

TO: Mayor and City Council Members
FROM: Joseph Carlini, City Manager
SUBJECT: November 21, 2017, Agenda Items
DATE: November 17, 2017

7:00 p.m.

I. CALL TO ORDER REGULAR SESSION

II. PLEDGE OF ALLEGIANCE AND INVOCATION

III. CITIZEN COMMENTS

This is the time for citizens to comment on subject matters, not on the agenda within the jurisdiction of the Tulare City Council. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight.

This is also the time for citizens to comment on items listed under the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to general business/city manager items or public hearing items will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment.

*In fairness to all who wish to speak, each speaker will be allowed **three minutes**, with a maximum time of 15 minutes per item, unless otherwise extended by Council. Please begin your comments by stating and spelling your name and providing your city of residence.*

IV. COMMUNICATIONS

*Communications are to be submitted to the City Manager's Office 10 days prior to a Council Meeting to be considered for this section of the Agenda. No action will be taken on matters listed under communications; however, the Council may direct staff to schedule issues raised during communications for a future agenda. Citizen comments will be limited to **three minutes**, per topic, unless otherwise extended by Council.*

V. CONSENT CALENDAR

All Consent Calendar Items are considered routine and will be enacted in one motion. There will be no separate discussion of these matters unless a request is made, in

which event the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.

- (1) **Authorization to read ordinances by title only.**
- (2) **Approve minutes of November 7, 2017 special and regular meeting(s).** The minutes of November 7, 2017 special and regular meeting(s) are submitted for your approval. **Staff recommends Council approve, as presented.**
- (3) **Adopt Ordinance 17-08 approving Zone Amendment No. 723, changing the existing zoning from the RM-1 (Multi-Family) zone district to the R-1-5 (Single Family Residential, 5,000 square foot minimum lot size) zone district on property located on the south side of Olema Avenue at Hall Street, approximately 450 feet west of West Street.** On November 7, 2017, the Tulare City Council by a vote of 4 to 0 (Council Member Nunley recused) passed-to-print Ordinance 17-08. **Staff recommends Council adopt Ordinance 17-08 approving Zone Amendment No. 723, changing the existing zoning from the RM-1 (Multi-Family) zone district to the R-1-5 (Single Family Residential, 5,000 square foot minimum lot size) zone district on property located on the south side of Olema Avenue at Hall Street, approximately 450 feet west of West Street, as presented.**
- (4) **Accept the required public works improvements for Phase 1 of the Montecito subdivision located along the south side of Pleasant Avenue between Cromley Street and La Dawna Street, approximately one-half mile west of West Street as complete, authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office.** On February 7, 2017, the City Council approved a subdivision improvement agreement for the Montecito subdivision. The development is located along the south side of Pleasant Avenue between Cromley Street and La Dawna Street, approximately one-half mile west of West Street, as shown on the attached map. Phase 1 consists of 92 single-family lots.

The developer, Holt Distressed Property Fund 2010, has completed construction of all required public works improvements for Phase 1 of the subdivision in accordance with the subdivision improvement agreement, approved improvement plans, and City improvement standards and specifications. **Staff recommends Council accept the required public works improvements for Phase 1 of the Montecito subdivision located along the south side of Pleasant Avenue between Cromley Street and La Dawna Street, approximately one-half mile west of West Street as complete, authorize the City Engineer to sign the Notice of Completion, and direct the City Clerk to file the Notice of Completion with the Tulare County Recorder's Office, as presented.**

