTH/SOUTH COUNTY expires on JUNE 30, 2021. The contract clause "RENEWAL" states that the "Contract may be renewed for an additional year by mutual written consent provided prices, terms and conditions remain the same."

If you consent to renewing this Contract at the same prices, terms and conditions for an additional year, please print and sign one (1) copies of this Renewal Form and **return via email** to mfernandez1@tularecounty.ca.gov by June 1, 2021 Upon the return of this signed form, Contract No. 1666 will be renewed through June 30, 2022.

Sincerely,

Cher Castellini,
Purchasing Manager

CONTRACT RENEWAL

I consent to providing 1/2" Cold Mix – North/South County to the County of Tulare per Contract No. 1666 for an additional year through June 30, 2022 under the same prices, terms and conditions.

Date: _____

Signature: _____

Title: President

Date: _____

Signature: _____

Title: Vice President

Corporations Code section 313 requires that contracts with a corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president, and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer, unless the contract is accompanied by a certified copy of the corporation's Board of Directors' resolution authorizing the execution of the contract.

RENEWAL 02

CONTRACT NO.: 1666

VENDOR NO.: 1241600
VENDOR NAME: JAXON ENTERPRISES
DBA DEER CREEK ASPHALT
STREET ADDRESS: 1643 TAHOE COURT
CITY STATE ZIP CODE: REDDING, CA. 96003

BID/PROPOSAL NO.: 20-003
PHONE: (530) 241-2112
FAX: (530) 243-8787
VENDOR CONTACT NAME:
DON THOMASON
E-MAIL:
dthomason@jaxonaggregates.com

ORDER FROM: JAXON ENTERPRISES
DBA DEER CREEK ASPHALT

STREET ADDRESS: 1643 TAHOE COURT
CITY STATE ZIP CODE: REDDING, CA. 96003

REMIT TO: JAXON ENTERPRISES
DBA DEER CREEK ASPHALT

STREET ADDRESS: PO BOX 994248
CITY STATE ZIP CODE: REDDING, CA 96099-4248

SUBJECT: 1/2" COLD MIX MATERIAL – NORTH/SOUTH COUNTY

COMMODITY CODE: 74514

CONTRACT PERIOD: JULY 1, 2019 THROUGH **JUNE 30, 2022**

PAYMENT TERMS: NET 1% 30 DAYS

SALES TAX: IN ADDITION TO PRICES SHOWN WHEN APPLICABLE

DELIVERY: F.O.B. PLANT LOCATION

MINIMUM ORDER: NONE

MERCHANDISE RETURNS: FULL CREDIT TO THE COUNTY FOR ANY MERCHANDISE RETURNED IN UNOPENED CONDITION.

PRICES: SEE **EXHIBIT B** – COMPENSATION ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS APPLY TO THIS CONTRACT. FIRM FOR THE CONTRACT PERIOD

Catalog listing of commodities description and pricing to follow:

SUPPLIER PART NUMBER	EXTENDED DESCRIPTION	UNIT OF MEASURE	LIST PRICE
001	1/2" COLD MIX – NORTH/SOUTH COUNTY	TON	\$47.00

SPECIFICATIONS

DELIVERIES: Deliveries are to be made at the vendor’s plant and/or storage location as required. Approximately two hundred (200) tons to two thousand (2,000) tons per day. County representative will give 48 hours notice of delivery date.

GUARANTEE OF DELIVERY: A continued, uninterrupted and guaranteed availability of Cold Mix Material is important and necessary to the County for the economic completion of its road work projects.

PRICES: Prices shall be F.O.B. Plant Location and shall exclude Federal Excise Taxes, for which the County is exempt. California State Sales Tax will be allowed on the net bid price. The price per ton shall include all fees for the duration of the contract. Example, environmental fees, etc.

NOTE: For the purpose of this Request for Bid, TON is determined to be 2,000 pounds avoirdupois.

1/2" PLANT RUN COLD MIX with OIL: \$ 47.00 PER TON

Plant Run Cold Mix – 1/2" mix as per CalTrans Specs. Section #39 or as requested by County representative. SC-800 or SC-3000 grade oil as per CalTrans Spec. #93 in conformance with the latest editions and amendments of the Standard Specifications of the State of California, Department of Transportation, Division of CalTrans for such Plant Run Cold Mix or as requested by County representative.

3,000 Tons total estimated quantity for North/South County through June 30, 2022.

Applicable sales tax will be added in addition to the price indicated above.

The amount of liquid asphalt added to produce Plant Run Cold Mix shall be determined by the Engineer.

PLANT LOCATION/SHIPPING POINT: 27671 AVE 120, PORTERVILLE, CA. 93257
SMARA MINE ID# 91-54-0021

PARTICIPATING DEPARTMENTS:

- RMA Road Yard #1, Porterville
- RMA Road Yard #2/3 Visalia
- RMA Road Yard #4, Dinuba
- RMA Road Yard #5, Terra Bella



County of Tulare

PURCHASING DEPARTMENT

2637 W. Burrel Ave Suite 200., Visalia CA 93291-4593
Telephone 559-636205-1100 Fax 559-687-6939

April 12, 2021

Jaxon Enterprises
DBA Deer Creek Asphalt
Attn: Don Thomason
1643 Tahoe Court
Redding, CA 96003

Email: dthomason@jaxonaggregates.com

SUBJECT: MATERIAL CONTRACT NO. 1669 - RENEWAL NO. 02, 1/2" HOT ASPHALT CONCRETE
- NORTH/SOUTH COUNTY

Our current contract Number 1669 for 1/2" HOT ASPHALT CONCRETE – NORTH/SOUTH COUNTY expires on JUNE 30, 2021. The contract clause "RENEWAL" states that the "Contract may be renewed for an additional year by mutual written consent provided prices, terms and conditions remain the same."

If you consent to renewing this Contract at the same prices, terms and conditions for an additional year, please print and sign one (1) copies of this Renewal Form and **return via email** to mfernandez1@tularecounty.ca.gov by June 1, 2021 Upon the return of this signed form, Contract No. 1669 will be renewed through June 30, 2022.

Sincerely,

Cher Castellini,
Purchasing Manager

CONTRACT RENEWAL

I consent to providing 1/2" Hot Asphalt Concrete – North/South County to the County of Tulare per Contract No. 1669 for an additional year through June 30, 2022 under the same prices, terms and conditions.

Date: _____ Signature: _____
Title: President

Date: _____ Signature: _____
Title: Vice-President

Corporations Code section 313 requires that contracts with a corporation be signed by both (1) the chairman of the Board of Directors, the president or any vice-president, and (2) the secretary, any assistant secretary, the chief financial officer, or any assistant treasurer, unless the contract is accompanied by a certified copy of the corporation's Board of Directors' resolution authorizing the execution of the contract.

RENEWAL 02**CONTRACT NO.: 1669**

VENDOR NO.: 1241600
VENDOR NAME: JAXON ENTERPRISES
DBA DEER CREEK ASPHALT
STREET ADDRESS: 1643 TAHOE COURT
CITY STATE ZIP CODE: REDDING, CA 96003

BID/PROPOSAL NO.: 20-003
PHONE: (530) 241-2112
FAX: (530) 243-0787
VENDOR CONTACT NAME:
DON THOMASON
E-MAIL:
dthomason@jaxonaggregates.com

ORDER FROM: JAXON ENTERPRISES
DBA DEER CREEK ASPHALT
STREET ADDRESS: 1643 TAHOE COURT
CITY STATE ZIP CODE: REDDING, CA 96003

REMIT TO: JAXON ENTERPRISES
STREET ADDRESS: PO BOX 994248
CITY STATE ZIP CODE: REDDING, CA 96099-4248

SUBJECT: 1/2" HOT ASPHALT CONCRETE – NORTH/SOUTH COUNTY

COMMODITY CODE: 74521

CONTRACT PERIOD: JULY 1, 2019 THROUGH JUNE 30, 2022

PAYMENT TERMS: NET 30 DAYS

SALES TAX: IN ADDITION TO PRICES SHOWN WHEN APPLICABLE

DELIVERY: F.O.B. PLANT LOCATION

MINIMUM ORDER: NONE

MERCHANDISE RETURNS: FULL CREDIT TO THE COUNTY FOR ANY MERCHANDISE RETURNED IN UNOPENED CONDITION.

PRICES: SEE EXHIBIT B – COMPENSATION ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS APPLY TO THIS CONTRACT. FIRM FOR THE CONTRACT PERIOD

Catalog listing of commodities description and pricing to follow:

SUPPLIER PART NUMBER	EXTENDED DESCRIPTION	UNIT OF MEASURE	LIST PRICE
001	1/2" HOT ASPHALT CONCRETE – NORTH/SOUTH COUNTY	TON	\$49.10

SPECIFICATIONS

DELIVERIES: Deliveries are to be made at the vendor's plant and/or storage location as required. Approximately two hundred (200) tons to two thousand (2,000) tons per day. County representative will give 48 hours notice of delivery date.

GUARANTEE OF DELIVERY: A continued, uninterrupted and guaranteed availability of Hot Asphalt Concrete is important and necessary to the County for the economic completion of its road work projects.

PRICES: Prices shall be F.O.B. Plant Location and shall exclude Federal Excise Taxes, for which the County is exempt. California State Sales Tax will be allowed on the net bid price. The price per ton shall include all fees for the duration of the contract. Example, environmental fees, etc.

NOTE: For the purpose of this Request for Bid, TON is determined to be 2,000 pounds avoirdupois.

1/2" HOT ASPHALT CONCRETE: \$ 49.10 PER TON

Asphalt Concrete shall be Type B, 1/2" maximum and shall conform to the provisions in Section 39, "Asphalt Concrete", of the latest editions and amendments of the Standard Specifications of the State of California, Department of Transportation, Division of CalTrans or as requested by County representative. Oil shall be: Asphalt Binder Oil PG 64-10.

2,500 Tons total estimated quantity for North County/South County through June 30, 2022.

Applicable sales tax will be added in addition to the price indicated above.

The amount of asphalt binder to be mixed with the aggregate for Type B asphalt concrete will be determined by the engineer.

PLANT LOCATION/SHIPPING POINT:

27671 Avenue 120, Porterville, CA 93257
SMARA MINE ID 91-54-0021

PARTICIPATING DEPARTMENTS:

RMA Road Yard #1, Porterville
RMA Road Yard #2/3 Visalia
RMA Road Yard #4, Dinuba
RMA Road Yard #5, Terra Bella

EXHIBIT B

5-I. PAYMENT ADJUSTMENTS FOR PRICE INDEX FLUCTUATIONS

GENERAL

Summary

This section applies to asphalt contained in materials for pavement structural sections and pavement surface treatments such as hot mix asphalt (HMA), plant run cold mix (PRCM), tack coat, asphaltic emulsions, bituminous seals, asphalt binders, and modified asphalt binders placed in the work.

The Engineer adjusts payment if the California Statewide Crude Oil Price Index for the month the material is placed is more than 5 percent higher or lower than the price index at the time of contract.

The California Statewide Crude Oil Price Index is determined each month on or about the last business day of the month by the Department using the average of the posted prices in effect for the previous month as posted by Chevron, ExxonMobil, and ConocoPhillips for the Buena Vista, Huntington Beach, and Midway Sunset fields.

If a company discontinues posting its prices for a field, Caltrans determines the index from the remaining posted prices. Caltrans may include additional fields to determine the index.

For the California Statewide Crude Oil Price Index, go to:

<http://www.dot.ca.gov/hq/construc/crudeoilindex/>

If the adjustment is a decrease in payment, the County deducts the amount from the monthly progress payment.

ASPHALT QUANTITIES

General

Interpret the term "ton" as "tonne" for projects using metric units.

Hot Mix Asphalt/Plant Run Cold Mix

The Engineer calculates the quantity of asphalt in HMA or PRCM using the following formula:

$$Q_h = HMATT \times [X_a / (100 + X_a)]$$

where:

Q_h = quantity in tons of asphalt used in HMA or PRCM

HMATT = HMA or PRCM total tons placed

X_a = theoretical asphalt content from job mix formula expressed as percentage of the weight of dry aggregate

Hot Mix Asphalt Containing Reclaimed Asphalt Pavement (RAP)

The Engineer calculates the quantity of asphalt in HMA containing RAP using the following formulas:

$$Q_{rap} = HMATT \times [X_{aa} / (100 + X_{aa})]$$

where:

$$X_{aa} = X_{ta} - [(100 - X_{new}) \times (X_{ra} / 100)]$$

and

Q_{rap} = quantity in tons of asphalt used in HMA containing RAP

HMATT = HMA total tons placed

X_{aa} = asphalt content of HMA adjusted to account for the asphalt content in RAP expressed as percentage of the weight of dry aggregate

X_{ta} = total asphalt content of HMA expressed as percentage of the weight of dry aggregate

X_{new} = theoretical percentage of new aggregate in the HMA containing RAP determined from RAP percentage in the job mix formula

X_{ra} = asphalt content of RAP expressed as percentage

Asphaltic Emulsion

The Engineer calculates the quantity of asphalt in asphaltic emulsions, including fog seals and tack coat, using the following formula:

$$Q_e = AETT \times (X_e / 100)$$

where:

Q_e = quantity in tons of asphalt used in asphaltic emulsions

AETT = undiluted asphaltic emulsions total tons placed

X_e = minimum percent residue specified in Section 94, "Asphaltic Emulsions." of the Standard Specifications based on the type of emulsion used

Other Materials

For other materials containing asphalt not covered above, the Engineer determines the quantity of asphalt (Q_o).

PAYMENT ADJUSTMENTS

The Engineer includes payment adjustments for price index fluctuations in progress pay estimates. If material containing asphalt is placed within 2 months during 1 estimate period, the Engineer calculates 2 separate adjustments. Each adjustment is calculated using the price index for the month in which the quantity of material containing asphalt subject to adjustment is placed in the work. The sum of the 2 adjustments is used for increasing or decreasing payment in the progress pay estimate.

The Engineer calculates each payment adjustment as follows:

$$PA = Qt \times A$$

where:

PA = Payment adjustment in dollars for asphalt contained in materials placed in the work for a given month.

Qt = Sum of all quantities of asphalt-contained materials in pavement structural sections and pavement surface treatments placed ($Q_h + Q_{rh} + Q_{mh} + Q_{rap} + Q_{tc} + Q_e + Q_{ss} + Q_{mab} + Q_o$).

A = Adjustment in dollars per ton of asphalt used to produce materials placed in the work rounded to the nearest \$0.01.

For US Customary projects, use:

$A = [(I_u / I_b) - 1.05] \times I_b \times [1 + (T / 100)]$ for an increase in the crude oil price index exceeding 5 percent

$A = [(I_u / I_b) - 0.95] \times I_b \times [1 + (T / 100)]$ for a decrease in the crude oil price index exceeding 5 percent

For metric projects, use:

$A = 1.1023 \times [(I_u / I_b) - 1.05] \times I_b \times [1 + (T / 100)]$ for an increase in the crude oil price index exceeding 5 percent

$A = 1.1023 \times [(I_u / I_b) - 0.95] \times I_b \times [1 + (T / 100)]$ for a decrease in the crude oil price index exceeding 5 percent

I_u = California Statewide Crude Oil Price Index for the month in which the quantity of asphalt subject to adjustment was placed in the work.

I_b = California Statewide Crude Oil Price Index for the month in which the bid opening for the project occurred

T = Sales and use tax rate, expressed as a percent, currently in effect in the tax jurisdiction where the material is placed. If the tax rate information is not submitted timely, the statewide sales and use tax rate is used in the payment adjustment calculations until the tax rate information is submitted.

