
**Visalia City Council
Regular Meeting Agenda**



Mayor	Amy Shuklian
Vice Mayor	Steve Nelsen
Council Member	Greg Collins
Council Member	Warren Gubler
Council Member	Bob Link

Monday, December 05, 2011
City Hall Council Chambers
707 W. Acequia, CA 93291
WORK SESSION 4:30 PM; CLOSED SESSION 6:00 PM;
REGULAR SESSION 7:00 PM

4:30 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.

WORK SESSION AND ACTION ITEMS (as described)

1. Presentation by Greg Burns, federal lobbyist with Van Scoyoc Associates representing the City of Visalia, with updates on 2011 legislative activity and issues of interest in 2012.
2. Update of efforts by a temporary ad hoc group addressing Downtown infrastructure needs and a strategy for implementation of infrastructure upgrades.
3. Provide City Council with an update for the new 9-1-1 Communications Center/Public Safety Facility project and authorize the Core Project Committee to proceed with the Request for Proposal (RFP) process to hire a qualified Architect/Engineering and Design Consultant for this project.

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 Michael Lopes, Grace Community Church

SPECIAL PRESENTATIONS/RECOGNITION

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.

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.

4. Authorization to read ordinances by title only.
5. Approve the Tulare County Regional Gang Enforcement Team (TARGET) Memorandum of Understanding.
6. Request authorization to file a Notice of Completion for Shannon Ranch 2 Units 3 & 5, a subdivision containing 175 single family lots located at the southwest corner of Mooney Boulevard and Shannon Parkway.
7. Authorization to contract with the California Water Institute at California State University Fresno in partnership with Tulare Irrigation District to study potential impacts of agriculture use of recycled water from the Water Conservation Plant; appropriate \$30,000 from the Wastewater Fund to pay the City's share of this work.
8. Authorize the City Manager to enter into a contract with the lowest responsive bidder to construct the Santa Fe Bike Path from Avenue 272 to Tulare Avenue for a price not to exceed \$2,181,500. CIP Project Number 1611-8117.

REGULAR ITEMS AND PUBLIC HEARINGS

9. Public Hearing to approve the recommended expenditure of the State of California 2011 Citizens Option for Public Safety (COPS) program funds of \$203,238 and the unappropriated money, \$54,902 from the 2010 COPS grant, and appropriate the same. (Resolution 2011-78 required).

10. Authorize City Manager to negotiate a Purchase & Sales Agreement with Summitt Buffett, Inc. for city-owned parcels (APNs 125-041-34 & 35) and Introduction of First Reading of Ordinance No. 2011-14 for the disposition of the property

CLOSED SESSION REPORT

ADJOURNMENT

Upcoming Council Meetings

- City Council Regular Meeting, Monday, December 19, 2011
- City Council Closed Session, Monday, December 19, 2011
- City Council Regular Meeting, Tuesday, January 17, 2012
- City Council Closed Session, Tuesday, January 17, 2012

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: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Presentation by Greg Burns, federal lobbyist with Van Scoyoc Associates representing the City of Visalia, with updates on 2011 legislative activity and issues of interest in 2012.

Deadline for Action: December 5, 2011

Submitting Department: Administration

Contact Name and Phone Number: Michael Olmos at 713-4332 and Nancy Loliva at 713-4535.

Department Recommendation: N/A

Background: Van Scoyoc Associates (VSA) is a bi-partisan, full-service Federal Government affairs firm and the largest independent lobbying company in Washington, D.C. The firm's team for the City is led by Vice President Greg Burns. Assistant City Manager Mike Olmos and Community Relations Manager Nancy Loliva work directly with the VSA staff on legislative matters. VSA is completing its second year of lobbying services for the City. Staff believes VSA has worked very hard for the City during this period and has achieved progress on a variety of issues, particularly on FEMA flood insurance. VSA has maintained constant communication with the City on legislation, federal programs, grant opportunities, and other matters of interest to the City. VSA has also been effective in establishing contact and setting meetings with appropriate Federal agencies and officials on matters affecting the City.

Work Summary: Over the past year, VSA has worked on a variety of issues on behalf of the City of Visalia. A summary of their efforts follows.

- VSA staff worked closely with Rep. Nunes to introduce legislation to encourage greater offerings of flood insurance by private insurers, thereby potentially offering City residents in the flood plain an opportunity to save on their premiums. This legislation was then included in the House version of the National Flood Insurance Program reauthorization bill, which passed the House this summer.
- Since the passage of the House bill, VSA staff has worked with the Senate to include similar language in their version of the same legislation. The Senate legislation as a whole is acts more decisively than the House legislation to create an actuarially sound

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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NFIP that has more flexibility to price policies based on real risk. This would be a significant benefit to the City of Visalia.

- After continuing direct advocacy with FEMA, earlier this year the agency announced that they would end their policy of disregarding some levees and flood control structures in the process of updating flood maps. Instead, they will use more advanced mapping techniques to better reflect real flood risk. This should lead to lower prices for those residents who have a lower flood risk.
- VSA staff worked with the City to improve its internal grant processes in the hopes of ultimately being more successful in securing Federal grants across all departments.
- Supported a number of City Federal grant applications by securing Congressional and other support for the City's efforts.
- Engaged Federal agencies to better understand their programs and policies on programs such as the City's COPS hiring grant and a pre-disaster mitigation grant through FEMA that could provide funding for flood control projects.
- Followed progress of the transportation reauthorization debate in Congress to advise the City on possible funding opportunities for City projects and to evaluate future funding levels as well as potential funding sources for the program.
- Monitored the "Supercommittee" and other deficit reduction proposals to evaluate their potential impacts to the City.
- Supported various "jobs" proposals in Congress and from the Administration that would benefit the City.
- Actively fought to preserve the Essential Air Service program for the City, funding for which has come under attack from the House this year and remains perilous.
- Continued to fight to allow the Corps of Engineers to become involved in funding fixes to the City's flood control protection system and thereby remove additional residents from the floodplain.
- Supported a variety of Federal programs during the Fiscal Year 2012 appropriations process that directly impact the City, including funding for programs such as CDBG, high speed rail, Sustainable Communities, COPS, Byrne, SAFER, AFG and other public safety programs, water infrastructure, transit, and transportation. While the appropriations process is still ongoing, VSA will continue to monitor the impact on programs until Congress finalizes funding.
- Monitored press the City received related to VWR International's move to Visalia and offered suggestions on how to respond if necessary while also offering to engage key leaders at the Economic Development Administration if necessary.
- Advised City staff on other issues, partially including:
 - Central Valley water legislation
 - "D Block" wireless spectrum issues as they relate to public safety agencies
 - Property Assessed Clean Energy legislation
 - the Main Street Fairness Act that relates to the ability of states to collect sales taxes on purchases made from out-of-state online and catalog retailers

In 2012, VSA will propose to continue offering comprehensive representation on behalf of the City in Washington. That is expected to include continuing work on many of the issues described above, any new issues of interest the City may have, and other issues that are expected to be discussed in Washington. These will include further flood insurance reform, transportation reauthorization (and the related issue of the definition of Metropolitan Planning Organizations – MPO - that could affect the distribution of some transportation planning funding), deficit reduction talks, and the ongoing annual appropriations process that impacts a number of programs that are vital to the City. In addition, VSA will propose to develop a

comprehensive written Federal legislative agenda for the City that will better outline the City's position on a broad array of legislative items. VSA will continue to assist the City in preparing and following up on applications for Federal grants that become available, including grants for public safety services, such as COPS.

Prior Council/Board Actions: Contract approval on December 20, 2010, for federal legislative advocacy services by Van Scoyoc Associates through December 31, 2011.

Committee/Commission Review and Actions: NA

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Update of efforts by a temporary ad hoc group addressing Downtown infrastructure needs and a strategy for implementation of infrastructure upgrades.

Deadline for Action: None

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Jason Huckleberry, Eng. Services Manager, 713-4259
Adam Ennis, Assist. Director of Engineering, 713-4323

Department Recommendation: Staff requests that the City Council accept this update and provide any comments or direction it deems appropriate.

Summary: Due to significant infrastructure obstacles experienced by property owners in the renovation/expansion of existing Downtown buildings, a temporary ad hoc group was developed. City staff members from Administration, Engineering and the Fire Department have met on a periodic basis with various Downtown property owners/representatives. Harvey May, Don Celillo, Stephen Peck, and Mike Fistolera represented downtown owners and devoted a substantial amount of time and effort in assisting the group in finding practical solutions to these obstacles. Meetings have also been attended by utility companies, including Southern California Edison and California Water Service.

As a result of these meetings, the group has identified infrastructure issues (electrical service upgrades and fire protection systems) and developed a strategy to address each.

Background: The group has identified two major infrastructure obstacles and has developed a strategy to address each as properties remodel, change uses, or use previously unused space (2nd floors) in the Downtown area.

Electrical Facility Upgrades – Southern California Edison (SCE)

Downtown properties are commonly found to have electrical facilities that are timeworn, out of date, and unable to accept additional electrical loading that may be necessary to service a remodel and/or expansion under current electrical codes. As such, it is often a requirement to provide a new electrical service to the building in conjunction with a new above ground SCE transformer. The transformers typically need to be located above ground and exterior to the buildings they serve. Most Downtown properties find it difficult to locate these above ground electrical facilities in close proximity to their building and most of these buildings are bordered

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.): 1Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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by adjacent buildings, built on property lines and alleys, and built at the minimum width necessary to accommodate solid waste and emergency vehicles.

As a solution, staff has concentrated on identifying utility “nesting” areas in each Downtown block that would facilitate above ground utility upgrades. Most of these locations are identified as City owned parking lots or properties where utilities can be placed in landscape islands with minimal impact to existing parking or operations. By creating these nesting areas, property owners on each block can bring new services to their building from these central locations where the new electrical transformers can be located. This provides service where it would otherwise be impossible and/or cost prohibitive. Presently, we have two such projects utilizing this method for utility upgrades, the Togni-Branch Building renovation on the north side of Main Street between Court St. and Church St. and the Cusenza property 2nd floor expansion at the southeast corner of Main and Locust St.

A plan has been prepared indicating utility nesting sites for Downtown properties (see Exhibit 1 & 2). This plan has been shared and “adopted” by SCE and will be utilized as properties begin to move through the remodel/expansion process. In addition, staff will be making the plan available on the City website and tagging properties in the Permits Plus software system to ensure property owners are aware of the availability of the utility nesting sites as they submit for building and site development permits.

This plan ultimately costs Downtown property owners no money, other than typical construction costs, while affording them the option of further development of their properties without purchasing costly easements and/or property from adjacent owners.

Fire Protection Services – California Water Service (Cal Water)

Depending upon the proposed use and improvements, property owners and businesses expanding and/or renovating in Downtown are often required to adhere to current fire suppression requirements. Often these requirements involve new fire service lines off of the water main, fire hydrants, fire department connections, and backflow prevention systems for each property. Typically, these systems would have to extend from the water main in Main Street to the building frontages. Since these systems would be required for most property expansions/renovations, there could be many costly placement, aesthetic and possibly handicap accessibility issues created by the needed facilities.

In order to address this issue, the group has developed an infrastructure development plan for Downtown fire protection services (West St to Bridge St). This composite fire protection utility plan (see Exhibit 3) would provide one common system per block rather than per property and includes fire service lines with one common backflow preventer and fire department connection “manifolds” located within fifty feet of an existing or proposed fire hydrant. On the master layout, all above ground facilities (manifolds, fire hydrants, and backflow preventers) are located in existing or proposed planters in the Downtown area. The plan developed by the group provides a solution whereby Downtown property owners are able to upgrade services to meet current needs and meet fire and building codes while minimizing costs, aesthetic and traffic impacts and interference to adjacent Downtown businesses.

