



Agri-Center of the World

City of Tulare

City Council

Agenda

Mayor

Terry A. Sayre, District 2

Vice Mayor

Patrick Isherwood, District 5

Councilmembers

Jose Sigala, District 1

Stephen C. Harrell, District 3

Dennis A. Mederos, District 4

Tulare Public Library & Council Chamber
491 North M Street, Tulare
www.tulare.ca.gov

Tuesday, February 20, 2024
7:00 p.m. – Regular Meeting

Mission Statement

To promote a quality of life making Tulare the most desirable community in which to live, learn, play, work, worship and prosper.

Attending and Participating in Meetings

Regular Council meetings are held on the first and third Tuesdays of the month in the Council Chamber located in the Tulare Public Library at 491 North M Street, Tulare, subject to cancellation. Additional meetings of the City Council may be called as needed.

Attend meetings in person or access the meeting live via YouTube. For those that wish to provide public comment while not physically in attendance, call **(559) 366-1849** during Public Comments and/or Public Hearing and General Business items. Please note that there will be approximately a 20-second delay in broadcast for viewers. When calling in, mute device used for viewing the meeting.

City of Tulare YouTube Channel:

https://www.youtube.com/channel/UCdWZiv2o7do1JY0OvGe1_aw/videos



Documents related to items on the agenda are accessible on the City's website at www.tulare.ca.gov and available for viewing at the entrance of the Council Chamber.

Rules for Addressing Council

- Members of the public may address the City Council on matters within the jurisdiction of the City of Tulare.
- If you wish to address Council, please complete one of the yellow speaker cards located at the entrance to the Council Chamber and provide to the Clerk.
- Persons wishing to address Council concerning an **agendized** item will be invited to address the Council during the time that Council is considering that agenda item. Persons wishing to address Council concerning a **non-agendized** issue will be invited to address Council during the Public Comments portion of the meeting.
- When invited by the mayor to speak, please step up to the podium, state your name and city of residence, and make your comments. Comments are limited to three minutes per speaker.

Americans with Disabilities Act

Pursuant to the Americans with Disabilities Act, persons with a disability who require a disability-related modification or accommodation in order to participate in a meeting, including auxiliary aids or services, may request such modification from the City Clerk's Office at (559) 684-4200. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to the meeting.

1. **CALL TO ORDER**
2. **PLEDGE OF ALLEGIANCE AND INVOCATION** - Susan Henard, Pastor of River Valley Church, to deliver invocation.
3. **PUBLIC COMMENTS** - This is the time for the public to comment on matters within the jurisdiction of the Tulare City Council that are not on the agenda. The Council asks that comments are kept brief and positive. The Council cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public 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 Public Hearing or General Business items will be heard at the time those items are discussed. In fairness to all who wish to speak, each speaker will be allowed three minutes with a maximum time of fifteen minutes per item unless otherwise extended by Council. Please begin your comments by stating your name and providing your city of residence.
4. **PRESENTATIONS**
 - 4.1 **Community Choice Aggregation (CCAC) Presentation by Rob England**
5. **COMMUNICATIONS** - Communications are to be submitted to the City Manager's Office ten 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 meeting.
6. **COUNCIL REPORTS AND ITEMS OF INTEREST**
7. **CONSENT CALENDAR** - All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.
 - 7.1 **Waive the reading of ordinances and approve reading by title only.**
Recommended Action: Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.
 - 7.2 **Minutes of the Regular and/or Special Meeting on 2/6/2024.**
Recommended Action: Approve as submitted. [M. Hermann]
 - 7.3 **Final Map Acceptance – Wild Oak Subdivision.**
Recommended Action: Approve the final map and subdivision improvement agreement for the Wild Oaks subdivision for recordation, and accept all easements and dedications offered to the City. [M. Miller]
 - 7.4 **Oakcrest Subdivision Phase 2 Notice of Completion.**
Recommended Action: Accept the required public works improvements for Phase 2 of the Oakcrest subdivision located on the north side of Tulare Avenue ½-mile west of West Street as complete, authorize the City Engineer to sign a Notice of Completion (NOC), and direct the City Clerk to file the NOC with the Tulare County Recorder's Office. [M. Miller]

7.5 Notice of Completion for Project EN0094 - Sycamore and San Joaquin Improvements.

Recommended Action: Accept as complete the contract with Floyd Johnston Construction Co., Inc. of Clovis Ca, for Project EN0094 – Sycamore and San Joaquin Improvements. [M. Miller]

7.6 Monthly Investments Report.

Recommended Action: Accept the monthly investments report for December 2023. [M. Gaboardi]

8. GENERAL BUSINESS - Comments related to General Business items are limited to three minutes per speaker, for a maximum of thirty minutes per item, unless otherwise extended by the Council.

8.1 Closure of Portion of Sonora Avenue to Vehicular Traffic.

Recommended Action: Approve a resolution authorizing the temporary closure of a portion of Sonora Avenue between Sacramento Street and Howard Street for the protection of persons attending Mulcahy Middle School and Roosevelt Elementary School. [J. McDonnell]

9. FUTURE AGENDA ITEMS - NONE SUBMITTED

10. STAFF UPDATES

11. RECESS TO CLOSED SESSION TO DISCUSS THE FOLLOWING

11.1 Conference with Real Property Negotiations (Gov. Code § 54956.8)

Property: APN 164-130-005

Agency Negotiation: Mario Zamora, Marc Mondell, Michael Miller

Negotiating Parties: Jesus Ramirez, Ian Brady

Under Negotiation: Price and terms of payment

12. RECONVENE FROM CLOSED SESSION

13. CLOSED SESSION REPORT

14. ADJOURNMENT

The next regularly scheduled meeting of the Tulare City Council is Tuesday, March 5, 2024, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.

AFFIDAVIT OF POSTING AGENDA

I hereby certify, in conformance with Government Code Sections 54954.2 and 54956, this agenda was posted in the kiosk at the front of City Hall, 411 E. Kern Avenue, as well as on the City of Tulare’s website (www.tulare.ca.gov).

POSTED: Thursday, February 15, 2024



Melissa Hermann, Chief Deputy City Clerk



To: Mayor and City Council Members
From: Marc Mondell, City Manager
Subject: February 20, 2024 Agenda Memo
Date: February 15, 2024

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. Items may be heard before or after the time estimated on the agenda. This may occur to best manage the time at a meeting or to adapt to the participation of the public.

7:00 p.m. - REGULAR MEETING

- 1. CALL TO ORDER**
- 2. PLEDGE OF ALLEGIANCE AND INVOCATION** - Susan Henard, Pastor of River Valley Church, to deliver invocation.
- 3. PUBLIC COMMENTS** - This is the time for the public to comment on matters within the jurisdiction of the Tulare City Council that are not on the agenda. The Council asks that comments are kept brief and positive. The Council cannot legally discuss or take official action on request items that are introduced tonight. This is also the time for the public 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 Public Hearing or General Business items will be heard at the time those items are discussed. In fairness to all who wish to speak, each speaker will be allowed three minutes with a maximum time of fifteen minutes per item unless otherwise extended by Council. Please begin your comments by stating your name and providing your city of residence. [Time Estimate: 7:05-7:20 p.m.]
- 4. PRESENTATIONS** [Time Estimate: 7:20-7:40 p.m.]
 - 4.1 Community Choice Aggregation (CCAC) Presentation by Rob England**
- 5. COMMUNICATIONS** - Communications are to be submitted to the City Manager's Office ten 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. Public comments will be limited to three minutes per topic unless otherwise extended by Council. [Time Estimate: 7:40-7:40 p.m.]
- 6. COUNCIL REPORTS AND ITEMS OF INTEREST** [Time Estimate: 7:40-7:45 p.m.]

7. **CONSENT CALENDAR** - All Consent Calendar items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion. [Time Estimate: 7:45-7:55 p.m.]

7.1 **Waive the reading of ordinances and approve reading by title only.**

Recommended Action: Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

7.2 **Minutes of the Regular and/or Special Meeting on February 6, 2024.**

Recommended Action: Approve as submitted. [M. Hermann]

7.3 **Final Map Acceptance – Wild Oak Subdivision.**

Recommended Action: Approve the final map and subdivision improvement agreement for the Wild Oaks subdivision for recordation, and accept all easements and dedications offered to the City. [M. Miller]

Summary: Planning Commission Resolution No. 5442 adopted on November 28, 2022, and Planning Commission Resolution No.5443 adopted on November 28, 2022, approved the tentative subdivision map for the Wild Oaks subdivision located on the south side of Pleasant Avenue between Alpha and La Dawna Streets alignment. The overall subdivision comprises approximately 10.44 acres. The Wild Oaks subdivision will create 83 single-family residential lots, a park, and associated landscape and lighting district lots.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: The final map will be reviewed for compliance with applicable legal requirements before recordation.

Alternative Action: 1) Approve with changes - Changes would result in a delay to the project schedule; 2) Deny - Construction of the proposed single-family residential construction project would not be permitted; or 3) Table - The delay resulting from tabling this item could adversely impact the Developer's construction schedule.

7.4 **Oakcrest Subdivision Phase 2 Notice of Completion.**

Recommended Action: Accept the required public works improvements for Phase 2 of the Oakcrest subdivision located on the north side of Tulare Avenue ½-mile west of West Street as complete, authorize the City Engineer to sign a Notice of Completion (NOC), and direct the City Clerk to file the NOC with the Tulare County Recorder's Office. [M. Miller]

Summary: On July 18, 2023, City Council conditionally approved the final map for Phase 2 of the Oakcrest subdivision, which created 95 single-family residential lots as shown in the attached exhibit. The overall subdivision comprises approximately 46 acres and consists of 206 lots.

The Subdivider, D.R. Horton CA3, Inc., a Delaware Corporation, has completed construction of all required public works improvements for Phase 2 of the Oakcrest subdivision in accordance with approved plans and specifications.

Fiscal Impact & Funding Source(s): N/A

Legal Review: The City's standard Notice of Completion format has been reviewed and approved as to form by the City Attorney.

Alternative Action: 1) Approve with changes - No impact; 2) Deny - Not approving the NOC would prevent residents from occupying their recently purchased homes; or 3) Table - A delay in the City accepting the improvements would prevent residents from occupying their recently purchased homes.

7.5 Notice of Completion for Project EN0094 - Sycamore and San Joaquin Improvements.

Recommended Action: Accept as complete the contract with Floyd Johnston Construction Co., Inc. of Clovis Ca, for Project EN0094 – Sycamore and San Joaquin Improvements. [M. Miller]

Summary: Capital Improvement Program Project EN0094 is a street and utility improvement project on the following street segments:

- King Avenue between O Street and Cherry Street,
- Sycamore Avenue between Cherry Street and Blackstone Street,
- San Joaquin Avenue between O Street and Blackstone Street,
- Madden Street between Tulare Avenue and King Street,
- Delwood Street between Sycamore Avenue and San Joaquin Avenue, and
- Highland Street between Tulare Avenue and Sycamore Avenue.

The project reconstructed the street section and included ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fell within the project limits. Additionally, it addressed 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 a review of the condition of the City's utility infrastructure. This project was included as a part of the City's 2021-2026 transportation and utility CIP budget.

On April 19, 2022, the City Council awarded a contract to Floyd Johnston Construction of Clovis Ca, in the amount of \$6,652,485.50. Additional work was performed consisting of changes requested by Engineering, Streets, Water and Sewer Departments due to unforeseen and differing field conditions encountered during construction. This included replacement of additional driveways, curb and gutter, additional hot mix asphalt, and aesthetic improvements found to be in the best interest of the City. A summary of contract costs as follows:

Approved Contract Amount:	\$6,652,485.50
Bid Item Quantity Adjustments:	\$ -199,063.76

Contract Change Orders – Various:	\$104,333.93
Total Construction Contract Cost:	\$6,550,620.17

All work required of Floyd Johnston Construction under this contract has been completed in accordance with the approved plans and specifications. The contractor has also provided the required Maintenance Bond in the amount equal to 10% of the final contract amount.

Fiscal Impact & Funding Source(s): This project was funded through a combination of Gas Tax, Water, Sewer and Surface Water funds.

EN0094
Fund 122 - Gas Tax (RMRA-SB1)
Fund 021 - Measure R-Local
Fund 077 - CDBG
Fund 610 - Water CIP (Bonds)
Fund 615 - Sewer Wastewater CIP
Fund 647 – Surface Water CIP

Legal Review: Not applicable.

Alternative Action: 1) Approve with changes; 2) Deny - Should Council deny the request to accept as complete the contract with Floyd Johnston Construction at this time, it would prevent the City from filing a notice of completion with the County Recorder's Office and releasing payment of the retention amount owed \$330,374.83 to the Contractor. The start of the 1-year maintenance bond on the project would be postponed, increasing liability to the contractor. Without specific written findings of justification for denial, this action could open the City up to litigation; or 3) Table - The postponement of filing the notice of completion after final acceptance of the project requirements, may result in the City owing the Contractors interest on monies withheld. Postponement of notice of completion ties up the Contractors bonding capacity preventing them from bidding on alternate projects. Causing such delay to the contractor could open the City up to litigation for damages.

7.6 Monthly Investments Report.

Recommended Action: Accept the monthly investments report for December 2023. [M. Gaboardi]

Summary: The investment report for December 2023 is submitted for Council review and acceptance.

Fiscal Impact & Funding Source(s): There is no fiscal impact associated with this action.

Legal Review: This item does not require legal review.

Alternative Action: 1) Approve with changes; 2) Deny; or 3) Table.

8. **GENERAL BUSINESS** - Comments related to General Business items are limited to three minutes per speaker, for a maximum of thirty minutes per item, unless otherwise extended by the Council. [Time Estimate: 7:55-8:15 p.m.]

8.1 **Closure of Portion of Sonora Avenue to Vehicular Traffic.**

Recommended Action: Approve a resolution authorizing the temporary closure of a portion of Sonora Avenue between Sacramento Street and Howard Street for the protection of persons attending Mulcahy Middle School and Roosevelt Elementary School. [J. McDonnell]

Summary: The Tulare City School District (District) is undertaking a series of multi-year improvement projects at both Mulcahy Middle School and Roosevelt Elementary School. Currently, children from these schools, located immediately across the street from each other, are crossing Sonora Avenue between the facilities on a daily basis for educational purposes.

In an effort to increase the protection of persons attending the two schools, the District has requested that the City consider closing Sonora Avenue to vehicular traffic during school hours when school is in session. They propose to establish a temporary closure operation similar to that of Tulare Union High School along Kern Avenue. As is the case with Tulare Union's temporary closure activities, the District would assume responsibility for acquiring and operating the associated temporary closure signs and paraphernalia, the content and type of which would be subject to review and approval of the City Engineer.

City staff, including Public Works and Police Department personnel as well as the City Engineer, have reviewed the District's request and agree that the temporary closure plan would result in a safer environment for school children attending Mulcahy and Roosevelt schools. In addition, staff confirmed that adjacent streets to the north (Inyo) and south (Elm) are sufficiently sized to accommodate any additional traffic stemming from the temporary closure of Sonora during school hours.

The temporary closure would affect vehicular access to two residences on Sonora; however, the City Engineer has worked with District staff to identify signs and barriers that could be utilized in a manner during temporary closures that would allow for continued vehicular access during closures. Similarly, the temporary closure would require a change to child drop-off and pick-up locations; however, the District has provided a plan to the City Engineer for the delineation of new areas for drop-off and pick-up that were found to be acceptable.

Given the daily pedestrian traffic occurring between Mulcahy and Roosevelt schools, the added pedestrian safety that would result from the temporary closure, the ability of adjacent streets to accommodate the minimal additional traffic, and the negligible cost to the City for operating and maintaining the temporary closure, staff recommends approval of the District's proposal to temporarily close Sonora Avenue between Mulcahy and Roosevelt schools during school hours.

Fiscal Impact & Funding Source(s): No impact. The District will assume the responsibility for acquisition, operation, and maintenance of all signage and barriers

associated with the temporary closure of Sonora Avenue at this location during school hours.

Legal Review: Not applicable.

Alternative Action: 1) Approve with changes - Direct staff to discuss alternatives for sign and barrier location as well as acquisition, operation, and maintenance of said material; 2) Deny - Do not move forward with allowing the temporary closure of Sonora Avenue in this location; or 3) Table - Direct staff to research additional material associated with temporary street closures and return to Council at a later date.