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

Submitting Department: Community Development & Finance Department

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Public Hearing to adopt Resolution 2021-21 approving the 2021 Community Development Block Grant (CDBG) Annual Action Plan (APP) to allocate CDBG funds in the amount of \$373,897 to public infrastructure improvements, \$70,000 to job training and placement services, \$55,000 to minor home rehabilitation, \$116,286 to CDBG program administration, and \$106,797 to services for people experiencing and those at-risk of homelessness; and authorize the City Manager or his designee to submit the same to HUD on behalf of the City of Tulare.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

Local administration of the Community Development Block Grant (CDBG) Program is overseen by the City's Community & Economic Development Department in cooperation with other City departments. Through the Annual Action Plan process, the City Council and Department staff establish activities that meet the goals identified under the City's 2020-2024 CDBG Consolidated Plan (ConPlan) and the national objectives and requirements of the CDBG Program as determined by the U.S. Department of Housing and Urban Development (HUD).

On May 5, 2020, the City Council adopted the ConPlan for use of CDBG funds following comprehensive public outreach, meetings, and consultation with other organizations and agencies. For reference, the prioritized goals of the current five-year ConPlan period include those listed below.

Table 1 – 2020-2024 Consolidated Plan Strategic / Priority Needs

1) Provide public infrastructure and facility improvements for moderate- and low-income households.
2) Provide direct assistance and/or housing for people experiencing homelessness and those at-risk.
3) Improve access to affordable housing for moderate- and low-income households and for people with special needs.
4) Provide public services for moderate- and low-income households and for people with special needs.
5) Improve access to employment and training opportunities for moderate- and low-income households, people with special needs, and people experiencing homelessness.
6) Provide professional and high-quality grant administration and fair housing services.

Between March 29th and June 1st, Department staff issued a Notice of Funding Availability (NOFA), sought public comment and review, held two public meetings, and consulted with local organizations and other City staff in order to gather information and proposals for the 2021 Program Year CDBG Action Plan (See pg. 5-7 of the Draft 2021 Action Plan for a summary of public outreach and participation). An array of local agencies and organizations were notified of the CDBG funding opportunity and encouraged to propose activities / projects. The City received nine (9) applications from nine (9) different agencies and organizations prior to the close of the NOFA period on Tuesday, April 27, 2021. Table 2 provides a brief overview of the applications and associated funding requests. Department staff reviewed applications according to criteria including, but not limited to, how a proposed activity and/or its sponsor: a) satisfies CDBG Program requirements and local Con-Plan goals; b) offers relevant and reliable past experience; c) addresses unmet local need(s); and, d) supplements and/or coordinates with other local organizations and their services.

Table 2 – Applications for 2021 CDBG Projects & Funds

Organization	Project Type / Purpose	Funding Request
Kings View Corporation	Public Service / Outreach, aid, and referrals for people experiencing homelessness	\$25,000
Habitat for Humanity	Affordable Housing / Minor home rehabilitation program	\$50,000
Kings Tulare Homeless Alliance	Public Service / Continuum of Care services, outreach, and referrals for people experiencing homelessness	\$10,000
Salt+Light Works	Public Service / Outreach and provision of food and palliative relief items to people experiencing homelessness	\$111,405
Family Services of Tulare County	Public Service / Outreach, case management, and operation of Housing First vouchers for people experiencing homelessness	\$25,000
Lighthouse Rescue Mission / Community Impact Corps	Public Service / Purchase and installation of ten (10) two-bedroom manufactured units for emergency shelter	\$115,960
Public Works Department – Streets Division	Public Service / Offset personnel and operating costs of waste and graffiti removal in low-moderate income areas of City.	\$51,200
Workforce Investment Board of Tulare County	Economic Development / Provide job readiness, job training, and placement services to people experiencing or at-risk of homelessness	\$70,000
Engineering Department	Public Infrastructure / Complete pavement and utility system enhancements on Pratt St. – Meford Choice Tract	\$380,000

Department staff held a final public meeting on Wednesday, May 19, at 5:15 PM to review the proposed Program Year 2021 Action Plan and to receive public comments and questions. This meeting was open to the general public, local organizations, public agencies, City Departments, and other stakeholders. Department staff conducted the meeting virtually through Zoom, with an option for limited in-person attendance for individuals requiring an accommodation. Department staff notified the general public and over several hundred nonprofit, private, and public entities of the meeting through a public notice in two local newspapers and through the email list-serves of partner organizations. A 30-day public re-

view and comment period on a draft of the 2021 CDBG Action Plan began on April 30, 2021, more than 15 days before the meeting.

PROGRAM YEAR 2021 ANNUAL ACTION PLAN OPTIONS

Total expected funding for the upcoming 2021 Program Year consists of an annual allocation of \$701,980, an estimated \$10,000 in available CDBG program income, and an estimated \$10,000 in CDBG funds remaining from the current 2020 Program Year. Together, approximately \$721,980 is available for the City Council, with public comment, to award to local nonprofit organizations and City Departments to implement an eligible activity and project.

Since the CDBG Program places a cap of 15 percent on the amount of CDBG funds a jurisdiction may commit to public service activities in a given program year, only several of the proposed public service activities may receive a portion of the approximately \$106,797 available under this particular project type. Community Development Department staff requests City Council’s review and approval of 2021 CDBG activities and funding as presented below.

Table 3 – Proposed 2021 CDBG Action Plan

<p>*Public Services –</p> <ol style="list-style-type: none">1) Family Services of TC: \$25,0002) Kings View: \$25,0003) Kings Tulare Homeless Alliance: \$10,0004) Salt+Light Works: \$46,797 <p>Public Infrastructure –</p> <ol style="list-style-type: none">5) Pratt St / Mefford Choice Tract: \$373,897 <p>Affordable Housing –</p> <ol style="list-style-type: none">6) Habitat for Humanity: \$55,000 <p>Economic Development –</p> <ol style="list-style-type: none">7) Workforce Investment Board: \$70,000 <p>Program Administration & Planning –</p> <ol style="list-style-type: none">8) Personnel & Operating Costs - \$116,286
<p><i>Notes</i></p> <ul style="list-style-type: none">· Maintain direct outreach, aid, and case management services among four (4) providers for people experiencing homelessness;· *Utilize a different City funding source other than CDBG to support neighborhood cleanup (graffiti and waste removal) City-wide; Per HUD guidance, removal of waste / trash a part of an illegal dumping and graffiti abatement is considered a ‘general purpose of government’, not eligible for CDBG funding.

A focus on services for people experiencing homelessness and public infrastructure improvements in the proposed Action Plan aligns with goals as identified in the 2020-2024 Consolidated Plan. Information on the proposed activities and funding was available for public review and comment from April 30, 2021, to June 1, 2021.

STAFF RECOMMENDATION:

Adopt Resolution 2021-21 approving the 2021 Community Development Block Grant (CDBG) Annual Action Plan (APP) in order to commit available CDBG funds in the amount of \$373,897 to public infrastructure improvements, \$70,000 to job training and placement services, \$55,000 to minor home rehabilitation, \$116,286 to CDBG program administration, and \$106,797 to services for people experiencing homelessness and those at-risk; and authorize the City Manager or his designee to submit the same to HUD on behalf of 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:

Community Development Block Grant Funding for Program Year 2021 (Fund 077).

Signed: Traci Myers

Title: Community & Economic Development
Director

Date: June 1, 2021

City Manager Approval: _____

Attachments:

Proposed Program Year 2021 Annual Action Plan

RESOLUTION 2021-_____

**A RESOLUTION OF THE TULARE CITY COUNCIL
APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG)
2021 ANNUAL ACTION PLAN (AAP) TO COMMIT CDBG FUNDING IN THE
AMOUNT OF \$721,980 TO ELIGIBLE PUBLIC SERVICE, PUBLIC
INFRASTRUCTURE, AFFORDABLE HOUSING, ECONOMIC DEVELOPMENT
AND PROGRAM ADMINISTRATION ACTIVITIES.**

WHEREAS, the City of Tulare is designated an entitlement jurisdiction by the U.S. Department of Housing and Urban Development (HUD) to receive an annual allocation of Community Development Block Grant (CDBG) funds for implementing projects and programs within the City; and

WHEREAS, the CDBG Program was established under Title 1 of the Housing and Community Development Act of 1974, as amended, to assist in developing viable communities urban communities by providing decent housing, a sustainable living environment, and promoting economic development that benefit primarily low- and moderate-income persons; and

WHEREAS, on February 25th, 2021, the City of Tulare was notified by the U.S. Department of Housing and Urban Development (HUD) and the Office of Community Planning and Development (CPD) of their 2021 CDBG allocation in the amount of \$691,786, for housing, community and economic development activities, and assistance for low- and moderate-income persons and special needs populations. A second award letter was received on May 13th, 2021, notifying the City of Tulare of a revised annual allocation in the amount of \$701,980. Combined with program income and funds remaining from the current program year, the City estimates a total of \$721,980 in funding for 2021 CDBG projects and activities; and

WHEREAS, between March 29th and June 1st, 2021, Community and Economic Development Department staff issued a Notice of Funding Availability (NOFA), sought public comment and review, held two public meetings, and consulted with local organizations and other City staff in order to gather information and proposals for the 2021 Program Year CDBG Action Plan; and

WHEREAS, the City received nine (9) applications from nine (9) different agencies and organizations prior to the close of the NOFA period on Tuesday, April 27th, 2021. Department staff reviewed applications according to criteria including, but not limited to, how a proposed activity and/or its sponsor: satisfies CDBG Program requirements and local Consolidated Plan goals; offers relevant and reliable past experience; addresses unmet local need(s); and, supplements and/or coordinates with other local organizations and their services; and

WHEREAS, Department staff notified the general public and over several hundred nonprofit, private, and public entities of the NOFA and public meetings

through the publication of notices in two local newspapers and through the e-mail list-serves of partner organizations; and

WHEREAS, from April 30th through June 1st, 2021, staff held a 30-day public review and comment period on the proposed 2021 CDBG Action Plan and its deployment of approximately \$721,980 in total CDBG funds to eligible projects and activities for the Program Year that begins on July 1st, 2021, and runs through June 30, 2022; and

WHEREAS, the public comment period and public hearing on the proposed 2021 CDBG Annual Action Plan was duly noticed in a newspaper of general circulation; and

WHEREAS, the proposed 2021 Annual Action Plan commits available CDBG funds in the amount of \$373,897 to public infrastructure improvements, \$70,000 to job training and placement services, \$55,000 to minor home rehabilitation, \$116,286 to CDBG program administration, and \$106,797 to services for people experiencing homelessness and those at-risk.

NOW THEREFORE BE IT RESOLVED by the Tulare City Council following a public hearing the City Council adopts the Program Year 2021-2022 CDBG Annual Action Plan as presented.

PASSED, APPROVED, AND ADOPTED this 1st day of June 2021.

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 A. Hunt, City Clerk of the City of Tulare, certify the foregoing is the full and true Resolution 2021-___ passed and adopted by the Council of the City of Tulare at a regular meeting held on June 1, 2021 by the following vote:

Aye(s) _____

Noe(s) _____ Absent/Abstention(s) _____.

Dated:

ROB A HUNT, CITY CLERK

By Roxanne Yoder, Chief Deputy City Clerk

City of Tulare

PY 2021 Annual Action Plan



**City of Tulare
Community & Economic Development Department
411 East Kern Avenue
Tulare, CA 93274**

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The Program Year (PY) 2021-2022 CDBG Action Plan will direct the use of the City's annual allocation of \$701,980, approximately \$10,000 in available CDBG program income, and an estimated \$10,000 in CDBG funds remaining from the previous program year to meet CDBG national objectives and needs / goals established in the City's Consolidated Plan for 2020-2024. Proposed projects and their associated funding levels include the following: \$373,897 for public infrastructure and facility improvements; \$106,797 for homeless and public services; \$55,000 for affordable housing preservation; \$70,000 for economic development; and, \$116,286 for CDBG program administration and planning. Collectively, the City expects about \$721,980 in total resources for the implementation of eligible projects and activities in the coming program year.

(ALL TEXT IN BLUE FONT REPRESENTS INFORMATION THAT CONCERNS SPECIFIC ACTIVITIES AND FUNDING THAT IS SUBJECT TO CHANGE).

Executive Summary

AP-05 Executive Summary - 24 CFR 91.200(c), 91.220(b)

1. Introduction

The CDBG Program is administered by the U.S. Department of Housing and Urban Development (HUD), and is authorized under Title 1 of the Housing and Community Development Act of 1974 (HCDA), as amended. HUD provides technical assistance and monitors participating jurisdictions to facilitate compliance with CDBG program requirements. The regulations implementing the CDBG Program are in the Code of Federal Regulation: 24 CFR Part 570. Each year, HUD allocates CDBG funds directly to local jurisdictions with a population greater than 50,000. A five-part formula determines a jurisdiction's overall award. The formula accounts for a jurisdiction's population, extent of housing overcrowding, poverty level, age of housing stock, and growth lag. Allocations do vary on an annual basis. On average, the City of Tulare receives \$680,000 per year. The entitlement award to local jurisdictions requires planning and public input. Local jurisdictions retain control over the use of CDBG funds and determine, through citizen participation practices (e.g., meetings, hearings, and comment periods), the activities and projects to receive available CDBG funding.

Jurisdictions must use CDBG program funds to develop viable urban communities through activities and projects that provide decent housing, a suitable living environment, and/or expand economic opportunities. The projects, programs, and/or public services implemented by local jurisdictions must meet one of the following three National Objectives: 1) benefit low/moderate-income (LMI) persons; 2) prevent or eliminate slums and blight; or 3) meets an urgent need. The City requires all CDBG-funded projects and programs meet the primary National Objective of benefiting low- and moderate-income households. Projects that serve special populations such as seniors, people experiencing homelessness, and people with a disability, are also prioritized.

To receive its entitlement funding from HUD, the City is required to approve an Annual Action Plan for each fiscal year. The Annual Action Plan (AAP) describes how the City intends to invest its CDBG funds to meet the needs and goals identified in their existing Consolidated Plan (2020-2024). The City will commit an allocation of \$701,980, an estimated \$10,000 in available program income, and estimated \$10,000 in annual allocation funds from the previous Program Year, to Program Year 2021 projects and activities that will begin on or after July 1, 2021, and end on or before June 30, 2022. A total of about \$721,980 is available for the City Council, with public comment and review, to apply to individual projects and activities proposed by local nonprofit organizations, government agencies, and/or City Departments.

2. Summarize the objectives and outcomes identified in the Plan

Provide Homeless & Public Services: Use CDBG funds to establish agreements with local organizations to provide case management, connections to transitional and supportive housing, and direct outreach and relief services to people experiencing homelessness or at-risk of becoming homeless. And commit CDBG funds to support the preservation and cleanup of particular low- and moderate-income areas and neighborhoods in the City.

Preserve and Develop Affordable Housing: Use CDBG funds to preserve the City's existing stock of affordable housing units through largely minor and substantial rehabilitation programs and individual projects.

Accomplish Public Infrastructure & Facility Improvements: Use of CDBG funds to accomplish physical infrastructure (e.g., roadways, sidewalk, lighting) and facilities (e.g., parks) improvements in low-moderate income residential neighborhoods within the City of Tulare. Address safety, environmental, and/or regulatory needs.

Foster Economic Development: Use CDBG funds to support programs / initiatives that offer job training and foster employment opportunities for low- and moderate-income households and people experiencing or at-risk of homelessness.

Provide CDBG Program Administration & Planning: Use CDBG funds to account for City staff oversight and strategy for the CDBG program and the associated subrecipient agreement / relationships with local nonprofit, public agency, and City Department partners. Moreover, support standard operating and planning costs related to fair housing and program management (e.g., postage, public noticing, training).

