

# Regular Meeting Agenda

## Visalia City Council



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

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Monday, August 15, 2011



City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

Work Session 4:00 p.m.; Closed Session 6:00 p.m. (or immediately following Work Session)

Regular Session 7:00 p.m.

**4:00 p.m.**

### **BADGE PINNING CEREMONY AND INTRODUCTION OF NEW EMPLOYEE**

Janie Ortiz, Police Officer

**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)**

4:05 p.m.

1. Visalia Police Department 2011 Update of Gang Related Violence and Current Gang Suppression Efforts/Activities.

4:20 p.m.

2. Information Services technology update

4:40 p.m.

3. Request Council approval for staff to organize a public meeting informing residents who are not in the FEMA Preferred Rate Program about private flood insurance availability (to provide information and answer questions) and to update Council on FEMA related issues.

*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)**

4. Conference with Real Property Negotiator (G.C. 54956.8)  
Property : Six parcels with approximately 93.5 acres north of Mineral King and west of Road 152 (APNS 103-510-002, 103-510-003, 103,510-007, 103-510-008, 103-510-009, and a portion of 103-110-021  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Steve Salomon, Alex Peltzer, Kim Loeb, Brian Blain
5. Conference with Real Property Negotiator (G.C. 54956.8)  
Property: Portion of APN 093-202-002 (NE corner of Stevenson St. and Mineral King Ave.)  
Under Negotiation: Authority to negotiate price, terms and conditions  
Negotiating parties: Steve Salomon, Michael Olmos, Vince Elizondo, Dun Hutton for Rotary Respite House Organizing Team
6. Conference with Real Property Negotiator (G.C. 54956.8)  
Property : Portion of APN: APN 08-020-076  
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms, and conditions of potential purchase  
Negotiating parties for Landowners: Old Towne Condominiums and its representatives Robert Mochizuki, Lisa Mochizuki, Jeff Levinson, and Harvey May  
Negotiating Parties for City: Steve Salomon, Adam Ennis, Fred Lampe, Alex M. Peltzer, James Koontz
7. Conference with Real Property Negotiator (G.C. 54956.8)  
Property: Portions of APNS 0897-010-038 & 071  
Under Negotiation: Authority to negotiate price, terms and conditions of purchase  
Negotiating parties for City: Steve Salomon, Alex Peltzer, Mark Nelson,  
Negotiating Parties for Property Owners: Sierra Village, Inc.
- 7a. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of Section 54956.9)  
Name of Case: McGee v. City of Visalia, TCSC# 10-237119

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

**PLEDGE OF ALLEGIANCE**

**INVOCATION** – Bishop Michael Hagman, Church of Jesus Christ of Latter Day Saints

**SPECIAL PRESENTATIONS/RECOGNITION**

Recognition of Police K9 “Timber”

**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.*

8. **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. Appointment of Dolores Taylor to the Transit Advisory Committee
  - c. Adoption of “Connecting the Dots: A Proactive Approach to Addressing Homelessness” Kings/Tulare Counties Continuum of Care on Homelessness 10-year Plan. **Resolution 2011-46 required.**
  - d. Award Contract for Landscape Maintenance of Various Street Medians and Roadsides to Westscapes, Incorporated per specifications of RFB 10-11-76.
  - e. Authorization to file a Notice of Completion for work contracted with KRC-HTL Corporation dba Formost Construction Company for the 18-hole irrigation replacement project at Valley Oaks Golf Course located at 1800 South Plaza Drive, Visalia. Project No. 4211-00000-720000-0-8064 for a final contract amount of \$937,125.25.
  - f. Acceptance of a portion of a 20-acre City owned property into the public street system for McAuliff Street, Mill Creek Parkway, Race Avenue and Douglas Avenue. (APN 103-320-011). **Resolution 2011-47 required.**
  - g. Accept a \$15,000 donation from the Putignano Sister City Committee towards the renovation of the rock roof of the Trulli Building in Memorial Park.
  - h. Award contract for the purchase of one Vac-Con Model V312LHAE-0/1000 Combination Sewer and Storm drain cleaner truck to Vac-Con Inc. of Green Cove Springs, Florida in the amount of \$377,402.74 for the Wastewater Collections Division.
  - i. Approve reappointment of Adam Peck to serve on the Planning Commission for a 2-year term ending June 2013.
  - j. Authorize the Amendment of Landscape and Lighting Assessment District No. 04-05, “Sierra Point Villas” to reduce the number of lots from 48 to 43. **Resolutions 2011-48 and 2011-49 required.**
  - k. Authorize the Amendment of Landscape and Lighting District No. 08-05 “Orchard Walk East” to increase the lots from 6 to 10. **Resolutions 2011-50 and 2011-51 required.**

- l. Authorize the Amendment of Landscape and Lighting Assessment District No. 96-01 “Sequoia Glen” to add four new lots and eliminate 6 lots for a net reduction from 196 to 194 lots. **Resolutions 2011-52 and 2011-53 required.**
- m. Approval of a construction change order for the “Walnut Avenue Street Widening Project to Witbro Inc., (Seal Rite Paving) in the amount of \$420,000.
- n. Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E6933, a competitively bid, cooperative agreement at an annual cost of \$27,851.58 for five years. Compucom will be designated as the reseller for this agreement.
- o. Appoint Council Member Nelsen as an alternate member to TCAG (Tulare County Association of Governments).
- p. Authorization to submit a grant application in the amount of \$200,000 to the California Department of Transportation to fund the operations of the Sequoia Shuttle service and approve funds to be appropriated when grant is awarded. **Resolution 2011-56 required.**
- q. Approve Appointments of Bob Grieb, William Martin and Georgina Valencia to the Historic Preservation Advisory Committee.
- r. Authorize the Amendment of Landscape and Lighting Assessment District No. 03-18 “Oakwest No. 5” to add riparian landscaping already approved by District property owners. **Resolutions 2011-57 and 2011-58 required.**
- s. Authorize the Amendment of Landscape and Lighting District No. 06-10 “American Industrial West” to reduce the number of lots from 46 to 44. **Resolutions 2011-59 and 2011-60 required.**
- t. Award a construction contract and authorize the City Manager to execute an agreement for RFB 10-11-66, Creekside Park and Storm Basin Improvements in the amount of \$1,713,400 to the low bidder, Construction Development Systems (CDS) of Fresno, and authorize an additional appropriation of \$187,300 from the Storm Sewer Construction Fund (1221) and \$152,700 from the Park & Recreational Facilities Fund (1211) for the project.
- u. Request authorization to file a Notice of Completion for project No. 3011-00000-720000-0-8190, the Transit Center expansion located at 404 E. Center Street.
- v. Authorization to develop alternative options and designs for the existing BMX racing area (1.8 acres) at Riverway Sports Park as recommended by the Parks and Recreation Commission.
- w. Authorize the Mayor to send letters to support legislative initiatives at the State and Federal level that eliminate sales tax exemptions for on-line retailers.
- x. Receive Plaza Drive Widening (Airport Drive to Goshen Avenue) and 198 Interchange Improvements Project update and approve request for architectural review process.

**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.*

9. **HEARING** - A hearing to consider and adopt a Resolution of Necessity on a portion of the following property: APN: 081-020-076 (located next to the offramp from Highway 198 East to Plaza Drive - no current address). **Resolution 2011-61 required.**
  
10. **PUBLIC HEARING - for property located at 1700 W. Caldwell Avenue (APN: 122-290-025)**
  - a. Certification of Negative Declaration No. 2011-43. **Resolution 2011-54 required.**
  - b. General Plan Amendment No. 2011-10: A request by Hadley-Marcom Funeral Chapel to change the General Plan land use designation from Regional Retail to Professional/ Administrative Office. **Resolution 2011-55 required.**
  - c. Change of Zone No. 2011-11: A request by Hadley-Marcom Funeral Chapel to change the Zoning from Planned Regional Retail (CR) to Planned Professional/ Administrative Office (PA). **1<sup>st</sup> reading of Ordinance 2011-12 required.**
  
11. First reading of Ordinance to comply with the Voluntary Alternative Redevelopment Program pursuant to Part 1.9 of Division 24 of the California Health and Safety Code, as provided in AB 1x27n in order to permit the continued existence and operation of the Redevelopment Agency of the City of Visalia under threat of dissolution. **1<sup>st</sup> reading of Ordinance 2011--13 required.** (*Requires 4/5 votes to approve*)
  
12. Recommendations regarding appointments to the Election Process Task Force. (*Written materials, if any, will be distributed as soon as they are available*)

**CLOSED SESSION REPORT (if any)**

**Upcoming Council Meetings**

- Tuesday, September 6, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - Visalia Convention Center, 303 E. Acequia
- Monday, September 19, 2011, 4:00 Work Session, 7:00 p.m. Regular Session - City Hall Council Chambers 707 W. Acequia
- Monday, October 3, 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:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 1

**Agenda Item Wording:** Visalia Police Department 2011 Update of Gang Related Violence and Current Gang Suppression Efforts/Activities.

**Deadline for Action:** August 15, 2011

**Submitting Department:** Police

**Contact Name and Phone Number:** Chief Colleen Mestas, 713-4215; Captain Rick Haskill, 713-4205; Lieutenant Jeff McIntosh, 713-4825

**Department Recommendation:** The Police Department recommends that City Council accept the Police Department's 2011 update on current gang related violence and gang suppression efforts/activities.

**Summary/background:** The following provides an overview of the Police Department's ongoing efforts and strategies currently utilized as it relates to gang violence, suppression, intervention and prevention.

The Police Department continues to subscribe to a strategy of gang suppression, intervention & prevention as a necessary comprehensive community approach to addressing the issue of gangs in Visalia. This multi-faceted approach is a nationally recognized model through the Office of Juvenile Justice and Delinquency Prevention (OJJDP) and has been employed by Visalia's Multi-Agency Gang Intervention Task Force since its inception in 2006.

With regards to gangs, the primary role of the Visalia Police Department is to provide gang suppression services that disrupt gang activities and prevent gang violence. The Department also works with its community stakeholders via the Multi-Agency Gang Intervention Task Force to steer gang intervention/ prevention efforts and to provide the necessary support for our partners to accomplish their objectives.

**Gang Related Violence**

The Police Department has identified three crimes that are evaluated as a means of tracking gang-related violence in the City of Visalia. Those crimes are: 187 PC (Murder); 245 PC (Assault w/ a Deadly Weapon); and 246 PC (Shooting at an Inhabited Dwelling). Reports that are associated to these penal codes are evaluated for gang motives by the Gang Suppression Unit and used to track gang related violence trends. The process of tracking gang crimes in this manner began in 2007, which is used as the baseline year for statistical purposes.

**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.): 15

**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 following charts represent a six-month comparison of gang-related violent crimes in the City of Visalia for the months of January to July 2010 and January to July 2011.

2010 Gang Violence Stats	1st Quarter			2nd Quarter		
	January	February	March	April	May	June
<b>187 PC (Gang Homicide):</b>	2	0	1	0	1	0
<b>245 PC (Gang ADW):</b>	6	6	4	8	6	9
<b>246 PC (Gang Drive-By):</b>	2	1	2	4	3	5

2011 Gang Violence Stats	1st Quarter			2nd Quarter		
	January	February	March	April	May	June
<b>187 PC (Gang Homicide):</b>	1	0	0	0	0	1
<b>245 PC (Gang ADW):</b>	4	0	0	3	4	3
<b>246 PC (Gang Drive-By):</b>	2	1	0	1	3	1

For the first six months of 2011, Gang violence has shown a decrease of 60% in the categories tracked by the Special Enforcement Bureau. It is believed this decrease began with Operation Street Sweeper in 2010 and the continued focused efforts of the Gang Suppression Unit. Perseverance and resolve are critical to continued progress in gang violence suppression efforts.

### Gang Suppression

The Department's Special Enforcement Bureau is responsible for activities related to gang suppression. The Gang Suppression and Narcotic Units engage in directed enforcement measures targeting active gang members and conduct investigations in order to impact gang activities and operations. These activities include saturation patrols, probation & parole compliance checks, gang field contacts, narcotics investigations, search warrants, etc. Gang suppression activities are conducted to proactively disrupt criminal street gang activities and to take measures aimed at reducing gang violence. The Gang Suppression Unit also responds to gang violence in a reactive manner to minimize the opportunity for retaliation and assist violent crimes detectives in their investigations.

The Gang Suppression Unit is actively involved in the ongoing gang suppression efforts of the Tulare County Gang Suppression Task Force (TCGSTF). The TCGSTF holds quarterly meetings that provide a forum for county gang officers to share information related to ongoing investigations and the activities of various gangs in Tulare County. Additionally, these meetings serve as a training opportunity on recent court cases, case law, etc., by the District Attorney's Office for the gang expert officers of the involved law enforcement agencies. The Gang Suppression Unit also began hosting monthly Gang Investigator meetings which are attended by investigators from the tri-county area. Gang intelligence and information is shared, and these meetings have proven to be a useful tool.

Since the beginning of 2011, the TCGSTF has coordinated (14) multi-agency gang suppression details throughout Tulare County. These details consist of probation/parole searches and saturation patrol. At this time, officers have conducted a total of 70 probation searches and 85 parole searches on known gang offenders. Officers have also made 30 felony arrests, 35 misdemeanor arrests, and 70 vehicle stops.

The Special Enforcement Bureau also works closely on a regular basis with Code Enforcement to address nuisance residences and to provide assistance on gang/narcotic investigations and search warrant services.

As the next step in addressing gang violence, the Department is joining forces with other local and state agencies by forming a task force. **TARGET (Tulare County Agencies Regional Gang Enforcement Team)** will include California Bureau of Narcotics Enforcement, California Department of Firearms, Visalia Police Department, Tulare County Sheriff's Office, Tulare Police Department, Porterville Police Department, California Highway Patrol, and California Department of Corrections. Participating agencies will focus their efforts towards the suppression of organized street gang activities occurring in Tulare County. The Task Force will utilize major investigative techniques which include the use of informants, undercover personnel, search warrants, visual surveillance and electronic surveillance. As a result of budget cuts received to the State's Division of Law Enforcement, the Attorney General has decided to freeze the formation of the Task Force at this time.

### **Gang Intervention / Prevention**

The Multi-Agency Gang Intervention Task Force (MAGITF), which is a City-focused task force co-chaired by the Visalia Police Department and the Visalia Unified School District, meets monthly to coordinate gang prevention/intervention resources within the City. The faith-based and non-profit organizations are also a key component of this task force.

On April 27, 2010, this task force met at the administrative offices of the Visalia Unified School District for a facilitated strategic planning session. This process identified (5) core strategic objectives and organizational goals to steer the task force into the future. These core strategic goals are as follows:

- 1) Clearly educate and develop a programmatic approach for services and activities.
- 2) Effectively coordinate activity between prevention, intervention and suppression prongs.
- 3) Communication of message.
- 4) Create an organization that inspires our community leadership to be involved.
- 5) Ensure the financial health of the Visalia Gang Task Force programs and services.

Based on these core strategic goals, the task force will work on establishing sub-committees, from existing task force participants, based upon their primary role of either suppression, intervention, and prevention to achieve a more efficient and effective organization.

The Police Department remains involved in intervention & Prevention activities through its Youth Service Officers based at local high schools and through the Police Activities League (PAL).

The Department's Police Activities League (PAL) is currently working with 190 Visalia youth. PAL is a key contributor to gang intervention/prevention through its work with Visalia youth promoting positive police/community relationships and activities aimed at developing discipline, positive self-image, mutual trust and respect in our youth.

The Police Department's Youth Services Officers assigned to the five high schools are also key players in the Department's gang strategy. Youth Service Officers serve dual roles on the campuses that they serve. YSOs interact with students on their campuses in order to foster positive relations between students and police.

### **Conclusion**

The Police Department remains committed to its fight against gangs in our community and its efforts to suppress gang violence and gang activity. The Department also recognizes that gangs are not solely a law enforcement challenge and, therefore, embraces its community partnerships in an effort to fight gangs on all fronts. The efforts of the Visalia Multi-Agency Gang Intervention Task Force, the Tulare County



Gang Prevention Task Force, and involved community members are just as critical to removing the threat of gangs as the Department's suppression efforts.

**Prior Council/Board Actions:**

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

**Alternatives:**

**Attachments:** Power Point Presentation

**Recommended Motion (and Alternative Motions if expected):** I move to accept the Police Department's update on efforts to reduce gang violence and gang activity in Visalia, support ongoing suppression efforts, and to support the intervention/prevention efforts of the Multi-Agency Gang Intervention Task Force.

*Environmental Assessment Status*

**CEQA Review:** N/A

**NEPA Review:** N/A

**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:

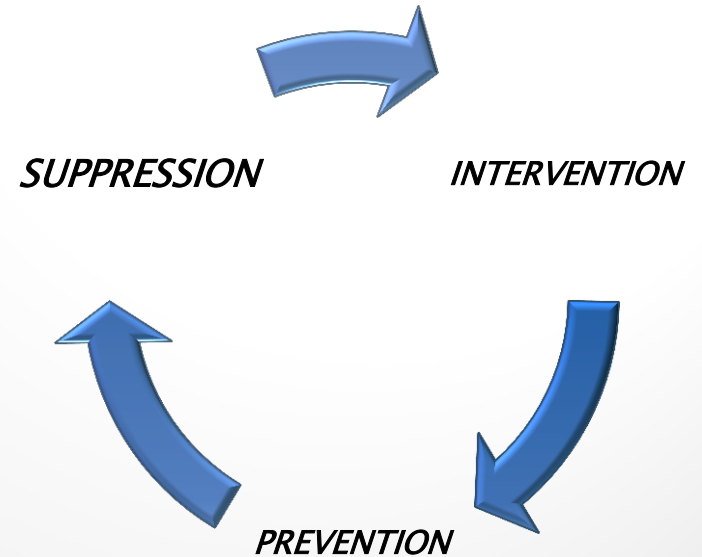
# SPECIAL ENFORCEMENT BUREAU 2011 UPDATE



VISALIA POLICE DEPARTMENT

# MULTI-AGENCY EFFORT

- VPD
  - Special Enforcement Bureau, Patrol Bureau & Investigations Bureau
- Tulare Co Gang Task Force
  - Visalia PD, TCSO, Probation, Tulare PD, Porterville PD, DA's Office, Woodlake PD, Lindsay PD, CHP, Farmersville PD, Exeter PD, Dinuba PD & Parole
- Multi-Agency Gang Intervention Task Force
  - Educational Entities, Law Enforcement, Community Based Organizations, & Faith Based Organizations



# ONGOING PREVENTION/ INTERVENTION STRATEGIES



- L.O.O.P.
- Multi-Agency Gang Intervention Task Force
- Presence of YSOs at Community Centers

# ENFORCEMENT STRATEGIES

- Directed / Focused approach to gangs
- Narcotics Investigations
- Probation / Parole Searches

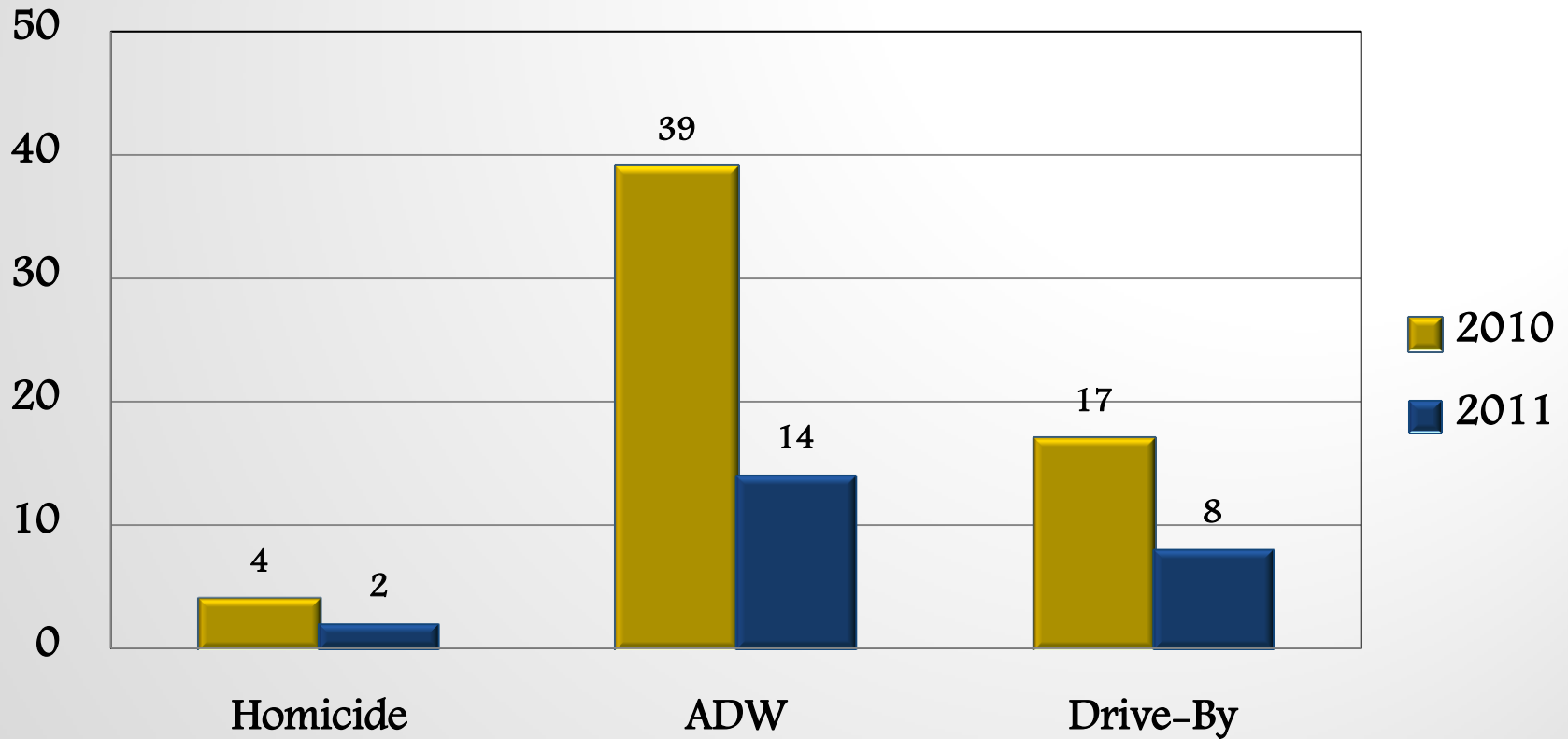


- Warrant Details
- Improved Intelligence
- Gang Injunctions

# GANG RELATED VIOLENCE

January – June 2010 / 2011

## Gang Violence Stats



# SUPPRESSION

- Gang Sweeps are effective, short-term.
- A sustained, long-term effort will require more directed & focused means.



# TARGET

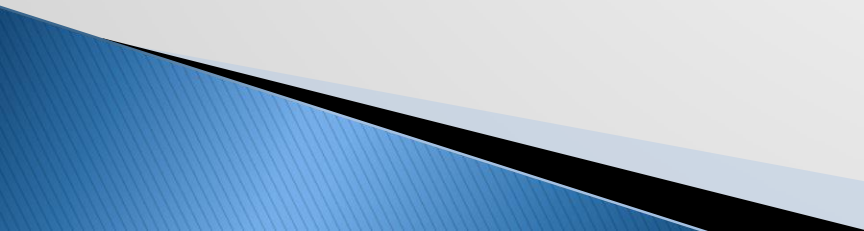
## Tulare County Agencies Regional Gang Enforcement Team





# TARGET – cont.

Participating State & local agencies include:

- California Bureau of Narcotics Enforcement
  - California Bureau of Firearms
  - California Department of Corrections
  - California Highway Patrol
    - Visalia Police Department
    - Tulare County Sheriff's Office
    - Tulare Police Department
    - Porterville Police Department
- 

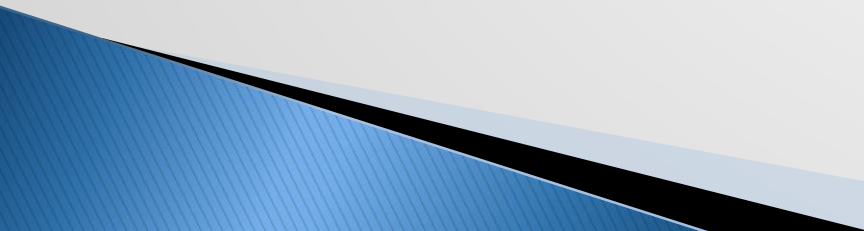
# TARGET'S MISSION

- Suppress & deter gang activity & violent crime through:
  - Vertical Prosecution
  - Collection/Dissemination of criminal intelligence
- Utilize major investigative techniques which include:
  - Use of Informants
  - Undercover Personnel
  - Search Warrants
  - Visual Surveillance
  - Electronic Surveillance

# SPECIAL ENFORCEMENT BUREAU RESTRUCTURE



# ADVANTAGES OF RESTRUCTURE

- Enhanced inter-departmental communication
  - Flexibility in deployment
  - Increased sharing of resources
  - Directed & focused suppression efforts
  - Housed in one facility
- 



# VISALIA POLICE DEPARTMENT

- Remains committed to its fight against gangs & its efforts to suppress gang violence & activity.
- Recognizes that gangs are not solely a law enforcement challenge.
- Embraces its community partnerships in an effort to fight gangs on all fronts.

**QUESTIONS?**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

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

**Agenda Item Wording:** Report on Information Services activities

**Deadline for Action:** None

**Submitting Department:** Administrative Services

**Contact Name and Phone Number:** Michael Allen, x4515

**Department Recommendation:** That the City Council receive the Information Services Annual Report

**Summary/background:**

Information Services is a small part of the City's budget. However, technology is heavily embedded in all that the City does. The attached PowerPoint presentation reviews the current status of Visalia's technology efforts and some of the most recent accomplishments. The purpose of the "Information Technology Update" is to educate and familiarize Council with the strategic reliance the City of Visalia places on technology.

This "Information Technology Update" will provide Council with a brief introduction of the Information Services (IS or IT) division, how IT functions for the City, an overview of the City of Visalia technology use, strategic directions within IT, and a review of recently completed projects.

This is an informational only presentation.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** PowerPoint presentation.

**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.):\_20\_\_

**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):** Accept Information Services status report.

***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 Information Technology Update

August 15, 2011

# Agenda – How does Information Technology (IT) affect the City?

- IT as a Utility
- The IT Division
- The Numbers Behind IT
- Applications & Support Areas
- Strategic Directions
  - Equipment Replacement & Standardization
  - Virtualization
  - Outsourcing / “Cloud” Computing / Right-sourcing
  - Recent Projects
- Summary



# IT as a Utility

- Information Technology is a utility with many of the characteristics of an electric or water utility:
  - IT is always on
  - Always available (24 x 7, 365 days)
  - Part of daily life
  - Essential for most staff
  - Essential to provide citizen services
  - Recognition only when there is an outage
  - IT is usually invisible



# The IT Division

- Division within Administrative Services
- Internal Service fund
  - Funds most hardware replacements
  - Funds some software replacements
- Staff located in City Hall East;
- Except one member in Police HQ
- Provides computer and communication services to all city functions in all city locations, including mobile users

# The Numbers Behind IT

\$1.7 mm Operating, \$0.7 mm capital

City's total budget exceeds \$100 mm a year

- Operating budget  
2011/12      - \$1.7M
  - Salary / Benefits - 770K
  - Depreciation - 300K
  - Hardware Maintenance - 130K
  - Software Maintenance - 250K
  - Allocations - 165K
  - Everything Else - 85K
- Capital budget  
2011/12      - \$651K
  - Network Equipment - 381K
  - Telephones - 180K
  - Miscellaneous Equipment - 90K
- Almost 80% of IT expense is General Fund related
- Every city service is dependent on IT
- Seven (7) staff members total



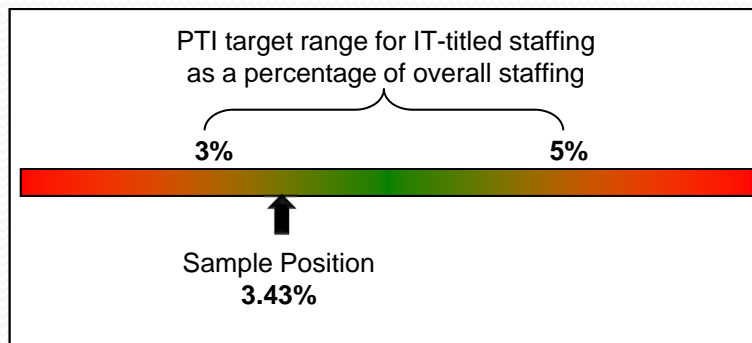
# The Numbers Behind IT (cont.)

- 1700 help desk service requests annually
- About 230 requests are queued  
(waiting to be fixed - five years ago, this number was < 50)
- 80% of IT staff time is spent maintaining existing systems
- Complete 20 to 25 major projects annually
- Support 30 facilities throughout the city
- Support 675 desktop or mobile computers

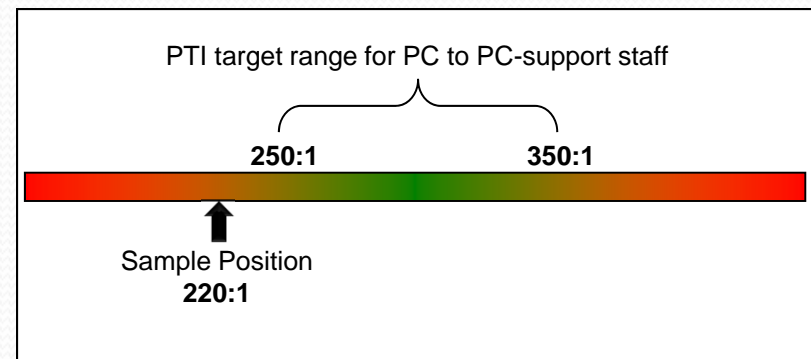
# The Numbers Behind IT (cont.)

Performance Measures – By most standards, Visalia is a lean operation

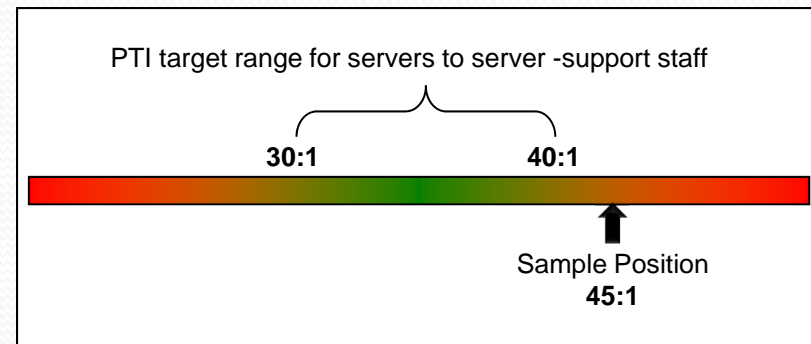
## Number of IT Staff



## PC Support



## Server Support



October 2008,  
Courtesy of Pacific Technologies, Inc.

# The Numbers Behind IT (cont.)

Performance Measures – Merced does not want to include Visalia in its City staffing comparisons

City of Merced's IT Strategic Plan Executive Summary:

“Merced’s overall IT staffing level is slightly below average relative to IT organizations in similar municipalities. The City’s IT staff represent approximately 1.5% of total staff, while our external survey results show that the average ratio of IT staff to total staff is approximately 1.6%.

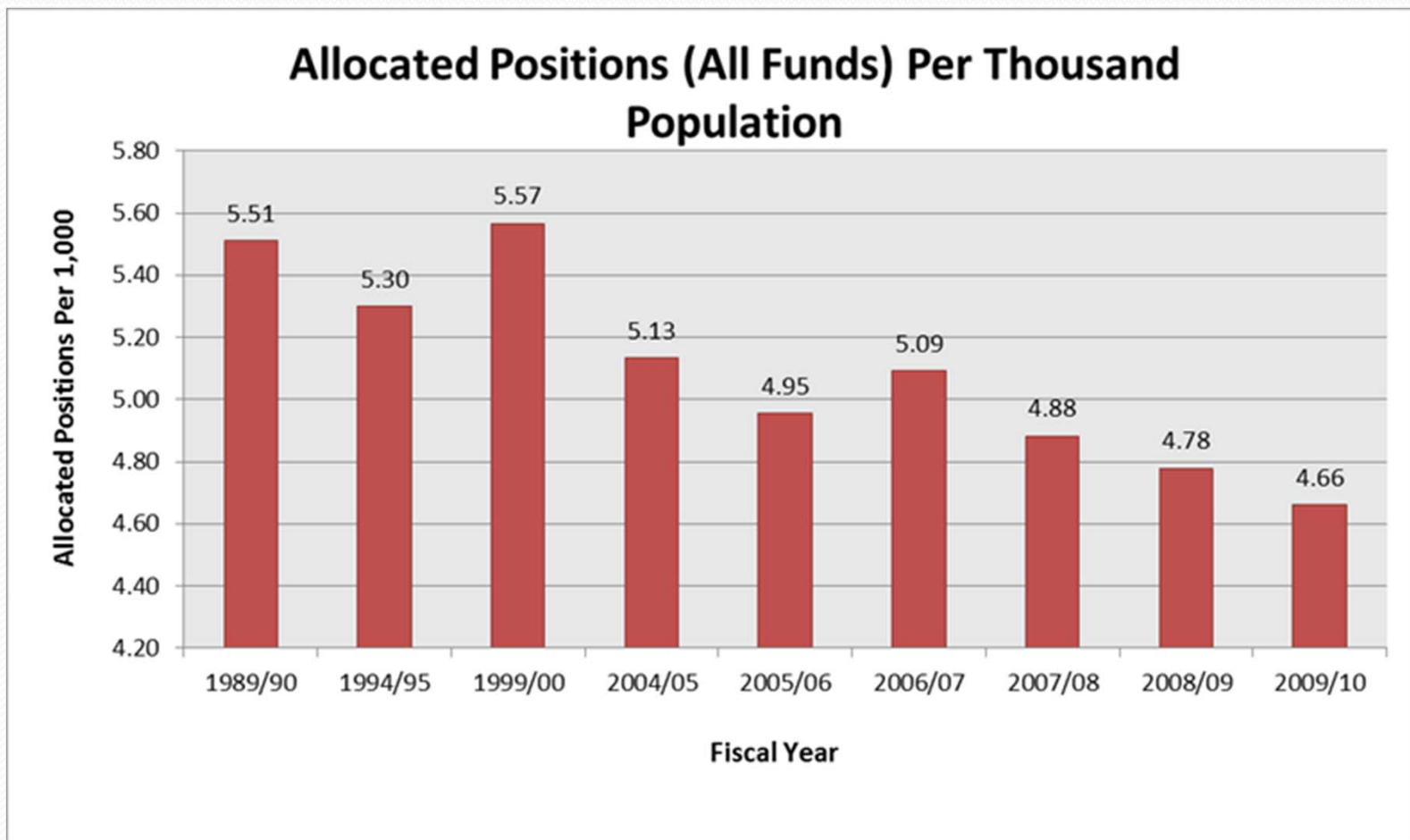
On the surface, this comparison suggests that relative to its peers, Merced is adequately staffed. However, it should be noted that the City of Visalia, which is unusually sparsely staffed at .85% of total staff, lowers the overall average by approximately .1% .”

February 2003,  
Courtesy of Pacific Technologies, Inc.



# The Numbers Behind IT (cont.)

Performance Measures – Although number of City employees decline, IT makes up for some of loss



# Application & Support Areas – IT supports MANY programs

- Finance
- Traffic signals
- Telephones
- GIS
- Voicemail
- Cellular phones
- Radios
- Websites
- Class registration
- Event scheduling
- Email
- Smartphones
- Evidence tracking
- Fleet management
- Utility billing
- Police records
- Fire records
- Police evidence
- DOJ services
- Timekeeping
- Job application
- Work orders
- Vehicle tracking
- Access controls
- Imaging
- Records management
- Agenda management
- Hundreds of distinct applications!



# Strategic Directions

- Equipment Replacement & Standardization
  - Self-funding replacement process – Internal Service Fund
  - Standard hardware & software simplifies support issues
  - City provides proper tools for city IT staff
- Virtualization
  - Common pool of disk storage on Storage Area Network (SAN) – Fewer Disk Storage Devices
  - Common pool of server resources with virtual servers - Fewer total servers
  - Flexibility, scalability, cost efficiency and speed when provisioning resources – leverage work efforts



# Strategic Directions (cont.)

- Outsourcing / “Cloud” Computing / Right-sourcing
  - Allows City to do more with fewer staff
    - Copier maintenance
    - Printer maintenance
    - Credit card processing
    - Online permitting
    - Email / antispam
    - Utility billing
    - County services
    - Online job applications
    - Vehicle location applications
    - Cabling
    - Hardware maintenance
    - Dept of Justice applications
    - Exeter A/P processing



# Strategic Directions (cont.)

- Recent Projects (2010/11)
  - Voicemail replacement – improved service
  - Intranet system replacement – expanded capacity
  - Transit video systems – added capability
  - Franchise Tax Board / Business Tax data sharing – interfaced with State
  - Fire 56 wireless communications – Overcame communication errors & State timelines
  - PC replacement – Over 500 units replaced
  - Windows 7 / Office 2010 replacement – Improved software
  - Printer replacement – Improved reliability, eliminated printers by using copiers



# Strategic Directions (cont.)

- Recent Projects (2010/11)
  - MDT (mobile computer) replacements – improved reliability
  - Valley Oak SPCA video cameras – new capability
  - Transit free wireless – new capability
  - Radio repeater moves from Fire 52 to PD District 2 – improved reliability & coverage
  - City Hall East backup generator for computer room – improved reliability



# Summary

- A few people support a lot of people
- Systems enable employees to be more productive
- Systems are good and strategies have kept the City's return on investment high
- IT groups works very hard to achieve many goals
- Questions...

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 3

**Agenda Item Wording:** Request Council approval for staff to organize a public meeting informing residents not in the FEMA Preferred Rate Program about private flood insurance availability (to provide information and answer questions) and to update Council on FEMA related issues.

**Deadline for Action:** none

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

**Contact Name and Phone Number:**

Jason Huckleberry, Engineering Services Manager, 713-4259  
Chris Young, Community Development Director, 713-4392

**Department Recommendation:** Staff recommends that the City Council approve staff to organize a public meeting informing residents not in the FEMA Preferred Rate Program about private flood insurance availability (to provide information and answer questions) and that Council accept this update on FEMA related issues.

**Summary – FEMA’s NFIP Related Issues**

Following the direction of the City Council, City staff continues to work aggressively toward minimizing the financial impacts of FEMA’s new Flood Insurance Rate Maps on our residents. Staff continues to work with our consultants, lobbyist, and FEMA itself on a number of fronts including:

- 1) Private Flood Insurance Option – Authorization to Hold a Public Meeting
- 2) FEMA’s new approach to analyzing levees
- 3) Federal legislation pertaining to the National Flood Insurance Program (NFIP)
- 4) FEMA’s Community Rating System (CRS) Program
- 5) City consultant’s work related to the Flood Insurance Rate Maps (FIRMs)
- 6) Assisting residents with FEMA – NFIP related issues
- 7) Grants for Flood Mitigation Projects

**1) Private Flood Insurance Option**

Staff is requesting that Council authorize a public meeting where staff and local insurance representatives from agencies providing private flood policies (Central Valley Insurance Agency, Sharp Insurance, Chavez Insurance, and the provider WNC First Insurance) can inform residents about private flood insurance options. Staff has recently researched private flood insurance

**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.): 15

**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.



availability and found that in some cases residents in the flood zone could benefit from this option now and most could benefit in the near future.

Visalia homes recently mapped into the high risk flood zone (approx. 8,900 properties) are eligible for FEMA's extended Preferred Risk Policy (PRP) program. This program provides two additional years of PRP coverage at an approximate annual premium of \$375. During this two year period, FEMA's PRP is less expensive than a private flood insurance policy (assuming a successful elevation certificate is not available).

Visalia homes that were previously in the high risk flood zone and continue to be designated high risk with the map revision of 2009 (approx. 3,700 properties) are not eligible for FEMA's PRP extension program. These homes could take advantage of the lower premiums associated with private flood insurance policies immediately. In addition, in 2013 the PRP extension expires and policies must be converted to standard flood policies at an anticipated annual premium of \$900. At this point the private flood insurance policy becomes cost effective and a much more attractive flood policy.

### **Background – Private Flood Insurance Option**

The National Flood Insurance Program's (NFIP) "Mandatory Purchase of Flood Insurance Guideline" specifies private flood insurance as an option to homeowners, provided that the private flood insurance policy meets all criteria as established by FEMA.

Currently, there are several agencies in the City of Visalia providing private flood insurance policies for homeowners. Central Valley Insurance Agency, Sharp Insurance, and Chavez Insurance have advertised that they are providing private flood insurance policies for Visalia properties. All of these agencies are utilizing the same provider, WNC First Insurance. Based upon the perceived limited or reduced risk associated with flooding in the City of Visalia, the private flood insurance providers are providing actuarial rate policies (also called "right priced" policies) priced substantially below those of the NFIP. In comparison, the NFIP policies are based upon flood hazard risks across the country and homeowners in Visalia will pay the same flood insurance premiums as homeowners living in the most flood prone areas of our country. Information obtained from a local agency indicates that the standard private flood insurance policies for Visalia can be up to 50% cheaper than policies from the NFIP.

### **Flood Policy Options and Estimated Annual Premiums\***

Newly designated in high risk flood zone with map change on 6/16/2009	
• Preferred Risk Policy (NFIP)	\$375
• Standard X Policy (NFIP Grandfathered)	\$900
• Private Flood Policy	\$450 to \$600
Previously designated as high risk flood zone on previous flood maps	
• Rated A Policy (NFIP)	\$1300
• Private Flood Policy	\$450 to \$600

*\*All estimates reflect maximum coverage (\$250,000) with maximum deductible and no contents coverage. The above analysis is for illustration purposes only and does not address*

*all of the possible variances that may be applicable to a particular homeowner. For example, a homeowner not eligible for the PRP rates (and therefore a potential candidate for private flood insurance) may be able to obtain a flood elevation certificate, which would significantly lower the NFIP rates to something lower than may be obtainable from a private insurance carrier. In addition, private flood insurance appears to currently satisfy federal mortgage requirements; the price of that flood insurance in the future, as well as whether it will continue to satisfy federal mortgage requirements in the future, are unknown. This illustrates that it is up to the individual homeowners to investigate and determine whether private flood insurance is appropriate or not.*

2) FEMA's new approach to analyzing levees

FEMA recently announced that it is "exploring more precise methods for identifying flood risk in areas impacted by levees". FEMA is re-evaluating how it applies its modeling methods for areas impacted by whether or not their levees are accredited (meet Army Corps of Engineers construction standards). It is unclear exactly what methods will be used to model systems impacted by unaccredited levees, but it is thought that this revised modeling method will at least give "partial credit" for these unaccredited levees. City staff is working closely with FEMA's regional headquarters in Oakland, our consultants (NHC and URS), and our lobbyist to learn what the new modeling criteria will be and when it will become effective. If it is determined that these new modeling methods will benefit the City, staff's goal will be to make sure that these revised criteria are applied to the City as soon as possible.

3) National Flood Insurance Program Reauthorization Legislation

The National Flood Insurance Program (NFIP), the enabling legislation for flood plain mapping and the federal flood insurance program, is scheduled to expire on September 30, 2011. Congress last made major changes to the program in 2004. On July 12, 2011, the House of Representatives passed a 5-year re-authorization bill to extend the NFIP to September 30, 2016 and alter the program in some ways. This House Bill contains the language regarding private sector insurance that was submitted by Congressman Nunes.

The Senate Banking Committee is expected to try to "markup" their version of the NFIP re-authorization when they return from their summer recess. The problem is that they may use their 2008 draft legislation as a starting point for their discussion. This version contains some language that is "unfavorable" to the residents of Visalia. Staff and our federal lobbyists, Van Scoyoc Associates, will monitor the draft bill very closely and will return to Council for additional discussion and position statements after the draft matures into legislation.

4) Community Rating System (CRS)

FEMA's consultant (in charge of administering the CRS Program) has notified the City that it currently qualifies for a 5% discount. **This initial 5% discount will become effective in October of 2011.** The CRS is a voluntary incentive program that recognizes and encourages community floodplain management activities that exceed the minimum National Floodplain Insurance Program (NFIP) requirements. These activities include assisting with Elevation Certificates, providing FIRM information to residents, maintaining the City's stormwater drainage system, ensuring that building construction complies with the appropriate "FEMA compliant" codes, etc.

City staff is working closely with FEMA's CRS consultant to obtain a further discount of 5% (for a total of 10%) that would become effective in October of 2012. For example, the City will earn "credit points" toward this additional discount by participating with Tulare County on a Multi-Hazard Mitigation Plan. This plan will be ready for adoption by Tulare County and the participating cities in

the fall of 2011. The City's adoption of this plan will automatically result in CRS credit points being earned. These points will be incorporated into our rating level for 2012. Staff is working to ensure that the Tulare County on a Multi-Hazard Mitigation Plan provides the maximum benefit under the CRS program. .

5) Progress of the City's Engineering Consultants (NHC and URS)

NHC is one of two engineering consultants that are working with us on the "FEMA floodplain issues". NHC's specialty is hydrology/hydraulic modeling. The other consultant is URS who has a team of professionals with extensive experience dealing with FEMA and the Corps of Engineers (including several former FEMA and Corps engineers). URS is developing a scope and proposal for doing a forensic evaluation of a section of the levees. This probably will involve a minimal amount of geotechnical testing. Members of URS' staff have significant recent successful experience in getting existing levees certified. They accomplish this by demonstrating to the folks at FEMA and the Army Corps of Engineers that the levees are sound or what it would take to make them sound. Staff expects to have a proposal from URS to provide these services next week. The scope of these services will include advising the City regarding FEMA's implementation of their "new approach to analyzing levees" (item #1 above).

6) Staff's efforts to assist residents

Three City Engineering Division staff members are currently handling flood zone questions/requests for an average of 10 properties per day (2,150 flood zone determinations in 2011). This represents a 36% increase in calls from the first seven months of 2010, mostly attributable to the Preferred Risk Policy Extension program offered to residents of Visalia by FEMA for policy years 2011 and 2012. To date, staff has issued nearly 1,500 preferred risk policy eligibility extension letters to homeowners, insurance agents, and realtors.

It is anticipated for call volumes to remain steady as flood policies are renewed throughout the year. By years end it is anticipated that the City will have responded to calls for letters, maps, and general flood zone questions to over 3,000 properties, representing a 60% increase from 2010.

7) Grants for Flood Mitigation Projects

Two grant opportunities have been identified by City staff for flood mitigation projects. One grant opportunity available for non-structural flood corridor protection projects occurs through the California Department of Water Resources (DWR). These grants were authorized through Proposition 1E and Proposition 84. The grants are primarily used to purchase and develop land to protect, create and enhance flood protection corridors and enhance the wildlife or agricultural value of the property. The maximum grant award per project submittal is five million dollars. The City has submitted an application requesting \$5M for four locations along the St. John's River and Mill Creek. They include 1) purchase of land and development of People's Basin at Road 204 and the Kaweah River, 2) purchase of land and expansion of the existing Oakes Basin located near Road 154 and Packwood Creek, 3) development of a basin at Jennings Ditch and Mill Creek and 4) purchase of land and expansion of the Goshen Ocean at Camp Drive and Goshen Avenue. The projects are primarily used for developing basins for flood "layoff" to minimize peak creek flows and the potential for flooding within the City. This grant application is currently being reviewed by DWR and City staff is expecting to be notified on the award of the grant within the next couple of months.

A second grant opportunity is available from FEMA through the California Emergency Management Agency (CalEMA). These grants are for hazard mitigation projects that would reduce the potential for damage due to hazards such as flooding. City staff is currently preparing to submit an

application for this grant opportunity to purchase land and development a layoff basin in an area east of Road 148 and north of State Highway 198.

**Prior Council/Board Actions:**

- December 15, 2003: Authorized the Mayor to send a letter to FEMA requesting that the City's flood maps be updated
- April 19, 2004: Authorized \$100,000 to be submitted to FEMA for the update of the City's flood maps and authorized the City Manager to sign a Cooperating Technical Partners Memorandum of Agreement with FEMA\*
- May 4, 2009: Council directed staff to implement the seven recommendations made to the Council regarding FEMA's revise Flood Insurance Study and Flood Insurance Rate Maps
- May 28, 2009: Council voted to support Congressman's Nunes' request to FEMA to extend the period of the Preferred Risk Policies, and to solicit support from Senators Boxer and Feinstein on several issues related to FEMA flood mapping
- June 6, 2009: Council received an update from staff regarding FEMA's revised Flood Insurance Rate Maps (FIRMs)
- September 21, 2009: Council received an update from staff, directed staff to work with our lobbyist on the PRP extension and to submit CRS application.
- January 19, 2010: Council received an update from staff on the recommendations approved by Council regarding FEMA's revised Flood Insurance Rate Maps
- February 1, 2010: Council received an update from staff, authorized staff to hire two consultants (NHC and URS), and authorized the City Manager to pursue up to \$7 million in US army Corps of Engineers – Continuing Authorities Program.
- May 17, 2010: Update regarding FEMA's revised Flood Insurance Rate Maps
- December 20, 2010: Update on Federal legislation and rulemaking pertaining to FEMA – NFIP
- April 4, 2011: Update regarding FEMA's revised Flood Insurance Rate Maps

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

<b><i>Financial Impact</i></b>			
<b>Funding Source:</b>			
Total Estimated cost:	New Revenue:		\$ N/A
Amount Budgeted:	Lost Revenue:		\$ N/A
New funding required:	New Personnel:		\$ N/A
Council Policy Change: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			

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

I move to approve staff to organize a public meeting informing residents not in the FEMA Preferred Rate Program about private flood insurance availability and accept this update on FEMA related issues.

**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)*

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

# FEMA UPDATE

August 15<sup>th</sup>, 2011



# FEMA UPDATE

- 1) Private Flood Insurance Option – Authorization to Hold a Public Meeting
- 2) FEMA's new approach to analyzing levees
- 3) Federal legislation pertaining to the National Flood Insurance Program (NFIP)
- 4) FEMA's Community Rating System (CRS) Program
- 5) City consultant's work related to the Flood Insurance Rate Maps (FIRMs)
- 6) Assisting residents with FEMA – NFIP related issues

# PRIVATE FLOOD INSURANCE

The NFIP's "Mandatory Purchase of Flood Insurance Guidelines" specifies private flood insurance as an option to homeowners.

- Private flood policies must meet all criteria established by FEMA
- Primarily used by lenders to force place flood insurance policies
- Private flood insurance using actuarial (right priced) flood policies



## PRIVATE FLOOD INSURANCE

Approx. 12,600 properties in the City of Visalia are in the high risk flood zone

- 8,900 newly mapped into high risk zone are eligible for the PRP extension program until 2013
- 3,700 high risk flood properties were carried over into the high risk zone with the map change on 6/16/09 and are not eligible for the PRP extension program

## PRIVATE FLOOD INSURANCE

Flood policy options and estimated annual premiums

Newly designated high risk – PRP eligible until 2013

- NFIP Preferred Risk Policy - \$375
- NFIP Standard X policy - \$900  
("grandfathered")
- Private flood ins policy - \$450 to \$600

\*The above analysis is for illustration purposes only and does not address all of the possible variances that may be applicable to a particular property

## PRIVATE FLOOD INSURANCE

Previously designated high risk – not PRP eligible

- NFIP Rated A policy - \$1,300
- Private flood ins policy - \$450 to \$600

\*The above analysis is for illustration purposes only and does not address all of the possible variances that may be applicable to a particular property

## PRIVATE FLOOD INSURANCE

Authorization from Council to hold a public meeting addressing flood insurance options

- Discussion of both NFIP and private flood insurance options for homeowners
- Notifications to all high risk flood zone properties
- Insurance agencies to be invited

# FEMA UPDATE

- 1) Private Flood Insurance Option – Authorization to Hold a Public Meeting
- 2) FEMA's new approach to analyzing levees
- 3) Federal legislation pertaining to the National Flood Insurance Program (NFIP)
- 4) FEMA's Community Rating System (CRS) Program
- 5) City consultant's work related to the Flood Insurance Rate Maps (FIRMs)
- 6) Assisting residents with FEMA – NFIP related issues

# Questions??



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8b

**Agenda Item Wording:** Appointment of Dolores Taylor to the Transit Advisory Committee.

**Deadline for Action:** August 15, 2011

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

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

**Department Recommendation**

It is recommended that Dolores Taylor be appointed to the Transit Advisory Committee.