While the master aerial/plat attempts to locate facilities in the most cost effective manner possible, this method requires a substantial investment by the first owner on a Downtown block to perform a remodel/expansion. It is suggested that additional funding options be explored to install the necessary infrastructure in advance, with owners contributing their fair share upon

remodel/expansion of their property. Preliminary cost estimates for these utility connections are shown in Exhibit 4.

Prior Council/Board Actions: Prior Downtown Infrastructure Update to Council on 8/1/2011

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Exhibit #1 – Togni Building Renovation - Utility Nesting Site Identified/Accepted
Exhibit #2 – Cusenza Building 2nd Floor Expansion - Under Construction
Exhibit #3 – Portion of Utility Composite Plan for Downtown Fire Protection Services
Exhibit #4 – Preliminary Estimate for Composite Plan for Fire Protection Services

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

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:

Downtown Visalians Board
Downtown POA Board
Kelly Hauert
Elaine Martell
Harvey May
Don Celillo
Mike Fistolera

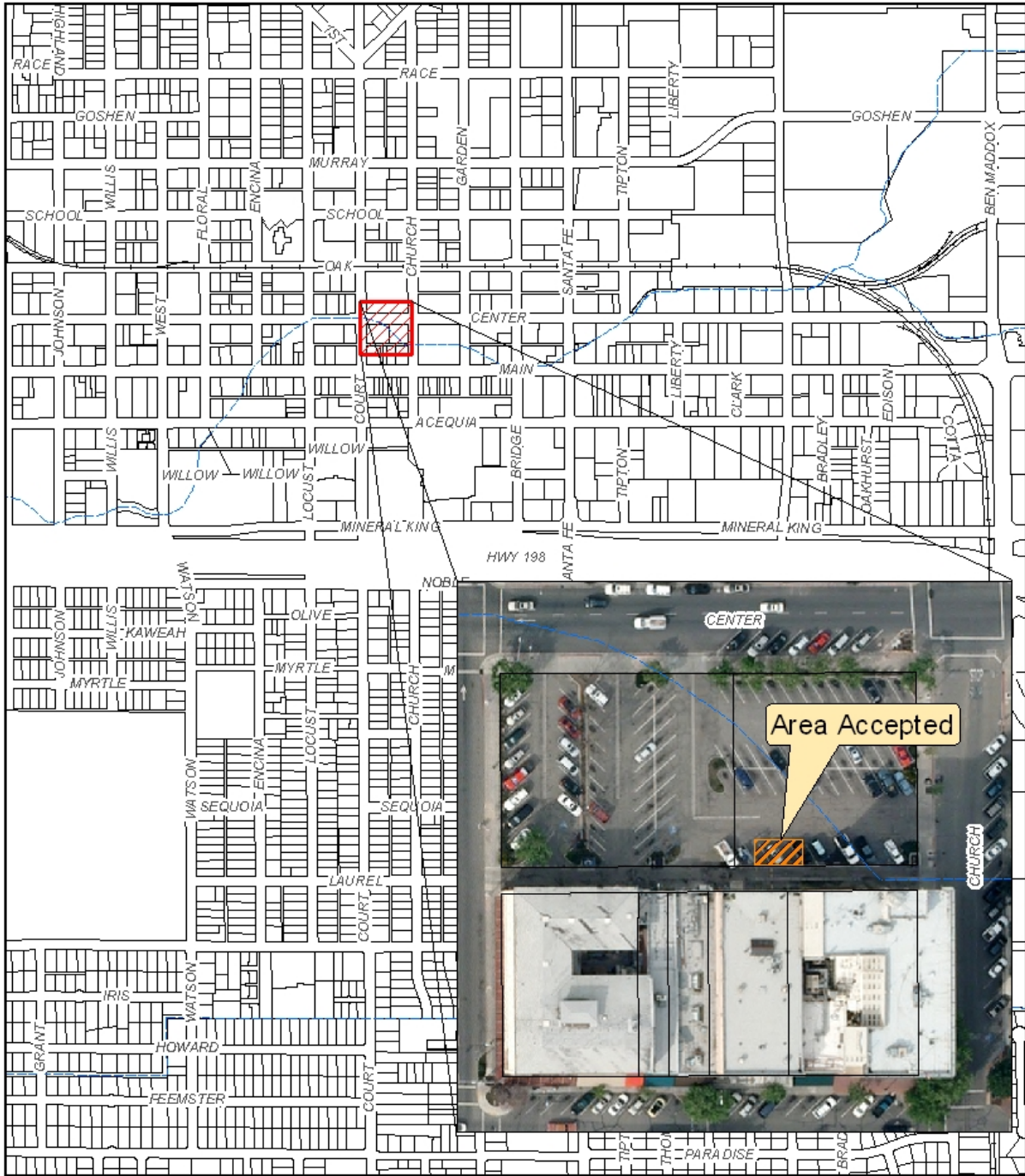


Exhibit 1



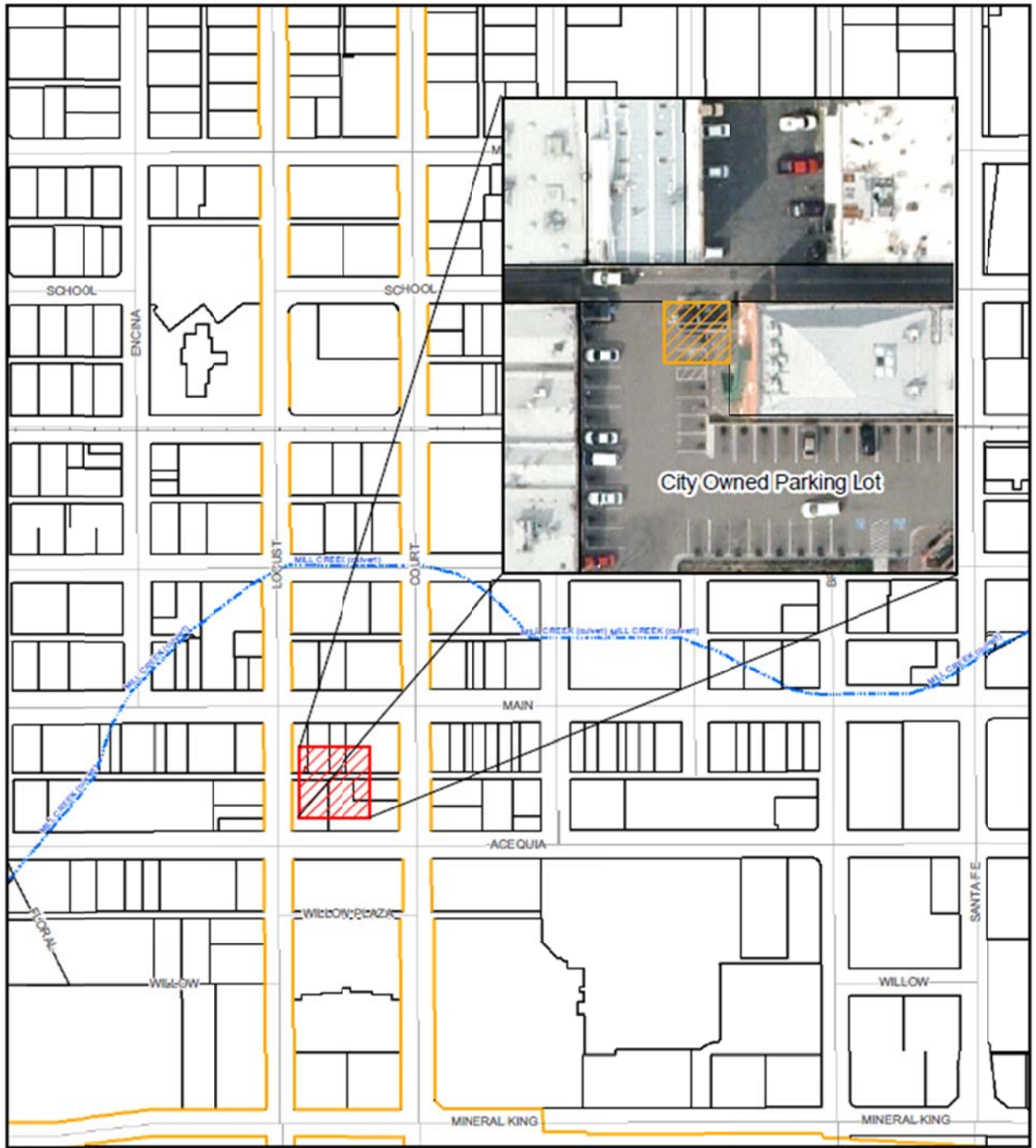


EXHIBIT 2



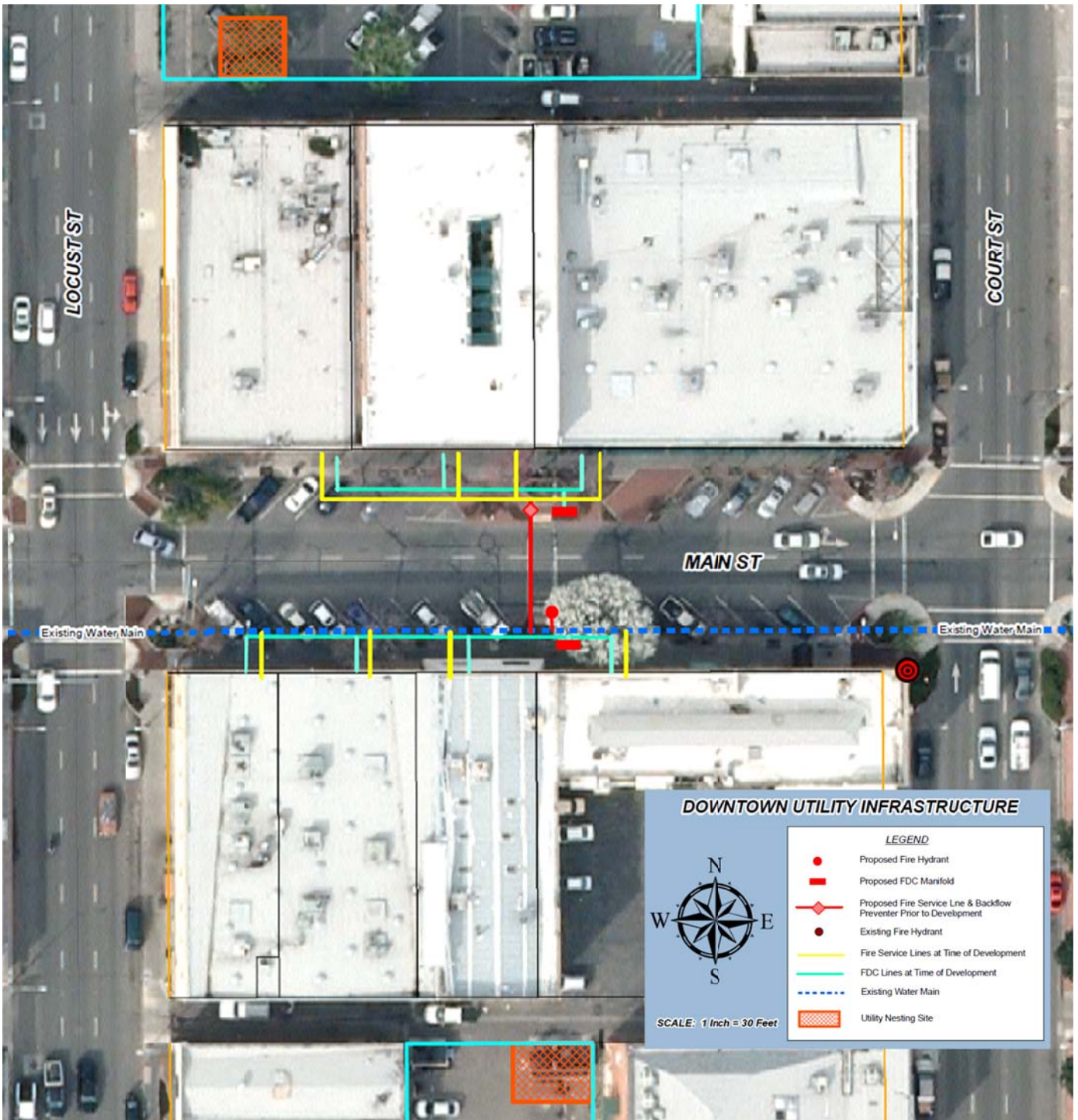


EXHIBIT 3



Utility Composite Plan

EXHIBIT 4

Composite Utility Plan Preliminary Estimate

Composite plan estimate using a Downtown City block with 7 properties:

