

Visalia City Council Agenda

For the regular meeting of: Monday, April 4, 2005

Location: City Hall Council Chambers

Mayor: Bob Link
Vice Mayor: Jesus J. Gamboa
Council Member: Walter T. Deissler
Council Member: Greg Kirkpatrick
Council Member: Donald K. Landers

All items listed under the Consent Calendar are considered to be routine and will be enacted by one motion. If anyone desires discussion on any item on the Consent Calendar, please contact the City Clerk who will then request that Council make the item part of the regular agenda.

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Introduction of Fred Brusuelas, the new Assistant Community Development/Public Works Director.

1. Presentation by Shilts Consulting Inc. (SCI) Regarding the Public Opinion Research Study of Property Owners in Visalia Related to Parks & Recreation Facilities and Services.
2. Review and approve the conceptual Santa Fe Street Overcrossing SR 198 schematic.
3. Consideration of construction management delivery systems and appropriate action on Construction Management RFP.
4. Discussion of the Essential Air Service proposals for the Visalia Airport and appropriate Council recommendations.

ITEMS OF INTEREST

CLOSED SESSION

6:00 p.m. (Or, immediately following Work Session)

5. Conference with Legal Counsel - Anticipated Litigation (1)
Pursuant to subdivision (b) of Section 54956.9 G.C.
- 5a. Conference with Legal Counsel - Existing Litigation
(Subdivision (a) of Section 54956.9)
Name of case: Brian Pinto vs. City of Visalia, et. al., TCSC No. 04-102897

6. Conference with Labor Negotiator
Employee Groups: Group M
Agency Negotiator: Jim Harbottle, Eric Frost, Janice Avila
7. Conference with Real Property Negotiators
Property: 2 ½ Modoc Ditch Water Shares with parcel 078-110-012
Under Negotiation: Price, terms, conditions of sale
Negotiators: Steve Salomon, Don Stone, North Visalia Development Co.

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Scott Haagensen, Associate Minister, Visalia Community Church of Christ

SPECIAL PRESENTATIONS/RECOGNITION

Proclamation Presentation in recognition of Read Now...Read for Life Week.

Presentation of donation to Park & Recreation Foundation for sports park project by Andy Mangano.

CITIZENS REQUESTS - This is the time for members of the public to comment on any matter within the jurisdiction of the Visalia City Council. This is also the public's opportunity to request that a Consent Calendar item be removed from that section and made a regular agenda item for discussion purposes. Comments related to Regular or Public Hearing Items listed on this agenda will be heard at the time the item is discussed or at the time the Public Hearing is opened for comment. The Council Members ask that you keep your comments brief and positive. Creative criticism, presented with appropriate courtesy, is welcome. The Council cannot legally discuss or take official action on citizen request items that are introduced tonight. In fairness to all who wish to speak tonight, each speaker from the public will be allowed three minutes (speaker 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 address.

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

8. **CONSENT CALENDAR** - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Approval of **Resolution 2005-44** amending the Records Retention Schedules and Records Destruction Policy with an Electronic Data Retention Policy. This amendment specifically addresses the handling of electronic data, including email, voicemail, tape backup, and other electronic data types.

- c) Authorization to award a contract to Citizens Business Bank for banking services.
- d) Authorize the City Manager to execute an agreement with West Coast Arborists, Inc. to perform tree maintenance services (Bid #04-05-24.)
- e) Approve the recommendation by the Parks and Recreation Commission to establish the name of the "Dick and Betty Anthony Community Center" for the new gymnasium and existing Visalia Recreation Center in Recreation Park.
- f) Request authorization to accept parcels 7, 8 and 12 of Document No. 2003-0011275 an "Irrevocable Offer of Dedication" for Shannon Parkway and Giddings Street right-of-way for roadway purposes as offered by CRS Farming, LLC as recorded in Tulare County Records. **Resolution 2005-52 required.**
- g) Authorize the City Manager to apply for an alternative fuel vehicle grant in the amount of \$100,000 for 7 CNG Solid Waste trucks from the Department of Energy, (DOE) 2005 State Energy Program.
- h) Authorization for City Manager to execute a contract with Jeffco Painting & Coating, Inc. in the amount of \$254,300 to clean and apply protective coating to the concrete walls, floor and metal surfaces of Primary Sedimentation Basin No. 2 at the Wastewater Treatment Plant.
- i) **Second Reading of Ordinance 2004-05** declaring that real property comprising approximately 12,765 square feet located at 220 N. Santa Fe as surplus for the sale to the Visalia Chamber of Commerce for the development of a new 6,921 square foot office complex and Reciprocal Access License and Purchase Option for the proposed joint alleyway and authorization to begin the mandatory 30-day waiting period for the Ordinance to become effective and escrow to close.
- j) Authorization to approve list of street improvement projects to be included in an accelerated capital improvement project package to be funded by Transportation Impact Fees.
- k) Request authorization to file a Notice of Completion for the Houston Avenue at Burke Street Traffic Signal. Project No. 1111-72-0-0-9026-2001.
- l) Intention to Form Open Space District No. 87, Four Creeks Estates II setting April 18, 2005, as the date of protest hearing. **Resolution No. 2005-51 required.**
- m) Authorization for the Formation, Annexation, or Amendment of the following Landscape and Lighting District(s), and authorization *for the Recordation of the final map(s)* related thereto (if applicable):
 1. Gunn Ranch Subdivision (70 lots), located at the northwest corner of Demaree Street and Visalia Parkway and the formation of Landscape and Lighting District No. 05-05, Gunn Ranch Subdivision; **Resolution 2005-45 and 2005-46 required.**
 2. Formation of 21 lots in the St. Johns Estates subdivision into Landscape and Lighting District No. 05-07, St. Johns Estates; **Resolution 2005-47 and 2005-48 required.**

- n) Authorization to adopt **Resolution 2005-49** confirming the report of the Chief Building Official regarding levying of an assessment in the amount of \$8,035.98 for Removal and Demolition of a Single Family Dwelling at 708 S. Church Street.
- o) Allocate \$30,000 to the Packwood Creek Pedestrian/Bike Capital Improvement Program project established at the March 28, 2005 meeting.
- p) Authorization for the inclusion of Cal Water Representative in Water Management Committee.

-Convene jointly as the Visalia Public Finance Authority and the Visalia City Council

- 9. REGULAR ITEM -Approve **Agency Resolution 2005-03** and **City Council Resolution 2005-50** authorizing the execution and delivery of documents relating to the sale and delivery of 2005 refunding certificates of participation in conjunction with the refinancing of the 1996 Convention Center Bonds.

-Adjourn as the Visalia Public Finance Authority and remain seated as the Visalia City Council

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Monday, April 18, 2005

Monday, May 2, 2005

Monday, May 16, 2005

Work Session 4:00 p.m.

Regular Session 7:00 p.m.

City Hall Council Chambers

707 West Acequia Avenue

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.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Presentation by Shilts Consulting Inc. (SCI) Regarding the Public Opinion Research Study of Property Owners in Visalia Related To Parks & Recreation Facilities and Services.

Deadline for Action: None

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number:

Vincent A. Elizondo, Director of Parks & Recreation, 713-4367

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.): 30

Department Recommendation:

Accept the report by SCI, and direct staff to work with the Parks & Recreation Commission on implementing the recommendations as stated in the SCI report. Furthermore, City staff recommends that a parks and recreation (benefit assessment district) funding measure not be attempted at this time.

Background:

On November 1st, 2004, the Council authorized City staff to utilize the services of SCI to conduct a public opinion research study within the City limits of Visalia.

The purpose of the study was to evaluate property owners' support, desires, and priorities with respect to proposed services to maintain and improve parks and recreation areas. The study also measured the level of financial support for the proposed services to maintain and improve parks and recreation facilities.

The survey instrument was finalized and mailed to Visalia property owners during the month of March 2005. Approximately 7582 surveys were mailed to Visalia property owners. As of March 29, 2005, 1,161 surveys were returned to the City representing a response rate of approximately 15%. This response rate has proven to be a statistically accurate predictor of actual ballot results and is generally consistent with the rate of ballots returned in a mail-ballot proceeding and is significantly higher than the response rate of approximately 5% for a telephone survey.

This document last revised: 03/31/2005 12:23 PM

By author: Vincent A. Elizondo

File location and name: C:\Documents and Settings\jbowling\Desktop\040405\Item 1 ccshilts040405.doc

On April 4th, representatives from SCI (Mr. John Bliss) will be making a presentation to the City Council regarding the results of the survey along with SCI's recommendations. The survey report is included in this staff report as Attachment 1.

Prior Council/Board Actions: November 1st, 2004, the Council authorized City staff to utilize the services of SCI to conduct a public opinion research study of Visalia property owners.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: None

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Accept the report by SCI, and direct staff to work with the Parks & Recreation Commission on implementing the recommendations as stated in the SCI report. Furthermore, City staff recommends that a parks and recreation (benefit assessment district) funding measure not be attempted at this time.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to:

This document last revised: 03/31/2005 12:23 PM

By author: Vincent A. Elizondo

File location and name: C:\Documents and Settings\jbowling\Desktop\040405\Item 1 ccshilts040405.doc

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Review and approve the conceptual Santa Fe Street Overcrossing SR198 schematic

Deadline for Action: None

Submitting Department: Community Development and Public Works

Contact Name and Phone Number: Jim Funk, 713-4540
David Jacobs, 713-4492

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 min.

Department Recommendation:

Staff is requesting the City Council review and approve the conceptual schematic design for the Santa Fe Street Overcrossing State Route 198.

Staff and the Design Team consisting of Quad-Knopf, Inc., Teter a + e and IMBSEN and Associates would like to update the Council of the current status of the Santa Fe Street Overcrossing (bridge) project. Based on comments received from Caltrans' aesthetic representatives and their structural group the schematic shown to Council at the City Council meeting of October 18, 2004 has been updated and is attached for your review. The attached rendering is a collaborative effort by the Design Team and is a result of meetings with Caltrans representatives and City staff. Of note in the updated rendering is the reduction of the number of brick columns along the outer edge of the overcrossing and the use of colored concrete versus brick veneer columns. Also of note is the use of steel arches between the concrete columns with an Oak tree emblem centered over each freeway travel way (eastbound and westbound SR198) and the use of a fencing material other than the rod iron fencing shown in the previous rendering. The actual colors to be used on the aesthetic components of the structure will be determined at the time of fabrication/construction. Those colors shown on the attached rendering are one example of a coloring scheme that could be used.

Staff and the Design Team feel that the current rendering of the structure is a blend of the original Work Session bridge designs that depicted a railroad trestle styled bridge and a brick column styled bridge. The rendering has been reviewed by Caltrans with favorable comments returned.

Based on Councils direction, Staff and the Design Team will also discuss a tentative time frame for the completion of the design phase for the overcrossing project. With Council's approval of the overcrossing schematic, the Design Team will move forward with the construction drawings for the overcrossing and the Santa Fe Street approaches to the north and south and submit plans to Caltrans for formal approval. Staff and the Design Team will also

continue to produce the necessary documents for right of way acquisition along the approaches to the overcrossing.

Attachments: Santa Fe Street Overcrossing colored schematic

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move to approve the Santa Fe Street Overcrossing conceptual schematic.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to: The Design Team

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Consideration of construction management delivery systems and appropriate action on Construction Management RFP

Deadline for Action: April 4, 2005

Submitting Department: Administrative Services, Community Development and Administration

Contact Name and Phone Number: Eric Frost, 713-4474
Vince Elizondo, 713-4367
Phyllis Coring, 713-4566
Monty Cox, 713-4591
Sharon Sheltzer, 713-4414

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.): _____

Department Recommendation:

That the City Council award construction management services contracts to:

- Harris and Associates for the construction management of the West Acequia Parking Garage, Sports Park and Transit Maintenance Facility; and,
- CM Construction Services for the construction management services for two Police Precincts.

These contracts represent approximately 4.3% of the projects' construction value, as shown in Table I, Proposed Construction Management Services Contract Amounts. The agreements are not to exceed cost contracts.

Table 1
Proposed Construction Management Contract Amounts

Project	Proposed Constructi on Amount (Millions)	Construction Management Contract	Percentage of Project
Parking Garage	\$11.9	\$561,050	4.71%
Police Precincts	\$5.8	\$248,000	4.28%
Sports Park	\$7.7	\$319,590	4.15%
Transit Maintenance Facility	\$4.2	\$199,640	4.75%
Total	\$29.6	\$1,328,280	4.48%

- In addition, Staff recommends that the Council direct City staff to either:
 - Issue an RFP for architectural services and use a construction manager for the proposed Northwest Fire Station; or,
 - pursue an alternative delivery method such as construction manager at risk concept for the development of the Northwest Fire Station.

Discussion:

The City is in the midst of tremendous growth. As a result, a number of major, multi-million dollar projects are about to begin construction. The challenge, however, is that current staff is fully engaged in traditional road and sewer projects and lacks some of the construction management expertise desirable in managing these building construction projects. To solve this problem, staff considered several options:

- **Assign the projects to City staff.** This option was not recommended because current staff struggles to meet current service demands and tends to lack the desired expertise to best manage these projects.
- **Hire professionals as City Staff to manage these projects.** This option was pursued but has failed to date to yield any good alternatives. Good construction managers are in high demand, are well compensated and are difficult to find. City staff also wanted to be able to draw upon multiple disciplines in managing the various construction projects, something a single individual cannot offer.
- **Employ a construction management firm to manage the various projects.** This option staff selected as the most appropriate alternative. Although this alternative appears to be the most costly, it offers the advantages of:
 - **Qualified personnel to manage a project;**
 - **Immediate availability;**
 - **Dedicated personnel who will not be divided among various demands;**
 - **Experienced management to support the field professionals.**

These several reasons place the City in the best position to timely complete the construction projects, minimize and timely resolve change orders and work effectively with the construction trades.

Background. In 2004, staff identified a growing need to either develop internal expertise to manage proposed construction projects that the City was considering or employ outside consultants to deliver those projects. In November, staff developed the attached white paper (attachment #1, memo dated 11/9/04) on options and conducted a Request for Proposal (RFP) to solicit potential vendors of construction management services.

In conducting the RFP, Staff selected the West Acequia Parking Structure, Two (2) Police Precincts and the Transit Maintenance Facility as potential projects worth considering for construction management. These projects were in the design phase and appeared to be heading for construction sometime in 2005. At the same time, Staff recognized that a number of other projects might need construction management services. However, to focus the RFP,

these four projects, (the parking structure, two police precincts and the transit maintenance facility) were listed in the RFP.

Because Construction Management is a professional service which requires negotiations based upon what services are eventually desired, the proposed fee was kept separate from the RFP responses. The plan was to select the top one or two firms, refine the scope of services and negotiate a fee.

Eleven firms responded to the RFP. Almost uniformly, the firms provided excellent proposals. A staff committee narrowed the field to five and evaluated the merits of the various proposals. The staff committee was made up of the several project managers and the Administrative Services Director. The proposers which were asked to present an oral presentation were:

- CM Construction Services
- Harris and Associates
- Kitchell Construction Management
- Mendoza and Associates
- SC Anderson

The staff review committee met with these firms and were assisted by the Parking Garage architect. The firms all had excellent references, had managed multi-million dollar projects and understood Visalia's needs. However, after considering the merits of the various proposals, two firms seemed to offer unique advantages to Visalia: Harris and Associates and CM Construction Services.

