

# Regular Meeting Agenda

## Visalia City Council



Mayor: Bob Link  
Vice Mayor: Amy Shuklian  
Council Member: Warren Gubler  
Council Member: Steve Nelsen  
Council Member: vacant

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Monday, June 20, 2011

City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291  
Work Session 4:00 p.m.; Closed Session immediately following  
Regular Session 7:00 p.m.

**4:00 p.m. PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council. Each speaker will be allowed three minutes (timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.*

### **WORK SESSION AND ACTION ITEMS (as described)**

1. Review the applications of the Visalians interested in filling the vacant City Council seat, and determine how to fill the position until the conclusion of the 2011 election. *(Written materials for this item will be provided after the 6/17/11 noon deadline for accepting letters of interest)*
2. Adoption of resolution revising and replacing Resolution 2011-18 requesting and consenting to consolidation of elections; and setting specifications of the election order. **Resolution 2011-34 required.**
3. Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Community Center.
4. Review and provide comments on the five proposed concept maps for the redistricting of the Tulare County Board of Supervisor Districts based on the 2010 Census.
5. Approve recommended fiscal actions for FY 2011/12:
  - a) Annual Recertification of the Measure T Plan
  - b) Adoption of the Proposition 4 Spending Limit. **Resolution 2011-35 required**
  - c) Adopt budget amendments for General Fund and CIP projects

*The time listed for each work session item is an estimate of the time the Council will address that portion of the agenda. Members of the public should be aware that the estimated times may vary. Any items not completed prior to Closed Session may be continued to the evening session at the discretion of the Council.*

### **ITEMS OF INTEREST**

**6:00 p.m. CLOSED SESSION (immediately following Work Session)**

6. Conference with Legal Conference with Real Property Negotiator (G.C. 54956.8)  
Property : APN 126-041-035 and 126-041-034  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Steve Salomon, Alex Peltzer; Ricardo Noguera
7. Conference with Legal Conference with Real Property Negotiator (G.C. 54956.8)  
Property : 28870 Road 68, APN: 731-100-49, 731-100-50 and 731-100-51  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Mike Olmos, Steve Salomon, Alex Peltzer, Andrew Benelli, Jim Ross, Lupe Sanchez, Ruben and Raquel Sanchez
8. Conference with Legal Counsel- Anticipated Litigation Significant exposure to litigation pursuant to subdivision (b) of (G.C. 54956.9) – 2 potential cases
- 8.5 Conference with Labor Negotiators (GC 54957.6)  
Agency representatives: Steve Salomon, Eric Frost, Diane Davis  
Employee organization: Unrepresented

**7:00 p.m. CALL TO ORDER REGULAR SESSION**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Pastor Elvin Hayes, Visalia First Assembly

**SPECIAL PRESENTATIONS/RECOGNITION**

- Visalia Firefighters Association check presentation to Susan Koman Foundation (Chris Ortiz)
- Proclaim June 20-26, 2011 as Amateur Radio Week in the City of Visalia (Jorene Downs)
- Proclaim July as Parks and Recreation Month – (Robert Mijares and Carol Hoppert Hays)

**PUBLIC COMMENTS** - *This is the time for citizens to comment on subject matters that are not on the agenda that are within the jurisdiction of the Visalia City Council.*

*This is also the time for citizens to comment on items listed on the Consent Calendar or to request an item from the Consent Calendar be pulled for discussion purposes. Comments related to Regular or Public Hearing Items that are listed on this agenda will be heard at the time that item is discussed or at the time the Public Hearing is opened for comment.*

*In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (timing lights mounted on the lectern will notify you with a flashing red light when your time has expired). Please begin your comments by stating and spelling your name and providing your street name and city.*

**PUBLIC HEARINGS – LANDSCAPE AND LIGHTING DISTRICTS**

9. **PUBLIC HEARING** to discuss proposed funding changes, amendment and assessment increases of balloted Landscape and Lighting Maintenance Assessment Districts: Country Akers #3, Quail Creek #1, St. Charles, Stonebrook, WestWind #2, and Windemere.

10. **PUBLIC HEARING** – for proposed Landscape & Lighting District for the Vineyard/ Tuscan subdivision, located at Modoc, Wren and Akers streets. If passed, authorize the formation of Landscape and Lighting District No. 2011-02, The Vineyard/Tuscany. **Resolutions Nos. 2011-32 and 2011-33 required.**

*(Upon completion of the public hearings, the City Clerk will open and tabulate the ballots. The results will be reported at the end of the meeting and Council will take appropriate action).*

11. **CONSENT CALENDAR** - *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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

- a) Authorization to read ordinances by title only.
- b) Accept the Visalia Water Management Committee 2010 Annual Report.
- c) Authorize City Manager to execute a five-year contract with Wood Industries and Tulare County Compost and Biomass Inc. to provide green waste and composting processing services.
- d) Approve reappointment of David Wilson to the Transit Advisory Committee for another 2-year term.
- e) Approve reappointments of Lesa Mann, Robert Mijares, and Jeff Boswell to the Parks and Recreation Commission for another 2- year term.
- f) Approve reappointments of Brian Newton, Dale Simmons, and Craig Hartman to the Environmental Committee.
- g) Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 5, 6 & 11 located on the south side of Pratt Avenue between Demaree Street and County Center Drive.
- h) Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 7 & 10 located at the northwest and southwest corners of Shannon Parkway and County Center.
- i) Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 8 & 9 located on the north side of Riggins Avenue between Leila Street and County Center.
- j) Second reading and adoption of Ordinance 2011-09 to amend Sections 17.02 (Article 2 Administrative Adjustment [17.02.150, through 17.02.180] of the Visalia Municipal Code (Zoning Ordinance), to increase the maximum available adjustment from ten (10) percent to twenty (20) percent for development standards related to building and landscaping setbacks, site area, lot width, building height and parking requirements, and rescind portions of Sections 17.34.120 and 17.30.160 of Zoning Ordinance pertaining to a twenty (20) percent administrative reduction to parking requirements for properties within portions of Design District "A". **Ordinance 2011-09 required.**

- k) Authorize the Transit Division to award the bus shelter cleaning contract in the amount of \$56,784 to Joe Grijalva Landscaping, a sole proprietor of Tulare.
- l) Authorization to support California Advanced Clean Cars Campaign. **Resolution 2011-30 required.**
- m) Authorize the City Manager to execute an agreement with Hobbs Construction, and award a construction contract in the amount of \$55,606.00 to complete construction of school crosswalk enhancements for the following schools: Cottonwood Elementary School (County Center Drive at Packwood Avenue), Manuel Hernandez Elementary School (Ferguson Avenue at Leila Street), and Royal Oaks Elementary School (Tulare Avenue at Clover Street).; and authorize an additional \$50,000 to be appropriated from the Measure R “Sidewalks along Various Routes to School” fund to cover the total anticipated costs of this project.
- n) Authorization to decommission the Ice House Park and amend the Creative Center’s lease to include the Ice House Park section of the parcel.
- o) Authorization to provide notice of potential withdrawal from Excess Insurance Authority (EIA) Health Joint Powers Authority (JPA) as of January 1, 2012.
- p) Approval of Memorandum of Understanding (MOU) with Kings County Area Public Transit Agency (KCAPTA) and City of Visalia to provide Green Line Call Center transit information services.
- q) Second reading and adoption of Ordinance 2011-08 to amend Chapter 13.08 of the Municipal Code, Sewer Service System and; approve Resolution approving an alternative administrative penalty schedule for violations. **Ordinance 2011-08 and Resolution 2011 – 36 required.**
- r) Authorization to award RFP 10-11-45, pre-selection of equipment for the Renewable Power Generation System, to Applied Filter Technology (ATF) in the amount of \$2,355,450 and authorize a five year maintenance contract at an annual cost of \$117,645.
- s) Authorize the City Manager to execute a one-year contract effective July 1, 2011 with Nielsen, Merksamer, Parrinello, Gross and Leoni, LLP, to provide legislative advocacy (lobbying) services at the State level at an amount not to exceed \$8,000 per month.
- t) Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-70, Mooney and Ferguson Trench Settlement Repairs in the amount of \$424,352.50 to the low bidder, Bill Nelson G.E.C., Inc. Authorize an additional \$250,000 to cover Alternate Bid Item #1, if needed, and additional costs for construction support.
- u) Authorization to purchase Orchard Walk Assessment Bonds of \$675,000 at a rate of 6.75% and an ultimate maturity of 15 years.
- v) Approval of the Memorandum of Understanding by and between the City of Visalia and Police Managers and Supervisors (City of Visalia Employee Bargaining Unit Group A) and General Managers and Supervisors (City of Visalia bargaining Group E) for the period July 1, 2011 through June 30, 2012.

*Convene jointly as the Visalia City Council and the Redevelopment Agency Board*

**12. COV/RDA CONSENT CALENDAR** - *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 and then the item will be removed from the Consent Calendar to be discussed and voted upon by a separate motion.*

a) Approve and adopt the Fund Balance Policy and delegate authority to the Administrative Services Director to assign fund balance as dictated by the issuance of Governmental Accounting Standards Board Statement No. 54. **RDA Resolution 2011-02 and COV Resolution 2011-31 required.**

*Adjourn as Redevelopment Agency Board and remain seated as Visalia City Council*

**REGULAR ITEMS AND PUBLIC HEARINGS** - *Comments related to Regular Items and Public Hearing Items are limited to three minutes per speaker, for a maximum of 30 minutes per item, unless otherwise extended by the Mayor.*

13. Appeal of the Planning Commission actions taken on April 25, 2011, certifying the Final Environmental Impact report (FEIR), approving Conditional Use Permit 2007-17 and Variance 2007-06, for expansion of an existing 133,206 square foot Wal-Mart store located at 1819 East Noble Avenue to up to 190,000 square feet. Appeal filed by Mark R Wolfe on behalf of the Visalia Smart Growth Coalition. **Resolutions 2011-23, 2011-24, and 2011-25 required.** *(Public Hearing is closed – action is continued from 5/16/11 and 6/6/11)*

14. **PUBLIC HEARING** - for proposed adjustments to the City's Rates & Fees and authorization to amend the City's Rates and Fees for FY 2011/12. Proposed adjustments to the Rates & Fees include, but are not limited to the following services; administrative, business tax, convention center, community development, engineering, impact fees, parks and recreation, and public works. **Resolution 2011-37 required.**

15. Report results of balloted Lighting Maintenance Assessment Districts and take action on Items #9 and #10.

#### **CLOSED SESSION REPORT (if any)**

#### **Upcoming Council Meetings**

- Tuesday, June 21, 2011, 6:00 p.m. Joint Meeting with Visalia Unified School District Convention Center, 303 E. Acequia
- Monday, July 18, 2011, 4:00 p.m. Work Session, 7:00 p.m. Regular Session – City Hall Council Chambers 707 W. Acequia
- Monday, August 1, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia

*Note: Meeting dates/times are subject to change, check posted agenda for correct details.*

*In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.*

*Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.*

## City of Visalia Agenda Item Transmittal

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 2

**Agenda Item Wording:** City Council adoption of resolution revising and replacing Resolution 2011-18 that was adopted on May 2, 2011, relating to the regular municipal election to be held on Tuesday, November 8, 2011. Resolution 2011-34 required.

**Deadline for Action:** June 20, 2011

**Submitting Department:** Administration

**Contact Name and Phone Number:**

Donjia Huffmon, Chief Deputy City Clerk 713-4512

**Department Recommendation:**

It is recommended that the Visalia City Council adopt this resolution which will replace the resolution previously adopted on May 2, 2011 setting specifications of the election order to consolidate the regular municipal election to be held Tuesday, November 8, 2011 with other elections to be held in and administered by the County of Tulare on that date.

**Summary/background:**

On May 2, 2011, the City Council adopted Resolution 2011-18 requesting consolidation of elections and setting specifications of the election order. Since that date, some new developments have occurred which require revisions to the specifications of the election order for both the City of Visalia and the Visalia Unified School District.

City of Visalia

Due to the resignation of Michael Lane on May 31, 2011, it is necessary to add this seat to the specifications of the election order to be filled for the remainder of the unexpired term expiring in December 2013. The City's Charter provides that when "unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms, but the person or persons elected by the highest number of votes shall be elected for the full term or terms, and the persons receiving the next highest vote shall be elected for the unexpired term". In this situation, the person receiving the 3<sup>rd</sup> number of highest votes will be elected to fill the unexpired term of Michael Lane.

Visalia Unified School District

The Charter of the City of Visalia includes members of the Board of Education of the Visalia Unified School District and the City calls for election of these offices. The Visalia Unified School District recently adopted new trustee areas. The school district has informed us that due to these changes, three seats are up for election in 2011: Area 5 - with the new boundary changes this area's

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

representation is held by Larry Jones and Donna Martin (both have terms that expire 12/2011). If Mr. Jones and Ms. Martin both decide to run for office, they will run against each other along with any other candidates who file for this seat. Area 6 – with the new boundary changes this area is currently vacant and there is no incumbent. The term for the newly elected board member for Area 6 will be for a full term 12/2011 – 12/2013. Area 7 – is currently held by incumbent William Fulmer and his term expires 12/2011. The person elected to fill the seat for Area 7 will be for a full term of office.

**Prior Council/Board Actions:** On May 2, 2011, the City Council adopted Resolution 2011-18 setting specifications of the election order and Resolution 2011-19 requesting the Tulare County Board of Supervisors permit the County Registrar of Voters to render specific services to the City of Visalia related to the November 8, 2011 election.

**Committee/Commission Review and Actions:** N/A

**Alternatives:** N/A

**Attachments:** Resolution 2011-34

**Recommended Motion (and Alternative Motions if expected):**

Approve Resolution 2011-34 revising and replacing Resolution 2011-18 requesting and consenting to consolidation of elections and setting specifications of the election order.

***Financial Impact***

**Funding Source:**

Account Number: 0011-10102-570500

**Budget Recap:**

Total Estimated cost: \$85,500	New Revenue:	\$
Amount Budgeted: \$85,500	Lost Revenue:	\$
New funding required: \$	New Personnel:	\$
Council Policy Change: Yes___	No_x___	

***Environmental Assessment Status***

**CEQA Review:** No

**NEPA Review:** No

**RESOLUTION NO. 2011-34**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
REVISING AND REPLACING RESOLUTION 2011-18  
REQUESTING AND CONSENTING TO CONSOLIDATION OF ELECTIONS; AND SETTING  
SPECIFICATIONS OF THE ELECTION ORDER**

**WHEREAS**, the City Council has ordered a Municipal Election to be held on Tuesday, November 8, 2011, to fill certain municipal offices; and

**WHEREAS**, other elections may be held in whole or in part of the territory of the City and it is to the advantage of the City to consolidate pursuant to Elections Code Section 10400; and

**WHEREAS**, Elections Code Section 10242 provides that the governing body shall determine the hours of opening and closing the polls; and

**WHEREAS**, Elections Code Section 10002 requires the City to reimburse the County in full for the services performed upon presentation of a bill to the City by the County Elections Official; and

**WHEREAS**, Elections Code Section 13307 requires that before the nominating period opens the governing body must determine whether a charge shall be levied against each candidate submitting a candidate's statement to be sent to the voters; and

**WHEREAS**, Elections Code Section 12101 requires the publication of a notice of the election once in a newspaper of general circulation in the City;

**NOW, THEREFORE, IT IS HEREBY ORDERED** that an election be held in accordance with the following specifications:

**SPECIFICATIONS OF THE ELECTION ORDER**

1. The Election shall be held on Tuesday, the 8<sup>th</sup> day of November, 2011. The purpose of the election is to choose successors for the following offices:

Three seats for the Visalia City Council:

Robert R. Link – Term of Office 12/07/2007 to 12/2/2011

Amy Louise Shuklian - Term of Office 12/07/2007 to 12/2/2011

Vacant Seat (no incumbent) – Short Term of Office 12/2011 to 12/2013

Three seats for the Visalia Unified School District Governing Board:

Larry Jones/Donna Martin, Area 5 – Term of Office 12/2007 to 12/2011

Vacant Seat (no incumbent), Area 6 – Term of Office 12/2007 to 12/2011

William A. Fulmer, Area 7 – Term of Office 12/2007 to 12/2011

2. This City Council hereby requests and consents to the consolidation of this Election with other elections which may be held in whole or in part of the territory of the City, as provided in Elections Code 10400.
3. The City hereby designates the hours the polls are to be kept open shall be from 7:00 a.m. to 8:00 p.m.
4. The City will reimburse the County for the actual cost incurred in conducting the Election upon receipt of a bill stating the amount due as determined by the Elections Official.



5. The City Council has determined that the candidate will pay for the Candidate's Statement. The Candidate's Statement will be limited to 200 words.
6. The City requests that the Registrar of Voters publish the Notice of Election in the Visalia Times-Delta which is a newspaper of general circulation that is regularly circulated in the City of Visalia.
7. The City directs that a certified copy of this Resolution be forwarded to the Registrar of Voters and the Board of Supervisors of Tulare County.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)  
COUNTY OF TULARE ) ss.  
CITY OF VISALIA )

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution No. 2011-\_\_ passed and adopted by the Council of the City of Visalia at a regular meeting held \_\_\_\_\_.

DATED: STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):**

**Agenda Item Wording:** Annual presentation by PROTEUS, Inc. on programs and operations at the Wittman Community Center.

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation

**Contact Name and Phone Number:** John Bradley, Recreation Supervisor 713-4585

**Department Recommendation:** Accept the City staff report and the presentation provided by PROTEUS, Inc. regarding the operation of the Wittman Community Center for the 2010-11 fiscal year.

**Background:** In 1984 a group of concerned community members expressed the need for a recreation center to serve the Lincoln Oval neighborhood. In response, the City of Visalia assisted the group with the incorporation of a non-profit organization. Many volunteer hours were invested in the center. Community Development Block Grant (CDBG) funds were then used to build the existing center. In 1992, the City and the Non-Profit were successful in obtaining a grant from the California Youth Authority to expand programs at the center.

A separate agreement was entered into between the City and Wittman Community Center Board of Directors to manage operations at the center. In July 2002, the Wittman Community Center Board of Directors dissolved their non-profit status. Upon this dissolution, the City took over operations at the Wittman Community Center on an interim basis for a one year period.

In July 2003, after an extensive Request For Proposal (RFP) process, the City entered into a five year agreement with PROTEUS, Inc. to manage and operate the Wittman Community Center located at 315 Pearl Street in Visalia.

In 2008, an amendment was authorized by City Council extending the agreement for another 5 years, through June 30, 2013. This amendment also included an annual increase in the contract amount based on California Consumer Price Index (CPI).

**For action by:**

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): \_\_10min

**Review:**

**Dept. Head** \_\_\_\_\_  
**(Initials & date required)**

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
**(Initials & date required or N/A)**

**City Mgr** \_\_\_\_\_  
**(Initials Required)**

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

In July 2010, the City provided PROTEUS, Inc. with \$97,104.60 in compensation for operations and management of the Wittman Community Center. For fiscal year 2011-12, the City is projecting a 3.1% (CPI) increase which will provide PROTEUS, Inc. with \$100,114.84 to manage and operate the Wittman Community Center.

This contract is managed by the Parks and Recreation Department. In addition to periodic site visits by the City, PROTEUS, Inc. provides quarterly and annual written reports to the City outlining program operations, average daily and monthly attendance, fundraising efforts, and other information the PROTEUS, Inc. Board desires to include. The latest quarterly report is provided in this report as Exhibit A.

Members of PROTEUS, Inc. staff will be in attendance to provide an annual operational report to the Council and answer any questions.

**Prior Council/Board Actions:**

Approved a five-year agreement with PROTEUS, Inc. to manage and operate the Wittman Community Center from June 23, 2003 to 2008.

In September 2008, City Council authorized an amendment to the agreement with PROTEUS, Inc. to expand the management and operations contract of the Wittman Community Center for the period of July 1, 2008 through June 20, 2013.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

*Attachment A* - Most recent quarterly report as submitted by PROTEUS.

**Recommended Motion (and Alternative Motions if expected):**  
Accept the City staff report and the presentation provided by PROTEUS, Inc. regarding the operation of the Wittman Community Center.

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to: Michael McCann, Chief Executive Officer PROTEUS Inc.  
Juan Guerrero, Youth Division PROTEUS, Inc.

# Wittman Village Community Center

Presented by  
Jesus Gamboa, Chief Operations Officer  
& Juan Guerrero, Site Manager



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## Background

The Wittman Center budget for fiscal year 2010-2011 is \$95,678  
(15% of total budget)

Proteus has operated the Wittman Center for 8 years

Programs that have operated out of the center: ASES, CCG,  
Streetwise Partners, EDD CalGrip, Step Up Jobs Program, Visalia  
Adult School Childcare Center, ESL classes, and the Northside  
Boxing Club

Total Budget for the center 2010-2011 \$627,372

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## Current Operations

- Current hours of operation are Monday-Friday, 12:00 pm to  
7:00 pm, and Saturday Streetwise Projects

- Over 6,600 individuals, year to date, have been served this  
year by the Center (duplicated count)

- This includes all youth and adults who are recipients of the  
services provided within the facility such as Wittman Center,  
Visalia Adult School, and Northside Boxing Club

- Daily count varies between 80-180 youth/adults

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## Wittman Center Programs

Wittman Drop in Center  
PULSE: After School Education and Safety Program (ASES)  
Community Challenge Grant (CCG)  
Step Up Jobs Training Program  
Visalia Adult School  
Northside Boxing  
ESL  
Child Care  
Streetwise Partners  
Summer Lunch  
Summer Jobs  
EDD CalGrip  
Gang Intervention Program



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## Community Services

Block Parties  
Sports Leagues  
Holiday events: Easter Egg Hunt, Halloween, Thanksgiving Dinner (130+ served), food baskets delivered to 30 families, and Christmas Toys Giveaway with Santa Claus (300+ toys given away)  
Host Wittman Center Golf Tournament - August 5, 2011  
Host North Visalia Events Committee: Multi-Cultural Festival and Farmers Market at the Lincoln Oval  
Host North Visalia Advisory Committee  
24 active Community Garden families

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## Community Garden Project



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## Street Wise Program

This program provides services to youth ages K-12 in the Tulare County area. Program provides tee-shirts to the youth who participate in the following activities: Football, Flag football, Volleyball, Soccer, Dodge Ball, Basketball. The coaches are volunteers. Minimal funding is provided by Proteus and other sources throughout the community. Total duplicated count served for fiscal year is 292+.



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## Community Challenge Program (CCG)

- 2010-2011 funding is \$210,000
- Reduce teen and unintended pregnancies for both males and females through prevention education-comprehensive sexuality education, abstinence focus education.
- Promote postponing parenthood through informational presentations.
- Promote responsible parenting through education and support of significant adults, parents, teen mothers and fathers, and other care givers.
- Promote and support the development of self-assurance, orient youth to navigate through adolescence through youth leadership.

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## Bike Repair Program

Proteus has established a partnership with Visalia Walmart to supply bikes to the program.



6 youth have been through the program this fiscal year.

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## PULSE: ASES Program

- 2010-2011 funding \$25,782
- Funding provided by Visalia Unified School District

**Objectives:**

- Facilitate Academic & Recreational Enrichment component to 30 youth.
- Coordinate homework, assistant project based learning activities

**Hours of operation:**

M-F 4:15 pm -6:15pm



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## EDD CalGrip Program

June 2010 – March 2012

Funding provided by California State Employment Development Department

Gang intervention program with high emphasis on mediation services

Services are provided by Neighborhood Youth Counselor's (NYC) who service youth from high school's and alternative schools in Visalia and surrounding areas

Job training component

A total of 21 participants have been enrolled in this program from the Visalia area.

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## Gang Intervention Program

January 1, 2010 – June 30, 2011

Funding: \$250,000 provided by Visalia Unified School District via a City of Visalia MOU.

The students received gang intervention services at all traditional high schools, middle schools, and alternative education schools.

Students highly at-risk of gangs are provided Independent Study at the Wittman Center under this program.

NYC's (Neighborhood Youth Counselor) are stationed at Wittman Center but also work in different neighborhoods throughout Visalia.  
NYC's also provide services to youth centers throughout Visalia.

Program Statistics as of 5/31/2011

✦ Total number of referrals received (school, youth centers, etc.)	533
✦ Outreach events conducted	35
✦ Referrals made to outside agencies	67
✦ Home visits made	501
✦ Participants choosing to terminate gang involvement	26

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## Step Up Jobs Training Program

- Private funding total raised : \$46,962
- Gang intervention program targeting youth at risk of gangs
- 42 youth enrolled 2010-2011
- Stipend \$5.00 an hour @ 12 weeks of training
- Mentoring provided by employers and NYC's while in training
- 38 youth have received training at the Proteus Print Shop
- Over 20 training sites identified throughout Visalia and Ivanhoe, including many retail sites, insurance offices, and restaurants



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# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 5a

**Agenda Item Wording:** Annual Recertification of the Measure T Plan

**Deadline for Action:** June 20, 2011

**Submitting Department:** Administrative Services - Finance

**Contact Name and Phone Number:**  
Eric Frost, Administrative Services Director, x4474

### Recommendation

That Council modifies the Measure T plan elements for fiscal year 11/12 as follows:

1. Reduce Measure T police officer positions from 28 to 22 in the following manner:
  - a. Reduce, through attrition, 3 positions; and,
  - b. Temporarily transfer 3 positions to the General Fund.
  - c. Pay for the transferred positions to the General Fund in the following manner:

- Reduce General Fund police operating accounts by \$77,800;
- Reduce General Fund police overtime budget by \$50,000;
- Transfer the existing PAL Community Resource Specialist (CRS) position from PAL to Patrol to assist in report taking;
- Reduce through attrition one Community Services Officer or the CRS equivalent, eventually saving \$80,000 a year;
- Decrease the General Fund contribution to Convention Center capital by another \$100,000 for one year; and,

### For action by:

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

### For placement on which agenda:

Work Session  
 Closed Session

### Regular Session:

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

### Review:

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

- Increase the use of General Fund reserves by \$50,000 in Fiscal Year 2011/12.
2. Not hire all of the 14 scheduled employees in FY 2012/13 in Fire Measure T. Rather, staff recommends that the City Council authorize the hiring of 11 employees as follows:
    - 9 firefighters to staff a new company;
    - 1 training captain; and,
    - 1 administrative captain.
  3. Accelerate in Fire Measure T the hiring the two captains at this time to plan to save money in the General Fund.
  4. Fully fund the Fire Engine out of Fire Measure T funds because the Fire Impact Fee Fund has a negative fund balance, having paid for the new fire training facility and not receiving fire impact revenues due to depressed residential housing construction.
  5. Authorize a potential capital project in Fire Measure T for \$1,000,000 for potential land purchases of both the CDF Lover's Lane Station from the State and a portion of the southeast corner of Houston and McAuliff owned by the City.
  6. Declare a fiscal emergency for Fiscal Year 2011/12 by a 4/5ths vote due to continued fiscal stress in the General Fund, leading to a potential lower funding of the General Fund Fire budget compared to FY 2010/11.

**Summary**

Staff presented the Measure T plan at the Council's June 13, 2011 Council meeting. From that Council meeting, the Council expressed the most concern about the recommendation to reduce funded Police Measure T positions by 6 through attrition. Since that meeting, Staff has gathered the following information and makes a revised recommendation:

- Table I, Police Sworn Staffing, shows what staffing issues the Police Department has had over the last several years.

Table I  
Police Sworn Staffing

Sworn Positions in PD						
Fiscal Yr	Allocated in budget	Filled on July 1st	Vacancies on July 1st	New Hires	Separations	Turnover (Sep/Filled)
06/07	126	116	10	12	5	4.3%
07/08	135	126	9	9	8	6.3%
08/09 *	138	126	12	7	3	2.4%
09/10 *	143	133	10	4	12	9.0%
10/11 *	143	131	12	10	7	5.3%
* Includes 7 frozen Police Officer Positions						

- **Effect of Losing a PAL Officer.** Council wanted to know what would occur to grants to PAL if a police officer was not assigned to PAL. They have determined that the following grants would be in jeopardy:
  - \$36,000 from the National PAL for the PAL Leadership Program
  - \$13,000 from Visalia Unified School District for the Leadership Program
  - \$38,000 to \$50,000 annually from Ruiz Foods

The PAL board has also expressed grave concern if a Police Officer is not assigned to the PAL program and may disband because their by-laws require that an officer be assigned to the PAL program. The PAL Board Vice-President's letter of concern is attached.

To address Council's and PAL's concerns about reduced police staffing, staff has developed an alternative funding method to save several Police Officer positions by temporarily shifting 3 officers to the General Fund in a cost neutral manner:

<b>Cost of temporarily assigning 3 Measure T Officers to the General Fund</b>	\$360,000
<b>Cost saving actions:</b>	
Reductions in various police operating accounts	\$ (77,800)
Reduce by attrition one CSO Officer	(80,000)
Decrease Police overtime budget	(50,000)
Additional Decrease in Convention Center Capital	(100,000)
Additional Use of General Fund Reserves	<u>(50,000)</u>
Total	\$(357,800)

By working with the Police Chief, staff has identified \$77,800 which can be reduced from next year's budget on a one-time basis. Most of this money comes from a law enforcement grant for which the Police Department has received initial approval. The grant pays for a Lead Records Specialist, worth about \$60,000. The remaining money would be saved by reducing various operational accounts by about \$18,000.

Further, to assist in making patrol more effective while operating with fewer officers, the Community Police Specialist would be reassigned from PAL to Patrol and given report taking responsibilities now performed by police officers. In addition, a Community Services Officer position, which is functionally equivalent to a Community Police Specialist, would be eliminated eventually through attrition in order save a police officer position, saving about \$80,000 a year. And finally, the Chief has agreed to reduce the General Fund overtime budget by \$50,000, which is partly made possible by retaining three police officer positions.

In addition, the General Fund would reduce Convention Center Capital spending this year by another \$100,000. This action will put off the scheduled Convention Center roof repair in FY 2014/15 by another year. Finally, the City's General Fund reserves would fund another \$50,000 in one-time costs. These several actions moves three police officers to the General Fund for a time.

This move is temporary. As Measure T recovers, the officers would be transferred back to Measure T.

With these changes, staff would recommend revising the previous Measure T recommendation #1, reduction of 6 Measure T police officers through attrition, as follows:

1. Reduce Measure T police officer positions from 28 to 22 in the following manner:
  - a. Reduce, through attrition, 3 positions; and,
  - b. Transfer 3 positions to the General Fund.
  - c. Pay for the transferred positions to the General Fund in the following manner:
    - Reduce police operating accounts by \$77,800;
    - Reduce police overtime budget by \$50,000;
    - Transfer the existing PAL Community Resource Specialist position from PAL to Patrol to assist in report taking;
    - Reduce through attrition one Community Services Officer or the CRS equivalent, eventually saving \$80,000 a year;
    - Decrease the General Fund contribution to Convention Center capital by another \$100,000 for this year; and,
    - Increase the use of General Fund reserves by \$50,000 this year.
- *(It should also be noted that Management will strive to reduce the use of General Fund reserves by taking cost cutting actions during the fiscal year.)*

Collectively, these actions will retain the PAL Officer and 2 Commercial Policing positions. The remaining actions recommended in the June 13, 2011 report remain unchanged, items 2-6. Overall, all these actions are designed to keep Measure T fiscally sound and accountable to the public.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** Recertify the plan with changes as directed by Council.

**Attachments:** #1 Staff report from the June 13, 2011 City Council Meeting  
#2 PAL Board President's Letter

**Recommended Council Motion:**

That Council modifies the Measure T plan elements for fiscal year 11/12 as follows:

1. Reduce Measure T police officer positions from 28 to 22 in the following manner:
  - a. Reduce, through attrition, 3 positions; and,
  - b. Transfer 3 positions to the General Fund.
  - c. Pay for the transferred positions to the General Fund in the following manner:
    - Reduce General Fund police operating accounts by \$77,800;
    - Reduce General Fund police overtime budget by \$50,000;
    - Transfer the existing PAL Community Resource Specialist (CRS) position from PAL to Patrol to assist in report taking;
    - Reduce through attrition one Community Services Officer or the CRS equivalent, eventually saving \$80,000 a year;
    - Decrease the General Fund contribution to Convention Center capital by another \$100,000 for one year; and,
    - Increase the use of General Fund reserves by \$50,000 in Fiscal Year 2011/12.
2. Not hire all of the 14 scheduled employees in FY 2012/13 in Fire Measure T. Rather, staff recommends that the City Council authorize the hiring of 11 employees as follows:
  - 9 firefighters to staff a new company;
  - 1 training captain; and,
  - 1 administrative captain.
3. Accelerate in Fire Measure T the hiring the two captains at this time to plan to save money in the General Fund.
4. Fully fund the Fire Engine out of Fire Measure T funds because the Fire Impact Fee Fund has a negative fund balance, having paid for the new fire training facility and not receiving fire impact revenues due to depressed residential housing construction.
5. Authorize a potential capital project in Fire Measure T for \$1,000,000 for potential land purchases of both the CDF Lover's Lane Station from the State and a portion of the southeast corner of Houston and McAuliff owned by the City.

6. Declare a fiscal emergency for Fiscal Year 2011/12 by a 4/5ths vote due to continued fiscal stress in the General Fund, leading to a potential lower funding of the General Fund Fire budget compared to FY 2010/11.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 13, 2011

**Agenda Item Number (Assigned by City Clerk):**

**Agenda Item Wording:** Annual Recertification of the Measure T Plan

**Deadline for Action:** June 20, 2011

**Submitting Department:** Administrative Services - Finance

**Contact Name and Phone Number:**  
Eric Frost, Administrative Services Director, x4474

**Recommendation**

That Council considers staff recommendations to modify the Measure T plan elements for fiscal year 11/12. Staff recommends that Council take no action on June 13, 2011 in order to fully consider its options but then take action at their June 20, 2011 meeting by:

1. Reducing through attrition the authorized police officer count from 28 to 22 until revenues improve in Police Measure T.
2. Not hiring all of the 14 scheduled employees in FY 2012/13 in Fire Measure T. Rather, staff recommends that the City Council authorize the hiring of 11 employees as follows:
  - 9 firefighters to staff a new company;
  - 1 training captain; and,
  - 1 administrative captain.
3. Accelerating in Fire Measure T the hiring the two captains at this time to plan to save money in the General Fund.
4. Fully funding the Fire Engine out of Fire Measure T funds because the Fire Impact Fee Fund has a negative fund balance, having paid for the new fire training facility and not receiving fire impact revenues due to depressed residential housing construction.