1	Fire hydrant	@	\$6,500 Ea	=	\$6,500
4	Fire Service Line w/BFP	@	\$5,000 Ea	=	\$20,000
1	Shared Fire Service Line w/BFP	@	\$15,000 Ea	=	\$15,000
2	FDC Manifold	@	\$1,000 Ea	=	\$2,000
7	FDC Service Line	@	\$2,000 Ea	=	<u>\$14,000</u>
				Total	= \$57,500

Cost per Parcel	=	\$8,215
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Individual property upgrade to City and State Fire Codes (not using the composite plan):

1	Fire hydrant	@	\$6,500 Ea	=	\$6,500
1	Fire Service Line w/BFP	@	\$5,000 Ea	=	\$5,000
1	FDC	@	\$500 Ea	=	<u>\$500</u>
				Total	= \$12,000

Cost per Parcel	=	\$12,000
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-Rough estimate for all of Downtown using the composite utility plan is \$254,000

-Anticipated savings of \$3,785 per parcel if the composite utility plan is utilized for Downtown upgrades versus individual property upgrades.

-Additional savings are expected if the Downtown block contains more parcels than the example used.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Provide City Council with an update for the new 9-1-1 Communications Center/Public Safety Facility project, and authorize the Core Project Committee to proceed with the Request for Proposal (RFP) process to hire a qualified Architect/Engineering and Design Consultant for this project.

Deadline for Action: December 5, 2011

Submitting Department: Police

Contact Name and Phone Number:

Colleen Mestas, Chief of Police; 713-4215
Jason Salazar, Captain; 713-4102
Veronica McDermott, Support Svcs. Manager; 713-4230
Chris Young, Community Development Director; 713-4392
Jason Huckleberry, Engineer; 713-4259

Department Recommendation: Staff recommends that City Council receive this update for the new 9-1-1 Communications Center/Public Safety Facility Project from the Core Project Committee. In addition, staff recommends the following:

1. City Council authorize the Committee to proceed with the RFP process to hire a qualified Architectural/Engineering and Design Consultant to plan, design, and provide construction documents for the project. Phase 1 of the project RFP will include the evaluation and selection of a site for the 9-1-1 Communications Center; a facility needs assessment, preliminary design, and estimate; as well as the development of an overall site plan for the remaining Public Safety components of the Civic Center plan to include essential and non-essential services facilities. Phase 2 of the project RFP will include complete design of the facility and construction drawings to be delivered to the City by the consultant. An environmental review will need to be completed upon the selection of the site for the 9-1-1 Communications Center and the public safety facilities.

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)

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2. Staff recommends City Council appoint two (2) Council members to meet with the Core Project Committee on a regular basis to provide additional input and direction related to this project.

Summary/background: On October 17, 2011, Council authorized City staff to proceed with the process to construct a new 9-1-1 Communications Center/Public Safety Facility for the City of Visalia. The project will include two scenarios; 1) a standalone 9-1-1 Communications Center; or 2) a 9-1-1 Communications Center and Public Safety Facility. At a minimum, this project will result in the construction of a 9-1-1 Communications Center. However, the Committee will work with the consultant to evaluate the possibility of constructing additional components of the Public Safety Facility, either in a modular campus style plan or as a single Public Safety Building. The Committee recommends evaluating a scenario that includes the build out of the Public Safety Facility and the associated costs in order to potentially take advantage of current interest rates and construction costs.

The Committee has discussed two potential scenarios for a Public Safety Facility. The first scenario being a single building that would serve as the Police Headquarters and Fire Administration. This building would need to meet essential services requirements. The second scenario being a Public Safety Facility that would consist of multiple buildings arranged in a campus style site plan that could be completed in multiple phases. This scenario could potentially consist of both essential and non-essential services buildings, but would require additional study and expertise. Buildings constructed to non-essential services standards would limit their use for some future public safety applications.

The Core Project Committee has completed the following tasks:

- Established an internal Core Project Committee consisting of existing City staff with various skills and knowledge to assist with the project. Committee members include:

Mike Allen, Information Services	Mike Porter, Engineering
Dustin Hall, Fire	Javier Ruiz, Information Services
Jason Huckleberry, Engineering	Jason Salazar, Police
Eric Frost, Finance	Danny Wristen, Fire
Veronica McDermott, Police	Chris Young, Community Development
Renee Nagel, Finance	

- Identified potential building sites on City-owned properties in the east downtown area. In 2008, Bruce Race's preliminary assessment/Civic Center Master Plan identified a potential site for the Public Safety Facility at Oak and Burke streets. The Committee recommends other City-owned properties in the east downtown area be evaluated as well. (See attached site map indicating additional site locations for consideration)
- Developed an RFP to hire a qualified Architect/Engineering and Design Consultant to plan, design and develop construction documents for the new 9-1-1 Communications Center/Public Safety Facility.

The Core Project Committee wishes to proceed with the RFP process to hire a qualified Architect/Engineering and Design Consultant to move this project forward. The Consultant would act as the Project Manager, providing guidance and assistance to the Core Project Committee and subsequent Task Teams, conduct a needs assessment, assist with site selection, project future capital expenditures and operating budgets, and oversee the project schedule. The following timeline for the RFP process is anticipated:

- January / February 2012 Begin RFP Process (open bid 30 days)
- February / March 2012 Committee Review RFP's
Invite Consultants to Pre-Interview Conference
Select Consultant
- April 2012 Council Update - Recommend Consultant for Hire

Given the complexity of the process, the above timeline is an estimate.

Financing:

As the City Council considers the 9-1-1 Communications Center/Public Safety Building project, it is appropriate to review prior plans for constructing this facility. The financing options available to the City for this project will largely depend upon the direction taken after the Core Project Committee, the selected consultant, and the City Council evaluates the project scenarios. The scenarios include: 1) a 9-1-1 Communications Center, or 2) a 9-1-1 Communications and Public Safety Facility.

In the adopted Measure T plan, passed by the voters in 2004, the plan called for several funding sources, namely:

Fund	Project Share	Project Cost @ \$9 Million (In Thousands)	Cash Balance as of 06/30/2011 (In Thousands)
General Fund Civic Center Reserve	21%	1,890	8,910
Measure T – Police	28%	2,520	30
Measure T – Fire	4%	360	7,694
Police Impact Fees	32%	2,880	(442)
Fire Impact Fees	15%	1,350	(2,028)
Total	100%	9,000	14,164

The concern is that the impact fee revenues have dramatically declined during the recession and do not have resources to contribute to this project. The Police Measure T fund does not have

sufficient monies to contribute its anticipated share unless the fund receives an advance from the General Fund. The Fire Impact Fees fund shows a balance, but the City is working to build and staff a new station.

Finance recommends charging the appropriate funds for their share of the project costs. This will mean that the General Fund will need to advance funds to these several Impact Fee Funds and be repaid in the future. Currently, the General Fund Civic Reserve has almost \$9 million set aside for this project and the Civic Center.

Prior Council/Board Actions: On October 17, 2011, Council received an update on the Tulare County Consolidated Dispatch project from its Executive Committee. The consolidated dispatch project had subsequently evolved into a colocation project with the County. As a result of several variables, Council directed staff to move forward with the City's own Communications Center project.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments: Sites map of additional City-owned properties in the east downtown area.

Recommended Motion (and Alternative Motions if expected): 1) Council authorize the Committee to proceed with the RFP process to plan, design, and provide construction documents for a 9-1-1 Communications Center/Public Safety Facility; and

2) Council appoints two (2) Council members to meet with the Core Project Committee on a regular basis to provide additional input and direction related to this project.

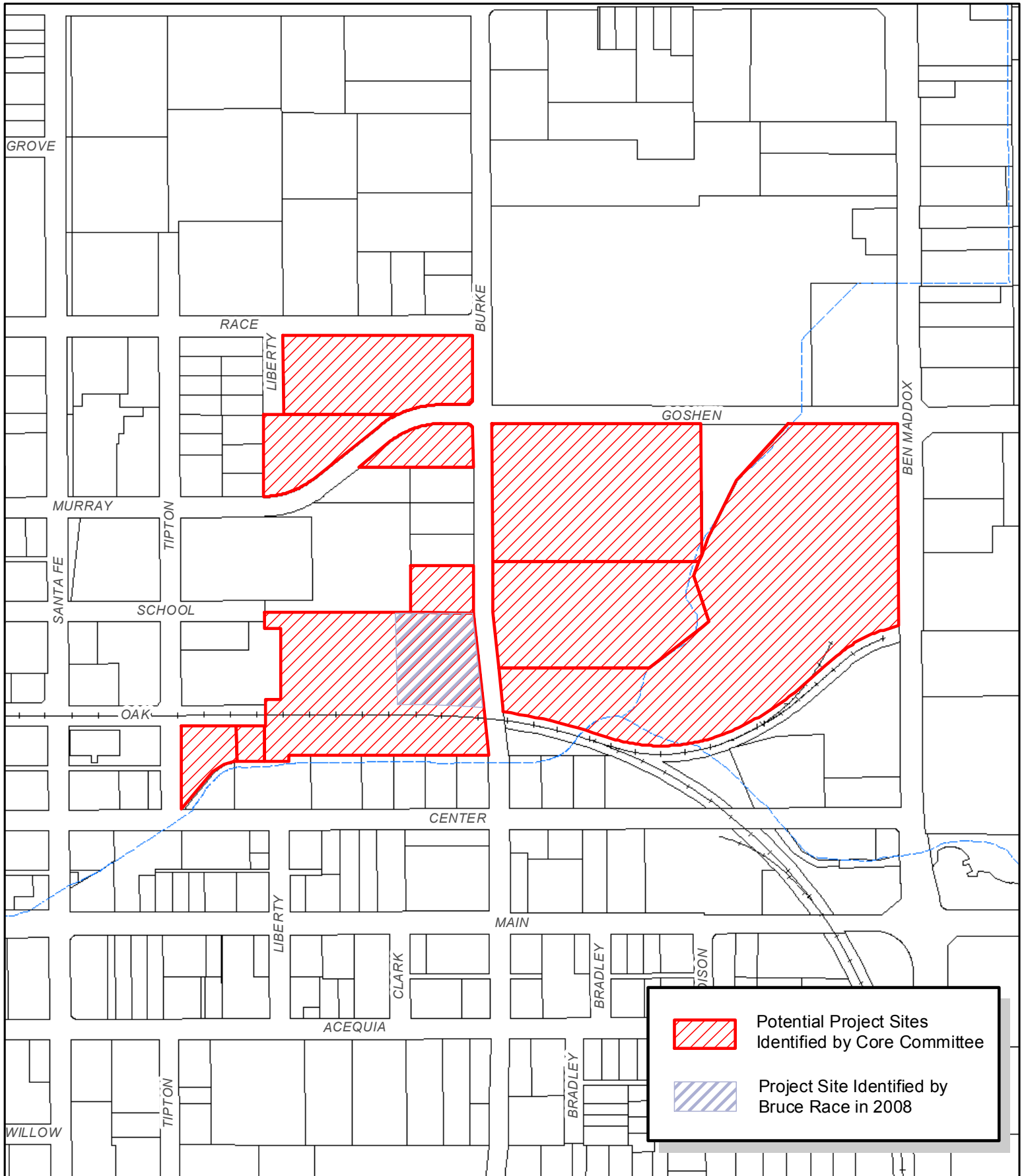
Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:



9-1-1 Communications Center & Public Safety Facility Potential Development Sites



Scale: 1" = 400'

City of Visalia
Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Authorization to Approve the Tulare County Regional Gang Enforcement Team (TARGET) Memorandum of Understanding

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number:

Chief Colleen Mestas 713-4253

Captain Rick Haskill 713-4205

Department Recommendation: City Council authorize the Visalia Police Department to enter into an agreement with allied agencies to form the Tulare County Regional Gang Enforcement Team (TARGET). Participating agencies include the California Department of Corrections & Rehabilitation (Parole), California Department of Justice - Bureau of Narcotics Enforcement, California Department of Justice - Bureau of Firearms, California Highway Patrol, Porterville Police Department, Tulare County Sheriff's Department, Tulare County District Attorney's Office, and Tulare Police Department.

The Visalia Police Department will assign two (2) current detectives from the current Gang Suppression Unit to this Task Force.

Summary/background: For the past few years, gang activity and the subsequent reduction thereof, has been both a community and City Council priority. The Visalia Police Department has been successful on a variety of fronts including suppression, prevention and intervention. What has been a continued theme is that success is not gained by going at the issue alone; it takes collaboration.

In March of 2010, a homicide occurred in the City of Visalia. As that investigation progressed, it was determined it had overlapped with another on-going investigation that involved the California Department of Justice in another jurisdiction. The investigations were meshed and led to a multi-month investigation, which culminated with over 50 arrests, including the suspect responsible for the initial homicide. The investigation was referred to as "Operation Street Sweeper" and received praise locally and at the state-wide level.

"Operation Street Sweeper" reaffirmed that partnerships and collaborative efforts are elements to success. Since that time, the Visalia Police Department has held several discussions with the California Department of Justice to form a multi-agency task force to combat gang activity in Tulare County. In April of 2011, Attorney General Kamala Harris announced that she would

For action by:

City Council
 Redev. Agency Bd.
 VPFA

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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authorize the formation of this task force. Since then, all Tulare County law enforcement agencies have been contacted and invited to participate. To date, the California Department of Corrections & Rehabilitation (Parole), California Department of Justice - Bureau of Narcotics Enforcement, California Department of Justice - Bureau of Firearms, California Highway Patrol, Porterville Police Department, Tulare County Sheriff's Department, Tulare County District Attorney's Office, Tulare Police Department, and the Visalia Police Department have committed to the task force. The Task Force will be led by the Department of Justice and will be housed at the Visalia Police Department and will have the following objectives:

1. To gather intelligence on the illegal activities of gangs operating in and effecting the citizens of Tulare County. To maintain and/or use an intelligence system that conforms to the operating principles of Section 28 Part 23 of the Code of Federal Regulations (CFR).
2. To prevent and deter violent crime and gang activity through education and the promotion of positive commitments, beliefs, activities and attachments.
3. To intervene and hold accountable, both adults and youth exhibiting delinquent behaviors leading to the formation of gangs and gang membership.
4. To suppress and deter gang activity and violent crime through enforcement, intensive supervision, vertical prosecution, the collection and dissemination of criminal intelligence, and by utilizing major investigative techniques which include the use of informants, undercover personnel, search warrants, visual surveillance and electronic surveillance.

Using this model, it is anticipated that this task force has the potential to have a major impact on the gang activity that occurs within Tulare County. It is believed that this is the next step into the on-going effort to eliminate gangs and associated gang activity from the community.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Not authorize the approval of the Tulare County Regional Gang Enforcement Team (TARGET) Memorandum of Understanding

Attachments: Copy of the proposed Memorandum of Understanding (MOU)

Recommended Motion (and Alternative Motions if expected): Accept the MOU which allows the formation of the Tulare County Regional Gang Enforcement Team (TARGET) Memorandum of Understanding

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**TULARE COUNTY AGENCIES REGIONAL GANG ENFORCEMENT TEAM
(TARGET)**

**Memorandum of Understanding
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TULARE COUNTY
AGENCIES REGIONAL GANG ENFORCEMENT TEAM
2011
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (MOU) to establish TULARE COUNTY AGENCIES REGIONAL GANG ENFORCEMENT TEAM (hereinafter TARGET) is entered into by the California Department of Justice, Bureau of Narcotic Enforcement (hereinafter BNE) and the following participating agencies:

California Department of Corrections & Rehabilitation, Parole

California Department of Justice, Bureau of Narcotic Enforcement

California Department of Justice, Bureau of Firearms

California Highway Patrol

Porterville Police Department

Tulare County Sheriff's Department

Tulare Police Department

Visalia Police Department

I. PURPOSE

The purpose of this memorandum is to set forth the responsibilities of the participating agencies in the Tulare County Agencies Regional Gang Enforcement Team (TARGET). Working cooperatively, the participating agencies will endeavor to effectively enforce the laws of the State of California including the Penal Code, Vehicle Code, Health and Safety Code, and applicable federal laws relating to violent crime, street terrorism and gang related crimes. Agencies participating in TARGET will be focusing their efforts toward the suppression of organized street gang activities occurring in Tulare County. The primary use of this task force is to gather intelligence on the illegal activities of all street gang members, with an emphasis on the identification of the core and upper level members. As information is gathered that is deemed actionable, TARGET will take action to suppress these illegal activities, or pass the information along to the appropriate agencies to take such action.

II. MISSION

The mission of the Tulare County Agencies Regional Gang Enforcement Team (TARGET) is to allocate resources from all Tulare County cities and other allied law enforcement agencies, for the purpose of securing the homeland by promoting safe, secure neighborhoods free of violent crime and gang violence.

The goals and objectives of the TARGET are as follows:

1. To gather intelligence on the illegal activities of gangs operating in and effecting the citizens of Tulare County. To maintain and/or use an intelligence system that conforms to the operating principles of Section 28 Part 23 of the Code of Federal Regulations (CFR).
2. To prevent and deter violent crime and gang activity through education and the promotion of positive commitments, beliefs, activities, and attachments.
3. To intervene and hold accountable, both adults and youth exhibiting delinquent behaviors leading to the formation of gangs and gang membership.
4. To suppress and deter gang activity and violent crime through enforcement, intensive supervision, vertical prosecution, the collection and dissemination of criminal intelligence, and by utilizing major investigative techniques which include the use of informants, undercover personnel, search warrants, visual surveillance and electronic surveillance.

III. EXECUTIVE COMMITTEE

TARGET will be governed by an "Executive Board."

EXECUTIVE BOARD CHAIRPERSON

The TARGET Executive Board shall annually elect a Chairperson for the Executive Board. The Chairperson will be the Task Force Commander's primary contact with the Executive Board on normal matters, and will bring to the Executive Board's attention any matter which would require a consensus of the Executive Board prior to a regularly scheduled monthly meeting. The Chairperson shall also preside over TARGET Executive Board meetings, and is responsible for the formulation of minutes for the meetings. The Chairman shall notify Executive Board members of upcoming meetings, and shall have authority to represent the board in matters that require immediate response on behalf of the board. The Chairperson shall not be a member of the Bureau of Narcotic Enforcement (BNE) or the Bureau of Firearms (BOF).

CHANGES IN ORGANIZATION

In the event that a member, or members, of the TARGET Executive Board wish to change a task force procedure or policy as expressed in this agreement, or the task force policy and procedure manual, those changes will be made with the consent of the entire Executive Board resulting from a majority vote in favor of such a change. The Chairperson of the TARGET Executive Board shall notify the Task Force Commander of the pertinent policy changes prior to the effective date of such change.

- * **Participating Agency** - A "Participating Agency" is an allied state, federal or local law enforcement agency that has made a commitment of resources and manpower for an agreed upon period of time.
- * **Structure** - The Task Force Executive Board will consist of the Senior Special Agent in Charge (SSAC) or Special Agent in Charge (SAC) of the Fresno BNE Regional Office, or their designee, and the department heads of each participating agency, or their designee.
- * **Role** - The Task Force Executive Board shall meet on a monthly basis, or as required for the purpose of reviewing the activities of the TARGET. The members of the Executive Board shall have general responsibility for the oversight of TARGET operations.
- * **Policy Authority** - The TARGET Executive Board shall be responsible for the policies and operating procedures of TARGET. The Executive Board shall periodically review and evaluate the TARGET operations, goals, objectives, policies and procedures.

IV. MANAGEMENT

The management and supervision of TARGET resources will be the responsibility of the Task Force Commander. The Task Force Commander shall retain supervisory control of the personnel assigned to TARGET. When the number of local law enforcement personnel from participating agencies drops below four, BNE may terminate the MOU.

V. TASK FORCE COMMANDER

A Special Agent Supervisor (SAS) from BNE shall be responsible for managing TARGET and will report to the Executive Board through the Chairperson of the Executive Board. The Task Force Commander takes direction from the Chairperson of the Executive Board. The Task Force Commander will provide the Executive Board with monthly and annual reports of TARGET activities. Any personnel assigned to TARGET shall work under the immediate supervision and direction of the Task Force Commander, and shall adhere to the published policies and procedures of TARGET as adopted by the TARGET Executive Board.

VI. COMPENSATION

Each participating agency is responsible for providing its respective personnel with salaries, benefits and overtime in accordance with FLSA regulations. Overtime concerns, due to potential budgetary impact, must be an item of communication between each agency responsible for payment and the Task Force Commander.

VII. BUDGET

The Task Force Commander will prepare a proposed budget each year for the ensuing fiscal/calendar year for approval by the TARGET Executive Board. A monthly report of expenditures shall accompany the monthly statistics report submitted to the TARGET Executive Board as outlined in the Policies & Procedures Manual.

VIII. TRAINING

Training is handled by participating agencies according to their individual budgets. A yearly training plan for all task force personnel, sworn and non-sworn, shall be prepared upon their assignment to the task force. In addition, a yearly group training plan shall be prepared and submitted with the TARGET yearly budget proposal.

IX. ANNUAL REPORT

The Task Force Commander will provide the TARGET Executive Board and BNE Headquarters with an annual report of activity no later than March 15 of each year. This report will summarize the preceding calendar year's operation, and shall include a section for statistical data broken down in a similar fashion to that of the monthly reports. The report shall contain sufficient information regarding trends to enable the Executive Board to reassess task force goals and objectives.

X. RESOURCES

Each of the below listed agencies have agreed, by virtue of the signature of the department head affixed to this MOU, to contribute the following personnel and/or resources to the TARGET in each year of this agreement.

RESOURCES

BUREAU OF NARCOTIC ENFORCEMENT

1. (1) one Special Agent Supervisor
2. Standard compliment of investigative and safety equipment
3. (1) one vehicle including cost of operation
4. (1) personal computer for the use of the Special Agent Supervisor

BUREAU OF FIREARMS

1. (1) one Special Agent
2. (1) one vehicle including cost of operation
3. Standard compliment of investigative and safety equipment
4. (1) personal computer for the use of the Special Agent

CALIFORNIA DEPARTMENT OF CORRECTIONS & REHABILITATION, PAROLE

1. (1) one Parole Agent
2. (1) one vehicle including cost of operation
3. Standard compliment of investigative and safety equipment
4. (1) personal computer for the use of the Agent

CALIFORNIA HIGHWAY PATROL

1. (1) one Investigator
2. (1) one vehicle including cost of operation
3. Standard compliment of investigative and safety equipment
4. (1) personal computer for the use of the Investigator

PORTERVILLE POLICE DEPARTMENT

1. (1) one Investigator
2. (1) one vehicle including cost of operation
3. Standard compliment of investigative and safety equipment
4. (1) personal computer for the use of the Investigator

TULARE COUNTY SHERIFF'S DEPARTMENT

1. (1) one Investigator
2. (1) one vehicle including cost of operation
3. Standard compliment of investigative and safety equipment
4. (1) personal computer for the use of the Investigator

VISALIA POLICE DEPARTMENT

1. (1) one Administrative support staff person
2. (2) two Investigators
3. (2) two vehicles including cost of operation
4. Standard compliment of investigative and safety equipment
5. Office space, including access to utilities, not limited to telephone and internet service, 24 hour monitored office security, and maintenance of all evidence and or property seized by TARGET
6. (1) personal computer for the use of the support staff
7. (2) personal computers for the use of the Investigators

TULARE POLICE DEPARTMENT

1. (1) one Investigator
2. (1) one vehicle including, cost of operation
3. Standard compliment of investigative and safety equipment
4. (1) personal computer for the use of the Investigator

XI. FACILITIES, EQUIPMENT & PROPERTY

When the number of law enforcement personnel from local participating agencies drops permanently below four, BNE may terminate the MOU.

Any and all property, including equipment, furniture, furnishings or whatever kind or description, purchased or acquired with participating agency funds shall be the property of the participating agency and at the termination of this agreement and whereupon no new agreement is reached, all said property shall be returned to the participating agency.

Any equipment purchased with task force or seized funds which are damaged, broken, misplaced, lost or stolen, through gross negligence, wrongful act, or omission of an officer or agent assigned to TARGET, shall be repaired or replaced by the agency of the responsible employee at the determination of the Task Force Commander. Responsibility of task force housing and all associated costs shall be the responsibility of the Visalia Police Department.

XII. ASSET FORFEITURE

Based on the attached asset forfeiture agreement, proceeds derived from asset forfeiture, under state or federal law, initiated in the course of investigations conducted by TARGET will be shared equitable among member agencies. The equitable sharing will be based on a formula developed by the Target Executive Board. All forfeiture procedures and sharing will be based upon the appropriate provisions of state or federal law and policy. Modification to the asset forfeiture agreement requires approval in writing by members of the Task Force Executive Board.

XIII. ADMINISTRATION AND AUDIT

In no event shall the member agencies charge any direct or indirect costs to DOJ for administration or implementation of this agreement during the term thereof. Any and all records pertaining to TARGET expenditures shall be readily available for examination and audit by BNE, or any other participating agency. In addition, all such records and reports shall be maintained until audits and examinations are completed and resolved, or for a period of (3) three years after termination of the agreement, whichever is sooner.

XIV. INSPECTION PROCESS

It is the policy of BNE to maintain a formal administrative inspection program. This program requires inspections of each BNE supervised regional task force once every twenty four (24) months, or as necessary, with follow-up inspections within six (6) months. Copies of the inspection report will be delivered to the regional office SSAC, the Task Force Commander and the Executive Board Chairperson.

At change of command, an audit of the controlled substance evidence, undercover funds, petty cash, seized money and assets, reverse sting stock, weapons and specialized equipment shall be performed.

XV. NONDISCRIMINATION CLAUSE

All participating agencies will comply with Title VI of the Civil Rights Act of 1964 and all requirements imposed or pursuant to the regulations of the U.S. Department of Justice (CFR, Part 42, Subparts C and D) issued pursuant to Title VI relating to discrimination on the grounds of race, color, creed, sex, age or national origin and equal employment opportunities.

XVI. RESPECTIVE RESPONSIBILITIES

For the purpose of indemnification, each participating agency of TARGET shall be responsible for the acts of its participating officer(s) and shall incur any liabilities arising out of the services and activities of those officers while participating in TARGET. Personnel assigned to TARGET shall be deemed to be continuing under the employment of their jurisdictions and shall have the same powers, duties, privileges, responsibilities and immunities as are conferred upon them as peace officers in their own jurisdictions.

XVII. POLICY AND PROCEDURE MANUAL

It is agreed that all members of TARGET shall abide by the standardized policies and procedures as expressed in the TARGET manual and to the unit specific language which addresses the specific needs, objectives and goals of the TARGET.

XVIII. TERM OF AGREEMENT

The term of this agreement shall be from July 1, 2011 for an indefinite period. The term of this agreement may be terminated by notice in writing to the TARGET Executive Board Chairperson thirty (30) days prior thereof. TARGET will only be responsible for financial obligations incurred by task force participating agencies during the term of this agreement.

XIX. AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

Senior Special Agent in Charge
TITLE

DATE

BEN BUFORD
PRINTED NAME

Bureau of Narcotic Enforcement
AGENCY NAME

SIGNATURE

Chief
TITLE

DATE

PRINTED NAME

Bureau of Narcotic Enforcement
AGENCY NAME

SIGNATURE

Chief
TITLE

DATE

PRINTED NAME

Bureau of Firearms
AGENCY NAME

SIGNATURE

Assistant Director
TITLE

DATE

PRINTED NAME

Division of Narcotic Enforcement
AGENCY NAME

SIGNATURE

Deputy Director
TITLE

DATE

PRINTED NAME

Department of Justice/ASD
AGENCY NAME

AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

PRINTED NAME

TITLE

California Department of Corrections & Rehabilitation
AGENCY NAME

DATE

AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

PRINTED NAME

TITLE

California Highway Patrol

AGENCY NAME

DATE

AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

Chuck McMillan
PRINTED NAME

Chief
TITLE

Porterville Police Department
AGENCY NAME

DATE

AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

Sheriff

TITLE

DATE

PRINTED NAME

Tulare County Sheriff's Department

AGENCY NAME

AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

Chief
TITLE

DATE

Colleen Mestas
PRINTED NAME

Visalia Police Department
AGENCY NAME

AUTHORIZATION

The participating agencies, by their duly authorized officials, have executed this MOU on the respective dates indicated below. This MOU will become effective upon receipt by the BNE headquarters of the original MOU with all its attachments. All future amendments must be forwarded to headquarters and will become effective upon receipt.

SIGNATURE

Jerry Breckinridge
PRINTED NAME

Chief
TITLE

Tulare Police Department
AGENCY NAME

DATE

ATTACHMENT A

ASSET FORFEITURE FORMULA

Based on the attached asset forfeiture agreement, proceeds derived from any asset forfeiture, under state or federal law, initiated in the course of investigations conducted by TARGET, will be shared equitably among member agencies, including BNE. The equitable sharing will be based on the attached formula developed by the Task Force Council. Each agency shall receive an equal share for each number of personnel assigned to the Task Force after sharing costs for forfeiting agency, storage, publication, etc.

The Visalia Police Department will receive the first twenty five thousand dollars (\$25,000) of adjudicated Asset Forfeiture that is distributed to TARGET. In the event this amount is not met in the first year of this agreement, the Visalia Police Department will continue to collect Asset Forfeiture until this amount is met. This initial receipt of asset forfeiture money will be used to offset the initial startup costs and housing of TARGET. The Visalia Police Department will receive the first \$15,000 of adjudicated Asset Forfeiture each year thereafter to continue to pay for Task Force operating costs

After these terms are met, TARGET will maintain up to \$100,000 in an adjudicated Asset Forfeiture Account in order to fund Task Force operations. If at any time, funds exceed \$100,000 in the TARGET adjudicated Asset Forfeiture Account, the TARGET Council may vote to distribute the excess funds. If excess funds are distributed, each participating agency will receive one share of distributed assets seized for each full time employee assigned to TARGET. In the event a participating agency removes their personnel from Target for a period of more than thirty (30) consecutive days, an equal amount of asset forfeiture sharing will be deducted from their share.

The Visalia Police Department will act as the fiduciary agent for all State and Federal asset forfeiture proceedings initiated by TARGET. All TARGET forfeiture proceedings will be based upon the appropriate provisions of State and Federal law and policy. The Visalia Police Department will maintain appropriate accounts for all State and Federal pending and adjudicated forfeiture proceedings initiated by TARGET.

The following agencies will participate in the asset forfeiture distribution formula for the TARGET:

- Bureau of Narcotic Enforcement
- Bureau of Firearms
- California Dept. of Corrections, Rehabilitation Parole
- California Highway Patrol
- Porterville Police Department
- Tulare County District Attorney's Office
- Tulare County Sheriff's Department
- Tulare Police Department
- Visalia Police Department

All forfeiture procedures and sharing will be based upon the appropriate provisions of state or federal law and policy. Modifications to the asset forfeiture agreement require approval in writing by the members of the Task Force Executive Board.

Should, however, any agency terminate participation, they will terminate their right to participate in any distribution pursuant to this section effective the date of their termination.

Should for any reason the Task Force Executive Board find it necessary to disband the task force, asset forfeitures that have not been distributed will be used to pay off all existing debt including all contracts or leases. Any remaining money will be equally distributed between participating agencies.

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 6

Agenda Item Wording: Request authorization to file a Notice of Completion for Shannon Ranch 2 Units 3 & 5, a subdivision containing 175 single family lots located at the southwest corner of Mooney Boulevard and Shannon Parkway.

Deadline for Action: N/A

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Patrick Barszcz, Senior Public Works Inspector – 713-4241
Adam Ennis, Assistant Community Dev. Director – 713-4323
Chris Young, Community Development Director – 713-4392

Department Recommendation: Staff recommends that Council grant authorization to file a Notice of Completion for the Shannon Ranch 2 Units 3 & 5 Subdivision.

Summary/Background: All of the required improvements for this subdivision have been completed and are ready for acceptance by the City Engineer. The subdivision was developed by Pulte Group. Pulte Group submitted a warranty bond in the amount of \$288,539.84 as required by the Subdivision Map Act to guarantee the improvements against defects for one year. The completed improvements include landscaping which will be maintained by the City through Landscape and Lighting District No. 06-02.

Prior Council/Board Actions: The Final Map recording and Landscape and Lighting District formation were approved by Council at the meeting on January 17, 2007.

Committee/Commission Review and Actions: The tentative subdivision map for Shannon Ranch 2 was approved by Planning Commission at the meeting on September 13, 2004.

Alternatives: N/A

Attachments: Location Map, Developer Disclosure Form

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.

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize the filing of a Notice of Completion for Shannon Ranch 2 Units 3 & 5 subdivision.

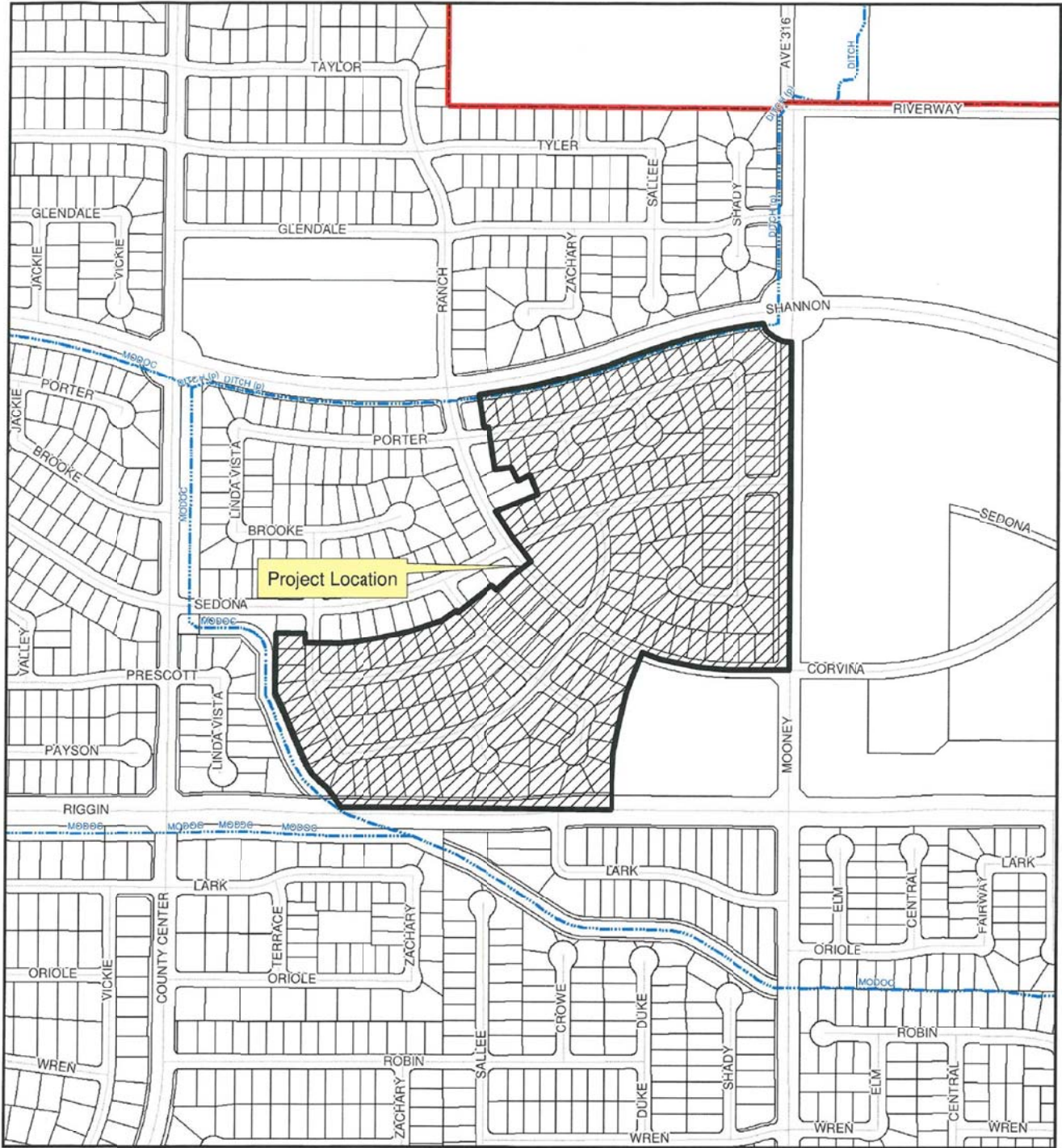
Environmental Assessment Status

CEQA Review: Negative Declaration Dated August 6, 2004 – Environmental Document 2004-90

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:



Shannon Ranch 2, Units 3 & 5 Location Map



Scale: 1"=500'



CITY OF VISALIA
Disclosure Development Project

NOTICE OF COMPLETION

INCOMPLETE OR LATE SUBMISSION OF DISCLOSURE STATEMENT COULD RESULT IN
CONTINUANCE OR DELAY OF YOUR PROJECT.

SITE:

Address or APN(s): S/W Corner of Mooning Blvd and Shaman Pkwy
Short Title or Name of proposed project: Shannon Ranch 2, No. 3+5
Summary description of the proposed project: Subdivision Improvements for 175 single family residential lots

DEVELOPER(S):

If more than two developers, please provide information and signature(s) on a separate sheet.

Name (print) Pulte Group Name (print) _____
Mailing Address 4196 Douglas Blvd. Suite 100 Mailing Address _____
Granite Bay, CA 95746
Phone (916) 746-6100 Phone _____

Statement: I/We declare under penalty of perjury that I am/we are the developers(s) of the property per the executed Subdivision Agreement with the City of Visalia. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

8/29/11
Date

[Signature]
Developer Signature
Gregory S. Van Dam, Authorized Agent
Print Name & Title

Date

Developer Signature

Print Name & Title

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder are a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

- Partner/Owner/Trustee: _____
- Partner/Owner/Trustee: _____
- Partner/Owner/Trustee: _____
- Partner/Owner/Trustee: _____
- Partner/Owner/Trustee: _____

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 7

Agenda Item Wording: Authorization to contract with the California Water Institute at California State University Fresno in partnership with Tulare Irrigation District to study potential impacts of agriculture use of recycled water from the Water Conservation Plant; appropriate \$30,000 from the Wastewater Fund to pay the City's share of this work.

Deadline for Action: None

Submitting Department: Administration/Public Works

Contact Name and Phone Number:

Kim Loeb, Natural Resource Conservation Manager, 713-4530
Jim Ross, Public Works Manager, 713-4466
Mike Olmos, Assistant City Manager, 713-4332

Department Recommendation:

Authorize the City Manager to contract with the California Water Institute at California State University Fresno in partnership with Tulare Irrigation District to study potential impacts of agricultural use of recycled water with the City's share of the cost not to exceed \$30,000 paid from the Wastewater Fund.

Summary/background:

The City is upgrading its Water Conservation Plant to recycle 100% of the City's wastewater. This will be done by upgrading treatment capabilities at the WCP from "secondary" to "tertiary" levels. Some of the recycled water will be used for irrigation at City facilities including Plaza Park and Valley Oaks Golf Course, but the majority will be traded for agricultural irrigation in exchange for TID water provided to the City for groundwater recharge.

The recycled water can legally be used on all crops including those grown for human consumption; however, growers want assurance that long-term use of the recycled water will not negatively affect their soil and groundwater. Of specific concern are salinity and potential changes in soil chemistry.

The City has been in water exchange negotiations with Tulare Irrigation District (TID). Under the proposed exchange agreement, the City would deliver recycled water from the Water Conservation Plant to TID through a pipeline south to Evans Ditch. TID would return the exchanged water upstream (east) of the City primarily in wet winters at an exchange rate to be determined. The City would utilize the water to recharge the groundwater beneath the City to

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.

help address the ongoing groundwater overdraft problem. The pipeline would be funded through a \$750,000 federal grant obtained by TID and an approximately \$2.2 million state grant obtained by the City for this project.

TID and the City met with the California Water Institute at California State University Fresno (CWI) and requested development of a work scope and proposal. CWI was specifically selected to conduct the study because it is an academic organization founded to be a forum for unbiased, open, collaborative discussion, research and education on water-related issues benefiting the entire state. It is well regarded by the agricultural community and TID feels strongly that the study will be accepted by farmers without the potential perception of bias that a study conducted by a private consulting firm might have.

CWI prepared a "Plan for the Assessment of the Potential Change in Water Supplies and Their Impacts to Agricultural Soils and Groundwater in the Tulare Irrigation District." The proposed study will be conducted in three phases: Phase I – analysis of the existing recycled water use areas; Phase II – pre-discharge analysis of the proposed TID recycled water use areas; and Phase III – ongoing monitoring and assessment in the recycled water use areas.

The estimated cost of the study is \$60,000 which would be evenly split by TID and the City. The City's \$30,000 share will be paid from the Wastewater Fund (CIP 4311) as the study is needed to facilitate exchange to provide surface water for artificial groundwater recharge. City and TID staffs plan to meet with CWI staff to refine the scope and reduce the total cost, as practicable.

Staff recommends that Council authorize the City Manager to enter into a contract with CWI in partnership with TID to conduct a study of agriculture use of recycled water with the City's share of the cost not to exceed \$30,000.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions: NA

Alternatives: NA

Attachments: None

Recommended Motion (and Alternative Motions if expected):

Authorize the City Manager to enter into a contract with the California Water Institute at California State University Fresno in partnership with Tulare Irrigation District to conduct a study of agriculture use of recycled water with the City's share of the cost not to exceed \$30,000, to be appropriated from the Wastewater Fund.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording: Authorize the City Manager to award and enter into a contract with the lowest responsive bidder to construct the Santa Fe Bike Path from Avenue 272 to Tulare Avenue for an amount not to exceed \$2,181,500 (CIP Project Number 1611-8117).

Deadline for Action: December 19, 2011

Submitting Department: Community Development Department/
Engineering Division

Contact Name and Phone Number:

Michael Carr, Senior Transportation Planner – 713-4595
Adam Ennis, Assistant Community Dev. Director – 713-4323
Chris Young, Community Development Director – 713-4392

Department Recommendation: Staff recommends that Council authorize the City Manager to award and enter into a contract with the lowest responsive bidder to construct the Santa Fe Bike Path from Avenue 272 to Tulare Avenue for an amount not to exceed \$2,181,500.

Summary: The Santa Fe Bike Path is planned to be a Class 1 trail (separated from the roadway) along Santa Fe Street from Avenue 272 on the south to Tulare Avenue on the north. The portion of the trail between the Visalia Parkway and Avenue 272 is owned by the City but is in the County. This portion of the trail was included in the project because it will provide connectivity to points south and west (including Mooney Grove Park) and it is within the City's Urban Area Boundary. This project is partially funded by a Transportation Enhancement (TE) Grant with the remainder being funded by Measure R funds. Due to delays in obtaining Railroad and Public Utilities Commission approval, this grant received a time extension to complete the approval process. The TE Grant deadline (including the extension) requires that the project be awarded by December 27, 2011. These approvals were obtained in August of 2011.

During design, it was necessary to add several items to the project to make it complete, thereby increasing the total construction cost of the project. The City planned to cover these costs using local Measure R funding. However, Caltrans required that the Federal Transportation Improvement Plan (FTIP) and grant funding submittal be updated and reapproved to reflect the increased total cost of the project, even though local funding would be used to cover these additional costs. This process has taken some time and the City is still waiting on approval from the Federal Highway Administration so that the project may go to bid. Staff is expecting this

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.

approval very soon and will put the project out to bid immediately upon approval. The project must bid for a minimum of three weeks due to federal grant requirements. Therefore, time will be short and may not meet the regularly scheduled City Council meeting dates. Staff is requesting that Council authorize the City Manager to award the project and enter into a construction contract with the low bidder for a cost not to exceed the engineer's estimate plus 10 percent (\$2,181,500).

Background: The Santa Fe Bike Path is a key piece to the City of Visalia's bicycle network as approved in the Bikeway Plan Update in 2006. The project was awarded a federal TE grant in the amount of \$402,000 with the remainder of the cost being funded by Measure R funds earmarked specifically for bicycle and pedestrian projects. This 2.5-mile piece of the Santa Fe Bike Path runs from Avenue 272 at the city's south limit up to Tulare Avenue on the north. The path will be extended further north through the city by future projects and ultimately extend all the way to the north city limit at the St. John's River. This project also has regional significance as it will eventually connect at the south end with the path to be built through the County and link the City of Visalia to the Centennial Trail in the City of Tulare.