Harris and Associates is a large public construction management firm dedicated to constructing public projects. The firm has over 400 professionals and has been selected by Kaweah Delta Hospital to manage their hospital expansion project on West Acequia. Since the hospital tower construction and the parking garage will be proceeding at approximately the same time, the coordination of these two projects to minimize disruption and coordinate efforts offered a natural advantage to Harris.

CM Construction is a small local firm that has a demonstrated track record working for the school district. Although the firm is smaller, the firm has produced results as good as or better than larger firms. Most of the recent construction in VUSD has had the benefits of CM Construction including several elementary schools and the Gropetti Stadium at Golden West High School. The projects have been on time and within budget.

Proposed Fee. Although the RFP projects could all have been awarded to one firm, Staff believed that it would be in the City's best interest to divide the work among two firms to gain additional experience in working with construction managers. Thus, staff met with both firms, refined the scope of services and asked for a proposed fee.

The fees for service originally came in between 7.0 - 4.5% of construction costs. Staff felt these costs were more than the City could afford. As a result, staff worked with each of the construction managers to understand their costing structure and develop alternatives.

Harris and Associates based their fee on proposed staffing, regardless of the construction costs. Originally, Harris proposed both a construction manager and an inspector for the parking garage. After reviewing their proposal, Harris proposed removing the inspector from the project

and supporting the construction manager with other Harris staff that will be on site for the hospital project. This change brought the fee down to the proposed fee.

The Transit Maintenance Facility originally had a proposed fee of approximately \$500,000. The driving force behind the quote was the dedication of a full-time construction manager to the project. If the project manager could only work one job, then the cost was as proposed.

During negotiations, Vince Elizondo approached Finance and stated that the Sports Park project was progressing and would also need construction management services. Mr. Elizondo reviewed the top two firms' proposals and supported the concept of Harris and Associates managing the Sports Park project. Since the City had used a competitive process to seek out construction management firms, it seemed appropriate to approach Harris and Associates to prepare a proposal to manage the Sports Park project.

With the addition of the Sports Park, Harris was able to craft a proposal that will have the Transit Facility and the Sports Park managed by the same construction manager. The proposed fee incorporates this concept.

CM Construction had fewer alternatives in revising its fee. The original fee was 4.4% of construction costs. Working with the firm, the fee has been revised down to 4.28% of construction costs.

Staff has worked extensively with these two firms and strongly recommends that Council approve an agreement with these firms. Although staff recognizes that the fees are substantial, there are costs associated with less than excellent execution in a construction project. Therefore, a 4.5% cost to manage a project seems appropriate when considering the potential costs of poor execution. The fee also appears to be reasonable. In preparing cost estimates for both the Sports Park and the Transit Facility, a 4% estimate was used by architects.

Future Projects

In conducting this RFP, staff was exposed to several methods of construction delivery. Firms proposed several types of delivery methods, namely:

- Construction Management where the construction manager acts as the owner's representative;
- Multi-prime Construction Manager where the construction manager acts as a fixed fee-based general contract who represents the City to all sub-contractors; and,
- Construction Manager @ Risk where the construction manager works with the City to develop an agreed-upon design and then provides the City with a guaranteed maximum price contract to perform the work.

Although, each of the approaches has merit, the staff committee decided that the best solution for these RFP projects was the more traditional construction manager as owner's representative model. Staff's thinking was that on these RFP projects, much of the design work had been completed, limiting the value of the Construction Manager at Risk approach.

If the City Council wished to consider other delivery methods, the best time to make that decision is at the time an architect would normally be employed. Thus, the City would benefit

from the Construction Manager @ Risk's input on the project design. The attached November 2004 staff memo outlines the various approaches. If the Council wanted to consider any of these approaches for the Northwest Fire Station, Council could direct staff to contact those firms that responded to the RFP and request that each of those firms present a proposal using one of the alternative delivery methods. If the Council does not direct staff in this manner, then staff would propose issuing an architectural RFP.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: Staff did consider a number of alternatives, namely:

- **Hire a construction manager as an employee.** Staff has tried to contact potential individuals that might consider a construction management position with the City. The problem is that the industry is very active right now and construction managers are unwilling to work for a City because the private sector offers much better pay. Further, a single individual does not have the support of a firm which can and will call in special expertise on certain projects.
- **Use a different delivery method, such as Construction Manager at Risk.** The projects being proposed in this round of projects have a majority of their design work done. Much of the value of a construction manager @ risk comes from their work on developing a project in which they can help the owner compare the various approaches to development and the cost trade-offs. Because the proposed projects are as far down the road as they are, staff recommends using the more traditional construction manager approach.

Attachments: #1, Construction Management Delivery Methods dated 11/9/04
#2, CM Construction Services Letter dated 3/18/05
#3, Harris & Associates proposed fee pages
#4, Background Informational Papers

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

That the City Council award construction management contracts to:

- Harris and Associates for the construction management for amounts not to exceed of \$561,050 for the Parking Garage, \$319,590 for the Sports Park and \$199,640 for the Transit Maintenance Facility; and,
- CM Construction for the construction management services for the two Police Precincts for an amount not to exceed \$248,000.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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*)

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

Agenda Item Number (Assigned by City Clerk): 4

Agenda Item Wording: Discussion of the Essential Air Service proposals for the Visalia Airport and appropriate Council recommendations.

Deadline for Action: April 4, 2005

Submitting Department: Administrative Services - Airport

Contact Name and Phone Number:
Mario Cifuentez 713-4480

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.): 30

Department Recommendation and Summary:

Executive Summary:

The purpose of this work session is to present Council with an update of the Essential Air Service process as it relates to Proposals for Air Service received for the Visalia Airport.

Background:

On January 7, 2005, the Department of Transportation (DOT) issued an Order Requesting Proposals from airlines interested in providing air service at the Visalia Municipal Airport. Under the guidelines established by the DOT, interested carriers were allowed to propose whatever service they felt would best serve the communities needs.

The DOT served the Order on approximately thirty (30) different air carriers. Of the thirty (30) carriers, there were only two (2) carriers that submitted proposals. The remaining carriers that were contacted, approximately 5 of them, felt that the maximum subsidy available from the DOT was too low offset the costs of providing service to Visalia.

Pursuant to the Order and corresponding EAS regulations, the DOT will subsidize service at Visalia based on the prior year passenger totals. Calculating the prior year totals of 2,257 passengers times the maximum allowable per seat subsidy of \$200, which means that the maximum allowable subsidy to an airline is \$451,400.

Of the two proposals that were submitted, Great Lakes requested \$799,000 per year for the standard 2-year contract period and Scenic requested \$451,000 in the first and second year. Scenic also included a third year in their proposal and requested only \$300,000 in subsidy for that year, anticipating that our market will be successful enough to lower the subsidy demand in that final year. Additionally, Scenic has requested that the City allocate the \$250,000 in grant funding from the Small Community Air Service Development Program (SCASD) that was

received last year, to provide additional subsidy in the first year, on a per flight basis, as needed.

On March 14, 2005, the DOT submitted a letter to the City of Visalia requesting community comments and input on the proposals. The DOT has requested that the City of Visalia submit comments to them regarding the proposals, no later than April 11, 2005.

Throughout the process of reviewing the proposals, it became necessary to include several parties. As such, an informal Air Service sub-committee was formed consisting of Mayor Link, Council member Deissler, the City Manager, Deputy City Manager and the Airport Manager. The committee has reviewed both proposals and considered the merits of each and whether they are responsive to the community's needs. At this time, the committee continues to have ongoing discussions with the carriers regarding their proposals to determine the best recommendation to make to the DOT.

As the April 4, 2005 meeting is the last meeting prior to that date, staff recommends that Council authorize the Air Service sub-committee, comprised of the individuals previously mentioned, to submit comments to the Department of Transportation conveying the City's position on the proposals. Additionally, Council needs to approve the use of the SCASD funding for direct subsidy to a carrier. By approving the use of the SCASD funding for subsidy, Council will also be appropriating \$50,000 out of the City's General Fund to serve as the required local match for the grant.

Prior Council/Board Actions:

June 16, 2003 - Council adopted Resolution 2003-79 authorized staff to submit an application for the Small Community Air Service Development Grant.

Committee/Commission Review and Actions:

The Airport Advisory Committee recommends that the City Council accept the Scenic Airlines proposal and begin negotiating with the carrier for new service.

Alternatives: Council may submit comments in support of the other Airline's proposal or not supporting either proposal.

Attachments: Proposals from both Scenic Airlines and Great Lakes Aviation. DOT Letter soliciting comments.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to authorize the formal recognition of the Air Service Sub-Committee and authorize that committee to submit comments to the Department of Transportation conveying the community's position on the proposals.

Move to authorize the use of the Small Community Air Service Development funding as a subsidy to an Air Carrier based upon a minimum passenger level.

Move to authorize the use of up to \$50,000 from the City's General Fund to serve as the local match for the Small Community Air Service Development Program funding.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$250,000	New Revenue:	\$
Amount Budgeted: \$-0-	Lost Revenue:	\$
New funding required: \$50,000	New Personnel:	\$
Council Policy Change: Yes_____ No_____		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No

Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No

Review and Action: Prior:
Required:

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*)

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Resolution 05-44 amending the Records Retention Schedules and Records Destruction Policy with an Electronic Data Retention Policy. This amendment specifically addresses the handling of electronic data, including email, voicemail, tape backup, and other electronic data types.

Deadline for Action: None

Submitting Department: Administration, Information Services

Contact Name and Phone Number:
Michael Allen x4515

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 5

Department Recommendation and Summary:

History On March 4, 1996, Council adopted Resolution 96-17 adopting certain Records Retention Schedules and Records Destruction Policy. This policy formally established City guidelines for both retaining and destroying various documents. Federal and State codes apply to these records management issues. Where the Records Retention Schedules and Records Destruction Policy do not specifically address a type of record, the process generally reverts to these Federal and State guidelines.

The adopted policy allows, and in fact, encourages the evolution of the City's Records Management Manual:

"This retention schedule represents the first phase; it addresses only those records inventoried thus far. The process will be ongoing to eventually cover records in each department. In addition, we will still need to establish official retention schedules for the electronic records which the city generates and maintains. As new retention schedules are completed or any revisions made, they will be presented to Council for approval prior to inclusion in the Records Management Manual." (Council transmittal discussion from March 4, 1996 action)

This proposed amendment addresses the need to establish official retention schedules for electronic records.

Discussion As originally adopted, the Records Retention Schedule is designated as Exhibit "A" and the Records Destruction Policy as Exhibit "B". *These extensive documents are not currently attached to this communication.* Therefore, the proposed amendment for the Electronic

Data Retention Policy is designated as Exhibit "C". This amendment addresses four broad categories of electronic data retention:

<u>Policy</u>	<u>Proposed Retention Period</u>
1. Email retention policy	90 days
2. Backup tape retention policy	1 year except for e-mail, 1 week
3. Voicemail system policy	30 days
4. All other electronic data policy	

The content of the electronic record, not the media format itself, is the determining factor as to whether or not a "document" is a public record and subject to the limits of the adopted Records Retention Schedules and Records Destruction Policy.

Implementation The implementation of this policy will begin with Council's agreement and adoption of Resolution 05-xx amending the Records Retention Schedules and Records Destruction Policy. Operationally, the only component of this Electronic Data Retention Policy that changes current practice is the email retention policy. Information Services staff will then conduct several training sessions on the Electronic Data Retention Policy, with special emphasis on the email retention policy. City staff will need to be trained on the determination of what constitutes a public record and the process of saving that public record outside of the email system.

Prior Council/Board Actions: Adoption of Resolution 96-17 Records Retention Schedules and Records Destruction Policy on March 4, 1996.

Committee/Commission Review and Actions:

Alternatives: Council may lengthen or shorten the proposed retention time(s) for:

- 1) electronic mail records (90 days)
- 2) backup files (1 year, 1 week for e-mail)
- 3) voicemail messages (30 days)

Attachments: Exhibit "C" – Electronic Data Retention Policy
Resolution 05-44

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Council hereby moves for adoption Resolution 05-44 amending the Records Retention Schedules and Records Destruction Policy with an Electronic Data Retention Policy. This amendment specifically addresses the handling of electronic data, including email, voicemail, tape backup, and other electronic data types.

AND RECORDS DESTRUCTION POLICY

WHEREAS, California Government Code Section 34090 et. seq. sets forth certain legal requirements relating to the retention of certain municipal records; and

WHEREAS, other codes and regulations exist, both Federal and State, which specify other retention requirements for specific public records; and

WHEREAS, this Council recognizes that, notwithstanding their legal value, certain records of the City have longer administrative, fiscal, and historic value; and

WHEREAS, it is appropriate and feasible to deal with public and other administrative records in a responsible, economic and timely manner; and

WHEREAS, a physical inventory of City records has begun followed by review and analysis of related codes and regulations to determine the value of those records inventoried; and

WHEREAS, specific retention periods have been recommended for those records inventoried thus far, along with guidelines for destruction of expired records; and

WHEREAS, said retention periods and destruction procedures have been reviewed by the City Attorney, Risk Manager, City Clerk, and each department or division responsible for those records inventoried; and

WHEREAS, it has been determined that the recommended retention periods and destruction policy comply with Federal and State statutes and generally accepted records management practices; and

WHEREAS, on March 4, 1996, Council reviewed and approved by Resolution 96-17, the Records Retention Schedule and Destruction Policy.

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

1. The Electronic Data Retention Policy, attached hereto as Exhibit "C" and made a part hereof, is hereby adopted and amended to the Records Retention Schedule and Destruction Policy.
2. The City Clerk's office is directed to continue the physical inventory and records analysis process, and periodically present any revisions or retention schedule modification as from time to time may be necessary to keep retention information current and timely.

PASSED AND ADOPTED:

Electronic Data Retention Policy Exhibit "C"

Email retention policy – email is a media format to facilitate communication. In many cases, email communication constitutes "preliminary drafts, notes, or interagency or intra-agency memoranda that are not retained by the public agency in the ordinary course of business" within the meaning of Government Code § 6254(a). Therefore, any email deemed to be a public record, and not just a draft, note or memoranda, shall be either printed and filed in accordance with the City's records retention policy, or saved outside of the email system in a format similar to other permanent electronic records. All email residing in the email system beyond 90 days will automatically be deleted.

Backup tape retention policy – backup tapes are created to facilitate system and data recovery in the event of a disaster. These tapes are simply a "snapshot" copy of data as it exists at the time of the backup. Incremental backups are performed daily or periodically – these incremental backups reflect changes to a system since the last full or complete backup. Full or complete backups are typically done weekly, but that may vary. Once per month, a complete "snapshot" backup of all systems will be performed and archived for one year, with the exception of the email system. Therefore, a deleted record or file *may* exist in the backup system for up to one year. The email system will have a backup tape retention time of one week.