**For action by:**  
 City Council  
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**For placement on which agenda:**  
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**Regular Session:**  
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Est. Time (Min.): \_\_\_\_\_

**Review:**

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5. Authorizing a potential capital project in Fire Measure T for \$1,000,000 for potential land purchases of both the CDF Lover's Lane Station from the State and a portion of the southeast corner of Houston and McAuliff owned by the City.
6. Declare a fiscal emergency for Fiscal Year 2011/12 by a 4/5ths vote due to continued fiscal stress in the General Fund, leading to a potential lower funding of the General Fund Fire budget compared to FY 2010/11.

## Summary

In March of 2004, the voters of Visalia passed a Sales Tax Override measure to increase public safety in the community. The plan's status is shown in Table I, Measure T Plan Components. The challenge facing the community, however, is that the revenue source which supports Measure T, an override sales tax, has faltered these last several years as the general economy has been in a recession. As the City Council reviews the City Manager's recertified Measure T plan, the sustainability of the plan needs to be evaluated. The Citizens Advisory Committee (CAC) is required to recommend recertification or changes to the plan as appropriate.

Table I  
Measure T Plan Components

1. Hire and equip 28 new police officers	Complete
2. Use these officers to open both south and north side precincts	Complete
3. Improve 911 emergency operations by building a new emergency dispatch center.	Task force preparing implementation recommendations
4. Hire and equip 18 new fire fighters	Four of the firefighters have been hired. The Measure T plan calls for hiring 14 more firefighters from Measure T in FY 12/13.
5. Utilize new fire fighters to staff 2 new fire stations in northwest and southeast Visalia.	One Station has been built and staffed. A second station was planned to be in the Southeast, however, with the opening of the leased Lovers Lane Station, the Council amended the Measure T Plan by directing that the second station be built in the Southwest. This station would be scheduled to open in FY 12/13 or 13/14. The leasing of the Lovers Lane station effectively adds a third new fire station to the Fire plan.
6. Improve police and fire operations with the construction of a public safety headquarters to house the expanded staff.	This project has been put on hold due to economic challenges the City faces.
7. Build a new fire training facility	Completed

The Measure T plan components to be implemented in FY 11/12 are:

- Development of a potential joint dispatch center with other local government jurisdictions
- Purchase new fire engine for use in FY 12/13



- The acquisition of property and the development of plans for a new Southwest Fire Station, working to bring on a new company by FY 12/13.

## **DISCUSSION**

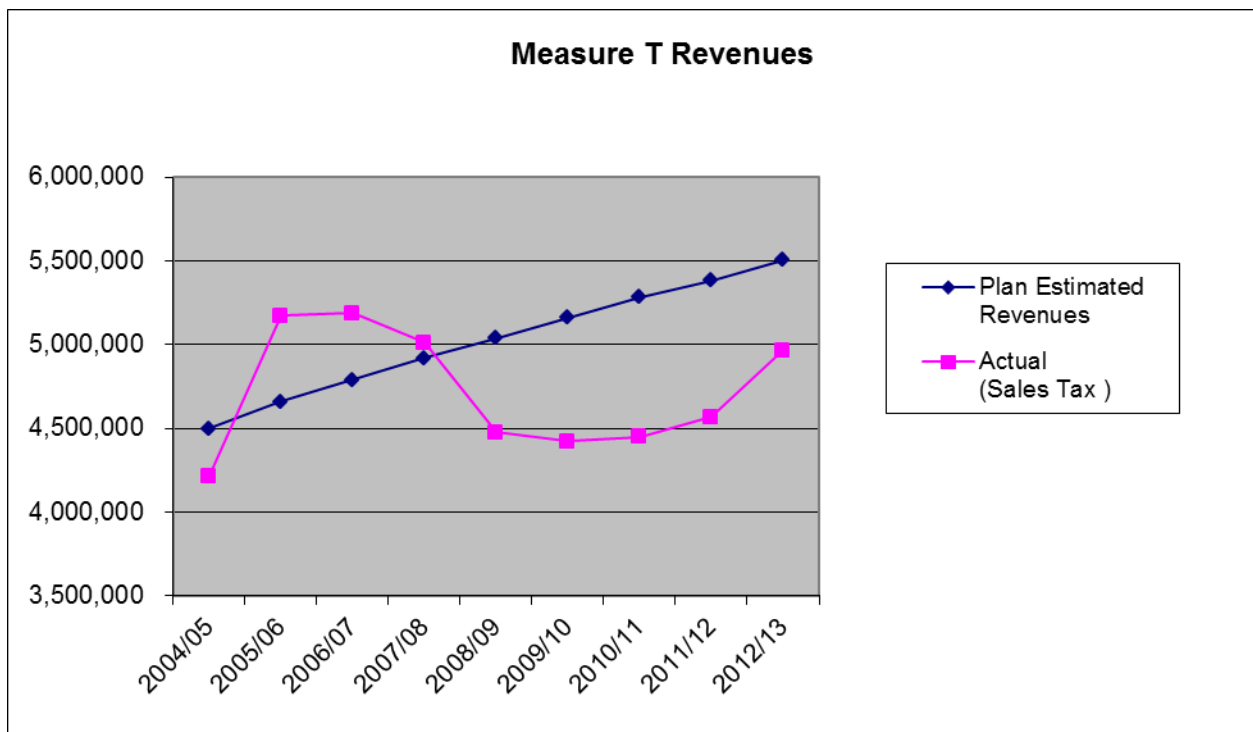
### **Revenues**

The main concern with this fund is that revenues have fallen off compared to plan as shown in Chart I, Measure T Revenues. Revenues are off \$800,000 from plan. The economy's downturn, which turned sharply down in 2008/09, has stabilized for the last three years and appears to be turning upward, although very gradually. As a result, the expenditure plan will need to be adjusted.

### **Expenditures**

The special sales tax measure is shared between Police and Fire on a 60%/40% split. However, the use of the Measure T revenues by Police and Fire has been different because of how they operate. Fire has been accumulating sales tax revenues for a large hiring in 2012; therefore, Fire has accumulated resources. Now that revenues are down, they will need to consider postponing implementing parts of the plan to assure that the plan is fully funded. In contrast, the need to change the Police expenditure plan is more immediate because most of the Measure T elements have been implemented. Lower Measure T revenues mean that Police will need to reduce costs.

Chart I



To maintain the operating portions of the Police Measure T plan, the City will need to limit monies set-aside for capital to just the dispatch center and use remaining funds for operations. Table II, Police Measure T, illustrates what the City should expect to have used

most of the remaining balance in the Police Measure T Fund by the end of this fiscal year. If staffing levels are not changed, then Police Measure T will use most of its uncertainty fund in the FY 11/12 fiscal year, leaving a little over \$100,000 in that fund by the end of the fiscal year. Remember, that the uncertainty fund was created to allow time for the plan to be adjusted if revenues fell below plan estimates. Now that the uncertainty fund is being used, it is time to revise the expenditure plan. Further, Police Measure T is supposed to contribute \$900,000 to the building of a joint dispatch facility. This cost needs to be added to the forecast.

**Recommendation #1: The City needs to reduce its Measure T Police expenditures by about \$700,000 annually until revenues improve. \$700,000 is about the cost of 6 police officers. As a result, Finance recommends that the City Council, through attrition, reduce the authorized officer count from 28 to 22 until revenues improve.**

**The Police Chief is concerned about this recommendation but has indicated that if Council acted upon recommendation #1, the PAL, 3 Commercial Policing and 2 more assignments would be eliminated over time to meet with the staff reduction.**

**Alternative #1: Council could increase the General Fund deficit by \$700,000 and move 6 authorized positions to the General Fund. If the Council selects this option, staff would recommend waiting until after a current Federal grant application is considered. The grant could potentially pay for 7 positions but the grant positions are not to supplant other positions. The grant's requirement is that after 3 years, the hired positions must be retained. It may be appropriate to reevaluate what should be done depending upon the award of the grant.**

Table II  
Police Measure T  
All Amounts in Thousands

Fiscal Year	Beginning Balance	Total Revenues	Total Expenditures	Annual Revenues Over/(Under) Expenditures	Balance	Economic Uncertainty Usage	Economic Uncertainty Balance (1123)
2008/09	1,690	2,735	2,966	(231)	1,459	0	853
2009/10	1,459	2,666	3,226	(560)	899	0	862
2010/11	899	2,680	3,546	(866)	33	0	871
<b>2011/12</b>	<b>33</b>	<b>2,747</b>	<b>3,457</b>	<b>(710)</b>	<b>(677)</b>	<b>677</b>	<b>194</b>
<b>2012/13</b>	<b>(677)</b>	<b>2,816</b>	<b>3,490</b>	<b>(674)</b>	<b>(1,351)</b>	<b>194</b>	<b>0</b>
<b>2013/14</b>	<b>(1,351)</b>	<b>2,886</b>	<b>3,501</b>	<b>(615)</b>	<b>(1,966)</b>	<b>0</b>	<b>0</b>
<b>2014/15</b>	<b>(1,966)</b>	<b>2,958</b>	<b>3,539</b>	<b>(581)</b>	<b>(2,546)</b>	<b>0</b>	<b>0</b>

*Forecast Years in Bold and Italics*

Fire does not have the immediate issues facing Police because it has been accumulating monies to build a new station. In the original Measure T plan, Fire was to hire 14 new employees in FY 12/13. Table III, Fire Measure T, shows Finance's forecast for this fund.

Table III  
Fire Measure T  
All Amounts in Thousands

Fiscal Year	Beginning Balance	Total Revenues	Total Expenditures	Annual Revenues Over/(Under) Expenditures	Balance	Economic Uncertainty Balance (1124)
2008/09	6,048	1,993	2,419	(426)	5,623	595
2009/10	5,623	1,836	625	1,212	6,834	602
2010/11	6,834	1,850	659	1,191	8,025	608
<b>2011/12</b>	<b>8,025</b>	<b>1,895</b>	<b>2,151</b>	<b>(255)</b>	<b>7,770</b>	<b>621</b>
<b>2012/13</b>	<b>7,770</b>	<b>1,942</b>	<b>4,204</b>	<b>(2,262)</b>	<b>5,508</b>	<b>640</b>
<b>2013/14</b>	<b>5,508</b>	<b>1,991</b>	<b>2,698</b>	<b>(707)</b>	<b>4,801</b>	<b>662</b>
<b>2014/15</b>	<b>4,801</b>	<b>2,041</b>	<b>2,721</b>	<b>(680)</b>	<b>4,122</b>	<b>689</b>

*Forecast Years in Bold and Italics*

***Recommendation #2: The Fire Plan has sufficient balances to pay for the proposed plan items at the moment. However, the annual losses are of concern. Staff recommends not hiring all of the 14 scheduled employees in FY 2012/13. Rather, staff recommends that the City Council authorize the hiring of 11 employees as follows:***

- ***9 firefighters to staff a new company;***
- ***1 training captain; and,***
- ***1 administrative captain.***

***Recommendation #3: Additionally, staff recommends accelerating the hiring the two captains at this time to plan to save money in the General Fund. In the past couple of years, the City authorized the hiring of the training captain and a grant of additional overtime to fund the administrative captain position on a temporary basis to meet Fire's administrative needs. However, these positions were envisioned to be paid for from Measure T in FY 2012/13. To assist the City's General Fund, staff recommends moving these positions as of FY 2011/12 to Measure T.***

***Recommendation #4: The City budgeted the cost of the new fire engine needed in FY 12/13 in the Fire Measure T budget for FY 10/11. The original Measure T plan called for 2/3's of the new engine's cost to come from Fire Impact Fees. Staff recommends fully funding the Fire Engine out of Measure T funds because the Fire Impact Fee Fund is in a negative fund balance position, having paid for the new fire training facility and not receiving fire impact revenues due to depressed residential housing construction. Nevertheless, this is a deviation from the original plan and should be authorized.***

***Recommendation #5: That the City Council authorizes setting aside \$1 million for two potential land acquisitions: the CDF Lover's Lane Station from the State and the southeast corner of Houston and McAuliff, land owned by the City. These locations are strategic for potential fire stations and would position the City for developing the next fire stations the City may need. If the stations are not needed at those sites, the land could be either traded or sold for land at more ideal locations.***

**As of June 30, 2011, the fund will have accumulated about \$1 million more than was originally projected. Council could use the accumulated fund balance to purchase the land and defer hiring the final 3 firefighters until the fund balance is sufficient to pay for the land and the additional firefighters. (The Measure T plan calls for hiring 14 firefighters. The proposal is to hire only 11 according to the plan timeline.)**

**Recommendation #6: Declare a fiscal emergency for Fiscal Year 2011/12 by a 4/5ths vote due to continued fiscal stress in the General Fund.**

Due to budgetary actions over the last year, the Police Department's General Fund Budget will be less in FY 2011/12 than FY 2010/11 and the Fire Department's General Fund Budget will potentially be less in FY 2011/12 than in FY 2010/12 as shown below:

<b>GENERAL FUND POLICE SUMMARY</b>					
	<b>FY 07/08 Actuals</b>	<b>FY 08/09 Actuals</b>	<b>FY 09/10 Actuals</b>	<b>FY 10/11 Budget</b>	<b>FY 11/12 Projection (June)</b>
<b>TOTAL EXPENDITURES</b>	<b>24,408,391</b>	<b>25,451,125</b>	<b>24,902,934</b>	<b>25,825,350</b>	<b>25,567,185</b>

<b>GENERAL FUND FIRE SUMMARY</b>					
	<b>FY 07/08 Actuals</b>	<b>FY 08/09 Actuals</b>	<b>FY 09/10 Actuals</b>	<b>FY 10/11 Budget</b>	<b>FY 11/12 Projection (June)</b>
<b>TOTAL EXPENDITURES</b>	<b>10,864,344</b>	<b>11,321,918</b>	<b>11,106,203</b>	<b>11,470,400</b>	<b>11,519,964</b>

Above is Finance's current General Fund projection for the next budget year for Fire. Notice that the proposed budget for Police is about \$260,000 less than this year. Therefore, Police will not meet its Maintenance of Effort requirement. Fire's budget is \$55,000 more than last year's budget. If this remained the case, the City would meet the Maintenance of Effort (MOE) requirement for Measure T. However, in the proposed General Fund budget recommendations are proposals to add two administrative captain positions to the budget for training and general administration. These positions are in one form or another in the General Fund now, being added in advance of the Measure T plan to meet the administrative demands of Fire. If the positions and their expenses are moved out of the General Fund to Measure T, then the City will not meet the MOE requirement, requiring that either the City declare a fiscal emergency, increase General Fund expenditures or discontinue use of Measure T monies.

The reason that the budgets are less for this coming fiscal year is that in FY 2010/11, the City obtained wage concessions of 4% from employees. The concessions were obtained in October of 2010. The budget, however, included salaries at a level 4% higher than eventually agreed to or imposed upon employees.

**Because the General Fund continues to struggle with large deficits, staff recommends that Council declare a fiscal emergency by a 4/5ths vote to comply with the Measure T ballot guidelines.**

***In contrast, by not declaring a fiscal emergency, the City would need to increase General Fund expenditures by an amount to equal last year's General Fund's budget for Police and Fire. This would increase the General Fund deficit by over \$500,000.***

Conclusion

The City needs to reduce ongoing operational costs because Measure T funds are coming in less than budget. The several recommendations are designed to better balance the funds' annual expenditures.

Citizens Advisory Committee (CAC) Comments and Actions

On June 8, 2011, the CAC meet and reviewed the City Manager's Recertified Measure T Budget. The committee recommended unanimously items #2-5. The committee took some time discuss recommendation #1. The concern of the CAC was that police staffing must take priority and, when possible, should be kept at the highest levels possible. After discussing the alternatives, however, the committee recommended item #1 with one member voting against the recommendation due to their concern with maintaining public safety strength.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** Recertify the plan with changes to be determined

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):**

That Council considers staff recommendations to modify the Measure T plan elements for fiscal year 11/12. Staff recommends that Council take no action on June 13, 2011 in order to fully consider its options but then take action at their June 20, 2011 meeting by:

1. Reducing through attrition the authorized police officer count from 28 to 22 until revenues improve in Police Measure T.
2. Not hiring all of the 14 scheduled firefighters in FY 2012/13 in Fire Measure T. Rather, staff recommends that the City Council authorize the hiring of 11 employees as follows:
  - 9 firefighters to staff a new company;
  - 1 training captain; and,
  - 1 administrative captain.
3. Accelerating in Fire Measure T the hiring the two fire administrative captains at this time to plan to save money in the General Fund.
4. Fully funding the Fire Engine out of Fire Measure T funds because the Fire Impact Fee Fund has a negative fund balance, having paid for the new fire training facility and not receiving fire impact revenues due to depressed residential housing construction.

5. Authorizing a potential capital project in Fire Measure T for \$1,000,000 for potential land purchases of both the CDF Lover's Lane Station from the State and a portion of the southeast corner of Houston and McAuliff owned by the City.
6. Declare a fiscal emergency for Fiscal Year 2011/12 by a 4/5ths vote due to continued fiscal stress in the General Fund, leading to a potential lower funding of the General Fund Fire budget compared to FY 2010/11.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

Attachment #2

Dear Amy,

I am writing on behalf of the Visalia PAL program and the possibility that funding for the Police Officer and staff assigned to that program is once again being considered for cuts.

While I understand that you have a difficult job in balancing the City budget each year, I am passionate about any possible cuts to one of the few prevention and early intervention programs we have in our area, that actually works.

As a Truant Officer for Visalia Unified School District for the past 18 years, I have worked with thousands of young people who are attempting to grow up under circumstances that, quite possibly, set them up for failure from the beginning of their lives. Many of these children have absent parents due to, drug and alcohol addictions, incarceration, and even work schedules that do not allow for positive parent/child interaction. Many live in severe poverty, have gang members as siblings or even parents and are low functioning socially and communally. Life for these kids is about simply surviving on a daily basis. Education is not considered important and law enforcement is at the very least something to be feared and in some instances the enemy.

I became active with the Visalia Police Activities League because it was and continues to be, a program that WORKS! I have seen time and time again huge changes in the lives of children and young people who would, without this intervention, quite likely turn to criminal behavior, gangs and drugs and alcohol. I served as President of the PAL board for six years and worked tirelessly with dedicated Visalia Police Officers, community businesses and organizations and caring community members to build a program our Police Department and City Council can be proud of.

Over the last five years we have secured and renovated the property that is now the PAL Center, written over 80 grant proposals, recruited countless volunteers and organized 20+ projects per year that provide positive early interaction for young people and law enforcement.

Visalia PAL programs include community service projects, youth leadership programs, mentor programs, a boxing club, field trips, after school study groups, a summer honor camp, baseball and basketball programs, health education, a computer lab, an annual "Coats for Kids" Christmas party, an annual Easter Egg Hunt, scholarship opportunities and much more. Last year, Visalia PAL programs reached nearly 3,000 children and youth and served between 60 and 100 children on a **daily** basis. Unlike many programs in our community Visalia PAL Programs are always FREE. We never charge a fee for an activity or event and support is always available should extra equipment or supplies be needed.

During the last fiscal year, Visalia PAL received nearly \$100,000 in grant funding to support PAL programs and each of the grants awarded were done so because of the guaranteed Police Officer involvement with our youth.

As I'm sure you are aware, numerous studies have been done on the positive effect of Community Policing. PAL is the best Community Policing has to offer!

All of the programs offered by PAL are based on research (please see attached report for specific data) that proves the following. **Children and youth involved in programs and**

**activities where a police officer or law enforcement official was actively involved in the program or activity are found to be 1) more empathetic, 2) more able to self-regulate behavior, 3) more able to be assertive about positive beliefs and, 3) more caring; than children and youth involved in similar youth programs that did not involve police officers or law enforcement officials.**

If the Visalia City Council decides to cut funding for PAL staff all of the programs and activities provided by Visalia PAL will end. We will be forced to return any unused grant monies and a viable, proven, early intervention program will be eliminated from our community.

I understand we are in difficult economic times and cuts must be made and I don't envy your job in deciding where those cuts must be made from. I do believe, however, that it is always easier to cut "prevention" programs because we are **forced** to fund "incarceration" programs. I also know that funding prevention programs in difficult economic times is complicated and not easily justified but I believe that it WILL catch up with us eventually.

As a long term member of the Visalia PAL Board of Directors, I am pleading with you to please find a way to continue to support Visalia PAL by funding our designated officer and support staff. I can assure you that it would be a considerable loss to this community if we could no longer provide PAL services to our young people.

Sincerely,

Debbie Terry  
Visalia PAL  
Board Vice-President



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 5b

**Agenda Item Wording:** City Council approval of Resolution 2011-35 adopting the 2011-12 appropriations limit for the City of Visalia's General Fund.

**Deadline for Action:** June 30, 2011

**Submitting Department:** Administration / Finance Division

**Contact Name and Phone Number:**

Eric Frost, 713-4474  
Amea Sing, 713-4170

**Department Recommendation:**

That the City Council adopt Resolution 2011-35 establishing the appropriations limit for the 2011-12 fiscal year in the amount of \$113,049,360 for the General Fund.

**Discussion:**

The Appropriation Limitation imposed by Propositions 4 and 111 creates a restriction on the amount of tax revenue which can be appropriated in any fiscal year. The limit is based on actual appropriations during the 1978-79 fiscal year and is increased each year by a factor comprised of the change in population combined with the change in California per capita personal income.

The General Fund is the only fund subject to the appropriation limit. Any challenge to the appropriations limit must be brought within 45 days from the effective date of the resolution.

The State of California Department of Finance is mandated to provide the population and California per capita personal income change data for local jurisdictions to calculate their appropriations limit. Based on the following data received from the Department of Finance, a population change of 1.28% and per capita income change of 2.51%, the appropriations limit for 2011-12 is \$113,049,360. The total appropriation subject to limitation for the 2011-12 fiscal year is \$46,594,700 which is well under the appropriations limit as shown in Table 1, Gann Appropriations Limit.

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

<b>Table 1</b>		
<b>Gann Appropriations Limit</b>		
<b>FY 2011-12</b>		
Appropriations Limit FY 2010-11		\$108,889,771
Adjustment Factors:		
Population Change (1.28+100/100=1.0202)	1.0128	
Per Capita Income Change (2.51+100/100=.9746)	x 1.0251	
Total Adjustment Factor	1.0382	
Adjustment Amount		4,159,589
Appropriations Limit for FY 2011-12		<b>113,049,360</b>
Budgeted Expenditures Subject to Limit FY 2011-12		46,594,700
Amount of Unspent Authorized Appropriation		<b>\$66,454,660</b>

Table 2, Calculation of Proceeds of Taxes, categorizes General Fund revenues. As shown in the table, the amount of taxes is equivalent to the budgeted expenditures subject to the 2011-12 limit.

<b>Table 2</b>			
<b>Calculation of Proceeds of Taxes</b>			
<b>FY 2011-12</b>			
	<u>Tax</u>	<u>Non-Tax</u>	<u>Total</u>
	<u>Proceeds</u>	<u>Proceeds</u>	
General Fund			
Taxes	\$46,594,700	\$0	\$46,594,700
Licenses & Permits	0	229,300	229,300
Fines	0	1,700,700	1,700,700
Revenue From Use of Money & Property	0	45,900	45,900
Revenue From Other Agencies	0	1,949,540	1,949,540
Revenue for Current Services	0	2,116,000	2,116,000
Other Revenue	0	224,700	224,700
Subtotal	46,594,700	6,266,140	52,860,840
Interest	0	984,100	984,100
Total General Fund	<u>\$46,594,700</u>	<u>\$7,250,240</u>	<u>\$53,844,940</u>

**Prior Council/Board Actions:** June 28, 2010 - Council adoption of Resolution establishing the appropriations limit for the 2010-11 fiscal year.

**Committee/Commission Review and Actions:** None

**Alternatives:** None

**Attachments:**

Attachment 1 – Resolution No. 2010-\_\_\_\_

Attachment 2 – CA Department of Finance Letter on Price and Population

**Recommended Motion (and Alternative Motions if expected):**

I recommend that the City Council adopt Resolution No. 2011-35 establishing the appropriations limit for the 2011-12 fiscal year in the amount of \$113,049,360 for the General Fund.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to: N/A

Attachment 1

RESOLUTION NO. 2011-35

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
ESTABLISHING THE 2010-11 APPROPRIATIONS LIMIT

WHEREAS, in 1979, California voters approved Proposition 4 (Article XIII-B of the California State Constitution). Informally known as the "Gann Initiative," Article XIII-B provides limits to the amount of tax proceeds state and local governments can spend each year.

WHEREAS, in 1980, the State Legislature added Section 9710 of the Government Code stating that the governing body of each City must establish, by resolution, an appropriations limit for the following year. The limit for any fiscal year is equal to the previous year's limit, adjusted for population changes and the change in the U.S. Consumer Price Index (or California per capita personal income, if smaller). The necessary statistical information is provided by the California Department of Finance.

WHEREAS, Proposition 111 modified Article XIII-B. A City may choose which annual adjustments to use. The adjustment factors include the growth in the California Per Capita Income, or the growth in the non-residential assessed valuation due to construction within the City and the population growth within the City or county.

AND IT FURTHER provided for the 2011-12 fiscal year, any challenge to the appropriations limit must be brought within 45 days from the effective date of the resolution.

NOW, THEREFORE, BE IT RESOLVED that the appropriations limit as defined by Propositions 4 and 111 is set at \$113,049,360 for 2011-12 fiscal using a percentage change growth factor of 1.28% and change in per capita income of 2.51% as established by the California Department of Finance.

## Attachment 2



DEPARTMENT OF  
**FINANCE**

EDMUND G. BROWN JR. • GOVERNOR

915 L STREET ■ SACRAMENTO CA ■ 95814-3706 ■ WWW.DOF.CA.GOV

May 2011

Dear Fiscal Officer:

**Subject: Price and Population Information**

### **Appropriations Limit**

The California Revenue and Taxation Code, Section 2227, mandates the Department of Finance (Finance) to transmit an estimate of the percentage change in population to local governments. Each local jurisdiction must use their percentage change in population factor for January 1, 2011, in conjunction with a change in the cost of living, or price factor, to calculate their appropriations limit for fiscal year 2011-2012. Enclosure I provides the change in California's per capita personal income and an example for utilizing the price factor and population percentage change factor to calculate the 2011-2012 appropriations limit. Enclosure II provides city and unincorporated county population percentage changes, and Enclosure IIA provides county's and incorporated area's summed population percentage changes. The population percentage change data excludes federal and state institutionalized populations and military populations.

### **Population Percent Change for Special Districts**

Some special districts must establish an annual appropriations limit. Consult the Revenue and Taxation Code, Section 2228 for further information regarding the appropriation limit. You can access the Code from the following website: "<http://www.leginfo.ca.gov/calaw.html>" check box: "Revenue and Taxation Code" and enter 2228 for the search term to learn more about the various population change factors available to special districts to calculate their appropriations limit. Article XIII B, Section 9(C), of the State Constitution exempts certain special districts from the appropriations limit calculation mandate. Consult the following website: "[http://www.leginfo.ca.gov/const/article\\_13B](http://www.leginfo.ca.gov/const/article_13B)" for additional information. Special districts required by law to calculate their appropriations limit must present the calculation as part of their annual audit. Any questions special districts have on this issue should be referred to their respective county for clarification, or to their legal representation, or to the law itself. No State agency reviews the local appropriations limits.

### **Population Certification**

The population certification program applies only to cities and counties. The Federal 2010 Census population counts for cities and counties have been certified to the State Controller's Office. Revenue and Taxation Code Section 11005.6 mandates Finance to automatically certify any population estimate that exceeds the current certified population with the State Controller's Office. **Finance will certify the higher estimate to the State Controller by June 1, 2011.**

**Please Note:** The population estimates provided in this report incorporate 2010 Census numbers as benchmarks. Therefore, the population estimates for 2010 and 2011 published in this report for your jurisdiction may be noticeably different from the previous year estimates.

If you have any questions regarding this data, please contact the Demographic Research Unit at (916) 323-4086.

Attachment 2

Fiscal Year 2011-2012

May 2011

Enclosure I

- A. **Price Factor:** Article XIII B specifies that local jurisdictions select their cost-of-living factor to compute their appropriation limit by a vote of their governing body. The cost-of-living factor provided here is per capita personal income. If the percentage change in per capita personal income is selected, the percentage change to be used in setting the 2011-2012 appropriation limit is:

Per Capita Personal Income	
Fiscal Year (FY)	Percentage change over prior year
2011-2012	2.51

- B. Following is an example using sample population change and the change in California per capita personal income as growth factors in computing a 2011-2012 appropriation limit.

**2011-2012:**

Per Capita Cost of Living Change = 2.51 percent  
 Population Change = 0.77 percent

Per Capita Cost of Living converted to a ratio:  $\frac{2.51 + 100}{100} = 1.0251$

Population converted to a ratio:  $\frac{0.77 + 100}{100} = 1.0077$

Calculation of factor for FY 2011-2012:  $1.0251 \times 1.0077 = 1.0330$

## Attachment 2

**Fiscal Year 2011-2012**

**Enclosure II  
Annual Percent Change in Population Minus Exclusions  
January 1, 2010 to January 1, 2011 and Total Population, January 1, 2011**

County City	<u>Percent Change</u>	<u>--- Population Minus Exclusions ---</u>		<u>Total Population</u>
	2010-2011	1-1-10	1-1-11	1-1-2011
Tulare				
Dinuba	3.45	21,217	21,950	21,950
Exeter	0.64	10,329	10,395	10,395
Farmersville	2.17	10,567	10,796	10,796
Lindsay	2.19	11,762	12,020	12,020
Porterville	1.47	53,497	54,282	54,843
Tulare	1.42	59,089	59,926	59,926
Visalia	1.28	124,184	125,770	125,770
Woodlake	0.87	7,268	7,331	7,331
Unincorporated	0.74	142,659	143,710	143,806
County Total	1.27	440,572	446,180	446,837

(\*) Exclusions include residents on federal military installations and group quarters residents in state mental institutions, state and federal correctional institutions and veteran homes.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 5c

**Agenda Item Wording:** Approve recommended actions for FY 2011/12 budget for the General Fund and Capital Funds.

**Deadline for Action:** None

**Submitting Department:** Administrative Services - Finance

**Contact Name and Phone Number:**

Eric Frost, Administrative Services Director	713-4474
Renee Nagel, Finance Manager	713-4475
Amee Sing, Admin Analyst	713-4170

**Department Recommendation:** Management recommends amending FY 11/12 budget by the following actions:

**(1) General Fund**

**Staff recommends continuing administrative actions to reduce FY 11/12 projected deficit of \$1.4 million and implement the recommended budget reduction solutions as outlined in Table I, Potential Budget Solutions, offering \$950,000 in budget reductions and a one-time use of \$475,000 in reserves.**

**(2) Capital Funds**

**Staff recommends an appropriation of \$1,921,000 for capital projects funded by non-General Fund monies as shown in Table III, Proposed Additions to Capital Program.** The appropriations are mainly due to the award of grant monies for road projects.

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**Summary**



On June 13, 2011, staff presented to Council the projected budget for FY 11/12 and recommended solutions to close the budget deficit of \$1.4 million. Since that meeting staff gathered additional information as requested by Council and made changes to the recommended budget solution list as outlined in the Measure T Recertification agenda item.

#### Additional Information

- ***Effect of reducing the Convention Center capital budget from \$300,000 to \$100,000.*** The General Fund budgets an annual amount of \$300,000 to the Convention Center for capital replacement. Funds not used are set-aside to fund larger projects at a later date. The Convention Center's capital budget for FY 11/12 is \$137,500. These projects would be funded from the proposed \$100,000 and prior years capital set-aside. At the end of this fiscal year, the capital set-aside cash balance is projected to be \$326,000.

Reducing the capital contribution would delay projects schedule to occur in FY 13/14 & 14/15 by one or two years. Projects affected would be the replacement of concrete in the Courtyard, replacement of the roof on newer portion of building, and replacement of exterior doors. These projects have not been approved by Council and are only listed as part of the 6 year capital plan.

- ***Managing the Convention Center.*** Council asked if it would make business sense to contract out the management of the Convention Center. Staff at this time does not believe that such an action would save money for several reasons, including:
  - The Convention Center has just had its highest revenue month. The Center's performance continues to improve. The Convention Center is operating with fewer subsidies than almost all other convention centers.
  - A limited number of potential management companies exist who could manage the convention center. Because Visalia is a smaller market, the City would probably have a more junior manager come to Visalia. Further, a management company might have a bias towards sending its larger draws to its larger convention centers, possibly to the detriment of Visalia.
  - Visalia currently has an agreement with Marriot until 2015 that would require the City to allow Marriot to manage the Convention Center if the City sought outside management. Although this option might be okay, the requirement limits the City's ability to negotiate a contract.
  - In a previous outsourcing analysis, staff learned that most Convention Centers that are operated under contract are not generally available for community use. Both the costs and the booking policies are generally not conducive to local uses. In the past, Council has made the determination that the Convention Center should be available for local events under certain circumstances and has even encouraged the use through the establishment of non-profit rates and other policies. Staff believes this is still an amenity that is important to the community and the downtown.
  - A management company would either provide catering, or have a single caterer under contract. Currently, the Convention Center allows multiple Visalia caterers to operate at the Convention Center, which has been a way for several local

businesses to be more viable long term. Having multiple caterers has also allowed the Center a different competitive edge since few, if any, Convention Centers offer such a diversity of menus and pricing.

- **Furloughing non-sworn General Fund Office Staff.** Furloughs can be used as leave without pay or use of vacation days. Management has been advised not to combine the leave without pay and vacation day usage because it sets a precedence allowing employees to choose how they will take off furlough days. If in the future the City wants to require employees to take time off without pay, the City may be hindered by having once given employees the choice.

If Council were to require furloughs, furloughs without pay for non-sworn General Fund office staff works best on less productive days such as Thanksgiving Eve, Christmas Eve, and New Year's Eve. One furlough day would save the General Fund approximately \$40,000. At this time, staff does not recommend furloughs.