- (5) **Adopt Ordinance 17-09 authorizing an amendment to the Contract between the City of Tulare and the Board of Administration of the California Public Employees' Retirement System to provide for changes to include employee cost-sharing of City's PERS cost.** On November 7, 2017, the Tulare City Council, unanimously passed-to-print Ordinance 17-09. **Staff recommends Council adopt Ordinance 17-09 authorizing an amendment to the Contract between the City of Tulare and the Board of Administration of the California Public Employees' Retirement System to provide for changes to include employee cost-sharing of City's PERS cost, as presented.**
- (6) **Adopt Resolution 17-54 authorizing the City of Tulare to apply for 2016-2017 California Transit Security Grant Program-California Transit Assistance Funds (CTSGP-CTAF) from the California Office of Emergency Services, accept the funds if awarded, and designate the City Manager or designee as the individual authorized to execute all grant documents on behalf of the City.** In 2015-2016 the City received \$47,502 in funding from the California Office of Emergency Services (CalOES), for purchasing and installing transit security enhancements (i.e., electronic fareboxes, automatic vehicle locator system, etc.) to improve accessibility and safety of our transit services. We are proposing to use \$38,344 in 2016-17 CalOES grant funds for additional transit security enhancements to assist in funding 2015-16 projects and related security amenities to improve transit services. No matching funds are required. **Staff recommends Council adopt Resolution 17-54 authorizing the City of Tulare to apply for 2016-2017 California Transit Security Grant Program-California Transit Assistance Funds (CTSGP-CTAF) from the California Office of Emergency Services, accept the funds if awarded, and designate the City Manager or designee as the individual authorized to execute all grant documents on behalf of the City, as presented.**
- (7) **Receive, review, and file the Monthly Investment Report for October 2017.** The investment report for the period ending October 31, 2017, is submitted for review and acceptance. **Staff recommends Council accept the October 2017 Investment Report, as presented.**
- (8) **Award NJPA Bid Contract #031014-ALT to Altec Industries Inc. in the amount of \$116,497.00, and approve State sales taxes in the amount of \$9611.00 for the purchase of an Aerial Lift Truck for Streets Division.** For the 2017 / 2018 budget year, the Streets Division requested, and was approved the purchase of an additional Aerial Lift Truck.

Using the specifications provided by the Streets Division, a bid was placed thru the NJPA and the National Auto Fleet Group under contract #031014 to price a truck to those specifications.

Originally budgeted in the amount of \$140,000 a bid was received from Altec Industries Inc. in the amount of \$116,497.00 excluding local taxes. Local taxes of \$9,611.00 will be required at time of registration, for a total purchase price of \$126,108.00.

The City's Purchasing Policy (Section 4, page 18, O) allows for the Use of Cooperative Purchasing Agreements and the City Manager to approve purchases over \$25,000. The Fleet Control Budget for the Streets Division has the required funds allocated for this vehicle. **Staff recommends Council award NJPA Bid Contract #031014-ALT to Altec Industries Inc. in the amount of \$116,497.00, and approve State sales taxes in the amount of \$9611.00 for the purchase of an Aerial Lift Truck for Streets Division, as presented.**

- (9) **Award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$2,352,008.36 for street and utility improvements associated with the EN0070 – Owens Avenue and 'I' Street Improvements Project; approve the revised project budget; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$235,200) of the contract award amount.** Capital Improvement Program Project EN0070 is located on 'I' Street between San Joaquin Avenue and Pleasant Avenue, and on Owens Avenue between 'E' Street and 'I' Street. This project replaces failing and substandard water, sewer and storm drain mains, services and laterals, makes necessary ADA sidewalk accessibility improvements, and addresses the failed state of the existing roadway paving.

Additionally, the proposed water system improvements in this project will provide additional water mainline capacity from the new well that is being constructed on 'I' St., South of Inyo. The project will install a new water main in Owens Ave., connecting the new well site to the 12" mainline in 'E' St. to improve the circulation of the loop system.

The proposed water system improvements included in this project are necessary to provide additional distribution system capacity in the vicinity of the new well that is being constructed on 'I' Street south of Inyo Avenue. Specifically, the project will install a new 10" water main in Owens Avenue, upsizing sections of existing 8" main and connecting the new well site to the existing 12" main in 'E' Street. This will improve distribution of the supply provided by the new well throughout the City's looped water system. Completion of this project is anticipated around the same time that the new well will be completed. This will ensure that when the well is brought online, the system will be able to immediately take full advantage of the additional capacity that it provides.