3. Evaluation of past performance

In the spring of 2020, the City compiled comprehensive input from the public, provider organizations and agencies, and other stakeholders in the preparation of the 2020-2024 Consolidated Plan, which included an evaluation of outcomes of previous Program Years and the identification of priority needs. In the summer of 2020, the City evaluated the outcomes of

Program Year 2019 projects and activities in the most recent Consolidated Annual Performance and Evaluation Report (CAPER). The report compared the objectives and outcomes identified in the Annual Action Plan to previous years and included an overall assessment of ongoing performance on measurable indicators within the ConPlan. CDBG reports on the last five-years of projects and activities implemented by the City are available for public review on the City's website at: <https://www.tulare.ca.gov/government/departments/community-economic-development/housing-cdbg-services/reports>.

Additionally, the City incorporated the assessment of activities and projects from the current 2020 Program Year and information from the Annual Housing Element Progress Report. The successes and challenges with the implementation of CDBG and CARES CDBG funded projects and activities from July 1, 2020, to-date, offers guidance on how to meet ConPlan needs and goals, while improving upon the design, implementation, and funding of forthcoming CDBG projects and activities.

4. Summary of Citizen Participation Process and consultation process

Consultation / Notice of Funding Availability: Department of Housing & Community Development Department staff conducted a Notice of Funding Availability (NOFA) and request for proposals concerning the CDBG Program Year 2021 and associated funds. A public notice was published on Monday, March 29, 2021, in the Visalia Times Delta and Tulare Advance Register to announce the NOFA, public meeting, and resources to support an application for funding. The Department called for qualifying organizations and individuals to review the informational NOFA handbook and other resources, schedule a meeting with Department staff, and submit an application for Program Year 2021 CDBG funds on or before Tuesday, April 27, at 5:000 PM PST (See Appendix A for copies of NOFA Public Notice, Handbook, and Application). In total, the City received nine (9) complete applications that proposed projects addressing public service, affordable housing, homelessness, and public infrastructure and facility improvements. Department staff evaluated applications according to CDBG Program national objectives and standards, the City's ConPlan, and other criteria such as an organization's previous experience, impact on unmet needs, and coordination with other organizations.

Public Meetings: Department of Housing & Community Development Department staff held a public meeting on **Thursday, April 8, 2021**, to discuss the NOFA for CDBG Program Year 2021, the CDBG Program, and the needs and goals within the City's ConPlan. The meeting was virtual and administered through Zoom in order to adhere to public health guidelines associated with the COVID-19 pandemic. The City notified the general public and local organizations of this meeting through the 2021 NOFA public notice. Department staff published the particular notice and distributed through partner listserves beginning March 29, 2021, more than 10 days before the meeting. The Department held a second public meeting on **Wednesday, May 19, at 5:15 PM** to review the proposed Program Year 2021 Action Plan and receive public comments and questions. This meeting was open to the general public, local nonprofit organizations, public agencies, City Departments, and other stakeholders. Department staff conducted the meeting virtually through Zoom, with an option for limited in-person attendance for individuals

requiring an accommodation. Department staff notified the general public and over several hundred nonprofit, private, and public entities of the meeting through the public notice for the proposed 2021 Action Plan. Staff published and distributed the particular public notice beginning April 30, 2021, more than 15 days before the meeting.

Public Hearing: Department staff scheduled a public hearing on Tuesday, June 1, 2021, during the general business portion of a regular City Council Meeting in order to receive additional public comments and/or adopt the 2021 Action Plan as presented. The public hearing allowed for limited in-person attendance and fostered public participation via YouTube at www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1_aw/videos. For those sheltering in place and wishing to provide comments during a council meeting, instructions were given to call (559) 366-1849. Public notice, a draft of the 2021 Action Plan, and instructions on how to review said documents and participate in the public hearings virtually, was posted at the entrance of the Tulare Public Library Council Chambers, on the City website, and on the Agendas for the City Council Meeting on June 1, 2021.

Public Review and Comment: The City requested input from the public on the proposed projects and funding allocations under the 2021 Annual Action Plan. A 30-day public review and comment period began on Friday, April 30, 2021, and concluded on Tuesday, June 1, 2021. The proposed 2021 Annual Action Plan was available at Tulare City Hall and on the Community Economic & Development Department webpage at - <https://www.tulare.ca.gov/government/departments/community-economic-development/housing-cdbg-services/public-notice>

Department staff published all public notices in English and Spanish in two widely circulated local newspapers and across listserve and eblast networks of local organizations. Department staff instructed individuals requesting a special accommodation to contact Alexis Costales, Housing & Grants Specialist, at 559-684-4224 or acostales@tulare.ca.gov

5. Summary of public comments

According to the results of the ConPlan Survey, public meetings, and outcomes of the 2021 NOFA, priority needs identified by residents and service providers included:

- **Public Infrastructure & Facility Improvements:** Street, sewer, water system repairs, and the installment of ADA walkways, and street and park lighting.
- **Provision of Homeless Services:** Mental healthcare, substance use care, homeless prevention, direct outreach, and aid, and case management and referral to emergency shelter, transitional, and permanent supportive housing.
- **Preservation and Development of Affordable Housing:** Development and rehabilitation of housing for seniors, persons with special needs, and low- and moderate-income households, rehabilitation and energy efficiency programs on existing single residence and multi-family units.

- **Public Services:** cleanup and graffiti abatement programs.
- **Economic Development:** provision of jobs, job training, placement services, and technical assistance to nonprofit organizations and start-up businesses.
- **Public Facilities:** development and rehabilitation of facilities for health care, child safety and well-being, senior services, and recreation / park space.

Public Hearings. The City held four public hearings prior to the adoption of the 2020-2024 ConPlan and one public hearing for the adoption of the 2021 Action Plan. City Council and Department Staff received no comments during the public hearings on the ConPlan and the 2021 Action Plan.

6. Summary of comments or views not accepted and the reasons for not accepting them

The City of Tulare and Department staff reviewed and considered all comments and proposals for activities / projects when developing the 2021 Program Year Action Plan.

7. Summary (See Appendix A for a full summary of citizen participation)

DRAFT

PR-05 Lead & Responsible Agencies – 91.200(b)

1. Agency/entity responsible for preparing/administering the Consolidated Plan

The following agency/entity is responsible for preparing the Consolidated Plan and those responsible for administration of each grant program and funding source.

Table 1 – Responsible Agencies

Agency Role	Name	Department/Agency
CDBG Administrator	TULARE	Community & Economic Development Department

Narrative

The City of Tulare (City) is the Lead Agency for the United States Department of Housing and Urban Development (HUD) entitlement programs. The City's Community & Economic Development Department is responsible for administering the funds it receives under the Community Development Block Grant (CDBG).

Consolidated Plan Public Contact Information

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AP-10 Consultation – 91.100, 91.200(b), 91.215(l)

1. Introduction

The City developed the PY 2021 Annual Action Plan based on the needs and goals within the City's 2020-2024 Consolidated Plan (Con Plan), an evaluation of recent project outcomes, and ongoing consultations with the public and a variety of providers and stakeholders. Comprehensive engagement and opportunities for input across City departments and with public officials, local residents, providers, and business entities within the City of Tulare informed the establishment of the ConPlan goals and subsequent Annual Action Plans.

Provide a concise summary of the jurisdiction's activities to enhance coordination between public and assisted housing providers and private and governmental health, mental health and service agencies (91.215(l))

In addition to annual entitlement CDBG funds, the City of Tulare received two (2) awards, totaling \$764,948, under the Coronavirus Aid, Relief, and Economic Security (CARES) Act in Program Year 2019-2020. All recipient jurisdictions are required to commit CARES Act CDBG (CDBG-CV) funds to activities that prevent, prepare for, and respond to the coronavirus (COVID-19) pandemic. The City established activities to address small business, food, medical care, and shelter needs. With marketing and technical assistance from the Tulare Chamber of Commerce, the City implemented a microenterprise business assistance (MBA) program for low to moderate-income owners and employees in the form of a fixed \$5,000 grant. A total of 35 business with five or fewer employees received a grant to offset their operating costs and/or to purchase personal protective equipment (PPE) and other items to promote safe operations during the COVID-19 pandemic. MBA grants and program administration costs totaled \$190,374.

The City collaborated with the Tulare Emergency Aid Council to support food pantry services for income eligible residents adversely affected by the COVID-19 pandemic. Overall, 809 Tulare households received food assistance with total program expenses in the amount of \$48,156. The City provided Altura Centers for Health with a grant in the amount of \$50,000 to purchase PPE and other supplies. This allotment helped staff provide COVID-19 testing and standard medical services to low-to-moderate income residents at local Altura clinics. And to offer emergency shelter and quarantine space for people experiencing homelessness, the City provided the Lighthouse Rescue Mission with a \$79,611 grant to purchase four (4) two-bedroom manufactured housing units.

Staff consulted service providers and gathered data from nonprofit and public sector organizations in December 2020 to estimate local needs. Staff presented key findings on local needs and City Council determined activity service areas and directed the available CDBG-CV funds in the amount of \$273,963 to rental, mortgage, and utility assistance, \$100,000 to food assistance, and \$25,000 for services to homeless persons. Department staff contacted an array of local agencies and organizations in order to request proposals

for activities with the available CDBG-CV funds. The City received eight (8) letters of interest / applications from seven (7) different agencies and organizations prior to the close of the notice of availability of funds period. City Council approved the following activities: \$223,963 to the Housing Authority of Tulare County for the provision of emergency rental assistance for low-income individuals and families adversely affected by the COVID-19 pandemic; \$50,000 to the United Way of Tulare County for the provision of emergency rental, mortgage, and utility assistance for low- to moderate-income individuals and families adversely affected by the COVID-19 pandemic; \$72,843 to the Salt+Light Works nonprofit organization for the provision of food, PPE, and other services to people experiencing homelessness; and, \$50,000 to the Salvation Army for food pantry and delivery services to income eligible households, particularly seniors, adversely affected by the COVID-19 pandemic.

The City continues to collaborate with the Housing Authority of Tulare County (HATC) on the Housing Choice Voucher Program. Information on State, County and local programs is promoted on the City's website to interested property owners, realtors and lenders. In 2020, HATC issued 494 Section 8 Housing Choice Vouchers, 29 Section 8 Project Based Vouchers, 4 VA Supportive Housing (VASH) program vouchers, and 5 Section 811 Mainstream Vouchers in the City of Tulare. Additionally, the City remains in contract with the Self-Help Enterprises to administer a first-time homebuyer and an owner-occupied rehabilitation program for income eligible individuals and households. Using principally HOME Program grant funds and program income from both HOME and Calhome loan portfolios, the City and Self-Help Enterprises provided five (5) homebuyer assistance and two (2) owner-occupied rehabilitation loans to Tulare households in 2020. The City also works with the Habitat for Humanity of Tulare/Kings Counties on a minor home rehab program and case management and service providers such as the Kings View Corporation and Family Services of Tulare County.

City Council members and City Staff participate in the Tulare County Homeless Task Force meetings. The task force meetings involve County Supervisors and Health and Human Services Agency staff, elected officials and staff from each jurisdiction in the county, various service providers (e.g., health, mental health, and behavioral health), the Continuum of Care lead agency, the HATC, affordable housing management and development organizations, and other stakeholders in the region. Over the last program year, task force members reviewed the development of regional projects including the Project Roomkey Tagus Gardens and Sequoia Lodge sites, direct outreach and relief efforts amidst the COVID-19 pandemic, and ongoing programs within each jurisdiction to serve unsheltered persons.

Describe coordination with the Continuum of Care and efforts to address the needs of homeless persons (particularly chronically homeless individuals and families, families with children, veterans, and unaccompanied youth) and persons at risk of homelessness.

The Kings/Tulare Homeless Alliance (Alliance) serves as the local Continuum of Care for Kings and Tulare counties. The Alliance is comprised of a group of service providers, advocates, public agencies, and currently / formerly homeless individuals to address the needs of the people experiencing homelessness in the Kings and Tulare Bi-County regions. The City of Tulare collaborates with the Alliance, by actively participating in monthly Alliance meetings, consulting on new and existing programs within the City, and sharing information on best practices in order to address the needs of people experiencing homelessness within jurisdictions across both counties. When possible, the City designs and implements services for people experiencing with the Kings Tulare Homeless Alliance.

Additional partner agencies and commitments concerning the development and implementation of services for people experiencing homelessness include:

- Tulare County Homeless Taskforce on Homelessness
 - Eden House Project - Bridge Housing and Wrap Around Services
 - Project Roomkey Tagus Gardens Site - Emergency Shelter and Transitional Units
- Kings View – provides case management, behavioral health services, direct aid, and referrals
- Family Services of Tulare County – provides case management, wrap around services, and referrals to transitional and permanent supportive housing for principally women, children, and adults with special needs.
- Self-Help Enterprises – administers and develops affordable housing programs (e.g., down payment assistance, owner occupied rehabilitation) and units for low- and moderate-income individuals and households.
 - Use City Housing Asset Funds towards the development on the Santa Fe Commons permanent supportive housing complex with over 100 units.

Describe consultation with the Continuum(s) of Care that serves the jurisdiction's area in determining how to allocate ESG funds, develop performance standards for and evaluate outcomes of projects and activities assisted by ESG funds, and develop funding, policies and procedures for the operation and administration of HMIS

Not applicable. The City of Tulare is not a direct recipient of ESG funds.

2. Describe Agencies, groups, organizations and others who participated in the process and describe the jurisdiction's consultations with housing, social service agencies and other entities

Table 2 identifies the consultations that informed the 2020-2024 Consolidated Plan and proposed 2021 Action Plan.

Table 1 – Agencies, groups, organizations who participated

1	Agency/Group/Organization	Fair Housing Council of Central California
	Agency/Group/Organization Type	Service-Fair Housing
	What section of the Plan was addressed by Consultation?	Impediments to Fair Housing Strategy
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Agency provided information on the needs of households requiring fair housing services and on the region's strategy to address impediments.
2	Agency/Group/Organization	Kings/Tulare Homeless Alliance (CoC # 513)
	Agency/Group/Organization Type	Continuum of Care Regional organization
	What section of the Plan was addressed by Consultation?	Homelessness Strategy Homeless Needs – (Chronically homeless/ Families with children/ Veterans/ Unaccompanied youth)
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Regional CoC coordinator and HMIS administrator provided information on the status and needs of the regional and local homeless population, as well as input on the current initiatives to provide relief and minimize the occurrence of homelessness.
3	Agency/Group/Organization	State of California
	Agency/Group/Organization Type	Other government – State
	What section of the Plan was addressed by Consultation?	Economic Development Market Analysis Demographics Lead-based Paint Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	State Departments provided technical assistance on grant programs, management best practices, and data on employment and market trends, affordable housing development, population demographics, and lead poisoning.