- **Reducing Community Youth Grants.** Annually the General Fund contributes \$160,000 towards Community Youth Programs through grants. This process is handled by the Citizen Advisory Committee (CAC) and is given to non-profits with programs that benefit youth. Staff recommends reducing the contribution from \$160,000 to \$130,000, which simply reflects the General Funds proportional decline in revenues. The CAC will bring to Council award recommendations to be approved by Council.

The recommended solutions are shown in Table I – Potential Budget Solutions. Recommended budget solutions that changed from June 13, 2011 are items #17 thru #23 in the table.

#### Table I – Potential Budget Solutions

#	Potential 11/12 Budget Solutions	Potential Savings	Recommended	Comment
1	Develop in-house health clinics	\$200,000	\$100,000	11/12 - \$100k & \$200k ongoing, provide in house clinic cheaper than fee for service visits. Santa Barbara County is model. Net savings in health plan.
2	Reduce Community Youth Grants from \$160k	\$160,000	\$30,000	General Fund revenues down by 20%, consider like reduction for community grants
3	Accelerate the hiring of Fire Measure T Training Captain	\$152,700	\$152,700	Accelerates Measure T plan, helps GF
4	Increase Gas Franchise Fee	\$100,000	\$50,000	In discussions to renew 25 year franchise agreement. Other cities added 1% franchise fee.
5	Accelerate the hiring of Fire Administration Captain	\$100,000	\$100,000	Accelerates Measure T plan, helps GF
6	Eliminate Gang Suppression Unit Probation Contract	\$61,000	\$61,000	Police reorganizes delivery. Stops county contract. Back fill with existing staff.
7	Operate LOOP bus when school is out	\$50,000	\$50,000	Annual cost is \$80,700. Reduce bus service to summer vacation, spring and winter break.
8	Eliminate old park restrooms(Rotary, Houk & Oval Parks)	\$40,000	\$25,000	Bathrooms are costly and sometimes a nuisance at parks. 1st year cost to demo \$15k
9	Combine Downtown & Marys Vineyard Com Policing	\$33,000	\$33,000	Eliminate one part-time commercial policing officer.
10	Increase Convention Center Fee (Approx 5%)	\$25,000	\$25,000	General Fee increase. To be presented on June 20th with Rates & fees.
11	Reduce West Coast Arborist tree trimming contract	\$25,000	\$25,000	This item would reduce the GF budget from \$100k to \$75k
12	Freeze 2 part-time positions crime analysis/backgrounds	\$22,000	\$22,000	Since fewer recruits, may be able to hold open
13	Furlough Convention Center 2-5 days	\$18,000	\$5,000	Item will require meet and confer. Objective would be close on low volume days. Start with 2 days
14	Eliminate PAL boxing part-time position	\$11,000	\$11,000	Reduce PAL program
15	Reduce TC Econ Dev Corp Higher Education funding	\$10,000	\$10,000	TCEDC has completed this program and funding is no longer needed
16	Eliminate Pal event of meet the San Francisco Giants	\$2,000	\$2,000	Discontinue this annual Pal event.
<b>Revised/Additonal Recommended Solutions from June 13, 2011</b>				
17	Reduce Convention Center Capital Set-Aside from \$300k	\$300,000	\$200,000	The reduction in capital will slow replacement activity in future years. This would reduce their capital budget to \$100k.
19	Temporary support for 3 Measure T Officers	-\$360,000	-\$360,000	Temporarily move 3 Officers to the GF due to the shortfall in Measure T revenues .
18	Reduce CSO position by 1 (thru attrition)	\$80,000	\$80,000	Transfer the PAL Community Resource Specialist to Patrol and eventually elimiate 1 CSO officer by attrition.
20	Reduce Police Over-time Budget	\$50,000	\$50,000	Reduce over-time to off-set costs from temporarily moving 3 Measure T positions.
21	Reduce Police Operating Budget	\$77,800	\$77,800	Reduce operating accounts to off-set costs from temporarily moving 3 Measure T positions.
22	Reduce Capital Projects budget	\$200,000	\$200,000	Postpone Downtown Christmas Tree Decorations - \$50,000 and postpone rehabilitation of parking lots - \$150,000.
<b>Total Recommended</b>		<b>\$1,357,500</b>	<b>\$949,500</b>	
23	<b>One-time use of reserves - increase in retiree health contribution reduction in FY 12/13.</b>	<b>\$475,000</b>	<b>\$475,000</b>	Will be replaced by retiree health care contribution decreases next year.
<b>Recommended Actions</b>		<b>\$1,832,500</b>	<b>\$1,424,500</b>	

The not recommended solutions are shown in Table II – Budget Solutions Not Recommended. These were items considered but not chosen at this time.

Table II –Budget Solutions Not Recommended

#	Other Solutions (Not recommend at this time)	Potential Savings	Recommended	Comment
1	Layoff 1-4 employees (\$80,000-\$300,000), not sworn	\$300,000		If directed, staff would return to Council with a restructure plan. Layoffs would not consist of sworn personnel.
2	Non-public safety, GF Office Staff - 3 day furlough	\$120,000		Requires a meet and confer on impacts of furlough. Would close Thanksgiving Eve, Christmas Eve and New Year's Eve. Leave would be without pay or use of vacation time.
3	Eliminate Community Arts Program	\$40,000		Leverages money from outside the community to come to town.
4	Reduce TC Econ Dev Corp Tourism funding	\$20,000		Reduced Tourism funding by \$20k but propose reprogramming the money towards Visalia Convention & Visitor Bureau. The VCVB will come back to the Council with a marketing plan that will be developed in conjunction with a new Countywide Visitor's Council that is being proposed and is in the initial stages of development. Some monies could be put towards GF deficit.
5	Eliminate City's annual 4th of July Contribution	\$10,000		Leverages community money to fund major community event.
6	Close Senior Center for an addtl 5 hours per week	\$10,000		Last FY reduction of 15 Hours (Total 20 hrs)
7	Close MHCC for an addtl 2.5 hours per week	\$10,000		Last FY reduction of 7.5 Hours (Total 10 hrs)
	<b>Other Solutions Total</b>	<b>\$510,000</b>	<b>\$0</b>	

**Recommendations: Staff recommends continuing administrative actions to reduce FY 11/12 deficit and implement recommended budget reduction solutions as outlined in Table I – Potential Budget Solutions.**

In a separate report, staff has made recommendations about Measure T because Measure T has maintenance of effort (MOE) requirements. The requirement is that the City, except in fiscal emergencies, may only use Measure T funds if the General Fund appropriation to Police and Fire is greater than the prior year. The City Council in June of 2009 approved a fiscal emergency for FY 2009/10 and FY 2010/11. The continued decline in revenues has prompted staff to recommend that Council declare a fiscal emergency for FY 2011/12. If the emergency is not declared, the City would be obligated to increase public safety expenditures by \$500,000 or forego the use of \$5 million in Measure T revenues.

**CAPITAL FUNDS**

Although this report focuses on operating funds, six capital projects totaling \$1.9 million need Council's approval to move forward in FY 11/12. Three of the five projects have been awarded

grant money totaling \$1 million and the other two projects were to be recommended during the two year budget adoption but were excluded due to an oversight in the process. All five projects will be funded by money other than the General Fund.

**Grant Funded Projects:**

- **Packwood Creek Trail:** This project is to construct ¼ mile all-purpose trail along the east side of Packwood Creek from Cameron Avenue to Visalia Parkway. Funding will come from Transportation Enhancement Grant (\$118,000) and Measure R Trailways (\$14,000). Total appropriation requested \$132,000.
- **Cameron Avenue Shoulder Stabilization:** This project is to construct curb and gutter and pave the shoulder from Mooney Boulevard to County Center along the north side of Cameron Avenue. Funding will come from CMAQ Grants (\$117,000) and Gas Tax (\$20,000). Total appropriation requested \$137,000.
- **West Goshen Avenue Shoulder Stabilization:** This project is to construct curb and gutter and pave the shoulder from Demaree Street west to Akers Street along the north side of Goshen Avenue. Funding will come from CMAQ Grants (\$246,000) and Gas Tax (\$35,000). Total appropriation requested \$281,000.
- **East Goshen Avenue Shoulder Stabilization:** This project is to construct curb and gutter and pave shoulder from Demaree Street east to Mooney Boulevard along both sides of Goshen Avenue. Funding will come from CMAQ Grants (\$546,000) and Gas Tax (\$75,000). Total appropriation requested \$621,000.

**Projects Inadvertently Excluded During Budget Adoption:**

- **Sanitary Lift Station Improvements:** This project is to replace or repair sanitary lift station piping, valves, concrete surface rehabilitation and entry hatches. This would be inclusive of all thirteen lift stations currently in use throughout the City. The total project cost is \$350,000, \$150,000 for FY 11/12 and \$50,000 each year after that. Funding will come from the Wastewater Enterprise fund. Total appropriation requested \$150,000.
- **Storm Sewer Oversizing:** This project pays the City's annual cost of reimbursing developers for the design and construction of storm drain lines which implement the Storm Water Master Plan and for the construction of oversized storm drain lines that exceed the standard requirements for development projects. This project currently has \$100,000 budgeted for FY 11/12 and needs an additional \$600,000 to cover current reimbursement agreements. Total appropriation requested \$600,000.

**Recommendation: Appropriate \$1,921,000 for the following capital projects as shown in Table III, Proposed Additions to the Capital Program:**

**Table III – Proposed Additions to Capital Program**

Proposed Additions to Capital Program (all amounts in thousands)	Gas Tax	Grants	Measure R	Waste Water	Storm Sewer	Total
Packwood Creek Trail From Cameron to Visalia Parkway		118	14			132
Cameron Ave. Sholder Stabilization	20	117				137
West Goshen Ave. Shoulder Stabilization	35	246				281
East Goshen Ave. Sholder Stabilization	75	546				621
Sanitary Lift Station Improvements				150		150
Storm Sewer Oversizing					600	600
<b>Fund Totals</b>	<b>130</b>	<b>1,027</b>	<b>14</b>	<b>150</b>	<b>600</b>	<b>1,921</b>

## **Summary**

The City continues to have a number of challenges. Nevertheless, the challenges are being met and the actions recommended in the report improve the City's position.

***Recommended Motion: I move to approve the following actions by fund:***

### ***(1) General Fund***

***Continue the administrative actions to reduce FY 11/12 projected deficit of \$1.4 million and implement the recommended budget reduction solutions as outlined in Table I, Potential Budget Solutions, offering \$950,000 in budget reductions and a one-time use of \$475,000 in reserves.***

### ***(2) Capital Funds***

***Appropriate \$1,921,000 for capital projects funded by non-General Fund monies as shown in Table III, Proposed Additions to Capital Program:***

***Table III – Proposed Additions to Capital Program***

Proposed Additions to Capital Program (all amounts in thousands)	Gas Tax	Grants	Measure R	Waste Water	Storm Sewer	Total
Packwood Creek Trail From Cameron to Visalia Parkway		118	14			132
Cameron Ave. Sholder Stabilization	20	117				137
West Goshen Ave. Shoulder Stabilization	35	246				281
East Goshen Ave. Sholder Stabilization	75	546				621
Sanitary Lift Station Improvements				150		150
Storm Sewer Oversizing					600	600
<b>Fund Totals</b>	<b>130</b>	<b>1,027</b>	<b>14</b>	<b>150</b>	<b>600</b>	<b>1,921</b>

## ***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 9

**Agenda Item Wording:** PUBLIC HEARING to discuss proposed funding changes, amendment, and assessment increases of balloted Landscape & Lighting Maintenance Assessment Districts. (Upon completion of the public hearing, staff will open and tabulate ballots. The results will be reported later in the Regular Session.)

**Deadline for Action:** None

**Submitting Departments:** Finance

**Contact Name and Phone Number:**

Eric Frost - 713-4474, Administrative Service Director  
Liz Ybarra - 713-4598, Sr. Administrative Analyst

**DEPARTMENT RECOMMENDATION:** That City Council take the following actions:

- 1) Conduct a Public Hearing to receive ballots and public testimony on the proposed funding changes, amendment, and assessment increases for the maintenance of balloted Landscape and Lighting Maintenance Assessment Districts
- 2) Direct staff to open and tabulate ballots.
- 3) Certify the results of the balloted Districts.
- 4) (a ) For Districts that approve changes, direct staff to implement the proposed changes  
  
(b) Authorize the placing of the increased benefit assessment amounts on the 2011-12 Property Tax Roll.

**PUBLIC HEARING:**

The Public Hearing is being held for the purpose of taking public input on the proposed funding changes, amendments, and assessment increases to the balloted Districts and, if passed by the voters, to approve and implement those changes.

**BALLOTING PROCESS:**

Proposition 218 requires that increases to a property based assessment not previously agreed upon be subject to a ballot vote of all the affected property owners. Assessment votes are conducted on the amount of the assessment. Since these assessments are all of equal value, authorization is determined by a simple majority of the returned ballots.

On May 6, 2011, the City mailed 270 ballot letters to 6 Districts with deficit cash balances requesting

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 5

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.



property owners to approve an increase in the benefit assessment and for the inclusion of a standard benefit assessment increase allowance for the Districts. These Districts consisted of West Wind #2 (69 ballots), Windemere (20 ballots), Country Akers #3 (12 ballots), Stonebrook (86 ballots), Quail Creek #1 (69 ballots), and St. Charles (14 ballots), (see Attachment 2 for Location Maps). The Standard Benefit Assessment Increase Allowance will allow the City to make limited changes in the assessment fee to balance the District's finances without having to ballot the Districts in the future.

Upon completion of the public hearing, staff will open and tabulate the ballots, of which the results will be reported at the end of tonight's Regular Session. If the voters approve the increase to their Benefit District and the Standard Benefit Increase Allowance, the increase will be added to 2011-12 Tax Roll. If it fails, staff has been directed to reduce the level of maintenance of the trees, turf and shrub areas and turn off mid-block street lights. The reduction in services will take effect 60 days from the public hearing date of June 20, 2011.

**PROPOSED ASSESSMENT**

BALLOTTED DISTRICTS			ASSESSMENTS					
#	LOTS	Description	DEFICIT	Current	Proposed Increase		Total 2012 Proposed	
			Cash Balance	Actual Lot Assessment	Assessment by District	Lot	Total Assessment by District	Lot
8809	69	West Wind 2	(1,643.80)	\$ 30.92	\$ 213	\$ 3.09	\$ 2,347	\$ 34.01
8903	20	Windemere	(535.60)	75.08	\$ 150	\$ 7.50	\$ 1,652	\$ 82.58
8905	12	Country Akers 3	(2,360.67)	278.24	\$ 167	\$ 13.91	\$ 3,506	\$ 292.15
9015	86	Stonebrook	(1,818.51)	95.00	\$ 409	\$ 4.75	\$ 8,579	\$ 99.75
9109	69	Quail Creek 1	(1,154.01)	33.64	\$ 232	\$ 3.36	\$ 2,553	\$ 37.00
9107	14	St Charles	(4,195.79)	32.64	\$ 46	\$ 3.26	\$ 503	\$ 35.90
	270	<b>TOTAL</b>						

**BALLOTTED DISTRICTS WITH DEFICIT BALANCES:**

This discussion refers to the balloted Districts with deficit cash balances and the Landscape and Lighting Maintenance Assessment Districts that benefit these real property owners. These Districts maintain common area improvements (e.g. turf, shrubs, trees, walls, and irrigation equipment) around participating subdivisions, with each parcel sharing equally in the annual cost.

- **ASSESSMENT ADJUSTMENT PROGRAM (Program)**

The six Districts balloted were being asked to approve an increase in their benefit assessment and to include the Assessment Adjustment Program to their District. The Assessment Adjustment Program includes:

1. Incorporating a Standard Annual Allowance for Increase: An annual automatic allowance for assessment increases (Allowance) was incorporated into the formation of ALL District's starting in December 1994. The Allowance is included in the Engineers Report which initially estimates the District's costs for maintenance and utilities, and is the basis for the first year's benefit assessment. The Allowance allows for cumulative increases of 5% per year with a maximum increase of 10% in single year. This annual increase can be done without balloting of the property owners for additional approval.

To increase an assessment on a District formed before Dec. 1994 currently requires balloting.

2. Implementing Cost Containment Measures: Staff will implement various measures to reduce expenses to those Districts that are projected to remain in a cash deficit position.

- reduce the amount of work currently being contracted for (e.g. reduce watering, and reduce other services being provided).
- replace or remove improvements that requires a higher level of maintenance and replace them with improvements that require little or no maintenance (groundcover).

3. Operating and Capital Reserve: Staff recommends maintaining a cash balance for each district that would equal **1.5 year's worth of operating expenses** (not to include sinking fund items such as street maintenance), but no less than **\$10,000** for capital repairs or replacements.

• **FINANCIAL CONDITION**

Table 1, Estimated Ending Cash Balances, shows the projected financial condition of the six Districts that were balloted. These figures are estimates for the fiscal year ending June 30, 2011 and were used for the justification of the increase.

Table 1 Estimated Ending Cash Balances For Period July 1, 2010 - June 30, 2011								
L&L District #	Description	# of Parcels	Beginning Cash Balance	2011 Revenues	Estimated Operating Exp	Estimated Capital Exp *	Total Projected Expenses	Ending Balance
8809	West Wind #2	69	(1,644)	2,134	(2,065)	(6,270)	(8,335)	(7,845)
8903	Windemere	20	(536)	1,502	(1,341)	(3,363)	(4,704)	(3,738)
8905	Country Akers #3	12	(2,361)	3,339	(3,576)	(3,136)	(6,712)	(5,734)
9015	Stonebrook	86	(1,819)	8,170	(8,042)	(3,086)	(11,128)	(4,777)
9109	Quail Creek #1	69	(1,154)	2,321	(3,133)	(2,068)	(5,201)	(4,034)
9107	St. Charles	12	(4,196)	457	(712)	(3,133)	(3,845)	(7,584)
* Water Controller Project								

As the table represents, these Districts continue to have a negative cash position. However, the standard benefit assessment increase allowance, if approved, will help staff to fiscally manage these Districts more effectively. There is also a one-time capital expense for the water controllers which will reduce water usage, and this is being implemented in all the Districts. The District should be able to recover the cost of the Controllers within 5-8 years. In addition, the increase in the benefit assessment will be implemented in the 2011-12 Tax Roll.

**ACCOUNTING AND ADDITIONAL INFORMATION**

Landscape & Lighting Districts were created to facilitate the collection of benefit assessments, paying for the maintenance of the Districts real property improvements on behalf of property owners. Since the first District was created in 1987, each District's individual revenues and expenses have been separately accounted for. This accounting reflects the annual financial condition over the years and the resulting trends in assessment revenues and expenses, which is the basis for either increasing, decreasing, or for maintaining the amount of the District's annual benefit assessment. Assessment amounts are initially based on an Engineers Report estimating the maintenance costs at the time of formation

Generally, all contiguous phases of a residential development are in an individual District. The maintenance of the District's is provided by private landscapers that bid to contract for maintaining given areas. The City's Urban Forestry Supervisor manages these contracts, ensuring contractor performance and also handles complaints from District property owners.

All property owners within a District share equally in the maintenance costs, based on the number of parcels in the District. Overhead costs, not specific to an individual District, are allocated to all of the Districts parcels equally. District property owners have an assessment placed on their Tulare County Property Taxes each year by the City in August. The process begins in April and usually in June a Public Hearing is held for any increases or other changes that require public input. Districts fall under provisions of the Landscape & Lighting Act of 1972, and since the assessments are a property related fee, they are subject to Proposition 218 requirements.

**Prior Council/Board Actions:** On June 7, 2010, City Council certified the results of the balloted Landscape and Lighting Maintenance Assessment Districts that were tabulated and reported at the June 7, 2010 Council meeting and authorized the placing of the increased benefit assessment amounts on the 2010-11 property tax roll and the incorporation of the standard benefit assessment increase allowance to the Districts that approved the changes.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

- Attachment 1 - Sample Ballot
- Attachment 2 - Location Maps

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):**

- 1.) Move to open the Public Hearing to receive public input on the proposed funding changes, amendment, and assessment increases to the balloted Landscape & Lighting Maintenance Assessment Districts.
- 2.) Certify the results of the balloted Districts and if passed, move to approve the recommended funding changes, amendment, and assessment increases of the balloted Landscape & Lighting Maintenance Districts and place the increases on the 2011-12 Tulare County property tax roll.



City of Visalia  
707 W. Acequia Ave  
Visalia, CA 93291

May 6, 2011

John Doe  
3005 W PACKWOOD CT  
VISALIA CA 93277

**Subject:** The City requests residents to approve a \$3.36 per year assessment increase and an Assessment Increase Allowance for THE QUAIL CREEK ESTATES 91-09 District to maintain the landscaping and lighting in your neighborhood.

Dear Property Owner:

This letter includes a ballot on the back of this page. The City is asking you to consider a potential assessment increase for common area landscaping and lighting for your neighborhood. You will be asked to either approve or disapprove the proposal.

The City maintains common landscape and lighting in your neighborhood, funded by a benefit assessment which appears annually on your property tax bill. The maintained landscaping and improvements visually enhance your neighborhood, add value to the surrounding properties and increase your quality of life.

To fiscally manage your District and maintain the landscape's appearance in your neighborhood, the City of Visalia is proposing to include a standard Benefit Assessment Increase Allowance for your District. The City is requesting you to consider and return the enclosed ballot indicating your choice, either approving or disapproving a Benefit Assessment Increase Allowance. The approval of the allowance will allow the City to make small changes in the assessment fee to balance the District's finances.

**The property owners have a choice of maintaining current service levels or lowering maintenance levels. If there is not a majority vote by the property owners to approve the 2011/12 increase and the Benefit Assessment Increase allowance, Council has directed staff to reduce the level of maintenance of the trees, turf and shrub areas and turn off mid block street lights. The reduction in services will take effect 60 days from the public hearing date of June 20, 2011.**

**Proposal:** Approve an increase for your District for fiscal year 2011/12 of an additional \$3.36 per year or \$0.28 per month and to Provide a Benefit Assessment Increase Allowance which limits changes in benefit assessments to the lesser of: 1) cost; 2) a 5% per year cumulative increase (from the year the District was created); or, 3) 10% of the current assessment, **WHICHEVER IS THE LEAST.**

City of Visalia City Clerk's Office  
425 E. Oak Ave. Suite 301  
Visalia, CA 93291

June 16, 2011

City of Visalia City Clerk's Office  
425 E. Oak Ave. Suite 301  
Visalia, CA 93291

Attn: **QUAIL CREEK ESTATES 91-09**, District ballot

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## BALLOT INSTRUCTIONS

### Completion and Return Instructions:

1. Fill out the ballot at the bottom of this page. Be sure to mark your choice, sign, and date the ballot. **(the ballot will not be counted without your signature)**
2. Fold this page at the line just above the BALLOT INSTRUCTIONS heading.
3. Insert this page into the provided return envelope so the Clerk's address is visible through the window of the envelope.
4. Place appropriate postage on the return envelope and mail it.
5. In order to be counted, the ballot must arrive at the above address (City Clerk's Office) on or before 5:00 pm, June 20, 2011.
6. ALTERNATIVE DELIVERY: you may also hand deliver the ballot to the City Clerk's office at 425 E. Oak Ave. Suite 301, on or before 5:00 pm on June 20, 2011. If delivered in person, the ballot **must** be in a sealed envelope, or it cannot be accepted.

We invite you to attend one of the scheduled **informational meetings on Wednesday, May 18, 2011 or Thursday, June 2, 2011** at the City Council Chambers at 707 W. Acequia from 5:30 to 6:00 pm.

If you have any questions or concerns about the ballot process or Benefit Assessment Increase Allowance, please contact Liz Ybarra, Sr. Administrative Analyst at (559) 713-4598 or by email at [eybarra@ci.visalia.ca.us](mailto:eybarra@ci.visalia.ca.us)

## BALLOT

**Proposal:** Approve an increase for your District for fiscal year 2011/12, of an additional \$3.36 per year, or \$0.28 per month and to Provide a Benefit Assessment Increase Allowance which limits changes in benefit assessments to the lesser of: 1) cost; 2) a 5% per year cumulative increase (from the year the District was created); or, 3) 10 % of the current assessment, WHICHEVER IS THE LEAST.

**John Doe**, owning property located at **3005 W PACKWOOD CT** in the **QUAIL CREEK ESTATES 91-09** Landscape & Lighting Assessment Maintenance District:

(Check one)

APPROVES

DISAPPROVES

\_\_\_\_\_  
(Property Owner Signature)

\_\_\_\_\_  
(Date)

# DISTRICT QUAIL CREEK ESTATES 91-09, INFORMATION

The City is proposing an automatic Benefit Assessment Increase Allowance in order to keep up with maintenance costs for the common areas in your District, **work toward eliminating a current outstanding deficit cash balance of (\$1,154.01)** and to eventually create a small reserve to help offset any future unexpected maintenance costs. Keeping the landscaping and common areas maintained helps to keep neighborhoods looking good and helps to increase property values. Currently your District is comprised of 69 lots, with current year benefit assessments of \$2,321.16 and last year's expenses of (\$2,188.96) detailed as follows:

<b>Beginning Balance</b>	<b>(\$1,286.21)</b>
<b>Annual Benefit Assessment Revenue</b>	<b>\$2,321.16</b>
<b>Fiscal Year 2009/10 actual expenses</b>	
Contract Services (Landscape Contractors, etc.)	(\$875.72)
Electricity	(\$246.17)
Water / Sewer	(\$545.24)
Project Management Costs	(\$521.83)
<b>Total Expenses</b>	<b>(\$2,188.96)</b>
<b>Ending Balance</b>	<b>(\$1,154.01)</b>

**Adding the annual maintenance costs and assessment revenue to the beginning negative cash balance of (\$1,286.21) for your District brings the current total outstanding costs to (\$1,154.01).** If approved, the proposed Assessment Increase Allowance calculation would cap the future maximum allowable increase for the annual assessment for your District based on the lesser of the 3 methods describe below. Your contribution to keeping the maintenance up in your District for fiscal year 2011/12, which includes the current deficit balance, would be an **additional \$3.36 per year, or \$0.28 per month.** You would see this increase in the Property Benefit Assessment included on your County of Tulare real property tax bill.

On the previous page is a ballot which gives you, the property owner, certain options

1. **Yes, I approve of the proposed Increase and the Automatic Benefit Assessment Increase Allowance.** If a majority of the returned ballots select this option, it will allow the City to secure funding from your District for the increased costs of maintenance, and over a period of time will repay any outstanding deficit cash balance. It will also allow the City to provide full maintenance effort to your district (verses a reduced maintenance effort due to a shortage of adequate funds).
2. **No, I do not approve of the proposed increase or the Automatic Benefit Assessment Increase Allowance.** If a majority of the returned ballots select this option, the City will reduce the level of maintenance of the trees, turf and shrub areas and turn off mid block street lights. The reduction in services will take effect 60 days from the public hearing date of June 20, 2011.

## Public Hearing

The Public Hearing for this proposal will be held on **Monday, June 20, 2011** in the City Council Chambers at 707 W. Acequia, Visalia CA., and is scheduled at the beginning of the City Council Regular Session, at approximately 7:00 pm. The ballots will be counted and the results delivered to Council at the end of the Regular Session of the City Council Meeting that same evening. At this meeting, affected citizens will have an opportunity to speak to Council, and may also change their ballot vote if desired.

# Benefit Assessment Increase Allowance

## Why is the Benefit Assessment Increase Allowance Needed?

Most of the older Districts do not generate enough revenue funding through their Benefit Assessments to pay the costs of the maintenance and upkeep of their improvement areas. Historically the City has only occasionally asked for small increases (never more than 10%) from these Districts, through a required ballot process. However, the ballot process is costly and not always successful. If funds from Benefit Assessments are not enough to cover maintenance costs, and an increase is not approved, the City of Visalia must make the difficult decisions to decrease the District's level of maintenance in an effort to contain the maintenance costs to the amount of Benefit Assessments received. Decreased maintenance efforts have included reduced watering and mowing frequency, replacing labor intensive plantings with a ground cover that requires very little or no maintenance, and other less visually enhancing options. Some Districts are already experiencing some or all of these cost saving measures.

## How will it Work?

With a Benefit Assessment Increase Allowance, each District is reviewed annually to determine if an increase to the Benefit Assessment is needed. If total costs (which include any beginning deficit balances) are greater than the annual assessment being received, a standardized calculation would be used to determine the allowable increase for that year. **If an increase is warranted it would be limited to either the amount of total costs, a 5% per year cumulative increase (from the year the District was created), or 10% of the current assessment, WHICHEVER IS THE LEAST.** In no case would any increase be more than 10% of the current assessment in any given year. This is the same automatic allowance process that is already being used in Districts created after 1994. If approved the automatic allowance will:

- Decrease the costs incurred by the Districts from repetitive balloting.
- Allow the City to better fiscally manage the individual districts, and to more closely match benefit assessment revenue to the actual costs incurred.
- Reduce the need for cost reduction measures, and improve neighborhood appearances throughout the City, particularly in the older Districts.

## Do assessments ever decrease?

Yes they do. Decreases do not require a ballot vote, so are done automatically. The City's goal is to match District maintenance costs to the benefit assessment revenue as closely as possible, so Districts are evaluated for both increases and decreases.

## Example of a Benefit Assessment Allowance Increase Calculation:

5% cumulative increase calculation = (base year assessment) x  $1.05^{(N-1)}$  (Where N = number of years District has existed).

Example:

**A District's base year Benefit Assessment was \$8,000. The 2<sup>nd</sup> year it was increased 5%, and no increase in the 3<sup>rd</sup> year. The existing assessment is therefore \$8,400. There are 90 properties in the District, so the existing assessment equals \$93.34 per property per year:**

In year 4 after the District was initially created, the costs are \$9,600, and there is \$300 outstanding from the prior year to repair a brick wall, **so total costs are \$9,900.** The calculation to determine what the assessment increase can be is:

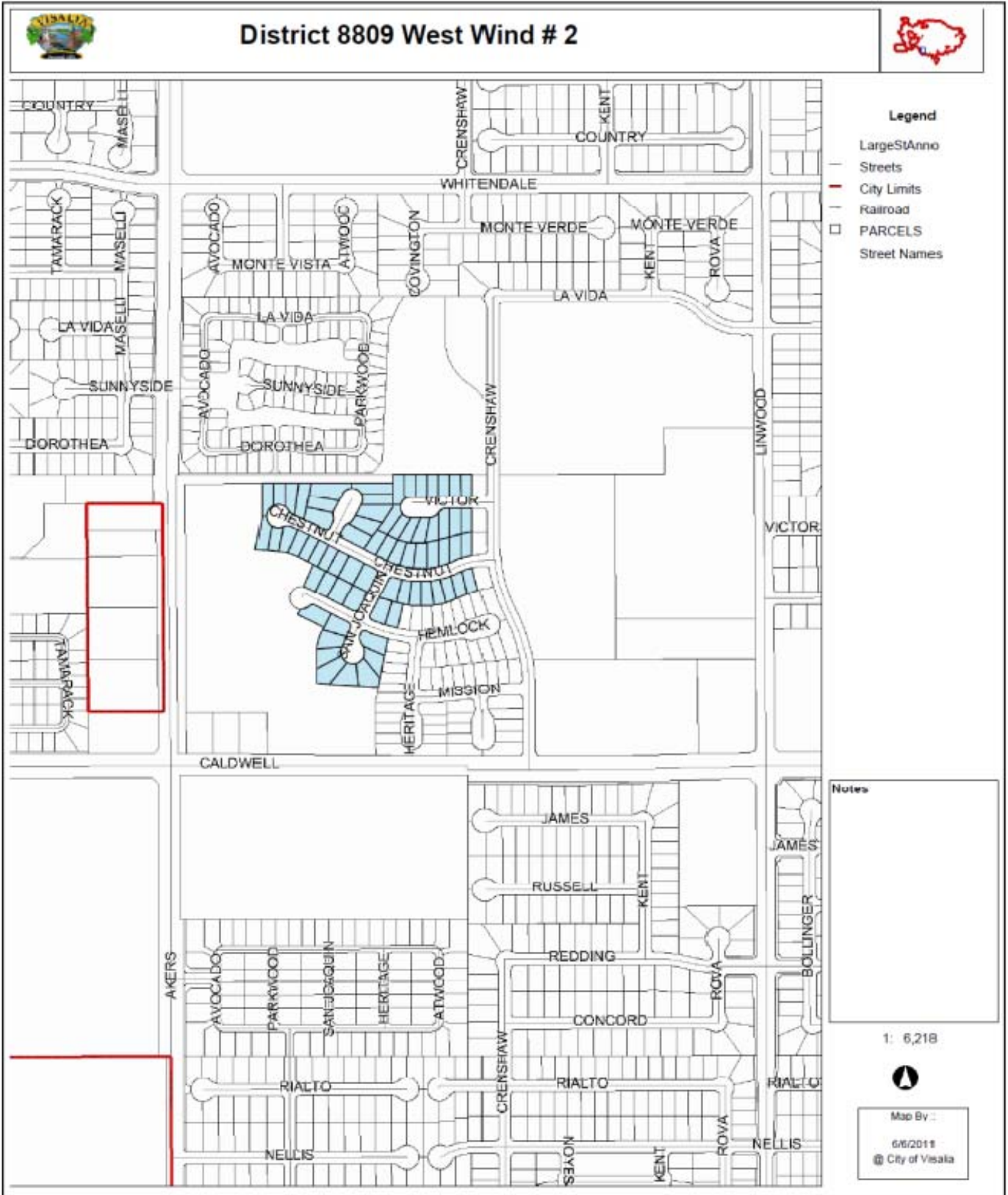
5% cumulative (using base year assessment)  
 $\$8,000 \times 1.05^{(N-1)} = \$9,261$

Or

10% single year (using current year assessment)  
 $\$8,400 \times 1.1 = \$9,240$

The **lesser** of the two maximum allowances is \$9,240 which is also less than the total costs, **so the total assessment increase would be limited to \$9,240 or \$102.67 per property (an increase of \$9.33 per year, or about \$0.78 a month for each property).** The \$660 of excess costs would be carried over to the next year. Had the total costs been less than \$9,240, the increase would have been limited to the actual amount of total costs.

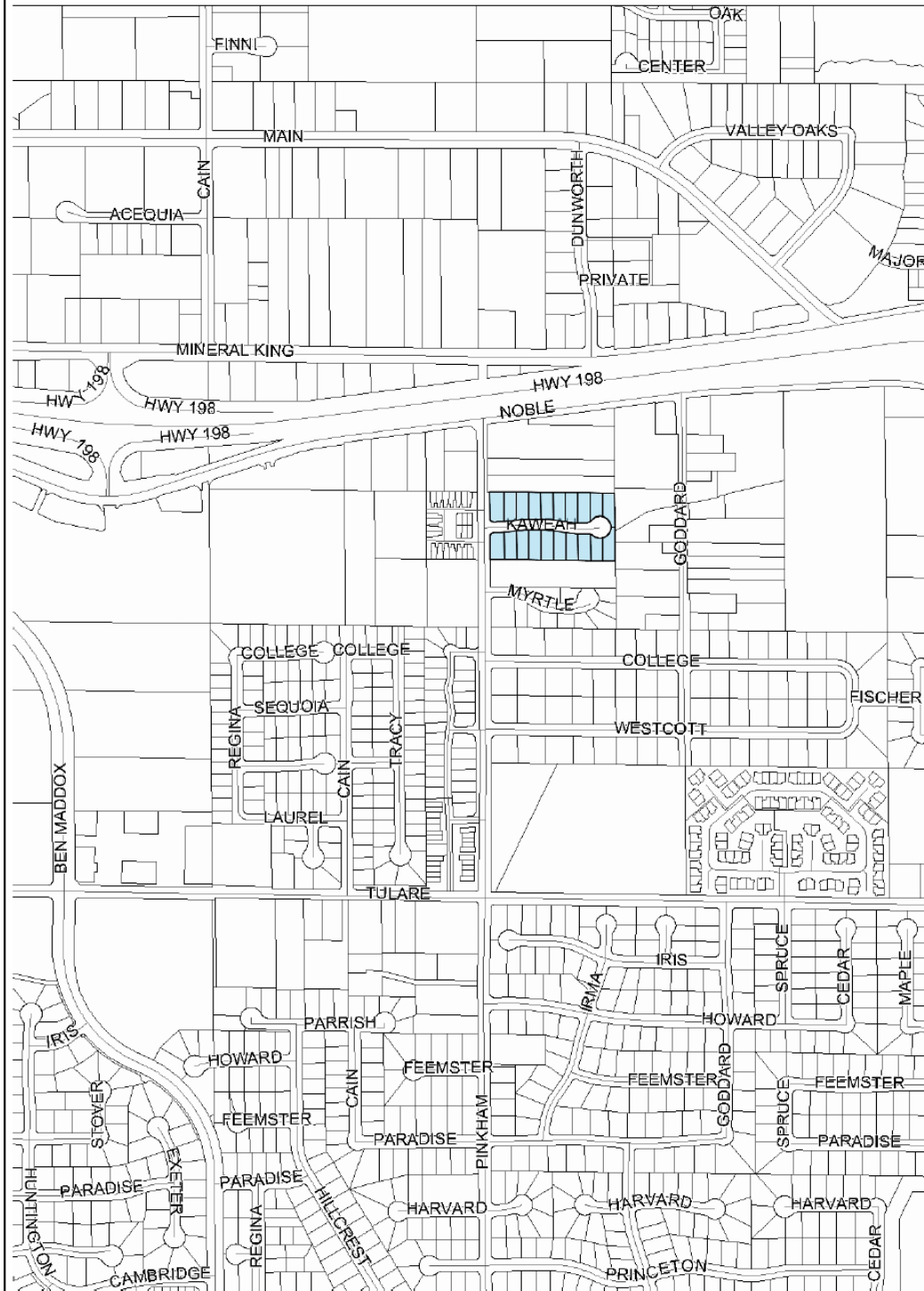
# Attachment 2







# District 8903 Windemere



### Legend

- LargeStAnno
- Streets
- City Limits
- Railroad
- PARCELS
- Street Names

Notes

1: 7,755



Map By :  
6/6/2011  
© City of Visalia



# District 8905 Country Akers #3



- Legend**
- LargeStAnno
  - Streets
  - City Limits
  - Railroad
  - PARCELS
  - Street Names

**Notes**

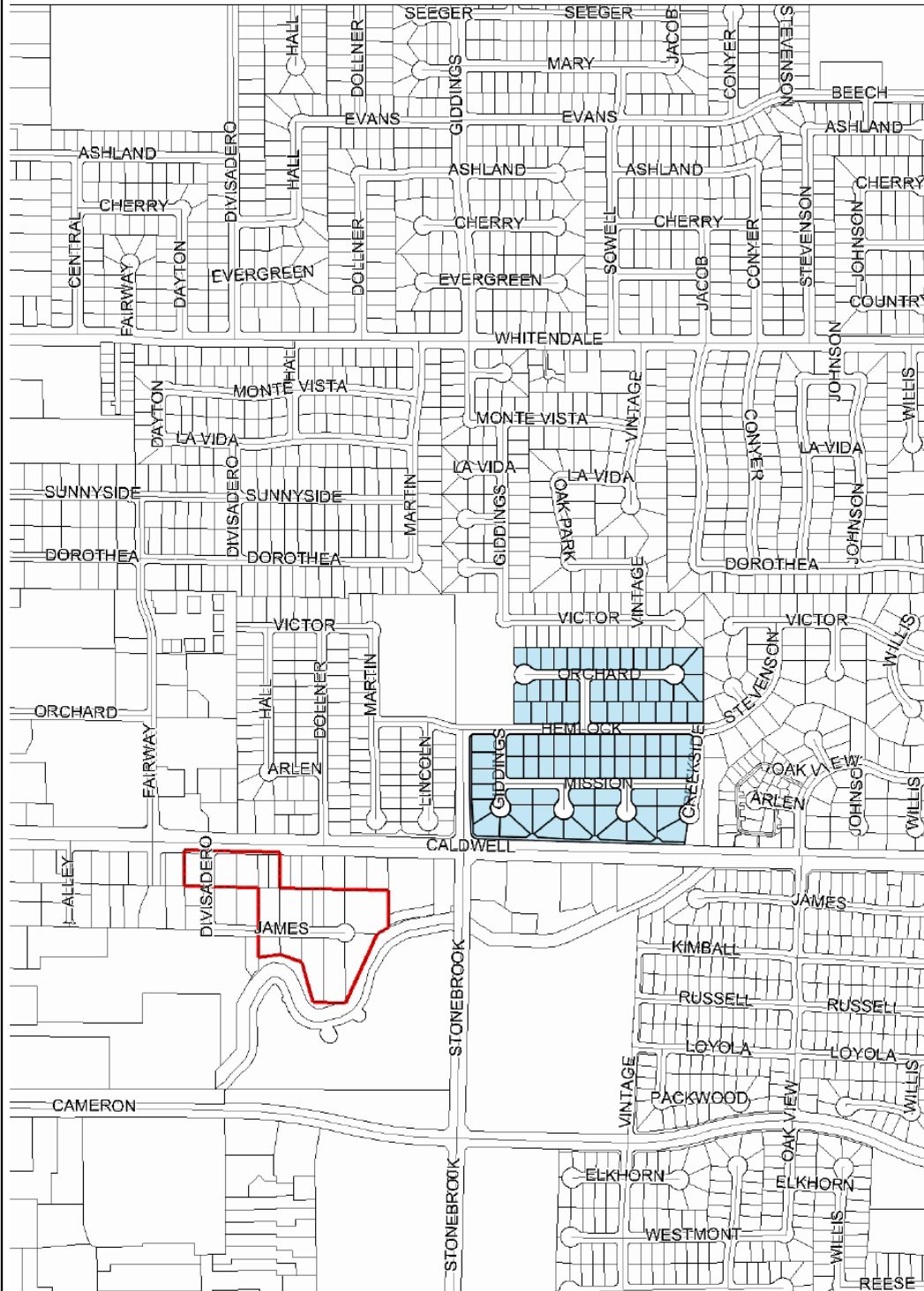
1: 6,843



Map By :  
6/6/2011  
@ City of Visalia



# District 9015 Stonebrook



### Legend

- LargeStAnno
- Streets
- City Limits
- Railroad
- PARCELS
- Street Names

### Notes

Enter Map Description

1: 8,413

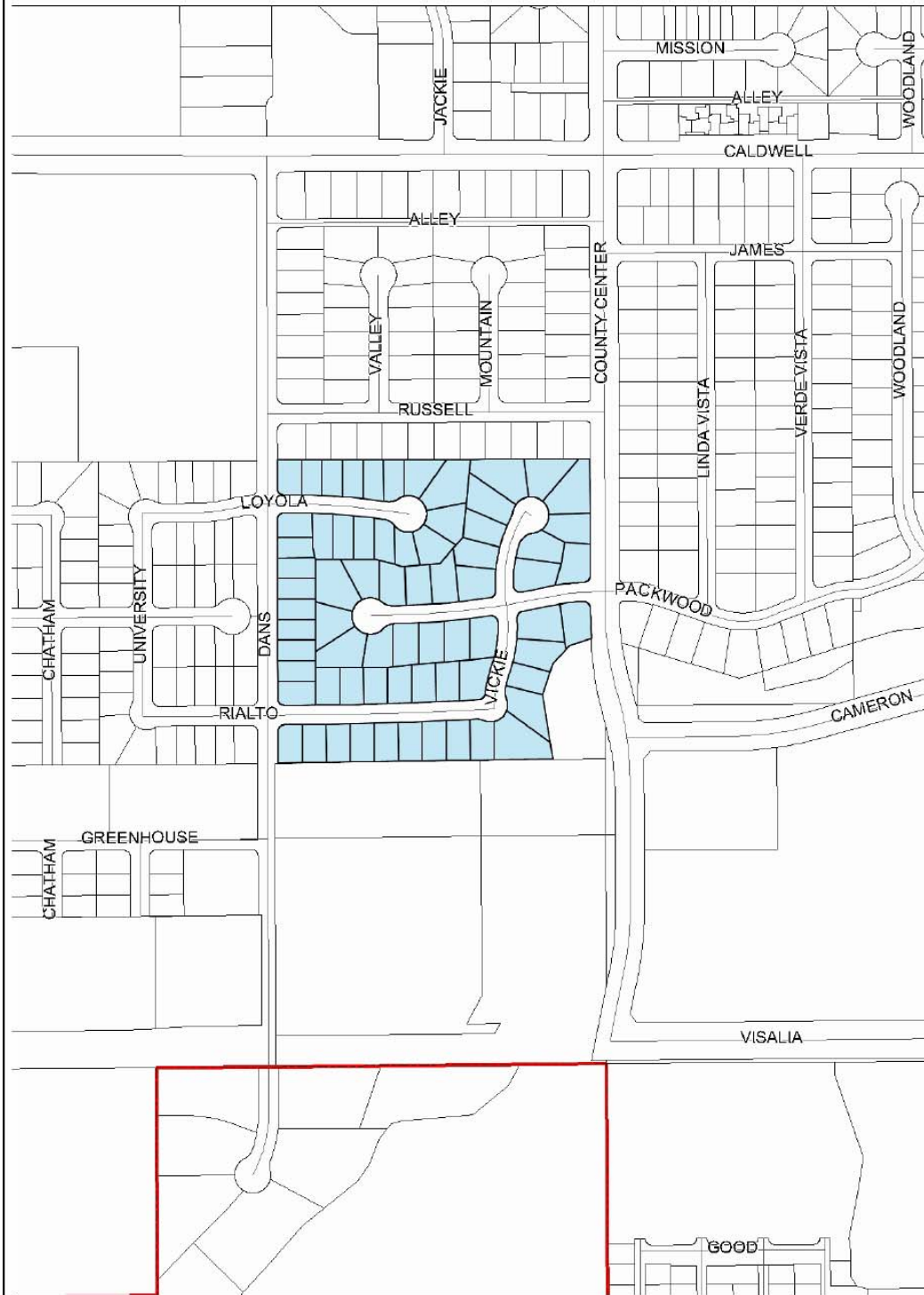


Map By :

6/7/2011  
@ City of Visalia



# District 9109 Quail Creek #1



### Legend

- LargeStAnno
- Streets
- City Limits
- Railroad
- PARCELS
- Street Names

### Notes

Enter Map Description

1: 4,653



Map By :

6/7/2011  
@ City of Visalia



# District 9107 St. Charles



### Legend

- LargeStAnno
- Streets
- City Limits
- Railroad
- PARCELS
- Street Names

**Notes**  
Enter Map Description

1: 5,192



Map By :  
6/7/2011  
@ City of Visalia

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 10

**Agenda Item Wording:** PUBLIC HEARING to discuss formation of the proposed Landscape & Lighting District for the Vineyard/Tuscany subdivision, located at Modoc, Wren and Akers streets. If passed, authorize the formation of Landscape and Lighting District No. 2011-02, The Vineyard/Tuscany (Resolutions Nos. 2011-32 and 2011-33 required). (Upon completion of the public hearing, staff will open and tabulate ballots. The results will be reported later in the Regular Session)

**Deadline for Action:** June 20, 2011

**Submitting Department:** Community Development & Public Works, Administration - Finance

**Contact Name and Phone Number:** & Liz Ybarra – Sr. Administrative Analyst 713-4425, Eric Frost - Director of Administrative Services 713-4474, Doug Damko - Sr. Civil Engineer 713-4268

**Department Recommendation:** Staff recommends that the City Council:

- 1) Conduct a Public Hearing to receive ballots and public testimony on the proposed Landscape & Lighting District formation for the Vineyard/Tuscany subdivision.
- 2) Direct staff to open and tabulate the ballots.
- 3) Certify the results of the ballot.
- 4) If passed, adopt:
  - (a) Resolution No. 2011-32 Initiating Proceedings for Formation of Assessment District No. 2011-02, The Vineyard/Tuscany.
  - (b) Adopt Resolution No. 2011-32 confirming the Engineer's Report, Ordering the Improvements for Assessment District No. 2011-02,
  - (c) Authorize the placing of the annual assessments on the 2011-12 Property Tax Roll.

**Background**

**For action by:**

- City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

- Work Session  
 Closed Session

**Regular Session:**

- Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 5 min

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district. Typically, the Landscape and Lighting District is created by the developer of the subdivision before homes are sold; however, through an oversight, the formation of the Landscape and Lighting District for this subdivision was not done at that time. Once this error was discovered, staff proceeded with the ballot process. The lots are now owned by individual home owners, and the formation of the District must be approved by a simple majority vote of the property owners.

The Vineyard/Tuscany is an existing residential subdivision located at the corners of Modoc and Akers streets and Wren and Akers streets and includes 68 properties (see Attachment 3 for location map). Council authorized the recording of the Final Map for the Vineyard/Tuscany Subdivision on December 18, 2001. The District received a ballot in June 2010, but the ballot failed. We have now issued a second ballot that was sent on May 6, 2011. Staff received positive feedback from the property owners during the information meeting on May 18, 2011, and a yes vote for the District formation could be possible. Even though the City has maintained the area since 2003 and has not collected any assessments to fund the maintenance, a cost recovery plan is in place if the ballot is approved. If the ballot is not approved, the maintenance of the trees, turf and shrub areas will be discontinued and the mid-block street lights will be turned off. This will take effect 60 days from the public hearing date of June 20, 2011. At that point, maintenance for trees, turf, and shrubs would become the responsibility of the property owners.

### **Balloting Process**

Landscape and Lighting Benefit Assessments are placed on the property tax roll, and as such, are subject to Proposition 218, which requires local agencies to get approval from property owners for increases in property fees not previously agreed upon. The process includes a ballot vote of affected property owners to approve the proposed increase, with a simple majority of the returned ballots to approve the increase. Proposition 218 requirements have been met, and on May 6, 2011 68 ballots were mailed to the property owners in the Vineyard/Tuscany subdivision asking them to approve the formation of a Landscape and Lighting District and an annual benefit assessment of \$84.48 per lot as shown in Table 1, Proposed Assessment. If approved, the benefit assessment would be placed on the property owners' property tax bill annually and will pay for the maintenance of the subdivision's common turf, shrub area, trees, street lighting, and maintenance of walls and abatement of graffiti.

There are 68 properties that share the responsibility of the maintenance of the proposed Landscape and Lighting District. The proposed assessment for the Vineyard District is \$84.48 per property owner per year (or about \$7.04 per month). The total annual assessment for the Vineyard District is \$5,744.64 per year. Although the Vineyard/Tuscany Benefit District ballot states it is District number 2011-01, this needs to be corrected to say 2011-02.

### **The Assessment**

**( Proposed Assessment - Table 1)**

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	4175	\$0.115	\$480.13
Shrub Area	Sq. Ft.	6595	\$0.115	\$758.43
Water	Sq. Ft.	10770	\$0.050	\$538.50
Electricity	Sq. Ft.	10770	\$0.008	\$86.16
Trees In Landscape Lots	Each	35	\$25.00	\$875.00
Parkway Street Trees	Each	0	\$25.00	\$0.00
Street Lights	Each	12	\$105.00	\$1,260.00
Project Management Costs	Lots	68	\$18.00	\$1,224.00
TOTAL				\$5,222.21
10% Reserve Fund				\$522.22
GRAND TOTAL				\$5,744.43
COST PER LOT				\$84.48

**Prior Council/Board Actions:**

- June 10, 1987, Council began authorizing the use of landscape maintenance assessment districts per the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance subdivisions.
- December 18, 2001, Council authorized the recordation of the Final Map for The Vineyard/Tuscany Subdivision.
- June 7, 2010, Public Hearing and ballot count for the District formation, The ballot failed and Landscape & Lighting District was not formed. No revenues were collected.

**Committee/Commission Review and Actions:**

**Alternatives:** If the Vineyard/Tuscany Landscaping and Lighting District formation is not approved:

Staff has been directed to discontinue maintenance of the trees, turf and shrub areas and turn off mid-block street lights. This will take effect 60 days from the public hearing date of June 20, 2011. At that point, maintenance for trees, turf, and shrubs would become the responsibility of the property owners.

**Attachments:**

Attachment 1 - Location Map, Resolution Initiating Proceedings, Clerk's Certification, Resolution Ordering Improvements, Exhibits "A", "B", "C" and "D"

Attachment 2 - Sample Ballot

Attachment 3 – Location Map



**Recommended Motion (and Alternative Motions if expected):**

- 1.) Move to open Public Hearing to receive public input on the proposed formation of the Vineyard/Tuscany Landscape and Lighting District 2011-02.
- 2.) Certify the results of the ballot and if passed, adopt Resolution No. 2011-32 Initiating Proceedings for Formation of Assessment District No. 2011-02, The Vineyard/Tuscany and adopt Resolution No. 2011-33 Ordering the Improvements for Assessment District No. 2011-02, The Vineyard/Tuscany

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

RESOLUTION NO. 2011-32

RESOLUTION INITIATING PROCEEDINGS  
FOR FORMATION OF  
ASSESSMENT DISTRICT 2011-02  
THE VINEYARD  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:  
  
Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The proposed district shall be designated "Assessment District No. 2011-02, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 2011-02, City of Visalia, Tulare County, California, The Vineyard", which is on file with the City Clerk.
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 2011-02

THE VINEYARD

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 2011-02, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the    th day of           , 2011 by its Resolution No. 2011-\_\_\_\_\_

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 2011-33

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 2011-02  
THE VINEYARD  
(Pursuant to the Landscape & Lighting Act of 1972)

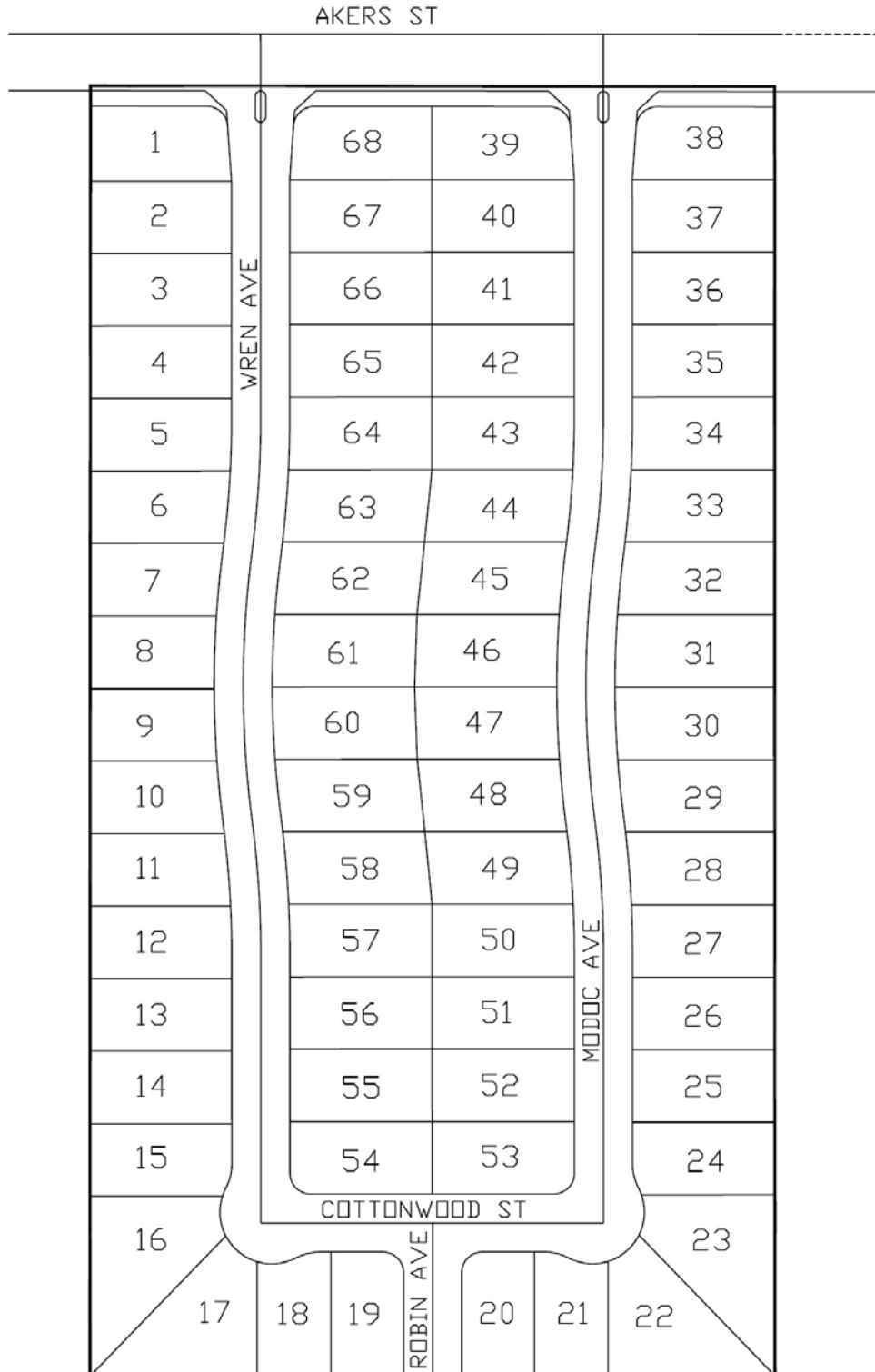
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for the formation of "Assessment District No. 2011-02, City of Visalia, Tulare County, California" and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2011-12.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
  - a. Clerk's Certification to County Auditor
  - b. Resolution Initiating Proceedings
  - c. Resolution Ordering Improvements
  - d. Engineer's Report:
    - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
    - Exhibit B - Landscape Location Diagram
    - Exhibit C - Tax Roll Assessment
    - Exhibit D - Engineer's Report

PASSED AND ADOPTED

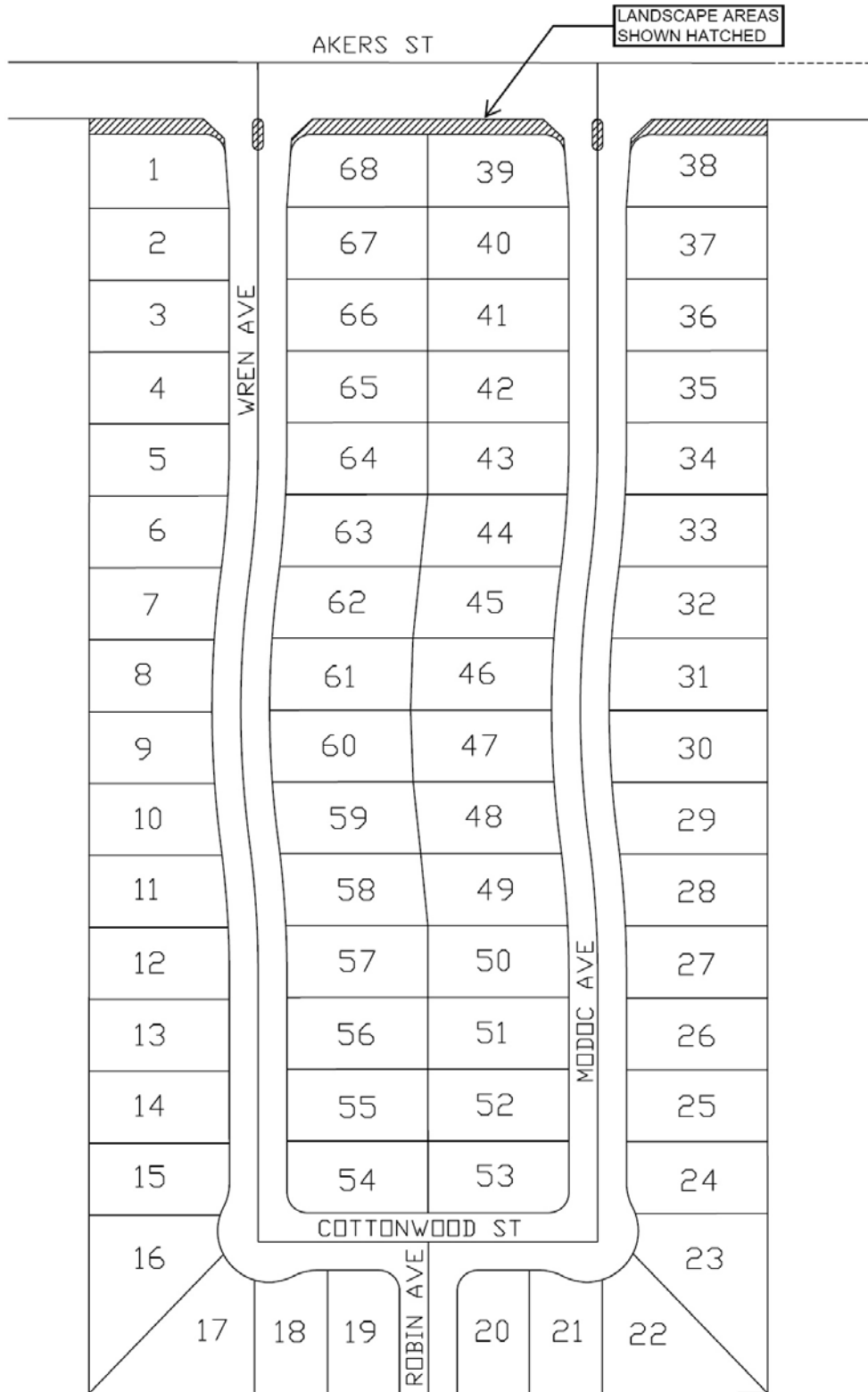
**Exhibit "A"**

Assessment Diagram  
Assessment District No. 2011-02  
City of Visalia, Tulare County, California  
The Vineyard



# Exhibit "B"

## Landscape Location Diagram Assessment District No. 2011-02 The Vineyard



**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 2011-02  
The Vineyard

<b>APN #</b>	<b>Assessment</b>	<b>Owner</b>	<b>Lot #</b>	<b>District</b>
077-400-001	\$84.48	NEWMAN PAULETTE	2011-0101	THE VINEYARD
077-400-002	\$84.48	BETHESDA LUTHERAN COMMUNITIES INC	2011-0102	THE VINEYARD
077-400-003	\$84.48	WELLS MAYSUN F & KILA T	2011-0103	THE VINEYARD
077-400-004	\$84.48	HYLER DONALD E SR & MARTHA M	2011-0104	THE VINEYARD
077-400-005	\$84.48	HOLMES TOMAS	2011-0105	THE VINEYARD
077-400-006	\$84.48	MOTA JUAN M JR	2011-0106	THE VINEYARD
077-400-007	\$84.48	NORDIN JAMES H & ROSE MARIE	2011-0107	THE VINEYARD
077-400-008	\$84.48	BETHESDA LUTHERAN COMMUNITIES INC	2011-0108	THE VINEYARD
077-400-009	\$84.48	GANN RUSELL L & CYNTHIA S (TRS)	2011-0109	THE VINEYARD
077-400-010	\$84.48	STOGSDILL DAREN E & MELISSA J	2011-0110	THE VINEYARD
077-400-011	\$84.48	FIERROS JESS	2011-0111	THE VINEYARD
077-400-012	\$84.48	COOK RANDALE T & JENIFER B	2011-0112	THE VINEYARD
077-400-013	\$84.48	FRANKS JAMES D & JUDITH A(TRS FAM TR)	2011-0113	THE VINEYARD
077-400-014	\$84.48	ROSS EMIL J & TARA A	2011-0114	THE VINEYARD
077-400-015	\$84.48	RITCHIE DOYLE & WANDA	2011-0115	THE VINEYARD
077-400-016	\$84.48	KNOFF MICHAEL D & MARY DANETTE M (TRS)	2011-0116	THE VINEYARD
077-400-017	\$84.48	BUTLER RICHARD H JR & LYDIA MARIE	2011-0117	THE VINEYARD
077-400-018	\$84.48	BAKER MICHAEL & GORETTE	2011-0118	THE VINEYARD
077-400-019	\$84.48	BILIARDI TEDDY D & CAROLYN S	2011-0119	THE VINEYARD
077-400-020	\$84.48	WEBB GLENN	2011-0120	THE VINEYARD
077-400-021	\$84.48	JULES DELOIS E	2011-0121	THE VINEYARD
077-400-022	\$84.48	GALVAN RODRIGO & LORI	2011-0122	THE VINEYARD
077-400-023	\$84.48	OROSCO THERESA	2011-0123	THE VINEYARD
077-400-024	\$84.48	ROMERO BECKY	2011-0124	THE VINEYARD
077-400-025	\$84.48	WOOD JOSHUA M	2011-0125	THE VINEYARD
077-400-026	\$84.48	WALES DUSTIN L & DANA J	2011-0126	THE VINEYARD
077-400-027	\$84.48	VINK GEORGE G & SHIRLEY(TR)(V REV LIV TR)	2011-0127	THE VINEYARD
077-400-028	\$84.48	CARTER PEGGY	2011-0128	THE VINEYARD
077-400-029	\$84.48	SHUMAN CAROLYN A	2011-0129	THE VINEYARD
077-400-030	\$84.48	BANIAGA JOSE M & MARTINA E	2011-0130	THE VINEYARD
077-400-031	\$84.48	HUTSON HARLAN & PEGGY M	2011-0131	THE VINEYARD
077-400-032	\$84.48	TRUJILLO RICARDO & MARIA ISABEL	2011-0132	THE VINEYARD
077-400-033	\$84.48	GONZALEZ RIGOBERTO	2011-0133	THE VINEYARD
077-400-034	\$84.48	MENDES ANTHONY R	2011-0134	THE VINEYARD
077-400-035	\$84.48	VALDOVINOS UBALDO	2011-0135	THE VINEYARD
077-400-036	\$84.48	EKEMA KENDALL	2011-0136	THE VINEYARD
077-400-037	\$84.48	BROOKS HAROLD E & IPHAGENIA (TRS)	2011-0137	THE VINEYARD
077-400-038	\$84.48	VANG MO LEE & BAO CHA	2011-0138	THE VINEYARD
077-400-039	\$84.48	FONG KENT	2011-0139	THE VINEYARD
077-400-040	\$84.48	ROSS JASON C & KIMBERLY R	2011-0140	THE VINEYARD
077-400-041	\$84.48	MORRIS BEVERLY A(TR)(EXEMPTION TR)	2011-0141	THE VINEYARD
077-400-042	\$84.48	DILBECK CHRISTOPHER	2011-0142	THE VINEYARD
077-400-043	\$84.48	PORTERFIELD TIFFANIE & KEVIN	2011-0143	THE VINEYARD
077-400-044	\$84.48	LA GRACE NIKKI & ROBERT	2011-0144	THE VINEYARD

**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 2011-02  
The Vineyard

<b>APN #</b>	<b>Assessment</b>	<b>Owner</b>	<b>Lot #</b>	<b>District</b>
077-400-045	\$84.48	DE LA CRUZ ERIC & DAWN M	2011-0145	THE VINEYARD
077-400-046	\$84.48	CAMPBELL JAMES P & MINDA	2011-0146	THE VINEYARD
077-400-047	\$84.48	TEMMERMAN DIETER & KATIE	2011-0147	THE VINEYARD
077-400-048	\$84.48	BURRELL SEAN M & SONNI L	2011-0148	THE VINEYARD
077-400-049	\$84.48	FLORES HORACIO G & ELEANOR	2011-0149	THE VINEYARD
077-400-050	\$84.48	STOW MICHAEL J & CHRISTINE M	2011-0150	THE VINEYARD
077-400-051	\$84.48	MC CORD WILLIAM BRADLEY & JANIS	2011-0151	THE VINEYARD
077-400-052	\$84.48	DEERING PAUL W & LINDSAY K	2011-0152	THE VINEYARD
077-400-053	\$84.48	CASILLAS CHRISTOHER L & OLGA M	2011-0153	THE VINEYARD
077-400-054	\$84.48	ZHOU HONG YAN	2011-0154	THE VINEYARD
077-400-055	\$84.48	MONGE STEPHEN J & JENNIFER (TRS)	2011-0155	THE VINEYARD
077-400-056	\$84.48	VAGIM JASON P & LORI K	2011-0156	THE VINEYARD
077-400-057	\$84.48	SENIOR ROY F & VIRGINIA I	2011-0157	THE VINEYARD
077-400-058	\$84.48	HOOVER RICH & LISA	2011-0158	THE VINEYARD
077-400-059	\$84.48	ELMER DANIEL W & AMY M	2011-0159	THE VINEYARD
077-400-060	\$84.48	RUBINGER ANDY & LEIGH ANN	2011-0160	THE VINEYARD
077-400-061	\$84.48	REARDON JONAH & JULIE	2011-0161	THE VINEYARD
077-400-062	\$84.48	MARTINEZ MARIO & SHANNON	2011-0162	THE VINEYARD
077-400-063	\$84.48	KEOGH EDWARD T	2011-0163	THE VINEYARD
077-400-064	\$84.48	AINUDDIN BONNA EVANS	2011-0164	THE VINEYARD
077-400-065	\$84.48	LONG ALLEN D	2011-0165	THE VINEYARD
077-400-066	\$84.48	GARCIA RAFAEL L & AURORA M	2011-0166	THE VINEYARD
077-400-067	\$84.48	FRAKES ROY L	2011-0167	THE VINEYARD
077-400-068	\$84.48	SALGADO JESS R	2011-0168	THE VINEYARD



### General Description

This Assessment District (District) is located on the west side of Akers Street approximately 900 feet south of Riggin Avenue. Exhibit "A" is a map of Assessment District 2011-02. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number lots within the district is 68.

### Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments, the City Council has determined that landscape areas, street lights and block walls should be included in a maintenance district to ensure satisfactory levels of maintenance.

### Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

### Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements.

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	4175	\$0.115	\$480.13
Shrub Area	Sq. Ft.	6595	\$0.115	\$758.43
Water	Sq. Ft.	10770	\$0.050	\$538.50
Electricity	Sq. Ft.	10770	\$0.008	\$86.16
Trees In Landscape Lots	Each	35	\$25.00	\$875.00
Parkway Street Trees	Each	0	\$25.00	\$0.00
Street Lights	Each	12	\$105.00	\$1,260.00
Project Management Costs	Lots	68	\$18.00	\$1,224.00
TOTAL				\$5,222.21
10% Reserve Fund				\$522.22
GRAND TOTAL				\$5,744.43
COST PER LOT				\$84.48

### Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment ( $A_{max}$ ) for any given year “n” based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$5,744.43) (1.05)^{(n-1)}$$

where “n” equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years’ deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year’s annual assessment.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$6,261.43 [a 9% increase over the base year estimated cost of \$5,744.43]. The maximum annual assessment for year four is \$6,649.90  
 $(4-1)$   
 $[A_{max} = (\$5,744.43) (1.05)^{(4-1)}]$ . The assessment will be set at \$6,261.43 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$6,491.21 [a 7% increase over the previous year assessment and a 13.0%

increase over the base year estimated cost of \$5,744.43]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$129.82 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$6,649.90 [ $A_{\max} = (\$5,744.43) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$6,491.21 plus the deficit amount of \$129.82 which equals \$6,621.03 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$6,261.43 [a 9% increase over the base year assessment of \$5,744.43] and damage occurred to the masonry wall raising the year five expenses to \$7,008.20 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$6,887.57 (a 10% increase over the previous year) and below the maximum annual assessment of \$6,982.39 [ $A_{\max} = (\$5,744.43) (1.05)^{(5-1)}$ ]. The difference of \$120.63 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

---

Douglas S. Damko  
for City Engineer

RCE 59445

Date

Attachment 2



City of Visalia  
707 W. Acequia Ave  
Visalia, CA 93291

June 16, 2011

John Doe  
XXXXXXX  
VISALIA, CA 93291

**Subject:** The City requests residents to approve the formation of a Landscape & Lighting District for your subdivision, THE VINEYARD/TUSCANY District, with an initial annual assessment of \$84.48 per year in order to continue to maintain the landscape and lighting in your neighborhood.

Dear Property Owner:

According to our records, you are the property owner of XXXXXXXX, Visalia, CA, located within THE VINEYARD/TUSCANY subdivision. The City is proposing that a Landscape and Lighting District be created for your subdivision to provide funding to maintain the subdivision's common turf, shrub area, trees, and street lighting (see shaded areas on enclosed map).

Landscape and Lighting Districts are typically formed at the time of subdivision development. The City currently maintains approximately 160 Landscape and Lighting Districts throughout the City.

Although the City has maintained The Vineyard/Tuscany landscaping and lighting since 2003, the district was not properly formed. As a result, the City has not collected any assessments to fund the maintenance for your district. As of June 30, 2010, the City has incurred cost of \$31,000 on behalf of The Vineyard /Tuscany property owners, but the City cannot continue to do so. The City is bringing this matter to your attention for a second and final time.

**The property owners have a choice of forming an Assessment District to pay for maintenance and street lights or they have a choice to form their own Home Owners Association. If the formation of this district is not approved by a majority vote of the property owners, Council has directed staff to discontinue maintenance of the trees, turf and shrub areas and turn off mid block street lights. This will take effect 60 days from the public hearing date of June 20, 2011. At that point, maintenance for trees, turf, shrubs and street lights would become the responsibility of the property owners.**

Enclosed is a copy of the engineer's report for the proposed Vineyard/Tuscany Landscape and Lighting District. The engineer's report gives a general description of the District and explains

the determination of the benefit, method of apportionment, and estimated costs for maintaining the District. In summary, the subdivision is comprised of 68 lots, with estimated costs to maintain the improvements in the Landscape & Lighting District totaling \$5,744.43 per year. The initial annual per lot assessment will be \$84.48, or \$7.04 per month, which would be placed on your property tax bill if approved. As explained in the engineers report, the annual assessment is limited to actual costs and may not increase more than 10% per year.

Proposition 218 requires local agencies to obtain approval from the property owners for increases in property fees not previously agreed upon. Enclosed is a ballot which gives you, the property owner, certain options:

1. **Yes, I approve the formation of the Landscape and Lighting District and the annual initial benefit assessment of \$84.48 or 7.04 per month** which will be placed on my property tax bill annually. This benefit assessment will allow the City to continue to maintain the subject improvements within the proposed Vineyard/Tuscany Landscape and Lighting District.
2. **No, I do not approve of the formation of the Landscape and Lighting District and the annual benefit assessment of \$84.48 or \$7.04 per month.** I understand that if the Landscape and Lighting District is not approved and formed, the City will lack the necessary funding to maintain the improvements in The Vineyard/Tuscany District. The City will turn off mid block street lights and discontinue maintenance of the trees, turf and shrub areas. This will take effect 60 days from the public hearing date of June 20, 2011. At that point, maintenance for trees, turf, shrubs and street lights would become the responsibility of the property owners.

Please consider the enclosed documents, which include a ballot form, an engineer's report for The Vineyard/Tuscany District, and a return envelope.

We invite you to attend one of the scheduled **informational meetings on Wednesday, May 18, 2011 or Thursday, June 2, 2011** at the City Council Chambers at 707 W. Acequia from 5:30 to 6:00 pm. or, if you prefer, please contact Liz Ybarra, Sr. Administrative Analyst at 713-4598 or by email at [eybarra@ci.visalia.ca.us](mailto:eybarra@ci.visalia.ca.us). Thank you for your consideration.

## Public Hearing

The Public Hearing for this proposal will be held on Monday, June 20, 2011 in the City Council Chambers at 707 W. Acequia, Visalia CA., and is scheduled at the beginning of the City Council Regular Session, at approximately 7:00 pm. The ballots will be counted and the results delivered to Council at the end of the Regular Session of the City Council Meeting that same evening. At this meeting, affected citizens will have an opportunity to speak to Council, and may also change their ballot vote if desired.

City of Visalia City Clerk's Office  
425 E. Oak Ave. Suite 301  
Visalia, CA 93291

June 16, 2011

City of Visalia City Clerk's Office  
425 E. Oak Ave. Suite 301  
Visalia, CA 93291

Attn: **VINEYARD/TUSCANY 2011-01**, District ballot

### BALLOT INSTRUCTIONS

#### Completion and Return Instructions:

1. Fill out the ballot at the bottom of this page. Be sure to mark your choice, sign, and date the ballot. **(the ballot will not be counted without your signature)**
2. Fold this page so the addresses above are visible.
3. Insert this page into the provided return envelope so the Clerk's address is visible through the window of the envelope.
4. Place appropriate postage on the return envelope and mail it.
5. In order to be counted, the ballot must arrive at the above address (City Clerk's Office) on or before 5:00 pm, June 20, 2011.
6. ALTERNATIVE DELIVERY: you may also hand deliver the ballot to the City Clerk's office at 425 E. Oak Ave. Suite 301, on or before 5:00 pm on June 20, 2011. If delivered in person, the ballot **must** be in a sealed envelope, or it cannot be accepted.

**If you have any question or concerns about the ballot process, formation of the Landscape and Lighting District, or benefit assessment, we invite you to attend one of the scheduled informational meetings on Wednesday, May 18, 2011 or Thursday, June 2, 2011 at the City Council Chambers at 707 W. Acequia from 5:30 to 6:00 pm. or, if you prefer, please contact Liz Ybarra, Sr. Administrative Analyst at (559) 713-4598 or by email at [eybarra@ci.visalia.ca.us](mailto:eybarra@ci.visalia.ca.us).**

### BALLOT

**Proposal:** Approve the formation of The Vineyard/Tuscany Landscape and Lighting District and the initial annual benefit assessment of \$84.48 or \$7.04 per month will be placed on my property tax bill annually. This benefit assessment will allow the City to maintain the subject improvements within the proposed Vineyard/Tuscany Landscape and Lighting District.

**John Doe**, owning property located at **XXXXXXXX** in the **VINEYARD/TUSCANY 2011-01** District:

(Check one)

APPROVES

DISAPPROVES

\_\_\_\_\_  
(Property Owner Signature)

\_\_\_\_\_  
(Date)

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 2011-01  
The Vineyard/Tuscany

General Description

This Assessment District (District) is located on the west side of Akers Street approximately 900 feet south of Riggin Avenue. Exhibit "A" is a map of Assessment District 2011-01. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number of lots within the district is 68.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments, the City Council has determined that landscape areas, street lights and block walls should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls and street lights. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls and any other applicable equipment or improvements.

Fiscal Year 2011-12  
 Assessment District No. 2011-01  
 The Vineyard/Tuscany

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	4175	\$0.115	\$480.13
Shrub Area	Sq. Ft.	6595	\$0.115	\$758.43
Water	Sq. Ft.	10770	\$0.050	\$538.50
Electricity	Sq. Ft.	10770	\$0.008	\$86.16
Trees In Landscape Lots	Each	35	\$25.00	\$875.00
Parkway Street Trees	Each	0	\$25.00	\$0.00
Street Lights	Each	12	\$105.00	\$1,260.00
Project Management Costs	Lots	68	\$18.00	\$1,224.00
				<hr/>
TOTAL				\$5,222.21
10% Reserve Fund				\$522.22
				<hr/>
GRAND TOTAL				\$5,744.43
COST PER LOT				<hr/> <hr/> \$84.48

Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment ( $A_{max}$ ) for any given year "n" based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$5,744.43) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.



Assessment District No. 2011-01  
The Vineyard/Tuscany

Example 1. The estimated year four cost of maintaining the improvements in the district is \$6,261.43 [a 9% increase over the base year estimated cost of \$5,744.43]. The maximum annual assessment for year four is \$6,649.90<sup>(4-1)</sup> [ $A_{\max} = (\$5,744.43) (1.05)$ ]. The assessment will be set at \$6,261.43 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$6,491.21 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$5,744.43]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$129.82 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum<sup>(4-1)</sup> annual assessment for year four is \$6,649.90 [ $A_{\max} = (\$5,744.43) (1.05)$ ]. The year four assessment will be set at \$6,491.21 plus the deficit amount of \$129.82 which equals \$6,621.03 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$6,261.43 [a 9% increase over the base year assessment of \$5,744.43] and damage occurred to the masonry wall raising the year five expenses to \$7,008.20 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$6,887.57 (a 10% increase over the previous year) and below<sup>(5-1)</sup> the maximum annual assessment of \$6,982.39 [ $A_{\max} = (\$5,744.43) (1.05)$ ]. The difference of \$120.63 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

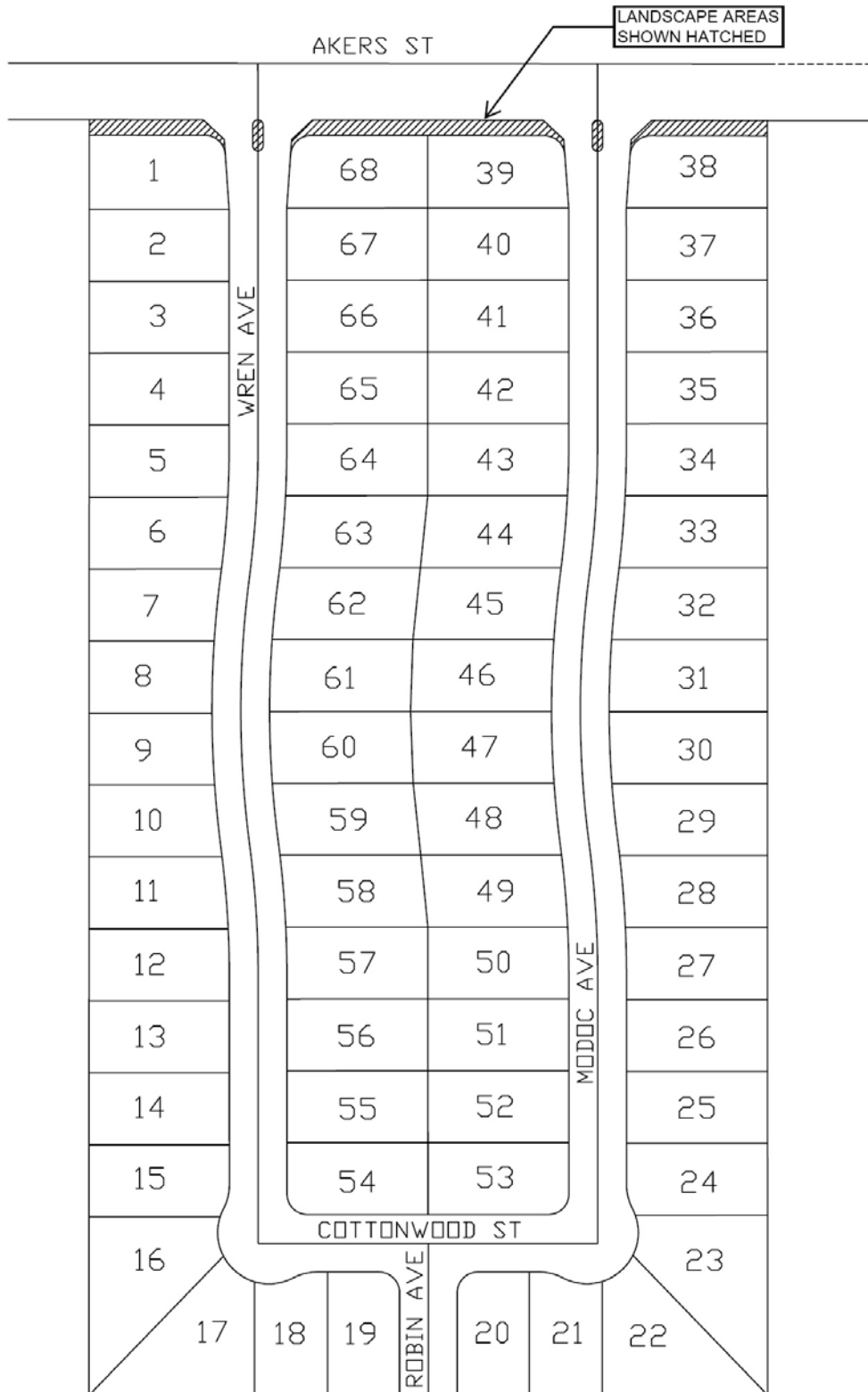
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Douglas S. Damko  
for City Engineer

RCE 59445

Date

Assessment District No. 2011-01  
The Vineyard/Tuscany



Attachment 3



# District 2011-02 Vineyard/Tuscany



- Legend**
- LargeStAnno
  - Streets
  - City Limits
  - Railroad
  - PARCELS
  - Street Names

**Notes**

1: 8,530



Map By :  
6/6/2011  
@ City of Visalia

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11b

**Agenda Item Wording:** Accept the Visalia Water Management Committee 2010 Annual Report

**Deadline for Action:**

**Submitting Department:** Natural Resource Conservation and Public Works

**Contact Name and Phone Number:**

Kim Loeb, Natural Resource Conservation Manager, 713-4530  
Andrew Benelli, Public Works Director, 713-4340

**Department Recommendation:**

Accept Visalia Water Management Committee's 2010 Annual Report

**Summary:**

The City of Visalia and the Kaweah Delta Water Conservation District (KDWCD) have an agreement to improve groundwater recharge in the Visalia area. The agreement was created in 2001 as part of negotiations with the Tulare Irrigation District (TID) for an alternative to a canal-lining project they proposed. Pursuant to the agreement, the City makes deposits to a groundwater recharge fund. A two-member Visalia Water Management Committee consisting of a City Council Member (Steve Nelsen) and a KDWCD Board member (Don Mills) manage these funds. Staff recommends that the City Council accept the Visalia Water Management Committee's 2010 Annual Report.

**Background:**

In December, 2001 the City of Visalia entered into an agreement with KDWCD that formed a partnership to improve groundwater recharge in the Kaweah Basin. Prior to this Agreement, TID had been considering lining their Main Intake Canal with concrete to prevent seepage losses. The City opposed the canal lining because it would have reduced groundwater recharge and increased overdraft in the region. TID ultimately agreed not to line their canal provided the City participated in a program to recharge groundwater. TID is not a party to this Agreement; however, they have a companion agreement with KDWCD where they agree not to line their canal and commit to a partnership with KDWCD to recharge groundwater in the region.

The Agreement requires the City to make payments to KDWCD for a groundwater recharge fund. The amount was initially \$100,000 per year but the rate has been adjusted by the

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Consumers Price Index to about \$122,000 per year. The Groundwater Recharge Fee was established for this purpose and is collected as part of the City utility bill. The Agreement stipulates that a Management Committee be formed to plan and approve “acquisition and delivery of water for the primary benefit of the residents of the City.”

The Management Committee is comprised of one member from each of the governing boards and other staff and technical representatives of the City and the District. Council Member Steve Nelsen is the City’s representative on the Committee and Don Mills is KDWCD’s representative.

Visalia Water Management Committee funds were used in 2010 to acquire a total of 5,358 acre feet of water for recharge in 2010 at a total cost of \$136,472. Engineering and construction activities conducted in 2010 included a topographic and hydrologic analysis of Packwood and Cameron Creeks; design and construction of an interconnection of “Police Station Basin” to Packwood Creek; and construction of diversion works from Mill Creek to “Creekside Basin.” Total cost of engineering and construction projects in 2010 was \$159,200. These activities are detailed in the 2010 Annual Report.

**Prior Council/Board Actions:**

December 6, 2010 – Approved the Visalia Water Management Committee 2011 Annual Plan

**Committee/Commission Review and Actions:**

None

**Alternatives:**

The Council could recommend changes to the Annual Report. Changes would have to be approved by the KDWCD Board.

**Attachments:**

Visalia Water Management Committee 2010 Annual Report, titled “City of Visalia & Kaweah Delta Water Conservation District Management Program 2010 Annual Report”

**Recommended Motion (and Alternative Motions if expected):**  
I move to accept the Visalia Water Management Committee 2010 Annual Report without changes.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

**CITY OF VISALIA &  
KAWEAH DELTA WATER  
CONSERVATION DISTRICT  
WATER MANAGEMENT PROGRAM**

**2010 Annual Report**

**Management Committee:**

**City of Visalia**

Steve Nelsen – Council Member

**Staff:**

Leslie Caviglia, Deputy City Manager

Andrew Benelli PW Director

Kimball Loeb, NRC Manager

**Kaweah Delta Water Conservation District**

Don Mills – Director

**Staff:**

Mark Larsen – Manager

Larry Dotson – Sr. Engineer

Dennis Keller – Consultant

Submitted By:

Kaweah Delta Water Conservation District

May 9, 2011

# Water Management Program: 2010 Annual Report

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## **Water Acquired**

The program was able to acquire a total of 5,358 acre-feet of water during the 2010 calendar year. The water was obtained from Kaweah Delta Water Conservation District's (KDWCD) and Tulare Irrigation District's (TID) Central Valley Project (CVP) supplies. KDWCD supplied 319 acre-feet of CVP Class II uncontrolled season water at a unit cost of \$33.00 per acre-foot for a total cost of \$10,527. TID supplied 5,039 acre-feet of CVP Class II uncontrolled season water at a unit cost of \$25.00 per acre-foot for a total cost of \$125,975.

## **Water Rights Acquired**

There were not any water rights acquired through the program during the 2010 calendar year.

## **Actual Water Deliveries**

KDWCD delivered 319 acre-feet of CVP water during the month of May for the benefit of the Water Management Program. The water was delivered for groundwater recharge at locations as noted in the following table.

### **KDWCD Recharge Program (5/23/10 to 5/29/10)**

<b>Location</b>	<b>Amount (ac-ft)</b>
Modoc Ditch System	277
City of Visalia, Creekside Storm Water Basin	42
<b>Total</b>	<b>319</b>

TID delivered 5,039 acre-feet of CVP water during the months of April, May and June for the benefit of the Water Management Program. The water was delivered for groundwater recharge at locations as noted in the following table.

### **TID Recharge Program (4/20/10 to 6/19/10)**

<b>Location</b>	<b>Amount (ac-ft)</b>
Packwood Creek (Headgate to Mooney Park)	4,205
Cameron Creek (Headgate to Mooney Park)	260
Tulare Irrigation Company Ditch (Headgate to Mooney Park)	574
<b>Total</b>	<b>5,039</b>

Refer to *Attachment No. 1* for detailed breakdowns of the above noted recharge programs.



# Water Management Program: 2010 Annual Report

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## ***Planning Activities***

During this reporting year there were four(4) quarterly progress meetings and one(1) special meeting of the Management Committee. A copy of meeting minutes is included with this report as *Attachment No. 2*. The meetings included representatives from Tulare Irrigation District (TID) and California Water Service in an effort to combine resources to the benefit of the groundwater within the Visalia region. Planning activities continue to focus on the feasibility of implementing groundwater recharge improvements to natural channels that flow through the City of Visalia. The program continues to investigate modifications to existing City storm water basins toward multi-operational use that would include groundwater recharge through possible interconnection to surface water supply systems.

The other major goal that the plan addresses is the acquisition and delivery of available surface water for groundwater recharge to the benefit of the City. The Management Committee proposed an authorization of a predetermined expenditure limit of \$100,000 at a maximum rate of \$35.00 per acre-foot toward the purchase of imported surface water for the 2011 calendar year. Such authorization provides a means to respond in a timely manner to available opportunities to acquire water without being encumbered by the program's committee meeting and consent procedure.

The program's planning focus and goals for the 2011 calendar year were presented in an annual plan and approved by both program participants in December 2010. The document provides guidance to staff for implementation of action items that work toward achieving long and short term program goals. A copy of 2011 Annual Plan is included with this report as *Attachment No. 3*.

## ***Engineering Activities***

The topographic survey and hydraulic analysis of Packwood and Cameron Creeks was completed during the reporting period. The purpose of the analysis was to provide a planning tool for determining effective locations along the channels where modifications to existing structures or installation of new structures could provide improved percolation rates for maximizing groundwater recharge operations within the channels. Based upon the study, the Program will move forward with the preliminary design of two(2) check structures within the creek for the purposes of providing control for diversion of water into basins and linear channel recharge.

The City's storm water basin located west of Mooney Boulevard and south of Packwood Creek is referred to as the "Police Station Basin". During the 2009 planning cycle the basin was designated by the Program for the development of an interconnection to Packwood Creek. The purpose of this improvement being the diversion of water into the facility for groundwater recharge when space was available. During the 2010 calendar year the interconnection was designed and constructed. The project was completed at the end of the year and is ready for recharge opportunities.

Beyond the two above mentioned projects, the Technical Committee continued in the process of investigating the conversion and/or use of existing City Storm Water Basins as multipurpose facilities that would include groundwater recharge. Another activity being performed outside of the Program, through a co-operational effort between KDWCD and the City of Visalia, is the development of a numerical groundwater flow model for the City of Visalia region. There have been several changes to the model during the year in an effort to include conservation measures that Cal-Water intends to implement. The Final Report for the project will be completed in 2011.

# Water Management Program: 2010 Annual Report

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## ***Facilities Acquired***

There were not any facilities acquired through the program during the 2010 calendar year.

## ***Facilities Constructed***

The construction of diversion works from Mill Creek into the City's Creekside storm water detention basin was completed under a City public works project for the McAuliff Street Crossing. Work started in the Fall of 2009 and the facilities were operational by the beginning of 2010. Additionally, as noted above the interconnection between Packwood Creek and the Police Station Basin was completed and operational at the end of the 2010 calendar year.

# Water Management Program: 2010 Status Report

## Kaweah Delta Water Conservation District / City of Visalia Program Funding (Calendar Year 2010)

DESCRIPTION	GENERAL PROGRAM		INDIVIDUAL PROGRAMS					
	Activity	Balance	Water Rights		Water Purchase		Design & Construction	
			Activity	Balance	Activity	Balance	Activity	Balance
Beginning Balance		914,402.70		98,556.87		125,947.37		689,898.46
January Payment	10,331.92	924,734.62	1,033.20	99,590.07	2,066.38	128,013.75	7,232.34	697,130.80
January Disbursement	(2,804.57)	921,930.05		99,590.07		128,013.75	(2,804.57)	694,326.23
February Payment	10,331.92	932,261.97	1,033.20	100,623.27	2,066.38	130,080.13	7,232.34	701,558.57
February Disbursement	(4,991.23)	927,270.74		100,623.27		130,080.13	(4,991.23)	696,567.34
March Payment	10,331.92	937,602.66	1,033.20	101,656.47	2,066.38	132,146.51	7,232.34	703,799.68
March Disbursement	(6,492.00)	931,110.66		101,656.47		132,146.51	(6,492.00)	697,307.68
Jan/Feb/Mar Interest	1,908.04	933,018.70	208.13	101,864.60	272.01	132,418.52	1,427.90	698,735.58
April Payment	10,331.92	943,350.62	1,033.20	102,897.80	2,066.38	134,484.90	7,232.34	705,967.92
April Disbursement	(11,601.00)	931,749.62		102,897.80		134,484.90	(11,601.00)	694,366.92
May Payment	10,331.92	942,081.54	1,033.20	103,931.00	2,066.38	136,551.28	7,232.34	701,599.26
May Disbursement	(6,737.00)	935,344.54		103,931.00		136,551.28	(6,737.00)	694,862.26
June Payment	10,331.94	945,676.48	1,033.19	104,964.19	2,066.39	138,617.67	7,232.36	702,094.62
June Disbursement	(19,573.30)	926,103.18		104,964.19	(10,527.00)	128,090.67	(9,046.30)	693,048.32
Apr/May/Jun Interest	588.69	926,691.87	66.72	105,030.91	81.42	128,172.09	440.55	693,488.87
July Payment	10,362.92	937,054.79	1,036.30	106,067.21	2,072.58	130,244.67	7,254.04	700,742.91
July Disbursement	(1,850.50)	935,204.29		106,067.21		130,244.67	(1,850.50)	698,892.41
August Payment	10,362.92	945,567.21	1,036.30	107,103.51	2,072.58	132,317.25	7,254.04	706,146.45
August Disbursement	(153,439.53)	792,127.68		107,103.51	(125,975.00)	6,342.25	(27,464.53)	678,681.92
September Payment	10,362.92	802,490.60	1,036.30	108,139.81	2,072.58	8,414.83	7,254.04	685,935.96
September Disbursement	(2,958.36)	799,532.24		108,139.81		8,414.83	(2,958.36)	682,977.60
Jul/Aug/Sep Interest	1,400.22	800,932.46	188.76	108,328.57	18.13	8,432.96	1,193.33	684,170.93
October Payment	10,362.92	811,295.38	1,036.30	109,364.87	2,072.58	10,505.54	7,254.04	691,424.97
October Disbursement	-	811,295.38		109,364.87		10,505.54		691,424.97
November Payment	10,362.92	821,658.30	1,036.30	110,401.17	2,072.58	12,578.12	7,254.04	698,679.01
November Disbursement	(85,254.86)	736,403.44		110,401.17		12,578.12	(85,254.86)	613,424.15
December Payment	10,362.92	746,766.36	1,036.30	111,437.47	2,072.58	14,650.70	7,254.04	620,678.19
December Disbursement	-	746,766.36		111,437.47		14,650.70		620,678.19
Oct/Nov/Dec Interest	634.34	747,400.70	94.23	111,531.70	14.01	14,664.71	526.10	621,204.29

***Attachment No. 1***

**Kaweah Delta Water Conservation District / City of Visalia**  
**WATER MANAGEMENT PROGRAM**  
**KDWCD CVP Water Recharge (2010 CY)**

**MAY 2010**

**DAILY MEAN DISCHARGE (CFS)**

<b>DATE</b>	<b>MODOC DITCH</b>	<b>CREEKSIDE BASIN</b>	<b>TOTAL</b>
5/1/2010			
5/2/2010			
5/3/2010			
5/4/2010			
5/5/2010			
5/6/2010			
5/7/2010			
5/8/2010			
5/9/2010			
5/10/2010			
5/11/2010			
5/12/2010			
5/13/2010			
5/14/2010			
5/15/2010			
5/16/2010			
5/17/2010			
5/18/2010			
5/19/2010			
5/20/2010			
5/21/2010			
5/22/2010	0	0	0
5/23/2010	20	3	23
5/24/2010	20	3	23
5/25/2010	20	3	23
5/26/2010	20	3	23
5/27/2010	20	3	23
5/28/2010	20	3	23
5/29/2010	20	3	23
5/30/2010	0	0	0
5/31/2010			
<b>CFS</b>	<b>140</b>	<b>21</b>	<b>161</b>
<b>AF</b>	<b>278</b>	<b>42</b>	<b>319</b>

**Notes:**

The water delivered for this program was recharge accruable to the City of Visalia that occurs at or within the above noted facilities.

Kaweah Delta Water Conservation District / City of Visalia

**WATER MANAGEMENT PROGRAM**

**TID CVP Water Recharge (2010 CY)**

APRIL 2010

DAILY MEAN DISCHARGE (CFS)

DATE	PACKWOOD CREEK	CAMERON CREEK	TULARE IRR. CO. DITCH	TOTAL
4/1/2010				
4/2/2010				
4/3/2010				
4/4/2010				
4/5/2010				
4/6/2010				
4/7/2010				
4/8/2010				
4/9/2010				
4/10/2010				
4/11/2010				
4/12/2010				
4/13/2010				
4/14/2010				
4/15/2010				
4/16/2010				
4/17/2010				
4/18/2010				
4/19/2010		0		0
4/20/2010		8		8
4/21/2010	0	13		13
4/22/2010	52	13	0	65
4/23/2010	30	13	18	43
4/24/2010	32	13	16	45
4/25/2010	30	13	17	43
4/26/2010	35	13	17	48
4/27/2010	36	13	17	49
4/28/2010	37	13	19	50
4/29/2010	59	13	19	72
4/30/2010	35	6	16	41
<b>CFS</b>	<b>346</b>	<b>131</b>	<b>139</b>	<b>477</b>
<b>AF</b>	<b>686</b>	<b>260</b>	<b>276</b>	<b>946</b>

Notes:

The water delivered for this program was recharge to the City of Visalia that occurs from the headgate of each of the above delivery systems and terminates at Mooney's Grove Park.

Kaweah Delta Water Conservation District / City of Visalia

**WATER MANAGEMENT PROGRAM**

**TID CVP Water Recharge (2010 CY)**

**MAY 2010**

**DAILY MEAN DISCHARGE (CFS)**

<b>DATE</b>	<b>PACKWOOD CREEK</b>	<b>CAMERON CREEK</b>	<b>TULARE IRR. CO. DITCH</b>	<b>TOTAL</b>
5/1/2010	43		15	43
5/2/2010	45		14	45
5/3/2010	34		16	34
5/4/2010	37		9	37
5/5/2010	44		7	44
5/6/2010	40		4	40
5/7/2010	36		7	36
5/8/2010	36		3	36
5/9/2010	39		2	39
5/10/2010	41		7	41
5/11/2010	37		9	37
5/12/2010	41		9	41
5/13/2010	43		11	43
5/14/2010	43		11	43
5/15/2010	44		12	44
5/16/2010	45		14	45
5/17/2010	46		0	46
5/18/2010	43			43
5/19/2010	47			47
5/20/2010	37			37
5/21/2010	38			38
5/22/2010	42			42
5/23/2010	35			35
5/24/2010	35			35
5/25/2010	38			38
5/26/2010	45			45
5/27/2010	53			53
5/28/2010	41			41
5/29/2010	44			44
5/30/2010	48			48
5/31/2010	46			46
<b>CFS</b>	<b>1286</b>	<b>0</b>	<b>150</b>	<b>1286</b>
<b>AF</b>	<b>2551</b>	<b>0</b>	<b>298</b>	<b>2551</b>

Notes:

The water delivered for this program was recharge to the City of Visalia that occurs from the headgate of each of the above delivery systems and terminates at Mooney's Grove Park.

Kaweah Delta Water Conservation District / City of Visalia

**WATER MANAGEMENT PROGRAM**

**TID CVP Water Recharge (2010 CY)**

**JUNE 2010**

**DAILY MEAN DISCHARGE (CFS)**

<b>DATE</b>	<b>PACKWOOD CREEK</b>	<b>CAMERON CREEK</b>	<b>TULARE IRR. CO. DITCH</b>	<b>TOTAL</b>
6/1/2010	46			46
6/2/2010	45			45
6/3/2010	33			33
6/4/2010	40			40
6/5/2010	27			27
6/6/2010	0			0
6/7/2010	21			21
6/8/2010	25			25
6/9/2010	20			20
6/10/2010	14			14
6/11/2010	22			22
6/12/2010	15			15
6/13/2010	16			16
6/14/2010	16			16
6/15/2010	20			20
6/16/2010	37			37
6/17/2010	35			35
6/18/2010	31			31
6/19/2010	25			25
6/20/2010	0			0
6/21/2010				
6/22/2010				
6/23/2010				
6/24/2010				
6/25/2010				
6/26/2010				
6/27/2010				
6/28/2010				
6/29/2010				
6/30/2010				
<b>CFS</b>	<b>488</b>	<b>0</b>	<b>0</b>	<b>488</b>
<b>AF</b>	<b>968</b>	<b>0</b>	<b>0</b>	<b>968</b>

**Notes:**

The water delivered for this program was recharge to the City of Visalia that occurs from the headgate of each of the above delivery systems and terminates at Mooney's Grove Park.