9. FUTURE AGENDA ITEMS - NONE SUBMITTED [Time Estimate: 8:15-8:15 p.m.]

10. STAFF UPDATES [Time Estimate: 8:15-8:20 p.m.]

11. RECESS TO CLOSED SESSION TO DISCUSS THE FOLLOWING [Time Estimate: 8:20-8:40 p.m.]

11.1 Conference with Real Property Negotiations (Gov. Code § 54956.8)

Property: APN 164-130-005

Agency Negotiation: Mario Zamora, Marc Mondell, Michael Miller

Negotiating Parties: Jesus Ramirez, Ian Brady

Under Negotiation: Price and terms of payment

12. RECONVENE FROM CLOSED SESSION

13. CLOSED SESSION REPORT

14. ADJOURNMENT

The next regularly scheduled meeting of the Tulare City Council is Tuesday, March 5, 2024, at 7:00 p.m. in the Council Chamber, 491 North M Street, Tulare.

**CITY OF TULARE
CITY COUNCIL MEETING MINUTES**

**Tulare Public Library & Council Chamber
491 North M Street, Tulare**

**Tuesday, February 6, 2024
7:00 p.m. - Regular Meeting**

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

STAFF PRESENT: City Manager Marc Mondell; City Attorney Mario U. Zamora; Chief Deputy City Clerk Melissa Hermann; Assistant City Manager Josh McDonnell; Assistant Finance Director Melanie Gaboardi; City Engineer Michael Miller; Public Works Director Trisha Whitfield; Community Services Director Jason Glick; Police Chief Fred Ynclan; Fire Chief Michael Ott; Human Resources Director Shonna Oneal; Community Development Director Mario Anaya; Executive Director of Economic Development and Redevelopment Traci Myers; Chief Technology Officer Jason Bowling; Safety, Compliance & Facilities Officer Manny Correa

Proper notice of this meeting was given pursuant to Government Code Section 54954.2 and 54956.

1. CALL TO ORDER

Mayor Sayre called the regular meeting of the City Council to order at 7:03 p.m. in the Council Chamber located at 491 North M Street.

2. PLEDGE OF ALLEGIANCE AND INVOCATION

Vice Mayor Isherwood led the Pledge of Allegiance, and an invocation was given by Steve Duyst, Pastor of Tulare Community Church.

A moment of silence was held in honor of retired Fire Chief Al Miller who recently passed.

3. PROCLAMATIONS & RECOGNITIONS

3.1 Proclamation for Black History Month, February 2024. Councilmember Sigala read the proclamation for Black History Month.

4. PUBLIC COMMENTS

Ahead of receiving public comment, City Manager Marc Mondell provided information in regard to FPA Women's Health opening a health clinic in a medical office on Cherry Avenue. Mr. Mondell read into the record a letter received by FPA Women's Health in regard to services provided at the clinic which, according to the letter, does not include surgical abortions.

The following provided public comment: Steve Celentano regarding speeding on Lynora between Hillman and Chapman as well as following up on his request for crosswalks on Cross at Coelho; Shantel Magana, Aida Maynes, Tom Evans, Terry Hacobian, Helene Oliver, Lia Silva, Gary Hunt, Diane Sellers, Philip Pierschbacher, Dayna Holmes, Aaron Talbot, Joe Iniguez, Sue Jackson, Cindee TenBroeck, and Jimmy Malloy spoke out against abortion services being provided in Tulare; Crystal Reynolds addressed the Council regarding the ongoing issue at her place of business with transients causing property damage and leaving trash, feces, and drug paraphernalia around the perimeter of her dance studio as well as customer vehicles being vandalized; and Anna Ferreira regarding the lack of attention from the Police Department on a recent personal issue as displayed by the minimal information provided in the police report and lack of communication.

5. COMMUNICATIONS

City Manager Marc Mondell advised there were no communications.

6. COUNCIL REPORTS AND ITEMS OF INTEREST

Council reported out on recent events and discussed items of interest.

7. CONSENT CALENDAR

Item 7.8 was removed from the Consent Calendar by Council.

It was moved by Councilmember Sigala, seconded by Councilmember Harrell, and unanimously carried to approve the items on the Consent Calendar as presented except for item 7.8.

7.1 Waive the reading of ordinances and approve reading by title only.

Recommended Action: Approve the reading by title only of all ordinances and that further reading of such ordinances be waived.

7.2 Minutes of the Regular and/or Special Meeting on January 16, 2024.

Recommended Action: Approve as submitted. [M. Hermann]

7.3 Minutes of the Special Meeting on January 26, 2024.

Recommended Action: Approve as submitted. [M. Hermann]

7.4 Handbook for Council-Appointed Bodies Update.

Recommended Action: Adopt a resolution revising the Handbook for Council-Appointed Bodies (Boards, Commissions, and Committees) to update the regular meeting dates for the Aviation Committee from recurring quarterly to monthly on the fourth Monday of each month at 6 p.m. [M. Hermann]

7.5 Amendment to the City's Non-Utility Position Control Budget.

Recommended Action: Adopt a resolution amending the City's Non-Utility Position Control Budget (PCB) to revise the salary range for the position of Chief Financial Officer. [S. Oneal]

- 7.6 Contract Approval for Project EN0102 – South K Street Improvements.**
Recommended Action: Authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$440,555 for topographic surveying, geotechnical analysis, design, bidding and construction support services for Project EN0102 (formerly EN2016-12), a pavement management system project on South K Street between the Olson Avenue alignment and Paige Avenue; authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$44,056) of the contract award amount; and approve the project scope and budget. [M. Miller]
- 7.7 Renewal of Fresno City College Instructional Service Agreement.**
Recommended Action: Authorize the City Manager or designee to renew the Fresno City College Instructional Service Agreement with the City of Tulare Fire Department effective May 1, 2024 through April 30, 2029. [M. Ott]
- 7.9 Conditional Acceptance of Revised Tentative Parcel Map No. 2022-06 for the Fulton Estates Development.**
Recommended Action: Subject to receipt of the signed parcel map, all fees, and other required items prior to April 6, 2024, conditionally approve revised tentative parcel map No. 2022-06 for the Fulton Estates development project, accept all easements offered thereon to the City, and conditionally reject, until later accepted by a separate resolution of the City Council, irrevocable offers of dedication to the City for Oakmore Street (Road 124) and Tulare Avenue (S.R. 137). [M. Miller]
- 7.10 Corvina Avenue and Retherford Street Improvements Preliminary Oversize Agreement.**
Recommended Action: Authorize the City Manager to execute a preliminary oversize construction reimbursement agreement with Summit Homebuilders, Inc., a California Corporation, for construction costs associated with The Villas at Sierra Ranch residential development that are eligible for reimbursement in accordance with Chapter 8.64 of the Municipal Code, subject only to minor conforming and clarifying changes acceptable to the City Attorney and City Manager. [M. Miller]
- 7.11 Final Map Acceptance for KCOK 5 & 9.**
Recommended Action: Approve the final map and subdivision improvement agreement for Phase 5 and Phase 9 of the KCOK subdivision for recordation, and accept all easements and dedications offered to the City. [M. Miller]

PULLED CONSENT CALENDAR ITEMS

- 7.8 Cycle Park Lease Extension.**
Recommended Action: Approve a five-year lease agreement extension with the Temmerman Corp Inc. for the operation of the Tulare Cycle Park; and authorize the City Manager to execute all necessary documents on behalf of the City. [M. Correa]
Council Action: Councilmember Mederos pulled this item to clarify the percentage of increase in the annual rental rate as the agreement states both three and five percent. Staff confirmed it was five percent. Mr. Mederos also

raised concern over the liability insurance amount stating it isn't sufficient. Staff advised they will consult with the Risk Management Agency regarding the appropriate amount and work with the lessee to incorporate the recommended amount into the contract. If the lessee is unwilling to meet the recommended amount, staff will bring an item back to Council for discussion. It was moved by Councilmember Mederos, seconded by Vice Mayor Isherwood, and unanimously carried to approve the item subject to the revisions as discussed.

8. PUBLIC HEARINGS

8.1 Substantial Amendment to Fiscal Year 2023 Action Plan.

Recommended Action: Adopt resolution as presented to reallocate \$100,000 of Community Development Block Grant funds from Public Infrastructure activity to Affordable Housing activity, reprogram unutilized funds to activities under the Fiscal Year 2024 Action Plan, and modify the scope of work of a public service activity.

Presented By: Housing & Grants Specialist Gladys Avitia

Public Comment: The public hearing was opened at 8:42 p.m. Receiving no public comment, the public hearing was closed at 8:42 p.m.

Council Action: It was moved by Councilmember Sigala, seconded by Councilmember Mederos, and unanimously carried to approve the item as presented.

8.2 Economic Development Subsidy Term Sheet with Cartmill Commons, LLC.

Recommended Action: Approve an Economic Development Subsidy Term Sheet setting forth the terms and conditions of the City's rebate of Local Sales Tax to Cartmill Commons, LLC for installation of required infrastructure to serve development on 22 acres of vacant property located at the southeast corner of Highway 99 and Cartmill Avenue; authorize the City Manager to execute an agreement upon City Attorney approval, incorporating the terms and conditions set forth in the Economic Development Subsidy Term Sheet presented for Council's approval; and authorize the City Manager, or designee, to take such other actions and execution of other documents as may be necessary to implement the agreement.

Presented By: Executive Director of Economic Development & Redevelopment Traci Myers; City Manager Marc Mondell

Public Comment: The public hearing was opened at 8:51 p.m. Receiving no public comment, the public hearing was closed at 8:51 p.m.

Council Action: It was moved by Councilmember Mederos, seconded by Councilmember Sigala, and unanimously carried to approve the item as presented.

8.3 Economic Development Subsidy Term Sheet with UG2 Tulare CA, LP.

Recommended Action: Approve an Economic Development Subsidy Term Sheet setting forth the terms and conditions of the City's rebate of Local Sales Tax to UG2 Tulare CA, LP for installation of required infrastructure to serve development on 22 acres of vacant property located at the southeast corner of Highway 99 and Cartmill Avenue; authorize the City Manager to execute an agreement upon City Attorney approval, incorporating the terms and conditions set forth in the Economic Development Subsidy Term Sheet presented for

Council's approval; and authorize the City Manager, or designee, to take such other actions and execution of other documents as may be necessary to implement the agreement.

Presented By: Executive Director of Economic Development & Redevelopment Traci Myers; City Manager Marc Mondell

Public Comment: The public hearing was opened at 8:54 p.m. Receiving no public comment, the public hearing was closed at 8:54 p.m.

Council Action: It was moved by Councilmember Sigala, seconded by Councilmember Mederos, and unanimously carried to approve the item as presented.

9. FUTURE AGENDA ITEMS - NONE SUBMITTED

10. STAFF UPDATES

Staff provided updates on department activities.

11. ADJOURNMENT

The regular meeting was adjourned at 9:09 p.m.

Approved by Council: February 20, 2024

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk



Staff Report

Meeting: City Council

Date: February 20, 2024

Item #: 7.3
Consent

Department: Engineering Services - Engineering
Submitted by: Michael Miller, City Engineer
Agenda Title: Final Map Acceptance – Wild Oak Subdivision

RECOMMENDED ACTION

Approve the final map and subdivision improvement agreement for the Wild Oaks subdivision for recordation, and accept all easements and dedications offered to the City.

SUMMARY

Planning Commission Resolution No. 5442 adopted on November 28, 2022, and Planning Commission Resolution No. 5443 adopted on November 28, 2022, approved the tentative subdivision map for the Wild Oaks subdivision located on the south side of Pleasant Avenue between Alpha and La Dawna Streets alignment. The overall subdivision comprises approximately 10.44 acres. The Wild Oaks subdivision will create 83 single-family residential lots, a park, and associated landscape and lighting district lots.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

The final map will be reviewed for compliance with applicable legal requirements before recordation.

ALTERNATIVE ACTION

1. Approve with changes – Changes would result in a delay to the project schedule.
2. Deny – Construction of the proposed single-family residential construction project would not be permitted.
3. Table – The delay resulting from tabling this item could adversely impact the Developer's construction schedule.

ATTACHMENTS

1. A copy of the Planning Commission Resolution No. 5443
2. A copy of the Planning Commission Resolution No. 5442
3. Wild Oaks Subdivision Agreement
4. Wild Oaks Final Map

Reviewed/Approved: 

RESOLUTION NO. 5443

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
RECOMMENDING APPROVAL OF GENERAL PLAN AMENDMENT NO. 2022-02,
ZONE AMENDMENT NO. 749 AND ADOPTION OF THE INITIAL STUDY /
MITIGATED NEGATIVE DECLARATION PREPARED FOR THE WILD OAKS
SUBDIVISION TO THE CITY COUNCIL FOR ADOPTION**

WHEREAS, the City of Tulare Planning Commission at a regular meeting on November 28, 2022, held a public hearing, received public testimony and considered a request by DR Horton to amend the General Plan to change the existing land use designation on approximately 10.44-acres from High Density Residential to Medium Density Residential. The request also includes amendment of the existing zoning designation from RM-4 (Multi-Family Residential to the R-1-4 (Small-lot Residential) zoning designation. The subject property is located on the south side of Pleasant Avenue between Alpha and La Dawna Streets (APN 168-020-003); and

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendments are in the public interest; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed amendments are consistent and compatible with the general plan and implementation programs which may be affected; and

WHEREAS, the City of Tulare Planning Commission determined the proposed action will promote the goals and objectives of the Zoning Title as prescribed in Section 10.04.020 of the Tulare City Code; and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed request will not be detrimental to the public health, safety, and welfare or be materially injurious to properties or improvements in the vicinity; and,

WHEREAS, an Initial Study was prepared and found that although the proposed project could have a significant effect on the environment, there will not be a significant environmental impact with the incorporation of mitigation measures; and

NOW, THEREFORE, BE IT RESOLVED by the City of Tulare Planning Commission that the Mitigated Negative Declaration prepared for General Plan Amendment No. 2022-02, Zone Amendment No. 749, Conditional Use Permit No. 2022-17 and Tentative Subdivision No. 2022-23 – Wild Oaks is hereby recommended to the City Council for adoption.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that General Plan Amendment No. 2022-02 is hereby recommended to the City Council for adoption.

BE IT FURTHER RESOLVED by the City of Tulare Planning Commission that Zone Amendment Application No. 749 is hereby recommended to the City Council for adoption.

PASSED, APPROVED AND ADOPTED this twenty-eighth day of November, 2022 by the following recorded vote:

AYES: Unias, Petersen, Miller, Miguel

NOES: Ø

ABSENT: Ø

ABSTAIN: Ø



CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission

ATTEST:



MARIO ANAYA, SECRETARY
City of Tulare Planning Commission

RESOLUTION NO. 5442

**A RESOLUTION OF THE CITY OF TULARE PLANNING COMMISSION
APPROVING TENTATIVE SUBDIVISION MAP 2022-23- WILD OAKS AND
CONDITIONAL USE PERMIT 2022-17**

WHEREAS, the City of Tulare Planning Commission held a regular meeting on November 28, 2022 to consider a request by DR Horton to subdivide approximately 10.44 acres into a 83-lot single family residential subdivision on property located on the south side of Pleasant Avenue between Alpha and La Dawna Streets (APN 168-020-003); and,

WHEREAS, the City of Tulare Planning Commission determined that the proposed subdivision map is consistent with applicable Tulare General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that the design or improvements of the proposed subdivision are consistent with the Tulare General Plan; and,

WHEREAS, the City of Tulare Planning Commission determined that the site is physically suitable for the type of development proposed; and,

WHEREAS, the City of Tulare Planning Commission determined that the site is physically suitable for the proposed density of the development; and

WHEREAS, the City of Tulare Planning Commission determined that the design of the subdivision or the type of improvements are not likely to cause substantial environmental damage or substantial and avoidable injury to fish or wildlife or their habitat; and,

WHEREAS, the City of Tulare Planning Commission determined that the design of the proposed subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of the property within the proposed subdivision; and,

WHEREAS, an Initial Study was prepared and found that although the proposed project could have a significant effect on the environment, there will not be a significant environmental impact with the incorporation of mitigation measures; and,

WHEREAS, the City of Tulare Planning Commission determined that a Mitigated Negative Declaration has been prepared in accordance with the California Environmental Quality Act; and,

WHEREAS, the City of Tulare Planning Commission considered the proposed Mitigated Negative Declaration and finds that there is no substantial evidence that the project will have a significant effect on the environment with mitigation measures incorporated; and,

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission of the City of Tulare makes the following specific findings based on the evidence presented:

1. That the proposed location of the Tentative Subdivision Map is consistent with the policies and intent of the General Plan, Zoning Ordinance, and Subdivision Ordinance.
2. That the proposed location of the Tentative Subdivision Map and the conditions under which it would be built or maintained will not be detrimental to the public health, or welfare, or materially injurious to properties or improvements in the vicinity.
3. That the proposed Tentative Subdivision Map will be in keeping with existing and future land uses on the site.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Planning Commission of the City of Tulare makes the additional following specific findings based on the evidence presented:

- 1) That the proposed location of the project is in accordance with the objectives of the Zoning Title and the purposes of the District in which the site is located.
- 2) That the proposed location of the use and the conditions under which it would operate or be maintained will not be detrimental to the public health, safety, welfare or be materially injurious to properties or improvements in the vicinity.
- 3) That the proposed conditional use will comply with each of the provisions of the Zoning Title;
- 4) That the proposed use is consistent with the Tulare General Plan;
- 5) That the site for the proposed use is adequate in size, shape and location to accommodate the use the district for which it is proposed;

BE IT FURTHER RESOLVED, that the Planning Commission hereby approves Tentative Subdivision Map 2022-23 (Wild Oaks) and Conditional Use Permit No. 2022-17, subject to the following:

- 1) Final subdivision map proposed to be recorded shall be in substantial conformance with the approved tentative map.