Due to the fact that the project's funding will include utility funds, this contract was reviewed and approved by the Board of Public Utilities at its November 16,

2017 regular meeting. **Staff recommends Council award and authorize the City Manager to sign a contract with Don Berry Construction, Inc. of Selma, CA in an amount not to exceed \$2,352,008.36 for street and utility improvements associated with the EN0070 – Owens Avenue and 'I' Street Improvements Project; approve the revised project budget; and authorize the City Manager or designee to approve contract change orders in an amount not to exceed 10% (\$235,200) of the contract award amount, as presented.**

- (10) **Authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$161,350.00 for geographic information system (GIS) database development, inventory and conditions survey, public participation program coordination, and ADA transition plan preparation as a part of Project EN0079 – ADA Public Right of Way Transition Plan. Authorize the City Manager or his designee to approve contract change orders in an amount not to exceed 10% (\$16,135) of the contract award amount.** This project will work towards bringing the City of Tulare into compliance with Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). The purpose of the ADA Transition plan is to define the policies implemented by the City for identifying and prioritizing deficient pedestrian infrastructure within the City's public right-of-way. In addition, practices to address these deficiencies will be identified. The goal of these policies and practices is to ensure that all pedestrian paths of travel within the City of Tulare's right-of-way are consistent with requirements of the ADA. Section 504 of the Rehabilitation Act of 1973 and the Americans with Disability Act of 1990 requires all public agencies to create an ADA Transition Plan to address existing deficiencies. The ADA Transition Plan is required by the Department of Justice to address the following aspects of accessibility:
- (1) If a public entity has responsibility or authority over streets, roads or walkways, its ADA Transition Plan shall include a schedule for providing curb ramps or other sloped areas where pedestrian walkways cross curbs. In addition, priority will be given to walkways serving entities covered by the ADA, including State and local government offices and facilities, transportation, places of public accommodation, and employers, followed by walkways serving other areas;
 - (2) The ADA Transition Plan shall identify physical obstacles in the public entity's facilities that limit the accessibility of its programs or activities to individuals with disabilities;
 - (3) The ADA Transition Plan shall describe the methods that will be used to make the facilities accessible;

- (4) The ADA Transition Plan shall specify the schedule for taking the steps necessary to achieve compliance with the ADA and, if the time period of the ADA Transition Plan is longer than one year, identify steps that will be taken during each year of the transition period.

ADA requirements have changed since the construction of many of these existing facilities, resulting in their no longer meeting current standards and requirements. In order to limit liability, it is important for the City to have an adopted transition plan in place to address these deficiencies. The consultant will conduct a survey to identify physical obstacles limiting accessibility, describe the methods to make the site accessible, and specify a schedule for achieving compliance.

A Request for Proposals for on-call engineering services was issued on April 14, 2016. Ten (10) firms submitted all the necessary information to be considered for inclusion in a list of pre-approved consultants to provide these services. The proposals were reviewed and rated in accordance with the consultant selection procedures identified in the RFQ, and the top four (4) firms were recommended for inclusion on the list of prequalified general engineering and land surveying consultants. On June 21, 2016, City Council approved this list of (4) consultants.

Peters Engineering Group of Clovis, CA is included on the list of pre-qualified on-call Engineering consultants and demonstrated in their proposal that they have the skills, expertise and resources available to meet the City's needs and timeframe to complete the design of this project. They recently completed a similar scope of work for the County of Fresno. Peters Engineering Group has proposed to perform the necessary work for \$161,350. Their proposed scope of work and fee proposal is attached for further clarification. **Staff recommends Council authorize the City Manager to sign a contract with Peters Engineering Group of Clovis, CA in an amount not to exceed \$161,350.00 for geographic information system (GIS) database development, inventory and conditions survey, public participation program coordination, and ADA transition plan preparation as a part of Project EN0079 – ADA Public Right of Way Transition Plan. Authorize the City Manager or his designee to approve contract change orders in an amount not to exceed 10% (\$16,135) of the contract award amount, as presented.**

VI. SCHEDULED CITIZEN OR GROUP PRESENTATIONS

- (1) **Legislative Update by Richard Harmon of Townsend Public Affairs.**

VII. MAYOR'S REPORT

VIII. STUDENT REPORTS

IX. GENERAL BUSINESS

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

(1) Public Hearing:

- a. **Public Hearing to adopt Resolution 17-55 approving the proposed 2015-2019 Consolidated Plan Second Amendment; approving Program Year (PY) 2017-2018 Community Development Block Grant (CDBG) Annual Action Plan Amendment; and to authorize the Mayor to execute the necessary certifications for transmittal to the Department of Housing and Urban Development (HUD).** The City of Tulare's 2015-2019 Consolidated Plan was originally approved by Council on July 8, 2015 along with the PY 2015-16 Annual Action Plan (year 1); 2015 Analysis of Impediments to Fair Housing Choice; and the PY 2014-15 Annual Action Plan amendment.