Voicemail system policy – individual voicemail messages are not backed-up and therefore, not recoverable. Only the voicemail system structure (mailboxes, attendant trees, prompt recordings, etc.) is restorable, not messages. All voicemail messages residing in the voicemail system beyond 30 days will automatically be deleted.

Other electronic data policy – existing electronic data consists of databases, software, files, or images. Electronic records are kept for operational, historical, fiscal, or legal reasons. In other words, electronic records are another form of records retention, previously maintained in paper format. The type of device, or media, containing the electronic record is immaterial. The retention of electronic records, unless stated elsewhere in this electronic data retention policy, shall be governed by the content, be it databases, software, files, or images. This content classification should fall within previously adopted record retention and destruction guidelines. Therefore, the destruction or deletion of these electronic records is dependent on the records retention schedule as it relates to the destruction of paper documents.

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

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

Agenda Item Wording: Authorization to award a contract to Citizens Business Bank for banking services.

Deadline for Action: April 4, 2005

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Gus Aiello, 713-4423
Nathan Hernandez, 713-4425
Melody Darpli, 713-4379

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.): _____

Recommendation

Staff recommends approval of a contract with Citizens Business Bank to provide banking services for the City. The contract will be for a term of three years with options to extend for additional two-year periods.

Summary

The City of Visalia has used Wells Fargo Bank N.A. for banking services since 1981. As it is customary for the City to verify that it is receiving the best and most competitive services possible, staff prepared a Request for Proposal (RFP) which was issued to all interested banking institutions on December 9, 2004. The City's current annual expense is approximately \$26,400.

Five proposals were received from the following institutions:

<u>Bank</u>	<u>Annual Cost</u>
Bank of America	\$ 17,874
Citizens Business Bank	\$ 18,945
Union Bank of California	\$ 19,478
Bank of the West	\$ 20,724
Wells Fargo	\$ 23,460

Decision Process

This document last revised: 3/31/05 12:25:00 PM
By author:
File location and name:

A committee consisting of City employees from Finance, Human Resources and Information Services reviewed the five proposals that were submitted and narrowed the list to three. The three finalists were Bank of America, Citizens Business Bank and Union Bank of California.

The RFP's submitted were evaluated based on the following criteria and weights as outlined in the RFP:

Criteria	Weight
• Merit of Proposal/Presentation	15
• Knowledge and Expertise	30
• Cost proposals	20
• Past Performance, References	30
• Knowledge of Local Conditions	5

After considering the criteria above along with an in depth interview process of the finalists, the committee is recommending Citizens Business Bank. In the final analysis, Citizens is the best selection with regards to products, services and customer satisfaction and will be the best fit for the City. Although Citizens is not the low cost leader, the committee feels the difference in cost is negligible when considering the importance of the relationship between a bank and the City. Moreover, Citizens' references were very strong regarding all aspects of products, services and customer service. Through the RFP process, Citizens was able to demonstrate:

- A solid presentation and demonstration of products and services
- On line services that will meet the needs of City
- Competitive cost
- Excellent performance and customer service as reported from references
- A local bank supportive of the community

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

- Award a contract to Bank of America
- Award a contract to Union Bank of California
- Remain with Wells Fargo

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):
Move to award a contract to Citizens Business Bank for banking services.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes _____ No _____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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*)

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

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

Agenda Item Wording: Authorize the City Manager To Execute An Agreement With West Coast Arborists, Inc. To Perform Tree Maintenance Services (Bid #04-05-24).

Deadline for Action: None

Submitting Department: Parks & Recreation

Contact Name and Phone Number:

Vincent Elizondo, Director of Parks & Recreation, 713-4367

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation:

City staff recommends that the City Council authorize the City Manager to award bid #04-05-24 to West Coast Arborists, Inc. to perform tree maintenance services.

Background:

For many months now, City staff has been working on a program to initiate a city wide tree maintenance program using a contract vendor. As of 1995, the City had a tree inventory of 30,000 City owned trees being maintained by two full-time park division employees.

City wide growth and an aggressive planting program of new trees in the downtown area over the last few years has swelled the tree inventory to a projected 40,000 or more City owned trees, yet no additional City staff has been added to maintain the growing tree population.

The existing two man tree maintenance team primarily focuses on "emergency" calls from citizens. No routine or systematic maintenance program exists in the City today.

In an effort to improve the tree maintenance program, the City issued a Request For Proposals (RFP) to local and regional tree maintenance firms interesting in developing a comprehensive tree maintenance program for the City. The City received one proposal from West Coast Arborists, Inc. A complete listing of their background and experience is included in this report as Attachment 1.

This document last revised: 03/31/2005 12:25 PM

By author: Vince Elizondo

File location and name: H:\Cityshare\1) AGENDAS for Council\040405\ccwca05.doc

While West Coast Arborists provides a full menu of tree related services, the City will be using the company primarily for tree (trimming) pruning services using a grid pruning program. Systematic tree maintenance reduces costs in the long term. Systematic tree maintenance programs reduce the need for “emergency” or “service request” pruning, help prevent liability problems (such as dead or weak branches), reduce tree mortality and improve the urban forest’s health and real value over the long term.

A systematic tree maintenance program is composed of pre-designed trimming grids which are pruned in their entirety on a set schedule. By trimming every tree on the street regardless of size, every resident in that community feels that they have received a service for their tax dollar. At the same time, the safety and welfare of the community will be enhanced.

Using the grid system, West Coast Arborists has submitted a unit price of \$55.00 per tree.

On March 28, 2005, the City Council authorized \$100,000 of general fund monies to initiate a tree trimming program. In addition to these funds, there are \$30,000 in funds dedicated to tree maintenance in the various Landscape & Lighting Maintenance Districts throughout the City, and another \$20,000 in the Parks Division budget for emergency tree maintenance. ***In summary, the City is proposing an initial contract amount of \$150,000 for tree maintenance services, which equates to roughly 2,700 trees pruned in the first year of this contract.***

It should also be made clear that the two man City tree crew will continue to handle the tremendous volume of “emergency” call outs that are received on a City wide basis.

The long term goal is to have every City owned tree on a cycle of being pruned every 4 to 5 years. It will take several years to develop this program and much depends on the performance of West Coast Arborists.

An overview of the proposed tree maintenance program has been presented to both the Parks & Recreation Commission and the Beatification Committee. Both groups feel this proposal has the potential to be a tremendous program for the community and are recommending that the Council take steps towards improving the health and care of our urban forest in Visalia.

Prior Council/Board Actions: March 28, 2005, City Council approval of \$100,000.00 to initiate a tree maintenance program using a contract vendor.

Committee/Commission Review and Actions: March 15, 2005, review by Park and Recreation Commission. March 8, 2005, review by Beatification Committee. Both Commissions recommend to the Council to initiate an expanded tree maintenance program.

Alternatives:

Attachments: Attachment 1, West Coast Arborists, Inc. Contract, Exhibit A, Exhibit B.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

City staff recommends that the City Council authorize the City Manager to award bid #04-05-24 to West Coast Arborists, Inc. to perform tree maintenance services in Visalia.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**eCity of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Approve the recommendation by the Parks and Recreation Commission to establish the name of the "Dick and Betty Anthony Community Center" for the new gymnasium and existing Visalia Recreation Center in Recreation Park.

Deadline for Action: None

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number:

Vincent A. Elizondo, Director of Parks & Recreation, 713-4367

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 1

Department Recommendation:

The Visalia Parks and Recreation Commission unanimously recommends that the City Council establish the name of the "Dick & Betty Anthony Community Center" for the new gymnasium and existing recreation center in Recreation Park. Furthermore, the new "Dick & Betty Anthony Community Center" name will become official at the dedication ceremony for the new gymnasium scheduled for the summer of 2005.

Background:

As the Council is aware, the new gymnasium in Recreation Park is currently under construction and is scheduled to open in the summer of 2005. The timing is appropriate to consider a new name for this facility. It is within the scope and purview of the Parks & Recreation Commission to recommend a name to the Council for consideration within the guidelines that have been established in the "**Facility Naming Policy**".

The Anthony's resided in Recreation Park for 13 years, in a City owned 2 story house, raising their three sons. As park residents, they were always looking out for the best interests of the community park --- including the constant patrol of the public pool that once stood proudly in the middle of the park.

For over 26 years, Dick Anthony was a dedicated employee for the City of Visalia. Mr. Anthony began his career with the City in 1955 as the Director of Recreation, later being promoted to the position of Director of Parks & Recreation in 1958.

This document last revised: 03/31/2005 12:26 PM

By author: Vince Elizondo

File location and name: H:\Cityshare\ (1) AGENDAS for Council\040405\ccanthony.doc

Dick Anthony led the effort to adopt the City's first parks master plan in 1960 that led to the development of many of Visalia's parks; he led the effort to develop Plaza Park and the adjacent 18 hole public golf course; he led the effort to develop the Visalia Recreation Center, which opened in 1957, that still serves as the main recreation center in Recreation Park; and he was instrumental in the development of the baseball field that serves as the home field of the Visalia Oaks in Recreation Park.

In 1964, Mr. Anthony was promoted to the position of Public Services Director for the City and would later be promoted to the position of Deputy (Assistant) City Manager. Mr. Anthony also played a key role in the development of the Visalia Convention Center and in the one-time City acquisition and ownership of the Visalia Oaks professional baseball team. He retired from the City in 1981.

Betty Anthony worked for the Los Angeles County Parks & Recreation Department as a pre-school teacher and a playground leader from 1951 until 1955 before moving to Visalia with her husband Dick.

As a resident of Recreation Park, Betty worked at the adjacent recreation center as a nursery school teacher from 1955 through 1963. Betty is also well known for teaching generations of young Visalians how to swim in the Recreation Park pool. She provided swim lessons for thousands of children ages 5 years-and-under from 1957 until 1989.

Betty also worked in the community as a teacher at St. Paul's School; she was a Director for Day Care at First Baptist Church; she was a Tulare County EOP Head Start Director; and she developed the early childhood education program at College of the Sequoias, working as a director and teacher in the program from 1969-1989.

As an example of some of her volunteer work, Betty has been a local PTA President, a Junior Women's Club President, taught Baby Sitting classes from 1988-2004, President of the Kaweah Delta District Hospital Guild, an active member of the COS Retired Teachers from 1989-2005, and has been active in the First Baptist Church. She is currently a member of both the City of Visalia Parks & Recreation Foundation and the City of Visalia Parks & Recreation Commission.

Betty has earned an honorary Lifetime Membership in the PTA; recognized as the Citizen of the Year by Senator Alan Cranston in 1965; Golden Apple-Teacher of Distinction Award, College of the Sequoias in 1978; Woman of the Year, Visalia Chamber of Commerce in 1992; Woman of Distinction, Soroptimist Club, 1997; Hall of Fame, College of Sequoias, 1999; and Woman of Compassion and Character, First Baptist Church, 2001.

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: March 15, 2005 review by Park and Recreation Commission.

Alternatives: None

Attachments: None

City Manager Recommendation:

This document last revised: 03/31/2005 12:26 PM

By author: Vince Elizondo

File location and name: H:\Cityshare\ (1) AGENDAS for Council\040405\ccanthonny.doc

Recommended Motion (and Alternative Motions if expected): The Visalia Parks and Recreation Commission unanimously recommends that the City Council establish the name of the "Dick & Betty Anthony Community Center" for the new gymnasium and existing recreation center in Recreation Park. Furthermore, the new "Dick & Betty Anthony Community Center" name will become official at the dedication ceremony for the new gymnasium scheduled for the summer of 2005.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes____ No____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Request authorization to accept parcels 7, 8 and 12 of Document No. 2003-0011275 an "Irrevocable Offer of Dedication" for Shannon Parkway and Giddings Street right-of-way for roadway purposes as offered by CRS Farming, LLC as recorded in Tulare County Records. Resolution 2005-52

Deadline for Action: N/A

Submitting Department: Park and Recreation Department

Contact Name and Phone Number: Don Stone

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.): _____

Department Recommendation and Summary: Staff recommends that the City Council accept parcels 7, 8 and 12 of Document No. 2003-0011275 an "Irrevocable Offer of Dedication" as recorded in the Tulare County Official Records and delineated on the Map of Shannon Ranch East Subdivision. The dedication is for road right-of-way purposes for the extension of Giddings Street from Riggins Avenue to Shannon Parkway and Shannon Parkway from Giddings Street to Dinuba Blvd. as offered by CRS Farming, LLC. Current owners of the parcels are Mathew Bruno and Barbara Bruno and Centex Homes.

The acceptance of the right-of-way will allow the City to extend Giddings Street north from Riggins Avenue to the Shannon Ranch Parkway for the purpose of providing circulation to and from the sports park project. Improvements will consist of constructing the middle two lanes of Giddings and under ground improvements including sanitary sewer, storm line, and utilities. Design of the project is nearing completion and bidding is scheduled for April with completion anticipated by fall of 2005.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): Move to accept parcels 7, 8 and 12 of Document No. 2003-0011275 an "Irrevocable Offer of Dedication" for Shannon Parkway and Giddings Street right-of-way for roadway purposes as offered by CRS Farming, LLC as recorded in Tulare County Records designated and delineated on the map of Shannon Ranch East Subdivision, recorded in Book 40, page 46.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes _____ No _____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes _____ No

Review and Action: Prior: _____
Required: _____

NEPA Review:

Required? Yes _____ No _____

Review and Action: Prior:
 Required:

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)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING THE
ACCEPTANCE OF AN IRREVOCABLE OFFER TO DEDICATE REAL PROPERTY**

WHEREAS, CRS Farming, LLC, in document 2003-0011275 in the Tulare County Records, has recorded an “Irrevocable Offer to Dedicate Real Property” to the City of Visalia on parcels 7, 8 and 12 of said document for the purpose of right-of-way for Shannon Parkway and Giddings Street for roadway purposes.

WHEREAS, the City Council of the City of Visalia finds it to be in the public interest to accept into the City’s street system that certain parcel more particularly described as follows:

That portion of parcels 7, 8 and 12 of Document No. 2003-0011275 in the City of Visalia, County of Tulare, State of California, as per map of Shannon Ranch East Subdivision, recorded in Book 40, Page 46 of Maps, in the office of the County Recorder of Said County.

NOW, THEREFORE, BE IT RESOLVED, the City Council of the City of Visalia hereby accepts the “Irrevocable Offer to Dedicate Real Property” as described herein and made a part thereof.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording:

Authorize the City Manager to apply for an alternative fuel vehicle grant in the amount of \$100,000 for seven CNG Solid Waste trucks from the Department of Energy, (DOE) 2005 State Energy Program.

Deadline for Action:

April 4, 2005

Submitting Department:

Community Development/Public Works

Contact Name and Phone Number

Andrew Benelli, Assistant Community Development Public Works Director 713-4340
Jim Bean, Public Works Manager 713-4564

Department Recommendation and Summary:

Staff recommends that Council authorize staff to apply for grant funding totaling \$100,000 for 7 CNG Solid Waste trucks, through the Department of Energy's (DOE) 2005 State Energy Program, to continue deployment of heavy-duty natural gas vehicles for the City of Visalia. The City is required by the State to adhere to much stricter fuel emission control standards beginning in year 2005, and by taking advantage of the DOE program grant, the City will take a proactive stance toward vehicle emissions and reducing pollution in the Central Valley, which has one of the highest air pollution indexes in the country.