- 2) Applicant to comply with all mitigation measures within the Initial Study/Mitigated Negative Declaration prepared for the project, which are hereby incorporated as Conditions of Approval.
- 3) Applicant shall comply with Engineering, Fire Department, Parks and Solid Waste Division comments/conditions (Attachments IX, X, XI, and, XII).
- 4) Adequate permanent or temporary fire protection facilities as approved by the Fire Chief, shall be installed prior to the issuance of any building permits and prior to the storage of combustible materials on site.
- 5) Final acceptance of the tract shall be contingent upon the subdividers' providing within and/or outside the tract, drainage disposal facilities, as required to receive drainage and dispose for drainage and storm waters from this tract. Said facilities shall be subject to the approval of the Public Works/Engineering Department.
- 6) Prior to the recording of a final map, a landscape maintenance district, community facilities district, homeowner's association or other entity acceptable to the City Engineer shall be established for the ongoing maintenance of public improvements within the subdivision such as parks, landscaping, block walls, outlots, streets and sidewalks.
- 7) Applicant shall submit four copies of a landscape and irrigation plan consistent with the City's landscape ordinance.
- 8) Final subdivision map shall depict all easements.
- 9) The applicant shall comply with the requirements of the Public Works Director and City Engineer regarding sewage disposal and water supply facilities.
- 10) All lots shall meet the provisions of the applicable zoning district.
- 11) Street names shall be consistent with street names approved by the Street Naming Committee, and approved by the Community & Economic Development Director.
- 12) Applicant to record a "Right to Farm" notice on final map.
- 13) A 7-foot block wall with backing lot treatment is required along Pleasant Avenue. Final block wall design is subject to the Community & Economic Development Director's approval.
- 14) Applicant to comply with San Joaquin Valley Air Pollution Control District regulations regarding dust control during construction.

- 15) Applicant to comply with San Joaquin Valley Air Pollution Control District Rule 9510 for the final map.
- 16) Recording of the final map is subject to City Council approval of General Plan Amendment No. 2022-02 and Zone Amendment No. 749.
- 17) Applicant to provide and locate mailbox clusters as approved by the U.S. Postmaster, Tulare.
- 18) The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, beings as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later changing such exactions.
- 19) Applicant to provide a retaining wall wherever adjacent lot grades exceed six inches.

Engineering:

The Engineering Division recommends the following Site Plan Review Status for the subject project:

- Resubmit with the following required revisions to the site plan:
- Proceed and comply with Engineering Conditions of Approval checked below.
1. All streets and alleys within the subdivision are to be private street and alleys.
 2. Lots 1 - 21, 60, 61, 81, and 82 will be required to bring their trashcans out to the main street within the subdivision for service. Trash trucks will not drive down stubbed alleys.
 3. Per City Ordinance, private streets will need to be configured as close to City Standards as possible. An exception for all deviations from City Standards will need to be identified as part of the Conditional Use process.
 4. Prior to the recording of a final map, a landscape maintenance district, community facilities district, homeowner's association or other entity

acceptable to the City Engineer shall be established for the ongoing maintenance of public improvements within the subdivision such as parks, landscaping, block walls, outlots, streets and sidewalks.

Proceed. No applicable Engineering Conditions of Approval.

General Engineering Conditions:

- All public improvements conditionally required for project approval shall comply with the provisions of Chapter 8.24 “Subdivision Regulations” of the Tulare Municipal Code, the “City of Tulare Design Guidelines and Public Improvement Standards”, and all other applicable City policies, specifications, ordinances and standard operating procedures in effect at the time of their construction, unless specifically modified elsewhere in these conditions. These engineering conditions are intended to deal with major issues apparent to the Engineering Division while reviewing this development proposal. Nothing in these conditions precludes the City Engineer from applying other conditions/modifications necessary for good design, operation, and maintenance of existing and future City facilities, as might become apparent during design review and/or construction.
- All required engineering plans and calculations shall be prepared by a registered civil engineer. Any elevations shown on plans required for the subject development shall be based on the official City of Tulare datum. The Engineer shall provide three (3) copies of each improvement plan set submitted to the City of Tulare for checking. All public improvements shall be on 24” x 36” sheets, in a plan/profile format at a scale of 1”=50’ or larger. Private on-site improvements may be plan-view only format, and may be on sheet sizes consistent with the rest of the on-site construction plans.
- Following approval of the improvement plans, the Developer’s Engineer shall provide the City of Tulare with an AutoCAD drawing file of the approved plans. This shall be done prior to scheduling any pre-construction conferences or commencing construction of any improvements. Following the recordation of a Notice of Completion for the project, the Developer’s Engineer shall provide the City of Tulare with an AutoCAD drawing file showing all As-Built revisions approved by the City and incorporated into the construction of the project improvements.
- Prior to the start of construction, a meeting will be called by the City Engineer with the Owner/Developer, Contractor and all concerned including utility companies to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City requirements are met. The Contractor shall perform no construction in the field until after this meeting.
- Applicant shall obtain a Street Closure Permit from the City. A traffic control plan prepared by a registered civil engineer, traffic engineer or traffic control specialist

shall be submitted with the Street Closure Permit application, and will be subject to the approval of the City Engineer prior to application approval.

Required Data, Studies and Master Plan Documents:

- The Owner/Developer shall submit a preliminary soils report for structural foundation, which shall be prepared by a Registered Civil Engineer based upon adequate soil test borings. Said report shall be submitted to the City Engineer or Chief Building Official.
- The Owner/Developer shall have the soils investigated and make recommendations as to the correct method of trench backfill for the soils encountered in the subdivision so as to assure 90% relative compaction between the select bedding around the pipe to within 2 feet of the subbase. The top 2 feet shall be compacted to 95% relative compaction. Compaction tests are required on all trenches and street subgrades. All soils testing shall be performed at the sole cost of the Owner/Developer. The Owner/Developer shall establish an account with a licensed and certified soil-testing firm acceptable to the City Engineer prior to the start of construction for compaction testing of trench backfill and fills. The City shall order and direct all compaction tests.
- R-Value tests shall be taken for the design of all pavement areas to be constructed by this project. The spacing of said R-Value tests shall not be more than 400 feet apart, per linear foot of paving.
- Percolation tests are required for the design of new drainage basin facilities, or the expansion of existing drainage basin facilities.
- Project trip generation data based upon the ITE Trip Generation Manual is required. A Transportation Impact Study identifying the project impacts and proposed mitigation measures may be required as a condition of project approval, and shall be subject to the approval of the City Engineer. Traffic impact studies shall conform to current CEQA “state of the practice” standards, the Caltrans “Guide For The Preparation of Traffic Impact Studies”, and City of Tulare General Plan requirements. Traffic impact studies shall address provisions for pedestrian, bicycle and transit access to the project. In evaluating project impacts to existing roadway facilities, traffic impact studies shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments (TCAG), and shall specifically address the project impacts and any appropriate mitigations to facilities identified by the City Engineer.
- A Transportation Impact Study (TIS) identifying the project impacts and proposed mitigation measures shall be submitted to the City for review, and shall be subject to the approval of the City Engineer. The TIS shall conform to current CEQA “state of the practice” standards, the Caltrans “Guide For The Preparation of Traffic Impact Studies”, and City of Tulare General Plan requirements. The TIS shall address

provisions for pedestrian, bicycle and transit access to the project. In evaluating the project's impact to existing roadway facilities, the TIS shall utilize the current transportation modeling forecasts provided by the Tulare County Association of Governments, and shall specifically address the project impacts and any appropriate mitigations to the following facilities:

1. Intersections, (including lane geometry and turn pocket lengths): _____

2. Roadway Segments: _____

3. Other: _____

4.

Compaction tests are required on all street subgrades, and at utility trench crossings of curb, gutter and sidewalk. All soil testing shall be performed at the sole cost of the Owner/Developer.

Master Plan drawings are needed for: Water, Sewer, Storm Drain, Streets

Right of Way Requirements

Any work to be done within the City street rights-of-way requires an encroachment permit issued by the Engineering Division, and shall be done under the inspection of the City Public Works Inspector. All contractors working within City street rights-of-way shall possess a valid City of Tulare business license. Separate encroachment permits are also required from the following agencies for work within their rights-of-way or on their facilities: County of Tulare: _____, State: _____, Tulare Irrigation District.

The following right-of-way dedications are required for street/alley purposes:

a. 20' property corner radius: _____

b. Chamfer property corner: _____

c. Alley: _____

d. Street: 2 feet of additional right-of-way dedication on Pleasant Avenue (total ROW on Pleasant Avenue should be 64 feet)

Waiver of direct access rights is required at the following locations: _____.

Easements will be required for all public utilities to be located outside of dedicated rights-of-way. Six-foot public utility easements are required along all street frontages, unless otherwise waived by the City Engineer. Additional easements may be required for ingress/egress, drainage, or shared trash enclosures.

Final Map Requirements

- Submit to the City of Tulare a title report for the parcel(s) to be developed.
- Submit closures and tabulation of areas (square feet) of all lots within the subdivision. A blue line area shall also be submitted.
- Provide the City of Tulare with three (3) prints of the final map of the subdivision, and three (3) prints of the improvement drawings for final checking.
- Following the approval of final subdivision or parcel maps, the Developer's Licensed Surveyor or Engineer shall provide the City of Tulare with an AutoCAD drawing file of the approved final map, or GIS shapefile for the related parcels included on said final map.
- A City Clerk's Certificate is required on the final map for required dedications.
- A Public Works Certificate required on the final map if improvements are not constructed prior to recordation. This provision would require an engineer's estimate and an improvement security.

Roadway Improvements

- Street design shall conform to City of Tulare Design Guidelines and Public Improvement Standards The structural section design for new roadways and pave-out areas shall be based upon the results of R-Value tests at locations approved by the City Engineer, and the design criteria provided below. Minimum structural sections allowed shall be per the City of Tulare Design Guidelines and Public Improvement Standards:

Roadway	Classification	Traffic Index	Paved Width (curb face to curb face)
a) Pleasant Avenue	Collector	6.5	44 feet
b) Eldridge Avenue (private)	Local	5.0	36 feet
c) Private Local Streets	Local	5.0	36 feet
d) Private Alley Street	Alley Street	5.0	25 feet

- Construct full pave-out width from lip of gutter to the existing edge of pavement on the following existing roadways impacted by the development is required: Pleasant Avenue.

- Reconstruct/rehabilitate the following existing roadway segments impacted by the development in accordance with methods to be approved by the City Engineer:
- Provide stabilized shoulders along the following existing roadway segments in accordance with the City of Tulare’s adopted PM-10 control guidelines: _____.
- Backing lot treatment with common area landscaping, irrigation and block wall improvements shall apply to the following frontages: Pleasant Avenue.
- Install median improvements per the requirements of the City Engineer within the following existing roadway segments impacted by the development: _____.
- Provide pavement transitions from existing roadway cross-sections to new roadway cross-sections per the requirements of the City Engineer at the following locations: _____.
- Curb and Gutter – Existing curb and gutter to remain shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels. New City Standard curb and gutter shall be constructed as indicated below.

Street Frontage(s)

Pleasant Avenue
 Eldridge Avenue (private)
 Private Local Street

Configuration

City Standard barrier curb
 City Standard barrier curb
 City Standard barrier curb

- Construct City standard cross gutter at the following locations: _____.
- Driveway Approaches – Existing driveway approaches to remain shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels. New City Standard driveway approaches shall be constructed as indicated below.

Street Frontage(s)

City Standard residential drive approach one per lot

Sidewalks – Existing sidewalk to remain shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, and cracked or raised concrete. New City Standard sidewalk shall be constructed as indicated below. For adjacent sidewalk pattern, sidewalk shall transition behind driveway approaches and maintain a minimum width of 4 feet while doing so.

<u>Street Frontage</u>	<u>Configuration</u>	<u>Sidewalk Width (ft)</u>
Pleasant Avenue	Parkway Strip	5 feet minimum
Eldridge Avenue (private)	Adjacent	5 feet
Private Local Street	Adjacent	5 feet

Ramped Curb Returns – Existing ramped curb returns to remain shall be subject to inspection by the City Public Works Inspector. As a condition of project approval, Owner/Developer shall be required to replace any existing improvements that are determined to be non-compliant with regard to current City standards, or to be otherwise defective. Examples of deficiencies include, but are not limited to, slopes that exceed accessibility standards, cracked or raised concrete, and lack of truncated dome panels. New City standard ramped curb returns and/or pedestrian ramps shall be installed as indicated below.

<u>Location</u>	<u>Configuration</u>
Pleasant Avenue and Private Local Street	20 foot Radius Direction City Standard Ramp
Eldridge Avenue (private) and Private Local Street	20 foot Radius Direction City Standard Ramp

- Alley Improvements** – The following alley improvements are required:
1. Construct vee gutter at the following locations: As shown on the approved plans.
 2. Construct ADA compliant alley approach at the following locations: As shown on the approved plans.
 3. Other: _____.

Street monuments – Street monuments shall be installed at locations as required by the City Engineer.

- Temporary Turnarounds – Turnarounds are required at all dead end or stubbed streets, except where refuse pickup on lot frontages does not require the refuse collection vehicle to back up. Grants of easement shall be provided to the City of Tulare for all temporary turnaround locations.
- Damage to Existing Street Improvements – If work by the Owner/Developer or his contractors render any existing City street to be in a condition unacceptable to the City Engineer, or his authorized representatives, said street must be restored to a condition as good as or better than before the development’s construction activities began. Said repair work must be completed within 2 weeks of the damage having occurred, or in accordance with a schedule authorized by the City Engineer. Thenceforth, the Owner/Developer shall maintain the street in its repaired state for the duration of the development’s construction activities.
- Street Lights – Street lights shall be owned and maintained by Southern California Edison, and shall be installed at locations designated by the City Engineer per the City of Tulare Design Guidelines and Public Improvement Standards. Luminaires shall be LED fixtures mounted on standard concrete marbelite poles, and shall comply with the following general requirements:

Roadway Classification	Wattage	Color Rating (kelvin)	Minimum Lumens	Mounting Height	Mast Arm Length
<u>Local Streets and alleys</u>	<u>31 Watt</u>	<u>4,000</u>	<u>4,000</u>	<u>26 feet</u>	<u>6 foot</u>
<u>Collector Streets – Pleasant Avenue</u>	<u>39 Watt</u>	<u>4,000</u>	<u>5,000</u>	<u>26 feet</u>	<u>8 foot</u>
Minor Arterial Streets	39 Watt	4,000	5,000	32 feet	8 foot
Arterial Streets	71 Watt	4,000	8,500	32 feet	8 foot
Traffic Signal		4,000	15,000	Varies	Varies

- Traffic Control Devices – Street name signs, traffic control signs, pavement delineation and/or pavement markings shall be installed as required by the City Engineer.
- Traffic Calming Measures – The proposed development shall incorporate the following traffic calming measures: Curb bulb-outs on Private Street at intersection with Eldridge Avenue (private) intersection with pedestrian crossing on north leg to park space.