On August 1, 2017, the Tulare City Council approved the 2015-2019 Consolidated Plan Amendment, clarifying the goals and direction of the CDBG program and establishing defined objectives in order to have City proceed with future CDBG program spending.

On October 3, 2017, Council approved proposed project budget worksheets to be submitted as an amendment to the PY 2017/18 CDBG Annual Action Plan to provide for the spend down of "rollover" CDBG funding.

This second amendment further aligns those projects identified in the City's plan to spend down rollover funds with the goals and objectives set forth in the first Consolidated Plan amendment. With the exception on minor grammar corrections, nothing has been removed from the Consolidated Plan, and all changes are marked as (additions or ~~deletions~~). Changes to the attached proposed 2015-2019 Consolidated Plan Second Amendment are summarized as follows:

The City is proposing the following amendments:

- a. Clarify the possible use of CDBG funds and link HUD's guidelines and the City's Needs Assessment and Market Analysis. *This should eliminate the need for additional amendments as the City's develops a CDBG and Housing Program.*
- b. ES-05 clarified use of fund descriptions include definitions of Decent Housing; Suitable Living Environment; and Expanded Economic Opportunities. Summary on page 4 details activities in under Public

Service; Public Facility and Infrastructure; Housing Development and Renovation; and Economic Development.

c. SP-05 Strategic Plan clarification was needed, same as section 7 of ES-05.

1. Correct anticipated resources by adding prior year funds available and expected program income at July 2015. Unstated prior year funds of \$673,237 were omitted.
2. Correct AP-15 expected resources as reflected in SP-35.

In addition to amending the City's 2015-2019 Consolidated Plan, it is necessary to submit an amendment to the City's 3rd year Annual Action Plan (PY 2017/18) to set forth those specific projects identified in the City's work out plan. This proposed amendment reallocates \$1,410,000 from the prior year rollover funding to new and existing projects. A summary of the proposed funding allocations (as approved by Council on October 3, 2017) are as follows:

(New) Senior Center Improvements

City of Tulare Community Services

Removal of architectural barriers to the mobility or accessibility of elderly persons or "severely disabled" people, interior/exterior upgrades that expand the life of the facility.

National Objective: 570.208(a)(2) Low-Moderate Limited Clientele Benefit

Eligible Activity: 570.201(c) Public Facility Improvements

Priority Needs: Public Facility Improvement (High)

Goal Addressed: Improve quality and availability of public facilities

Output: One public facility improvement completed.

Outcome Category: Improving public facilities benefitting low-moderate income clientele.

Funding: \$200,000 – 2015/16 CDBG

(New) West Side Fire Station (#62) Improvements

City of Tulare Fire Department

Purchase a new fire apparatus to be housed at Station 62 and will serve residence in West

Tulare.

National Objective: 570.208(a)(1) Low-Moderate Area Benefit

Eligible Activity: 570.201(c) Public Facility Improvements

Priority Needs: Public Facility Improvement (High)

Goal Addressed: Improve quality and availability of public facilities

Output: One public facility improvement completed.

Outcome Category: Improving public facilities benefitting low-moderate area.

Funding: \$300,000 – 2015/16 CDBG
250,000 – 2016/17 CDBG
70,000 – 2017/18 CDBG
\$620,000 Total Funding

(New) Sidewalk Improvements – O Street adjacent to Tulare County Fair Grounds

City of Tulare Community & Economic Development Department
Removal of architectural barriers to the mobility or accessibility of elderly persons or “severely disabled” people by installing sidewalks and continuous accessible path.