4	Agency/Group/Organization	Housing Authority of the County of Tulare
	Agency/Group/Organization Type	Public Housing Authority
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Provided information on the status of Housing Choice Voucher programs, their subsidized properties within the City, and other initiatives to address housing insecurity and homelessness.
5	Agency/Group/Organization	County of Tulare
	Agency/Group/Organization Type	Other government – County
	What section of the Plan was addressed by Consultation?	Economic Development Demographics
		Lead-based Paint Strategy Needs Assessment Strategic Plan Homelessness Strategy
		How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
6	Agency/Group/Organization	City of Tulare
	Agency/Group/Organization Type	Other government – Local
	What section of the Plan was addressed by Consultation?	Housing Need Assessment Homelessness Strategy Economic Development Market Analysis
		How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?
7	Agency/Group/Organization	Tulare Chamber of Commerce

	Agency/Group/Organization Type	Economic development
	What section of the Plan was addressed by Consultation?	Market needs
	How was the Agency/Group/Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Received information on the current local job and business market and input from the CEO on needs and interventions for the business community.
8	Agency/Group/Organization	The Lighthouse Rescue Mission
	Agency/Group/Organization Type	Housing Services – Homeless Services – Housing Services - Children
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan Homelessness Needs (chronically homeless/ families with children/unaccompanied youth) Homelessness Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Staff provided an update on the status of the organization’s services and existing housing offerings and input on the type of investments the City should pursue under Action Plans concerning emergency, transitional, and permanent supportive housing.
9	Agency/Group/Organization	Family Service of Tulare County
	Agency/Group/Organization Type	Services – Homeless Services – Housing Services - Victims of Domestic Violence Services - Children
		Needs Assessment

	What section of the Plan was addressed by Consultation?	Strategic Plan Homelessness Needs (Chronically homeless) Homelessness Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) completed the community needs survey and informed the development of the 2020-2024 ConPlan. Staff also shared progress reports on their existing program within the City and information on ongoing needs.
10	Agency/Group/Organization	Kings View Corporation
	Agency/Group/Organization Type	Services – Homeless Services Services – Mental Health Services – Drug and Alcohol Treatment Services – Behavioral Health Regional organization
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan Homelessness Needs (Chronically homeless/ families with children/unaccompanied youth) Homelessness Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) completed the community needs survey and informed the development of the 2020-2024 ConPlan. Staff also shared progress reports on their existing program within the City and input on ongoing needs.
11	Agency/Group/Organization	United Way of Tulare County
	Agency/Group/Organization Type	Housing Services - Education Services – Homeless Services – Housing
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan

		Homelessness Needs (Chronically homeless/ families with children/Unaccompanied youth) Homelessness Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) completed the community needs survey and informed the development of the 2020-2024 ConPlan. Staff also shared progress reports on their existing program within the City and input on ongoing needs.
12	Agency/Group/Organization	Tulare Unified City School District
	Agency/Group/Organization Type	Services - Education Publicly Funded Institution/System of Care
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan
		Homelessness Needs (chronically homeless/ families with children/unaccompanied youth) Homelessness Strategy
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Organization was contacted via email and asked to complete community needs survey for input in the development of the Con Plan.
13	Agency/Group/Organization	Self-Help Enterprises
	Agency/Group/Organization Type	Housing Services - Education Services – Housing Regional organization
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan Economic Development Regional organization

	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Organization was contacted via email and asked to complete community needs survey for input in the development of the Con Plan. Representative(s) shared progress reports on their existing program within the City and input on ongoing needs.
14	Agency/Group/Organization	Habitat for Humanity
	Agency/Group/Organization Type	Housing Regional organization
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan Non-homeless special needs
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representatives completed community needs survey and participated in community workshops to inform the 2020-2024 ConPlan. Representative(s) shared progress reports on their existing program within the City and input on ongoing needs.
15	Agency/Group/Organization	Altura Centers of Health
	Agency/Group/Organization Type	Services - Health
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended a community meeting and completed community needs survey to provide input to in the development of the 2020-2024 ConPlan.
16	Agency/Group/Organization	Tulare Senior Center
	Agency/Group/Organization Type	Services - Elderly Persons
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan Non-homeless special needs

	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representative(s) attended a community meeting and provided input to help develop the 2020-2024 ConPlan.
17	Agency/Group/Organization	Grandma's House - A Vision of Hope
	Agency/Group/Organization Type	Services - After School Tutoring
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	CEO and founder attended a community meeting held at the Tulare Chamber of Commerce and provided input in the development of the 2020-2024 ConPlan.
18	Agency/Group/Organization	Tulare Emergency Aid
	Agency/Group/Organization Type	Services - Food Distribution Services - Rental/Mortgage and Utility Assistance
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Organization was contacted via email to complete the community needs survey and inform the development of the ConPlan. Representative(s) shared progress reports on their existing program within the City and input on ongoing needs.
19	Agency/Group/Organization	AMVETS California Charities
	Agency/Group/Organization Type	Veteran Service Organization
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Organization was contacted via email to complete the community needs survey and inform the development of the ConPlan

20	Agency/Group/Organization	Workforce Investment Board of Tulare County
	Agency/Group/Organization Type	Services - Job Training and Placement Regional organization
	What section of the Plan was addressed by Consultation?	Needs Assessment Strategic Plan
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Representatives attended a community meeting and provided input in regard to the needs of job training and placement. Representative(s) shared progress reports on their existing program within the City and input on ongoing needs.
21	Agency/Group/Organization	Environmental Protection Agency
	Agency/Group/Organization Type	Other government – Federal
	What section of the Plan was addressed by Consultation?	HazMat Planning
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	City Planning and Housing & Grants staff reviewed HUD environmental databases to identify and mitigate the effects of any superfund sites and other dangerous / hazardous waste in the City. There are no superfund sites in the City.
22	Agency/Group/Organization	AT & T
	Agency/Group/Organization Type	Telephone Company
	What section of the Plan was addressed by Consultation?	Digital Divide
	How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Provided information on the available broadband services and special programs to income eligible households.
23	Agency/Group/Organization	Frontier
	Agency/Group/Organization Type	Non-profit

What section of the Plan was addressed by Consultation?	Digital Divide
How was the Agency/Group/ Organization consulted and what are the anticipated outcomes of the consultation or areas for improved coordination?	Provided information on the available broadband services and special programs to income eligible households.

Identify any Agency Types not consulted and provide rationale for not consulting

The City did not intentionally exclude any groups from their outreach and data collection efforts. The City encouraged participation in the preparation of the PY 2021 Action Plan. Department staff conducted public meetings and requested input from the general public and a variety of local organizations and entities. The City leveraged the email list serves of other community-based organizations to for outreach, published formal notices and links to a draft of the PY 2021 Action Plan in the Tulare Advanced Register and Visalia Times Delta and on their website, and held public hearings to obtain comments and questions.

Other local/regional/state/federal planning efforts considered when preparing the Plan

Table 3 – Other local / regional / federal planning efforts

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
Continuum of Care	Kings/Tulare Homeless Alliance	As the designated Continuum of Care, the Alliance is responsible for the planning process for the bi-county region which includes the City of Tulare. The City is an active partner with the Kings/Tulare Homeless Alliance (Alliance). The City also provide funding and works closely with the Alliance in an effort to support, create and sustain solutions that address homelessness in the City. The mission of the Alliance is to coordinate and leverage policy and resources that empower community partners to address homelessness in Kings and Tulare County. Through its

Name of Plan	Lead Organization	How do the goals of your Strategic Plan overlap with the goals of each plan?
		mission, the Alliance sets forth priorities and local policies, facilitates initiatives and tracks performance of homeless programs within the region.
Housing Element – City of Tulare (2015-2023)	City of Tulare	Identifies existing housing stock condition, needs, and goals. Staff across multiple departments solicit CDBG eligible projects and programs to address preservation and development of housing for low and moderate-income households and special populations.
Capital Improvement Plan	City of Tulare	Identifies physical infrastructure and facility improvement needs, goals, and proposed projects for the City. Staff across multiple departments coordinate the use of CDBG funds in support of projects in low and moderate-income areas within the City.

Narrative (optional)

None.

AP-12 Participation – 91.105, 91.200(c)

1. Summary of citizen participation process/Efforts made to broaden citizen participation Summarize citizen participation process and how it impacted goal-setting

Public Meetings: Department staff held meetings on April 8 and May 19, 2021, in order to discuss the Notice of Funding Availability and potential projects and activities for the City's 2021 CDBG Action Plan. Staff requested participation and input from residents and representatives of organizations interested in establishing a new or continuing an existing project / program. Minimal participation from representatives and residents occurred during the set meetings.

Notices/Website: Department staff issued a public notice on March 29 and April 30 ahead of each public meeting, including the required public hearings, in a local newspaper of general circulation (*Tulare Advance Register and Visalia Times Delta*). The first public notice introduced the Notice of Funding Availability (NOFA) period, which lasted 30 days and requested proposals from organizations to implement CDBG eligible projects and activities. Staff also distributed the public notices with information on how to participate through the listserves of the Kings Tulare Homeless Alliance and the Tulare Chamber of Commerce, reaching several hundred entities. For a 30-day comment and review period beginning on April 30 through June 1, staff posted the public notices and a draft of the 2021 CDBG Action Plan at City Hall and on the Department's webpage at - <https://www.tulare.ca.gov/government/departments/community-economic-development/housing-cdbg-services/public-notices>.

Public Hearings: The City Council held a public hearing on June 1, 2021, to receive further comments and/or adopt the 2021 CDBG Action Plan as presented. The hearing began at 7:00 PM PST and was available for public viewing via YouTube at: http://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1_aw/videos. Persons wishing to provide a comment could do so by calling (559) 366-1849 and request a special accommodation by contacting Alexis Costales, Housing & Grants Specialist, at (559) 684-4224 or acostales@tulare.ca.gov.

Table 2 – Citizen Participation Outreach

Sort Order	Mode of Outreach	Target of Outreach	Summary of response/ attendance	Summary of comments received	Summary of comments not accepted & reasons	URL (If applicable)
1	Newspaper Ad	Non-targeted/ broad community	Published a public notice in English & Spanish on March 29, 2021, requesting comments and proposals from residents and/or organizations interested in applying for or instructing the use 2021 CDBG funding.	See summary – Appendix A	All comments and/or applications were accepted.	N/A
2	Other	Non-targeted/ broad community	Distributed the March 29 th Public Notice, NOFA Handbook, and Application to several hundred organizations via multiple listserves.	No comments received.	All comments were accepted.	N/A
3	Public Meeting	Non-targeted/ broad community	Meeting April 8 th – 5:15 PM - Requested public participation from residents and/or representatives of organizations interested in applying for or instructing the use 2021 CDBG funds	See summary – Appendix A	All comments were accepted.	N/A

4	Newspaper Ad	Non-targeted/ broad community	Published a public notice in English & Spanish on April 30, 2021, requesting comments from residents, organizations, and other stakeholders on the proposed projects under the 2021 Action Plan.	See summary – Appendix A	All comments and/or applications were accepted.	N/A
5	Other	Non-targeted/ broad community	Distributed the April 30th Public Notice and a draft of the 2021 Action Plan to several hundred organizations via multiple listserves.	No comments received.	All comments were accepted.	N/A
6	Public Meeting	Non-targeted/ broad community	Meeting May 19 th – 5:15 PM - Requested public participation and comments from residents, representatives of organizations, and other stakeholders on the proposed projects under the 2021 Action Plan.	See summary – Appendix A	All comments were accepted.	N/A
7	Public Posting	Non-targeted / broad community	All public notices, NOFA materials, and a draft of the 2021 Action Plan was available at City Hall and on the Department's webpage.	No comments received.	All comments were accepted.	N/A

8	Public Hearing	Non-targeted / broad community	Held a hearing for public comment and/or adoption on the proposed 2021 Action Plan on June 1, 2021.	See summary – Appendix A	All comments were accepted.	N/A
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Expected Resources

AP-15 Expected Resources – 91.220(c)(1,2)

Introduction

The City expects to commit their allocation of \$701,980, an estimated \$10,000 in available program income, and estimated \$10,000 in annual allocation funds from the previous Program Year, to Program Year 2021 projects and activities that will begin on or after July 1, 2021, and end on or before June 30, 2022. At the time of the proposed 2021 Action Plan, a total of about \$721,980 is available for the City Council, with public comment and review, to apply to individual projects and activities proposed by local nonprofit organizations, government agencies, and/or City Departments. **Anticipated Resources – Table 5 – Expected Resources – Priority Table**

Program	Source of Funds	Uses of Funds	Expected Amount Available Year 2				Expected Amount Available Remainder of ConPlan \$	Narrative Description
			Annual Allocation: \$	Program Income: \$	Prior Year Resources: \$	Total: \$		
CDBG	Federal Allocations and Program Income	Public & Homeless Services, Affordable Housing, Public Infrastructure & Facility Improvements, Economic Development, and Program Administration	\$701,980	\$10,000	\$10,000	\$721,980	\$2,062,081	Commit available CDBG resources to projects that provide public and homeless services, affordable housing preservation, public infrastructure and facility improvements, economic development, and program administration.

Explain how federal funds will leverage those additional resources (private, state and local funds), including a description of how matching requirements will be satisfied

The City consults with and/or creates contracts with nonprofit organizations and other governmental agencies to gather and utilize additional federal and state grants. The City provides CDBG funds to Family Services of Tulare County to support their case management and referral services a part of the Tulare Housing First program. This program involves the provision of permanent supportive housing vouchers to individuals who are chronically homeless and have a disability. The City also commits CDBG funds to the Kings/Tulare Homeless Alliance, the local Continuum of Care lead agency, in order to support their regional coordination and specific activities within the City of Tulare.

Other resources available to support projects and activities that meet the goals of the ConPlan include, but are not limited to, the following:

- § Housing Authority of Tulare County – HATC administers federal funds to provide 553 eligible Tulare households with Section 8 rental choice vouchers, which 4 are under the Veterans Affairs Supportive Housing (VASH) rental vouchers. It is anticipated that they will continue to assist City households over the five-year period of the ConPlan.
- § Federal Home Investment Partnerships & Community (HOME) Program funds administered through the Housing and Community Development Department of California – City applied for and received a grant award for 2018 and 2019, totaling \$1,000,000, for first-time homebuyer assistance and owner-occupied rehabilitation programs. The City reprogrammed \$90,000 of its 2018 HOME grant to implement a tenant-based rental assistance program to respond to the COVID-19 pandemic and expects to provide relief for past-due rent to 20 households.

CDBG does not require matching funds.

If appropriate, describe publically owned land or property located within the jurisdiction that may be used to address the needs identified in the plan

A current CDBG owned public facility functions as emergency and transitional shelter for women and children. The facility is maintained by the Tulare Lighthouse Rescue Mission, nonprofit organization.

Discussion

The City will use a combination of the CDBG and HOME funds to meet goals within the City's ConPlan and proposed 2021 Action Plan. Since the City of Tulare does not receive HOME or ESG funds directly from HUD, third party organizations are able to partner with the City on proposals / applications for funding under these and other sources at the federal, state, and regional level.

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Annual Goals and Objectives

AP-20 Annual Goals and Objectives

Goals Summary Information

Table 6 – Goals Summary

Sort Order	Goal Name	Start Year	End Year	Category	Geographic Area	Needs Addressed	Funding	Goal Indicator	Outcome
1	Public Infrastructure and Facilities Improvements	2020	2021	Non-Housing Community Development	LMA	Meet safety, accessibility, and regulatory standards.	CDBG: \$373,897	Public Infrastructure or Facility Project(s) other than Low/Moderate Income Housing Benefit:	6,000 Persons Assisted
2	Homeless Services	2020	2021	Public Services	Citywide	Provide direct outreach and services to people experiencing or at-risk of homelessness.	CDBG: \$106,797	250 Persons Assisted	
3	Affordable Housing	2020	2021	Affordable Housing	Citywide	Foster access to affordable housing for low- and moderate-income households and special populations.	CDBG: \$55,000	Minor Home Rehab: 8 Households	
4	Public Services	2020	2021	Public Services	LMA	Foster human capital and quality of life improvements for low- and moderate-income income persons.	CDBG: *Not eligible for ongoing funding.	N/A	
5	Economic Development	2020	2021	Economic Development	Citywide	Improve access to employment and associated training opportunities to low-	CDBG: \$70,000	5 Persons Assisted	

						income and special needs populations.		
6	Program Administration	2020	2021	Administration	Citywide	Improve transparency, increased public involvement, and full compliance with federal, state, and local regulations; Advance fair housing.	CDBG: \$116,286	N/A

Goal Descriptions

1	Goal Name	Public Infrastructure and Facilities Improvements
	Goal Description	<p>Promote quality of life and neighborhood revitalization through improvements to current public infrastructure (e.g., roadways, sewer and water systems, sidewalks) and facilities (e.g., parks, libraries), and by closing gaps in areas with aging, lower quality, or nonexistent public infrastructure.</p> <p>-Begin Pratt St / Mefford Choice Tract Project with the City of Tulare's Engineering Division in a designated low- and moderate-income area within the City.</p>
2	Goal Name	Homeless Services
	Goal Description	<p>Provide assistance for people experiencing homelessness and to those at risk of becoming homeless through shelter options, housing first collaborations, and associated supportive services.</p> <p>-City received proposals from four organizations to provide direct outreach and services for people experiencing homelessness in the 2021 Program Year.</p>
3	Goal Name	Affordable Housing

	Goal Description	<p>Improve access to affordable housing for low-income and special needs households by collaborating with interested organizations to promote the preservation and rehabilitation of existing affordable housing units.</p> <p>-City received one proposal from a nonprofit organization to implement a minor home rehabilitation program.</p>
4	Goal Name	Public Services
	Goal Description	<p>Provide services to low-income and special needs households that foster human capital and improve quality of life.</p> <p>-City received one proposal from a City department to continue neighborhood cleanup efforts.</p>
5	Goal Name	Economic Development
	Goal Description	<p>Improve access to employment and associated training opportunities to low-income and special needs households.</p> <p>-City received one proposal from a public agency to administer a job training and placement program.</p>
6	Goal Name	CDBG Program Administration and Planning
	Goal Description	<p>Plan and administer funding for community development, housing, and homelessness activities with improved transparency, increased public involvement, and full compliance with regulations; And provide services to residents and housing providers to advance fair housing.</p>

Projects

AP-35 Projects – 91.220(d)

Introduction

Six projects will receive CDBG entitlement and program income funds in the Fiscal / Program Year 2021, which spans July 1, 2021, through June 30, 2022.

Projects

Table 7- Project Information

#	Project Name
1	Public Infrastructure and Facilities Improvements
2	Homeless Services
3	Affordable Housing
4	Public Services
5	Economic Development
6	CDBG Program Administration

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs

These projects match the priority needs identified during the Consolidated Plan development process. Priority needs focused on serving low-moderate income persons and people experiencing or at risk of becoming homeless. The corresponding projects aim to improve the quality of life, condition of public infrastructure and facilities, condition of existing housing stock, and economic opportunity for the aforementioned groups of people. The City addressed priority needs and allocated funding to projects according to estimates of actuals costs and the caps to public service and administration activities.

AP-38 Project Summary

Project Summary Information

1	Project Name	Public Infrastructure and Facilities Improvements
	Target Area	Low/Moderate-Income Areas (LMA)
	Goals Supported	Public Infrastructure and Facilities Improvements
	Needs Addressed	Public Infrastructure and Facilities Improvements
	Funding	CDBG: \$373,897
	Description	Use of CDBG funds to accomplish physical infrastructure (e.g., roadways, sidewalk, lighting) and facilities (e.g., parks) improvements in low-moderate income residential neighborhoods within the City. Address safety, environmental, and/or regulatory needs.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	Pratt Street / Mefford-Choice Tract Improvements - estimated 5,965 total low/mod universe population, with 4,740 total number of low/mod in the particular area benefit.
	Location Description	Low/Moderate-Income Areas
	Proposed Activities	<ul style="list-style-type: none"> · Pratt Street / Mefford-Choice Tract Improvements – project on Pratt St. addressing ADA concrete work, water, sewer, and surface water facilities. <ul style="list-style-type: none"> ○ Budget - \$373,897
2	Project Name	Homeless Services
	Target Area	Citywide
	Goals Supported	Homeless Services
	Needs Addressed	Homelessness

	Funding	CDBG: \$106,797
	Description	Use of CDBG funds to establish agreements with local organizations to provide case management, point-in-time count, and direct relief services to people experiencing homelessness or at-risk of becoming homeless.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	200 homeless individuals and 50 at-risk of homelessness
	Location Description	Citywide
	Proposed Activities	<ul style="list-style-type: none"> • Kings Tulare Homeless Alliance / Continuum of Care Agency – administer the yearly point-in-time count for unsheltered population in the City, a monthly event to connect people experiencing homelessness to services, and regular housing navigator staff in the City. <ul style="list-style-type: none"> ○ Budget - \$10,000 • Family Services of Tulare County – administer the Tulare Housing First (Shelter Plus Care) voucher program that offers rental assistance, case management, counseling, transportation, and referral services for people who are chronically homeless and exhibit a disabling condition. <ul style="list-style-type: none"> ○ Budget - \$25,000 • Kings View – conduct outreach to and provide services to people experiencing homelessness. Services include referrals to mental and behavioral health aid and assistance with security deposits, rent, utility costs, transportation, and documentation. <ul style="list-style-type: none"> ○ Budget - \$25,000 • Salt+Light Works – provide direct outreach, food, palliative relief, and access to basic sanitation to people experiencing homelessness / unsheltered populations. <ul style="list-style-type: none"> ○ Budget - \$46,797
3	Project Name	Affordable Housing
	Target Area	Citywide
	Goals Supported	Affordable Housing
	Needs Addressed	Affordable Housing
	Funding	CDBG: \$55,000

	Description	Use CDBG funds to preserve the City's existing stock of affordable housing units through principally minor and substantial rehabilitation work.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	8 low- and moderate-income individuals / families will participate in this project's activities.
	Location Description	Citywide
	Planned Activities	<ul style="list-style-type: none"> · Habitat for Humanity of Tulare / Kings Counties – administer a minor home rehabilitation program for low- and moderate income households. Principally physical improvements to key building features and ADA enhancements for at least 8 LMI households. <ul style="list-style-type: none"> ○ Budget - \$55,000
4	Project Name	Public Services
	Target Area	Low/Moderate-Income Areas (LMA)
	Goals Supported	Public Services
	Needs Addressed	Public Services - Neighborhood Preservation & Cleanup
	Funding	CDBG: not eligible for ongoing funds after the 2020 Program Year
	Description	Use CDBG funds to support the cleanup of public alleyways and other spaces within only designated low- and moderate-income neighborhoods within the City.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	20,000 persons
	Location Description	Low/Moderate Income Areas
	Planned Activities	<ul style="list-style-type: none"> · Neighborhood Cleanup –City's Public Works Department will administer the removal of graffiti and illegal waste / trash dumping on streets, alleyways, and structures in LMA. <ul style="list-style-type: none"> ○ Budget – not eligible for ongoing funds after the 2020 Program Year.

5	Project Name	Economic Development
	Target Area	Citywide
	Goals Supported	Economic Development
	Needs Addressed	Economic Development
	Funding	CDBG: \$70,000
	Description	Use CDBG funds to support programs / initiatives that offer job training and foster employment opportunities among low- and moderate-income households and people experiencing homelessness.
	Target Date	6/30/2022
	Estimate the number and type of families that will benefit from the proposed activities	5 LMI persons
	Location Description	Citywide
	Planned Activities	<ul style="list-style-type: none"> · Workforce Investment Board of Tulare County – provide job readiness, job training, and placement services with Community Services and Employment Training (CSET) staff for 8 low- and moderate-income / people experiencing significant barriers to employment. <ul style="list-style-type: none"> ○ Budget - \$70,000
6	Project Name	CDBG Program Administration
	Target Area	Citywide
	Goals Supported	Program Administration
	Needs Addressed	Grant Administration and Planning
	Funding	CDBG: \$116,286
	Description	Use CDBG funds to account for City staff oversight and strategy for the CDBG program and associated agreements with multiple organizations, as well as cover standard operating and planning costs related to fair housing and grant management expectations (e.g., postage, public noticing, training, studies).
	Target Date	6/30/2022

Estimate the number and type of families that will benefit from the proposed activities	Not applicable.
Location Description	Citywide
Planned Activities	CDBG Administration and Planning Costs <ul style="list-style-type: none"> · Budget - \$116,286

DRAFT

AP-50 Geographic Distribution – 91.220(f)

Description of the geographic areas of the entitlement (including areas of low-income and minority concentration) where assistance will be directed

CDBG funds will be available citywide for eligible projects that serve LMI individuals or households. Proposed citywide eligible projects include homeless services, affordable housing, economic development, and program administration. The proposed Pratt St / Mefford Choice Tract project will involve a low- and moderate-income area benefit.

Low-Mod Census Tracts (CDBG Eligible Target Areas): Low-Mod Income Area Benefit (LMA) concentration is defined as census tracts where at least 51% of the median household income is 80% or less the jurisdiction as a whole. LMA projects may include public service and public infrastructure and facility improvement projects. Nine (9) census tracks with 19 blocks groups are recognized as low-mod areas. The City’s current CDBG eligible LMA boundaries are:

1. **Census Track No. 0022.02/Block No. 1, 2 and 3 (Low/Mod: 79.46%):** bound by east of Enterprise Street, south of W. Cross Avenue, west of N. J Street, and north of W. Inyo Avenue.
2. **Census Track No. 0022.04/Block No. 1, 2 and 3 (Low/Mod: 74.55%):** bound by east of N. West Street, north of W. Cross Avenue, west of N. J Street, and south of W. Prosperity Avenue.
3. **Census Track No. 0023.04/Block No. 1 (Low/Mod: 62.98%):** bound by east of N. J Street, south of E. Cross Avenue, west of Cherry Street and north of E. Tulare Avenue.
4. **Census Track No. 0024.00/Block No. 3 (Low/Mod: 56.20%):** bound by east of Highway 99 to Southwest city limits and south of E. Paige Avenue to Avenue 184 city limits.
5. **Census Track No. 0029.01/Block No. 1, 2 and 3 (Low/Mod: 75.91%):** bound by east of S. I Street, south of Highway 137, west of Highway 99, and north of E. Paige Avenue.
6. **Census Track No. 0029.03/Block No. 2 and 3 (Low/Mod: 66.16%):** bound by east of Highway 99, south of Highway 137, west of S. Laspina Street, and north of E. Bardsley Avenue.
7. **Census Track No. 0030.01/Block No. 1, 2 and 3 (Low/Mod: 72.99%):** bound by east of S. West Street, north of W. Bardsley Avenue, south of W. Inyo Avenue and east of S. I Street.
8. **Census Track No. 0030.02/Block No. 2 (Low/Mod: 61.745%):** bound by east of Pratt Street, south of W. Bardsley Avenue, west of S. I Street, and north of W. Paige Avenue.
9. **Census Track No. 0031.00/Block No. 1 and 2 (Low/Mod: 67.11%):** bound by East Road 80, north to W. Paige Avenue, east to Highway 99, south to City limits which include Ave 208 to West Street, Pratt Street south to Wade Street, Wade Street east to I Street, south to Avenue 184.

A map of the City’s CDBG Eligible LMA Target Areas is provided in the ConPlan **Appendix F**.

Geographic Distribution – Table 8

Target Area	Percentage of Funds
Citywide	48

Target Area	Percentage of Funds
Low/Moderate-Income Areas (LMA)	52

Rationale for the priorities for allocating investments geographically

For FY 2021-2022, the proposed funding distribution is 52 percent in CDBG eligible LMA target areas and 48 percent for Citywide benefit. The amount of CDBG funds available to the City each year and the cost of capital improvement projects tend to affect the geographic distribution of funds the most. A slight majority of the year’s CDBG funds may be committed to the public infrastructure and facility improvement projects.

Discussion

The distribution of funding to projects and the geographic outcomes are determined through public comment and review, Department staff consultation with stakeholders, and directions from City Council.

Affordable Housing

AP-55 Affordable Housing – 91.220(g)

During FY 2021-2022 the City plans to assist at least eight low and moderate-income owner occupied families with needed minor rehabilitation; such as, ADA accessibility, energy conservation, weatherization and minor home rehabilitation via a partnership with Habitat for Humanity.

One Year Goals for the Number of Households to be Supported	
Homeless	0
Non-Homeless	8
Special-Needs	0
Total	8

Table 3 - One Year Goals for Affordable Housing by Support Requirement

One Year Goals for the Number of Households Supported Through	
Rental Assistance	0
The Production of New Units	0
Rehab of Existing Units	8
Acquisition of Existing Units	0
Total	8

Table 4 - One Year Goals for Affordable Housing by Support Type

Discussion

The City will also utilize HOME and CalHome program funds to provide additional affordable housing income-eligible Tulare households through the First-time Homebuyer and Homeowner Rehabilitation programs via a partnership with Self-Help Enterprises.

In addition, the City partners with Family Services of Tulare County to provide 12 permanent supportive housing vouchers annually, through the Tulare Housing First voucher programs for chronically homeless individuals with a disability. The City supports the 12 chronically homeless individuals maintain housing stability, by utilizing CDBG funds under public services each year.

AP-60 Public Housing – 91.220(h)

Introduction

The City does not own or manage public housing.

Actions planned during the next year to address the needs to public housing

HATC will continue to own and manage 205 Public Housing units in the City of Tulare. There is no plan to purchase additional public-housing units, removing any units from its inventory. During FY 2021-2022, HATC plans to continue Capital Fund improvements on units in the City. Expenditures will cover maintenance and rehabilitation in public-housing units within the City. Capital Fund expenditures covered a large range of projects: including roofing replacement, landscaping improvements, carpet replacement, Air Conditioning and Heating unit improvements.

Actions to encourage public housing residents to become more involved in management and participate in homeownership

HATC is proactive in the inclusion of public-housing residents in the policy making process. An equitable and transparent policy making process that includes the opinions of public housing residents is achieved through the participation of two tenant commissioners on our HATC Board. Furthermore, HATC has installed a Resident Counsel which is made up of five residents from all of HUD funded programs (Multifamily Housing, LIHTC, HOME, Section 8 Housing Choice Vouchers and public-housing). The Resident Counsel works with HATC staff on evaluating the effectiveness and efficiency of HATC rental assistance programs. This provides members the opportunity to provide input on program modifications.

A vital driving factor in the implementation of HATC programs is the promotion of tenant self-sufficiency. HATC views the goal of homeownership for program participants as one of the long term goals for all of its clients. HATC staff works with tenants to effectively provide them with the necessary resources to achieve homeownership. HATC Annual Re-Examination Notice provides public-housing participants with an extensive referral list that provides assistance with homeownership. This list includes programs managed by: CSET, Habitat for Humanity and Self Help Enterprises. HATC's program coordinator works with any interested public housing tenant in order to effectively inform them of all the different programs that are available to them. Effective collaboration between HATC and other public and nonprofit agencies is imperative to help promote homeownership among all of its tenants.

If the PHA is designated as troubled, describe the manner in which financial assistance will be provided or other assistance

Not applicable.

Discussion

The City of does not own or manage public housing.

AP-65 Homeless and Other Special Needs Activities – 91.220(i)

Introduction

During FY 2021-2022, the City may allocate funds for the regional CoC, to help fund the annual Point in Time Count and Project Homeless Connect, as described in the project section.

Describe the jurisdictions one-year goals and actions for reducing and ending homelessness including

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

Each year the King/Tulare Homeless Alliance conducts a Point in Time (PIT) count in conjunction with the Project Homeless Connect (PHC) event. Through these two events, the Alliance is able to acquire a snapshot of the adults, children in households and unaccompanied youth living in the City who meet HUD's definition of homelessness. Information gathered through the PIT is used to understand the causes and trends over time of homelessness, as well as to determine the unmet shelter and service needs of the homeless. The City contributes CDBG funds to support the Alliance efforts and City staff participates in the annual bi-county PIT count. The Alliance has a three-prong street outreach approach, which includes events such as PHC and the PIT Count, coordination with law enforcement for referrals of street homeless, and coordination with programs serving daily meals, which is an opportunity to identify clients in need of emergency services. PHC is a national best practice that is a one-stop-shop of comprehensive support services for people experiencing homelessness. Guests attending the event are partnered with volunteers who assist in identifying and accessing necessary resources. In addition to these events, homeless outreach is regularly conducted by City staff in collaboration with local non-profit agencies and faith based organizations to provide meals and other quality of life.

The Kings View Corporation provides emergency rental assistance to homeless families within the City of Tulare. Kings View also offers their clients with case management and essential supportive services such as bus passes, utility assistance, food vouchers, clothing assistance, DMV ID's, and hygiene kits.

The Workforce Investment Board of Tulare County plans to assist 5 LMI persons experiencing homelessness or with significant barriers to employment by providing job readiness skills, job training, and job placement services. Clients will also receive transportation assistance and interview clothing. Priority is given to homeless persons in order to foster long-term stability. People participating in the job-training program may also be given the opportunity to shower prior to job interviews through a partnership with River Valley Church or another local organization.

Addressing the emergency shelter and transitional housing needs of homeless persons

The City provided the Tulare Lighthouse Rescue Mission with \$79,611 in CARES Act CDBG funds to

purchase four manufactured units for service as emergency shelter. The units will be operational in Program Year 2021. The Lighthouse Rescue Mission will continue to operate a 16-bed women and children up to 12 years of age shelter and a 12-bed shelter for males age 13 and up. Both shelters provide up to 90 days of respite; however, clients are able to stay longer if they have no other options. Additional services for clients include warm meals, showers, laundry, temporary employment, and overall community / safety.

The City will continue to utilize five spaces within the Eden House project located in the City of Visalia, a 22-bridge housing unit complex with wrap around services for individuals / families transitioning from emergency shelter. The Eden Housing project involved the use of Homeless Emergency Aid Program (HEAP) and California Emergency Solutions and Housing (CESH) funds. Individuals are expected to stay an average of 90 days while awaiting a permanent housing unit.

The City regularly provides Family Services of Tulare County with CDBG funds to continue their case management work and to provide transitional housing services to people experiencing homelessness. In collaboration with HUD Tulare Housing First grants, Family Services is typically able to help twelve chronically homeless individuals with permanent supportive housing voucher rental assistance each year.

Lastly, the City continues to engage and coordinate with the local continuum of care and the Tulare County Homeless Task Force. Regular meetings allow the City to stay aware of funding and partnership opportunities that meet their own and regional emergency shelter and transitional housing needs.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The City of Tulare will commit funds over the five-year ConPlan period (2020-2024) to the regional CoC. The regional CoC seeks to provide housing to homeless households and matching them with appropriate housing and services. In utilizing coordinated assessment, the CoC helps to match households with the shortest amount of time, and connecting households with services that can help them to transition to self-sufficiency. Over first program year of the ConPlan and likely into subsequent years, the City commits CDBG funding and other resources to the Tulare Lighthouse Rescue Mission, Kings/Tulare Homeless Alliance, Family Services of Tulare and Kings View PATH team, and the Kings View Corporation to help chronically homeless individuals, unsheltered families and unaccompanied youth transition to permanent housing and independent living.

Helping low-income individuals and families avoid becoming homeless, especially extremely

low-income individuals and families and those who are: being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); or, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs.

According to HUD's *Strategies for Preventing Homelessness*, "Homelessness prevention is an essential element of any effort to end homelessness either locally or nationwide." This HUD report indicates it is less expensive and disruptive to keep a household housed in place. To this end, the City will explore the use of CDBG funds to support programs that provide direct assistance to households at risk of becoming homeless. The City will also participate in regional homeless planning efforts, including the Tulare Kings Alliance-CoC's Discharge Plan, which aims to prevent individuals leaving institutions, hospitals, etc., from becoming homeless.

The CoC's prevention strategies focus on effective discharge planning, with an emphasis on requiring foster care programs, in-patient mental health hospitals, hospitals and correctional facilities to provide discharge planning services to clients to ensure that they have access to housing and other needed support services, including respite care, upon discharge. Action steps include convening a working group with stakeholders to examine the discharge planning policies and systems within corrections facilities and each County's human service agencies and identifying initiatives to improve those policies and systems; identifying "cross-cutting" initiatives to improve policies and practices across multiple County agencies. In addition, due to the number of probation and prison sites located within the region, the CoC has adopted a plan to develop a Continuum-wide, multi-system community re-entry plan that includes housing.

Discussion

The City's homeless strategy focuses on the prevention of homelessness where feasible and the provision of CDBG and other resources to support local service providers that offer effective engagement and service provision for people experiencing homelessness. The City also seeks opportunities to facilitate the development of new housing (emergency, bridge, and permanent supportive units) and the associated wrap around services necessary to address homelessness and housing insecurity and to facilitate self-sufficiency.

AP-75 Barriers to affordable housing – 91.220(j)

Introduction:

Local policies and regulations affect both the quantity and type of residential development, while trends within the national and regional economies, along with federal monetary policies, often play a larger role in shaping residential and commercial development within the City of Tulare. Ongoing assessment of the conditions and regulations that affect the local housing market is critical. The City of Tulare must prepare for future growth through actions that protect the public's health, safety, and prosperity, without impeding access to new and existing housing to members of the community.

Actions it planned to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment

The City will evaluate its land use, zoning, building codes and associated permitting fees in order to maintain critical services and facilitate the production and preservation of affordable.

Discussion:

City staff is aware of the need for additional affordable housing, per input from community at housing workshops, findings from housing surveys, and through recent assessments of housing market trends from local and state sources. CDBG funds are the only regular funding source available to the City and staff will review how to leverage the resource to support development and rehabilitation efforts within the City. The urgency of the affordable housing shortfall within the City also necessitates the identification and use of new public, philanthropic, and private funding sources to drive new development and rehabilitation projects and/or programs.

Recent Housing Element Updates that address barriers to and facilitate progress towards the City's affordable and inclusive housing goals include, but are not limited to, the following:

- Completion of the rezone of a sufficient amount of land for the City's low-income Regional Housing Needs Allocation requirement.
- Ongoing promotion of residential infill development on vacant and underutilized land that is properly zoned and planned for residential uses within the City limits.
- Ongoing promotion with Homebuilders to develop multifamily designated land at the highest allowable density.
- For new annexations, require that 8 to 12% of the land in all Master Planned Communities be designated for higher density residential.
- Ensure adequate infrastructure and public services for existing and planned residential development.

AP-85 Other Actions – 91.220(k)

Introduction:

The City will take the actions identified below in order to fulfill the goals of the Strategic Plan within the 2020-2024 Consolidated Plan.

Actions planned to address obstacles to meeting underserved needs

During FY 2021, the City will encourage and support HATC's efforts to obtain additional rental assistance funding, especially for senior, disabled, and low-income households. Public infrastructure improvements will provide access to individuals with disabilities and mobility limitations. Finally, the City will provide fair housing resources and/or services to promote the safe, secure, and decent housing for all individuals without regard to their race, color, religion, gender, national origin, familial status, disability, age, source of income or other characteristics protected by laws.

Actions planned to foster and maintain affordable housing

During the 2021 program year, the City of Tulare will commit CDBG funding principally to low and moderate-income households. This includes a substantial infrastructure project and a minor home rehabilitation program.

Actions planned to reduce lead-based paint hazards

The City will continue to provide information to contractors on training and lead-based paint requirements. In addition, the City will ensure their housing rehabilitation programs maintain compliance with HUD regulations regarding lead-based paint hazards and other policies.

Actions planned to reduce the number of poverty-level families

The City will support several activities that aim to reduce the number of households living in poverty:

Case management, referral to housing and vouchers, and provision of job training and placement offer relief and foster employment opportunities and social, health, and mental well-being.

Actions planned to develop institutional structure

The City has no additional actions planned to develop its institutional structure. The City will continue to work closely with the County of Tulare Housing Authority, as well as with counterparts at the local and county level.

Actions planned to enhance coordination between public and private housing and social service agencies

The City of Tulare does not operate public housing. HATC provides rental assistance in the community. Federal legislation requires that the Housing Authority prepare five-year and one-year plans that highlight its mission, goals, and objectives as it relates to public and assisted housing

programs. The City will review the Authority's plans and will provide HATC the opportunity to review and consult with the City regarding its ConPlan and Annual Action Plans. The goal of this cross-consultation is to provide consistent and coordinated housing services for City residents.

The City maintains and seeks new relationships with local nonprofit organizations and other entities. As the City continues to implement its CDBG program, it will incorporate information and other resources from local partner organizations to accomplish ConPlan needs and goals.

Discussion:

The City's 2021 CDBG Action Plan is currently under review and awaiting further comments, consultation, and directions from City Council.

Program Specific Requirements

AP-90 Program Specific Requirements – 91.220(l)(1,2,4)

Introduction:

Each HUD program that is covered by the ConPlan regulations must address certain program-specific requirements. Below are the requirements for the CDBG program as prescribed by the ConPlan template.

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

Community Development Block Grant Program (CDBG) Reference 24 CFR 91.220(l)(1)

Projects planned with all CDBG funds expected to be available during the year are identified in the Projects Table. The following identifies program income that is available for use that is included in projects to be carried out.

1. The total amount of program income that will have been received before the start of the next program year and that has not yet been reprogrammed	0
2. The amount of proceeds from section 108 loan guarantees that will be used during the year to address the priority needs and specific objectives identified in the grantee's strategic plan.	0
3. The amount of surplus funds from urban renewal settlements	0
4. The amount of any grant funds returned to the line of credit for which the planned use has not been included in a prior statement or plan	0
5. The amount of income from float-funded activities	0
Total Program Income:	0

Other CDBG Requirements

1. The amount of urgent need activities	0
2. The estimated percentage of CDBG funds that will be used for activities that benefit persons of low and moderate income. Overall Benefit - A consecutive period of one, two or three years may be used to determine that a minimum overall benefit of 70% of CDBG funds is used to benefit persons of low and moderate income. Specify the years covered that include this Annual Action Plan.	80.00%

**HOME Investment Partnership Program (HOME)
Reference 24 CFR 91.220(l)(2)**

1. A description of other forms of investment being used beyond those identified in Section 92.205 is as follows:

Not applicable.

2. A description of the guidelines that will be used for resale or recapture of HOME funds when used for homebuyer activities as required in 92.254, is as follows:

Not applicable.

3. A description of the guidelines for resale or recapture that ensures the affordability of units acquired with HOME funds? See 24 CFR 92.254(a)(4) are as follows:

Not applicable.

4. Plans for using HOME funds to refinance existing debt secured by multifamily housing that is rehabilitated with HOME funds along with a description of the refinancing guidelines required that will be used under 24 CFR 92.206(b), are as follows:

Not applicable.

**Housing Trust Fund (HTF)
Reference 24 CFR 91.220(l)(5)**

1. Distribution of Funds

- a. Describe the eligibility requirements for recipients of HTF funds (as defined in 24 CFR § 93.2).

Not applicable.

- b. Describe the jurisdiction's application requirements for eligible recipients to apply for HTF funds.

- c. Describe the selection criteria that the jurisdiction will use to select applications submitted by eligible recipients.

- d. Describe the jurisdiction's required priority for funding based on geographic distribution, which is a description of the geographic areas of the State (including areas of low-income and minority

concentration) in which it will direct assistance during the ensuing program year.

e. Describe the jurisdiction's required priority for funding based on the applicant's ability to obligate HTF funds and undertake eligible activities in a timely manner.

f. Describe the jurisdiction's required priority for funding based on the extent to which rents for units in the rental project are affordable to extremely low-income families.

g. Describe the jurisdiction's required priority for funding based on the financial feasibility of the project beyond the required 30-year period.

h. Describe the jurisdiction's required priority for funding based on the merits of the application in meeting the priority housing needs of the jurisdiction (such as housing that is accessible to transit or employment centers, housing that includes green building and sustainable development features, or housing that serves special needs populations).

AGENDA ITEM: Gen Bus CD 2a

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: Community & Economic Development

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Tulare City Council, in its capacity as the Housing Successor Agency, review and consideration of a Loan Agreement between the City of Tulare and Self-Help Enterprises for a loan in the amount of One Million and No/100 Dollars (\$1,000,000) from the City’s Housing Asset Fund for the development and construction of eighty-one (81) units of affordable multifamily rental housing in the City of Tulare, also known as Santa Fe Commons I.

***IS PUBLIC HEARING REQUIRED:* * Yes No**

BACKGROUND/EXPLANATION:

On December 15, 2020, City staff presented Council with an item for the review and consideration for approval to enter into negotiations with Self Help Enterprises to loan One Million and No/100 Dollars (\$1,000,000) in the low and moderate housing asset funds for multifamily rental affordable housing development. Affordable housing and loan agreements would be presented to City Council as the Housing Successor Board for consideration at a subsequent meeting.

At that time, Council agreed to continue the public hearing to January 12, 2021 to allow the Lighthouse Rescue Mission to cure any defects and update its original proposal submitted on June 30, 2020. Following the public hearing and presentations, Council voted to award the One Million and No/100 Dollars (\$1,000,000) from the City’s Housing Asset Fund to Self Help Enterprises for the development and construction of eighty-one (81) units of affordable multifamily rental housing in the City of Tulare, also known as Santa Fe Commons I.

State law requires Housing Asset Funds to be spent in a timely manner to avoid excess surplus, or a cash balance larger than the last four years of deposits. Tulare’s Housing Asset Funds must be spent or encumbered (committed in an executed agreement) by June 30, 2021 to avoid giving up funds to the California Department of Housing and Community Development (“HCD”) as excess surplus.

The attached Loan Agreement was prepared by the joint efforts of legal Counsel for the City of Tulare and Self Help Enterprises. The highlights of the Loan Agreement are as follows:

The Project

Eight-one (81) units shall be comprised of:

- Twenty-five (25) Permanent Supportive Housing units (defined in Health & Safety Code Section 50675(b)(2)) that are affordable to Extremely Low Income households (defined in Health & Safety Code Section 50106),
- Thirty-two (32) units affordable to Very Low Income households (defined in Health & Safety Code Section 50105),
- Twenty-three (23) units affordable to Lower Income households (defined in Health & Safety Code Section 50079.5), and
- One (1) manager unit

Loan Terms

The City of Tulare agrees to make a loan to Self Help Enterprises in the principal sum of One Million and No/100 Dollars (\$1,000,000). The Loan term is fifty-five (55) years from the date of issuance of certificates of occupancy for the entire Project but in all events, all sums shall become due and payable on December 1, 2078, as set forth in a Promissory Note.

Promissory Note

Prior to the distribution of the Loan and contingent on the following, Self Help Enterprises agrees to execute a promissory note, in like amount, which shall bear simple interest at the rate of three percent (3%) per annum. The Loan will also be evidenced by a Regulatory Agreement, and Declaration of Restrictive Covenants entered into between the City of Tulare and Self Help Enterprises and imposing occupancy and affordability restrictions on the Project, and by a Development Covenant imposing construction requirements on Self Help Enterprises. The aforementioned agreements shall be developed by the City of Tulare and Self Help Enterprises once funding is secured for the Project.

Security

Self Help Enterprises will provide the City of Tulare a Deed of Trust with Assignment of Rents on the real property, including all improvements, appurtenances and rents therefrom.

Disbursement Schedule

The City of Tulare shall disburse Loan proceeds to Self Help Enterprises at the commencement of construction. The City of Tulare will not disburse Loan proceeds until the Loan Documents are fully executed and delivered to the City of Tulare. Self Help Enterprises agrees that all funds to be loaned hereunder shall be used only to pay for the construction and development of the Project, or such other costs as may be allowed by the City of Tulare.

Reporting

Within one hundred eighty (180) days after its fiscal year-end, Self Help Enterprises will provide to the City of Tulare a copy of Self Help Enterprise's annual financial statements. Self Help Enterprises shall provide the reports and financial information required by the Regulatory Agreement within the time periods set forth therein.

STAFF RECOMMENDATION:

Tulare City Council, in its capacity as the Housing Successor Agency, review and consider a Loan Agreement between the City of Tulare and Self-Help Enterprises for a loan in the amount of One Million and No/100 Dollars (\$1,000,000) from the City's Housing Asset Fund for the development and construction of eighty-one (81) units of affordable multifamily rental housing in the City of Tulare, also known as Santa Fe Commons I.

CITY ATTORNEY REVIEW/COMMENTS: Yes N/A

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

Submitted by: Traci Myers

Title: Community and Economic Development
Director

Date: May 21, 2021

City Manager Approval: _____

ATTACHMENTS:

Proposed Loan Agreement

LOAN AGREEMENT

This Loan Agreement is made and entered into as of _____, 2021, hereinafter referred to as “Loan Agreement”, by and between the City of Tulare, in its capacity as Housing Successor to the Redevelopment Agency of the City of Tulare, hereinafter referred to as “Lender”, with its principal office at 411 East Kern Avenue, Tulare, California 93274, and Self-Help Enterprises, a California nonprofit public benefit corporation, hereinafter referred to, including its successors and assigns, as “Borrower”, having its mailing address at 8445 W. Elowin Court, P.O. Box 6520, Visalia, California 93290.

WHEREAS, the Borrower has applied for, and Lender has agreed to make, a loan in the amount of One Million and No/100 Dollars (\$1,000,000), for the development and construction of eighty-one (81) units of affordable multifamily rental housing in Tulare, Tulare County, California, also known as Santa Fe Commons I (the “Project”);

WHEREAS, the eight-one (81) units shall be comprised of:

Twenty-five (25) Permanent Supportive Housing units (defined in Health & Safety Code Section 50675(b)(2)) that are affordable to Extremely Low Income households (defined in Health & Safety Code Section 50106),

Thirty-two (32) units affordable to Very Low Income households (defined in Health & Safety Code Section 50105),

Twenty-three (23) units affordable to Lower Income households (defined in Health & Safety Code Section 50079.5), and

One (1) manager unit; and

WHEREAS, Lender’s obligation to loan funds hereunder shall be contingent upon Borrower’s execution of the Promissory Note, Deed of Trust, Development Covenant, and Regulatory Agreement described below.

NOW THEREFORE, in consideration of the mutual promises undertaken herein, the parties mutually agree as follows:

1. Loan Terms.

Lender agrees to make a loan, hereinafter referred to as “Loan”, to Borrower in the principal sum of One Million and No/100 Dollars (\$1,000,000). The Loan term is fifty-five (55) years from the date of issuance of certificates of occupancy for the entire Project but in all events, all sums shall become due and payable on December 1, 2078, as set forth in the Promissory Note (defined below).

Prior to the distribution of the Loan and contingent on the following, Borrower agrees to execute a promissory note, hereinafter referred to as “Promissory Note”, in like amount, which shall bear simple interest at the rate of three percent (3%) per annum. The Loan will also be evidenced by a Regulatory Agreement, and Declaration of Restrictive Covenants (the “Regulatory Agreement”), entered into between Lender and Borrower and imposing occupancy and affordability restrictions on the Project, and by a Development Covenant (the “Development Covenant”) imposing construction requirements on Borrower. The aforementioned agreements shall be developed by the Lender and Borrower once funding is secured for the project.

2. Security.

Borrower will provide Lender a Deed of Trust with Assignment of Rents (subject only to those encumbrances which are consented to by Lender), hereinafter referred to as “Deed of Trust”, on the real property, including all improvements, appurtenances and rents therefrom, which is more particularly described in Exhibit A attached hereto and made a part hereof, hereinafter referred to as “Property”.

Collectively, the agreements, instruments, certificates, opinions and other documents governing, evidencing, securing, related to, in connection with, executed or delivered in connection with the Loan, including without limitation, the Loan Agreement, Promissory Note, Deed of Trust, Development Covenant, and Regulatory Agreement are hereinafter collectively referred to as the “Loan Documents”.

3. Purpose of Loan.

The purpose of the Loan is to provide financial assistance to Borrower in the amount of One Million and No/100 Dollars (\$1,000,000) for construction and development of the Project, consisting of eight (80) units of low income rental housing, one (1) unrestricted manager’s unit and ancillary facilities at the Property.

4. Disbursement Schedule.

Lender shall disburse Loan proceeds to Borrower at the commencement of construction. The Lender will not disburse Loan proceeds until the Loan Documents are fully executed and delivered to the Lender.

Borrower agrees that all funds to be loaned hereunder shall be used only to pay for the construction and development of the Project, or such other costs as may be allowed by Lender; provided that nothing herein shall impose upon the Lender any obligations to see to the proper application of such advances by the Borrower.

5. Reporting.

Within one hundred eighty (180) days after its fiscal year-end, Borrower will provide to Lender a copy of Borrower’s annual financial statements. Borrower shall provide the

reports and financial information required by the Regulatory Agreement within the time periods set forth therein.

6. Title Insurance.

Prior to or concurrently with Loan closing, Borrower shall provide Lender with a fully paid current ALTA Lender's Policy of Title Insurance issued by a title insurance company acceptable to the Lender, in the amount of the Loan and insuring that the Deed of Trust securing the Loan is a valid lien upon the Property. The policy of title insurance shall be subject to those exceptions of title not found objectionable to Lender and shall insure against any mechanic's and other liens, which may result from the construction of improvements on the Property.

7. Other Financing.

Any other deeds of trust or liens shall be approved by Lender prior to recording against the Property at the Loan closing as confirmed by Lender's policy noted above in Section 6 (the "Approved Liens"). Except for the Approved Liens, Borrower certifies that no other liens, including mechanic's liens, are or will be recorded against the Property without the prior written consent of the Lender.

8. Reserved.

9. Repayment Schedule.

All principal and all accrued and unpaid interest are due and payable in accordance with the terms of the Promissory Note.

10. Prepayment Rights.

Borrower may prepay the Loan either in whole or in part without penalty.

11. Expenses.

All reasonable expenses arising from the Loan and in connection with the origination and closing of the Loan, including but not limited to all legal fees, recording and filing fees, and all fees incurred in connection with any title insurance policies or endorsements thereto, costs of construction inspections, taxes, penalties, deposits, brokerage commissions, and all other applicable costs incident to this transaction will be paid by the Borrower.

12. Additional Terms.

A. The Project will be developed in accordance with the Development Covenant and all applicable governmental rules and regulations.

- B. The Project will be developed entirely upon the Property.
- C. Borrower represents that it is a nonprofit public benefit corporation, duly formed, validly existing and in good standing under the laws of the State of California, and has the power and authority to enter into this Agreement.
- D. Borrower is not in default under any other loans or obligations which it may have.

13. Default and Remedies.

On the occurrence of any Event of Default, following applicable notice and cure periods, the Lender, at its sole election, may declare all sums advanced upon the Loan to be immediately due and payable and may proceed at once, without notice to Borrower, to exercise all rights and remedies provided in the Loan Documents, or as otherwise provided by law to secure payment in full of all monies due Lender. Each of the following occurrences shall constitute an Event of Default, subject to the standstill provisions (as defined in the Note):

- A. Failure to comply with any material term or condition provided herein;
- B. Failure of Borrower to comply with any material term or condition provided in the Loan Documents;
- C. Borrower's default on any other loans for the Project following applicable notice and cure periods;
- D. The recording of any mechanic's lien or any judgment against the Borrower or the issuance or entry of any attachment against the Property given as security for the Loan and not discharged, dismissed or bonded against within sixty (60) days from date of entry thereof; or
- E. Borrower's failure to pay when due any and all amounts due under this Loan Agreement and Promissory Note.

Upon the happening of any of the above-described events, Lender shall first notify Borrower in writing, with a copy of such notice to Borrower's limited partner at the address set forth herein, of its purported breach, failure or act above described, giving Borrower thirty (30) days from receipt of such notice to cure, or, if cure cannot be accomplished within said thirty (30) days, to commence to cure such breach, failure, or act (the "Borrower Cure Period"). In the event Borrower fails to cure within said thirty (30) days, or if such breach is of a nature that it cannot be cured within thirty (30) days, Borrower fails to commence to cure within said thirty (30) days and diligently complete such cure within a reasonable time thereafter, Borrower's limited partner may itself tender a cure and/or remove and replace the general partner(s) with a substitute general partner, as

permitted in the Deed of Trust, and effect a cure within thirty (30) days of the expiration of the Borrower Cure Period.

If, following applicable notice and cure periods, Borrower and Borrower's lender fail to cure the Event of Default, Lender may, at its option pursue any of the following:

- 1) Foreclose on existing security (subject to the restrictions set forth in the Deed of Trust); or
- 2) Other appropriate legal or equitable action against Borrower.

14. Severability.

All provisions and covenants contained herein are severable, and in the event any of them shall be held to be invalid by any competent court of law, this Loan Agreement shall be interpreted as if such invalid provisions and covenants were not contained herein, and all remaining provisions not affected by said ruling shall remain in full effect.

15. Assignment.

This Loan Agreement and the documents evidencing this Loan are not assignable to any other borrower except with Lender's consent, in its sole discretion specifically excluding an assignment to Borrower's general partner or its affiliate thereof upon exercise of its rights under the Purchase Option and/or right of first refusal contained therein. The Loan Agreement shall be binding upon the Borrower and upon Lender and Lender's successors and assigns. Notwithstanding anything to the contrary set forth herein: (a) Borrower shall have the right to assign this Loan Agreement, without prior consent of Lender but with notice thereto, to a limited partnership, the general partner of which is Self-Help Enterprises or a wholly owned affiliate thereof, and (b) the limited partner of Borrower may transfer its limited partner interests pursuant to the terms of the Deed of Trust.

16. Waiver.

The waiver by the Lender of any default or defaults of the Borrower under this Loan Agreement or the Loan Documents shall not constitute a waiver of any subsequent default or defaults.

17. Notices.

Any notice to the Borrower provided for in this Loan Agreement or other Loan Documents shall be given by mailing such notice by certified mail addressed to the Borrower at the address stated below, or to such other address as the Borrower may designate by notice to the Lender. Any notice to the Lender shall be given by mailing such notice by certified mail, return receipt requested, to the Lender at the address stated below, or at such other address as may have been designated by notice to the Borrower.

Lender:

City of Tulare as Housing Successor
to the Redevelopment Agency of the City of Tulare
411 E. Kern Ave.
Tulare, CA 94374

Borrower:

Self-Help Enterprises
8445 W. Elowin Court
P.O. Box 6520
Visalia, CA. 93290
Attention: President

and

Gubb & Barshay, LLP
505 14th Street, Suite 450
Oakland, CA 94612
Attention: Lauren Fechter, Esq.

18. Scope of Agreement.

This Loan Agreement and the Loan Documents shall set forth the entire agreement of the parties with respect to the Loan. No modification or waiver of any provision of this Loan Agreement shall be effective unless the same shall be in writing, signed by the parties hereto. The transactions contemplated hereby shall be governed by and construed in accordance with the laws of the State of California.

19. Interpretation.

In the event of any inconsistency among or between the Loan Documents evidencing the Loan, the most restrictive provision shall control.

20. Counterparts.

This Loan Agreement may be executed in multiple originals and may be signed in counterparts, each of which is deemed to be an original.

[Remainder of page left intentionally blank.]

IN WITNESS WHEREOF, Borrower and Lender have executed this Loan Agreement as of the date first set forth above.

BORROWER:

SELF-HELP ENTERPRISES,
a California nonprofit public benefit corporation

By: _____
Thomas J. Collishaw,
President and CEO

LENDER:

CITY OF TULARE,
a municipal corporation in its capacity as
Housing Successor to the Redevelopment Agency of the City of Tulare

By: _____
Rob Hunt, Executive Director

Exhibit A
Legal Description for the Property

The Property includes a portion of the following parcel:

For APN/Parcel ID(s): 168-330-018-000

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA AND IS DESCRIBED AS FOLLOWS:

PARCEL NO. 1 OF PARCEL MAP NO. 3455, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 35, PAGE(S) 57 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

*The Property does not include the existing single-family home and surrounding land which will be separated from the Property through a parcel map and/or the land designated for Santa Fe Commons II. The Borrower has a tentative parcel map pending processing at the City of Tulare, and when the final map is recorded the Legal Description for the Property shall be amended.

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

Submitting Department: Public Works – Water Division

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Review, discuss and provide direction on the replication of the milk glass art work and painting of the water tower located at South “O” Street and Kern Avenue.

IS PUBLIC HEARING REQUIRED: Yes No

BACKGROUND/EXPLANATION:

The 140,000-gallon water tower located just east of the downtown area at Tulare Union High School was installed in 1913. The tank was last inspected and scope of work proposed for repairs and maintenance by Pittsburg Tank & Tower Co., Inc. of Henderson, Kentucky in 2016. The inspection in 2016 found structural and required preventative maintenance items, one of which was exterior painting. Due to budget limitations, only the inspection was completed in 2016 – the recommended preventative maintenance work and exterior painting were not completed. Instead, staff included a new inspection and repair/preventative maintenance work to the water tank in the FY 2020/21 capital budget.

This year’s capital budget includes \$310,000 for inspection and repair of the water tower. When Pittsburg Tank inspected the tank in 2011 and 2016, they recommended repainting the exterior, but because of the art work staff postponed painting until a later date. Now that it has been 10 years since the last inspection with repairs, staff is preparing to move forward with the repairs and preventative maintenance as well as the re-painting of the tank.

In 2005, when the City was set to refurbish the water tower, the Chamber of Commerce and members of the Tulare Cultural Arts Foundation approached the City and joined forces to propose the “milk glass” rendering. Funding for the nearly \$40,000 project came from the California Dairy Council, local dairy owners, the Tulare Foundation, the City of Tulare, the Chamber of Commerce and donations at fundraising events. In August 2005, the Board of Public Utilities authorized the “milk glass” design and painting of the tank.

To get a better idea of what the repainting of the tower would cost, staff reached out to a number of companies that inspect and repair elevated steel tanks. Pittsburgh Tank & Tower was the only contractor who responded. For basic painting of the water tower (white, blue, and the black lettering) it was quoted in the amount of \$72,400.00 and a second quote was provided for the paint work line item of which included the art work to replicate the glass of milk, in the amount of \$124,897.00, or an increase of \$52,497.00 to redo the exterior painting that was originally painted in 2005.

Given the history of the existing “milk glass” painting, staff asked the Council for direction regarding the needed repainting of the exterior of the tank at the City Council meeting of April 6, 2021. At the meeting, the Council consensus was to keep the existing artwork and it was re-

requested that staff bring it back once there was an estimated cost for repainting. The Chamber of Commerce, Don LeBaron, and John Harmon supported the re-painting of the existing artwork and expressed interest in helping with the project.

STAFF RECOMMENDATION:

Review, discuss and provide direction on the replication of the milk glass art work and painting of the water tower located at South "O" Street and Kern Avenue.