***Attachment No. 2***

# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: February 16, 2010 (1:30 p.m.)**

## **Attendee's**

**City of Visalia:** Steve Nelsen, Andrew Benelli, Kim Loeb, Dick Moss (P&P)  
**Kaweah Delta Water Conservation District:** Don Mills, Mark Larsen, Larry Dotson, Kathleen Halvorsen, Dennis Keller (K/W)  
**Tulare Irrigation District:** Paul Hendrix, David Bixler  
**California Water Service Company:** Phil Mirwald

## **Public Comment**

Larry Dotson opened the meeting for public comment. New City Council Member Steve Nelsen was introduced as the new representative to the committee for the City.

## **Visalia Groundwater Modeling Program**

Larry Dotson gave a brief background of the Visalia Groundwater Model Program. The Visalia Groundwater Modeling Program is a cooperative project between the City of Visalia and Kaweah Delta Water Conservation District focusing on an assessment of a numerical groundwater model for the City.

Larry Dotson reported there have been four(4) different scenarios identified. The results of the first run of scenarios were not accurate, and the input was looked at more closely. It was discovered that the scenarios needed to include future Cal-Water groundwater production wells. Fugro is in the process of finalizing the analysis, adding the new wells for the future growth of the City and will run another analysis showing the new results with the updated information. Once the analyses have been run, Fugro will submit a final report and then the District and the City will consider if any additional scenarios need to be made.

Kim Loeb noted there is a fifth(5) scenario in the budget. The fifth(5) scenario would focus on all the feasible measures that the City might implement that would be cumulatively in both conservation and recharge activities. There are various parameters that still need to be considered in order for the model to work effectively

The first phase is close to being completed and once the final report from Fugro has been analyzed, the City and the District can evaluate where funds from the VWMC, or any outside sources, could be expended towards the benefit of groundwater.

## **2010 City Recharge Program**

Mark Larsen reported that a City Recharge Program utilizing the Cal Water/City of Bakersfield Water Supply had concluded its first run for the season on February 15, 2010. Water was delivered for groundwater recharge for a total eleven(11) day run. Adjustments to deliveries were made due to fluctuating high flows in Dry Creek. An average of 60 cfs per day in the St. Johns River was run all the way to the Modoc check structure. It was estimated that 1,299 af was delivered during this first run.

The Cal Water/City of Bakersfield Water Supply has an additional 10,000 af of water yet to be delivered once there is water available at an acceptable purchase price.

## **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: February 16, 2010 (1:30 p.m.)**

### **Recharge Improvement Projects**

Larry Dotson reported on the hydraulic study for delivery system improvements for Cameron Creek and Packwood Creek.

Dick Moss of P&P reported that the first results of the surveys have been completed. The survey showed the different water surfaces at different flow rates. The study provided information of where the flow restrictions were in the channels and provided information for locating additional check structures and facilities that could help increase percolation.

The next step will be to determine appropriate locations to back water up and model the results of those alternatives with the hydraulic model. The model has showed that both Cameron & Packwood Creeks does provide certain levels of flood flow conveyance.

Provost & Pritchard will put together a staff level analysis of Plan & Profile information, which will include needed topographical information. Larry Dotson, Andy Benelli and Dick Moss will be a part of a staff level study to look at possible improvements to Cameron & Packwood Creek and what additional costs would be associated with improvements.

TID will plan another test run down Cameron Creek as summer approaches. Dennis Keller will pursue available water to import for this run.

Upon motion by Don Mills and approved by Steve Nelsen, an additional \$5,000 was added to the \$27,500 budget for engineering services in planning and designing recharge structures in Packwood and Cameron Creek.

### **Stormwater Basin Modifications**

Larry Dotson reported on locations of several City stormwater basins. These basins are located in positions where surface water can be diverted from adjacent creeks or canals. The basins could be used for groundwater recharge when they are not used for the capture of stormwater through the addition of improvements to the facilities.

The City is in its final stages of the Mill Creek – McAuliff Street over-crossing project with improvements to the Creekside Basin. The basin is being improved to receive water from Mill Creek for recharge/layoff purposes and pumping from the basin back into the creek. The basin will be operational within a couple weeks. The District and City will then pursue an agreement for Basin operational procedures.

The Dooley Basin is a City stormwater/park facility. The design and topo work for this basin in completed and is currently going to site plan review. Larry Dotson will continue to coordinate with Andy Benelli on the District's involvement with this Basin.

# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: February 16, 2010 (1:30 p.m.)**

## **Stormwater Basin Modifications**

The Police Station Basin is a stormwater basin that could have water from Packwood Creek diverted into it for recharge. Andy Benelli reported that P&P is going to present a proposal to the District for engineering services to design the necessary improvements to connect the basin to Packwood Creek.

## **Layoff Basin Program**

Larry Dotson reported that the District is working on the final grading improvement at the Oakes Basin. The mitigation work has been performed by the District for a clay barrier between the walnut orchard and the basin. The committee entered into a discussion regarding the cost of a permanent lift station compared to a portable pump.

Larry Dotson advised that the next steps in the development process is reshaping of the basin, beginning the power evaluation and the design of pumping facilities for the basin. Andy Benelli commented that he would like to submit this project on the upcoming City budget. Dennis Keller commented on the need for City confirmation of the release rate back to Mill Creek from the project. The power service and O&M costs will be estimated and evaluated for the project.

Larry Dotson reported there has been no change on any future recharge basin sites from the last meeting.

Dennis Keller reported there has been a meeting with owner's of the Modoc Basin. They are proceeding with the culmination of an agreement that includes SK and Vander Stelt Basins. The parties are in negotiations with the City toward the exchange of facilities for the purposes of stormwater detention, irrigation regulation and groundwater recharge.

## **Wastewater Recycling Program**

Golf Course Irrigation Deliveries are still in the works through the planning of a fairly large pipeline going eastward from the Wastewater Treatment Plan.

Andy Benelli reported there have been several meetings with TID with regards to the Wastewater Recycling Program. Dick Moss of P&P has put together an analysis of the recharge capacity of those channels within the City that could be utilized for the program. The agreement is expected to state how much water is acceptable at any given amount of time. City owned ditch shares to Persian-Watson would also allow for potential irrigation deliveries, which would enable recycled water to be used. A CEQA document is anticipated be circulated in less than 12 months.

## **Visalia Sports Park**

There was nothing new to report on this item.

## **Other Business**

No other business was presented or discussed.

## **Next Meeting**

May 18, 2010 at 3:00 p.m.



# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: May 18, 2010 (3:00 p.m.)**

## **2010 City Recharge Program (continued)**

- TID will recharge additional Class 2 UCS water at \$25.00/af, and KDWCD will recharge additional Class 2 UCS water at \$33.00/af in the above mentioned areas. The total water of these additional recharge activities is not to exceed \$58,555.25 which will be coming from the balance of the VWMC Water Purchase Program account.

## **Recharge Improvement Projects**

Larry Dotson reported on the hydraulic study for recharge improvements for Cameron Creek and Packwood Creek. The hydraulic study is completed. Provost & Pritchard have requested water surface evaluation and flow measurement be obtained during stable water discharge within the creeks. The information will be used toward calibrating the flow model, which will improve the accuracy of calculated flow conditions. This work will be accomplished during this month's water deliveries within the creeks.

## **Stormwater Basin Modifications**

Larry Dotson reported that Creekside Basin is operating and the water going into the basin is being monitored. The improvement project is not yet finalized by the City of Visalia. KDWCD and the City of Visalia will still need to coordinate in the development operational parameters for the basin.

The Dooley Basin is an unimproved City stormwater basin and park facility with the basin presently in place. Larry Dotson has met with the City of Visalia's engineer with regards to proposed improvements for the park. The City has expressed interested in using the basin for groundwater recharge and is intent on making efforts to provide recharge improvements.

Larry Dotson reported the design for the Police Station Basin connection to Packwood Creek is complete and he is now proceeding in obtaining a quote for construction work. Agee Construction will be submitting a quote to put in the facilities. A special meeting was scheduled for May 26, 2010 to take action on the construction of the Police Station Basin connection.

## **Layoff Basin Program**

Larry Dotson reported there has been continued work at Oakes Basin for the reshaping of the basin. Presently no further work can be preformed due to the presence of water and will not be able to continue until the water run is completed. The several improvements still require designing for the use of the facility for storm water layoff.

## **Wastewater Recycling Program**

Andy Benelli updated the Committee on the design work for the Golf Course Irrigation Delivery from the Waste Water Treatment Plant. The EIR has been authorized and background information is being collected. Provost & Pritchard has applied for a USBR grant for Tulare Irrigation District and the City of Visalia for the installation of the pipeline.

Dennis Keller reported that there are concerns on the environmental studies for the Wastewater Exchange Program with water going into and out of that local area. Andy Benelli reported negotiations are continuing with Tulare Irrigation District.

**VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: May 18, 2010 (3:00 p.m.)**

- Visalia Sports Park**      There was a discussion about the availability of water from the St. Johns Ditch Company for irrigation at the Visalia Sports Park.
- Other Business**      Mark Larsen reported on the possibility of stream gaging at certain sections of the St. Johns River toward determining channel losses during recharge programs.
- Next Meeting**      May 26, 2010 at 12:00 p.m.

**VISALIA WATER MANAGEMENT COMMITTEE**  
**Minutes of the Special Meeting: May 26, 2010 (12:00 p.m.)**

- Attendee's**                      **City of Visalia:** Steve Nelsen  
**Kaweah Delta Water Conservation District:** Don Mills, Larry Dotson,  
Kathleen Halvorsen
- Public Comment**              Larry Dotson opened the meeting for public comment.
- Stormwater Basin  
Modifications**              Larry Dotson presented an Engineer's Estimate of costs for Police Station Basin – Packwood Creek Interconnection Project. The Committee was informed that the estimate was calculated based upon quotations received from the contractor of the City of Visalia's Packwood Creek Trail Project and various manufactures of improvements for the interconnection project. Project details were reviewed and discussed with the Committee. Upon motion by Don Mills and seconded by Steve Nelsen, the recommended project funding for the Police Station Basin – Packwood Creek Interconnection Project in the amount of \$36,000, was approved.
- Other Business**                No other business was presented or discussed.
- Next Meeting**                 August 17, 2010 at 3:00 p.m.



# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: August 17, 2010 (3:05 p.m.)**

- Attendee's**                      **City of Visalia:** Steve Nelsen, Andrew Benelli, Kim Loeb, Dick Moss (P&P)  
**Kaweah Delta Water Conservation District:** Don Mills, Mark Larsen, Larry Dotson, Victor Hernandez, Kathleen Halvorsen  
**Tulare Irrigation District:** Aaron Fukuda  
**California Water Service Company:** Phil Mirwald
- Public Comment**                      Larry Dotson opened the meeting for public comment.
- Funding Report**                      Larry Dotson reviewed the Water Management Program 2010 Status Report on balance of funds to date. The balance for the end of August is \$925,432.68. Approximately \$34,000 has been used on the Police Station Basin project with some outstanding costs with construction to be completed, and approximately \$30,000 has been spent on the Packwood and Cameron Creek Hydraulic Study.
- Visalia Groundwater Modeling Program**                      Larry Dotson reported that Fugro-West is in the final stages of completing the Visalia Groundwater Modeling Program report. Once the report is completed it will be reviewed by staff and then presented to the Committee. The objective of the report is to evaluate what steps can be taken to improve the Visalia water table. The City continues to work on developing criteria for the 5<sup>th</sup> scenario and Fugro-West will utilize the model for this scenario and report the results at a latter date.
- 2010 City Recharge Program**                      Mark Larsen recapped the summer recharge programs and handed out a summary of those programs to the Committee.
- ✓ Cal Water/City of Bakersfield Water Return Program: A little less than 1,300 a.f. of water from Hills Valley I.D. was run February 3<sup>rd</sup> to 15<sup>th</sup>, down the St. Johns River into the Modoc system. The water was purchased from Hills Valley I.D. for \$55/a.f. by the City of Visalia.
  - ✓ City of Visalia Groundwater Recharge Program: 858 a.f. of water was delivered into the Modoc Basin, Creekside Basin and Dooley/McAuliff Basin. The program was funded from Visalia Groundwater Overdraft Mitigation fees.
  - ✓ Cal Water/City of Bakersfield Water Return: 324 a.f. of water provided through Hills Valley I.D., at no charge, was delivered into the Modoc Basin, Creekside Basin and Dooley/McAuliff Basin. Hills Valley I.D. will reimburse Kaweah Delta Water Conservation District for the costs of the water. The water will be deducted from the 10,000 a.f. quantity of banked water that is available under the Importation Agreement.
  - ✓ Visalia Water Management Committee Water Purchase: 319 a.f. of water was purchased with the remaining acquisition account balance of approximately \$10,500. The water was delivered into the Modoc Basin, Creekside Basin and Dooley/McAuliff Basin. The water was acquired by Kaweah Delta WCD at \$33/af.
  - ✓ Kaweah Delta Water Conservation District Recharge Program: 744 a.f. of water was diverted from Friant-Kern Canal that ran during the recharge program implemented and paid for by Kaweah Delta WCD. This water was delivered into Modoc Basin, Creekside Basin and Dooley/McAuliff Basin.

# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: August 17, 2010 (3:05 p.m.)**

## **Recharge Improvement Projects**

### **Channel Improvements:**

Larry Dotson reported on recharge improvements in Packwood and Cameron Creek. Provost & Pritchard has completed the hydraulic study with an accompanying recommendation for improvements to the Creeks. Staff has reviewed the study and recommended to the Committee two locations within Packwood Creek for consideration of recharge improvements. Both locations have distinguishable features associated with existing storm water detention/recharge basins. The Committee discussed different design ideas that could be utilized at these structures.

Mr. Dotson suggested a preliminary design study for two check structures be performed on Packwood Creek. Right-of-way, costs for one or both structures and ownership issues will be included in the study and presented to the Committee in the future. One location would be upstream of Highway 198 and the second location is downstream of the Dooley Basin west of McAuliff. Upon motion by Steve Nelsen and seconded by Don Mills, the recommendation for a preliminary design study on Packwood Creek in the amount of \$15,000, was approved.

### **Storm Water Basin Modifications:**

The City of Visalia Creekside Basin is completed and operating with minor improvements needed to make it more efficient. The City noted that landscaping around the top of the basin is proceeding.

Dooley Basin presently still operates with an existing siphon for diversion of water from Packwood Creek into the basin for recharge. The City is presently working on a park/pond plan for the improvement of the site. Staff will continue to monitor the development of this facility toward an integrated usage of recreation, storm water detention and groundwater recharge.

The interconnection project for the Police Station Basin is proceeding. The pipeline between Packwood Creek and City Storm water system has been installed. The pre-manufactured headwork structure to be installed in Packwood Creek has been ordered and the contractor is waiting on its delivery.

### **Layoff Basin Program:**

No improvements have been made to Oakes Basin due to it being filled with recharge water during the summer. Work will continue this fall on improvements.

# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: August 17, 2010 (3:05 p.m.)**

## **Recharge Improvement Projects**

### **Recharge Basin Sites:**

The Committee discussed various locations for future basins sites. Andy Benelli discussed the future Regional Sports Park located to the south of Mill Creek, east of McAuliff Avenue, noting it could be a potential recharge basin site. The Committee discussed the matter and concluded that the location was highly desirable for a groundwater recharge facility. Staff will investigate the possibility of acquiring different property at an alternate location for a Regional Sports Park in exchange for the existing site. The Committee was also informed of a potential basin site west of the Cutler Park area. Staff will research this matter and report back to the Committee at a future meeting.

## **Wastewater Recycling Program**

### **Golf Course Irrigation Delivery:**

Design of a delivery pipeline from the City's Water Conservation Plant to the Valley Oakes Golf Course is currently at a 50% submittal from the design firm's of Parsons and Provost & Pritchard. The plans are scheduled to be completed January 1, 2011. The project's environmental consultant has completed their first draft of the Environmental Impact Report and will be soon submitted to the State Clearing House for public review and comments. Funding of the project through the State Revolving Fund is proceeding through the approval process.

### **Wastewater Exchange Program:**

A proposed wastewater exchange between the City of Visalia and Tulare Irrigation District is in the negotiation stages. Andy Benelli also reported that the City is additionally considering submitting a separate grant application for the delivery of treated wastewater to the interchange at Highway 198 & 99 for highway landscape irrigation.

## **Kaweah River Basin IRWMP**

Mark Larsen gave a brief description of the purpose of the Kaweah IRWMP was discussed and a status report of the August 16, 2010 IRWMP meeting was given to the Committee. The IRWMP is presently in the process of drafting up a project list and anticipates applying for a planning grant.

## **Other Business**

Don Mills reported on a legal judgment and resulting settlement made between Consolidated Irrigation District and five surrounding Cities regarding the Cities' lack of groundwater recharge, importation and continued groundwater pumping.

## **Next Meeting**

November 16, 2010 @ 3:00 p.m.

# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: November 16, 2010 (3:00 p.m.)**

## **Attendee's**

**City of Visalia:** Steve Nelsen, Andrew Benelli, Kim Loeb, Dick Moss (P&P)  
**Kaweah Delta Water Conservation District:** Don Mills, Mark Larsen, Larry Dotson, Victor Hernandez, Dennis Keller, Kathleen Halvorsen  
**Tulare Irrigation District:** Aaron Fukuda, Dave Bixler  
**California Water Service Company:** Phil Mirwald

## **Public Comment**

Larry Dotson opened the meeting for public comment and there was no comments made to the Committee.

## **Funding Report**

Larry Dotson reviewed the Water Management Program 2010 Status Report on balance of funds to date. The balance for the end of November is \$821,658.30. The major activity for the year was the water purchases spending over \$135,000 and construction costs of approximately \$45,000. There remain some outstanding funds for construction that will be spent on the projects that are ongoing at this time.

## **2011 ANNUAL PLAN**

Larry Dotson discussed the Draft 2011 Annual Plan. The background objectives and the short range goals remain the same and there are no changes to the long range goals from those of the 2010 Annual Plan. There are two projects being focused on for the coming year;

- 1) Recharge improvements to Cameron Creek and
- 2) Recharge improvements to Packwood Creek with design and construction of check structures, one downstream of Dooley Basin and the other upstream of where Packwood Creek crosses State Route No. 198 (SR198) and the construction of two turnout structures into existing basins located north and south of Packwood Creek upstream of SR198.

The Committee had previously approved \$15,000 for preliminary design work for Packwood Creek improvements. Larry Dotson proposed to the Committee to designate \$100,000 in the 2011 Annual Plan for the design and construction of the above mentioned improvements. The Committee proposed to modify Item 7 & 8 to add "Purchase" to the items and also add Action Item #10 for the transfer of \$150,000 from the Construction account to Water Purchase account.

Upon motion by Don Mill and seconded by Steve Nelsen, the recommended revisions and additions to the 2011 Annual Plan were approved.

## **Visalia Groundwater Modeling Program**

Larry Dotson reported that all work has been completed on the Visalia Groundwater Model. Fugro has revised and run the model analysis for the four scenarios that were originally developed. The fifth scenario has not yet been performed and will require further information from the City of Visalia. The draft document of the final report has been received and is being reviewed by Kaweah Delta WCD and the City of Visalia. The goals of the model were to investigate possible recharge and conservation program benefits toward mitigating groundwater overdraft conditions. One of the critical discoveries was that the model was sensitive to conditions outside of the model's boundary, emphasizing that regional conditions influence groundwater within the study area.

# **VISALIA WATER MANAGEMENT COMMITTEE**

**Minutes of Meeting: November 16, 2010 (3:00 p.m.)**

## **Recharge Improvement Projects**

### **Channel Improvements:**

Packwood Creek: Preliminary designs for pre-fabricated concrete improvements to Packwood Creek are currently being developed. There is an issue with one of the check structures being located where the new interchange is planned on SR198. The Committee recommended that designs should focus on permanent facilities and not temporary installations.

### **Stormwater Basin Modifications:**

Police Station Basin: The inlet to the Police Station Basin has been completed and is operational. A trash rack and inlet control gate is scheduled for installation.

### **Layoff Basin Program:**

Oakes Basin: Excavation work has been completed and the basin is in its final configuration. The next phase is the design of new inlets with increased capacity and for a pumping plant to withdraw water from the basin for stormwater layoff purposes. Topography and design work for the new features to the basin are proceeding.

### **Recharge Basin Sites:**

Larry Dotson reported that there are no new basin sites currently under consideration and the directive is to continue to look for a possible site for exchange with the Visalia SE Regional Sports Park lands adjacent to Mill Creek. Dennis Keller reported the latest developments on the Modoc Basin.

## **Wastewater Recycling Program**

### **Recycled Wastewater Exchange Program:**

Andy Benelli reported the City of Visalia is moving forward on the Recycled Wastewater Exchange Program and are in the process of developing a Draft EIR. Design work has begun for tertiary treatment improvements to the conservation plant and there has been solar elements also added to the design. The City is hopeful that this project will be out to bid by summer 2011. The City of Visalia is also considering applying for a grant through the Kaweah IRWMP, partnered with Tulare Irrigation District for the installation of a pipeline to supply tertiary treated water to TID as part of the proposed Recycled Wastewater Exchange Program which is still under discussion between the two agencies. Additionally, TID has applied for a \$700,000 USBR grant for the pipeline connection project.

## **Other Business**

No other business was offered.

## **Next Meeting**

February 15, 2011 @ 3:00 p.m.

***Attachment No. 3***

# VISALIA WATER MANAGEMENT COMMITTEE

## 2011 Annual Plan

### Background

On December 31, 2001, the City of Visalia ("City") and the Kaweah Delta Water Conservation District ("District") entered into an Agreement ("Agreement"), a copy of which can be found attached to the Minutes of the October 2, 2001 meeting of the Board of Director's for Kaweah Delta Water Conservation District. The Agreement provides that a Management Committee be formed. The Management Committee is to be comprised of representatives of the City and District. Specifically, the Management Committee is to be "comprised of one member from each of the governing boards and other staff and technical representatives of the City and the District." The Management Committee is required to meet "as necessary." Further, the Agreement directs that the Management Committee "shall each year develop an annual plan to achieve the purpose as specified in paragraph 1 which plan shall be mutually agreeable to the parties hereto." This document is intended to fulfill the requirement for the Management Committee, which has become known as the Visalia Water Management Committee, to develop an annual plan.

### Objectives

According to the Agreement, the primary purpose of the Agreement and the Management Committee "is to maintain existing water rights and acquire additional water supplies for the primary benefit of the residents of the City of Visalia." Another purpose of the Agreement "is to provide funding mechanisms for the maintenance and acquisition of such water supplies and for the construction of facilities necessary to apply such water to the benefit of the residents of the City." In the Agreement, the City and the District expressed their intent "that the activities undertaken pursuant to this program will result in maintenance and enhancement of groundwater levels in and around the City." Finally, the document provides that "each year an annual plan will be developed to identify specific activities to meet these purposes.

### Short Range Goals

In the near term, the Management Committee intends to continue to accumulate money in its funds as a result of the annual contributions by the City as required by the Agreement. Of the monies collected in the fund, it intends to spend approximately 70% toward water project design, construction and land rights, 20% toward water purchases and 10% toward the purchase of water rights.

## Long Range Goals

The Water Management Committee's long term objectives are to replenish and enhance the groundwater used by the City to provide water to the residents of the City. By doing so it hopes to eventually achieve an ongoing and long-term balance between groundwater extractions and groundwater replenishment in the groundwater basin utilized to provide water to the residents of the City.

## Action Items

The City and the District, by their adoption of this 2011 Annual Plan, hereby authorize certain actions to be taken during 2011 as follows:

- 1) For both the District and the City to carry out the purposes as established by Section 1 of the Agreement to the benefit of groundwater utilized to provide water to the residents of the City.
- 2) For both the District and the City to participate in Management Committee meetings upon reasonable call and notice by either party. Regularly scheduled meetings shall occur quarterly and annually be set for third Tuesday of the months of February, May, August and November at 3:00 pm at the District's office.
- 3) For the City to make the annual payment as required by Section 3 of the Agreement; and
- 4) For the District to administer program funds as directed by the Management Committee. The following funding objectives have been established so as to provide for a means to carry out the purposes of the Agreement. Funding objectives are presently set at 70 percent for groundwater improvement projects, 20 percent for surface water purchases for groundwater recharge and 10 percent for acquisition of available surface water rights; and
- 5) For the City and District to continue to investigate and pursue groundwater recharge improvement projects including studies for delivery system improvements and optimization. Projects currently approved for these purposes are as follows:
  - ✓ Cameron Creek recharge/delivery system improvement
  - ✓ Packwood Creek recharge/delivery system improvements:
    - a. Design and construction of a minimum of two in-channel check-structures to retain and regulate flows within the creek.
    - b. Design and construction of inlet structures for the Blain Basins located upstream of State Route No. 198.

The Management Committee has approved program funding of \$100,000 for design and construction of the in-channel improvements to Packwood Creek as noted for recharge purposes; and



- 6) Upon mutual agreement by the District General Manager and the City Manager, without further approval from the Management Committee, to use the agreement's program funds on deposit with the District to purchase up to \$100,000 worth of water, at a rate of no more than \$35 per acre foot, and import such water into the Kaweah Basin for recharge in basins, natural channels and artificial channels located either within the City or within close enough proximity to the City, on an annual basis; and
- 7) For the City and District to continue to survey, identify and acquire property rights for parcels of real property that might be available in or about the City for purchase and development as groundwater recharge basins; and
- 8) For the City and District to continue to survey, identify and acquire water rights that might be available for purchase in order to supply an ongoing source of water for groundwater recharge; and
- 9) For the District to complete and provide the City with an annual report detailing the accomplishment of the aforementioned action items.
- 10) Commencing at the beginning of this planning year the transfer of \$150,000.00 from the program's designated funding for Design and Construction to that of Water Purchases.

## **Approval**

This 2011 Annual Plan shall be deemed approved and in effect once it has been reviewed and approved by a majority vote of the City Council of the City and by a majority vote of the Board of Directors of the District.

- 1) The Board of Directors of the District approved this 2011 Annual Plan during their regular meeting of December 7, 2010.
- 2) The City Council of the City approved this 2011 Annual Plan as herein presented at a regular meeting on December 6, 2010.

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11c

**Agenda Item Wording:**

Authorize City Manager to execute a five-year contract with Wood Industries and Tulare County Compost and Biomass Inc. to provide green waste and composting processing services, as is currently the case.

**Deadline for Action:**

June 20, 2011

**Submitting Department:**

Public Works

**Contact Name and Phone Number:**

Andrew Benelli, Public Works Director 713-4340  
Earl Nielsen, Public Works Manager 713-4533

**Department Recommendation:**

Staff received two proposals for the green waste disposal RFP, and recommends splitting the service area 50/50 and awarding a five-year contract for green waste recycling to each of the two candidates: Tulare County Compost & Bio Mass (TCCB) and Wood Industries for a total contract cost of approximately \$738,000 per year. With the 50/50 split TCCB would receive the green waste collected generally east of Mooney Boulevard and Wood Industries would receive the green waste material collected west of Mooney Boulevard. Analysis of the associated transportation costs and productivity losses with the different levels of service (100%, 75%/25% and 50%/50%) shows that while the 100% pricing proposals are the least expensive option in terms of the proposed tipping fees from each candidate, when factoring in transportation costs and productivity losses the 50/50 option becomes the least expensive option and provides the best operational efficiency.

**Summary:**

As shown in the discussion following, Wood Industries tipping fees are higher but the transportation costs to deliver the material are lower because they are closer to the City; TCCB's tipping fees are lower but the transportation costs are higher. Splitting the contract between the two contractors (50/50) is the staff recommendation as the most operationally efficient, minimizes transportation costs and productivity losses, and is calculated to be the lowest total cost option of all the available alternatives after factoring in transportation and lost productivity costs. The 50/50 option also includes an annual savings of about \$13,000 over the current contracts, due to TCCB's lower tipping fee proposal at 50% service.

Recommending the 50/50 split for this contract award is also beneficial because the Composting industry is rapidly changing and evolving, with new Federal and State mandates and pollution control standards expected in the future; having two local contractors providing the

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

service for the City puts the City in the best possible position to respond to the changing composting environment as it evolves.

Both candidates work very well with City staff, and both are good partners to be teamed up with to increase composting efforts and keep material out of the landfills. Maintaining a viable and cooperative working and contractual relationship with both contractors is in the City's best interests, as they both are proactive in their efforts to expand recovery of compostable material as a way to reduce material going to landfills, and recover and reuse the material in an environmentally friendly manner.

**Contract History and Background:**

For a period of time Tulare County Compost & Biomass (TCCB) handled 100% of the green waste material from the City, and the contract for services was put out to bid every 5 years. About eight years ago Wood Industries came on board and began participating in the contract bidding process. At that time staff analyzed contract and operations costs and determined that the best alternative for the City was to split the contract 50/50 with the part east of Mooney going to TCCB and the part west of Mooney going to Wood Industries. At that time TCCB also advised City staff that it was good the contract was being split as they (TCCB) could no longer take 100% of the City's material because they did not have the capacity to take all of the City's material and their other contracted material too. From that point forward TCCB and Wood Industries have split the contract 50/50.

Both Wood Industries and TCCB are local companies; TCCB is located on Lovers Lane just south of Visalia's city limits, and Wood Industries is located on Avenue 296 near the Route 99 and Route 198 interchange. The solid waste operation currently delivers approximately 2,500 tons of green waste per month (total) to the facilities. The current contracts will expire on June 30, 2012. Staff is presenting this proposal to council over a year before the start of the new contracts to allow at least one year between the contract award and the effective service delivery. The new contract will be effective beginning July 1, 2012 and will end June 30, 2017.

**RFP and Associated Costs Analysis:**

The Request for Proposal was issued with a set pricing structure for the contractors to bid on; setting the tipping fee per ton price for 100% of the service area, 75%, 50% and 25% respectively. The tipping fee pricing proposals submitted by each candidate for each service level are shown in table 1 below:

**Table 1:**

<b>Candidate</b>	<b>100%</b>	<b>75%</b>	<b>50%</b>	<b>25%</b>
TCCB	\$19.95	\$20.95	\$23.95	\$24.83
Wood Industries	\$22.29	\$23.27	\$25.25	\$29.75

Table 2A below shows the current rates and the rates proposed by each contractor at 50/50 split and the savings generated with the proposed 50/50 split pricing. Table 2B shows what the proposed total tipping fee costs would be at different service levels for each contractor. Comparing the current and proposed data in Table 2A at 50% service, there is an estimated annual savings of about \$13,200 with the proposed rates because TCCB's proposed rate is \$.88 cents per ton less than its current rate.

**Table 2A: RFP Tipping Fee costs at 50% for each Contractor**

Level of Service	TCCB		Wood Industries		Total Costs
	\$ per Ton	Est. Annual Tipping Fee Cost	\$ per Ton	Est. Annual Tipping Fee Cost	
<b>Current (2011) Tipping Fees @ 50%</b>	\$24.83	\$372,450	\$25.25	378,750	\$751,200
<b>Proposed Tipping Fees @ 50%</b>	\$23.95	\$359,250	\$25.25	\$378,750	\$738,000
<b>Savings with proposed @ 50%</b>					<b>\$13,200</b>

**Table 2B: Proposed Annual Tipping Fee Costs at each different service level**

Contractor	100%	TCCB over Wood Ind. (TCCB/Wood Ind.)		
		75%/25%	50%/50%	25%/75%
<b>TCCB</b>	<b>\$598,500</b>	\$471,375 (75%)	\$359,250 (50%)	\$186,225 (25%)
<b>Wood Ind.</b>	<b>\$668,700</b>	\$221,250 (25%)	\$378,750 (50%)	\$523,575 (75%)
<b>Totals if split</b>	<b>N/A</b>	<b>\$692,625</b>	<b>\$738,000</b>	<b>\$709,800</b>

**Total Costs of the Program at Different Service Levels:**

Wood Industry's tipping fee rates per ton are higher than TCCB's rates per ton, but Wood Industries is also located closer to the City than TCCB. In order to compare total costs more accurately, staff conducted an internal analysis of associated costs which included transportation costs based on average trip lengths (fuel, man-hours and equipment), and costs associated with production loss if material has to be transported further. The total estimated costs with these costs factored in at each proposed service level are shown in table 3 below:

The difference between the total annual costs at different levels of service for each contractor in Table 3 below and the tipping fee costs for different levels of service for each contractor in Table 2B above are the result of the estimated additional costs from transportation and productivity losses.

**Table 3: Total Projected Costs with Different Service Levels for Each Contractor**

Contractor	100%	TCCB over Wood Ind. (TCCB/Wood Ind.)		
		75%/25%	50%/50%	25%/75%
<b>TCCB</b>	<b>\$1,010,275</b>	\$738,365	\$499,750	\$247,325
<b>Wood Ind.</b>	<b>\$1,009,130</b>	\$266,390	\$483,575	\$737,055
<b>Totals if split</b>	<b>N/A</b>	<b>\$1,004,755</b>	<b>\$983,325</b>	<b>\$984,380</b>

**Transportation Cost Analysis:**

Wood Industries is approximately 2 miles (4 miles round trip) closer to the central point used for analysis than TCCB. Staff analyzed the pricing structure taking into account the distance each facility is from a central location (Mooney and Route 198). The transportation cost analysis includes three main criteria; fuel costs (since many of the trucks now use Compressed Natural Gas (CNG), staff used the cost of CNG fuel for analysis purposes.), full cost of the operator and capital costs (cost of the truck). The average mileage a truck must travel to each site is based on the relative percentage of material collected. For example, at 100% of the material, more of the trucks will be traveling farther to get to the facility so the average trip mileage is greater, versus a 50% split where the trucks are traveling the shortest distance possible of all the alternatives. Therefore the 100% contract option has the highest average trip mileage, the 75%/25% has the next highest mileage factor and the 50%/50% contracts have the lowest relative mileage factors. The relative transportation costs are factored in with the proposed

tipping fees for each contractor at each different level of service, and the total estimated costs for each option are shown in Table 3 above.