National Objective: 570.208(a)(1) Low-Moderate Area Benefit

Eligible Activity: 570.201(c) Public Improvements

Priority Needs: Public Improvement (High)

Goal Addressed: Improve quality and availability of public facilities

Output: One public improvement completed.

Outcome Category: Improving public infrastructure benefitting low-moderate area.

Funding: \$9,069 – 2016/17 CDBG
190,931 2017/18 CDBG
\$200,000 Total Funding

(Existing) I Street (San Joaquin-Cross) and Owens Avenue (E St – I St)

City of Tulare Community & Economic Development Department

Water/Sewer upgrade replacement, Street/Sidewalk installation improvements for continuous path mobile accessibility.

National Objective: 570.208(a)(1) Low-Moderate Area Benefit

Eligible Activity: 570.201(c) Public Improvements

Priority Needs: Public Improvement (High)

Goal Addressed: Improve quality and availability of public facilities

Output: One public improvement completed.

Outcome Category: Improving public infrastructure benefitting low-moderate area.

Funding: \$303,827 – 2014/15 CDBG
5,709 – 2015/16 CDBG
80,464 2017/18 CDBG reallocated
\$390,000 Total Funding

Public Process

The City of Tulare provided three public notices (10/18/17, 10/28/17, and 11/01/17) in two newspapers as part of the citizen's participation requirements. An additional community workshop was held on November 7, 2017 at 6:00pm at the Tulare City Library to provide opportunities for public comment.

One public comment was received at the November 7th workshop from Debbie Thrasher of Tulare Emergency Aid. Ms. Thrasher has requested that Tulare Emergency Aid be considered for future CDBG grant awards for the purchase and rehabilitation of their Tulare location. Staff has committed to work with Ms. Thrasher to gather necessary documentation to determine whether the project will qualify for future allocations. **Staff recommends Council adopt Resolution 17-55 approving the proposed 2015-2019 Consolidated Plan Second Amendment; approving Program Year (PY) 2017-2018 Community Development Block Grant (CDBG) Annual Action Plan Amendment; and to authorize the Mayor to execute the necessary certifications for transmittal to the Department of Housing and Urban Development (HUD), as presented.**

(2) Finance:

- a. Introduction and pass-to-print Ordinance 17-10 authorizing the City to enter into a Lease Agreement with the City of Tulare Public Financing**

Authority for purposes of issuing 2018 Lease Revenue Bonds (Refunding and Capital Facilities Projects), in the aggregate principal amount not to exceed \$30,000,000; the bonds will be used predominantly to refinance the outstanding 2008 Lease Revenue Bonds for savings to provide approximately \$2.5 million for street improvements. The City previously issued its 2008 Lease Revenue and Refunding Bonds in an original principal amount of \$33,050,000 with a 30-year repayment term. \$26,670,000 of principal of the 2008 Bonds remains outstanding at interest rates ranging from 4.5% to 5.5%.

At current interest rates, significant savings can be achieved by refunding the outstanding 2008 Bonds. Interest rates are currently very low by historical standards. Based on recent tax-exempt interest rates, savings are estimated as follows:

- Annual Debt Service Savings: \$340,000 per year
- Gross Savings Through 2038: \$6.3 million
- Present Value Savings: \$4.7 million
- Present Value Savings % of Refunded Bonds: 17.6%

Actual savings may vary based on interest rates at the time of the bond sale. The term of the refunding bonds will correspond with the term of the outstanding 2008 Bonds, with no extension of the repayment term.

The City also plans to use the 2018 Bonds to finance approximately \$2.5 million of City street improvements near the Cartmill interchange. Debt service on the 2018 Lease Revenue Bonds is projected to be lower than debt service on the outstanding 2008 Bonds Accounting for both the refinancing of the 2008 Bonds and the additional funding for street improvements.

The 2018 Bonds will be secured by payments made by the City to the City's Financing Authority under a Lease Agreement. Under the Lease Agreement, the City leases certain property to the Financing Authority, and the Financing Authority in turn, leases the property back to the City in return for lease payments, which are assigned to repay the bonds. This is the same legal structure used to secure the City's outstanding Lease Revenue Bonds. Under the Ordinance, the City Manager and the City Council have authority to use the same properties currently used to secure the 2008 Bonds, or to use other property of similar value for the Lease Agreement.

If authorized, the City would move forward with issuance of 2018 Lease Revenue Bonds to refinance the outstanding 2008 Bonds for savings and to provide \$2.5 million of new funding for street improvements. City staff are targeting a bond sale in mid-January 2018. **Staff recommends Council**

pass-to-print Ordinance 17-10 authorizing the City to enter into a Lease Agreement with the City of Tulare Public Financing Authority for purposes of issuing 2018 Lease Revenue Bonds (Refunding and Capital Facilities Projects), in the aggregate principal amount not to exceed \$30,000,000; the bonds will be used predominantly to refinance the outstanding 2008 Lease Revenue Bonds for savings to provide approximately \$2.5 million for street improvements, as presented.

- b. Adopt Resolution 17-56 approving an amendment to the rental payment schedule of the City's outstanding 2006 Lease/Purchase Agreement in order to authorize a reduced interest rate and reduced payments.** In 2006, the City entered into a Lease/Purchase Agreement to finance acquisition of water meters and other equipment/facilities. The 2006 Lease/Purchase Agreement was originally issued with a total principal amount of a little over \$9.8 million, an approximately 16-year repayment term, and an annual interest rate of 4.49%. Approximately \$4.8 million of principal remains outstanding through final maturity in July 2022.

Banc of America Public Capital Corp is the current holder of the 2006 Lease/Purchase Agreement. Based on negotiation with the bank, they have agreed to refinance the outstanding principal, reduce the interest rate from 4.49% to 2.52%, and reduce the semi-annual rental payments. This interest rate reduction will result in annual savings of approximately \$13,000 per year. Present value savings through July 2022 is approximately \$124,000, or about 2.6% of outstanding principal. The amendment only revises the rental payment schedule and does not revise any other provision of the 2006 Lease/Purchase Agreement. **Staff recommends Council adopt Resolution 17-56 approving an amendment to the rental payment schedule of the City's outstanding 2006 Lease/Purchase Agreement in order to authorize a reduced interest rate and reduced payments, as presented.**

(3) City Manager:

- a. Consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Board of Public Utilities Members – terms ending December 31, 2017: Howard Stroman and Gregory Blevins – seeking reappointment**

The City of Tulare has 9 boards, commissions or committees, in addition to the City Council. From time to time, appointments and reappointments are needed due to vacancies and expiring terms. Currently, the Council's consideration is necessary for reappointment or declare vacant for the following:

Board of Public Utilities – five member board:

Howard Stroman (D3) (seeking reappointment)
Gregory Blevins (D5) (seeking reappointment)

With respect to the Board of Public Utilities, per the City Charter, the Mayor may appoint and remove, with confirmation of same by the Council. If the Council does not reappoint then staff seeks direction to post a notice seeking applications. Both Mr. Stroman and Mr. Blevins, in accordance with the Charter will continue to serve until their successors are appointed.

Staff recommends Council consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Board of Public Utilities Members – terms ending December 31, 2017: Howard Stroman and Gregory Blevins – seeking reappointment, as submitted.

- b. Consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Library Board Members – terms ending December 31, 2017:**

Ellen Baker, Lisa Hollingshead and Michelle Lippincott – seeking reappointment

The City of Tulare has 9 boards, commissions or committees, in addition to the City Council. From time to time, appointments and reappointments are needed due to vacancies and expiring terms. Currently, the Council's consideration is necessary for reappointment or declare vacant for the following:

Library Board – five member board:

Ellen Baker (D5) (seeking reappointment)
Lisa Hollingshead (D4) (seeking reappointment)
Michelle Lippincott (D5) (seeking reappointment)

Staff recommends Council consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Library Board Members – terms ending December 31, 2017, as submitted.

- c. Consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of**

vacancies/application process for the following Parks & Recreation Commission Members – terms ending December 31, 2017:

Craig Hancock and Mike Jamaica – seeking reappointment
Dennis Beck declare vacant effective January 1, 2018

The City of Tulare has 9 boards, commissions or committees, in addition to the City Council. From time to time, appointments and reappointments are needed due to vacancies and expiring terms. Currently, the Council's consideration is necessary for reappointment or declare vacant for the following:

Parks & Recreation Commission – seven member commission:

Craig Hancock (D4) (seeking reappointment)
Mike Jamaica (D4) (seeking reappointment)
Dennis Beck (D4) term ending 12/31/17 – NOT SEEKING REAPPOINTMENT, declare seat vacant effective January 1, 2018.

Staff recommends Council consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Parks & Recreation Commission Members – terms ending December 31, 2017, as submitted.

- d. **Consider the adoption of Resolution 17-57 reducing the Planning Commission from a seven member body to a five member body and reconfirming previously established rules and procedures as amended; consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Planning Commission Members – terms ending December 31, 2017:**

Shanelle Herrera – seeking reappointment
Jeff Killion and Linda Crase declare vacant effective January 1, 2018

The City of Tulare has 9 boards, commissions or committees, in addition to the City Council. From time to time, appointments and reappointments are needed due to vacancies and expiring terms. Currently, the Council's consideration is necessary for reappointment for the following:

The Planning Commission is a seven member body, the following members have terms expiring December 31, 2017:

Shanelle Herrera ^(D5) (seeking reappointment)

Jeff Killion ^(D3) – NOT SEEKING REAPPOINTMENT
Linda Crase ^(D5) – NOT SEEKING REAPPOINTMENT

The Council has expressed a desire to reduce the membership of the Planning Commission from seven to five. Submitted for consideration and adoption is a Resolution setting forth this change, which, if approved, would eliminate the need to declare two of the three expiring terms vacant, and allow them to finish out their terms ending December 31, 2017.

Shanelle Herrera seeks reappointment, Council may choose to reappoint or declare the seat vacant effective January 1, 2018 and direct staff to post the vacancy notice.

The remaining members, appointments expire December 31, 2019:
Sandra Miller^(D5) last appointed 12/1/15, Charles Miguel ^(D5) last appointed 12/1/15, Deanne Rocha ^(D4) last appointed 12/1/15 and Joshua Cox ^(D5) last appointed 9/19/17

Staff recommends Council consider the adoption of Resolution 17-57 reducing the Planning Commission from a seven member body to a five member body and reconfirming previously established rules and procedures as amended; consider the reappointment of, or, alternatively direct staff to declare seats vacant effective January 1, 2018 and post a notice of vacancies/application process for the following Planning Commission Members – terms ending December 31, 2017, as submitted.

- e. **Consideration for the removal of Council Member Jose Sigala from serving as the Tulare City Council representative on the Mid-Kaweah Groundwater Sustainability Agency Board and the appointment of a replacement thereto.** On July 21, 2015 the Tulare City Council approved entering into a Joint Powers Agreement between the City of Tulare, City of Visalia and the Tulare Irrigation District forming the Mid-Kaweah Groundwater Sub-basin Joint Powers Authority (JPA) and elected to form as a Groundwater Sustainability Agency in compliance with the Sustainable Groundwater Management Act of 2014 (The Act) to protect existing surface water and groundwater rights.

The City of Tulare has two voting members that serve on that Board. Presently, Council Members Jose Sigala and Greg Nunley serve in that capacity. The City Council is being asked to consider the removal of Council Member Sigala from this Board and to appoint a replacement. The JPA provides for the appointment of either City Council or Board of Public Utilities Members. **Staff recommends Council consider for the removal of Council Member Jose Sigala from serving as the Tulare City Council**

representative on the Mid-Kaweah Groundwater Sustainability Agency Board and the appointment of a replacement thereto, as presented.