On June 30, 2009, the City of Visalia was awarded a time extension from the California Transportation Commission (CTC) in Sacramento to allow adequate time to resolve right-of-way issues with the Railroad and get approval for the project from the California Public Utilities Commission (CPUC), which was granted in August of 2011. In order to secure the \$402,000 in TE funds set aside for the construction phase, the City must have the construction contract awarded by December 27, 2011, per time extension received from the CTC.

From August through November, City staff has been working to meet Caltrans requirements in order to receive Authorization for Construction, which is required prior to going out to bid. During design of the project it was necessary to add several components to the project to make it complete, thereby increasing the total construction cost of the project. The City planned to cover these costs using available Measure R funding. However, Caltrans required that the Federal Transportation Improvement Plan (FTIP) and grant funding submittal be updated to reflect the increased total cost of the project, even though local funding would be used to cover the additional costs. This process has taken some time and the City is still waiting on approval from the Federal Highway Administration to go to bid. Staff is expecting this approval very soon and will put the project out to bid immediately upon approval. The project must bid for a minimum of three weeks due to federal grant requirements. Therefore, time will be short and may not meet the regularly scheduled City Council meeting dates. Staff is requesting that Council authorize the City Manager to award the project and enter into a contract with the low bidder for a cost not to exceed the engineer's estimate plus 10 percent (\$2,181,500).

Prior Council/Board Actions:

Committee/Commission Review and Actions:

In May of 2004, the City Council authorized staff to apply for a Federal Transportation Enhancement grant to fund the Santa Fe Bike Path.

On February 21, 2006, the City Council adopted the Bikeway Plan Update and Mitigated Negative Declaration CEQA document that specifically include the Santa Fe Bike Path.

On April 21, 2010, the City Council awarded the Design Contract for plans and specifications to Provost & Pritchard of Visalia.

Alternatives: Do not authorize the award of this contract and lose the \$402,000 of federal Transportation Enhancement (TE) funding.

Attachments: Project Location Map – Exhibit #1

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to award construction and enter into a contract with the lowest responsive bidder to construct the Santa Fe Bike Path from Avenue 272 to Tulare Avenue for an amount not to exceed \$2,181,500.

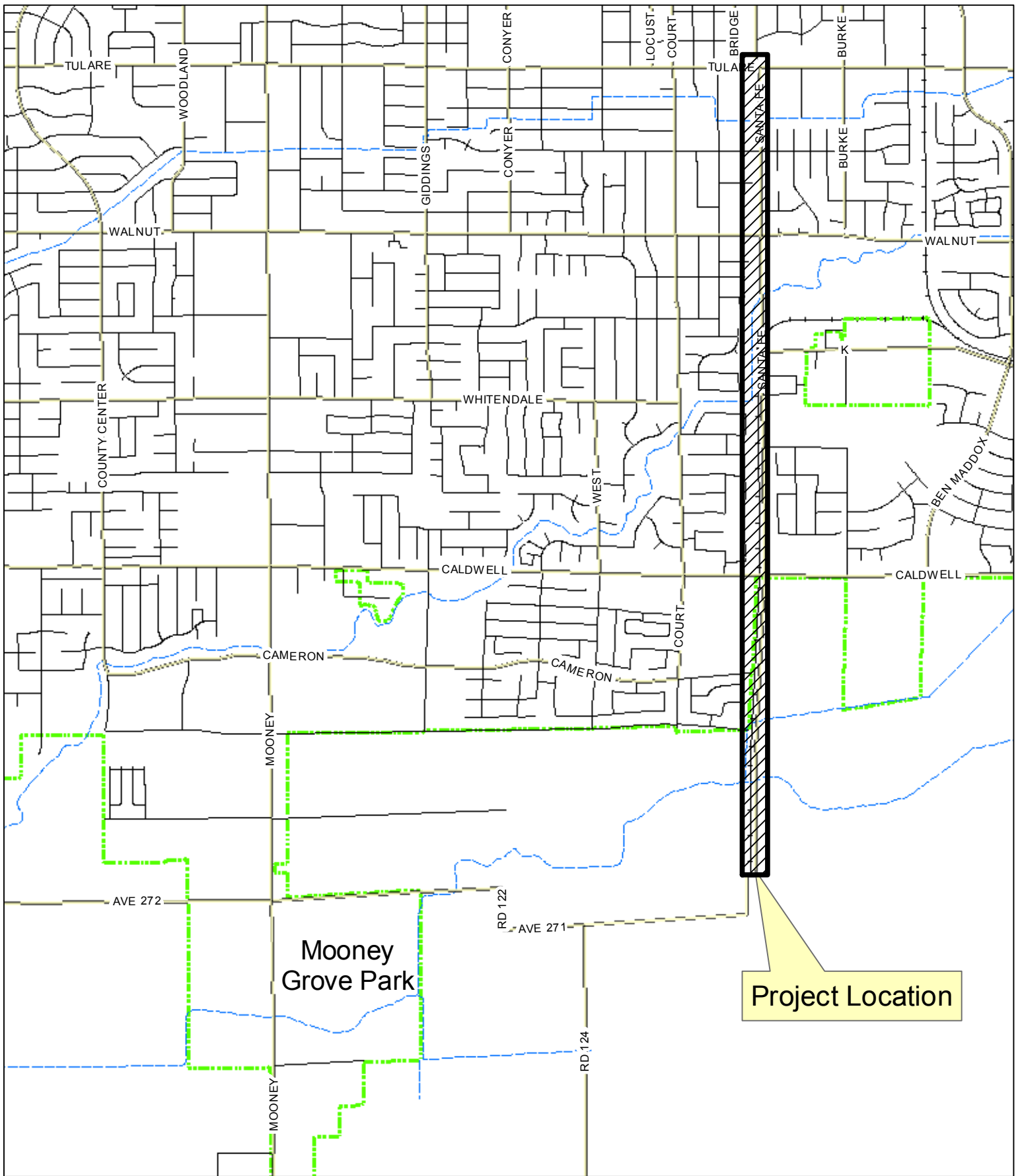
Environmental Assessment Status

CEQA Review: Mitigated Negative Declaration # 2005-131 adopted as part of the 2006 Visalia Bikeway Plan Update.

NEPA Review: Categorical Exclusion, May 6, 2010.

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

Copies of this report have been provided to:



Santa Fe Trail Location Map



1" = 2,000'

City of Visalia
Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Public Hearing to approve the recommended expenditure of the State of California 2011 Citizens Option for Public Safety (COPS) Program funds of \$203,238 and the unappropriated money, \$54,902 from the 2010 COPS grant, and appropriate the same. Adopt Resolution 2011-78 regarding the grant to be executed.

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number: Chief Colleen Mestas, ext. 4215 or Chuck Hindenburg, ext. 4250

Department Recommendation:

Council is recommended to approve and appropriate the proposed expenditure plan for the 2011 Citizens Option for Public Safety (COPS) Program funds (\$203,238) to be used to:

- Fund one (1) Police Officer position to the Patrol Division for six (6) months of FY 2011/12 and twelve (12) months of FY 2012/13 - \$187,075
- Purchase seven (7) portable digital radios - \$16,163

and to approve and appropriate the proposed expenditure plan for the unappropriated 2010/11 COPS funds (\$54,900) to be used to:

- Add a radio repeater site for police radios at Fire Station 55 - \$25,375
- Budget \$8,745 for on-going Departmental Training
- Purchase nine (9) portable digital radios - \$20,780

and adopt Resolution 2011-78 regarding the grants to be executed.

Summary/background: AB 3229 creates the Citizens Option for Public Safety Program (COPS). The bill allocates money to cities and counties for law enforcement and public safety purposes. The city was awarded Supplemental Law Enforcement Services Fund (SLESF) funds in the amount of \$203,238 for FY 2011/12. Additionally for FY 2010/11, since the state did not provide an amount for each city, we set our budget at \$100,000 and Council approved that spending plan. We actually received \$125,407 and, according to the SLEOC Summary report, we will receive another \$35,432 from residual funds collected in the VLF. That gives us \$60,839 over the Council appropriation. Since we started last fiscal year with a deficit in the COPS fund, we have \$54,900 in FY2010/11 funds to be appropriated. These funds will be

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.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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deposited in and expensed from Fund 6311, Citizens Option for Public Safety (COPS). Meetings have been held with Department Staff to develop and finalize the recommendation for expenditure.

The City Council is responsible for appropriating SLESF funds. This money may only be spent on “front Line law enforcement services” and may not be used to supplant existing law enforcement services. “Front line law enforcement services” is not specifically defined, but it includes “anti-gang” and “community crime prevention programs.” There is no provision in AB 3229 permitting requests for funding to be made directly by community activists to the city council.

Fund One Police Officer Position, Patrol Division

The Police Department currently has one police officer position assigned to the Tulare County Inter-Agency Narcotics Enforcement Team (INET) that is funded through a grant for American Recovery and Reinvestment Act of 2009. This grant funding will be exhausted in January 2012. The department would like to retain this position to be assigned to Patrol. At the expiration of this funding, the Police Officer position may be absorbed into the General Fund budget through attrition of existing authorized positions, added to the allocated strength through the appropriate new position request process, or further extended with future grant funding. The cost for this position for the remainder of FY 2011/12 and through June 2013, the end of the spending period for the FY 2011/12 COPS money, will be \$187,075.

Add a radio repeater site for police radios at Fire Station 55

The Visalia Police Department currently operates its radio system on a (4) repeater system, with repeaters located at the following sites: Town Meadows, Golden West High School, District 2 Substation, and the Holiday Inn. Over the course of the last several months, the Department has worked towards meeting the Federal narrowband mandate by the deadline of January 1, 2013. As part of this process, staff met with Motorola representatives in July 2011 to evaluate inbound/ outbound coverage of the current four site repeater system. During this process, it was discovered that there was the potential for a coverage area “gap” once the Department narrowbanded its equipment under the current 4-site system for the northwestern portion of the City.

Narrowbanding of the Police Department’s equipment occurred on October 18/19, 2011. With the new programming of equipment in place and operational, we have discovered that there are some coverage issues in the northwestern quadrant of the City that have been noticed post-narrowbanding by staff and County Radio Techs. The solution to this problem would be the addition of a fifth repeater site (a 5-site system). The purchase of receiver equipment for all three Police Department radio channels and T1 lines installed at the tower located at Fire Station 55 would improve the coverage area with the current narrowband operations.

The cost of the project is \$25,375.

Fund On-going Department Training

This money will allow the Department to augment their current training budget to provide employees with on-going training opportunities.

Purchase Sixteen (16) Portable Digital Radios

Assembly Bill 2116 sets forth the requirement that any radio communication equipment purchased with state funds or federal funds administered by the state must promote interoperable communications and meet the Project 25 Standard (P25) to, i.e., the common system standards for digital public safety radio communications. The police department has to start replacing radios. To be P25 compliant we have to

purchase digital radios and they have to have in excess of 500 channels for state-wide interoperability. The department has applied for a grant to change out all portable and mobile radios with P25 compliant radios. The grant, if we receive it is about \$1,000,000 and requires a 20% match. The more radios we can replace before that time, the less the match cost to the city. The cost of the sixteen radios is \$36,943.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Refuse the designated grant money.

Attachments: Resolution of the City Council authorizing the Police Department to use State COPS grant monies as recommended.

Recommended Motion (and Alternative Motions if expected):

I move to approve the recommended expenditures of 2010 and 2011 Citizens Option for Public Safety (COPS) Program funds, that \$258,138 be appropriated in recognition of the grants, and to adopt Resolution 2011-78 regarding the grants to be executed.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2011- 78

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE POLICE DEPARTMENT
TO USE STATE COPS GRANT MONIES AS RESOLVED BELOW

WHEREAS, the City of Visalia has been granted State funds through the Citizen Option for Public Safety Program (COPS); and

WHEREAS, the monies are expected to be expended for the enhancement of services by the Police Department to the betterment of the community;

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

1. That the City Council of the City of Visalia held a public hearing to receive input from the public concerning the expenditure of the aforesaid funds; and
2. That the City of Visalia is committed to see that these funds are properly expended.