The City's program entails the acquisition of seven natural gas vehicles to replace six existing diesel vehicles in fiscal year 05 /06. The additional truck that will be acquired is to service new growth. The \$100,000 in grant funding requested is to cover a portion of the differential costs to replace the current diesel vehicles and the vehicle being purchased for growth.

Solid waste trucks utilizing natural gas are a viable alternative fuel option for cities seeking to relieve vehicular air emissions. The Cities of Fresno, Tulare and Bakersfield are already successfully using alternative fuel vehicles in their solid waste fleets.

Prior Council/Board Actions: Authorized staff to apply for San Joaquin Valley Air Pollution Control District funding in 04/05 which was approved for \$117,000. Authorized staff to apply for TCAG/CMAQ funding in 2004 for budget years 05/06 and 06/07.

Committee/Commission Review and Actions:

Alternatives:

Not to apply for the grant

Date last saved: 3/31/2005 12:27 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.): _____

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):
Move to adopt Resolution 05-_____ endorsing application for the Clean Cities Program grant.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: ___ No___	

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 05-XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA ENDORSING APPLICATION UNDER THE CLEAN CITIES PROGRAM BY 2005 DEPARTMENT OF ENERGY SEP GRANTS

WHEREAS, the City of Visalia desires to share in regional goals of cleaner air and recognizes the value that clean air has in benefiting the health of Visalia's citizens, attracting businesses, and improving the quality of life in Visalia: and

WHEREAS, the City of Visalia is eligible to receive grant funds towards the purchase of Alternative Fuel Vehicles: and

WHEREAS, additional heavy duty vehicles are needed by the City of Visalia in the near future by the Sanitation Department, and the use of CNG vehicles would be of benefit to the City towards reducing harmful emissions: and

WHEREAS, the Visalia Clean Cities Coalition has provided the City an opportunity to enhance the use of Visalia's Capital budget during FY 2005/2006 for Clean Air Projects: and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia does hereby resolve, determine, and find as follows:

Section 1. The City Council does fully support the use of CNG powered vehicles as demonstration of the City's commitment to clean air.

Section 2. The City Council does fully support the concepts as defined in the City's application for funding under said DOE Clean Cities program, including the project implementation schedule and all other elements.

Section 3. The City's staff is authorized to apply for DOE Clean Cities funding on behalf of the City of Visalia under the Fiscal Year 2005 – 06 Budget Year. Capital Budget funds have been identified to support the City's application to cover the differential costs associated with CNG vehicles.

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 05-_____ passed and adopted by the Council of the City of Visalia at a regular meeting held on April 4, 2005.

Dated: April 4, 2005

STEVEN M. SALOMON, CITY CLERK

By Roxanne Yoder, Chief Deputy

**sCity of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Authorization for City Manager to execute a contract with Jeffco Painting & Coating, Inc. in the amount of \$254,300 to clean and apply protective coating to the concrete walls, floor and metal surfaces of Primary Sedimentation Basin No. 2 at the Wastewater Treatment Plant.
CIP Project No. 4311-720000-0-0-9362-2005

Deadline for Action: April 4, 2005

Submitting Department: Community Development and Public Works

Contact Name and Phone Number: David Jacobs, Assistant Director, 713-4492; Jim Ross, Utilities Manager, 713-4466

For action by:

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

For placement on which agenda:

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

Est. Time (Min.):1

Department Recommendation

Staff recommends that Council authorize the City Manager to execute a contract with Jeffco Painting & Coating, Inc. in the amount of \$254,300.00 to clean and apply a polyurethane protective coating to concrete walls, floors and metal surfaces of Primary Sedimentation Basin No. 2.

Discussion

Primary Sedimentation Basin No. 2 was constructed in 1966. Due to the corrosive characteristics of wastewater, the concrete and metal surfaces of the structure have deteriorated over time. These surfaces need to be cleaned of contaminants and coated with a protective coating to prevent further deterioration and damage to the structure.

The material to be applied to Basin No. 2 is a 100% solids elastomeric polyurethane coating system by EnduraFlex. It is specifically formulated to withstand the harsh environmental conditions normally found at wastewater treatment plants. It is highly chemical resistant, corrosion resistant, abrasion resistant, and can flex with the expansion, contraction, and movement of the structure. It is currently being used in several treatment plants throughout the Valley, including Tulare, Bakersfield, and Hanford. Employees at each facility report great satisfaction with the performance of this product.

Successful use of this product is highly dependent upon proper surface preparation and application technique. Proper surface preparation includes high pressure washing and abrasive blasting to remove embedded contaminants to which would interfere with the product's

adherence to the structure. Because the product must be applied when ambient temperature and humidity fall within a specific range, a National Association of Corrosion Engineers Certified Inspector will be on sight throughout the entire coating procedure to monitor environmental conditions and to inspect and perform various tests on the coating.

The City of Visalia Purchasing Department began the bidding process for this project on January 28, 2005. In order to qualify to bid on this project, the contractor must have at least 5 years experience in applying the coating under conditions similar to those at the wastewater plant, and must provide proof of manufacturer's certification to apply the product. The City received three bids.

Jeffco Painting & Coating, Inc.	\$254,300.00
F.D. Thomas, Inc.	\$269,000.00
Rewood Painting Co., Inc.	\$272,100.00

Jeffco has been in business for more than 15 years, and has done projects of this size for numerous wastewater agencies, including for the Suisun Sewer District, Marin Water, Tahoe/Truckee Sanitation, Union Sanitary District, and the Department of Water Resources. Comments received during the reference check were all outstanding.

The product manufacturer, EnduraFlex, has certified Jeffco to install the product and is confident in their ability to perform the work. Carollo Engineers, with whom the City has a long relationship, has worked with Jeffco on previous wastewater projects and is very satisfied with their performance.

Once installed, the coating will be inspected annually to determine its performance characteristics. If the product performs as expected, the intent is to apply the coating system to other basins over the next several years.

The funds for this Capital Project were approved by the City Council for use in the 2004/05 budget year.

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move to authorize the City Manager to execute a contract with Jeffco Painting & Coating, Inc. in the amount of \$254,300.00 to clean and apply a polyurethane protective coating to concrete walls, floors and metal surfaces of Primary Sedimentation Basin No. 2.

Financial Impact

Funding Source:

Account Number 4311-720000-0-0-9362-2005

Budget Recap:

Total Estimated cost:	\$ 254,300	New Revenue:	\$
Amount Budgeted:	\$ 254,300	Lost Revenue:	\$
New funding required:	\$ 0	New Personnel:	\$
Council Policy Change:	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No X
Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No X
Review and Action: Prior:
Required:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 04, 2005

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

Agenda Item Wording: Second reading of Ordinance declaring that real property comprising approximately 12,765 square feet located at 220 N. Santa Fe as surplus for the sale to the Visalia Chamber of Commerce for the development of a new 6,921 square foot office complex and Reciprocal Access License and Purchase Option for the proposed joint alleyway and authorization to begin the mandatory 30-day waiting period for the Ordinance to become effective and escrow to close. (Ordinance required)

Deadline for Action: April 04, 2005

Submitting Department: Administration and Community Development & Public Works

Contact Name and Phone Number:

Steve Salomon, City Manager, 713-4312
Michael Olmos, Community Development & Public Works Director, 713-4332
Bob Nance, Economic & Redevelopment Manager, 713-4511

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 5

Department Recommendation and Summary:

Staff recommends the City Council, upon review:

Approve the second reading of the Ordinance declaring that real property comprising approximately 12,765 sq. ft. located at 220 N. Santa Fe as surplus for sale to the Visalia Chamber of Commerce for the development of a new office complex including a Reciprocal Access License and Purchase Option for the proposed joint alleyway along the proposed common property line.

Background:

On March 21, 2005, the City Council approved the introduction of that Ordinance declaring that real property located 220 N. Santa Fe as surplus and approved its sale the Visalia Chamber of Commerce for the development of a new 6,921 square foot office complex and a joint 25 foot alleyway (12.5 feet on City property and 12.5 feet on proposed Chamber property) along the proposed common property line. The proposed second reading of the ordinance is required to continue the Purchase and Sale process. Upon approving the second reading and completing the mandatory 30-day waiting period for the ordinance to become effective, escrow can close.

This document last revised: 03/15/2005 10:31 am

By author: DRNANC

File location and name: bob/east/chamber of commerce/second reading of ordinance 04-04-2005 consent calendar chamber of commerce

The following is a summary of the agreements approved as part of the March 21st approval action:

1. Authorized the first reading of the Ordinance Declaring the subject property as surplus and the Council's intent to sell to the Visalia Chamber of Commerce and grants the reciprocal access easement as described in the proposed Reciprocal Access License and Purchase Option included as part of the approvals below;
2. Approved the following Agreements:
 - a. Proposed Purchase and Sale Agreement and Escrow Instructions with the Visalia Chamber of Commerce for the sale of approximately 12,765 square feet of the City owned property located at 220 N. Santa Fe for development of a new office complex;
 - b. Reciprocal Access License and Purchase Option for long-term vehicular/pedestrian access to parking stalls along the east side of the subject site;
 - c. Temporary Access and Alleyway Construction License; Reimbursement Agreement for use of the adjoining City owned property located adjacent to and east of the subject site for construction purposes;
 - d. Early Entry Access Agreement to allow the Chamber access to the site prior to the close of escrow to begin construction activities;
3. Authorized the City Attorney to make any minor or technical changes to the respective agreements and documents as necessary; and
4. Authorized the City Manager to execute the respective agreements and documents on behalf of the City Council.

Authorized and Directed the Administrative Services Director to make the appropriate budget

Proposed Chamber Complex

The proposed development project will be a single-story Mission style building of approximately 6,921 square feet on a lot of approximately 12,765 square feet. The office complex will serve as the permanent home for the Visalia Chamber of Commerce. The site plan for the proposed development included reduced lot line setbacks, 8 on-site parking spaces and other development features proposed in an effort to achieve an urban-style development.

The site is currently zoned Service Commercial – CS which required a Conditional Use Permit for offices in a CS-zone and variance to setback requirements in order to facilitate the planned development and meet the City's desire for an urban-style development for the site. At their March 28th, 2005 meeting, the Visalia Planning Commission approved the CUP and Variance allowing the project to proceed as proposed.

Prior Council/Board Actions:

March 21, 2005 – City Council approval of Purchase and Sale Agreement and Escrow Instructions and related agreements for development of the subject site.

Committee/Commission Review and Actions:

March 28, 2005 – Planning Commission approval of a CUP and variance for the planned project.

Alternatives:

None Recommended

Attachments:

Copy of Ordinance

This document last revised: 03/15/2005 10:31 am

By author: DRNANC

File location and name: bob/east/chamber of commerce/second reading of ordinance 04-04-2005 consent calendar chamber of commerce

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

I move that the City Council:

Approve the second reading of the Ordinance declaring that real property comprising approximately 12,765 sq. ft. located at 220 N. Santa Fe as surplus for sale to the Visalia Chamber of Commerce for the development of a new office complex including a Reciprocal Access License and Purchase Option for the proposed joint alleyway along the proposed common property line.

Financial Impact

Funding Source:

Budget Recap:

Total Estimated cost: \$	New Revenue:
Amount Budgeted: \$	Lost Revenue:\$
New funding required:\$	New Personnel:\$
Council Policy Change: Yes___ No_X__	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes	X	No	
Review and Action:	Prior:	Done as part of the Purchase and Sale Agreement	
	Required:		

NEPA Review:

Required? Yes	No	X	
Review and Action:	Prior:		
	Required:	No Federal Funds are proposed for this project.	

This document last revised: 03/15/2005 10:31 am

By author: DRNANC

File location and name: bob/east/chamber of commerce/second reading of ordinance 04-04-2005 consent calendar chamber of commerce

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

This document last revised: 03/15/2005 10:31 am

By author: DRNANC

File location and name: bob/east/chamber of commerce/second reading of ordinance 04-04-2005
consent calendar chamber of commerce

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Approve list of street improvement projects to be included in an accelerated capital improvement project package to be funded by Transportation Impact Fees.

Deadline for Action: None

Submitting Department: Community Development Department
and Public Works

Contact Name and Phone Number: David Jacobs 713-4492;
Eric Frost 713-4474

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 20

Department Recommendation and Summary:

Staff recommends approving the enclosed project list for an accelerated transportation impact fee funded project package.

City Council on October 21, 2004 adopted a new policy and transportation impact fee. This fee was adjusted in February to suspend 20% for commercial and office developments and an additional 15% for projects on infill sites (based on criteria approved by Council). With the adoption of the new fee the City will accelerate selected road projects within the Circulation Element. The roads will serve the developments that will be paying the higher impact fees and arterial streets having community wide impact.

Staff is recommending a \$12.2 million project list based on a debt capacity study conducted by the Administrative Services Department. Since the current growth pattern of the City is unusually string a conservative approach was used to determine the amount for the project list. This will allow growth to slow without adversely affecting the payback. Once the first finance package is paid back (3 to 4 years) Staff will recommend another accelerated project list for another comprehensive CIP project.

The project list was sent to the BIA, Chamber of Commerce, and Visalia Economic Development Corporation for comments and recommendations. Responses were due back to the Engineering Department by March 18, 2005. One response was received from the BIA in support of the project list.

The project list for first phase street project is:

1. Visalia Parkway from Demaree Street to County Center. The project would construct ½ the road and a full width crossing of Packwood Creek. Estimated Cost - \$1,000,000
2. Shirk Road from State Route 198 to Riggin Avenue. The project will construct a full 110' arterial road. Estimated cost - \$4,000,000

03/31/2005
12:29 PM

3. Tulare Avenue from Lovers Lane to McAuliff Street. The project will construct ½ the road. Estimated cost - \$700,000
4. Demaree Street from Goshen Avenue to Riggin Avenue. The project will construct a full 84' arterial road. Estimated cost - \$1,500,000
5. Riggin Avenue from Shirk Street to Dinuba Boulevard. The project will construct ½ the road. Estimated cost - \$5,000,000.

The total estimated cost of these roadways is \$12,200,000.

The roadways on the list that are not being constructed to full width are expected to have utilities installed at a later date and the projected traffic demands do not warrant a full width roadway.

Committee/Commission Review and Actions:

Alternatives: None recommended

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to approve the project list for an accelerated transportation funded project package.

Financial Impact

Funding Source:
 Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue: \$	
New funding required: \$	New Personnel:	\$
Council Policy Change: Yes_____ No_____		

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Request authorization to file a Notice of Completion for the Houston Avenue at Burke Street Traffic Signal. Project No. 1111-72-0-0-9026-2001

Deadline for Action: April 18, 2005

Submitting Department: Community Development

Contact Name and Phone Number:

Eric Bons: 713-4350 or
Andrew Benelli: 713-4340

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 2 min.

