



General Services Agency

COUNTY OF TULARE AGENDA ITEM

BOARD OF SUPERVISORS

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District One

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District Two

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District Three

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AGENDA DATE: December 10, 2024-REVISED

Public Hearing Required	N/A
Scheduled Public Hearing w/Clerk	N/A
Published Notice Required	N/A
Advertised Published Notice	N/A
Meet & Confer Required	N/A
Budget Transfer (Aud 308) attached	N/A
Personnel Resolution attached	N/A
Agreement(s) attached	Yes

CONTACT PERSON: Maria Benavides-Lopez PHONE: 559-205-1124

SUBJECT: License Agreement with Proffitt Construction, Inc. dba Superior Construction

REQUEST(S):

That the Board of Supervisors:

1. Approve a License Agreement with Proffitt Construction, Inc. dba Superior Construction, as Licensee, and Tulare County as Licensor, for the license of a 0.58-acre portion of Assessor's Parcel NOs 181-030-001 and 181-040-002, more commonly known as the Hillman Campus retroactive from November 1, 2024, through January 30, 2026. This agreement is retroactive due to the time necessary to negotiate the terms of the agreement.
2. Find that the Board had the authority to enter into the proposed agreement as of November 1, 2024, and that it is in the County's best interest to enter into the agreement on that date.
3. Authorize the Chair to sign the agreement.
4. Authorize the General Services Agency Director to approve or deny any extensions in the license term, but not to exceed past June 30, 2026.

SUMMARY:

On November 29, 2022, the County, as Lessor, entered into a Ground Lease Agreement No. 30974 (Agreement), with the City of Tulare (City), as Lessee, for the lease of a 2.32-acre portion of vacant land at the Hillman Campus (Hillman) located at Assessor's Parcel No. (APN) 181-040-002, for a term of ten (10) years, effective December 1, 2022, through November 30, 2032. The City leased the vacant land to construct a 200-bed Emergency Homeless Shelter (Project) at Hillman, as this property was the best option within the City of Tulare based on its location and access to services. A Vicinity Map of the Premises is attached to this Agenda Item as Exhibit 1. The agreement waives any rent pursuant to Government Code §26627 and calls for 25% of the beds to be made available to Tulare County (County).

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The City's intention was to complete construction of the shelter within twenty-four (24) months of the lease effective date, or by November 30, 2024. However, the time for design, plan review, environmental studies, and the required construction bid process, and award took substantially longer than anticipated by the City. On October 30, 2024, pursuant to Paragraph 8, Alterations and Construction of the Agreement, the City notified the County of the delays and need for an extension of the construction through January 30, 2026.

On October 1, 2024, the City awarded the Project to Superior Construction (Superior). Superior has determined that the City's leased area is not large enough for the construction and storage of materials and equipment and will require additional land for a temporary construction yard. The terms of the proposed license agreement include the license of a 0.58-acre portion of Hillman Campus adjacent to City's leased area for temporary construction yard purposes to store materials and equipment for a term beginning November 1, 2024, through January 30, 2026. Terms include 24/7 access by the County for maintenance of the County's utility lines, Superior shall protect in place any trees, turf, and other shrubberies within the Premises, and no monetary consideration as Superior is working on a project for the City that is beneficial to the community. Should construction not be completed by January 30, 2026, Superior shall notify County's General Services Agency Director in writing, explaining the request for an extension. No extension shall be approved past June 30, 2026.

FISCAL IMPACT/FINANCING:

This License has no rent due as Superior Construction is the City of Tulare's contractor for the Homeless Shelter Project. Superior Construction will be responsible for all utilities needed for its operations and maintenance of the Premises. There is no Net Cost to the General Fund.

LINKAGE TO THE COUNTY OF TULARE STRATEGIC BUSINESS PLAN:

The County's Strategic Business Plan includes the Quality of Life initiative. This agreement fulfills the Quality of Life initiative in that it provides adequate emergency shelter housing for the homeless population and those at risk of homelessness in the City of Tulare and those located in unincorporated areas of Tulare County.

ADMINISTRATIVE SIGN-OFF:

/s/Brooke Sisk

Brooke Sisk
General Services Agency Director

Cc: County Administrative Office

Attachments: Exhibit 1 – Vicinity Map
License Agreement with Proffitt Construction, Inc. dba Superior Construction