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 2011- passed and adopted by the Council of the City of Visalia at a regular meeting held on December 5, 2011.

Dated: December 5, 2011

STEVEN M. SALOMON, CITY CLERK

City of Visalia Agenda Item Transmittal

Meeting Date: December 5, 2011

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Authorize City Manager to negotiate a Purchase & Sales Agreement with Summit G. Buffett, Inc. for city-owned parcels (APNs 125-041-34 & 35) and conduct First Reading of Ordinance No.2011-14 for the disposition of the property

Property: Approximately 1.62 acres located on the north side of Packwood Creek/Cameron Avenue, 190' west of Mooney Boulevard. APNs 125-041-34 & -35

Deadline for Action: December 5, 2011

Submitting Department: Housing & Economic Development Department

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director 713-4190

Department Recommendation:

Staff recommends Council:

Conduct First reading of Ordinance No. 2011-14 as part of the disposition of the city-owned parcels.

Summary/background:

Over the past two years, the Mooney Boulevard Corridor has witnessed a resurgence in the retail market with retailers filling vacant spaces. For example, Macy's filled the former Gottschalk; Hobby Lobby filled the former Mervyn's; Habit Burger filled the former Mearle's Restaurant; Mainland Surf Shop filled the former Bakers Square Restaurant, etc. Currently, Wal-Mart is renovating the former Costco and Marinello Beauty School is renovating the former Western Bootwear. In total, more than 250,000 square feet of existing retail space has been renovated and re-occupied since Macy's opened in the Fall of 2009. Additionally, with the former Foodsco Center in escrow, another 100,000 square feet of existing retail space will be renovated and re-occupied in 2012. As a result of the increased demand for retail space along Mooney Boulevard, the City has strategically sought ways to continue to fuel the market. This proposed sale of city-owned parcels continues this trend by allowing parcels that are excess to the City's needs to be used in support of retail development.

Site Characteristics

This document last revised: 12/01/2011 4:18 PM

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.): 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.

The City has owned and maintained an existing ponding basin approximately 200 feet west of Mooney Boulevard; just north of Packwood Creek for the past several years. The ponding basin has served to drain storm water along Mooney Boulevard and the adjacent residential subdivision. However, as part of the development of the Packwood Creek Shopping Center and adjacent South Police Precinct, a second significantly larger ponding basin was constructed just south of Cameron Avenue immediately east of the South Police Precinct. Therefore, there is potential to abandon the smaller basin along Mooney Boulevard in favor of the larger basin situated just south of this one. The Mooney Boulevard basin is approximately 2.1 gross acres in size but with a required easement and setbacks, the available land for sale would be 1.62 acres net. The site also contains an existing pump station and piping apparatus. The piping would be rerouted around the perimeter of the property and a hole would be bored underneath Packwood Creek to connect to the larger basin south of Cameron Avenue. As part of the sale of the land, the City would maintain easements on-site to provide access to the storm drain line which will run along the northern and western side of the site (see attached aerial).

Proposal from Summit Buffet, Inc.

Earlier this year, representatives from Summit G. Buffet, Inc. approached the City with interest to acquire the ponding basin. This parcel is land-locked and has no direct street access and therefore has limited economic value unless connected to a property adjoining Mooney Boulevard. The prospective buyer seeks to lease a vacant parcel fronting Mooney Boulevard and construct a full service restaurant and acquire the City's ponding basin and convert the property for use as parking to support the restaurant. As part of the development, the buyer will pursue a long-term lease with the adjacent owner.

As part of the proposed Purchase & Sales Agreement, the buyer has offered \$425,000 for the purchase of the City's ponding basin. Based on discussions with appraisers and realtors in the area, average land values along Mooney Boulevard are approximately \$6 per square foot. However, since the City's property is landlocked and does not have direct access to the street its value is between \$3 and \$4 per square foot. When considering the need to reroute existing storm drainage equipment, the costs are nearly equivalent to the proposed purchase price. Therefore, the sale of the land and costs associated with the relocation of equipment and construction deem this transaction to be break even for the City. When considering that the City parcels will soon be on the tax rolls and that the ponding basin is no longer needed due to the addition of the larger basin just south of this one, there are significant benefits including the addition of the restaurant which will generate both property and sales tax revenues for the City and employment for the local community. As a result, this proposed transaction will result in net positive benefits for the City.

Key Elements to be Addressed as part of the Sale of the Land

The City is in the process of preparing design plans for the rerouting of the storm drainage lines and piping apparatus so the smaller basin can be abandoned, filled and available for development opportunities. As part of the rerouting of the lines, the City is considering to bore a hole underneath Packwood Creek. Engineering staff will confirm whether any permits are required through the U.S. Fish & Wildlife Service or California Fish & Game. This will take place following completion of the plans which is currently anticipated in January. If permits are required there is potential this project could be delayed and possibly denied. Staff expect to confirm this by the end of January 2012.

The second issue related to site preparation prior to the closing on the sale of the land is filling of the basin. The City will need to add approximately 25,000 cubic yards to fill the basin and prepare to meet rough grade status; not finish graded. As part of the Purchase & Sales Agreement, the City has requested up to 180 days following close of escrow to fill the basin. This means the buyer may be constructing the restaurant while the City is filling the basin. The

City has requested such flexibility in the agreement in order to maximize potential to combine the filling of the basin with another public works project elsewhere in town where soil is being removed. This will also minimize any additional soil and hauling costs for the City.

Anticipated Time Frame for Development

As required, staff has prepared an Ordinance for the disposition of the land. This will require two readings through December 19, 2011. If Council approves the City Manager to negotiate the Purchase & Sales Agreement, this can be completed prior to the end of this year. During the same time, Engineering staff will prepare design plans for the rerouting of the storm drainage equipment with an anticipated completion date in early January. Staff would then confer with government officials to determine if permits are required for the boring of a hole underneath Packwood Creek. If permits are required then it is anticipated this can be submitted in late January or early February for consideration. While the City is designing the rerouting of the storm drainage equipment, the Buyer at their discretion can begin preparing site plans for the City's review and consideration. It is anticipated that the Buyer can obtain all required City and Caltrans approvals prior to close of escrow; six months following execution of the Purchase & Sales Agreement. Following approval of their building permits, the Buyer could commence construction of the restaurant (Summer 2012) while the City focuses on filling the basin. A late Fall 2012 grand opening is possible.

Ordinance

The City's Charter requires that an ordinance be adopted prior to disposing of City-owned property. An ordinance must first be introduced and then adopted at a second meeting. The attached Ordinance, presented for first reading, authorizes the City to dispose of the subject property subject to staff confirmation regarding the feasibility of relocating the storm drain facilities, and subject to the terms and conditions of the sale as discussed above. A Purchase and Sale Agreement will be presented with the second reading of the ordinance on December 19, 2011.

Prior Council/Board Actions:

Committee/Commission Review and Actions: NA

Alternatives: Decline proposal from Summit G. Buffet for purchase of the property.

Attachments:

1. Ordinance No.2011-14
2. Aerial of Site

Recommended Motion (and Alternative Motions if expected. The motion is to:

1. Conduct a First reading of Ordinance No. 2011-14 to authorize disposition of the city-owned parcels according to the terms and conditions of a Purchase and Sale Agreement.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

ORDINANCE NO. 2011-14

DECLARING CERTAIN REAL PROPERTY SURPLUS
AND DECLARING INTENT TO SELL TO
SUMMIT G. BUFFET, INC., or its vestee

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The City of Visalia owns all the legal and beneficial interest in certain real property located west of Mooney Boulevard and on the north bank of Packwood Creek in the City of Visalia, consisting of a storm water retention basin, APN: 126-041-035 and APN: 126-041-034 ("Subject Property"). The Subject Property is more particularly and legally described in Exhibit "A", attached hereto and made a part hereof, and

Section 2: The City of Visalia has determined that the storm water facilities located on the Subject Property may be relocated or abandoned, but has not yet confirmed the feasibility of such relocation or abandonment. Subject to confirmation of the feasibility of relocation and abandonment of the storm water facilities, the City desires to sell the Subject Property to Summit G. Buffet, Inc., or its vestee, and

Section 3: The City Council of the City of Visalia, having considered evidence submitted in oral and written form, finds the subject real property is not now, nor will it be of public use or necessity, subject to the City's confirmation that the storm water facilities may be feasibly relocated and abandoned, and

Section 4: Subject to said condition the City Council finds and determines said real property is surplus and should be sold, and

Section 5: The City of Visalia wishes to sell and Summit G. Buffet, Inc., or its vestee wishes to purchase said real property and the rights and entitlement, all on the terms and conditions set forth in a Purchase and Sale Agreement and Escrow Instructions.

Section 6: Having found the subject property to have no further public use or necessity (subject to the confirmation of the feasibility of relocation and abandonment of the storm water facilities), the Council declares said property to be surplus and hereby authorizes the transfer of ownership in and to said real property to Summit G. Buffet, Inc., or its vestee as per the terms and conditions of the above mentioned agreement.

Section 7: This ordinance shall become effective thirty days after passage hereof.

PASSED AND ADOPTED:

BOB LINK, MAYOR

ATTEST:

APPROVED BY CITY ATTORNEY:

STEVEN M. SALOMON, CITY CLERK

ALEX M. PELTZER

EXHIBIT "A"

Legal Description of the Property

That portion of the Northeast quarter of the Northeast quarter of Section 12, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, in the City of Visalia, County of Tulare, State of California, described as follows:

Beginning at the Southwest corner of Tract No. 206, as per Map recorded September 17, 1954 in Book 21 of Maps, at Page 37, Tulare County Records;

Thence along the Westerly prolongation of the Southerly line of said Tract 306, South 89° 28' 35" West, 150.00 feet to the true point of beginning, said point also being the Northwest corner of the land conveyed to the City of Visalia, in Deed recorded October 20, 1964 in Book 2544, Page 237 of Official Records.

Thence continuing along said Westerly prolongation South 89° 28' 35" West, 92.40 feet, thence South 0° 30' 00" East, 348.31 feet, more or less, to a point in the North line
of the South 2 rods of the Northeast quarter of the Northeast quarter of said Section;

Thence Easterly along said Northerly line 92.41 feet to a point which bears South 0° 30' 00" East, 348.31 feet from the point of beginning; thence North 0° 30' 00" West, a distance of 348.31 feet to the point of beginning.

(Excepting therefrom that area south of a line that is 15 feet north of the outside toe of the north bank of Packwood Creek, which area is to be retained in fee by the City of Visalia)

(Also excepting therefrom a subsurface storm drain easement on the north 30 feet and the west 30 feet of said parcel.)

(Legal description of said exceptions are subject to confirmation through escrow.)



30' Storm Drain Easement
West and North PL
(Parking Allowable in Easement Area)

Creek setback area for
creek maintenance only (+/- 15')

APN 126-041-035
0.70 Acres (Gross)
0.53 Acres (Net*)

APN 126-041-034
1.40 Acres (Gross)
1.09 Acres (Net*)

Basin Pump Station

Packwood Creek Setback Area

Packwood Creek

MOONEY BLVD

CAMERON AVE

Packwood Creek Trail

	STATE_ROW
	STORM MAIN
	PARCELS

* Net acreage includes storm drain easement area