Department Recommendation and Summary:

Staff recommends that the City Council authorize City staff to file a Notice of Completion for the Houston Avenue at Burke Street Traffic Signal Project. Project No. 1111-72-0-0-9026-2001. The contractor, A-C Electric Company of Visalia, California, has completed all the work on this project. The final construction cost is \$151,785.00.

The project consisted of constructing the traffic signal and revising the striping in Houston Avenue and Burke Street to accommodate the traffic signal. The relocation of a power pole and underground utilities were required for the placement of the traffic signal poles.

The original contract amount was for \$149,800.00. The increase in the total project cost was due to a construction change order. The single construction change order was for the relocation of the batteries needed for the battery backup system from the interior of the traffic signal cabinet to the exterior of the traffic signal cabinet. It was discovered after the installation that having the batteries inside the traffic signal cabinet causes the electronic equipment to prematurely fail. The project cost increased by \$1,985.00, approximately 1.3%. The City is retaining 10% (or \$15,178.50) of the original construction cost, which will be released after the Notice of Completion is recorded.

Prior Council/Board Actions: Award of contract to A-C Electric Company of Visalia, California, on April 19, 2004

Committee/Commission Review and Actions: None

Alternatives: None recommended

Attachments: Project location sketch.

City Manager/Executive Director Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move to authorize staff to file a Notice of Completion for the Houston Avenue at Burke Street Traffic Signal. Project No. 1111-72-0-0-9026-2001.

Financial Impact

Funding Source:

Account Number: 1111-72-0-0-9026-2001

Budget Recap:

Total Estimated cost:	\$ 151,785.00	New Revenue:	\$ N/A
Amount Budgeted:	\$ 980,000	Lost Revenue:	\$ N/A
New funding required:	\$ 0	New Personnel:	\$ N/A
Council Policy Change:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	

Copies of this report have been provided to:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Environmental Assessment Status

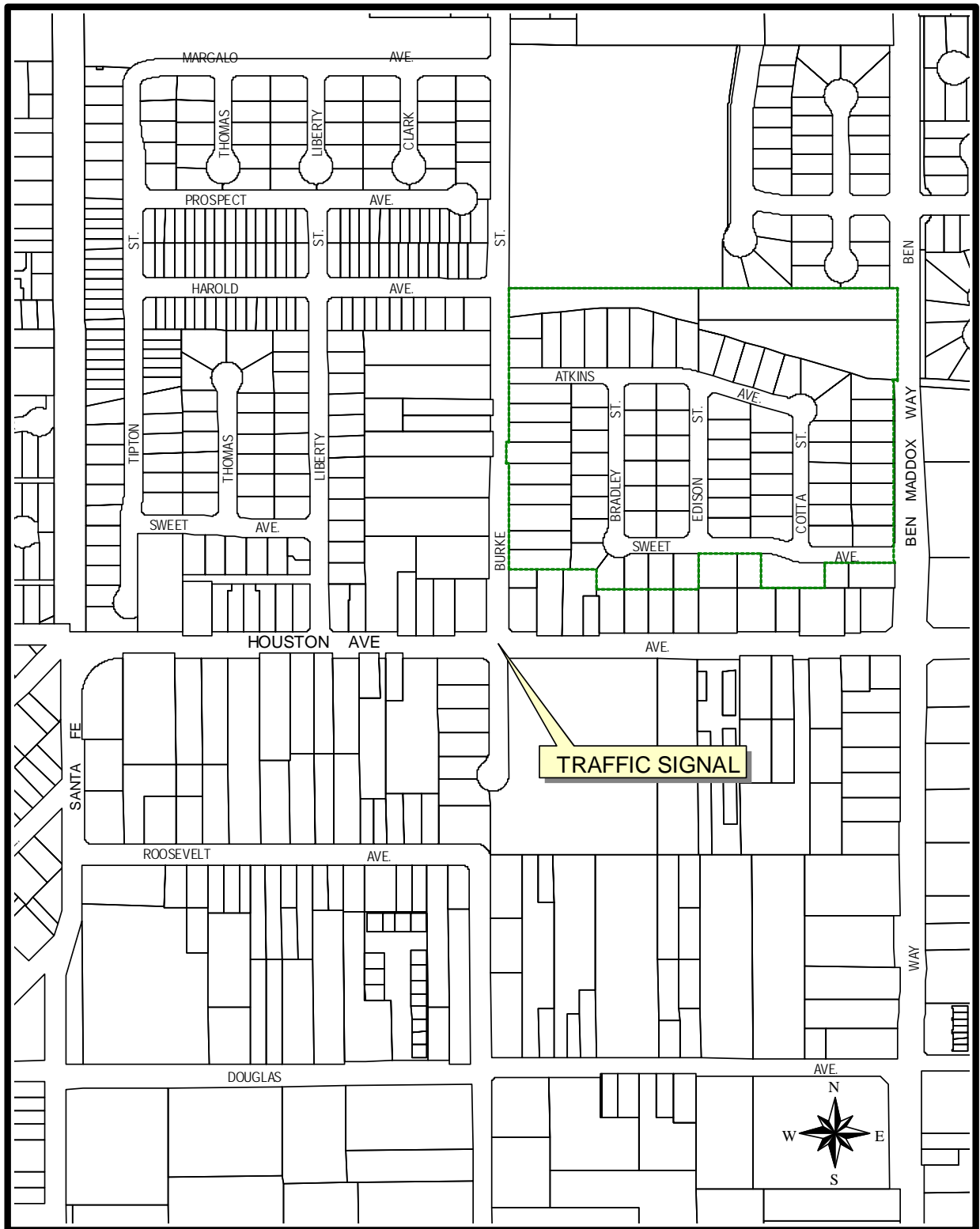
CEQA Review:

Required? Yes No
Review and Action: Prior: Mitigated Negative Declaration
Required:

NEPA Review:

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

Project Location Sketch



**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

Agenda Item Number (Assigned by City Clerk): 8l

Agenda Item Wording: Intention to Form Open Space District No. 87, Four Creeks Estates II setting April 18, 2005, as the date of protest hearing. Resolution No. 2005- 51 required.

Deadline for Action: April 4, 2005

Submitting Department: Community Development / Public Works Department

Contact Name and Phone Number:

Greg Dais 713-4164
Andrew Benelli 713-4340

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Department Recommendation and Summary: That the City Council adopt Resolution No. 2005-51, stating the intent to form Open Space District No. 87, Four Creeks Estates II and setting April 18, 2005, as the date of protest hearing.

Discussion: In 1988 City Council adopted an update to the original 1979 Northeast Area Specific Plan. The specific plan lays the groundwork for required public improvements specific to the Northeast area and the maintenance thereof. The improvements consist of sidewalks/bike paths, center medians, frontage landscaping and decorative block walls. Policies 5 and 6 of Goal 5 of the specific plan speak to the issue of formation of maintenance districts and collection of fees for all development in the Northeast Plan area.

The Planning Commission has approved Four Creeks Estates II, for property located at Buena Vista Avenue between Burke Street and Ben Maddox Way. This property is a single family project and is owned by one owner. One of the conditions of the tentative map requires the formation of an open space maintenance district for the maintenance of amenities within the Northeast Specific Plan area. As noted above, the Specific Plan requires open space maintenance districts to be established for the purpose of maintaining amenities such as landscaping along public streets, walkways, crosswalks, parking areas, drainage facilities, parkways, lighting, and sprinkler systems. The owner of the property has petitioned the City to form the open space maintenance district.

The resolution of intention is the first step in the formation of a special district. If adopted, a hearing would be held on April 18, 2005 after which the Council may adopt a resolution forming the district.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: Planning Commission approved Four Creeks Estates II on April 26, 2004.

Attachments: Resolution, Location Sketch and owner's petition

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected) That the City Council adopt Resolution No. 2005-51, stating the intent to form Open Space District No. 87, Four Creek Estates II and setting April 18, 2005, as the date of protest hearing.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes_____ No_____	

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review: Categorically Exempt

Required?

Review and Action: Prior:
Required:

NEPA Review:

Required?

Review and Action: Prior:
Required:

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

April 18, 2005 will be the date of the protest hearing for this item.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-51

A RESOLUTION OF THE VISALIA CITY COUNCIL

A RESOLUTION OF INTENTION TO FORM
OPEN SPACE DISTRICT NO. 87
FOUR CREEKS ESTATES II

BE IT RESOLVED by the City Council in the City of Visalia, California, that:

1. In its opinion, the public interest and convenience require, and it is the intention of said Council to order the formation of a maintenance district in a portion of said City, pursuant to Title 12, Chapter 12.40 of the Ordinance Code of the City of Visalia, to be designated "Open Space District No. 87", by which name it shall hereafter be referred to and all subsequent proceedings, including the proceedings for the levy and collection of charges.

2. Said maintenance district, and the boundaries thereof, benefited and to be assessed for the maintenance and operation of improvements hereinafter referred to, are situated in the Northeast Specific Plan Area, City of Visalia, County of Tulare, State of California, and are particularly described on the attached map Exhibit A, and by this reference incorporated herein.

3. It is ordered that the expense of maintaining and operating parks and parkways, and appurtenance thereto, including, but not limited to, walkways, crosswalks, steps, safety zones, parking areas, platforms, seats, statuary, fountains, certain fencing, drainage facilities; poles, posts, wire, lights, conduits, tunnels, ramps and other suitable or necessary appliances for the purposed of lighting said places or public ways; water mains or sprinkler systems; and ornamental planning including lawns, shrubs and trees, all as now exist or may hereafter be constructed in or for said Maintenance District, and a benefit to said Maintenance District but not to benefit the City of Visalia as a whole, including the cost of necessary repairs, replacements, fuel, power, electric current, care, supervision and any and all other items necessary for the proper maintenance and operation thereof, shall be charged to the owners of residential units within said Maintenance District above described, which district said Council hereby determined will be a district benefited by the maintenance and operation of said improvements and that the amounts so charged are to be collected through billing by the City or with property taxes collected by the County of Tulare.

4. Such maintenance shall include all special landscaped areas including the road median and other special landscaped areas. At this time, the cost to the district per parcel per month is not established. The cost shall be established and adopted by separate resolution.

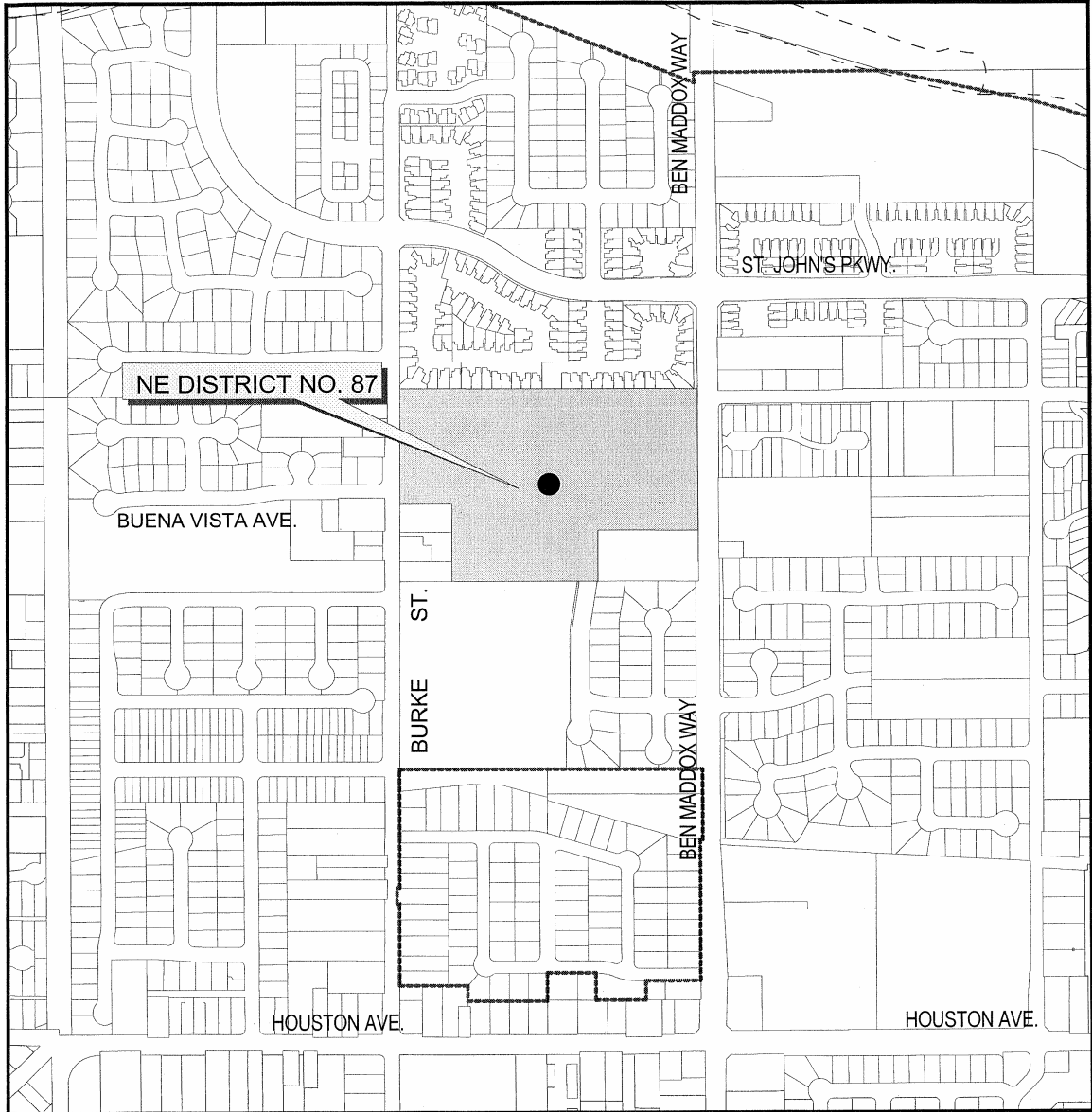
5. The City Clerk is hereby directed to be caused to be mailed notice of the adoption of this resolution, postage prepaid to all persons owning real property and/or residential units which will be within said proposed Maintenance district whose names and addresses appear on the last equalized County Assessor's role including the role of State assessed property, (or as known to the Clerk, said mailing to be completed at least 10 days prior to the date set for the hearing).

6. Notice is hereby given that Monday, April 18,, 2005, at the hour of 7:00 p.m., in the regular meeting place of the City Council, City Hall Council Chambers, 707 W. Acequia Ave., Visalia, California, are hereby fixed as time and place when and where and all persons having any objection to the formation of said Open Space District No. 87, or to the extent of

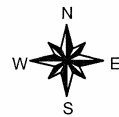
said Maintenance District, or both, may appear before said Council and show cause why the formation of said proposed Maintenance District should not be carried out in accordance with this resolution of intention.

Open Space District No. 87, Four Creeks Estates II, being Parcel 2 of Parcel Map No. 4203, as per map recorded in Book 43, page 7 of Parcel Maps in the office of the County Recorder of said County, situated in the East half of the Southeast of Section 20, Township 18 South, Range 25 East, M.D.B. & M.