CITY ATTORNEY REVIEW/COMMENTS: Yes No N/A

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

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Trisha Whitfield

Title: Public Works Director

Date: May 24,2021

City Manager Approval:_____

AGENDA ITEM: Gen Bus City Atty 4a

**CITY OF TULARE
AGENDA ITEM TRANSMITTAL SHEET**

Submitting Department: City Attorney

For Council Meeting of: June 1, 2021

Documents Attached: Ordinance Resolution Staff Report Other None

AGENDA ITEM:

Update by City Attorney regarding the request to increase the administrative city fine for use and possession of illegal fireworks and for revising the City's municipal code to add a chapter on illegal fireworks and amending the City's municipal code to address specific time for use of Safe and Sane fireworks

***IS PUBLIC HEARING REQUIRED:* Yes No**

BACKGROUND/EXPLANATION:

At the May 18, 2021 City Council Meeting, Councilmember Harrell requested that the City adopt a fee for illegal use of fireworks. Councilmember Harrell also requested that the Tulare Municipal Code be amended to address the use of illegal fireworks as well as address a specific time for use of Safe and Sane fireworks.

In order for the City to adopt a fine for illegal use of fireworks, it must be based on a municipal code violation. Currently, Tulare's Municipal Code does not address illegal use of fireworks, and, therefore, the Municipal Code must be amended before the City can adopt a fine.

The procedure for amending the Municipal Code is by approval of an ordinance. An ordinance requires two readings, and is not effective until 30 days after its passing at the second reading. Therefore, it is not possible for a Municipal Code amendment to be achieved before the Fourth of July this year.

Additionally, even if the Council were to adopt an urgency ordinance at the next meeting, the Council would still need to also pass a Resolution to enact the fine. This Resolution would require a public hearing, and there would not be sufficient time to provide notice for that public hearing before the next meeting.

However, if Council desires to proceed with a Municipal Code amendment to address illegal use of fireworks—while it will not be in place for Fourth of July this year—it could be achieved before the New Year holiday.

STAFF RECOMMENDATION:

Provide direction to staff and City Attorney on how the Council would like to proceed regarding illegal use of fireworks in the City.

CITY ATTORNEY REVIEW/COMMENTS: *p* Yes *£* N/A

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

FUNDING SOURCE/ACCOUNT NUMBER: N/A

Submitted by: Mario U. Zamora

Title: City Attorney

Date: 5/25/2021

City Manager Approval: _____

CHAPTER 3.08: FIRE PREVENTION CODE

Section

- 3.08.010 Adoption of fire codes, regulations and standards
- 3.08.020 Establishment and duties of Bureau of Fire Prevention.
- 3.08.030 Definitions.
- 3.08.070 Amendments to the California Fire Code (CFC).
- 3.08.080 Safe and sane fireworks.
- 3.08.090 Appeals.
- 3.08.100 Penalties.
- 3.08.110 Repeal of conflicting ordinances.

§ 3.08.010 Adoption of fire codes, regulations and standards.

The city hereby adopts and incorporates into this code, as if fully set forth at length herein except as modified or amended by § 3.08.070, the following fire codes, standards and regulations to be controlling within city limits:

(A) The 2019 California Fire Code (CFC), which is drafted in the image of the 2018 International Fire Code (IFC), and which is found in the California Code of Regulations, Title 24, part 9, including Appendices B through N.

(1995 Code, § 3.08.010) (Ord. 19-11, passed 12-3-2019; Ord. 16-12, passed 11-1-2016; Ord. 13-07, passed 12-3-2013; Ord. 10-21, passed 12-7-2010; Ord. 07-30, passed 12-18-2007; Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)

§ 3.08.020 Establishment and duties of Bureau of Fire Prevention.

The California Fire Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the city, which is hereby established and which shall be operated under the supervision of the Fire Marshal.

(1995 Code, § 3.08.020) (Ord. 19-11, passed 12-3-2019; Ord. 16-12, passed 11-1-2016; Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)

§ 3.08.030 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

JURISDICTION. Where the word is used in the California Fire Code, it shall mean the “City of Tulare”.

(1995 Code, § 3.08.030) (Ord. 19-11, passed 12-3-2019; Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)

§ 3.08.070 Amendments to the California Fire Code (CFC).

The following sections of the 2019 California Fire Code (CFC) are amended and modified, for purposes of this ordinance, as follows:

Section 105.6.30 of the California Fire Code is amended to read:

105.6.32. Open Burning. An operational permit is required for any open burning, which has been approved by the San Joaquin Valley Air Pollution Control District.

Prohibited Open Burning. Notwithstanding other provision, open burning is prohibited as follows:

3. The fire code official is authorized to order the immediate extinguishment of any unauthorized open burning and may issue administrative citations and seek to recover costs in accordance with Sections 1.61 and 3.25 of this Code.

C103.3 Maximum spacing. The maximum spacing between fire hydrants shall be 500 feet for residential development and 300 feet in commercial development.

CC105.1 The average spacing between fire hydrants shall not exceed 300 feet for any school building.

D103.5(l) Where a single gate is provided, the gate width shall be not less than 20 feet. Where a fire apparatus road consists of a divided roadway, the gate width shall be not less than 16 feet.

The following list of CFC sections are not adopted by the City of Tulare and are hereby deleted:

109.1 through 109.3

308.1 through 308.1.1

308.1.6.1 through 308.1.6.2

308.2

308.3.1

319

Chapter 36

Appendix #A

(1995 Code, § 3.08.070) (Ord. 19-11, passed 12-3-2019; Ord. 16-12, passed 11-1-2016; Ord. 15-01, passed 9-15-2015; Ord. 13-07, passed 12-3-2013; Ord. 11-04, passed 6-7-2011; Ord. 07-30, passed 12-18-2007; Ord. 06-2009, passed 3-21-2006; Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)

§ 3.08.080 Safe and sane fireworks.

(A) *Condition of sale.* It is unlawful for any person, firm, corporation, association or organization to sell or offer for sale any fireworks within the city, except as expressly permitted under the terms of and for the time period set forth in this section.

(B) *Time of sale.* Subject to the provisions of the State Fireworks Law (California Health and Safety Code, Division II, Part 2 and §§ 12500—12637), and the provisions of this code and California Health and Safety Code § 12599.5, "safe and sane" fireworks as defined in California Health and Safety Code § 12529, may be sold within the city beginning at 12:00 p.m. on June 28 through 12:00 p.m. July 6 (hereinafter "days of sale"). The daily hours of sale on days of sale shall be 9:00 a.m. to 11:00 p.m. Pyrotechnic displays may deviate from these restrictions subject to applicable provisions of the California Health and Safety Code, and provided they are approved by the Fire Chief or his or her designated representative.

(C) *Permit required.* No person, firm, association, corporation or organization shall sell fireworks within the city without first having obtained a permit thereof ("fireworks permit"). Prior to issuance of a permit the requesting party shall fulfill all municipal licensing requirements and fire safety conditions outlined by the Fire Department. All permit applications shall be received in the Fire Marshal's office by no later than 5:00 p.m. May 1, of each year. Each sales booth must obtain its own permit.

(D) *Information required for application.* Each applicant for such permit shall file a written application within the Bureau of Prevention including:

- (1) Tulare Fire Department Fireworks Application Form;
- (2) Property Use Agreement Form with required signatures;
- (3) Certificate of Liability Insurance; and
- (4) State Fire Marshal Fireworks Retail License.
- (5) Copy of the organizations non-profit status, such as 501 C3 filing.

(E) *Qualified organization.* Permits shall only be granted to nonprofit organizations, corporations or local community service organizations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes (hereinafter "qualified organization"), which can demonstrate that a majority of their financial resources and manpower are donated to projects of benefit to the total community within the city limits of Tulare.

(F) *Number of available fireworks permits.*

(1) The total number of fireworks permits available to the public shall be determined by one booth for every 4,500 persons residing within the city as determined by the Planning Department population statistics.

(2) (a) Once approved for a fireworks permit, a qualified organization shall maintain the right to that permit from year to year unless terminated by any of the following:

1. A failure to engage in the business of retailing safe and sane fireworks in the city during the prior calendar year;
2. A safety violation that in the determination of the Fire Department created or had the potential to create a danger to the public;
3. A failure to maintain the requirements of this section; or
4. Any other violations of federal, state, or local law.

(b) Such termination is immediate. An appeal may be made to the City Council by giving notice to the City Manager within five days of receipt of the notice of revocation.

(3) If a permit becomes available, either due to termination, voluntary relinquishment, or an increase in population, a notice shall be posted publicly for a two-week application process. All completed applications will be reviewed and one eligible organization will be selected randomly by the City Clerk's office to fill the vacancy. Applications can be picked up at

either the Fire Department or the City Clerk's office. All completed applications must be turned in to the City Clerk's office by the date and time specified in the public notice.

(G) *Application insurance requirements.* Each applicant for a permit shall provide, prior to the issuance of any permit, a policy of public liability insurance with coverage of at least \$1,000,000.

(H) *Fees.*

(1) Prior to issuance of a fireworks permit, a permit fee, as determined by the current fee schedule for fireworks booth investigation, must be tendered to the city upon receipt of permit.

(2) A \$50 safety clean-up fee is required for each organization approved to sell. This fee is forfeited to the city in the event that the sales booth site is not left in a clean and orderly condition. Organizations forfeiting this fee must resubmit this fee prior to being permitted to sell the following year.

(I) *Identification of fireworks booth locations.*

(1) Each application shall contain a description of the site desired. Written permission of the property owner must be included in the application.

(2) No booth shall be within 100 feet of any flammable liquid storage.

(3) No booth shall be placed closer than 30 feet to any building or structure.

(4) No booth shall be placed within 400 feet of another booth.

(J) *Fireworks booth construction.*

(1) All retail sales of fireworks shall be permitted only from within a temporary fireworks booth. The sale from any other building or structure is hereby prohibited.

(2) Fireworks booths need not comply with provisions of the Uniform California Building Code; provided the booth is erected under the supervision of the local Building Inspector who shall require the booth be constructed in a manner, which will, reasonably, insure the safety of attendant and patrons.

(3) Each booth shall have a minimum of two exit doors.

(4) All lighting appliances used in the booth must be safe and in good condition, all bulbs or fluorescent tubes must be shielded against accidental breakage or contact. No heating devices of any kind are permitted in or near fireworks booths.

(5) All electrical wiring, including the power source, shall be installed to the satisfaction of the Building Inspector. Electrical wiring shall be at least 12 feet above the ground when subject to foot traffic, and 16 feet above the ground when subject to vehicle traffic.

(K) *Operational requirements.*

(1) No person other than a member of the licensee organization will be permitted to sell or otherwise participate.

(2) All permits are non-transferable.

(3) All persons engaged in the selling of fireworks shall be over the age of 18 years. At least one person 21 years of age or older must be in attendance and in charge during the hours of booth operation.

(4) The hours of operations shall be limited as identified in division (B) of this section.

(5) Fireworks may be sold at the booth only.

(6) No sale or delivery thereof shall be made to any person under 16 years of age in accordance with California Health and Safety Code § 12689(b).

(7) All permits and licenses shall be posted inside the booth.

(8) Broken or damaged fireworks are not to be sold. The items will be collected and a receipt issued so credit may be received from the vendor.

(L) *Safety and security.*

(1) Each stand shall be provided with two fire extinguishers, rated 2A10BC or better. Such equipment is to be serviceable and accessible during all business hours.

(2) No smoking is allowed within 50 feet of any booth.

(3) "No Smoking" signs shall be placed on all exterior sides of each booth and one such sign shall be posted within the booth.

(4) All weeds and combustible material shall be cleared from the location of the stand or within 30 feet thereof.

(5) No person shall light or cause to be lit any fireworks or other combustible article within 200 feet thereof.

(M) *Permit revocation.*

(1) If, in the judgment of the Fire Chief or his or her agent or the Building Inspector or his or her agent, the construction of the booth or the conduct of the operation therein do not conform to the provisions of this section or if in any way the operation of the stand poses a threat to public safety, such officers or either of them, may have the permit revoked and/or the booth immediately closed.

(2) No person shall sell, store, hold or possess any fireworks classified as dangerous, including fire crackers, rockets or the like, from or within any booth. If such is discovered, the permit will be revoked and the booth immediately closed.

(3) Failure to remove all traces of the booth and/or any debris resulting from the operation thereof within 48 hours of the close of business on July 6, shall result in the loss of the cleanup security deposit.

(4) On the second Tuesday of May of each year, at 6:00 p.m., there shall be a meeting of all fireworks permittees and the Fire Marshal, at 800 South Blackstone in the city. Any organization failing to have a representative at this meeting will suffer loss of their permit.

(Ord. 16-12, passed 11-1-2016; Ord. 18-06, passed 10-2-2018)

§ 3.08.090 Appeals.

Whenever the Fire Chief disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the Board of Appeals within 30 days from the date of the decision appealed.

(1995 Code, § 3.08.090) (Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)

§ 3.08.100 Penalties.

(A) Any person who violates any of the provisions of this code or standards hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the city or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine not exceeding \$1,000 or by imprisonment not exceeding six months or by both the fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten days that prohibited conditions are maintained shall constitute a separate offense.

(B) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(1995 Code, § 3.08.100) (Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)

§ 3.08.110 Repeal of conflicting ordinances.

All ordinances and parts of ordinances in conflict with the provisions of this chapter are hereby repealed.

(1995 Code, § 3.08.110) (Ord. 16-12, passed 11-1-2016; Ord. 13-07, passed 12-3-2013; Ord. 03-1919, passed - -2003; Ord. 99-1850, passed - -1999)



State of California

GOVERNMENT CODE

Section 36901

36901. The city legislative body may impose fines, penalties, and forfeitures for violations of ordinances. It may fix the penalty by fine or imprisonment, or both. A fine shall not exceed one thousand dollars (\$1,000). Imprisonment shall not exceed six months.

(Amended by Stats. 1983, Ch. 1092, Sec. 139. Effective September 27, 1983. Operative January 1, 1984, by Sec. 427 of Ch. 1092.)

State of California

HEALTH AND SAFETY CODE

Section 12700

12700. (a) Except as provided in Section 12702 and subdivision (b), a person who violates any provision of this part, or any regulations issued pursuant to this part, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both that fine and imprisonment.

(b) A person who violates any provision of this part, or any regulations issued pursuant to this part, by possessing dangerous fireworks shall be subject to the following:

(1) A person who possesses a gross weight, including packaging, of less than 25 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than five hundred dollars (\$500) or more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or both that fine and imprisonment. Upon a second or subsequent conviction, a person shall be punished by a fine of not less than one thousand dollars (\$1,000) or by imprisonment in a county jail not exceeding one year or by both that fine and imprisonment.

(2) A person who possesses a gross weight, including packaging, of not less than 25 pounds or more than 100 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment in a county jail for not more than one year, or by a fine of not less than one thousand dollars (\$1,000) or more than five thousand dollars (\$5,000), or by both that fine and imprisonment.

(3) A person who possesses a gross weight, including packaging, of not less than 100 pounds or more than 5,000 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code or a county jail for not more than one year, or by a fine of not less than five thousand dollars (\$5,000) or more than ten thousand dollars (\$10,000), or by both that fine and imprisonment.

(4) A person who possesses a gross weight, including packaging, of more than 5,000 pounds of unaltered dangerous fireworks, as defined in Section 12505, is guilty of a public offense, and upon conviction shall be punished by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code, or a county jail for not more than one year, or by a fine of not less than ten thousand dollars (\$10,000) or more than fifty thousand dollars (\$50,000), or by both that fine and imprisonment.

(c) Subdivision (b) shall not apply to a person who holds and is operating within the scope of a valid license as described in Section 12516 or valid permit as described in Section 12522.

(Amended by Stats. 2011, Ch. 15, Sec. 184. (AB 109) Effective April 4, 2011. Operative October 1, 2011, by Sec. 636 of Ch. 15, as amended by Stats. 2011, Ch. 39, Sec. 68.)