
Visalia City Council
Regular Meeting Agenda



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

Monday, November 07, 2011
City Hall Council Chambers
707 W. Acequia, Visalia, CA 93291
WORK SESSION 4:00 PM; CLOSED SESSION 6:00 PM;
REGULAR SESSION 7:00 PM

4:00 PM 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.

INTRODUCTION OF NEW EMPLOYEE

1. Josh McDonnell - Assistant Community Development Director (Planning)

WORK SESSION AND ACTION ITEMS (as described)

2. Award the construction contract for the Plaza Drive Interchange Modification and Widening Project to the low bidder Emmett's Excavation, Inc. in the amount of \$15,884,953.65 and authorize budget appropriations in the capital improvement program.
3. Update on Animal Care Campus Design and approval of the Animal Control Subcommittee recommendations to: a) authorize the architect to move forward with construction document drawings; b) approve the bidding of the project with the kennel pods as bid alternatives; c) authorize of staff to enter into negotiations with partner cities regarding future use of the new facility; d) authorize staff to solicit funding for the new facility from local lending institutions.
4. Item removed at the request of staff
5. Award Construction Management Services contract for the Water Conservation Plant upgrade project to Jacobs Engineering in the amount not to exceed of \$4,718,578.

ITEMS OF INTEREST

ADJOURN TO CLOSED SESSION

Closed Session will commence immediately following Work Session. See separate Closed Session agenda for details.

7:00 PM **CALL TO ORDER REGULAR SESSION**

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Eric Putman, Grace Community Church

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 a time the Public Hearing is opened for comment.

In fairness to all who wish to speak tonight, 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.

SPECIAL PRESENTATIONS/RECOGNITION

6. Presentation by Stan Simpson and Curtis Allen regarding upcoming California State Youth Football Games November 24-27, 2011
7. Update on Taste of the Arts
8. Recognition of Council Member Don Sharp

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.

9. Authorization to read ordinances by title only.

10. Approve application for \$1,450,000 in grant funds for funding the permanent demolition, remediation and development of the former Stasio property located at Dinuba and River Way and authorize the City Manager to negotiate, submit documents for and execute the contract for funding; and appropriate \$40,000 to make the property safe and secure on an immediate basis. Resolution 2011-69 required.
11. Authorize extension of the sunset date for the collection of the service fee for the Abandoned Vehicle Abatement Program in Tulare County to April 30, 2022. Resolution 2011-71 required.
12. Authorize a grant application submittal for the California Department of Housing and Community Development (HCD), by the passage of Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006 for funding within the CalHOME Programs (First Time Homebuyer Mortgage Assistance) in the amount of \$1,000,000. Resolution 2011-66 required.
13. Receive report on the establishment of a team of City staff to implement the new 9-1-1 Communications Center/Public Safety Building project.
14. Notification of a DUI Enforcement grant award from the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.
15. Accept the City of Visalia Cash and Investment Report for the first quarter ending September 2011.
16. Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 3E, located east of Denton Street at Wren Avenue (12 lots) and the Annexation of Pheasant Ridge 3E into Landscape and Lighting Assessment District No. 05-19, Pheasant Ridge. Resolutions 2011-67 and 2011-68 required.
17. Appointment of Diane Biehle to the Election Process Task Force as recommended by the Election Process Task Force and the Council subcommittee on the Election Process, consideration of filling a vacancy on the Election Process Task Force due to the resignation of Paul Chao, and announcement by the Mayor of the Chair(s) of the Task Force.

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.

18. Request to table Public Hearing for Initiation of Proceedings for Annexation 2009-01 (Doe), including LAFCO Sphere of Influence Amendment to an undetermined date. Public Hearing to be re-noticed.
Property located at the northwest corner of Plaza Drive and Riggin Avenue, adjacent to the City of Visalia, and inside the County of Tulare. (APN: 077-120-012, 015)
19. HEARING - to consider and adopt a Resolution of Necessity on a portion of the following property: APN: 103-040-028 (Near the St. John's River west of Cutler Park – no current address). Resolution 2011-70 required.

CLOSED SESSION REPORT

20. Transactions that occurred as a result of Closed Session Real Property Negotiations: Buyer - City of Visalia; Seller - Kent & Tracy Encarnacion; 1010 S. Chinowth St., APN: 087-110-009 (portion); Purpose - Safe Route to Schools; Closing Date - 10/20/11; Project Manager - Greg Dais, Engineering

ADJOURNMENT

Upcoming Council Meetings

- City Council Closed Session, Monday, November 21, 2011
- City Council Regular Meeting, Monday, November 21, 2011
- City Council Regular Meeting, Monday, December 05, 2011

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 are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia CA 93291, during normal business hours.

The City's newsletter, Inside City Hall, is published after all regular City Council Meetings. To self-subscribe, go to http://www.ci.visalia.ca.us/about/inside_city_hall_newsletter.asp. For more information, nloliva@ci.visalia.ca.us.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Award the construction contract for the Plaza Drive Interchange Modification and Widening Project to the low bidder Emmett's Excavation, Inc. in the amount of \$15,884,953.65 and authorize budget appropriations in the capital improvement program. Project Number 3011-00000-720000-0-9438.

Deadline for Action: November 7, 2011

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:
Fred Lampe, Project Manager, 713-4270
Adam Ennis, Assistant Director of Engineering, 713-4323

Department Recommendation: Staff recommends that Visalia City Council award the construction contract for the Plaza Drive Interchange Modification and Widening Project to the low bidder, Emmett's Excavation, Inc., in the amount of \$15,884,953.65 and authorize budget appropriations in the capital improvement program. Project Number 3011-00000-720000-0-9438.

Summary: The Plaza Drive Interchange Modification and Widening Project will widen Plaza Drive from Airport Drive to Goshen Avenue. Modifications to the interchange at State Route 198 include bridge and ramp widening. Auxiliary lanes will be added to State Route 198 connecting the ramps at Plaza Drive to the ramps at State Route 99. On October 26, 2011, eight (8) bids were opened and the low bidder was Emmett's Excavation, Inc. at \$15,884,953.65. The project is scheduled to start in January 2012 and will take 18 months to complete. Construction of the project is fully funded by a combination of State Transportation Improvement Program (STIP), Corridor Mobility Improvement Account (CMIA), and U.S. Department of Commerce – Economic Development Administration (EDA) grants.

Background: This project is one of several projects in the City's industrial park area that will improve traffic circulation. The project will increase safety and capacity of both State Route 198 and Plaza Drive. Completion of the project will provide better access to the City of Visalia's Industrial Park and will complete the southern portion of the Road 80 widening from the City of Visalia to the City of Dinuba.

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 RN 10/28
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.

Item 2. - Page 2

On October 26, 2011, the City of Visalia opened eight bids submitted for the Plaza Drive Interchange Modification and Widening Project. The result of the bid opening is below:

Contractor	Total
Emmett's Excavation, Inc. (Clovis, CA)	\$15,884,953.65
Granite Construction Co. (Fresno, CA)	\$16,324,834.50
Teichert Construction (Fresno, CA)	\$16,493,037.80
Lee's Paving, Inc. (Visalia, CA)	\$17,285,676.23
American Paving Co. (Fresno, CA)	\$17,369,186.40
Agee Construction Corp. (Clovis, CA)	\$17,530,729.79
R.J. Berry Jr., Inc. (Selma, CA)	\$18,080,694.32
W. Jaxon Baker, Inc. (Redding, CA)	\$20,397,010.28

Emmett's Excavation, Inc. is a reputable contractor with experience building transportation related projects/structures. They have worked on projects in the Central Valley for both Fresno County and Caltrans including the Friant Road Expressway (in Fresno County), and the 190 highway reconstruction (Caltrans).

Emmett's Excavation, Inc. successfully completed the Ben Maddox Way Highway 198 Overcrossing Project for the City of Visalia this year. The construction contract for the Ben Maddox project was \$5.2 million. There are some similarities between the Ben Maddox project and the Plaza Drive project. Both include road widening, bridge widening, and traffic control in heavily traveled corridors.

Construction Costs

No portion of the General Fund will be used on this project.

Construction Contract.....	\$15,884,953.65
Contingency (Est.).....	\$1,589,000.00*
Supplemental Work (Est.) (Maintain Detours and Traffic, Asphalt Index Fluctuations, Water Pollution Control, Etc.).....	\$870,000.00
City/State Furnished Materials (Est.) (Signal Equipment, Highway Patrol, Public Information, Electrical Service).....	\$280,000.00
Construction Support Contracts (Est.) (Construction Management, Material Testing, Construction Staking & Surveying, City Support Staff, Environmental Permit Compliance).....	<u>\$3,000,000.00*</u>
Total.....	\$21,623,953.65

* Subject to State/Federal final determination.

Funding Sources

<u>Construction financing is provided by:</u>		
State Transportation Improvement Program (STIP)		\$14,520,000
Corridor Mobility Improvement Account (CMIA) Prop. 1B		\$7,776,000
U.S. Dept. of Commerce – Economic Development Administration (EDA) grant		<u>\$2,000,000</u>
	Total	\$24,296,000

Due to bid prices below the engineer’s estimate, funding for the project exceeds projected costs by approximately \$2.7 million. Final funding allocation is determined by funding sources after bids are awarded. Staff will coordinate with Caltrans and EDA to maximize funding and unallocate any unused costs.

Budget Appropriation Authorization

Staff requests that Council appropriate \$7,776,000 in the Transportation Fund (1611) to recognize the CMIA grant funding awarded to this project and \$2,000,000 in the General Fund (0011) to recognize the Economic Development Administration (EDA) grant funding awarded to this project. Both the Transportation Fund and the General Fund will be fully reimbursed by the CMIA and EDA grant funds awarded to the project.

In addition, this project has a \$1.5 million STIP grant that was originally approved for construction. Due to the additional grants received for this project, staff is requesting to move the \$1.5 m STIP grant to fund the landscaping for this project. TCAG has already authorized the funds to be used for landscaping.

Total appropriation request: \$9,776,000 (recognize CMIA and EDA grant funding)
 Total re-appropriation request: \$1,500,000 (recognize new STIP funded landscaping project)

Prior Council/Board Actions:

- 1999 – Approve PSR
- February 2006 – Approve time extension
- August, 2006 – Approve Mitigated Negative Declaration
- August, 2007 – Approve Contract with TRC
- May, 2011 – Approve TRC Scope Amendment
- August, 2011 – Approve Developing Architectural Themes
- October, 2011 – Approve TRC Scope Amendment

Committee/Commission Review and Actions:

Alternatives:

Attachments: Project Site Map – Exhibit #1

Item 2. - Page 4

Industrial District Projects – Exhibit #2

Recommended Motion (and Alternative Motions if expected): I move to award the construction contract for the Plaza Drive Interchange Modification and Widening Project to the low bidder, Emmett's Excavation, Inc., in the amount of \$15,884,953.65 and authorize budget appropriations in the capital improvement program. Project Number 3011-00000-720000-0-9438.

Environmental Assessment Status

CEQA Review: Mitigated Negative Declaration – approved by council August 2006

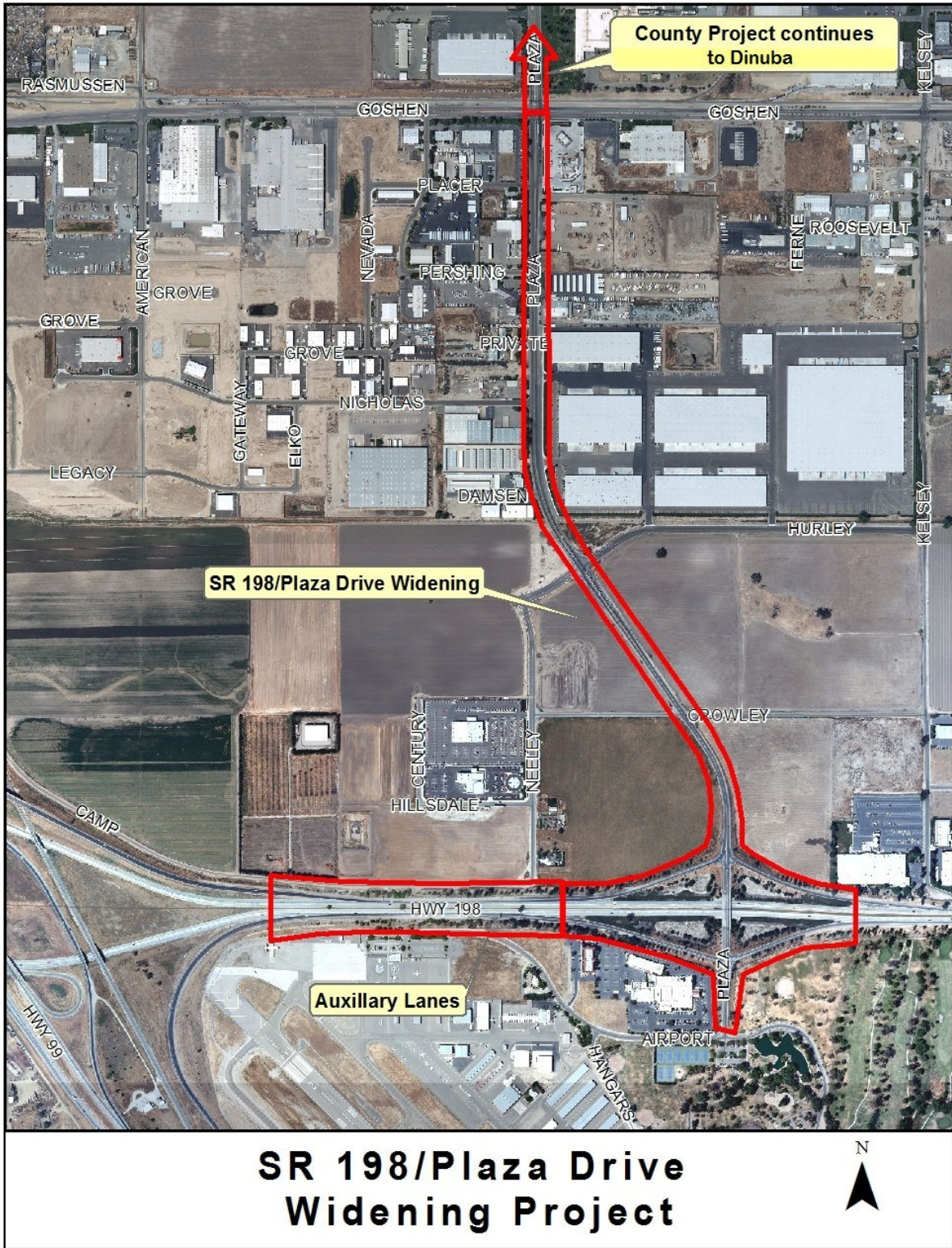
NEPA Review: Finding of No Significant Impact – August 2006

Recertification: February 2011

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)*

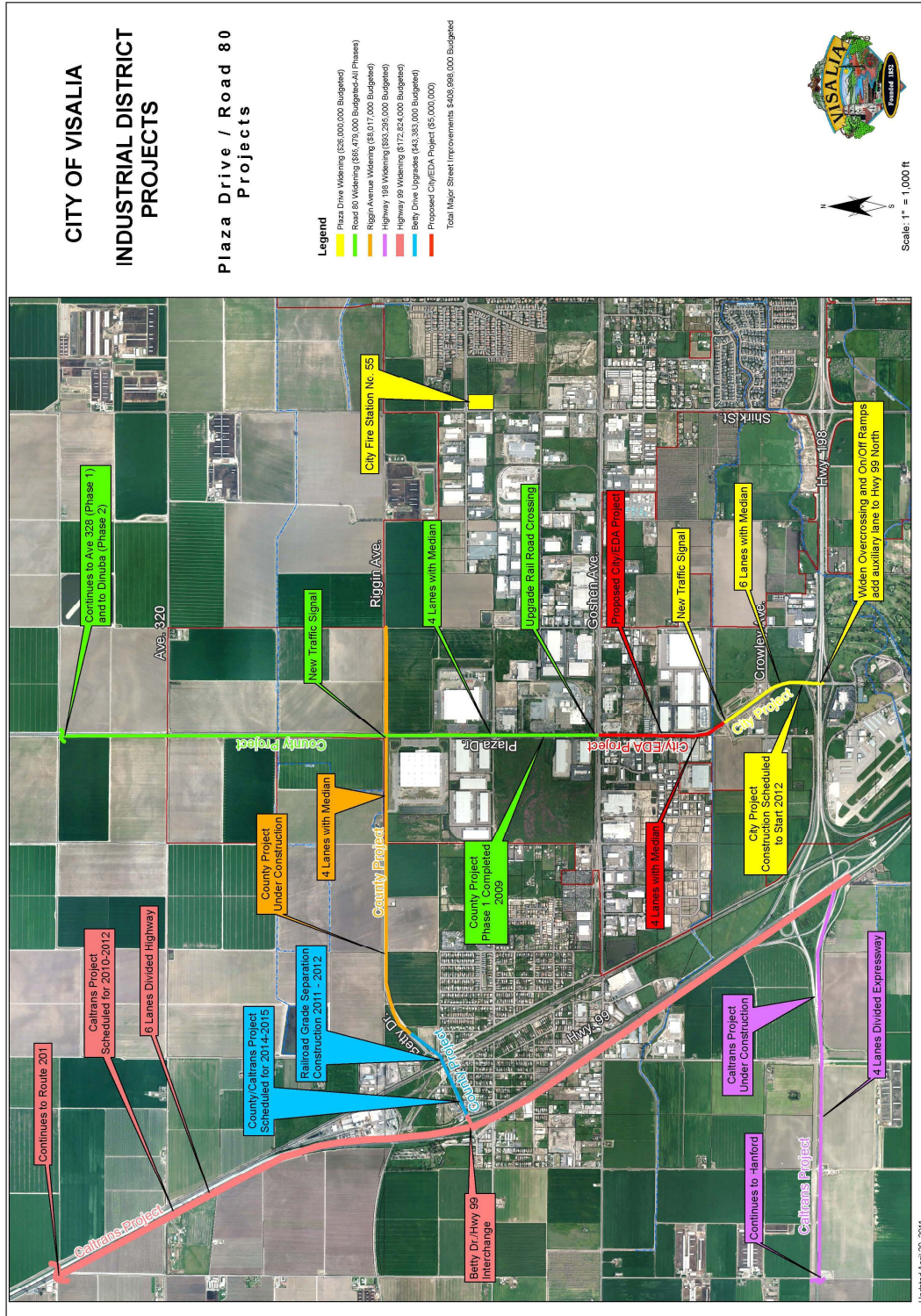
Copies of this report have been provided to:

Exhibit 1
Project Site Map



SR 198/Plaza Drive Widening Project

Exhibit 2
Industrial District Projects



**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Update on Animal Care Campus Design and approval of the Animal Control Subcommittee recommendations to:

1. Authorize the architect to move forward with construction document drawings
2. Approve the bidding of the project with the kennel pods as bid alternatives.
3. Authorize of staff to enter into negotiations with partner cities regarding future use of the new facility.
4. Authorize staff to solicit funding for the new facility from local lending institutions

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number:
Mario Cifuentez, Animal Control Liaison, 713-4480

Department Recommendation: Staff recommends that Council receive this report on the status of the Animal Care Center design.

Additionally, the Animal Control Facility (ACF) Subcommittee, which is comprised of Vice-mayor Shuklian, Councilmember Nelsen and several City staff members, makes the following recommendations:

1. That Council authorize WLC Architects to proceed to the next phase of the project, construction document development, per the current design being recommended by the subcommittee.
2. That Council approve the bidding of the project, once construction documents are completed, and authorize the bidding of kennel pod construction as bid alternatives.
3. That Council authorize staff to enter into negotiations with the partner cities for the purpose of getting a decision, prior to the commencement of construction, on whether those cities desire to be a partner and are willing to cover their share of the use of the new animal care facility.

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.): 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.

Item 3. - Page 2

4. That Council authorize staff to solicit funding options for the new facility from local lending institutions.

Summary/background:

Based on Council direction provided to the architects at the August 1st Council meeting, the architects have developed a detailed floor plan, exterior elevations, and full site improvements for the new Animal Care Campus. The current design, as recently presented to the ACF subcommittee as a 3d model, incorporates cost efficient, but aesthetically pleasing cinder block construction on the exterior, which will be coated or manufactured with a color of the City's choosing. Additionally, the subcommittee has recommended texturing all or portions of the exterior. While texturing will add some cost to the construction of the facility, it is anticipated that it will only be a minor cost. This facility sits at the entrance to the City and as such, the subcommittee recommends that steps be taken in the design to make the facility aesthetically appealing while still remaining very functional.

The exterior design is relatively complete, and is far enough along on the interior to show overall layout, kennel pod design, vehicle traffic flow and most importantly, it is complete enough for the subcommittee and ultimately Council, to get an idea of what the facility will look like from Highway 99.

As a reminder, the Animal Care Center is part of an overall proposed Animal Care Campus which will ultimately include the Valley Oak SPCA Adoption and Education center. The VOSPCA building, to be funded with private funds to be raised by the non-profit, will be constructed immediately north of the City's new City Animal Care Center at a later date and will focus on owner-surrenders, adoption, voluntary spay/neutering, education, advocacy, outreach, and VOSPCA organizational activities not directly related to its service contract with the City. The VOSPCA has yet to begin design of their facility, and no timeline is currently available for their project.

Phasing Options

At the August 1st Council meeting, Council directed staff to begin discussions with the other cities that use the Visalia facility about sharing in the cost of the maintenance of the current facility as well as anticipated future costs of a new facility. Gaining commitments from the partner cities will help cover their proportionate share of any increased cost associated with the portion of the facility needed to care for their animals. By gaining their commitment prior to construction, the City can contract to construct the facility for an appropriate number of animals.

The current program design would accommodate an average of 15,000 animals at the shelter each year. Of that total, only roughly two thirds of the animals are from the City of Visalia. The remaining animals, and the responsibility for them, are attributable to the remaining cities. In the past, aside from a one-time contribution from one City, the City of Visalia has generally not asked Cities that are using the current animal control facility to pay anything towards the capital investment or maintenance of the existing facility. The VOSPCA currently charges each agency that uses the facility a fee for handling and holding the animals, but that fee is strictly for the VOSPCA services and up until now, has not included any costs for using the facility. Historically, the costs have been relatively low and Visalia has absorbed the costs.

Through development of the facility design, it has become apparent that prior to construction of the new shelter, the City will have to have a financial commitment from the other Cities that are using the facility, or the size of the facility will need to be modified to accommodate only those Cities that are willing to partner. WLC Architects has prepared a Phasing Plan, which consists

of a core administrative and intake area (Phase 1) and several kennel pods (Phases 2-4) which could be considered “modular” in the sense that they can be constructed as part of the initial construction or at a later date if funding does not allow full construction, and the project must be phased. Additionally, they can be expanded to accommodate more animals should the need arise. There are three (3) separate kennel wards, including the Isolation/Quarantine kennels. This design also allows the kennel pods to be constructed in phases or bid as alternates, which will allow the City to determine which alternates can be included in the first phase of construction. The kennel wards range in cost from \$600,000 to \$900,000 depending on the purpose and programmed size of that particular ward. By constructing just the intake and administrative areas first, the City could construct a first phase and save approximately \$2 million off the project estimate. Additionally, the architect has already shifted the site layout of the new facility, further to the South, to allow for the continued use of existing kennels for feral cats and dogs that have little to no chance of being adopted.

While the actual per square foot cost of the kennels would suggest that more savings could be achieved, phasing of the project adds an additional percentage of the costs onto the project because of mobilization and some demolition required for the future phases.

The current estimate of project costs details approximately \$6 million in hard construction costs. With the addition of design and other soft costs, the total cost for the project is in fact currently estimated to be approximately \$7 million, and as designed, would serve the Cities of Visalia, Tulare, Dinuba, Farmersville and Exeter.

Staff has already met with three cities, and the fourth meeting is set with the remaining city on November 4th. Based on the current proposed layout and project estimates, each partner city is being asked to commit to cover their pro-rata share of the cost of a new facility. As a commitment, each city will be required to sign a 20 year agreement.

Recent Project Activity and Next Steps

In addition to completing the exterior facility design since the August 1st Council meeting, WLC Architects has also completed the following tasks on the project:

1. Site Analysis:

WLC contracted with Kleinfelder for environmental work on the site. Staff has received both the Geotechnical Investigation Report and Phase I Environmental Site Assessment for this project. The documents will be shared with the project’s engineers and with the data, WLC will complete a thorough review of the impact for the project. The results of the Phase I report from Kleinfelder indicate that there are no recognized environmental conditions for this project.

2. Design Development:

WLC has reviewed updated disposition reports to confirm that facility design is appropriate for the number of animals handled each year at the current facility. They adjusted the site layout to allow for use of existing improvements as part of an optional phasing plan.

Item 3. - Page 4

At the most recent Subcommittee meeting, subcommittee members reviewed the 3D models of the facility and gave input on animal flow options, employee areas and site improvements. The subcommittee was satisfied that, with the implementation of their suggested design changes, the design is ready for development of the construction drawings. As such, they directed WLC architects to proceed to the next step of the project. Based on the attached project schedule, and with the approval of the Subcommittee recommendations by Council, WLC will commence work on development of the construction drawings. The subcommittee will have regular meetings during the next phase to give input on the construction drawings. The final design will be brought back to Council for approval prior to the release of the bids, which is expected to be in March.

Prior Council/Board Actions:

April 19, 2010 – Council awarded the contract for design of a new Animal Control Facility to WLC Architects.

August 1, 2011 – Council received an update on facility design and authorized staff and WLC Architects to move forward with the design.

Committee/Commission Review and Actions:

The ACF Subcommittee has provided direction to the architect in order to develop the current 3D design and directed WLC to commence work on the Construction Documents utilizing input provided on design layout and elevations.

Alternatives:

Attachments: Current Project Schedule, Phased Site Layout with estimated phasing costs, Aerial site layout

Recommended Motion (and Alternative Motions if expected):

I move to approve the recommendations of the Subcommittee including the following:

1. That Council authorize WLC Architects to commence work on construction documents per the current design being recommended by the subcommittee.
2. That Council approve the bidding of the project, once construction documents are completed, and authorize the bidding of kennel pod construction as bid alternatives.
3. That Council authorize staff to enter into negotiations with the partner cities for the purpose of getting a decision, prior to the commencement of construction, on whether those cities desire to be a partner and are willing to cover their share of the use of the new animal care facility.
4. That Council authorize staff to solicit funding options for the new facility from local lending Institutions.

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

ANIMAL
CONTROL
FACILITY

6" SITE LAYOUT

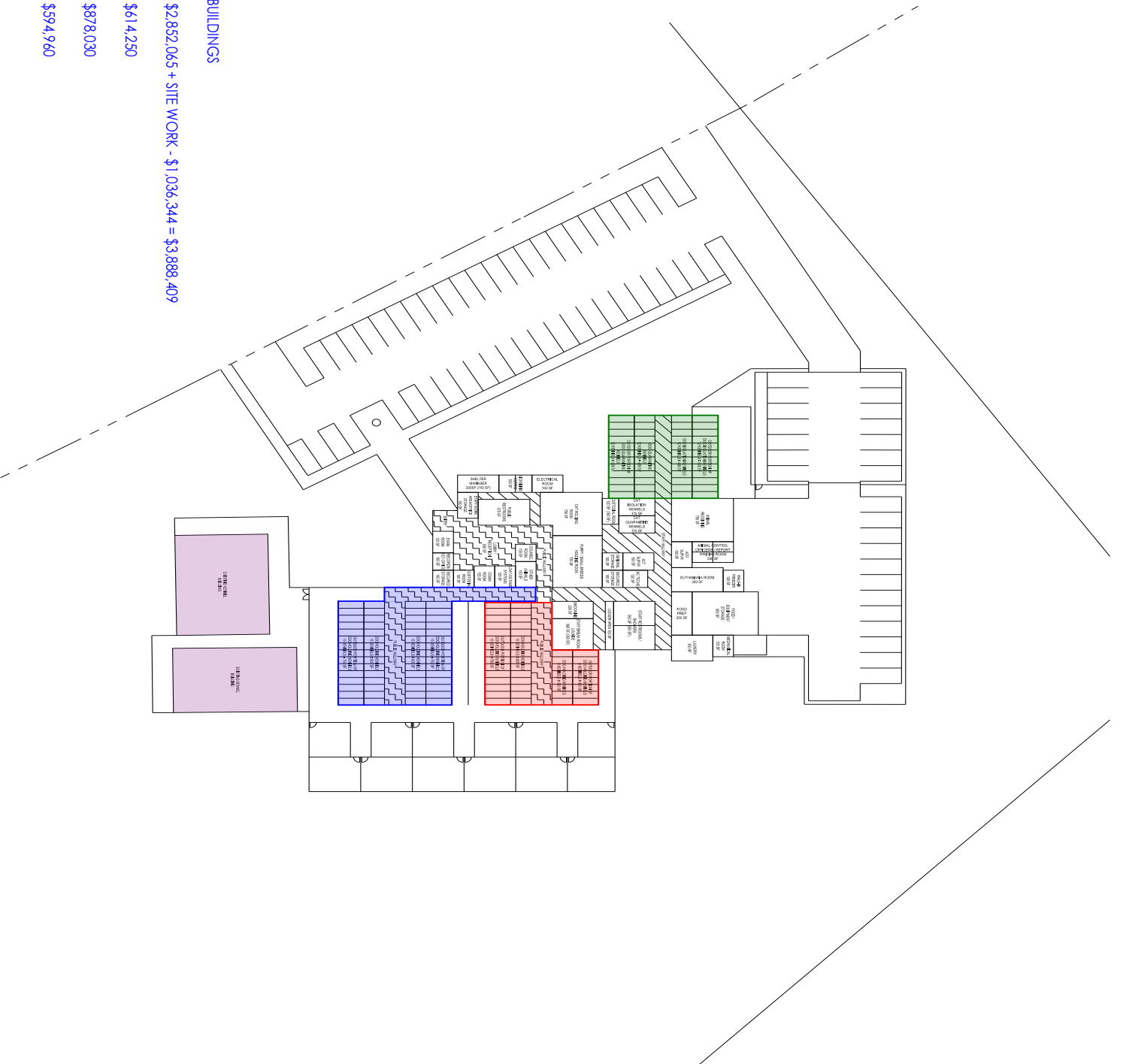
SCHEME 2

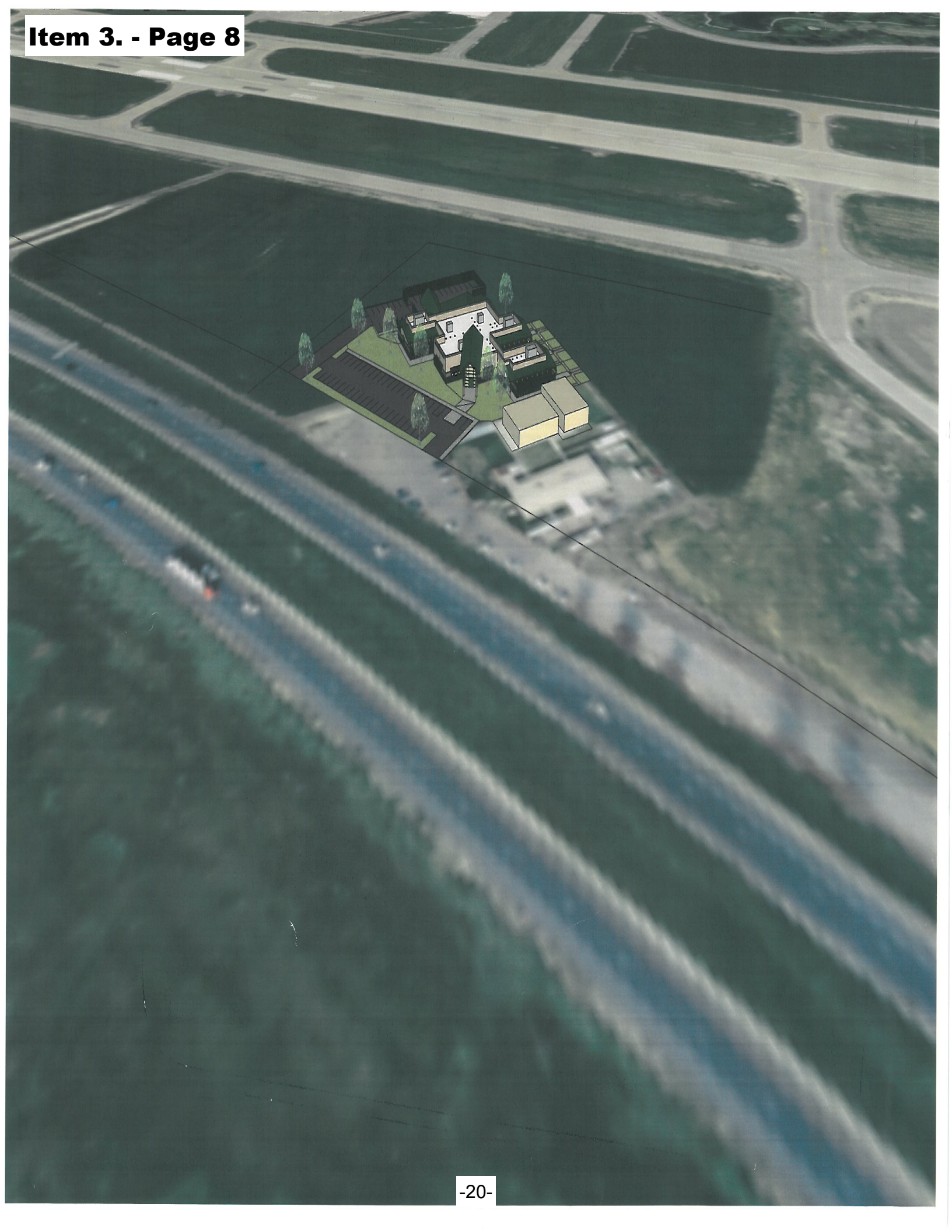
PHASING PLAN

SCALE 1" = 20'-0"
JULY 18, 2011

WPC
Architects, Inc.
SOUTHERN CALIFORNIA
ARCHITECTURE - INTERIOR DESIGN
8181 Rochester Avenue, Suite 100
Riverside, California
California 91750-0729
Tel: 951-509-9299
Fax: 951-509-9280

- EXISTING BUILDINGS
- PHASE 1 - \$2,852,065 + SITE WORK - \$1,036,344 = \$3,888,409
- PHASE 2 - \$614,250
- PHASE 3 - \$878,030
- PHASE 4 - \$594,960













**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Authorization to award RFP 10-11-50, Construction Management Services for the Water Conservation Plant upgrade project, to Jacobs Engineering in an amount not to exceed \$4,718,578.

Deadline for Action: none

Submitting Department: Public Works

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

Department Recommendation:

Staff recommends that Council award RFP 10-11-50, Construction Management Services for the Water Conservation Plant upgrade project, to Jacobs Engineering of Pasadena, CA in an amount not to exceed \$4,718,578.

Summary/background:

The City of Visalia Water Conservation Plant (WCP) operates under a discharge permit issued by the State Water Resources Control Board (SWRCB) and administered by the Regional Water Quality Control Board (RWQCB, or Regional Board) in Fresno.

In September 2006, the WCP was issued its current permit, which replaced the one in effect since 1995. The new permit imposed several new restrictions on plant discharges. In order to comply with these new limitations, a major plant upgrade project is required.

After a lengthy selection process, the engineering firm of Parsons was selected to design the plant upgrades. In December 2009, Parsons recommended to Council that the upgrade project utilize Membrane Bioreactor (MBR) technology to produce a high quality effluent that will be unrestricted in its use. Council agreed with the recommendation and work has been ongoing toward that end.

The design is near 100% complete on this state of the art project, and work is underway to finalize the documents to prepare the project for bidding. At just under \$100 million, this will be the largest public works project in the history of Visalia. There is significant risk inherent in a project of this size, cost, scope, and complexity.

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.): 30

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.

Item 5. - Page 2

This project will cost the city an average of \$100,000 each day of this 2½ year project; even seemingly insignificant issues or delays have the potential to be very expensive. To assist the City in managing this risk, a construction management firm specializing in wastewater projects is needed.

Construction management is a critical component of large construction projects. The construction manager (CM) will perform several highly important functions on behalf of the City, including bidability and constructability review of plans and specifications, construction inspections for quality control and conformance to specs, clarification of specifications (“Requests for Information”), review and recommendations on contractor change order requests, oversight on plant upgrade start up, and other major tasks.

Selection Process

The process to select a qualified construction management (CM) firm for this project began in March 2011 when RFP 10-11-50 was issued. Proposals were received from the following six firms:

- Jacobs Corporation
- Quad Kopf/Faithfull & Gould (joint venture)
- Mimiaga Engineering Group
- URS Corporation
- West Yost Associates
- Carollo Engineers

Staff from the Public Works and Engineering departments evaluated and ranked the proposals based on the merit and thoroughness of the proposal, past experience of the project team, demonstrated ability to complete similar projects, and related criteria.

A separate panel, consisting of three City employees and three Community members, then conducted interviews with each of the six submitting firms. The panel members were

- Andrew Benelli, Public Works Director
- Jim Ross, Wastewater Manager
- Jeff Misenhimer, Water Conservation Plant Superintendent
- George Shelton, Visalia Citizen’s Advisory Committee Chair
- Ben Munoz, District Manager, Selma-Kingsburg-Fowler Sanitation District
- Larry Dotson, Kaweah Delta Water Conservation District Engineer

Jacobs was ranked as most qualified.

Because of the magnitude of the project and to ensure a thorough vetting of each of the firms, a second round of interviews was conducted using a panel consisting of the following City representatives (Note: Carollo Engineers chose not to participate in the second interviews):

- Don Sharp, Councilmember
- Steve Nelsen, Councilmember
- Mike Olmos, Assistant City Manager
- Andrew Benelli, Public Works Director
- Chris Young, Community Development Director
- Jim Ross, Wastewater Manager

Jacobs was again ranked most qualified.

Jacobs is a large engineering firm headquartered in Pasadena, CA. As a company, they have provided construction management services to more than \$33 billion of water and wastewater construction efforts over the past 20 years. They have more than 160 offices in 20 countries and more than 50,000 employees around the world, including 2,300 in California. Their Bakersfield office (428 people) will service this project. Jacobs has both the technical expertise and CM experience in comparable projects to perform CM duties for the Visalia project.