City of Visalia
NE District No. 87



LOCATION MAP



Scale: 1"= 400'

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

Agenda Item Number (Assigned by City Clerk): 8m(1)

City Council Meeting Date: April 4, 2005

Agenda Item Wording: Authorization to record the final map of Gunn Ranch Subdivision (70 lots), located at the northwest corner of Demaree Street and Visalia Parkway and the formation of Landscape and Lighting District No. 05-05, Gunn Ranch Subdivision (Resolution Nos. 05-45 and 05-46 required)
APN: 119-070-042

Deadline for Council Action: April 18, 2005

Submitting Department: Community Development/Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Greg Dais 713-4164

Department Recommendation and Summary:

Final Map

Staff recommends that City Council approve the recordation of the final map of Gunn Ranch Subdivision, containing 70 single family lots. All bonds, cash payments, subdivision map agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful performance bond in the amount of \$ 1,150,620.40 and Labor and Material bond in the amount of \$ 575,310.20; 3) Cash payment of \$ 141,263.25 distributed to various accounts; and 4) Final map.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. The Faithful Performance Bond can be reduced to 10% of the public construction costs after the Notice of Completion is recorded. The Faithful Performance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the Final Map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the Final Map.

For action by:

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

For placement on agenda as:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-45 Resolution of Intention for Assessment District No. 05-05, Gunn Ranch Subdivision; adopt the Engineer’s Report as submitted; and adopt Resolution No. 05-46 confirming the Engineer’s Report ordering the improvements and levying the first annual assessment.

The City of Visalia has been allowing developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of landscaping, irrigation, street lights outside the walls along streets adjacent to the development and street preventative maintenance practices. These improvements are special to the development and enhance the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

Prior Council Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining those landscape districts that enhance the subdivision.

Committee/Commission Review and Actions: The tentative subdivision map Gunn Ranch Subdivision was first approved by Planning Commission on June 28, 2004 with the expiration date of June 28, 2006.

Alternatives:

Attachments:

Resolution of Intention; Resolution Ordering the Improvements; Exhibits “A”, “B”, “C”, “D”

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

“I move to authorize the recordation of the final map for Gunn Ranch Subdivision and adopt Resolution No. 05-45 Resolution Initiating Assessment District No. 05-05 “Gunn Ranch Subdivision and adopt Resolution No. 05-46 Ordering the Improvements for Assessment District No. 05-05 “Gunn Ranch Subdivision”.

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

Financial Impact

Funding Source:

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required:\$	New Personnel: \$
Council Policy Change: Yes___	No_ X___

RESOLUTION 05-45
INITIATING ASSESSMENT DISTRICT 05-05
Gunn Ranch Subdivision
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf, shrub area, irrigation systems, trees, walls and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 05-05, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram Assessment District No. 05-05, City of Visalia, Tulare County, California", which map is on file with the City Clerk and is hereby approved and known as "Gunn Ranch Subdivision".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-05
Gunn Ranch Subdivision
(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for Assessment District No. 05-05, City of Visalia, confirmed by the City Council of the City of Visalia on the 4th day of April, 2005 by its Resolution No. 05- 45 & 46 .

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

RESOLUTION NO. 05-46

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-05
Gunn Ranch Subdivision
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-05, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2004-2005.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Formation of the District
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcel of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit B Landscape Location Diagram Assessment District No 05-05 City of Visalia, Tulare County, California

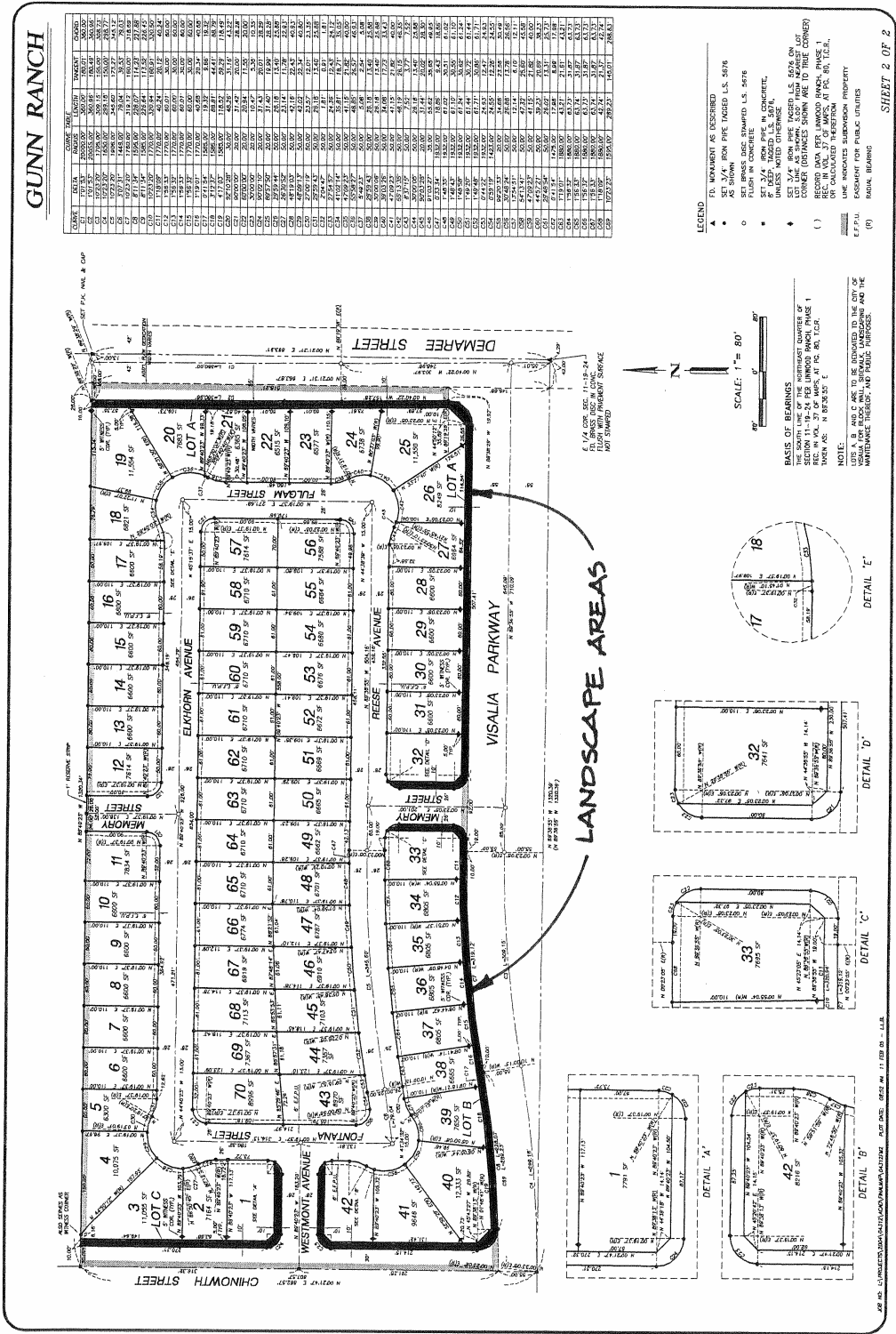


Exhibit C
Tax Roll Assessment
Assessment District No 05-05
City of Visalia, Tulare County, California
Fiscal Year 2004-05

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
to be assigned	\$215.12	To Be Assigned	05-0501	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0502	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0503	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0504	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0505	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0506	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0507	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0508	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0509	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0510	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0511	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0512	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0513	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0514	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0515	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0516	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0517	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0518	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0519	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0520	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0521	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0522	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0523	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0524	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0525	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0526	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0527	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0528	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0529	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0530	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0531	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0532	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0533	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0534	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0535	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0536	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0537	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0538	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0539	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0540	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0541	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0542	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0543	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0544	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0545	Gunn Ranch

Exhibit C
 Tax Roll Assessment
 Assessment District No 05-05
 City of Visalia, Tulare County, California
 Fiscal Year 2004-05

to be assigned	\$215.12	To Be Assigned	05-0546	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0547	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0548	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0549	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0550	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0551	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0552	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0553	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0554	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0555	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0556	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0557	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0558	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0559	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0560	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0561	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0562	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0563	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0564	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0565	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0566	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0567	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0568	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0569	Gunn Ranch
to be assigned	\$215.12	To Be Assigned	05-0570	Gunn Ranch

Exhibit D

ENGINEER'S REPORT OF THE CITY OF VISALIA LANDSCAPE AND LIGHTING DISTRICT 05-05 Gunn Ranch Subdivision FISCAL YEAR 2004-2005

General Description

This assessment district is located at the Northwest corner of Demaree Street and Visalia Parkway. Exhibit "A" is a map of the assessment district 05-05. The district includes the maintenance of the turf, shrubs, street lights, trees, and any other applicable equipment or improvements, maintaining the integrity of the wall, irrigation system and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion.

Determination of Benefit

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

Method of Apportionment

In order to provide an equitable assessment to all owners within the district, the following method of apportionment has been used. All lots in the district benefit equally including lots not adjacent to the landscaping, wall and lights. The lots not adjacent to the landscaping, wall, and lights benefit by the uniform maintenance and appearance of the district.

Estimated Costs

The district includes not only the maintenance of the turf, the shrubs, trees and street lights, but maintaining the integrity of the wall, irrigation system and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion. The total number of lots within the district is 70.

Exhibit D

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	12925	\$0.125	\$1,615.63
Shrub Area	Sq. Ft.	22155	\$0.125	\$2,769.38
Water	Sq. Ft.	35080	\$0.050	\$1,754.00
Electricity	Sq. Ft.	35080	\$0.008	\$280.64
Landscape Trees	each	78	\$25.00	\$1,950.00
Street Lights	each	22	\$105.00	\$2,310.00
Street Tress	each	70	\$25.00	\$1,750.00
Project Management Costs	Lots	70	\$18.00	\$1,260.00
TOTAL				\$13,689.64
10% Reserve Fund				\$1,368.96
GRAND TOTAL				\$15,058.60
COST PER LOT				\$215.12

Annual Cost Increase

This assessment district shall be subject to an automatic annual increase derived by the following formula:

$$\text{year "n" assessment} = (\$15,058.60) (1.05)^{(n-1)}$$

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

However, in no case shall the assessment be greater than 1) The actual cost of providing the benefit conferred to each parcel plus any prior years' deficit and less any carryover, as determined annually or; 2) a 10% increase over the prior year's assessment.

The reserve fund shall be replenished as necessary to maintain a level of 10% of the estimated maintenance cost so long as the annual assessment change does not exceed the limits identified above.

Example 1. The fourth year estimated costs are \$16,413.87 [a 9% increase over base year assessment of \$15,058.60]. The ceiling on assessment increases for fourth year would be \$17,432.21 [ceiling = $(\$15,058.60) (1.05)^{(4-1)}$]. The assessment would be set at \$16,413.87 or actual cost of providing maintenance.

Example 2. The fourth year assessment is estimated at actual cost of providing the maintenance of \$17,016.22 [a 7% increase over previous year assessment and a

Exhibit D

13.3% increase over base year assessment]. The ceiling on assessment increase ⁽⁴⁻¹⁾ for fourth year would be \$17,432.21 [ceiling = (\$15,058.60) (1.05)]. The assessment would be set at \$17,432.21 or actual cost of providing maintenance because it is less than ceiling amount and year-to-year increase is less than 10% cap on increases in any given year.

Example 3. The fourth year assessment is \$16,413.87 [a 9% increase over base year assessment of \$15,058.60] and damage occurred to masonry walls raising the fifth year assessment to \$18,371.49 [a 22% increase over the previous year assessment]. The fifth year assessment will be capped at \$18,055.26, a 10% increase over previous year and under ceiling of \$18,303.82 [ceiling = ⁽⁵⁻¹⁾ (\$15,058.60) (1.05)]. The difference of \$ 316.23 will be recognized as a deficit and carried over into future years' assessment.

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

Agenda Item Number (Assigned by City Clerk): 8m(2)

City Council Meeting Date: April 4, 2005

Agenda Item Wording: Formation of 21 lots in the St. Johns Estates subdivision into Landscape and Lighting District No. 05-07, St. Johns Estates (Resolution Nos. 05-47 and 05-48 required).

Deadline for Council Action: April 4, 2005

Submitting Department: Community development/Public Works

For action by:

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

For placement on agenda as:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Contact Name and Phone Number:

Earl Nielsen, Support Services Manager, 713-4533
Andrew Benelli, Comm. Dev./Public Works Assistant Director

Department Recommendation and Summary:

Landscape & Lighting

Staff recommends that the City Council: adopt Resolution No. 05-47 Resolution of Formation for Assessment District No. 05-07, St. Johns Estates; adopt the Engineer's Report as submitted; and adopt Resolution No. 05-48, confirming the Engineer's Report ordering the improvements and levying the first annual assessment.

The City of Visalia has been allowing developers of subdivisions to create or annex assessment districts under the Landscape and Lighting Act of 1972 and now under Proposition 218, in lieu of using homeowners associations for the maintenance of landscaping, irrigation, street lights, outside walls along streets adjacent to the development, street preventative maintenance practices and other improvements. These improvements are special to the district and enhance the land values and overall benefit to the individual property owners in the district.

This district is being handled differently than usual because the subdivision was developed and the lots all sold prior to the formation of the district. Proposition 218 requires that in order to create a Landscape & Lighting district and assess the owner's property taxes, a ballot vote of all the property owners must be held, with the simple majority of returned ballots indicating approval.

This development's tentative vesting map was filed prior to the implementation of street maintenance as part of the Landscape & Lighting District's maintenance responsibilities, so no cost for street maintenance is included.

Following Proposition 218 guidelines, on March 21, 2005 a public hearing was held and a ballot vote was conducted of all the property owners within the proposed district, and the simple majority of returned ballots approved the formation of the district and the associated

assessment levied on each property owner's property tax bill. Council voted 3-0 to approve the formation of the district.

Prior Council Actions: March 21, 2005: Public Hearing and ballot vote. The property owners voted 5-3 to approve the district and Council voted 3-0 to form the district.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments:

Resolution of Intention

Resolution Ordering the Improvements;

Exhibits "A", Map showing all properties within the district

"B", Map showing landscaping areas within the district

"C", example tax roll for the district

"D", Engineer's Report

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

"I move to adopt Resolution No. 05-47 Resolution Initiating Assessment District No. 05-07 "St. Johns Estates" and adopt Resolution No. 05-48 Ordering the Improvements for Assessment District No. 05-07 "St. Johns Estates"."

Financial Impact

Funding Source:

Budget Recap:

Total Estimated cost: \$	New Revenue:	\$
Amount Budgeted: \$	Lost Revenue:	\$
New funding required:\$	New Personnel:	\$
Council Policy Change: Yes_____ No_ X____		

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION 05-47
INITIATING ASSESSMENT DISTRICT 05-07
St. Johns Estates
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

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

Maintenance of turf, shrub area, irrigation systems, trees, walls, streets and any other applicable equipment or improvements that provide a benefit to property owners within the district.