There are also some other intangible transportation considerations to splitting the contract and allowing drivers to go to the closest facility. One consideration is driver safety - minimizing the amount of time drivers are traveling on the highways and access roads during the winter foggy months. Road 140 (Lovers Lane) south to TCCB is particularly conducive to heavy fog in the early mornings during foggy season, so minimizing the time driving on Road 140 during the fog season minimizes the risk of accidents. Another consideration is the maintenance and replacement costs on the trucks. Maintenance costs are highest on side loader (residential) trucks, so if the trucks spend more time traveling back and forth to the dump sites that are further away, they accumulate mileage quicker, have increased maintenance costs, and need to be replaced quicker than if they travelled shorter distances to the dump sites and spent more time on routes.

### **Productivity Loss Analysis:**

Currently, residential operators average about 2.4 loads per day; if operators have to drive all the way across town to deliver their material, the extra travel time it takes is time not spent on their routes, so they can service fewer customers in their regular work day. If for example, if an operator takes 10 extra minutes per load to travel to and from a facility that is further away, that is as much as 24 minutes lost in travel time in a day; the operator would not be able to pick up about 30 to 50 customers in the same work day due to the lost travel time. If there are 10 routes in this condition, there could be as much as 4 hours of lost productivity each day, and 300 to 500 customers not serviced in the same time. Using the example given above, productivity losses are estimated using an average of 800 hours of lost production a year with the 100% option and 400 hours of lost production with the 75%/25% option. At 100% of the contract the most time would be lost, at 75%/25% there would be less productivity lost, and at the 50/50 split the production loss is minimized as much as possible.

### **Other Options:**

The City has 3 available options: option #1 is to contract with the two local candidates, option #2 is to contract with only one candidate, and option #3 is to not contract with any candidate and dispose of the green waste material in some other manner. The analysis above has shown that of the first two options, the best (and recommended) alternative is option #2; to contract with both local candidates. Option #3 could become a reality if there were no local facility to take the material to. For example, if there was only one composting facility available and that facility chose not to (or could no longer) take some or all of the City's green waste material. In that case, the City would have to explore other options that would include transporting the material to a facility or site some distance away. One consideration might be to take the material to a site near Kettleman City that takes green waste material. The City of Reedley does this, and for them the cost to transport the material is \$20 per ton, over and above the tipping fee or other costs. If it cost an additional \$20 per ton to transport the material and all of the City's green waste material were disposed of in this manner, the City would incur an additional cost of approximately \$600,000 a year in transport costs alone to dispose of the material (\$20 x 30,000 tons). The advantage of being able to dispose of green waste material at two local sites versus having to transport the material to some distant location saves the City well over half a million dollars a year. Option #3 is by far the least efficient method of disposal and should be avoided as much as possible.

Based on all of these factors and considerations, it is staff recommendation that the green waste material contract be split 50/50 between TCCB and Wood Industries.

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:** None

**Alternatives:**

1. Not authorize City Manager to execute contracts and move forward without having a green waste contract in place.
2. Authorize the City Manager to execute contracts with some other ratio of pricing and service areas for each contractor.

**Attachments:**

1. Sample contract.
2. Scope of Services

**Recommended Motion (and Alternative Motions if expected):**

I move for Council to authorize City Manager to enter into a five year contract agreement with Tulare County Bio-Mass and Wood Industries for green waste disposal, each receiving 50% of the City's green waste material.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:  
Tulare County Compost & BioMass and Wood Industries

**Processing of Green Waste  
(City of Visalia RFP No. 10-11-22)**

This Agreement, entered into and effective this \_\_\_\_ day of \_\_\_\_\_, 2011, by and between the City of Visalia, hereinafter referred to as the "CITY", and \_\_\_\_\_ hereinafter referred to as the "VENDOR", "BIDDER", or "SUBRECIPIENT".

RECITALS

**WHEREAS**, VENDOR is an \_\_\_\_\_ (insert individual or entity type) with a primary business address of \_\_\_\_\_ and SSN or EIN: \_\_\_\_\_; and

**WHEREAS**, CITY is a municipal corporation and Charter Law City; and

**WHEREAS**, CITY desires services to process green waste, which was let to bid on \_\_\_\_\_ as evidenced by RFP No. 10-11-22 Green Waste Processing; and

**WHEREAS**, City of Visalia reviewed and evaluated responses to the Proposal and determined to award a contract to VENDOR for the processing of green waste; and

**WHEREAS**, VENDOR represents it is licensed, qualified and willing to complete the Project pursuant to terms and conditions of this Agreement.

**NOW, THEREFORE**, CITY and VENDOR agree as follows:

1. TERM:

The term of this Agreement shall commence on the Effective Date and shall end after five years unless earlier terminated by the parties. The indemnification and defense provisions shall survive expiration and termination. Suspension or termination of this Agreement may occur if VENDOR breaches or materially fails to conform with any term of the award and does not comply with a written request by the CITY for the VENDOR to cure the breach within thirty days. In addition, either party may cancel this Agreement upon two year written notice; such notice may be given no earlier than one year and no later than three years after the Effective Date of this Agreement.

2. ATTACHMENTS INCORPORATED:

The following are attachments for this Agreement. Said attachments are incorporated into this Agreement as if included in full in the body:

<b>ATTACHMENT NO.</b>	<b>DESCRIPTION OF ATTACHMENT</b>
Attachment 1	Scope of Services City of Visalia RFP 10-11-22 - Green Waste Processing
Attachment 2	Vendor's proposal in response to RFP No. 10-11-22

3. VENDOR SCOPE OF SERVICES and COMMITMENTS\*:

VENDOR shall provide the services described in the attached Scope of Services for the compensation listed in Section 5.

Attachment 1

4. CITY COMMITMENTS:

CITY shall perform the following tasks on or before the stated completion dates:

<b>TASK</b>	<b>COMPLETION DATE</b>
Pay Vendor for delivered green waste	As requested by Vendor

5. COMPENSATION:

CITY shall pay VENDOR compensation for services as indicated in Paragraph 4 above; however, CITY shall pay not more than the following amount under this Agreement, unless otherwise agreed in writing. Such sum shall be expended and paid by CITY on a reimbursement basis for services actually performed based on the monthly report and similar documents presented by VENDOR to CITY.

Cost per Ton:	\$*
Source of Funds:	Local Revenues (Solid Waste)
Payment Schedule:	As invoices are received.

Each year on the anniversary date of this agreement and upon request by the VENDOR, the rates will be increased or decreased equal to the cost of living index as published by the US Department of Labor (All Cities) for the previous year. In addition, the VENDOR may make requests for additional adjustments to contract pricing based upon specific cost increases incurred by the VENDOR (see Scope of Services – General Conditions - Section F Annual Price Adjustment for a detailed description of adjustments and calculations).

**IN WITNESS WHEREOF**, this Agreement is executed on the day and year first above written.

**VENDOR**

Dated: \_\_\_\_\_

By: \_\_\_\_\_

Authorized Officer: I certify under penalty of perjury under the laws of the State of California that I am fully authorized to execute this Agreement for VENDOR in the capacity I have stated, and that such execution is sufficient to bind the CONTRACTOR.

**CITY OF VISALIA**

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Manager

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City Attorney (Dooley, Herr Peltzer & Richardson LLP)

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City of Visalia Risk Manager

Dated: \_\_\_\_\_

By: \_\_\_\_\_  
City of Visalia Project Manager



## Scope of Services Processing of Green Waste (City of Visalia RFP 10-11-22)

### Purpose, Objective and Services to be Provided

This contract involves the processing of Green Waste collected from single-family and multi-family customers within the City of Visalia and unincorporated areas. The quantities of the Green Waste may vary, but the City of Visalia residents currently generate from 1,800 to 3,500 tons of green waste per month, with an average of about 2,400 tons collected each month. Residential collection occurs on Monday, Tuesday, Thursday and Fridays, and commercial collection occurs Monday through Friday each week. During the past year, staff has identified approximately 3% or less of residual waste in the green waste stream. The City, however, makes no guarantees of tonnages of Green Waste material or residual levels to be anticipated by the vendor. The CITY continues to aggressively promote and educate the residents on how to properly prepare their Green Waste materials for recycling to reduce residual levels. In the event a resident contaminates the container, the CITY has instituted a policy to tag containers and penalize those who continuously do not abide by the applicable City of Visalia Ordinances.

The CITY intends to assure that Green Waste is beneficially reused in an environmentally responsible manner through a viable management program. To that end, the CITY seeks a beneficial reuse program such as composting, direct land application as a soil amendment, a combination thereof or any other approved reuse program. Green waste collected pursuant to this program must be used in a manner that enables the City Of Visalia to receive maximum AB 939 diversion credit.

The scope of work shall include all services, labor and equipment necessary to process green waste for the City of Visalia and customers within the City of Visalia, the terms and provision of which VENDOR shall include, but not be limited to the following:

#### **A. Services of the Vendor**

The City of Visalia will require the VENDOR to perform the following tasks for the project:

1. VENDOR will receive the City's Green Waste at their facility as delivered by CITY refuse vehicles. The facility collection site must be located within a 5-mile radius of the CITY limits of the City of Visalia to facilitate CITY refuse trucks not having to drive any further than necessary to drop off their loads. Material may be processed at the site or transferred to another location by the VENDOR for processing. Any and all costs of transferring material from the initial collection site to another site for processing shall be born by the vendor.
2. Along with the normal lawn clippings, shrub and tree trimmings etc., the green waste material stream collected by the CITY may include compostable food waste, soiled papers, and any other compostable materials as designated and agreed upon by the CITY and the vendor. A list of compostable items that can be included in the green waste collection is available from the Solid Waste Department, is distributed to Solid Waste customers, and is also available on the Solid Waste page of the City's website.
3. Green Waste will be processed in accordance with AB939 to allow for full recycling credits for the City.
4. VENDOR shall make its facility available for the delivery of Green Waste between the hours of 6:00am to 5:00pm Monday through Friday. The CITY and VENDOR shall meet before January 1<sup>st</sup> of every calendar year to establish schedules to accommodate special holiday observances.

5. VENDOR's facility shall be arranged to ensure that the turnaround time for the CITY trucks entering the facility, including but not limited to waiting in line, weighting their loads, dumping their loads, leaving the facility, is as quick as possible and in any case no longer than 15 minutes.
6. VENDOR will provide weight tickets from a State of California registered and certified scale for all Green Waste delivered to Vendors facility. It will be noted on the weight ticket if a load is determined to be contaminated to facilitate a review of the City's contaminated routes and locations.
7. VENDOR will maintain their scales in a "certified" condition at all times.
8. VENDOR must provide all necessary equipment and personnel for the processing operations.
9. VENDOR is responsible for removing all unacceptable refuse at no cost to the CITY.
10. VENDOR must comply with all state, local and federal agencies and the Department of Transportation (DOT) regulations.
11. VENDOR must provide restroom facilities for the drivers use.
12. VENDOR shall provide a location at their facility for the residents of Visalia to drop off green waste from the City's Spring and Fall Drop Off programs. The vendor's facility will have to be open six days per week. (closed Sundays) The location of this facility needs to be as close as possible to the city limits to make it accessible to the residents of Visalia. This will be one of the deciding factors in this RFP. The Fall Drop Off program is approximately from November 25th to the first week in January and the Spring Drop Off program will be the entire month of April, which will allow residents of Visalia an opportunity to dispose of green waste from fall and spring clean-up projects at no cost to the residents. CITY will provide an employee to monitor the program from 8:00 a.m. to 4:30 p.m. and will pay for tonnages disposed. During the Fall and Spring Drop Off Events, the vendor(s) shall maintain a log that details the tonnage delivered and/or the type of vehicles participating in the event (large truck, small truck, etc.) and the associated charges for each for billing the City. The log shall also include the number of vehicles participating in the event.
  - A. The VENDOR shall report Fall and Spring Drop Off Event data separate from the regular monthly reports (see item 13 below).
13. Tare Weight report: Tare weight for each truck must be assessed on a yearly basis. The list of truck numbers and tare weights will be submitted to the CITY at the beginning of the contract and shall be kept on record at the processing site. A written ticket shall be given to each driver as the truck completes the off loading procedure. The VENDOR will be responsible to take and report tare weight annually on all vehicles in July.
14. The VENDOR shall submit to the CITY a written (or electronic) Monthly Report that will include all of the following:
  - a. Certified tonnage of green waste received for composting from the CITY with weight ticket number, individual truck number, date, tonnage and fee of each load delivered.
  - b. Total tons and cost for green waste delivered for composting by the CITY.
  - c. Total tons of contaminated green waste delivered by the CITY.
  - d. Tons is defined as - short ton (or simply ton in the USA) = 907.185 kg (2000 lb).

#### **Additional Conditions**

Regulations require hazardous materials to be separated from other contaminants, properly stored, and transported with manifests to an approved treatment, storage, disposal or recycling facility.

## **B. City Responsibilities**

- Compensate the VENDOR as provided in the contract agreement.
- Assign a "City Representative" or "Project Manager" who will represent the CITY and who will work with the VENDOR in carrying out the provisions of the RFP.
- Examine documents submitted to the CITY by the VENDOR in a timely manner.
- Give timely consideration to all matters submitted by the VENDOR for approval to the end that there will be no substantial delays in the Vendor's program of work.
- Continue to tag contaminated green waste containers and educate the public on green waste recycling.

## **GENERAL CONDITIONS**

### **A. Important Notice**

The City of Visalia will not be responsible for oral interpretations given by any CITY employee, representative, or others made during contract negotiations.

### **B. Contracting Agency**

This contract will be administered by the City of Visalia Solid Waste Division. However, the City's Purchasing Division shall be final judge concerning issues or matters related to contract interpretation or problems regarding the terms, conditions, or scope of the contract.

### **C. Legal Responsibilities**

VENDOR shall abide by all State of California and Federal laws relating to contracts of this nature whether these laws are expressly referred to herein or not.

VENDOR certifies that he or she will comply with all Federal laws and requirements, including but not limited to Equal Employment Opportunity, Disadvantaged Business Enterprise, Labor Protection and other laws and regulations.

### **D. Permits and Licenses**

#### **Business License Certificate**

Possession of a City of Visalia Business Tax Certificate is required *prior to commencing work if located inside city limits*. Fee is based on gross receipts for all business transactions in the City of Visalia. For additional information, contact the City of Visalia at (559) 713-4326.

#### **Permits**

VENDOR shall be required to obtain and maintain at his/her own expense, any and all permits, licenses and certifications issued by any federal, state or local governmental agency, pertaining to, and necessary for providing the services required in this Request for Proposals.

## E. Insurance

### Indemnification and Insurance

As respects acts, errors, or omissions in the performance of services, VENDOR agrees to indemnify and hold harmless City, its elected and appointed officers, employees, and CITY designated volunteers from and against any and all claims, demands, losses, defense costs, liability or consequential damages arising directly out of Vendor's negligent acts, errors or omissions in the performance of his/her services under the terms of this Agreement; except to the extent those arise out of the negligence of City.

CITY agrees to indemnify and hold harmless Vendor, its officers, employees, and designated volunteers from and against any and all losses, defense costs, liability or consequential damages to the extent arising out of City's negligent acts, errors or omissions in the performance of this Agreement.

As respects all acts or omissions which do not arise directly out of the performance of services, including but not limited to those acts or omissions normally covered by general and automobile liability insurance, VENDOR agrees to indemnify, defend (at City's option), and hold harmless City, its elected and appointed officers, agents, employees, representatives, and volunteers from and against any and all claims, demands, defense costs, liability, or consequential damages of any kind or nature arising out of or in connection with Vendor's (or Vendor's subcontractors, if any) performance or failure to perform, under the terms of this Agreement; except to the extent those which arise out of the negligence of City.

Without limiting City's right to indemnification, it is agreed that VENDOR shall secure prior to commencing any activities under this Agreement, and maintain during the term of this Agreement, insurance coverage as follows:

- Workers' Compensation insurance as required by California statutes.
- Commercial general liability insurance with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for Premises and Operations, Contractual Liability, Personal Injury Liability, Products and Completed Operations Liability, Broad Form Property Damage (if applicable), Independent Contractor's Liability (if applicable).

Each insurance policy required by this Agreement shall contain the following clause:

"This insurance shall not be canceled, limited in scope or coverage, or non-renewed until after thirty (30) days prior written notice has been given to the City Clerk, City of Visalia, 707 W. Acequia, Visalia, CA 93291, with the exception of cancellation for non-payment of premium, in which case ten (10) days notice shall be given"

In addition, the Commercial general liability policy required by this Agreement shall contain the following clauses:

"It is agreed that any insurance maintained by the City of Visalia shall apply in excess of and not contribute with insurance provided by this policy."

"The City of Visalia, its officers, agents, employees, representatives and volunteers are added as additional insured as respects operations and activities of, or on behalf of the named insured, performed under contract with the City of Visalia."

The successful bidder shall maintain the insurance for the life of the contract. Endorsements are to be received and approved by the CITY before work commences. Should contractor cease to have insurance as required during any time, all work by contractor pursuant to this agreement shall cease until insurance acceptable to the CITY is provided.

**F. Annual Price Adjustment**

In order to protect the interests of the CITY and the VENDOR a price adjustment feature is hereby incorporated into the contract. Prices bid by VENDOR may be adjusted annually at time of contract renewal and upon mutual agreement of the parties to the contract to allow for price increases or decreases for labor and benefit rates, supplies and materials.

It will be the responsibility of the VENDOR to request a price adjustment and to provide all documentation necessary. The request for price adjustment must be submitted to the City of Visalia Project Manager within the thirty (30) calendar day period prior to the annual anniversary date of the agreement. Requests filed after this time period will not be considered.

The unit prices and general contract pricing for the ensuing contracts shall be based on the movement of the unadjusted figures of the U.S. Department of Labor Consumer Price Index (CPI) for all Urban Consumers (CPI-U All Cities Average). The contract unit prices may be changed in an amount equal to the percentage of movement for the most recent twelve-month period.

In no instance shall the general contract price increase exceed 5% in any given year due solely to a CPI index increase.

Requests for specific and extraordinary cost increases during a contract period must be made by the contractor at the annual contract anniversary date and with any general contract (CPI) adjustments. The CITY will consider such requests on a case by case basis, and may grant such requests based on the actual cost increase over the most recent 6 month period, as a percentage of total costs to the contractor. Granting these specific and extraordinary cost increases shall be at the discretion of the City. For example, on an annual contract price adjustment the contractor has experienced increased costs due to unusually high fuel prices:

Contractor submits a request for a CPI increase in overall prices, and also submits a request for additional specific contract increases due to high fuel increases. (Assume the CPI index increase is capped at 5%.) The specific request must include what the prior year's average increase has been for the specific cost increase (fuel prices went up an average of 8% in the last year). To calculate an appropriate additional price increase due to specific costs increases, contractor must first disclose the percentage of total contract costs the specific cost is to the contract (i.e. fuel costs are 25% of total costs to provide contract services). The specific price adjustment will be calculated as that portion of the specific cost that is above the general CPI adjustment (8% specific cost increase minus the 5% CPI adjustment equals 3% additional specific adjustment) The CITY decides to apply the cost increase will be applied as a percentage of total costs (5% of 25% equals .75%) The total contract price increase requested would then be 5% general increase plus the .75% additional specific cost increase, or 5.75%.

In determining whether to grant specific and extraordinary cost increase requests the CITY will consider any prior specific adjustments and whether or not they continue to apply (specific costs have remained high) or should be removed from the contract pricing (specific costs have gone back down and no longer apply).

Any contract unit price changes as a result of this formula shall be binding on the VENDOR for the subsequent contract year. The adjustment of the unit bid price shall not be retroactive and shall apply only to changes incurred after approval.

**G. Assignment of the Contract**

No assignment by the VENDOR of the contract or any part hereof, or of funds to be received there under, will be binding upon the CITY unless such assignment had prior written approval and consent of the City. In the

event the CITY gives such consent, the terms and conditions of the agreement shall apply to, and bind the party or parties to whom such work is assigned, sublet or transferred.

#### **H. Termination of the Contract**

The nature of this services contract requires that the CITY and the VENDOR must work closely as a mutually supporting team without conflict. Therefore:

1. Suspension or termination of the contract may occur if VENDOR breaches or materially fails to conform with any term of the contract and does not comply with a written request by the CITY for the VENDOR to cure the breach within thirty days.

After receipt of a notice of termination, except as otherwise directed, the VENDOR shall stop work on the date of receipt of the notice of termination or other date specified in the notice, except as necessary for completion of such portion of the services not terminated; and settle all outstanding liabilities and claims.

#### **I. Right to Require Performance**

The failure of the CITY at any time to require performance by the VENDOR any provisions hereof shall in no way affect the right of the CITY thereafter to enforce the same. Nor shall waiver by the CITY of any breach of any provision hereof be taken or held to be waiver of any succeeding breach of such provision or as a waiver of any provision itself.

#### **J. Ethics in Public Contracting**

Each vendor, by submitting a proposal, certifies that it is not a party to any collusive action or any action that may be in violation of the Sherman Antitrust Act by submitting a proposal, the VENDOR certifies that its proposal was made without fraud; that it has not offered or received any kickbacks or inducements from any other proposer in connection with the request for proposal; and that it has not conferred on any public employee, public member or public official having responsibility for this procurement transaction, any payment, loan, subscription, advance, deposit of money, services, or anything of more than nominal value. The VENDOR further certifies that no relationship exists between itself and the CITY or another person or organization that interferes with fair competition or constitutes a conflict of interest with respect to a contract with the City of Visalia.

Prior to the award of any contract, the potential VENDOR may be required to certify in writing to the Purchasing Division that no relationship exists between the proposer and any CITY employee, officer, official or agent that interferes with fair competition or is a conflict of interest with respect to a contract with the City of Visalia.

#### **K. Equal Employment Opportunity**

During the performance of the contract, VENDOR agrees to the following:

1. VENDOR shall comply with all the requirements, when applicable, of the California Fair Employment Practice Commission and provisions of, when applicable, all Federal, State of California, County of Tulare and City of Visalia laws and ordinances related to employment practices.
2. VENDOR shall not discriminate against any employee or applicant for employment on the basis of race, religion, color, gender, age, handicap, national origin or ancestry, except when such a condition is a bona fide occupational qualification reasonably necessary for the normal operations of the proposer. The VENDOR agrees to post in conspicuous places, visible to the employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause.

3. VENDOR, in all solicitations or advertisements for employees, placed by, or on behalf of the vendor, shall state that VENDOR is an Equal Opportunity Employer.

**L. Venue**

Any contract resulting from this solicitation shall be governed by, and construed in accordance with, the laws of the State of California. Venue for any litigation arising out of the contract will be vested in Tulare County, California.

## **CONTROL OF WORK**

**A. City-Vendor Relations**

Project Manager's Responsibility and Authority. All work shall be done under the general supervision of the Project Manager or his designee(s). The VENDOR shall bear all responsibility for, and have all control over, in accordance with the bid specifications, the means, methods, techniques, sequences and procedures of the work and safety precautions or programs, and the Project Manager shall not have control over, nor bear responsibility for same. Nor will the Project Manager have control over nor bear responsibility for the acts or omissions of the Vendor, Sub-contractors, their agents or employees, or for failure of any of these to carry out the work in accordance with the contract documents. The Project Manager has the right to reject work that does not conform to the contract documents. The Project Manager shall decide any and all questions which may arise as to the quality and acceptability of work performed, rate of progress of work, and all questions as to the acceptable fulfillment of the Contract on the part of the Vendor.

Project Manager's Decisions. All claims of the VENDOR shall be presented to the Project Manager for decision that shall be made in writing within a reasonable time. All decisions of the Project Manager shall be final except in case which time and/or financial considerations are involved, which may be subject to rulings from the City Attorney.

Suspension of Work. The Project Manager shall have the authority to suspend the work, wholly or in part, for such period or periods as he may deem necessary, due to unsuitable weather or other such conditions as are considered unfavorable for the prosecution of work, or failure on the part of the VENDOR to carry out the provisions of the Contract. The VENDOR shall not suspend operation without the Project Manager's permission.

Oral Agreements. No oral order, objections, claim or notice by any party to the other shall affect or modify any of the terms or obligations contained in any of the contract documents and none of the provisions of the contract documents shall be held to be waived or modified by reason of any act whatsoever, other than by a definitely agreed waiver, or modification thereof, in writing, and no evidence shall be introduced in any proceeding of any other waiver or modification.

**B. Labor**

The VENDOR shall provide sufficient supervisory and working personnel to accomplish all work included in this contract satisfactorily and on schedule. All personnel are to be physically able to perform their work. Only workmen thoroughly familiar with their line of work will be employed on the job. Any overseer, superintendent, laborer or other person employed on the work by the vendor, who shall perform his work in a manner contrary to these specifications, or refuses to carry out the orders of the owner, shall be discharged immediately, and such persons shall not again be employed on the work.

**C. Use of City Personnel and Equipment**

The City of Visalia shall not furnish personnel to assist the VENDOR in performance of the contract. The VENDOR understands that any offers of assistance by CITY Personnel are unauthorized and the VENDOR shall not accept such offers.

VENDOR shall be billed for CITY personnel labor, equipment and materials whenever CITY forces are called upon.

## MEASUREMENT AND PAYMENT

### A. Billing and Payments

VENDOR is fully responsible for assuring that all services arising from the agreement are billed the correct and applicable contract rate. The VENDOR is required to establish and maintain a process to monitor its billing practices and will refund all over-charges that may occur.

### B. Measurement and Payment

The VENDOR will be paid monthly in arrears for tonnage delivered and processed under this contract. Payment will generally be made within thirty (30) days following the submission of the request for payment by vendor, subject to CITY accounting procedures.

### C. City's Right to Withhold Certain Amounts

The CITY may withhold a sufficient amount of any payment otherwise due to the contractor to cover:

- ◆ Work required in the specifications which is not performed or is incomplete or for defective work not remedied.
- ◆ The cost of having the required work done by CITY forces or others will be charged to the vendor.
- ◆ The CITY reserves the right to assess a \$100 penalty per incident over and above the cost to correct the unsatisfactory condition for failure to perform any part of the work covered in this contract.



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11d

**Agenda Item Wording:** Reappointment of David Wilson to the Transit Advisory Committee.

**Deadline for Action:** June 20, 2011

**Submitting Department:** Administration Department – Transit Division

**Contact Name and Phone Number:** Monty Cox, X4591  
Leslie Caviglia, X4317

**Department Recommendation**

It is recommended that David Wilson be re-appointed to the Transit Advisory Committee.

**Summary/Background**

The Transit Advisory Committee (TAC) currently has one vacant position and two vacant alternate positions. The TAC met on June 1, 2011 and recommended that David Wilson be re-appointed to the committee. Mr. Wilson has served two terms for a total of five years on the committee. This will be his last term. David has been a great resource to the committee as he has 33+ years in Transit and Highway planning. He has assisted the Transit Division in making recommendations for the Transit services provided. The appointment of David was reviewed by the Citizens Advisory Committee (CAC) and they approved the appointment on June 8, 2011.

The Transit Advisory Committee and the Citizens Advisory Committee has reviewed this appointment and has requested the Council move forward with this recommendation.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:** None.

**Attachments:** None.

**For action by:**

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
**(Initials & date required)**

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
**(Initials & date required or N/A)**

**City Mgr** \_\_\_\_\_  
**(Initials Required)**

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**Recommended Motion (and Alternative Motions if expected):**

I move to reappoint David Wilson to the Transit Advisory Committee.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11e

**Agenda Item Wording:** Recommendation to re-new 2 year terms for Jeff Boswell, Lesa Mann, and Robert Mijares as Parks & Recreation Commissions effective July 1, 2011.

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation Department

**Contact Name and Phone Number:** Vincent Elizondo, Director of Parks & Recreation, 713-4367

**Department Recommendation:**

Recommendation to re-new 2 year terms for Jeff Boswell, Lesa Mann, and Robert Mijares as Parks & Recreation Commissions effective July 1, 2011.

**Background:**

The Parks and Recreation Commission has three current Commissioners whose two-year terms are set to expire on June 30, 2011. These three Commissioners have expressed the desire to continue their volunteer service to the City of Visalia and the City Council.

The Commission currently has five (5) voting Commissioners and two alternate Commissioners that participate in the discussions but are non-voting. The Parks and Recreation Commission currently has no vacancies.

The three Commissioners that wish to continue their service include Jeff Boswell who will begin his 2<sup>nd</sup> two-year term on the Commission; Lesa Mann who will begin her third term on the Commission; and Chairman Robert Mijares who will also begin his third term on the Commission.

At their regular meeting of June 21, 2011, the Commission made a formal recommendation to accept the requests by these three Commissioners to continue to serve on the Parks and Recreation Commission. The new terms will begin on July 1, 2011 and expire on June 30, 2013.

**For action by:**

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

According to the Council's handbook on City Commissions, the Citizens Advisory Committee (CAC) is not required to review or approve Commissioners that desire to continue to serve on a Commission by extending service to include a new two-year term.

**Committee/Commission Review and Actions:**

June 20, 2011: The Parks and Recreation Commission approved a request by Commissioners Boswell, Mann, and Mijares to continue to serve on the Commission for new two-year terms beginning July 1, 2011 and expiring on June 30, 2013.

**Recommended Motion (and Alternative Motions if expected):** Recommendation to re-new 2 year terms for Jeff Boswell, Lesa Mann, and Robert Mijares as Parks and Recreation Commissioners effective July 1, 2011 and expiring June 30, 2013 .

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11f

**Agenda Item Wording:** Reappoint three members to the Environmental Committee

**Deadline for Action:** June 20, 2011

**Submitting Department:** Administration/Natural Resource Conservation

**Contact Name and Phone Number:**

Kim Loeb, Natural Resource Conservation Manager, 713-4530  
Leslie Caviglia, Deputy City Manager, 713-4317

**Department Recommendation:**

Staff recommends that the City Council reappoint three members to another term on the Environmental Committee.

**Summary/background:**

The Environmental Committee is a nine-member committee that informs and advises the City Council and citizens on preserving and improving environmental quality for the benefit of the community. Issues addressed include air quality, hazardous waste, recycling, water conservation, and other natural resource issues.

Members with terms ending this month are Craig Hartman, Brian Newton, and Dale Simmons. In accordance with Council policy, Hartman and Newton would be eligible for an additional term, while this would be Simmons' last term since she has already served for four years. All three have requested to be reappointed, and the Committee as a whole has recommended reappointment. Approval of these will leave the Environmental Committee with one regular member vacancy and one alternate member vacancy following reappointment. The Committee will continue to recruit to fill these vacancies.

**Prior Council/Board Actions:**

June 4, 2007 – Appoint Dale Simmons to the Environmental Committee  
March 16, 2009 – Appoint Brian Newton to the Environmental Committee  
June 1, 2009 – Appoint Craig Hartman to the Environmental Committee

**Committee/Commission Review and Actions:**

June 14, 2011 – Request reappointment of Craig Hartman, Brian Newton, and Dale Simmons

**Alternatives:**

**For action by:**

City Council  
 Redev. Agency Bd.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head LBC 61511  
(Initials & date required)**

**Finance \_\_\_\_\_  
City Atty \_\_\_\_\_  
(Initials & date required  
or N/A)**

**City Mgr \_\_\_\_\_  
(Initials Required)**

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**Attachments:**

**Recommended Motion (and Alternative Motions if expected):** I move to reappoint Craig Hartman, Brian Newton, and Dale Simmons, to a second two-year term on the Environmental Committee beginning July 2011.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

## City of Visalia Agenda Item Transmittal

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11g

**Agenda Item Wording:** Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 5, 6 & 11 located on the south side of Pratt Avenue between Demaree Street and County Center Drive.

**Deadline for Action:** N/A

**Submitting Department:** Community Development Department/  
Engineering Division

**Contact Name and Phone Number:**

Adam Ennis, Asst. Community Development Director - 713-4323  
Doug Damko, Senior Civil Engineer - 713-4268  
Chris Young, Community Development Director – 713-4392

**Department Recommendation:** Staff recommends that City Council Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 5, 6 & 11 located on the south side of Pratt Avenue between Demaree Street and County Center Drive.

**Summary:** Council approved recordation of the final map for Shannon Ranch Units No. 5, 6 & 11 on March 21, 2005, which created 95 single family lots. Offsite improvements for Demaree Street (arterial) and Pratt Avenue and County Center Drive (collectors) were required as part of the executed subdivision agreement. This work included curb, gutter, pavement, street lights, curb returns and storm drain improvements to include some master plan facilities. The offsite street improvements required are shown in the City Circulation Element and in the Storm Water Master Plan and are included in the City Transportation Impact (TIF) and Storm Water Acquisition & Development Fee Programs. For this development, the cost of the offsite street improvements exceeded the TIF fees paid by the development. Based on the TIF program stipulations, the City would reimburse the developer the TIF fees paid for the development of \$309,890 now and the remaining reimbursement of \$358,232 when the funds are available in the TIF fund. Currently the TIF fund is approximately \$4M overextended and is anticipated to be up to \$10M overextended by upcoming reimbursement commitments. The developer will be reimbursed \$79,254 for the full cost of the storm sewer master plan facilities from the Storm Water Acquisition & Development fund now. The Notice of Completion was authorized by City Council on April 8, 2008.

For action by:

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

For placement on which agenda:

Work Session  
 Closed Session  
 Regular Session:  
 Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head \_\_\_\_\_  
(Initials & date required)

Finance N/A  
City Atty \_\_\_\_\_  
(Initials & date required or N/A)

City Mgr \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City

**Background:** Under Resolution No. 2008-58 (adopted by City Council on December 1, 2008), a development project with a signed subdivision agreement and final parcel map in effect prior to the effective date of said Resolution, shall be grandfathered into the prior Transportation Impact Fee program (established by Council Resolution 2004-117). In accordance with Resolution No. 2004-117 adopted by City Council on October 18, 2004, the City will reimburse the Developer for improvements made to Circulation Element arterial and collector streets. The TIF program specifies that if the reimbursement for the required arterial and collector street improvements is more than the TIF fees paid by the development the City will reimburse the TIF fees paid by the development and then any remainder would be reimbursed once the funds are available in the TIF fund. Reimbursement for storm sewer master plan facilities from the Storm Water Acquisition & Development fund would occur now. The following table summarizes the project's revenues and expenditures related to the development fee program:

**Shannon Ranch Units No. 5, 6 & 11**

<b>Development Impact Fee Component</b>	<b>Amount Paid Cash</b>	<b>Amount Paid Credit</b>	<b>Construction Cost Total</b>
Transportation Impact Fees (TIF)	\$309,890	\$153,400	
Arterial and Collector Right of Way Cost			\$153,400
Arterial and Collector Construction Cost			\$668,122
<b>Cash Reimbursement of TIF Paid:</b>			<b>\$309,890</b>
<b>Future Cash Reimbursement from the 1241 TIF Fund when available:</b>			<b>\$358,232</b>
Storm Water Acquisition & Development Fees	\$0	\$0	
Storm Drain Master Plan Facilities Cost			\$79,254
<b>Cash Reimbursement of Storm Water Facilities:</b>			<b>\$79,254</b>

The reimbursement agreement for Shannon Ranch Units No. 5, 6 & 11 was reviewed by the Development Reimbursement Review Committee (DRRC) on May 25, 2011. The DRRC is comprised of staff from the Community Development and Finance Departments. The DRRC reviewed the reimbursement agreement to ensure that the costs are reasonable (as compared to the City's costs for comparable capital projects) and also compared to a unit construction cost schedule focused on the Visalia construction market.

**Prior Council/Board Actions:** Council authorized recordation of the final map for Shannon Ranch Units No. 5, 6 & 11 on March 21, 2005.

Council authorized the filing of a Notice of Completion for Shannon Ranch Units No. 5, 6 & 11 on April 7, 2008.

**Committee/Commission Review and Actions:** Tentative Subdivision Map 5392 for Shannon Ranch was approved by Planning Commission on June 3, 2002.

Developer Reimbursement Review Committee reviewed and recommended for approval the reimbursement for public improvements associated with Shannon Ranch Units No. 5, 6 & 11 for the Arterial, Collector and Storm Drain Master Plan Improvements on May 25, 2011.

**Alternatives:** N/A

**Attachments:** Location Map, Reimbursement Exhibit



**Recommended Motions (and Alternative Motions if expected):**

I move to authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 5, 6 & 11 located on the south side of Pratt Avenue between Demaree Street and County Center Drive.

***Financial Impact***

**Funding Source:**

Account Number: 1241 fund & 1221 fund (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes____ No____	

**Copies of this report have been provided to:**

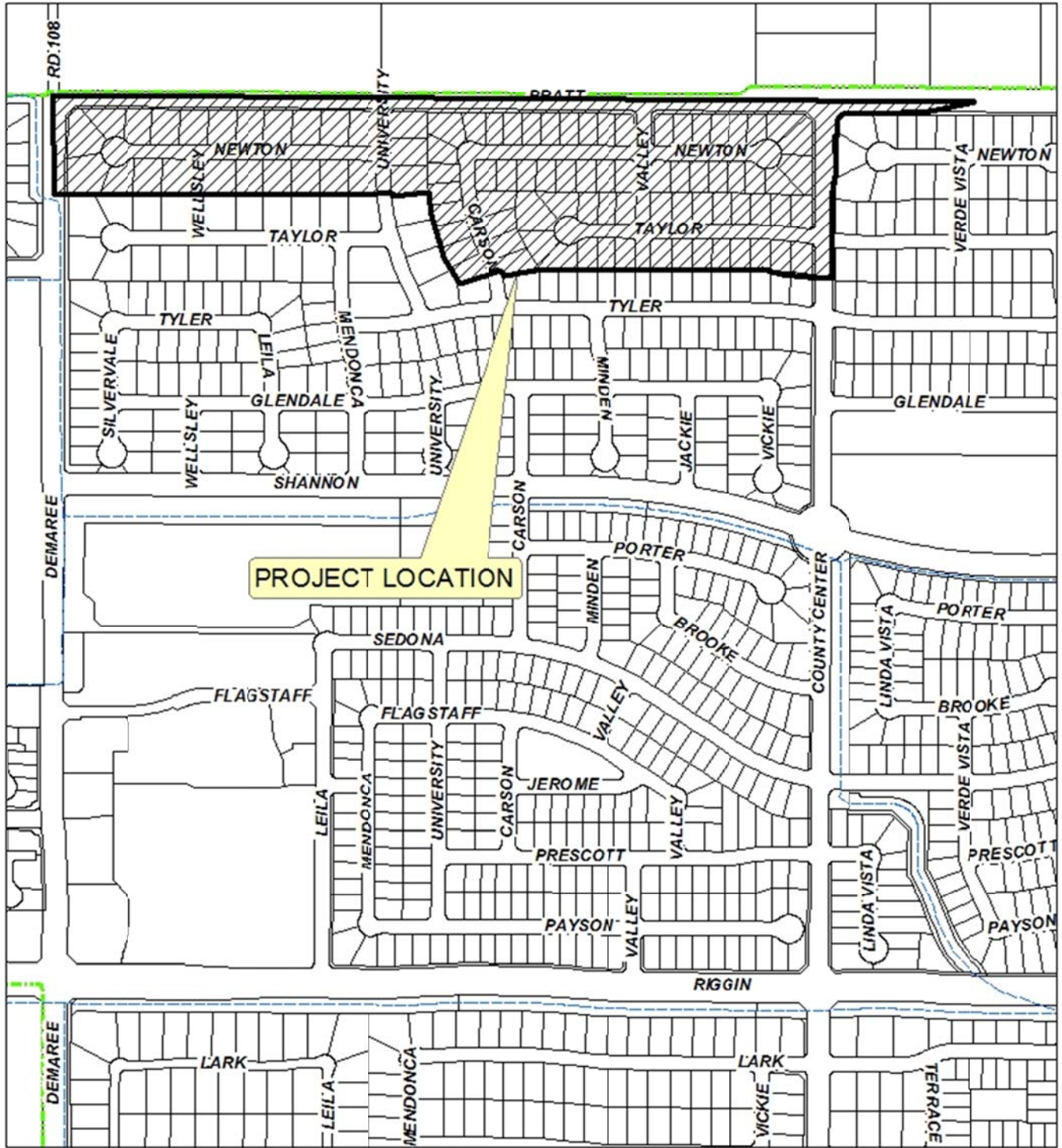
***Environmental Assessment Status***

**CEQA Review:**

Required? Yes No  
Review and Action: Prior:  
Required:

**NEPA Review:**

Required? Yes No  
Review and Action: Prior:  
Required:



## Shannon Ranch Units, No. 5, 6 & 11 Location Map



Scale: 1"=500'

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11h

**Agenda Item Wording:** Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 7 & 10 located at the northwest and southwest corners of Shannon Parkway and County Center.

**Deadline for Action:** N/A

**Submitting Department:** Community Development Department/  
Engineering Division

**Contact Name and Phone Number:**

Adam Ennis, Asst. Community Development Director - 713-4323  
Doug Damko, Senior Civil Engineer - 713-4268  
Chris Young, Community Development Director – 713-4392

**Department Recommendation:** Staff recommends that City Council Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 7 & 10 located at the northwest and southwest corners of Shannon Parkway and County Center.

**Summary:** Council approved recordation of the final map for Shannon Ranch Units No. 7 & 10 on February 17, 2004. The subdivision created 123 single family lots. Offsite improvements for County Center, a collector street, were required as part of the executed subdivision agreement. This work included curb, gutter, pavement, street lights, curb returns and storm drain improvements to include some master plan facilities. The offsite street improvements required are shown in the City Circulation Element and in the Storm Water Master Plan and are included in the City Transportation Impact (TIF) and Storm Water Acquisition & Development Fee Programs. For this development, the cost of the offsite street improvements exceeded the TIF fees paid by the development. Based on the TIF program stipulations, the City would reimburse the developer the TIF fees paid for the development of \$193,119 now and the remaining reimbursement of \$138,464 when funds are available in the TIF fund. Currently the TIF fund is approximately \$4M overextended and is anticipated to be up to \$10M overextended by upcoming reimbursement commitments. The developer will be reimbursed \$339,409 for the full cost of the storm sewer master plan facilities from the Storm Water Acquisition & Development fund now. A Notice of Completion was authorized by City Council on June 19, 2006.

**Background:** Under Resolution No. 2008-58 (adopted by City Council on December 1, 2008), a development project with a signed subdivision agreement and final parcel map in effect prior

For action by:

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

For placement on which agenda:

Work Session  
 Closed Session  
 Regular Session:  
 Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head \_\_\_\_\_  
(Initials & date required)

Finance \_\_\_\_\_ N/A \_\_\_\_\_  
City Atty \_\_\_\_\_  
(Initials & date required or N/A)

City Mgr \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City

to the effective date of said Resolution, shall be grandfathered into the prior Transportation Impact Fee program (established by Council Resolution 2004-117). In accordance with Resolution No. 2004-117 adopted by City Council on October 18, 2004, the City will reimburse the Developer for improvements made to Circulation Element arterial and collector streets. The TIF program specifies that if the reimbursement for the required arterial and collector street improvements is more than the TIF fees paid by the development the City will reimburse the TIF fees paid by the development and then any remainder would be reimbursed once the funds are available in the TIF fund. Reimbursement for storm sewer master plan facilities from the Storm Water Acquisition & Development fund would occur now. The following table summarizes the project's revenues and expenditures related to the development fee program:

**Shannon Ranch Units No. 7 & 10**

<b>Development Impact Fee Component</b>	<b>Amount Paid Cash</b>	<b>Amount Paid Credit</b>	<b>Cost Totals</b>
Transportation Impact Fees (TIF)	\$193,119	\$292,500	
Arterial and Collector Right of Way Cost			\$292,500
Arterial and Collector Construction Cost			\$331,583
<b>Cash Reimbursement of TIF Paid:</b>			<b>\$193,119</b>
<b>Future Cash Reimbursement from the 1241 TIF Fund when available:</b>			<b>\$138,464</b>
Storm Water Acquisition & Development Fees	\$0	\$0	
Storm Drain Master Plan Facilities Cost			\$339,409
<b>Cash Reimbursement of Storm Water Facilities:</b>			<b>\$339,409</b>

The reimbursement agreement for Shannon Ranch Units No. 7 & 10 was reviewed by the Development Reimbursement Review Committee (DRRC) on May 25, 2011. The DRRC is comprised of staff from the Community Development and Finance Departments. The DRRC reviewed the reimbursement agreement to ensure that the costs are reasonable (as compared to the City's costs for comparable capital projects) and also compared to a unit construction cost schedule focused on the Visalia construction market.

**Prior Council/Board Actions:** Council authorized recordation of the final map for Shannon Ranch Units No. 7 & 10 on February 17, 2004.

Council authorized the filing of a Notice of Completion for Shannon Ranch Units No. 7 & 10 on June 19, 2006

**Committee/Commission Review and Actions:** Tentative Subdivision Map 5392 for Shannon Ranch was approved by Planning Commission on June 3, 2002.

Developer Reimbursement Review Committee reviewed and recommended for approval the reimbursement for public improvements associated with Shannon Ranch Units No. 7 & 10 for the Arterial, Collector and Storm Master Plan Improvements on May 25, 2011.

**Alternatives:** N/A

**Attachments:** Location Map, Reimbursement Exhibit

**Recommended Motions (and Alternative Motions if expected):**

I move to authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 7 & 10 located at the northwest and southwest corners of Shannon Parkway and County Center.

***Financial Impact***

**Funding Source:**

Account Number: 1241 fund & 1221 fund (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes____ No____	

**Copies of this report have been provided to:**

***Environmental Assessment Status***

**CEQA Review:**

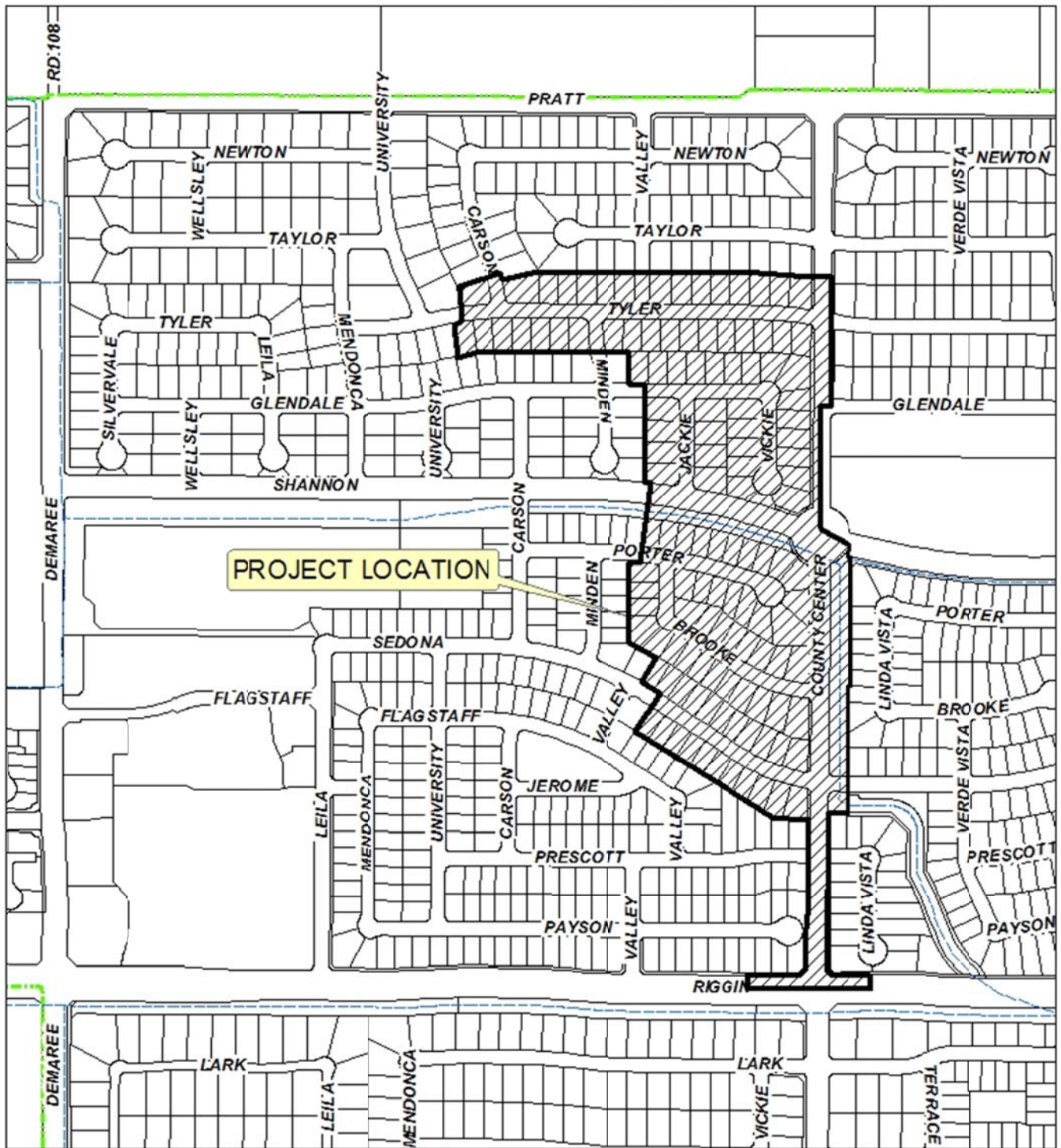
Required? Yes No

Review and Action: Prior:  
Required:

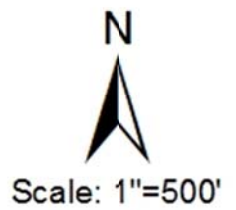
**NEPA Review:**

Required? Yes No

Review and Action: Prior:  
Required:



## Shannon Ranch Units, No. 7 & 10 Location Map



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11i

**Agenda Item Wording:** Authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 8 & 9 located on the north side of Riggini Avenue between Leila Street and County Center.

**Deadline for Action:** N/A

**Submitting Department:** Community Development Department/  
Engineering Division

**Contact Name and Phone Number:**

Adam Ennis, Asst. Community Development Director - 713-4323  
Doug Damko, Senior Civil Engineer - 713-4268  
Chris Young, Community Development Director – 713-4392

**Department Recommendation and Summary:** Staff recommends that City Council authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 8 & 9 located on the north side of Riggini Avenue between Leila Street and County Center.

**Summary:** Council approved recordation of the final map for Shannon Ranch Units No. 8 & 9 on June 20, 2005, which created 96 single family lots. Offsite improvements for Riggini Avenue, an arterial street, were required as part of the executed subdivision agreement. This work included curb, gutter, pavement, street lights and curb returns. The offsite street improvements required are shown in the City Circulation Element and are included in the City Transportation Impact (TIF) Fee Program. For this development, the cost of the offsite street improvements exceeded the TIF fees paid by the development. Based on the TIF program stipulations, the City would reimburse the developer the TIF fees paid for the development of \$434,195 now and the remaining reimbursement of \$291,547 when the funds are available in the TIF fund. Currently the TIF fund is approximately \$4M overextended and is anticipated to be up to \$10M overextended by upcoming reimbursement commitments. A Notice of Completion was authorized by City Council on April 7, 2008.

**Background:** Under Resolution No. 2008-58 (adopted by City Council on December 1, 2008), a development project with a signed subdivision agreement and final parcel map in effect prior to the effective date of said Resolution, shall be grandfathered into the prior Transportation Impact Fee program (established by Council Resolution 2004-117). In accordance with

For action by:

- City Council
- Redev. Agency Bd.
- Cap. Impr. Corp.
- VPFA

For placement on which agenda:

- Work Session
- Closed Session
- Regular Session:
- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head \_\_\_\_\_  
(Initials & date required)

Finance N/A  
City Atty \_\_\_\_\_  
(Initials & date required or N/A)

City Mgr \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City

Resolution No. 2004-117 adopted by City Council on October 18, 2004, the City will reimburse the Developer for improvements made to Circulation Element arterial and collector streets. The TIF program specifies that if the reimbursement for the required arterial and collector street improvements is more than the TIF fees paid by the development the City will reimburse the TIF fees paid by the development and then any remainder would be reimbursed once the funds are available in the TIF fund. The following table summarizes the project's revenues and expenditures related to the development fee program:

<b>Shannon Ranch Units No. 8 &amp; 9</b>			
<b>Development Impact Fee Component</b>	<b>Amount Paid Cash</b>	<b>Amount Paid Credit</b>	<b>Cost Totals</b>
Transportation Impact Fees (TIF)	\$434,195	\$30,550	
Arterial and Collector Right of Way Cost			\$30,550
Arterial and Collector Construction Cost			\$725,742
<b>Cash Reimbursement of TIF Paid:</b>			<b>\$434,195</b>
<b>Future Cash Reimbursement from the 1241 TIF Fund when available:</b>			<b>\$291,547</b>

The reimbursement agreement for Shannon Ranch Units No. 8 & 9 was reviewed by the Development Reimbursement Review Committee (DRRC) on May 25, 2011. The DRRC is comprised of staff from the Community Development and Finance Departments. The DRRC reviewed the reimbursement agreement to ensure that the costs are reasonable (as compared to the City's costs for comparable capital projects) and also compared to a unit construction cost schedule focused on the Visalia construction market.

**Prior Council/Board Actions:** Council authorized recordation of the final map for Shannon Ranch 8 & 9 on June 20, 2005.

Council authorized the filing of a Notice of Completion for Shannon Ranch Units No. 8 & 9 on April 7, 2008

**Committee/Commission Review and Actions:** Tentative Subdivision Map 5392 for Shannon Ranch was approved by Planning Commission on June 3, 2002.

Developer Reimbursement Review Committee reviewed and recommended for approval the reimbursement for public improvements associated with Shannon Ranch Units No. 8 & 9 for the Arterial Improvements on May 25, 2011.

**Alternatives:** N/A

**Attachments:** Location Map, Reimbursement Exhibit



**Recommended Motions (and Alternative Motions if expected):**

I move to authorize the City Manager to execute the Reimbursement Agreement for Shannon Ranch Units No. 8 & 9 located on the north side of Riggins Avenue between Leila Street and County Center.

***Financial Impact***

**Funding Source:**

Account Number: 1241 fund (Call Finance for assistance)

**Budget Recap:**

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes___ No___	

**Copies of this report have been provided to:**

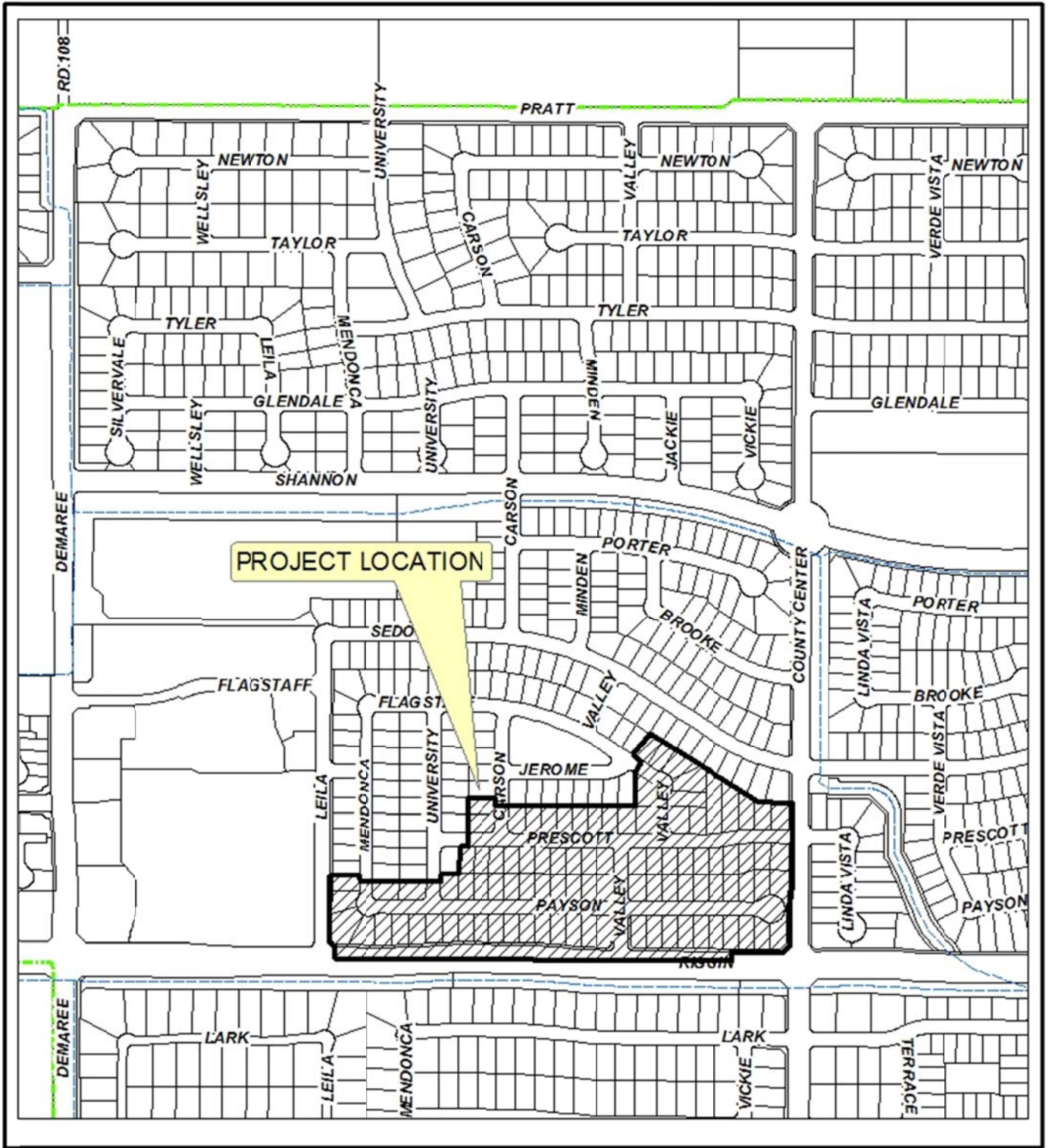
***Environmental Assessment Status***

**CEQA Review:**

Required? Yes No  
Review and Action: Prior:  
Required:

**NEPA Review:**

Required? Yes No  
Review and Action: Prior:  
Required:



## Shannon Ranch Units, No. 8 & 9 Location Map



Scale: 1"=500'

# City of Visalia Agenda Item Transmittal

**Meeting Date:** June 20, 2011

**Agenda Item Number (Assigned by City Clerk):** 11j

**Agenda Item Wording:**

Public hearing for:

1. **Second Reading of Ordinance No. 2011-09;** for Zoning Text Amendment No. 2011-08: Amending Sections 17.02 (Article 2 Administrative Adjustment [17.02.150, through 17.02.180] of the Visalia Municipal Code (Zoning Ordinance), to increase the maximum available adjustment from ten (10) percent to twenty (20) percent for development standards related to building and landscaping setbacks, site area, lot width, building height and parking requirements, and rescind portions of Sections 17.34.120 and 17.30.160 of the Zoning Ordinance pertaining to a twenty (20) percent administrative reduction to parking requirements for properties within portions of Design District "A".

**Deadline for Action:** None.

**Submitting Department:** City Attorney and Community Development Department – Planning Division

**Contact Name and Phone Number:**

Paul Bernal, Senior Planner (559) 713-4025  
Paul Scheibel, AICP, Planning Services Manager, (559) 713-4369  
Alex Peltzer, City Attorney, (559) 636-0200  
Ken Richardson, City Attorney, (559) 636-0200  
Chris Young, Community Development Director/City Engineer (559) 713-4392

**For action by:**

City Council  
 Redev. Agency Bd.  
 Cap. Impr. Corp.  
 VPFA

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

**Finance** \_\_\_\_\_  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

**City Mgr** \_\_\_\_\_  
(Initials Required)

If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

**Department Recommendation:** Staff recommends that the City Council conduct the second reading and adoption of Ordinance No. 2011-09 for Zone Text Amendment No. 2011-08 amending Sections 17.02 (Article 2 Administrative Adjustment [17.02.150, through 17.02.180] of the Visalia Municipal Code, to increase the maximum available adjustment from ten (10) percent to twenty (20) percent for development standards related to building and landscaping setbacks, site area, lot width, building height and parking requirements, and rescind portions of Sections 17.34.120 and 17.30.160 of the Zoning Ordinance pertaining to a twenty (20) percent administrative reduction to parking requirements for properties within portions of Design District "A".

**Background on Zone Text Amendment No. 2010-05:** The City Council held a public hearing on this item on June 6, 2011, and approved the first reading of the ordinance as recommend by the Planning Commission.

If the second reading for Zone Text Amendment No. 2011-08 is approved, this ordinance would amend the Administrative Adjustment process by increasing the flexibility of development standards from ten (10) percent to twenty (20) percent for required development standards, and include "landscaping" and "parking" into the list of development standards applicable to the Administrative Adjustments.

This ordinance would also rescind the twenty (20) percent parking reduction adopted with the Mooney Boulevard Zone Text Amendments (i.e., portions of Sections 17.34.120 and 17.30.160 of the Zoning Ordinance pertaining to a twenty (20) percent administrative reduction to parking requirements for properties within portions of Design District "A"), since it is subsumed within the proposed City wide adjustment. This would eliminate redundancy and potential confusion regarding parking reductions under the amended Administrative Adjustments process and the Mooney Boulevard Zoning Text Amendments.

**Committee/Commission Review and Actions:** The Planning Commission held a public hearing on May 9, 2011, and recommended approval of Zone Text Amendment No. 2011-08 by a 3-1 (Yes, Lane, Peck, Segrue and Soltesz No, Salinas Absent) vote. During the public hearing, no persons spoke to the item.

**Prior Council/Board Actions:** Council introduced the ordinance on June 6, 2011.

**Alternatives:** City Council can choose to not conduct the second reading of the ordinance.

**Attachment:**

- Ordinance No. 2011-09

**Recommended Motion:** I move to conduct the second reading of Ordinance No. 2011-09 for Zone Text Amendment No. 2011-08, Amending Sections 17.02 (Article 2 Administrative Adjustment [17.02.150, through 17.02.180] of the Visalia Municipal Code, and rescind portions of Sections 17.34.120 and 17.30.160 of the Zoning Ordinance.

***Environmental Assessment Status***

**CEQA Review:** An Initial Study and Negative Declaration have been prepared for use with this project, consistent with the California Environmental Quality Act (CEQA). Negative Declaration No. 2011-23 was certified.

**NEPA Review:** None Required

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

ORDINANCE NO. 2011-09

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING ZONING TEXT AMENDMENT NO. 2011-08, A REQUEST BY THE CITY OF VISALIA TO AMEND SECTION 17.02 OF THE VISALIA MUNICIPAL CODE, TO INCREASE THE MAXIMUM AVAILABLE ADJUSTMENT FROM TEN (10) PERCENT TO TWENTY (20) PERCENT AND TO INCLUDE LANDSCAPING SETBACKS AND PARKING INTO THE DEVELOPMENT STANDARDS AND RESCIND PORTIONS OF SECTION 17.30.160 AND SECTION 17.34.120 OF THE VISALIA MUNICIPAL CODE DELETING PROCEDURES TO A 20 PERCENT ADMINISTRATIVE REDUCTION TO THE PARKING REQUIREMENTS FOR PROPERTIES WITHIN PORTIONS OF DESIGN DISTRICT "A"

**WHEREAS**, a Zoning Ordinance Text Amendment request was filed by the City of Visalia, to allow the City Planner or his/her designee to grant up to a 20 percent reduction in the off-street parking space requirements in the Visalia Zoning Ordinance, the specific text being identified in Exhibit A herein; and

**WHEREAS**, the City Council of the City of Visalia finds as follows:

1. That no significant environmental impacts would result from this project, that no mitigation measures would be required, and that the City Council certified Negative Declaration No. 2011-23 by Resolution No. 2011-28.
2. That the City of Visalia considered the Zoning Text Amendment in accordance with Section 17.44.090 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff reports and testimony presented at the public hearing.
3. That the proposed Zoning Text Amendment is consistent with the goals, objectives and policies of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
4. That the proposed amendment is consistent with the objectives, purpose and intent of Zoning Ordinance Section 17.02.020 by fostering a workable relationship among land uses, promoting the stability of existing land uses which conform to the district in which they occur, promoting a safe, effective traffic circulation system, and requiring adequate off-street parking and truck loading facilities;
5. That the amendment will encourage and facilitate in-fill development and building reuse and expansion citywide by providing an administrative procedure to more flexibly enforce certain development standards identified in the Administrative Adjustments ordinance.

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on June 6, 2011.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:**

**Section 1:** On May 9, 2011, the Planning Commission recommended that the City Council of the City of Visalia approve Zoning Text Amendment No. 2011-08.

**Section 2:** Consistent with its control over municipal affairs and the powers vested in the City of Visalia through the California Constitution, the City of Visalia is authorized to secure and promote the public health, comfort, safety and welfare of its citizenry. Therefore, the City Council of the City of Visalia hereby amends the Zoning Ordinance "Title 17" of the Municipal Code as provided in the following Sections.

**Section 3:** Section 17.02.160.B of the Visalia Municipal Code is hereby amended to read as follows (*italics denote the new provisions, and strike-out deletions*):

B. Upon written request, the city planner may approve, conditionally approve or deny without notice minor adjustments to the following development standards; *building and landscaping setbacks, site area, lot width, building height, parking.*

**Section 4:** Section 17.02.160.C of the Visalia Municipal Code is hereby amended to read as follows (*italics denote the new provisions, and strike-out deletions*):

C. Any administrative adjustment shall be limited to no more than ~~(ten)~~ *twenty* percent of a required development standard. In making the adjustment, the city planner shall make a finding that the adjustment is consistent with the criteria listed in Section 17.02.170. With respect to adjustments to building setbacks and building height, the adjustment shall also be approved by the fire chief and director of public works or his/her designee prior to granting said administrative adjustment. (Ord. 9605 § 30 (part), 1996: prior code § 7213.2)

**Section 5:** Section 17.30.160.C of the Visalia Municipal Code is hereby amended to read as follows (*strike-out denote deletions*):

C. Parking as prescribed in Chapter 17.34. ~~*New uses within existing buildings or expansions of existing buildings located within the portion of Design district A that runs along Mooney Blvd. from Noble Ave. to Visalia Parkway and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design District A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue, may be eligible for an administrative parking reduction per Section 17.34.120.*~~

**Section 6:** Section 17.34.120.A.1-6 of the Visalia Municipal Code is hereby amended to read as follows (*strike-out denote deletions*):

~~*A. New uses locating in existing buildings or in an expansion of existing buildings shall not be prohibited because of a lack of off-street parking spaces if all the following requirements are met:*~~

~~*1. The use is located within the portion of Design District A that runs along Mooney Blvd. from Noble Ave. to Visalia Parkway and along Caldwell Avenue from Sallee Street to Packwood Creek, including where Design District A is located on both sides of Fairway Street, Monte Vista Avenue, Sunnyside Avenue, and Dorothea Avenue.*~~

~~*2. The use is located in an existing building or shopping center that previously contained a use for which adequate parking was required on site; or the use is located in a building or shopping center that is being expanded from its original size, and the expansion results in the use not providing the required number of spaces.*~~

~~*3. The number of off-street parking spaces provided is more than the required number of off-street parking spaces multiplied by 80% (provided spaces > required spaces x 80%).*~~

~~*4. The design of the parking area meets existing improvement standards as determined by the Site Plan Review Committee.*~~

~~*5. The required amount of handicapped accessible parking spaces is provided. The required amount of handicapped spaces shall be calculated based upon the standard required amount of parking before reduction.*~~

~~*6. An acknowledgement has been filed in a form acceptable to the city planner stating that the property owner accepts and desires the reduced on-site parking standards. Where a use's parking space requirement is calculated as part of a shopping*~~

~~center per Section 17.34.020(F)(14) and/or where there is an existing shared parking agreement in effect all property owners within the shopping center or subject to the shared parking agreement shall also first agree to the reduced parking standard.~~

**Section 7: Severability.** If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivision, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

**Section 8: Construction.** The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

**Section 9: Effective Date.** This Ordinance shall take effect thirty days after its adoption.

**Section 10: Certification.** The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.