Jacobs' reputation in the water and wastewater field is well known. The contractors who are likely to bid a project of this size are very sophisticated. It is imperative that the City have a skilled team with a proven track record of managing large, complex, wastewater projects that can stay ahead of the of contractor and minimize change orders.

The project team that Jacobs will assign to the Visalia project has a combined 241 years of water and wastewater construction management experience, including 164 years with Jacobs. This team has just finished work at the \$211 million expansion project at the Bakersfield wastewater treatment plant. That award winning project has several components similar to Visalia's project and was completed on schedule and with less than 4% change orders. Incidentally, the design engineer for that project was Parsons, and their design team was the same group of people currently designing the Visalia upgrades. Jacobs will enter the project with an established working relationship with the other members of the City's team.

Although cost was not a determining factor in the selection process, it should be noted that, in addition to being most qualified, Jacobs submitted the lowest cost bid proposal of the 5 firms which participated in the second interview process. Jacobs' bid proposal is \$4,718,578, which is about 5% of the estimated construction cost. Contract Management fees for large public works projects generally range from 5% to 8%.

This contract will be funded through the Wastewater Enterprise Fund. In addition, City has included this item in the funding request through the Clean Water State Revolving Fund low interest loan program.

Contract structure

There are two components of the contract that should be noted, and both are designed to increase the value that the City receives from the CM contract.

First, a portion of Jacobs' profit (\$200,000) has been placed "at risk" and designated as a "Performance Fee." On a quarterly basis, the City will evaluate Jacobs' performance on a number of pre-determined criteria such as timeliness in responding to requests, thoroughness of documentation, preparedness for meetings, etc. Based on this quarterly performance score, Jacobs can "earn" up to 100% of that quarters performance fee. If Jacobs' score is less than 100%, they will receive a reduced performance fee. If the City scores Jacobs' performance at 68%, for example, they will receive only 65% of that quarter's performance fee; the remaining 35% will revert to the City and is "lost" to Jacobs. Any score below 50% results in a complete loss of that quarter's performance fee.

Second, there is a mechanism for rewarding Jacobs for identifying and realizing cost savings throughout the project. If the City benefits from construction cost savings because of Jacobs' value engineering or similar efforts, then Jacobs will be entitled to an increase in their performance fee based on the following scale.

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Description	Performance Fee Total Amount
Original Performance Fee	\$200,000
Value Plus Savings of \$500,000	\$220,000
Value Plus Savings of \$1,000,000	\$240,000
Value Plus Savings of \$2,000,000	\$270,000
Value Plus Savings of \$4,000,000	\$300,000
Value Plus Savings of \$6,000,000	\$400,000

While this does have the potential to increase the CM fee paid to Jacobs by up to \$200,000 (4.2% of CM contract), this increase would represent only a small percentage (3.3%) of the savings that would be identified through their value engineering efforts.

Recommendation:

Staff recommends that Council award RFP 10-11-50, Construction Management Services for the Water Conservation Plant upgrade project, to Jacobs Engineering of Pasadena, CA in the amount of \$4,718,578.

Prior Council/Board Actions:

On September 6, 2011, Council authorized Jacobs to perform a bidability and constructability review of the project plans and specifications prepared by Parsons. In addition, Council authorized staff to begin contract negotiations with Jacobs with instructions to return to Council for contract award.

Committee/Commission Review and Actions: none

Alternatives: n/a

Attachments: Draft Scope of Work

Recommended Motion (and Alternative Motions if expected):

Move to award RFP 10-11-50, Construction Management Services for the Water Conservation Plant upgrade project, to Jacobs Engineering of Pasadena, CA in an amount not to exceed \$4,718,578.

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:

EXHIBIT A: SCOPE OF WORK

GENERAL

This Project will upgrade the existing treatment plant to a 22-mgd nitrogen removal and Title 22 recycled water production plant. In addition, an extensive recycle water distribution system will be constructed to distribute the tertiary effluent from the upgraded plant to the various irrigation and agricultural users. The major items involved in this Project are as follows:

- Construction of an odor control system for the headworks
- Construction of an inter-stage pump station and fine screens
- Conversion of the existing aeration basins and aeration system to a nitrogen removal process
- Replacement of the existing secondary sedimentation and chlorination processes with a new membrane bioreactor (MBR) process to be followed by Ultra-violet light (UV) disinfection.
- Conversion of an existing plant effluent percolation pond to a recycled water reservoir.
- Modifications of existing anaerobic sludge digesters, construction of a new digester and provision of temporary digested sludge dewatering and disposal services during construction
- Construction of a new sludge dewatering system and new sludge drying beds
- Construction of a new administration building
- Construction of a renewable power generation system using digester gas available from the plant's anaerobic sludge digestion.
- Replacement of existing equipment with new units and the related demolition, mechanical, electrical and control instrumentation works
- Modification and expansion of the existing SCADA system
- Site grading, paving, yard piping, demolition of existing buildings and structures, conversion of an existing percolation basins into a recycled water regulating reservoir and related civil work
- Construction of a pump station and force mains for delivery of plant effluent to several recycled water users in the area east of Highway 99. This may require the Construction Manager to provide separate Resident Engineer and Inspection services for the Pipeline Contract.
- Construction of a gravity flow pipeline system for delivery of the plant effluent to an off-site percolation basin and the Tulare Irrigation District

- Plant wide electrical and instrumentation work as well as electrical and instrumentation work at the recycled water user sites
- Other work as detailed in the Plans and Specifications prepared by the Design Engineer

The City has pre-selected and pre-negotiated the lump sum prices for the following five equipment packages:

- Aeration blowers for installation in the existing blower building
- Fine bubble air diffusers for installation in the modified aeration basins
- Sludge dewatering presses for installation at the location as shown in the Drawings
- Ultra-violet disinfection equipment for installation at the location as shown in the Drawings
- Renewable Power Generation System equipment for installation as note and shown in the contract documents

The Contractor shall purchase these packages at the pre-negotiated prices, make payments and install and test the equipment included in these packages as shown and specified in the Contract Documents.

The City has also pre-purchased the MBR cassettes and the related scouring air blowers, pumps and equipment as well as a sludge disintegration system for installation by the Contractor.

The City has identified the presence of asbestos materials and lead paint in some of the existing facilities which are to be demolished or modified. The asbestos materials and lead paint shall be removed and disposed of in compliance with the applicable Federal and State regulations prior to the demolition or modifications of those existing facilities.

Jacobs will provide constructability review (Under Separate Contract), construction management, construction inspection, construction surveying, and material/soil testing services for the project as described above. See Responsibility Matrix Table included at the end of Exhibit A. The City will provide those items and services listed below.

- A. The City will provide a general description of the project site, its location and boundaries.
- B. The City will make available copies of City's available record drawings of existing facilities. The City makes no warranty that record drawings for all existing improvements are available.
- C. The City will provide all services required to plan, supervise, monitor and finance the project except for those services to be provided by the CONSULTANT as set forth herein above.
- D. The City will provide environmental clearance for the project.

- E. The City will provide all necessary contractor payment forms, change order forms and other forms to be used by CONSULTANT as required by CITY.

Jacobs will assign only personnel whose qualifications, background, and experience are commensurate with the needs of the project. We are committed to developing a team approach to the construction. As Construction Manager (CM), we will have overall responsibility for contract administration, resident management and quality control, but will allow your Design Engineer to do their design support services to a level required by their responsibility as Engineer of Record. Our experience shows a teaming approach with incorporation of City Engineering staff is the most cost effective way to complete projects.

SCOPE OF WORK

The Construction Management (CM) scope of work as noted in the City's RFP and Jacobs' proposal is defined in the following tasks (The pump station and force main inspection is include in the CM scope of work. However, the force main and pump station maybe separated out and an additional construction contract can be let for this work):

1.0 PRE-BID PHASE

1.1 Kickoff and Team Coordination

Participate in a kickoff meeting with City staff, the Design Engineer, and other project team members. CM is expected to familiarize themselves with the scopes of services of other team members prior to the meeting, and be prepared to discuss the schedule and sequence of events leading up to the bid phase.

Coordinate with other team members to prepare for the constructability review and to generally foster an understanding of the status of work performed to date.

Provide an Interactive Planning Session (IAP) in accordance with Jacobs' standard procedures, with the Design Engineer, City, key CM staff, and other project stakeholders.

Deliverables

- Meeting minutes from kickoff meeting
- Detailed Interactive Planning schedule and summary report

1.2 Review Existing Documentation

Perform a thorough review of key Project documents relating to design, geotechnical, permitting, environmental, and other Project aspects to become familiar with the work. Meet with the City, the Design Engineer, and other consultants involved in Project design and permitting, to become familiar with critical project issues and timeline.

Deliverables

- Meeting minutes in a format developed by Jacobs and the City

1.3 Meeting Attendance

Attend City Council meetings (bi-monthly), if requested, to present construction status and change orders. Participate in coordination meetings throughout the Project, including coordination with the team members outlined in the Project's organization chart. Participate in all levels of these coordination meetings as necessary.

Deliverables:

- Meeting notes for each significant meeting

1.4 Constructability and Bidability Reviews

This work will be done under separate contract with the Construction Manager.

1.5 Independent Opinion of Probable Construction Cost

This work will be done under separate Bidability /Constructability contract with the Construction Manager.

1.6 Dispute Resolution Services and Claims Procedure

Recommend a dispute resolution approach for the City's Project to incorporate into contract documents.

- Outline a claims procedure for incorporation into contract documents.
- Advise the City on clear limits of responsibility for construction contractor especially in the areas of shared work spaces, testing, and tie-in points and recommend contractor responsibilities and interfaces for incorporation into the contract documents.

Deliverables

- Dispute resolution procedure
- Claims procedure

1.7 Contractor Submittal Log

Lead the effort, in concert with the Design Engineer, to create a comprehensive Log of Contractor Submittals for each specification. The log should include who will take the lead in reviewing the submittal, collating response comments and determining the necessity for a full review by the Design Engineer.

Deliverables:

- Submittal Log for the contract

1.8 Third Party Coordination and Permitting Assistance

Assist the City in coordinating with third parties as requested during the design and bidding phases. Assist the City and Design Engineer as requested with assistance in obtaining permits for the Project. Conduct information sharing meetings to update third parties and stakeholders on the status of the project.

Deliverables:

- As Requested.

2.0 Bidding Phase Services

Attend Contractor Orientation Workshops. Work with the Design Engineer and the City to coordinate efforts to prepare for and attend these workshops. The intent of the workshops is to share Project-related design and construction issues with the construction community in a proactive setting to educate contractors of the Project's layout, bid packaging, risk allocation and schedule. These workshops are envisioned to be interactive with a dual flow of information between the City and the Contractors.

Attend site visits with the City, Design Engineer, and interested contractors and suppliers.

Attend the pre-bid meeting for the construction contract and review the minutes of the meeting prepared by the Design Engineer.

Track bidders and suppliers' requests for information during the bid and award periods.

Assist the City in hosting the bid openings and making bid documents available for inspection.

Evaluate contractor bids and recommend award of the contract.

Prepare Notices of Award, coordinate construction contracts execution, and prepare Notices to Proceed for the construction contract.

Provide a bid summary for the Design Engineer's use in preparing the "summary report of the construction bids."

Deliverables:

- Pre-Bid Meeting Agendas for the contract
- Addendum Review Comments for the contract package
- RFI responses to bidder questions (coordinated with City and Design Engineer)
- Contract Bid Evaluation Reports for the contract.
- Notices of Award and Notices to Proceed for the contract.

3.0 CONSTRUCTION PHASE SERVICES**3.1 Pre-Construction Contractor Meeting**

Plan and host a pre-construction conference with the selected bidders together with the City, the Design Engineer, and possibly other affected contractors. The objective of the pre-construction conference is to exchange information with the City, CM, Design Engineer, and the selected contractors prior to mobilization. Prepare the agenda materials and arrange for the meeting, chair the discussion, and prepare and distribute meeting minutes.

Deliverables:

- Agenda and Meeting Minutes for Pre-Construction Meeting

3.2 Project Management and Administration

Provide project management and administrative support for the CM services contract and the administration of subcontracts. Manage the project CM team including sub consultants. Keep the City advised of aspects of work under the CM service contract.

- Preparation of a Construction Management Work Plan for work to be performed under this contract including project procedures, staffing plan, roles and responsibilities, documentation standards, communications protocol and CM quality control plan.
- Prepare monthly progress reports outlining the work accomplished during the month, work scheduled for the next period, issues which need to be resolved to maintain schedule, review of actual progress versus schedule, review of actual expenditures versus planned, and identification of critical issues and proposed means to address.
- Evaluate contractor's baseline schedule and monthly updates for acceptance
- Develop and maintain a Risk Register
- Conduct weekly CM meetings to coordinate activities and share information.

Deliverables:

- Project Management Plan
- Monthly Progress Reports

3.3 Safety Management

Administer our Safety Program for all our personnel.

- Implement and conduct a comprehensive safety program for our personnel.
- Provide appropriate safety training for all our field personnel.

- Provide all necessary safety equipment as required for our personnel.

Jacobs will review and comment on the Construction Contractor's Safety Plan

Deliverables

- **Safety Management:** Jacobs will review and monitor the contractor's safety plans. Jacobs will implement, and conduct and administer Jacobs' comprehensive Safety Program for all Jacobs' personnel. This will include all appropriate safety training for all Jacobs' field personnel. This includes, but is not limited to OSHA 10-hour, Defensive Driving, Office Safety, and specific training for the various types of work conducted on this site. Jacobs will also provide all necessary safety equipment as required for Jacobs' personnel
Jacobs will promote safety on the jobsite and make everyone aware that safety is the top priority for all work activities.
- HASAP (Health Safety and Accident Prevention Plan) and monthly HSE site safety reviews with safety reports which will typically be a part of the Monthly Progress Report.
- Overall safety for the construction project is the responsibility of the Contractor. Day-to-day safety administration for the Jacobs staff is the responsibility of the Construction Manager and Area HSE Manager who will provide oversight safety coverage for this project.

3.4 Partnering / TeamBuilding (optional)

Provide a facilitator to conduct workshops to be attended by the CM, Design Engineer, and City to establish and agree upon goals for managing the construction of the project and defining roles and responsibilities for the participants in the construction phase. Provide a facilitator to conduct follow up workshops to update the goals and roles and responsibilities and to maintain the teamwork of a high-performance team.

Deliverables:

- Team Building Agendas and Reports

3.5 CM Construction Trailer/Housing

Furnish all vehicles, cell phones, cameras, computers and ancillary hardware and software to provide suitable facilities for CM's staff. Provide computer equipment, and cell phones for two additional people, if requested, for full or part-time use.

The Project Manager, or other designated personnel, shall have access to the CM's electronic equipment such as, FAX machine, printer, copier, computer servers, etc. Jacobs will provide clerical, receptionist, filing and all other administrative and office support services for CM staff support.

The City will require the Construction Contractors to provide furnished trailers for the CM's use.

Deliverables

- CM project support facilities and equipment as defined.

3.6 Document Control

Implement and maintain a document control system and maintain a log of all correspondence submitted by the construction contractors and the responses applicable to that correspondence. Manage the receipt, logging, control, tracking and timely processing of all technical documents, shop drawings, submittals, manuals, and samples received as part of the construction contract work.

Jacobs will train City Staff and Contractor personnel as necessary to access the document control system.

Manage and maintain a submittal log as part of the document-control system. Respond to RFIs dealing with schedule, sequence, and other Project coordination issues. Evaluate construction schedules, and where applicable analyze and submit reports to the City/Design Engineer for review. Review and provide written responses to contractor RFIs as appropriate. Coordinate the Design Engineer's responses and processing of RFIs that require changes to the design and require prior approval from the City.

Deliverables:

- Document Control System through the Web Base Primavera Contract Manager

3.7 Status Reporting

Prepare monthly progress reports encompassing each construction contract that include a description of the prior month's main accomplishments and current construction activities. Representative photographs shall be included within the progress reports. A summary report will also be generated that can be shared with City staff and external stakeholders, and also posted to the City's web site. Review and evaluate contractor work plans, schedules, budgets and cash flow projections.

Deliverables

- Monthly progress reports
- Summary progress report and web posting of same
- Contractor work plan, schedule, and progress payment review reports

3.8 Surveying Support

Provide sufficient survey control points for use by the construction contractor for construction staking control. Periodically check line and grade along the construction limits.

Deliverables:

- Survey control documentation for the Project
- Survey checks documentation for the Project

3.9 Review Contractor's Potholing Plan

Monitor and coordinate each contractor's potholing plan, if required, providing a quality control check of the proposed sequence of potholing and resolution of mis-marked utilities.

Deliverables:

- Quality control audit of utilities location for each contract

3.10 Quality Control, Inspection and Testing

Develop written procedures to implement the Design Engineer's conceptual QC/QA plan in the field. Generate a comprehensive QC/QA matrix for each of the specifications.

In accordance with the QC/QA plan, inspect, monitor, and document the activities of contractors, subcontractors, and suppliers to ensure compliance with the requirements of contract documents. Key activities will require full time inspection by qualified inspectors. Prepare daily inspection reports and Notices of Nonconformance and provide a timely response.

Perform testing of materials in accordance with the overall QC/QA plan. If the QC/QA plan determines that others will be responsible for these activities, provide the assistance and management necessary for their completion. If required as part of the QC/QA plan, map and document geology of excavations. Provide recommendations for resolution of site conditions found to be different than those identified in contract documents.

Deliverables

- QC/QA Procedures
- QC/QA Responsibilities Matrix
- Inspection and Testing documentation reports
- Non-conformance reports and resolution status reports
- Geologic and site condition testing documentation as required
- Memorandum of recommendations to resolve differing site condition issues
- Review permit requirements and inspect for compliance during construction

3.11 Inspection and Management of Construction Activities

Schedule and participate in pre-construction and regular meetings with contractors and City staff regarding construction issues, progress reporting, interpretation of plans and

specifications, and contractor performance. Assign a team of qualified inspectors to inspect construction activities and provide management and oversight services to ensure that contractors' work is performed in accordance with construction plans and specifications, and is consistent with the intent of the design.

Maintain construction site daily records. Review all contractor reports and records, including shift reports, daily material placement reports, daily progress reports, and job safety reports. Lead the evaluation of value engineering proposals submitted by construction contractors. Inspect, monitor and document the activities of contractors, subcontractors and suppliers for compliance with the requirements of contract documents.

Assist the City with the Environment Impact Report (EIR) mitigation compliance measures.

Key activities will require full time inspection by qualified inspectors. Full-time inspection is not expected for the duration of all construction activities. Perform materials testing and installation testing (i.e. earthwork, concrete, coating systems, cathodic protection, electrical testing [both high and low voltage AC, and control voltages], welding, pipeline hydrostatic test witnessing, pipeline coating inspections, etc.) for compliance with project specifications.

Deliverables

- Daily Inspection Reports for each contract
- Weekly progress meeting minutes for each contract
- Special inspection and materials testing reports for each contract
- Construction contractor initiated Value Engineering evaluation memorandums

3.12 In-Plant Fabrication Inspection

Provide in-plant quality assurance inspections of pipe material, pumps, motors and tank fabrication, etc, and prepare reports of the inspection findings. Attend a fabrication kickoff meeting to coordinate with the fabricator on key elements of the manufacturing, including: 1) review the fabricators' quality control plan, 2) review the fabricators' quality control daily report procedures, 3) review the fabricators' non-conformance reporting.

Observe fabrication, witness the testing, and ensure proper calibration and operation of all testing equipment at the place of manufacture of valves, gates, and pipe and other items identified by the City. Submit written inspection reports with summary statement as to compliance with the design specifications.

Provide other miscellaneous specialty services as required during construction such as, witness and evaluation of electrical instrumentation, controls, fiber optic cable, water quality, corrosion control, noise and air quality monitoring services, geotechnical, structural, civil design and other technical specialties.

Monitor pre-purchase and pre-negotiated equipment supplier schedule and coordinate installation between the vendor and contractor;

Deliverables

- Inspection reports and compliance summary statements for in-plant inspections/tests

3.13 Pre-Construction & Post Site Condition

Photograph and otherwise document the condition of the construction site before and after construction activities.

Deliverables

- Pre-construction survey reports for the contract
- Post-construction survey reports for the contract

3.14 Record Drawings

Maintain up-to-date, secured, marked-up prints of construction drawings showing all field changes and as-built conditions. Submit one set of marked up drawings to the City at the completion of construction. CM will coordinate with Design Engineer to include contract language that will require the Contractor to submit updated record drawings as a condition of processing progress payment.

Deliverables:

- As-built record drawings for each contract

3.15 Dispute Resolution Services and Claims Procedure

Adhere to the adopted dispute resolution approach on the City's behalf for the City of Visalia Water Conservation Plant Upgrade Project and adhere to the dispute resolution procedures incorporated into the construction contract documents. Manage the claims procedure developed during the design phase and incorporated in the contract documents. Advise the City on clear limits of responsibility among construction contractors especially in the areas of shared work spaces, pipeline pressure testing, cathodic protection system testing, and tie-in points.

Deliverables:

- Dispute resolution documentation
- Claims documentation

3.16 Pay Requests

Review pay requests submitted by contractors and issue pay certificates to the City. Walk the project sites with the contractor monthly and discuss project completion before submittal of an invoice. Review Baseline Schedule of Values, Certified Payrolls, Lien

Releases and other payment requisition submittals as required by the Construction Contact Documents

Assist with the review and verify contractors' compliance with the Davis Bacon Act.

Assist the City with the processing of reimbursement request from the State Revolving Fund.

Deliverables:

- Prepare and recommend payments to be made by the City to the Contractor

3.17 Change Order Processing

Identify, prepare, log, monitor and negotiate contractor, Design Engineer or City-initiated claims, changes, extra work, and change orders.

- Prepare independent cost estimates, change order justification, and recommend action on all change order requests.
- Review Contractor's Time Impact Analysis for claims for additional contract time.
- Prepare necessary change orders for all construction contracts. Design Engineer will remain under contract to provide technical assistance in change order preparation.

Deliverables:

- Change order and claims procedures
- Change order logs and change order documents for the contract
- Claims analysis documentation and recommendations

3.18 System Start-Up and Contracts Close-Out

Implement procedures for the systematic and timely completion, start-up and testing, acceptance and transfer of facilities constructed, as well as the closeout of contracts. Coordinate with the Design Engineer and Contractor to integrate the Project control system with the plant's SCADA system. Prepare detailed project punch lists toward closeout of the project. Take the lead in negotiating and closing-out construction contracts.

- Provide review comments on the Operation & Maintenance Manuals
- Assist contractor with scheduling training sessions and assist Design Engineer with equipment check out and start-up
- Perform final inspection and prepare punch lists

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VISALIA, CALIFORNIA

- Verify that all project payments have been made to the contractors and that all required releases have been obtained.
- Prepare final change orders as required.
- Provide submittal review comments on the accuracy of the Contractor's submitted as-builts.
- Organize, bind, and submit all project documents to the City.

Deliverables:

- Contract close out documents as defined including punch lists and payment certifications, and releases.
- As-built review comments

RESPONSIBILITY MATRIX TABLE

This table is not to be all inclusive

CONSTRUCTION CONTRACT ADMINISTRATION AND INSPECTION RESPONSIBILITY MATRIX P = Primary Responsibility; S = Secondary Responsibility				
Tasks	City	Construction Management Consultant	Design Engineer	Construction Contractor
Attend project review meeting(s) with City staff	P	P	P	
Conduct / attend preconstruction review	P	P	P	P
Issue notice to Proceed	P			
Conduct periodic coordination meetings	S	P	S	
Prepare and distribute meeting minutes		P		
Review construction plans and specifications with contractor(s) after award of construction contract	P	P	P	P
Prepare detailed construction schedule		S		P

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Monitor construction schedule		P		P
Collect, process and distribute Requests for Information (RFI)		P	S	
Respond to RFI's and questions regarding the Plans and Specifications	S	S	P	
Maintain RFI log		P		
Distribute submittals for review		P		
Review submittals	S	S	P	
Maintain submittal log		P		
Maintain field files	S	P		
Copy and distribute correspondence		P		
Maintain correspondence log		P		
Perform daily inspection of the construction of the project		P		
Prepare weekly statements of working days and maintain daily diaries, including Labor & Materials diaries		P		

CONSTRUCTION MANAGEMENT SERVICES FOR WATER CONSERVATION PLANT UPGRADE PROJECT

VISALIA, CALIFORNIA

Determine compliance with construction plans and specifications		P	S	
Coordinate material testing		P		S
Coordinate Construction Contractor's requests for survey staking		P		S
Provide control surveys	S	P		
Provide construction survey staking		S		P
Prepare formal letters to contractor	S	P	S	
Prepare and process change orders	S	P	S	
Prepare monthly status reports		P		
Prepare and approve monthly progress payments and final payment	S	P	S	
Prepare punch-list		P	S	
Perform final inspection of the completed construction	P	P	S	
Conduct functional system testing	S	S	S	P

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CONSTRUCTION MANAGEMENT SERVICES FOR WATER CONSERVATION PLANT UPGRADE PROJECT

VISALIA, CALIFORNIA

Prepare and submit Equipment Manuals	S	S	S	P
Review and approve operations & maintenance manuals and shop drawings.	S	S	P	
Prepare record drawings		S	P	S

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording

Adoption of Resolution No. _____ approving the application for \$1,450,000 in grant funds for funding for the permanent demolition, remediation and development of the former Stasio property located at Dinuba and River Way and for the City Manager to negotiate, submit documents for and execute the contract for funding. Also appropriate \$40,000 in funds to make the property safe and secure on an immediate basis.

Deadline for Action: None

Submitting Department: Community Development Department

Contact Name and Phone Number:
 Vaughn Melcher, Civil Engineer, 713-4209
 Vince Elizondo, Parks and Recreation Director, 713-4367
 Chris Young, Community Development Director, 713-4392

Department Recommendation: Staff recommends that the Council approves the Resolution approving the application for Grant Funds under the California River Parkways Grant Program (Proposition 84) for the permanent demolition, remediation and development of the St. John's River Riparian Corridor Restoration Project and authorize the City manager to negotiate the contract for funding.

Furthermore, City staff recommends that the Council appropriate \$40,000 for the necessary short-term repairs that must be done to the property on an immediate basis to provide a safe and secure environment. These funds will be appropriated from the Sports Park Fund 0014 (25%), Sports Park Impact Fees 1211 (25%) the Waterways Fund 1251 (45%), and the Transportation Fund 12141 (5%).

Summary: The land being developed lies just north of the Riverway Sports Park located on the west side of Dinuba Hwy. and south of and adjacent to the St. John's River. The portion of the property being developed at this time comprises 5.5 acres more or less. The property has some lead contamination and the levees were previously stabilized by stripped automobiles. The grant funds being applied for amounts to \$1,450,000.

If the City is successful in obtaining this grant, the grant is intended to pay for the environmental cleanup of the property, the planning and design of the proposed improvements on the property, construction of a pedestrian and bicycle trail which will connect the other portions of the St. John's River Trail connecting Cutler Park and Riverway Sports Park. The funds will

For action by:
 City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:
 Work Session
 Closed Session

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5 min_

Review:

Dept. Head _____
 (Initials & date required)

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

City Mgr _____
 (Initials Required)

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

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install landscaping and irrigation facilities to convert the property into a river parkway through the planting of native riparian oak woodland species and other scenic and recreational amenities at the site.

Major components of the project and its funding are as follows:

<u>Category</u>	<u>Grant Funds</u>	<u>Other funding</u>	<u>Total Costs</u>
Proj. Mgmt/Admin	\$ 32,000		\$ 32,000
Plan., Design, Permit	\$ 86,000		\$ 86,000
Environ. Assm't	\$ 93,000		\$ 93,000
Const.- contract	\$ 721,100	\$ 87,408	\$ 808,508
Landscape Const.	\$ 291,129	\$ 6,015	\$ 297,144
Contingency	<u>\$ 122,449</u>	<u>\$ 9,217</u>	<u>\$ 131,666</u>
TOTAL	\$1,346,678	\$102,640	\$1,448,318

Background:

The City purchased the "Stasio" property by grant deed recorded on May 24, 2011. A Phase 1 and 2 Environmental Site Assessment was performed during the "Due Diligence" period of the escrow and certain levels of contamination was discovered in the soil. The hazardous substance found was particularly lead. The property was previously a wrecking yard and stripped cars have been buried in the levee for stabilization. The purchase price of the property was reduced to compensate somewhat for the clean-up costs involved with the lead as well as the buried cars.

Proposition 84 was passed in 2006 by the voters of the State of California, more commonly known as the **Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection and Act of 2006**. It added to the Public Resources Code, Section 75050 authorizing \$62 million for the acquisition, restoration, protection and development of River Parkways. The program is in its final round with \$30 million remaining to be granted as awards. The deadline for submittal of the application for funding was October 14, 2011.

The City of Visalia has a long history of working with the Urban Tree Foundation to obtain grants to improve the City's Waterways and Trails system. The City is working cooperatively with the Urban Tree Foundation to again apply for a grant under the Proposition 84 grant programs.

Appropriation of Funds for Immediate Clean-Up Of Stasio Property:

In the short-term, the City needs to make some improvements to the property to make it safe and secure. City staff is proposing to remove a number of trees on the property to improve the site lines to the property; remove a dilapidated old shack building (not the house); and remove the old fencing (which is failing) and replace with some new chain link fencing. The estimated costs for these improvements are roughly \$40,000.

Funds to make these improvements will be shared between the Sports Park Fund 0014 (25%), Sports Park Impact Fees 1211 (25%), the Waterways Fund 1251 (45%), and the Transportation Fund 1241 (5%).

Prior Council/Board Actions: *November 1, 2010, May 2, 2011 and May 11, 2011* regarding the negotiations with previous owners to purchase property.

Committee/Commission Review and Actions: The *Tulare County Audubon Society*, the *City of Visalia Waterways and Trails Committee* supported the project in their letters dated October 13, 2011, and the *Kaweah Delta Water Conservation District*, the *Tulare County Resource Conservation District*, the *City of Visalia Parks and Recreation Commission* and the *City of Visalia Environmental Committee* supported the project in their letters dated October 12, 2011.

Alternatives: None

Attachments: Application for the Proposition 84 (California River Parkways Grant Program) funding of the “St. John’s River Riparian Corridor Restoration Project”.

Recommended Motion (and Alternative Motions if expected):
Council to Adopt the Resolution approving the application for \$1,450,000 in Grant Funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84) for the demolition, remediation and development of the St. John’s River Riparian Corridor Restoration Project and to authorize the City Manager to negotiate, submit documents for and execute the contract for funding. Also, Council to authorize \$40,000 to be spent for necessary short term repairs to provide a safe and secure environment at the site.

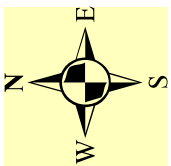
Environmental Assessment Status

CEQA Review: Environmental finding completed as an addendum to the Initial Study/Negative Declaration Document No. 2010-13, included in the attached application.

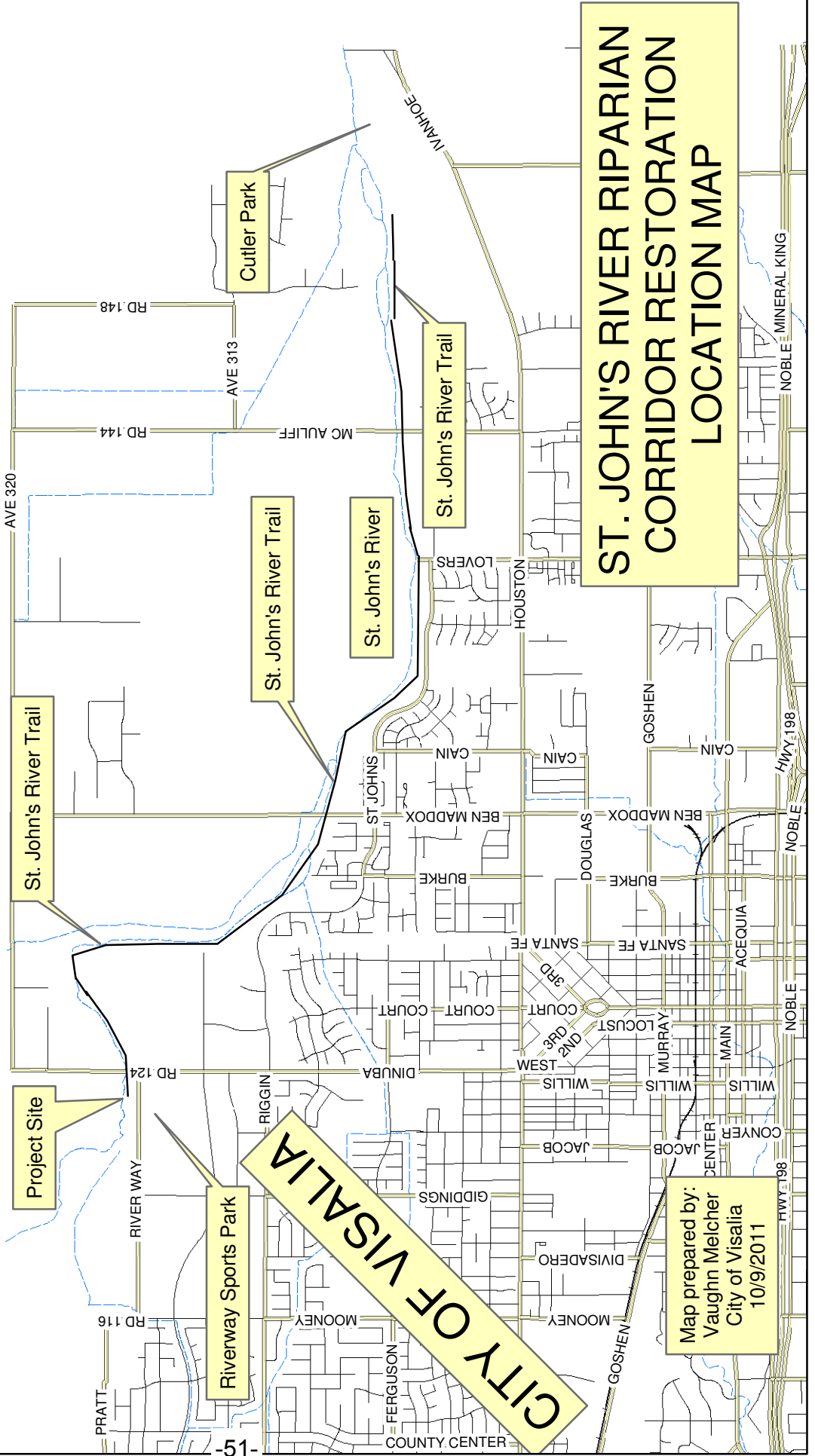
NEPA Review:

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:



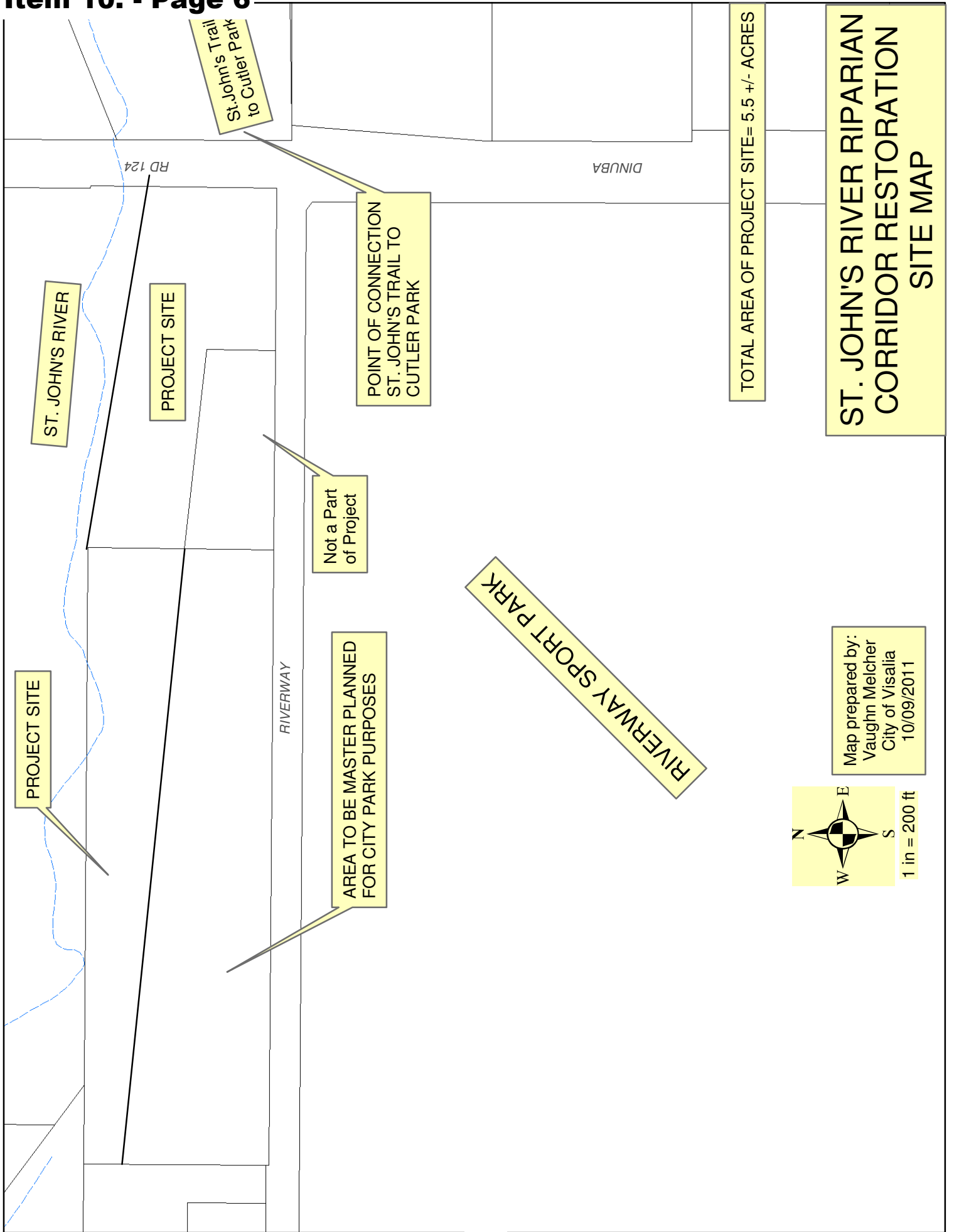
1 in = 3,000 ft



ST. JOHN'S RIVER RIPARIAN CORRIDOR RESTORATION LOCATION MAP

Map prepared by:
Vaughn Melcher
City of Visalia
10/9/2011

CITY OF VISALIA



**CALIFORNIA RIVER PARKWAYS GRANT PROGRAM
Proposition 84**


St. Johns River Riparian Corridor Restoration Project



Respectfully Submitted by

City of Visalia

**River Parkways Grant Program
Application Form**

Project Name St. Johns River Riparian Corridor Restoration Project		Estimated Date of Completion: <u>10/14/2015</u>	
		Grant Amount Requested: \$ <u>1340678</u>	
		Estimated Total Project Cost: \$ <u>1448317</u> (State Grant and other funds and In-Kind donations)	
APPLICANT (with mailing address) City of Visalia P.O. Box 5078 707 W. Acequia Ave. Visalia California <u>93278</u>		County Tulare	Nearest City/Town Visalia
Check one: Non-Profit <input type="checkbox"/> Local Public Agency <input checked="" type="checkbox"/> State Agency <input type="checkbox"/>		Project Address (or nearest cross street) NW Corner of Riverway Dr. and Highway 63	
		Senate Dist. 18	Assembly Dist. 34
		US Congressional Dist. 21	
Applicant's Representative Authorized in Resolution (Signature required at bottom of this page)			
Name: <u>Steve Salomon</u>		Title: <u>City Manager</u>	
Phone: <u>(559) 713-4312</u>		Email Address: <u>SSalomon@ci.visalia.ca.us</u>	
Project Manager - Person with day to day responsibility for project (if different from authorized representative)			
Name: <u>Adam Ennis</u>		Title: <u>City Engineer</u>	
Phone: <u>(559) 713-4323</u>		Email Address:	
Brief description of project (Summarize major activities to be funded by this RP Grant) The proposed project aims to convert 5.5 acres of land to a river parkway, restoring the valley oak riparian forest along the St. John's River. In addition, the proposed project will create a Class 1 bike trail, along with site amenities. This project will provide the final connection from the Riverway Sports Parks to the St. John's Trail.		Latitude 36.364	Longitude -119.2975
		Coordinates Represent: <u>Rough center of area</u> Coordinates Determined Using: <u>Topozone.com or e</u>	
Name of River, Stream or Creek: <u>St. Johns River</u>			
Two (2) statutory conditions	Recreation	<input checked="" type="checkbox"/>	Public Access <input checked="" type="checkbox"/>
	Habitat	<input type="checkbox"/>	Project Type: <u>Development</u>
	Flood Management	<input type="checkbox"/>	Miles of Trails to be Created: <u>0.4</u>
	Conversion	<input checked="" type="checkbox"/>	Acres of Habitat to be Restored: <u>4.4</u>
	Conservation & Interpretive Enhancement	<input type="checkbox"/>	Number of Acres to be Acquired: <u>0.0</u>
I certify that the information contained in this project application, including required attachments, is complete and accurate.			
Signed: 		Date: <u>10/14/11</u>	
Applicant's Authorized Representative as shown in Resolution			
Print Name: <u>Mike Olmos</u>		Print Title: <u>Acting City Manager</u>	
		Designee? <u>Y</u> <u>N</u> If yes, attach letter of designation from authorized representative.	

Form ID: 1099

City of Visalia

425 E. Oak Ave., Ste. 301, Visalia, CA 93291



City Manager's Office

Tel: (559) 713-4312 Fax: (559) 713-4800

**CITY OF VISALIA
OFFICE OF THE CITY MANAGER**

Pursuant to Resolution 81-15 adopted by the VISALIA CITY COUNCIL on February 2, 1981, I, Steven Salomon, City Manager of the City of Visalia, designate

Michael Olmos, Assistant City Manager

to act as ACTING CITY MANAGER during my absence from 1:00pm on Thursday, October 13, 2011 through Sunday, October 16, 2011.

Dated this 13th day of October, 2011

A handwritten signature in black ink, appearing to be 'S. Salomon', written over a horizontal line.

Steven Salomon, City Manager

A handwritten signature in black ink, appearing to be 'M. Olmos', written over a horizontal line.

Michael Olmos, Assistant City Manager

Attest:

A handwritten signature in black ink, appearing to be 'Donjia Huffman', written over a horizontal line.

Donjia Huffman, Chief Deputy City Clerk

SECTION B: ONE-PAGE PROJECT SUMMARY

A. Summarize how the project meets the program goals.

The *St. John's River Riparian Corridor Restoration Project* exemplifies *California River Parkways* program goals by delivering multiple benefits to both the community and the environment. Located on 5.5 acres in the City of Visalia, the project will improve a key section of the St. John's River by transforming an abandoned automotive wrecking yard into a Valley Oak Riparian Forest complemented by trails connecting it to the region's established trail network — creating recreation opportunities for residents and habitat for native plants and wildlife. At one time, this landscape served as an oasis from the region's legendary heat, with the Kaweah River Delta supporting large stands of shade-providing Valley Oaks and the St. John's River flowing throughout riparian woodlands. Today, much of this majestic habitat is gone, reduced to a few pockets of fragmented habitat. The *St. John's River Riparian Corridor Restoration Project* will reconnect the community to these distinctive landscapes by recreating a native riparian woodland and linking it via trails to the City of Visalia's 80-acre *Riverway Sports Park* in north Visalia to Tulare County's *Cutler Park*, located on the eastern end of Visalia near Ivanhoe. Home to one of the largest Valley Oak Woodlands in Central California, *Cutler Park* covers 70 acres of land. The *St. John's River Riparian Corridor Restoration Project* is a collaborative effort between the City of Visalia, CSET, and the Urban Tree Foundation (UTF). Additional partners include the *Kaweah Delta Water Conservation District*, the *City of Visalia Environmental Committee*, the *City of Visalia Parks and Recreation Commission*, the *City of Visalia Waterways and Trails Committee*, the *Tulare County Audubon Society* and the *Tulare County Resource Conservation District*.

B. Summarize major components of the project.

Sample Project Categories	Request Grant Funds	Other Funding Sources	Total Cost
Project Management /Administration	\$32,000	—	\$32,000
Planning, Design, & Permitting	\$86,000	—	\$86,000
Environmental Assessment	\$93,000	—	\$93,000
Construction Costs - Contracted	\$721,100	\$87,408	\$808,508
Landscape Construction / Site Amenities	\$291,129.40	\$6,015.00	\$297,144.40
Contingency	\$122,448.67	\$9,216.57	\$131,665.24
Total	\$1,345,678.07	\$102,639.57	\$1,448,317.64

C. Summarize any public access components of the project.

The *St. John's River Riparian Corridor Restoration Project* is aligned with the City's ongoing efforts to provide alternative forms of transportation along its waterways and riparian corridors. Although not specifically cited, the project site and proposed use falls under the umbrella of the City of Visalia's *Waterways and Trails Master Plan* and will follow its guidelines and specifications. Located along Riverway Drive and CA State Highway 63, directly north of the City's *Riverway Sports Park*, the site will provide bicycle and walking paths that will play a key role in connecting the City's regional sports park to *Cutler Park* through the existing St. John's River Trail. The site will also be accessible by public

SECTION C: PROJECT EVALUATION**C-1. Project Requirements and Statutory Conditions**

The two statutory conditions that best apply to the proposed *St. John's River Riparian Corridor Restoration Project* are C. Recreation; and D. Conversion to River Parkways.

C. Recreation

1. Specifically describe each recreational component planned for the project: Recreational components planned for the project include extending the existing St. John's Trail into and through the project site via the addition of an asphalt bicycle trail and a separate meandering decomposed granite path. Benches are also proposed along the trails for sedentary recreation and enjoyment of the site.

Explain how the components contribute to the overall recreational goals and objectives. The overall recreational goal of the project is to provide for passive recreation and alternative transportation along municipal scenic riparian corridors and encourage protection of these corridors through appreciation while continuing the City's efforts to restore municipal riparian corridors in accordance with the City's *Waterways and Trails Master Plan*. The project's recreational components contribute to this goal via the following objectives:

- All recreational elements will complement the project's scenic location and environmental surroundings.
- A trail will meander the entire property alongside the river, allowing visitors to enjoy the river parkway.
- Benches will be located at optimal locations in order to provide visitors designated locations for viewing nature and wildlife or simply a place to rest and enjoy.

Explain how the components are compatible with the environment and location. All recreational elements will be low-impact design (LID) and compatible with the environment and location. Trail locations will be placed to work with existing topography and to minimize the amount of cut and fill required for the site. Benches will be located at various visual nodes in order to provide a clear line of site for viewers, while allowing for a buffer with wildlife.

Explain how the components will improve public health by encouraging physical activity. The project site is adjacent to the City of Visalia's municipal *Riverway Sports Park* and the St. John's River Trail system. The project will close a connectivity gap in the trail by connecting the sports park to *Cutler Park*, a County-owned park approximately 5 miles away. Joggers, cyclists, and walkers will be able to access both parks from beginning to end without ever having to use a vehicle. An increased contiguous trail system will encourage alternative forms of transportation resulting in better health for its users and decrease the amount of harmful CO₂ and NO₂ resulting from automobile use.

2. What national, state or local construction standards will be used for recreational facilities and amenities? The project will be designed and built to meet requirements of the *California Green Building Standards 2010*, City of Visalia engineering improvements standards, and State standards for walkways and playgrounds. The project will also comply with the *American Disabilities Act* and *California Health and Safety Code*.

3. If the project includes a trail, what construction materials will be used? Materials for trail and path construction include of 3/8" compacted, decomposed granite for footpaths in order to provide a natural appearance and permeable surface; and asphalt concrete for bicycling and jogging trails. All trails will be ADA accessible.

D. Conversion to River Parkways

1. How is the property currently developed and used? The property is currently not in active use. Formally privately owned and employed as an automotive repair and wrecking yard, the business retired and abandoned the site in the 1990's. The property, recently acquired by the City of Visalia, retains the buildings and structures associated with the retired business.

2. How will the project convert the property into a river parkway? The property will be converted into a river parkway through the removal of existing structures and contaminants. The installation of native riparian oak woodland species, ADA-accessible trails and benches will provide scenic and recreational amenities at the site.

3. How does the current use contribute to the economic, social and/or recreational life of the community? Current use of the site has no economic, social, or recreational value to the community. The new park created as a result of this project will result in a "multiplier effect" on the region, providing expanded economic growth and social and recreational opportunities.

4. Is the site currently occupied? No, the site is not currently occupied. The three existing structures on the site are old, dilapidated, and structurally unsound and will be removed as a part of this project.

C-2. Community, Nonprofit, and Government Agency Support and Collaboration

A. Collaboration with Organizations

1. Describe partnerships and their corresponding roles.

For this project, the City of Visalia has partnered with the following organizations:

Type	Name	Role
Government Agency	Tulare County Resource Mgmt. Agency / Tulare County Flood Control District	Provide technical assistance in designing plantings along the bank and levy of the St. John's River and provide information on the role of these plants to manage flood waters in order to reduce the periodic flood impacts to communities and rural property through which these water courses travel, while also increasing groundwater recharge
Non-governmental Organization	Kaweah Delta Water Conservation District (KDWCD)	Assist in development of interpretive exhibits that explain the role of the St. John's River in ground water recharge and the benefits native plants deliver to the community
Nonprofit Group	Urban Tree Foundation (UTF)	Provide technical expertise regarding native trees and plants both for planting and interpretive purposes. The Foundation will continue its involvement by monitoring the project to ensure existing plantings are properly protected during construction and will also oversee the installation of new plantings to ensure plant health and longevity
Nonprofit Group	CSET / Sequoia Community Corps (SCC)	Provide service learning for local at-risk youth by providing labor to construct and install various elements of the project through the local, state-certified youth conservation corps

Citizens' Group	City of Visalia - Waterways & Trails Committee	Assist with public outreach and education by serving as a link to local media and lead efforts to engage citizens in the project and assist in development of interpretive exhibits that informs visitors about the park's sustainable design features via educational signage that promotes the social, economic, and environmental benefits of the sustainable landscaping techniques used in the project
Citizens' Group	City of Visalia - Environmental Committee	Assist with public outreach and education to provide citizens information on preserving and improving natural resources for the benefit of the community
Citizens' Group	Tulare County Audubon Society	Assist in development of interpretive exhibits that informs visitors about the park's sustainable design features via educational signage that promotes the social, economic, and environmental benefits of the sustainable landscaping techniques used in the project and the critical role of habitat at the site and its relation to wildlife
Non-governmental Organization	Tulare County Resource Conservation District	Serve as a liaison to the media and assist in outreach and education to landowners and the public about the value of resource conservation.

2. How does the project incorporate participation of local agencies, nonprofits, non-governmental organizations and citizens' groups in project planning, design, or implementation? The City of Visalia recognizes the need for public, private and nonprofit partnerships to develop a sustainable project that preserves and improves the waterways and surrounding in our community. This project has the support of the organizations identified above — all of these groups have a strong commitment to preserving, protecting, and enhancing the natural resources in our community and will actively participate in the project's design and implementation. The City will also hold public meetings to share information about the project and seek input from the neighborhoods surrounding the project site as well as the community at large.

Describe any work completed on the project to date by each of the groups identified above. Work completed to date on the project consists of Phase I & II Environmental Site Assessment reports and initiation of a work plan for a Voluntary Cleanup Agreement by the City of Visalia. All other partners identified above have participated in the project design concept.

Describe any outreach efforts in bringing groups from diverse cultural backgrounds and incomes into the planning process. Leveraging the power of existing social networks to create an engaging, inclusive public process to inspire residents to participate in the design and planning of the project formed the foundation for the *St. John's River Riparian Corridor Restoration Project* community-based planning process. As the community action agency for Tulare County, CSET works closely with residents and community partner organizations to identify local needs. This outreach takes place as part of their biannual *Community Action Plan* process, which most recently took place in the spring of 2011. A road map for creating community change by specifying what will be done, who will do it and how it will be done, the *Community Action Plan* describes what a community wants to accomplish, what activities are needed during a specified timeline and what resources are needed to be successful. Central to the plan is that it is developed through a participatory process, with CSET surveying residents for their input on what's important — their perspective on what are the most important health and safety concerns for the community. This data is then collected and used by CSET to identify what issues to work on to help make the community a healthier and safer place to live. Collaborating with established community groups on

this plan helped build credibility and buy-in among residents, resulting in hundreds of residents contributing ideas about what kind of services and improvements they would like to see in their community. The need for safe, accessible parks has consistently been identified as a community need. The proposed project specifically addresses this need, with input from citizens of diverse cultural backgrounds, ages, and income levels -- effectively establishing the community as a partner in the project.

3. Are there relevant local land use, watershed, water management or general plans that cover the project? Relevant local land use, watershed, water management and general plans that cover the project include the City of Visalia's Waterways and Trails Master Plan, which covers four creeks in the City of Visalia as well as the St. John's River. In addition, the project aligns with the regional goals of the vision of the *Smart Valley Places* partnership and the *San Joaquin Valley Blueprint Planning Process*. At the state level, it is in accord with the state of California's AB32 goals, as well as the Strategic Growth Council's 2010 "*Health in All Policies (HiAP) Task Force Report*" recommendations.

How is the project consistent with these plans? By modifying an abandoned industrial site to a community park populated with accessible trails and native trees and plants, the *St. John's River Riparian Corridor Restoration Project* is consistent with the plans cited above in that it creates a more sustainable community — developing walkable neighborhoods and promoting health equity, increasing the area's economic competitiveness by transforming an abandoned industrial site into a visitor destination, and creating a riparian woodland that will improve the region's air and water quality. This project has the capacity to shape future growth trends that will impact not only the health and prosperity of the region, but the entire state of California.

Has this project been coordinated with local land use authorities? The project will be administered by the City of Visalia and has been coordinated under the guidance of the City Manager and the City Community Relations Manager, with key input from the *Engineering Community Development Services Division*, the *Natural Resource Conservation Division* and the *Parks and Recreation Department*. In addition the project is also being coordinated with the Tulare County Resource Management Agency's *Tulare County Flood Control District*, the City of Visalia's *Environmental Committee, Waterways and Trails Committee* and *Parks and Recreation Commission*, as well as the *Kaweah Delta Water Conservation District* and the *Tulare County Resource Conservation District*.

B. Community Support and Involvement

1. Describe community involvement and support for the project The *St. John's River Riparian Corridor Restoration Project* is a joint effort with the City of Visalia and several community groups, as noted previously in this proposal. The City of Visalia will serve as lead on the project and provide oversight from design to completion. The venture will be a joint effort between the City of Visalia, UTF, and CSET, and will seek support and collaboration from throughout the community.

2. Has there been any opposition to the project? If so, explain the nature of the concerns and how they were addressed. No, there has been no opposition to the project.

Describe efforts to address potential conflicts between competing user groups. Community groups from within the city will continue to be included throughout the design process and through project implementation. Concepts and components will be included within the overall design based upon categories such as merit, applicability, long-term maintenance, feasibility, and overall site design.

3. Discuss any demographic, social, and/or cultural issues that are important to the local community and that will influence design, implementation, and maintenance of the project. Located in the southern portion of California's San Joaquin Valley, the City of Visalia and Tulare County has a diverse population

base and is home to many various ethnic groups that have immigrated here to work in the second-largest agricultural region in the world, with more than 1.61 million acres of farmland harvested here in 2009. African-American, Armenians, Eastern Europeans, Hmong, Japanese, Latino, and Portuguese live in the region. The project is designed to be collaborative in nature and any issues that arise will be vetted in the design process. An over-arching goal implicit in residents' design preferences regarding community parks is that park infrastructure be designed to sustain future uses of the park. This project aims to provide the multiple health benefits of a park and green space – addressing the physical, psychological and social health benefits that parks provide – for critically underserved residents and the overall community. An environmentally conscious, multi-dimensional public space delivering a varied set of experiences and areas, the park will provide residents with open space for play, exercise, educational enrichment, socializing and connecting with nature.

Describe the importance of the project to the local community. The project poses a significant opportunity for the City of Visalia community as well as the region at large. The site is located along a major riparian corridor and is adjacent to the region's premier sports and recreational facility — trails installed as part of the project will provide connectivity between two of the region's major community parks. The American Lung Association's 2011 *State of the Air Report* ranks the Visalia – Porterville area (which includes the City of Tulare) as # 3 on the list of America's "Most Polluted Cities" for high ozone days and #7 for 24-hour particle pollution out of 277 metropolitan areas. The *Report* also identifies multiple "at-risk groups" — people who are at greater risk of suffering ill effects due to airborne pollution — including children and teens and people with low incomes as defined by the U.S. official definition of poverty to estimate the number of people who have low incomes. The "Children Under 18" estimate comprises approximately 33% of the area's total at-risk population, followed by the "Poverty Estimate" at 23% of the area's total population. Together, this is a considerable cost to two groups that together make up over 55% of the area's population and who are sadly *more* susceptible to health threats due to factors related to their age and /or disadvantage.

4. How does the project promote and/or encourage involvement or use from diverse cultural backgrounds and incomes? During development and implementation, the project will promote and encourage involvement from individuals from diverse cultural backgrounds and income levels by facilitating a transparent planning and implementation process that will incorporate multiple community organizations and agencies in and around the City of Visalia and Tulare County. The project itself will promote use by diverse populations by providing an engaging, scenic destination that residents may access free of charge on a year-round basis.

5. Describe how the project will use state or local youth employment programs and how the youth employment element will be integrated into the program. CSET's Sequoia Community Corps (SCC) will be responsible for the landscape construction on the site. Under the supervision of the UTF, corps members will learn site design, read landscape construction blue prints, install, install trees, shrubs, and irrigation systems and be introduced to native plant botany, as well as receive certification in heavy equipment operation. In many cases, corps members are local youth facing great challenges — most enter the Corps as high school dropouts with low levels of academic achievement, few job skills and past substance abuse and gang-involvement issues. The learning opportunities provided through participation in the SCC marks a key turning point for many youth, initiating a break from the dead-end effects of violence and generational poverty to a life of resiliency, self-sufficiency and hope.

6. Explain plans to keep the community informed and involved in the project. The community will be informed of and offered the opportunity to become involved in the project from planning stages to implementation. Ongoing outreach conducted by community partners and collaborators through

organization newsletters, press releases and websites will keep the community informed and up to date on project developments. In addition, the City of Visalia has been provided funding from the *Smart Valley Places* initiative — funded by a *Sustainable Communities Initiative Regional Planning Grant* through the U.S. Department of Housing and Urban Development in partnership with the U.S. Department of Transportation and the U.S. Environmental Protection Agency — to host *Community Workshops* and for the publication and distribution of a *Community Outreach Newsletter* providing information about sustainable projects underway in the region. In addition, community volunteers will be invited to participate in stewardship of the park through annual community events such as *Arbor Day*, *Earth Day*, and *Make A Difference Day*, where they are able to assist in planting trees, shrubs, and groundcovers.

C. Project Need

1. Describe any compelling reason(s) the grant review team should select the project: The City of Visalia is committed to implementing this project, although current funding restraints prohibit immediate implementation without funds provided through this grant or other outside sources. While the Tulare County region is rich agricultural resources, the region was labeled “*the Appalachia of the West*” in a 2005 Congressional Report based on its chronic poverty, high unemployment rates, and low educational attainment level. Tulare County poverty rates are about twice as high as the national average, according to data released in January 2011 by the U.S. Census Bureau – 30.9% of residents live below the poverty line and lack a high school diploma. Unemployment in Tulare County has hovered around 16% since the beginning of the recession and job growth in the area has remained stagnant. A lack of affordable health and childcare compounds these challenges, with residents experiencing high rates of diabetes, obesity, and asthma. The majority of jobs in the area are tied to agriculture and offer wages below subsistence levels, are seasonal in nature and typically provide few opportunities for advancement and no healthcare benefits. All these challenges exacerbate the regional challenge of gang violence – Tulare County is a *High Intensity Gang Activity Area*. A 2008 report identified rural areas in the Central Valley as the source of much of the methamphetamine produced in the state and noted the link between gang members, the meth trade and the use of firearms and violence. The tragic circumstances of communities where gang culture all too often dictates the future of its youth is captured in “*Lost Youth: A County-by-County Analysis of 2009 California Homicide Victims Ages 10 to 24*”, a study released by the Violence Policy Center, analyzing unpublished California Dept. of Justice Supplementary Homicide Report (SHR) data, that ranks Tulare County 5th in California for youth homicide victims among counties with a population of 10- to 24-year olds 25,000 or greater – outranking even urban regions such as Los Angeles County. The report also states that for Tulare County homicides in which the victim-to-offender relationship could be identified, 45% (5 out of 11) were gang members. And when analyzed by where homicides took place in Tulare County, the rankings show the severe effects of homicide on a neighborhood -- for homicides in which the location could be determined, 38% (6 out of 16) occurred on a street, sidewalk, or in a parking lot and an additional 38% (6 out of 16) occurred in the home of the victim or offender. Together, the data paints a tragic portrait of a domestic war zone — demonstrating the ongoing, urgent need for tailored, localized approaches to community health and violence prevention such as the project proposed here.

Is there an urgent need to implement the project this year? Yes, it would be in the best interest of the region to implement this project as soon as possible in order to address the significant social, health and environmental issues.

What will happen to the project site if this project does not occur? If funding does not occur the project will move forward as described, although the completion will be significantly delayed will funding is sought.

Describe any future actions needed beyond the scope of this project to fully address the overall project goals. No further actions are needed beyond the scope of this project to meet the overall project goals.

2. Is the project a continuation of previously completed work, and if so, is the next phase crucial for the continued success of the prior work? The *St. John's River Riparian Corridor Restoration Project* is not a continuation of previously completed work.

D. Local and Regional Impacts

1. What is the expected benefit for the local community? An additional 5.5 acres of park and open space will be created on the north side of Visalia, which is home primarily to a characteristically underserved population. This project will result in more green space and trails for the surrounding underserved residents. The project site is also one of the final remaining pieces of land connecting a major riparian corridor and trail system.

How will the project contribute to the economic stability or development of the community? The *St. John's River Riparian Corridor Restoration Project* will provide an outdoor educational area adjacent to the region's premier sports park furthering Visalia's ability to market State and out of State tournaments, leagues, and organizations. Residents and visitors will be able to access the park through alternative forms of transportation increasing environmental awareness while reducing automobile usage.

How does the project address environmental justice concerns? The project will address the region's environmental justice issues by helping improve the region's air and water quality. The American Lung Association's 2011 *State of the Air Report* ranks the Visalia – Porterville area (which includes the City of Tulare) as #3 on the list of America's "Most Polluted Cities" for high ozone days and #7 for 24-hour particle pollution out of 277 metropolitan areas. Moreover, according to the San Joaquin Valley Air Pollution Control District, approximately 80 % of the San Joaquin Valley's ozone-forming emissions are produced by vehicle use. The *San Joaquin Valley Blueprint Planning Process*, a joint initiative of the Councils of Governments representing each of the region's eight counties, the San Joaquin Valley Air Pollution Control District and the Great Valley Center, reports that over the next forty years, the San Joaquin Valley will "... be under tremendous pressure to develop in greenfield areas at the edge of existing cities and in new town areas" – potentially leading to additional loss of valuable tree canopy. This project will help offset the negative impacts of the region's projected traffic increases and its current poor air quality. In addition, the project will address environmental justice issues by providing a passive outdoor recreational area within a regionally underserved community.

2. Will this project encourage tourism in the area? If so, describe how. Yes, over the past twelve years, Visalia has been actively working to protect and expand its Valley Oak riparian forest. Studies have shown that a healthy maintained urban forest is not only good for the environment but also increases the health and well being of residents and can be marketed by businesses and the community. The project location adjacent to the *Riverway Sports Park* will increase the City of Visalia's marketability regionally and nationwide as a desirable destination.

C-3: Public Access, Location, and Transportation

A. Describe if and how the public will access the project site. The proposed project will provide pedestrian access at three (3) locations on the site. An ADA jogging and bicycle trail will connect to the existing City-wide St. John's Trail. The second access point will be between the project site and the *Riverway Sports Park* on the east side of the property. The third and final point of access will be from the City sidewalk along State Highway 63.

B. Has the issue of competing interests between public access and ecological protection been addressed? Explain. Yes, the public will have access throughout the site from the three (3) access nodes mentioned earlier. The trail and associated paths will be located away from existing native vegetation and be laid out to minimize the amount of cutting and filling which needs to occur on the site.

C. Describe the project location and the populations to be served by the project. Address local, regional and statewide uses, if appropriate. Identify new populations served. The project is located on the State Highway 63 in the City of Visalia, Tulare County. The project will serve residents from the City of Visalia and the County of Tulare.

D. Describe how the project is in, or close to, population centers and the various transportation methods that are available for the public to access the project, including public transportation, non-motorized trails or routes of travel and other access routes. The project is located within the City of Visalia, which has a population of approximately 122,000. The project site will be accessible by bike, on foot, bus, and by vehicle. The project's continuity with the St. John's River Trail will focus public access on bicycle and pedestrian traffic.

E. How will the project impact local/regional transportation, air pollution, or auto emissions? The project will assist in reducing the use of vehicular traffic and associated emissions to and from the local sports park. In addition, the project will connect fragmented corridors along the St. John's Trail encouraging alternative forms of transportation across the north side of the City.

F. If applicable, is the project a part of an SB 375 Sustainable Communities Strategy or Alternative Planning Scenario developed by a regional Council of Governments? Yes. The City of Visalia is one of 14 Valley cities from throughout the eight-county region participating in the *Smart Valley Places* project funded by a *Sustainable Communities Initiative Regional Planning Grant* through the U.S. Department of Housing and Urban Development in partnership with the U.S. Department of Transportation and the U.S. Environmental Protection Agency. Administered through the California State University, Fresno Foundation and in collaboration with the *California Partnership for the San Joaquin Valley* and the *San Joaquin Valley Regional Policy Council* (which represents all eight Metropolitan Planning Organizations in the Valley), the *Smart Valley Places* consortium focuses on developing a shared vision and planning principles in order to develop, adopt, and share state-of-the-art sustainability best practices regarding land use, transportation and resource efficiency throughout the region. Additionally, through the work of four partnering nonprofit organizations, the region will benefit from the implementation of a regional plan for civic engagement to build technical understanding of smart growth and implementation capacity among local leaders and government staff and stakeholders, particularly in low-income and minority communities.

G. Describe any limits such as parking, hours of operation, available staffing, user fees, seasonal restrictions or other ecological considerations. There are no such limits for this project.

C-4: Organizational Capacity and Project Sustainability

Entities must demonstrate their ability and willingness to complete and maintain the project according to program requirements.

A. Organizational Capacity:

1. Describe the applicant's experience in completing this type of project or similar projects within the scheduled timeframe and within the allowable budget. The City of Visalia in conjunction with CSET and the Urban Tree Foundation has completed numerous similar projects through various grant programs. Such projects include EEMP 08/09 Visalia Medians and Planters; completed in May 2011, EEMP 09/10 Trees for Visalia; in progress, EEMP 05/06 Mill Creek CBS; in progress, EEMP 10/11 Visalia Reforestation Project; in progress, and the SGC Urban Greening Grant St. John's Riparian Corridor Project.

2. Is the expertise needed for the project readily available within the applicant's organization? If not, what are the plans to acquire it? List other potential expertise needed and the persons/organizations being considered. Yes, the City of Visalia will provide the technical expertise for the civil engineering portion of the project and resource conservation. The Urban Tree Foundation will provide technical expertise for the landscape construction section of the project.

3. Identify and describe steps to be taken and the work to be completed within the first year following the award of grant funds. The City of Visalia will meet with the Urban Tree Foundation and CSET to conceptualize the project schedule. The City of Visalia will hold meetings with the local residents and interest groups to review the project and identify opportunities and constraints for the site. Based on public feedback, the Urban Tree Foundation and the City of Visalia will finalize the schematic plan and present it to the community. Upon final plan approval by the community and the City of Visalia, the UTF will proceed with the landscape construction plans while City of Visalia Engineering will be responsible for the civil engineering portion of the project. Once plans are completed and reviewed, they will be sent to the State for review and approval. Upon final approval of the plans by the State, the City and its partners will proceed with construction of the project.

4. Explain methods used for estimating costs and in what way the project is cost-effective. The cost estimate was generated from preliminary plans using current real costs per unit and square footages.

B. Monitoring, Operations and Maintenance:

1. Describe data to be collected within the project performance period to help determine whether the project has been effective and successful. Project benchmarks shall be established as a part of the project schedule. Those benchmarks shall be tied into the project cost estimate to ensure project costs are at or below what has been estimated. Success from the project will be determined at its completion when the project is at or under cost and the deliverables have been met as described within the grant agreement.

2. Describe how long-term monitoring, operations and maintenance will be provided over the time period required by the grant including: Long-term monitoring and O&M shall be performed by the City of Visalia Parks and Urban Forestry Division.

What is planned for long-term maintenance?

Long-term maintenance will consist of minimal spot spraying to reduce weed infestations. In addition, a 5-inch layer of mulch will be applied to the site to reduce evaporative water loss and the use of pesticides for weed abatement. Mulch will be reapplied as needed. City of Visalia Parks and Recreation and Urban Forestry Departments will be responsible for graffiti removal and general upkeep of the trails and paths.

Who will perform long-term maintenance? The City of Visalia will be responsible for long-term maintenance. The City of Visalia currently maintains over 25 miles of riparian trail, along with 7 detention ponds and surrounding riparian habitat.

How will ongoing maintenance be funded? Funding will come from a variety of sources, specifically storm water funds, parks and recreation funds, and landscape and lighting district funds.

3. If the project is easily affected by external events, what is planned within the project design to ensure the sustainability of the project? The project is designed to not be easily affected by external events.

4. Is your project in an area designated as at risk to rising sea levels? No, the project is not in an area designated as at risk to rising sea levels.

5. How will the project be protected from vandalism and deterioration? The City of Visalia will be responsible for ongoing maintenance, which will deter vandals and prevent inordinate deterioration. In addition, safety/security lighting will be placed at key intersections and visual nodes to deter undesirable activities.

6. What local organizations or partnerships will be assisting with ongoing operations and maintenance of the river parkway or urban stream? The Tulare County Resource Conservation District and the KDWCD will continue its partnership in the monitoring and maintenance of the St. John's River.

C-5. Project Readiness

A. For development projects, explain the status and timeline of each of the following:

ITEM	STATUS	TIMELINE
Preliminary plans	Under way as a part of this grant application	<i>Completed upon signing of contract</i>
CEQA compliance	In progress	<i>No later than July 2012</i>
Commitments from project partners, etc.	All project partners indicated earlier are committed.	<i>completed</i>
Native plant list	The Native plant list is included as part of this application.	<i>completed</i>
Land access/tenure agreements	The City of Visalia is the owner/developer	<i>Not applicable</i>
Required permits or reviews by other agencies	A negative declaration is included as part of this application. Cal/EPA Department of Toxic Substances Control (DTSC) will oversee removal of buried automobile chassis, parts and debris under a <i>Voluntary Cleanup Agreement</i> and will certify the cleanup upon completion. A grading permit will also be required for the project.	<i>Grading permit upon signing of grant agreement</i>
Project mitigation requirements (permits or environmental clearance)	No mitigation is required for this project.	<i>Not applicable</i>
Property restrictions and/or encumbrances	No restrictions or encumbrances exist for the property.	<i>Not applicable</i>

B. Describe any possible factors which could significantly delay the implementation and/or completion of the project and how these factors will be addressed Prior to removal of the buried automobile debris and contaminated soil, a work plan must be submitted and approved by DTSC. It is conceivable that DTSC might not provide timely review of the work plan, however, this is considered unlikely. The City will advise DTSC of the grant timeline when entering into the Voluntary Cleanup Agreement. Past experience working with DTSC on similar grant-funded projects suggests that this possible factor is an unlikely concern. Other possible factors are discovery of unanticipated wastes or contamination in the excavation; however, this is considered unlikely based on the findings of the Phase I and II Environmental Site Assessments.

C. Are there any toxins on the property? A portion of the property was formerly used for automobile dismantling. Disassembled automobile chasses and other automobile parts were buried in the riverbank to stabilize the soil. The City has conducted Phase I and Phase II Environmental Site Assessments to investigate the nature and extent of associated soil contamination. Elevated concentrations of lead, barium, arsenic, and cadmium were detected in soils in portions of the site associated with the former auto dismantling operations, as were heavy petroleum hydrocarbons (e.g., diesel fuel and motor oil). No volatile organic compounds (VOCs) or semi-volatile compounds (SVOCs) were detected other than trace levels of polycyclic aromatic hydrocarbons (commonly associated with combustion). Removal of the automobile debris and contaminated soil must be conducted before project construction can commence. The cleanup activities are estimated to require 12 months to complete from work plan preparation through regulatory review and removal operations. These tasks will be conducted concurrently with other project tasks.

D. Are there other impediments on the project site (e.g., overhead or underground utilities)? No, there are no other impediments to the project.

C-6: Additional Project Characteristics and Multiple Benefits

A. Additional Benefits and statutory requirements:

In addition to the primary two statutory conditions that apply to the proposed *St. John's River Riparian Corridor Restoration Project*, additional benefits and statutory conditions that apply are A. Habitat, B. Flood Management; and E. Conservation and Interpretive Enhancements.

Habitat - The St. John's River is historically natural distributaries of the Kaweah River that now primarily functions a conduit for agricultural irrigation and storm water conveyance. Principally two upstream dams -- at McKay's Point where the tributary originates and Terminus Dam, which contains the Kaweah Reservoir, dictate flows. The river maintains a natural characteristic but has been canalized by levees for flood control. Project site stream reach is approximately 1,500 linear feet. Invasive infestations are a concern as any disturbed riparian land can be an opportune site for infestations as well as become a vector for infesting other sites downstream. The habitat quality has been affected by previous development and site use. Soil contamination from prior site use could pose a threat to water quality if not remediate. The project will enhance the habitat values of the riparian environment through the recreation of a Valley Oak riparian woodland with a concentration on replanting the keystone *Quercus lobata*. The return of the Valley Oak, a keystone species to this riparian habitat, will significantly improve the quality of the available habitat available to local fish and wildlife. Valley Oak trees and site specific understory plantings will be planted as a part of this project, including *Arctostaphylos spp.*, *Baccharis spp.*, *Ceanothus spp.*, *Quercus spp.*, *Rhamnus spp.*, and *Ribes spp.*, which will provide food, cover, and other essential habitat components for wildlife and beneficial insects. Upon completion, this project will

provide linkage to a continuous corridor and provide better migration of wildlife and birds through the urban environment. While there is no immediate threat to the habitat, there is a regional threat to the native Oak riparian forest. As development continues to occur adjacent to waterways, key links in wildlife corridors are threatened. Once habitat is destroyed and the site changes in use, its effect on the local wildlife population is significant and the ripple effect cannot be tangible for years. If this project does not occur, a significant piece of property will likely decline in habitat value through neglect, adverse use and weed infestations. The decline would continue until City funds were available to implement the project independent of grant funding. Sufficient City funding is unlikely to be secured in the next several years. This prevents a crucial piece of habitat from being restored along a significant waterway.

B. Flood Management

The project has been identified as having potential problems with the bank due to the existence of automobiles and other unknown debris underneath its surface. In the 1950's wrecked automobile chassis and components were utilized to stabilize the river bank at the project site. Although fluids were drained from cars prior to burying, the contamination and stability threat to bank stabilization and water quality requires removal. The project will remove the material and stabilize the levy at the site using approved standards. However, the entire levee system is currently considered deficient by current Army Corps of Engineer standards. Removing the automobile components of the banks and building new, stable banks will improve the channelized river's ability to withstand major flood flow. Innovative techniques included in the project design to reduce flooding and control erosion include installing Valley Oak riparian habitat. These large growing trees and understory shrubs will slow the amount of rainfall that hits the project site. This LID application will slow the speed at which rainwater filters through the soil preserving the soil stability while controlling erosion. While there is not a larger flood plan/program covering the site of the project, the project is currently a part of a larger flood plan/program. Currently, the City of Visalia, County of Tulare, and Kaweah Delta Water Conservation District are in the preliminary process of developing such a plan. While the plan will cover the project site, the scope of the project does not fall within its jurisdiction as a flood control project. While the project site falls within the future plan's boundaries, the proposed project work is outside the plan's intended scope. As the work being performed is not directly related to flood protection, Federal and State agencies have not been involved.

E. Conservation and Interpretive Enhancements

Planned conservation and interpretive enhancements for interpretive displays will focus on how the Valley Oak riparian forest was once the dominate habitat in the region prior to settlement. Signage will show how this habitat was most prevalent along the city's waterways and riparian corridors. Each panel will educate and illustrate to the viewer a subcomponent of that habitat and will highlight the importance of the habitat and the multiple benefits it provides to the residents and community. In total, seven approximately 2'x3' all-weather vandal-resistant color panels will be mounted on steel posts secured in cement foundations throughout the site. Sub-topics will include 1.) *History*, 2.) *Wildlife*, 3.) *Water*, 4.) *Botany*, 5.) *Economics*, 6.) *Health and the Environment* and 7.) *Trails and Waterways*.

The information will be presented to highlight the benefits the Valley Oak riparian forest brings in the sub-categories listed above. Similar panels such as these planned for the project are displayed along Mill Creek at *West Main Park* in Visalia. Public support for these has been strong, with much positive feedback from by public, municipal and private entities. The panels are in a high-use public location and have not received any form of vandalism since installation. Based on these indicators, the interpretive elements are highly valued and deemed effective toward their purpose of informing the public about the benefits of a sustainable environment.

B. Environmental benefits:

1. The State may consider the potential of projects that beneficially reduce or sequester greenhouse gas emissions. The project will plant long live, large growing native Valley Oaks throughout the site. Long lived, large canopy trees will help to mitigate the effects from the urban heat island along the adjacent streets and will also assist in the states goals at reducing CO2 and NO2 gasses through carbon sequestration.

2. Will the project specifically increase adaptability to climate change, including sea level rise? The planting of native trees at the project site in its interior and along the adjacent streets will reduce the effects from the urban heat island and assist in sequestering green house gases. Benefits mentioned have been derived from the *Center of Urban Forestry* and research done by Greg McPherson. The use of native trees and shrubs will greatly reduce the consumption of water onsite. An ET based smart irrigation controller will also be used. The combination of these two elements will reduce the water consumption on site by 60% as compared with a typical system and design placing the project well in compliance with the CA AB 1881. The project will additionally create and protect habitat that is threatened by climate change.

3. Will the project use recycled or reclaimed water? Although the use of reclaimed water was thoroughly discussed throughout the project planning process, the City of Visalia does not currently have the capacity to implement this design. In 2012, the City of Visalia will be breaking ground on a new waste water facility which will have the capability to treat water to tertiary standards.

4. Will the project utilize recycled-content materials? List the recycled-content materials to be used. A high priority will be placed on utilizing alternative/recycled materials for products such as benches, bike racks, and waste receptacles. Mulch will be purchased from local orchard pruning and tree removal companies reducing the amount of green waste, which is sent to our landfills and/or COGEN plants.

5. What, if any, energy efficiency measures will be incorporated into the project? Solar security lighting shall be used on along the trail for safety and security purposes. Solar will also be used to power the landscape irrigation controller.

C. Regional landscape use:

1. Within the project service area, what is the current use of river frontage? The site is currently not in use. The site was formerly used as an auto shop and wrecking yard and the buildings and associated structures remain.

2. Estimate the acreage of park and open-space areas currently found within the community where the project is located. How much acreage will this project add? *Riverway Sports Park* is located directly adjacent to the site. The sports park is approximately 80 acres in size. The proposed project will add 5.5 acres of native habitat and passive recreational park space.

D. Public health:

1. Describe how the project may increase physical activity levels and fitness among users. As stated in the 2010 "*Health in All Policies (HiAP) Task Force Report*" presented to the State of California's Strategic Growth Council, "*The health of California's population is largely determined by the social, physical, economic, and service environments in which people live, work, study, and play. These environments shape the choices that people make every day, as well as their opportunities and resources for health.*" Economically poor communities such as those located in Visalia and surrounding areas are often critically-underserved in regards to access to public resources such as parks, and are thus also shut out from the substantial health benefits such resources provide. This disparity often results in outcomes that affect public health negatively - such as the persistent health problems plaguing many Visalia

residents, which includes child obesity, diabetes and other diseases related to the lack of places for physical activity. This proposed project addresses these issues of environmental inequity by creating open space designed specifically for both active and passive outdoor recreation – providing equal access to a shared public resource for residents of this underserved community which will increase physical activity levels and fitness among users.

2. How will appropriate security and safety be provided? Safety and security lighting will be placed throughout the site. The project will also be maintained by the City of Visalia Parks and Recreation Department which will help deter undesirable activities.

3. Describe efforts to attract people to use the parkway. The City of Visalia has a new bike transportation plan that is available to residents in hardcopy and online. The grant is also partnering with the Trails and Waterways Committee which will help distribute the information regarding the project to local running and bicycle clubs. Community volunteer events such as *Earth Day*, *Make A Difference Day*, and *Arbor Day* will bring volunteers to the site for both planting and cleanup which will introduce community members to the site and assist with maintaining it long term.

4. Describe any public health agencies or groups involved in developing or promoting the project and any other public health benefits provided by the project. The proposed project will further encourage alternative forms of transportation with the addition of bicycle paths and walking trails adjacent to a sports field and transportation corridor. The increased usage of alternative forms of transportation will limit the amount of pollutants from automobile use while improving the health and welfare of residents from biking, walking, and jogging.

C-7: Other Funding Sources and In-Kind Services

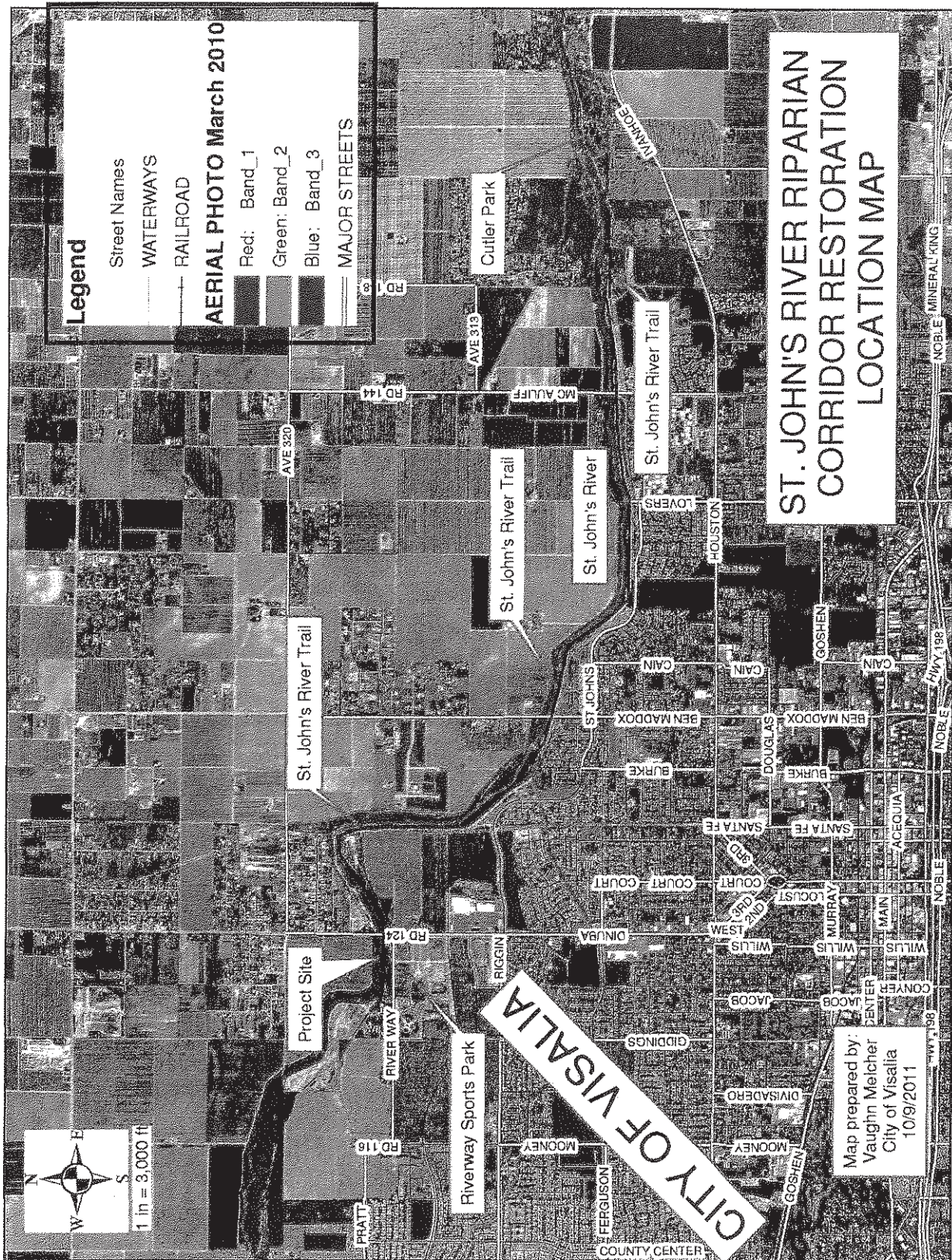
A. Identify the source and amount of funds already committed to the project and expected timing of funds.

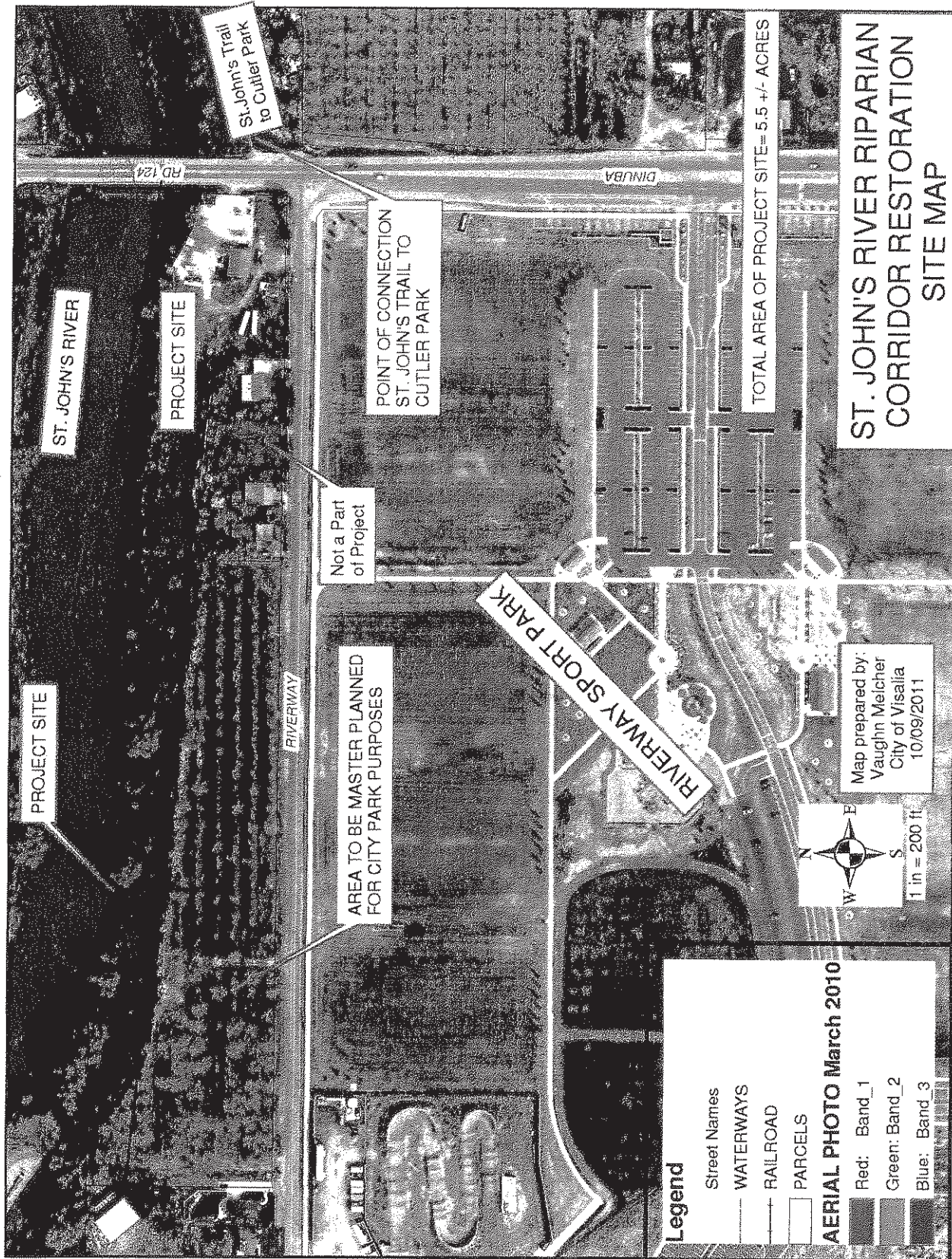
Additional funding sources for the project will come from the City of Visalia in the amount of \$102,639.57, primarily from Measure R funds and other city sources. Volunteers will be used to assist in planting the site and perform annual cleanups through community-wide events.

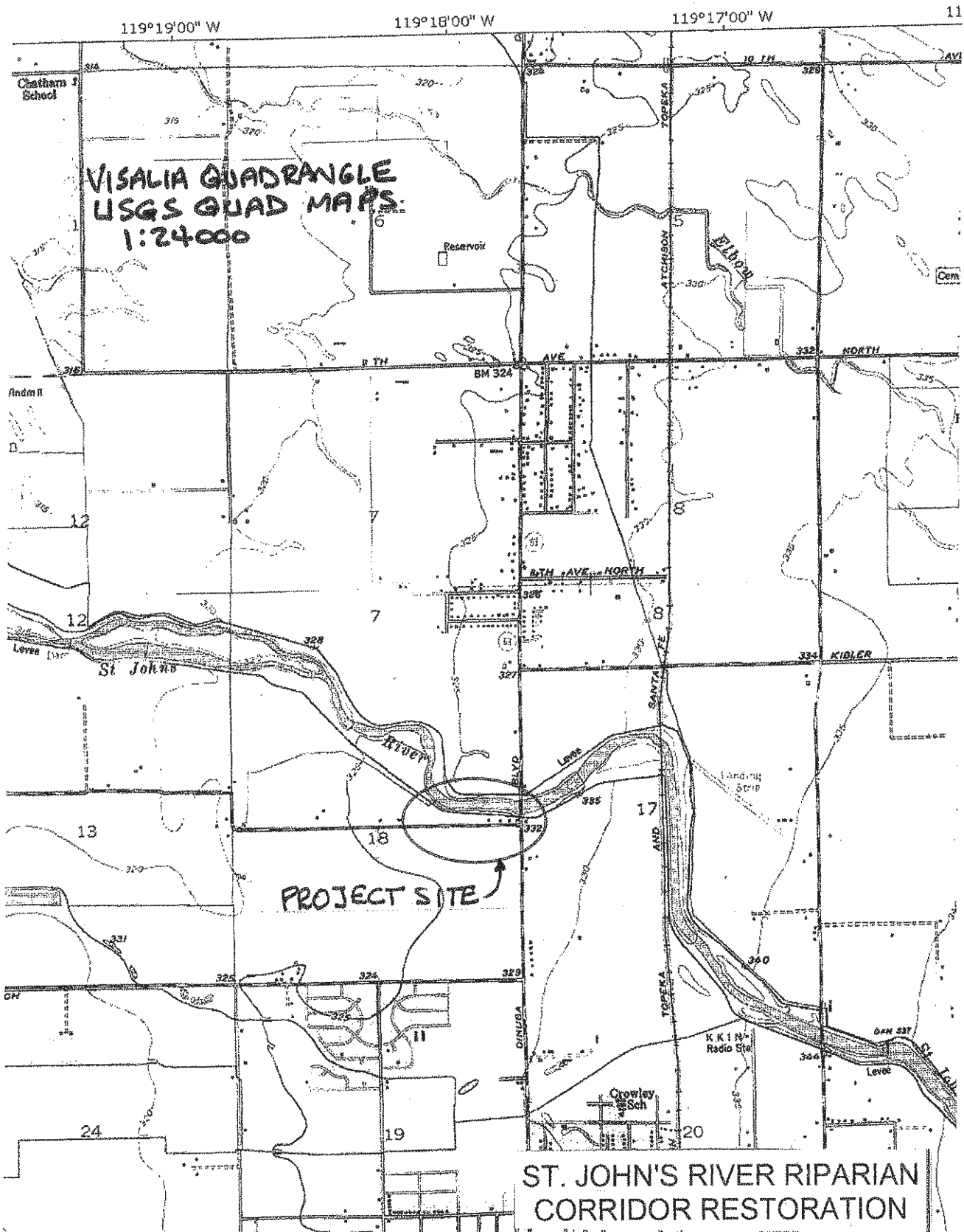
B. Indicate any other grants where funding has been requested, the requested amount, and the expected notification date. No other grant funding has been requested for this project. The requested grant amount is sufficient to complete the project.

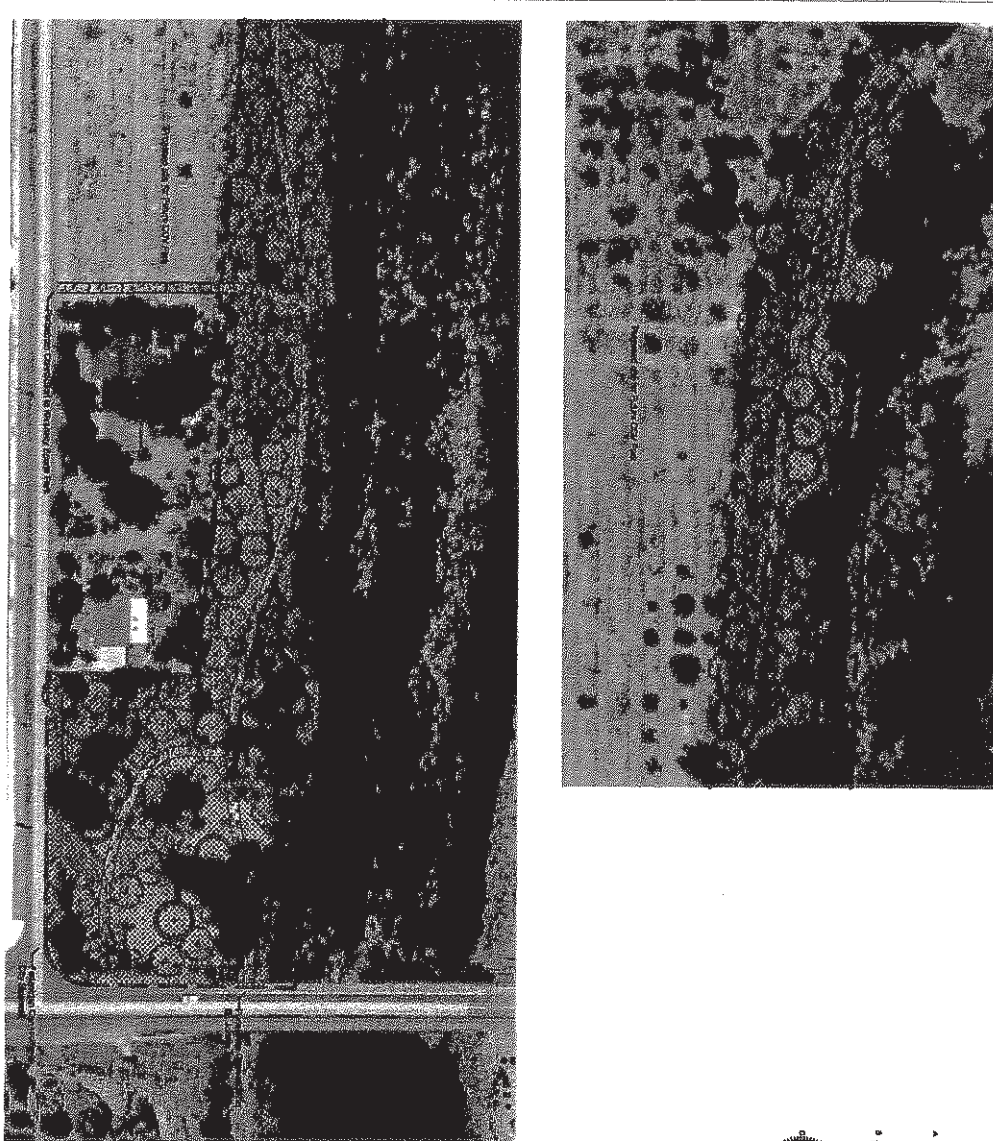
C. What other options are available to meet the project objectives if this grant request is not successful? The City does not currently have any other source of funding for this project.

D. What is the contingency plan for implementation if the project is over budget? A 10% contingency is allowed within the project budget. Estimates for both materials and labor were generated using up to date unit costs making an over-budget scenario unlikely. If project costs exceed the planned budget, the 10% contingency will be used to cover these costs.



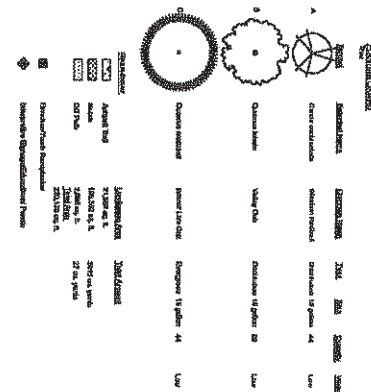






NOTES:
 1. MATERIALS AND METHODS SHALL COMPLY TO THE CITY OF VISALIA SPECIFICATIONS AND STANDARDS.
 2. ALL TREES TO BE REMOVED SHALL BE REMOVED IN ACCORDANCE WITH THE CITY OF VISALIA SPECIFICATIONS AND STANDARDS.
 3. ALL TREES TO BE REMOVED SHALL BE REMOVED IN ACCORDANCE WITH THE CITY OF VISALIA SPECIFICATIONS AND STANDARDS.

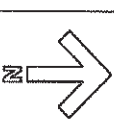
SYMBOL	DESCRIPTION	QUANTITY	UNIT
1	Remove Existing	1	Tree
2	Plant New	1	Tree
3	Plant New	1	Tree
4	Plant New	1	Tree
5	Plant New	1	Tree
6	Plant New	1	Tree
7	Plant New	1	Tree
8	Plant New	1	Tree
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50	Plant New	1	Tree



Date: 10.14.11
 Scale: 1"=100'
 Project: Grant
C-1

St. John's Riparian Corridor
Schematic Plans

 Urban Tree Foundation
 700 E. Murray St.
 Visalia, Ca 93292
 559-713-0631
www.urbantree.org



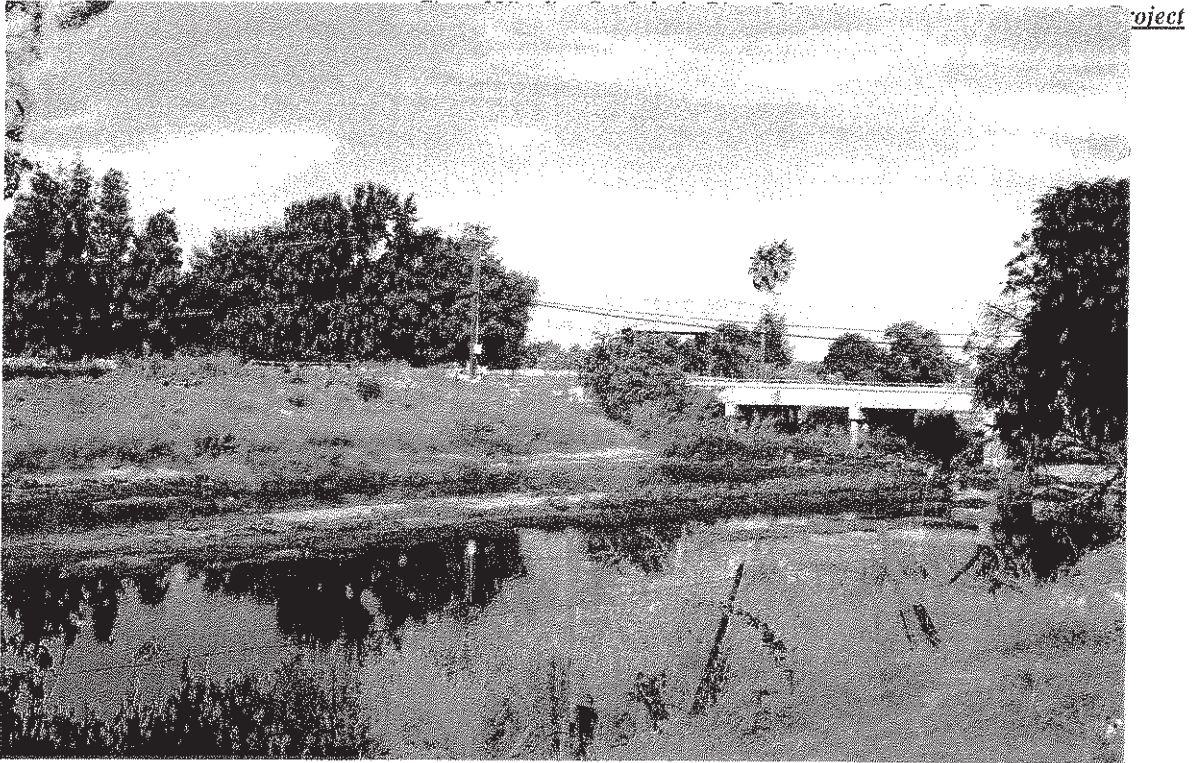


The St. John's River Riparian Corridor Restoration project site looking west.



Project site looking northeast towards Ca Hwy 63 across the St. Johns River.

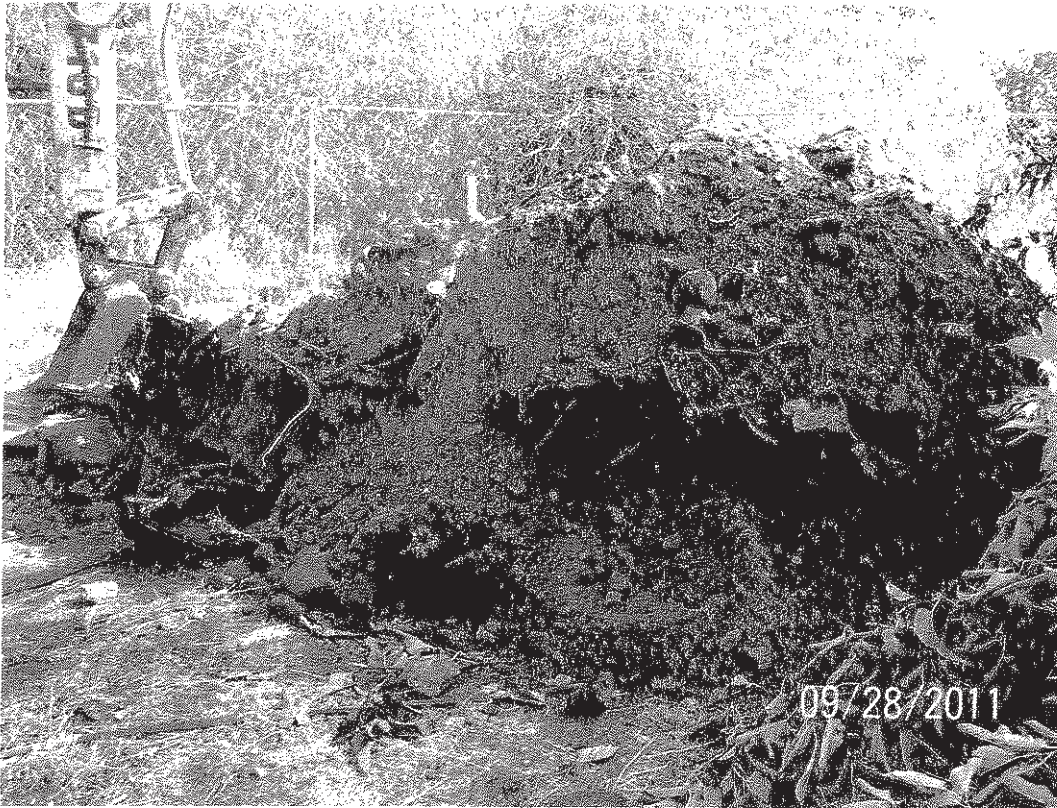
Item 10. - Page 30



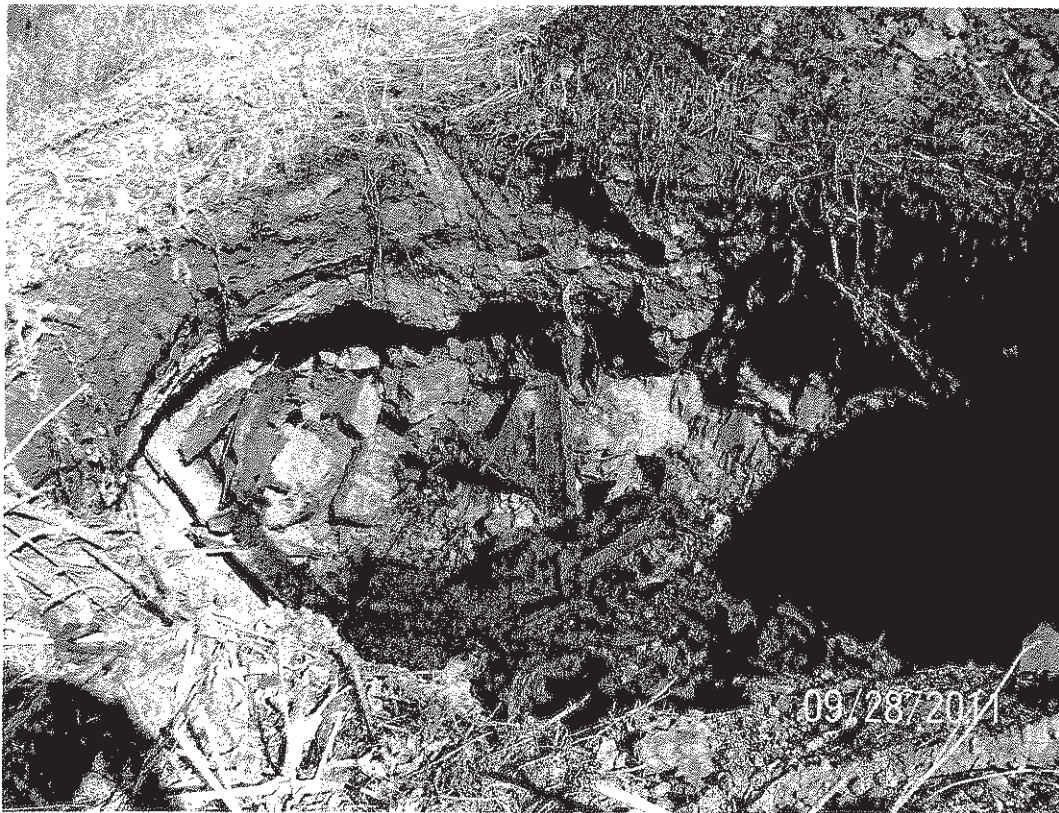
The St. John's River Riparian Corridor Restoration project site looking east.



At the project site looking south at the existing structures.



The St. John's River Riparian Corridor Restoration project site looking west.
Excavation during the Phase 1 and 2.



The St. John's River Riparian Corridor Restoration project site looking west.
Excavation during the Phase 1 and 2.



At the project site looking southwest towards the building structures and sports park.



The St. John's River Riparian Corridor Restoration project site looking south.



At the project site entrance along Riverpark Road looking east.



At the project site entrance looking south towards the sports park.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Resolution No. 2011- extending the sunset date for the collection of the service fee for the Abandoned Vehicle Abatement Program in Tulare County to April 30, 2022.

Deadline for Action: October 31, 2012

Submitting Department: Housing and Economic Development and Visalia Police Department

Contact Name and Phone Number:
Ricardo Noguera, HEDD Director, 713-4190
Tracy Robertshaw, Code Enforcement Officer, 713-4187
Colleen Mestas, Police Chief, 713-4215
Chuck Hindenburg, Police Support Services, 713-4250

Department Recommendation: The Housing and Economic Development Department and the Visalia Police Department are requesting the City Council approve Resolution No. 2011- extending the sunset date for collection of the service fee for the Abandoned Vehicle Abatement Program in Tulare County to April 30, 2022.

The City of Visalia and the Tulare County Association of Governments established a joint powers agreement authorizing Tulare County to collect fees from the State of California Department of Motor Vehicles and disperse them to local jurisdictions for the Abandoned Vehicle Program. Authorization to collect the fee and continue the program expires on April 30, 2012. However, Senate Bill 106 provides for an extension in increments of 10 years with the adoption of a resolution providing for the extension of the fee. The 10 year extension would allow the program to continue until April 30, 2022.

Summary/background:

In 1991, Tulare County Association of Governments was established as the Service Authority of the county's Abandoned Vehicle Abatement (AVA) Program through the adoption of a Joint Powers Agreement between Tulare County and the Cities within the County. The AVA program is funded by a \$1.00 service fee collected by the Department of Motor Vehicles. The funds are then distributed to the Cities and Tulare County each quarter based on population and the number of vehicles abated by each agency.

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.): 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.

The AVA Program has resulted in 3,790 vehicles being abated within the City from July 1, 2008 through June 30, 2011 and \$364,632.47 in revenue that is utilized to maintain staff to abate the violations.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:

Alternatives: Allow the sunset date to pass and fund the AVA program through the General Fund or discontinue the program.

Attachments: Resolution No. 2011-
Tulare County Abandoned Vehicle Allocation Reports 2008-2011

Recommended Motion (and Alternative Motions if expected):

Adopt Resolution 2011- extending the sunset date for collection of the service fee for the Abandoned Vehicle Abatement Program.

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:

CITY OF VISALIA
RESOLUTION NO. 2011-_____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE EXTENSION OF THE SUNSET DATE
FOR THE COLLECTION OF THE SERVICE FEE FOR THE ABANDONED VEHICLE
ABATEMENT PROGRAM IN TULARE COUNTY TO APRIL 30, 2022

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, California Vehicle Code section 22710 authorizes the establishment of a Service Authority for the abatement of abandoned vehicles and for the imposition of a one dollar (\$1) vehicle registration fee to fund an abandoned vehicle abatement program established by such Service Authority; and

WHEREAS, the Tulare County Board of Supervisors and the majority of the cities within the County having the majority of the incorporated population have previously concurred in the establishment of a Service Authority; and

WHEREAS, the County and the Cities had previously, on September 25, 1991, entered into a joint exercise of powers agreement creating the Tulare County Service Authority for the Abatement of Abandoned Vehicles ("the Authority") and designating the Tulare County Association of Governments as the Authority; and

WHEREAS, California Vehicle Code section 9250.7 had previously provided that the fee imposed by a Service Authority shall remain in effect only for a period of 10 years from the date the actual collection of the fee commenced; and

WHEREAS, collection of the fee for the Authority commenced May 1, 1992, was re-authorized through April 30, 2002 and will sunset on April 30, 2012; and

WHEREAS, California Vehicle Code section 9250.7 was amended in August 2001 by Senate Bill 106 which provides that the fee may be extended in increments of up to 10

years each if the Board of Supervisors of the county, by a two-thirds vote, and a majority of the cities having a majority of the incorporated population within the county adopt resolutions providing for the extension of the fee; and

WHEREAS, the City of Visalia recognizes that it is desirable to extend the collection of the service fee for abatement of abandoned vehicles in both the incorporated and unincorporated areas of Tulare County;

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that that the Tulare County Association of Governments, acting as the Authority for the Abatement of Abandoned Vehicles, be authorized to extend the imposition of a one dollar (\$1) registration fee to fund the abandoned vehicle abatement program within both the incorporated and unincorporated areas of Tulare County for a 10 year increment with a new sunset date of April 30, 2022.

Tulare County Abandoned Vehicle Abatement Service Authority
Report on Allocations for Fiscal Year, July 1-June 30 **2008-2009**

\$	333,804.59	Authority's allocation of Abandoned Vehicle Abatement Funds from State					
\$	3,338.05	1% administration fee levied by the Tulare County Association of Governments					
\$	330,466.54	Funds distributed to Local Jurisdictions by the Authority this fiscal year					
Local Jurisdiction	Population as of 1/1/2008	Percentage of Population	Funding Allocation Based on Population	Total Number of Abate-ments	Total of Quarterly Funding Allocations Based on Abate-ments	Total Funding Allocation for Year	
-	0	0.00%	\$ -	-	\$ -	\$ -	
Dinuba	20,993	4.82%	\$ 7,969.47	84	\$ 3,460.42	\$ 11,429.89	
Exeter	10,656	2.45%	\$ 4,045.283	416	\$ 18,239,292	\$ 22,284.57	
Farmersville	10,524	2.42%	\$ 3,995.17	11	\$ 455.75	\$ 4,450.92	
Arbuckle	11,546	2.65%	\$ 4,383.15	30	\$ 1,307.34	\$ 5,690.49	
Porterville	51,638	11.86%	\$ 19,603.07	727	\$ 30,444.77	\$ 50,047.84	
Tulare	57,375	13.18%	\$ 21,780.98	458	\$ 21,087.38	\$ 42,868.36	
Visalia	120,958	27.79%	\$ 45,918.67	999	\$ 43,291.78	\$ 89,210.45	
Woodlake	7,489	1.72%	\$ 2,843.01	22	\$ 891.78	\$ 3,734.80	
Unincorporated	144,075	33.10%	\$ 54,694.46	1,062	\$ 46,054.76	\$ 100,749.22	
TOTALS	435,254	100.00%	\$ 165,233.27	3809	\$ 165,233.27	\$ 330,466.54	

Tulare County Abandoned Vehicle Abatement Service Authority
Report on Allocations for Fiscal Year, July 1-June 30 **2009-2010**

Local Jurisdiction	Population as of 1/1/2009	Percentage of Population	Funding Allocation Based on Population	Total Number of Abatements	Total of Quarterly Funding Allocations Based on Abatements	Total Funding Allocation for Year
\$ 325,739.85	Authority's allocation of Abandoned Vehicle Abatement Funds from State					
\$ 3,257.40	1% administration fee levied by the Tulare County Association of Governments					
\$ 322,482.45	Funds distributed to Local Jurisdictions by the Authority this fiscal year					
-	0	0.00%	\$ -	-	\$ -	\$ -
Dinuba	21,237	4.81%	\$ 7,756.35	-	\$ -	\$ 7,756.35
Exeter	10,665	2.42%	\$ 3,895.157	549	\$ 24,580.404	\$ 28,475.56
Farmersville	10,771	2.44%	\$ 3,933.87	1	\$ 51.44	\$ 3,985.31
Indsay	11,684	2.65%	\$ 4,267.32	14	\$ 675.39	\$ 4,942.71
Porterville	52,056	11.79%	\$ 19,012.31	613	\$ 29,478.07	\$ 48,490.38
Tulare	58,506	13.25%	\$ 21,368.03	258	\$ 12,371.73	\$ 33,739.76
Visalia	123,670	28.01%	\$ 45,167.75	1,761	\$ 83,819.49	\$ 128,987.24
Woodlake	7,769	1.76%	\$ 2,837.46	15	\$ 728.11	\$ 3,565.56
Unincorporated	145,123	32.87%	\$ 53,002.98	217	\$ 9,536.60	\$ 62,539.58
TOTALS	441,481	100.00%	\$ 161,241.23	3428	\$ 161,241.23	\$ 322,482.45

Tulare County Abandoned Vehicle Abatement Service Authority
Report on Allocations for Fiscal Year, July 1-June 30 (ESTIMATED) 2010-2011

Local Jurisdiction	Population as of 1/1/2010	Percentage of Population	Funding Allocation Based on Population	Total Number of Abatements	Total of Quarterly Funding Allocations Based on Abatements	Total Funding Allocation for Year
-	0	0.00%	\$ -	-	\$ -	\$ -
Dinuba	21,542	4.81%	\$ 7,629.07	-	\$ -	\$ 7,629.07
Exeter	10,752	2.40%	\$ 3,807.808	-	\$ -	\$ 3,807.81
Farmersville	10,971	2.45%	\$ 3,885.37	3	\$ 152.90	\$ 4,038.27
Indsay	11,800	2.64%	\$ 4,178.96	-	\$ -	\$ 4,178.96
Porterville	52,960	11.83%	\$ 18,755.72	486	\$ 23,699.22	\$ 42,454.94
Tulare	59,535	13.29%	\$ 21,084.25	121	\$ 6,027.93	\$ 27,112.18
Visalia	125,971	28.13%	\$ 44,612.48	2,029	\$ 101,822.30	\$ 146,434.78
Woodlake	7,927	1.77%	\$ 2,807.34	4	\$ 217.46	\$ 3,024.80
Unincorporated	146,356	32.68%	\$ 51,831.80	473	\$ 26,672.97	\$ 78,504.78
TOTALS	447,814	100.00%	\$ 158,592.79	3116	\$ 158,592.79	\$ 317,185.58

\$ 320,389.47 Authority's allocation of Abandoned Vehicle Abatement Funds from State
 \$ 3,203.89 1% administration fee levied by the Tulare County Association of Governments
 \$ 317,185.58 Funds distributed to Local Jurisdictions by the Authority this fiscal year

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 07, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Resolution to authorize a grant application submittal for the California Department of Housing and Community Development (HCD), by the passage of Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006 for funding within the CalHOME Programs (First Time Homebuyer Mortgage Assistance) in the amount of \$1,000,000.

Deadline for Action: November 07, 2011

Submitting Department: Housing & Economic Development Department

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director (4190), Rhonda Haynes, Housing Specialist (4460)

Department Recommendation: That the City Council:

1. Approve Resolution 2011-66 authorizing submittal of a CalHome Grant Application, to support first time homebuyer activities and authorize the "Applicant Certification and Commitment of Responsibility"; and
2. Authorize the execution of a standard agreement if selected for such funding and any amendments thereto, and any related documents necessary to participate in the CalHome Program;
3. Authorize the City Manager to approve contracts for services for housing counseling and loan servicing; and
4. Authorize City Manager and City Attorney to make minor adjustments to the agreements, program guidelines, and policies and procedures; and
5. Authorize the City manager to appoint the Housing & Economic Development Director as an additional authorized designee signer to execute in the name of the City of Visalia all documents required by the Housing and Community Development (HCD) for participation in the CalHome Program and any amendments thereto by Resolution.

Note: there are no funds available for city administration. Staff anticipates using current department budget to support administering of this grant if awarded.

Summary/background:

For action by:
 City Council
 Redev. Agency Bd.
 Cap. Impr. Corp.
 VPFA

For placement on which agenda:
 Work Session
 Closed Session

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.) 1 min.

Review:

Dept. Head _____
 (Initials & date required)

Finance *EF by RH 10/20/11*
City Atty *KR by RH 10/24/11*
 (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.

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In 2007 the City applied for CALHOME funds and was awarded \$600,000 to assist 15 families with down payment assistance. All 2007 CalHome Grant funds were expended upon receiving notification in 2008 and loans were provided to homebuyers through 2010. In fact, one loan was paid in full. Funds received from the pay off were placed into the Reuse Account (special account for proceeds) and were made available to assist an additional family. The outcome resulted in assisting 16 families in total with down payment assistance.

The City applied for funds in 2008 for down payment assistance and rehabilitation, however, the grant was not awarded. The City did not apply for 2009 or 2010 CalHome funds since federal HOME dollars were available for down payment assistance and both programs require expenditure within a certain timeframe.

The 2007 CalHome grant proved to be a huge success. Currently, the remaining 2010 and 2011 federal HOME dollars have been set aside to address the foreclosure crises (acquisition, rehabilitation and resell), therefore due to the ongoing housing crises, staff believes CalHome grant funds can be a valuable financial tool for eligible buyers, therefore, the Housing and Economic Development Department is applying for \$1,000,000 in this year's round of CalHome funding in order to assist first time homebuyers with down payment, second mortgage assistance. These funds can be used for down payment assistance only.

The 2012 CalHome Grant:

The California Department of Housing and Community Development Department (HCD) announced that it is accepting applications under the CalHome Program Notice of Funding Available for approximately \$53 million dollars. These funds are provided by the passage of Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006. The funding is available to local public agencies or nonprofit corporations and grants may not exceed one million dollars (\$1,000,000) for all eligible activities/programs. The application is a single activity application for First Time Homebuyer Mortgage Assistance for the maximum amount of \$1,000,000. The maximum application amount per homebuyer shall not exceed the program cap of \$60,000 per property assisted. This includes housing counseling and activity delivery costs of approximately \$1,500 to \$2,350 per loan.

The Calhome grant program is not a loan to the City, it is provided as a grant. HCD requires recipients of this grant to expend at least 95% of the funds in order to apply for future funding otherwise the City would be penalized 50 to 100 points with future grant applications. If awarded this grant all funds would be expended before applying for additional grants as well as meeting the grant expenditure deadline of 36 months from the date of the Award letter, referenced as October 19, 2013.

The City provides the CalHome funds to borrowers as a loan, as required by CalHome. Once the borrower pays the loan in full (principle plus interest), those proceeds are placed into a revolving account, which is identified as the "Reuse Plan Account". This allows recycling of funds to additional homebuyers.

First-Time Homebuyer Mortgage Assistance (FTHB) Program

Guidelines were established with the 2007 CalHome grant awarded. The established guidelines will continue if awarded the 2011 CalHome grant as follows:

- Borrowers' income may not exceed 80% of the area median income (i.e. Family of 4 = \$45,750 limit); and
- Provide a 30 year second mortgage loan to first-time homebuyers for mortgage assistance; and

- Provide a low interest rate (3%), simple interest per annum; and
- Deferred payments (HCD requirement); and
- The per borrower loan allocation currently established is \$60,000 as per HCD maximum requirements. The City does not anticipate providing the maximum. Current analysis reflects an average of \$30,000 per borrower; and
- Loan is repayable upon the sale, transfer or refinance of the property, when the property ceases to be owner-occupied, or upon the loan maturity date; and
- The loans are not assumable; and
- The recaptured principal and interest will be placed in the “reuse account” as required by HCD and will provide assistance to more families in the future; and
 - The Reuse account allows up to 5% of the funds to be utilized for loan servicing costs.
- CalHome will be reimbursing the City, in the form of a grant for homebuyer education and loan-processing activity delivery fees.

Administration and Activity Delivery

If the 2011 CalHome grant is awarded, Staff would market and administer the program. The Housing and Economic Development Department would also re-establish a contract with Community Services and Employment Training (CSET), to provide housing counseling services.

No administration costs are allowed under this grant. The source of funds for this Notice Of Funding Availability (NOFA) comes from the sale of general obligation bonds. General obligation bond law requires funds to be expended for actual hard costs. Historically, no funds for the local administration of bond funded programs have been allowed. General obligation bond proceeds used in the CalHome Program may not be used for a City’s general administrative or operating costs. General obligation bond proceeds however, do allow the funds to be utilized for activity delivery fees as listed below:

- a. The direct expense of homebuyer education provided to individuals who obtain a loan. (CSET would conduct education)
- b. Loan processing activity delivery fees, pursuant to regulation Sections 7729(d) for homebuyer mortgage assistance loans, as reimbursement to the recipient for its activities. Fees are reimbursable only to the extent of actual costs incurred in making the individual loan not exceeding the amount normally and customarily charged in relation to similar loans by other lenders, and fees may only be paid for CalHome loans that have closed and been funded. (AmeriNational Community Services)

CSET would provide the housing counseling and would be reimbursed up to \$350 per approved borrower loan. We would extend CSET’s current agreement to include this service.

Additionally, the City’s current loan servicing company, AmeriNational Community Services, would continue to provide loan underwriting and servicing for the approved borrowers, in addition to other services provided such as monitoring and loan modifications. Costs typically associated with the underwriting and processing of the second mortgage is \$750 which is also considered activity delivery costs. Monthly loan servicing fees range between \$8 and \$9 for deferred loans. Once the repayment begins, fees shall be collected from the Reuse account, but may not exceed 5% of the total funds deposited, typically \$25 per month per loan. Additionally, the fee can be taken from the repayment proceeds. Other activity delivery fees include City Staff project closeout and possible home inspections.

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The total costs that would be reimbursed for activity delivery fees shall be approximately \$1,500.

Application thresholds and Community Need analysis:

The application thresholds include that the fund be used within its jurisdictional boundaries, have the ability to demonstrate stability and capacity to carry out the activity, as well as community need and feasibility.

Capacity: The City's experience and past success demonstrates capability with the 2007 CalHome 16 loans provided. Additionally, our experience continues through the completion of approximately 250 loans provided with HOME, NSP and RDA affordable housing loan funds, our outreach to the public, and experienced loan underwriter and loan servicing agency, AmeriNational Community Services, Inc.

Community need and feasibility: The community need and feasibility has been confirmed through a market analysis which is provided as Attachment "C", Table I. Keller Williams provided information based upon homes sold in Visalia between July 1, 2011, and September 30, 2011. A total of 505 homes were sold with prices ranging from \$22,000 up to \$900,000. The analysis indicated that the median price of a home sold during that period was \$133,000.

Country Club Mortgage provided information that identifies the estimated purchasing power for a family at 60% and 80% of the area median income, with current monthly debt of \$400. Attachment "C", tables II and III reflect the details of these scenarios. In short, a family at 60% area median income, with an annual income of \$34,320, can afford a first mortgage of \$61,675. A family at 80% area median income, with an annual income of \$45,750, can afford a first mortgage of \$98,345. In both cases gap financing would be needed in order to purchase a home at the median price of \$133,000.

If awarded the CalHome Grant, the City would provide a second mortgage to families that meet the CalHome income requirements of 80% of the area median income and below as well as all other requirements of the program. The purchase price of the home may not exceed the Federal Housing Administration maximum, currently set at \$247,000 however; the City has underwriting guidelines that require the first mortgage lender to provide only the necessary funds to maintain an affordable payment. The City's second mortgage remains deferred for a 30 year period at an interest rate up to 3%. Repayment would begin thereafter for 15 years.

In 2007, Staff submitted an application for \$600,000 CalHome funds for the FTHB Program and was awarded its first contract with HCD in many years. Staff is confident that the City meets the application thresholds and looks forward to receiving its second award for the FTHB Program.

Timeframes for Use of CalHome Funds:

If the grant funds are awarded, the City will enter into a Standard Agreement with HCD for a term of 36 months from the date of the award letter. Based upon experience with the 2007 CalHome Award, funds should be available to the public within 4 to 6 months after award notification. This process includes execution of HCD agreement, City Manager and HCD's review and approval of program guidelines, monitoring plan, loan servicing plan, and reuse plan submission to HCD, to the announcement and promotion of the program to the public.

Grant submittal requirements:

This document last revised Last saved by Donjia Huffmon
Page 4

Resolution: An executed resolution must be included in the application submitted to HCD. The resolution authorizes a signatory for the submittal of the application and is an action of the governing body. The resolution must certify to acknowledge the responsibilities that are assumed when contracting with the State for CalHome funds. In addition, this certification ensures that this individual understands both the contents and information in the application and that it is accurate and correct. It also designates and authorizes the City Manager to execute the contract if awarded and other documents needed to process loans. If the application is submitted unsigned or signed by someone other than the individual authorized in the resolution, the application will be rejected. A resolution and Certification is attached as Attachments "A", and "B". The person attesting and certifying the resolution cannot be the same person authorized in the resolution to execute documents.

Additional Authorizations: The City Manager is the authorized and the responsible party for signing loan documents, quarterly reports, and annual reports as well as funding draw requests. To assist in expediting escrow closing, completing all associated loan documents, reports and funding draws, as well as in the absence of the City Manager, Staff recommends a second designee. Staff recommends that the Housing and Economic Development Director is the additional designee. CalHome requires that the authorization be approved by the City Council and by Resolution. A letter with the authorized signatures will be forwarded to CalHome if awarded the grant.

Ongoing CalHome Funding requirements:

If awarded, a number of requirements associated with the Calhome funds would require some additional staff time for the following:

- City must enter into a Standard Agreement with HCD
- City must provide an updated loan servicing plan and underwriting guidelines. The City will utilize its current loan servicing contractor, AmeriNational Community Services, Inc. and mirror the 2007 CalHome Program guidelines as they reflect CalHome regulations and requirements. Any updated regulations shall be included.
- City must inspect each property at the time of application. The City currently conducts home inspections for all of its housing programs.
- City must ensure that homebuyer education approved by HCD is provided to the participants of the program.
- Continued use of a "reuse account" which was established for the 2007 CalHome Grant. A separate account will be established unless otherwise directed by CalHome. The account captures the principal and interest of the loans that are paid off. The funds go into the account to be recycled and used again as gap financing, allowing more families to realize the dream of homeownership and revitalization of their rehabilitated home. Currently the Reuse account has \$7,000 available due to 1 loan being paid in full from the 2007 CalHome Grant, otherwise, since loans are deferred for 30 years, it is not anticipated that the balance would increase until the time of repayment.
- City must enter into a 20 year monitoring plan with HCD.

Prior Council/Board Actions: The City Council has previously authorized the submittal of grant applications to implement local Housing Programs. The City Council authorized the 2007 Awarded CalHome Grant.

Committee/Commission Review and Actions: None.

Alternatives: None

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Attachments:

Attachment "A"- City Council Resolution no. 2011- 66.

Attachment "B"- Applicant Certification & Commitment of Responsibility

Attachment "C"-Market Analysis information

Table I- Market Analysis

Table II- Loan Analysis for 60% ami

Table III- Loan Analysis for 80% ami

Recommended Motion (and Alternative Motions if expected): I move to:

1. Approve Resolution 2011-66 authorizing submittal of a CalHome Grant Application, to support first time homebuyer activities and authorize the "Applicant Certification and Commitment of Responsibility"; and
2. Authorize the execution of a standard agreement if selected for such funding and any amendments thereto, and any related documents necessary to participate in the CalHome Program;
3. Authorize the City Manager to approve contracts for services for housing counseling and loan servicing; and
4. Authorize City Manager and City Attorney to make minor adjustments to the agreements, program guidelines, and policies and procedures; and
5. Authorize the City manager to appoint the Housing & Economic Development Director as an additional authorized designee signer to execute in the name of the City of Visalia all documents required by the Housing and Community Development (HCD) for participation in the CalHome Program and any amendments thereto by Resolution

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)* The resolution must be an original or a certified copy with a live certification. Resolution No. 2011-66

Copies of this report have been provided to:

Attachment "A"

RESOLUTION NO. 2011-66

**RESOLUTION OF THE VISALIA CITY COUNCIL
AUTHORIZING APPLICATION FOR HCD CALHOME PROGRAM GRANT**

HEREBY AUTHORIZES THE SUBMITTAL OF AN APPLICATION TO THE CALIFORNIA STATE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT FOR FUNDING UNDER THE CALHOME PROGRAM; THE EXECUTION OF A STANDARD AGREEMENT IF SELECTED FOR SUCH FUNDING AND ANY AMENDMENTS THERETO; AND ANY RELATED DOCUMENTS NECESSARY TO PARTICIPATE IN THE CALHOME PROGRAM.

WHEREAS:

- A. City of Visalia, a [political subdivision of the State of California], wishes to apply for and receive an allocation of funds through the CalHome Program; and
- B. The California Department of Housing and Community Development (hereinafter referred to as "HCD") has issued a Notice of Funding Availability ("NOFA") for the CalHome program established by Chapter 84, Statutes of 2000 (SB 1656 Alarcon), and codified in Chapter 6 (commencing with Section 50650) of Part 2 of Division 31 of the Health and Safety Code (the "statute"). Pursuant to the statute, HCD is authorized to approve funding allocations utilizing monies made available by the State Legislature to the CalHome program, subject to the terms and conditions of the statute and the CalHome Program Regulations adopted by HCD in April 2004; and
- C. The City of Visalia wishes to submit an application to obtain from HCD an allocation of CalHome funds in the amount of \$1,000,000.

IT IS NOW THEREFORE RESOLVED THAT:

- 1. The City of Visalia shall submit to HCD an application to participate in the CalHome Program in response to the NOFA issued on October 3, 2011, which will request a funding allocation for the following activities:

First Time Homebuyer Program Loans: To provide homeownership opportunities at a low interest rate, deferred, 30 year loans to first-time homebuyers for mortgage assistance for permanent financing of a unit ready for occupancy up to the maximum per loan allowed by HCD (Program allocation: \$1,000,000)., located in the County of Tulare, City of Visalia, citywide within city limits.

- 2. If the application for funding is approved, the City of Visalia hereby agrees to use the CalHome funds for eligible activities in the manner presented in the application as approved by HCD and in accordance with program regulations cited above. It also may execute any and all other instruments necessary or required by HCD for participation in the CalHome Program.
- 3. The City of Visalia authorizes the City Manager to execute in the name of the City of Visalia, the application, the Standard Agreement, and all other documents required by HCD for participation in the CalHome Program, and any amendments thereto.
- 4. The City of Visalia authorizes that, in addition to the City Manager, the City hereby also authorizes the Housing and Economic Development Director, to act as an additional authorized

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signer/designee to execute any and all documents required by HCD for participation in the CalHome Program and any amendments thereto.

PASSED AND ADOPTED THIS ____ Day of _____, 20 _____, by the following vote:

AYES: _____ NAYS: _____ ABSTAIN: _____ ABSENT: _____

The undersigned _____ (**title of officer**) of the City of Visalia there before named does hereby attest and certify that the foregoing is a true and full copy of a resolution of the Governing Board adopted at a duly convened meeting on the date above-mentioned, which has not been altered, amended or repealed.

Signature Date

NOTES:

- 3. The **person attesting to the signing of the resolution cannot be the same person who is authorized to execute documents in the name of the applicant.**
- 4. The Resolution must be the original or a certified copy of the original.

Attachment "B"

APPLICANT CERTIFICATION AND COMMITMENT OF RESPONSIBILITY:

As the official designated by the governing body, I hereby certify that if approved by HCD for a CalHome Program funding allocation, the City of Visalia assumes the responsibilities specified in the CalHome Program Regulations and certifies that:

- A. It possesses the legal authority to apply for the allocation and to execute their proposed program or project;
- B. Before committing funds to a homebuyer/homeowner, it will evaluate the funding eligibility in accordance with CalHome Program Regulations and will not invest any more CalHome funds in combination with other governmental assistance than is necessary to provide affordable housing;
- C. The Applicant **does not** have any unresolved audit findings for prior HCD or federally-funded housing or community development projects or programs.
- D. There are **no** pending lawsuits that would impact the implementation of this program or project.
- E. It will comply with all statutes and regulations governing the CalHome Program.
- F. The information, statements, and attachments contained in this application are, to the best of my knowledge and belief, true and correct.
- G. It has the ability to perform the duties for the activity(s) applied for in accordance with Section 7718 of the CalHome Program Regulations.

I authorize the Department of Housing and Community Development to contact any agency, whether or not named in this application, which may assist in determining the capability of the Applicant. All information contained in this application is acknowledged to be public information. (This certification must be signed by the person authorized in the Resolution)

*Signature: _____ Title: _____

Type Name: Steven M. Salomon, City Manager _____ Date: _____

*Must be signed by authorized signatory per the resolution.

Attachment "C"
Market Analysis information

Table I						
Local Market Analysis (Homes Sold)						
<i>July through September 2011</i>						
RANGE				Number of Homes Sold		% of Market
\$	22,000	to	\$ 75,000		91	18%
\$	76,000	to	\$ 100,000		55	11%
\$	100,500	to	\$ 110,500		29	6%
\$	111,000	to	\$ 125,000		55	11%
\$	125,500	to	**\$133,000		21	4%
\$	133,500	to	\$ 150,000		48	10%
\$	150,500	to	\$ 200,000		108	21%
\$	200,500	to	\$ 300,000		76	15%
\$	300,500	to	\$ 900,000		22	4%
Total Homes Sold					505	100%
*Source: Suzette Knopf, Keller Williams; Tulare County Multiple Listing; October 2011; ** median price						

Table II		
Purchasing Power for family at 60% ami		
Income: Annually \$39,300		
Purchase Price:	\$	\$95,000.00
Estimated Closing Costs:		\$5,500.00
1st Mortgage (@6%; 30 yrs):	\$	61,675.00
2nd Mortgage (City Loan)	\$	30,000.00
3% down payment	\$	3,325.00
Total Costs:	\$	95,000.00
		\$100,500.00
1st Mortgage Monthly Payment w/taxes, MIP, Insurance (Debt to Income Ratio 34.60%)		\$ 601.00
Note: Additional gap financing would be needed to purchase a home at the median sales price of \$133k		
Table III		
Purchasing Power for family at 80% ami		
Income: Annually 45,750		
Purchase Price:	\$	\$133,000.00
Estimated Closing Costs:		\$5,500.00
1st Mortgage (@6%; 30 yrs):	\$	98,345.00
2nd Mortgage (City Loan)	\$	30,000.00
3% down payment	\$	4,655.00
Total Costs:	\$	133,000.00
		\$138,500.00
1st Mortgage Monthly Payment w/taxes, MIP, Insurance (Debt to Income Ratio 34.64%)		\$ 921.00
* Source: Stefanie Neale, Country Club Mortgage; October 2011		

City of Visalia
Agenda Item Transmittal

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Receive a report on the establishment of a team of City staff to implement the new 9-1-1 Communications Center / Public Safety Building project.

Deadline for Action: N/A

Submitting Department: Police/ Engineering

Contact Name and Phone Number: Colleen Mestas, 713-4215; Chris Young, 713-4392

Department Recommendation: The Department recommends that Council receive a report on the formation of a team of City staff tasked with the study and project implementation of a new 9-1-1 Communications Center/ Public Safety Building.

Summary/background: Staff provided a presentation to Council on October 17, 2011, to update Council on the status of the Tulare County Consolidated Dispatch project that began in 2005. In September 2011, the consolidated dispatch concept was abandoned in favor of a co-located dispatch concept at the direction of the Tulare County Board of Supervisors. On October 17, Council directed staff to proceed with a new 9-1-1 Communications Center project as a solo City venture as opposed to a co-located concept.

In response to this decision, an internal Core Project Committee has been established and will meet on a weekly basis to move this project ahead. This Committee is represented by a diverse group of City staff in order to provide the most efficient and effective approach to moving this project forward. The Core Project Committee consists of the following personnel:

Mike Allen, Information Services
 Eric Frost, Finance
 Dustin Hall, Fire
 Jason Huckleberry, Engineering
 Veronica McDermott, Police

Mike Porter, Engineering
 Javier Ruiz, Information Services
 Jason Salazar, Police
 Danny Wristen, Fire
 Chris Young, Community Development

The Committee has identified a list of priorities and objectives to address over the course of the next month. These objectives are identified in the list below.

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.): 10

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.

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Preliminary Assessment:

- Review available sites in order to assess their suitability for the new center.
- Consider ability of proposed site to operate in disaster.
- Identify initial issues with each site, cost distinctions for each site, and provide a site recommendation.
- Identify other services that could be co-located at the new center.
- Review of Bruce Race space needs assessment.

Specific Planning:

- Identify, categorize, and prioritize major tasks, action items, and decision points.
- Establish Task Teams by outlining the objectives of each team and identify the appropriate participants.
- Establish general time lines for each Task Team and assign action items and decision points to the Teams.

Construction:

- Develop a Request for Proposal (RFP) to hire a qualified Project Manager and professional Architectural/Engineering Design and Construction Consultant. The Project Manager would provide guidance and assistance to the Core Project Committee and Task Teams, conduct a needs assessment, assist with site selection, and project future capital expenditures and operating budgets, and oversee the project schedule. The Project Manager would assist the Core Project Committee in developing and implementing contingency plans and project adjustments as needed.
- Develop project scenarios that would include the following project options: 1) a standalone 9-1-1 Communications Center; and 2) a 9-1-1 Communications Center/Public Safety Center. The second option should be evaluated as it is feasible that costs could be curbed through economies of scale in building a Public Safety Center as opposed to a standalone 9-1-1 Communications Center.

The Committee will provide Council with regular reports on the status of the project and anticipates providing further specificity with regards to the process that staff recommends employing for this project in December 2011. The Committee anticipates that the December report would include a specific recommendation to approve an RFP to identify a Project Manager and that Council form a Council Sub-Committee to provide additional input and direction in this project.

The City would build at least a 9-1-1 Communications Center on City-owned property in the east downtown area. Although other users may be considered, the project will not be delayed in proceeding forward.

Prior Council/Board Actions: On October 17, 2011, Council authorized staff to proceed with building a state-of-the-art 9-1-1 Communications Center/Public Safety Center.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments: N/A

Recommended Motion (and Alternative Motions if expected): N/A

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: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Notification of a DUI Enforcement grant award from the Governor’s Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

Deadline for Action: November 7, 2011

Submitting Department: Police Department

Contact Name and Phone Number: Chief Colleen Mestas, xt. 4215; Captain Rick Haskill, xt. 4205; Lieutenant Ed Lynn, xt. 4104; Sergeant Chris McLain, xt. 4232

Department Recommendation: It is recommended that the City Council authorize the City Manager to execute an agreement with the Governor’s Office of Traffic Safety (OTS).

The Visalia Police Department has received notification of a grant award from the California Office of Traffic Safety for DUI enforcement and education.

The DUI enforcement and education grant will allow the Visalia Police Department to conduct additional DUI checkpoints, saturation details, court stings, warrant details, and various other DUI-related activities. This provides all overtime salaries for all officers and personnel involved in the activities, and enforcement equipment.

The DUI enforcement and education grant will provide up to \$123,361 with no matching funds required by the City of Visalia. The funding period for this grant is October 1, 2011 through September 30, 2012. However, as a result of a delay involving OTS, the Police Department recently received all correspondence related to the grant.

The City of Visalia has received this grant for the past several years, and this is a reapplication of the DUI enforcement and education grant just completed. This grant is specific to the Visalia Police Department only.

Summary/background:

Prior Council/Board Actions: N/A

For action by:
 City Council
 Redev. Agency Bd.
 VPFA

For placement on which agenda:
 Work Session
 Closed Session

Regular Session:
 Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

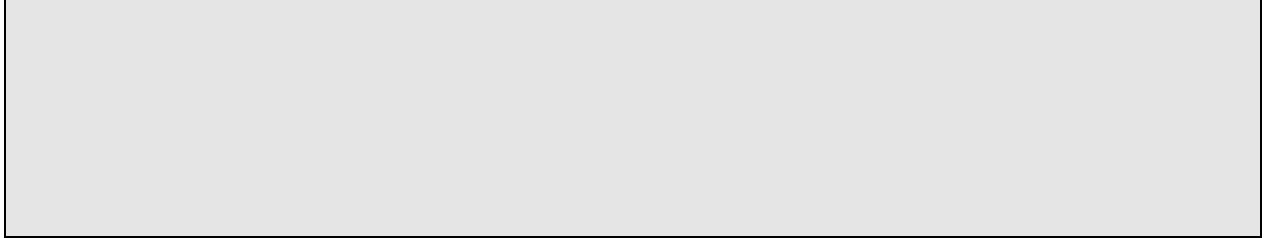
If report is being re-routed after revisions leave date of initials if no significant change has affected Finance or City Attorney Review.

Committee/Commission Review and Actions:

Alternatives: Refuse Grant Funding

Attachments: None

Recommended Motion (and Alternative Motions if expected): I move that the Council authorize the City Manager to execute the grant agreement with the Governor's Office of Traffic Safety and appropriate \$123, 361 in the General Fund for grant expenditures.



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: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Accept the City of Visalia Cash and Investment Report for the first quarter ending September 2011.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number:
Eric Frost, Director Administrative Services 713-4474,
Liz Ybarra, Sr. Administrative Analyst -713-4598

Department Recommendation: Staff recommends that Council accepts the City of Visalia Cash and Investment Report for the quarter ending September 2011.

Introduction

The City accumulates significant cash assets before they are spent on a variety of governmental operations. The quarterly investment report holds staff accountable for the investment and management of these funds.

City Investment Policy

The City's investments are diversified by the various maturities and credit types which are allowed under the City's Investment Policy and California Government Code Section 53600 et seq. It is the policy of the City to invest public funds in a manner which will provide the greatest security with the maximum investment return while meeting the daily cash flow demands of the City and conforming to all state and local statutes governing the investment of public funds.

The City continues to be conservative and prudent with the investment objectives, which in order of priority are safety, liquidity, and yield, while maintaining compliance with federal, state, and local laws and regulations. These investments will enable the City to meet expenditure requirements for the next six months, as required by state law.

Ratings News

On August 5, 2011 the rating agency of Standard and Poor's downgraded long term US Debt from its prestige's AAA rating (risk free rating) to AA+, one notch below top grade. Many reasons were given for the downgrade, but the main reason the Agency cited was the conflict between the political parties had, "reduced its confidence in the government's ability manage its finances".

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.

The City does not currently hold any US Securities, but the down grade to AA+ is well within our policy threshold should we decide to get back into the Treasury Market.

On September 21, 2011 the rating agency of Moody's Corp lowered the debt ratings of Bank of America Corporation from A to BBB; however, the ratings agencies of Standard and Poor's and Fitch maintained an A rating for Bank of America debt.

The City is currently holding \$5.0 million in Bank of America Corp Bonds. The bonds mature on 2/5/2013 and represent 4.3% of the portfolio. It is not likely this new rating will place our investment at risk. The City is always monitoring the portfolio for any increase in risk and will update Council should there be any concerns of default.

Economic Outlook

During the Federal Open Market Committee (FOMC) meeting on September 21, the Board decided to purchase \$400 billion of Treasury securities with maturities of 6 years to 30 years. The intent of this fiscal policy was to reduce long term rates which might stimulate new mortgage loans by consumers (Operation Twist). The FOMC also indicated their intention to keep the federal funds rate at current levels at least through mid-2013.

National unemployment is still at 9% and CPI is currently at 3.9%. The Committee's mandate is to seek maximum employment and price stability. The economy has continued slow and subpar growth. Gross Domestic Product (GDP) is expected to remain at 1.5% thru the end of 2012.

Portfolio Performance

The September 30, 2011 investment report managed balance was **\$115,736,214**

The earnings rate for FY11/12 (July –Sept) was 0.96%. Key benchmarks and performance statistics for the City's portfolio are shown in Table 1, Managed Portfolio Performance Statistics.

Table I: Managed Portfolio Performance Statistics (dollars in millions)

Quarter Ending	Portfolio Balance	City Monthly Portfolio Rate	LAIF Balance	LAIF Rate	2 YR Treasury	Weighted Average Maturity (WAM)
June 2011	\$121.7	0.95%	\$42.0	0.44%	0.45%	129 DAYS
September 2011	\$115.7	0.96%	\$37.0	0.37%	0.25%	179 DAYS
Fiscal Year Average 2011/2012	\$117.1	0.97%		.37%	0.24%	

Future Management

The City manages the portfolio partly by considering the weighted average maturity (WAM) based upon management's expectations for rising, neutral or declining interest rates. Usually, the longer an investment's maturity, the higher the interest rate will be. However, the longer the maturity, the more at risk the portfolio is to market gains or losses due to interest rate changes.

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As a result, the City has a target WAM based upon expected interest rate environments as shown on Table II, Target Weighted Average Maturity (WAM) Based on Interest Rate

Expectations.

Table II
Target Weighted Average Maturity (WAM)
Based Upon Interest Rate Expectations

Forecasted Interest Rate Environment	Target WAM (Years)
Rising	0.50
Neutral	1.50
Declining	2.50

Staff is in a good position to take advantage of new investment opportunities as rates increase. When rates are rising, the stated goal for the portfolio WAM is 0.50 years. At the end of September 2011 the portfolio, WAM was 179.9 days or .49 years. **The table below shows investment activity for the quarter.**

	TYPE	YIELD	AMOUNT	MATURITY DATE	PURCHASE DATE
<u>Maturities/Sales</u>					
Citizens Bus Bank	CD	0.85%	5,000,000	07/24/2011	06/24/2010
Bank of Sierra	CD	0.83%	5,000,000	08/11/2011	08/11/2010
Bank of Sierra	CD	0.78%	5,000,000	09/08/2011	09/08/2010
<u>Purchases</u>					
CA General Obligation	Muni	0.40%	4,000,000	06/26/2012	09/21/2011
CA General Obligation	Muni	1.00%	5,000,000	09/01/2013	09/28/2011
CA General Obligation	Muni	1.35%	1,000,000	10/01/2013	07/01/2011

Attachments:

- Attachment #1, City of Visalia Cash and Investment Summary
- Attachment #2, City of Visalia Investment Details

Recommended Motion (and Alternative Motions if expected): Move to accept the City of Visalia Cash and Investment Report for the first quarter ending September 30, 2011

City of Visalia						
Investment Report - Quarter Ended Sept 30, 2011						
Cash and Investment Summary						
					% of	
	<u>Par Value</u>	<u>Original Cost</u>	<u>Market Value</u>		<u>Portfolio</u>	<u>Yield</u>
Security Investments						
Federal Agency	\$ 5,000,000	\$ 5,152,460	\$ 5,198,360		4.49%	
Medium-Term Corporate Bonds	\$ 15,000,000	\$ 15,743,200	\$ 15,131,550		13.07%	
Municipal Bonds	\$ 5,179,883	\$ 5,556,489	\$ 16,358,468		14.13%	
Certificates of Deposits	\$ 10,240,000	\$ 10,240,000	\$ 5,245,289		4.53%	
Total Security Investments	\$ 35,419,883	\$ 36,692,149	\$ 41,933,667		36.23%	
Other Investments						
Local Agency Investment Fund (LAIF)	\$ 37,023,664	\$ 37,023,664	\$ 37,023,664		31.99%	
Rabo Bank (Money Market)	\$ 24,351,159	\$ 24,351,159	\$ 24,351,159		21.04%	
Citizens Business Bank (Sweep/Operating)	\$ 12,427,724	\$ 12,427,724	\$ 12,427,724		10.74%	
Total Other Investments	\$ 73,802,547	\$ 73,802,547	\$ 73,802,547		53.03%	
Total Cash and Investment	\$ 109,222,431	\$ 110,494,697	\$ 115,736,214		100.0%	0.96%
OTHER CASH						
Cash with Fiscal Agents						
US Bank (GIC)	\$ 2,061,100	\$ 2,061,100	\$ 2,061,100			
US Bank 2003 East Visalia RDA	\$ 700,823	\$ 700,823	\$ 700,823			
Union Bank (WWTP)	\$ 100,129	\$ 100,129	\$ 100,129			
Citizens Business BK (RDA Mooney District)	\$ 6,048,632	\$ 6,048,632	\$ 6,048,632			
Accel (Workers Comp Excess Liability Dep)	\$ 798,280	\$ 798,280	\$ 798,280			
Delta Dental (Dental Prefunding)	\$ 60,700	\$ 60,700	\$ 60,700			
Vision	\$ 11,210	\$ 11,210	\$ 11,210			
Keenan & Assoc (Workers Comp Prefunding)	\$ 17,102	\$ 17,102	\$ 17,102			
Other	\$ 486	\$ 486	\$ 486			
Total Cash with Fiscal Agents	\$ 9,798,462	\$ 9,798,462	\$ 9,798,462			
Cash in Banks						
Bank of America - Convention Center	\$ 183,966	\$ 183,966	\$ 183,966			
Bank of America - Golf	\$ 76,481	\$ 76,481	\$ 76,481			
Petty Cash	\$ 21,108	\$ 21,108	\$ 21,108			
Total Cash in Banks	\$ 281,555	\$ 281,555	\$ 281,555			
Total Cash and Investments	\$ 119,302,448	\$ 120,574,714	\$ 125,816,232			

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City of Visalia									
Investment Report -Ended Sept 30, 2011									
Investment Details									
	Type	Par Value	Original Cost	Market Value	Yield	% of Portfolio	Maturity	Coupon	Credit Rating
Federal Farm Credit Banks	Agency	\$ 3,000,000	\$ 3,127,320	\$ 3,111,180	5.03%	2.7%	6/21/2012	5.45%	AA+
Federal Home Loan Banks	Agency	\$ 2,000,000	\$ 2,025,140	\$ 2,087,180	5.00%	1.8%	9/14/2012	5.00%	AA+
Total Federal Agency		\$ 5,000,000	\$ 5,152,460	\$ 5,198,360		4.5%			
General Electric Cap. Corp	Corporate	\$ 5,000,000	\$ 5,293,200	\$ 5,090,350	1.50%	4.4%	4/10/2012	5.00%	AA+
General Electric Cap. Corp	Corporate	\$ 5,000,000	\$ 5,120,000	\$ 5,086,050	1.60%	4.4%	1/08/2013	2.80%	AA+
BOFA/Merrill Lynch **	Corporate	\$ 5,000,000	\$ 5,330,000	\$ 4,955,150	1.87%	4.3%	2/05/2013	5.45%	A **
Total Medium-Term Corp Bonds		\$ 15,000,000	\$ 15,743,200	\$ 15,131,550		13.1%			
CA RANS	Muni	\$ 4,000,000	\$ 4,048,560	\$ 4,047,800	0.400%	3.5%	6/26/2012	2.00%	MIGI1e
CA General Obligation	Muni	\$ 5,000,000	\$ 5,047,500	\$ 5,030,350	1.000%	4.3%	9/01/2013	1.50%	A1
CA DEV Authority (Development Authority)	Muni	\$ 3,500,000	\$ 3,733,200	\$ 3,737,650	1.925%	3.2%	6/15/2013	5.00%	A-
CA General Obligation (M-W Callable)	Muni	\$ 1,000,000	\$ 1,053,000	\$ 1,046,540	1.350%	0.9%	10/01/2013	3.75%	A-
CA General Obligation (M-W Callable)	Muni	\$ 1,625,000	\$ 1,768,406	\$ 1,766,245	1.990%	1.5%	4/01/2014	5.25%	A-
Orchard Walk West	Bond	\$ 675,000	\$ 675,000	\$ 675,000	6.75%	0.6%	6/01/2026	6.00%	N/A
Village West Improvement Bond-(COV)	Bond	\$ 54,883	\$ 54,883	\$ 54,883	6.00%	0.05%	6/01/2022	6.00%	N/A
Total Municipal Bonds		\$ 15,854,883	\$ 16,380,549	\$ 16,358,468		14.1%			
Citizens Business Bank CD	Cert Deposit	\$ 5,000,000	\$ 5,000,000	\$ 5,000,000	0.80%	4.3%	11/05/2011	N/A	N/A
Visalia Community Bank CD	Cert Deposit	\$ 240,000	\$ 240,000	\$ 245,289	0.85%	0.2%	10/08/2011	N/A	N/A
Total Certificate of Deposits		\$ 5,240,000	\$ 5,240,000	\$ 5,245,289		4.5%			
Total Investments		\$ 41,094,883	\$ 42,516,209	\$ 41,933,667		36.2%			
Other Investments									
Local Agency Investment Funds (LAIF)	Cash	\$ 37,023,664	37,023,664	37,023,664	0.38%	32.0%	N/A	N/A	N/A
Sweep Account (Citizens Business Bank)	Cash	\$ 9,040,488	9,040,488	9,040,488	0.40%	7.8%	N/A	N/A	N/A
Operating (Citizens Business Bank)	Cash	\$ 3,387,236	3,387,236	3,387,236	0.65%	2.9%	N/A	N/A	N/A
Public Investment Money Market (Rabo B	Cash	\$ 24,351,159	24,351,159	24,351,159	0.50%	21.0%	N/A	N/A	N/A
Total Other Investments		73,802,547	73,802,547	73,802,547		63.8%			
Total Investments Holdings		114,897,430	116,318,757	115,736,214		0.96%	100.0%		
** Ratings Lowered to BBB by Moodys									

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording: Authorize the Recordation of the Final Map for Pheasant Ridge Unit No. 3E, located east of Denton Street at Wren Avenue (12 lots) and the Annexation of Pheasant Ridge 3E into Landscape and Lighting Assessment District No. 05-19, Pheasant Ridge (Resolution Nos. 2011-67 and 2011-68 required). APN: 077-760-055

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, Asst. Community Dev. Director – 713-4323
Chris Young, Community Dev. Director - 713-4392

Department Recommendation: Staff recommends that City Council authorize the recordation of the final map for Pheasant Ridge Unit No. 3E containing 12 lots; adopt Resolution No. 2011-67 Initiating Proceedings for Annexation to Assessment District No. 05-19, "Pheasant Ridge"; and adopt Resolution No. 2011-68 Ordering the Improvements and Levying the Annual Assessments for Assessment District No. 05-19 "Pheasant Ridge."

Summary: The final map for the 12 lot Pheasant Ridge Unit 3E development is ready for recording. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) an executed subdivision agreement; 2) security in the form of a cash deposit for Faithful Performance in the amount of \$103,606.25; 3) security in the form of a cash deposit for Labor and Material Payment in the amount of \$51,808.13; 4) a cash payment of \$46,000.58 distributed to various accounts to cover City fees; and 5) the signed original final map. Therefore, staff recommends that authorization be granted for this final map to be submitted to the County for its continued processing towards recording.

On November 7, 2005 City Council approved the formation of Landscape and Lighting District No. 05-19 for the entire Pheasant Ridge development. The 12 lots from Pheasant Ridge Unit No. 3E are now ready to be annexed into this assessment district. This district included the area for all phases of the Pheasant Ridge tentative map. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of Pheasant

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.

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Ridge. The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent to waive the requirement for a public hearing, which occurred in this case. Use of the summary proceedings allows adoption of a resolution to initiate proceedings for annexation to an assessment district and adoption of a resolution ordering the improvements and levying the annual assessments all at one time.

Background: The Faithful Performance security covers the cost of constructing the public improvements identified in the subdivision agreement and the Labor and Material Payment security covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance security covers 100% of the cost of the public improvements. The Labor and Material Payment security is valued at 50% of the Faithful Performance security. Warranty security valued at 10% of the Faithful Performance security will be required prior to recording the Notice of Completion. The Warranty security is in effect for one year after the recording and guarantees the work, labor and materials furnished for the construction of the public improvements identified in the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights and trees on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

On November 7, 2005 City Council approved the formation of a Landscape and Lighting District for Pheasant Ridge. This district included the area for all phases of the Pheasant Ridge tentative map. This established at the onset of this development that the landscape and lighting district would be built in phases and the cost for maintenance would be shared equally among all the property owners for all phases of Pheasant Ridge. The purpose behind this was to bring future annexations to the Council without having to get permission from the owners in each developed phase to add additional lots to the district. The City would only need permission from the owners in each developed phase if the annexation of the new phase would cause the per lot assessment to increase, which is not occurring at this time.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent to waive the requirement for a public hearing. The notice period is also waived. The owner of this development has given their written consent to waive the public hearing and form this district. The use of summary proceedings allows for the initiation of proceedings and the final formation action of the assessment district to be acted upon together as separate resolutions.

Prior Council/Board 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.

Committee/Commission Review and Actions: The tentative subdivision map for Pheasant Ridge subdivision was approved by the Planning Commission on October 25, 2004. The tentative map will expire on October 25, 2011.

Alternatives: N/A

Attachments: Project Location Map
Development Project Disclosure
Resolution Initiating Proceedings
Clerk's Certification
Resolution Ordering the Improvements
Exhibit A – Assessment Diagram
Exhibit B – Landscape Location Diagram
Exhibit C – Tax roll Assessment
Exhibit D – Engineer's Report

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Pheasant Ridge Unit No. 3E and I move to adopt Resolution No. 2011-67 Initiating Proceedings for Annexation to Assessment District No. 05-19 "Pheasant Ridge" and adopt Resolution No. 2011-68 Ordering the Improvements and Levying the Annual Assessments for Assessment District No. 05-19 "Pheasant Ridge"."

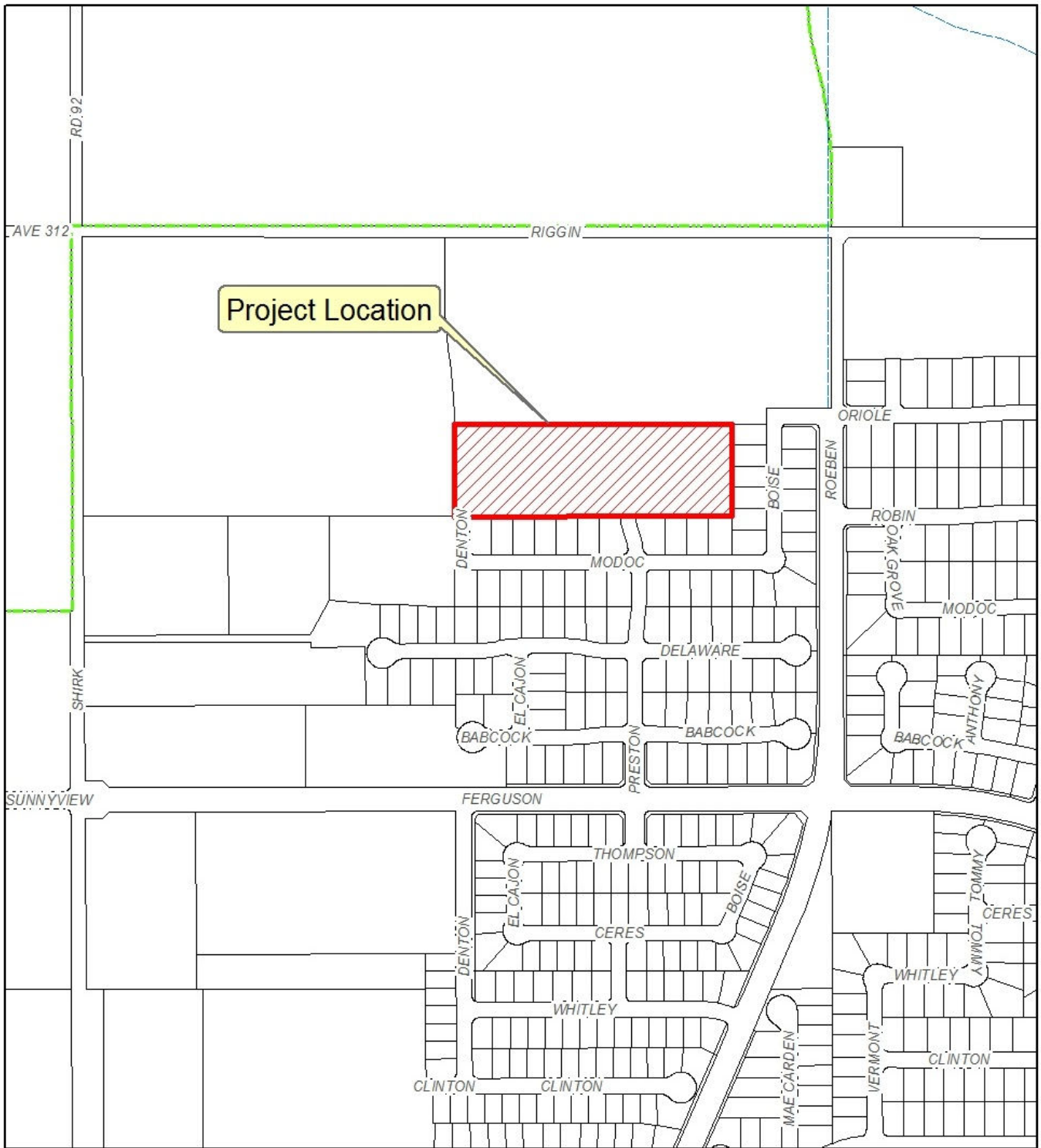
Copies of this report have been provided to:

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)*



Pheasant Ridge Unit No. 3E



Scale: 1"=800'

RESOLUTION NO. 2011-67

RESOLUTION INITIATING PROCEEDINGS
FOR ANNEXATION TO
ASSESSMENT DISTRICT 05-19
Pheasant Ridge
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to annex to an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements
2. The district, including the annexation, shall continue with the designation established with the initial formation, which is "Assessment District No. 05-19, City of Visalia, Tulare County, California" and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 05-19, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Pheasant Ridge".
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. 05-19
Pheasant Ridge
(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. 05-19, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the _____ 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. 2011-68

RESOLUTION ORDERING THE IMPROVEMENTS
AND THE ANNEXATION TO
ASSESSMENT DISTRICT NO. 05-19
Pheasant Ridge
(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 Assessment District No. 05-19, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. The owner of all land within the boundaries of the proposed annexation area to the landscape and lighting district have filed their consent to be annexed into the district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.

As stated in the Engineer's Report, the assessment amounts for the existing lots within the district will remain unchanged with the proposed annexation.

4. The City Council hereby orders the improvements and the annexation to the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2011-12.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "A"

Assessment Diagram
Pheasant Ridge

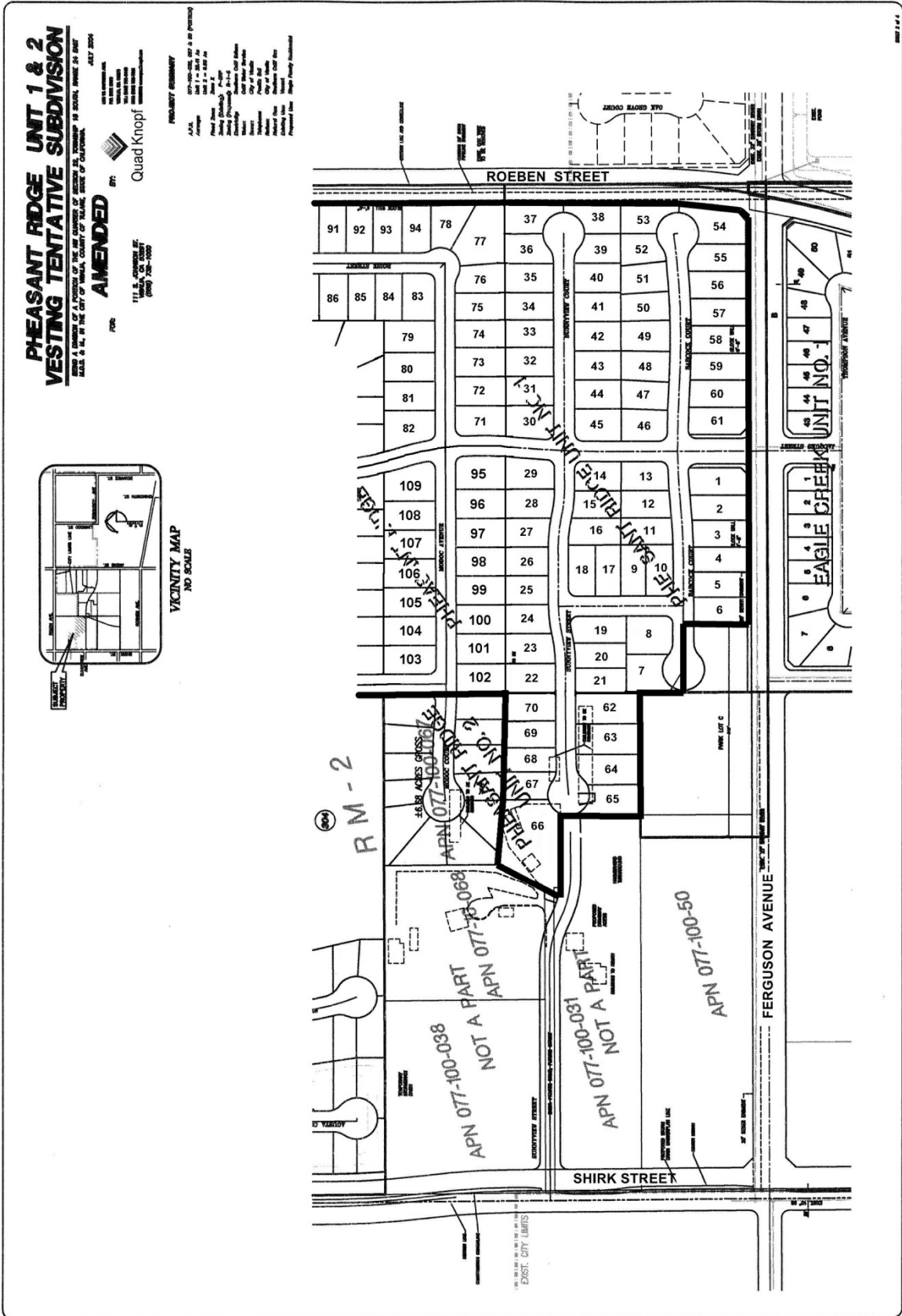


Exhibit "A"

Assessment Diagram
Pheasant Ridge

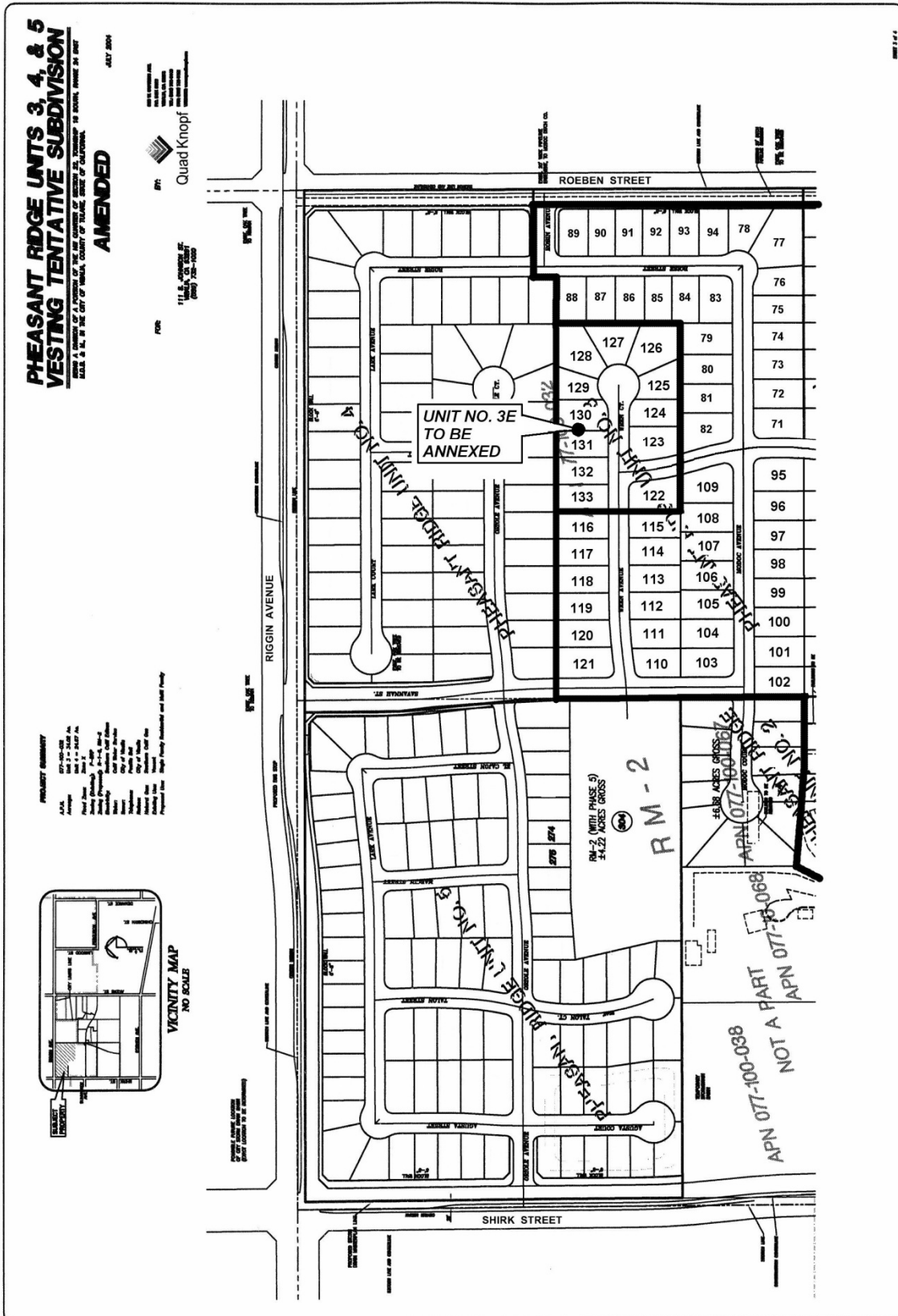


Exhibit "B"

Landscape Location Diagram
Pheasant Ridge

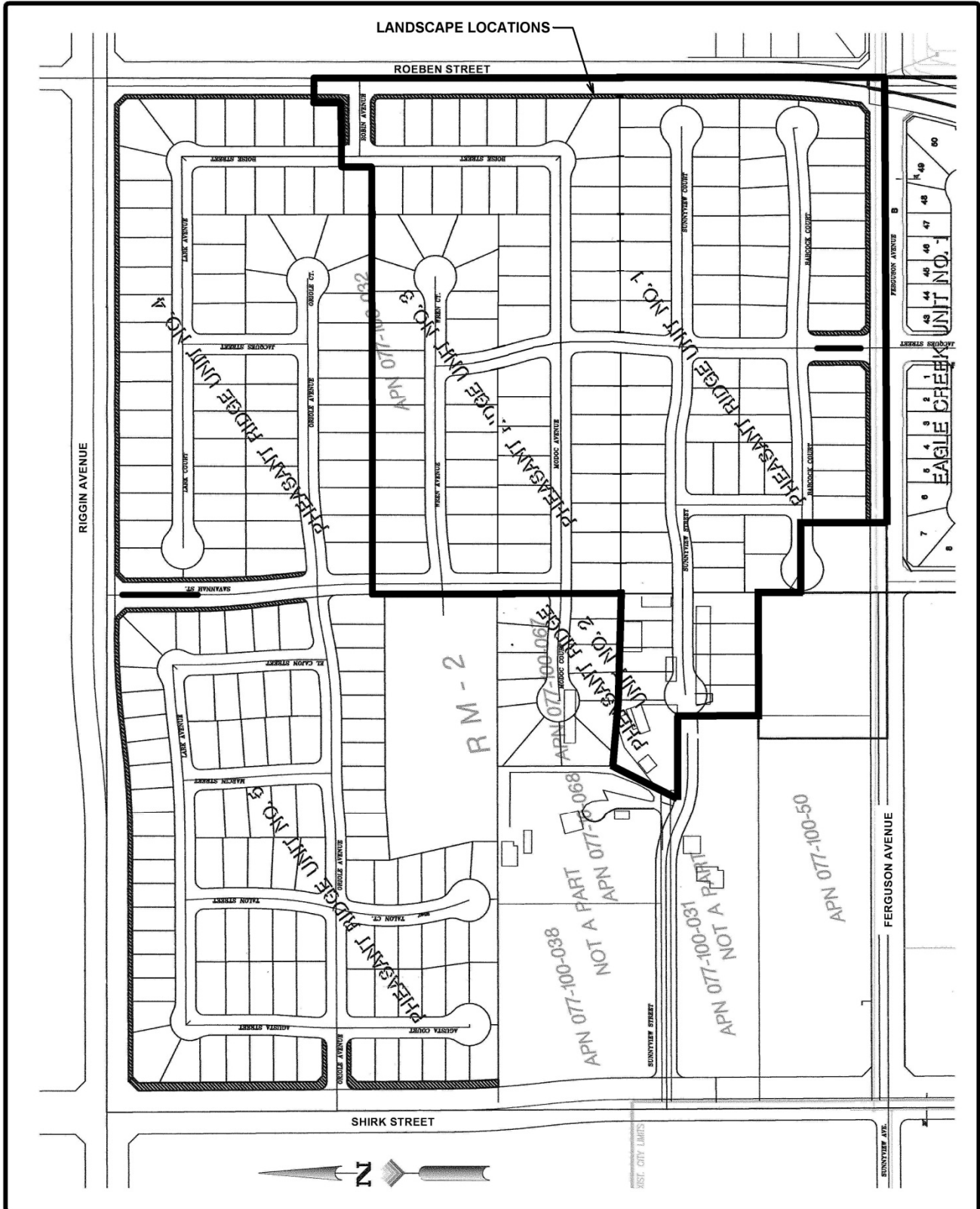


Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2011-12

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>Phase</u>	<u>District</u>
77630001	\$387.85	Groves Ronald Steven & Kathleen R(Trs)	05-19001	Unit No. 1	Pheasant Ridge
77630002	\$387.85	Mc Lain Gary D & Ilene G	05-19002	Unit No. 1	Pheasant Ridge
77630003	\$387.85	Oliveira Darcy M	05-19003	Unit No. 1	Pheasant Ridge
77630004	\$387.85	Cobarruvas Luis & Irma	05-19004	Unit No. 1	Pheasant Ridge
77630005	\$387.85	Jorgensen Michael D & Mary S	05-19005	Unit No. 1	Pheasant Ridge
77630006	\$387.85	Harness Derek J & Melissa Y	05-19006	Unit No. 1	Pheasant Ridge
77630007	\$387.85	Nevarez Luis	05-19007	Unit No. 1	Pheasant Ridge
77630008	\$387.85	Waddell David Lee	05-19008	Unit No. 1	Pheasant Ridge
77630009	\$387.85	Casabay Sheilanie Balmilero	05-19009	Unit No. 1	Pheasant Ridge
77630010	\$387.85	Fallert Ronald D & Margorie M	05-19010	Unit No. 1	Pheasant Ridge
77630011	\$387.85	Holmes Ryan M & Jennifer E	05-19011	Unit No. 1	Pheasant Ridge
77630012	\$387.85	Bartsch Nicholas & Jennifer	05-19012	Unit No. 1	Pheasant Ridge
77630013	\$387.85	Watamura Jeff	05-19013	Unit No. 1	Pheasant Ridge
77630014	\$387.85	Langford Omega T	05-19014	Unit No. 1	Pheasant Ridge
77630015	\$387.85	Domingcil Tim & Chanthone	05-19015	Unit No. 1	Pheasant Ridge
77630016	\$387.85	Siegel Aaron T & Jill C (Trs)	05-19016	Unit No. 1	Pheasant Ridge
77630017	\$387.85	Settimi Stephanie(Tr)	05-19017	Unit No. 1	Pheasant Ridge
77630018	\$387.85	Mills Beau B	05-19018	Unit No. 1	Pheasant Ridge
77630019	\$387.85	Edwards Christopher J & Julie E	05-19019	Unit No. 1	Pheasant Ridge
77630020	\$387.85	Tejeda Jason Anthony & Jana Christine	05-19020	Unit No. 1	Pheasant Ridge
77630021	\$387.85	Martinez Javier & Christina	05-19021	Unit No. 1	Pheasant Ridge
77630022	\$387.85	Cain Jason & Allyson	05-19022	Unit No. 1	Pheasant Ridge
77630023	\$387.85	Lowder Douglas Brian & Lisa Nicole	05-19023	Unit No. 1	Pheasant Ridge
77630024	\$387.85	Schieferle Cole & Jeanette	05-19024	Unit No. 1	Pheasant Ridge
77630025	\$387.85	Godfrey Robert M & Catherine S	05-19025	Unit No. 1	Pheasant Ridge
77630026	\$387.85	Gray Warren	05-19026	Unit No. 1	Pheasant Ridge
77630027	\$387.85	Ross Andrew D & Melanie T	05-19027	Unit No. 1	Pheasant Ridge
77630028	\$387.85	Keeter Jennifer & John	05-19028	Unit No. 1	Pheasant Ridge
77630029	\$387.85	Valero Cristina & Arturo	05-19029	Unit No. 1	Pheasant Ridge
77630030	\$387.85	Gonzalez Javier & Laura A	05-19030	Unit No. 1	Pheasant Ridge
77630031	\$387.85	Anderson Ronald J & Maria	05-19031	Unit No. 1	Pheasant Ridge
77630032	\$387.85	Lula Daniel F	05-19032	Unit No. 1	Pheasant Ridge
77630033	\$387.85	Afdahl James & Lois M	05-19033	Unit No. 1	Pheasant Ridge
77630034	\$387.85	Avila Alejandro B & Martha E	05-19034	Unit No. 1	Pheasant Ridge
77630035	\$387.85	Silva Jason D & Elaine P	05-19035	Unit No. 1	Pheasant Ridge
77630036	\$387.85	Shanoian Ronald & Janice (Co-Trs)(Tr)	05-19036	Unit No. 1	Pheasant Ridge
77630037	\$387.85	Guerra Aaron V & Alma D	05-19037	Unit No. 1	Pheasant Ridge
77630038	\$387.85	Ngo Soi Ti & Rattana H	05-19038	Unit No. 1	Pheasant Ridge
77630039	\$387.85	Jain Kamlesh & Abhilasha	05-19039	Unit No. 1	Pheasant Ridge
77630040	\$387.85	Stich Michael A & Sylvia M	05-19040	Unit No. 1	Pheasant Ridge
77630041	\$387.85	Traeger Philip D & Janice W	05-19041	Unit No. 1	Pheasant Ridge
77630042	\$387.85	Sepeda Robert J & Martha	05-19042	Unit No. 1	Pheasant Ridge
77630043	\$387.85	Robles Raymond R & Marcy	05-19043	Unit No. 1	Pheasant Ridge
77630044	\$387.85	Masterson Robert E & Leane M	05-19044	Unit No. 1	Pheasant Ridge
77630045	\$387.85	Kelly Kathleen	05-19045	Unit No. 1	Pheasant Ridge

Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2011-12

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>Phase</u>	<u>District</u>
77630046	\$387.85	Richwine John & Heather	05-19046	Unit No. 1	Pheasant Ridge
77630047	\$387.85	Wheaton Craig E & Barbara D	05-19047	Unit No. 1	Pheasant Ridge
77630048	\$387.85	Giannandrea Steven M & Jennifer D	05-19048	Unit No. 1	Pheasant Ridge
77630049	\$387.85	Smith Mark G & Sarah C	05-19049	Unit No. 1	Pheasant Ridge
77630050	\$387.85	Reyes Gabriel P	05-19050	Unit No. 1	Pheasant Ridge
77630051	\$387.85	Perez Michael Z & Anita H	05-19051	Unit No. 1	Pheasant Ridge
77630052	\$387.85	Moua Siang Phou W	05-19052	Unit No. 1	Pheasant Ridge
77630053	\$387.85	Rodriguez Abel V & Yolanda M	05-19053	Unit No. 1	Pheasant Ridge
77630054	\$387.85	Edwards Kaylene M	05-19054	Unit No. 1	Pheasant Ridge
77630055	\$387.85	Rico Michael J	05-19055	Unit No. 1	Pheasant Ridge
77630056	\$387.85	Carrillo Victor P & Maria S	05-19056	Unit No. 1	Pheasant Ridge
77630057	\$387.85	Haven Belinda S	05-19057	Unit No. 1	Pheasant Ridge
77630058	\$387.85	Van Curen Brandon	05-19058	Unit No. 1	Pheasant Ridge
77630059	\$387.85	Morfin Rigoberto & Maria S	05-19059	Unit No. 1	Pheasant Ridge
77630060	\$387.85	Esquibel Robert & Juanita	05-19060	Unit No. 1	Pheasant Ridge
77630061	\$387.85	Saldarriaga Jose M & Betty V	05-19061	Unit No. 1	Pheasant Ridge
77640003	\$387.85	Rouch Investment Co A Wa State Prtnshp	05-19062	Unit No. 2 Phase 1	Pheasant Ridge
77640004	\$387.85	Myers Kristi & Shammoth	05-19063	Unit No. 2 Phase 1	Pheasant Ridge
77640005	\$387.85	Rouch Investment Co A Wa State Prtnshp	05-19064	Unit No. 2 Phase 1	Pheasant Ridge
77640006	\$387.85	Yan Michael	05-19065	Unit No. 2 Phase 1	Pheasant Ridge
77640007	\$387.85	Bush Eric E & Karla L	05-19066	Unit No. 2 Phase 1	Pheasant Ridge
77640008	\$387.85	Rouch Investment Co A Wa State Prtnshp	05-19067	Unit No. 2 Phase 1	Pheasant Ridge
77640009	\$387.85	Rouch Investment Co A Wa State Prtnshp	05-19068	Unit No. 2 Phase 1	Pheasant Ridge
77640010	\$387.85	Rouch Investment Co A Wa State Prtnshp	05-19069	Unit No. 2 Phase 1	Pheasant Ridge
77640011	\$387.85	Gomez James & Carol A	05-19070	Unit No. 2 Phase 1	Pheasant Ridge
77760001	\$387.85	Arvizo Joel	05-19071	Unit No. 3A	Pheasant Ridge
77760002	\$387.85	Gutierrez Rafael Jr	05-19072	Unit No. 3A	Pheasant Ridge
77760003	\$387.85	Hernandez Abraham & Angela	05-19073	Unit No. 3A	Pheasant Ridge
77760004	\$387.85	Elliott Michael & Jennifer	05-19074	Unit No. 3A	Pheasant Ridge
77760005	\$387.85	Arellano Beatriz	05-19075	Unit No. 3A	Pheasant Ridge
77760006	\$387.85	Vigil Delia H	05-19076	Unit No. 3A	Pheasant Ridge
77760007	\$387.85	Reese Derek A	05-19077	Unit No. 3A	Pheasant Ridge
77760008	\$387.85	Paul Noilly D	05-19078	Unit No. 3A	Pheasant Ridge
77760009	\$387.85	Reifenberg John & Ketevan	05-19079	Unit No. 3A	Pheasant Ridge
77760010	\$387.85	Poggione Ron & Lori	05-19080	Unit No. 3A	Pheasant Ridge
77760011	\$387.85	Henderson Mary G	05-19081	Unit No. 3A	Pheasant Ridge
77760012	\$387.85	Mallari Angelina P	05-19082	Unit No. 3A	Pheasant Ridge
77760014	\$387.85	French Kenneth William & Kimberly M	05-19083	Unit No. 3B	Pheasant Ridge
77760015	\$387.85	Quinn Brian & Leticia	05-19084	Unit No. 3B	Pheasant Ridge
77760016	\$387.85	Mc Millin Meadows Llc	05-19085	Unit No. 3B	Pheasant Ridge
77760017	\$387.85	Mc Millin Meadows Llc	05-19086	Unit No. 3B	Pheasant Ridge
77760018	\$387.85	Mc Millin Meadows Llc	05-19087	Unit No. 3B	Pheasant Ridge
77760019	\$387.85	Mc Millin Meadows Llc	05-19088	Unit No. 3B	Pheasant Ridge
77760020	\$387.85	Mc Millin Meadows Llc	05-19089	Unit No. 3B	Pheasant Ridge
77760021	\$387.85	Mc Millin Meadows Llc	05-19090	Unit No. 3B	Pheasant Ridge

Exhibit "C"

Tax Roll Assessment
Pheasant Ridge
Fiscal Year 2011-12

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>Phase</u>	<u>District</u>
77760022	\$387.85	Mc Millin Meadows LLC	05-19091	Unit No. 3B	Pheasant Ridge
77760023	\$387.85	Mc Millin Meadows LLC	05-19092	Unit No. 3B	Pheasant Ridge
77760024	\$387.85	Surber Amanda J	05-19093	Unit No. 3B	Pheasant Ridge
77760025	\$387.85	Sorensen Kasey & Teresa	05-19094	Unit No. 3B	Pheasant Ridge
77760027	\$387.85	Mc Millin Meadows LLC	05-19095	Unit No. 3C	Pheasant Ridge
77760028	\$387.85	Mc Millin Meadows LLC	05-19096	Unit No. 3C	Pheasant Ridge
77760029	\$387.85	Mc Millin Meadows LLC	05-19097	Unit No. 3C	Pheasant Ridge
77760030	\$387.85	Mc Millin Meadows LLC	05-19098	Unit No. 3C	Pheasant Ridge
77760031	\$387.85	Mc Millin Meadows LLC	05-19099	Unit No. 3C	Pheasant Ridge
77760032	\$387.85	Mc Millin Meadows LLC	05-19100	Unit No. 3C	Pheasant Ridge
77760033	\$387.85	Mc Millin Meadows LLC	05-19101	Unit No. 3C	Pheasant Ridge
77760034	\$387.85	Mc Millin Meadows LLC	05-19102	Unit No. 3C	Pheasant Ridge
77760035	\$387.85	Mc Millin Meadows LLC	05-19103	Unit No. 3C	Pheasant Ridge
77760036	\$387.85	Mc Millin Meadows LLC	05-19104	Unit No. 3C	Pheasant Ridge
77760037	\$387.85	Mc Millin Meadows LLC	05-19105	Unit No. 3C	Pheasant Ridge
77760038	\$387.85	Mc Millin Meadows LLC	05-19106	Unit No. 3C	Pheasant Ridge
77760039	\$387.85	Mc Millin Meadows LLC	05-19107	Unit No. 3C	Pheasant Ridge
77760040	\$387.85	Mc Millin Meadows LLC	05-19108	Unit No. 3C	Pheasant Ridge
77760041	\$387.85	Mc Millin Meadows LLC	05-19109	Unit No. 3C	Pheasant Ridge
77760043	\$387.85	Mc Millin Meadows LLC	05-19110	Unit No. 3D	Pheasant Ridge
77760044	\$387.85	Mc Millin Meadows LLC	05-19111	Unit No. 3D	Pheasant Ridge
77760045	\$387.85	Mc Millin Meadows LLC	05-19112	Unit No. 3D	Pheasant Ridge
77760046	\$387.85	Mc Millin Meadows LLC	05-19113	Unit No. 3D	Pheasant Ridge
77760047	\$387.85	Mc Millin Meadows LLC	05-19114	Unit No. 3D	Pheasant Ridge
77760048	\$387.85	Mc Millin Meadows LLC	05-19115	Unit No. 3D	Pheasant Ridge
77760049	\$387.85	Mc Millin Meadows LLC	05-19116	Unit No. 3D	Pheasant Ridge
77760050	\$387.85	Mc Millin Meadows LLC	05-19117	Unit No. 3D	Pheasant Ridge
77760051	\$387.85	Mc Millin Meadows LLC	05-19118	Unit No. 3D	Pheasant Ridge
77760052	\$387.85	Mc Millin Meadows LLC	05-19119	Unit No. 3D	Pheasant Ridge
77760053	\$387.85	Mc Millin Meadows LLC	05-19120	Unit No. 3D	Pheasant Ridge
77760054	\$387.85	Mc Millin Meadows LLC	05-19121	Unit No. 3D	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19122	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19123	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19124	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19125	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19126	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19127	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19128	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19129	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19130	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19131	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19132	Unit No. 3E	Pheasant Ridge
77760055	\$387.85	Mc Millin Meadows LLC	05-19133	Unit No. 3E	Pheasant Ridge

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2011-12

General Description

Assessment District 05-19 "Pheasant Ridge" (District) is located at the northwest corner of Ferguson Avenue and Roeben Street. Exhibit "A" is the assessment map of this District. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, street lights, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block wall includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The total number of lots planned to be within the District are 304 as established with the Pheasant Ridge Tentative Subdivision Map No. 5461. The total number of lots within the District up through the annexation of Unit 3E is 133.

Determination of Benefit

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

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls, and street lights. The lots not adjacent to landscape areas, block walls, and street lights benefit by the uniform maintenance and overall appearance of the District. 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. The per lot assessment for each lot within each phase is based on the quantities, estimated annual costs for all 5 phases of the Pheasant Ridge Tentative Subdivision Map No. 5461.

Estimated Costs

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

Exhibit "D"

Engineer's Report
 Landscape & Lighting Assessment District 05-19
 Pheasant Ridge
 Fiscal Year 2011-12

The quantities, estimated annual costs and per lot annual assessment for all 5 phases of the Pheasant Ridge Tentative Subdivision Map No. 5461 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.	59,648	\$0.180	\$10,736.64
Shrub Area	Sq. Ft.	59,648	\$0.180	\$10,736.64
Water	Sq. Ft.	119,296	\$0.050	\$5,964.80
Electricity	Sq. Ft.	119,296	\$0.008	\$954.37
Trees In Landscape Lots	Each	332	\$25.00	\$8,300.00
Trees In Local Street Parkways	Each	422	\$25.00	\$10,550.00
Street Lights	Each	71	\$105.00	\$7,455.00
Chip Seal (15 year cycle)	Sq. Ft.	554,122	\$0.190	\$7,018.88
Crack Seal (8 year cycle)	Sq. Ft.	554,122	\$0.029333	\$2,031.76
Reclamite (6 year cycle)	Sq. Ft.	554,122	\$0.02111	\$1,949.68
Overlays (10 year cycle)	Sq. Ft.	554,122	\$0.650	\$36,017.93
Project Management Costs	Lots	304	\$18.00	\$5,472.00
TOTAL				<u>\$107,187.69</u>
10% Reserve Fund				\$10,718.77
GRAND TOTAL				<u><u>\$117,906.46</u></u>
NUMBER OF LOTS				304
ANNUAL PER LOT ASSESSMENT				\$387.85

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2011-12

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:

$$A_{\max} \text{ for any given year "n"} = (\$117,906.46) (1.05)^{(n-1)}$$

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 \$128,518.04 [a 9% increase over the base year estimated cost of \$117,906.46]. The maximum annual assessment for year four is \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The assessment will be set at \$128,518.04 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 \$133,234.30 [a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$117,906.46]. 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 \$2,664.69 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 \$136,491.47 [$A_{\max} = (\$117,906.46) (1.05)^{(4-1)}$]. The year four assessment will be set at \$133,234.30 plus the deficit amount of \$2,664.69 which equals \$135,898.99 [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.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 05-19
Pheasant Ridge
Fiscal Year 2011-12

Example 3. The estimated year four cost of maintaining the improvements in the district is \$128,518.04 [a 9% increase over the base year assessment of \$117,906.46] and damage occurred to the masonry wall raising the year five expenses to \$143,845.88 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$141,369.85 (a 10% increase over the previous year) and below the maximum annual assessment of \$143,316.04 [$A_{\max} =$
 $(\$117,906.46) (1.05)^{(5-1)}$]. The difference of \$2,476.03 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
Sr. Civil Engineer

RCE 59445

Date

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk): 17

Agenda Item Wording: Appointment of Diane Biehle to the Election Process Task Force as recommended by the Election Process Task Force, and the Council Subcommittee on the Election Process, consideration of filling the vacancy on the Election Process Task due to the resignation of Paul Chao, and announcement of the Mayor of the Chair(s) of the Task Force.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number:
Bob Link, Mayor
Election Process Task Force
Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council accept the recommendation of the Election Process Task Force, including the ex-officio members, and appoint Diane Biehle to the Election Process Task Force. It is also recommended that the Council discuss whether to fill the position left vacant by the resignation of Paul Chao, and if so whether to appoint from the remaining applicants, or by some other process.

Department Discussion

The Visalia City Council asked the Election Process Task Force, including ex-officio members Vice Mayor Amy Shuklian and Council Member Warren Gubler, to make a recommendation regarding which of the remaining qualified applicants to appoint to the Election Process Task Force. The Task Force met on October 24 and considered the remaining 10 applicants. The Task Force is recommending that Diane Biehle (application attached) be appointed to serve on the Task Force. An educator, Biehle serves on the Citizens Advisory Committee.

On the day of the meeting, Task Force Member Paul Chao resigned from the Task Force for personal reasons. The Task Force guidelines approved by the Council on August 1, 2011 give the Council the discretion to fill the position if they believe the process has not progressed to the point that a new member would not have the appropriate background to participate in the discussions. Since the Task Force has only held one introductory meeting, staff is recommending that the City Council appoint one of the following remaining qualified applicants (applications attached), in addition to Diane Biehle, to fill the position:

Robert Ainley
Sylvia Baggs
Amy Balsley
Tribly Barton
Carol Clarke

Gary Dill
Irene Lapen
Erma Montion
Lucia Vazquez

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 LBC 103111

Finance
City Atty
City Mgr

The Council could choose to appoint one of these applicants, could recruit for additional applicants, or could leave the position vacant.

At the recommendation of Shuklian and Gubler, the Task Force selected a second applicant to recommend to the City Council. Erma Montion (application attached) was the second recommendation from the Task Force. She served on the City's District Election Task in 1993.

The current make-up of the Election Process Task Force is:

Robert Aguilar
Brody Blain
Phil Bourdette
Jennifer Gomez
Nathan Hernandez
Tom Johnson

Darlene Mata
Glenn Morris
Stephen Peck
Harry Wood
Maggie Florez

Appointment of Chair(s):

In accordance with the direction from the City Council when forming the Task Force, the Mayor is charged with appointing the Chair of the Task Force. The Mayor is appointing Darlene Mata to the position of Chair of the Task Force. If she is unable to attend a meeting, she will appoint someone as acting Chair in her stead.

Background:

The City Council, in considering this issue, recognized that with a diverse population of 12 5,000, and with the data from the 2010 census now available, it may be an appropriate time for the Council, in conjunction with the community, to review how City Council Members are elected and determine the best course of action for the future. Some state and federal law election provisions favor district elections; although the City Council does not, as a whole, necessarily agree that at large elections should be abandoned for the City of Visalia, it agrees that the community should have an opportunity to discuss this matter in greater depth. The Council determined that a community-based group should be given the task of investigating the feasibility and appropriateness of district elections for the City of Visalia.

Task Force Purpose:

Consistent with the above, the Council City decided to appoint a Task Force to consider the following:

1. Review the types of City Council election formats being used in other cities that may comply with federal and state election law.
2. Consider whether the City Council should consider changing how the Visalia City Council is elected, including the implementation of a "By-District" election process.
3. Consider the current demographic and voter makeup statistics as revealed by the 2010 census and recent election data, and how are these statistics relevant to the question of how or whether the City's election process should be changed.
4. Taking the above into consideration, determine whether the Task Force has a recommendation on the following aspects of the Council Member election system:
 - a. Is the "at large" system still appropriate for Visalia? If not, what type of District elections are recommended (i.e. pure by-district, or hybrid with an "at-large" component)?
 - b. How many Districts should there be, and should the City create new Council seats (for example, move to a seven-person Council)?

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- c. If a change is recommended, what should the timeline for processing such a change be?
- d. By what process should the change be implemented? (Charter Amendment, ordinance, other)

Prior Council/Board Actions:

6//27 – The City Council appointed Vice Mayor Amy Shuklian and Council Member Warren Gubler to a Council Sub Committee to consider if the Council should consider making changes to the Election Process.

8/1 – The City Council voted to appoint an Election Process Task Force to consider whether they would recommend making changes to the City's Election Process.

8/15 - The City Council voted to reopen the application process until Aug. 31, 2011.

9/6 – The Council appointed 10 members of the Committee and recommended that the Council Subcommittee make a recommendation to the City Council regarding the at-large members.

Sept 19, 2011 – Council appointed Paul Chao and Maggie Florez to the Task Force, and asked the Task Force and Council Subcommittee to recommend a thirteenth member to the Task Force.

Alternatives:

Appoint a member(s) other than those recommended by the Task Force

Don't appoint another member

Reopen the applicant process and accept additional applications

Attachments:

Applications of remaining qualified applicants

Recommended Motion (and Alternative Motions if expected):

I move to appoint Diane Biehle and Erma Montion, as recommended by the Task Force, to the Election Process Task Force.

Robert Ainley

Election Process Task Force Application

City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: Robert Ainley Telephone: 559.901.9207

Address: 1610 W. Meadow Ave., Visalia, CA 93277

E-mail Address: rainley25@gmail.com

Occupation: Lawyer Employer: Self-Employed

Education: JD (U. Oregon); MA (U. Warwick (UK)); BA/BA (UC Davis)

Community Involvement:

Central California Legal Services [summer law clerk/Tulare-Kings small claims advisor]
Golden West High School [freshman baseball coach, 2005-2006]
Food for Lane County [community garden for the homeless shelter]
Volunteer Income Tax Assistance Program [Lane County, Oregon]
Radiant Church (Visalia)

Civic Involvement:

Fresno Country District Attorney's Office [summer law clerk, 2010]
Lane County District Attorney's Office [law clerk, 2010]
Lane County Courts [small claims mediator, 2010]

On a separate piece of paper, please answer the following questions:

*see below

Applications, supplemental question answers, and any other documentation that would support your interest in serving on this Task Force must be received by the City Clerk's Office by 12 noon on Friday, August 12. A resume that addresses community and civic involvement may be attached in place of using the form to list involvement. Items may be sent by email to cityclerk@ci.visalia.ca.us, or delivered by hand or mail to 425 E. Oak, Suite 301, Visalia, CA 93291. Questions can be directed to the Clerk's Office at 713-4512.



9/6/11
received
neg-voter

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Robert Ainley

Election Process Task Force Application

1. Why are you interested in serving on the Election Process Task Force?

The Election Process Task Force is a great opportunity for me to use my experience and education in a way that directly affects my community in a meaningful way. I have a major interest in the electoral process and the right to vote in a community is a fundamental right, so being a part of the task force would allow me to assist Visalia in a very important process. Generally, I am interested in the task force because I have been looking for meaningful ways to get involved in the community since returning to Visalia and this is an excellent opportunity for that.

2. What do you hope to accomplish as a member of the Task Force?

As a member of the Task Force, I look to be a balancing force amongst the members and bring a very nuanced approach to any recommendations that may be agreed to. As stated above, the right to vote is a fundamental right, but a right that is constantly under pressure from various interests. As such, my main accomplishment would be to successfully serve as a balance to the many separate interests in order to facilitate the widest possible agreement and benefit to the community.

3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?

I do bring a wide range of skills, knowledge, and experience to the table. First, as a lawyer, I have a good understanding of the permissible Constitutional limits and allowances for voter redistricting. Furthermore, I can also bring a solid set of research, writing, and analytical skills to facilitate the drafting and advocacy needs of this Task Force.

Another aspect is my previous experience. I have served on a number of national campaigns and have seen many successes and failures of a wide variety of voter systems in many states. Not only do I understand what is at stake with poor voter representation, but also the various effects that different changes can create. Changes are not always necessary and sometimes the greatest of intentions can have horrible unforeseen consequences. On this same note, I can offer the task force this exposure in order to enable discussions of the pros and cons of various changes (or no changes), thus enabling the task force to make fully-informed recommendations.

Finally, along with my broad skill-set, I bring a history with the area. I was born and raised in Visalia, graduated from Golden West High School, substitute taught for a brief period with Visalia Unified, and now, have returned home after a variety of professional and educational adventures. The task force would be gaining a member who is a Visalian who understands the community, but also has an excellent exposure to other communities and systems.

4. What do you see has some of the most challenging issues facing the City of Visalia and why?

The most challenging issue facing Visalia is how to maintain growth and prosperity during the economic downturn. Bad economic times put a high premium on community services, but Visalia has never been an outrageously prosperous area, so maintaining a decent quality of life for Visalia residents without burdening growth is a huge conundrum. This may be a bit beyond the scope of this particular inquiry.

On a more "voter centric" level, a major challenge facing Visalia is the Hispanic voting population. Currently, half of Visalia's citizens identify themselves as Hispanic in some way, but the voter turnout and the voting outcomes rarely mirror the census statistics. The challenge is

to determine if these voting issues are the result of governmental/structural barriers that the city should address or if it's more the result of socio-cultural issues that cannot be remedied by top-down government action. What needs to be determined is the "satisfaction" level of the current system. If voters knowingly forsake their right to vote or vote within the current system without complaint, then there is little change from a governmental aspect that can really affect voter values. However, if there is underlying dissatisfaction with the current voting system and that dissatisfaction discourages turnout or candidate pools, then there are certain voting changes that can be made to address these attitudes. That said, this is a major challenge as true voter attitudes are extremely difficult to assess.

5. What do you enjoy most about living in Visalia?

The thing I enjoy most about living in Visalia is the sense of community. Visalia is able to straddle the fence of being small enough to not alienate its citizens, but large enough to provide a decent amount of necessities, opportunities, and entertainment. It has a healthy sense of community and there is still optimism for growth.

6. What have you enjoyed about living in another community?

I would probably have to say the "energy" of other communities. I don't mean that is some strange sense of the word, but more in the amount and diversity of activities available. Having lived in both large cities overseas and other smaller US towns, I have been able to experience a huge disparity in atmospheres. However, the ability of an area to retain a decent young professional (i.e. 25-35) population and the availability of venues (shops, restaurants, etc.) has been a common characteristic that I have enjoyed in these cities. It adds an atmosphere of innovation and excitement that forces people out of their homes and downtown.

ROBERT AINLEY

1610 West Meadow Avenue • Visalia, California 93277
rainley25@gmail.com • 559.901.9207

EDUCATION

University of Oregon, School of Law • Eugene, Oregon

Doctor of Jurisprudence • Law • May 2011

Honors: John & Elenor Halderman Scholarship • Henry E. Collier Scholarship

Activities: Oregon Review of International Law • ADR Board (Vice Chair, 2009-10)

- Dean's Student Advisory Committee • Mediation & Prosecution Clinics
- Law & Entrepreneurship Student Assn. Board • Phi Alpha Delta (Vice Justice)
- Pro Bono Certificate • Public Interest & Public Service Certificate

University of Warwick • Coventry, United Kingdom

Master of Arts • International Security • November 2008

Honors: North American Postgraduate Scholarship

Activities: Postgraduate Society • Wine & Whiskey Society • Men's Lacrosse Team

University of California at Davis • Davis, California

Bachelor of Arts • Political Science • December 2005

Bachelor of Arts • Organizational Sociology • December 2005

Honors: Dean's List

Activities: Undergraduate Outreach Program • Men's Lacrosse Team

- SCUSA Conference at West Point • Study Abroad – London (Spring, 2005)

EXPERIENCE

United Nations Office on Drugs and Crime • Vienna, Austria

Intern – Organized Crime & Illicit Trafficking Branch • January 2011 – April 2011

- Researched prosecutions and convictions on human trafficking worldwide;
- Compiled the cases into summarized briefs to be fed into the global case law database;
- Conducted analysis on successful trafficking prosecutions and compensation claims;
- Researched trafficking for organ removal cases and drafted a preliminary report;
- Assisted in liaising with offices within the United Nations and external organizations;
- Carried out other tasks related to the implementation of the Global Programme Against Trafficking in Persons as assigned.

Lane County District Attorney's Office • Eugene, Oregon

Prosecution Extern • August – December 2010

- Acted as a court certified student with the ability to try cases before the Circuit Court;
- Conducted arraignments and sentencings on a bi-weekly basis;
- Tried three cases, one being a felony bench trial for first-degree theft.

Fresno County District Attorney's Office • Fresno, California

Certified Law Student – Felony Trial Team • June – August 2010

- Participated in over a dozen pieces of litigation;
- Authored several opposition motions with a perfect record of success; (search & seizure, speedy trial/due process, motions to vacate, etc.)
- Conducted several preliminary hearings and argued motions in court. (felony gun possession, heroin possession & sale, grand theft, burglary)

Central California Legal Services, Inc. • Visalia, California

Summer Legal Clerk • July – August 2009

- Handled the bulk of small claims advising for Tulare and Kings counties;
- Interviewed clients for landlord-tenant and foreclosure cases;
- Assisted a supervising attorney with research for a federal civil rights case.

**Continued*

OTHER PROFESSIONAL EXPERIENCE

- **Brownback for President** • Des Moines, Iowa
Iowa Field Representative • June – August 2007
- **Greene for U.S. Congress** • Commerce, Georgia
Director of Research • March – May 2007
- **Harris for U.S. Senate** • Tampa, Florida
Director of Research and Public Policy • September – November 2006
- **Quad Knopf, Inc.** • Visalia, California
Geographic Information Systems Intern • February – June 2006
- **Labour Party (United Kingdom)** • Wimbledon, England
General Parliamentary Election Intern • April – June 2005
- **UC Davis Dept. of Political Science** • Davis, California
Undergraduate Research Assistant (Dr. Scott Gartner) • January – April 2005
- **Davis Fire Crew** • Davis, California
Emergency Wildland Firefighter: Mendocino National Forest • May – October 2004

ADDITIONAL INFORMATION

Memberships: International Studies Association • Phi Alpha Delta
Academic Research: Military Intervention • East Asian Security Relationships • Failed States
• Human Trafficking for Organ Removal
Interests: Football • Baseball • Lacrosse • Soccer • Photography • Foreign Affairs • History
Volunteering: Medical mission to Costa Rica (*Summer 2000 & 2002*)
Humanitarian work in China, South Korea, Philippines, Singapore, and Taiwan
(*1988 & 2001-2002*) • Food for Lane County Garden • VITA

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Donjia Huffmon

From: SYLVIA BAGGS <sylviabaggs@sbcglobal.net>
Sent: Wednesday, August 31, 2011 11:57 AM
To: Donjia Huffmon
Subject: Application for Election Process Task Force
Attachments: Election Process Task Force Application.doc



Name Sylvia S. Baggs
Telephone 559 627 6317
sylviabaggs@sbcglobal.net

Attorney/Professor

Retired

Education: Vanderbilt University and University of Idaho Law School

Community Involvement: volunteer Visalia/Tulare County Library 5 years

Board of Directors Congregation B'nai David 4 years, President of the Board 1 year

Civic Involvement: Member Citizens Advisory Committee 5 years, Secretary 2 years

attached is the answers to the questions

Sylvia S. Baggs

*9/6/11 verified
neg - voter*

ELECTION PROCESS TASK FORCE APPLICATION QUESTIONS

1. Why are you interested in serving on the Election Process Task Force?

Citizens ordinarily feel the state and federal government are far removed from us. However, local government can be affected by people who care enough to become involved. Therefore, the election process should be of paramount concern to the local electorate and having the process responsive to the people is essential. The process needs to be as fair as we can make it and I believe that I have the interest and the ability to do the job

2. What do you hope to accomplish as a member of the Task Force?

I hope the Task Force will recommend an election process responsive to the local citizens that is fair and will encourage people to vote.

3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?

I have basic computer skills. I have the ability to communicate well with others. From my experience as an Attorney/Professor, I can read and comprehend legal language. I can do the research necessary to uncover essential information from other jurisdictions for comparison.

4. What do you see as some of the most challenging issues facing the City of Visalia and why?

The present economy makes it very difficult for the City to maintain the high standards that the citizens of Visalia have come to expect. Because our forward thinking Councils in the past thought in long term goals, we are in better shape than many other municipalities of equal size. We need to ride out this difficult economic situation and continue to plan for the future so that when conditions improve we are in a position to move forward. We need to attract more business to broaden our tax base. We need to attract more doctors. We need to continue to improve our streets and better manage the traffic. We need to hold the line on any possibility of urban sprawl while we continue to grow.

5. What do you enjoy most about living in Visalia?

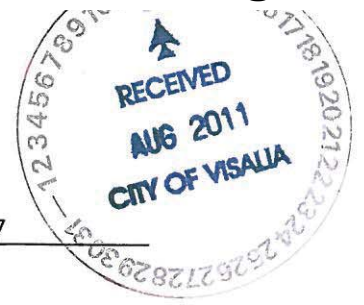
I enjoy the comfortable lifestyle. A slower pace drew me from the Bay Area when I retired. I had several criteria for finding a new home.

1. First an intangible element, it had to feel right. This was accomplished with the abundance of wonderful trees, good city planning and a viable downtown was a great bonus.
2. It had to have a good library and we do.
3. It had to have good medical facilities and we do.
4. The people had to be welcoming and friendly and we are.
5. There had to be opportunities to serve the community. I am on the Citizens Advisory Committee as well as a volunteer at the library.
6. I love the Farmers' Market, the fabulous High School Musical productions and the ease of access to everything around town.

6. What have you enjoyed about living in another community?

I enjoyed living in the Bay Area (San Mateo) because of the many cultural activities. When I was younger the faster pace was exciting and I didn't mind the anonymity of a large metropolitan area.

City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION



Name: Amy Lynn Balsley Telephone: 559-372-9697

Address: 2635 W. Monte Vista Ave Visalia, CA 93277

E-mail Address: amylynnvisalia@gmail.com

Occupation: Media/Production Consultant Employer: KVLP-LP 101.5 Radio

Education: B.A. English from CSU Long Beach, Single-Subject Teaching Credential from Fresno State, Full-Time Student in National University's M.A. Strategic Communications program.

Community Involvement: see attached

Civic Involvement: see attached

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
4. What do you see has some of the most challenging issues facing the City of Visalia and why?
5. What do you enjoy most about living in Visalia?
6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

Applications, supplemental question answers, and any other documentation that would support your interest in serving on this Task Force must be received by the City Clerk's Office by 12 noon on Friday, August 12. A resume that addresses community and civic involvement may be attached in place of using the form to list involvement. Items may be sent by email to cityclerk@ci.visalia.ca.us, or delivered by hand or mail to 425 E. Oak, Suite 301, Visalia, CA 93291. Questions can be directed to the Clerk's Office at 713-4512.

*9/6/11 verified
neg - voter*

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1. Why are you interested in serving on the Election Process Task Force?

I would like the opportunity to participate in civic life as a researcher and collaborate with other community members. I have lifelong roots in volunteerism and community service, and would like to learn more about the democratic processes of local government.

2. What do you hope to accomplish as a member of the Task Force?

I hope to compile accurate, valid, reliable data regarding public opinion on the city council election process. My key objective is to collaborate with Task Force members to develop solutions which best protect the democratic process for all Visalians.

3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?

I have recently completed graduate study in research methodologies, specializing in focus group and survey design, pretesting, administration, and analysis. I am a confident and efficient facilitator with experience in both public speaking and intercultural communication.

4. What do you see has some of the most challenging issues facing the City of Visalia and why?

Growing up in Visalia, I was very concerned with youth issues such as preventing child abuse gang activity, and fully support city and county programs provide services and education to build and maintain strong families. Economic development and job creation are national priorities which hit home through issues such providing support for local businesses to maintain our city's uniqueness and diversity. Transportation issues involving walkability, livable communities, and safe streets are paramount to sustaining a thriving Downtown.

5. What do you enjoy most about living in Visalia?

Visalia is my hometown, so I am proud to enjoy the combination of small-town values and local culture the city has to offer. The revitalization of downtown through the encouragement of locally owned restaurants, the farmers market, and live music events enriches the lifelong connections Visalians build with family, friends, colleagues and classmates.

6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

When I attended California State University, Long Beach, I was very impressed with the changes the city had made to improve education and safety. Underperforming schools in formerly dangerous areas of the city were improved with facilities changes, such as fencing and uniforms, as well as a cultural shift in the value of school pride, such as murals. I also admire the

abundance of museums in urban areas, and would love to see Visalia continue to develop and support facilities that celebrate our historical and cultural heritage.

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AMY LYNN BALSLEY

2635 W Monte Vista Visalia, CA 93277
(559) 372-9697 amylynnvisalia@gmail.com

EDUCATION

MASTER OF ARTS: STRATEGIC COMMUNICATION

National University School of Media and Communication
Honors: 3.75 GPA, *Cum Laude* Candidate

Activities: Nonprofit Emphasis, Community Theatre (Fourth Wall / Visalia Community Players/ Kings Players)

April 2011- May 2012
La Joya, California

SINGLE SUBJECT TEACHING CREDENTIAL: ENGLISH

California State University, Fresno

Honors: Kremen School of Education Alumni Association Scholarship, Fall 2007.

Activities: Teaching full-time through campus Pre-Internship and Internship Programs.

2007- 2009
Fresno, California

BACHELOR OF ARTS : ENGLISH

California State University, Long Beach

Cum Laude Graduate, President's Academic Scholarship, University Honors Program, Phi Beta Kappa Honor Society

Activities: Tutor ELD/Composition through CAMP / PUENTE Project, English Club Vice President, Script Supervisor/Editor

2001-2005
Long Beach, California

MT. WHITNEY HIGH SCHOOL

Visalia Unified School District

National Merit Scholarship, California Scholarship Federation Sealbearer/ Life Member, Kiwanis Scholarship.

Activities: Drama Club & International Thespian Society Secretary, CSF Secretary of Publicity.

1997-2001
Visalia, California

COMMUNITY INVOLVEMENT

COUNCIL COORDINATOR

MoveOn.org Civic Action

Facilitate "Rebuild the Dream" planning meeting July 2011. Develop and supervise local, grassroots civic volunteer opportunities as related to local, state, and national political issues . Priorities include: Democratic Participation / Voter Registration, Job Creation, Economic Recovery.

JUNE 2011-PRESENT
Visalia, California

ASSISTANT COACH

Sanger High School Speech & Debate Team

League & Valley Champions for 2009-2010 and 2010-2011 academic year. Coach students on current events, debate structure, critical thinking, and public speaking skills. Organize and facilitate local tournaments, including application of state and league by-laws and tabulation of result data.

JUNE 2009- PRESENT
Sanger, California

MEDIA/PRODUCTION CONSULTANT

KVLP-LPFM 101.5 "Visalia Local Power"

Research, Pre-Test, Schedule, and Implement multi-platform Integrated Marketing Communications (IMC) Plan for peace-love-and-music based "Americana / Artisanal Rock" radio station including: Qualitative and Quantitative Primary-Source Research & Analysis, Social Media Branding.

FEB 2003 - PRESENT
Visalia, California

ACTIVE VOLUNTEER

West Visalia Kiwanis Club

Annual Fireworks Sale Fundraiser for Local Scholarships, Easter Baskets for Visalia Emergency Aid, Carl E. Anduri Scholarship Recipient 2001.

JULY 2001 - PRESENT
Visalia, California

PRODUCTION MANAGER/PUBLIC RELATIONS: RENT

Fourth Wall Theatre Company @ Main Street Theatre

Coordinate logistics, human resources, and message design plans for publicity events promoting charity (non-profit) production of Broadway musical RENT including Community Calendar contacts for local Radio, Television, and Print Media. Supervise all phases of technical theatre development, including build and human resources.

FEB 2011 - AUGUST 2011
Visalia, California

COMMUNICATIONS ASSISTANT: LPFM BARNRAISING

KPCN-LPFM 95.9 "Radio Movimiento" (Prometheus Radio Project)

Cooperated with team of 500+ volunteers to build, wire, and begin test broadcast of Bi-Lingual Low-Power community radio station.

Participated in workshops concerning Non-Profit Marketing, Volunteer Management, Intellectual Property/Copyright Law, and LPFM Underwriting.

AUGUST 2006
Woodburn, Oregon.

EXECUTIVE PLANNER ASSISTANT: LPFM DEVELOPMENT & BARNRAISING

KFSC-LPFM 94.1 "Community Grassroots Radio"

Planned and facilitated bi-weekly Board Meetings to develop infrastructure necessary to meet FCC Compliance Deadlines. Researched FCC Regulation regarding both technological and organizational aspects of LPFM community radio. Interpreted data to design cooperative solutions.

JUNE 2006 - JUNE 2007
Visalia, California

ACADEMIC MENTOR: LANGUAGE ARTS

Youth Serve AmeriCorps

Mentor at-risk youth in a self-contained classroom at an Alternative Education Middle School. Design and supervise service-learning projects to supplement language arts curriculum, in addition to providing individual anger-management and conflict-resolution counseling programs.

2005- 2006
McKinleyville, California



City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: Trilby Barton Telephone: (559) 740-8006

Address: 4120 W. Grove Court, Visalia, CA 93291

E-mail Address: DryReisling@gmail.com

Occupation: Marketing Coordinator Employer: Provost & Pritchard Consulting Group

Education: B.S. Agricultural Science, Cal Poly State University, San Luis Obispo

Community Involvement: See attached resume

Civic Involvement: See attached resume

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
4. What do you see has some of the most challenging issues facing the City of Visalia and why?
5. What do you enjoy most about living in Visalia?
6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

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*9/6/11
verified
Reg. Voter*

Election Process Task Force Application Questions

Submitted by Trilby Barton

1. Why are you interested in serving on the Election Process Task Force?

I am aware that creating districts within the City of Visalia has been a discussion/debate for many years. With concerns regarding adequate representation for the residents of specific areas of the City, I want to be a part of the Election Process Task Force to dive into researching the possibility of creating districts and revamping our election process if it will enhance our community of Visalia and the lives of its residents.

As elected officials, Council members have a responsibility to their constituents to make sure tax dollars are spent wisely, and in these tough economic times constituents are watching government spending like a hawk, particularly local government, where they feel like they have more citizen control and checks and balances than at the federal and state levels. That's why this Election Process Task Force is important for the residents of our community. This process is not about what's better for the success of elected officials, it's about what's in the best interest of the residents of our community.

2. What do you hope to accomplish as a member of the Task Force?

I have no specific agenda in my pursuit of becoming a member of the Election Process Task Force. I simply want to be a part of the Task Force to take a deep look into our election process. I look forward to working with the other committee members to identify and recommend any necessary changes that will ultimately improve the lives and best represent the interests of the residents of our City.

3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?

With a background in the marketing and public relations field, I have utilized the U.S. Census Bureau statistics for research and developing marketing plans, specifically during my stint as a Marketing & Media Coordinator for Tulare County Health & Human Services Agency. With this experience and my research focused in Tulare County, I am familiar with how to read and find local information from the Census Bureau.

In addition, I am familiar with the elections process, as I worked as a campaign manager for a 33rd District State Assembly candidate as my first job out of college.

Overall, I have strong communication skills, am a team player, a good listener, an excellent researcher, and try to keep an open mind when it comes to issues related to the betterment of our community.

4. What do you see has some of the most challenging issues facing the City of Visalia, and why?

As a graduate of the 2010-11 Leadership Visalia class, I was given the opportunity to see and gain knowledge on a number of issues affecting our community (good things are going as well though!). But right now, the one issue that is at the top of everyone's mind is how the state of the current economy has affected the livelihoods of every resident within our City. People are out of work, foreclosures are still occurring, businesses are still closing and leaving empty commercial and industrial buildings. The residents of our great City are in survival mode, and until the current economy turns around, they want to keep what money they do have in their pockets so it can be spent wisely.

Election Process Task Force Application Questions (continued)
Submitted by Trilby Barton

5. What do you enjoy most about living in Visalia?

As a fourth generation Visalia resident, this is home. I really enjoy the small town feel that has thrived amidst our City's growth, and that feeling makes me proud to be rooted in Visalia.

6. What have you enjoyed about living in another community?

During my college years and for about a year following graduation, I lived in San Luis Obispo. I enjoyed being close to the beach, great shopping downtown, and of course, the university that has been there since the early 1900s. But one morning I woke up, and I wanted to move back home to Visalia. While San Luis Obispo is a great vacation spot, a college town, and for some, a fabulous place to retire, it isn't as functional as Visalia. Because we have a lot of business and industry that drives the community of Visalia, I really saw a lot more opportunity here at home vs. establishing myself in a different community.

Trilby Lea Barton

4120 West Grove Court • Visalia, California 93291

Telephone: (559) 622-8756 • Cell Phone: (559) 740-8006 • Email: DryReisling@gmail.com

Experience and Skills

Management	Leadership	Event Coordination/Planning
Public Speaking	Marketing/Public Relations	Journalism/Press Release Writing
Customer Service	Database Management	Publication Design/Layout/Editing
Website Organization	Workshop Development	Marketing Plan Development
Media Buys	Agriculture	Adobe/Microsoft Office Programs
Market Research	Communication	Process/Procedure Implementation

Education

California Polytechnic State University, San Luis Obispo

Bachelor of Science in Agricultural Science

Minor in Agriculture Communications, Concentration in Animal Production

Honors, Community Involvements

Leadership Visalia, Visalia Chamber of Commerce, Class of 2010 – 2011
City of Visalia's Disability Advocacy Committee Barrier Awareness Day, Event Chair, 2011
City of Visalia Disability Advocacy Committee, Member, Appointed 2010 – 2013
Bethlehem Center (formerly Good News Center), Volunteer work with Advisory Committee, 2011
Cal Poly Rodeo Boosters Vice President, 2008 – present
Woodlake Lions Rodeo Queen Committee, Contestant Workshop Presenter, 2004 – present
Tulare County Farm Bureau Young Farmers & Ranchers (YF&R) Co-Chair, 2006 – 2008
Cal Poly Rodeo President, 2002 – 2003
Growing Up at the Horse Shows, *Stockhorse News*, August 2002
Miss Cal Poly Rodeo, 2001
Cal Poly Rodeo Public Relations Chair, 2001 – 2002
Cal Poly Collegiate Future Farmers of America Secretary, 2001 – 2002
Cow Palace Grand National Junior Stockhorse Champion, 1998
National Reined Cow Horse Association Member, 1993 – 2002
National High School Rodeo Association Member, 1994 – 1998
Tulare County Junior Fair Board, 1996 – 1998
Tulare County Farm Bureau Youth Leadership Program, 1997 – 1998
Golden West High School Future Farmers of America Chapter President, 1997 – 1998
The Pathfinder, Feature-Page Editor, Feature Editor, Back Page Editor, 1995 – 1998

Employment History

Provost & Pritchard Consulting Group 130 N. Garden Street, Visalia, California 93291 <i>Marketing Coordinator</i>	December 2008 – present
Tulare County Health & Human Services Agency 5957 S. Mooney Blvd., Visalia, California 93277 <i>Marketing & Media Coordinator</i>	October 2007 – November 2008
International Agri-Center, Inc. 4450 South Laspina Street, Tulare, California 93274 <i>Show Operations Manager- World Ag Expo/California Antique Farm Equipment Show</i>	September 2004 – May 2007
Lone Oak Veterinary Clinic 34775 Road 132, Visalia, California 93292 <i>Receptionist</i>	January 2004 – September 2004 June 2000 – December 2002
Zimmerman for State Assembly Post Office Box 166, Arroyo Grande, California 93421 <i>Campaign Manager</i>	June 2003 – December 2003

**References available upon request.*

City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: Diane Biehle

Telephone: 559-284-9536

Address: 6131 W. Pershing Visalia, Ca 93291

E-mail Address: drbiehle@aol.com

Occupation: Educator

Employer: Visalia Unified School District

Education: College of the Sequoias AA Cal. State Fresno BA Cal State Bakersfield MA



Community Involvement: Member of the Citizen Advisory Committee - Member Public Art Policy Task Force - Member of Women's Trade Club - Visalia Republican Women - Chairperson for CBDG (Community Block Grant Development Grant)

Civic Involvement: Work with implementation and allocation of non-profit funding for local agencies - Support activities and functions of the Catholic Churches of Visalia - Support local Chamber of Commerce by attending numerous functions - Support and attend America Cancer Society activities - Support elementary schools track programs

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
4. What do you see has some of the most challenging issues facing the City of Visalia and why?
5. What do you enjoy most about living in Visalia?
6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

Applications, supplemental question answers, and any other documentation that would support your interest in serving on this Task Force must be received by the City Clerk's Office by 12 noon on Friday, August 12. A resume that addresses community and civic involvement may be attached in place of using the form to list involvement. Items may be sent by email to cityclerk@ci.visalia.ca.us, or delivered by hand or mail to 425 E. Oak, Suite 301, Visalia, CA 93291. Questions can be directed to the Clerk's Office at 713-4512.

*9/6/11
verified
reg-voter*

Item 17. - Page 21

1. Why are you interested in serving on the Election Process Task Force?
I would like to assist with collecting and analyzing information to determine what is the best method for all members of our community to truly have equal representation in local government. I understand that certain areas of the community feel they are not being represented in the make up of the city council. If there is a better way to support community members in a "By-District" process it should be explored. Another area to explore might be a recommendation to add 1-2 more city council members to assist with representing the cities growing population. Also the process that would be chosen needs to be supported by state and federal laws.

2. What do you hope to accomplish as a member of the Task Force?
By creating this task force the city council is choosing to take a proactive stance rather than a reactive stance. As a local citizen after being involved with this process I will have a better understanding of how local elected officials represent and support their constituents.

3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
I am truly a vested community member. I am a fourth generation Visalian. I am a business owner and have worked as an educator in the local school district for 17 years. I understand the demographics of the local school sites and their new voting district areas. I have worked as an outside consultant for the College of Sequoias collecting data and analyzing information for grant implementations. I spend time out in the community at local events and discuss with people local politics and its effects on the community members.

4. What do you see has some of the most challenging issues facing the City of Visalia and why?
My personal issue is the large number of commercial and store fronts that have no tenants. The lack of commerce goes hand in hand with the high unemployment rates in our county. I would like to see more business backfilling to assist our downtown area and Mooney corridor.

5. What do you enjoy most about living in Visalia?
What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community).
There is a small town atmosphere. I feel there is a community spirit that is alive and well. The City Council and the Chamber seem to recognize the positive aspects of the community and try to implement projects that continue to enhance the culture of our city.

City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: Carol Clarke Telephone: 559 733-4327

Address: 810 S. Oak Park St.

E-mail Address: ccclarke6@cs.com

Occupation: retired teacher Employer: formerly VUSD

Education: BA plus



Community Involvement: Member of Assistance League; Frequent supporter and contributor to SPCA fundraising activities; past member of AAUW; adviser to numerous Mt. Whitney student clubs including the Journalism club, the photography club, the Alliance for Tolerance club, and the SPCA youth support club.

Civic Involvement: Member of the Tulare County Grand Jury; participant in the VUSD redistricting Committee; Former member of the Tulare County Democratic Central Committee; participant in the last three VUSD School Bond campaigns; Chairperson of the Tulare/Kings County Service Center Council

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
4. What do you see has some of the most challenging issues facing the City of Visalia and why?
5. What do you enjoy most about living in Visalia?
6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

Applications, supplemental question answers, and any other documentation that would support your interest in serving on this Task Force must be received by the City Clerk's Office by 12 noon on Wednesday, August 31. A resume that addresses community and civic involvement may be attached in place of using the form to list involvement. Items may be sent by email to cityclerk@ci.visalia.ca.us, or delivered by hand or mail to 425 E. Oak, Suite 301, Visalia, CA 93291. Questions can be directed to the Clerk's Office at 713-4512.

*9/6/11 verified
neg-voter*

Item 17. - Page 23

Please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?

Having served on the Visalia Unified School District Redistricting Committee, I understand the challenges of complying with the current California and Federal Voting Rights Acts while meeting the expectations and concerns of various populations. I believe that my recent history with these diverse communities of interest will allow me to understand clearly their concerns and reflect my understanding of them to the City Council members.

2. What do you hope to accomplish as a member of the Task Force?

I hope to support a civil and mutually respectful committee process so that as a team, we may bring a reasoned recommendation for the City's districting plans to the City Council members providing them with a foundation for a difficult analysis and decision consensus.

3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?

Almost thirty years of teaching English has left me a strong writer with the ability to clarify ideas. English is about language and the way in which we express ourselves and I think I have a firm grounding in doing that. In my Grand Jury training and teaching training, we focused on mutually supportive and civil dialogue through which a comfortable conclusion can be reached which supports the key interests of all of those participating.

4. What do you see has some of the most challenging issues facing the City of Visalia and why?

The changing demographics of the area are of considerable import to all of the community. But maintaining the congenial rural attitude and atmosphere of a rapidly growing locality is of some critical interest to many of both long term and recent members of this population. We are a very diverse population and recognizing that everyone has to feel empowered and comfortable with change is a hefty task.

5. What do you enjoy most about living in Visalia?

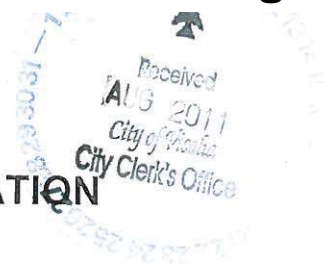
Despite being a relative small community, we have so many varied occasions for entertainment, higher education, and scholarly enrichment. We have big city opportunities in music, plays, speakers, social and political forums, as well as concerts by a wide range of performing artists. But we have all of this with a small town intimacy. It is a rare event I attend where I do not run into one to several people I know from a variety of personal social circles.

Further, over the years we have had elected leaders who have worked to maintain a physical environment which supports the perception of our town as one which is visually charming and accessible to its members. We did not see our town become a strip mall ghost town as so many communities around us have become. I think it is important to see an election plan that continues to provide our area with such visionaries.

6. What have you enjoyed about living in another community?

In other communities in which I have lived I have enjoyed the availability of educational events and activities. I also enjoy the stimulation of a variety of societies and cultures and the arts of those differing groups. I love to see schools that are vibrant elements of the community culture as well.

Respectfully,
Carol Clarke
733-4327



City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: Gary L Dill Telephone: (559) 733-5947

Address: 4937 W Nellis Ct, Visalia, 93277

E-mail Address: gdill11217@yahoo.com

Occupation: Controller Employer: Four Star Fruit, Inc.

Education: AS, College of the Sequoias Visalia

Community Involvement: Citizens Advisory Committee 1988

Civic Involvement: Valley Oak SPCA - Board of Directors, Treasurer
Member Tuare County Farm Bureau
Member The American Legion

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
4. What do you see as some of the most challenging issues facing the City of Visalia and why?
5. What do you enjoy most about living in Visalia?
6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

Applications, supplemental question answers, and any other documentation that would support your interest in serving on this Task Force must be received by the City Clerk's Office by 12 noon on Friday, August 12. A resume that addresses community and civic involvement may be attached in place of using the form to list involvement. Items may be sent by email to cityclerk@ci.visalia.ca.us, or delivered by hand or mail to 425 E. Oak, Suite 301, Visalia, CA 93291. Questions can be directed to the Clerk's Office at 713-4512.

*9/6/11
verified
neg. voter*

GARY L. DILL
4937 W Nellis Ct.
Visalia, Ca. 93277
(559) 733-5947

ELECTION PROCESS TASK FORCE APPLICATION

1. I have always been interested in the City process and have not had time to do so until now.
2. To determine if the City of Visalia should have the elections based on districts in which the Council lives or leave as is. If election by districts, it would give a better representation to all citizens as they would have someone in area that is familiar with the unique living styles and conditions of that district.
3. I do not have any unique skills except the ability to be fair and impartial. I have worked my entire adult life with the Hispanic population and understand the unique contributions they bring to the table.
4. The biggest issues with the City are the budget and employment. I know that the Council and staff are having problems trying to balance the budget with the current situation in Sacramento being unsettled.
5. Now that they have more shopping, we don't have to go out of town to spend our money. VUSD is getting better every year and provides the education my grand-children need and deserve.
6. I have lived my entire life in Tulare County and would love to see Visalia someday be able to get back to that small town feeling where everyone is friendly and helpful.

GARY L. DILL

Born: December 17, 1948
Tulare, Ca

Education:

Porterville Elementary Schools
Porterville Union High School, Graduated 1967
College of the Sequoias, A.S. in Business/Accounting, 1983

Employment:

1978 – 2003 C J Ritchie Farms
2004 – Present Four Star Fruit, Inc.

Community Service:

1988 Citizens Advisory Committee
2007 – Present Treasurer, Valley Oak SPCA
2007 – Present Member, Tulare County Farm Bureau
2009 – Present Member, The American Legion

Military Service:

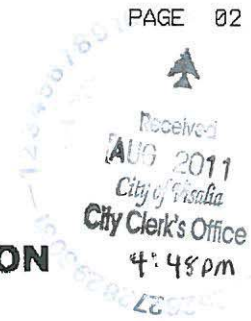
1968 – 1972 United States Navy, Honorable Discharge 1972

Family:

Divorced since 1988

Children:

Jeffrey Dill, Driver Safety Officer, Department of Motor Vehicles
 Married – one son and one daughter
Courtney Hultquist
 Divorced, one son and one daughter
Barrett Dill, Department Head, Sports Chalet
 Single, no children



**City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION**

**Irene Lapin i-lap-land@comcast.net
**559-713-0203
 4203 West Feemster Avenue, Visalia, California 93277****

Current occupations: Professional writer and editor, property manager; community activist
 Academic credentials: Master's degree in Political Science, University of Washington, where I taught government until retirement; master's degree in Slavic Languages and Literature, Indiana University, associate instructor
 Community and civic involvement: Committee of Responsibility (physicians' organization to sponsor the transport and treatment of war-wounded children)' Group for New Music; San Francisco Friends of the Opera; mentoring of businesses, organizations, entrepreneurs and students; consumer advocacy; Tulare County Grand Jury (term ending 2009); Contractor State License Board Investigations (contractor fraud); gang abatement/public safety, neighborhood preservation, public relations for the performing arts; regular attendance of City Council meetings and analysis of city issues.

*9/16/11 verified
neg. letter*

Irene Lapin / Election Process Task Force Application, page 2

1. I am interested in serving on the above task force because (a) an optimally representative democracy and (b) elections as a formal decision-making process have always been a strong interest of mine;
2. I would like to weigh in on changes to the questions of race and "hispanic origin" that have taken place through the 2010 Census, and to help decide whether district elections might be more effective at providing descriptive vs. substantive representation for a city like ours where hispanics constitute less than half the population but outnumber any non-hispanic ethnic group.
3. I have an understanding of, and experience in, the "levels of analysis" (top-down) approach to studying political processes, to undertake effective research and to interpret my findings clearly and effectively.
4. Following my service on the county Grand Jury I initiated an effort via the Superior Court and California Judicial Council to overhaul their outreach efforts per their mandate to county residents based on ethnicity as well as age and location, so that their representation in the courts would more closely represent their the percentage of their population; I studied and analyzed the efficiency and accuracy of the county Registrar of Voter's Division of Elections; I have regularly brought to the attention to the City Council and staff the need to implement a system to (a) make more visible and timely any public announcements for openings on citizen advisory and oversight committees, community "academies" and task forces, and to proactively expand its outreach effort, and (b) to make the representation on such bodies and their work more transparent.
5. The most enjoyable experience for me as a Visalia resident is its unique history and location, its combination of urban and rural elements and its ethnic diversity and its extensive offering of visual and performing arts;
6. In my view, what other (larger) communities have to offer are institutions of higher learning, and the employment opportunities that tend to accompany them; it is my hope that the overall education index grows so that in that a larger percentage of college graduates are able to see employment and promotion potential-- and become more motivated to settle here.

Received
AUG 2011
City Clerk's Office

City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: ERMA L. MONTION Telephone: 559 735-0527 (home)
361-4165 (cell)

Address: 3145 W. Beech, VISALIA, CA 93277

E-mail Address: emontionitback@yahoo.com

Occupation: Community Advocate Employer: Retired

Education: Redwood High School, COS, graduate
Fresno Pacific University
Community

Involvement: Served on United Way, American Cancer Society
PRO KUT H VISALIA, LATINO ROTARY VISALIA,
WITMAN COMMUNITY Center, Manuel Hernandez
COMMUNITY Center, Tulare-KINGS HISPANIC Chamber,
VISALIANS INTERESTED IN AFFORDABLE HOUSING

Civic Involvement: Served as VOLUNTEER FOR ELECTIONS,
VOTER REGISTRATION, GANG TASK FORCE,
Graduate Leadership VISALIA (1992), Census 2010,
have worked on various CAMPAIGNS for School
Board, VISALIA CITY COUNCIL

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
3. Do you have any unique skills, talents or abilities that you believe would be beneficial to the Task Force?
4. What do you see has some of the most challenging issues facing the City of Visalia and why?
5. What do you enjoy most about living in Visalia?
6. What have you enjoyed about living in another community? (If you have always lived in Visalia, what intrigues about another community)

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9/10/11 verified
neg. voter

Response to questions on Special Task Force Application:

1. I am interested in serving on the Election Process Task Force because I want to understand the process we presently have, and be a participant in recommending the member district alternative.
2. As a member of the task force I hope to offer my perspective and knowledge of the community as a whole. I feel that I know the concerns of the those who feel apathetic with the present process, and the voice of those community members that feel disenfranchised with our present election process.
3. I believe that I have had the opportunity to be connected with the various members of the community that are stakeholders and have businesses in Visalia. I have worked in corporate business, private business, education, and the non-profits. I have served the disenfranchised in our community and understand their concerns with our present election process.
4. Some of the most challenging issues facing Visalia are budget deficits, unemployment, crime and gangs, redevelopment, and the challenge of having a well educated labor force. We must find new ways to increase revenues by looking for business to locate in our area that are visionary in the development of new technologies. We must do a better job of reaching out to the entire community and hosting activities that families can afford to participate in.
5. I have lived in Visalia for over 60 years and don't have a desire to move from the area. I enjoy the seasons and weather in Visalia area. The new Sports Park is wonderful for families and has encouraged families to do things together. I like downtown Visalia and the Fox Theatre events. Visalia still has that small town feel but it is getting harder to maintain, I used to see people that I grew up with all the time and now months can pass and I don't see them.
6. I have never lived in another community than Visalia. The local community that intrigues me the most is the City of Lindsay. The community worked hard to recover from serious economic challenges and found ways to build it back up with thinking outside the box. The McDermott Center, Farmers Market, Lindsay Healthy Start, and a great educational system. Lindsay has members in their city council from various ethnicities and socio economic backgrounds that manage to represent all the people in their community.



City of Visalia
ELECTION PROCESS TASK FORCE APPLICATION

Name: Lucia D Vazquez Telephone: 559 679-2891

Address: 132 E Sweet Ave., Visalia CA 93291

E-mail Address: luciavisalia@aol.com

Occupation: consultant/researcher Employer: _____

Education: MA - Librarianship BS - Biology

Community

Involvement: Pres Tulare Co League Mex Amer Women -
PAST member - PTA - School Site Council - Property Committee - VUSD
- Hispanic Advisory to Police Chief

Civic Involvement: Candidate Visalia Unified School Bd.

On a separate piece of paper, please answer the following questions:

1. Why are you interested in serving on the Election Process Task Force?
2. What do you hope to accomplish as a member of the Task Force?
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*9/6/11
verified
neg. value*

Election Process Task Force

- 1) Currently have the time for this important process that does not happen that often. I am invested in the City of Visalia and want what is best for all citizens of Visalia.
- 2) Bring equal representation to all areas of the City of Visalia. As a Latina who was born in Visalia and a current resident of the North Side I feel I can represent a section of town not familiar to many.
- 3) I am educated and am an open communicator, willing to listen and study all options before making and presenting the best choice. My experience as a grant writer and manager allow me to understand budget restraints as well as flexibility of spending. I have been a field interviewer and locator on many National projects and am Map Friendly. I am bilingual and bicultural and can communicate with most factions of the City of Visalia.
- 4) budgeting - open communication - fair - equal representation.
- 5) Size - growth - history - area that is geographically located in the middle of nowhere and accessible to over-155 - 100 - 50 - 25 - 0000.

6) I have lived in many parts of California and have traveled and worked in many other states and world. - I love what Europe is doing to become greener. I enjoyed that Merced had the same small town feeling as Uvalde - while I lived there for school for 3 years. I loved the culture events available in SF, LA and San Jose.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: November 7, 2011

Agenda Item Number (Assigned by City Clerk):

Agenda Item Wording:

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

APN: 103-040-028 (Near the St. John's River west of Cutler Park – no current address)

Resolution 2011-70 required

Deadline for Action: None

Submitting Department: Public Works/Engineering

Contact Name and Phone Number:
Steve Salomon, 713-4312
Adam Ennis, 713-4323
Vaughn Melcher 713-4209
James Koontz, 636-0200

Recommendation:

Staff recommends adopting a Resolution of Necessity (Resolution 2011-70) regarding a portion of the following property

APN: 103-040-028 (no current address)

The subject property is approximately 1.05 acres in size and is adjacent to the St. John's River along the old levee system. The property is vacant with a dirt trail that is used by people traveling from the City of Visalia to Culter Park. This property is owned by Levee District No. 1 of Tulare County, which no longer operates. The City is in the process of extending the St. John's Riverwalk Trail from the edge of the city limits to Cutler Park. The City will be improving the current path by paving the trail to improve accessibility and maintaining the area. City staff have been unable to attempt negotiations because the owner, Levee District No. 1 of Tulare County, no longer functions and there are no representatives for the City to deal with.

City staff recomends approval of the attached Resolution of Necessity to acquire in condemnation an easement over the property for a conservation, open space, recreation, and parks usage, noting that the City's use of the property as a trail will be compatible with the Levee District's current usage of the property for flood control purposes and the City's usage of the property shall not unreasonably interfere with or impair the continuance of the existing public uses for the property pursuant to Code of Civil Procedure Section 1240.510 et seq. The City's usage would be secondary to any flood control 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.): 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.

Project Summary/Background:

The City has for over the course of several years been establishing a trail system within the City of Visalia that is adjacent to portions of the rivers, creeks, and ditches that run throughout the City. One of these trails is the St. John's River Parkway in the northeast corner of the City. The Parkway is built on the old St. John's River levee system. The Parkway currently ends near the edge of the City although a dirt trail continues along the old levee system to Cutler Park, a park owned and operated by Tulare County. The dirt trail, which is not maintained by any agency or any of the surrounding private property owners, is used by people traveling the short distance from Visalia to Cutler Park.

This area along the St. John's River has been the location of numerous improvements by the City over the years. Over twenty years ago the City purchased the area between Ben Maddox Way and Lover Lane's and constructed the existing River Parkway. The City boundary is currently west of the Levee District property but the City has been to acquiring the land necessary to complete the connection to Cutler Park. One of the properties to the west of the Levee District is already owned by the City and the City is in the process of completing the acquisition of the land to west of the Levee District property. The only remaining land necessary to complete the expanded trail will be the subject property.

For many years the City of Visalia has anticipated formally linking the City's trail system to Cutler Park. The Conservation, Open Space, Recreation and Parks Element of the City's General Plan, approved in 1989, called for creation of a bicycle trail linking Plaza Park to Cutler Park. Most recently the City restated its long-term goal to construct a trail in this area in the 2011 Bikeway Plan Update, approved by the Visalia City Council in Resolution 2011-09, which called for the construction of a Class 1 (meaning a 8-12 foot wide path suitable for bicycles and pedestrians) bike path to Cutler Park.

The current project calls for paving and widening the current dirt path and constructing the Class 1 bike path. This also will make the present path wheelchair accessible. The City will also be clarifying the ability of people to use the area. Although the area is used as a trail it is not designated as such.

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. The City has purchased or is in the process of purchasing the surrounding property for the purpose of expanding the Parkway. However, the City cannot feasibly connect the parcels that it owns or is in the process of purchasing without the Levee District's parcel. (See attached map showing the Levee District and surrounding properties.)

The property belonging to Levee District No. 1 has presented a challenge because the Levee District no longer operates. Staff has contacted the Tulare County Assessor's Office and there is no address of record for the owner. The Levee District is a public agency and is therefore not assessed any property taxes. The Levee District itself is no longer operational, the last board member resigned in 2005 and it is inactive. The Levee District exists only on paper, it has no employees, no elected officials, no appointed officials, and has not maintained levees for years. In fact the Army Corp of Engineers will not certify the levee system due to the longstanding lack of maintenance.

Staff has not conducted any negotiations because there are no representatives of the Levee District to negotiate with.

Findings Required to Adopt Resolution of Necessity: Code of Civil Procedure Section 1245.235 requires notice of hearing to those persons whose name and address appears on the last equalized county assessment roll. In this instance the property owner is not on the county assessment roll – it is not assessed any property taxes. The City provided a courtesy notice to the Tulare County Board of Supervisors and the Tulare County Flood Control Commission.

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.
5. In addition, in this instance the City is acquiring property pursuant to Code of Civil Procedure Section 1240.510. The property is already dedicated for a public use but the City's intended use is compatible with the current public use. The Council must determine if the proposed use will not unreasonably interfere with or impair the continuance of the current public use as it reasonably exists or may reasonably be expected to exist in the future.

The public interest and necessity require the proposed project. The Visalia City Charter in Article III Section 10 expressly allows the City to acquire, maintain, and operate property inside or outside of the City limits to promote the health, welfare and recreation of the inhabitants of the City. This project will improve the existing trail that is already in use by the inhabitants of Visalia, and clarify that the area can continue to be used for recreational purposes. By acquiring the easement, the City will be able to improve the dirt path so that people with disabilities will be able to better utilize the trail. Improving the trail will also allow safer use of the trail by bicyclists and pedestrians. The City will also be acquiring the entire parcel so the City will be able to protect riparian habitat that can be supported, a goal recognized in the City's Conservation, Open Space, Recreation and Parks Element of its General Plan.

The California Code of Civil Procedure generally limits the ability of public entities to acquire property by eminent domain that is outside the entity's territorial limits. (Cal. Code of Civil Procedure Section 1240.050 and Section 1240.125.) However, such acquisitions are permitted when allowed expressly by statute or otherwise necessarily implied as an incident to a statutory power. Cities are granted the express statutory right to acquire property by eminent domain that is necessary to connect city-owned recreational areas. (Cal. Government Code Sections 38300-38304.) The City of Visalia owns one of the adjacent properties to the west and is in the process of purchasing the surrounding property to east in order to expand the River Parkway. The City is seeking this property owned by the Levee District to connect the surrounding property it owns or is in the process of purchasing.

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The trail is currently a “no-man’s land” area with a mixture of private and public ownership. This parcel is one of six parcels along the route of the proposed trail. The City’s General Plan calls for the establishment of a 100 foot riparian habitat setback from the St. John’s River, specifically allowing for trails to be built in the riparian setback, and an additional 30 foot firebreak setback from the St. John’s River. The City plans on acquiring this area pursuant to its General Plan requirements for setbacks along the St. John’s River. (See attached map showing the area the City will be acquiring.) Although the levee has been used as a trail for many years there is no specific right for people to use it for recreational purposes. The City has an interest in acquiring, maintaining, and improving, recreational resources for its inhabitants. By improving the trail and maintaining the area the City will be taking responsibility over an area that despite frequent use is not well maintained.

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least injury. While the Levee District functioned it was used as a flood control levee, although the levee has been not been maintained since the Levee District ceased to operate. The land is also not being used for anything except as a trail in its present state. The trail should be compatible with the land’s flood control purpose.

Placing the trail anywhere else besides on the existing dirt trail would require the City to take land that is not already being used and would likely require removal of additional habitat or acquiring more property from surrounding landowners. The City also intends to build a trail that is wheelchair accessible, which requires a flat surface, such as the top of the levee along the present dirt path. Building the trail elsewhere would require additional space and more earth-moving to create a flat surface.

The City intends to acquire an easement over the entire parcel so it is clear that the City will have the right to enter the property and conduct all necessary work to maintain the trail and preserve the surrounding area for riparian habitat.

The property described in the resolution is necessary for the proposed project. As discussed above the trail improvements are proposed to follow the existing dirt path to minimize interference with neighboring properties and existing habitat. Going around the property owned by the Levee District is only possible at considerable additional expense because of additional earth-moving and it would require considerably more land from the adjacent private owners. The City needs to acquire the easement to complete the proposed project.

The City of Visalia did not make an offer to acquire the property in compliance with Government Code Section 7267.2 to the owner of record because the owner of record, Levee District No. 1, has ceased to function. The owner, while known, no longer functions and cannot be negotiated with as it has no board members or officers.

The City is also acquiring property, specifically an easement to construct and maintain a trail over the property as a compatible public use pursuant to California Code of Civil Procedure Section 1240.510 et seq. The proposed project, acquisition for recreational purposes, improvement and maintenance of the trail, will not unreasonably interfere with or impair the Levee District from continuing its public use of the underlying property as it exists or may reasonably be expected to exist in the future. For many years the levees have been used as a trail and for various types of recreational activities. The City’s plans are to formalize and continue these recreational and open space uses. The City’s proposed easement is not intended to interfere with any future levee maintenance operations if the Levee District is reorganized in the future. When the property is not being in use for flood control purposes

during high water events or unavailable due to maintenance activities the City believes there is no reason why the area should not be utilized for open space and recreational activities. The City intends to maintain and operate its trail system in a manner that does not interfere with a flood control agency. The current Parkway demonstrates that the City's trail system can be utilized on levees. The City intends that the conservation, open space, recreation and parks uses of the property will be secondary to flood control purposes if the Levee District or any other flood control agency wishes to maintain or improve the levee for flood control purposes.

In conclusion, staff recommends the Council approve the attached resolution of necessity.

Funding Sources: Measure R Trail funding and federal grant funding

Prior Council/Board Actions:

Committee/Commission Review and Actions: None

Attachments:

1. Aerial photograph of the area between the existing Parkway and Cutler Park
2. Aerial photo of the Levee District parcel and neighboring City property
3. Resolution of Necessity

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution of Necessity No. 2011-70, and authorize the commencement of Eminent Domain proceedings to acquire an easement over the property for conservation, open space, recreation and parks purposes, specifically a trail to connect the St. John's River Parkway and Cutler Park.

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
RESOLUTION OF NECESSITY
RESOLUTION NO. 2011-70

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: 103-040-028:

1. An easement to construct and maintain a trail for pedestrian and bicycle use over the property and to allow for other recreational and open space uses on the parcel. Recognizing that these recreational uses are to be compatible with and shall not interfere with any flood control uses of the property.

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 City, pursuant to Article III Section 10 of its charter, may acquire, maintain, and operate property inside or outside of the City limits to promote the health, welfare and recreation of the inhabitants of the City; and,

WHEREAS, the owner of record listed on the County's last equalized tax roll is, Levee District No. One of Tulare County, a Levee District, although the Tulare County Assessor has no mailing address on file for the Levee District as it is a tax exempt special district; and,

WHEREAS, the Levee District has ceased to operate and is a defunct special district with no person or entity responsible for it; and,

WHEREAS, City proposes to acquire the property as part of its efforts to extend the City's St. John's Riverwalk Trail to Cutler Park. This project would improve the current dirt trail that inhabitants of the City of Visalia use for recreational purposes between these two areas; and,

WHEREAS, the City has acquired or is in the process of acquiring the property on either side of the subject property for the purpose of the expanding the Riverwalk Trail to Cutler Park; and

WHEREAS, the City cannot reasonably connect the properties it has acquired for the Riverwalk Trail expansion to Cutler Park without using the subject property. Attempting to improve the existing dirt trail without the subject property would increase the cost of the project, require land that is not already being used for recreational purposes, and disturb riparian setback areas; and,

WHEREAS, City has obtained an appraisal of the property and would have made an offer to purchase the property at the appraised price from the owners of record of the subject property pursuant to the provisions of California Government Code Section 7267.2, however the Levee District ceased to function years ago and there are no known representatives that can negotiate on behalf of the Levee District; and,

WHEREAS, since owner of record cannot be contacted, the City did not provide notice of hearing to the owner although it provided notice of hearing to the Tulare County Board of Supervisors, who oversee the Tulare County Flood Control District and Tulare County Flood Control Commission; and,

WHEREAS, the City is acquiring property pursuant to Code of Civil Procedure Section 1240.510, this property is owned by another public entity and dedicated to a public use. The City intends to formalize the current recreational use of the property by the public. The City does not intend to interfere with any flood control use by the Levee District, or entity that might assume the duties of the Levee District, and the usage by the City shall be compatible with the existing public use of the property; and,

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Visalia that:

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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 easement described above in the real property owned by Levee District No. One of Tulare County, the property is identified by the County Assessor as parcel number: 103-028-040, which property and easements are more fully described in Exhibits 1.
2. The public use and purpose of the project for which such lands and interest in such lands are to be acquired is to promote the health, welfare, recreation, and benefit of the inhabitants of the City of Visalia by acquiring the right to utilize the property for conservation, open space, recreation, and parks purposes which are specific purposes and activities of City pursuant to City's Charter. (CCP¹ § 1245.230 (a)).
3. Although this property is outside the City of Visalia boundaries, the City's Charter specifically allows it to acquire property inside or outside city limits, which is necessary or convenient to promote the health, welfare, recreation, and benefit of the inhabitants of the City of Visalia. (Visalia City Charter Article III, Section 10.) In addition, state law (California Government Code Sections 38300-38304.) permits the extra-territorial acquisitions when necessary to connect city-owned park properties. In this instance the City owns or is acquiring the surrounding property to expand the City's River Parkway but cannot complete the expansion without this piece between city-owned properties.
4. 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

¹ References herein to CCP sections shall be to sections of the Calif. Code of Civil Procedure.
Res. of Nec. Re APN: 103-040-028
Page 3 of 5

purposes under the Eminent Domain Law comprising Part 3, Title 7, of the Code of Civil Procedure, commencing with Section 1230.010.

5. The City Council of City has found and determined that (CCP § 1245.230 (c)):
 - 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 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 although no written offer to purchase said property could be made to the owner of the property, since no person or entity representatives with authority to negotiate on behalf of the owner can be located with reasonable diligence (CCP § 1245.230 (c) (4));
 - e. Since the owner could not be located the City was unable to provide the owner with written notice 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.
 - f. The City is acquiring property pursuant to Code of Civil Procedure Section 1240.510, this property is owned by another public entity and dedicated to a public use. The City intends to formalize the current

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recreational use of the property by the public. The City does not intend to interfere with any flood control use by the Levee District, or entity that might assume the duties of the Levee District, and the usage by the City shall be compatible with the existing public use of the property. The City acknowledges its usage of the property will be secondary to any flood control purposes.

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:

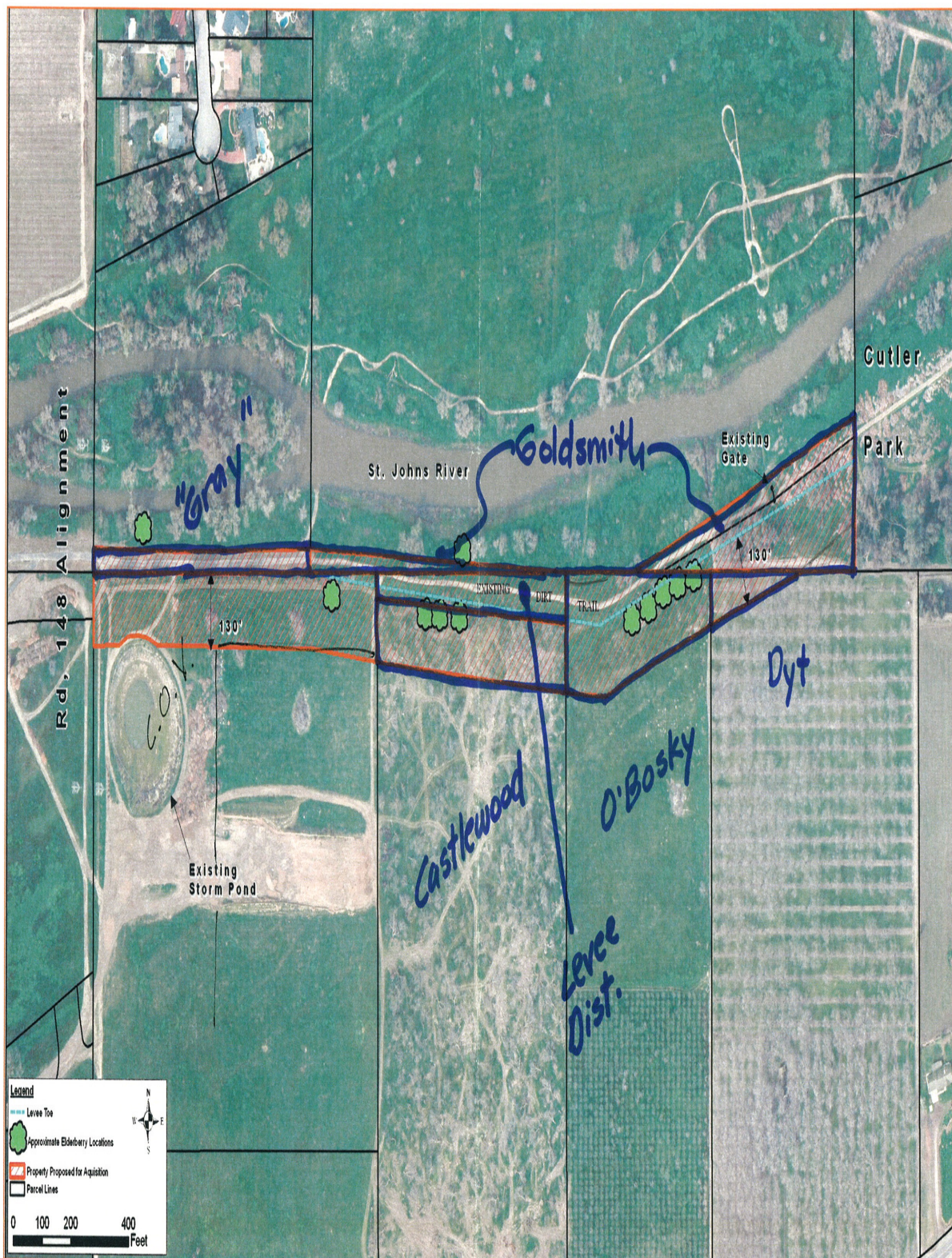
STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy City Clerk

EXHIBITS:

- A. Legal Description of Easement Area
- B. Drawing showing Easement Area

Figure 1 - Elderberry Bush Location Map



66" 22"



“Exhibit A”

That portion of the Southwest quarter of Section 23, Township 18 South, Range 25 East, Mount Diablo Base and Meridian, in the County of Tulare, State of California, according to the official plat thereof, more particularly described as follows;

Commencing for reference at the Northwest corner of said Southwest quarter;

Thence, South 89°54'56” East, along the North line of said Southwest quarter, 997.04 feet, to the Northwest corner of that certain parcel of land granted to Levee District No. One, per Deed No. 86, recorded in Volume 1279, Page 156, Tulare County Records, which point is also the Northwest corner of that certain parcel of land granted to Mary Frans, per Indenture to Partition and Grant, recorded April 15, 1887, in Volume 19 of Deeds, at Pages 575, 576 and 577, said point being the TRUE POINT OF BEGINNING of the portion to be described;

Thence, continuing South 89°54'56” East, along said North line of the Southwest quarter, 322.08 feet, to the Northeast corner of said land granted to Levee District No. One, per Deed No. 86, which point is also the Northwest corner of that certain parcel of land granted to Levee District No. One, per Deed No. 571, recorded in Volume 1279, Page 246, Tulare County Records;

Thence, continuing South 89°54'56” East, along said North line of the Southwest quarter, 342.61 feet, to the Northeast corner of last said Levee District No. One parcel, and which point is the Northeast corner of said parcel of land granted to “Frans”;

Thence, South 0°05'29” West, along the East line of last said Levee District No. One parcel and along the East line of said “Frans” parcel, 92.00 feet, to the Southeast corner of last said Levee District No. One parcel;

Thence, North 85°44'32” West, along the South line of last said Levee District No. One parcel, 343.52 feet, to the Southwest corner thereof, which point is also the Southeast corner of said parcel of land granted to Levee District No. One, per Deed No. 86;

Thence, North 86°21'44” West, along the South line of last said Levee District No. One parcel, 322.70 feet, to the Southwest corner thereof, which point is situated on the West line of said “Frans” parcel;

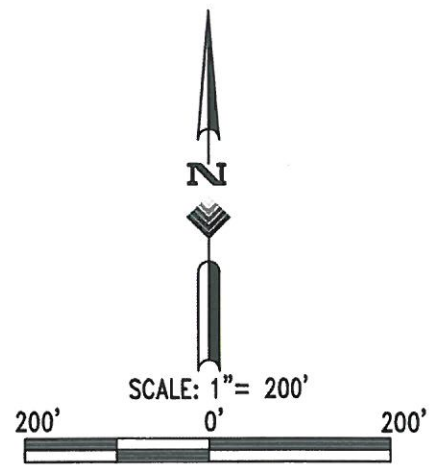
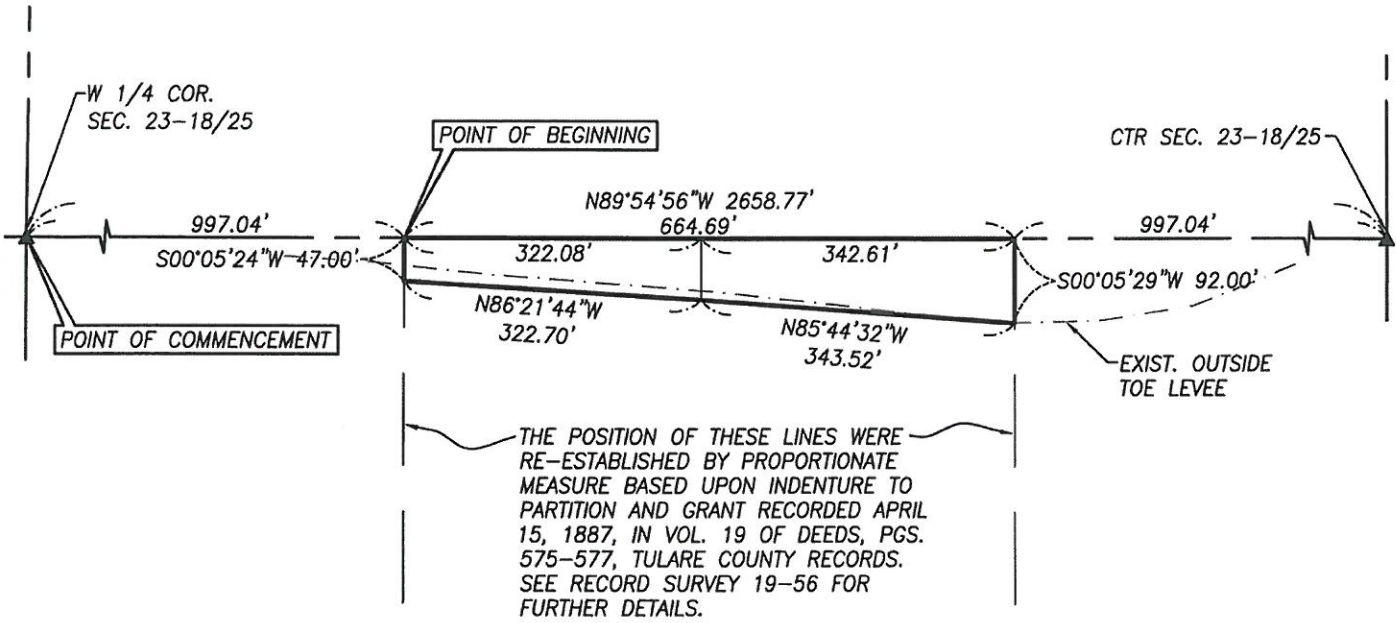
Thence, North 0°05'24” East, along the West line of last said Levee District No. One parcel, and along said West line of the “Frans” parcel, 47.00 feet, to the TRUE POINT OF BEGINNING.

Contains 1.05 acres, more or less



ST. JOHNS RIVER

FILE NAME: L:\Projects\2011\110020\ACAD\Legals\110020-LEVEE-DIST1.dwg - LAST SAVE: 2/15/2011 3:19:08 PM PDT - BY: Michael Gaines




LEVEE DIST. NO. ONE - 105 AC.

PLOT DATE:	Feb-16-2011 11:55AM
JOB NO.	110020
DWG. NAME:	110020-LEVEE-DIST1.dwg
SCALE:	1" = 200'
SHEET NO.:	1 OF 1

"EXHIBIT B"

**LEVEE DIST. NO. ONE ACQUISITION
ST JOHNS RIVER TRAIL**

PREPARED BY:



Quad Knopf

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