**Summary/Background**

The Transit Advisory Committee (TAC) currently has two vacant positions and two vacant alternate positions. The TAC met on July 6, 2011 and recommended that Dolores Taylor be appointed to the committee. Dolores owns her own business, Lanteri Bookkeeping & Tax Service. She has been a resident of Visalia for 10 years. Dolores has served as a Youth Advisor and has volunteered in several community service events such as Make a Different Day, United Way, Cancer Foundation Relay for Life, and her local church. Dolores will be a great resource to the committee in making recommendations for the Transit services provided. The appointment of Dolores was reviewed by the Citizens Advisory Committee (CAC) and they approved the appointment on August 3, 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.

**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.

**Attachments:** Application for Dolores Taylor.

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

I move to appoint Dolores Taylor 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:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8c

**Agenda Item Wording:** Adoption of "Connecting the Dots: A Proactive Approach to Addressing Homelessness" Kings/Tulare Counties Continuum of Care on Homelessness 10-year Plan.

**Deadline for Action:** N/A

**Submitting Department:** Housing & Economic Development Department

**Contact Name and Phone Number:** Ricardo Noguera, Housing & Economic Development Director x4190, Rhonda Haynes, Housing Specialist x4460

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

1. Approve Resolution No. 2011-46, authorizing the adoption of "Connecting the Dots: A Proactive Approach to Addressing Homelessness", as the local guiding document in addressing the issues surrounding homelessness in the City of Visalia and support for the Kings/Tulare Continuum of Care, in implementation of the 10 Year Plan; and
2. Commit to supporting the implementation of "Connecting the Dots" as staffing is available.

**Summary/background:**

In 2008, the Kings/Tulare Continuum of Care on Homelessness ("Continuum") identified the need for a regional 10-Year Plan to End Homelessness. The goal was to create a roadmap for service providers, local governments, and all community stakeholders to implement, and use as a guiding document, in order to find solutions for preventing or reducing homelessness. The Continuum of Care held three stakeholder meetings with the communities of Kings and Tulare Counties to gather information on the needs and current status of services.

The 10-Year Plan to End Homelessness was formally named "Connecting the Dots: A Proactive Approach to Addressing Homelessness." A draft of the plan was circulated for public comment on March 24, 2011. Comments were received for 30-days. The final Plan was presented at two "launch" events in Tulare and Kings County, on June 14 and June 15, 2011.

**10 Year Plan:**

Connecting the Dots (CTD) focuses on three target areas:

1. Housing
2. Supportive Services and Income Support
3. Prevention and Outreach

**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.

Within the focus area of Housing, there are four strategies. One main focus within this section is a Housing First approach, based on the belief that vulnerable and at-risk homeless individuals and families are more responsive to interventions and social services after they are in their own housing, rather than while living in temporary facilities. Additional action steps include ensuring an adequate supply of affordable housing and connecting individuals experiencing homelessness with current affordable housing opportunities. Thus, the CTD Plan is focused on increasing the amount of affordable housing and supportive housing.

The overall goal of Supportive Services and Income Supports is to link individuals and families with mainstream benefits and income support, gain access to employment services, and help navigate the often intimidating protocol of existing programs intended to assist very low income residents. There are four goals included in supportive services, all of which aim to refine and expand local capacity to effectively connect those who are at-risk and those who are homeless with necessary services.

Prevention is one of the main focuses of the CTD Plan. Prevention is cost-effective and protects community members from the social, emotional, health and economic impacts of homelessness. There are two strategies in the prevention section, including improving early identification and intervention, and decreasing discharge from publicly funded institutions into homelessness.

#### **City's Support:**

The City of Visalia supports the efforts of its Non-Profit partners in providing services. However, Visalia's focus shall continue to be in the area of restoration of foreclosed homes and resale through the Neighborhood Stabilization Program, funded with recycled Housing and Economic Recovery Act funding as well as HOME funds.

The City was awarded \$2.3 million dollars in 2008 to address the foreclosure crisis. Staff has acquired 26 single family dwellings and resold 25 of those homes. The investment through the acquisition and rehabilitation is returned to the City upon the resale of the property to an income qualifying family. Those funds are then utilized to acquire additional properties. Additionally, HOME Investment Partnership Funding will also be utilized to acquire homes throughout the City and recycle those dollars.

The City also provided Community Development Block Grant (CDBG) funding to support the Continuum of Care through the following activities over the following years:

- 2011 Action Plan:
  - \$5,000- Continuum of Care Plan
  - \$15,000- Voucher- Shelter Plus Program
- 2010 Action Plan:
  - \$10,000- Continuum of Care
- 2009 Action Plan
  - \$5000- Continuum of Care
- 2007 Action Plan
  - \$15,000- Continuum of Care

#### **Budget & Staff Impacts:**

There is no impact on the budget to adopt "Connecting the Dots". However, with the reduction in staffing due to the declining budgets, in both HUD and RDA. Staff will attend meetings as available. Additionally, as Council is aware, the annual allocation of CDBG was reduced by 17% this year. With the federal budget under continual review, additional cuts may still come; therefore Staff is taking a prudent approach to future funding commitments.

The City joins in the efforts in addressing homelessness by adopting the 10 year plan as a local guiding document.

**Prior Council/Board Actions:** None

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

**Alternatives:** None

**Attachments:** Resolution No. 2011-46

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

***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:

**RESOLUTION NO. 2011- 46**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
AUTHORIZING THE ADOPTION OF “CONNECTING THE DOTS: A  
PROACTIVE APPROACH TO ADDRESSING HOMELESSNESS”, AS THE  
LOCAL GUIDING DOCUMENT IN ADDRESSING THE ISSUES  
SURROUNDING HOMELESSNESS IN THE CITY OF VISALIA AND  
SUPPORT FOR THE KINGS/TULARE CONTINUUM OF CARE, IN  
IMPLEMENTATION OF THE 10 YEAR PLAN**

**WHEREAS**, safe and decent shelter is one of the most basic of all human needs; and

**WHEREAS**, the Federal Government has adopted a 10-year goal to end homelessness, and has asked local jurisdictions to join this effort; and

**WHEREAS**, it was determined that Kings/Tulare Counties could benefit from a regional plan to address homelessness; and

**WHEREAS**, the Kings/Tulare Continuum of Care on Homelessness, through community and stakeholder participation, developed “Connecting the Dots: A Proactive Approach to Addressing Homelessness”; and

**WHEREAS**, the City of Visalia supports the efforts of the Continuum of Care in the development and implementation of the Plan; and

**NOW, THEREFORE, BE IT RESOLVED**, by the City Council of the City of Visalia that it authorizes the adoption of “Connecting the Dots: A Proactive Approach to Addressing Homelessness”, as the local guiding document to establish programs and policies to prevent and reduce homelessness; and

**BE IT FURTHER RESOLVED**, that the City of Visalia supports the Kings/Tulare Continuum of Care on Homelessness in efforts to implementing “*Connecting the Dots: A Proactive Approach to Addressing Homelessness*”.

## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8d

**Agenda Item Wording** Award Contract for Landscape Maintenance of Various Street Medians and Roadsides to Westscapes, Incorporated per specifications of RFB 10-11-76.

**Deadline for Action:** August 15, 2011

**Submitting Department:** Parks and Recreation Department, Urban Forestry Division

**Contact Name and Phone Number:** David Pendergraft, Parks & Urban Forestry Supervisor, 713-4295

**Recommendation:**

Staff recommends the contract for Landscape Maintenance of Various Roadsides and Medians be awarded to Westscapes, Inc. in the amount of \$91,465.92 annually.

**Background:**

This contract is for landscape maintenance of 1,527,487 sq. ft. (35.06 acres) of various medians and roadsides in the City of Visalia. For the past year the area has been maintained under contract by Primow Landscape. The contract with Primow expired on June 30, 2011 and City staff chose to re-bid this contract.

Bids were solicited by advertising in the Visalia Times Delta on June 27 and July 5, 2011 and mailing bid notices to contractors. In addition, the bid was also posted on Bid Net and approximately 150 letters were sent out to various companies from Fresno to Bakersfield. A pre-bid conference was held and representatives from 6 different landscaping firms were in attendance. A total of six bids were received as shown in the summary below.

Bidding Firm	Location	Monthly	Annual
R. Stephen Richards	Visalia, CA	\$ 5,152.08	\$ 61,824.96
Westscapes, Inc.	Hanford, CA	\$ 7,622.16	\$ 91,465.92
Able Industries	Visalia, CA	\$ 9,164.92	\$109,979.04
Perfect Care Landscape	Tulare, CA	\$14,000.00	\$168,000.00
Clean Cut Landscape	Clovis, CA	\$15,886.00	\$190,632.00
All Commercial Landscape	Fresno, CA	\$22,606.80	\$271,128.16

**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.

The apparent low bidder was R. Stephen Richards, however, upon evaluation of this bid it was deemed as incomplete and was rejected as it was missing required items such as a 10% Bidder's Guarantee Bond and a Pesticide Applicator's License.

Westscapes Incorporated was the next lowest bidder at \$7,622.16 per month. The local vendor preference policy is applicable to this service, however, there was not a local vendor within 5% of the amount of the low bid.

Westscapes currently maintains over 95 acres of Landscape and Lighting areas throughout the City of Visalia. Westscapes Incorporated maintains three other contracts and has done an excellent job for over three years. Staff is satisfied that Westscapes has sufficient equipment and man power to maintain the Roadsides and Medians contract.

This contract will be for 12 months initially, but can be renewed for an additional four 1 yr. terms. Annual price increase adjustments at time of renewals shall be based on the Consumer Price Index. Cost for future additions to the project area (if necessary) will be calculated by multiplying the Contractor's Unit Price by the square footage of area being added to contract.

The services for this contract are budgeted in the Roadsides and Medians funds (0011-31324-552355), and will not need a budget amendment.

**Recommended Motion (and Alternative Motions if expected):** Staff recommends that Westscapes Incorporated be awarded the contract for Landscape Maintenance of Various Roadsides and Medians Contract at a cost of \$91,465.92 per year.

***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:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8e

**Agenda Item Wording:** Authorization to file a Notice of Completion for work contracted with KRC-HTL Corporation dba: Formost Construction Company for the 18-hole irrigation replacement project at Valley Oaks Golf Course located at 1800 South Plaza Drive, Visalia. Project No. 4211-00000-720000-0-8064 for a final contract amount of \$937,125.25.

**Deadline for Action:** None

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:**

Jeannie Greenwood, Recreation Manager (559) 713-4042

**Department Recommendation:** Authorize staff to file a Notice of Completion for work contracted with KRC-HTL Corporation dba: Formost Construction Company for the 18-hole irrigation replacement project at Valley Oaks Golf Course located at 1800 South Plaza Drive, Visalia.

**Project Summary:**

The replacement of the irrigation system on the Valley & Oaks courses at Valley Oaks Golf Course began in December, 2007 when City Council approved the project and appropriated \$1.7 million for its completion.

Since that time, the City hired a design consultant and entered into an agreement with CourseCo for construction management. In 2009, staff was informed of the City's intent to utilize treated water from the City's Wastewater Treatment Plant for irrigation at the course and the project was re-designed to accommodate the use of treated water. (It is anticipated that tertiary water will be available to the site in the next 2-3 years). Revised plans were completed and the project was put out to bid in August, 2010.

In a money savings effort, staff split this project into two contracts. The City opted to purchase the irrigation system directly from the distributor rather than have this equipment provided by the contractor, with a contractor's mark up. On September 7, 2010, Council authorized the

**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.



purchase of the irrigation system from Kern Turf, the area distributor for the Rain Bird system in the amount of \$460,930.79.

This second contract, with Formost Construction Company, was authorized by Council on September 20, 2010 to provide the labor and allied materials (pipe, wire, etc.) for the installation of the irrigation system.

Irrigation replacement began in November, 2010 and was completed in March, 2011. City staff worked closely with course staff, the contractor, the project manager, the project architect and product distributors throughout the project. A strong project team combined with an experienced contractor and regular communication contributed to a very successful project.

Heavy rains in March and April caused some delay to a project that was moving ahead of schedule. All in all, the irrigation replacement project was completed on time and under budget.

The most significant challenge on this project was the fertigation system. This is a piece of equipment that works with the pump station and injects chemicals into the irrigation system. This allows the distribution of fertilizers and other products to be evenly distributed through the irrigation system. This will save countless man hours and provide for better chemical coverage throughout the facility. Although the system was called for in the project specs, the infrastructure for the system was not in place and had to be added prior to completion. This additional work included masonry, concrete, electrical and fencing components that had to be completed prior to installing the fertigation system. This caused delays in filing the NOC even though all of the irrigation work was completed in March.

The original contract amount for the Formost Construction contract was \$971,056. The project included two change orders totaling a project decrease of \$33,930.75. This was primarily due to a decrease in the number of sprinkler heads and controllers actually installed compared to what was specified on the plans. It was discovered that the maps used for the design were actually larger than scale thus resulting in a smaller area to irrigate.

The following table represents total project costs:

#### Valley Oaks Golf Course Irrigation Project Expense Summary

RainBird equipment	\$424,630.79
Architectural services	\$66,670.61
Project Management	\$110,000.00
Formost Construction	\$937,125.25
Fertigation Infrastructure	\$18,983.00
Misc. expenses	\$6,102.76
Total Project Cost	\$1,563,521.41
Project Budget	\$1,700,000
Balance	\$136,478.59

The last piece of this project is to construct a cover over the pump station where the fertigation system is housed. This will provide protection from the elements and will extend the life of the equipment and help to protect the City's investment. The cover is estimated to cost \$40,000 and will begin as soon as possible.

The irrigation project caused one-third (1/3) of the course to be taken out of play while work was being completed. Fortunately, the 27-hole course was able to accommodate play on the additional 18 holes causing minimal impact to play. Once the irrigation replacement was finished and the courses were re-opened, play resumed on the courses with minimal signs of the major work that was done. This is due to the quality and professionalism of Formost Construction's work and the techniques used throughout the project. Rather than trenching lateral lines, pipe was pulled from the new main lines. This left turf in place and limited damage to the facility. As the summer heated up and the turf began to grow at the course, signs of the project diminished. As the course looks today, you cannot tell that a major irrigation replacement occurred just months ago. The irrigation system works with "smart controllers" allowing efficient use of water and saving significant amounts of labor that can be re-directed to other course conditions. This will increase the quality of the course in Visalia and be an incentive for more people to golf at Valley Oaks.

**Prior Council/Board Actions:**

- December 15, 2007 Council approved Valley Oaks Golf Course Irrigation Project and appropriated \$1.7 million for replacement of irrigation on the Valley & Oaks courses.
- May, 2008 Authorization was given to enter into a contract with Russell D. Mitchell & Associates for irrigation design and specifications.
- January 20, 2009 Council authorized the City to enter into a contract with CourseCo, Inc. to provide construction management for the irrigation project.
- April 19, 2010 Council authorized City staff to solicit bids for the Valley Oaks Golf Course Irrigation project.
- September 7, 2010 Council authorized the City to enter into a purchasing contract with Kern Turf, the area distributor of Rain Bird in the amount of \$460,930.79 for the purchase of the Rain Bird Integrated Control (IC) system.
- September 20, 2010 Council authorized the City to enter into a contract with KRC-HTL Corporation dba: Formost Construction Company for the 18-hole irrigation replacement project at Valley Oaks Golf Course located at 1800 South Plaza Drive, Visalia in the amount of \$971,056.

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

**Recommended Motion (and Alternative Motions if expected):**  
 Authorize staff to file a Notice of Completion for work contracted with KRC-HTL Corporation dba: Formost Construction Company for the 18-hole irrigation replacement project at Valley Oaks Golf Course located at 1800 South Plaza Drive, Visalia. Project No. 4211-00000-720000-0-8064 for a final contract amount of \$937,125.25.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8f

**Agenda Item Wording:** Resolution 2011-47 Acceptance of a portion of a 20-acre City owned property into the public street system for McAuliff Street, Mill Creek Parkway, Race Avenue and Douglas Avenue. (APN 103-320-011)

**Deadline for Action:** None

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

**Contact Name and Phone Number:**

Doug Damko, Senior Civil Engineer, 713-4268  
Adam Ennis, Assist. Director of Engineering, 713-4323  
Chris Young, Community Development Director, 713-4392

**Department Recommendation:** Staff recommends that Council adopt Resolution 2011-47 accepting a portion of a 20-acre City owned property into the public street system for McAuliff Street, Mill Creek Parkway, Race Avenue and Douglas Avenue. (APN 103-320-011)

**Summary:** The City acquired a 20-acre parcel as part of a planned phased project to extend and connect McAuliff Street between Houston Avenue and Mineral King. This 20-acre parcel is owned in fee and 4.4 acres of this parcel contains constructed road improvements for McAuliff Street, Douglas Avenue and Mill Creek Parkway. Race Avenue does not have constructed improvements at this time. This 4.4 acre portion needs to be established as public street right of way and accepted by Council into the City's public street system. This acceptance does not change the City's ownership of this 20-acre parcel. The City will have the ability to convey by separate deed the remaining portions totaling 15.6 acres as desired in the future.

**Background:** Lot 26 of the Oaks Subdivision is a 20-acre parcel that the City acquired from Mangano Homes in February 2004 to provide the connection of McAuliff Street north of Douglas Ave to McAuliff Street south of Murray Avenue and to extend Mill Creek Parkway east to tee into McAuliff Street. A Notice of Completion for the McAuliff Street Extension to Mill Creek Parkway was recorded on March 17, 2008 and the Notice of Completion for the McAuliff Street Crossings of Mill Creek and Evans Ditch was recorded on July 7, 2010. These road projects completed the road connections between the north and south segments of McAuliff Street and extended Mill Creek Parkway east to McAuliff Street.

**Prior Council/Board Actions:** None.

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

**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.): 1Min.

**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.

**Alternatives:** None

**Attachments:** Location Map, Resolution with Exhibit "A" and Exhibit "B"

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

"I move to adopt Resolution 2011-47 accepting a portion of a 20-acre City owned property into the public street system for McAuliff Street, Mill Creek Parkway, Race Avenue and Douglas Avenue. (APN 103-320-011)"

***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 20-Acre Parcel Location Map



1" = 500'

**RESOLUTION NO. 2011-47**

**ACCEPTANCE OF CITY OWNED  
PROPERTY INTO PUBLIC STREET SYSTEM**

**WHEREAS**, the City of Visalia owns a 20-acre parcel described as Lot 26 of The Oaks recorded in Volume 7 of record maps at Page 50; and,

**WHEREAS**, the City of Visalia desires to accept a 4.4-acre portion of said real property into the public street system; and,

**WHEREAS**, said portion is more particularly described as follows:

See Exhibit "A" (legal description) and Exhibit "B" (plat of the area described) attached and made a part thereof;

**NOW, THEREFORE, BE IT RESOLVED**, the City Council of the City of Visalia does hereby accept into the public street system the above-described parcel of land.

## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8g

**Agenda Item Wording:** Authorize the City of Visalia to accept a \$15,000 donation from the Putignano Sister City Committee as additional funding towards the renovation of the rock roof of the Trulli Building in Memorial Park.

**Deadline for Action:** August 15, 2011

**Submitting Department:** Parks & Recreation

**Contact Name and Phone Number:**

Jim Bean, Park and Urban Forestry Manager, 713-4564

**Department Recommendation:**

Authorize the City of Visalia to accept a \$15,000 donation from the Putignano Sister City Committee as additional funding towards the renovation of the rock roof of the Trulli Building in Memorial Park.

**Background:**

The Trulli building was built in 1986 in Memorial Park, (corner of W. Main St. and N. Hall St.) by numerous volunteers from the Putignano Sister City Committee. The Committee donated all of the materials and provided all of the labor to construct the building. The Trulli is a replica of Italian buildings that were commonly constructed in the region surrounding Putignano, Italy. Over the past few years the traditional Italian rock roof has developed leaks, causing water damage to the inside. The inside water damage was repaired last year by volunteers, which included Dennis Lehman, Jeff Dearborn, Mike Fistolera and the College of the Sequoias evening Cabinetry and Building Code classes. These individuals donated their time restoring the inside of this historically authentic building. During the restoration they also made repairs to the rock roof, in an attempt to stop the leaks. During this last winter's rains, it was evident that the leaks were still there, and City staff kept the roof covered to protect the interior of building from damage. The rock roof which is very customary for Trulli's, takes a specialty type of rock and careful installation. Because of the unique nature of this type of roof, the cost is estimated to be \$43,000.

The City currently has \$28,000 budgeted for completion of the project. The Sister City Committee recognized both the importance of the retaining the architecturally correct heritage of the rock roof and the budgetary limitations of the City for its costliness. The Committee Members personally raised \$15,000 to bridge the funding gap and generously wishes to donate it to the City to retain one of Visalia's authentic cultural structures.

**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.

Upon acceptance of the funds, City staff will proceed with the rock roof repairs, with the goal being to complete this project by September 30, 2011.

**Prior Council Actions:** N/A

**Committee/Commission Review and Actions:**

The Putignano Sister City Committee requests acceptance of the \$15,000 by the City and sincerely appreciates the funds expended by the City on this community building.

**Attachments:** N/A

**Recommended Motion (and Alternative Motions if expected):** Authorize the City of Visalia to accept a \$15,000 donation from the Putignano Sister City Committee as additional funding towards the renovation of the rock roof of the Trulli Building in Memorial Park.

***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:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8h

**Agenda Item Wording:** Award contract for the purchase of one (1) Vac-Con Model V312LHAE-0/1000 Combination Sewer and Storm drain cleaner truck to Vac-Con Inc. of Green Cove Springs, Florida in the amount of \$377,402.74 for the Wastewater Collections Division.

**Deadline for Action:** None

**Submitting Department:** Public Works

**Contact Name and Phone Number:** Jim Ross, Public Works Manager, 713-4466

**Department Recommendation:**

The Public Works Department recommends that the City Council award a contract for the purchase of one (1) Vac-Con Model V312LHAE-0/1000 to Vac-Con Inc. of Green Cove Springs, Florida in the amount of \$377,402.74

**Summary/background:**

The City of Visalia sanitary sewer system consists of approximately 500 miles of sanitary sewer mains and 13 lift stations. The storm sewer system consists of 450 miles of storm sewer mains and 34 storm sewer lift stations.

In order to maintain these systems, the City uses two combination sewer cleaning trucks made by Vac-Con. These trucks provide a hydro flushing system, vacuum unit, and debris tank all on one truck chassis for the removal of debris from the sanitary and storm sewer systems.

The City's newest unit was purchased in 2004. This vehicle is reliable and performs as expected. The older unit was purchased in 1994 and has 99,316 miles on the odometer. While the mileage is relatively low, the vehicle operates primarily in park as it is used to perform maintenance activities. The annual run-time for this unit is 1500 hours, which is considered heavy use. Based on vehicle maintenance records, Fleet maintenance has determined that this vehicle should be replaced.

In order to keep units standardized for ease of operation and parts inventory, the replacement vehicle will be a new model from Vac-Con. The wastewater collections crew and fleet maintenance personnel are specifically trained to operate and maintain Vac-Con equipment. The sole California vender/repair shop for Vac-Con is Municipal Maintenance Equipment (MME)

**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.):   1  

**Review:**

Dept. Head   AJB    
(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.

out of Sacramento. MME has been very responsive to the City's maintenance needs. They have several traveling service technicians available to respond to our work site, reducing down time and travel time for City employees and equipment.

This unit has been competitively bid through the Houston Galveston Area Council (H-GAC) Contract No. SC01-10. The City's purchasing division has the authority to use this Federal Purchasing Contract. The quote from Municipal Maintenance Equipment is off the current H-GAC price list.

Funding for this project is through the Wastewater Enterprise Fund. \$381,500 was budgeted in the 2011-12 CIP program for this item (No. 4311-0-72-70712-9222).

**Prior Council/Board Actions:** none

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

**Alternatives:** none

**Attachments:** none

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

***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:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8i

**Agenda Item Wording:** Reappointment of Adam Peck to serve on the City of Visalia Planning Commission for a 2-year term ending June 30, 2013.

**Deadline for Action:** August 15, 2011

**Submitting Department:** Administration

**Contact Name and Phone Number:** Donjia Huffmon, 713-4512, Leslie Caviglia, 713-4317

**Department Recommendation:** Staff recommends approval of Adam Peck for reappointment to a 2-year term on the City of Visalia Planning Commission through June 30, 2013.

**Summary:** Mr. Peck currently serves on the Planning Commission and is eligible to serve another term. Staff confirmed that he both attends regularly and participates on the Commission.

**Background:** Adam Peck was first appointed to serve on the Planning Commission in January 2006 to fill the unexpired term of Doug Thompson. Mr. Peck was reappointed in June 2006 for a full 4-year term which expired in June 2010. However, in accordance with the policies adopted by Council in 2008, Commissioner terms were reorganized to two years with all terms expiring on June 30. Members expiration dates were staggered so vacancies would not all occur in one year. After the reorganization, Mr. Peck's term expired June 2011.

Currently, Commissioners can serve up to four – two year terms for a total of eight years. If a Commissioner is appointed to serve an unexpired term and serves more than half of the term, it serves as a full term. If a Commissioner serves less than half a term, it does not count as a full term and they may serve an extra term. If reappointed, this will be the equivalent of Mr. Peck's third term and he will be eligible to serve another 2-year term in 2013.

Next year (June 2012), three current Commissioner's terms will expire and Council may consider doing a full recruitment to consider other applicants at that time.

**Prior Council/Board Actions:**

Council appointed Mr. Peck to serve on the Planning Commission in January 2006.

**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.

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

**Alternatives:** To conduct a full recruitment for the Planning Commission

**Attachments:** N/A

**Recommended Motion (and Alternative Motions if expected):** I move to approve the appointment of Adam Peck to the Visalia Planning Commission for a term ending June 30, 2013.

***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**

**City Council Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8j

**Agenda Item Wording:** Authorize the Amendment of Landscape and Lighting Assessment District No. 04-05, "Sierra Point Villas" to reduce the number of lots from 48 to 43 (Resolution Nos. 2011-48 and 2011-49 required). (APN: 103-340-094, 098-126, 142-154)

**Deadline for Council Action:** N/A

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

**Contact Name and Phone Number:**

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

**Department Recommendation:** Staff recommends that the City Council: adopt Resolution No. 2011-48 Resolution of Amendment for Assessment District No. 04-05, "Sierra Point Villas"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-49 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment.

**Summary:** The amendment of Assessment District No. 04-05 is recommended because of the following facts related to this District.

1. The developer of Sierra Point Villas desired to increase the lot size of some of their vacant lots within the subdivision. Sierra Point Villas was originally designed as a small lot subdivision with 3,000-5,000 square feet lot sizes.
2. The developer recorded a combination of 6 Lot Line Adjustments on February 1, 2010 that adjusted 18 of their original lots to become 13 larger lots thereby reducing the total number of lots in the District from 48 to 43. The 13 larger lots are 3,800-6,200 square feet in size.
3. The developer has agreed to this amendment and an assessment to their 13 enlarged lots (Zone B) of \$42.95 more than the remaining 30 lots (Zone A) and has waived their right to a public hearing. The increased assessment to the 13 enlarged lots allows the assessment to the property owners of the other 30 small lots in the District to have no change in their per lot assessment.

**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.): 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.

**Background:** The amendment proposes to create a Zone A for the unchanged 30 small lots with an unchanged assessment and a Zone B for the 13 enlarged lots with increased per lot assessments. The boundary of the District is to remain unchanged. The amendment is being done by a summary proceeding because the property owners of the 30 small lots in the District will have no change in their per-lot assessment and the developer who owns the 13 enlarged lots has waived their right to a public hearing. A summary proceeding is a process that does not require the Proposition 218 public hearing process and voter approval. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

**Prior Council Actions:**

On June 10, 1987, Council authorized 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.

On October 18, 2004 Council approved the formation of Landscape & Lighting District 04-05 for Sierra Point Villas.

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

**Alternatives:** N/A

**Attachments:** Location Map, Resolution Initiating Proceedings, Clerk's Certification, Resolution Ordering Improvements, Exhibits "A", "B", "C" and "D"

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

"I move to adopt Resolution No. 2011-48 Resolution of Amendment for Assessment District No. 04-05, "Sierra Point Villas"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-49 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment."

***Environmental Assessment Status***

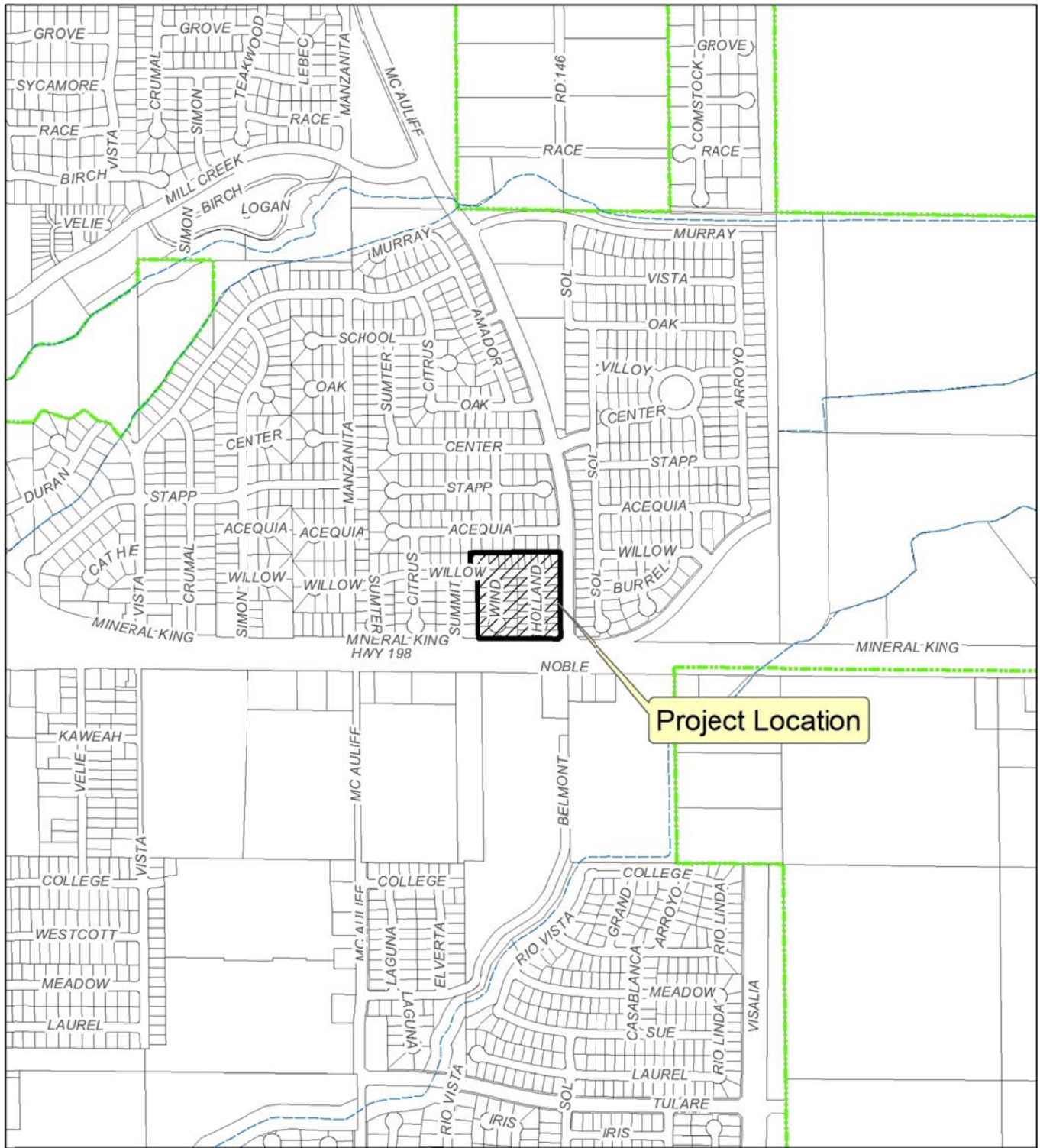
**CEQA Review:**

**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:





# Assessment District 04-05



Scale: 1"=800'

RESOLUTION 2011-48

RESOLUTION INITIATING PROCEEDINGS  
FOR THE AMENDMENT OF  
ASSESSMENT DISTRICT 04-05  
Sierra Point Villas  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to amend an assessment district pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following reasons:  
  
Reduction in District lots from 48 to 43 resulting from 6 Lot Line Adjustments.
2. The District, including this amendment, shall continue with the designation established with the initial formation, which is Assessment District No.04-05, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram Assessment District No. 04-05, City of Visalia, Tulare County, California", which map is on file with the City Clerk and is hereby approved and known as "Sierra Point Villas".
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. 04-05  
Sierra Point Villas  
(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. 04-05, City of Visalia, confirmed by the City Council of the City of Visalia on the 15th day August, 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. 2011-49

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 04-05  
Sierra Point Villas  
(Pursuant to the Landscape & Lighting Act of 1972)

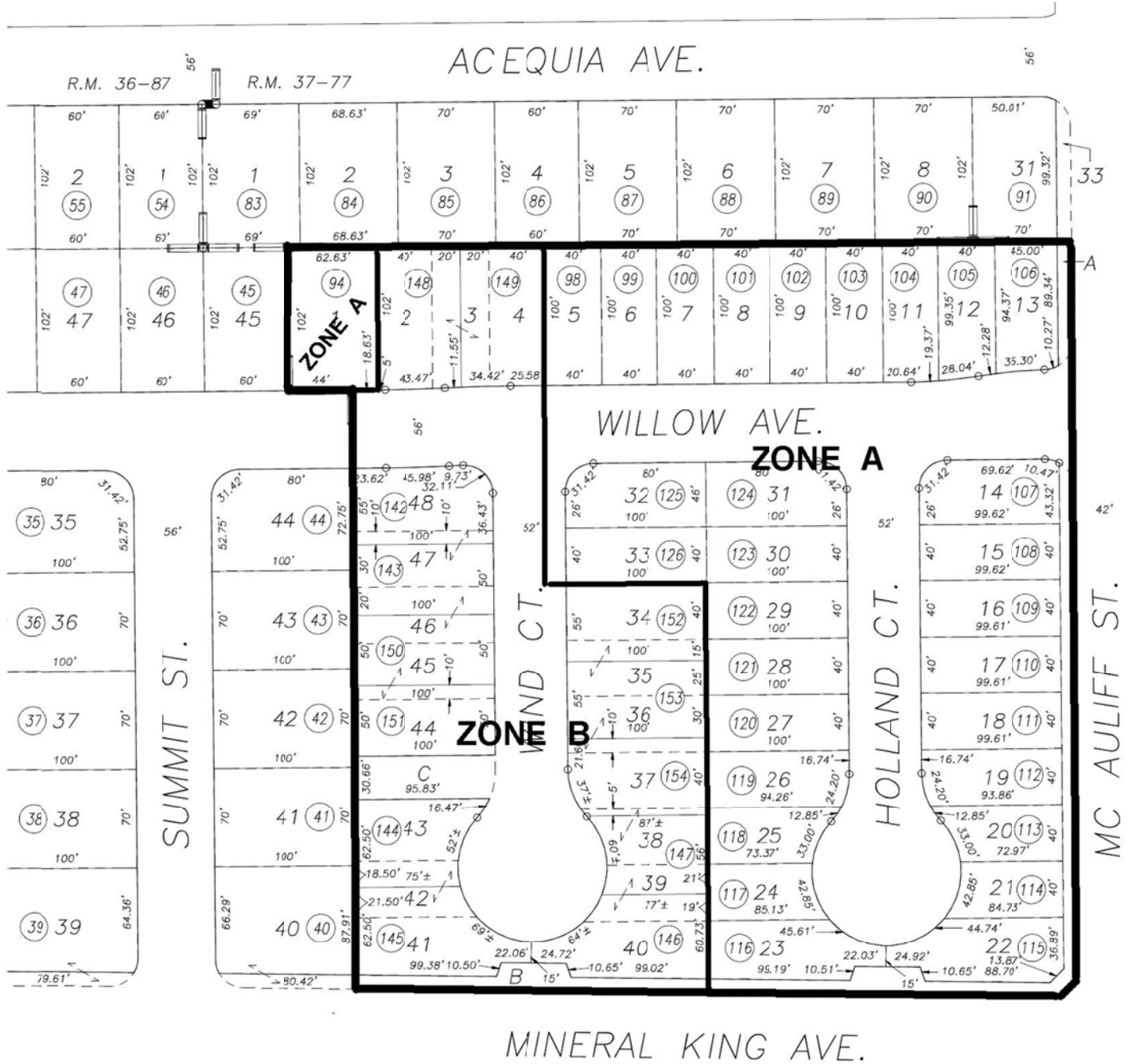
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for the amendment of Assessment District No. 04-05, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed amendment.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. The owner of the 18 lots adjusted to 13 lots within the boundaries of the amended landscape and lighting district has filed their consent to the amendment of District No. 04-05, and to the adoption of the Engineer's Report and the levy of the assessments stated therein. Consent is not required for the owners of the 30 existing, unchanged lots in the District because the amendment results in no change in their per lot assessment. The amendment also does not change the original scope of maintenance or the financing methodologies established with the formation of District No. 04-05.
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 Formation of the District
  - c. Resolution Ordering Improvements
  - d. Engineer's Report:
    - Exhibit A - Diagram showing all parcels of real property within the Assessment District
    - Exhibit B - Diagram showing landscape area
    - Exhibit C - Assessment Roll
    - Exhibit D - Engineer's Report

PASSED AND ADOPTED

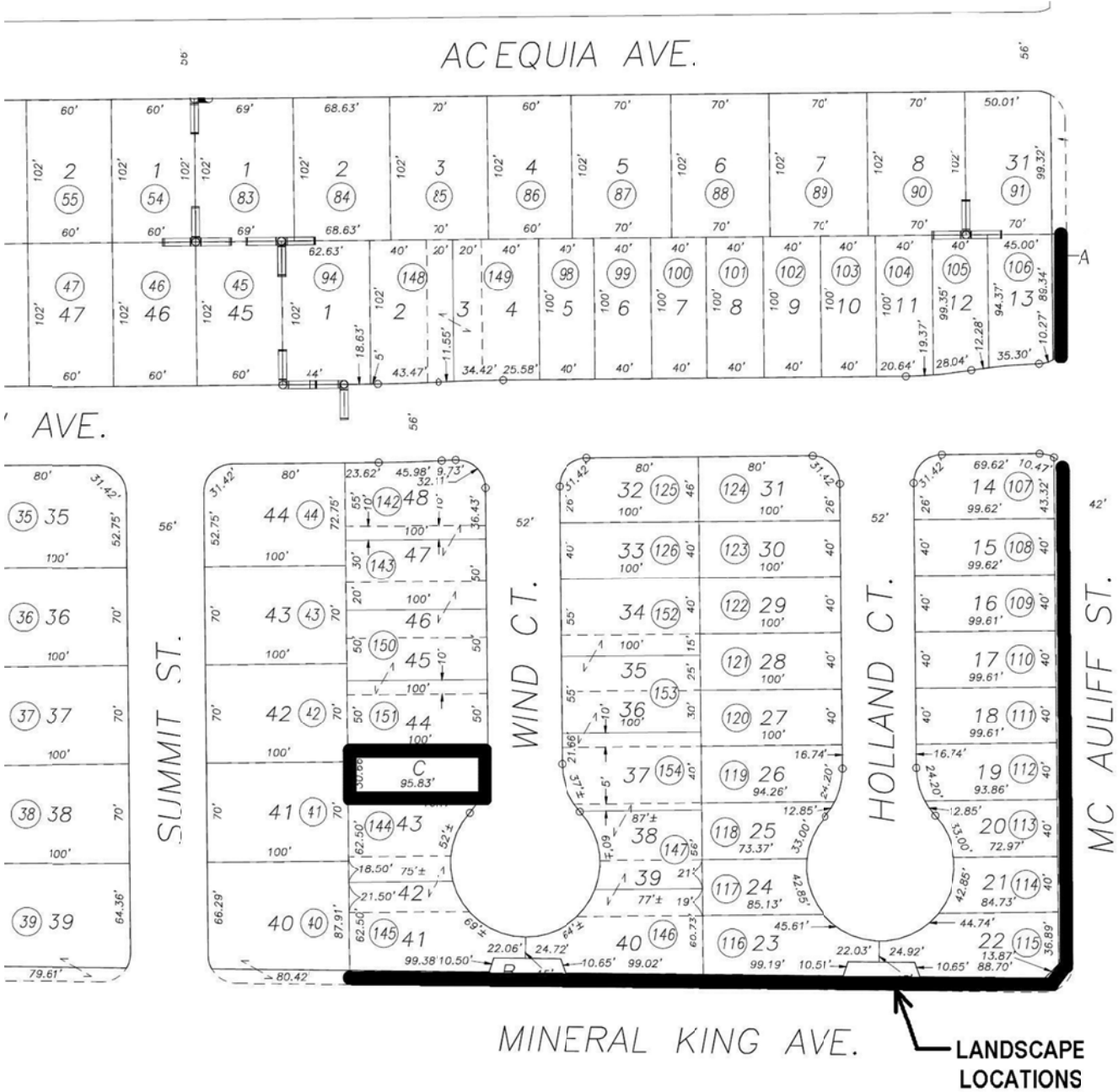
Exhibit "A"

Assessment Diagram  
Assessment District No. 04-05  
Sierra Point Villas



# Exhibit "B"

## Landscape Location Map Assessment District No. 08-05 Sierra Point Villas



**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 04-05  
Sierra Point Villas

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Zone</u>	<u>Lot #</u>	<u>District</u>
103-340-094	\$131.48	SUNDOWNER HOMES INC	A	04-0501	Sierra Point Villas
103-340-098	\$131.48	WILLIAMS GERALD & SHIRLEY G	A	04-0502	Sierra Point Villas
103-340-099	\$131.48	MARLOW JOYCE ANN (TR)	A	04-0503	Sierra Point Villas
103-340-100	\$131.48	HALL ROBERT D & DONNA L	A	04-0504	Sierra Point Villas
103-340-101	\$131.48	MOSLEH MOHAMED	A	04-0505	Sierra Point Villas
103-340-102	\$131.48	MUNTER SUSAN T	A	04-0506	Sierra Point Villas
103-340-103	\$131.48	MOOCK PAULA K	A	04-0507	Sierra Point Villas
103-340-104	\$131.48	GRIGGS BRUCE H & SUSAN B (TRS)	A	04-0508	Sierra Point Villas
103-340-105	\$131.48	SUNDOWNER HOMES INC	A	04-0509	Sierra Point Villas
103-340-106	\$131.48	SUNDOWNER HOMES INC	A	04-0510	Sierra Point Villas
103-340-107	\$131.48	RUGERONI DAVID & JOYCE A	A	04-0511	Sierra Point Villas
103-340-108	\$131.48	BANNER INVESTMENTS LLC	A	04-0512	Sierra Point Villas
103-340-109	\$131.48	MARTIN ROBERT WILLIAM & SHIRLEY J (TRS)	A	04-0513	Sierra Point Villas
103-340-110	\$131.48	JONES VIRGINIA ANN	A	04-0514	Sierra Point Villas
103-340-111	\$131.48	NORWOOD LINDA NELL	A	04-0515	Sierra Point Villas
103-340-112	\$131.48	MC GOWEN MARY LOU	A	04-0516	Sierra Point Villas
103-340-113	\$131.48	DURRANT MARGARET F(TR)(M F D TR)	A	04-0517	Sierra Point Villas
103-340-114	\$131.48	ROBERTSON RAMONA N	A	04-0518	Sierra Point Villas
103-340-115	\$131.48	REINHART WILLIAM R & THERESA M	A	04-0519	Sierra Point Villas
103-340-116	\$131.48	SUNDOWNER HOMES INC	A	04-0520	Sierra Point Villas
103-340-117	\$131.48	SUNDOWNER HOMES INC	A	04-0521	Sierra Point Villas
103-340-118	\$131.48	BERNEY MARY S	A	04-0522	Sierra Point Villas
103-340-119	\$131.48	PETERSON JAUNETTE	A	04-0523	Sierra Point Villas
103-340-120	\$131.48	CARR GEORGE BRUCE	A	04-0524	Sierra Point Villas
103-340-121	\$131.48	PULLEN ROBERT J & JEANNE D (TRS)	A	04-0525	Sierra Point Villas
103-340-122	\$131.48	CREVESTON NORRIS M & CHERYL A	A	04-0526	Sierra Point Villas
103-340-123	\$131.48	WHEELER JOANNA H	A	04-0527	Sierra Point Villas
103-340-124	\$131.48	WIND LINDA M (TR) (LIVING TRUST)	A	04-0528	Sierra Point Villas
103-340-125	\$131.48	HEYEN MERLIN L & VERNIECE L	A	04-0529	Sierra Point Villas
103-340-126	\$131.48	MAGILL ROBERT LEE JR	A	04-0530	Sierra Point Villas
103-340-142	\$174.43	SUNDOWNER HOMES INC	B	04-0531	Sierra Point Villas
103-340-143	\$174.43	SUNDOWNER HOMES INC	B	04-0532	Sierra Point Villas
103-340-144	\$174.43	SUNDOWNER HOMES INC	B	04-0533	Sierra Point Villas
103-340-145	\$174.43	SUNDOWNER HOMES INC	B	04-0534	Sierra Point Villas
103-340-146	\$174.43	SUNDOWNER HOMES INC	B	04-0535	Sierra Point Villas
103-340-147	\$174.43	SUNDOWNER HOMES INC	B	04-0536	Sierra Point Villas
103-340-148	\$174.43	SUNDOWNER HOMES INC	B	04-0537	Sierra Point Villas
103-340-149	\$174.43	SUNDOWNER HOMES INC	B	04-0538	Sierra Point Villas
103-340-150	\$174.43	SUNDOWNER HOMES INC	B	04-0539	Sierra Point Villas
103-340-151	\$174.43	SUNDOWNER HOMES INC	B	04-0540	Sierra Point Villas
103-340-152	\$174.43	SUNDOWNER HOMES INC	B	04-0541	Sierra Point Villas
103-340-153	\$174.43	SUNDOWNER HOMES INC	B	04-0542	Sierra Point Villas
103-340-154	\$174.43	SUNDOWNER HOMES INC	B	04-0543	Sierra Point Villas

## **Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 04-05  
Sierra Point Villas

### General Description

This assessment district (District) is located at the northwest corner of Minera King Avenue and Mc Auliff Street and includes all the lots located in the Sierra Point Villas Subdivision as amended by 6 Lot Line Adjustments recorded February 1, 2010. The District includes the maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements

### 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 wall provides security, aesthetics, and sound suppression. The maintenance of the landscaping, lighting, and wall, is vital for the protection of both economic and humanistic values of the development. The City Council has determined that in order to preserve the values incorporated within developments the landscaping, lighting, and 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. The total number of lots within the original District is 48 and the 6 Lot Line Adjustments have reduced the total number to 43. This has resulted in 30 original smaller lots and 13 larger lots and the creation of Zone A for the smaller lots and Zone B for the larger lots. The assessment for the 30 lots in Zone A is based on the original 48 lots. The assessment for the 13 lots in Zone B is based on a prorated distribution of the assessment of the 18 original lots prior to the 6 Lot Line Adjustments. All lots in each zone of the District benefit equally including the lots not adjacent to the landscaping, wall and lights. The lots not adjacent to the landscaping, wall, and lights benefit by the uniform maintenance and appearance of the District.

### Estimated Costs

The District includes not only the maintenance of the turf, shrubs, trees and street lights, but the integrity of the wall, irrigation system and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion.

The quantities and estimated costs are as follows:



**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 04-05  
Sierra Point Villas

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	10,137	\$0.135	\$1,368.50
Shrub Area	Sq. Ft.	5,995	\$0.135	\$809.33
Water	Sq. Ft.	16,132	\$0.050	\$806.60
Electricity	Sq. Ft.	16,132	\$0.008	\$129.06
Trees	Sq. Ft.	41	\$25.00	\$1,025.00
Street Lights	each	7	\$105.00	\$735.00
SUBTOTAL 1				\$4,873.48
10% Reserve Fund				\$487.35
				<hr/>
SUBTOTAL 2				\$5,360.82
COST PER LOT FOR THE ORIGINAL 48 DISTRICT LOTS				<hr/> <hr/> \$111.68

Project Management Cost/Lot                    \$18    + 10% Reserve Fund =                    \$19.80

**ZONE ASSESSMENT**

	Management Cost/Lot	Sq Ft Cost/Lot	Total Cost/Lot
<u>Zone A (30 Lots)</u>	\$19.80	\$111.68	\$131.48
Maintain original assessment based on 48 lots			
<u>Zone B (13 Lots)</u>	\$19.80	\$154.63	\$174.43
Prorate original assessment for 18 lots over 13 lots = $(\$111.68 \times 18) / 13 = \$154.63$			
GRAND TOTAL FOR 43 LOTS			<hr/> <hr/> \$6,211.99

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:

$$A_{max} \text{ for any given year "n"} = (\$6211.99) (1.05)^{(n-1)}$$

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.

## Exhibit "D"

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 04-05  
Sierra Point Villas

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 \$6,771.07 [a 9% increase over the base year estimated cost of \$6,211.99]. The maximum annual assessment for year four is \$7,191.15 [ $A_{\max} = (\$6,211.99) (1.05)^{(4-1)}$ ]. The assessment will be set at \$6,771.07 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 \$7,019.55 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$6,211.99]. 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 \$140.39 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 \$7,191.15 [ $A_{\max} = (\$6211.99) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$7,019.55 plus the deficit amount of \$140.39 which equals \$7,159.94 [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 \$6,771.07 [a 9% increase over the base year assessment of \$6211.99] and a street light is damaged and replaced raising the year five expenses to \$7,578.63 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$7,448.18 (a 10% increase over the previous year) and below the maximum annual assessment of \$7,550.71 [ $A_{\max} = (\$6211.99) (1.05)^{(5-1)}$ ]. The difference of \$130.45 is recognized as a deficit and will be carried over into future years' assessments until the street light replacement expenses are fully paid.

**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 04-05  
Sierra Point Villas

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8k

**Agenda Item Wording:** Authorize the Amendment of Landscape and Lighting Assessment District No. 08-05 "Tentative Parcel Map 2007-06" renamed to "Orchard Walk East" to increase the lots from 6 to 10 (Resolution Nos. 2011-50 and 2011-51 required). (APN: 079-310-009, 010, 011, 013, 015, 016, 017, 018, 019, 020)

**Deadline for Action:** N/A

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

**Contact Name and Phone Number:**

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

**Department Recommendation:** Staff recommends that City Council adopt Resolution No. 2011-50 Resolution of Amendment for Assessment District No. 08-05 "Tentative Parcel Map 2007-06" renamed to "Orchard Walk East"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-51 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment.

**Summary/background:** The amendment of Assessment District No. 08-05 is recommended because of the following facts related to this District.

1. The developer of Orchard Walk recorded Tentative Parcel Map 2009-05 on February 25, 2010 that has changed the lot sizes and also the total lots in the District from 6 to 10.
2. The individual lot assessments are calculated based on square footage and therefore any changes to lot square footage require an amendment to the District.
3. The developer has agreed to this amendment and has waived their right to a public hearing. The other two property owners in the District, Target Corporation and MKR Associates, will have a slight decrease to their per-lot assessment.

The amendment is based on an updated per-lot assessment calculation for 10 lots varying in size from 8,799 to 510,959 square feet. The boundary of the District is to remain unchanged.

**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.):   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.

The amendment is being done by a summary proceeding because the two property owners, Target Corporation and MKR Associates, will have a slight decrease to their per-lot assessment and the developer who owns the remaining 8 lots has waived their right to a public hearing. A summary proceeding is a process that does not require the Proposition 218 public hearing process. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

**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.
- June 23, 2008, Council authorized the recording of the final map for Tentative Parcel Map 2007-06 and authorized the formation of Landscape and Lighting District 08-05.

**Committee/Commission Review and Actions:**

On May 29, 2007 the Planning Commission approved Tentative Parcel Map 2007-06. The parcel map was recorded on July 30, 2008.

On October 26, 2009, Planning Commission approved Tentative Parcel Map 2009-05. The parcel map was recorded February 25, 2010.

**Alternatives:** N/A

**Attachments:** Location Map, Resolution Initiating Proceedings, Clerk’s Certification, Resolution Ordering Improvements, Exhibits “A”, “B”, “C” and “D”

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

“I move to adopt Resolution No. 2011-50 Resolution of Amendment for Assessment District No. 08-05 “Tentative Parcel Map 2007-06” renamed to “Orchard Walk East”; adopt the Engineer’s Report as submitted; and adopt Resolution No. 2011-51 confirming the Engineer’s Report ordering the improvements and levying the amended annual assessment.”

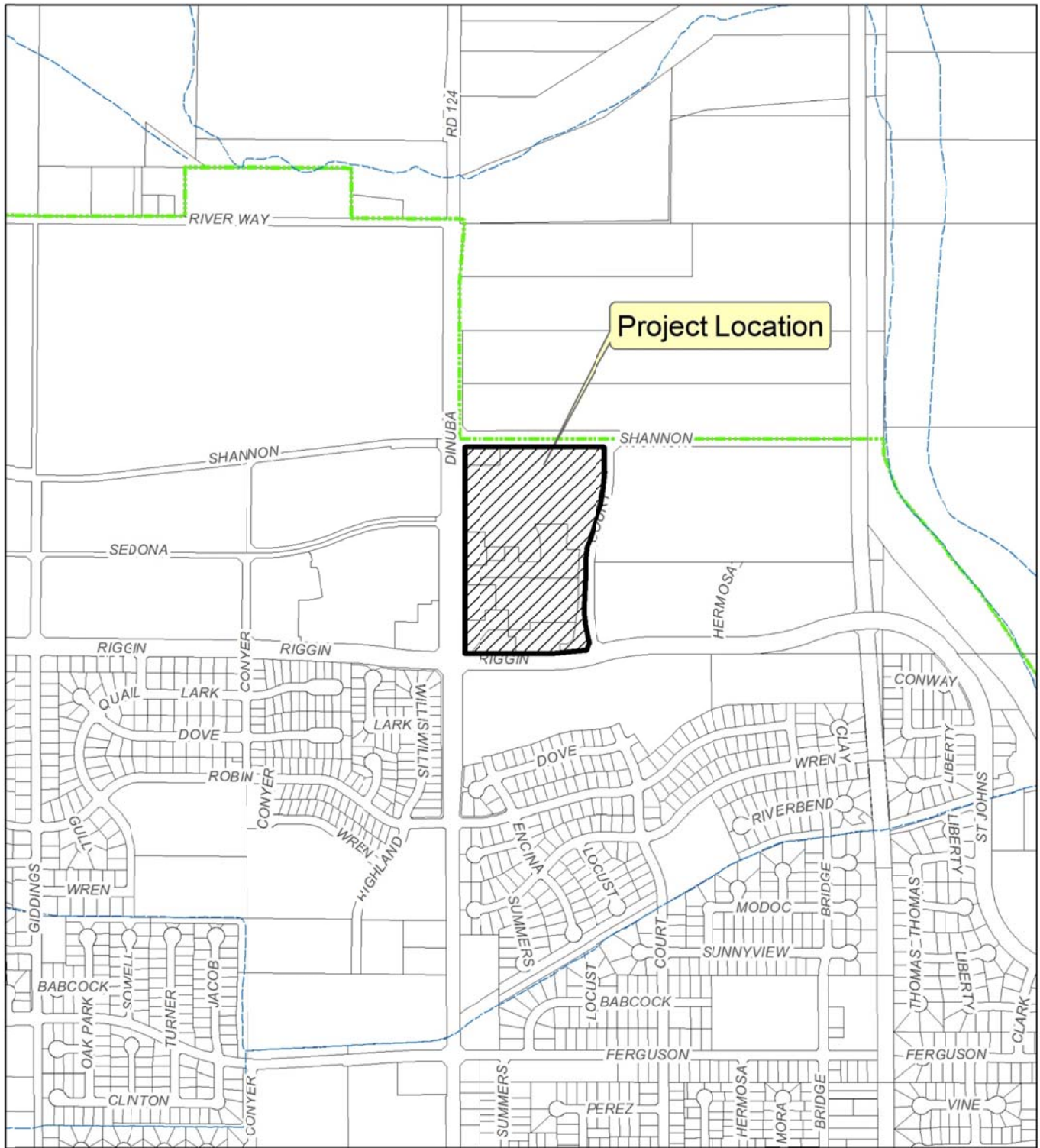
***Environmental Assessment Status***

**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:



# Assessment District 08-05



Scale: 1"=800'

RESOLUTION NO. 2011-50

RESOLUTION INITIATING PROCEEDINGS  
FOR THE AMENDMENT OF  
ASSESSMENT DISTRICT 08-05  
Orchard Walk East  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to amend an assessment district pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following reasons:  
  
Addition of parcels resulting from the recording of Tentative Parcel Map 2009-05.
2. The District, including this amendment, shall continue with the designation established with the initial formation, which is "Assessment District No. 08-05, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 08-05, City of Visalia, Tulare County, California", which is on file with the City Clerk. The common name of the District is renamed from "Tentative Parcel Map 2007-06" to "Orchard Walk East".
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. 08-05

Orchard Walk East

(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. 08-05, City of Visalia, confirmed by the City Council of the City of Visalia on the 15th day of August 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. 2011-51

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 08-05  
Orchard Walk East  
(Pursuant to the Landscape & Lighting Act of 1972)

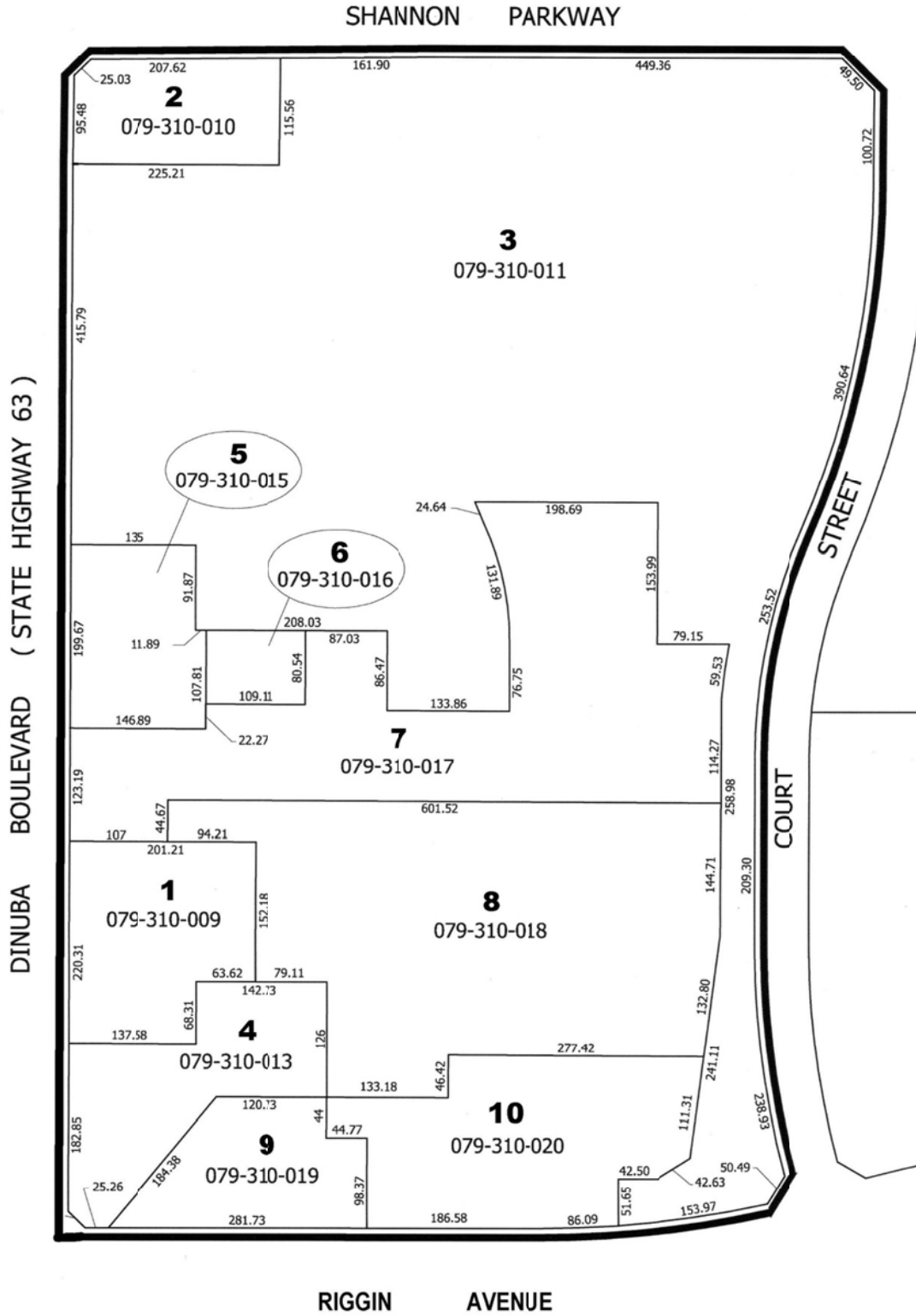
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for the amendment of Assessment District No. 08-05, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed amendment.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. The owner of the additional lots added within the boundaries of the amended landscape and lighting district has filed their consent to the amendment of District No. 08-05, and to the adoption of the Engineer's Report and the levy of the assessments stated therein. Consent is not required for the owners of existing, unchanged lots in the District because the amendment results in a decrease in their per lot assessment. The amendment also does not change the original scope of maintenance or the financing methodologies established with the formation of District No. 08-05.
4. The City Council hereby orders the improvements and the amendment 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 - Streetlight Location Diagram
    - Exhibit C - Tax Roll Assessment
    - Exhibit D - Engineer's Report

PASSED AND ADOPTED

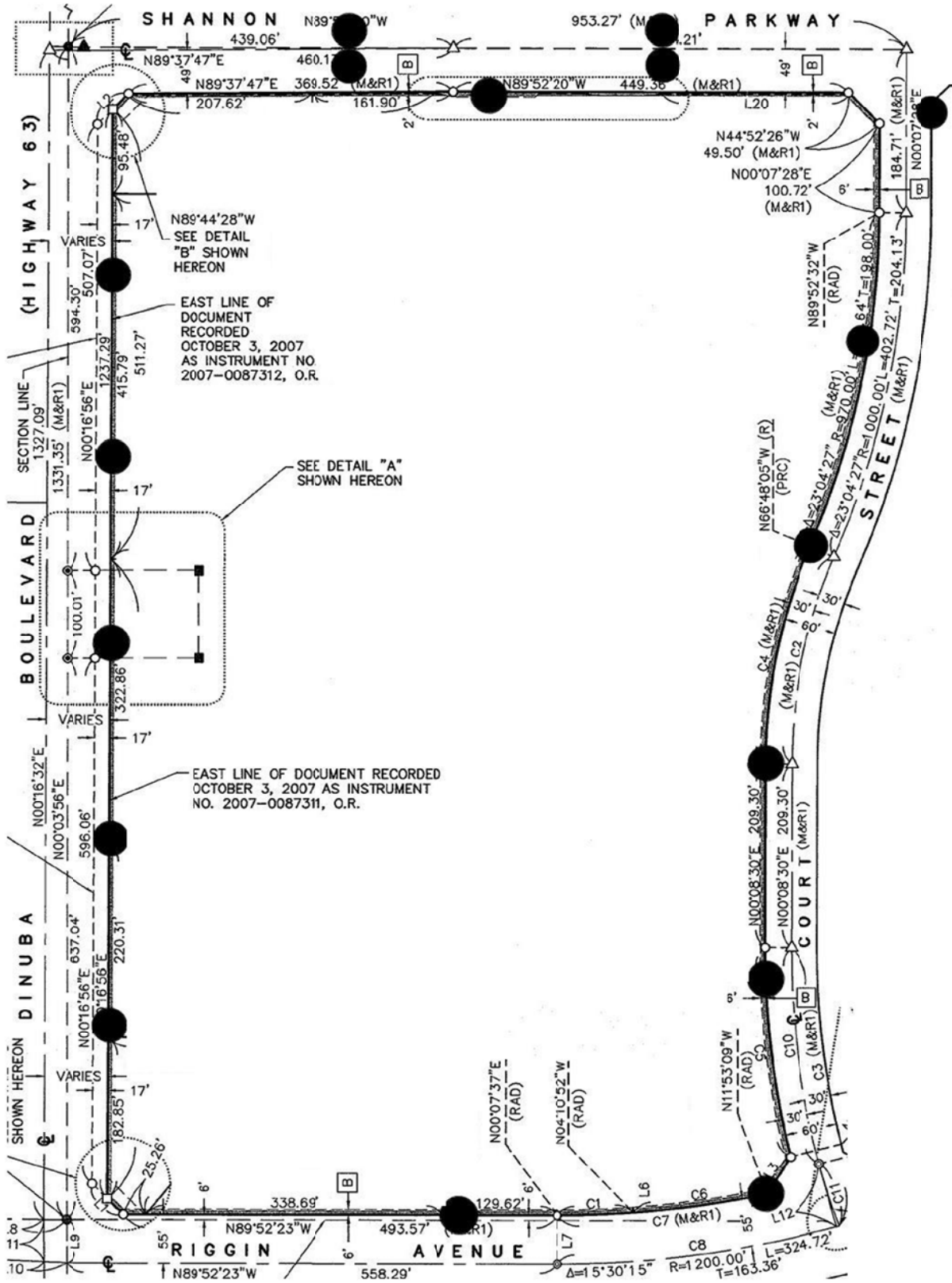
Exhibit "A"

Assessment Diagram  
Assessment District No. 08-05  
Orchard Walk East



# Exhibit "B"

## Streetlight Location Map Assessment District No. 08-05 Orchard Walk East



**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 08-05  
Orchard Walk East

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
079-310-009	\$88.45	MKR Associates	08-0501	Orchard Walk East
079-310-010	\$63.83	DSRG, LP	08-0502	Orchard Walk East
079-310-011	\$895.16	Target Corporation	08-0503	Orchard Walk East
079-310-013	\$88.45	DSRG, LP	08-0504	Orchard Walk East
079-310-015	\$68.16	DSRG, LP	08-0505	Orchard Walk East
079-310-016	\$34.87	DSRG, LP	08-0506	Orchard Walk East
079-310-017	\$232.93	DSRG, LP	08-0507	Orchard Walk East
079-310-018	\$265.02	DSRG, LP	08-0508	Orchard Walk East
079-310-019	\$71.07	DSRG, LP	08-0509	Orchard Walk East
079-310-020	\$122.56	DSRG, LP	08-0510	Orchard Walk East

## **Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 08-05  
Orchard Walk East

### General Description

This Assessment District (District) is located at the northeast corner of Riggins Avenue and Dinuba Boulevard. Exhibit "A" is a map of Assessment District 08-05. This District includes the maintenance of street lights and any other applicable equipment or improvements. The total number of lots within the district is 10.

### Determination of Benefit

The street lights provide safety and visual improvements for the area. In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the maintenance of all external street lights around the development, the City Council has determined that street lights 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. Because of the large variation in lot size, ranging from 8,799 square feet to 510,959 square feet, each lot will be apportioned based on the square footage. All lots within the District are part of a single commercial shopping center and will benefit proportionally from the public street lights around the perimeter.

### Estimated Costs

The estimated costs to maintain the District includes the costs to maintain street lights.

**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 08-05  
Orchard Walk East

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.	0	\$0.180	\$0.00
Shrub Area	Sq. Ft.	0	\$0.180	\$0.00
Water	Sq. Ft.	0	\$0.050	\$0.00
Electricity	Sq. Ft.	0	\$0.008	\$0.00
Trees In Landscape Lots	Each	0	\$25.00	\$0.00
Trees In Local Street Parkways	Each	0	\$25.00	\$0.00
Street Lights	Each	15	\$105.00	\$1,575.00
Chip Seal (15 year cycle)	Sq. Ft.	0	\$0.190	\$0.00
Crack Seal ( 8 year cycle)	Sq. Ft.	0	\$0.02933	\$0.00
Reclamite (6 year cycle)	Sq. Ft.	0	\$0.0211170	\$0.00
Overlays (10 year cycle)	Sq. Ft.	0	\$0.65	\$0.00
TOTAL				<u>\$1,575.00</u>
10% Reserve Fund				\$157.50
GRAND TOTAL				<u><u>\$1,732.50</u></u>
COST PER SQUARE FOOT				<u>\$0.00171</u>

Project Management Costs/Lot                      \$18                      + 10% Reserve Fund =                      \$19.80

	<b>Management Cost</b>	<b>Lot Sq. Footage</b>	<b>Proportional Cost</b>	<b>Total Cost</b>
Lot 1	\$19.80	40,075	\$68.65	\$88.45
Lot 2	\$19.80	25,700	\$44.03	\$63.83
Lot 3	\$19.80	510,959	\$875.36	\$895.16
Lot 4	\$19.80	40,075	\$68.65	\$88.45
Lot 5	\$19.80	28,227	\$48.36	\$68.16
Lot 6	\$19.80	8,799	\$15.07	\$34.87
Lot 7	\$19.80	124,407	\$213.13	\$232.93
Lot 8	\$19.80	143,138	\$245.22	\$265.02
Lot 9	\$19.80	29,926	\$51.27	\$71.07
Lot 10	\$19.80	59,982	\$102.76	\$122.56
<b>TOTAL</b>		<b>1,011,288</b>		<b>\$1,930.50</b>

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:

$$A_{max} \text{ for any given year "n"} = (\$1,930.50) (1.05)^{(n-1)}$$

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

## Exhibit "D"

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 08-05  
Orchard Walk East

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 \$2,104.25 [a 9% increase over the base year estimated cost of \$1,930.50]. The maximum annual assessment for year four is \$2,234.80 [ $A_{\max} = (\$1,930.50) (1.05)^{(4-1)}$ ]. The assessment will be set at \$2,104.25 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 \$2,181.47 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$1,930.50]. 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 \$43.63 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 \$2,234.80 [ $A_{\max} = (\$1,930.50) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$2,181.47 plus the deficit amount of \$43.63 which equals \$2,225.10 [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 \$2,104.25 [a 9% increase over the base year assessment of \$1,930.50] and a street light is damaged and replaced raising the year five expenses to \$2,355.21 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$2,314.67 (a 10% increase over the previous year) and below the maximum annual assessment of \$2,346.53 [ $A_{\max} = (\$1,930.50) (1.05)^{(5-1)}$ ]. The difference of \$40.54 is recognized as a deficit and will be carried over into future years' assessments until the street light replacement expenses are fully paid.



**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 08-05  
Orchard Walk East

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 81

**Agenda Item Wording:** Authorize the Amendment of Landscape and Lighting Assessment District No. 96-01 "Sequoia Glen" to add 4 new lots and eliminate 6 lots for a net reduction from 196 to 194 (Resolution Nos. 2011-52 and 2011-53 required). (APN: 126-120-050, 126-560-060, 126-640-074, 126-590-001-003, 006-010, 126-520-006-063, 069-076, 126-510-001-038, 040-054, 056-069, 071-079, 084-089, 126-700-001-011, 013, 015-041, 043-048)

**Deadline for Action:** N/A

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

**Contact Name and Phone Number:**

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

**Department Recommendation:** Staff recommends that City Council adopt Resolution No. 2011-52 Resolution of Amendment for Assessment District No. 96-01 "Sequoia Glen"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-53 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment.

**Summary:** The amendment of Assessment District No. 96-01 is recommended because of the following facts related to this District.

1. Tentative Parcel Map 2009-05, recorded on April 1, 2010, increased the total lots in the District by 4 from 196 to 200.
2. The developer of Tentative Parcel Map 2009-05 has agreed to this amendment and has waived their right to a public hearing. The other property owners in the District will have a slight decrease to their per-lot assessment from \$60.10 to \$59.18 as a result of the amendment.
3. Staff review of the District identified 6 large, vacant lots (4 are multi-family and 2 are commercial) which do not have equitable benefits and costs within this district as compared to the single family lots. Therefore, staff recommends removal of these 6

**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.): 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.

existing lots from the District. This results in a decrease of the total lots in the District from 200 to 194.

4. These 6 large vacant parcels may or may not require a landscape and lighting assessment district in the future when they are developed.

**Background:** This amendment results in a net decrease in total lots from 196 to 194 with 4 new lots being added and 6 existing lots being removed. The boundary of the District is revised to reflect the removal of the 6 existing lots. The amendment is being done by a summary proceeding because the developer of Tentative Parcel Map 2009-05 has waived their right to a public hearing and the remaining 190 property owners in the District will have a slight decrease to their per-lot assessment. A summary proceeding is a process that does not require the Proposition 218 public hearing process. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

**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.
- February 20, 1996, Council authorized the formation of Landscape and Lighting District 96-01.

**Committee/Commission Review and Actions:**

**Alternatives:** N/A

**Attachments:** Location Map, Resolution Initiating Proceedings, Clerk's Certification, Resolution Ordering Improvements, Exhibits "A", "B", "C" and "D"

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

"I move to adopt Resolution No. 2011-52 Resolution of Amendment for Assessment District No. 96-01 "Sequoia Glen"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-53 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment."

***Environmental Assessment Status***

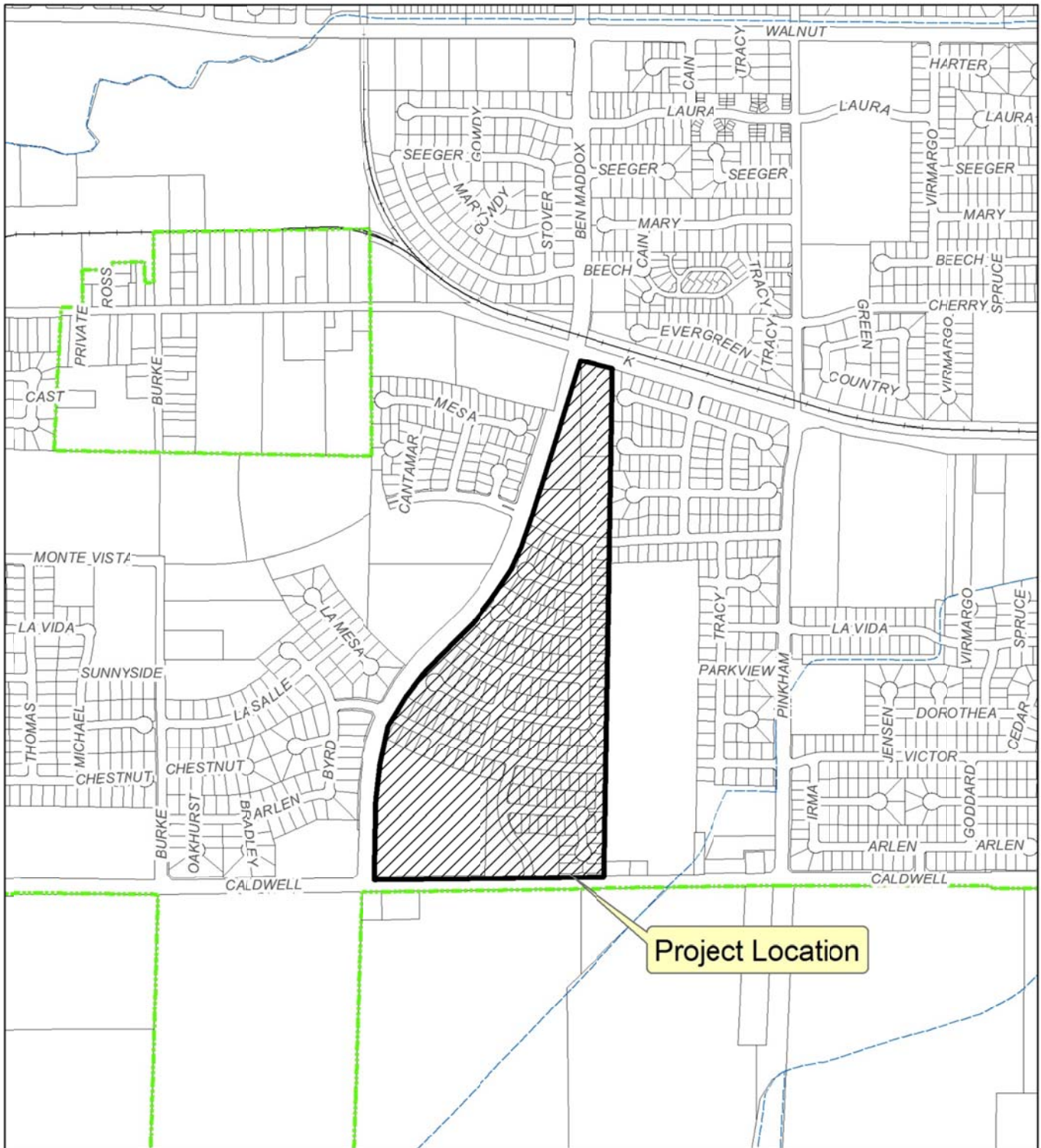
**CEQA Review:**

**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:



# Assessment District 96-01



Scale: 1"=800'

RESOLUTION NO. 2011-52

RESOLUTION INITIATING PROCEEDINGS  
FOR THE AMENDMENT OF  
ASSESSMENT DISTRICT 96-01  
Sequoia Glen  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to amend an assessment district pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following reasons:
  - a. Addition of 4 lots resulting from the recording of Tentative Parcel Map 2009-06.
  - b. Removal of 4 vacant multi-family lots to be further subdivided in the future with a separate assessment district if necessary.
  - c. Removal of 2 vacant commercial lots that will not have future frontage landscaping maintained by this District.
2. The District, including this amendment, shall continue with the designation established with the initial formation, which is "Assessment District No. 96-01, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 96-01, City of Visalia, Tulare County, California", 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. 96-01

Sequoia Glen

(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. 96-01, City of Visalia, confirmed by the City Council of the City of Visalia on the 15th day of August 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. 2011-53

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 96-01  
Sequoia Glen  
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

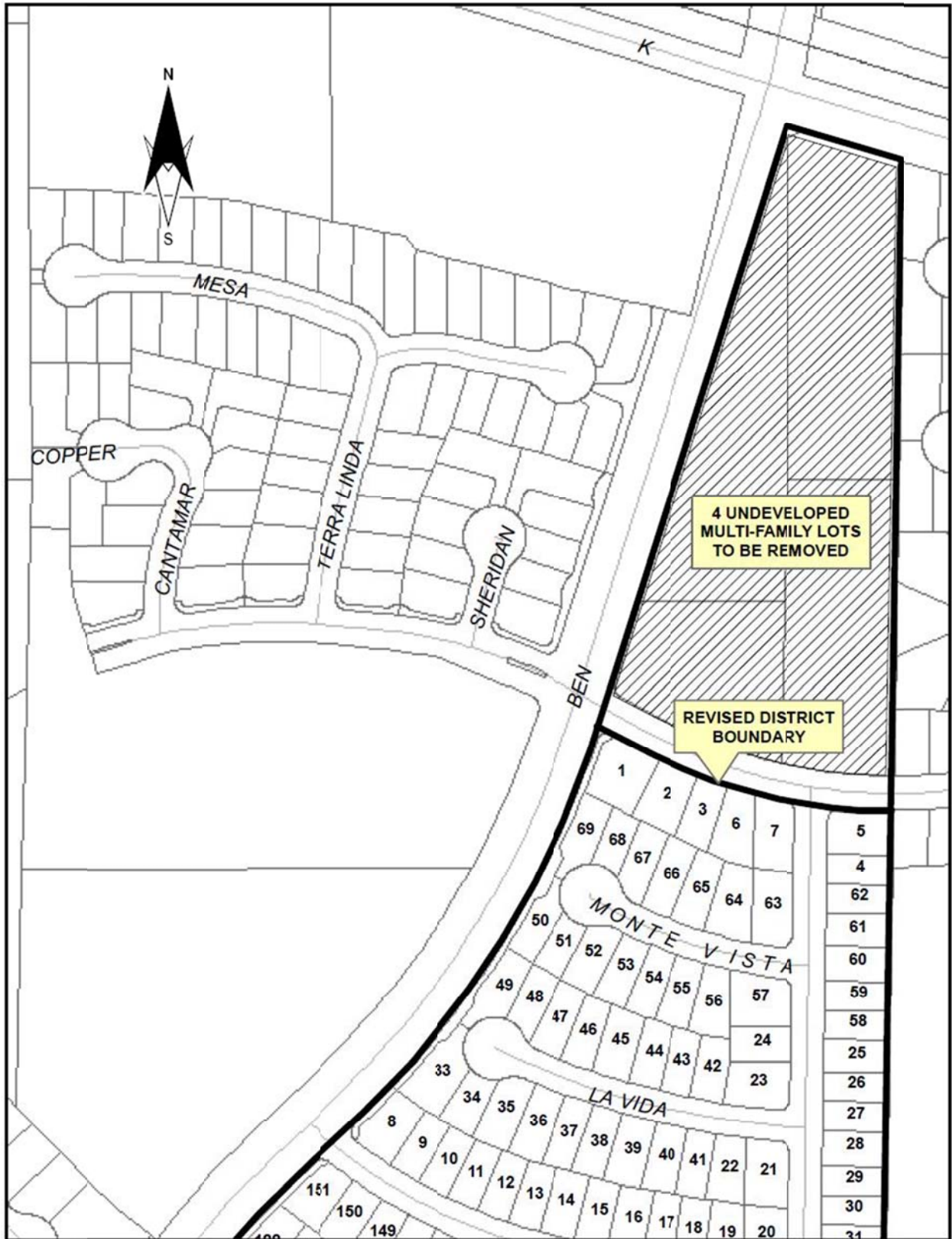
1. The City Council adopted its Resolution Initiating Proceedings for the amendment of Assessment District No. 96-01, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed amendment.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. The owner of the additional lots added within the boundaries of the amended landscape and lighting district has filed their consent to the amendment of District No. 96-01, and to the adoption of the Engineer's Report and the levy of the assessments stated therein. Consent is not required for the owners of existing, unchanged lots in the District because the amendment results in a decrease in their per lot assessment. The amendment also does not change the original scope of maintenance or the financing methodologies established with the formation of District No. 96-01.
4. The City Council hereby orders the improvements and the amendment 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 - Landscaping Location Diagram
    - Exhibit C - Tax Roll Assessment
    - Exhibit D - Engineer's Report

PASSED AND ADOPTED



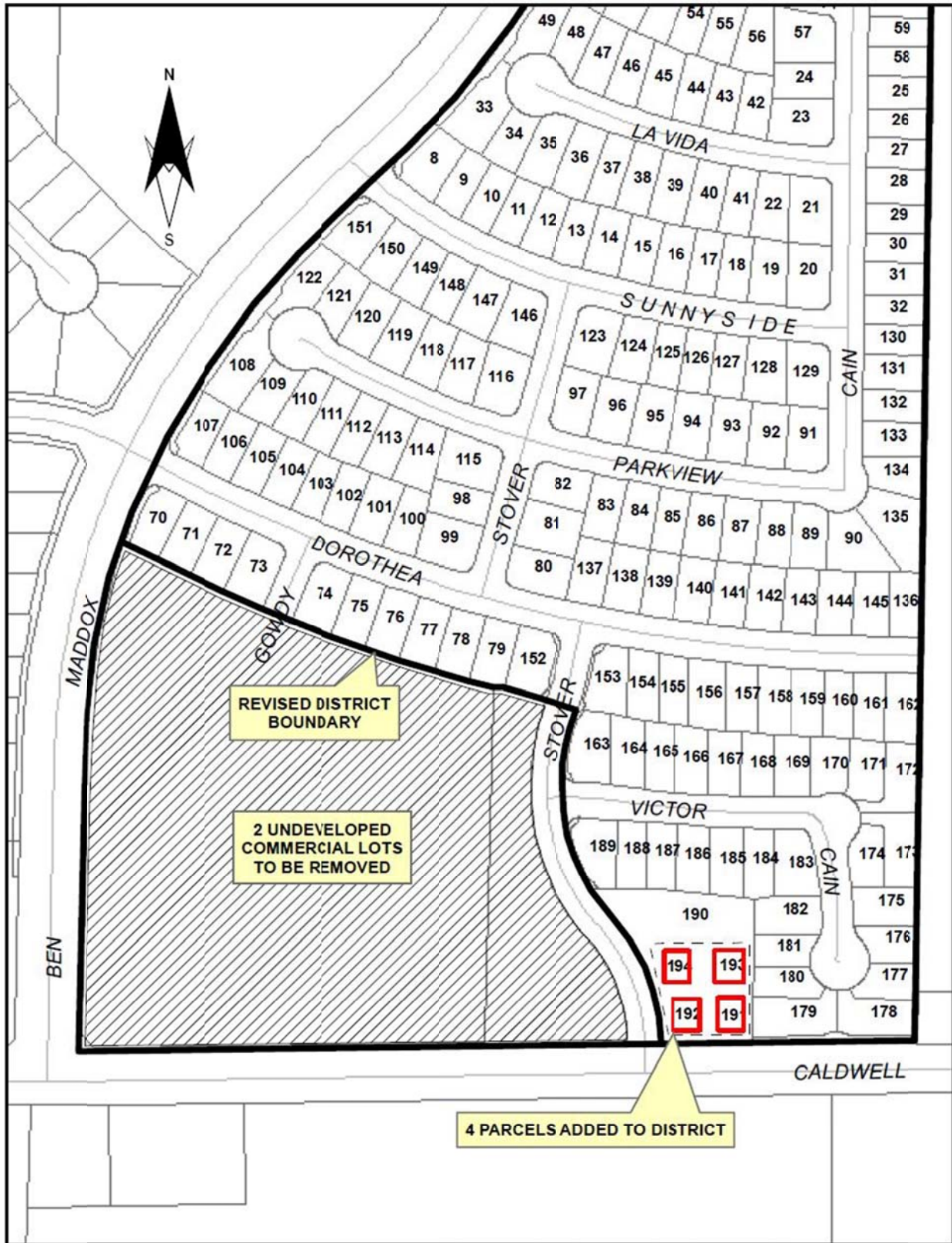
# Exhibit "A"

Assessment Diagram  
Assessment District No. 96-01  
Sequoia Glen



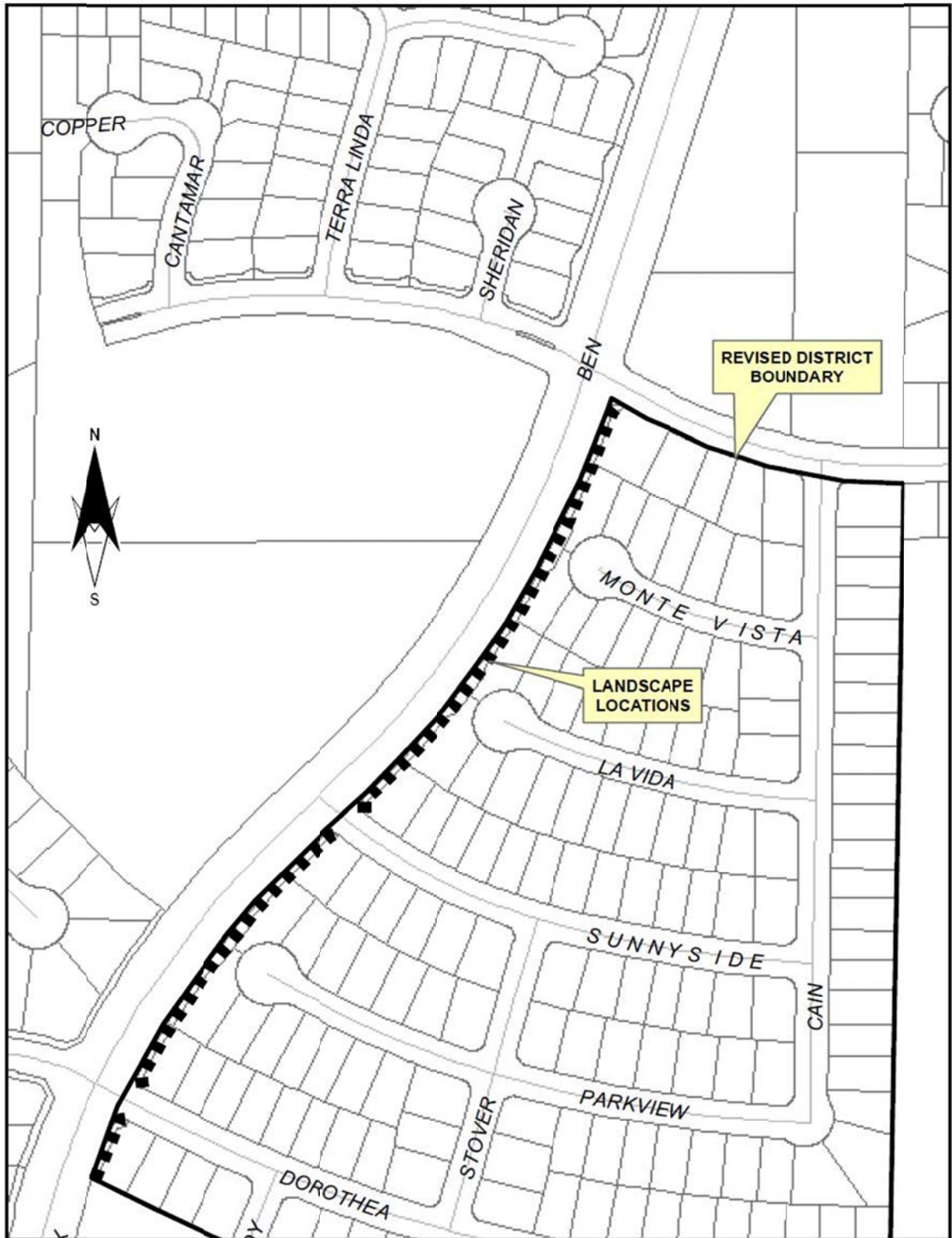
# Exhibit "A"

Assessment Diagram  
Assessment District No. 96-01  
Sequoia Glen



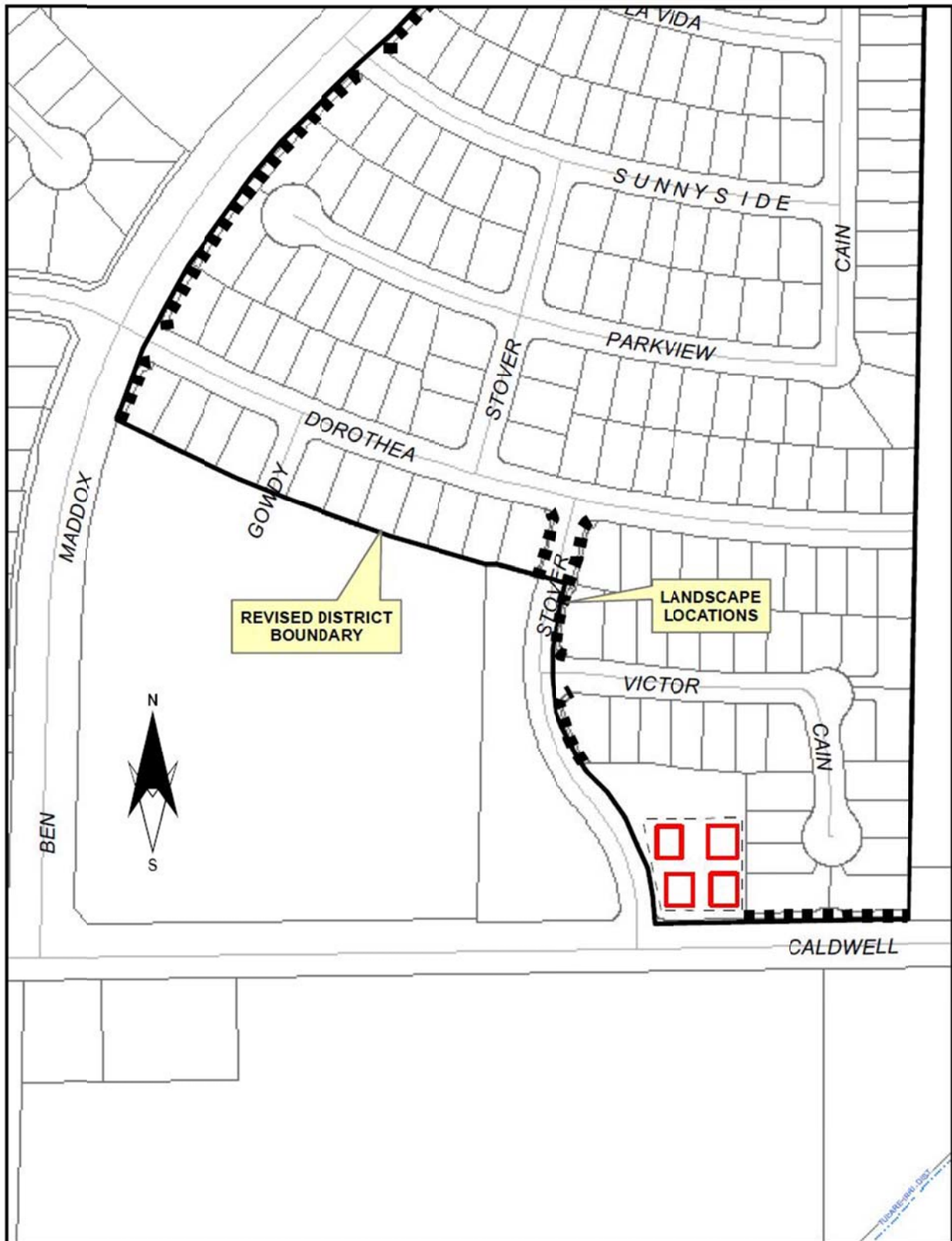
# Exhibit "B"

Landscape Location Map  
Assessment District No. 96-01  
Sequoia Glen



# Exhibit "B"

Landscape Location Map  
Assessment District No. 96-01  
Sequoia Glen



**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
126590001	\$59.18	CALIFORNIA WATER SERVICE CO	96-01001	Sequoia Glen
126590002	\$59.18	BERBERIAN LOUDVIG E & TYNA A	96-01002	Sequoia Glen
126590003	\$59.18	NAVARRO ADRIE D	96-01003	Sequoia Glen
126590006	\$59.18	RYCROFT VIKKILYNN	96-01004	Sequoia Glen
126590007	\$59.18	HARRIS DAVID G	96-01005	Sequoia Glen
126590009	\$59.18	STECK MICHAEL T & DIANA F	96-01006	Sequoia Glen
126590010	\$59.18	CHAPMAN RACHEL L	96-01007	Sequoia Glen
126520006	\$59.18	CHAIRES JUAN & MARIA	96-01008	Sequoia Glen
126520007	\$59.18	MONTOYA GABRIEL L & MARIA R (TRS)	96-01009	Sequoia Glen
126520008	\$59.18	ABBOTT DOROTHEA M (SUCC TR)	96-01010	Sequoia Glen
126520009	\$59.18	SKINNER ERIC JUSTIN & BROOKE ELAINE	96-01011	Sequoia Glen
126520010	\$59.18	RIOS SAUL T & MONICA L	96-01012	Sequoia Glen
126520011	\$59.18	TAYLOR RICHARD D & JANE J (TRS)	96-01013	Sequoia Glen
126520012	\$59.18	MONACO RITA LOUISE (TR REV TR)	96-01014	Sequoia Glen
126520013	\$59.18	SMITH TIFFANY A	96-01015	Sequoia Glen
126520014	\$59.18	KAVADAS THOMAS	96-01016	Sequoia Glen
126520015	\$59.18	GREEN TROY G JR	96-01017	Sequoia Glen
126520016	\$59.18	FLORES CYNTHIA	96-01018	Sequoia Glen
126520017	\$59.18	MARSHALL RICHARD D & BERNICE D	96-01019	Sequoia Glen
126520018	\$59.18	ENGLUND JEFFREY & CHERYL	96-01020	Sequoia Glen
126520019	\$59.18	YADA WAYNE & MARY JAYNE (TRS)	96-01021	Sequoia Glen
126520020	\$59.18	SCHAFFER NINA C & BROOKS W	96-01022	Sequoia Glen
126520021	\$59.18	KORNAFEL MICHAEL	96-01023	Sequoia Glen
126520022	\$59.18	WAHLSTROM GARY C & YVONNE P (TRS)	96-01024	Sequoia Glen
126520023	\$59.18	CEJA JOSE A & SUSANA	96-01025	Sequoia Glen
126520024	\$59.18	CASTRO JOANNA	96-01026	Sequoia Glen
126520025	\$59.18	MILLER ROBERT L & ARACELI G	96-01027	Sequoia Glen
126520026	\$59.18	ALLEN JEROME B & ROBIN D	96-01028	Sequoia Glen
126520027	\$59.18	HARRIS GEORGE W	96-01029	Sequoia Glen
126520028	\$59.18	YADA WAYNE M & MARY JAYNE (TRS)	96-01030	Sequoia Glen
126520029	\$59.18	DENMAN EDWARD & STEPHANIE	96-01031	Sequoia Glen
126520030	\$59.18	JEAN ORAN & FRANCES (TRS)	96-01032	Sequoia Glen
126520031	\$59.18	VANDER WALL ED D & GINILU	96-01033	Sequoia Glen
126520032	\$59.18	DIRWANTO LISMIN	96-01034	Sequoia Glen
126520033	\$59.18	FIGUEROA JOSIE	96-01035	Sequoia Glen
126520034	\$59.18	SKAFF ADRIENNE L	96-01036	Sequoia Glen
126520035	\$59.18	WINTER LINDA	96-01037	Sequoia Glen
126520036	\$59.18	FLUKE TERRI L	96-01038	Sequoia Glen
126520037	\$59.18	OCHOA GUSTAVO & ALICIA	96-01039	Sequoia Glen
126520038	\$59.18	MACKLIN JEREMY D & TIFFANY	96-01040	Sequoia Glen
126520039	\$59.18	KWIKER DAVID S & CAROL D	96-01041	Sequoia Glen
126520040	\$59.18	KORNAFEL MICHAEL	96-01042	Sequoia Glen
126520041	\$59.18	COPPENGER SARA JEAN	96-01043	Sequoia Glen
126520045	\$59.18	RODRIGUEZ BONAFACIO M & ELODIA	96-01044	Sequoia Glen

**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
126520046	\$59.18	GARIBAY MIGUEL ANGEL JR	96-01045	Sequoia Glen
126520047	\$59.18	ALVAREZ KARA N	96-01046	Sequoia Glen
126520048	\$59.18	DAVIS LARRY & ALICE P	96-01047	Sequoia Glen
126520049	\$59.18	SAVALA JOE J JR	96-01048	Sequoia Glen
126520050	\$59.18	MORTON MIKE & DONNA	96-01049	Sequoia Glen
126520051	\$59.18	PATINO ILIANA	96-01050	Sequoia Glen
126520052	\$59.18	BIDDLE KIMBERLY D	96-01051	Sequoia Glen
126520053	\$59.18	EDWARDS LYNETTE D	96-01052	Sequoia Glen
126520054	\$59.18	MONTION PATRICIA ANN	96-01053	Sequoia Glen
126520055	\$59.18	SPALSBURY JEFF R	96-01054	Sequoia Glen
126520056	\$59.18	LUPIAN JUANITA R	96-01055	Sequoia Glen
126520057	\$59.18	GOMEZ JUANITA	96-01056	Sequoia Glen
126520058	\$59.18	MC MAKIN CHARLES H III & DONNA	96-01057	Sequoia Glen
126520059	\$59.18	HINDS ROBERT L	96-01058	Sequoia Glen
126520060	\$59.18	ZAPASNIK NANCY (TR)	96-01059	Sequoia Glen
126520061	\$59.18	LOMELI RAFAEL C & BEATRICE E	96-01060	Sequoia Glen
126520062	\$59.18	RUSTIGIAN RONALD R & LINDA S (CO-TRS)	96-01061	Sequoia Glen
126520063	\$59.18	HULSEY CHRISTOPHER D	96-01062	Sequoia Glen
126520069	\$59.18	SMITH GRETCHEN S	96-01063	Sequoia Glen
126520071	\$59.18	SHIPMAN CAMILLE A	96-01064	Sequoia Glen
126520072	\$59.18	SON RICKY & CAROL	96-01065	Sequoia Glen
126520073	\$59.18	GMAC MORTGAGE LLC	96-01066	Sequoia Glen
126520074	\$59.18	GARCIA MARCELO II	96-01067	Sequoia Glen
126520075	\$59.18	DUARTE NORBERT S	96-01068	Sequoia Glen
126520076	\$59.18	FAGURA JAGDEEP	96-01069	Sequoia Glen
126510001	\$59.18	LEFAIVE ADAM FRANKLIN	96-01070	Sequoia Glen
126510002	\$59.18	SHAIEF MUSTAFA N	96-01071	Sequoia Glen
126510003	\$59.18	SERPA FRANK & FERNANDA L (FAM LTD PTNP)	96-01072	Sequoia Glen
126510004	\$59.18	GOMEZ JAIME	96-01073	Sequoia Glen
126510005	\$59.18	ALEMAN SAMUEL M & ELSA	96-01074	Sequoia Glen
126510006	\$59.18	HUNT STEPHANIE	96-01075	Sequoia Glen
126510007	\$59.18	WEHE ROBERT D	96-01076	Sequoia Glen
126510008	\$59.18	DEVER MARGARET A	96-01077	Sequoia Glen
126510009	\$59.18	GONZALEZ JUAN F	96-01078	Sequoia Glen
126510010	\$59.18	COLE LEE R & PATRICIA L	96-01079	Sequoia Glen
126510011	\$59.18	SERPA FRANK & FERNANDA (FAM LTD PTNP)	96-01080	Sequoia Glen
126510012	\$59.18	GONZALEZ SERGIO & ANABEL	96-01081	Sequoia Glen
126510013	\$59.18	POLEK MARYLOU	96-01082	Sequoia Glen
126510014	\$59.18	PATTON FLORENCE D (TR)	96-01083	Sequoia Glen
126510015	\$59.18	SAHOTA AVTAR & RANJIT	96-01084	Sequoia Glen
126510016	\$59.18	CALIFORNIA HOUSING FINANCE AGENCY	96-01085	Sequoia Glen
126510017	\$59.18	KRAUS EDWARD K (TR)	96-01086	Sequoia Glen
126510018	\$59.18	MC MAHON STEPHEN & SHANNON	96-01087	Sequoia Glen
126510019	\$59.18	FISHER JAMES J	96-01088	Sequoia Glen

**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
126510020	\$59.18	CAVE AMELIA	96-01089	Sequoia Glen
126510021	\$59.18	PEREZ EDDIE & SUSIE	96-01090	Sequoia Glen
126510022	\$59.18	ENGLUND BILLIE	96-01091	Sequoia Glen
126510023	\$59.18	MORTON JUSTIN & SARA	96-01092	Sequoia Glen
126510024	\$59.18	TRIKHA ROHIT	96-01093	Sequoia Glen
126510025	\$59.18	SCHMIDT MERVIN C & LAVERNE (TRS)	96-01094	Sequoia Glen
126510026	\$59.18	MARTIN-DEL-CAMPO JANET R	96-01095	Sequoia Glen
126510027	\$59.18	MORALES ANA	96-01096	Sequoia Glen
126510028	\$59.18	LOVIK MELINDA	96-01097	Sequoia Glen
126510029	\$59.18	SHAW BERNADETTE	96-01098	Sequoia Glen
126510030	\$59.18	FITZGERALD LEON A & LINDA L	96-01099	Sequoia Glen
126510031	\$59.18	WILSEY JESSICA R	96-01100	Sequoia Glen
126510032	\$59.18	PITTS CAROL A	96-01101	Sequoia Glen
126510033	\$59.18	U S A HFA	96-01102	Sequoia Glen
126510034	\$59.18	AMARAL MATHEW E	96-01103	Sequoia Glen
126510035	\$59.18	MC DANIEL APRIL	96-01104	Sequoia Glen
126510036	\$59.18	ERDELYI AARON C	96-01105	Sequoia Glen
126510037	\$59.18	WREN HOWARD L	96-01106	Sequoia Glen
126510038	\$59.18	KEBLER DONNA J	96-01107	Sequoia Glen
126510040	\$59.18	PAYNE SONIA	96-01108	Sequoia Glen
126510041	\$59.18	MC KAY GORDON & SHELLA A	96-01109	Sequoia Glen
126510042	\$59.18	KIRK KRISTEN R & JAYSON R	96-01110	Sequoia Glen
126510043	\$59.18	BROOKS JOHNATHAN	96-01111	Sequoia Glen
126510044	\$59.18	ESCOBAR FRANK W	96-01112	Sequoia Glen
126510045	\$59.18	SHAFFER CECILE	96-01113	Sequoia Glen
126510046	\$59.18	ROBERTSON ERIC RONALD & JANET MARIE (TRS)	96-01114	Sequoia Glen
126510047	\$59.18	PHILLIPS KATHLEEN M	96-01115	Sequoia Glen
126510048	\$59.18	DOWLING RYAN WARREN	96-01116	Sequoia Glen
126510049	\$59.18	VAN DYK FRED W & KATHLEEN A	96-01117	Sequoia Glen
126510050	\$59.18	OLSEN NEAL & CHAUNDRA L	96-01118	Sequoia Glen
126510051	\$59.18	JOHNSON TIMOTHY R & ERIKA L	96-01119	Sequoia Glen
126510052	\$59.18	VAN TOL BERNIE & DANETTE	96-01120	Sequoia Glen
126510053	\$59.18	DIAZ ELIZABETH	96-01121	Sequoia Glen
126510054	\$59.18	TEJEDA JOE A	96-01122	Sequoia Glen
126510056	\$59.18	VALDEZ FRANK & CLARA (TRS)	96-01123	Sequoia Glen
126510057	\$59.18	DEVRIES JACK B & DONNA	96-01124	Sequoia Glen
126510058	\$59.18	RAMIREZ DANIEL J	96-01125	Sequoia Glen
126510059	\$59.18	JUNGWIRTH CYNTHIA DENISE	96-01126	Sequoia Glen
126510060	\$59.18	WISDOM JASON & ASHLEE	96-01127	Sequoia Glen
126510061	\$59.18	TORRES JAMIE R & ESMERALDA K	96-01128	Sequoia Glen
126510062	\$59.18	LANGE BRETT M & SHARA J	96-01129	Sequoia Glen
126510063	\$59.18	GREEN KELLY D	96-01130	Sequoia Glen
126510064	\$59.18	MADRIGAL MARIA E	96-01131	Sequoia Glen
126510065	\$59.18	REA RONALD J & GUADALUPE T	96-01132	Sequoia Glen

**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
126510066	\$59.18	SPROUSE SAMUEL J & VIRGINIA L	96-01133	Sequoia Glen
126510067	\$59.18	BLANCET SALLY C	96-01134	Sequoia Glen
126510068	\$59.18	PEREZ JOSE LUIS	96-01135	Sequoia Glen
126510069	\$59.18	HERNANDEZ ADOLFO JR	96-01136	Sequoia Glen
126510071	\$59.18	CADIENA LOLITA & FRANCISCO	96-01137	Sequoia Glen
126510072	\$59.18	OGLETREE JENNIFER M T & CHRISTOPHER	96-01138	Sequoia Glen
126510073	\$59.18	BROWN FREDERICK A & VIRGINIA A	96-01139	Sequoia Glen
126510074	\$59.18	WESTPHAL JOHN R	96-01140	Sequoia Glen
126510075	\$59.18	POPE TOMMY H & LEAH N	96-01141	Sequoia Glen
126510076	\$59.18	REJNIK ZBIGNIEW J	96-01142	Sequoia Glen
126510077	\$59.18	SIMERDLA DONNA M	96-01143	Sequoia Glen
126510078	\$59.18	MINER JUSTIN I	96-01144	Sequoia Glen
126510079	\$59.18	TERRY RANDALL E	96-01145	Sequoia Glen
126510084	\$59.18	BRAZIL JOHN L & LAVERNE M	96-01146	Sequoia Glen
126510085	\$59.18	DOYEL LUPE (TR)	96-01147	Sequoia Glen
126510086	\$59.18	TAYLOR RICHARD D & JANE J (TRS)	96-01148	Sequoia Glen
126510087	\$59.18	MC INTYRE DONALD C & JOYCE M (TRS)	96-01149	Sequoia Glen
126510088	\$59.18	WILLIAMS FRANK & JOAN	96-01150	Sequoia Glen
126510089	\$59.18	ESCOBAR CESAR X & LIZETH S	96-01151	Sequoia Glen
126700001	\$59.18	CARTER AUBREY	96-01152	Sequoia Glen
126700002	\$59.18	LARA TOMAS E & ELIZABETH	96-01153	Sequoia Glen
126700003	\$59.18	MEIER MARTIN	96-01154	Sequoia Glen
126700004	\$59.18	DUNCAN GREG	96-01155	Sequoia Glen
126700005	\$59.18	CLIFTON ROBERT & CHARLOTTE	96-01156	Sequoia Glen
126700006	\$59.18	TAPLEY RICHARD G (C)	96-01157	Sequoia Glen
126700007	\$59.18	WALLMAN MERLE K (TR FAM REVOC TR)	96-01158	Sequoia Glen
126700008	\$59.18	SMEDS CHESTER & CHERIL	96-01159	Sequoia Glen
126700009	\$59.18	ATILANO CARMEN	96-01160	Sequoia Glen
126700010	\$59.18	MARK JAMES VINCENT	96-01161	Sequoia Glen
126700011	\$59.18	WHITE WILLIAM C II	96-01162	Sequoia Glen
126700015	\$59.18	MORA PABLO & ESTELA	96-01163	Sequoia Glen
126700016	\$59.18	RINARD LAURIE	96-01164	Sequoia Glen
126700017	\$59.18	MOTA LUIS	96-01165	Sequoia Glen
126700018	\$59.18	HERNANDEZ VINCENT W	96-01166	Sequoia Glen
126700019	\$59.18	HEUSER GAYNA M	96-01167	Sequoia Glen
126700020	\$59.18	MORENO GRACIELA A (TR)	96-01168	Sequoia Glen
126700021	\$59.18	VERISSIMO MICHAEL LEE (TR)	96-01169	Sequoia Glen
126700022	\$59.18	BLAIN BRODY & SHERIDYN R (TRS)	96-01170	Sequoia Glen
126700023	\$59.18	WARD JOHN & DIANA	96-01171	Sequoia Glen
126700024	\$59.18	SAMPLE JEAN L	96-01172	Sequoia Glen
126700025	\$59.18	PETTYJOHN ADAM & DEANNA	96-01173	Sequoia Glen
126700026	\$59.18	HAMMONDS VIGEL & AMY L	96-01174	Sequoia Glen
126700027	\$59.18	ENGALLA ENGEL B	96-01175	Sequoia Glen
126700028	\$59.18	BAXTER ASHLEY	96-01176	Sequoia Glen



**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
126700029	\$59.18	AYON FRANK & TANIA	96-01177	Sequoia Glen
126700030	\$59.18	DUARTE RICHARD P SR	96-01178	Sequoia Glen
126700031	\$59.18	GALINDO MONICA & ANTONIO	96-01179	Sequoia Glen
126700032	\$59.18	VERA GEORGE	96-01180	Sequoia Glen
126700033	\$59.18	RENDON EDUARDO M & VIRGINIA	96-01181	Sequoia Glen
126700034	\$59.18	PLUMMER JULIE	96-01182	Sequoia Glen
126700035	\$59.18	HOWARD CATHY L	96-01183	Sequoia Glen
126700036	\$59.18	STOUT ALVIN G & MARTHA A	96-01184	Sequoia Glen
126700037	\$59.18	HEATON JACOB A	96-01185	Sequoia Glen
126700038	\$59.18	MOORE JO ANN	96-01186	Sequoia Glen
126700039	\$59.18	SABLAN TOMMY S	96-01187	Sequoia Glen
126700040	\$59.18	AIHARA FUMIE (TR REVOC LIV TR)	96-01188	Sequoia Glen
126700041	\$59.18	SCRIBNER ALLEN K & JONI V	96-01189	Sequoia Glen
126700044	\$59.18	MIKE FISTOLERA CONSTRUCTION INCORPORATED	96-01190	Sequoia Glen
126700045	\$59.18	MIKE FISTOLERA CONSTRUCTION INCORPORATED	96-01191	Sequoia Glen
126700046	\$59.18	MIKE FISTOLERA CONSTRUCTION INCORPORATED	96-01192	Sequoia Glen
126700047	\$59.18	MIKE FISTOLERA CONSTRUCTION INCORPORATED	96-01193	Sequoia Glen
126700048	\$59.18	MIKE FISTOLERA CONSTRUCTION INCORPORATED	96-01194	Sequoia Glen

## **Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

### General Description

This Assessment District (District) is located on the east side of Ben Maddox Way between Caldwell Avenue and K Avenue. Exhibit "A" is a map of the District. This District includes the maintenance of landscaping and any other applicable equipment or improvements. The total number of lots within the district is 194.

### Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The wall provides security, aesthetics, and sound suppression. The maintenance of the landscaping and wall is vital for the protection of both economic and humanistic values of the development. The City Council has determined that in order to preserve the values incorporated within developments the landscaping and 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 and block walls. The lots not adjacent to landscape areas and block walls 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 landscaping, block walls and any other applicable equipment or improvements.

**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 96-01  
Sequoia Glen

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.	14,850	\$0.135	\$2,004.75
Shrub Area	Sq. Ft.	11,813	\$0.135	\$1,594.76
Water	Sq. Ft.	26,663	\$0.050	\$1,333.15
Electricity	Sq. Ft.	26,663	\$0.008	\$213.30
Trees In Landscape Lots	Each	72	\$25.00	\$1,800.00
Project Management Costs	Lot	194	\$18.00	\$3,492.00
TOTAL				\$10,437.96
10% Reserve Fund				\$1,043.80
GRAND TOTAL				<u>\$11,481.75</u>
COST PER LOT				<u>\$59.18</u>

Annual Cost Increase

This District did not include an annual inflator formula at the time it was formed. The addition of this formula to the District will require the ballot of the property owners because it will result in the addition of a component that will allow for an annual increase in the assessment.

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8m

**Agenda Item Wording:** Request approval of a construction change order for the "Walnut Avenue Street Widening Project" to Witbro Inc., (Seal Rite Paving), in the amount of \$420,000 for (Project No. 1241-9270/ RFB 10-11-33).

**Deadline for Action:** none

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

**Contact Name and Phone Number:**

Manuel Molina, Associate Engineer – 713-4491  
Adam Ennis, Assistant Comm. Dev. Dir. – 713-4323  
Chris Young, Community Development Director – 713 4392

**Department Recommendation:** Staff recommends that the City Council approve a construction change order for the "Walnut Avenue Street Widening Project" to Witbro Inc., (Seal Rite Paving), in the amount of \$420,000 for (Project No. 1241-9270/ RFB 10-11-33).

**Summary:** During the undergrounding construction portion of the project, an existing storm drain line located on the south side of Walnut Avenue east of Mooney Boulevard was exposed and discovered to be structurally deficient. The storm drain line is constructed from butt jointed concrete pipe which is an old method of construction which has shown to be subject to failure.

Engineering staff feels that this storm drain line should be replaced to minimize the potential for any future failures. Plans and specifications were prepared for the storm drain line replacement and the contractor has submitted an estimated cost of \$220,000 for the construction of a new line.

With the installation of the new storm drain line, the entire pavement section east of Mooney Boulevard should be reconstructed to avoid a "patchwork" of asphalt. The estimated cost for the full-width street reconstruction east of Mooney Boulevard will be approximately \$200,000. Therefore, the total change order for both the new storm drain line and the additional pavement replacement would be \$420,000. The change order would be funded with \$291,873 from remaining ARRA funds and \$128,127 from the Transportation Impact Fee (TIF) fund.

**Background:** The City is currently in the street-widening phase of the intersection improvements at Walnut Avenue at Mooney Boulevard. This is the second phase of construction of the intersection improvements. The first phase consisted of the "Rule 20 undergrounding" of overhead electrical

**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.

distribution and communication lines, which was completed in March 2011. The street widening phase of the project is expected to be completed by mid-November 2011.

This project was originally funded through the City's Transportation Impact Fee (TIF fund) with \$2.5M budgeted. Subsequent to the undergrounding process being started, \$1.25M in American Recovery and Reinvestment Act (ARRA) funding was transferred to this project resulting from savings on the Ben Maddox Bridge Project. The construction bid for the street-widening phase was \$958,127. This resulted in about \$300,000 remaining in ARRA funding that could be spent on the project.

During the course of construction of the Rule 20 undergrounding project, an existing storm drain line located on the south side of Walnut Avenue, east of Mooney Boulevard, was exposed and discovered to be structurally deficient. The storm drain line was constructed from butt jointed concrete pipe which is an old method of construction and known to fail with time.

Engineering staff feels that this storm drain line should be replaced to minimize the potential for any future failures after the \$2.5M intersection improvements. Plans and specifications were prepared for the storm drain line replacement and the contractor has submitted a price of about \$220,000 for the construction of a new line.

The installation of the new storm drain line is proposed on a new alignment along the centerline of Walnut Avenue due to the location of existing utilities. With the north and south sides of Walnut already being removed for the street widening, the entire section east of Mooney Boulevard should be reconstructed to avoid a "patchwork" of asphalt. The estimated cost for the full width street reconstruction will be approximately \$200,000. Therefore, the total change order for both the new storm drain line and the additional pavement replacement would be \$420,000. The change order would be funded with \$291,873 from remaining ARRA funds and \$128,127 from the Transportation Impact Fee (TIF) fund.

The \$958,127 construction bid for the project did not include project management, inspection, testing and staking. A summary of the total construction costs are as follows:

<u>Items</u>	<u>TIF Fund</u>	<u>ARRA Funding</u>
Undergrounding Rule 20	\$1,200,000	
Walnut Widening Original Contract		\$958,127
SD Line Replacement		\$220,000
New Street Reconstruction	\$128,127	\$71,873
Staff Time	\$75,000	
<hr/>		
Totals	\$1,403,127	\$1,250,000
Returned to TIF fund	\$1,096,873	

**Prior Council/Board Actions:** Approved Mitigated Negative Declaration March 2002.

**Committee/Commission Review and Actions:**

**Alternatives:** Do not replace existing storm drain line.

**Attachments:** Exhibit "A" - Project location sketch

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

I move to approve a construction change order for the "Walnut Avenue Street Widening Project" to Witbro Inc., (Seal Rite Paving), in the amount of \$420,000 for (Project No. 1241-9270/ RFB 10-11-33).

***Financial Impact***

**Funding Source:** Account Number: 1241-9270

Total Estimated cost:	\$2,653,127	New Revenue:	\$ N/A
Amount Budgeted:	\$3,750,000	Lost Revenue:	\$ N/A
New funding required:	\$0	New Personnel:	\$ N/A

Council Policy Change: Yes  No

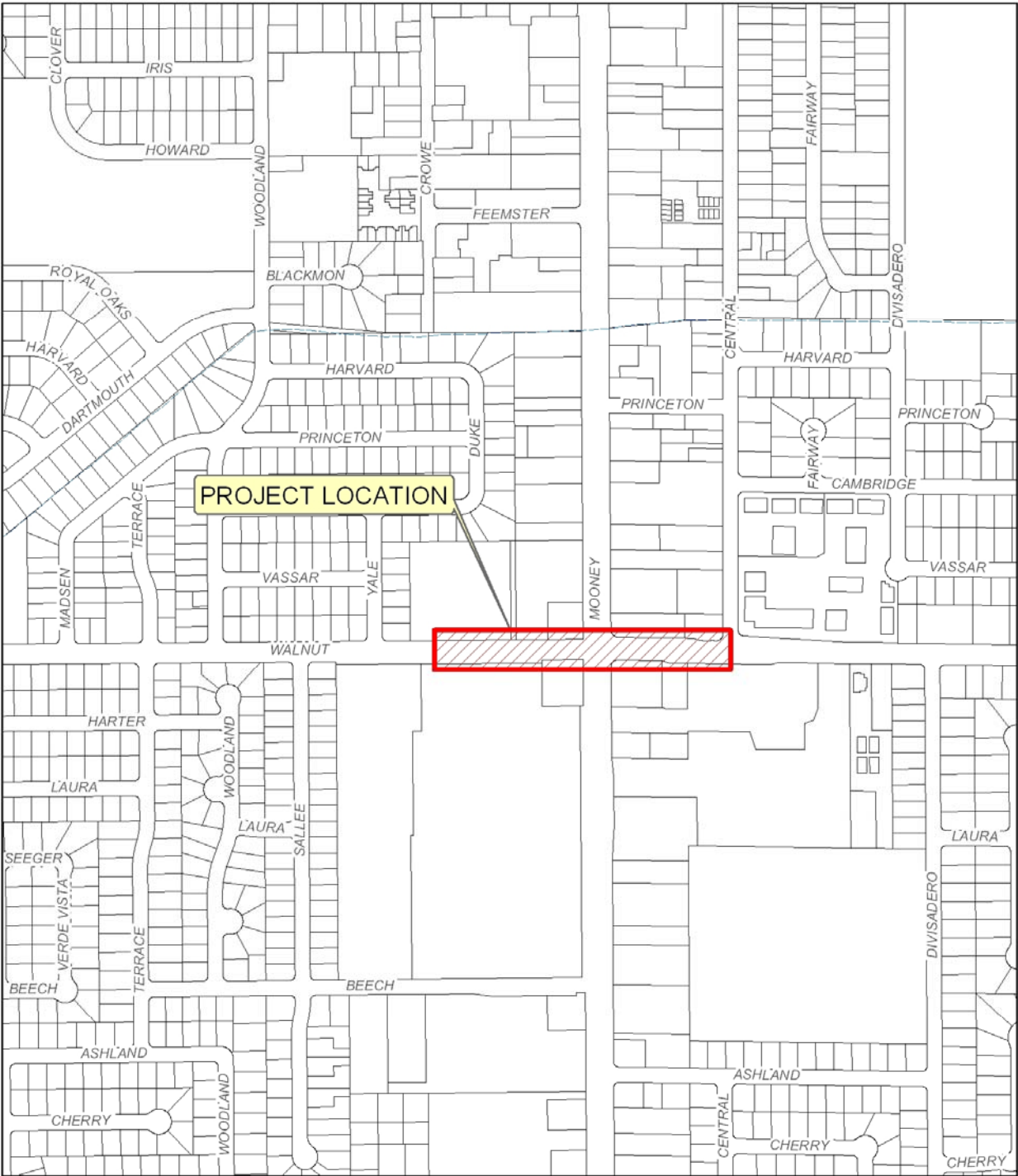
***Environmental Assessment Status***

**CEQA Review:** MND approved March 2002

**NEPA Review:** Finding of No Significant Impact (FONSI), May 24, 2010

**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:



## Walnut Avenue Street Widening Location Map



Scale: 1"=500'

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 18, 2011

**Agenda Item Number (Assigned by City Clerk):** 8n

**Agenda Item Wording:** Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E69633, a competitively bid, cooperative agreement at an annual cost of \$27,851.58 for five years. Compucom will be designated as the reseller for this agreement.

**Deadline for Action:** August 18, 2011

**Submitting Department:** Administrative Services, Information Services

**Contact Name and Phone Number:** Michael Allen x4515

### Department Recommendation

Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E69633, a competitively bid, cooperative agreement at an annual cost of \$27,851.58 for five years. Compucom will be designated as the reseller for this agreement.

### Summary/Background

The City of Visalia has standardized on Microsoft products for the City's desktop (just over 675) and server (40+ servers) computers. This proposed agreement is for upgrades to the City's server software, essential software to run the City. The Microsoft licensing and maintenance agreements, however, are complicated.

Over the last 5 years, the City has utilized an EA agreement with Compucom for Microsoft products based off of a prior Riverside County EA. That EA agreement ran \$25,500 per year and expires August 2011. This action is essentially a renewal of that contract at \$27,851.58 per year, but covers 275 more desktop and 15 more server computers than before.

There are many ways to purchase this software but because the total cost of any of these purchases will be in excess of \$100,000 over the next five years, Information Services is seeking Council authority to place the contract. Information Services recommends using an Enterprise Agreement (EA) as the most cost-effective (from a five-year return-on-investment or "ROI" analysis) and efficient method (from staff's management of licenses) to license and maintain this server software.

### 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.): 2

### 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 three major alternatives and their approximate cost over a five year period are shown on the following page in Table I, Server Licensing and Maintenance Alternatives.

Table I  
Server Licensing and Maintenance Alternatives

Agreement Method	5 Year Estimated Cost
Select Agreement (SA)	\$194,000 - assumes one additional upgrade
Select Agreement with Software Assurance (SA+)	\$291,000 - assumes one additional upgrade
Enterprise Agreement (EA)	\$139,258 – agreement allows for upgrades

The various purchasing methods can be described as follows:

- 1) Select Agreement (SA) – a negotiated purchasing volume, can be very good pricing. Currently Visalia is piggybacked with the State of California Select Agreement (a much higher aggregate quantity of purchases leading to better pricing) through Compucom. This existing agreement is utilized for desktop software purchases, but could be used for server software purchases. Either way, the SA is unaffected by an EA. This is a one-time purchase, no obligated purchases, and no upgrade rights. One-time cost of \$194,000 for server software only; purchase anticipated in 2012/13 (\$194,000 total). **And, each new computer added runs \$275 each.**
- 2) Select Agreement with Software Assurance – much like the Select Agreement above, but also includes a pricey “software maintenance” fee on an annual basis. Includes software upgrades, but this currently runs \$291,000 for the coverage. **And, each new computer added runs \$275 each.**
- 3) Enterprise Agreement (EA) – either a three or five-year maintenance agreement that covers some (server and user licenses) or all (server, user licenses, and desktops) of the City’s Microsoft software. The City does not need to re-purchase new versions of software. *Includes upgrade rights and immensely simplified licensing requirements.* Five-year agreement runs \$27,851.58 per year, or \$139,258 total. **Each new computer added runs up to \$150 each (maximum, depending on when during the 5-year agreement the computer is added).**

The three entities mentioned in this proposal are:

- 1) Riverside County – has negotiated the Enterprise Agreement that the City intends to “piggyback”,
- 2) Compucom – the reseller the software is purchased from (Microsoft software can not be purchased directly from Microsoft, only through a reseller), and
- 3) Microsoft – the owner of the software. The Enterprise Agreement is between the City of Visalia and Microsoft.

**Contract Details.** Only very large companies, states, or cooperatives can negotiate an EA with Microsoft. The County of Riverside also has a competitively bid EA that results in excellent pricing and conditions; the State of California has chosen to piggyback the Riverside County agreement, rather than bidding their own as in the past. The Riverside County EA allows cooperative purchases and stipulates that one of four (4) vendors must be used as the reseller – Compucom is one of those vendors. All four vendors essentially offer the same pricing

through this EA. (The other vendors are shown on the Riverside County EA attachment.) Compucom continues to work extensively with IS staff clarifying licensing terms and pricing. In addition, the City utilizes Compucom for our Select Agreement (SA) and this simplifies license tracking and vendor negotiations. The SA allows the City to purchase desktop software on an as-needed basis at deeply discounted pricing (Level "D" tiered pricing) based off of State of California purchasing levels.

The EA functions much like a traditional software maintenance contract. In this case, it is a five-year (5) contract for server software (40 servers) and user licenses (675 clients) to access those servers **only**. It does **not** include desktop software. For \$27,851.58 per year, this entitles the City of Visalia to all future releases of server software we are currently running and the client access licenses necessary to talk to those servers. Exclusive to the Riverside EA is this option for a five-year commitment and the ability to split the server software from the desktop software – all other EAs are for a three-year period and **ALL** software must be placed on the EA. As servers, server software, or user licenses are added, the EA is adjusted at year-end to reflect those changes. Over the course of the five-year agreement, we anticipate this maintenance cost to increase, but that is solely dependent on the number of licenses added and the timing of those additions.

The proposed agreement does not include desktop applications because adding all Microsoft products to the EA is prohibitively expensive and Microsoft Office 2010 was recently purchased for existing desktops; therefore, staff recommendation is to continue to buy future desktop software utilizing the Select Agreement and utilize the recommended Enterprise Agreement for server and user licenses.

**Financial Impact.** Funding for this is operational budget 5111-15141-555200 for years 2011 through 2015.

**Department Recommendation:**

Authorize staff to execute a Microsoft Enterprise Agreement (EA) with Microsoft for Server software based on the Riverside County Enterprise Agreement 01E69633, a competitively bid, cooperative agreement at an annual cost of \$27,851.58 for five years. Compucom will be designated as the reseller for this agreement.

**Prior Council/Board Actions:**

8-21-2006 Council approved a 5-year EA with Microsoft, annual payments of \$25,500. Compucom designated as the reseller for this agreement.

**Committee/Commission Review and Actions:**

**Alternatives:**

The alternative to this EA software maintenance agreement is to re-purchase the server and user licenses every time there is a needed upgrade. That one-time purchase runs about \$194,000 and will need to be done in 2012/13. The management and timing of the one-time purchase licenses is a significant challenge as opposed to the maintenance agreement -- it literally takes months to pull the information together, review licensing changes, inventory everything, sort out application interdependencies, and get to an "answer".

**Attachments:** Riverside County Enterprise Agreement 01E69633  
Compucom quote

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

I move to authorize staff to execute a five-year Microsoft Enterprise Agreement with Microsoft, based on the Riverside County Enterprise Agreement 01E69633 and designate Compucom as the reseller.

***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)*

# Enterprise Enrollment

(For Use solely under the Riverside county Enterprise Agreement)

Enterprise Enrollment number <i>(Microsoft to complete)</i>		Earliest expiring previous Enrollment end date <sup>1</sup>	
Previous Enrollment number <i>(Reseller to complete)</i>	6885214		8/31/2011

<sup>1</sup> If consolidating from multiple previous Enrollments with Software Assurance, complete the multiple previous Enrollment form and attach it to this Enrollment. Enterprise Products can only be renewed from a Qualifying Enrollment. Additional Products can be renewed from any previous Enrollment with Software Assurance.

This Enrollment must be attached to a signature form to be valid.

This Microsoft Enterprise Enrollment is entered into between the entities as of the effective date identified in the signature form.

This Enrollment consists of (1) this document, (2) the terms of the Enterprise Agreement identified on the signature form, and (3) any supplemental contact information form or multiple previous enrollment form that may be required. If Customer's Enterprise Agreement is a version 6.4 or earlier, the Desktop Terms and Conditions are incorporated by reference.

All terms used but not defined are located at <http://microsoft.com/licensing/contracts>. In the event of any conflict the terms of this agreement control.

*As a condition of entering into this Enrollment with 25 - 249 Qualified Desktops, Customer has elected not to receive media as part of the Enrollment, and therefore no media will automatically be shipped. If Customer is enrolling with 25 - 249 Qualified Desktops and would like to receive media kits and updates, these may be ordered through Customer's Reseller for a fee.*

**Effective date.** If Customer is renewing Software Assurance from one or more previous Qualifying Enrollments, then the effective date will be the day after the first enrollment expires. Otherwise the effective date will be the date this Enrollment is accepted by Microsoft.

If renewing Software Assurance, the Reseller will need to insert the previous Enrollment number and end date in the respective boxes above.

**Term.** This Enrollment will expire 60 full calendar months from the effective date. It could be terminated earlier or renewed as provided in the Microsoft Enterprise Agreement. Microsoft will advise Customer of the renewal options before it expires. *The 60-month initial term is required by The County of Riverside as indicated in the original request for proposal and final award. Customer may terminate this Enrollment for its convenience without penalty on the third anniversary of this Enrollment (or at any other time as permitted by California law) subject to proportional licensing as set forth in Section 11(d) of the agreement.*

**Product order.** The Reseller will provide Customer with Customer's Product pricing and order. Prices and billing terms for all Products ordered will be determined by agreement between Customer and the Reseller. The Reseller will provide Microsoft with the order separately from this Enrollment.

**Qualifying systems licenses.** All desktop operating system Licenses provided under this program are upgrade Licenses. *No full operating system Licenses are available under this program.* If Customer selects the Desktop Platform or the Windows Desktop Operating System Upgrade & Software Assurance, all Qualified Desktops on which the Windows Desktop Operating System Upgrade must be licensed to run one of the qualifying operating systems identified in the Product List at <http://microsoft.com/licensing/contract>. Note that the list of operating systems that qualify for the Windows Desktop Operating System Upgrade varies with the circumstances of the order. That list is more extensive at the time of the initial order than it is for some subsequent true-ups and system refreshes during the term of this Enrollment.

*For example, Windows XP Home Edition or successor Products are not qualifying operating systems.*

1. *Contact information.*

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (\*) indicate required fields. By providing contact information, Customer consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <http://licensing.microsoft.com>.

- a. **Primary contact information:** The Customer of this Enrollment must identify an individual from inside its organization to serve as the primary contact. This contact is the default administrator for this Enrollment and receives all notices unless Microsoft is provided written notice of a change. The administrator may appoint other administrators and grant others access to online information.

Name of entity (must be legal entity name)\* City of Visalia  
Contact name\* First Michael Last Allen  
Contact email\* MAllen@ci.visalia.ca.us  
Street address\* 50 Natoma St.  
City\* Folsom State/Province\* CA Postal code\* 95630  
Country\* USA  
Phone\* 559-713-4515 Fax  
Tax ID (if applicable)

- b. **Notices and online access contact information:** This will designate a notices and online access contact different than the primary contact. This contact will replace the default administrator (primary contact) for this Enrollment and receive all notices. This contact may appoint other administrators and grant others access to online information.

Same as primary contact

Name of entity (must be legal entity name)\* CompuCom Systems, Inc.  
Contact name\* First Bruce Last Valentin  
Contact email\* bvalenti@compucom.com  
Street address\* 7171 Forest Lane  
City\* Dallas State/Province\* TX Postal code\* 75230  
Country\* USA  
Phone\* 972-856-4617 Fax

This contact is a third party (not the Customer). Warning: This contact receives personally identifiable information of the Customer.

- c. **Language preference:** Select the language for notices. English

- d. **Microsoft account manager:** Provide the Microsoft account manager contact for this Customer.

Microsoft account manager name:  
Microsoft account manager email address:

- e. If Customer requires a separate contact for any of the following, attach the Supplemental Contact Information form. Otherwise, the notices contact remains the default.

- Duplicate electronic contractual notices contact
- Software Assurance benefits contact
- MSDN contact
- Online Services administrator

- f. This Enrollment is financed through MS financing  Yes,  No.

- g. **Reseller information**

Reseller company name\* CompuCom Systems, Inc.  
Street address (PO boxes will not be accepted)\* 7171 Forest Lane  
City and State / Province and postal code\* Dallas, TX 75230

Country\* USA  
Contact name \* Bruce Valentin  
Phone\* 972-856-4617  
Fax  
Email address\* bvalenti@compucom.com  
The undersigned confirms that the information is correct.

Name of Reseller* CompuCom Systems, Inc
Signature* _____
Printed name* Bruce E. Valentin
Printed title* Microsoft Licensing Specialist
Date*

**Changing a Reseller.** If Microsoft or the Reseller chooses to discontinue doing business with one another, Customer must choose a replacement. If Customer intends to change the Reseller, it must notify Microsoft and the former Reseller, in writing on a form provided at least 30 days prior to the date on which the change is to take effect. The change will take effect 30 days from the date of Customer's signature.

## 2. *Defining your Enterprise.*

Use this section to identify which Affiliates are included in the Enterprise. Customer's Enterprise must consist of entire government agencies, departments or legal jurisdictions, not partial government agencies, departments, or legal jurisdictions. (Check only one box in this section.)

- Customer and all Affiliates are included (including new Affiliates acquired in the future)
- Customer and all Affiliates are included (*excluding* new Affiliates acquired in the future)
- Customer and the following Affiliates only are included

- The following Affiliates are excluded

## 3. *Selecting the language option.*

Select the option for the languages in which Customer will run the Products licensed under this Enrollment. The options are identified below and their corresponding languages are identified at <http://microsoft.com/licensing/contracts>.

Check one box

Listed Languages

4. *Establishing Customer price level.*

The price level indicated in this section will be the price level for the initial Enrollment term for all Enterprise Products ordered and for any Additional Products in the same pool(s). The price level for any other Additional Products will be level "D".

<b>Qualified Desktops:</b> Customer represents that the total number of Qualified Desktops in its Enterprise is, or will be increased to, this number during the initial term of this Enrollment.	<b>649</b>
<b>Qualified Users:</b> Customer represents that the total number of Qualified Users in its Enterprise is, or will be increased to, this number during the initial term of this Enrollment.	

*The unit reference prices of the following payments (collectively, the "adjustable payments") are subject to change ("adjustment"), provided that the agreement annual price level has increased or decreased, relative to the initial price level, as of the first anniversary of an Enrollment:*

- (i) the second and third annual installment payments for the Qualified Desktops ordered pursuant to the initial order;*
- (ii) additional Qualified Desktops (if any) ordered pursuant to the first and second anniversary true up order;*
- (iii) additional quantities of Additional Products (if any) ordered pursuant to the first and second anniversary true up order; and*
- (iv) all subsequent payments.*

*Please refer to Section 19 of the Microsoft Enterprise Agreement for complete details.*

**Determination of pricing for additional products.**

*During the term of this Enrollment, and provided that Customer is party to a Microsoft Select Agreement (or its successor) during such term, the volume discount level for each additional product ordered shall be the volume discount level that corresponds to the applicable volume discount level for the product pool in which such product is available pursuant to such Microsoft Select Agreement. For example, if Microsoft Project, which is a member of the Applications pool, is ordered as an additional product, and if, as of the date of such order, the Select volume discount level for the Applications pool is "Level D," then the additional product reference price for such copy of Microsoft Project shall be determined according to the then-current Level D additional product price list.*

*Should Customer cease to be party to a Microsoft Select Agreement (or its successor) during the term of this Enterprise Agreement, then the volume discount level for each Additional Product in each annual pricing period shall be determined based upon such annual pricing period's aggregate family desktop count for the Product family in which such Additional Product is contained, pursuant to the following table:*

Number of desktops/ users	Price level
250 to 2,399	A
2,400 to 5,999	B
6,000 to 14,999	C
15,000 and above	D
40,000 – 59,999	Level D – 2%
60,000 – 79,999	Level D – 4%

<b>Price level</b> (for pools in which you order an Enterprise Product):	Qualified desktop	Qualified user
	<b>D</b>	<b>D</b>

<b>Price level</b> (for pools in which you do not order an Enterprise Product):	<b>Price level "D"</b>
---	------------------------

80,000 – 119,000	Level D – 6%
120,000 +	Level D – 7.5%

5. *Enterprise Product orders.*

Customer must select a desktop platform or any individual Enterprise Product before it can order Additional Products. The Office Product selection may be split between “professional plus” and “enterprise” editions within the Enterprise. The CAL selection must be the same across the Enterprise. The components of the current versions of any Enterprise Product are identified in the Product List.

Platform Product Selection (Select one)					
Professional Desktop		Enterprise Desktop		Custom Desktop	
<input type="checkbox"/>	Windows Desktop Operating System Upgrade Office Professional Plus Core CAL <Select>	<input type="checkbox"/>	Windows Desktop Operating System Upgrade Office Enterprise Enterprise CAL <Select>	<input type="checkbox"/>	Windows Desktop Operating System Upgrade <Select One or Both> <Select One> <Select>

Individual Enterprise Product Component Selection		
<input checked="" type="checkbox"/>	Windows Desktop Operating System Upgrade	
<input type="checkbox"/>	<Select One or Both>	
<input checked="" type="checkbox"/>	Core CAL	Desktop

Prices and payment terms for all Products ordered will be determined by agreement between Customer and its Reseller.





# Enterprise Enrollment State and Local Supplemental Enterprise Agreement Terms and Conditions

The following terms are required to update and supplement your license agreement to make it consistent with the current version of the Enterprise Agreement program and to allow for additional features and benefits which may or not have been available on the effective date of your license agreement.

For example, these terms address the following:

- your option to license some Client Access Licenses (“CALs”) on a per user basis (“user-based CALs”), rather than on a per device basis, and some rights and obligations associated with user-based CALs;
- terms relating to ordering and use of online services;
- your right to order “step-up” licenses; and
- your ability, in some jurisdictions, to arrange for customized payment terms.

These terms and conditions amend your license agreement as it applies to this enrollment and any subsequent enrollments you or an enrolled affiliate enters into under it. It does not affect any prior enrollment already in existence. In the case of any conflict between these terms and conditions and the terms and conditions of your license agreement, these terms control.

## 1. **Definitions.**

If your license agreement does not already include a definition for “qualified users,” the following definition of “qualified users” is added. In addition, if any references appear in your license agreement to the “Core User CAL” or “Core CAL,” those references will be deemed to refer to any user-based CALs.

“online services” means the Microsoft-hosted services identified in the online services section of the Product Use Rights.

“qualified user” means a person who (1) is a user of a qualified desktop or (2) accesses any server software or online services licensed within an enrolled affiliate’s enterprise. It does not include a person who accesses the server software or online services solely under a license identified in the qualified user exemptions in the product list.

## 2. **Terms relating to user-based CALs.**

- a. Price levels where user-based CALs are ordered.** When user-based CALs are ordered as an enterprise product, other than as part of the “platform,” the price level for any enterprise products or additional products ordered from the server pool will be set based on the enrolled affiliate’s initial number of qualified users, rather than its initial number of qualified desktops.

Similarly, upon any renewal, if user-based CALs are renewed, other than as part of the “platform,” the renewal price level for the server pool will be reset based on the number of the enrolled affiliate’s qualified users at the time of renewal, rather than its number of qualified desktops.

- b. True-ups and update statements where user-based CALs are ordered.** The section of your license agreement that addresses the obligation to place true-up orders and submit update statements is hereby modified to require that, where user-based CALs are ordered as an enterprise product, the enrolled affiliate must determine the number of qualified users in its enterprise and, where that number has increased, submit a true-up order for L&SA for its user-based CALs covering those additional qualified users. If the number of qualified users has not increased, the enrolled affiliate must confirm this fact on its update statement.

At each anniversary, enrolled affiliate must submit either a true-up order or an update statement. This annual true-up order or update statement must be submitted between 60 days prior to, or 15 days following, the anniversary of the effective date of the enrollment to meet the annual true-up requirement. The third-year anniversary true-up order or update statement is due prior to, or upon the expiration date of, the enrollment term. While this annual true-up order or update statement are required to be submitted at the anniversary and upon enrollment expiration, an Enrolled Affiliate may also true-up more frequently and at any time during the term of the Enrollment.

Our commitment to work with the enrolled affiliate in good faith to accommodate changes in the number of its *qualified desktops* by more than ten percent as a result of mergers, acquisitions or divestitures will also apply, if user-based CALs are ordered as an enterprise product, in cases where the number of its *qualified users* changes by more than ten percent.

- c. License grant for user-based CALs.** The following clarifications are made to the section of your license agreement titled “License grant — what your enrolled affiliates are licensed to run,” to account for user-based CALs:

*For CALs, your license grant is as follows:* during the term, each qualified desktop (if device-based CALs have been ordered) or qualified user (if user-based CALs have been ordered) covered by the enrollment may access and use the associated server software.

*Regarding the number of perpetual licenses received for user-based CALs:* When user-based CALs have been ordered as an enterprise product, and once the enrolled affiliate qualifies for perpetual licenses, the number of the enrolled affiliate’s perpetual licenses for such CALs will be equal to the number of qualified users covered by the enrollment, rather than the number of qualified desktops.

- d. Placing renewal orders for user-based CALs.** Upon renewal of an enrollment, if user-based CALs were ordered as an enterprise product, the renewal order must include Software Assurance for such user-based CALs for the number of qualified users covered by the enrollment as of the date of renewal.

At renewal, where applicable, the enrolled affiliate can elect to exchange user-based CALs for device-based CALs or vice versa. In that event, the enrolled affiliate’s renewal order must include L&SA for the number of qualified users or qualified desktops in excess of its current count. See the Product List for more information.

### **3. Online services.**

Online services are provided as subscription services and are subject to the unique terms set forth in the Product Use Rights and the Product List.

### **4. Right to order “step-up” Licenses.**

If an already ordered product has multiple editions, an enrolled affiliate may migrate to the higher edition by ordering the applicable step-up. If step up details are included in an initial enrollment order, then the enrolled affiliate may step-up in accordance with the true-up process. If the step-up details are not included in the initial enrollment order, the enrolled affiliate may step-up by placing an order in the month the step-up is first run in accordance with the process set out for adding new additional products not previously ordered.

## Program Signature Form

MBA/MBSA number		SGN-	
Agreement number	01E69633		

**Note:** Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

Contract Document	Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
<Choose Agreement>	Document Number or Code
Enterprise Enrollment	None
<Choose Enrollment/Affiliate Registration Form>	Document Number or Code
<Choose Enrollment/Affiliate Registration Form>	Document Number or Code
<Choose Enrollment/Affiliate Registration Form>	Document Number or Code
Supplemental EA T's and C's	None
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code
Document Description	Document Number or Code

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

Customer	Microsoft Affiliate
<b>Name of Entity (must be legal entity name) *</b> City of Visalia	<b>Microsoft Licensing, GP</b>
<b>Signature *</b> _____	<b>Signature</b>
<b>Printed Name *</b> Michael Allen	<b>Printed Name</b>
<b>Printed Title *</b>	<b>Printed Title</b>
<b>Signature Date *</b>	<b>Signature Date</b> <small>(date Microsoft Affiliate countersigns)</small>

<b>Tax ID</b>	<b>Effective Date</b> (may be different than Microsoft's signature date)
---------------	---

\* indicates required field

**Optional 2<sup>nd</sup> Customer signature or Outsourcer Signature (if applicable)**

<b>Customer</b>	<b>Outsourcer</b>
<b>Name of Entity (must be legal entity name) *</b>	<b>Name of Entity (must be legal entity name) *</b>
<b>Signature *</b> _____	<b>Signature *</b> _____
<b>Printed Name *</b>	<b>Printed Name *</b>
<b>Printed Title *</b>	<b>Printed Title *</b>
<b>Signature Date *</b>	<b>Signature Date *</b>

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form. If no media form is included, no physical media will be sent.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

**Microsoft Licensing, GP**  
 Dept. 551, Volume Licensing  
 6100 Neil Road, Suite 210  
 Reno, Nevada 89511-1137  
 USA

<b>Prepared By:</b> Bruce Valenti bvalenti@compucom.com
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**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8o

**Agenda Item Wording:** Approve the appointment of Council Member Steve Nelsen as an alternate to the Tulare County Association of Governments (TCAG).

**Deadline for Action:** N/A

**Submitting Department:** Mayor Bob Link

**Contact Name and Phone Number:** Mayor Bob Link  
Donjia Huffmon 713-4512, Leslie Caviglia 713-4317

**Department Recommendation:** Approval of the appointment of Council Member Steve Nelsen as an alternate to the Tulare County Association of Governments (TCAG).

**Summary/background:** On July 18, 2011, the Council filled several vacancies on boards/committees that need to be filled with Council representation that were left vacant when Council Member Mike Lane resigned. At that time, the TCAG alternate position was left vacant.

Currently, I serve as the primary representative to TCAG and Councilmember Steve Nelsen has expressed an interest to serve as an alternate for meetings that I am unable to attend. I have taken into consideration factors including an effort to balance the number of committees each Council Member attends and particular interests in certain issues and recommend Council Member Nelsen as the alternate to the Tulare County Association of Governments.

**Prior Council/Board Actions:** July 18, 2011 Council made appointments to fill several positions left vacant by Councilmember Mike Lane.

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

**Alternatives:** The Council may choose a different assignment or leave the position vacant.

**Attachments:**

Listing of City Council Representation on Boards/Committees for 2009-11.

**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 approve the Mayor's recommendations to appoint Councilmember Steve Nelsen as an alternate to the Tulare County Association of Governments (TCAG) for the remainder of the 2009-11 term.

***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 COUNCIL REPRESENTATION ON BOARDS/COMMITTEES 2009-2011

Board/Committee	Meeting Frequency	(2009-2011)
Air Service Sub-Committee	On Call	Link Gubler
Community Based Planning Committee (Kaweah Delta Health Care District)	On Call	Link Gubler
Consolidated Waste Management Authority	Meetings are held monthly on the 3 <sup>rd</sup> Thursday at noon at CHE Conf Room 1	Pri: Shuklian Alt: Nelsen
COS/Cities Coordination/ Education Subcommittee (4-year University Project)	On Call	Shuklian (1 only)
Council of Cities	On Call	Pri: Link Alt: Shuklian
Cross Valley Rail Corridor Joint Powers Authority	Annually	Pri: Shuklian Alt: Gubler
Election subcommittee for City Council elections	On Call	Shuklian Gubler
General Plan Update Review Committee	Generally meet on the 3 <sup>rd</sup> Thursday of month from 4:30-6pm at CHE Conf. Room 1	Link Nelsen
Lake Kaweah Expansion Project	On Call	Pri: E. Long Alt: Nelsen
Natural Resources	On Call	Shuklian Nelsen
Property Based Improvement District (PBID)	Meet monthly on the 4 <sup>th</sup> Tuesday 4:00-5:30 p.m @ 103 N. Court St.	Pri: Nelsen Alt: Salomon
San Joaquin Valley Air Pollution Control Districts Special City Selection Committee	As needed to fill vacancies on the District Board. Meetings are in Fresno at SJVAPCD	Pri: Link Alt: Shuklian
SPCA Task Force	On Call	Link/Nelsen Shuklian
Tulare Co. Association of Governments (TCAG)/Tulare Co. Transportation Authority	Monthly on the 3 <sup>rd</sup> Monday at 1 p.m. - Meetings are held in Tulare	Pri: Link Alt: Nelsen
Tulare Co. Economic Development Corp	Meet bi-monthly, on the 4 <sup>th</sup> Wednesday, 7:30-8:30 a.m. in Tulare	Pri: Link Alt: Salomon
TCAG High Speed Rail Committee	Meet as needed	Gubler Link

<b>Board/Committee</b>	<b>Meeting Frequency</b>	<b>(2009-2011)</b>
Visalia Water Management Committee	Meets quarterly at Kaweah Delta Water Conservation District in Farmersville. Meetings are usually from 1:30-3:00 p.m.	Pri: Nelsen Alt: vacant
Visalia Civic Facilities Authority	1/yr	Shuklian Gubler
Visalia Convention & Visitors Bureau Bd.	Meet monthly @ Marriott on 2 <sup>nd</sup> Wednesday of month 9:00 am - 10:30 am	Shuklian Sharp
Visalia Economic Development Council	Monthly on the 3 <sup>rd</sup> Wednesday at 7:00 a.m. at 500 N. Santa Fe	Pri: Gubler Alt: Link
Visalia Unified School District Trustee Area Election Boundary Committee	Meet at least monthly on Tuesdays at 6 p.m. in the VUSD District Office Board Room.	Gubler (council) Caviglia (staff)



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8p

**Agenda Item Wording:** Authorization to submit a grant application in the amount of \$200,000 to the California Department of Transportation to fund the operations of the Sequoia Shuttle service and approve funds to be appropriated to the shuttle if the grant is awarded. **Resolution No. 2011-56 required.**

**Deadline for Action:** August 15, 2011.

**Submitting Department:** Administration – Transit Division

**Contact Name and Phone Number:**  
Monty Cox 713-4591; Leslie Caviglia 713-4317

**Department Recommendation:** Authorization to submit a grant application in the amount of \$200,000 to the California Department of Transportation to fund the operations of the Sequoia Shuttle service and approve funds to be appropriated to the shuttle if the grant is awarded.

**Summary/Background:** The Transit Division is requesting authorization to submit an application to the California Department of Transportation. The grant application is part of the Section 5311 (f) – Intercity Bus Program. Section 5311 (f) funding provides supplemental financial support to transit operators. If awarded, the grant funds will be used to pay for the operation of the Sequoia Shuttle service, specifically the Visalia route. This is the first time the Transit Division has applied for this specific funding. Federal funding of operating assistance is limited in this program to 55.33% requiring a match of 44.67%. For this application the City is requesting grant funds in the amount of \$200,000 to be combined with \$161,468 in matching funds for a total project cost of \$361,468. The match will come from a combination of vehicle lease revenue, fund sharing agreements with public/private partners, and the Local Transportation Funds (LTF). Potential partners include the hotels where we have shuttle stops, TCAG and Tulare County Transit. The required match is \$161,468.

The Section 5311 (f) intercity Bus Program in California is designed to address the “intercity bus transportation needs of the entire state” by supporting projects that provide transportation between non-urbanized areas and urbanized areas that result in connections of greater regional, statewide, and national significance. There are currently 17 California Intercity Bus Network Providers. Now that the Sequoia Shuttle is well established staff believes the City has a good chance to compete for these funds.

**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.

If awarded the grant, the funds will be used for the Sequoia Shuttle external service operational expenses for the 2012 season. This is an ongoing effort to pursue additional funding to continue operating the Sequoia Shuttle Visalia Route. Currently, Transit is using one time operating assistance funds, fares from the first four years, Energy Efficiency Conservation Block funds (EECBG), and vehicle lease revenue to operate this route.

The Transit Division will work with TCAG to program the project in the Federal Transportation Improvement Program (FTIP) as part of the application requirement. Awards are expected to be announced in the late fall.

**Prior Council/Board Actions:** None

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

**Alternatives:** None

**Attachments:** Resolution No. 2011-56

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move that the City Council authorize staff to submit a grant application in the amount of \$200,000 to the California Department of Transportation to fund the operations of the Sequoia Shuttle service and approve funds to be appropriated to the shuttle if the grant is awarded.  
**Resolution No. 2011-56 required.**

***Financial Impact***

**Funding Source:**

Account Number: 4511-45453-662968 = \$200,000

**Budget Recap:**

Total Estimated cost:	\$ 0	New Revenue:	\$ 0
Amount Budgeted:	\$ 0	Lost Revenue:	\$
New funding required:	\$200,000	New Personnel:	\$
Council Policy Change:	Yes_____ No <u>X</u>		

***Environmental Assessment Status***

**CEQA Review:**

Required? No

Review and Action: Prior: Require:
<b>NEPA Review:</b> Required? No Review and Action: Prior: Require:

<b>Tracking Information:</b> <i>Record a Notice of Completion with the County Recorder</i>
--

Copies of this report have been provided to:

## RESOLUTION NO. 2011-56

RESOLUTION AUTHORIZING THE FEDERAL FUNDING UNDER FTA SECTION 5311 (49 U.S.C. SECTION 5311) WITH CALIFORNIA DEPARTMENT OF TRANSPORTATION

**WHEREAS**, the U. S. Department of Transportation is authorized to make grants to states through the Federal Transit Administration to support operating assistance projects for non-urbanized public transportation systems under Section 5311 of the Federal Transit Act (**FTA C 9040.1F**); and

**WHEREAS**, the California Department of Transportation (Department) has been designated by the Governor of the State of California to administer Section 5311 grants for transportation projects for the general public for the rural transit and intercity bus; and

**WHEREAS**, *The City of Visalia* desires to apply for said financial assistance to permit operation of service in *Tulare County*; and

**WHEREAS**, the *City of Visalia* has, to the maximum extent feasible, coordinated with other transportation providers and users in the region (including social service agencies).

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the *City of Visalia* does hereby authorize *City Manager*, to file and execute applications on behalf of *The City of Visalia* with the Department to aid in the financing of capital/operating assistance projects pursuant to Section 5311 of the Federal Transit Act (**FTA C 9040.1F**), as amended.

That *City Manager or his/her designee* is authorized to execute and file all certification of assurances, contracts or agreements or any other document required by the Department.

That *City Manager or his/her designee* is authorized to provide additional information as the Department may require in connection with the application for the Section 5311 projects.

That *City Manager or his/her designee* is authorized to submit and approve request for reimbursement of funds from the Department for the Section 5311 project(s).

**NOW, THEREFORE, BE IT RESOLVED**, that the *City Manager, or his/her designee*, is hereby authorized and empowered to execute in the name of the City of Visalia an agreement with the California Emergency Management and all other necessary documents to implement and carry out the purposes of this resolution.

Passed, approved, and adopted this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

**Signatures of Governing Body Members:**

**<<Insert ANY/ALL Pertinent Signatures (as applicable),**

***Titles and Dates>>***

**(Original signature in BLUE ink)**



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8q

**Agenda Item Wording:** Appointments of Bob Grieb, William Martin and Georgina Valencia as Historic Preservation Advisory Committee members.

**Deadline for Action:** None

**Submitting Department:** Administration

**Contact Name and Phone Number:** Andrew Chamberlain at 713-4003 and Nancy Loliva at 713-4535

**Department Recommendation:** Approve the appointments of Bob Grieb, William Martin and Georgina Valencia as Historic Preservation Advisory Committee members.

**Summary/background:** The Historic Preservation Advisory Committee is made up of seven members, and has three vacancies for current seats and two vacancies for alternates. The proposed appointments would fill the vacancies for current seats.

At their June 8, 2011, regular meeting, by unanimous vote, both Georgina Valencia and Bob Grieb were recommended for membership by members of the Historic Preservation Advisory Committee. Valencia has marketing experience and would be helpful in the Committee's Historic Recognition Program which is in the process of being developed. Grieb is an alumni of the City's Citizens in the Know Program and continues to show his willingness and desire to work on City committees to improve the vitality and quality of life in the community.

At the July 27, 2011, regular meeting, by unanimous vote, William Martin was recommended to fill the seventh member vacancy. Mr. Martin applied for the committee at the recommendation of the Downtown Visalia Property Owners Association (POA). A 33-year resident of Visalia, Mr. Martin is a past chairman of PBID, past president of Rotary, currently vice-chairman of the POA, a member of the Visalia Chamber's Government Action Committee, and is on the City Council's parking task force. He also represents POA on the downtown circulation study. He is also the owner of Visalia's oldest commercial building, the Palace Hotel, which was built in 1876.

At its August 3, 2011, regular meeting, members of the Citizens Advisory Committee recommended the appointment of three new members to serve on the Historic Preservation Advisory Committee.

**Prior Council/Board Actions:** NA

**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.

**Committee/Commission Review and Actions:** At their June 8 and July 27, 2011 meetings the Historic Preservation Advisory Committee reviewed applications and interviewed candidates to Committee appointments which are reflected in this memo.

**Alternatives:** NA

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** I move to approve the appointments of Bob Grieb, William Martin and Georgina Valencia as Historic Preservation Advisory Committee members.

***Environmental Assessment Status***

**CEQA Review:** NA

**NEPA Review:** NA

**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: NA

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8r

**Agenda Item Wording:** Authorize the Amendment of Landscape and Lighting Assessment District No. 03-18 "Oakwest No. 5" to add riparian landscaping already approved by District property owners (Resolution Nos. 2011-57 and 2011-58 required). (APN: 085-590-001-044, 085-600-001-039, 085-610-002-016, 085-620-001-028)

**Deadline for Action:** N/A

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

**Contact Name and Phone Number:**

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

**Department Recommendation:** Staff recommends that City Council adopt Resolution No. 2011-57, Resolution of Amendment for Assessment District No. 03-18 "Oakwest No. 5"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-58 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment.

**Summary:** The amendment of Assessment District No. 03-18 is recommended because of the following facts related to this District.

1. On February 21, 2006 Council authorized the City Manager to enter into an agreement with the developer of the Oakwest No. 5 Subdivision to share in the expenses to landscape the setback on North Mill Creek Ditch subject to a majority vote approval by the District lot owners.
2. On May 1, 2006 Council conducted a public hearing to open ballots from the District lot owners and to consider increasing the District assessment for the additional cost of maintaining riparian landscaping along North Mill Creek Ditch.
3. A majority of the District lot owners voted in favor of increasing their assessment for an additional amount of \$151.22 per year to maintain riparian landscaping along North Mill Creek Ditch. The new total yearly assessment will be \$271.10.

**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.):   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.

[Type text]



4. At the time, the public hearing did not include the subsequent action necessary to adopt the resolutions amending the per-lot assessment the voters approved for the District. Because these resolutions were not adopted, the increased assessment has not been applied to date. This oversight was discovered this year during an audit review performed by the Finance Department.

**Background:** This amendment will result in the adoption of the required resolutions reflecting the results of the public hearing and the increased assessment amount. The 126 lots within the District and the boundary of the District are to remain unchanged. The adoption of the resolutions is being done by a summary proceeding because the public hearing for increasing the assessment required by Proposition 218 has already taken place. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

**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.
- November 3, 2003, Council authorized the formation of Landscape and Lighting District 03-18.
- On February 21, 2006, Council authorized the City Manager to enter into an agreement with the developer of Oakwest No. 5 subdivision to share in the expenses to landscape the setback on North Mill Creek Ditch.
- On May 1, 2006, City Council held a public hearing regarding the increase in assessments for Landscape and Lighting District 03-18.

**Committee/Commission Review and Actions:**

**Alternatives:** N/A

**Attachments:** Location Map, Resolution Initiating Proceedings, Clerk's Certification, Resolution Ordering Improvements, Exhibits "A", "B", "C" and "D"

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

"I move to adopt Resolution No. 2011-57, Resolution of Amendment for Assessment District No. 03-18 "Oakwest No. 5"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-58 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment."

***Environmental Assessment Status***

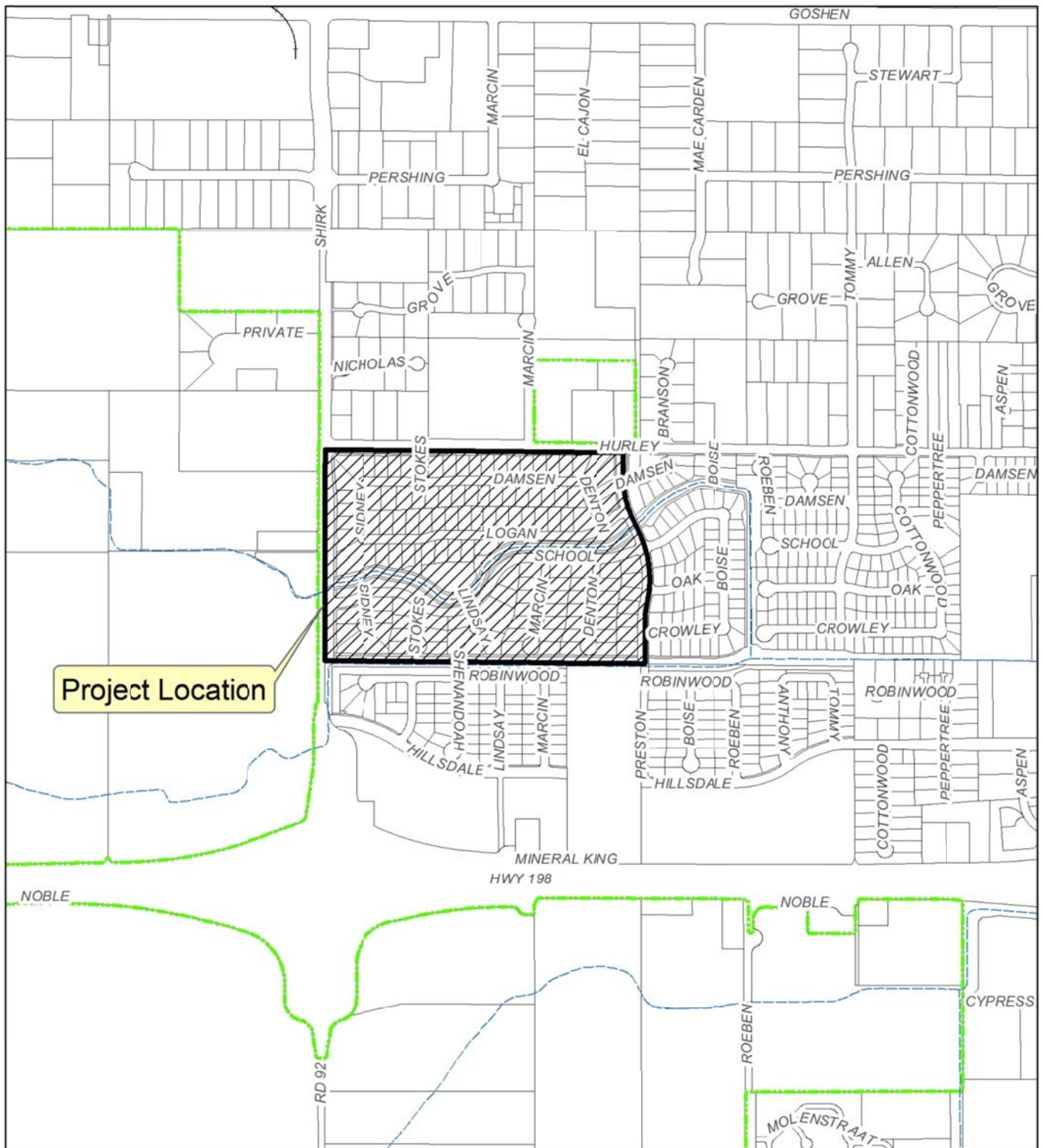
**CEQA Review:**

**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:

[Type text]



# Assessment District 03-18



Scale: 1"=800'

RESOLUTION NO. 2011-57

RESOLUTION INITIATING PROCEEDINGS  
FOR THE AMENDMENT OF  
ASSESSMENT DISTRICT 03-18  
Oakwest No. 5  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to amend an assessment district pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following reasons:  
  
Addition of the maintenance of riparian landscaping approved by a vote of the property owners in the District and approved by City Council on May 1, 2006.
2. The District, including this amendment, shall continue with the designation established with the initial formation, which is "Assessment District No. 03-18, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 03-18, City of Visalia, Tulare County, California", 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. 03-18

Oakwest No. 5

(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. 03-18, City of Visalia, confirmed by the City Council of the City of Visalia on the 15th day of August by its Resolution No. 2011-\_\_\_\_\_.

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

[Type text]

RESOLUTION NO. 2011-58

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 03-18  
Oakwest No. 5  
(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 amendment of Assessment District No. 03-18, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed amendment.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. The amendment was approved for the maintenance of riparian landscaping by a vote of the property owners in the District and approved by City Council on May 1, 2006. The amendment only adds the maintenance of the riparian landscaping and does not change any of the other components or the financing methodologies established with the formation of District No. 03-18.
4. The City Council hereby orders the improvements and the amendment 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

[Type text]

# Exhibit "A"

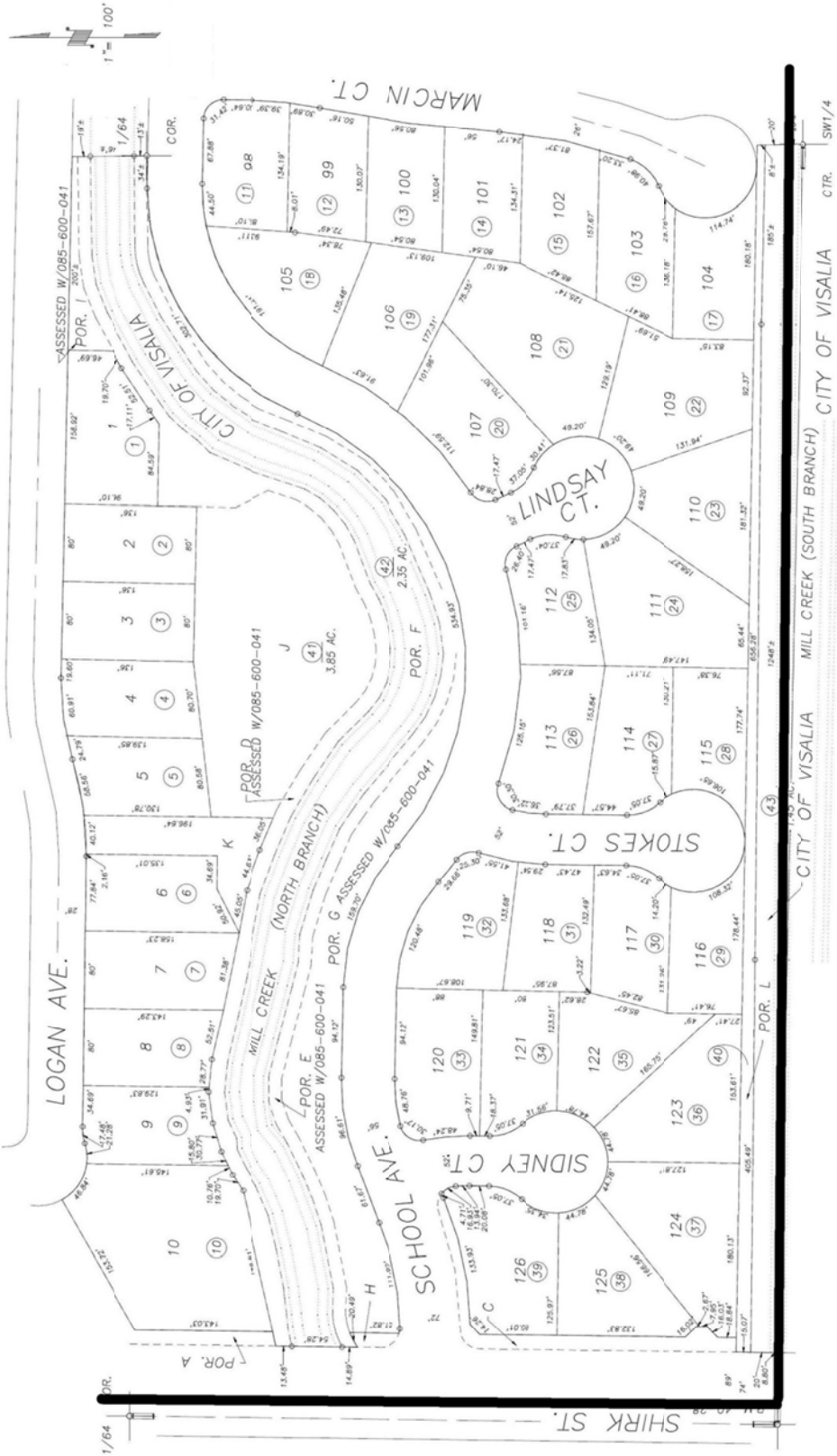
## Assessment Diagram Assessment District No. 03-18 Oakwest No. 5



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Exhibit "A"

Assessment Diagram  
Assessment District No. 03-18  
Oakwest No. 5

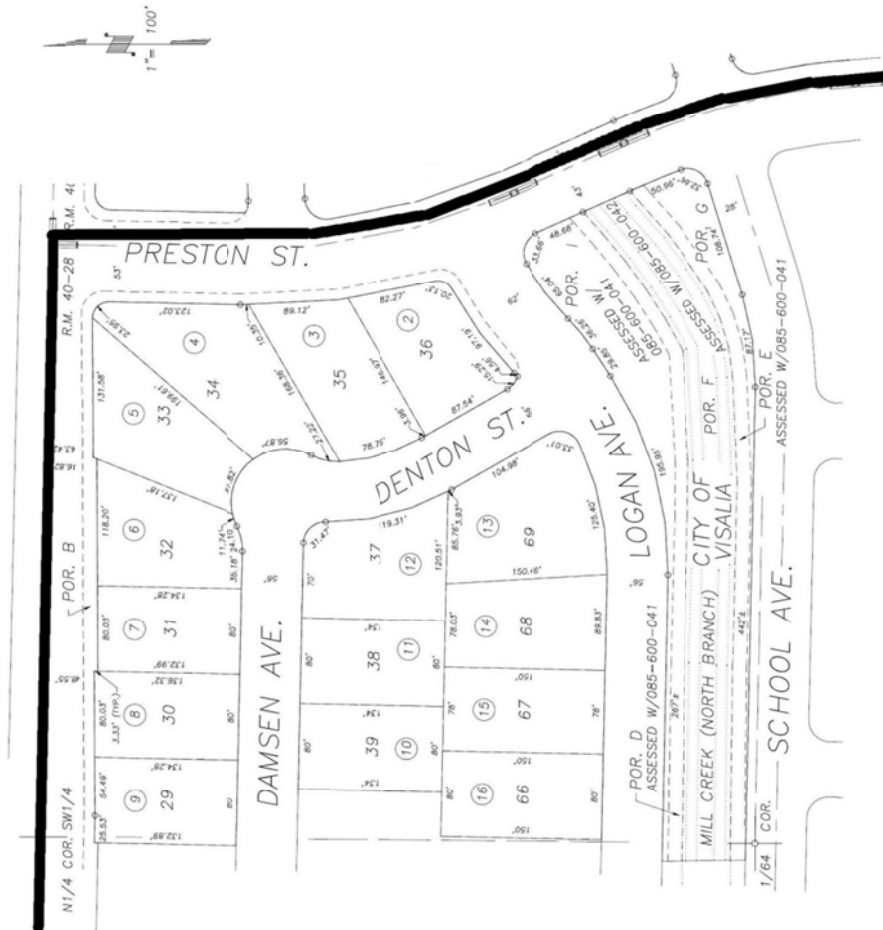


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# Exhibit "A"

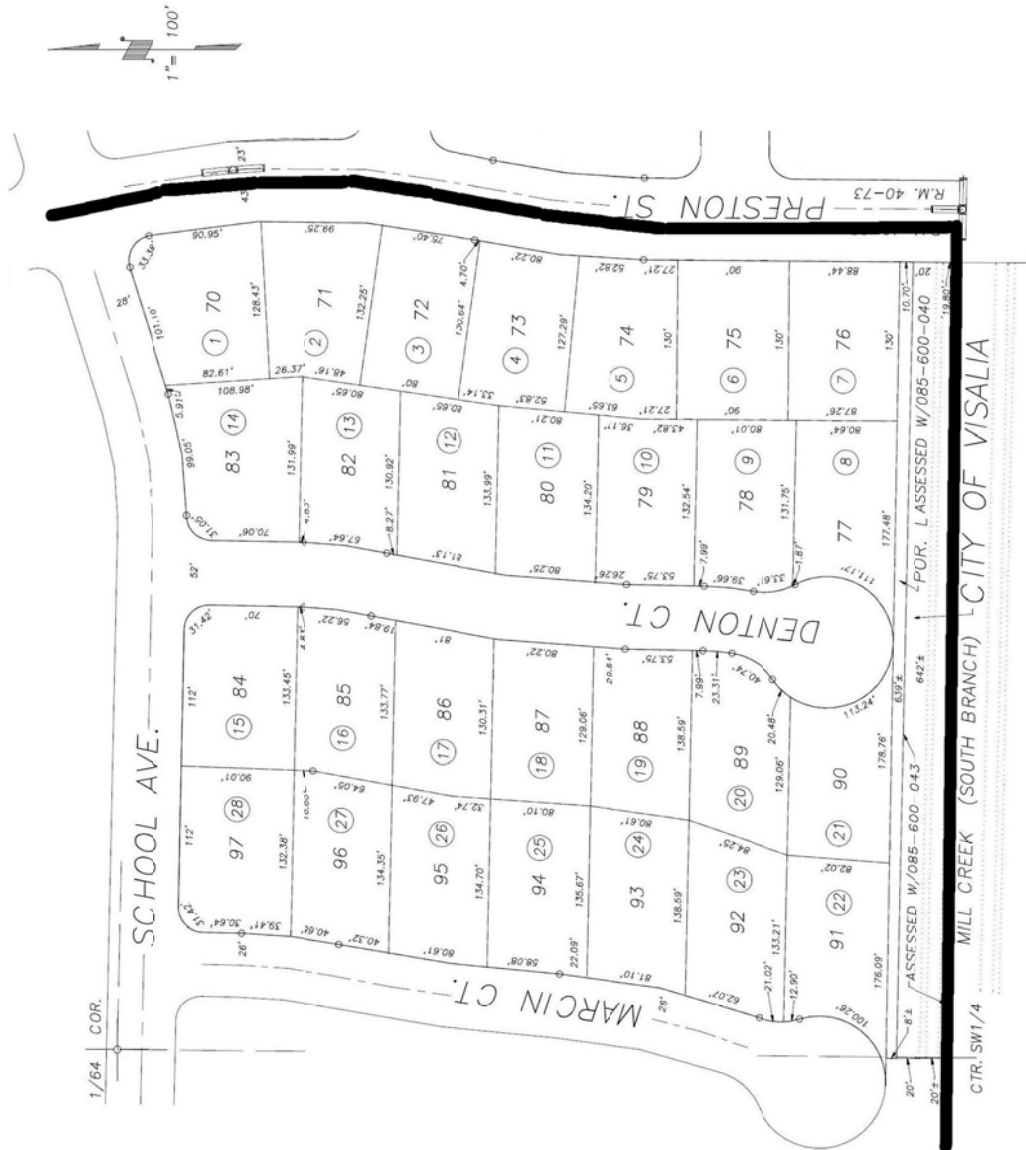
## Assessment Diagram Assessment District No. 03-18 Oakwest No. 5



[Type text]

# Exhibit "A"

## Assessment Diagram Assessment District No. 03-18 Oakwest No. 5



[Type text]

# Exhibit "B"

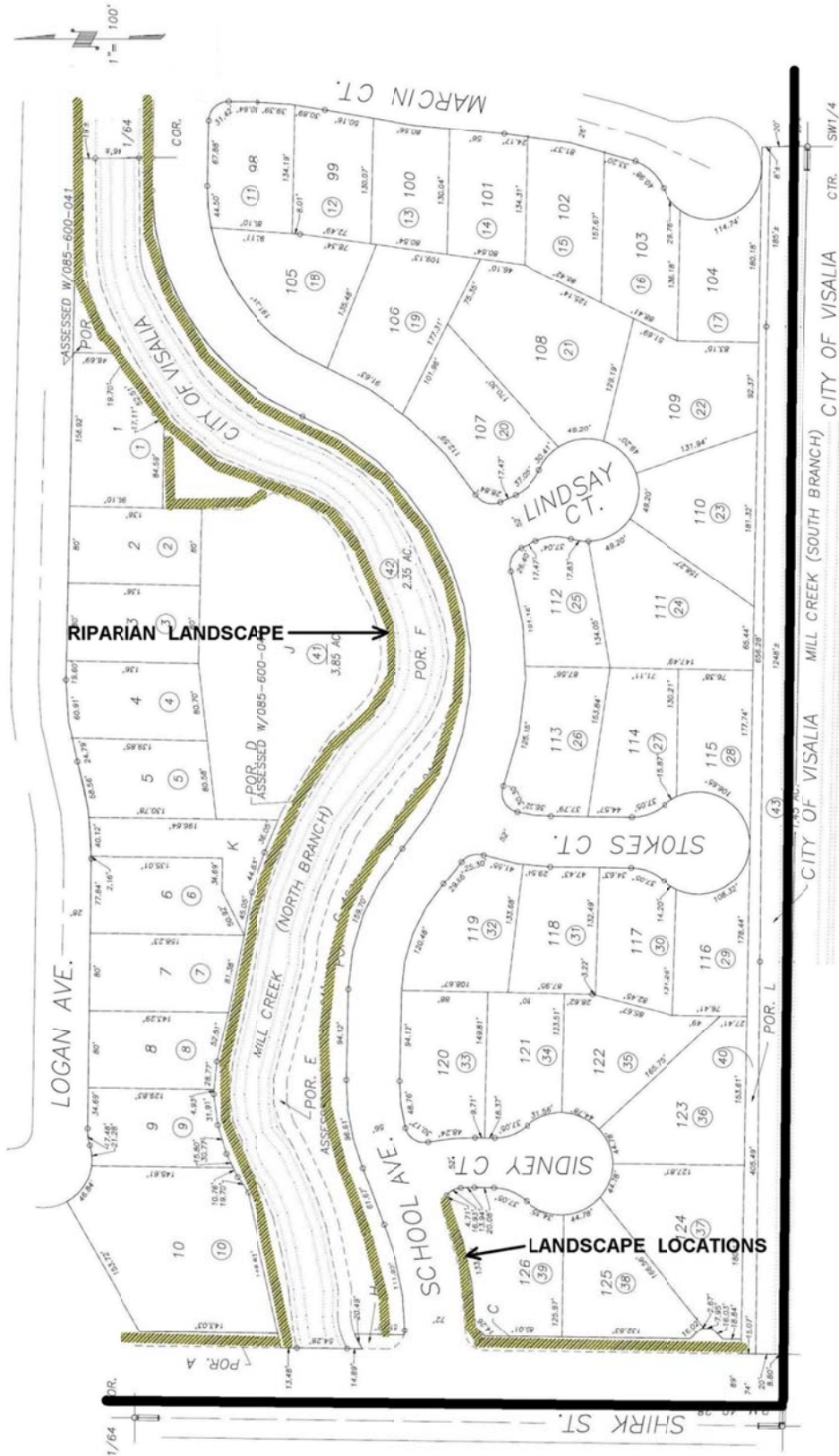
## Landscape Location Map Assessment District No. 03-18 Oakwest No. 5



[Type text]

# Exhibit "B"

## Landscape Location Map Assessment District No. 03-18 Oakwest No. 5



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# Exhibit "B"

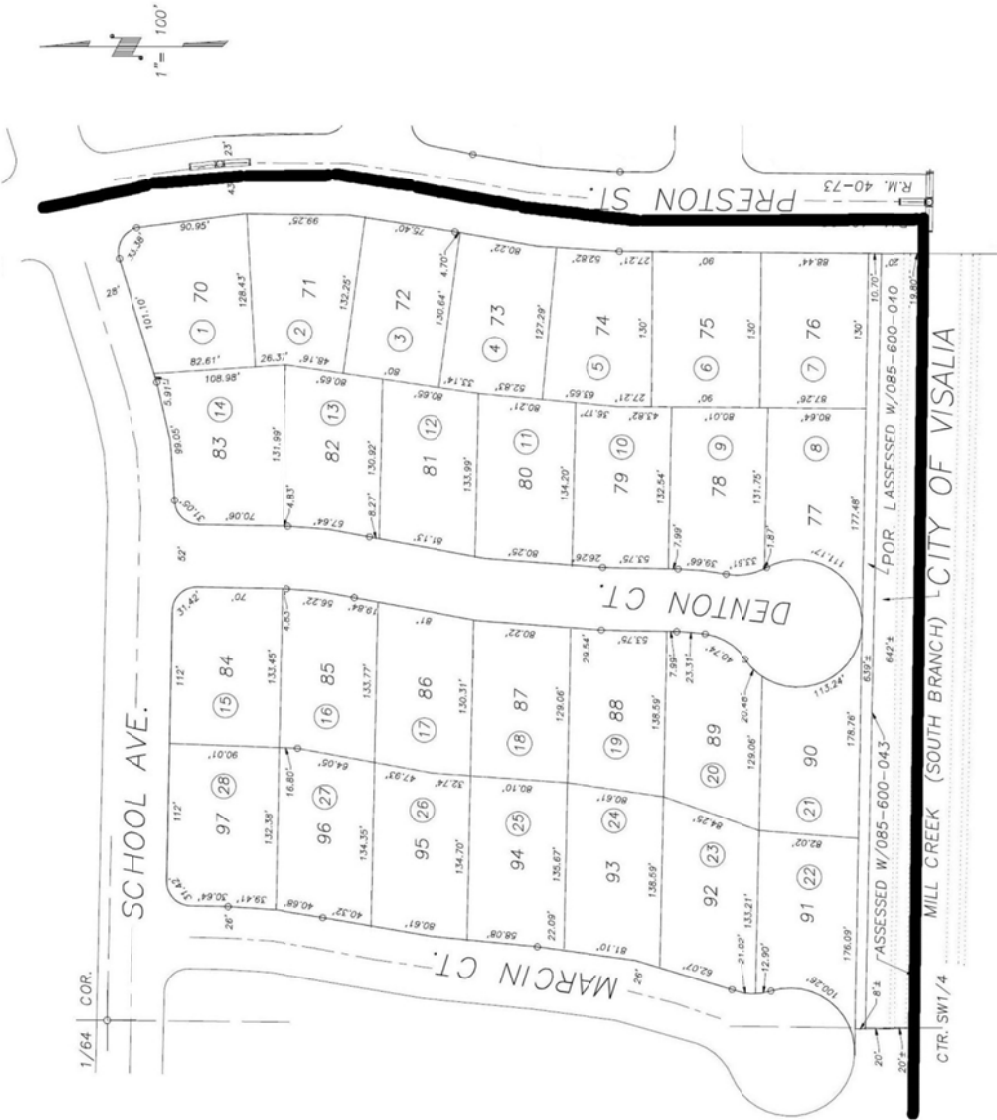
## Landscape Location Map Assessment District No. 03-18 Oakwest No. 5



[Type text]

# Exhibit "B"

## Landscape Location Map Assessment District No. 03-18 Oakwest No. 5



[Type text]

**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
85590001	\$271.10	ESPINOZA HERIBERTO & MARIA	03-18001	Oakwest No. 5
85590002	\$271.10	JONKER JANNIE	03-18002	Oakwest No. 5
85590003	\$271.10	BLACK GLENN L	03-18003	Oakwest No. 5
85590004	\$271.10	PATEL ANANT I & ANITA(TRS)(LIV TR)	03-18004	Oakwest No. 5
85590005	\$271.10	WALHOF CLINT BERNARD & SARA JOY	03-18005	Oakwest No. 5
85590006	\$271.10	HUERTA CRUZ JR & ROSIE	03-18006	Oakwest No. 5
85590007	\$271.10	KELLY DAVID C II	03-18007	Oakwest No. 5
85590008	\$271.10	SILVA JOE S & KRISTEN A	03-18008	Oakwest No. 5
85590009	\$271.10	PODESTA MICHAEL A	03-18009	Oakwest No. 5
85590010	\$271.10	DEAN DANIEL G & BETH L	03-18010	Oakwest No. 5
85590011	\$271.10	SCALIA FRANCESCO A	03-18011	Oakwest No. 5
85590012	\$271.10	DODSON ADRIENNA	03-18012	Oakwest No. 5
85590013	\$271.10	HERNANDEZ PAMELA	03-18013	Oakwest No. 5
85590014	\$271.10	STEVENS MARK M	03-18014	Oakwest No. 5
85590015	\$271.10	BRAMBLE TYLER C	03-18015	Oakwest No. 5
85590016	\$271.10	MILLER MITCHELL N & KAY D	03-18016	Oakwest No. 5
85590017	\$271.10	SHELLY DANIEL G & DONA R(TRS)(FAM REV TR)	03-18017	Oakwest No. 5
85590018	\$271.10	USA FNMA	03-18018	Oakwest No. 5
85590019	\$271.10	ALVAREZ RAUL Y & CARMEN	03-18019	Oakwest No. 5
85590020	\$271.10	BENNETT TYLER & JESSICA	03-18020	Oakwest No. 5
85590021	\$271.10	REENDERS DARIN & WENDY	03-18021	Oakwest No. 5
85590022	\$271.10	MALONY MICHAEL W & JOANN (C)	03-18022	Oakwest No. 5
85590023	\$271.10	LEWIS MICHAEL EARL & SHERI SOU HING(TRS)	03-18023	Oakwest No. 5
85590024	\$271.10	BOGGS GRACE & TRAVIS	03-18024	Oakwest No. 5
85590025	\$271.10	HOPPERT BRANDON & LISA	03-18025	Oakwest No. 5
85590026	\$271.10	HICINBOTHOM DONALD J & CARRIE S	03-18026	Oakwest No. 5
85590027	\$271.10	DUERRE STEVE & NATALIE	03-18027	Oakwest No. 5
85590028	\$271.10	URBANO JOHN JR & LORI A	03-18028	Oakwest No. 5
85590029	\$271.10	GOSTANIAN BRADLEY J & MICHELLE	03-18029	Oakwest No. 5
85590030	\$271.10	CARR MICHAEL P & DAWN	03-18030	Oakwest No. 5
85590031	\$271.10	SWINEY BRIAN D & ERICKA N	03-18031	Oakwest No. 5
85590032	\$271.10	HOLLAND VIRGIL DON & SUSAN	03-18032	Oakwest No. 5
85590033	\$271.10	ARCHIBEQUE GARY & SUZANNE	03-18033	Oakwest No. 5
85590034	\$271.10	NORONHA JOE & LISA	03-18034	Oakwest No. 5
85590035	\$271.10	CHASE CHRISTIAN W & KATHLEEN C	03-18035	Oakwest No. 5
85590036	\$271.10	DRAGT HAZEL L (TR REVOC TR)	03-18036	Oakwest No. 5
85590037	\$271.10	KHAN GULAB	03-18037	Oakwest No. 5
85590038	\$271.10	BORBA CHAD	03-18038	Oakwest No. 5
85590039	\$271.10	GODWIN MARTHA	03-18039	Oakwest No. 5
85590040	\$271.10	GILL THEODORE J	03-18040	Oakwest No. 5
85590041	\$271.10	KALAFUT MARK D & JULIE C	03-18041	Oakwest No. 5
85590042	\$271.10	WARD MARK & EVELYN	03-18042	Oakwest No. 5
85590043	\$271.10	BHASKAR FAMILY TRUST THE	03-18043	Oakwest No. 5
85590044	\$271.10	REITSMA JELLE HANS & ROXANNE MARIE	03-18044	Oakwest No. 5

**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
85600001	\$271.10	HOGG RYAN N & KARI A	03-18045	Oakwest No. 5
85600002	\$271.10	SANDERS OREN BLAINE & SHARRON L	03-18046	Oakwest No. 5
85600003	\$271.10	KUHN JOSEPH L & ODETTE L (TRS)	03-18047	Oakwest No. 5
85600004	\$271.10	RUFFNER DAVID & LORI	03-18048	Oakwest No. 5
85600005	\$271.10	FAHOUN ANEER	03-18049	Oakwest No. 5
85600006	\$271.10	YOUNG STANLEY & DOROTHY	03-18050	Oakwest No. 5
85600007	\$271.10	FICKEN LARRY D & ANGELA P	03-18051	Oakwest No. 5
85600008	\$271.10	RAJU MINA	03-18052	Oakwest No. 5
85600009	\$271.10	KRUEGE JUDITH M (TR JMK 2006 TR)	03-18053	Oakwest No. 5
85600010	\$271.10	JACOBI JOHN R & CORRIE (TRS LIV TR)	03-18054	Oakwest No. 5
85600011	\$271.10	JOSEPH MARK E & JULIE L	03-18055	Oakwest No. 5
85600012	\$271.10	HAUS VICTORIA (SCSR CO TR)	03-18056	Oakwest No. 5
85600013	\$271.10	SCHOTTGEN DAVID W & BARBARA A	03-18057	Oakwest No. 5
85600014	\$271.10	HOLMES THOMAS A	03-18058	Oakwest No. 5
85600015	\$271.10	LEWIS JONATHAN P & LAURA M (CO-TRS)	03-18059	Oakwest No. 5
85600016	\$271.10	PUDER STEVEN M & CAREY D (TRS)	03-18060	Oakwest No. 5
85600017	\$271.10	LEBO RUSS & KIMBERLY A	03-18061	Oakwest No. 5
85600018	\$271.10	SANTORO JANET I (TR)	03-18062	Oakwest No. 5
85600019	\$271.10	BUENO RANDY	03-18063	Oakwest No. 5
85600020	\$271.10	WALSH WAYNE D & CYNTHIA A	03-18064	Oakwest No. 5
85600021	\$271.10	ROBERTS MICHAEL & ANDREA	03-18065	Oakwest No. 5
85600022	\$271.10	HINEMAN RICHARD E	03-18066	Oakwest No. 5
85600023	\$271.10	JONES EVAN & BROOKSLEY	03-18067	Oakwest No. 5
85600024	\$271.10	WANDLER JAMES W & CYNTHIA A (TRS)	03-18068	Oakwest No. 5
85600025	\$271.10	MC COMB GERALDINE (TR)	03-18069	Oakwest No. 5
85600026	\$271.10	HIBBARD JOSEPH B & SHANI M (TRS)	03-18070	Oakwest No. 5
85600027	\$271.10	KROONENBERG RYAN & JULIA	03-18071	Oakwest No. 5
85600028	\$271.10	MIRISE AMANDA K	03-18072	Oakwest No. 5
85600029	\$271.10	POTTS JASON E & MICHELLE R (CO-TRS)	03-18073	Oakwest No. 5
85600030	\$271.10	GOMES KIMBERLY J	03-18074	Oakwest No. 5
85600031	\$271.10	LEE BARTHOLONE III & ANGELITA	03-18075	Oakwest No. 5
85600032	\$271.10	MC MILLAN LARRY D & RHONDA L	03-18076	Oakwest No. 5
85600033	\$271.10	WILSON MICHAEL W & CELESTE R	03-18077	Oakwest No. 5
85600034	\$271.10	WIGINTON ROBERT D & COLLEEN A	03-18078	Oakwest No. 5
85600035	\$271.10	DRILLING BARBARA JOYCE (TR)	03-18079	Oakwest No. 5
85600036	\$271.10	TRACY ROBERT C & SHIRLEY D	03-18080	Oakwest No. 5
85600037	\$271.10	CONTRERAS JUAN & JULISA	03-18081	Oakwest No. 5
85600038	\$271.10	DILLARD JERRY L & CAROLINE R	03-18082	Oakwest No. 5
85600039	\$271.10	MACHADO ANTHONY J & LORRAINE (TRS)	03-18083	Oakwest No. 5
85610002	\$271.10	HENRY ERIC & AMY	03-18084	Oakwest No. 5
85610003	\$271.10	SANTOS DANNY A & DENISE A	03-18085	Oakwest No. 5
85610004	\$271.10	TELLIAN SHERRILYN L	03-18086	Oakwest No. 5
85610005	\$271.10	TIMMONS TIMOTHY D & EDAJEANNE C	03-18087	Oakwest No. 5
85610006	\$271.10	BARNES ELIZABETH	03-18088	Oakwest No. 5



**Exhibit "C"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
85610007	\$271.10	DAVIS RICHARD H JR & JUDITH B	03-18089	Oakest No. 5
85610008	\$271.10	SHAEWITZ JOSHUA & ABIGAIL EVA	03-18090	Oakest No. 5
85610009	\$271.10	CLAWSON LORRAINE M	03-18091	Oakest No. 5
85610010	\$271.10	MORGAN JUELMARIE T	03-18092	Oakest No. 5
85610011	\$271.10	LAKHANI SHAFIQ S & KARIMA (TRS)	03-18093	Oakest No. 5
85610012	\$271.10	HALIM ALI	03-18094	Oakest No. 5
85610013	\$271.10	NAZIR KARIMI	03-18095	Oakest No. 5
85610014	\$271.10	DOOLEY RICHARD M & DORIS L(TRS)(LIV TR)	03-18096	Oakest No. 5
85610015	\$271.10	BUENO ANDREW M & MARIA T	03-18097	Oakest No. 5
85610016	\$271.10	THRASHER WILLIAM H & STEPHANIE S	03-18098	Oakest No. 5
85620001	\$271.10	SCRIBNER ALLEN K & JONI V	03-18099	Oakest No. 5
85620002	\$271.10	WILLIAMS RODNEY L & TERESA L	03-18100	Oakest No. 5
85620003	\$271.10	ODEDRA THEBAJI A & HANSA	03-18101	Oakest No. 5
85620004	\$271.10	LE TONY VAN	03-18102	Oakest No. 5
85620005	\$271.10	LOMBARDO VICKI D	03-18103	Oakest No. 5
85620006	\$271.10	YAMAMOTO ALICE (TR)	03-18104	Oakest No. 5
85620007	\$271.10	YARBROUGH JOSHUA S	03-18105	Oakest No. 5
85620008	\$271.10	ROSE THEODORE & KATHLEEN	03-18106	Oakest No. 5
85620009	\$271.10	MICKEY JOSHUA M & JAMIE N	03-18107	Oakest No. 5
85620010	\$271.10	BALL SHAUN & TIFFINI	03-18108	Oakest No. 5
85620011	\$271.10	SHAHAN ROBERT S & SABRINA K	03-18109	Oakest No. 5
85620012	\$271.10	JONES KEITH & LYNDA S	03-18110	Oakest No. 5
85620013	\$271.10	RIBYAT GEOFFREY	03-18111	Oakest No. 5
85620014	\$271.10	RIPORTELLA DANNY SR & JANA	03-18112	Oakest No. 5
85620015	\$271.10	DENIZ JOHN A & SUZANNE	03-18113	Oakest No. 5
85620016	\$271.10	MC GOWEN BRETT A & STACEY R	03-18114	Oakest No. 5
85620017	\$271.10	CASTRO CARLOS & LORIE A	03-18115	Oakest No. 5
85620018	\$271.10	CROWNOVER GLEN D JR & MARGUERITE	03-18116	Oakest No. 5
85620019	\$271.10	ANDRADE JOSEPH R & JUANITA M	03-18117	Oakest No. 5
85620020	\$271.10	AGUSTO JOSEPH	03-18118	Oakest No. 5
85620021	\$271.10	VORTMANN PAUL A & JANICE D	03-18119	Oakest No. 5
85620022	\$271.10	LARA GUSTAVO & ELSA M	03-18120	Oakest No. 5
85620023	\$271.10	WILSON RUSSELL C & THERESA A	03-18121	Oakest No. 5
85620024	\$271.10	O'HARA PATRICK & LINDA	03-18122	Oakest No. 5
85620025	\$271.10	KILLINGSWORTH RON & BROOK	03-18123	Oakest No. 5
85620026	\$271.10	BOSMAN FRANK & NELLIE (TRS FAM TR)	03-18124	Oakest No. 5
85620027	\$271.10	ARJONA JUAN J & DEBORAH M	03-18125	Oakest No. 5
85620028	\$271.10	FULMER DARRELL E & KATHRYNE R	03-18126	Oakest No. 5

## **Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

### General Description

This Assessment District (District) is located at the southeast corner of Shirk Street and Hurley Avenue. Exhibit "A" is a map of the District. This District includes the maintenance of landscaping, street lights, trees, block walls and any other applicable equipment or improvements. The total number of lots within the district is 127.

### 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 wall provides security, aesthetics, and sound suppression. The maintenance of the landscaping, lighting, and wall, is vital for the protection of both economic and humanistic values of the development. The City Council has determined that in order to preserve the values incorporated within developments the landscaping, lighting, and 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 perimeter landscape areas, riparian landscape areas, street lights and block walls. The lots not adjacent to perimeter landscape areas, riparian landscape areas, street lights and block walls 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 perimeter landscape areas, riparian landscape areas, street lights, trees, block walls and any other applicable equipment or improvements.

**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

The quantities and estimated costs are as follows:

ASSESSMENT FOR FY 2010-11

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	9,057	\$0.163	\$1,476.29
Shrub Area	Sq. Ft.	17,240	\$0.163	\$2,810.12
Water	Sq. Ft.	26,297	\$0.0609	\$1,601.49
Electricity	Sq. Ft.	26,297	\$0.012	\$315.56
Trees In Landscape Lots	Each	107	\$2.78	\$297.46
Street Lights	Each	36	\$127.05	\$4,573.80
Project Management Costs	Lot	127	\$21.78	\$2,766.06
SUBTOTAL				\$13,840.78
10% Reserve Fund				\$1,384.08
TOTAL 'A'				<u>\$15,224.86</u>
COST PER LOT 'A'				<u>\$119.88</u>

RIPARIAN LANDSCAPING ASSESSMENT APPROVED ON MAY 1, 2006  
BY BALLOT OF DISTRICT LOT OWNERS

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	22,980	\$0.199	\$4,573.02
Shrub Area	Sq. Ft.	40,868	\$0.199	\$8,132.73
Trees	Each	42	\$25.00	\$1,050.00
Water	Sq. Ft.	63,848	\$0.050	\$3,192.40
Electricity	Sq. Ft.	63,848	\$0.008	\$510.78
SUBTOTAL				\$17,458.94
10% Reserve Fund				\$1,745.89
TOTAL 'B'				<u>\$19,204.83</u>
COST PER LOT 'B'	Lot	127		<u>\$151.22</u>
GRAND TOTAL 'A+B'				<u>\$34,429.69</u>
COST PER LOT 'A+B'				<u>\$271.10</u>

[Type text]

## Exhibit "D"

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

### 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:

$$A_{\max} \text{ for any given year "n"} = (\$34,317.22) (1.05)^{(n-1)}$$

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 \$37,405.77 [a 9% increase over the base year estimated cost of \$34,317.22]. The maximum annual assessment for year four is \$39,726.47 [ $A_{\max} = (\$34,317.22) (1.05)^{(4-1)}$ ]. The assessment will be set at \$37,405.77 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 \$38,778.46 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$34,317.22]. 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 \$775.57 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 \$39,726.47 [ $A_{\max} = (\$34,317.22) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$38,778.46 plus the deficit amount of \$775.57 which equals \$39,554.03 [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.

[Type text]

**Exhibit "D"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 03-18  
Oakwest No. 5

Example 3. The estimated year four cost of maintaining the improvements in the district is \$37,405.77 [a 9% increase over the base year assessment of \$34,317.22] and a street light is damaged and replaced raising the year five expenses to \$41,867.01 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$41,146.35 (a 10% increase over the previous year) and below the maximum annual assessment of \$41,712.80 [ $A_{\max} = (\$34,317.22) (1.05)^{(5-1)}$ ]. The difference of \$720.66 is recognized as a deficit and will be carried over into future years' assessments until the street light replacement 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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8s

**Agenda Item Wording:** Authorize the Amendment of Landscape and Lighting Assessment District No. 06-10 "American Industrial West" to reduce the number of lots from 46 to 44 (Resolution Nos. 2011-59 and 2011-60 required). (APN: 073-160-029 & 030, 073-190-002 to 009, 073-200-004 to 016, 073-210-001 to 010, 073-220-003 to 015)

**Deadline for Action:** N/A

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

**Contact Name and Phone Number:**

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

**Department Recommendation:** Staff recommends that City Council adopt Resolution No. 2011-59, Resolution of Amendment for Assessment District No. 06-10 "American Industrial West"; adopt the Engineer's Report as submitted; and adopt Resolution No. 2011-60 confirming the Engineer's Report ordering the improvements and levying the amended annual assessment.

**Summary:** The amendment of Assessment District No. 06-10 is recommended because of the following facts related to this District.

1. The City received a letter from Mr. Roger Wigboldy, the property owner of Lot 46 within this District, inquiring why his property was being assessed because it did not appear to receive a benefit from streetlight maintenance included in the district.
2. This request prompted staff to perform a review of the District and resulted in the confirmation that Lot 46 does not benefit from streetlight maintenance, the local street or storm drainage maintenance benefits of the District. Therefore, it is recommended that Lot 46 be removed from the District.
3. Staff identified that the City's storm drainage basin on Lot 5 was included in the assessment calculation. The drainage basin lot should be excluded because it provides

**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.):   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.

the storm drainage benefit to the lots within the District. Therefore, it is recommended that Lot 5 be removed from the District.

4. Staff identified that the assessment calculation for the maintenance of the City's drainage basin needed to be adjusted to reflect more recent figures determined by Public Works staff.

This amendment results in the reduction of total lots in the District from 46 to 44 and a per-lot assessment decrease from \$724.40 to \$495.84. Elimination of lots and reduction in per lot assessments allows for the amendment process to be a summary proceeding that does not require the Proposition 218 public hearing and voter approval process.

Mr. Roger Wigboldy requested that the City refund his 2008, 2009 and 2010 assessments of \$2,172.30 plus interest that he had paid. City staff and the City Attorney recommend denial of this request because Mr. Roger Wigboldy was the owner of the property subdivided through Tentative Parcel Map 2006-05 creating 46 parcels. The City required this Landscape and Lighting Assessment District as a condition of approval for this map. Mr. Roger Wigboldy did not protest this condition of approval. Also, Mr. Roger Wigboldy did not protest the payments for the 2008, 2009 and 2010 assessments which he paid.

**Background:** On December 4, 2006, City Council authorized the formation of Landscape and Lighting Assessment District No. 06-10 concurrently with the authorization to record the parcel map for Tentative Parcel Map 2006-05. The District currently contains all 46 lots of Tentative Parcel Map 2006-05 and is responsible to maintain streetlights, local street pavement and a drainage basin.

The City received a letter from Mr. Roger Wigboldy, the property owner of Lot 46 (APN 073-160-030) within the District, inquiring why his property was being assessed since it did not appear to receive a benefit for streetlight maintenance. This request prompted staff to perform a review of the District including the original engineer's report that was approved by Council on December 4, 2006. This review resulted in the confirmation that Lot 46 does not benefit from streetlight maintenance of the District since there are no streetlights along the frontage of this lot. Lot 46 also does not benefit from storm drainage and local street maintenance which are also included in the District. Lot 46 contains its own storm water runoff and fronts on an arterial street outside the district. Therefore, staff recommends that Lot 46 be removed from the District.

Staff review also identified that Lot 5 (APN 073-210-001), which is the City's drainage basin parcel, was included in the assessment calculation. The drainage basin lot should be excluded because it provides the storm drainage benefit to the lots within the District and this City owned property is exempt from taxation and should not have been included in the calculation. Therefore, staff recommends that Lot 5 be removed from the District. This drainage basin receives the drainage from all lots in the District with the exception of Lot 46.

The staff review identified that the assessment calculation for the maintenance of the City's drainage basin also needed to be adjusted to reflect recent financial analysis done by Public Work's staff to determine the average cost per square foot to maintain non-landscaped drainage basins citywide. The adjustment is to change the rate from \$0.10 to \$0.02 per square foot.

Mr. Roger Wigboldy requested that the City refund his 2008, 2009 and 2010 assessments of \$2,172.30 plus interest that he had paid. City staff and the City Attorney recommend denial of this request because Mr. Roger Wigboldy was the owner of the property subdivided through

Tentative Parcel Map 2006-05 creating 46 parcels. The City required this Landscape and Lighting assessment district as a condition of approval for this map. Mr. Roger Wigboldy did not protest this condition of approval. Also, Mr. Roger Wigboldy did not protest the payments for the 2008, 2009 and 2010 assessments which he paid.

Because the amendment is eliminating assessments on 2 lots and decreasing the per-lot assessment from \$724.40 to \$495.84, permission is not required from the 44 lot owners remaining in the District. The Landscape and Lighting Act allows for the use of summary proceedings when the property owners of the existing lots within the district are experiencing no change or a decrease in their per lot assessment. A summary proceeding is a process that does not require the Proposition 218 public hearing process or voter approval. Proposition 218 requires voter approval prior to imposition or increase of general taxes, assessments, and certain user fees.

**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 4, 2006, Council authorized the recording of the final map for Tentative Parcel Map 2006-05 and authorized the formation of Landscape and Lighting Assessment District 06-10.

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

**Alternatives:** N/A

**Attachments:** Location Map, Resolution Initiating Proceedings, Clerk’s Certification, Resolution Ordering Improvements, Exhibits “A”, “B” and “C”

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

“I move to adopt Resolution No. 2011-59, Resolution of Amendment for Assessment District No. 06-10 “American Industrial West”; adopt the Engineer’s Report as submitted; and adopt Resolution No. 2011-60 confirming the Engineer’s Report ordering the improvements and levying the amended annual assessment.”

***Environmental Assessment Status***

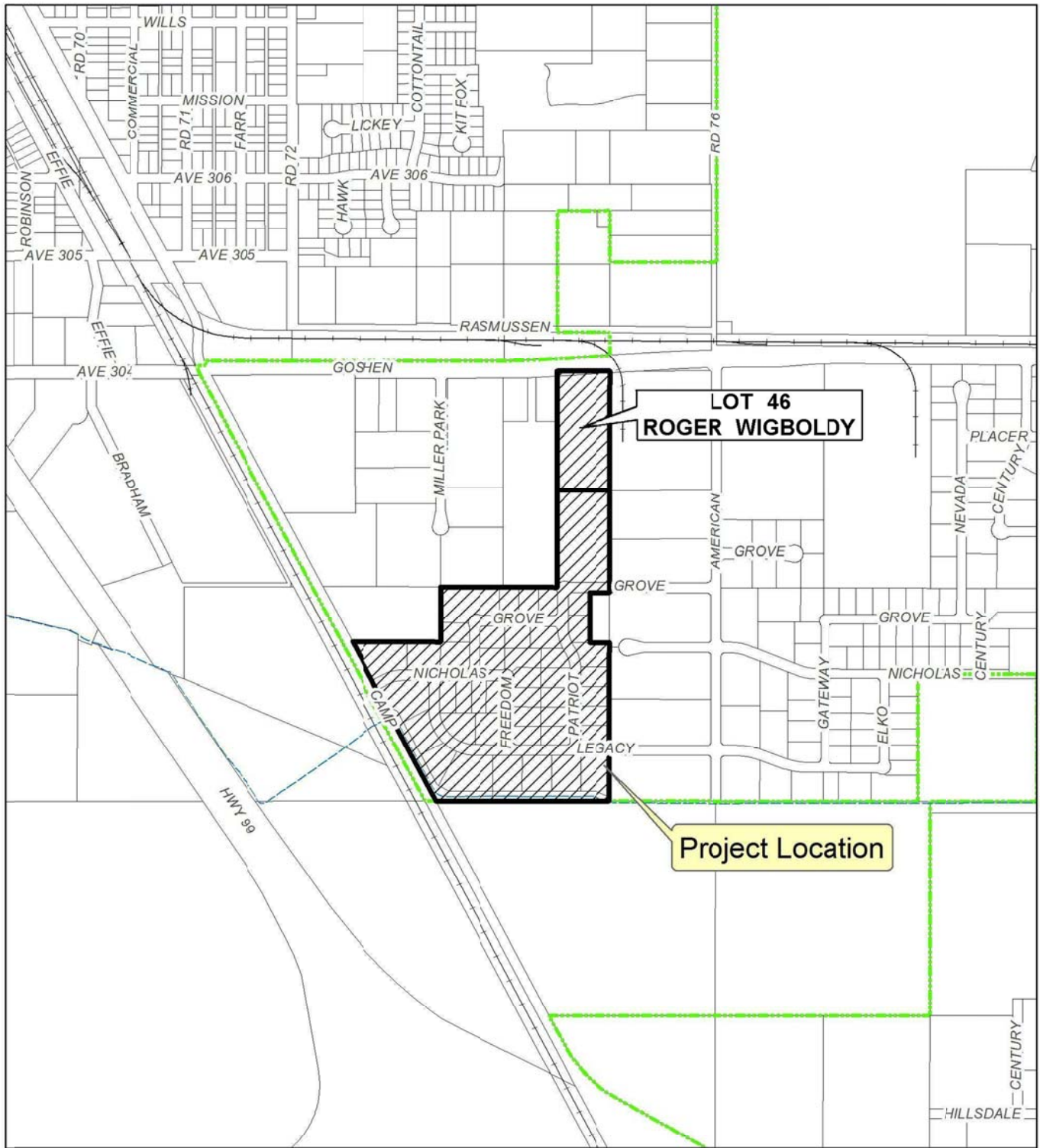


**CEQA Review:**

**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:



# Assessment District 06-10



Scale: 1"=800'

RESOLUTION NO. 2011-\_\_\_\_\_

RESOLUTION INITIATING PROCEEDINGS  
FOR THE AMENDMENT OF  
ASSESSMENT DISTRICT 06-10  
AMERICAN INDUSTRIAL WEST  
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to amend an assessment district pursuant to the Landscaping & Lighting Act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following reasons:  
  
Adjustments to better reflect the actual limits and levels of maintenance within the District. Two lots are removed from the District.
2. The District, including this amendment, shall continue with the designation established with the initial formation, which is "Assessment District No. 06-10, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 06-10, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "American Industrial West".
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. 06-10  
AMERICAN INDUSTRIAL WEST  
(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. 06-10, City of Visalia, confirmed by the City Council of the City of Visalia on the 15th day of August 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-\_\_\_\_\_

RESOLUTION ORDERING IMPROVEMENTS FOR  
ASSESSMENT DISTRICT NO. 06-10  
AMERICAN INDUSTRIAL WEST  
(Pursuant to the Landscape & Lighting Act of 1972)

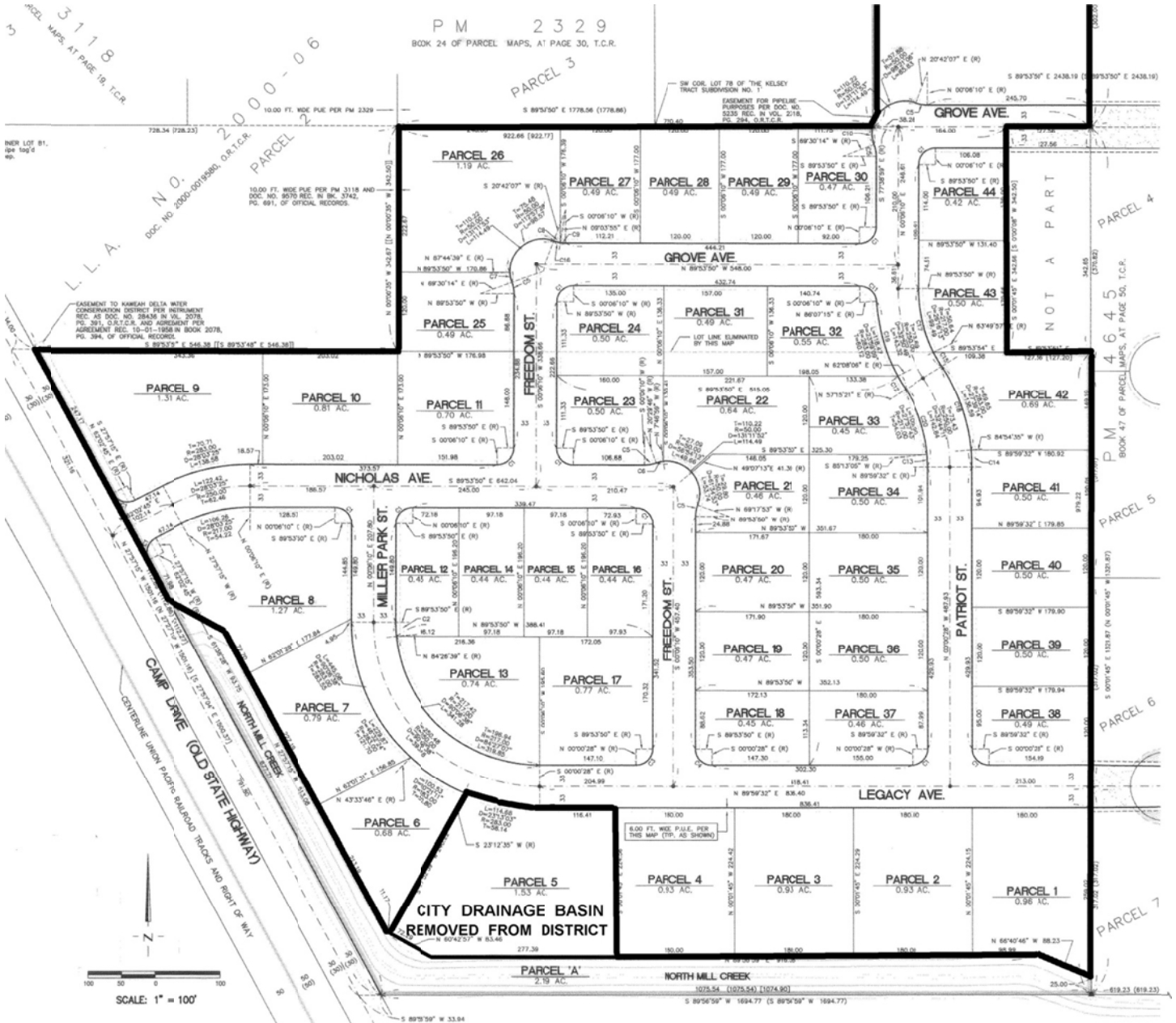
NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for the amendment of Assessment District No. 06-10, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed amendment.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Consent is not required for the owners of the lots within the district because the amendment results in an elimination or decrease in their per lot assessment. The amendment also does not change the original scope of maintenance or the financing methodologies established with the original formation of District No. 06-10.
4. The City Council hereby orders the improvements and the amendment 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 parcel of real property within the Assessment District
    - Exhibit B - Tax Roll Assessment
    - Exhibit C - Engineer's Report

PASSED AND ADOPTED

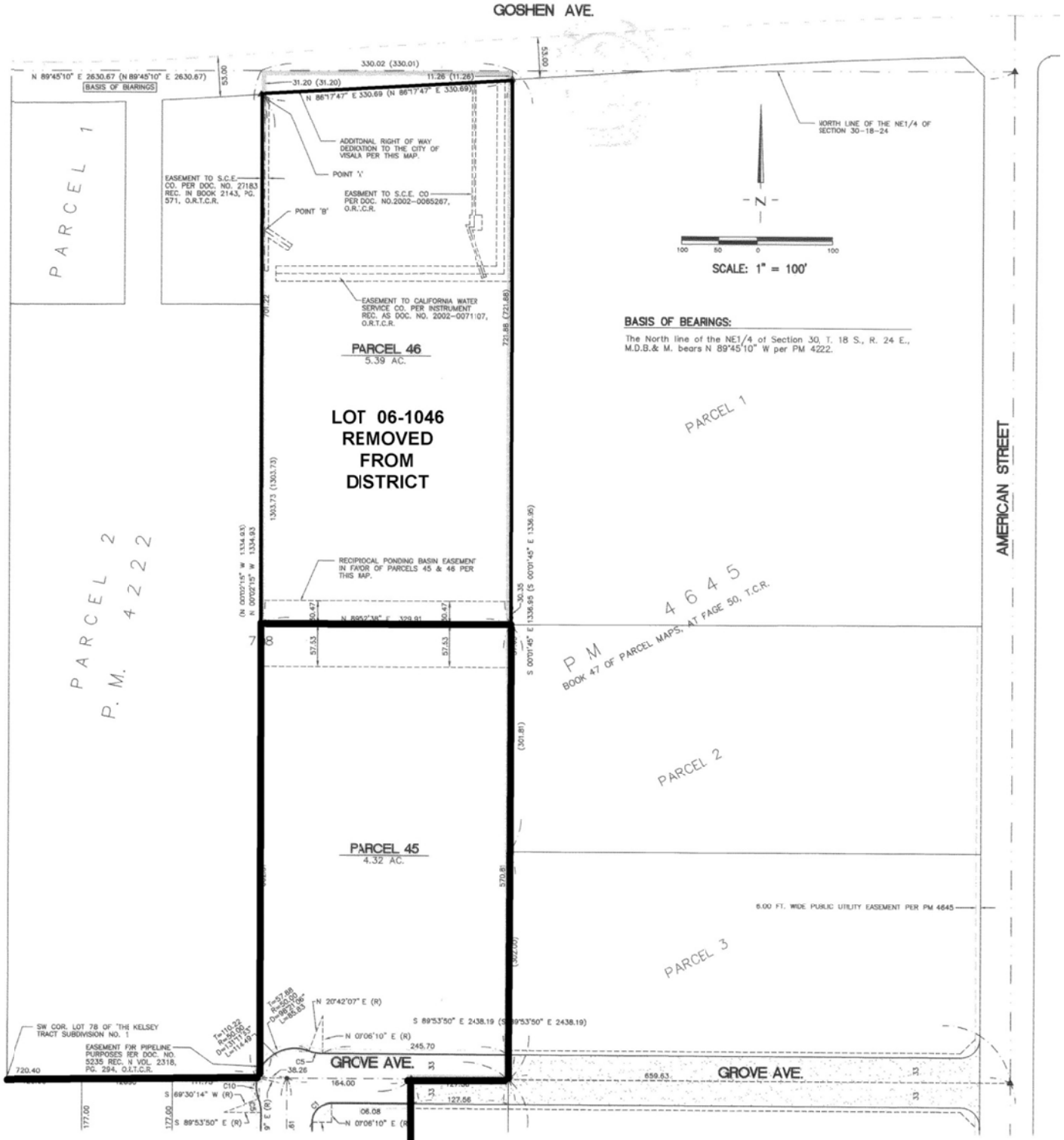
# Exhibit "A"

## Amended Assessment Diagram Assessment District No. 06-10 American Industrial West



# Exhibit "A"

## Amended Assessment Diagram Assessment District No. 06-10 American Industrial West



**Exhibit "B"**

Tax Roll Assessment  
Fiscal Year 2011-12  
Assessment District No. 06-10  
American Industrial West

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
		CENTRAL VALLEY INVESTMENT		
73160029	\$495.84	ASSOCIATES LLC	06-1001	American Industrial West
73190002	\$495.84	VOSBURGH JIMM & RHONDA (TRS)	06-1002	American Industrial West
73190003	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1003	American Industrial West
73190004	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1004	American Industrial West
73190005	\$495.84	CERUTTI LARRY W & KARAN (TRS)	06-1005	American Industrial West
73190006	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1006	American Industrial West
73190007	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1007	American Industrial West
73190008	\$495.84	WALTERS KEVIN & SHEILA (TRS)	06-1008	American Industrial West
73190009	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1009	American Industrial West
73200004	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1010	American Industrial West
73200005	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1011	American Industrial West
73200006	\$495.84	MARKS ROBERT	06-1012	American Industrial West
73200007	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1013	American Industrial West
73200008	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1014	American Industrial West
73200009	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1015	American Industrial West
73200010	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1016	American Industrial West
73200011	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1017	American Industrial West
73200012	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1018	American Industrial West
73200013	\$495.84	KRME PARTNERSHIP	06-1019	American Industrial West
73200014	\$495.84	KRME PARTNERSHIP	06-1020	American Industrial West
73200015	\$495.84	KRME PARTNERSHIP	06-1021	American Industrial West
73200016	\$495.84	KRME PARTNERSHIP	06-1022	American Industrial West
73210002	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1023	American Industrial West
73210003	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1024	American Industrial West
73210004	\$495.84	RLC UTAH PROPERTIES LLC	06-1025	American Industrial West
73210005	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1026	American Industrial West
73210006	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1027	American Industrial West
73210007	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1028	American Industrial West
73210008	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1029	American Industrial West
73210009	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1030	American Industrial West
73210010	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1031	American Industrial West
73220003	\$495.84	BAWKS WILLIAM H & JO ANN (TRS)	06-1032	American Industrial West
73220004	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1033	American Industrial West
73220005	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1034	American Industrial West
		COMMUNITY SERVICES EMPLOYMENT		
		TRAINING		
73220006	\$495.84		06-1035	American Industrial West
73220007	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1036	American Industrial West
73220008	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1037	American Industrial West
73220009	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1038	American Industrial West
73220010	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1039	American Industrial West
73220011	\$495.84	CERUTTI LARRY W & KARAN (TRS)	06-1040	American Industrial West
73220012	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1041	American Industrial West
73220013	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1042	American Industrial West
73220014	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1043	American Industrial West
73220015	\$495.84	OLDFIELD CORWYN D & LOIS L	06-1044	American Industrial West



## **Exhibit "C"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 06-10  
American Industrial West

### General Description

This Assessment District (District) is located south of Goshen Avenue and east of Camp Drive. Exhibit "A" is a map of Assessment District 06-10. This District includes the maintenance of streetlights, pavement on local streets and a drainage basin. 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 maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamite (oiling). The total number of lots within the district is 44.

### Determination of Benefit

The streetlighting provides safety for the lots within the District. The maintenance of the streetlights is vital for the protection of both economic and humanistic values of the lots within the District. In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the maintenance of all internal local streets within the subdivision, the City Council has determined that landscape areas, streetlights, block walls, and all internal local streets should be included in a maintenance district to ensure satisfactory levels of maintenance. The drainage basin will provide a specific benefit to the lots within the District by providing a regularly maintained drainage system.

### 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 streetlights. The lots not adjacent to landscape areas, block walls, and streetlights benefit by the uniform maintenance and overall appearance of the District. All lots in the District have frontage on an internal local street and therefore derive a direct benefit from the maintenance of the local streets.

### Estimated Costs

The estimated costs to maintain the District includes the costs to maintain streetlights, drainage basin and pavement on local streets. The regular preventive maintenance of pavement on local streets is based on the following schedule: Chip Seal on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamite on a 6 year cycle. The annual maintenance of the drainage basin is estimated to cost \$0.02 per square feet of basin area. The annual maintenance of the drainage basin includes weed abatement, sideslope repair and the removal of any plant growth that adversely affects the basin's function.

**Exhibit "C"**

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 06-10  
American Industrial West

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>
Street Lights	Each	23	\$105.00	\$2,415.00
Chip Seal (15 year cycle)	Sq. Ft.	179,530	\$0.190	\$2,274.05
Crack Seal ( 8 year cycle)	Sq. Ft.	179,530	\$0.02933	\$658.27
Reclamite (6 year cycle)	Sq. Ft.	179,530	\$0.0211170	\$631.86
Overlays (10 year cycle)	Sq. Ft.	179,530	\$0.65	\$11,669.45
Drainage Basin Maintenance	Sq. Ft.	69,645	\$0.02	\$1,392.90
Project Management Costs	Lots	44	\$18.00	\$792.00
TOTAL				<hr/> \$19,833.52
10% Reserve Fund				\$1,983.35
GRAND TOTAL				<hr/> \$21,816.87
COST PER LOT				<hr/> <hr/> \$495.84

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:

$$A_{max} \text{ for any given year "n"} = (\$21,816.87) (1.05)^{(n-1)}$$

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.

## Exhibit "C"

Engineer's Report  
Fiscal Year 2011-12  
Assessment District No. 06-10  
American Industrial West

Example 1. The estimated year four cost of maintaining the improvements in the district is \$23,780.39 [a 9% increase over the base year estimated cost of \$21,816.87]. The maximum annual assessment for year four is \$25,255.75 [ $A_{\max} = (\$21,816.87) (1.05)^{(4-1)}$ ]. The assessment will be set at \$23,780.39 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 \$24,653.06 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$21,816.87]. 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 \$493.06 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 \$25,255.75 [ $A_{\max} = (\$21,816.87) (1.05)^{(4-1)}$ ]. The year four assessment will be set at \$24,653.06 plus the deficit amount of \$493.06 which equals \$25,146.12 [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 \$23,780.39 [a 9% increase over the base year assessment of \$21,816.87] and damage occurred to the masonry wall raising the year five expenses to \$26,616.58 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$26,158.43 (a 10% increase over the previous year) and below the maximum annual assessment of \$26,518.54 [ $A_{\max} = (\$21,816.87) (1.05)^{(5-1)}$ ]. The difference of \$458.15 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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8t

**Agenda Item Wording:** Award a construction contract and authorize the City Manager to execute an agreement for RFB No. 10-11-66, Creekside Park and Storm Basin Improvements in the amount of \$1,713,400.00 to the low bidder, Construction Development Systems (CDS) of Fresno, and authorize an additional appropriation of \$187,300.00 from the Storm Sewer Construction Fund (1221) and \$152,700.00 from the Park & Recreational Facilities Fund (1211) for the project.

**Deadline for Action:** July 18, 2011

**Submitting Department:** Parks & Recreation Department

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

**Department Recommendation:** Staff recommends that the City Council award a construction contract and authorize the City Manager to execute an agreement for RFB 10-11-66 for the Creekside Neighborhood Park and Storm Basin Improvement Project in the amount of \$1,713,400.00 to the low bidder, Construction Development Systems, and authorize an additional appropriation of \$187,300.00 from the Storm Sewer Construction Fund (1221) and \$152,700.00 from the Park & Recreational Facilities Fund (1211) for the project (This is Project No. 3011-00000-720000-0-9413).

**Summary:** Creekside Neighborhood Park is located on McAuliff Street and Tulare Avenue in southeast Visalia and is adjacent to Packwood Creek. The 12-acre site was acquired in 1991 for \$463,000.00 with 100% of the funding coming from the Storm Drain Impact Fund and has served as a recharge and storm water retention basin for the area.

The project will include the reconfiguration of the basin to increase storage capacity, the addition of a storm water pump station and control panel, a lift station, curb, gutter, street lighting, and temporary paving along Tulare Avenue and Vista Street to provide park access and parking. Park amenities include a playground with a shade structure, a half basketball court, a small picnic shelter, a few skateboard elements, pedestrian walkways, tables and benches, landscaping, and irrigation.

**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.

In July of 2007, two public workshops were held to gather consensus from area residents regarding site amenities and type of park desired. Approximately twenty residents attended the meetings and provided ideas and input to the design team. Several frustrated residents stated that they have been waiting since 1991 for the park site to be developed. The plan reflects the feedback received from individuals attending the two public workshops.

**Project Bids & Funding:**

City staff conducted a competitive bid process to construct the Creekside Park and Storm Basin Project. It was advertised for bids on June 8<sup>th</sup> and 15<sup>th</sup>, 2011 with bids closing on July 1, 2011. The City received four proposals from qualified firms. A summary of bids is outlined on the next page.

The account number for this project is 1211-72-9579. The four bids received are outlined below:

Contractor	Address	Bid Amount
Construction Dev. Systems	PO Box 8132, Fresno, CA.	\$ 1,713,400.00
Lee's Paving	1212 N. Plaza Dr., Visalia, CA	\$ 1,749,000.00
BMV Construction	5493 E. Olive, Fresno, CA	\$ 1,809,000.00
Rising Sun Company	2182 Penlan Ave, Exeter, CA	\$ 2,070,000.00

Construction Development Systems (CDS) is a California licensed general contractor based in Fresno since 1981. Recent project experiences include Betty Drive road improvement project and Richgrove Street improvement project for the Tulare County Redevelopment Agency. They have also completed the Ashland and Grantland Avenue street improvement project in Fresno, installation of synthetic turf at Madera School District's Memorial Stadium, improvements to the Orange Cove High School stadium, and the Crescent Road improvement project in Sequoia National Park. Staff was able to contact three of these references and all rated CDS's work as satisfactory. Projects were completed on time with minimal change orders.

The low bid is approximately \$319,000.00 greater than the designers estimate of \$1,394,000. Staff has reviewed the bids and believes that they are competitive for the following reasons; the spread between the high and low bid is 17%. The difference between the low and next low bid is only \$35,600, approximately 2%. The close spread of the bids indicates to staff that the plans and specifications were clear. Staff believes the difference between the low bid and the designer's estimate can be explained by recent increases in material costs (especially concrete) and a higher cost for site grading because the site is an existing basin (with water in the basin on a year-round basis).

This CIP project was approved by the Council as part of the City's 2008-10 CIP plan. The project was budgeted for \$1,807,621. The project is being funded from the Park & Recreational Facilities Fund (1211) and the Storm Sewer Construction Fund (1221).

The Park & Recreational Facilities Fund as of July 1, 2011 had a projected fund balance of \$2,313,600 and the Storm Sewer Construction Fund has a negative balance of \$163,200. To address this negative fund balance, administrative adjustments are planned to release \$134,000 of excess budgeted funds from three other storm drainage projects and to shift \$200,000 to fiscal year 2012-13 for the developer reimbursement project.

Total projected project costs including design, inspection, testing, impact fees, environmental consultation, utilities, project management (\$300,000), and a 10% contingency is estimated at \$2,147,700. Current funding for the project is \$1,807,600 which leaves a shortfall of \$340,100. Staff requests an additional appropriation from the Storm Sewer Construction Fund (1221) of \$187,300 and \$152,700 from the Park & Recreational Facilities Fund (1211) to fund the shortfall.

According to Finance, the cash fund balance for the Park & Recreational Facilities Fund (1211) for fiscal year 2010-11, is \$7,495,657 and the cash fund balance for the Storm Sewer Construction Fund (1221) is \$435,429.

**Prior City Council Action:** None

**Attachments:** Attachment 1- Vicinity Map  
Attachment 2- Creekside Park Concept Plan Overview  
Attachment 3- Creekside Park Concept Plan Detail

**Prior Council/Board Actions:** City Council authorized the Bid for Construction without the requirement for the payment of prevailing wages on December 20, 2010.

**Recommended Motion (and Alternative Motions if expected):** Staff recommends that the City Council award a construction contract and authorize the City Manager to execute an agreement for RFB 10-11-66 for the Creekside Neighborhood Park and Storm Basin Improvement Project in the amount of \$1,713,400.00 to the low bidder, Construction Development Systems, AND authorize an additional appropriation of \$187,300.00 from the Storm Sewer Construction Impact Fund (1221) and \$152,700.00 from the Park & Recreational Facilities Fund (1211) for the project (This is Project No. 3011-00000-720000-0-9413).

**Committee/Commission Review and Actions:** The final site plan was reviewed and approved by the Parks and Recreation Commission

**Alternatives:** None recommended

***Environmental Assessment Status***

**CEQA Review: Required?**     **Yes**     **No**  
**Review and Action Prior:**                      **Required: Adoption of**

**NEPA Review: Required?**     **Yes**     **No**  
**Review and Action Prior:**                      **Required:**

### Financial Impact

#### Funding Source

Account No.	1211-720000-0-9413
Park & Recreational Facilities Fund (1211):	\$1,350,900.00
Storm Sewer Construction Fund (1221)	\$ 471,720.00

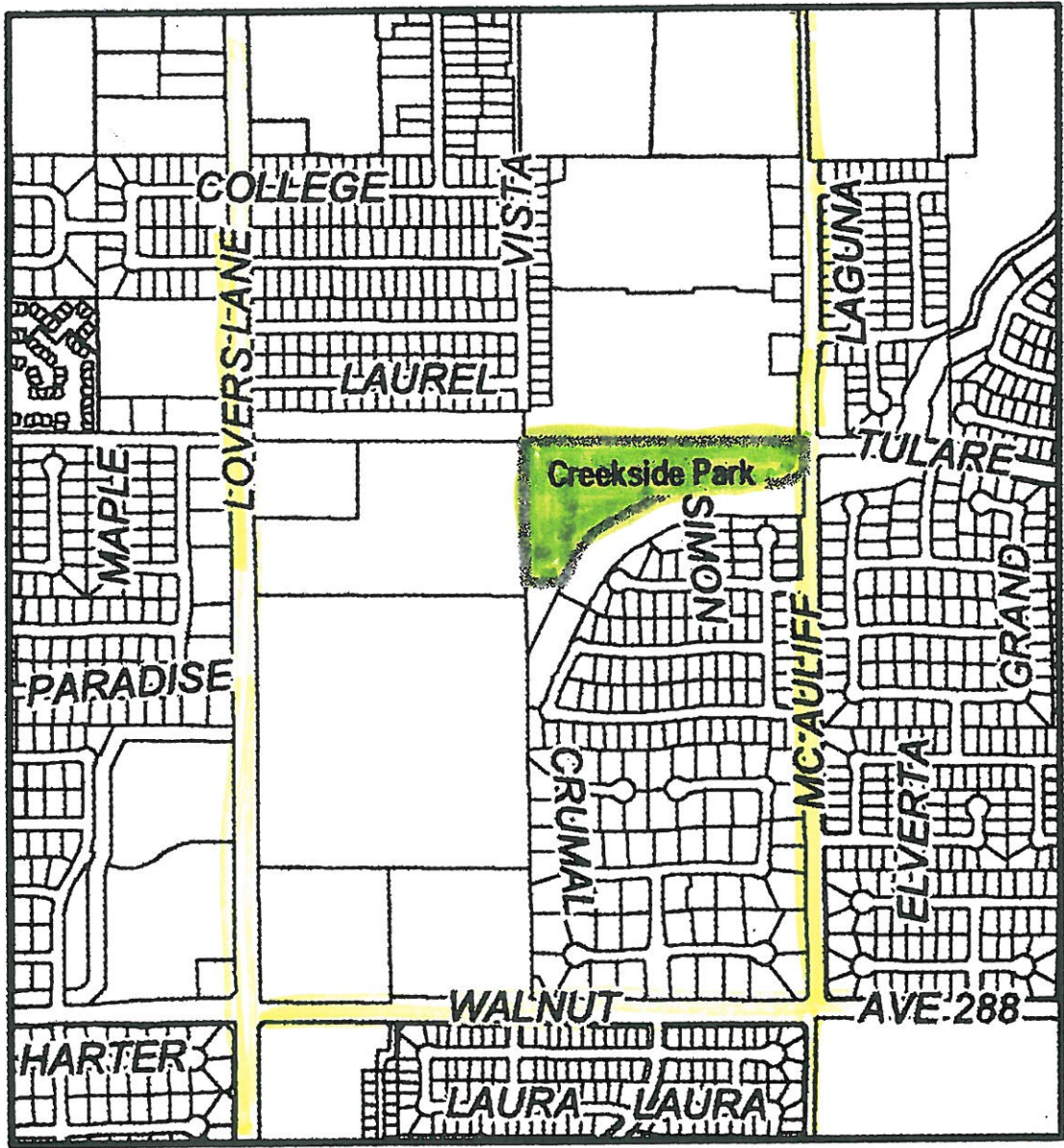
#### Budget Recap

Total Estimated Cost	\$ 2,147,700.00
Amount Budgeted	\$1,807,600.00
New Funding Required	\$ 340,000.00
Council Policy Change	Yes___ No <u>X</u>

**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:





COLLEGE

VISTA

LAUREL

LAGUNA

TULARE

Creekside Park

SIMON

GRAND

MAPLE

PARADISE

MCMAULIFF

CRUMAL

ELVERTA

WALNUT

AVE 288

HARTER

LAURA

LAURA



**Legend**

- ① Connection to existing sidewalk.
- ② Connection to future Packwood Creek Trail.
- ③ Future connection across Packwood Creek to residential neighborhood.
- ④ Detached sidewalk continues along future S. Vista Street.
- ⑤ Detached sidewalk along future Tulare Avenue.
- ⑥ Future park expansion area.

The HLA Group Landscape Architects & Planners, Inc.  
 1050 Twentieth Street, Suite 200 / Sacramento, California 95814  
 916.477.1400 / www.hlagroup.com



# Creekside Park

## Conceptual Park Plan - Neighborhood Connection

City of Visalia, California

August 14, 2007  
 August 1, 2007





**Legend**

- 1 Existing trees to remain.
- 2 Entry arbor and plaza.
- 3 Concrete seatwalls
- 4 Site Lighting
- 5 Treehouse playground
- 6 Climbing boulders play structure
- 7 Swings and spinner bowls
- 8 Overlook arbor with benches.
- 9 Skateboard elements.
- 10 Botanical garden/demonstration garden.
- 11 Drinking fountain
- 12 Horseshoe pits and benches.
- 13 Fiber safety surfacing.
- 14 Picnic tables
- 15 Half-court basketball
- 16 Internal path system with benches.
- 17 Detached sidewalk
- 18 Entry planting
- 19 Turf open space

**Creekside Park**  
**Conceptual Park Plan**  
 City of Visalia, California

August 14, 2007  
 August 1, 2007



The HLA Group Landscape Architects & Planners, Inc.  
 1650 Twentieth Street, Suite 200 / Sacramento, California 95814  
 916.417.7400 / www.hlagroup.com



## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8u

**Agenda Item Wording:** Request authorization to file a Notice of Completion for the Transit Center expansion (Project No. 3011-0-72-0-8190).

**Deadline for Action:** August 15, 2011.

**Submitting Department:** Administration – Transit Division

**Contact Name and Phone Number:**

Monty Cox 713-4591  
Leslie Caviglia, 713-4317

**Department Recommendation:** It is recommended that Council authorize staff to file a Notice of Completion for project No. 3011-00000-720000-0-8190 for the Transit Center expansion located at 404 E. Oak Ave.

**Summary:** Staff is requesting to file a Notice of Completion on this project since the general contractor, Basila Construction Inc., of Madera, has achieved completion of the original scope, and the City of Visalia has taken possession of the property. The Transit Center expansion was partially completed on October 29, 2010. All buses were moved over to the expansion site and were fully operating. Shortly thereafter a problem was identified with movement of the concrete pavers in the bus lane and the lid of the AT&T vault located in one of the drive lanes. The buses were moved off the site while the vault was repaired and the buses are scheduled to resume use of the facility on August 26 once the concrete has fully cured. All other work has been completed by the general contractor and their subcontractors, at a final cost of \$1,386,652.75. The contract amount for this job was \$1,329,000. Change orders for the construction project totaled \$57,652.75 (4.34%).

**Background:** The City of Visalia received \$2.6 million in American Recovery Reinvestment Act (ARRA) funding for the expansion of the existing Transit Center. Lower bids enabled the project to be done for only \$1.4 million, and the remaining funds were transferred to the Transit Bus Operations & Maintenance Facility expansion project. Basila Construction, Inc. of Madera was the contractor. The architect was Canby Architecture Studio, Inc. The City used Dennis Lehman until he left the City and then contracted with CM Construction Services, as the construction Manager, to oversee the project. The expansion consisted of 12 additional bus bays with shelters, covered walkways, public plaza, fountains and street lighting, solar powered high efficiency site lighting, storm drain cleansing at bus lanes, and ground water recharging for pedestrian area storm water. Offsite improvements include new sidewalks, curb ramps, 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.): 1

**Review:**

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

**Finance** RN 7/1/09  
**City Atty** \_\_\_\_\_  
(Initials & date required or N/A)

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

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increase corner radius. The entire project costs, including the construction contract just completed include the following:

Basila Construction contract:	\$ 1,386,652.75
Canby Contract:	\$ 180,000.00
Land Purchase (Prop 1B):	\$ 1,097,789.00
Technicon - inspections	\$ 10,217.00
Construction/Project Management	\$ 134,188.00
Misc. (LED signage, camera wiring)	<u>\$ 137,844.00</u>
Total	\$ 2,946,690.75

As indicated above, there was approximately \$57,652.75 (4.342.6%) in contract change orders for this project. This level of change orders is within the reasonable expectation for a project of this size and complexity. The project was completed within available funds; however, the schedule was disrupted by several events, many of which were out of the control of the contractor. The contractor Superintendent contracted cancer and passed away very quickly about six months into the project. There was an unusual amount of rain delays during the early part of this project. The contractor struggled to get the project back on a regular schedule after these delays for several reasons.

They did not hire a new superintendent to take over the job. Instead, one of the owners tried to manage it on top of his other duties. This proved inadequate due to the demands of other projects. There were several gaps in time, several weeks in some cases, when no progress was made on our project. They also did not answer the phone when we tried to find out what was going on. In several cases supervision was not provided, resulting in poor quality and several items that had to be torn out and redone. In the end, even though staff, with the assistance of the construction manager, was very generous with the allowed rain delays and other considerations, we felt the contractor placed our project as low priority and the schedule reflected that. For this reason the City had no choice but to assess liquidated damages of \$18,000 for the additional delays due to the preventable delays.

Several changes to the original drawings were made during the construction. These changes can be characterized into four categories: (a) Owner requested (b) Errors & Omissions (c) Utilities (d) Unforeseen. Staff will be working with the construction management firm, CM Construction Services, to determine the amount of the change orders due to design changes that were above the cost the City would have paid if the work had been included in the competitively bid contract work. We have received credits from the contractor for changes associated with contractor changes. Staff will work with Teter to provide a credit to the City for architect associated changes as appropriate. A list of all the change orders is noted below. In some instances, several items were included in a single change order and therefore there maybe multiple reasons for a single change order. The change orders on this project were as follows:

Approved Change Orders:

- |  |             |
|--|-------------|
| 1) The addition of 8 trees and dedicated irrigation circuits.  | \$13,705.70 |
| 2) AT&T vault relocation: Rough electric, grading & paving, saw cutting, slurry coat and trash bins.                       | \$20,207.98 |
| 3) Pavers underlayment: Approx. 1200sf of mirafi 140N fabric installed below sand bedding coarse at pavers above concrete. | \$ 666.60   |
| 4) Additional work for installation of message boards: Electrical, access  |             |

panels, rough carpentry, lumber and painting.	\$ 6,354.92
5) Add geogrid fabric underlayment: Due to poor soil conditions added at new paved area on Santa Fe Street.	\$ 1,111.00
6) Substitution of truncated dome panels: substitute paver stones in-lieu of truncated dome panels.	No cost
7) Lead-free back-flow preventer & cage: Lead-free model backflow unit, backflow cage, concrete pad for backflow with rebar & labor, anchor plates, freeze-blanket, and green powder coat for backflow cage.	\$ 3,299.84
8) Sign mounting posts: provide & install four (4) sign mounting posts, powder coat black.	\$ 695.42
9) Paving for new storm drain : issued change order then withdrawn.	No Cost
10) Float fourteen (14) pillars: Floated with plaster to make tiles flush with precast concrete column face.	\$ 5,221.70
11) Paint electrical panels to include conduit and A/C platform on south wall of existing building.	\$ 555.50
12) Four (4) additional sign mounting posts to be primed and painted black.	\$ 271.85
13) Footing removal and curb pour: remove existing excess footing at south wall of existing building. Remove excess footing around pillars at existing trellis. Pour extra curb and sidewalk along side of existing building.	\$ 5,472.79
14) Additional invoice received from Wise Engineering for labor to saw cut four (4) 28"X12"X1 1/4" concrete trims.	\$ 777.70
15) A/C paving for new storm drain work on Bridge Street and repair/patching of a paving area on Center Street.	\$ 3,885.00
16) Additional concrete curb at south wall of existing building between the entry door and the electrical panel.	\$3,660.75
17) Credit for work that was omitted according to revised electrical plans to Include: trenching, patching, street paving, and 7 pull boxes.	(\$8,234)
<b>Total Changes</b>	<b>\$ 57,652.75</b>
Liquidated Damages	\$(18,000.00)
<b>Net Changes</b>	<b>\$ 39,652.75</b>

A summary by change request type is as follows:

(a)	Owner Requested	\$ 24,194.98
(b)	Errors & Omissions	\$ 6,666.00
(c)	Utilities	\$ 20,207.98
(d)	Unforeseen	<u>\$ 6,583.79</u>
		<u>\$ 57,652.75</u>

**Prior Council/Board Actions:** None

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

**Alternatives:** None.

**Attachments:** None

**City Manager Recommendation:**

**Recommended Motion (and Alternative Motions if expected):** I move that the City Council authorize the Transit Division to file a Substantial Notice of Completion for the Transit Center expansion (Project No. 3011-0-72-0-8190).

***Financial Impact***

**Funding Source:**

Account Number: 3011-0-72-0-8190

**Budget Recap:**

Total Estimated cost:	\$ 0	New Revenue:	\$ 0
Amount Budgeted:	\$ 0	Lost Revenue:	\$
New funding required:	\$ 0	New Personnel:	\$
Council Policy Change:	Yes _____ No <u>X</u>		

***Environmental Assessment Status***

**CEQA Review:**

Required? No  
Review and Action: Prior:  
Require:

**NEPA Review:**

Required? No  
Review and Action: Prior:  
Require:

**Tracking Information:** *Record a Notice of Completion with the County Recorder*

Copies of this report have been provided to:



# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8v

**Agenda Item Wording:** Council authorization to develop alternative options and designs for the existing BMX racing area (1.8 acres) at Riverway Sports Park as recommended by the Parks and Recreation Commission.

**Deadline for Action:**

**Submitting Department:** Parks and Recreation

**Contact Name and Phone Number:**

Jeannie Greenwood, Recreation Manager  
(559) 713-4042

**Department Recommendation:** City staff recommends that the City Council accept the Parks and Recreation Commission's recommendation to develop concept ideas for new use of the former BMX area (1.8 acres) in Riverway Sports Park. A final concept plan will be presented to the Council for approval.

**Background Information:**

From the early planning stages of Riverway Sports Park, BMX enthusiasts were avid supporters of a BMX Park in Visalia resulting in a site designated for BMX in the new sports park. In July, 2007, the Parks and Recreation Commission recommended to the Visalia City Council that a three year agreement be executed between Ron and Sherri Jones and the City of Visalia for the use of Visalia Riverway Sports Park's BMX area for the purpose of BMX practice and racing. The City Council approved the agreement on August 20, 2007.

At the end of the initial three (3) year term, City staff decided to issue a Request for Proposal for the operation and maintenance of the BMX track rather than executing an extension of the existing lease. This decision was made based on a request from the current operators to reduce the \$400 per month lease fee. Track participation was not at a level where the operators could pay the on-going lease and perform maintenance of the track. In accordance with City purchasing policy, staff opted to release a new Request for Proposal so that terms of a new contract could be negotiated with whoever the successful proposer turned out to be. The track operators were asked to continue to operate on a month to month basis under the same terms of the lease until this process could be completed. They declined as they were unable to pay the operational cost of the facility under the established terms of the agreement. The track has been closed since August, 2010.

**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)

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On May 4, 2011, Request for Proposal (RFP) #10-11-44 was released. A proposal conference was held on May 18<sup>th</sup> at the BMX track. Proposals were accepted until 2:00 p.m. on June 3, 2011 at which time no proposals were received.

City staff then looked to the Parks and Recreation Commission for direction. During the Parks and Recreation Commission meeting on June 21, 2011, City staff updated the Parks and Recreation Commission on the status of the BMX facility and the lack of interest from potential operators. The Parks and Recreation Commission asked City staff to follow up to ensure that contacts were made with BMX operators in the local region (including Fresno) and research some potential future uses for the BMX site located at Riverway Sports Park.

During the RFP process, staff researched potential vendors through the American Bicycle Association (ABA) and the National Bicycle League (NBL) utilizing both websites to identify local track operators. In addition, the City's Purchasing Division searched potential vendors through BidNet. RFP #10-11-44 was sent to 16 identified vendors. In addition to mailing proposal requests to vendors, phone calls were made to a few local individuals who had previously expressed an interest in operating the track.

#### **Update on BMX tracks in our area:**

Fresno	The City of Fresno pays the operator \$833.00 per month to run programs and events at the BMX facility. The City of Fresno's total cost is \$9,996.00 per year to operate programs at Woodward Park.
Reedley	The City of Reedley leases land to Reedley Air Time BMX for \$1,000.00 per year.
Tulare	The Tulare County Fair Board charges the vender \$50.00 per use with a maximum of three uses per week.
Porterville	Facility closed in the first year of operation.
Hanford	Track is owned by the City and leased to a vendor for \$150 per month. Vendor does all maintenance to facility.
Lemoore	Facility closed.
Orange Cove	The City of Orange Cove received a state grant for \$490,000.00 to build a BMX track near the high school. The City of Orange Cove operates the facility and has been publicly criticized for building a facility that is seldom used.

#### **About the BMX site:**

- The area inside the fence at the BMX facility is approximately 1.8 acres.
- The area has water, an electrical panel and a storm drain line.
- The park irrigation well and pump is at park capacity because of soccer and baseball field irrigation.
- Any new irrigation needs for the site would need to be serviced with the new Cal Water service currently being designed in Phase III.
- During Phase II, Musco lighting was installed. The facility has four light poles in the corners of the facility.
- The 1.8 acre parcel has a 5 foot fence around the perimeter of the facility.

At the July 19, 2011 Parks and Recreation Commission meeting, City staff provided additional information listed above to the Commission and asked for direction. Options discussed included:

- Direct staff to search for additional individuals or organizations to assume the operation of the BMX facility.
- Direct staff to research and develop a business plan for the Parks and Recreation Department to operate and maintain the facility.
- Discuss alternative uses for the 1.8 acre facility.

The unanimous decision of the Parks and Recreation Commission was to research and develop concepts for alternate uses of the facility. Options discussed include: athletic turf (or synthetic turf) for multi-use including soccer and football, a full size baseball field, tennis courts, basketball courts, handball courts, mountain bike and/or freestyle bike course, exercise/fitness course, skate park and a dog park. Although several options were discussed, the Commission did not reach a consensus for use of this area.

Mr. Stephen Canada from HLA Group, the architect for all of the previous phases of the sports park, was consulted. His opinion is that we need to give thought to the interface of this area with the rest of the park so that it does not become an add-on to the park, but rather an intergraded design solution.

This addition would include the development of three (3) concepts for the area with estimated costs. City staff would then receive public testimony based on these concepts and bring back a preliminary recommendation to the Parks and Recreation Commission and City Council.

**Prior Council/Board Actions:**

August 20, 2007 – Council authorized an agreement for the operation and maintenance of the facility for BMX racing and practices.

**Committee/Commission Review and Actions:**

June 21, 2011 – Parks and Recreation Commission received a status update from staff and directed staff to bring back more information.

July 19, 2011 – Parks and Recreation Commission received staff report, held discussion and voted to research other uses for the 1.8 acre parcel at Riverway Sports Park.

**Recommended Motion (and Alternative Motions if expected):**  
 City Council directs the Park and Recreation Commission to develop concept ideas for new use of the former BMX area (1.8 acres) in Riverway Sports Park. A final concept plan will be presented to the Council for approval.

## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8w

**Agenda Item Wording:** Authorize the Mayor to send letters and advocate support for legislative efforts at the State and Federal level that eliminate sales tax exemptions for on-line retailers.

**Deadline for Action:** None

**Submitting Department:** Administration

**Contact Name and Phone Number:** Michael Olmos, 713-4332.

**Department Recommendation:** Authorize the Mayor to send letters and advocate support for legislative efforts at the State and Federal level that eliminate sales tax exemptions for on-line retailers.

**Summary/background:** In the City of Visalia, sales tax revenues primarily supports public safety services. The failure to collect sales tax has a direct impact on the City's ability to fund and deliver these services and, in fact, creates an erosion of the City's ability to protect its residents. Sales tax exemptions for on-line retailers is not simply about fairness, it represents a critical loss of revenue to provide critical services for the community.

On-line sales to Amazon alone from Visalia represent roughly \$150,000 in lost sales tax revenue in the past year. As on-line shopping grows in popularity, this loss in sales tax revenue will increase each subsequent year. Between 2009 and 2012, states across the country are expected to lose as much as \$37 billion in uncollected state and local taxes on internet and catalogue sales. With online sales growing four times faster than main street sales, the current system's impact on local tax revenues and subsequently critical services, could be catastrophic.

The Main Street Fairness Act was introduced in the U.S. Senate by Senator Richard Durbin (D-IL) as S. 1452 and in the House by Congressman John Conyers Jr. (D-MI) as H.R. 2701 on July 29, 2011. This legislation attempts to correct a sales tax system perceived as being unfair to brick-and-mortar retailers and is also a drain on local revenues.

Currently, retailers are only required to collect sales tax in states where they also have brick-and-mortar stores. The burden then falls to consumers who are required to report to state tax departments any sales taxes they owe for online purchases. Often, consumers do not report those purchases when completing their tax returns. As a result, local retailers are at a

**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)

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competitive disadvantage because they must collect sales taxes while out-of-state retailers, including many large online and catalog retailers, in effect give their customers a discount by collecting no state or local sales taxes. And, consumers are left with the confusing, yet legal responsibility to report the sales taxes owed on online purchases on their tax returns.

Specifically, the Main Street Fairness Act:

- Certifies the Streamlines Sales and Use Tax Agreement, a comprehensive interstate system to streamline and harmonize sales tax rules and administrative requirements;
- Provides states with the clear authority to require all retailers to collect sales taxes;
- Does not create a new tax, but provides a necessary tool to collect an existing tax in a simple and fair manner;
- Releases consumers from tax remittance obligations;
- Treats all retailers with equal sales tax collection responsibilities, and;
- Reduces collection costs and provides compensation for all sellers required to collect sales taxes.

As part of the state budget, in June of this year the Legislature enacted a law requiring on line retailers to collect the sales tax on sales to California residents. In response, Amazon is circulating a referendum petition, which if it collects approximately 500,000 valid signatures, will place a measure to reinstate the sales tax exemption for online sales before the California electorate at the next scheduled statewide election (likely February of 2012.)

Staff recommends that the City Council authorize the Mayor to send letters and advocate support for legislative efforts at the State and Federal level that eliminate sales tax exemptions for on-line retailers.

**Prior Council/Board Actions:** NA

**Committee/Commission Review and Actions:** NA

**Alternatives:** NA

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the Mayor to send letters and advocate support for legislative efforts at the State and Federal level that eliminate sales tax exemptions for on-line retailers.

***Environmental Assessment Status***

**CEQA Review: NA**

**NEPA Review: NA**

**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: NA

## City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

**Agenda Item Number (Assigned by City Clerk):** 8x

**Agenda Item Wording:** Plaza Drive Widening (Airport Drive to Goshen Avenue) and 198 Interchange Improvements Project. Project update and request for approval of architectural review process for project.

**Deadline for Action:** N/A

**Submitting Department:** Community Development Department

**Contact Name and Phone Number:**

Fred Lampe, Senior Civil Engineer, 713-4270  
Adam Ennis, Assist. Community Dev. Director, 713-4323  
Chris Young, Community Development Director, 713-4392

**Department Recommendation:** Staff recommends that Council accept this Plaza Drive Widening (Airport Drive to Goshen Avenue) and 198 Interchange Improvements Project update and approve the architectural review process for the project.

**Summary:** This project will widen Plaza Drive from Airport Drive to Goshen Avenue and significantly improve the interchange at Highway 198. The City has completed right-of-way certification, construction document approval and has obtained the State encroachment permit for the project. The anticipated project schedule is:

Begin Bidding	September 2011
Construction contract award	November 2011
Construction beginning	January 2012
Construction completion	December 2013

Due to a very aggressive funding schedule, development, approval and design of architectural features for the interchange has not been possible. With funding deadlines now met, City staff is working on the process to develop the architectural features for the overcrossing at SR 198.

City staff proposes that the project design engineers and architect work with a committee to develop two architectural concepts. Staff proposes that this committee consists of two members of the Visalia Arts Consortium, a member of the Citizen's Advisory Committee, the City's Project Manager, a representative from consulting engineer's firm, and an architectural representative from the California Department of Transportation (Caltrans). The architectural

**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.

and engineering consultant would then provide two conceptual exhibits. These two exhibits would then go back to the committee and be taken thru a public input process that would select the preferred concept. Approvals would then be sought from Caltrans and the City Council. Once approvals are obtained, the City's consultant would finalize the design for final approval by Caltrans. This process would need to be completed in early October 2011 to be included in the overall project bid.

**Background:** The Plaza Drive Widening project will widen Plaza Drive from Airport Drive to Goshen Avenue, including widening of the overcrossing of State Highway 198 (SR198), the construction of auxiliary lanes on SR198 between State Highway 99 and Plaza Drive, and the reconstruction of the ramps at the SR198/Plaza Drive Interchange. The City has acquired or received right-of-entries on all right-of-way needed for the project, completed construction document approval and has obtained the State encroachment permit for the project. The project is anticipated to go to bid in September 2011, with construction contract award in November 2011, construction beginning in January 2012 and construction completion at end of 2013.

The project construction (\$25M) should be completely funded through State Transportation Improvement Program (STIP) funding (\$16M), Corridor Mobility Improvement Account (CMIA) funding (\$7.8M) and Economic Development Agency (EDA) funding (\$2M). The CMIA funding came with a very aggressive schedule for approvals and allocations, which the City has met.

Since this interchange is at the west "entrance" to the City, architectural features on the bridge are desired. However, due to the very tight funding schedule, development, approval and design of architectural features for the interchange has not been possible. With funding deadlines now met, City staff is working on the process for the architectural features of the overcrossing at SR198, which will need to be completed quickly to be included in the project.

City staff proposes to have the project design engineers and architects, who also designed the Santa Fe Bridge architectural features, develop two concepts. Those two concepts would be presented to a panel consisting of two members of the Visalia Arts Consortium, a member of the Citizen's Advisory Committee, the City project manager, a representative of the City's engineering consultant and an architectural representative from the California Department of Transportation (Caltrans). The architectural and engineering consultant would then finalize the conceptual design based on the panel's input. Approvals would then be sought from Caltrans and the City Council. Once approvals were obtained the City's consultant would finalize the design for Caltrans final approval.

City staff is attempting to complete this process by October 2011 to include the work in the project bid and overall project funding. If this timeline cannot be met, the architectural features may have to be added through a change order and could be potentially funded by Measure R savings from the Santa Fe Bridge Project.

#### **Committee/Commission Review and Actions:**

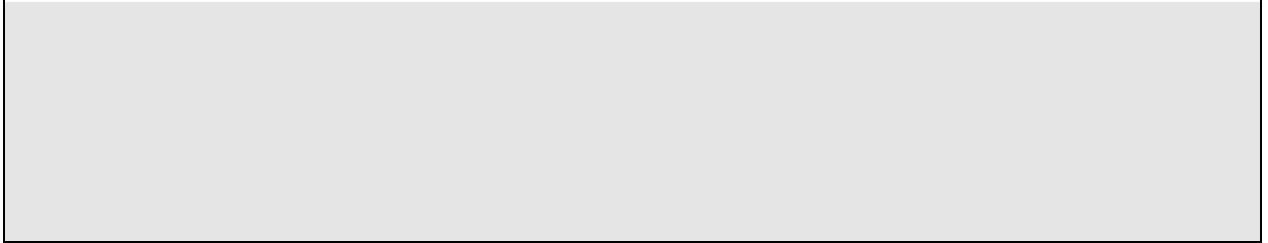
**Alternatives:** None

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**Attachments:**



**Recommended Motion (and Alternative Motions if expected):** I move to accept this Plaza Drive Widening Project update and approve the architectural review process for the project.



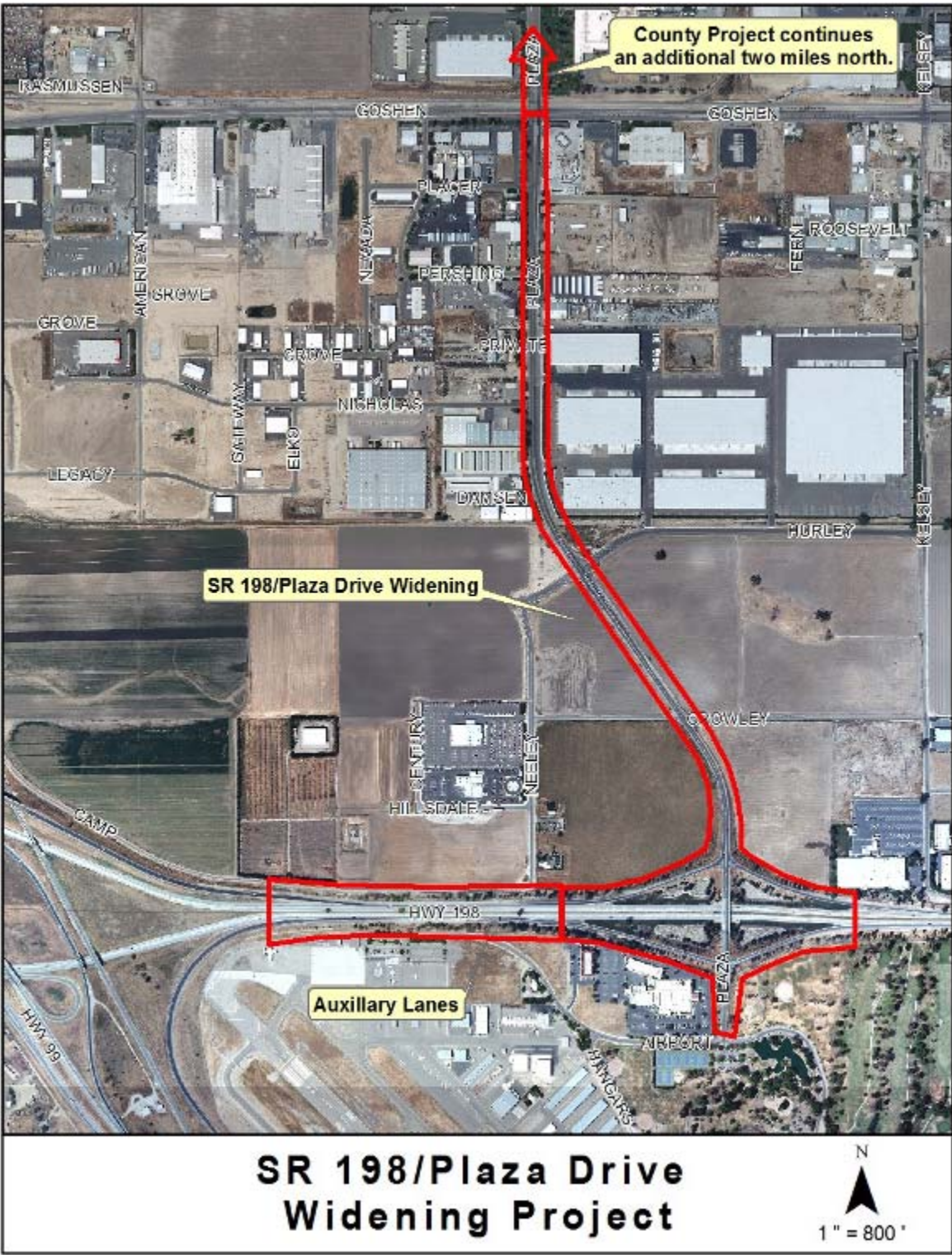
***Environmental Assessment Status***

**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:



# SR 198/Plaza Drive Widening Project

N  
1" = 800'

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

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

**Agenda Item Wording:**

A hearing to consider and adopt a Resolution of Necessity on a portion of the following property:

APN:081-020-076 (Located next to the offramp from Highway 198 East to Plaza Drive – no current address)

Resolution 2011-61 required

**Deadline for Action:** None

**Submitting Department:** Public Works/Engineering

**Contact Name and Phone Number:**

Steve Salomon, 713-4312  
Chris Young, 713-4392  
Adam Ennis, 713-4323  
Fred Lampe, 713-4270  
James Koontz, 636-0200

**Recommendation:**

Staff recommends adopting a Resolution of Necessity (Resolution 2011-61) regarding a portion of the following property

APN:081-020-076 (no current address)

The subject property is the last property to be acquired by the City for the Plaza Drive widening project. All other parcels have been acquired through willing seller negotiations.

The City has attempted to acquire the subject property through extensive negotiations, but has not been able to conclude these negotiations. Pursuant to an agreeemnt with the property owners, the City is obligated to commence eminent domain proceedings.

**Project Summary/background:**

The City for the past several years has been acquiring the required right-of-way for the Plaza Drive and Interchange Modification Project – a joint project between the City of Visalia and the California Department of Transportation (“Caltrans”). This project will add additional lanes on Plaza Drive and the Highway 198 interchange to decrease traffic congestion. (See Attachment 1- map of project area.)

**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.

This particular parcel abuts Highway 198. The road widening and subsequent movement of the highway off ramp results in a taking along the southern and eastern portion of the property. (See Attachment 2 – A map of the parcel showing the take area.)

The surrounding area, including the Plaza Business Park, has been steadily developing. The City anticipates that traffic levels will double in this area over the next twenty years. However, the existing roadways were not designed for high traffic volumes. During peak usage periods the area around the Plaza Drive and Highway 198 interchange can become very congested. Without improvements to the current roadways, particularly widening the roadways, the area will fall below the City's minimum level of traffic service.

The City needs to acquire approximately 1.69 acres of land from the subject property for the road improvements (See Attachment 2). Without this property the road cannot be widened. Additional space is also needed to support the wider road since the overpass is considerably higher than the surrounding land. In addition, the project requires the City to obtain a utility access easement of approximately .0347 acres. The utility access strip is a small strip of land and the easement is required to allow utility vehicles space to reach existing utilities in the Caltrans right of way along Highway 198. After the acquisition by the City the parcel will be total 11.99 acres.

#### **Summary of Negotiations:**

The City obtained an appraisal of the area to be acquired. Based on the appraisal prepared by Keith Hopper, MAI, the City Council authorized staff to make an offer to the property owners based on this appraised value. Mr. Hopper appraised the value of the subject property to be \$375,000 or approximately \$5.00 per square foot. A formal written offer to the property owners in this amount was sent on December 22, 2010. (See Attachment 3 – Offer dated December 22, 2010)

The property owners declined the offer and notified the City they intended to conduct their own appraisal of the property. The property owners indicated they did not oppose the project but did not agree to the amount offered by the City. The owners signed a right of entry agreement with the City in February 2011. The right of entry agreement allows the City to enter the property and construct the project. The City was required to certify to Caltrans that it had obtained possession of all the property required for the project by June 1, 2011 in order to meet state funding requirements. The City has acquired all the other property needed for the Plaza Drive project except the subject property, through negotiated acquisitions

As a condition to signing the right of entry agreement the property owners requested that interest on the eventual compensation for the taking accrue from February 1, 2011. The property owners also requested that the City proceed with an eminent domain action by July 1 2011, if no mutual agreement could be reached. However, the property owners did not respond with a counteroffer and in early June indicated they were waiting for their appraisal to be completed. The parties agreed to delay scheduling the Resolution of Necessity hearing until August.

To date the City has still not received a counteroffer from the property owners. Staff recommends that Council authorize the use of eminent domain and adopt the proposed Resolution of Necessity. Staff will continue to seek a reasonable settlement with the property owners but sees no need to delay the eminent domain process any further.

**Findings Required to Adopt Resolution of Necessity:** The City Council may adopt a resolution of necessity only after giving notice to each person whose property is to be acquired by eminent domain that it intends to adopt a resolution of necessity and that they have a right to

appear at such hearing and be heard on the proposed resolution. Notice was given by first class mail to property owners and their attorney, Jeffrey L. Levinson.

Additionally, in order to adopt the Resolution, Council must make the following findings:

1. The public interest and necessity require the proposed Project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project;
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The intersection project is a component of the City's Circulation Element. Existing and future traffic operations have been quantified through the determination of "Level of Service" (LOS). This is a quantitative measure of traffic operating conditions, whereby a letter grade "A" through "F" is assigned to an intersection or roadway segment representing progressively worsening traffic conditions. The Circulation Element Update identifies LOS "D" as the desired minimum LOS threshold. Without these improvements the LOS in this area will fall below this minimum threshold, even in its current partially developed state traffic in the area is subject to congestion during peak usage.

The current two-lane configuration of the road is not sufficient to meet the traffic demands for this area. The area is zoned for commercial and industrial uses and as the area develops the traffic levels will increase. The current roadway configuration is not designed to efficiently handle heavy volumes of traffic.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. A no-build alternative is not feasible. The improvements are necessary and the road cannot be feasibly widened without taking a portion of the subject property. Shifting the entire project to the west is not feasible due to the location of public utilities and would be a poor use of the existing right-of-way and overpass. The proposed project is required and designed to be consistent with and mitigate impacts identified in the City's Circulation Element, Land Use Element, and the mitigated negative declaration/environmental assessment with finding of no significant impact associated with this project. (The State Clearing House Number for the mitigated negative declaration filed for this project is 20061040.)

As indicated above, the proposed project addresses anticipated level of service deficiencies.

The City of Visalia made an offer to acquire the property in compliance with Government Code Section 7267.2 on December 22, 2010 (See Attachment 3).

The portion of the subject property, which is described in the proposed Resolution, is necessary for the proposed project. The improvements to the overpass and to Plaza Drive require widening the existing roadway. The project cannot be reasonably completed without the subject property. Staff recommends Council consider the information above which supports the Resolution of Necessity and proceed to adopt it.

**Funding Sources:** The Project is assigned project number and is being funded by a combination of funding sources including Measure R, STIP (State Transportation Improvement Program), and CMIA (Corridor management Improvement Account).

**Prior Council/Board Actions:**

December 20, 2010 – Council approved appraisals and authorized negotiations regarding other properties located Highway 198 and Plaza Drive

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

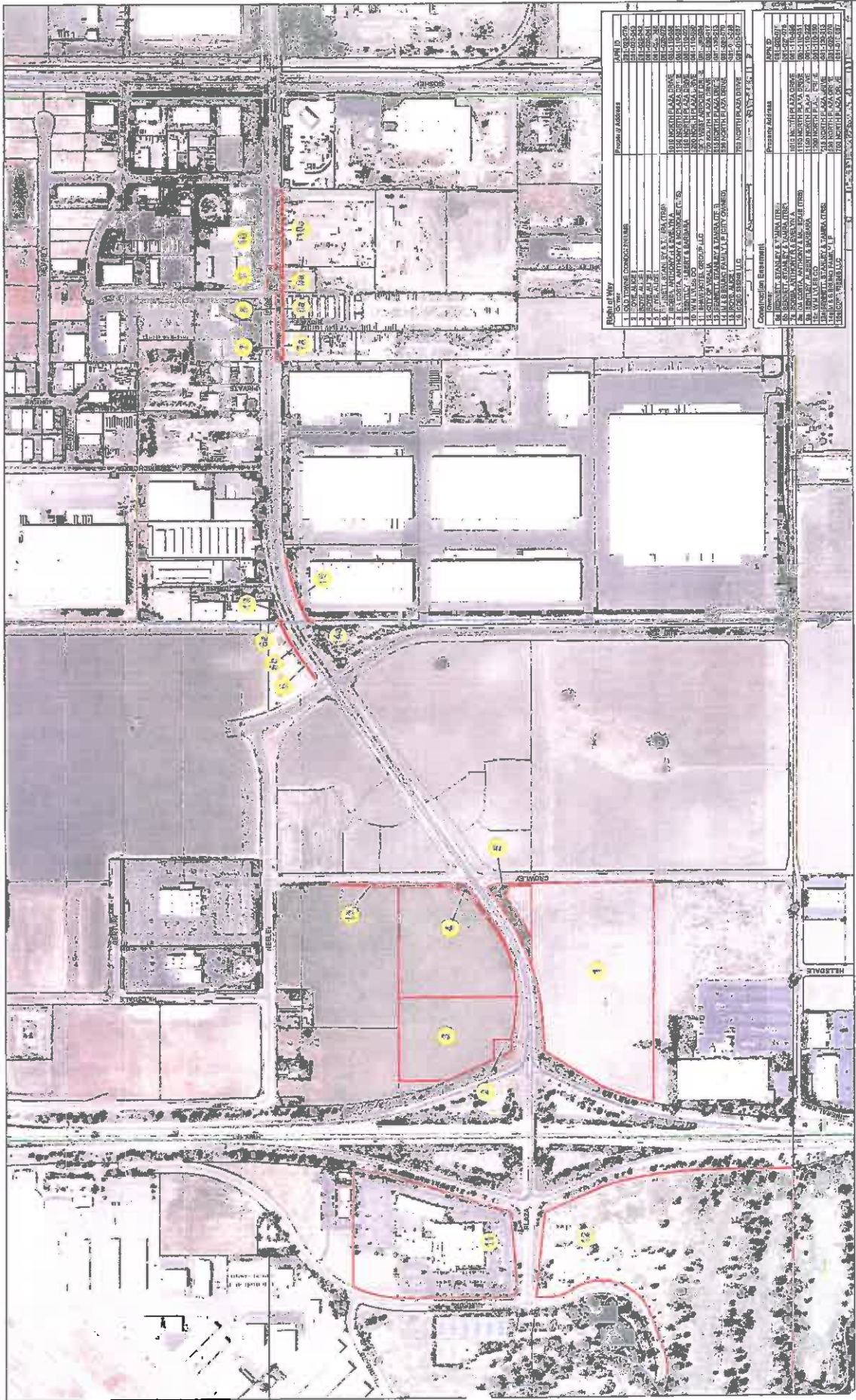
**Attachments:**

1. Overview map of areas to be acquired
2. A map of the parcel showing take area
3. Offer by City of Visalia dated December 22, 2010
4. Notice to Property Owners
5. Resolution of Necessity

**Recommended Motion (and Alternative Motions if expected):** I move to adopt Resolution of Necessity No. 2011-61, and authorize the commencement of Eminent Domain proceedings.

**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)*

**ATTACHMENT 1**



Parcel ID	Parcel Address
101-02-070	
101-02-071	
101-02-072	
101-02-073	
101-02-074	
101-02-075	
101-02-076	
101-02-077	
101-02-078	
101-02-079	
101-02-080	
101-02-081	
101-02-082	
101-02-083	
101-02-084	
101-02-085	
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101-02-088	
101-02-089	
101-02-090	
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101-02-096	
101-02-097	
101-02-098	
101-02-099	
101-02-100	

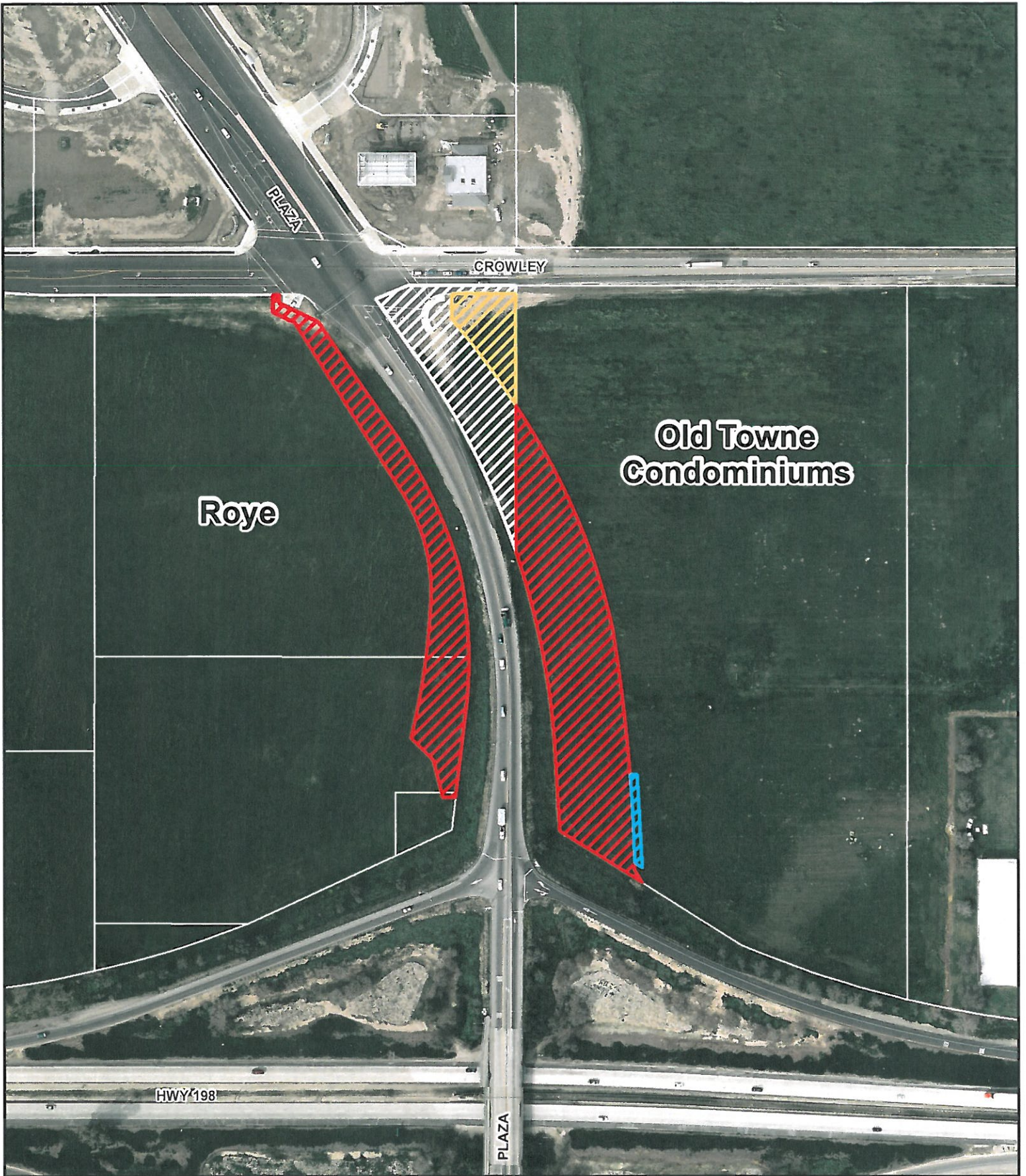
Parcel ID	Parcel Address
101-02-101	
101-02-102	
101-02-103	
101-02-104	
101-02-105	
101-02-106	
101-02-107	
101-02-108	
101-02-109	
101-02-110	
101-02-111	
101-02-112	
101-02-113	
101-02-114	
101-02-115	
101-02-116	
101-02-117	
101-02-118	
101-02-119	
101-02-120	

**PLAZA DRIVE WIDENING PROJECT  
AIRPORT DRIVE TO GOSHEN AVENUE**



1" = 200'





# Plaza Drive Right of Way Exhibit



1" = 200'

**DOOLEY, HERR,  
PELTZER &  
RICHARDSON**  
ATTORNEYS AT LAW LLP

December 22, 2010

DANIEL M. DOOLEY  
RETIRED FROM THE PRACTICE OF LAW

LEONARD C. HERR

ALEX M. PELTZER

KENNETH J. RICHARDSON

**FIRST CLASS U.S. MAIL and  
CERTIFIED MAIL - RETURN RECEIPT  
REQUESTED**

KRIS B. PEDERSEN

RON STATLER

RACHELE BERGLUND BAILEY

JAMES D. KOONTZ

RHEA IKEMIYA

PAULA C. CLARK

Old Towne Condominiums LLC  
7674 N. Woodson Avenue  
Fresno, CA 93711

Re: City of Visalia Road Improvement Project (CIP #9438-1131)  
Caltrans Project I.D. 06-Tul-198- (PM R4.8); EA 06-42370  
Road 80 widening and Plaza Interchange; Cooperative  
Agreement No. 06-1418

Greetings:

As you know the City of Visalia is widening Plaza Drive and the State Route (SR) 198 overcrossing where your property is located. Enclosed please find an offer to purchase a part of your property as well as obtain a public utilities access easement.

The project generally involves widening Plaza Drive (Road 80) from two lanes to four lanes between Airport Drive and State Route 198 (SR 198), from two lanes to six lanes between SR 198 and Hurley Avenue, and from two lanes to four lanes between Hurley Avenue and Goshen (Avenue 304).

After you have had an opportunity to consider the attached offer and the appraisal basis therefore, I ask that you contact me to arrange a date when we can meet to further discuss the details of the Project and any questions or issues you may have.

If I do not hear from you soon, I will try to contact you within the next couple of weeks. Generally, when we reach agreement regarding the purchase terms, those terms will be inserted into a purchase agreement. Escrow will then be opened to complete the purchase and sale. The escrow process would also involve clearing liens and encumbrances which affect the area proposed to be acquired. In some instances, this takes some time so the proposed purchase contract includes a date by which the City may have the right to enter and begin the Project while we complete the purchase transaction. We can discuss this further when we meet. Should you have any questions,

100 WILLOW PLAZA  
SUITE 300  
VISALIA, CA 93291

TELEPHONE:  
(559) 636-0200

FACSIMILE:  
(559) 636-9759

WWW.DHLAW.NET

Old Towne Condominiums LLC  
December 22, 2010  
Page 2

please do not hesitate to contact me by phone, e-mail, facsimile or regular mail as indicated at the bottom of this correspondence.

Sincerely,

By



James D. Koontz (SBN#210092; Real Estate  
Broker #01883705)  
Dooley, Herr, Peltzer, & Richardson, LLP  
100 Willow Plaza Suite 300 Visalia, CA 93291  
Visalia, CA 93291  
Phone: (559) 636-0200  
Fax: (559) 636-9759  
E-mail: jkoontz@dhprlaw.net

Enclosures:

1. Offer to Purchase (Gov. Code Section 7267.2(a))
2. Project Map
3. Appraisal Summary Statement/Summary Statement Relating to Purchase of Real Property or an Interest Therein
4. Proposed Acquisition Contract
5. Proposed Grant Deed
6. Proposed Easement
7. Copy of Preliminary Title Report Affecting Your Property
8. Public Transportation Brochures

cc: Fred Lampe, City of Visalia

Date: December 22, 2010

Old Towne Condominiums LLC  
7674 N. Woodson Avenue  
Fresno, CA 93711

**Government Code Section 7267.2(a) City of Visalia Offer to Purchase**

**Parcel No.: APN 081-020-076**

**Record Fee Owner: Old Towne Condominiums LLC**

**Project: City of Visalia Plaza/Road 80 Widening and Interchange Project**

As you may be aware from preliminary discussions with the City of Visalia's appraiser, and with City staff working on the planning for the project, the City of Visalia ("City") will be widening Plaza Drive in the area where APN 081-020-076 is located. (See project map.)

The City has obtained a preliminary title report which shows you to be the vested Owner of property within the proposed Project area. To summarize this letter, the City is making a "Total Offer" of \$375,000. This Total Offer is the amount the City believes to be just compensation for the area to be acquired.

City is offering to pay \$5.00 per square foot for the area being permanently acquired and \$4.50 per square foot for the public utility access easement to reflect that while the City is not taking this area in fee the property burdened by the easement cannot have a structure on it, although it can still be landscaped, driven over or used as required setback area.

The City has established this amount based on an appraisal conducted on behalf of the City. Enclosed is an Appraisal Summary Statement which shows how the appraiser established this value.

The City proposes to acquire fee title to 73,645 square feet square feet area for the road widening and to transition any required grading between the new road and your parcel. In addition the City is seeking 1,513 square feet for a public utility access easement. This is being acquired so the public utilities that are located on the parcel will be able to access their facilities, the current means of access will be denied by the interchange widening. City has enclosed a legal description of these areas along with a proposed grant deed and an easement. These are sample forms for your review.

This packet also contains a Summary Statement Relating to The Purchase of Real Property that contains related information as well as California Department of Transportation brochures discussing California Relocation Assistance and Real Property Acquisition Guidelines. (This project involves the Highway 198 interchange and the City is acquiring all right-of-way in accordance with Department of Transportation acquisition requirements.)

In compliance with California Code of Civil Procedure Section 1263.025, separate from and in addition to the "Total Offer", City is offering to pay up to \$5,000 toward an

appraisal you may independently obtain. This reimbursement offer is contingent on the statutory requirement that the independent appraisal be conducted by an appraiser licensed by the Office of Real Estate Appraisers.

If this offer is accepted, then the contracts will be executed and the documents delivered into escrow. While in escrow, as in a private transaction, any amounts necessary to remove third-party liens or encumbrances will need to be paid or otherwise resolved. In the event there are liens and encumbrances, the City will request the Owner to either:

- Pay to owners of liens and encumbrances, out of approved compensation paid by City the amount needed to terminate leases or cancel trust deed, mortgages, or other liens affecting the property acquired, or
- Arrange for holders of leases, trust deeds, mortgages, or other liens to quitclaim their interest, if any, to the Acquisition Area of the parcel being acquired.

Similarly, when an Owner sells property to the City, the Owner's obligation to pay current and past due property tax is the same as if the Owner were selling to a private individual.

However, you, as an Owner, will not be required to pay recording fees, transfer taxes, or the pro rata portion of real property taxes that are allocable to any period after the passage of title or possession to the City.

The City has authorized this office prepare and send this offer on its behalf. A proposed Acquisition Contract is included for your review.

If you have any questions in regard to this offer, then please contact me.

City of Visalia

By: 

James D. Koontz (SBN#210092; Real Estate Broker #01883705)  
Dooley, Herr, Peltzer, & Richardson, LLP  
100 Willow Plaza Suite 300 Visalia, CA 93291  
Visalia, CA 93291  
Phone: (559) 636-0200  
Fax: (559) 636-9759  
E-mail: jkoontz@dhprlaw.net

July 28, 2011

DANIEL M. DOOLEY  
RETIRED FROM THE PRACTICE OF LAW

LEONARD C. HERR

ALEX M. PELTZER

KENNETH J. RICHARDSON

KRIS B. PEDERSEN

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JAMES D. KOONTZ

RHEA IKEMIYA

PAULA C. CLARK

**FIRST CLASS U.S. MAIL AND CERTIFIED MAIL - RETURN  
RECEIPT REQUESTED**

Old Towne Condominiums LLC  
Attn: Dr. Robert Mochizuki  
7674 N. Woodson Avenue  
Fresno, CA 93711

Re: City of Visalia Road Improvement Project (CIP #9438-1131)  
Caltrans Project I.D. 06-Tul-198- (PM R4.8); EA 06-42370  
Road 80 widening and Plaza Interchange; Cooperative  
Agreement No. 06-1418

Dear Dr. Mochizuki:

This letter is to notify you the Visalia City Council intends to consider the adoption of a Resolution Necessity on August 15, 2011. If adopted, the Resolution will authorize the City of Visalia to acquire the property described herein by eminent domain for the Plaza Drive and Interchange Modification Project. A description of the property being considered for acquisition is attached to this letter.

Please take notice that the Visalia City Council at 707 W. Acequia Avenue, Visalia, during its regularly scheduled meeting to be held on Monday, August 15, 2011 at 7:00 p.m., or as soon thereafter as the matter may be heard, will hold a hearing on whether a Resolution of Necessity should be adopted as required by California Code of Civil Procedure section 1245.220 for the commencement of an eminent domain proceeding to acquire real property.

You have the right to appear, or have an agent appear on your behalf, and to be heard before the Visalia City Council at the above scheduled hearing on the following matters and issues prior to the City Council making its decision:

- a. Whether the public interest and necessity require the proposed project.
- b. Whether the proposed project is planned or located in the manner that will be the most compatible with the greatest public good and least private injury.
- c. Whether the property sought to be acquired by eminent domain is necessary for the proposed project.

100 WILLOW PLAZA  
SUITE 300  
VISALIA, CA 93291

TELEPHONE:  
(559) 636-0200

FACSIMILE:  
(559) 636-9759

WWW.DHLAW.NET

**FILE COPY**

Old Towne Condominiums LLC  
Attn: Dr. Robert Mochizuki  
July 28, 2011  
Page 2

- d. Whether the offer required by Government Code section 7267.2 was actually made to you and whether this offer contained all of the factual information required by Government section 7267.2.
- e. Whether the City of Visalia has complied with all conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the subject property as well as any other matter regarding the right to take the subject property by eminent domain.
- f. Whether the City of Visalia has the statutory authority to acquire the property by eminent domain.

Failure to file a written request to be heard within fifteen (15) days after this notice was mailed will result in a waiver of the right to appear and be heard pursuant to California Code of Civil Procedure section 1245.235. If you desire to be heard, then please be advised that you must file a written request to do so. You may file this request with the Visalia City Clerk at 425 E. Oak Avenue, Visalia CA 93291 or you may file such request with this office.

Please contact me if you have any questions regarding this matter.

Sincerely,

DOOLEY, HERR, PELTZER & RICHARDSON, LLP

  
James D. Koontz

Enclosure

cc: Jeffrey L. Levinson, Esq.  
Harvey May, Paloma Development

Exhibit "A"

That portion of Parcel 1 of Parcel Map Number 4764 recorded in Book 48 of Parcel Maps at Page 69, of Official Records of Tulare County Records, in the City of Visalia, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of said Parcel 1; thence South  $0^{\circ}05'23''$  West along the West line of said Parcel 1, a distance of 182.46 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line South  $0^{\circ}05'23''$  West, 239.29 feet to the East right of way line of Plaza Drive; thence southerly along said East right of way line 320.95 feet along a non-tangent curve, concave westerly with a radius of 1200.00 feet, a central angle of  $15^{\circ}19'27''$ , and a beginning radial which bears North  $71^{\circ}30'39''$  East; thence South  $3^{\circ}07'44''$  East along said East right of way line, 124.42 feet to the North right of way line of State Route 198 and the South line of said Parcel 1; thence South  $57^{\circ}59'19''$  East along said North right of way line, 160.55 feet; thence North  $28^{\circ}58'22''$  West, 22.86 feet; thence northwesterly 375.22 feet along a non-tangent curve concave westerly with a radius of 3007.74 feet, a central angle of  $7^{\circ}08'52''$ , and a beginning radial which bears North  $88^{\circ}18'34''$  West; thence northwesterly 403.82 feet along a non-tangent curve concave westerly with a radius of 1101.07 feet, a central angle of  $21^{\circ}00'49''$ , and a beginning radial which bears North  $77^{\circ}27'47''$  East to the TRUE POINT OF BEGINNING.

Area  $\pm$  73,645 sq ft





**CROWLEY AVENUE**

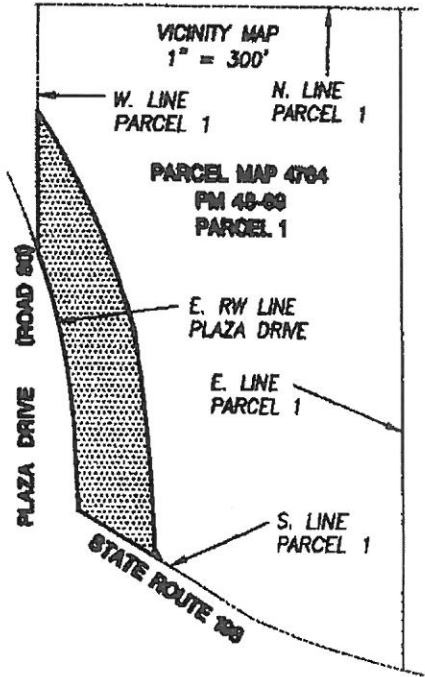
GRANT DEED  
VOL 4807 PG 307  
PARCEL 2

TRUE POINT  
OF BEGINNING

NW COR OF PARCEL 1 PM 4764,  
BK. 48-PG. 69 T.C.R.

W LINE OF PARCEL 1  
PM 4764

MATCH LINE  
SEE BELOW LEFT



VICINITY MAP  
1" = 300'

W. LINE  
PARCEL 1

N. LINE  
PARCEL 1

PARCEL MAP 4764  
PM 48-88  
PARCEL 1

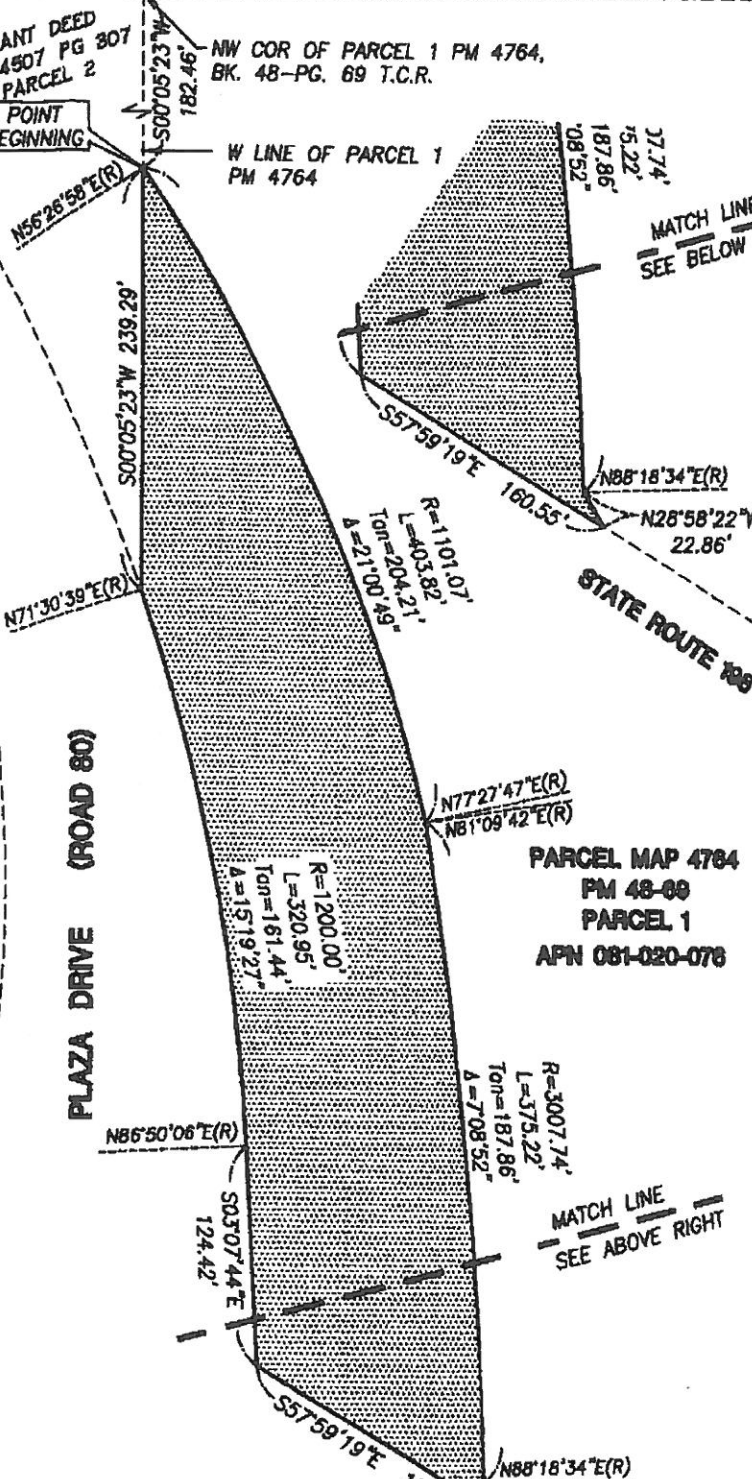
E. RW LINE  
PLAZA DRIVE

E. LINE  
PARCEL 1

S. LINE  
PARCEL 1

PLAZA DRIVE (ROAD 80)

STATE ROUTE 198

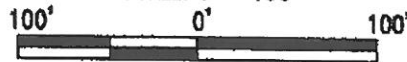


PARCEL MAP 4784  
PM 48-88  
PARCEL 1  
APN 081-020-078

ACQUISITION AREA:  
±73,645 sq. ft.



SCALE: 1" = 100'




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PLOT DATE:	11/01/10
JOB NO.	070497
DWG. NAME:	070497-LAYOUT 5
SCALE:	1"=100'
SHEET NO.:	1 OF 1

**PLAZA DRIVE ROAD ACQUISITION**

**EXHIBIT 'B'**

PREPARED BY:



**Quad Knopf**

6110 W. OLYMPIA AVE.  
P.O. BOX 8888  
VISALIA, CA 93278  
TEL: (559) 738-0440  
FAX: (559) 738-7821

DRW BY: JL      CHK BY: DJ

Exhibit "A"

That portion of Parcel 1 of Parcel Map Number 4764 recorded in Book 48 of Parcel Maps at Page 69, of Official Records of Tulare County Records, in the City of Visalia, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of said Parcel 1; thence South  $0^{\circ}05'23''$  West along the West line of said Parcel 1, a distance of 182.46 feet; thence southeasterly, 403.82 feet along a non-tangent curve concave southwesterly with a radius of 1101.07 feet, a central angle of  $21^{\circ}00'49''$  and a beginning radial which bears North  $56^{\circ}26'58''$  East; thence southerly, 216.38 feet along a non-tangent curve concave westerly with a radius of 3007.74 feet, a central angle of  $4^{\circ}07'19''$  and a beginning radial which bears North  $81^{\circ}09'42''$  East to the TRUE POINT OF BEGINNING; thence continuing along said curve, southerly, 148.12 feet, through a central angle of  $2^{\circ}49'18''$  to the northerly line of an existing 20.00 foot public utility easement, said northerly line being located 20.00 feet northerly of and parallel with the northerly right of way line of State Route 198; thence South  $57^{\circ}59'19''$  East along said northerly line, 12.04 feet; thence northerly, 154.41 feet along a non-tangent curve concave westerly with a radius of 3017.74 feet, a central angle of  $2^{\circ}55'54''$  and a beginning radial which bears North  $88^{\circ}13'58''$  East; thence North  $89^{\circ}26'07''$  West, 10.04 feet to the TRUE POINT OF BEGINNING.

Area 1513 sq ft



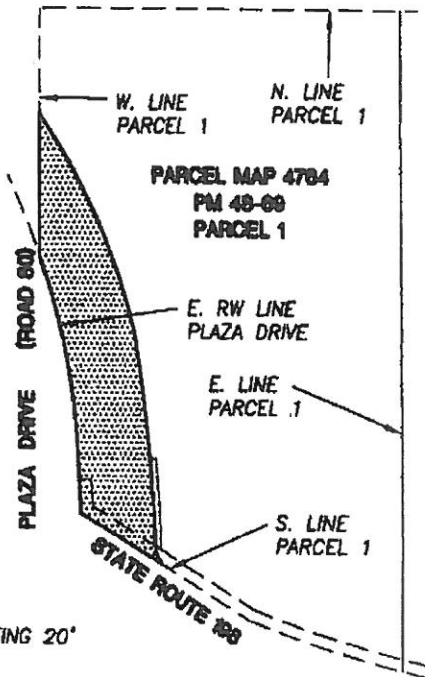
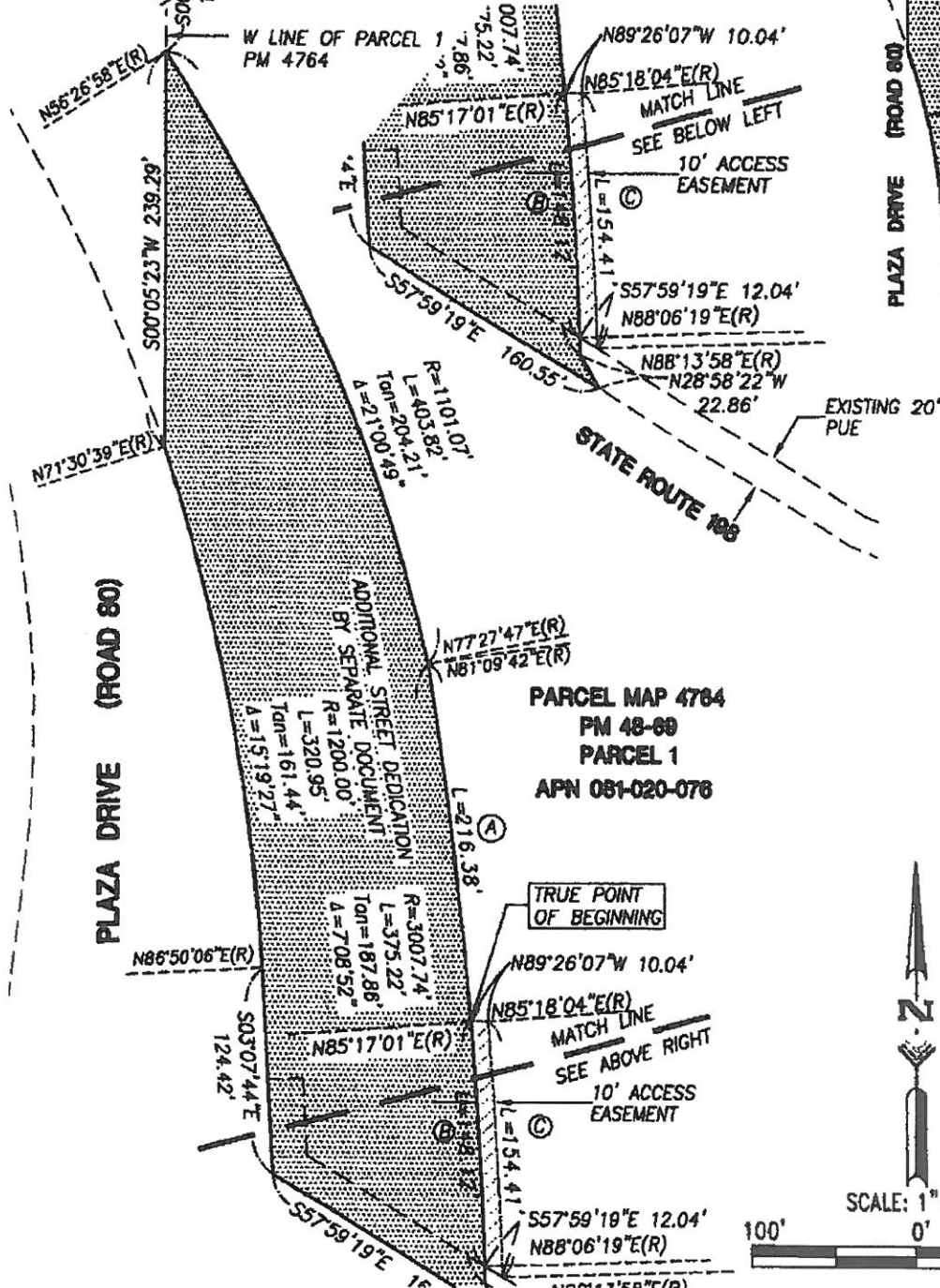
Quad Knopf Inc., 11/22/10

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**CROWLEY AVENUE**

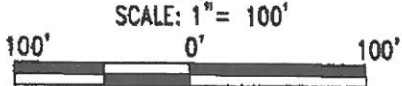
GRANT DEED  
VOL 4507 PG 307  
PARCEL 2

NW COR OF PARCEL 1 PM 4764,  
BK. 48-PG. 69 T.C.R.



- (A) R=3007.74'  
L=216.38'  
Tan=108.24'  
Δ=4°07'19"
- (B) R=3007.74'  
L=148.12'  
Tan=74.08'  
Δ=2°49'18"
- (C) R=3017.74'  
L=154.41'  
Tan=77.22'  
Δ=2°55'54"

EASEMENT AREA:  
1,513 SQ. FT..




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PLOT DATE:	11/19/10
JOB NO.	070497
DWG. NAME:	070497-LAYOUT 7
SCALE:	1"=100'
SHEET NO.:	1 OF 1

**PLAZA DRIVE ROAD ACQUISITION**  
**EXHIBIT 'B'**

PREPARED BY:



**Quad Knopf**

610 W. CYPRESS AVE.  
P.O. BOX 8699  
VISALIA, CA 93278  
TEL: (558) 733-0440  
FAX: (558) 733-7821

DRW BY: MM      CHK BY: DJ

CITY OF VISALIA  
RESOLUTION OF NECESSITY  
RESOLUTION NO. 2011-61

WHEREAS, the City of Visalia (hereinafter referred to as "City") is a municipal corporation and charter law city organized and existing pursuant to the laws of the State of California; and,

WHEREAS, City proposes to acquire the following property interests in parcels identified as Assessor's Parcel Numbers: 081-020-076:

1. The approximately 73,645 square feet legally described in Exhibit 1, a drawing of which is attached as Exhibit 2.
2. The easement for public utility access over approximately 1,513 square feet, which is legally described in Exhibit 3 and a drawing of which is attached in Exhibit 4.

The interests above are legally described and graphically depicted in the identified exhibits which are attached hereto and incorporated herein by reference; and,

WHEREAS, the owner of record listed on the County's last equalized tax roll is, Old Towne Condominiums, a California Limited Liability Company,

WHEREAS, City proposes to widen Plaza Drive and the interconnections between Plaza Drive and State Highway 198 consistent with the adopted circulation element for the purpose of improving circulation to achieve the required Level of Service "D" or better and thus improving the safety of vehicular and pedestrian traffic; and,

WHEREAS, it is necessary for City to obtain the properties herein described in order to complete the widening of Plaza Drive and the interchange improvements, which widening necessitates the taking of the described area and requires the additional space for utility companies to access their facilities, among other things; and,

WHEREAS, City has obtained an appraisal of the property and easements to be acquired and offered to purchase the property and easement at the appraised price from the owners of record of the subject property pursuant to the provisions of California Government Code Section 7267.2, which offers, to date, have not been accepted; and,

WHEREAS, the owners of record were notified of a hearing on this resolution at least 15 days before the hearing date, and were given an opportunity to appear and be heard pursuant to Code of Civil Procedure section 1245.235.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that:

1. The officers of City are authorized and directed to cause the appropriate civil litigation to be instituted to acquire for City by condemnation the real property and easements owned by the parties identified above, identified by the County Assessor as parcel number: 081-020-076, which property and easements are more fully described in Exhibits 1, 2, 3, and 4.
2. The public use and purpose of the project for which such lands and interest in such lands are to be acquired is for right of way for and construction of streets, roads, curbs, gutters and storm and sewage conveyance facilities; and for the improvement of the public safety for pedestrian and vehicular travel and circulation, which are specific purposes and activities of City pursuant to City's Charter. (CCP<sup>1</sup> § 1245.230 (a)).
3. City has authority, pursuant to the Charter of the City of Visalia, article III, section 2(5), to acquire property by eminent domain necessary to carry out its purposes under the Eminent Domain Law comprising Part 3, Title 7, of the Code of Civil Procedure, commencing with Section 1230.010.
4. The City Council of City has found and determined that (CCP § 1245.230 (c)):

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<sup>1</sup> References herein to CCP sections shall be to sections of the Calif. Code of Civil Procedure.  
Res. of Nec. Re APN: 081-020-076  
Page 2 of 4

- a. The public interest and necessity require the proposed project (CCP § 1245.230 (c)(1));
- b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury (CCP §1245.230 (c)(2));
- c. The property described in this Resolution is necessary for the proposed project (CCP § 1245.230 (c) (3));
- d. Pursuant to Government Code section 7267.2, City hired The Hopper Company to appraise the property interests and easements identified herein to establish an amount which it believes to be just compensation therefore. Said appraisals and the basis therefore were approved and adopted by City and a written offer to purchase said property and easements was made to the true owners of the property, as described above (CCP § 1245.230 (c) (4));
- e. Pursuant to the requirements of CCP section 1245.235, the City provided written notice to the owner of record of City's intention to consider adoption of this resolution and of the owner's right to appear and be heard on matters related to City's intentions.

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 \_\_\_\_\_ passed and adopted by the Council of the City of Visalia at a regular meeting held on \_\_\_\_\_.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy City Clerk

EXHIBITS:

1. Legal Description of area to be acquired
2. Drawing showing area to be acquired
3. Legal Description of easement
4. Drawing showing easement area

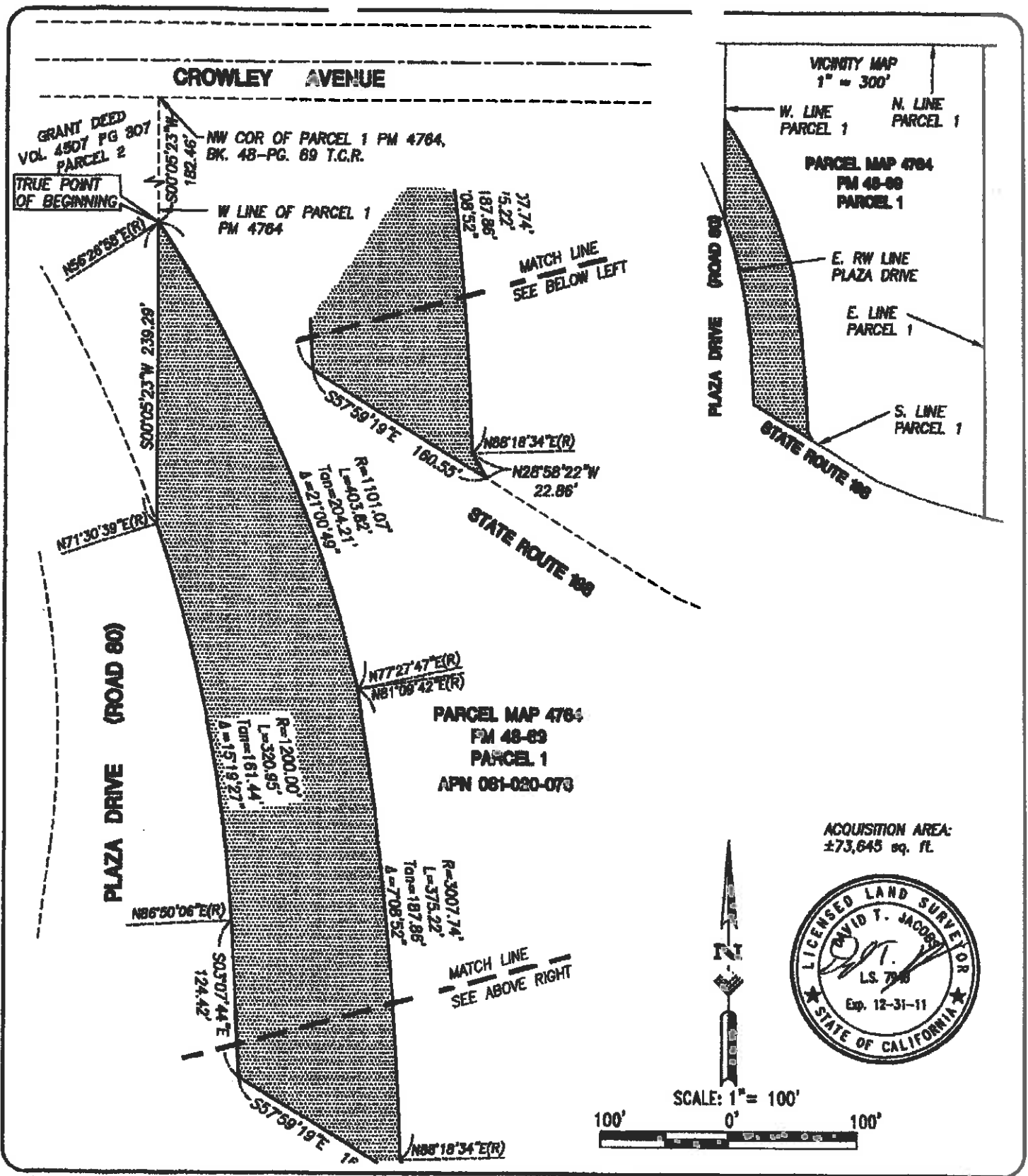
That portion of Parcel 1 of Parcel Map Number 4764 recorded in Book 48 of Parcel Maps at Page 69, of Official Records of Tulare County Records, in the City of Visalia, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of said Parcel 1; thence South  $0^{\circ}05'23''$  West along the West line of said Parcel 1, a distance of 182.46 feet to the TRUE POINT OF BEGINNING; thence continuing along said West line South  $0^{\circ}05'23''$  West, 239.29 feet to the East right of way line of Plaza Drive; thence southerly along said East right of way line 320.95 feet along a non-tangent curve, concave westerly with a radius of 1200.00 feet, a central angle of  $15^{\circ}19'27''$ , and a beginning radial which bears North  $71^{\circ}30'39''$  East; thence South  $3^{\circ}07'44''$  East along said East right of way line, 124.42 feet to the North right of way line of State Route 198 and the South line of said Parcel 1; thence South  $57^{\circ}59'19''$  East along said North right of way line, 160.55 feet; thence North  $28^{\circ}58'22''$  West, 22.86 feet; thence northwesterly 375.22 feet along a non-tangent curve concave westerly with a radius of 3007.74 feet, a central angle of  $7^{\circ}08'52''$ , and a beginning radial which bears North  $88^{\circ}18'34''$  West; thence northwesterly 403.82 feet along a non-tangent curve concave westerly with a radius of 1101.07 feet, a central angle of  $21^{\circ}00'49''$ , and a beginning radial which bears North  $77^{\circ}27'47''$  East to the TRUE POINT OF BEGINNING.

Area  $\pm$  73,645 sq ft








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PLOT DATE:	11/01/10
JOB NO.	070487
DWG. NAME:	070487-LAYOUT B
SCALE:	1"=100'
SHEET NO.:	1 OF 1

## PLAZA DRIVE ROAD ACQUISITION

PREPARED BY:



**Quad Knopf**

810 N. GYPSUM AVE.  
P.O. BOX 2880  
VANALIA, CA 92678  
TEL: (909) 788-0140  
FAX: (909) 788-7885

DRW BY: JL      CHK BY: DJ

That portion of Parcel 1 of Parcel Map Number 4764 recorded in Book 48 of Parcel Maps at Page 69, of Official Records of Tulare County Records, in the City of Visalia, County of Tulare, State of California, described as follows:

Commencing at the Northwest corner of said Parcel 1; thence South  $0^{\circ}05'23''$  West along the West line of said Parcel 1, a distance of 182.46 feet; thence southeasterly, 403.82 feet along a non-tangent curve concave southwesterly with a radius of 1101.07 feet, a central angle of  $21^{\circ}00'49''$  and a beginning radial which bears North  $56^{\circ}26'58''$  East; thence southerly, 216.38 feet along a non-tangent curve concave westerly with a radius of 3007.74 feet, a central angle of  $4^{\circ}07'19''$  and a beginning radial which bears North  $81^{\circ}09'42''$  East to the TRUE POINT OF BEGINNING; thence continuing along said curve, southerly, 148.12 feet, through a central angle of  $2^{\circ}49'18''$  to the northerly line of an existing 20.00 foot public utility easement, said northerly line being located 20.00 feet northerly of and parallel with the northerly right of way line of State Route 198; thence South  $57^{\circ}59'19''$  East along said northerly line, 12.04 feet; thence northerly, 154.41 feet along a non-tangent curve concave westerly with a radius of 3017.74 feet, a central angle of  $2^{\circ}55'54''$  and a beginning radial which bears North  $88^{\circ}13'58''$  East; thence North  $89^{\circ}26'07''$  West, 10.04 feet to the TRUE POINT OF BEGINNING.

Area 1513 sq ft



Quad Knopf Inc., 11/22/10

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EXHIBIT 3

**CROWLEY AVENUE**

GRANT DEED  
VOL 4507 PG 307  
PARCEL 2

NW COR OF PARCEL 1 PM 4764,  
BK. 48-PG. 69 T.C.R.

N65°26'58"E(R)  
S00°05'23"W 239.29'

S00°05'23"W 239.29'

N71°30'39"E(R)

**PLAZA DRIVE (ROAD 80)**

N86°50'06"E(R)

S03°07'44"E  
124.42'

S57°59'19"E  
180.55'

ADDITIONAL STREET DEDICATION  
BY SEPARATE DOCUMENT  
L=320.95'  
R=1200.00'  
Tan=161.44'  
A=15°19'27"

**PARCEL MAP 4764  
PM 48-89  
PARCEL 1  
APN 081-020-078**

TRUE POINT  
OF BEGINNING

N89°26'07"W 10.04'

N85°18'04"E(R)  
MATCH LINE  
SEE ABOVE RIGHT  
10' ACCESS  
EASEMENT

S57°59'19"E 12.04'  
N88°06'19"E(R)

N89°26'07"W 10.04'  
MATCH LINE  
SEE BELOW LEFT  
10' ACCESS  
EASEMENT

STATE ROUTE 198

EXISTING 20'  
PUE

**PLAZA DRIVE (ROAD 80)**

STATE ROUTE 198

W. LINE  
PARCEL 1

N. LINE  
PARCEL 1

**PARCEL MAP 4764  
PM 48-89  
PARCEL 1**

E. RW LINE  
PLAZA DRIVE

E. LINE  
PARCEL 1

S. LINE  
PARCEL 1

(A) R=3007.74'  
L=216.38'  
Tan=108.24'  
A=4°07'19"

(B) R=3007.74'  
L=148.12'  
Tan=74.08'  
A=2°49'18"

(C) R=3017.74'  
L=154.41'  
Tan=77.22'  
A=2°55'54"

EASEMENT AREA:  
1,513 SQ. FT..



SCALE: 1" = 100'




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PLOT DATE:	11/19/10
JOB NO.	070497
DWG. NAME:	070497-LAYOUT 7
SCALE:	1"=100'
SHEET NO.:	1 OF 1

**PLAZA DRIVE ROAD ACQUISITION**

PREPARED BY:



**Quad Knopf**

890 W. OFFSHORE AVE.  
P.O. BOX 9888  
VIRALIA, GA 08270  
TEL: (608) 738-9440  
FAX: (608) 738-7821

DRW BY: MM      CHK BY: DJ

**EXHIBIT 4**

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** August 15, 2011

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

**Agenda Item Wording:**

**Public Hearing:**

1. **Certification of Negative Declaration No. 2011-43.** (Resolution 2011-54 required)
2. **General Plan Amendment No. 2011-10:** A request by Hadley-Marcom Funeral Chapel to change the General Plan land use designation from Regional Retail to Professional/Administrative Office. (Resolution 2011-55 required)
3. **Change of Zone No. 2011-11:** A request by Hadley-Marcom Funeral Chapel to change the Zoning from Planned Regional Retail (CR) to Planned Professional/Administrative Office (PA) (1<sup>st</sup> reading of Ordinance 2011-12 required)

**Project Location:** The site is located at 1700 W. Caldwell Avenue (APN: 122-290-025)

**Deadline for Action:** None.

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

**Contact Name and Phone Number:**

Andrew Chamberlain, Senior Planner (559) 713-4003  
Paul Scheibel, AICP, Planning Services Manager, (559) 713-4369  
Chris Young, Community Development Director, (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.):10mins

**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:** The Planning Commission recommends that the City Council certify Negative Declaration No. 2011-43, and approve General Plan Amendment No. 2011-10, and introduce Change of Zone 2011-11.

**Summary:** The proposed GPA and COZ to change the land use designation and zoning from Regional Retail to Professional/Administrative Office is to facilitate the establishment of a Funeral Chapel in an existing 5,032 square foot building. Conditional Use Permit No. 2011-14, was processed concurrently with these actions and approved by the Planning Commission.

The CUP, which is contingent on the proposed GPA and COZ, will allow a funeral chapel facility with a 75 seat chapel, viewing rooms and a 25 stall parking lot. The existing building is a vacant office with an enclosed garage which was previously the State Farm Insurance claims office.

**Background:** The project site is directly adjacent to an office building on the east, and a small regional retail strip on the west. The site has direct access to Caldwell Avenue, and a private access drive along the west side of the building. The Planning Commission report details the proposed funeral chapel. The site is just over one-half acre, including a 25 space parking lot.

**Committee/Commission Review and Actions:** The Planning Commission held a public hearing on July 25, 2011, and recommends (4-0, Soltesz absent) that the City Council approve General Plan Amendment No. 2011-10, and Change of Zone No. 2011-11, based upon the consistency of the request with the existing zoning adjacent to the site and the purpose and intent of the land use designation and zoning. The Planning Commission also approved Conditional Use Permit No. 2011-14 (4-0-1 Soltesz), allowing the establishment of a funeral chapel contingent upon City Council approval of the GPA and COZ. The Commission indicated that the proposed GPA and COZ were the appropriate tools to facilitate the use of the site for a funeral chapel, based upon the adjacent land uses and location of the property off of the Mooney Boulevard corridor.

The applicant's agent, Darlene Mata, spoke in favor of the items. No persons spoke in opposition to the items.

**Related Projects:** In 2001, the list of conditional uses in the PA zone was amended to include funeral homes as a conditional use (Resolution No. 2001-29).

**Prior Council/Board Actions:** None. As a currently CR zoned property this site was subject to the recent Mooney Boulevard zoning and matrix changes.

**Environmental Findings:** An Initial Study was prepared for the project consistent with the California Environmental Quality Act (CEQA). The Initial Study disclosed that environmental impacts are determined to be not significant. Therefore, Negative Declaration No. 2011-43 was prepared for certification at the time that the project is acted upon by the City Council, attached Resolution No. 2011-54.

**Alternatives:** The City Council may approve or deny the request; modifications would need to be remanded back to the Planning Commission for a recommendation prior to City Council action. There is no requirement for the City Council to act on the proposed GPA and COZ.

**Attachments:**

- Resolution No. 2011-54
- Resolution No. 2011-55
- Ordinance No. 2011-12
- Exhibit A – Planning Commission Staff Report from July 25, 2011
- Exhibit B – Negative Declaration No. 2011-43

**Recommended Motion:**

- 1) I move to approve Resolution No. 2011-54 for Certification of Negative Declaration No. 2011-43, and
- 2) I move to approve Resolution No. 2011-55 for General Plan Amendment No. 2011-10, and
- 3) I move to introduce Ordinance No. 2011-12 for Change of Zone No. 2011-11, for the first reading

**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). It must be certified prior to the approval/initiation of these entitlements (Negative Declaration No. 2011-43).

**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:

- Applicant

RESOLUTION NO. 2011- 54

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
CERTIFYING NEGATIVE DECLARATION NO. 2011-43, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2011-10 AND  
CHANGE OF ZONE NO. 2011-11

**WHEREAS**, General Plan Amendment No. 2011-10 and Change of Zone No. 2011-11 is a request by Hadley-Marcom Funeral Chapel to change the General Plan designation from Regional Retail to Professional/Administrative Office, for property located at 1700 W. Caldwell Avenue, in the City of Visalia. (APN: 122-290-025); and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the project, and that no mitigation measures would be required for the project; and

**WHEREAS**, on the basis of this Initial Study, a Negative Declaration has been prepared and noticed for public review and comment for the project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

**WHEREAS**, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on August 15, 2011 for the Project; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

**NOW, THEREFORE, BE IT RESOLVED** that the City Council of the City of Visalia finds that the Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby certifies Negative Declaration No. 2011-43, which evaluates environmental impacts for General Plan Amendment No. 2011-10, Change of Zone No. 2011-11, and Conditional Use Permit No. 2011-14. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2011- 55

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
APPROVING GENERAL PLAN AMENDMENT NO. 2011-10: A  
REQUEST BY HADLEY-MARCOM FUNERAL CHAPEL TO CHANGE  
THE GENERAL PLAN DESIGNATION FROM REGIONAL RETAIL TO  
PROFESSIONAL/ADMINISTRATIVE OFFICE, FOR PROPERTY  
LOCATED AT 1700 W. CALDWELL AVENUE, IN THE CITY OF  
VISALIA. (APN: 122-290-025)

**WHEREAS**, General Plan Amendment No. 2011-10: A request by Hadley-Marcom Funeral Chapel to change the General Plan designation from Regional Retail to Professional/Administrative Office, for property located at 1700 W. Caldwell Avenue, in the City of Visalia. (APN: 122-290-025); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on July 25, 2011; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission of the City of Visalia recommended approval of the general plan amendment by adoption of Planning Commission Resolution No. 2011-32 on July 25; 2011 and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on August 15, 2011; and

**WHEREAS**, an Initial Study was prepared and certified that disclosed that no significant environmental impacts would result from the project, and that no mitigation measures would be required for the project; and

**NOW THEREFORE BE IT RESOLVED** that the City Council of the City of Visalia hereby makes the following findings with regard to General Plan Amendment No. 2011-10:

1. No significant environmental impacts would result from this project, and no mitigation measures would be required. Negative Declaration No. 2011-43 was certified pursuant to City of Visalia Resolution No. 2011-54.
2. That the City Council of the City of Visalia has considered the proposed General Plan Amendment, staff reports, and testimony presented at the public hearing in accordance with Section 17.54.080 of the Zoning Ordinance of the City of Visalia.
3. That the proposed General Plan 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 land use designation of Planned Professional/Administrative Office would be compatible with existing land uses and land use designations in the surrounding vicinity.
5. That the proposed General Plan Amendment will provide a compatible land use designation for a developed site to facilitate a funeral chapel.



**NOW THEREFORE BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby approves General Plan Amendment No. 2011-10, in accordance with the terms of this resolution and under the provision of Section 17.54.080 of the Ordinance Code of the City of Visalia and based on the above findings.

ORDINANCE NO. 2011-12

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING CHANGE OF ZONE NO. 2011-11, A REQUEST BY HADLEY-MARCOM FUNERAL CHAPEL TO CHANGE THE ZONING FROM PLANNED REGIONAL RETAIL (CR) TO PLANNED PROFESSIONAL/ADMINISTRATIVE OFFICE (PA), FOR PROPERTY LOCATED AT 1700 W. CALDWELL AVENUE, IN THE CITY OF VISALIA. (APN: 122-290-025)

**WHEREAS**, Change of Zone No. 2011-11, A request by Hadley-Marcom Funeral Chapel to change the Zoning from Planned Regional Retail (CR) to Planned Professional/Administrative Office (PA), for property located at 1700 W. Caldwell Avenue, in the City of Visalia. (APN: 122-290-025); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on July 25, 2011; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the change of zone in accordance with Section 17.44.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the Planning Commission of the City of Visalia recommended approval of the general plan amendment by adoption of Planning Commission Resolution No. 2011-32 on July 25; 2011; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on August 25, 2011; and

**WHEREAS**, an Initial Study was prepared and certified that disclosed that no significant environmental impacts would result from the project, and that no mitigation measures would be required for the project; 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 hereby certifies Negative Declaration No. 2011-43.
2. The City of Visalia considered the Change of Zone 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 Change of Zone 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.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA:**

**SECTION 1:** On July 25, 2011, the Planning Commission recommended that the City Council of the City of Visalia approve Change of Zone No. 2011-11.

**SECTION 2:** The official Zone Map of the City of Visalia shall be amended to show the subject property currently zoned C-R (Regional Retail) be zoned C-PA (Professional/Administrative Office).

**SECTION 3:** This ordinance shall become effective 30 days after passage hereof.

# City of Visalia Agenda Item Transmittal

**Meeting Date:** August 15, 2011

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

**Agenda Item Wording:** First Reading of Ordinance of the City Council of Visalia to comply with the Voluntary Alternative Redevelopment Program Pursuant to Part 1.9 of Division 24 of the California Health and Safety Code, as provided in AB 1X27, in order to permit the continued existence and operation of the Redevelopment Agency of the City of Visalia, under threat of dissolution

**Deadline for Action:** October 1, 2011

**Submitting Department:** Housing and Economic Development, Administrative Services

**Contact Name and Phone Number:** Ricardo Noguera, 713-4190 Eric Frost, 713-4474

**Department Recommendation:**

That the Visalia City Council take the following actions in compliance with AB 1X27, which require each jurisdiction with a redevelopment agency throughout the State of California to be dissolved unless the community that created it enacts an ordinance committing it to make certain payments:

1. One-time payment of \$2,466,163 with use of redevelopment agency funds (with use of existing cash flow) by January 15, 2012, unless a pending legal challenge requesting a stay of the State's recent decision is granted by the courts;
2. Annual payments beginning in Fiscal Year 2012-13, estimated at \$580,000 from the Visalia Redevelopment Agency's non-housing funds on a permanent basis.
3. Council waive the 30-day requirement for the ordinance effective date (normally 30 days following second reading of Ordinance; Pursuant to Charter , Article VI, Section 7) and due to the necessity to approve the Ordinance by October 1, 2011, declare through a 4/5's vote that upon approval of the seconding reading, the Ordinance will become effective.

**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.

These funds shall be deposited to the Tulare County Auditor Controllers Office, one half on January 15, 2012 and the other half on May 15, 2012.

### **Summary/Background**

On June 29, 2010, Governor Brown signed into law AB 1X26 and AB 1X27. Redevelopment Agencies across the state were eliminated through AB 1X26 and those financially capable and willing are able to re-emerge through AB 1X27.

The actions taken by the State are being challenged in court. Eventually, the actions by the State may be overturned. But in the meantime, the Council must decide its best course of action if the actions by the legislature stand.

Staff recommends Council support approval of an ordinance in conformance with AB 1X27 which will enable the Agency to continue after making the annual continuation payments. The main benefits for continuing the agency are:

- Continued receipt of affordable housing monies of approximately \$1.6 million a year;
- Continued ability to pay off General Fund advances;
- Retention of \$5 million in debt proceeds which might otherwise be directed to pay of bank debt.

The continuation payments may be paid by the City but will be transferred from the Agency. The City/Agency will also be required to make annual declarations of our willingness to make the continuation payments.

If Council chooses to accept AB 1X26 and eliminate the RDA then the City stands to lose its remaining RDA cash (more than \$5 million) from prior bank loans, all the affordable housing money and the ability to repay General fund advances. At the same time, the City would see some increase in general property taxes, up to \$700,000 once taxing agencies and bond debts are paid off.

A more detailed report is attached which reviews the history of Visalia's redevelopment and the details of the State Legislature's actions..

### **Prior Council/Board Actions:**

- July 18, 2011; Status Report on RDA Budget

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

**Alternatives:** Pursue AB 1X26 approach to dissolve the Visalia RDA.

### **Attachments:**

- Detailed Analysis on Visalia Redevelopment and State Legislative Actions
- League of Cities "Facts about Lawsuit to Overturn Unconstitutional Redevelopment Elimination/Extortion Legislation (AB 1X 26 & 27)
- Ordinance No. 2011-13

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the following:

1. One-time payment of \$2,466,163 million with use of redevelopment agency funds (with use of existing cash flow) by January 1, 2012, unless a pending legal challenge requesting a stay of the State's recent decision is granted by the courts;
2. Annual payments beginning in Fiscal Year 2012-13, of approximately \$580,000 from the Visalia Redevelopment Agency's non-housing funds on a permanent basis.
3. Council waive the 30-day requirement for the ordinance effective date (normally 30 days following second reading of Ordinance; Pursuant to Charter , Article VI, Section 7) and due to the necessity to approve the Ordinance by October 1, 2011, declare through a 4/5's vote that upon approval of the seconding reading, the Ordinance will become effective.

### ***Environmental Assessment Status***

**CEQA Review: N/A**

**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 #1

### Detailed Analysis on Visalia Redevelopment and State Legislative Actions

#### **Summary/background:**

The Governor recently signed into law Assembly Bill 1X 26 and Assembly Bill 1X 27 as part of the State budget package which have the combined effect of abolishing every redevelopment agency unless the community that created the agency agrees to pay a “community remittance” pursuant to AB 1X 27.

The California Redevelopment Association (“CRA”), the League of California Cities (the “League”) and others filed a Petition for Writ of Mandate in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies, and requesting a stay of their enforcement. If a stay is not granted, the City Council of the City of Visalia must take certain actions over the next few months if it and the Redevelopment Agency of the City of Visalia intend to meet this financial obligation and have the Agency remain in existence. This ordinance would allow the Agency to continue to operate, but also states that while the City and the Agency currently intend to authorize these community remittances, any actual community remittances will be made under protest and without prejudice to the City’s right to recover such amounts and interest thereon, in the event that litigation results in a determination that AB 1X 26 and AB 1X 27 are unconstitutional.

#### **History of Visalia’s RDAs**

The Redevelopment Agency of the City of Visalia (“Agency”) was created by the City Council for the purposes of implementing redevelopment activities in the City. Project areas were adopted as follows:

- Downtown: August 3, 1970
- East Visalia July 14, 1986
- Central Visalia November 20, 1989
- Mooney Boulevard July 6, 1987
- Mooney Amended July 16, 1990

These project areas were adopted by the Visalia City Council in accordance with the Community Redevelopment Law (Health and Safety Code § 33000 *et seq.*) (“CRL”). The Visalia Redevelopment Project Areas were found to have significant physical and economic blighting conditions that necessitated adoption of the Redevelopment Plan. The Redevelopment Plan authorizes the Agency to receive tax increment revenue to pay for programs and projects that address these conditions consistent with the CRL.

#### **Governor Pursues Elimination of RDAs**

In January, 2011, the Governor announced his intent to eliminate redevelopment agencies as a way to help balance the State budget. The Legislature then enacted and the Governor signed, Assembly Bill 1X 26 and Assembly Bill 1X 27; many believe these bills violate a number of provisions in the California Constitution, including the recently enacted Proposition 22. These bills took effect on June 29, 2011.

Assembly Bill 1X 26 immediately suspended all new redevelopment activities and incurrence of indebtedness, and dissolves redevelopment agencies effective October 1, 2011 (the

"Dissolution Act"). It does this by terminating virtually all otherwise legal functions of the redevelopment agency and mandating a liquidation of any assets for the benefit of local taxing agencies. Some debts would be allowed to be repaid, but any such remittances would be managed by a successor agency, that would function primarily as a debt repayment administrator. The successor agency could not continue or initiate any new redevelopment projects or programs. The activities of the successor agency would be overseen by an oversight board, comprised primarily of representatives of other taxing agencies, until such time as the remaining debts of the former redevelopment agency were paid off, all agency assets liquidated and all property taxes were redirected to local taxing agencies.

Assembly Bill 1X 27 allows a city or county that has a redevelopment agency to avoid the consequences of the Dissolution Act by adopting an ordinance stating it will comply with the alternative redevelopment program (the "Alternate Redevelopment Program") and pay specified "community remittances." For Fiscal Year 2011-12, the community remittances are calculated pursuant to a complex formula based on the State's stated objective of generating \$1.7 billion from all redevelopment agencies and agency revenues shown in the State Controller's report for 2008-09.

While the ordinance commits the City to make the community remittance, AB 1X 27 allows the City and the Agency to enter into a reimbursement agreement whereby the Agency agrees to transfer a portion of its tax increment to the City, in an amount not to exceed the annual community remittance, so that the City's general fund is not obligated. In addition, for 2011-12 only, an agency is exempted from the 20% housing set-aside requirement if the agency adopts a resolution finding that those funds are necessary to meet its debt obligations, including those under the city-agency agreement.

The League, CRA and others filed a Petition for Writ of Mandate in the Supreme Court of the State of California on July 18, 2011 (*California Redevelopment Association, et al. v. Ana Matosantos, et al.*, Case No. 5194861), challenging the constitutionality of AB 1X 26 and AB 1X 27 on behalf of cities, counties and redevelopment agencies, but unless a stay is granted or the bills are overturned by the courts, they remain the law. It is the League and CRA's position that AB 1X 26 and 27 are inconsistent with various constitutional provisions which protect city and county property tax and redevelopment agency tax increment including, but not limited to, the provisions added by Proposition 22, approved by the voters in November 2010.

The proposed ordinance preserves the City's right to challenge the legality of AB 1X 26 and AB 1X 27 and states that the payment of any community remittance is made under protest. If the court grants a stay of the bills' enforcement, the City would not be obligated to make any community remittances for the duration of the stay. Additionally, the Ordinance provides that if AB 1X 26 and AB 1X 27 are invalidated, the Ordinance shall be invalidated and the City shall have the right to seek a refund.

## **Discussion**

Although the City has until November 1, 2011 to adopt the ordinance, if it has not done so by the end of September, the Council should adopt a resolution of intent before October 1, stating that it intends to adopt the ordinance, and send copies of the resolution to the Department of Finance, State Controller and County Auditor-Controller before October 1. Otherwise, the Agency will be deemed to be dissolved on October 1. It is only the adoption of the ordinance, however, that allows the Agency to continue its activities. It is for this reason that staff is recommending that the Council consider adopting the ordinance now.

AB 1X 27 provides that upon the enactment of the Ordinance agreeing to make the community remittance payments, the Agency shall be authorized to continue its activities.

### **CEQA**

The City is the lead agency concerning the Ordinance pursuant to the California Environmental Quality Act (codified as Public Resources Code Sections 21000 et seq.) ("CEQA") and the State CEQA Guidelines. City staff has determined that the Ordinance is exempt from CEQA, pursuant to CEQA Guidelines Section 15378 (b)(4), because such authorizations are not considered a project subject to CEQA review. The community remittance is a government funding mechanism and fiscal activity, which does not involve any commitment to any specific project which may result in a potentially significant environmental impact.

### **Fiscal Impact**

For the Agency, the Fiscal Year 2011-12 community remittance provided by the Department of Finance is \$2,446. The Ordinance provides that no City General Fund money is pledged to make this payment. Subsequent annual community remittances will also be due, as determined based upon a formula set forth in AB 1X 27. Under the Ordinance, the City reserves the right to appeal the State Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194, and any subsequent annual community remittance that may become due.

The potential implications of AB1X27 would result in significantly impacting the Visalia RDAs ability to carry out redevelopment activities. The non-housing activities would be significantly altered due to ongoing required pass through payments to taxing districts, debt payments and now a permanent payment of \$580,000 annually. It is possible that smaller projects such as zoning and parking studies in project areas (Mooney Boulevard Zoning Study and Downtown Parking Study) could be undertaken or minor land acquisitions. Conversely, the Housing low/mod funds would continue to generate approximately \$1.6 million in funds annually. Utilizing approximately \$240,000 or 15 percent of the low/mod budget for administration, there would be approximately \$1.3 million annually to support the development and financing of affordable housing projects which Visalia has done so well for several years through its partnerships with Habitat for Humanity, Tulare County Housing Authority and other entities.

At the July 18, 2011 Council meeting, staff prepared a pro forma budget including in redevelopment the required continuation payments. Staff has revised the pro forma to consider if the Agency still had to this year make the 20% Housing Set-aside payment, would it still be advantageous for the City to continue redevelopment. Table Non-housing (80%) Redevelopment Funds, shows the results of that analysis, namely:



Non-housing Redevelopment Funds

Redevelopment Cash Flows			
All Amounts in Thousands			
		Without Change	Potential Budget
	FY 2011/12	FY 2012/13	FY 2012/13
<b>Revenues</b>	8,030	8,111	8,111
<b>Expenditures</b>			
<b>Non-negotiable</b>			
- State Payment	(2,465)	(580)	(580)
- Deposit to 20% Housing Set-aside	(1,616)	(1,622)	(1,622)
- Pass-thrus, debt	(5,608)	(5,662)	(5,662)
Subtotal	(9,690)	(7,864)	(7,864)
<b>May Be Paid Off Early</b>	(3,503) *	0	0
<b>Negotiable</b>	(428) **	(438)	(169)
<b>Total Expenditures</b>	(13,620)	(8,302)	(8,032)
<b>Revenues Over/(under) Expenditures</b>			
	(5,590)	(191)	78
<b>Beginning Cash</b>	10,651	5,061	5,061
<b>Ending Cash</b>	5,061	4,870	5,139
<b>* May Be Paid Off Detail:</b>			
SERAF 09-10 Loan			
Repmt to 20%	(1,784)	Repaying 20% Housing Fund	
Costco	(1,049)	Ends in 2017	
PBID	(670)	Ten Years of payments	
Total Negotiable	(3,503)		
<b>** Negotiable Detail:</b>		<b>Potential Reductions</b>	
Operating	(59)	0 Mainly capital project - Oval	
Staffing Allocation	(326)	(126) May be reduced	
City Wide Allocations	(43)	(43) Still would apply	
Total Negotiable	(428)	(169)	

- Even with the take-away, Visalia's Redevelopment Agency still has assets that are worth keeping, namely \$5 million.
- The Agency after the first year could have \$1.6 million to devote to affordable housing including administration to support project management and Department operations..
- Although not shown on the analysis, some \$3 million in advances from the General Fund to the Redevelopment Agency would continue to be an obligation of Redevelopment. If

redevelopment is discontinued, those obligations may no longer be honored by the successor agency.

**History of State Takes of Visalia RDA Funds**

Since the early 1990's, the State of California has been enacting legislation to support the taking of Redevelopment Funds from city and county redevelopment agencies in order to address financial challenges in state funded programs. In recent years, the taking of funds from redevelopment agencies has become a common trend by the State in order to address shortfalls in educational programs.

Beginning in 2002/03, the State Legislature took actions which have impacted and will continue to impact the financial stability of redevelopment agencies. In 2003, the State Legislature directed that \$75 million be taken from local redevelopment agencies and be given to local school districts. In 2004, the legislature directed that another \$135 million be shifted to the schools. The Education Revenue Augmentation Fund (ERAF) shift was \$250 million in the 2004-05 and 2005-06 fiscal years. Visalia's proportional losses were as follows:

	<b>ERAF Shift</b>	
	<b>Visalia Redevelopment Agency</b>	<b>State-Wide (in millions)</b>
2002/03	\$116,767	\$75m
2003/04	\$196,953	\$135m
2004/05	\$331,856	\$250m
2005/06	\$331,856	\$250m
2009/10	\$2,172,513	\$1.7b
2010/11	\$450,000	\$350m
2011/12	\$2,465,373	\$1.7b
On going	\$580,088	
<b>Total Visalia Contribution to Date</b>	<b>\$6,645,406</b>	

**Affordable Housing Developments Funded with use of RDA Low/mod Funds Over the Past 10 Years**

PROJECT & PARTNER	AGENCY FUNDING	NO. OF UNITS
Kimball Court Senior Housing Project – Kaweah Management Company	\$1.2m	95
Millcreek Parkway Apartments – Kaweah Management Company	\$4.5m	72
Encina Triplex for Mentally Challenged Adults – Kaweah Management Company	\$343,000	3
Paradise & Court Infill Development – Kaweah Management Company	\$500,000	11 renovated 9 newly constructed
Kaweah 8-plex – Kaweah Management Company	\$480,000	8 units

Habitat for Humanity – Single-Family New Construction	\$447,000	10
Habitat for Humanity – Acquisition and Rehab of Foreclosed Homes	\$514,421	11
Habitat for Humanity – Construction of Triplex	\$159,000	3
Oak Meadows I Senior Apartments	\$114,000	99
Oak Meadows II Senior Apartments	\$900,000	60 units
<b>TOTAL</b>	<b>\$9,157,421</b>	<b>381</b>

### Recommended Action

That the City Council of Visalia adopt the attached Ordinance determining it will comply with the Voluntary Redevelopment Project pursuant to Part 1.9 and Division 24 of the Health and Safety Code as provided in AB 1X27. As a result, staff recommends making the continuation payments. At the same time, the State may make the continuation payments worse. Because the State legislature makes the rules, it is conceivable that the City should discontinue redevelopment. However, the best alternative for the present appears to be to continue with redevelopment but also seek ways to reduce costs in the Housing & Economic Development Department.

### Conclusion

Staff is recommending that the City Council adopt the proposed ordinance implementing AB 1X27 for the reasons discussed above.

The Visalia Redevelopment Agency has served as the primary source of financing affordable housing development throughout the State of California for the past 40 years. Without such a source available in Visalia, projects such as Mill Creek Parkway Apartments (72 units); Kimball Court Senior Housing Development (95 units); Paradise & Court Multi-Family Infill Development (20 units); Kaweah Triplex for Mentally Challenged Adults; Kaweah 8-Plex; and more than 10 new and renovated single-family developments by Habitat for Humanity would not be possible. Additionally, redevelopment has served as a major funding source for the two downtown parking structures and several studies such as the Downtown Parking Study and the very successful Mooney Boulevard Rezoning Study.

# **AB 1X 26-27 FAQs**

**PLEASE NOTE:** AB1X 26 (the “Dissolution Bill”) and AB1X 27 (the “Continuation Bill”) are very complex and in many respects poorly drafted and ambiguous. This Q&A is intended to give general answers to general questions. Each agency should consult with its legal counsel concerning the application of the legislation to its specific circumstances.

**1. Q: CRA intends to file a legal challenge to the Dissolution and Continuation Bills. When will that happen and what impact will it have?**

**A:** CRA’s and the League of California Cities’ lawsuit will be filed in the next few weeks in the California Supreme Court. CRA will seek an immediate stay of the Dissolution and Continuation Bills in order to preserve the status quo pending a decision on the constitutionality of these laws. If the Court grants a stay, some or all of the provisions of the Dissolution and Continuation Bills will be suspended until the Court makes a decision on the merits of the case. It is difficult to predict the exact parameters of a stay but, at a minimum, it should suspend the dissolution of agencies and the time for making Continuation Payments. It is difficult to predict when the Court will act on the request for a stay, but we believe it will act before agencies are dissolved (October 1, 2011), if it intends to issue a stay. Until a stay is issued, the Dissolution and Continuation Bills remain law.

**2. Q: How will cities/counties that have enacted a Continuation Ordinance be affected by the lawsuit?**

**A:** Cities and counties that enact a Continuation Ordinance will be able to continue normal operations, subject to payment of the Continuation Payments. If the Court issues a stay that suspends the time for making the Continuation Payments, then agencies would not have to make those payments unless and until the Court finally concludes they are constitutional. CRA will provide additional guidance when and if the Court issues a stay.

**3. Q: How long will it take to decide the case on the merits?**

**A:** This is difficult to predict. It depends on the Court. If the Court issues a stay, the need for an immediate decision may be moderated, depending on the terms of the stay. CRA will urge the Court to decide the case as quickly as possible so that agencies can know how to plan.

**4. Q: Should agencies be considering filing their own actions in addition to CRA’s lawsuit?**

**A:** CRA’s lawsuit will challenge the constitutionality of the legislation on its face as violating Proposition 22, Article XVI, section 16 and other provisions of the California Constitution. Some agencies may have special factual situations created by the legislation’s application to their specific circumstances that would be beyond the scope of CRA’s lawsuit. Agencies should consult their attorneys to determine if an individual suit would be warranted. If an agency intends to file a separate suit, please notify CRA. Copies of CRA’s pleadings will be available on its website once the case is filed.

**5. Q: AB1X 26-27 became effective June 29 upon the signature of the State Budget by the Governor. What can agencies do now?**

**A:** AB1X 26 (i.e. the “Dissolution Bill”) prescribes strict limits on what redevelopment agencies may do between its effectiveness date and October 1, 2011, when all redevelopment agencies will be legally dissolved unless the legislative body (city council or county board of supervisors) enacts an ordinance pursuant to AB1X 27 (i.e. the “Continuation Bill”) committing itself to make payments to school districts and special districts (the “Continuation Payments”). Until enactment of that ordinance (the “Continuation Ordinance”), agencies are prohibited from entering into new agreements or indebtedness, except as necessary to carry out “enforceable obligations” entered into prior to June 29. “Enforceable obligations” are defined as bonds,<sup>1</sup> loans, payments to the federal government or imposed by state law, judgments or settlements and contracts, including contracts necessary for the continued administration or operation of the agency.

Except to carry out enforceable obligations, an agency may not incur indebtedness (including bonds), refund or restructure indebtedness<sup>2</sup>, redeem bonds, modify or amend the terms of payment schedules, execute deeds of trust or mortgages, or pledge or encumber any of its revenue. Agencies are also prohibited from making loans, entering into new agreements, amending the terms of existing agreements, renewing or extending leases, forgiving or altering the terms of loans or increasing deposits to the Low and Moderate Income Housing Fund beyond the minimum level required by law.

Except to carry out enforceable obligations, agencies are prohibited from acquiring or disposing of real property and other assets such as cash, accounts receivable, contract rights, or grant proceeds. Agencies are also prohibited from engaging in any activities related to the preparation, adoption or amendment of redevelopment plans.

**6. Q: What about agency staffing?**

**A:** Agencies are prohibited from adding staff beyond the number of staff employed as of January 1, 2011. However, agencies are specifically authorized and required to honor the terms of any collective bargaining agreements and enter into contracts necessary for the continued administration of the agency. The total number of staff may not increase, but within that limitation, new staff may be hired. Contracts with consultants are permitted if necessary for the continued administration of the agency. Many agencies have no employees and contract with their legislative body (city or county) for staff services. The language of the Dissolution Bill appears to be directed at employees of the agency and would not apply to legislative body employees who provide services to the agency under agreement.

**7. Q: Are cooperation or reimbursement agreements between agencies and their host jurisdiction still valid?**

**A:** Most redevelopment agencies have an agreement with their host legislative body (usually

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<sup>1</sup> Note that the term “bonds” is defined broadly in the Community Redevelopment Law as “any bonds, notes, interim certificates, debentures, or other obligations issued by an agency . . .” (Health & Safety. Code Sec. 33602.) This definition would extend to more than formally issued bonds.

<sup>2</sup> There is a very limited exception to refunding bonds to avoid a default on outstanding bonds.

called a “cooperation agreement” or “reimbursement agreement”) pursuant to which the legislative body provides staff services, offices, equipment and other administrative necessities and the agency reimburses the cost of these. Sometimes these agreements are entered into when the redevelopment agency is established and before a redevelopment plan is adopted. Other times, these agreements are entered into later, such as upon the adoption of a new redevelopment plan. Some agencies have no written cooperation agreement, but have accomplished the same purpose through the annual adoption of their budget. Finally, since January 1, 2011, many redevelopment agencies have entered into agreements with their host legislative body pursuant to which the agency has transferred assets to the legislative body and the legislative body has agreed to complete redevelopment activities related to these assets.

During the interim period after the effective date of the Dissolution Bill and prior to October 1, 2011, it appears that cooperation agreements and reimbursement agreements for staffing and related administrative costs would remain in effect. During this interim period, the agency must continue to make payments and perform obligations under its enforceable obligations, which include “any legally binding and enforceable agreement or contract that is not otherwise void as violating the debt limit or public policy” and “[c]ontracts or agreements necessary for the continued administration or operation of the redevelopment agency.” This language suggests that cooperation agreement or reimbursement agreement for agency staffing and similar costs would remain in effect until October 1, 2011, and the amounts due under those agreements should be listed on the agency’s initial repayment obligation schedule.

After October 1, 2011, nearly all agreements between cities and agencies would be rendered invalid. The Dissolution Bill explicitly states that after October 1, 2011, “. . . agreements, contracts, or arrangements between the city or county, or city and county that created the redevelopment agency and the redevelopment agency . . .” are invalid, subject to two narrow exceptions: (1) agreements entered into in connection with the issuance of bonds issued prior to December 31, 2010, solely for the purpose of repaying the bonds, and (2) agreements entered into within two years of the date of creation of the agency. This provision of the Dissolution Bill will invalidate many, perhaps most, cooperation agreements as of October 1, 2011. The successor agency will have the ability to enter or reenter into agreements with the host legislative body, subject to approval by the oversight committee. This would give the successor agency the option of contracting with the legislative body for continued staff services through a continuation of a cooperation agreement.

Other cooperation agreements, particularly those entered into since January 1, 2011, and involving a transfer of assets from the agency to the legislative body are at greater risk of being declared invalid. The Dissolution Bill declares that any transfer of assets from the redevelopment agency after January 1, 2011 is unauthorized, and grants the State Controller authority to order the legislative body to return any transferred funds or assets back to the redevelopment agency. Further, the Dissolution Bill indicates that nearly all agreements between the agency and the legislative body are terminated as of October 1, 2011. It is clear that the Dissolution Bill intends to invalidate any cooperation agreements entered into since January 1, 2011. It is questionable whether the State can invalidate these and other agreements with the legislative body in this manner, and individual agencies may choose to challenge these provisions of the Dissolution Bill based on their specific circumstances.

**8. Q: What contractual obligations may an agency continue to carry out?**

**A:** Contractual obligations entered into prior to June 29 are enforceable obligations and agencies have not only the right but the duty to carry them out.<sup>3</sup> These would include disposition and development agreements, owner participation agreements, agreements for the purchase or sale of property, contracts for demolition, site remediation or the construction of public improvements. Moreover, new contracts necessary to implement those enforceable obligations may also be approved and carried out. For example, if a disposition and development agreement requires an agency to sell property to the developer and construct public improvements, the agency may enter into an agreement with a title insurance company to provide title insurance and may contract with a construction company to build the public improvements, even though these contracts may be entered into after June 29.

Some agencies have asked whether they may approve a disposition and development agreement when they have entered into an exclusive negotiation agreement with the developer prior to June 29. The answer to that question is more nuanced and may depend on the specific wording of the exclusive negotiation agreement. Agencies are encouraged to consult with their individual legal counsel.

**9. Q: If the legislative body of an agency intends to adopt a Continuation Ordinance, what may the agency do before the ordinance is enacted?**

**A:** Until the legislative body adopts a Continuation Ordinance, it is subject to the provisions of the Dissolution Bill.

**10. Q: How soon may the legislative body enact a Continuation Ordinance?**

**A:** The legislative body may enact a Continuation Ordinance as soon as it wants. The only statutory limitation is that the ordinance must be enacted before November 1, 2011. Until the Department of Finance notifies agencies of the amount of their Continuation Payment on August 1, 2011, agencies will not know precisely the amount of the payments, though the calculation made by CRA should be in the ballpark. The Continuation Bill also has a provision for appeal of the amount of the Continuation Payment. If a legislative body enacts a Continuation Ordinance before it is notified of the amount of its Continuation Payment, or during the appeal period, it should reserve its right to appeal.

**11. Q: When is a Continuation Ordinance officially “enacted?”**

**A:** Upon the second reading, unless enacted as an urgency ordinance, in which case the second reading is waived.

**12. Q: Once a Continuation Ordinance is enacted, what may an agency do?**

**A:** After enactment of a Continuation Ordinance, the Dissolution Bill is inapplicable to the agency and the agency may continue to operate normally as long as its legislative body makes the Continuation Payments.

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<sup>3</sup> With the possible exception of contracts with the legislative body, as noted above.

**13. Q: If the legislative body enacts a Continuation Ordinance, may it later rescind the ordinance?**

**A:** There is nothing in the Continuation Bill that limits a legislative body's authority to rescind the Continuation Ordinance. If the legislative body rescinds the Continuation Ordinance or fails to make the Continuation Payments, then the agency becomes subject to the Dissolution Bill.

**14 Q: What funds can be used to make the Continuation Payment?**

**A:** The Continuation Payment is an obligation of the legislative body, not the agency. As such, any City or County must recognize that if it agrees to make the Continuation Payment, it is ultimately legally responsible, irrespective of what happens to the redevelopment agency or its assets. The legislative body is authorized to utilize any available funds to make the payments, subject to otherwise applicable statutory and Constitutional restrictions. However, the agency and its legislative body are authorized to enter into an agreement whereby the agency transfers to the legislative body annually an amount not to exceed the Continuation Payment for that year for the purpose of financing activities within the redevelopment project.

**15 Q: May an agency use low and moderate income housing funds to make the Continuation Payments?**

**A:** The Continuation Bill provides that if the legislative body enacts a Continuation Ordinance and makes the Continuation Payments for the 2011-12 fiscal year, its agency is exempt from making the full allocation for that year to the low and moderate income housing fund. The Continuation Bill does not authorize use of housing fund money, other than the 2011-12 set-aside, to reimburse the legislative body for the Continuation Payment. Thus, the fund balance in the low and moderate income housing fund on June 30, 2011, must continue to be used to increase, improve and preserve the supply of affordable housing in the community.

Funds from the housing set aside or from accumulated low and moderate income housing funds cannot be used to make the payments for the 2012-13 fiscal year and beyond.

**16. Q: What factors should the legislative body take into consideration before making a decision to enact a Continuation Ordinance?**

**A:** Assuming that the legislative body will rely on the agency to reimburse it for the annual Continuation Payments, the legislative body should conduct a careful review of the agency's financial condition, including an annual cash flow analysis. A conservative projection of future annual tax increment should be prepared. From the annual tax increment, the following should be deducted:



1. Pass-through payments, both statutory and contractual;<sup>4</sup>
2. Debt service on bonds and other obligations;
3. Housing fund set-aside (except for fiscal year 2011-12);
4. The cost of contractual obligations under agreements;
5. Property tax administration fees paid to the county.

The analysis should also take into account the time and dollar limitations contained in the redevelopment plan. After deducting the foregoing and the Continuation Payment, the legislative body will need to determine if sufficient tax increment remains to continue to fund the redevelopment program.

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<sup>4</sup> Note that the method of calculating these payments may change over time. For statutory payments, the percentage of tax increment will increase over time in accordance with the formula in Section 33607.5. For pass-through agreements, the specific terms of the agreements should be reviewed.

**ORDINANCE NO. 2011-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, DETERMINING IT WILL COMPLY WITH THE VOLUNTARY ALTERNATIVE REDEVELOPMENT PROGRAM PURSUANT TO PART 1.9 OF DIVISION 24 OF THE CALIFORNIA HEALTH AND SAFETY CODE IN ORDER TO PERMIT THE CONTINUED EXISTENCE AND OPERATION OF THE REDEVELOPMENT AGENCY OF THE CITY OF VISALIA**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA**

**WHEREAS**, the City Council of the City of Visalia (“City”) approved and adopted the Redevelopment Plan for the Visalia Redevelopment Agency (“Redevelopment Plan”) encompassing four (4) redevelopment project areas (Central, East, Downtown, Mooney and Mooney Amended) within the City (the “Project Areas”); and

**WHEREAS**, the Redevelopment Agency of the City of Visalia (“Agency”) is engaged in activities to execute and implement the Redevelopment Plan pursuant to the provisions of the California Community Redevelopment Law (Health and Safety Code § 33000, et seq.) (“CRL”); and

**WHEREAS**, since adoption of the Redevelopment Plan, the Agency has undertaken redevelopment projects in the four Project Areas to eliminate blight, to improve public facilities and infrastructure, to renovate and construct affordable housing, and to enter into partnerships with private industries to create jobs and expand the local economy; and

**WHEREAS**, over the next few years, the Agency hopes to implement a variety of redevelopment projects and programs to continue to eliminate and prevent blight, stimulate and expand the Project Areas economic growth, create and develop local job opportunities and alleviate deficiencies in public infrastructure, to name a few; and

**WHEREAS**, as part of the 2011-12 State budget bill, the California Legislature has recently enacted and the Governor has signed, companion bills AB 1X 26 and AB 1X 27, requiring that each redevelopment agency be dissolved unless the community that created it enacts an ordinance committing it to making certain payments; and

**WHEREAS**, specifically, AB 1X 26 prohibits agencies from taking numerous actions, effective immediately and purportedly retroactively, and additionally provides that agencies are deemed to be dissolved as of October 1, 2011; and

**WHEREAS**, AB 1X 27 provides that a community may participate in an “Alternative Voluntary Redevelopment Program,” in order to enable a redevelopment agency within that

community to remain in existence and carry out the provisions of the CRL, by enacting an ordinance agreeing to comply with Part 1.9 of Division 24 of the Health and Safety Code; and

**WHEREAS**, the Alternative Voluntary Redevelopment Program requires that the community agree by ordinance to remit specified annual amounts to the county auditor-controller; and

**WHEREAS**, under the threat of dissolution pursuant to AB 1X 26, and upon the contingencies and reservations set forth herein, the City shall make the Fiscal Year 2011-2012 community remittance, currently estimated to be \$2.446 million **dollars**, as well as the subsequent annual community remittances as set forth in the CRL; and

**WHEREAS**, the City reserves the right to appeal the California Director of Finance's determination of the Fiscal Year 2011-12 community remittance, as provided in Health and Safety Code Section 34194; and

**WHEREAS**, City understands and believes that an action challenging the constitutionality of AB 1X 26 and AB 1X 27 has been filed on behalf of cities, counties and redevelopment agencies; and

**WHEREAS**, while the City currently intends to make these community remittances, they shall be made under protest and without prejudice to the City's right to recover such amounts and interest thereon, to the extent there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional; and

**WHEREAS**, the City reserves the right, regardless of any community remittance made pursuant to this Ordinance, to challenge the legality of AB 1X 26 and AB 1X 27; and

**WHEREAS**, to the extent a court of competent jurisdiction enjoins, restrains, or grants a stay on the effectiveness of the Alternative Voluntary Redevelopment Program's payment obligation of AB 1X 26 and AB 1X 27, the City shall not be obligated to make any community remittance for the duration of such injunction, restraint, or stay; and

**WHEREAS**, all other legal prerequisites to the adoption of this Ordinance have occurred.

**THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, DOES ORDAIN AS FOLLOWS:**

**Section 1.** **Recitals.** The Recitals set forth above are true and correct and incorporated herein by reference.

**Section 2.** **Participation in the Alternative Voluntary Redevelopment Program.** In accordance with Health and Safety Code Section 34193, and based on the Recitals set forth above, the City Council hereby determines that the City shall comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as enacted by AB 1X 27.

**Section 3. Payment Under Protest.** Except as set forth in Section 4, below, the City Council hereby determines that the City shall make the community remittances set forth in Health and Safety Code section 34194 *et seq.*

**Section 4. Effect of Stay or Determination of Invalidity.** City shall not make any community remittance in the event a court of competent jurisdiction either grants a stay on the enforcement of AB 1X 26 and AB 1X 27 or determines that AB 1X 26 and AB 1X 27 are unconstitutional and therefore invalid, and all appeals there from are exhausted or unsuccessful, or time for filing an appeal there from has lapsed. Any community remittance shall be made under protest and without prejudice to the City's right to recover such amount and interest thereon in the event that there is a final determination that AB 1X 26 and AB 1X 27 are unconstitutional. If there is a final determination that AB 1X 26 and AB 1X 27 are invalid, this Ordinance shall be deemed to be null and void and of no further force or effect.

**Section 5. Implementation.** The City Council hereby authorizes and directs the City Manager to take any action and execute any documents necessary to implement this Ordinance, including but not limited to notifying the Tulare County Auditor-Controller, the Controller of the State of California, and the California Department of Finance of the adoption of this Ordinance and the City's agreement to comply with the provisions of Part 1.9 of Division 24 of the Health and Safety Code, as set forth in AB 1X 27.

**Section 6. Additional Understandings and Intent.** It is the understanding and intent of the City Council that, once the Agency is again authorized to enter into agreements under the CRL, the City will enter into an agreement with the Agency as authorized pursuant to Section 34194.2, whereby the Agency will transfer annual portions of its tax increment to the City in amounts not to exceed the annual community remittance payments to enable the City, directly or indirectly, to make the annual remittance payments. The City Council does not intend, by enactment of this Ordinance, to pledge any of its general fund revenues or assets to make the remittance payments.

**Section 7. CEQA.** The City Council finds, under Title 14 of the California Code of Regulations, Section 15378(b)(4), that this Ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") in that it is not a "project," but instead consists of the creation and continuation of a governmental funding mechanism for potential future projects and programs, and does not commit funds to any specific project or program. The City Council, therefore, directs that a Notice of Exemption be filed with the County Clerk of the County of Tulare in accordance with CEQA Guidelines.

**Section 8. Custodian of Records.** The documents and materials that constitute the record of proceedings on which these findings are based are located at the City Clerk's office located at 425 East Oak Avenue, Visalia, Ca. 93291. The custodian for these records is Steve Salomon, City Manager for the City of Visalia.

**Section 9. Severability.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application,

and to this end the provisions of this Ordinance are severable. The City Council hereby declares that it would have adopted this Ordinance irrespective of the invalidity of any particular portion thereof.

**Section 10. Certification; Publication.** The City Clerk shall certify to the adoption of this Ordinance and cause it, or a summary of it, to be published once within 15 days of adoption in a newspaper of general circulation printed and published within the City of Visalia, and shall post a certified copy of this Ordinance, including the vote for and against the same, in the Office of the City Clerk in accordance with Government Code § 36933.

**Section 11. Effective Date.** This Ordinance shall become effective immediately following the passage of the ordinance.

**Section 12. Effective Date.** The City Council hereby declares, on the basis of the findings set forth above, that an emergency exists and that this Ordinance is necessary to preserve the public peace, health and safety. Accordingly, this Ordinance is adopted as an emergency ordinance and shall take effect and be in force immediately upon its adoption (following the second reading of this Ordinance).

**PASSED AND ADOPTED** at a regular meeting of the City Council on the 15<sup>th</sup> day of August 2011, by the following vote:

AYES:

NAYS:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
\_\_\_\_\_, Bob Link, Mayor

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, Steve Salomon, City Clerk