- f. Discussion and direction to staff regarding cost sharing provisions as they relate to the City of Tulare's involvement with the Mid Kaweah Groundwater Sustainability Agency. *No written report.***
- g. Council discussion regarding the use of Regional Measure R funding.** The current Paige Avenue interchange was built over 50 years ago and has been identified as sub-standard by Caltrans. In its current condition, the interchange will be an impediment to south Tulare commercial and industrial development. As part of a Project Study Report (PSR), Caltrans engineering staff have completed a draft conceptual layouts and preliminary costs for interchange alternatives to replace the existing two-lane interchange with a new facility to accommodate additional lanes of traffic, including bikes, pedestrians, and transit. In November 2016, Caltrans was directed to prepare an Environmental Report studying several alternatives, including Paige Avenue Improvements. As this is a Caltrans project, they will follow their established and normal public process for obtaining public input on the project.

The Tulare County Association of Governments (TCAG) has a significant amount of Measure 'R' funds available to pay for a majority of, but not all, the costs for interchange improvements in Southern Tulare. Although the existing Paige Avenue Interchange has been identified as substandard by Caltrans, no State funding is currently programmed for this project. The amount of matching funds required (to match the available Measure 'R' funds) varies greatly between the alternatives, primarily due to the costs for Right of Way.

The Mayor has requested that a discussion take place regarding the allocation of Measure R funding and that a Resolution be drafted designated said funding for use only on the Paige Interchange Improvement Project.

Potential Southern Interchange

Alternative 1A – Construct Commercial Ave Interchange at 0.8 mile south of Paige Road Overcrossing

This scenario, while attractive from the perspective that the existing Paige Avenue interchange would remain open, is not likely to be approved due to a necessary design exemption approval from Caltrans headquarters in Sacramento. Current design standards call for the distance between the interchanges to be at least 1.0 mile apart.

Alternative 1B – Construct Commercial Ave Interchange at 1.0 mile south of Paige Road Overcrossing

Although the spacing between interchanges in this alternative would meet Caltrans design standards, moving the interchange two-tenths of a mile southward significantly impacts the Southern California Edison Company Energy Education Center and World Agriculture Expo Center. The estimated range of Right of Way costs are the highest with this alternative, topping out at \$50 million.

Alternative 1C – Construct Commercial Ave Interchange & permanently close Paige Road interchange

Out of the three alternatives for Commercial Avenue, Alternative 1C has the greatest impact to business and property owners in the immediate vicinity of Paige Avenue interchange, as it closes the interchange and places the next nearest interchange 1.0 mile away.

Alternative 2 – Construct New Interchange at Industrial Avenue

This alternative splits the spacing difference between the Paige and Commercial Avenue alternatives. Closure of the ramps at Paige Avenue would occur after construction of the new interchange is completed, thereby limiting the direct impact from construction. It is also the only alternative that, due to Caltrans spacing requirements for on/off ramps, is able to connect Blackstone Avenue to Industrial Avenue, in effect, creating an Industrial Avenue 'loop'. Additionally, other than the alternative to reconstruct Paige Avenue interchange, this option offers traffic the closest proximity access to existing businesses along Paige Avenue.

Alternative 3 – Reconstruct the existing Paige Road Interchange to current standard

The estimated contribution to Right of Way costs (\$10-\$25 million) is anticipated to be the greatest hurdle with this alternative. Impacts to existing businesses around the interchange would be significant during the construction phase.

Staff recommends no action on this matter until the Environmental Impact Report is Complete. **Staff recommends Council discuss the use of Regional Measure R funding.**

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

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

- (a) 54956.9(5) Conference with Legal Counsel – Anticipated Litigation (2)
Case name unspecified: The E85 Agreement with the Vohras relating to change in the circumstances contemplated by the original Agreement, resulting in a significant change to the impact of the Agreement on both parties. Discussion of said changes from a litigation and legal standpoint and action relating to the Agreement in the form of either an amendment, addendum, or voiding of Agreement in its entirety.

Case name unspecified: Relating to possible impact of ceasing the City of Tulare's involvement with the Mid Kaweah Groundwater Sustainability Agency.

- (b) 54957(b)(1) – Public Employee Performance Evaluation: City Manager
- (c) 54957(b)(1) – Public Employee Performance Evaluation: City Attorney

XII. RECONVENE CLOSED SESSION

XIII. CLOSED SESSION REPORT (if any)

XIV. ADJOURN REGULAR MEETING