2. The annexed district shall be designated Assessment District No.05-07, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram Assessment District No. 05-07, City of Visalia, Tulare County, California", which map is on file with the City Clerk and is hereby approved and known as "St. Johns Estates".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 05-07

St. Johns Estates

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for Assessment District No. 05-07, City of Visalia, confirmed by the City Council of the City of Visalia on the 4th day of April, 2005 by its Resolution No. 05-47 & 48

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

RESOLUTION NO. 05-48

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 05-07

St. Johns Estates

(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 05-07, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2005.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Formation of the District
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Diagram showing all parcel of real property within the Assessment District
 - Exhibit B - Diagram showing landscape area
 - Exhibit C - Assessment Roll
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit A Map Showing All Parcels Within District

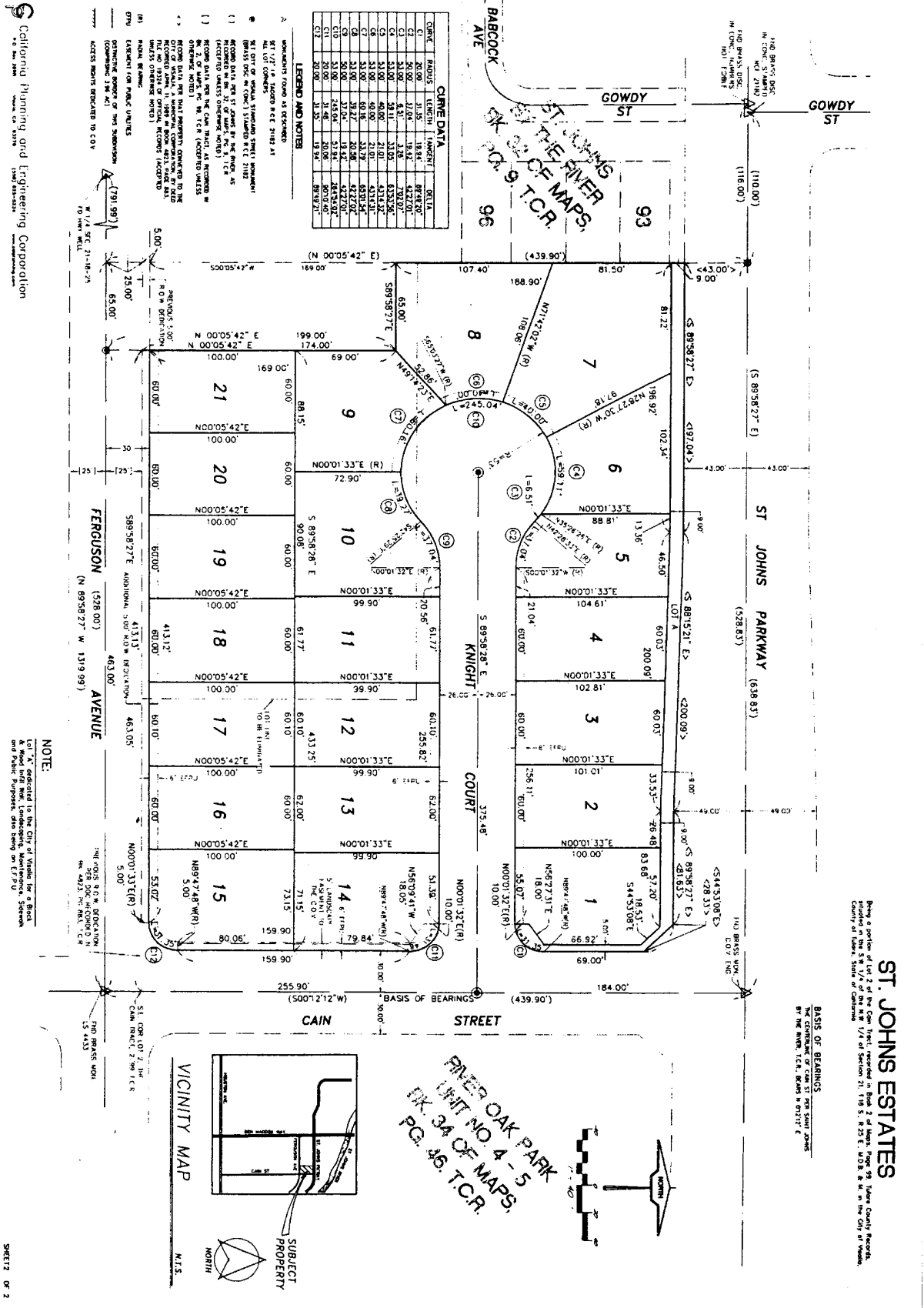


Exhibit C
Example Tax Roll

TAX ROLL ASSESSMENT
ST. JOHNS ESTATES
FISCAL YEAR 2004-05

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
98490001	\$161.94	GONZALEZ, FAUSTINO & GRACIELA	05-0701	St. Johns Estates
98490002	\$161.94	GILBUENA, GIL & MARIA	05-0702	St. Johns Estates
98490003	\$161.94	KENDRICK, KHRISTIAN & ERIKA	05-0703	St. Johns Estates
98490004	\$161.94	CASTILLO, DANIEL	05-0704	St. Johns Estates
98490005	\$161.94	HERNANDEZ, GLORIA	05-0705	St. Johns Estates
98490006	\$161.94	NUNN, ANTHONY M	05-0706	St. Johns Estates
98490007	\$161.94	CARRILLO, JOSE L	05-0707	St. Johns Estates
98490008	\$161.94	PONCE, JOSE GABRIEL S	05-0708	St. Johns Estates
98490009	\$161.94	GALINDO, JESSICA MONIQUE	05-0709	St. Johns Estates
98490010	\$161.94	VASQUEZ, RUDY C JR	05-0710	St. Johns Estates
98490011	\$161.94	CERUTTI, LARRY W & KARAN L	05-0711	St. Johns Estates
98490012	\$161.94	STEPHENS, KENT H & DIXIE J	05-0712	St. Johns Estates
98490013	\$161.94	CERUTTI, LARRY W & KARAN L	05-0713	St. Johns Estates
98490014	\$161.94	JONES, JIMEON & JENNIFER	05-0714	St. Johns Estates
98490015	\$161.94	BURSIAGA, DANIEL E & CHRISTINA D	05-0715	St. Johns Estates
98490016	\$161.94	LOPEZ, JUAN & MONICA	05-0716	St. Johns Estates
98490017	\$161.94	KISSACK, MERWIN E & JEANETTE L	05-0717	St. Johns Estates
98490018	\$161.94	PARKISON, ANDREW	05-0718	St. Johns Estates
98490019	\$161.94	RAMIREZ, CHRISTOPHER I	05-0719	St. Johns Estates
98490020	\$161.94	MENEZES, PAUL & DEANNA	05-0720	St. Johns Estates
98490021	\$161.94	SANCHEZ, MELINDA	05-0721	St. Johns Estates

Exhibit D
Engineer's Report

ENGINEER'S REPORT OF THE CITY OF VISALIA
LANDSCAPE AND LIGHTING
DISTRICT 05-07
St. Johns Estates
FISCAL YEAR 2005

General Description

This assessment district is located on Knight Court Street, east of St. Johns Parkway and south of Cain St. Exhibit "A" is a map of the assessment district 05-07. The district includes the maintenance of the turf, shrubs, street lights, and also maintaining the integrity of any walls, irrigation systems and seeing that any acts of vandalism (graffiti, theft or damage) are mitigated in a timely fashion.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. Lighting is to provide safety and visual impressions for the area. Walls provide security, aesthetics, and sound suppression. The maintenance of the landscaping, lighting, walls, streets and other items as listed above is vital for the protection of both economic and humanistic values of the development. The City Council has determined that in order to preserve the values incorporated within developments the landscaping, lighting, walls and other items as listed above should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the district, the following method of apportionment has been used. Total maintenance costs will be apportioned equally to all lots within the district boundaries. All lots in the district benefit equally including lots not adjacent to the items being maintained, by the uniform maintenance and appearance of the district.

Estimated Costs

With this formation 21 lots are included in the district, and the annual cost per lot will be **Error! Not a valid link.** (see details below).

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	2,583	\$0.135	\$348.71
Shrub Area	Sq. Ft.	5,104	\$0.135	\$689.04
Water	Sq. Ft.	7,687	\$0.050	\$384.35
Electricity	Sq. Ft.	7,687	\$0.008	\$61.50
Trees	Sq. Ft.	47	\$15.00	\$705.00
Street Lights	each	5	\$105.00	\$525.00
Project Management Costs	Lots	21	\$18.00	\$378.00
TOTAL				\$3,091.59
10% Reserve Fund				\$309.16
GRAND TOTAL				\$3,400.75
COST PER LOT				\$161.94

Exhibit D
Engineer's Report

Annual Cost Increase

This assessment district shall be subject to an automatic annual increase derived by the following formula:

$$\text{year "n" assessment} = (\text{Error! Not a valid link.}) (1.05)^{(n-1)}$$

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

However, in no case shall the assessment be greater than 1) The actual cost of providing the benefit conferred to each parcel plus any prior years' deficit and less any carryover, as determined annually or; 2) a 10% increase over the prior year's assessment.

The reserve fund shall be replenished as necessary to maintain a level of 10% of the estimated maintenance cost so long as the annual assessment change does not exceed the limits identified above.

Example 1. The year four estimated costs are \$3,706.82 [a 9% increase over the base year assessment of \$3,400.75]. The ceiling on the assessment increase for year 4 would be \$3,936.79 [ceiling = $(\$3,400.75) (1.05)^{(4-1)}$]. The assessment would be set at \$3,706.82 or the actual cost of providing the maintenance effort.

Example 2. The year four assessment is estimated at the actual cost of providing the maintenance effort of \$3,842.85 [a 7% increase over the previous year assessment and a 13.3% increase over the base year assessment]. The ceiling on the assessment increase for year 4 would be \$3,936.79 [ceiling = $(\$3,400.75) (1.05)^{(4-1)}$]. The assessment would be set at \$3,936.79 or the actual cost of providing the maintenance effort because it is less than the ceiling amount and the year-to-year increase is less than the 10% cap on increases in any given year.

Example 3. The year four assessment is \$3,706.82 [a 9% increase over the base year assessment of \$3,400.75] and damage occurred to the masonry wall raising the year five assessment to \$4,148.92 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$4,077.50, a 10% increase over the previous year and under the ceiling of \$4,133.63 [ceiling = $(\$3,400.75) (1.05)^{(5-1)}$]. The difference of \$ 71.42 will be recognized as a deficit and carried over into future years' assessment.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: April 4, 2005

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

Agenda Item Wording: Adoption of a Resolution of the Council of the City of Visalia confirming the report of the Chief Building Official regarding levying of an assessment in the amount of \$8,035.98 for Removal and Demolition of a Single Family Dwelling at 708 S. Church Street.

Resolution Number 2005-49

Deadline for Action: Friday, March 25, 2005.

Submitting Department: Building and Safety Division

Contact Name and Phone Number: Dennis Lehman, Chief Building Official. (559) 713-4495. Tim Burns, Code Enforcement Officer. (559) 713-4172.

Department Recommendation:

Staff recommends adoption of Resolution #2005-49 levying of demolition cost in the amount of \$8,035.98 to the property owner of 708 S. Church Street. Dwelling was a Health & Safety hazard that was determined to be unsafe by Building Division.

Background:

This property owned by Darren M. and Becky R. Long had a prolonged history of being dangerous, substandard and a "Public Nuisance" prior to its' recent demolition. On March 15, 2003 Visalia Police Department reported substandard housing conditions existing at the property. On March 16, 2003 the property was inspected by Building & Safety Division. The property was determined to dangerous and in an unsafe condition. Water service had been turned off. There were no useable bathroom facilities. Plumbing was defective and there was exposed electrical wiring. The utilities were terminated and removed and the property was posted as "Unsafe to Occupy". Minimal clean up of the property resulted however the more serious issues went unresolved and the residence remained vacant and posted as "Unsafe to Occupy". On September 21, 2004 the case was presented to the Construction Review Committee for comment and review. The Committee concurred with Building Official Lehman's opinion that the residence had deteriorated to the point that it was beyond rehabilitation and required demolition. On October 27 and November 3, 2004 the case was presented to the Historical Preservation Committee for review and comment. The Committee agreed with Building Official Lehman and the Construction Review Committee's position that the residence

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

This document last revised: 03/25/2005

By author: Julie Pereira

File location and name: C:\Documents and Settings\jbowling\Desktop\040405\Item 8n Agenda 708 S. Church Street.doc

required demolition. On October 28, 2004 the property was declared a "Public Nuisance" and the property owner was sent a Final Notice and Order to Abate which was ignored. On October 29, 2004 the demolition project went out to contractors for a bid for demolition. On December 13, 2004 a release for the demolition was granted by the Air Pollution Control District. On January 3, 2005 the demolition contract was awarded to Kroecker Inc., On January 24, 2005 the abatement warrant was obtained by the Deputy City Attorney, Colleen Carlson and the residence was demolished.

The subject property is listed as follows:

<u>Property/Description</u>	<u>APN</u>	<u>WORK DONE BY THE CITY</u>	<u>COST</u>
708 S. Church Street	097-076-013	Demolition of Unsafe Dwelling and clearing the site.	\$6,730.00
708 S. Church Street	097-076-013	Building Inspection Fee	\$58.49
708 S. Church Street	097-076-013	City Attorney Fee	\$516.95
708 S. Church Street	097-076-013	10% Administrative Fee	\$730.54
<u>TOTAL AMOUNT:</u>			<u>\$8,035.98</u>

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Exhibit A-Declaration For Nuisance Abatement Warrant; Exhibit B-Resolution; Exhibit C-Invoice # from Kroecker Company; Exhibit D-Report & Assessment List; Exhibit E-After Picture; Exhibit F-Notice of Lien to be filed with the courts.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Move to adopt Resolution #2005-49 levying of demolition cost in the amount of \$8,035.98 to the property owner of 708 S. Church Street. Dwelling was determined to be a Health & Safety hazard and unsafe by Building Division.

This document last revised: 03/25/2005

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Financial Impact

Funding Source:

Account Number: 1811-545501-61622 (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes No x
Review and Action: Prior:
Required:

NEPA Review:

Required? Yes No x
Review and Action: Prior:
Required:

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

RESOLUTION NO. 2005-49

This document last revised: 03/25/2005

By author: Julie Pereira

File location and name: C:\Documents and Settings\jbowling\Desktop\040405\Item 8n Agenda 708 S. Church Street.doc

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA CONFIRMING THE
REPORT OF THE CHIEF BUILDING OFFICIAL
REGARDING ASSESSMENTS OF DEMOLITION COST AT 708 S. CHURCH STREET IN THE
CITY OF VISALIA FOR WHICH STRUCTURES HAVE BEEN DEMOLISHED
TO ABATE A SUBSTANTIAL THREAT TO THE HEALTH AND SAFETY.**

WHEREAS, the properties in the City of Visalia described by assessor parcel number and street address in Exhibit "A" were determined to be in violation of the Visalia Municipal Code which prohibits maintaining open and abandoned dilapidated structures which constitute public nuisances: and

WHEREAS, notices and orders of the City of Visalia Building Department, as provided in Chapter 8.40.010 of the Visalia Municipal Code, were provided to the record owners of the aforementioned properties; and

WHEREAS, the properties in question were duly posted as provided in Chapter 1.13.030B (3) (a) of the Visalia Municipal Code; and

WHEREAS, this assessment proceeding was duly noticed and a public hearing held on April 4, 2005, in the Council Chambers of the City of Visalia.