- Bicycle and Pedestrian Facilities – The proposed development shall incorporate the following bicycle/pedestrian facilities: See Traffic Calming Measure requirements above.
- Transit Facilities – The proposed development shall incorporate City standard bus turnout(s) at the following location(s): _____.

Grading Requirements

- A grading/drainage plan prepared by a Registered Civil Engineer or Licensed Architect and subject to approval by the City Engineer shall be submitted. The plan shall include existing and proposed contours, and detail the means of collection and disposal of storm water runoff from the site and adjacent road frontages in such a manner that runoff is not diverted to adjacent property. On-site retention of storm water runoff is required not required.

A letter verifying that lot grading was completed according to the approved grading / drainage plan shall be prepared by a Registered Civil Engineer or Licensed Architect and submitted to the City Engineer prior to the issuance of any final occupancy permits or notice of completion for public improvements. The Engineer or Architect shall affix their stamp and seal to the letter.

- The maximum slope adjacent to the back of any public sidewalk shall not exceed 5:1 for the first 5 feet. For Landscape and Lighting Act District parcels, the maximum slope between the back of the sidewalk and the wall or fence shall not exceed 10:1.

Utility Improvements

- All utility services to be located within paved areas shall be placed in the streets prior to paving.
- The Owner/Developer must make provisions for the installation of a gas distribution system in all streets and at the sizes determined by the Southern California Gas Company.
- All costs associated with the removal, relocation and undergrounding of utilities as necessary to accommodate installation of the required public improvements shall be the responsibility of the project. All utility lines, including but not limited to electric, communications, street lighting and cable television, shall be required to be placed underground in accordance with Section 8.24.500 (M) of the City of Tulare Municipal Code. The cost of such relocations and undergrounding shall be included in the bonding provided for the project. The following streets have above ground utilities that will need to be undergrounded:

Street

Location

Water System Requirements

- Water main alignments shall be 6 feet south and/or west of street centerline unless otherwise approved by the City Engineer. The proposed development shall be responsible for the following water main extensions and connections: _____
- Pressure, leakage, and purity tests are required on all City water system installations at the sole cost of the Owner/Developer.
- Fire hydrants and fire suppression systems shall be provided as required by the City of Tulare Fire Marshall. The proposed development shall demonstrate that sufficient flows are available to support the required improvements. All points of connection to the City water system are subject to the approval of the City Engineer.
- The proposed development shall install water services and back flow devices, as approved by Planning and Building. Water sizing calculations shall be provided at time of building permit application. Domestic and landscaping services shall be separate metered services using the make and model of meter specified by the City of Tulare Public Works Department. No substitutions are allowed. All R-M-2 lots shall require individual water services (1 ½" minimum) with meter boxes.
- Water sampling stations shall be installed as follows: _____.
- Existing water wells shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.

Sewer System Requirements

- Sewer main alignments shall be 11 feet north and/or east of street centerline unless otherwise approved by the City Engineer. The proposed development shall be responsible for the following sanitary sewer main extensions and connections: _____
- The proposed development shall connect to City sewer. If service from an existing lateral is proposed, said lateral shall be exposed for inspection by the Public Works Inspector and upgraded to current City standards if found to be broken or substandard.
- All sewer lines shall pass both mandrel and air pressure tests. The Owner/Developer shall video inspect all sewer mains prior to placement of asphalt concrete and again after paving is complete. City Public Works Inspector shall review each video inspection prior to approval.

- A sewer monitoring station, oil/sand/water separator and/or grease interceptor shall be installed as required by the wastewater manager.
- Existing septic tanks shall be abandoned, filled and sealed in accordance with applicable City, County of Tulare, and State of California standards.

Storm Drainage System Requirements

- Storm drain alignments shall be 6 feet north and/or east of street centerline unless otherwise approved by the City Engineer. The proposed development shall be responsible for the following storm drain line extensions and connections: _____
- The Owner/Developer shall video inspect all storm drain mains and laterals prior to placement of asphalt concrete and again after paving is complete. City Public Works Inspector shall review each video inspection prior to approval.

Landscaping and Parks Requirements

- A landscape & irrigation master plan for all phases of the subdivision shall be submitted with the initial phase to assist City staff in the formation of the Landscape & Lighting District (or as described in item No. 4 on page 1 of Engineering Conditions). The landscape & irrigation master plan shall be approved by the Director of Parks and Community Services a minimum 75 days before approval of the final map or approval of the improvement plans (whichever comes first).
- The proposed development is located within the boundaries of Landscape & Lighting District No. 2005-04, which will maintain common area landscaping, common area irrigation systems, and common area block walls along Pleasant Avenue. The final map for the subdivision shall include a notice to homeowners regarding the properties' inclusion in a landscape & lighting district, and the resulting assessments. The Owner/Developer shall submit all necessary calculations and supporting documentation necessary for the City to incorporate anticipated maintenance costs into the Landscape & Lighting District budget a minimum of 75 days before approval of the final map or approval of the improvement plans (whichever comes first). Dedication to the City is required for all landscape and common area lots to be maintained by the Landscape & Lighting District.

On-site Improvements

- On-site A.C. pavement design shall be based upon the results of "R" Value tests at locations approved by the City Engineer, and the following minimum traffic index requirements: 4.5 for parking areas/travel lanes and 5.0 for truck routes (including path of travel of solid waste collection vehicles).

- All on-site water, sewer, and storm drain shall be privately owned. All City owned water meters shall be located within the City's ROW.
- All unused culverts and irrigation lines shall be abandoned and plugged in a manner acceptable to the City Engineer.
- A trash enclosure is required and shall be shown on the improvement drawings. The type, location and orientation of the enclosure shall be subject to the approval of the Solid Waste Division Manager. For doublewide enclosures, separate bins are required for solid and recyclable waste, and identification signing shall be posted adjacent to all points of direct access. The wording of the signing shall be clear and concise, and shall identify all materials accepted in the recycling bin.
- A landscaping plan subject to the review and approval of the Planning and Building Divisions shall be provided. Approval of the landscaping plan is required prior to approval of engineering improvement plans by the City Engineer. All existing trees that conflict with proposed improvements shall be removed to a depth of two (2) feet below proposed finish grade.
- If applicable, existing irrigation ditches and/or canals shall be piped, developed into a trail, or relocated outside the project boundaries per the direction of the City Engineer and affected irrigation district. Related irrigation facilities shall be subject to the same requirements for piping or relocation.
- In conformance with the City of Tulare's adopted air pollution control measures, a sign instructing delivery vehicle drivers to turn off their vehicle's engine while making deliveries shall be prominently posted at the location where deliveries are received.
- Fugitive dust shall be controlled in accordance with the applicable rules of the San Joaquin Valley Air Pollution Control District's Regulation VIII. Copies of any required permits will be provided to the City.
- If the project requires discretionary approval from the City, it may be subject to the San Joaquin Valley Air Pollution Control District's Rule 9510 Indirect Source Review per the rule's applicability criteria. A copy of the approved AIA application shall be provided to the City.
- If the project meets the one acre of disturbance criteria of the States Storm Water Program, then coverage under General Permit Order 2009-0009-DWQ is required and a Storm Water Pollution Prevention Plan (SWPPP) is required. A copy of the approved permit and the SWPPP shall be provided to the City. When construction activities are not covered under the General Permit, storm water pollution control shall be implemented per the requirements of the City's Municipal Separate Storm Sewer System (MS4) permit.

- The conditions of project approval set forth herein include certain fees, dedication requirements, reservation requirements, and other exactions. Pursuant to Government Code Section 66020(d)(a), these conditions constitute a written notice of the amount of such fees, and a description of the dedications, reservations, and other exactions. The Owner/Developer is hereby notified that the 90-day protest period, commencing from the date of approval of the project, begins as of the date of Planning Commission's conditional approval of the project. If the Owner/Developer fails to file a protest regarding any of the fees, dedication requirements, reservation requirements, or other exactions contained in this notice, complying with all the requirements of Government Code Section 66020, the Owner/Developer will be legally barred from later challenging such exactions.

Oversize Construction

- The conditions of project approval require the construction of facilities which have been designated as "masterplan facilities" by the City Engineer, and as such the Owner/Developer may be eligible to receive reimbursement for oversized construction costs in accordance with Chapter 8.64 "Oversized Construction Reimbursement" of the Tulare Municipal Code, and the oversized construction reimbursement policies of the Engineering Services Department. Eligibility for any reimbursement of oversized construction costs is subject to the City Engineer's review and approval of costs prior to installation. Within 90 days following the notice of completion of the project, the Owner/Developer shall file with the City Engineer a financial statement, in the form specified by the City Engineer, stating and supporting the cost of constructing the oversize improvements. If the financial statement is not filed within this time period, the Owner/Developer shall not be eligible for any reimbursements. Oversize payments will be made in accordance with a separate oversize reimbursement agreement to be executed after completion of all subdivision improvements. Payment will be subject to the availability of funds.

Fees

All applicable City fees shall apply unless specifically waived or modified elsewhere in these conditions. All fees shall be based on the current fee schedule in effect at the time of final map recordation or upon the date of issuance of other discretionary permit, whichever is applicable. These fees include, but are not limited to:

- Sewer front foot charges of \$ 26.00 per front foot for frontages on Pleasant Avenue.
- Sewer lift station fee of \$ _____ per acre.

- Water front foot charges of \$ 17.50 per front foot for frontages on Pleasant Avenue.
- Street front foot charges of \$ _____ per front foot for frontages on _____.
- Benefit district creation fee (if applicable): \$ 1,356.00 per district.
- Traffic signal in-lieu fee of \$ _____.
- TID ditch piping in-lieu fee of \$ _____.
- Sewer main construction in-lieu fee of \$ _____.
- Water main construction in-lieu fee of \$ _____.
- Street construction in-lieu fee of \$ _____.
- Engineering inspection fee based on a percentage of the estimated cost of construction is required prior to the construction of the improvements.
- Development impact fees to be paid with building permit at rates in effect at time of permit issuance.
- Engineering plan check fee to be paid at time of plan submittal.
- Final map plan check fee to be paid at time of map submittal.
- Other: _____

Prepared By: Jan Bowen, Engineering Department

Fire:

The Fire Prevention Bureau conveys the following site plan comments for SP 22-10, Wild Oaks:

1. The project must comply with all of the latest applicable codes and standards.
2. Additional fire hydrants shall be required. Fire hydrant spacing shall be as follows:
 - a. **Residential development**, fire hydrants shall be installed at 500-foot intervals.

3. An approved water supply for fire protection shall be made available prior to combustible materials arriving on the site.
4. The Fire Code Official is authorized to require more than one fire apparatus access road based on the potential for impairment of a single road by vehicle congestion, condition of terrain, climatic conditions or other factors that could limit access. Areas identified as "Fire Lanes" must be identified as such per requirements set forth in the California Vehicle Code.
5. All dead-end access roads in excess of 150 feet must be provided with an approved turn-around complying with City standards.
 - a. Roads "B" & "D"
6. An approved fire apparatus access roads shall be provided for every facility, building or portion of a building constructed or moved into or within the City of Tulare. It shall extend to within 150 feet of all portions of the facility and all portions on the exterior walls of the first story of the buildings as measured by an approved route around the exterior of the building or facility. The road shall be a minimum of 20' wide and have a minimum height clearance of 13'6"
7. All roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be surfaced so as to provide all-weather driving capabilities.
8. All buildings shall be provided with approved address identification. Numbers and letters shall be on contrasting backgrounds and be a minimum of 4" high.

Ryan Leonardo
Fire Marshal
February 10, 2022

Solid Waste:

1. Customer responsible for setting cans out for service by 6:00 am and removing cans from curb, gutter, or alley on the same day after serviced. Customer is responsible for any violations.
2. Customer is required to flatten, breakdown all cardboard and other bulky recyclables in blue containers. Customer is responsible for any contamination in containers and all fines and charges resulting from contaminated recyclables.
3. Customer will be required to roll container out to curb/alley for service

4. Section 7.16.040 of the Tulare Municipal Code prohibits private companies/haulers from providing refuse services without authorization. Roll Off services for construction and demolition, recycling, compost or green waste and metal are to be provided by the City of Tulare Solid Waste Division. Any Private Roll Off companies/haulers used must be listed on the Board of Public Utilities City Resolution Approved Authorized Haulers List, Resolution No. 07-04. Commercial Front Load Bin service in the City of Tulare is provided exclusively by the City of Tulare Solid Waste Division only as per Municipal Code (No Exceptions).

Comments: At this proposed subdivision there are multiple dead end streets that will create a problem for trash collection service, and due to narrow 25' street openings, red cubing may be required.

Parks

The Parks Division recommends the following Site Plan Review Status for the subject project:

- Resubmit: Additional Information Required, Redesign Required
 Revise and Proceed, comply with comments below
 Proceed, comply with comments below

The main objectives of the City of Tulare's Landscaping Ordinance include conserving water through the selection of plants consistent with Tulare's Mediterranean climate; design of water efficient landscapes; and to enhance the aesthetic appearance of the city by promoting development that is well landscaped, properly irrigated and effectively maintained.

All projects that require a landscaping and irrigation plan pursuant to Chapter 10.196 of MC shall comply with the following development standards:

GENERAL STANDARDS:

All landscape development over 500 square feet (new) or 2,500 square feet (rehabilitated) that requires a permit, plan check or design review shall meet the water efficiency and site design requirements detailed in other sections of the Landscape Ordinance Chapter 10.196 of the Municipal Code. The project applicant, and owner (if different) shall sign the Landscape Documentation Package as required in § 10.196.060(B)(1)(i).

Elements of the Landscape Documentation Package:

(A) Projects 2,500 square feet and less: Projects 2,500 square feet and less may comply with the requirements of this chapter by conforming to the prescriptive measures. Compliance with all of the items is mandatory and must be documented on a landscape plan in order to use the prescriptive compliance option.

(B) Any project including all projects over 2,500 square feet: The Landscape Documentation Package shall include the following six elements:

1. Project information;
 - a) Date;
 - b) Project applicant;
 - c) Project address (if available, parcel and/or lot number(s));
 - d) Total landscape area (square feet);
 - e) Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);
 - f) Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor;
 - g) Checklist of all documents in Landscape Documentation Package;
 - h) Project contacts to include contact information for the project applicant and property owner;
 - i) Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Documentation Package."
2. Water Efficient Landscape Worksheet;
 - a) Hydrozone information table.
 - b) Water budget calculations.
 - i. Maximum applied water allowance (MAWA).
 - ii. Estimated total water use (ETWU).
3. Soil management report;
4. Landscape design plan;
5. Irrigation design plan; and
6. Grading design plan.

Landscape and irrigation plans for individual residential lots are to be submitted to the Building Department along with building permit submittals for review and approval. Attachment "A" are copies of the landscape prescriptive compliance and sample landscape plan and water calculation sheets. A complete copy of the City's landscape standards may be viewed on-line at www.tulare.ca.gov.

ADDITIONAL REQUIREMENTS:

Landscape and irrigation plans for all common area landscape out lots shall be master planned (including size and points of water service connection, booster pump location, mainline size and sleeve locations) and shall be submitted as part of the subdivision Master Utility and Street Plan submittal.

1. All landscaping on city-owned property shall conform to City landscaping and irrigation standards including the City of Tulare Community Services Department (Parks, Recreation and Library Division) Improvements Standards; area specific plans and other applicable documents.
2. The maintenance and upkeep of all proposed Outlots and Park are to be part of, a landscape maintenance district, community facilities district, homeowner's association or other entity acceptable to the City Engineer that shall be formed in conjunction with this subdivision.
3. It is recommended that the proposed park area be developed as at-grade open space with an ADA compliant walking path around the perimeter.
4. Proposed park and proposed Outlots shall be separated from adjacent residential lots by a block wall, subject to applicable zoning height restrictions.
5. Proposed Park is not eligible for Park Development Impact Fee credits and shall be constructed as part of the proposed subdivision.
6. Proposed Park amenities shall include but not limited to turf, drought tolerant trees and landscape plantings, 6 ft. wide ADA compliant walking path with low level lighting, ADA compliant play equipment, multiple benches, Mutt Mitt Dog Bag Dispenser/s and trash receptacles.
7. All Outlot landscape and irrigation improvement plans shall be reviewed and approved by the Community Services Director and/or the Parks Manager, and City Engineer.
8. Prior to the start of construction of landscape and irrigation improvements on all Outlots, a meeting will be held by the Community Services Director and/or Parks Manager with the Subdivider and Contractor to coordinate and schedule work in order to avoid all possible delays due to conflicts of operation and to guarantee that all City landscape and irrigation requirements are met. The Contractor shall perform no construction in the field until after this meeting. Contractor shall contact the Parks Division no less than 24 hours to schedule any inspections such as irrigation, plant material, planting, and playground inspection.
9. All common area landscaping and irrigation areas, Outlots and Park shall be subject to a 12-month maintenance period after the Notice of Completion has been issued.

PASSED, APPROVED AND ADOPTED this twenty-eighth day of November, 2022 by the following recorded vote:

AYES: Lemas, Petersen, Miller, Miguel

NOES: Ø

ABSENT: Ø

ABSTAIN: Ø


CHUCK MIGUEL, CHAIRMAN
City of Tulare Planning Commission


MARIO ANAYA, SECRETARY
City of Tulare Planning Commission

ATTACHMENT 3

RECORDING REQUESTED BY:

City of Tulare

WHEN RECORDED MAIL TO:

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

PURSUANT TO GOVERNMENT CODE SECTION 6103,
NO RECORDING FEE REQUIRED

In the matter of the Approval of)	
The Subdivision Map of)	AGREEMENT AND UNDERTAKING FOR
Wild Oaks Subdivision, in the)	INSTALLATION AND CONSTRUCTION
City of Tulare, County of Tulare,)	OF SUBDIVISION IMPROVEMENTS
State of California)	

**SUBDIVISION AGREEMENT
FINAL MAP OF WILD OAKS SUBDIVISION**

THIS AGREEMENT is made this _____ day of _____, 20____, by and between the **City of Tulare**, a Municipal Corporation and Charter City, hereinafter referred to as "City," and **D.R. Horton CA3, Inc., a Delaware corporation** located at **419 W Murray Ave, Tulare California**, hereinafter referred to as "Subdivider" without regard for number or gender, and is effective the date first appearing on the Clerk's Certification hereafter.

RECITALS

A. Subdivider has filed with City a Final Map proposing the subdivision of land owned by Subdivider and located within the City of Tulare (hereinafter "Subject Property") as follows:

**BEING A DIVISION OF THAT PORTION OF LOT 13 OF RUSSELL COLONY, IN THE CITY OF TULARE, COUNTY OF TULARE, STATE OF CALIFORNIA, AS PER MAP RECORDED IN BOOK 4, PAGE 15 OF MAPS IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, DESCRIBED AS FOLLOWS:
BEGINNING AT A POINT ON THE NORTH LINE OF SAID LOT DISTANT 324.76 FEET EAST OF THE NORTHWEST CORNER THEREOF AND RUNNING THENCE EAST ALONG SAID NORTH LINE 330.72 FEET TO A POINT 377.36 FEET WEST OF THE NORTHEAST CORNER OF SAID LOT; THENCE SOUTH 1320.26 FEET TO A POINT ON THE SOUTH LINE OF SAID LOT WHICH IS DISTANT 375.44 FEET WEST OF THE SOUTHEAST CORNER OF SAID LOT; THENCE WEST ALONG SAID SOUTH LINE 329.06 FEET TO A POINT WHICH IS 323.15 FEET EAST OF THE SOUTHWEST CORNER OF SAID LOT AND THENCE NORTH 1320.79 FEET TO THE POINT OF BEGINNING.**

B. City requires as a condition precedent to the acceptance and approval of the Final Map, the dedication of certain streets, highways, public ways, and easements, as identified on the Final Map. City deems said dedication(s) necessary for the public use. Additionally, City requires that Subdivider make improvements to said dedicated property, as more specifically described below.

- C. Subdivider desires and agrees to complete the improvements required by Resolution No. 5442 for **Approving Tentative Subdivision Map 2022-23- Wild Oaks and Conditional Use Permit 2022-17** dated November 28, 2022, and any amendments thereto, hereinafter referred to as “Conditions of Approval,” within the time hereinafter specified.
- D. Subdivider hereby warrants that any and all parties having record title interest in the Final Map have subordinated their interest and all records of subordination, if any, are attached hereto and made a part of this Agreement.

AGREEMENT

In consideration of the acceptance of the offers of dedication as shown and delineated on the Final Map, and in consideration of finding of substantial compliance with said Tentative Map, Subdivider and City hereby mutually agree as follows:

- 1) Time for Performance. The improvements required by the Conditions of Approval shall be completed within one **year following** the effective date of this Agreement. Subdivider shall automatically receive one extension of twelve (12) months if the Subdivider complies with the following:
 - a) At least thirty (30) calendar days before the original one-year deadline for completion of improvements, the City Engineer receives a written extension request from the Subdivider.
 - b) If required by the City Engineer, provide additional performance and payment security to address construction cost increases due to inflation. Construction cost increase will be based upon Construction Price Index figures published by Engineering News-Record. The additional security shall be supplied to the City Engineer within twenty (20) calendar days from the date the City Engineer notifies Subdivider of the additional security amounts.
- 2) Failure to Perform. If all required improvements are not made to the satisfaction of the City Engineer within twelve (12) months of the date of this Agreement, or within twenty-four (24) months if an extension was granted, the City of Tulare may exercise its right to proceed against the bonds.
- 3) Incorporation of Improvements. The work depicted or required on the improvement plans for the Final Map, which may include plans relating to sewer, water, streets, storm drainage, street lighting, landscape and irrigation, grading, traffic signal plans, etc., as well as those required by Conditions of Approval (hereinafter “Improvements”), are incorporated by reference and made a part of this Agreement.
- 4) Compliance with Standards and Regulations. All Improvements shall be completed in accordance with the City of Tulare Design Guidelines and Public Improvement Standards (City Council Resolution No. 16-58) and any amendments thereto, and shall comply with all applicable federal, state, and local laws.
- 5) Costs. All Improvements shall be completed at the sole cost and expense of Subdivider. The construction cost estimates, and corresponding security requirements for these Improvements, are set forth in **Exhibit "A"**.
- 6) Requirements for Building Permit Issuance.
 - a) No building permit shall be issued for any lot of the Subject Property until the following minimum required improvements have been fully constructed and have passed inspection to the satisfaction of the City Engineer, except as allowed by the City’s Model Home Policies:

- i) Curb and gutter,
 - ii) Street base rock placed in accordance with the approved improvement plans to provide accessibility for inspectors and emergency responders,
 - iii) Fully functional water mains, fire hydrants, and service connections,
 - iv) Fully functional sanitary sewer mains and laterals,
 - iv) Fully functional storm drainage lines and facilities,
 - v) All lots graded in accordance with the approved drainage plan, with a letter subject to City Engineer's approval provided by the Subdivider's licensed engineer or surveyor verifying same, and
 - vi) All lot corners marked.
- b) If a Notice of Completion has not been filed for the required Improvements within the time limits outlined in this Agreement, no additional building permits shall be issued until said Notice has been filed, or a new subdivision improvement agreement extending the timeline for completion has been approved by the Tulare City Council.
- 7) Requirements for approval of Certificates of Occupancy. No Certificates of Occupancy shall be approved by the City for any building permit issued on any lot of the Subject Property until the following requirements are satisfied:
- i) The requirements of section 6, subsection (a), above have been satisfied, and
 - ii) all public safety items have been completed, including, but not limited to: signage, street paving, pavement markings, street lighting, and drainage basin fencing.
- 8) Estimate Reimbursements for Certain Improvements. In connection with the amounts set forth in **Exhibit "A"**, City has made its best faith efforts at predicting the amounts to be credited as reimbursements for Improvements that will benefit other properties. Subdivider agrees these figures represent City's best estimates only and they are subject to fluctuation following calculation of actual construction costs after improvement completion and acceptance. Payment of fees and fee credits shall be made at the rates and amounts established by the Tulare Municipal Code and Master Fee Schedule. The estimated reimbursement amounts, fees, and charges are more particularly itemized and made a part of this Agreement in the attached **Exhibit "B"**.
- 9) Fee Credit Adjustments. Subdivider may receive designated fee credits from City as an offset toward any development impact fee(s). Subdivider acknowledges and agrees any such fee credits are provided contingent upon City accepting required infrastructure improvements completed by Subdivider. Until then, Subdivider shall have no right to any portion of any fee credit. Upon adjustment, Subdivider shall pay all outstanding development impact fees prior to approval of the final map or as otherwise mutually agreed in writing. If the final map has already been approved all such fees shall be promptly paid by Subdivider, unless otherwise mutually agreed upon in writing. City may enforce recovery of such fees in any manner available at law or in equity.
- 10) Security. Prior to the approval by the Tulare City Council of the Final Map, Subdivider shall furnish to City the following improvement securities in the amounts set forth in **Exhibit "A"**. Bonds shall be by one or more duly authorized corporate sureties licensed to do business in California subject to the approval of City and on forms furnished or approved by City.
- a) Performance Security. The total amount shall equal 100% of the total Cost Estimate, as specified in Government Code 66499.3 (a) and approved by the City Engineer, to be conditioned upon the faithful performance of this Agreement. Performance Security shall be in the form of a bond naming the City of Tulare as obligee, or a certificate of deposit made payable only to the City of

Tulare, an irrevocable letter of credit in favor of the City of Tulare, or cash. Upon written request from the Subdivider, partial releases of the Performance Security may be authorized by the City Engineer to reflect satisfactory completion of required improvements. Partial releases shall be limited to a maximum of 90% of the value of the completed improvements, and shall in no event result in the overall release of more than 90% of the value of the total Cost Estimate. The Performance Security will be released in its entirety upon the City's recordation of a Notice of Completion for the subdivision improvements, provided that a maintenance surety of not less than 10% of the value of the public improvements is provided to the City to guarantee replacement and repair of the public improvements for a period of one (1) year after the recording date.

- b) Payment (Labor and Materials) Security. The total amount shall equal 50% of the total Cost Estimate, as specified in Government Code 66499.3 (b) and approved by the City Engineer, to secure payment to all contractors and subcontractors performing work on said Improvements and all persons furnishing labor, materials or equipment to them for said Improvements. Payment Security shall be in the form of a bond naming the City of Tulare as obligee, or a certificate of deposit made payable only to the City of Tulare, an irrevocable letter of credit in favor of the City of Tulare, or cash. No reduction in Payment Security shall be allowed prior to the City's recordation of a Notice of Completion, and prior to the passage of the time within which claims of lien are required to be recorded as stipulated in Government Code Section 66499.7 (h).
- 11) Damage Prior to Final Acceptance. Any damage to the improvements occurring prior to final acceptance by the City shall be repaired or replaced by Subdivider before any securities are released. Final acceptance by City shall not occur until damage has been repaired to prior and agreed upon condition.
 - 12) Remedy of Defects. Subdivider shall remedy any defective work, labor or materials related to the Improvements, and shall pay City for any damage to the Improvements resulting therefrom, which occur within a period of one year from the date of final acceptance of the Improvements by City. Prior to final acceptance of the Improvements by City, a warranty/maintenance bond or certificate of deposit shall be provided by Subdivider, as shown in **Exhibit "A"**, and shall be released one year following final acceptance, less any amount required to remedy defective work.
 - 13) Indemnification. Subdivider shall be obligated as follows:
 - a) To the furthest extent allowed by law, Subdivider shall indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers from any and all loss, liability, fines, penalties, forfeitures, costs and damages (whether in contract, tort or strict liability, including but not limited to personal injury, death at any time, and property damage) incurred by City, Subdivider or any other person, and from any and all claims, demands and actions in law or equity (including attorney's fees, litigation and legal expenses incurred by City or held to be the liability of City, including plaintiff's or petitioner's attorney's fees if awarded, in connection with City's defense of its actions in any proceeding), arising or alleged to have arisen directly or indirectly out of performance or in any way connected with: (i) the making of this Agreement; (ii) the performance of this Agreement; (iii) the performance or installation of the Improvements by Subdivider and Subdivider's employees, officers, agents, contractors or subcontractors; (iv) the design, installation, operation, removal or maintenance of the work or Improvements; or (v) City's granting, issuing or approving use of this Agreement.
 - b) Subdivider's obligations under the preceding sentence shall apply regardless whether City or any of its officers, officials, employees or agents are negligent, but shall not apply to any loss, liability, fines, penalties, forfeitures, costs or damages caused solely by the gross negligence or willful misconduct of City, its officers, officials, employees, agents or volunteers.
 - c) If Subdivider should subcontract all or any portion of the work to be performed under this

Agreement, Subdivider shall require each subcontractor to indemnify, hold harmless and defend City and each of its officers, officials, employees, agents and volunteers in accordance with the terms of paragraphs "a)" and "b)" of this Section.

- 14) Insurance. Throughout the life of this Agreement, Subdivider shall pay for and maintain in full force and effect all policies of insurance described in this Section with an insurance company(ies) either (i) admitted by the California Insurance Commissioner to do business in the State of California and rated not less than "A-VII" in Best's Insurance Rating Guide, or (ii) authorized by City's Risk Manager. Insurance requirements, including coverage types and amounts, are attached hereto in **Exhibit "D"**.

If at any time during the life of the Agreement or any extension, Subdivider fails to maintain the required insurance in full force and effect, the City Engineer, or his/her designee, may order that Subdivider, or its contractors or subcontractors, immediately discontinue any further work under this Agreement and take all necessary actions to secure the work site to ensure that public health and safety is protected. All payments due or that become due to Subdivider shall be withheld until notice is received by City that the required insurance has been restored to full force and effect and that the premiums therefore have been paid for a period satisfactory to City. Any failure to maintain the required insurance shall be sufficient cause for City to terminate this Agreement.

Evidence of Insurance provided by Subdivider and his/her/its insurer shall clearly state that termination or suspension of insurance coverage may not occur until at least thirty (30) days following written notice to the City of the intent to terminate or suspend coverage.

- 15) Compaction and Materials Testing. Compaction and other materials testing performed for determination of compliance with Public Works Standards shall conform to City of Tulare Design Guidelines, Public Improvement Standards, and Technical Specifications. Materials testing shall at all times remain under the review of the City Engineer who may determine additional test procedures, and additional locations to be tested. All materials testing for improvement work within the public easements and rights-of-way shall be ordered and paid for by Subdivider.
- 16) Inspections. City shall inspect all Improvements. All Improvements shall be performed and completed in strict accordance with the approved construction plans for said work on file with the City Engineer and City of Tulare Design Guidelines and Public Improvement Standards. In the event there are no applicable Design Guidelines and Public Improvement Standards it is agreed that the same shall be performed and completed in accordance with the standards and specifications of the California Department of Transportation.
- 17) Compliance with Law. In performing obligations set forth in this Agreement, Subdivider shall comply with all applicable laws, regulations, and rules of all local, state and federal governmental agencies having jurisdiction including, without limitation, applicable federal and state labor standards and environmental laws and regulations. Subdivider shall comply with the codes or ordinances of City including the Tulare Municipal Code, City Charter, and Building Codes.
- 18) Prevailing Wages. Subdivider shall:
- a) be required to pay, and shall cause its contractor and subcontractors to pay, prevailing wages for the construction of:
 - i) those specific Improvements for which Subdivider receives credits or reimbursements as identified in **Exhibit "B"**, if any, and
 - ii) those Improvements, if any, that are "public works" under Chapter 1, Part 7, Division 2 of the California Labor Code, including Section 1720(a) (collectively, the "PW Improvements").
- 19) Enforcement of Obligations. City may enforce this Agreement in any manner available at law or in

equity, including, but not limited to, reversion to acreage.

- 20) Limitations of Legal Acts. Except as provided by the Section entitled "Attorney's Fees and Legal Expenses," in no event shall the City, or its officers, agents or employees, be liable in damages for any breach or violation of this Agreement, it being expressly understood and agreed Subdivider's sole legal remedy for breach or violation of this Agreement by City shall be a legal action in mandamus, specific performance or other injunctive or declaratory relief to enforce the provisions of this Agreement.
- 21) Attorney's Fees and Legal Expenses. If either party is required to commence any proceeding or legal action to enforce any term or condition of this Agreement, the prevailing party in such proceeding or action shall be entitled to recover from the other party its reasonable attorney's fees and legal expenses.
- 22) Obligation Running With Land. This Agreement shall burden the Subject Property described and constitute a covenant running with the land for the benefit of City and shall be binding upon the successors, transferees, and heirs of Subdivider. Subdivider consents to the recordation of this Agreement with the Tulare County Recorder.
- 23) Waiver. The waiver by either party of a breach by the other of any provision of this Agreement shall not constitute a continuing waiver or a waiver of any subsequent breach of either the same or a different provision of this Agreement. No provisions of this Agreement may be waived unless in writing and signed by all parties to this Agreement. Waiver of any one provision herein shall not be deemed to be a waiver of any other provision herein.
- 24) Ambiguities or Uncertainties. Any ambiguities or uncertainties herein shall be equally and fairly interpreted and construed without reference to the identity of the Party or Parties preparing this Agreement, on the express understanding and agreement the Parties participated equally in the negotiation and preparation of the Agreement, or have had equal opportunity to do so. Accordingly, the Parties hereby waive the benefit of California Civil Code §1654 and any successor or amended statute, providing that in cases of uncertainty, language of a contract should be interpreted most strongly against the Party who caused the uncertainty to exist.
- 25) Severable Provisions. The provisions of this Agreement are severable. The invalidity or unenforceability of any one provision in this Agreement shall not affect the validity or enforceability of the other provisions, which shall remain in full force and effect.
- 26) Release of Conditions. The conditions and obligations of this Agreement shall remain in full force and effect until such time as City Engineer issues a Notice of Completion finding the conditions and obligations of this Agreement have been fully satisfied and are no longer required for public health and safety reasons and thereafter records such Notice of Completion with the Tulare County Recorder.
- 27) Venue. This Agreement shall be governed by, and construed and enforced in accordance with, the laws of the State of California. Venue shall be Tulare County, California.
- 28) Fees Due Prior to Recordation. The fees due to the City set forth in **Exhibit "C"**, attached hereto and incorporated herein by this reference, shall be paid in full prior to recordation of the final map.

* * * * *

IN WITNESS WHEREOF, the Parties hereto have duly executed this Agreement.

CITY OF TULARE
a Municipal Corporation

D.R. Horton CA, Inc

By: _____
Marc Mondell, City Manager

By: _____

Name: _____

Title: _____

ATTEST:

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

(Attach Notary Acknowledgments)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of Tulare)

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

SUBORDINATION

The undersigned as holder of the beneficial interest in and under that certain Deed of Trust recorded on {_____, 20____}, in the office of the Tulare County Recorder, as Document No. {Doc. No. _____} of which the Deed of Trust in, by and between {Full Name of Trustor}, as Trustor, {Full Name of Trustee}, as Trustee and {Full Name of Beneficiary}, as Beneficiary, hereby expressly subordinates said Deed of Trust and its beneficial interest thereto to the foregoing {Insert full name of Agreement, e.g. Subdivision Agreement for the Final Map of _____ [including Addendum to Subdivision Agreement for Rights of Way Acquisition]}.

DATED: _____, 20____

Not Applicable

BENEFICIARY

By: _____

Print Name: _____

Title: _____

(Beneficiary to print/type document information, Name, Title and attach Notary Acknowledgment)

A Notary Public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)
)
County of Tulare)

On _____ before me, _____, Notary Public, personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature of Notary Public

EXHIBIT "A"

Estimated Improvement Costs & Security Requirements

0

Bond Type	Required Bonding Amount
Performance Bond Amount* (10% of Completed Work + 100% of Uncompleted Work)	<u>\$4,126,253.48</u>
Payment Bond Amount* (50% of Uncompleted Work)	<u>\$2,063,126.74</u>
Maintenance Bond Amount** (10% of Required Improvements)	<u>\$412,625.35</u>

* For a single combined performance and payment bond, bond amount shall equal the algebraic sum of the performance and payment bond amounts listed above.

** Maintenance bond is required at the time the improvements are accepted by the City.

EXHIBIT "B"

Estimated Oversize Improvement Costs

0

Item	Total Estimated Cost of Oversize Improvements
Street Oversize Improvements, including but not limited to: Street Name: <u>None</u> Material Cost for Supplemental Roadway Excavation (x" vs y") Material Cost for Supplemental Aggregate Base Material (x" vs y") Material Cost for Supplemental Asphalt Concrete Material (x" vs y") Supplemental Right-of-way Dedication (x s.f. vs y s.f.) Traffic Signal Improvements: Other:	\$0.00
Sanitary Sewer System Improvements, including but not limited to: Street Name: <u>None</u> Material Cost for Supplemental Sewer Main Size Material Cost for Supplemental Sewer MH Size (Type II vs Type I) Lift Station Improvements: Force Mains:	\$0.00
Storm Drain System Improvements, including but not limited to: Street Name: <u>None</u> Regional storm drain mains (x" diameter) Regional storm drain manholes (Qty. =) Ponding Basin (Land Cost, Excavation, Fencing, Frontage Improvements) Lift Station Improvements: Force Mains:	\$0.00
Water System Improvements, including but not limited to: Street Name: <u>None</u> Material Cost for Supplemental Water Main Size Material Cost for Supplemental Water Appurtenances Well/Storage Tank Site (Land Cost, Frontage Improvements)	\$0.00
Total Estimated Oversize Costs	\$0.00

EXHIBIT "C"

0

Account No.	Transac- tion No.	R/C No.	Description of Charge	Quantity	Unit Cost	Total Amount
<i>Inspection, Testing and Construction:</i>						
001-3247-001	1391	S-29	Public Inspection Fee	1	\$115,699.21	\$115,699.21
010-3265	3060		Backflow Test	5	\$91.00	\$455.00
010-3270-3	3073		Water Pressure Test	4	\$264.00	\$1,056.00
010-3270-004	3074		Water Purity Sample	8	\$227.00	\$1,816.00
<i>Front Foot Fees</i>						
015-3265	3420		Sewer Front Foot	680	\$28.00	\$19,040.00
010-3265	3060		Water Front Foot	680	\$19.00	\$12,920.00
001-3265	9260		Street Front Foot	680		\$0.00
<i>Benefit Districts</i>						
001-3252-002	1472	S-37	Benefit District Creation		\$1,458.00	\$0.00
015-260-047	9260		Del Lago - Hillman St			\$0.00
001-260-	9260		Storm Drain Benefit District			\$0.00
001-260	9260		T.I.D. Benefit District			\$0.00
<i>In-Lieu Fees</i>						
001-260-053	9260		T.I.D. Ditch Piping			\$0.00
001-3249-	141		Storm Drain Acreage			\$0.00
001-260-055	9260		Off-site Street Improvements			\$0.00
<i>Non-Bonded Improvements</i>						
001-3266-000	1611		Street Signs (Street Names per blade)		\$276.00	\$0.00
<i>Other</i>						
001-3120-2	1252		Street Easement/Abandonment		\$1,791.00	\$0.00
TOTAL						\$150,986.21
LESS PREVIOUSLY PAID						\$0.00
LESS CREDITS						\$0.00
AMOUNT DUE						\$150,986.21

EXHIBIT "D"

Minimum Insurance Requirement, Converge Types, and Amounts

0

Coverage Afforded	Limits of Liability
Worker's Compensation:	Statutory
Commercial General Liability Insurance Including:	\$2,000,000 Bodily Injury and Property Damage, Combined Single Limit
a) Products & Completed Operations	
b) Blanket Contractual	
c) Explosion, Collapse & Underground Hazard	
Automobile Liability Insurance including:	\$2,000,000 Bodily Injury and Property Damage, Combined Single Limit
a) Non-owned	
b) Leased	
c) Hired Vehicles	



Staff Report

Meeting: City Council

Date: February 20, 2024

Item #: 7.4
Consent

Department: Engineering Services - Engineering
Submitted by: Michael Miller, City Engineer
Agenda Title: Oakcrest Subdivision Phase 2 Notice of Completion

RECOMMENDED ACTION

Accept the required public works improvements for Phase 2 of the Oakcrest subdivision located on the north side of Tulare Avenue ½-mile west of West Street as complete, authorize the City Engineer to sign a Notice of Completion (NOC), and direct the City Clerk to file the NOC with the Tulare County Recorder's Office.

SUMMARY

On July 18, 2023, City Council conditionally approved the final map for Phase 2 of the Oakcrest subdivision, which created 95 single-family residential lots as shown in the attached exhibit. The overall subdivision comprises approximately 46 acres and consists of 206 lots.

The Subdivider, D.R. Horton CA3, Inc., a Delaware Corporation, has completed construction of all required public works improvements for Phase 2 of the Oakcrest subdivision in accordance with approved plans and specifications.

FISCAL IMPACT & FUNDING SOURCE(S)

N/A

LEGAL REVIEW

The City's standard Notice of Completion format has been reviewed and approved as to form by the City Attorney.

ALTERNATIVE ACTION

1. Approve with changes – No impact.
2. Deny – Not approving the NOC would prevent residents from occupying their recently purchased homes.
3. Table – A delay in the City accepting the improvements would prevent residents from occupying their recently purchased homes.

ATTACHMENTS

1. Oakcrest subdivision final map.

Reviewed/Approved: 

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 12th day of February 2024, a work of improvement on real property hereinafter described was completed by D.R. Horton CA3, Inc., a Delaware Corporation, the Subdivider of record, whose address is 419 West Murray Avenue, Visalia, CA 93291.**
4. **The name of the surety for the work of improvements is Liberty Mutual Insurance Company, 175 Berkeley St, Boston, MA, 02116.**
5. **The real property or public work or structure is described as follows:**

Public Works Improvements for Phase 2 of the Oakcrest subdivision.
6. **The public works improvements were accepted as complete by the City Council of the City of Tulare on February 20, 2024.**

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 _____ at Tulare, California.

By: _____
Michael W. Miller, City Engineer

OAKCREST SUBDIVISION - PHASE 2

BEING A DIVISION OF OUTLOT F OF OAKCREST SUBDIVISION - PHASE 1 ACCORDING TO THE MAP THEREOF RECORDED IN VOLUME 44 OF MAPS IN THE SOUTH HALF OF SECTION 28, T15S, R15E, M15N OF THE COUNTY OF TULARE, STATE OF CALIFORNIA. CONSISTING OF 3 SHEETS SHEET 3 OF 3

- LEGEND**
- MONUMENTS FOUND AND ACCEPTED, AS NOTED
 - ▲ SET 3/4" I.P. IN CONC. DOWN 0.5" TAGGED L.S. 8468 WHERE INDICATED
 - ◆ SET 3/4" I.P. DOWN 0.5" TAGGED L.S. 8468 ON LOT LINE AS SHOWN 4.40' FROM NEAREST TRAIL TO CORNER PER OAKCREST PHASE 1
 - ▲ FOUND AND ACCEPTED 2" BRASS DISK FLUSH, "LS 8468"
 - FOUND AND ACCEPTED 3/4" I.P. DOWN 0.5" TAGGED PER OAKCREST PHASE 1 ALONG SUBDIVISION BOUNDARY
 - SET 2" BRASS DISK FLUSH IN CONCRETE STAMPED L.S. 8468 FOUND AND ACCEPTED 1/2" I.P. TAGGED "ROE 30501", DOWN 0.5" ALONG PROPERTY LINE PER R2
 - SUBDIVISION BOUNDARY
 - PUE PUBLIC UTILITY EASEMENT IN FAVOR OF THE CITY OF TULARE PER THIS MAP
 - (R) RADIAL BEARING
 - T.C.R. TULARE COUNTY RECORDS
 - (R1) MEASURED PER THIS MAP AND RECORD DATA AS PER "OAKCREST SUBDIVISION - PHASE 1" RECORDED IN BOOK 44 OF MAPS AT PAGE 71, T.C.R., OR CALCULATED THEREFROM
 - (R2) RECORD DATA AS PER "MONTECITO" RECORDED IN VOLUME 42 OF MAPS AT PAGE 9, T.C.R., OR CALCULATED THEREFROM

MONUMENTAL NOTES

1. ALL MONUMENTS TAGGED L.S. 8468 AT ALL LOT CORNERS, ANGLE POINTS, AND CURVES, UNLESS SHOWN OTHERWISE

LINE TABLE

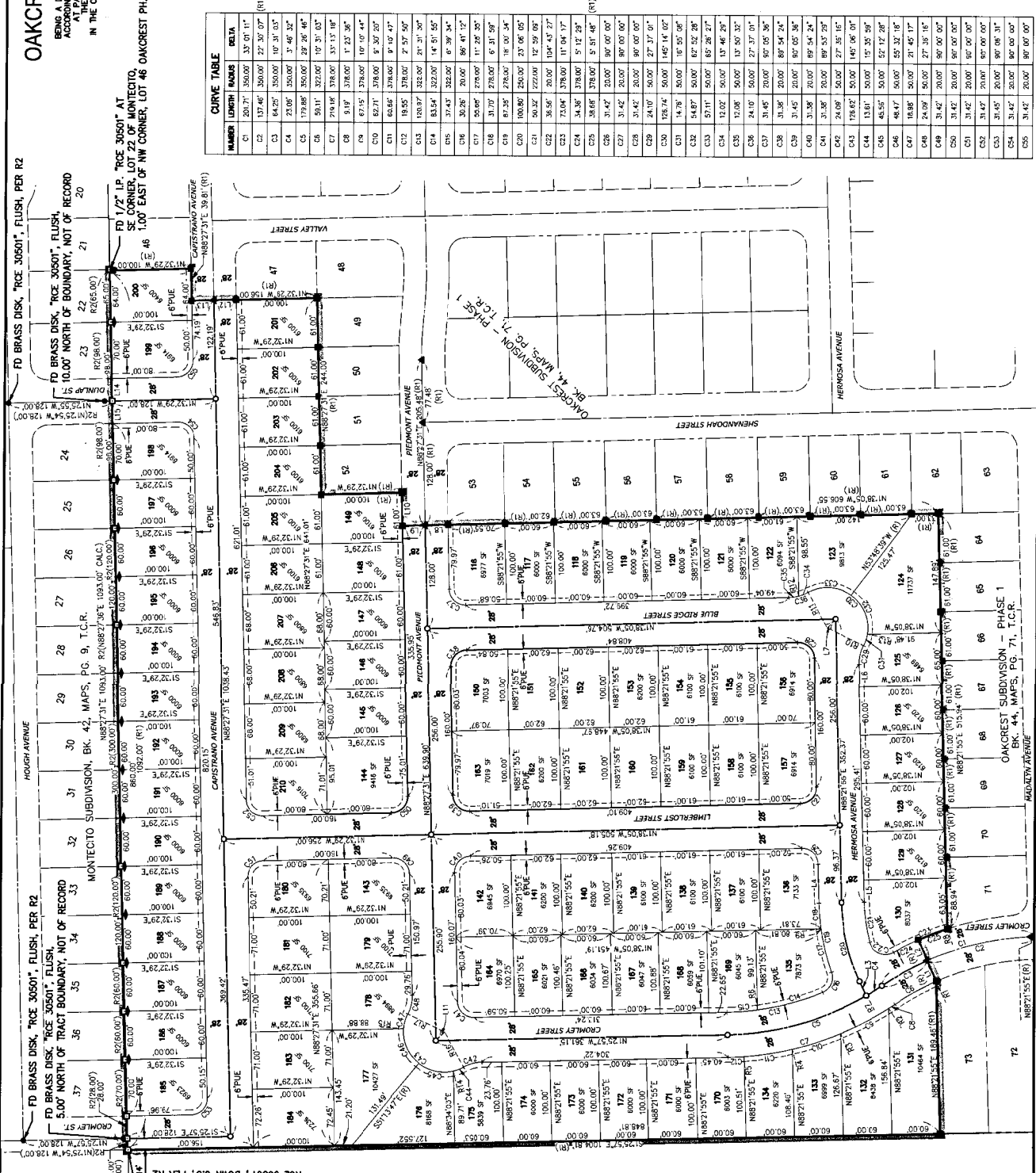
LINE	LENGTH	BEARING
L1	26.00	N85°51'48"E (R1)
L2	26.00	N85°51'48"E (R1)
L3	26.00	N85°51'48"E (R1)
L4	26.00	N85°51'48"E (R1)
L5	26.00	N85°51'48"E (R1)
L6	26.00	N85°51'48"E (R1)
L7	26.00	N85°51'48"E (R1)
L8	26.00	N85°51'48"E (R1)
L9	26.00	N85°51'48"E (R1)
L10	26.00	N85°51'48"E (R1)
L11	26.00	N85°51'48"E (R1)
L12	26.00	N85°51'48"E (R1)
L13	26.00	N85°51'48"E (R1)
L14	26.00	N85°51'48"E (R1)
L15	26.00	N85°51'48"E (R1)

RADIAL TABLE

RADIAL	BEARING
R1	N85°51'48"E (R1)
R2	N85°51'48"E (R1)
R3	N85°51'48"E (R1)
R4	N85°51'48"E (R1)
R5	N85°51'48"E (R1)
R6	N85°51'48"E (R1)
R7	N85°51'48"E (R1)
R8	N85°51'48"E (R1)
R9	N85°51'48"E (R1)
R10	N85°51'48"E (R1)
R11	N85°51'48"E (R1)
R12	N85°51'48"E (R1)
R13	N85°51'48"E (R1)
R14	N85°51'48"E (R1)
R15	N85°51'48"E (R1)
R16	N85°51'48"E (R1)
R17	N85°51'48"E (R1)
R18	N85°51'48"E (R1)

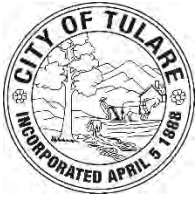
PREPARED BY
PROVOST & PRITCHARD
REGISTERED PROFESSIONAL SURVEYORS
130 NORTH WALTON STREET
TULARE, CALIFORNIA 95324
TEL: 805/326-1116 FAX: 805/326-1117
WWW.PROVOSTANDPRITCHARD.COM

DATE: 03/20/2024
JOB NO.: 19-00000
DRAWING NO.: 14-00000



NORTHWEST CORNER, LOT 17
RUSSELL COLONY, FD 1/2" I.P.
RCE 30501, DOWN 0.5", PER R2

LOT 16, RUSSELL COLONY, BK. 4, MAPS, PG. 15, T.C.R.



Staff Report

Meeting: City Council

Date: February 20, 2024

**Item #: 7.5
Consent**

Department: Engineering Services - Project Management

Submitted by: City Engineer Michael Miller

Agenda Title: Notice of Completion for Project EN0094 - Sycamore and San Joaquin Improvements

RECOMMENDED ACTION

Accept as complete the contract with Floyd Johnston Construction Co., Inc. of Clovis Ca, for CIP Project EN0094 – Sycamore and San Joaquin Improvements.

SUMMARY

Capital Improvement Program Project EN0094 is a street and utility improvement project on the following street segments:

- King Avenue between O Street and Cherry Street,
- Sycamore Avenue between Cherry Street and Blackstone Street,
- San Joaquin Avenue between O Street and Blackstone Street,
- Madden Street between Tulare Avenue and King Street,
- Delwood Street between Sycamore Avenue and San Joaquin Avenue, and
- Highland Street between Tulare Avenue and Sycamore Avenue.

The project reconstructed the street section and included ADA compliance improvements to intersection curb returns and alley/sidewalk intersections that fell within the project limits. Additionally, it addressed 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 a review of the condition of the City’s utility infrastructure. This project was included as a part of the City’s 2021-2026 transportation and utility CIP budget.

On April 19, 2022, the City Council awarded a contract to Floyd Johnston Construction of Clovis Ca, in the amount of \$6,652,485.50. Additional work was performed consisting of changes requested by Engineering, Streets, Water and Sewer Departments due to unforeseen and differing field conditions encountered during construction. This included replacement of additional driveways, curb and gutter, additional hot mix asphalt, and aesthetic improvements found to be in the best interest of the City. A summary of contract costs as follows:

Approved Contract Amount:	\$6,652,485.50
Bid Item Quantity Adjustments:	\$ -199,063.76
Contract Change Orders – Various:	\$104,333.93
Total Construction Contract Cost:	\$6,550,620.17

All work required of Floyd Johnston Construction under this contract has been completed in accordance with the approved plans and specifications. The contractor has also provided the required Maintenance Bond in the amount equal to 10% of the final contract amount.

FISCAL IMPACT & FUNDING SOURCE(S)

This project was funded through a combination of Gas Tax, Water, Sewer and Surface Water funds.

EN0094

Fund 122 - Gas Tax (RMRA-SB1)

Fund 021 - Measure R-Local

Fund 077 - CDBG

Fund 610 - Water CIP (Bonds)

Fund 615 - Sewer Wastewater CIP

Fund 647 – Surface Water CIP

LEGAL REVIEW

Not Applicable.

ALTERNATIVE ACTION

1. Approve with changes.
2. Deny - Should Council deny the request to accept as complete the contract with Floyd Johnston Construction at this time, it would prevent the City from filing a notice of completion with the County Recorder’s Office and releasing payment of the retention amount owed \$330,374.83 to the Contractor. The start of the 1-year maintenance bond on the project would be postponed, increasing liability to the contractor. Without specific written findings of justification for denial, this action could open the City up to litigation.
3. Table - The postponement of filing the notice of completion after final acceptance of the project requirements, may result in the City owing the Contractors interest on monies withheld. Postponement of notice of completion ties up the Contractors bonding capacity preventing them from bidding on alternate projects. Causing such delay to the contractor could open the City up to litigation for damages.

ATTACHMENTS

1. Notice of Completion

Reviewed/Approved: 

ATTACHMENT 1

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 20th day of February, 2024, 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 Floyd Johnston Construction Co., Inc., whose address is 2301 Herndon Avenue, Clovis, CA 93611. The surety on said contract is Fidelity and Deposit Company of Maryland.
5. The real property or public works or structure is described as follows:

Sycamore-San Joaquin Avenue Improvements Project, Project No. EN0094.

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 _____, at Tulare, California.

By: _____
Michael W. Miller, City Engineer



Staff Report

Meeting: City Council

Date: February 20, 2024

**Item #: 7.6
Consent**

Department: Finance

Submitted by: Melanie Gaboardi, Assistant Finance Director, Interim CFO

Agenda Title: Monthly Investments Report

RECOMMENDED ACTION

Accept the monthly investment report for December 2023.

SUMMARY

The investment report for December 2023 is submitted for Council review and acceptance.

FISCAL IMPACT & FUNDING SOURCE(S)

There is no fiscal impact associated with this action.

LEGAL REVIEW

This item did not require legal review.

ALTERNATIVE ACTION

1. Approve with changes
2. Deny
3. Table

ATTACHMENTS

1. December 2023 Investments Report

Reviewed/Approved: 

**CITY OF TULARE
SUMMARY TREASURER'S REPORT
SUMMARY OF ALL INVESTMENTS
December 31, 2023**

<u>TYPE OF INVESTMENT</u>	<u>BOOK VALUE</u>	<u>MARKET VALUE</u>	<u>CURRENT YIELD</u>	<u>BOOK VALUE % OF TOTAL</u>
UNRESTRICTED INVESTMENTS - SEE PAGE 2	234,434,551	222,786,715	1.226%	93.77%
RESTRICTED INVESTMENTS - SEE PAGE 3	<u>15,570,683</u>	<u>15,570,683</u>	N/A	<u>6.23%</u>
TOTAL INVESTMENTS	<u><u>250,005,234</u></u>	<u><u>238,357,398</u></u>	N/A	<u><u>100.00%</u></u>

Note: The City's financial statements will report market values, not book values, at June 30 each year.

I certify that this report reflects all City investments and complies with the investment policy of the City of Tulare as approved by City Council. Furthermore, I certify that sufficient investment liquidity and anticipated revenues are available to meet the City's budgeted expenditures for the next six months.

Presented to the City Council on February 20, 2024.

Presented to the Board of Public Utility Commissioners on February 15, 2024.

Respectfully submitted, Melanie U. Gaboardi, Assistant Finance Director, Interim CFO

Melanie U. Gaboardi
Date 1/30/2024

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
SUMMARY OF UNRESTRICTED INVESTMENTS
December 31, 2023

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	DATES:		INTEREST RATES:		BOOK VALUE	UNREALIZED	ESTIMATED	BOOK VALUE
		ACQUISITION	MATURITY	STATED	CURRENT YIELD		PAR VALUE	GAIN/(LOSS):	
						MARKET VALUE	THIS MONTH	ANNUAL	% OF
							LAST MONTH	THIS MONTH	U/I~
Petty Cash	N/A	N/A	N/A	N/A	N/A	12,900	N/A	N/A	0.01%
		N/A	None			12,900	N/A	N/A	
Checking Account - City	Wells Fargo Bank	N/A	N/A	N/A	N/A	40,344,897	N/A	N/A	17.21%
		On Demand	None			40,344,897	N/A	N/A	
						Balance per bank is \$			
Local Agency Investment Fund (LAIF)	State of California	Various	N/A	N/A	N/A	36,208,699	(233,795)	1,422,640	15.45%
		On Demand	3.929%		*	35,974,904	(491,348)	118,553	
Sub-Total			N/A	N/A		76,566,495	(233,795)	1,422,640	32.66%
			1.864%			76,332,701	(491,348)	118,553	
Fixed Income Investments	Various (See page 4-7)		N/A	N/A		Per BNY WTC			
Investments in Safekeeping With BNY Western Trust Company			0.890%			157,868,056	(11,414,041)	1,308,760	67.34%
						146,454,015	(13,038,477)	109,063	
TOTAL UNRESTRICTED INVESTMENTS			N/A	N/A		234,434,551	(11,647,836)	2,731,400	100.00%
			1.226%			222,786,715	(13,529,826)	227,617	

* LAIF market values are based on the most currently available amortized cost information - December 31, 2023;

0.993543131

~ U/I = Unrestricted Investments

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
SUMMARY OF RESTRICTED INVESTMENTS
December 31, 2023

TYPE OF INVESTMENT	ISSUER OF INVESTMENT	ACQUISITION DATE	MATURITY DATE	STATED INTEREST RATE	PAR VALUE	BOOK VALUE	MARKET VALUE	BALANCES AS-OF DATE
Bond Funds (All are Managed by U.S. Bank Trust Except LAIF):								
2018 Lease Revenue and Refunding Bonds (Account No. 244938000)								
First American Govt Fd	U.S. Bank Trust	Various	On Demand	Various	N/A	3,449,957	3,449,957	12-31-23
				Reserve Fund		<u>3,449,957</u>	<u>3,449,957</u>	
2015 Sewer Revenue Refunding Bonds (Account No. 261594000)								
First American Govt Fd	U.S. Bank Trust	Various	On Demand	Various	N/A	208,189	208,189	12-31-23
First American Govt Fd	U.S. Bank Trust			Various	N/A	49,484	49,484	12-31-23
				Reserve Fund				
Investment Repurchase GIC	Bayerische Landesbank	11-15-15	11-15-25	1.960%	N/A	5,032,685	5,032,685	12-31-23
				Reserve Fund		<u>5,290,358</u>	<u>5,290,358</u>	
2016 Sewer Revenue Refunding Bonds (Account No. 231687000)								
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various	N/A	16	16	12-31-23
						<u>16</u>	<u>16</u>	
2020 Sewer Revenue Refunding Bonds (Account No. 230396000)								
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various	N/A	18,453	18,453	12-31-23
						<u>18,453</u>	<u>18,453</u>	
2017 Water Revenue Bonds (Account No. 219189000)								
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various	N/A	4	4	12-31-23
						<u>4</u>	<u>4</u>	
2020 Water Revenue Bonds (Account No. 250953000)								
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various	N/A	6,811,888	6,811,888	12-31-23
						<u>6,811,888</u>	<u>6,811,888</u>	
2017 Successor Agency Tax Allocation Bonds - Series A & B (Account No. 245346000)								
U S Bk Mmkt	U.S. Bank Trust	Various	On Demand	Various	N/A	7	7	12-31-23
						<u>7</u>	<u>7</u>	
TOTAL RESTRICTED INVESTMENTS					6.23%	<u>15,570,683</u>	<u>15,570,683</u>	
	Book Value % of Total Investments =							

CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS
December 31, 2023

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		BOOK VALUE MARKET VALUE	UNREALIZED	ESTIMATED
		ACQUISITION	MATURITY	STATED	CURRENT YIELD		GAIN/(LOSS): THIS MONTH LAST MONTH	EARNINGS: ANNUAL THIS MONTH
<u>U.S. GOVERNMENT AGENCY OBLIGATIONS</u>								
			**			Per BNY WTC		
Federal Farm Credit Bks Funding Corp		06-17-20		0.580%	2,000,000	2,000,000	(41,260)	11,600
	3133ELJ47	06-17-24	C	0.590%		1,958,740	(49,940)	967
Federal National Mortgage Assn		08-25-20		0.520%	2,000,000	2,000,000	(84,600)	10,400
	3136G4T52	02-25-25	C	0.540%		1,915,400	(111,860)	867
Federal National Mortgage Assn		08-27-20		0.600%	2,000,000	2,000,000	(101,640)	12,000
	3136G4U50	05-27-25	C	0.630%		1,898,360	(126,760)	1,000
Federal Home Loan Mtg Corp		06-03-20		0.750%	2,000,000	2,000,000	(97,780)	15,000
	3134GVVX3	05-28-25	C	0.790%		1,902,220	(127,740)	1,250
Federal Home Loan Mtg Corp		06-10-20		0.700%	2,000,000	2,000,000	(102,180)	14,000
	3134GVB56	06-10-25	C	0.740%		1,897,820	(132,080)	1,167
Federal Home Loan Banks		06-24-20		0.750%	868,056	868,056	(44,896)	6,510
	3130AJRE1	06-24-25	C	0.790%		823,160	(55,217)	543
Federal Home Loan Mtg Corp		06-30-20		0.800%	2,000,000	2,000,000	(103,700)	16,000
	3134GVT65	06-30-25	C	0.840%		1,896,300	(126,520)	1,333
Federal National Mortgage Assn		07-15-20		0.730%	2,000,000	2,000,000	(108,160)	14,600
	3136G4YU1	07-15-25	C	0.770%		1,891,840	(131,460)	1,217
Federal National Mortgage Assn		08-26-20		0.500%	2,000,000	2,000,000	(124,060)	10,000
	3136G42E2	08-26-25	C	0.530%		1,875,940	(143,360)	833
Federal Home Loan Mtg Corp		09-30-20		0.500%	2,500,000	2,500,000	(165,000)	12,500
	3134GWUE4	09-30-25	C	0.540%		2,335,000	(189,050)	1,042
Federal Home Loan Mtg Corp		09-30-20		0.520%	2,500,000	2,500,000	(164,175)	13,000
	3134GWUV6	09-30-25	C	0.560%		2,335,825	(188,175)	1,083
Federal Home Loan Mtg Corp		10-02-20		0.550%	3,000,000	3,000,000	(199,050)	16,500
	3134GWX43	10-02-25	C	0.590%		2,800,950	(224,760)	1,375
Federal Home Loan Mtg Corp		10-15-20		0.550%	3,000,000	3,000,000	(203,010)	16,500
	3134GWXX9	10-15-25	C	0.590%		2,796,990	(227,670)	1,375

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CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS, CONTINUED
December 31, 2023

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		BOOK VALUE	UNREALIZED	ESTIMATED
		ACQUISITION	MATURITY	STATED	CURRENT YIELD		PAR VALUE	MARKET VALUE
							THIS MONTH	ANNUAL
							LAST MONTH	THIS MONTH
<u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u>								
			**			Per BNY WTC		
Federal Home Loan Mtg Corp		10-15-20		0.530%	3,000,000	3,000,000	(204,030)	15,900
	3134GWY34	10-15-25	C	0.570%		2,795,970	(228,720)	1,325
Federal National Mortgage Assn		10-20-20		0.580%	3,000,000	3,000,000	(202,920)	17,400
	3135G06A6	10-20-25	C	0.620%		2,797,080	(235,590)	1,450
Federal Farm Credit Bks Funding Corp		10-21-20		0.520%	2,500,000	2,500,000	(171,900)	13,000
	3133EMDZ2	10-21-25	C	0.560%		2,328,100	(197,075)	1,083
Federal Farm Credit Bks Funding Corp		10-22-20		0.530%	2,500,000	2,500,000	(179,550)	13,250
	3133EMEC2	10-22-25	C	0.570%		2,320,450	(204,225)	1,104
Federal Home Loan Mtg Corp		10-27-20		0.625%	3,000,000	3,000,000	(202,800)	18,750
	3134GW3X2	10-27-25	C	0.670%		2,797,200	(244,230)	1,563
Federal Home Loan Mtg Corp		10-28-20		0.600%	2,000,000	2,000,000	(136,260)	12,000
	3134GW3Z7	10-28-25	C	0.640%		1,863,740	(164,260)	1,000
Federal Home Loan Mtg Corp		10-29-20		0.570%	3,000,000	3,000,000	(206,250)	17,100
	3134GWZL3	10-29-25	C	0.610%		2,793,750	(230,040)	1,425
Federal Home Loan Mtg Corp		11-10-20		0.610%	3,000,000	3,000,000	(208,110)	18,300
	3134GW6S0	11-10-25	C	0.660%		2,791,890	(230,610)	1,525
Federal Home Loan Mtg Corp		11-12-20		0.600%	2,000,000	2,000,000	(139,500)	12,000
	3134GXAP9	11-12-25	C	0.640%		1,860,500	(154,420)	1,000
Federal Home Loan Mtg Corp		11-25-20		0.625%	3,000,000	3,000,000	(211,830)	18,750
	3134GXCS1	11-25-25	C	0.670%		2,788,170	(233,130)	1,563
Federal Home Loan Mtg Corp		11-30-20		0.650%	2,000,000	2,000,000	(140,500)	13,000
	3136GXFA7	11-26-25	C	0.700%		1,859,500	(154,640)	1,083
Federal Home Loan Mtg Corp		12-01-20		0.620%	1,500,000	1,500,000	(107,280)	9,300
	3134GXDM3	12-01-25	C	0.670%		1,392,720	(121,695)	775
Federal Farm Credit Bks Funding Corp		12-17-20		0.540%	2,500,000	2,500,000	(186,500)	13,500
	3133EMKT8	12-17-25	C	0.580%		2,313,500	(205,425)	1,125

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CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS, CONTINUED
December 31, 2023

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		PAR VALUE	BOOK VALUE MARKET VALUE	UNREALIZED	ESTIMATED
		ACQUISITION	MATURITY	STATED	CURRENT YIELD			GAIN/(LOSS): THIS MONTH LAST MONTH	EARNINGS: ANNUAL THIS MONTH
<u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u>									
			**				Per BNY WTC		
Federal Home Loan Mtg Corp		12-17-20		0.625%	2,000,000	2,000,000	(146,040)	12,500	
	3134GXFV1	12-17-25	C	0.670%		1,853,960	(163,500)	1,042	
Federal Home Loan Mtg Corp		12-23-20		0.700%	3,000,000	3,000,000	(216,660)	21,000	
	3134GXHD9	12-23-25	C	0.750%		2,783,340	(240,750)	1,750	
Federal Home Loan Mtg Corp		01-05-21		0.550%	2,500,000	2,500,000	(180,425)	13,750	
	3134GXJX3	01-05-26	C	0.590%		2,319,575	(208,575)	1,146	
Federal Home Loan Mtg Corp		01-07-21		0.520%	2,000,000	2,000,000	(145,860)	10,400	
	3134GXJZ8	01-07-26	C	0.560%		1,854,140	(168,360)	867	
Federal Home Loan Banks		01-22-21		0.625%	2,500,000	2,500,000	(180,850)	15,625	
	3130AKQ74	01-22-26	C	0.670%		2,319,150	(208,750)	1,302	
Federal Home Loan Mtg Corp		01-22-21		0.550%	2,500,000	2,500,000	(184,500)	13,750	
	3134GXKJ2	01-22-26	C	0.590%		2,315,500	(212,500)	1,146	
Federal Home Loan Banks		01-28-21		0.600%	2,000,000	2,000,000	(146,780)	12,000	
	3130AKPC4	01-28-26	C	0.650%		1,853,220	(169,120)	1,000	
Federal National Mortgage Asso.		01-28-21		0.550%	2,000,000	2,000,000	(148,740)	11,000	
	3135G06R9	01-28-26	C	0.590%		1,851,260	(171,140)	917	
Federal Home Loan Banks		02-17-21		0.625%	3,000,000	3,000,000	(225,360)	18,750	
	3130AL3S1	02-17-26	C	0.680%		2,774,640	(256,530)	1,563	
Federal Home Loan Banks		02-24-21		0.600%	3,000,000	3,000,000	(228,870)	18,000	
	3130AKYU4	02-24-26	C	0.650%		2,771,130	(259,920)	1,500	
Federal Home Loan Banks		02-25-21		0.625%	3,000,000	3,000,000	(227,610)	18,750	
	3130ALCW2	02-25-26	C	0.680%		2,772,390	(258,600)	1,563	
Federal Home Loan Banks		02-26-21		0.650%	3,000,000	3,000,000	(226,380)	19,500	
	3130AKZ25	02-26-26	C	0.700%		2,773,620	(266,790)	1,625	
Federal Home Loan Banks		03-10-21		0.800%	3,000,000	3,000,000	(221,790)	24,000	
	3130ALFS8	03-10-26	C	0.860%		2,778,210	(251,190)	2,000	

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CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS, CONTINUED
December 31, 2023

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		BOOK VALUE	UNREALIZED	ESTIMATED
		ACQUISITION	MATURITY	STATED	CURRENT YIELD		PAR VALUE	MARKET VALUE
							THIS MONTH	ANNUAL
							LAST MONTH	THIS MONTH
<u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u>								
			**			Per BNY WTC		
Federal Home Loan Banks		03-30-21		1.030%	2,500,000	2,500,000	(177,125)	25,750
	3130ALKQ6	03-30-26	C	1.110%		2,322,875	(201,075)	2,146
Federal Home Loan Banks		04-22-21		1.100%	2,500,000	2,500,000	(175,775)	27,500
	3130ALXV1	04-22-26	C	1.180%		2,324,225	(200,800)	2,292
Federal Home Loan Banks		06-30-21		1.000%	3,000,000	3,000,000	(234,660)	30,000
	3130AMWU2	06-30-26	C	1.080%		2,765,340	(277,110)	2,500
Federal Home Loan Banks		07-13-21		1.020%	3,000,000	3,000,000	(236,550)	30,600
	3130AN2L3	07-13-26	C	1.110%		2,763,450	(266,850)	2,550
Federal Home Loan Banks		07-29-21		1.125%	3,000,000	3,000,000	(232,830)	33,750
	3130AN4R8	07-29-26	C	1.220%		2,767,170	(262,740)	2,813
Federal Home Loan Banks		08-24-21		1.050%	3,000,000	3,000,000	(243,960)	31,500
	3130ANFT2	08-24-26	C	1.140%		2,756,040	(274,470)	2,625
Federal Home Loan Banks		08-26-21		0.900%	2,500,000	2,500,000	(213,000)	22,500
	3130ANLZ1	08-26-26	C	0.980%		2,287,000	(238,550)	1,875
Federal Home Loan Banks		08-27-21		1.050%	2,500,000	2,500,000	(203,900)	26,250
	3130ANM56	08-27-26	C	1.140%		2,296,100	(229,275)	2,188
Federal Home Loan Banks		09-28-21		1.100%	3,000,000	3,000,000	(248,880)	33,000
	3130ANUX6	09-28-26	C	1.200%		2,751,120	(278,640)	2,750
Federal Home Loan Banks		09-28-21		0.900%	3,000,000	3,000,000	(264,210)	27,000
	3130ANXS4	09-28-26	C	0.990%		2,735,790	(294,240)	2,250
Federal Home Loan Banks		09-30-21		1.000%	3,000,000	3,000,000	(257,010)	30,000
	3130ANXU9	09-30-26	C	1.090%		2,742,990	(287,040)	2,500
Federal Home Loan Banks		09-30-21		0.950%	2,500,000	2,500,000	(217,375)	23,750
	3130ANYR5	09-30-26	C	1.040%		2,282,625	(242,475)	1,979
Federal Home Loan Banks		10-21-21		1.000%	2,500,000	2,500,000	(203,475)	25,000
	3130APCD5	10-21-26	C	1.090%		2,296,525	(237,675)	2,083

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CITY OF TULARE
SUMMARY TREASURER'S REPORT, CONTINUED
FIXED INCOME INVESTMENTS, CONTINUED
December 31, 2023

TYPE OF FIXED INCOME INVESTMENT	CUSIP NUMBER	DATES:		INTEREST RATES:		BOOK VALUE MARKET VALUE	UNREALIZED	ESTIMATED
		ACQUISITION	MATURITY	STATED	CURRENT YIELD		GAIN/(LOSS): THIS MONTH	EARNINGS: ANNUAL THIS MONTH
<u>U.S. GOVERNMENT AGENCY OBLIGATIONS, CONTINUED</u>								
			**			Per BNY WTC		
Federal Home Loan Bks		10-26-21		1.250%	3,000,000	3,000,000	(243,210)	37,500
	3130APJ55	10-26-26	C	1.360%		2,756,790	(273,030)	3,125
Federal Home Loan Bks		10-26-21		1.125%	3,000,000	3,000,000	(253,020)	33,750
	3130APJB2	10-26-26	C	1.230%		2,746,980	(279,900)	2,813
Federal Home Loan Bks		10-28-21		1.250%	3,000,000	3,000,000	(243,660)	37,500
	3130APDQ5	10-28-26	C	1.360%		2,756,340	(270,330)	3,125
Federal Home Loan Bks		10-28-21		1.100%	2,000,000	2,000,000	(170,320)	22,000
	3130APFQ3	10-28-26	C	1.200%		1,829,680	(188,220)	1,833
Federal Home Loan Bks		10-28-21		1.120%	2,000,000	2,000,000	(169,260)	22,400
	3130APFR1	10-28-26	C	1.220%		1,830,740	(194,920)	1,867
Federal Home Loan Bks		10-28-21		1.050%	2,000,000	2,000,000	(172,940)	21,000
	3130APFU4	10-28-26	C	1.150%		1,827,060	(200,960)	1,750
Federal Home Loan Bks		11-16-21		1.375%	2,500,000	2,500,000	(199,225)	34,375
	3130APLP8	11-16-26	C	1.490%		2,300,775	(232,000)	2,865
Federal Home Loan Bks		11-18-21		1.375%	3,000,000	3,000,000	(239,490)	41,250
	3130APNK7	11-18-26	C	1.490%		2,760,510	(265,380)	3,438
Federal Home Loan Bks		11-23-21		1.450%	3,000,000	3,000,000	(234,540)	43,500
	3130APPL3	11-23-26	C	1.570%		2,765,460	(260,280)	3,625
Federal Home Loan Bks		12-17-21		1.600%	2,000,000	2,000,000	(150,920)	32,000
	3130APXT7	12-17-26	C	1.730%		1,849,080	(167,520)	2,667
Federal Home Loan Bks		03-29-22		2.350%	2,000,000	2,000,000	(111,900)	47,000
	3130ARA68	03-29-27	C	2.490%		1,888,100	(140,620)	3,917
TOTAL FIXED INCOME INVESTMENTS				N/A	N/A	157,868,056	(11,414,041)	1,308,760
**All are in safekeeping with BNY Western Trust Company				0.890%		146,454,015	(13,038,477)	109,063

~ U/I = Unrestricted Investments



Staff Report

Meeting: City Council

Date: February 20, 2024

Item #: 8.1
General Business

Department: City Manager

Submitted by: Josh McDonnell, Assistant City Manager

Agenda Title: Closure of Portion of Sonora Avenue to Vehicular Traffic

RECOMMENDED ACTION

Approve a resolution authorizing the temporary closure of a portion of Sonora Avenue between Sacramento Street and Howard Street for the protection of persons attending Mulcahy Middle School and Roosevelt Elementary School.

SUMMARY

The Tulare City School District (District) is undertaking a series of multi-year improvement projects at both Mulcahy Middle School and Roosevelt Elementary School. Currently, children from these schools, located immediately across the street from each other, are crossing Sonora Avenue between the facilities on a daily basis for educational purposes.

In an effort to increase the protection of persons attending the two schools, the District has requested that the City consider closing Sonora Avenue to vehicular traffic during school hours when school is in session. They propose to establish a temporary closure operation similar to that of Tulare Union High School along Kern Avenue. As is the case with Tulare Union's temporary closure activities, the District would assume responsibility for acquiring and operating the associated temporary closure signs and paraphernalia, the content and type of which would be subject to review and approval of the City Engineer.

City staff, including Public Works and Police Department personnel as well as the City Engineer, have reviewed the District's request and agree that the temporary closure plan would result in a safer environment for school children attending Mulcahy and Roosevelt schools. In addition, staff confirmed that adjacent streets to the north (Inyo) and south (Elm) are sufficiently sized to accommodate any additional traffic stemming from the temporary closure of Sonora during school hours.

The temporary closure would affect vehicular access to two residences on Sonora; however, the City Engineer has worked with District staff to identify signs and barriers that could be utilized in a manner during temporary closures that would allow for continued vehicular access during closures. Similarly, the temporary closure would require a change to child drop-off and pick-up locations; however, the District has provided a plan to the City Engineer for the delineation of new areas for drop-off and pick-up that were found to be acceptable.

Given the daily pedestrian traffic occurring between Mulcahy and Roosevelt schools, the added pedestrian safety that would result from the temporary closure, the ability of adjacent streets to accommodate the minimal additional traffic, and the negligible cost to the City for operating and maintaining the temporary closure, staff recommends approval of the District's proposal to temporarily close Sonora Avenue between Mulcahy and Roosevelt schools during school hours.

FISCAL IMPACT & FUNDING SOURCE(S)

No impact. The District will assume the responsibility for acquisition, operation, and maintenance of all signage and barriers associated with the temporary closure of Sonora Avenue at this location during school hours.

LEGAL REVIEW

Not applicable.

ALTERNATIVE ACTION

1. Approve with changes – Direct staff to discuss alternatives for sign and barrier location as well as acquisition, operation, and maintenance of said material.
2. Deny – Do not move forward with allowing the temporary closure of Sonora Avenue in this location.
3. Table – Direct staff to research additional material associated with temporary street closures and return to Council at a later date.

ATTACHMENTS

1. Resolution

Reviewed/Approved: 

ATTACHMENT 1

RESOLUTION 2024-XX

A RESOLUTION OF THE COUNCIL OF THE CITY OF TULARE AUTHORIZING THE CLOSING TO VEHICULAR TRAFFIC OF A PORTION OF SONORA AVENUE BETWEEN SACRAMENTO STREET AND HOWARD STREET FOR THE PROTECTION OF PERSONS ATTENDING MULCAHY MIDDLE SCHOOL AND ROOSEVELT ELEMENTARY SCHOOL

WHEREAS, the Council of the City of Tulare at a regular meeting of February 20, 2024, considered the request of the Tulare City School District for the closure of a portion of West Sonora Avenue between Sacramento Street and Howard Street across the frontages of Mulcahy Middle School and Roosevelt Elementary School; and

WHEREAS, Vehicular Code Section 21102 authorizes the City Council to adopt a Resolution closing to vehicular traffic a portion of a street crossing or dividing any school grounds when the City Council is of the opinion that such closing is necessary for the protection of persons attending such school; and

WHEREAS, the subject portion of West Sonora Avenue does in fact divide the Mulcahy Middle School and Roosevelt Elementary School campuses and students travel between those grounds throughout the school day.

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

Section 1. That a portion of West Sonora Avenue between Sacramento Street and Howard Street divides the campus grounds between Mulcahy Middle School and Roosevelt Elementary School.

Section 2. It is the finding and opinion of the City Council that the closure of said portion of West Sonora Avenue between Mulcahy Middle School and Roosevelt Elementary School is necessary for the protection of persons attending said schools in Tulare City School District.

Section 3. That therefore, said portion of West Sonora Avenue between Sacramento Street between Mulcahy Middle School and Roosevelt Elementary School is herewith directed to be closed to vehicular traffic between the hours of 7:00 a.m. and 4:00 p.m. on all days that Tulare City School District is in session, as well as other occasions as Tulare City School District administration staff determines and advises the City that significant numbers of persons will be attending functions on the campus and will be crossing the subject portion of West Sonora Avenue.

Section 4. That whenever the Tulare City School District administration determines that there are such additional times and dates when it is necessary to close the portion of West Sonora Avenue between Mulcahy Middle School and Roosevelt Elementary School, other than between 7:00 a.m. and 4:00 p.m. on school days, it shall advise the Tulare Police Department at least one week in advance of such event.

Section 5. That said street closure shall be effective February 20, 2024, or at the earliest time thereafter when appropriate signs have been posted on streets adjacent to the area to be closed advising motorists of said street closure.

Section 6. That the Tulare City School District is herewith authorized and directed to place appropriate barricades and other methods of closing said portion of West Sonora Avenue, subject to prior approval of the City of Tulare to effectuate said street closure.

Section 7. That this street closure shall remain in full force and effect until and unless the City Council acts by Resolution to repeal or otherwise modify the terms and conditions of such street closure.

PASSED, APPROVED, AND ADOPTED on this 20th day of February 2024.

TERRY A. SAYRE, MAYOR

ATTEST:

MARC MONDELL, CITY CLERK

By Melissa Hermann, Chief Deputy City Clerk