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

1. That the Chief Building Official caused work to be performed by contractors for removal of public nuisances and submitted and filed with the City Clerk a Report and Assessment List which described the costs incurred by the City to abate such public nuisances and which is attached hereto as Exhibit "D", and made a part hereof by this reference.

2. The costs incurred and described in the Report and Assessment list, attached hereto as Exhibit "D" are hereby confirmed.

3. The cost of Demolishing and Removing a substantial threat to public health & safety as described in Exhibit "A" and Exhibit "D", are hereby made a lien and special assessment against said properties and the Chief Building Official is directed to notify the property owner of and record the lien created herein as required under Government Code Section 38773.1(b)- (c).

4. That the City Attorney is hereby authorized to commence any action necessary for collecting the sum due including foreclosure on the lien established herein as provided for in Government Code Section 38773.1 (c).

5. That the property owner named in said Exhibit "A" may pay, or cause to be paid, the charges stated therein at the office of the Finance Department, 707 W. Acequia, Visalia, California, at any time prior to the time the lien imposed under Government Code Section 38773.1 and Visalia Municipal Code Section 8.40.020 is foreclosed or placed on the property tax rolls for collection as described in paragraph 6 below.

This document last revised: 03/25/2005

By author: Julie Pereira

File location and name: C:\Documents and Settings\jbowling\Desktop\040405\Item 8n Agenda 708 S. Church Street.doc

6. At the discretion of the City Attorney, and in the event such charges assessed and confirmed against the property as listed in Exhibit "D" are not paid in full prior to collection or foreclosure, such assessment or balance due remaining thereof, may be recorded on the assessment roll, and said assessment shall constitute a special assessment against and a lien upon the property. The amount of said assessments remaining unpaid against the property will then be entered and extended on the property tax roll, and pursuant to law, the County tax collector shall include such amounts on the tax bill applicable to the property for collection therein.

This document last revised: 03/25/2005

By author: Julie Pereira

File location and name: C:\Documents and Settings\jbowling\Desktop\040405\Item 8n Agenda 708 S. Church Street.doc

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

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

Agenda Item Wording: Allocate \$30,000 to the Packwood Creek Pedestrian/Bike Capital Improvement Program project established at the March 28, 2005 meeting.

Deadline for Action: April 4, 2005

Submitting Department: Community Development
and Public Works

Contact Name and Phone Number: David Jacobs 713-4492

For action by:

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

For placement on which agenda:

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

Est. Time (Min.): 5 min.

Department Recommendation and Summary: Authorize the Finance Division to allocate \$30,000 to the Capital Improvement Program (CIP) project authorized at the March 28, 2005 Council meeting. The allocation will be from the 1611 (Transportation Development) Fund for the Preliminary Engineering and Environmental Document for the Packwood Pedestrian/Bike Path.

The project site is the land along the south side of Packwood Creek west of Mooney Blvd. to County Center St. and between Packwood Creek and Cameron Ave. east of Mooney for approximately 1,000 feet. The ultimate project is to construct a 1-mile multi-purpose bicycle trail and landscape involving seven acres of riparian setback along the creek.

The City of Visalia received a Federal Transportation Enhancement (TE) grant to fund this project, but the project is currently programmed in the Federal Transportation Improvement Program (FTIP) to begin in the 2007/08 fiscal year, when the funding becomes available.

However, the Tulare County Association of Governments (TCAG) has funding available for a short time that would enable the City of Visalia to complete the Preliminary Engineering and environmental document ahead of schedule. In order to use the funds, the City must have the work completed and invoice TCAG by May 1, 2005. All City funds used for the Preliminary Engineering and environmental document will be reimbursed through TCAG.

By proceeding with the preliminary engineering and environmental phases of the project, the City will position itself to acquire the right-of-way still required to complete the project. It will be financially advantageous to purchase the land sooner rather than waiting until 2007. It would also position the City of Visalia to go after additional funding that may become available in the future

Prior Council/Board Actions: March 28, 2005 – Approved adding CIP

Committee/Commission Review and Actions: none

Alternatives: none recommended

Attachments: N/A

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move to authorize the Finance Division to allocate \$30,000 to the Packwood Creek Pedestrian/Bike Capital Improvement Program (CIP) project authorized at the March 28, 2005 Council meeting.

Financial Impact

Funding Source:

Account Number: 1611 (Transportation Development Act)

Budget Recap:

Total Estimated cost: \$30,000	New Revenue: \$30,000
Amount Budgeted: \$0	Lost Revenue: \$
New funding required:\$30,000	New Personnel: \$
Council Policy Change: Yes_____	No_____

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

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)*

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others:

MEMORANDUM
Dooley Herr & Peltzer
Attorneys at Law, LLP

Item 8p

To: Visalia City Council

From: Daniel M. Dooley

Date: March 30, 2005

Re: Inclusion of Cal Water Representatives in Water Management Committee

In 2001, the City entered into 2 agreements that were part of a package of settlement agreements of the Tulare Irrigation District ("TID") canal lining litigation.

The Agreement with TID contemplated the creation of an operations committee and the joint construction of a recharge basin (TID's contribution was to be in lieu of payment of attorneys fees). The Agreement with Kaweah Delta Water Conservation District ("KDWCD") contemplated the creation of a management committee to administer the programs contemplated under the Agreement. The programs contemplated are water acquisition and management activities funded by the City's current connection levy. The City, KDWCD and TID have combined the activities of the 2 agreements and committees. Additionally, paragraph 5 of the KDWCD Agreement acknowledged the intent of the City and KDWCD to engage Cal Water Company in the programs contemplated thereby.

In recent discussions with Cal Water they have expressed a desire to participate in the activities undertaken by the City, KDWCD and TID. Their interest is consistent with the provisions of the KDWCD Agreement.

Recommendation

Staff recommends that the Council authorize the City to invite representatives of Cal Water to participate on the Management Committee existing pursuant to the KDWCD Agreement and to fully participate in programs designed to enhance water supplies and management systems for the benefit of the City.

City of Visalia Agenda Item Transmittal

Meeting Date: April 4, 2005

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Approve Resolution No. 2005 -03 and Resolution No. 2005 - 50 authorizing the execution and deliver of documents relating to the sale and delivery of 2005 refunding certificates of participation in conjunction with the refinancing of the 1996 Convention Center bonds.

Deadline for Action: April 4, 2005

Submitting Department: Administration - Finance

Contact Name and Phone Number:
Eric Frost, 713-4474

For action by:
<input checked="" type="checkbox"/> City Council
<input type="checkbox"/> Redev. Agency Bd.
<input type="checkbox"/> Cap. Impr. Corp.
<input checked="" type="checkbox"/> VPFA
For placement on which agenda:
<input type="checkbox"/> Work Session
<input type="checkbox"/> Closed Session
<input checked="" type="checkbox"/> Regular Session:
<input type="checkbox"/> Consent Calendar
<input checked="" type="checkbox"/> Regular Item
<input type="checkbox"/> Public Hearing
Est. Time (Min.): <u> 10 </u>

Recommendation

Staff recommends that Council approve Resolution No. 2005 - 50 authorizing the execution and delivery of documents relating to the sale and delivery of 2005 refunding certificates of participation.

Staff also recommends that the Visalia Public Finance Authority convene and approve Resolution No. 2005 - 03 authorizing the 2005 certificate refunding.

Finally, staff recommends that Council authorize staff to proceed with the refunding of the 1996 Convention Center bonds upon the following conditions:

- A minimum savings of \$1.50 million can be achieved with the financing
- A cash infusion of \$5.00 million will be used to shorten the life of the debt, using \$3.50 million General Fund undesignated reserves and \$1.50 million of Sports Park Reserve, which would be replaced by \$1.50 million from the sale of the VLF Gap Loan.

The purpose of having both the VPFA and City of Visalia meet and approve the financing documents is due to the terms of this financing. VPFA leases the Convention Center from the City. The VPFA then incurs the debt for the Convention Center and leases back the Convention Center to the City. The City then pays annual lease payments to VPFA equal to the required annual debt service. This lease/purchase financing is allowed by California law while more traditional general obligation bonds are not.

The enabling documents are as follows:

1. A City resolution approving the necessary documents for the refinancing;
2. A VPFA resolution approving the documents necessary for the refinancing;
3. A Preliminary Official Statement used to describe the financing to investors;
4. Trust Agreement between the City, VPFA and the Trustee to carry out the COP payment process;
5. Site Lease between the City and VPFA leasing to VPFA the Convention Center;

6. Lease/Purchase Agreement between the City and VPFA stating that all City lease payments will be equal to the Certificate lease payments due;
7. Certificate Purchase Agreement between Stone & Youngberg (underwriters), the City and VPFA; and,
8. Assignment Agreement between VPFA and the Trustee in which VPFA assigns all its lease payment rights to the Trustee in favor of the certificate holders.

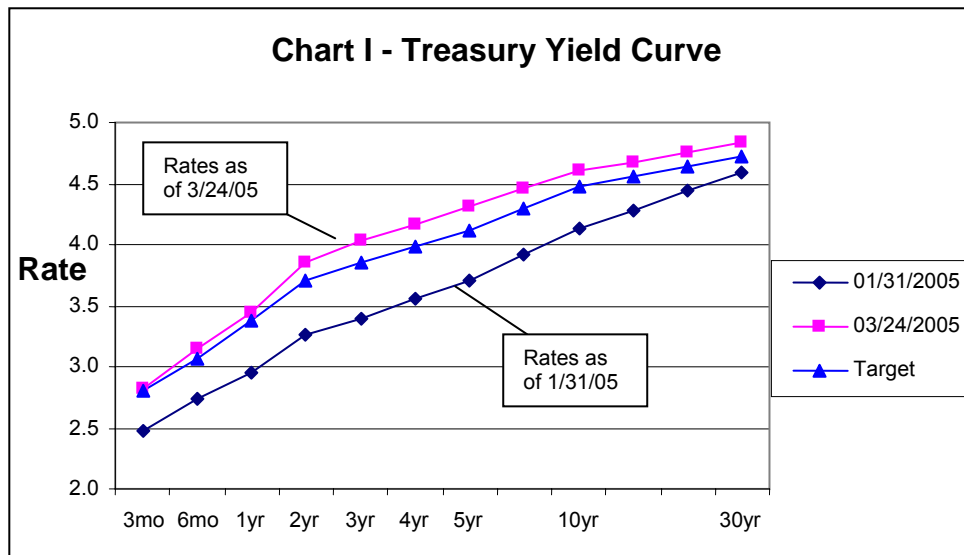
Discussion. Fluctuations in the capital markets have eroded the anticipated savings of the refunding. Projected saving have declined from \$2.98 million in February to less than \$1.50 million currently. Nevertheless, staff still recommends that the City Council authorize the refinancing with a minimum savings threshold. Staff proposes that the Council authorize the refunding contingent upon the refunding meeting the minimum savings target of \$1.50 million.

Approval of this item will allow staff to move quickly, should the interest rates move in the City's favor. Staff anticipates the refunding could be completed by the first week of May if market conditions warrant. As soon as interest rates warrant the refinancing, the financing could be completed within 7-10 days notice once rates move in our favor.

As proposed, only fees for the appraisal and credit rating from Standard's and Poor's (S&P) of about \$13,500 will be incurred if the City eventually does not pursue the financing. Receiving the rating from S&P will be beneficial to the City if and when the City needs to issue debt for any purpose. Fees associated with the financing team of underwriters, financial advisors, and bond counsel will only be incurred if the City completes the refinancing. The proposed minimum required savings of \$1.50 million is net of all costs.

Interest Rates. On March 7, 2005, Council approved pursuing an Advance Refunding of the Convention Center bonds using \$3.50 million General Fund undesignated reserves and \$1.50 million of Sports Park reserves to pay down the debt. The Sports Park reserve will be replenished from the sale of the Vehicle License Fee Gap Loan Receivable of \$1.50 million that occurred on March 17, 2005.

Chart I, Treasury Yield Curve, illustrates the changes that have occurred in the interest rate yield curve over the past two months. The lowest line illustrates where interest rates were on March 7.



Since that time, interest rates have raised more than 50 basis points, 100 basis points equals 1 percent, all along the yield curve. For the financing to meet is \$1.5 million savings objective, the target interest rate curve needs to be achieved. A decrease of 10-15 basis points (100 basis points equals 1%) will make the financing work.

Fluctuations in the market have eroded the anticipated savings; however, a net savings of \$1.50 million represents a savings percentage of more than 5% of the refunded bonds. The general rule of thumb for refinancings is that savings in excess of 5% should always be done, savings between 3 – 5% should probably be done, and present value savings less than 3% should not be pursued. Staff recommends using an objective of \$1.5 million, about 5%, due to the use of \$5.00 million of reserve funds to buy-down the debt. Absent the use of reserve funds, a savings of \$0.80 million, about 3% of the debt issue, would fall above the acceptable threshold. Table I, Proposed Convention Center Refinancing, compares the two financing approaches.

Table I.
Proposed Convention Center Refinancing

	Current Bonds	With \$5.0MM Reserves	Without \$5.0MM Reserves
Average Life (years)	13	9	13
Average Interest Rate	5.40%	4.00%	4.70%
Net PV Savings	\$0.00	\$1,500,000	\$800,000
Required Cash Infusion		\$5,000,000	
Ultimate Maturity	12/01/2026	12/01/2021	12/01/2026

Staff will periodically update Council on the financing or any alternatives that may become available.

Prior Council/Board Actions: Council approved pursuing the refunding on March 7, 2005 using \$3.50 million of General Fund reserves and \$1.50 million of Sports Park reserves to pay down the debt.

Committee/Commission Review and Actions:

Alternatives:

- Authorize staff proceed with the refunding with a minimum savings of \$0.80 million with no cash infusion.
- Authorize the refunding without a minimum savings target.
- Do not authorize a refunding of the Convention Center bonds.

Attachments:

1. City resolution,
2. VPFA resolution,
3. Preliminary Official Statement,
4. Trust Agreement,
5. Site Lease,
6. Lease/Purchase Agreement,
7. Certificate Purchase Agreement, and
8. Assignment Agreement.

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

- 1) City Council Approve Resolution No. 2005 - 50 authorizing the execution and delivery of documents relating to the sale and delivery of 2005 refunding certificates of participation and
- 2) The Visalia Public Finance Authority Approve Resolution No. 2005 - 03 authorizing the execution and delivery of documents relating to the sale and delivery of 2005 refunding certificates of participation.

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

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

NEPA Review:

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

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

Total Estimated cost: \$	New Revenue: \$
Amount Budgeted: \$	Lost Revenue: \$
New funding required: \$	New Personnel: \$
Council Policy Change: Yes _____ No _____	

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*)

Review and Approval - As needed:

Department Head Review (Signature):

Risk Management Review (Signature):

City Attorney Review (Signature):

Administrative Services Finance Review (Signature):

Others: