



Visalia City Council Agenda

For the regular meeting of: Tuesday, February 20, 2007

Location: City Hall Council Chambers

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

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.

5:00 p.m.

SPECIAL PRESENTATIONS/RECOGNITION

Recognition of Eric Bush, Fire Department Employee of the Year.

WORK SESSION AND ACTION ITEMS (as described)

Public Comment on Work Session Items

5:15 p.m. Presentation to Council of the Certificate of Achievement for Excellence in Financial Reporting from the Government Finance Officers Association for the Fiscal Year ending June 30, 2005."

1. Receipt of the Comprehensive Annual Financial Report (CAFR) for the City of Visalia, the Single Audit Report, and the Component Unit Financial Statements for the Redevelopment Agency of the City of Visalia for the 2005-06 fiscal year.

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

ITEMS OF INTEREST

CLOSED SESSION

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

2. *Item removed at the request of staff*
3. Conference with Legal Counsel – Existing Litigation (Subdivision (1) of Section 54956.9 GC)
Name of Case: Linderman v. City; TCSC Case No. 06-221372
4. Conference with Legal Counsel Anticipated Litigation - Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9 GC - one potential case
5. *Item removed at the request of staff*
6. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Approximately 122 acres bounded generally by Walnut on the north, Shirk on the East, Caldwell on the South and Aviation Drive on the west: APN: 119-021-007,008,010,016, & 018
Under Negotiation: Consideration and approval of appraisal; Authority to negotiate price, terms and conditions of potential purchase and lease
Negotiating Parties: Steve Salomon, Mario Cifuentez, Eric Frost, Colleen Carlson, Clarence Faria
7. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Right of way acquisition from a portion of a parcel located at the southwest corner of Riggins Avenue and Demaree Street (APN 077-180-011) for the widening of Riggins Avenue associated with the commercial development within The Village at Willow Creek Specific Plan area
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Andrew Benelli, Donald A. Joseph

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Mike Hand, First Assembly of God

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) Receive Planning Commission Action Agenda for the meeting of February 12, 2007.
 - c) Approve a Mutual Aid Agreement with the Tulare County Office of Emergency Services for use during disasters. (Tulare County Regional Emergency Management Mutual Aid Agreement)
 - d) Authorization for City Manager to enter into a contract with Irwin Telescopic Seating Company for the purchase and installation of raised platform telescopic seating.
 - e) Second Reading of Ordinance for Change of Zone No. 2006- 04: A request by Visalia Land Company, Inc. and the City of Visalia to change the zoning from R-1-6 (Single-Family Residence, 6,000 sq.ft. minimum lot size) to R-M-2 (Multi-Family Residential. one residence per 3,000 sq.ft. of lot area) on 17.5 acres. The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009,and 010, City of Visalia - 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021, 022,023,025,028,030, 031,032, and 033. **Ordinance No. 2007-03 required.**
 - f) Authorization to initiate a Proposed Zoning Text Amendment Regarding Fast Food with and without drive-through for the Light Industrial Zone (VMC Sec. 17.32.161)
 - g) *Item removed at the request of staff*
 - h) *Item removed at the request of staff*
 - i) Award a contract for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification
 - j) Authorization to award RFB # 06-07-40, "Annual Contract for Supply and Delivery of Sodium Bisulfite" to Basic Chemical Solutions at a cost of approximately \$125,000 per year.
 - k) Adoption of Resolution 2007-15 authorizing the City Manager to sign plan amendments adopting the City's updated 457 Deferred Compensation Plan Document with Loan Provisions. **Resolution 2007-15 required.**

- l) Recommendation to reject bids received for the improvements at Village Park/Wittman Center and to revise and reduce the project scope before re-bidding the project.

Authorization to file the final Notice of Completion on the following:

- m) Notice of Completion for Ashley Grove, Unit No. 4 containing 12 multi-family lots that contain 52 units, located at the northwest corner of Ferguson Avenue and County Center Street.
 - n) Notice of Completion for the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets) Project No. 1111-00000-7200000-0-9682-2005, with the final contract amount of \$508,558.71; and appropriate \$105,000 from the Gas Tax Fund (1111) as supplemental funding for the project.
 - o) Request authorization to file a Notice of Completion for Project No. 1241-00000-720000-0-9810; Visalia Parkway Street Construction Project located between Demaree Street and Dans Street. (Final Cost \$ 931,319.24)
9. Second Reading of Ordinance 2007-02 amending the City's Oak Tree Ordinance (Chapter 24 of Title 12 of the Municipal Code)

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

Saturday, February 24, 2007 – Joint City Council/Planning Commission (8-noon Conv. Center)
Monday, March 5, 2007 - City Hall Council Chambers
Monday, March 19, 2007 – City Hall Council Chambers
Monday, March 26, 2007 – Joint City Council/Planning Commission

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: February 5, 2007

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Receipt of the Comprehensive Annual Financial Report (CAFR) for the City of Visalia, the Single Audit Report, and the Component Unit Financial Statements for the Redevelopment Agency of the City of Visalia for the 2005-06 fiscal year.

Deadline for Action: None

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Eric Frost,	Administrative Services Director	713-4474
Tim Fosberg,	Financial Analyst	713-4565
Cass Cook,	Financial Analyst	713-4425

Department Recommendation: That City Council review the CAFR, Single Audit Report and the Redevelopment Agency Component Unit Report.

Summary:

Attached are the annual audited financial reports for the City of Visalia for the 2005-06 fiscal year. This year included in the Comprehensive Annual Financial Report (CAFR), is one of two other compliance reports the City produces annually. The Single Audit report is a compliance audit of the City's expenditures of federal grant funds. The Component Unit Financial Statements for the Redevelopment Agency (RDA) of the City of Visalia for the same period are also being presented to Council. The Component Unit Financial statements solely report on the RDA funds, separate from the City. Note, that the Redevelopment Agency's financial activity is also reported the City's CAFR, but the State of California requires a separate audit report which presents additional detail.

The City remains in sound financial condition. Specific events this past fiscal year that have greatly influenced the City's condition are:

- Property-tax based revenues are now the number one City revenue source and, due to significant local development and the increased property values, should improve the City's revenue stability, particularly in the General Fund. Another reason that these revenues have increased is due to State reallocation of Vehicle License Fees and Sales Tax for Property Tax swaps. These reallocation of revenues were designed by the State legislature to make cities more dependent upon property tax and thus more likely to consider the ramifications of local land use decisions;

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_15__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

- Impact Fees have grown substantially and the City has developed its assessment fees for infrastructure maintenance;
- Measure T collections have caught up to projections and higher than anticipated sales tax growth will help ensure that the plan can be fully implemented.

Discussion:

Governmental Accounting Standards Board (GASB) Statement 34 required governments to change their financial reporting format to include adding “government-wide” statements that includes the Statement of Net Assets (page 22) which allows the reader to consider the full impact of debt and capital in evaluating the City’s governmental funds. In the past, such information was presented separately. Fund basis statements, located later in the document, do not include debt and capital assets. Also included is the Statement of Activities (page 23) which matches specific program revenues with corresponding program expenses and separately categorizes general revenues (e.g. taxes and interest earnings). This statement shows the degree an activity is self-supported by its revenues. The shortfall of any activity is supported by general revenues, typically taxes. Additional discussion is provided for these presentations in the Management Discussion & Analysis (MD&A) (page 3) and the Notes to the Financial Statements (page 49).

Table 1, Financial Results for 2005-06 - Fund Basis Recap, shows several key indicators: current year net income, the accumulated fund or equity balance and cash. A more in-depth analysis is found in the CAFR’s Management Discussion & Analysis section (page3).

Please consider the following:

- The **General Fund** (page 30) had expenditures in excess of revenues by \$2.1 million. Sales and property taxes were up \$6.0 million more than last year. However, expenditures were more than revenues, mainly driven by community capital project expenditures of \$6.7 million. The City used planned accumulated resources to pay for these important community projects.
- **Transportation** (page 31) had a dramatic increase (\$7.0 million) in revenue due to increased impact fees. A new funding method now requires the City to develop collector and arterial streets. Previously, developers built the exterior portions of collector and arterial streets which are now paid for by fees. Additionally, capital expenditures increased from \$2 million in FY 04/05 to \$7.0 million in FY 05/06.
- **Other Governmental Funds** (page 31) net income increased mainly due to the robust economy increasing impact fees and sales tax. Additionally, some impact fees were repriced to reflect higher land and development costs. See pages 92 to 94 for individual fund detail.
- **Wastewater** (page 40) net income increased by \$5.2 million over last year in part due to a \$4.8 million increase in infrastructure contributions from special revenue funds. When subdivisions are completed, the underground sewers are contributed or dedicated to the City.
- **Solid Waste** (page 41) lost \$0.5 million due to rising fuel costs and increased depreciation costs. Over the past two fiscal years the fund averaged a small loss. The last rate increase was effective July 1, 2005 for 2.5% each year for four years. The rate

Table 1
Financial Results for 2005-06 - Fund Basis Recap
(In Millions)

Fund	Current Yr. Income		Accumulated Equity & Cash			Comment
	Net Income /(Loss)	Satisfactory?	Fund / Equity	Cash	Growing? Planned Decrease	
Governmental:						
General Fund	\$ (2.1)	Yes	\$ 57.4	\$ 39.3	Decrease	Planned decrease due to the construction of a large number of capital projects totaling \$6.7 million
Community Developm <i>HUD Grants</i>	1.2	Yes	2.6	2.9	Yes	Fund balance is programmed for future projects.
Parking Structure <i>In-Lieu Fees</i>	0.3	Yes	1.6	2.0	Yes	Fund balance is restricted for a HUD loan used to build the East Acequia parking structure. This year \$2.9 million was spent on the West Acequia structure.
Redevelopment <i>Tax Increment</i>	0.8	Yes	1.3	6.3	Yes	Improved property tax increment growth added to fund equity. Low and Moderate Income Housing funds contain most of these programmed resources.
Transportation <i>Local Impact Fees</i>	3.9	Yes	10.5	10.1	Yes	Accumulating resources for additional projects required due to increased responsibilities which increased impact fees. Funds are designated for future projects.
Other Funds <i>Various Impact Fees</i>	7.4	Yes	31.4	31.5	Yes	Impact Fee revenue increased this year (e.g.; Recreation Facilities \$2.9 million) and Measure T Sales Tax increased by \$1.0 million. These funds are for planned impact fee or Measure T projects.
	<u>\$ 11.5</u>		<u>\$ 104.8</u>	<u>\$ 92.1</u>	*	
Business-Activity:						
Convention Center	0.2	monitor	(2.3)	0.7	Planned Decrease	Operating subsidy remained unchanged this year, after last year's \$0.5 million reduction. Negative equity exists as debt exceeds the Center's capital assets less accumulated depreciation.
Airport	2.0	Yes	10.2	0.0	Yes	Net gain result of federal grant income which maintains airport's fixed assets.
Golf Course	0.1	monitor	1.3	0.1	Yes	Revenues and expenses relatively unchanged from last year. Need to monitor.
Wastewater & Storm Sewer Maintenar	9.6	Yes	132.9	9.4	Yes	Net income mainly due to development contributions of infrastructure; also increased connection fees.
Solid Waste & Street Sweeping	(0.5)	monitor	7.7	2.0	Yes	Revenues up 7%, expenses up 11%. Rising fuel costs and additional depreciation contributed to loss. Depreciation exp. this year was \$1.0 million. Will need need to review rates for probable increase this year.
Transit	2.3	Yes	14.2	0.7	Yes	Operating expenses increased due to increased services and add'l fuel costs. Operating and capital grant income sustains operations. Need to monitor to avoid potential operating costs exceeding revenues.
	<u>\$ 13.7</u>		<u>\$ 164.0</u>	<u>\$ 12.9</u>	*	

* Note: Business-activity fund equity includes fixed assets which are not expendable resources. Governmental fund equity does not include debt nor fixed assets.

increase was designed only for the conversion of refuse vehicles to Compressed Natural Gas. Due to fuel prices increases, staff will review the fund and return to Council with recommendations to maintain the fund's fiscal soundness during the mid-year budget review in March.

- **Transit** (page 41) received \$7.4 million in federal and state grant revenue for capital and operational expenses and \$3.5 million was spent on capital (e.g. buses and partial construction of the transit bus maintenance facility).

Other Funds

Table 1 above illustrates only the City's "major funds" as presented in the CAFR. Some of the City's non-major funds are worthy of comment. These funds are found in the CAFR on the referenced pages.

- **Measure T Funds** (page 90 & 91): This year sales tax grew faster than anticipated resulting in an increase over last year totaling \$1.0 million for Police and Fire combined. During the year the Police fund expended \$1.0 million on operations (primarily salaries) and \$0.8 million on capital (precinct costs) and the Fire fund spent a total of \$0.3 million. The total balance of cash for both funds at the end of the fiscal year was \$5.5 million and is being accumulated to pay for precinct stations, new fire station and Public Safety Building. A separate audit has found the City is in compliance with the Measure T plan.
- **Recreation Facilities** (page 92): Revenue increased by \$1.6 million due to increased building activity and the repricing of fees to account for increased land and construction costs. This fund is used to develop parks throughout the City.
- **Public Safety Impact Fee** (page 92): Revenue increased by \$1.6 million due to increased building activity and the repricing of fees to account for increased land and construction costs. This fund is to be used for new public safety facilities and equipment and not for operations and maintenance.
- **Government Facilities Impact Fees** (page 92): Revenue increased by \$0.8 million due to increased building activity and the repricing of fees to account for increased land and construction costs. This fund is to be used for development of new or expanded Civic Center, Corporation Yard and Library.
- **Health Benefits** (page 109): Expenditures decreased by \$1.5 million compared to last year. The City joined an insurance pool in January of 2005. For a period of time in the 2004-05 year, the City was paying off old claims when it was solely self-insured and was also paying the full premium to the new pool's costs. This action caused last year's expenses to be higher than this year's expenses.

Significant financial trends

The City over the last several years has made great strides in developing secure diversified revenues sources to pay for infrastructure and the maintenance of that infrastructure. As a result, the monies collected from impact fees and maintenance assessment districts have grown substantially as shown in Table II, Governmental Impact and Maintenance Fees. The City's challenge is to assure that these fees are appropriately priced to deliver planned for infrastructure.

The City assesses development impact fees to new development in order to maintain the appropriate level of infrastructure. Most impact fees are for major infrastructure items such as streets, sewers and parks. In the last several years, this has been expanded to include police and fire stations, City Hall, libraries, and the Corporation Yard. The growth in these fees has been mainly from four factors:

- 1) the robust economy that has increased building activity;
- 2) the repricing of these fees for increased land and construction costs;
- 3) the expansion of fees to cover a broader range of infrastructure assets, and
- 4) the structural change in the Transportation Impact fee (see below).

Table II
Governmental Impact and Maintenance Fees
Fiscal Year Ending June 30
(Amounts in Millions)

	2003	2004	2005	2006
Maintenance Assessments	\$550	\$721	\$864	\$1,009
Transportation Impact Fees*	2,830	2,482	3,576	9,296
Other Impact Fees	<u>2,704</u>	<u>4,339</u>	<u>4,326</u>	<u>10,973</u>
Total	\$6,084	\$6,542	\$8,766	\$21,278

* See example in the following paragraph.

For example, the majority of Transportation's Impact fee revenue increase is due to the repricing of fees which is resultant of a new method for delivering arterial and collector streets. The almost tripling of fees also has resulted in the reduction in the in-kind cost the developers have to pay. The City now develops these streets and this will significantly reduce the number "patchworks" in the City where arterial streets would be two lanes, then four and then back to two. However, the timing of which street is developed is still partly dependent upon where and when developers build. This fact may cause arterials to be completed before they are needed and cause a drain on the fund's resources.

The key point of this trend is that the City now collects significantly more money for creating and maintaining infrastructure. As a result, staff has a greater responsibility to periodically report the progress on implementing impact fee plans and maintaining infrastructure. Currently, staff prepares a year end report on the status of all impact fees. Within the next couple of months, staff will present a progress report on these fees assessing progress towards implementing the capital plans of the impact fees.

Compliance Reports

The **Single Audit** (pages 112 to 119) is being included in CAFR for the first time this year to consolidate reporting. This audit is required by the Federal Government for local governments that receive Federal assistance. The Single Audit provides reasonable assurance of compliance with applicable laws and regulations associated with those assistance programs. The audit is done in conformity with federal regulations. The auditors report that the City is compliance with Federal regulations.

The **Redevelopment Agency Financial Statements** (Component Unit Report) are required by the State of California and is comprised of the Redevelopment project areas (East Visalia, Mooney Boulevard, Downtown and Central) including their respective Low and Moderate funds, along with the debt service fund for the East Visalia Bond. (see separate report) Revenues increased by \$0.9 million over last year due to the growth in property tax increment in all of the districts. This revenue increase caused fund balances to increase by \$0.8 million, almost exclusively in the Low/Moderate Income Housing Funds.

Table III, Analysis of RDA Funds, examines the accumulated resources of all the RDA project areas, deducts any outstanding debt or budget commitments and shows the remaining balance. All of the project areas, except for the Central Low/Mod Fund, have no available resources for projects. These funds will need to wait for future tax increment to pay down these debts.

Table III

Analysis of RDA Funds

(All Amounts in Thousands)

<u>RDA Areas</u>	<u>Balance Sheet</u>			<u>Debt Issue Sunset</u>
	<u>Fund Balance 06/30/2006</u>	<u>Outstanding Debt and Oblig.</u>	<u>Remaining Fund Balance</u>	
East Visalia	\$ (4,835.8)	\$ (4,680.0)	\$ (9,515.8)	Jul-06
Downtown	1,112.1	(1,283.1)	(171.0)	Jan-04
Central	1,094.7	(1,734.2)	(639.5)	Nov-09
Mooney	93.5	(2,601.3)	(2,507.8)	Jul-07
Amendment				Jul-10
<u>Low/Mod</u>				
East Visalia	1,125.3	(1,318.3)	(193.0)	
Downtown	70.9	(794.6)	(723.7)	
Central	1,228.4	(1,023.4)	205.1	
Mooney	1,444.6	(1,551.5)	(106.9)	
Total	\$ 1,333.7	\$ (14,986.4)	\$ (13,652.7)	

It is helpful to remember the redevelopment financing when examining Table III. Redevelopment is funded from the increased property taxes generated in a project area after a project area is begun. To earn tax increment, a project area must go into debt. Without debt, a project area cannot collect tax increment. Thus, the Redevelopment Agency has the delicate task of assuming debt in order to qualify for tax increment revenues without overextending its ability to repay that debt. All of the project areas except the East Visalia area appear to have sufficient future tax increment to repay the debt. The East Visalia area may have sufficient revenues but projections indicate the project area may fall short of repaying all the debt. To the extent costs can be minimized in this project area, it will help with the repayment of outstanding debt.

The major issue for the redevelopment project areas will be the sun setting of the ability to issue debt. The Downtown and East Visalia project areas have passed their debt issuance dates. The

Mooney Blvd. Project area's final debt issuance date is July 1, 2007 and Central's is Nov. 15, 2009. Finance will bring back to Council recommendations regarding a final debt issuance for these project areas.

Prior Council / Board Actions: None
Committee / Commission Review and Actions: None
Alternatives: None

Attachments: FY05-06 Comprehensive Annual Financial Report (CAFR)
FY05-06 Redevelopment Agency Financial Statements

Recommended Motion (and Alternative Motions if expected): Accept the 2005-06 Comprehensive Annual Financial Report (CAFR) including the Single Audit report, and the 2005-06 Redevelopment Agency Component Unit Financial Statements.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 20, 2007

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

Agenda Item Wording: Approve a Mutual Aid Agreement with the Tulare County Office of Emergency Services for use during disasters. (Tulare County Regional Emergency Management Mutual Aid Agreement)

Deadline for Action: March 1, 2007

Submitting Department: Fire Department

Contact Name and Phone Number:
Danny Wristen, Battalion Chief – 713-4056

Department Recommendation: The Fire Department recommends that the Visalia City Council approve the Mutual Aid Agreement with Tulare County and authorize the City Manager to execute the agreement.

Summary/background: In order to help standardize the ability to manage disasters that may impact Tulare County, the Tulare County Office of Emergency Services (OES) has drafted a Mutual Aid Agreement for use during disasters. The agreement titled, Tulare County Regional Emergency Management Mutual Aid Agreement, will be used to help expedite the use of resources between jurisdictions when disaster impact Tulare County. The agreement provides the ability to share resources between jurisdictions, establishes a chain for requesting resources, discusses requirements for managing the resources and sets a policy for when reimbursement is required.

The agreement includes, but is not limited to, building inspectors, city managers, law enforcement personnel, public works employees, public health care workers and equipment. Fire department resources are not included, as agreements for such are already in place. This agreement does not make any major changes to how jurisdictions already share resources during a disaster, only allows for a formal policy. All of the cities in Tulare County have been asked to participate in the agreement.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

- Alternatives:** 1. Do not approve the agreement
2. Request any needed changes to the agreement

Attachments: 1. Tulare County Regional Emergency Management Mutual Aid Agreement

Recommended Motion (and Alternative Motions if expected): I move approval of the Tulare County Regional Emergency Management Mutual Aid Agreement and authorize the City Manager to execute the agreement.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to: None

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

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

Agenda Item Wording: Authorization for the City Manager to enter into a contract with Irwin Telescopic Seating Company for the purchase and installation of raised platform telescopic seating.

Deadline for Action: February 20, 2007

Submitting Department: Administration (Convention Center)

Contact Name and Phone Number: Wally Roeben 713-4004
Leslie Caviglia 713-4317

Department Recommendation: It is recommended that City Council authorize the City Manager to enter into a contract for the purchase and installation of raised platform telescopic seating from Irwin Telescopic Seating Company. The number of manufacturers providing this type of product is limited and a total of three proposals were received. Each proposed solution is somewhat unique in terms of product, quality and long-term durability. Staff feels the best overall solution is from Irwin. This solution will provide for approximately 2,000 total raised seats on the north and south walls of the Exhibit Hall. The total proposed seating cost including manufacturing, freight, installation and taxes is \$1,286,343, well within the budget of \$1,450,000.

Background: Telescopic seating was a design feature that was originally included in the Convention Center expansion plans in 1991. Unfortunately, due to lack of funds, the installation was postponed. The addition of raised seating will dramatically improve the usability and flexibility of the Exhibit Hall.

The two primary complaints heard from patrons and promoters are poor sight lines and acoustics. Telescopic seating will allow patrons at a variety of events to enjoy a raised seating position as high as 18 feet. Raised seating will ensure everyone has a good view of the stage. An added benefit from raised seating will also be an improvement in acoustics. The hard, block walls on the north and south will now have people in front of them, which will change the acoustical characteristics of the room. While not a complete solution, it should alleviate some of the acoustic issues in the Exhibit Hall.

Telescopic seating creates a number of new opportunities for the Convention Center. Large, citywide conventions such as Order of the Eastern Star have already booked as a result of

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Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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having raised seating in the Exhibit Hall. Their event requires raised seating to guarantee all the attendees have a good view. Eastern Star is a 4-day event that will require more sleeping rooms than any convention in Visalia history. They will generate 2,300 sleeping rooms nights, which translates into over \$500,000 in economic impact.

The adoption of the budget for 2006/07 included Council's approval of \$1,450,000 for the purchase and installation of raised telescopic seating at the Convention Center. With the approval to move forward, staff immediately began meeting with seating manufacturer representatives to explore the various options available.

Proposals: The Convention Center and the Purchasing Department established specifications for this project and developed a Request For Proposal (RFP) that was sent to the seating manufactures. As an RFP, the Council is not required to accept the lowest cost proposal but rather the solution that best fits the needs of Visalia. The design criteria included a 21 inch wide seat with a 36 inch deep platform and padded seats for comfort, cup holders at every seat to minimize spills, heavy duty construction for long-term durability, and easy operation to reduce staff labor.

Of the four manufacturers identified, a total of three proposals were received. The submitting proposers were Figueras, Southwest Interiors (Hussey), and Irwin. Samples of their seating solutions were delivered to the Convention Center during the early stages of the research process. Numerous staff and clients sat in the seats and offered their opinions as to the overall esthetics and comfort. Staff was able to visit installation sites for the Hussey and Irwin seats and physically inspect the product after several years of operation. Figueras does not have any installations of their proposed product in the United States aside from Fresno, which will not be installed until spring. Therefore, staff was unable to view the product as it is still in the developmental stage.

Selection Process: The Irwin solution was not the least expensive proposal but is believed to be the best solution in terms of overall quality and value. It was able to meet all of the design specifications at a price of \$1,286,343 which is within the budget. The Figueras proposal came in at \$1,878,120, which exceeded the budget by almost 30%. The Hussey proposal was \$795,900, which is well under the project budget, but it does not meet the design criteria and to accept a lesser product would compromise the system. While cost is always a major consideration, most important in the selection process was determining which solution could offer the best balance between guest comfort, durability, set-up labor requirements, and price.

Staff set the design criteria to provide a good compromise solution in the trade-off between seating capacity and guest comfort. The SaveMart Center has Irwin seating and is a good example of a facility that selected a different compromise solution. The majority of their seats sit on a concrete platform that is 34 inches deep and the lack of knee room is a complaint heard from patrons. Staff set forth in the proposal specifications that Visalia wanted row spacing to be 36 inches. Figueras and Irwin were able to meet the 36 inch depth requirement. Hussey indicated in their proposal that they could not meet this requirement as they only offer a 33-inch platform, one inch less than Fresno. While three inches does not seem like a lot, for conventions and events that can last several hours or even all day, that extra space will be very important, especially when another guest must exit the row.

Another major consideration when selecting a seating solution was the construction of the understructure. The understructure is the heart of the system and where the majority of maintenance problems will result over the long-term. Because it is a telescopic system, there are many moving parts that can easily be bent or broken. To last 20 to 30 years, the system

must be well engineered. While it is difficult to comment on the Figueras system as they do not have any installations of their proposed product in the U.S., their literature and proposal indicate it would be of a satisfactory design quality. However, staff was able to see the Irwin and Hussey products in operation. While they are generally similar in design, they are very different in final execution. The Irwin solution is a much heavier duty product in almost every respect. The upright tubular steel that supports the platforms is 2" X 4" whereas the Hussey product is 1.5" X 3". The bracing that helps with side-to-side motion is a thin strap of metal on the Hussey whereas the Irwin uses a much stronger U-channel metal brace. The Hussey understructure is the same system used in their high school gymnasium installations. Irwin has a similar, lighter weight product they use for gymnasiums but does not recommend it for platforms with seats attached. Rather, they proposed their heavy-duty understructure that is more costly to manufacture but better able to handle the additional weight of attached seating. While each solution is believed to meet codes for safety, for long-term reliability, a heavier duty solution is preferable. The Irwin proposal meets the design criteria of the RFP while the Hussey proposal does not.

Reducing staff labor was another factor that entered into the selection process. Figueras is the only manufacturer that can offer a fully automatic system that can be opened and closed with the click of a button. However, it is far more costly and is not the system they proposed. It is the system being installed in Fresno's Selland Arena, which will be their first telescopic seating installation in the U.S. Rather, each vendor proposed a semi-automatic solution that will require varying amounts of staff labor to open and close the system. The platforms from each vendor are fully motorized and require no labor to open and close. However, the seats do require staff labor to lock them into the full upright position. The Irwin and Hussey seats have an internal spring and upon opening lift to a ¾ upright position and simply need to be pushed back into a locked position. The Figueras product remains horizontal and must be lifted all the way up and locked into position, requiring far more time and labor. Upon closing, the Irwin system only requires the first row to be unlocked and it will then collapse without any additional labor. The Figueras and Hussey systems require that each row in every section be manually unlocked and the seats laid down prior to closing which is far more labor intensive. While still semi-automatic, the Irwin system requires the least amount of labor to open and close and consequently the least amount of time.

All the manufacturers have indicated that installation will require approximately six weeks. This in itself presents a challenge as the Exhibit Hall is used most weekends and generates considerable revenue when rented. In looking at the calendar to determine when the installation would least impact our customers and revenues, it was determined that July 23 through September 18 would be best as occupancy is the lowest. Irwin included a project timeline in their proposal and has assured us they will be able to meet this deadline.

Summary: To ensure the Convention Center has a product that will meet all our needs in terms of guest comfort, long-term durability, and reduced staff labor, the Irwin solution is the best overall product for Visalia and is within the budget. Any budget surplus will be returned to the General Fund reducing the payback period of this project. Therefore, staff is recommending that City Council authorize the City Manager to enter into a contract with Irwin Telescopic Seating Company for the purchase and installation of their proposed seating solution.

Prior Council/Board Actions: This project has been included in the CIP budget for 2006/07 and Council authorized staff to research raised platform telescopic seating solutions and request proposals from the various manufacturers to determine the best seating solution for Visalia.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments: Two photographs of the recommended Irwin seating solution

Recommended Motion (and Alternative Motions if expected): I move to accept staffs recommendation and authorize the City Manager to enter into a contract with Irwin Telescopic Seating Company for the purchase and installation of raised platform telescopic seats in the Convention Center Exhibit Hall.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

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

Second Reading of Ordinance for Change of Zone No. 2006-04: A request by Visalia Land Company, Inc. and the City of Visalia to change the zoning from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) to R-M-2 (Multi-Family Residential, one residence per 3,000 sq. ft. of lot area) on 17.5 acres. **Ordinance No. 2007-03 required.**

Location: The site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue APNs: Visalia Land Co., Inc. - 087-060-007,008,009, and 010, City of Visalia – 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033.

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Brandon Smith, Associate Planner, 713-4636
Teresa Nickell, Project Planner, 713-4328
Paul Scheibel, AICP, Principal Planner 713-4369

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_1_

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Department Recommendation and Summary:

Staff recommends that the Council approve the second reading of Change of Zone 2006-04. The City Council held a public hearing on this item on January 16, 2007 and approved the first reading of the zone change along with the accompanying amendment to the General Plan. (5-0) If the change of zone is approved at the second reading, it will become effective 30 days from February 20, 2007.

After the second reading for this change of zone is conducted, approximately 17.5 acres of R-1-6 (Single-family Residential) zoned land will be re-designated to R-M-2 (Multi-family Residential) zoned land. The site is located on north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue. A 36-unit senior residential subdivision has been approved for four acres on the north side of Myrtle Street.

It was noted at the City Council public hearing for the GPA and COZ that the applicant had made voluntary revisions to the project as addressed in a letter to staff dated January 3, 2007

(see attached). The letter is included in the project file as part of the official record, and the revisions contained in the letter became part of the conditions of approval for which the final map and construction plans are being reviewed for conformance. The City Attorney's office has confirmed that the letter submitted by the applicant constitutes an enforceable modification to the project. Planning staff has already received and reviewed final improvement plans for the project that incorporate these revisions, including deletion of the gated entry and addition of on-site sidewalk and extra parking spaces.

Committee/Commission Review and Actions:

The Planning Commission held a public hearing on November 28, 2006 on this project, with the Commission voting 5-0 to approve the above-mentioned Visalia Palms Tentative Subdivision Map and Conditional use Permit No. 2006-42, and to recommend approval of the GPA and COZ.

Prior Council/Board Actions:

First Reading by City Council on January 16, 2007.

Alternatives:

None recommended.

Attachments:

- Letter from applicant Joe DeLucia dated January 3, 2007
- Ordinance No. 2007-03
- Zoning Map
- Location Map

Environmental Assessment Status

CEQA Review: A Negative Declaration was approved for this project on January 16, 2007.

NEPA Review:

Recommended Motion (and Alternative Motions if expected):

I move to approve the second reading of Ordinance No. 2007-03, approving Change of Zone No. 2006-04.

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

Copies of this report have been provided to:

ORDINANCE NO. 2007-03

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 17.5 ACRES FROM R-1-6 (SINGLE-FAMILY RESIDENTIAL, 6,000 SQ. FT. MIN. LOT SIZE) TO R-M-2 (MULTI-FAMILY RESIDENTIAL, ONE UNIT PER 3,000 SQ. FT. SITE AREA), LOCATED ON THE NORTH SIDE OF MYRTLE AVE. BETWEEN LINWOOD AND CHINOWTH STREETS, AND THE EAST AND WEST SIDES OF CHINOWTH ST. FROM 500 FEET SOUTH OF NOBLE AVENUE TO APPROXIMATELY 1,160 FEET SOUTH OF NOBLE AVENUE.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Planning Commission of the City of Visalia has recommended to the City Council change 17.5 acres of R-1-6 (Single-family Residential, 6,000 sq. ft. minimum lot size) Zone on the City of Visalia Zoning Map to R-M-2 (Multi-family Residential, one unit per 3,000 sq. ft. site area). The project site is located on the north side of Myrtle Ave. between Linwood and Chinowth Streets, and the east and west sides of Chinowth St. from 500 feet south of Noble Avenue to approximately 1,160 feet south of Noble Avenue. (APNs: Visalia Land Co., Inc. - 087-060-007,008,009, and 010, City of Visalia – 087-060-001, 002, 004, 006, 011, 012, 013, 014, 024, and 025, 087-090-015,016,017,018,019,020,021,022,023,025,028,030, 031,032, and 033); and

Section 2: The official Zoning Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit "A" attached hereunto.

Section 3: This ordinance shall become effective 30 days after passage hereof.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 20, 2007

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

Agenda Item Wording: Authorization to Initiate a Proposed Zoning Text Amendment Regarding Fast Food With and Without Drive-through for the Light Industrial Zone (VMC Sect. 17.32.161)

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:
Paul Scheibel, AICP, Principal Planner 713-4369

Department Recommendation: The Community Development Department staff recommends that the City Council authorize the processing of a request by Mario Aguilera to initiate a Zoning Text Amendment (ZTA), pertaining to the allowed location criteria for fast food outlets in the LI (Light Industrial) zone, (Section 17.32.161), as recommended for modification by City staff with an added Subsection A.5. to read as follows:

“A drive-thru kiosk only, serving beverages but without foods prepared on the site, may be allowed on an improved arterial/collector intersection with approval of a Conditional Use Permit (CUP) if the site is located on a legally existing undeveloped parcel that is less than 10,000sq.ft in net area. Such location shall not be subject to the one-mile separation requirement specified in this section A.3.”

Per Zoning Ordinance Section 17.44.020.B, a request to amend the Zoning Ordinance text must be initiated by the Planning Commission or City Council.

Background:

Applicant’s Request to Construct and Operate a Coffee Kiosk Business at the Southwest Corner of Goshen Ave. and Kelsey St. in the Visalia Industrial Park Area: The applicant is the owner of an 11,600 sq.ft. parcel located on the southwest corner of Goshen Ave. and Kelsey St. The parcel is located in the LI zone, and is within Design District H. The parcel is vacant and has very limited development potential due to its small size and requirements for street improvements and landscaping for Design District H. In this case the actual developable area would be approximately 6,000 sq.ft., after subtracting the 40-foot landscape setbacks along Kelsey St. and Goshen Ave. Parcels in Design District H which applies to industrial zones, must

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time
(Min.):_10_____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

be a minimum of five acres. However, this parcel is a legally created and existing parcel. The two parcels adjoining this site total 1.62 acres, and are already partially developed.

On December 14, 2005, the applicant submitted a proposed Conditional Use Permit (CUP) through the Site Plan Review Committee (SPR 2005-270). The CUP proposal is to construct a 600 sq.ft. drive-through kiosk for coffee beverage sales without a prepared food menu (packaged snacks and pastries only), similar to other outlets in the City (please see proposed site plan, Attachment 2). This outlet would also have limited outdoor seating, but no indoor seating or service. Due to the small and irregular dimensions on the lot, site development by a CUP would also require approval of a Variance to the street landscape setbacks for both Goshen and Kelsey.

The SPR Committee found no significant development constraints to the proposal except for the small parcel size that would require a Variance to allow this small facility, and the restrictions on this "fast-food" use resulting from on the location criteria contained in Zoning Ordinance Section 17.32.161. Specifically, fast food outlets in the LI zone must be located on Arterial/Arterial intersections. They must also be separated by at least one mile from other existing or approved fast food locations (please see Attachment 3 for the text of Zoning Ordinance section 17.32.161). In this case, the site is at an arterial/collector road intersection. Additionally, there is another fast food facility (Shell station/mini-mart with drive-through food service outlets) on the southeast corner of Goshen Ave. and Plaza Drive. This is approximately 4/10ths mile from the project site.

Zoning Ordinance Section 17.32.161 Historical Background: Zoning Ordinance Section 17.32.161 was originally implemented by Zoning Text Amendment (ZTA) No. 99-18 in March 2000. This action was taken in conjunction with CUP No. 99-44, which allowed a mini-mart with fast food and drive-thru service at the southeast corner of Goshen Ave. and Plaza Dr. Previous to the ZTA, fast food and other retail uses were not allowed in the industrial zones. The ZTA generally set location (arterial/arterial intersections) and separation criteria (one mile between uses) to avoid over concentration of commercial uses to the detriment of industrial business development in the Industrial Park area.

In October 2003, the Visalia Industrial Park Implementation Plan was prepared by the Visalia Economic Development Corporation for the City of Visalia. This document examined the potential for commercial uses in the Industrial Park, and concluded that a maximum of four locations could be supported in the Industrial Park area, based on the anticipated market service and absorption capacity in the Industrial Park and Goshen community.

Discussion:

Approval and adoption of this Zoning Text Amendment (ZTA), as proposed by the applicant's original request, could potentially increase the number of intersections qualifying for fast food outlets from the present four intersections to 13 intersections. As noted, one of the intersections has an existing fast-food/drive-thru facility. Of the nine additional arterial/collector intersections, four of the intersections could accommodate this type of facility immediately. The other five arterial/collector intersections are either already developed with industrial uses, or are in areas where the associated roads are not yet built out (please see Attachment 5 for an illustration).

In reviewing the applicant's ZTA filing staff noted the potential for it allowing up at least nine additional Industrial Park intersection locations for this type of drive-thru fast food business or for even more intensive retail commercial and service uses could be an unintended consequence of the ZTA. Therefore, staff worked with the applicant to more narrowly define the limits of the ZTA so that if it is ultimately approved, it will not open up other parcels that already

have industrial uses or that could fully develop as industrial sites in the foreseeable future. The applicant concurred with this concern, and has modified their ZTA request as noted in the correspondence dated February 1, 2007. The modified version of the ZTA proposal would add subsection 17.32.161 A.5., as shown below:

A drive-thru kiosk only, serving beverages but without foods prepared on the site, may be allowed on an improved arterial/collector intersection with approval of a Conditional Use Permit (CUP) if the site is located on a legally existing undeveloped parcel that is less than 10,000sq.ft in net area. Such location shall not be subject to the one-mile separation requirement specified in this section A.3.

The ZTA wording would limit its applicability to the southwest corner of Goshen Ave. and Kelsey St. which would allow the applicants project to proceed exclusively at that specific location. As noted, the applicant has indicated their concurrence with this more narrow scope of the ZTA request.

In any case, allowing the Zoning Text Amendment to proceed does not constitute approval or support for the ZTA by the City. If the ZTA is allowed to proceed, it will be processed through noticed public hearings before the Planning Commission and City Council, pursuant to Zoning Ordinance Section 17.44.030. The CUP and Variance requests would then be filed by the applicant to be considered by the Planning Commission along with the Zoning Text Amendment.

Prior Council/Board Actions: On March 20, 2000, the City Council adopted Ordinance 2000-01, approving Zoning Text Amendment No. 99-18. This action was taken in conjunction with CUP No. 99-44, establishing a service station/mini mart with a drive-through on the southeast corner of Goshen Ave. and Plaza Drive. The facility is constructed and operating as of September 2006.

Committee/Commission Review and Actions: None

Alternatives: The City Council may deny the request in which case the Amendment would no longer be considered, and the applicant would be further advised not to file CUP and Variance applications for the coffee kiosk project. The City Council could also allow the ZTA to proceed entirely as originally submitted by the applicant.

Attachments: Applicant's Letter, Dated December 4, 2006
Zoning Ordinance Extract, Section 17.32.161
Staff Report and Ordinance 2000-01for Zoning Text Amendment ZTA No. 99-18
Extract of Visalia Industrial Park Implementation Plan, October 2003
Site Plan for Coffee Kiosk Business
Industrial area Location Map
Ownership Disclosure Information

Recommended Motion (and Alternative Motions if expected): I recommend the City Council authorize the applicant to file a Zoning Text Amendment as recommended for modification by City staff.

Environmental Assessment Status

CEQA Review: To be completed for entitlement process.

NEPA Review: None

Tracking Information: Direct Applicant to proceed with their requested Zoning Text Amendment and Conditional Use Permit (CUP) and Variance applications if authorized to proceed by the City Council

Copies of this report have been provided to:
Planning Commission
Tulare County Economic Development Corporation
Visalia Chamber of Commerce

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

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

Agenda Item Wording: Award a contract for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification.

Deadline for Action: March 2, 2007 (30 days after bid opening)

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli 713-4340, Jim Funk 713-4540, Fred Lampe 713-4270

Department Recommendation: Staff recommends that City Council award a contract for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification to the low bidder A-C Electric Company in the amount of \$286,000.00. Project Number 3011-9516.

Summary/background: The project will upgrade existing traffic signals at the intersections of Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street. LED signal lights will be installed that are brighter and more energy efficient than the existing lights. Several poles will be added with overhead signal arms for greater visibility. New electric services and battery backup systems will also be installed.

The sidewalk and curb and gutter will be rebuilt on all eight corners with handicap ramps added where needed.

On February 1, 2007 the City opened three bids submitted for this project. The results of the bid opening are as follows:

- | | |
|---------------------------|--------------|
| 1. A-C Electric Company | \$286,000.00 |
| 2. Central Valley Asphalt | \$366,839.00 |
| 3. R.J. Berry Jr., Inc. | \$372,500.00 |

\$125,000 is available in CIP project (3011-0-72-0-9516). An additional \$235,000 is required from the Gas Tax Fund (1111) to fund the total project budget of \$360,000, \$286,000 for the

For action by:

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

For placement on which agenda:

- Work Session
 Closed Session

Regular Session:

- Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

contract and \$74,000 for project management, surveying, testing, inspection, and contingencies.

A-C Electric is an established local contractor with a number of projects completed for the City of Visalia. The company recently completed a signal upgrade and installed median lighting as a subcontractor on the Akers Street Widening Project between Whitendale Avenue and Caldwell Avenue. Currently A-C Electric is subcontracting to install a traffic signal at the intersection of Caldwell Avenue and Santa Fe Street.

Prior Council/Board Actions: None.

Committee/Commission Review and Actions: N/A

Alternatives: Do not award contract.

Attachments: Location map, Ownership Disclosure, and Bid Opening Spreadsheet

Recommended Motion (and Alternative Motions if expected): I move that authorization be given to award a contract for construction of Project No. 3011-9516, Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification to the low bidder, A-C Electric Company, in the amount of \$286,000.00.

Environmental Assessment Status

CEQA Review: Categorically Exempt

NEPA Review: N/A

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

Create Purchase Order to track contract expenditures

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 20, 2007

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

Agenda Item Wording: Authorization to award RFB # 06-07-40, "Annual Contract for Supply and Delivery of Sodium Bisulfite," to Basic Chemical Solutions at a cost of approximately \$125,000 per year.

Deadline for Action: February 20, 2007

Submitting Department: Public Works

Contact Name and Phone Number: Andrew Benelli, Director, 713-4340, Jim Ross, Manager, 713-4466

Department Recommendation

Staff recommends that Basic Chemical Solutions (BCS) be awarded the Annual Contract to supply Sodium Bisulfite in accordance with the specifications of Request for Bid (RFB) No. 06-07-40. The cost of this contract is estimated to be \$125,000 per year.

Discussion

The City of Visalia wastewater treatment plant (WWTP) utilizes chlorine to disinfect its effluent prior to discharge to on-site percolation ponds or to Mill Creek. The addition of chlorine ensures that pathogenic organisms remaining after the treatment process are destroyed.

In order to protect the designated beneficial uses of Mill Creek, the City's new wastewater discharge permit includes a provision that requires the City to remove residual chlorine from the treated wastewater following disinfection, but prior to discharge to Mill Creek. In order to accomplish this, a temporary dechlorination facility is being installed. This facility will monitor the residual chlorine level in the wastewater and deliver a sufficient quantity of sodium bisulfite to drop the residual to zero. It is estimated that 400 gallons per day of sodium bisulfite will be required.

RFB No. 06-07-40 "Annual Contract for Supply and Delivery of Sodium Bisulfite," was advertised on December 20 and 27, 2006 and closed on January 19, 2007. The table below summarizes the three bids received.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head
(Initials & date required)
Finance
City Atty _____
(Initials & date required or N/A)
City Mgr _____
(Initials Required)

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

	Location	Price per gallon
Basic Chemical Solutions (BCS)	Redwood City, CA	\$0.6758
Pacifica Chemical	Carson, CA (L.A. area)	\$0.699
Sierra Chemical	Stockton, CA	\$1.20

Although headquartered in Redwood City, California, BCS will service this contract through their facility located in the Visalia Industrial Park. This facility also supplies various other chemicals to the Visalia treatment plant and staff has no concerns awarding this contract to BCS.

This contract is valid for one year may be extended up to an additional four years based on performance. Annual price adjustments are based on the Consumer Price Index and limited to 5%. The expected annual cost of this contract is \$125,000. Funding will come from the wastewater enterprise fund (4311).

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: none

Recommended Motion (and Alternative Motions if expected):
 Move to award Annual Contract for Supply and Delivery of Sodium Bisulfite to Basic Chemical Solutions in accordance the specification of RFB No. 06-07-40.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

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

Agenda Item Wording: Adoption of Resolution _____
Authorizing the City Manager to sign plan amendments adopting the City's updated 457 Deferred Compensation Plan Document with Loan Provisions

Deadline for Action:

Submitting Department:

Contact Name and Phone Number: Eric Frost, x 4474

Department Recommendation: Adopt by resolution the city's updated Deferred Compensation Plan Document and authorize the City Manager to execute agreements with the City's four current Deferred Compensation providers:

- CalPERS
- ICMA-RC
- Great-West
- Tucoemas Federal Credit Union

Summary/background: Section 457 of the Internal Revenue Code allows certain employers to provide "supplementary" retirement benefits to their employees. The City of Visalia's 457 Deferred Compensation Plan is administered under this code as a supplementary retirement plan to CalPERS, the City's primary retirement plan. Employees receive tax-deferred treatment of any monies they voluntarily contribute towards retirement through the City's plan. Thus, an employee cannot generally receive benefits under the plan until retirement or separation of employment.

By amending the deferred compensation plans to include the participant loan provision, employees will be able to access funds for personal needs, many of which may be excluded under the Emergency Hardship Withdrawal of deferred compensation program.

Emergency Hardship Withdrawal from Deferred Compensation

Currently, the City's plan allows for hardship withdrawal in the event of an unforeseeable emergency resulting in a severe financial hardship under very narrow circumstances defined by federal law. An unforeseeable emergency is a severe financial hardship to the employee resulting from one of the following:

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

- An illness or accident of the employee or the employee's dependent (as defined in Internal Revenue Code §152);
- Loss of the employee's property due to casualty (including the need to rebuild a home following damage to the home not otherwise covered by homeowner's insurance, as in the case of a natural disaster); or
- Other extraordinary and unforeseeable circumstances arising as a result of events beyond the employee's control, such as:
 - The imminent foreclosure of or eviction from the employee's primary residence;
 - The need to pay for medical expenses, including non-refundable deductibles and prescription drug medications; or
 - The need to pay the funeral expenses of a spouse or dependent

Except in extraordinary circumstances, the following are examples of situations that are not considered eligible for an emergency withdrawal:

- Payment of college tuition;
- Purchase of real estate;
- Non-payment of ordinary living expenses such as mortgage, auto and utilities; non-payment of loans;
- Payment of income taxes, interest, or penalties;
- Personal bankruptcy, unless it results directly and solely from "qualified" circumstances as defined above; or
- Marital separation or divorce

Furthermore, an unforeseeable emergency withdrawal **shall not be paid to the extent that the financial hardship is or may be relieved through reimbursement or compensation from insurance or otherwise, by borrowing from commercial sources on reasonable commercial terms, by cessation of deferrals under the 457 plan, by liquidation of other assets (including assets of spouse and minor children), or by any other means available to the employee.**

Each individual employee request for hardship withdrawal must be considered separately by the Deferred Compensation Committee and a determination rendered. The City's plan must comply with the strict definition of "unforeseeable emergencies" to ensure the plan continues to maintain its eligible status. Thus, each situation carries a significant responsibility and must be carefully reviewed for Code compliance to protect the tax-deferred status of the plan's assets.

If distribution of funds is approved through hardship withdrawal, the amount is limited to what is "reasonably necessary" to meet the unforeseeable emergency and the tax obligation associated with the distribution. In addition, the employee is subject to a six month new deferral suspension period.

Requests under this provision are rarely ever granted. When denied, the employee feels cheated because he or she has put that money in the program and typically has a pressing need to use the money. After one such denial, a desperate employee once suggested the option of separating their employment with the City in order to obtain their 457 distribution and resolve their financial woes.

Proposed Loan Program

A section 457 deferred compensation loan feature provides eligible employees the ability to borrow funds from their plan account balance. In order to offer loans from a 457 plan, the Internal Revenue Code requires that you establish written guidelines that govern the granting of loans. These guidelines must be within the established Internal Revenue Code and must be formally adopted to establish the loan program. Recommended guidelines include:

- Loan repayment must occur within five years, without exception;

- The total loan amount cannot exceed 50% of the employees 457 account balance with a maximum loan of \$50,000;
- Employees are eligible to have only one outstanding loan at a time;
- Loan repayment accelerates at separation, all due and payable or taxable distribution occurs;
- Payments are made through payroll deduction;
- The interest is paid directly to the employee's own account and calculated at prime rate plus one percent (1%);

Purpose of Loans – Two Approaches

Under the Code, the City may elect to allow loans for: **1) “all purposes,”** thus allowing the employee to decide whether or not to borrow from their deferred comp account; or **2) the City may elect to control an employee's ability to secure a deferred comp loan by establishing loan guidelines that specifically defines the purpose for all loans as “only in cases of hardship or certain other specified financial situations.”**

Hardship, for the purpose of a loan, is not as strictly defined as it is for purposes of taking an emergency hardship withdrawal from your 457 plan. For loan purposes, a “hardship and other specified situations” include, but are not limited to:

- Un-reimbursed medical expenses - (as defined in Internal Revenue Code §213d) previously incurred by the employee, spouse, or dependents (as defined in Internal Revenue Code §152)
- Expenses directly related to purchasing or rehabilitating the employee's principal residence (not including mortgage payments)
- The need to prevent eviction from or foreclosure upon the mortgage of the employee's principal residence
- Payment of tuition, related educational fees, and room and board expenses for post-high school education for the employee, spouse, or dependents (as defined in Internal Revenue Code §152)

Under the Code, only the employer can authorize a “hardship” loan. Therefore, the responsibility of authorizing within the requirements of the Code, the established plan guidelines, and other regulations will fall upon the City if the City chooses to specifically define the loan purpose as “only in cases of hardship or certain other specified financial situations.”

Staff recommends removing all restrictions except those imposed by law. The money has been put into the deferred compensation program by the employee and the employee must repay whatever they take out within 5 years. The loan payment is collected directly from a participating employee's pay check. At the same time, the employee's primary retirement benefit, PERS, remains untouched.

Conclusion

In summary, the following points should be considered with regard to the addition of a loan program:

- Loans may be made for all purposes, including hardship and other specified purposes
- The City's Deferred Comp Plan is secondary and optional to the City's primary CalPERS retirement plan.
- All contributions to the plan are 100% employee monies voluntarily set aside for retirement.

Prior Council/Board Actions:

Adoption of Resolution Resolution 97-88 adopting the City's updated 457 Deferred Compensation Plan Document with the exclusion of participant loans.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Adoption of Resolution _____ Authorizing the City Manager to sign plan amendments adopting the City's updated 457 Deferred Compensation Plan Document with Loan Provisions

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2007-15

RESOLUTION TO AMEND THE CITY OF VISALIA DEFERRED COMPENSATION PLAN TO PERMIT LOANS

WHEREAS, the City of Visalia has employees rendering valuable services; and

WHEREAS, the Employer has established a deferred compensation plan for such employees which serves the interest of the Employer by enabling it to provide reasonable retirement security for its employees, by providing increased flexibility in its personnel management system, and by assisting in the attraction and retention of competent personnel; and

WHEREAS, the City of Visalia has determined that permitting participants in the deferred compensation plan to take loans from the Plan will serve these objectives:

NOW THEREFORE BE IT RESOLVED that the City Manager is authorized to sign plan amendments which will allow participants to take out loans against their contributions as allowed by law.

PASSED AND ADOPTED:

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

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

Agenda Item Wording. Recommendation to reject bids received for the improvements at Village Park/Wittman Center and to revise and reduce the project scope before re bidding the project.

Deadline for Action: March 8, 2007

Submitting Department: Community Development

Contact Name and Phone Number:

Vince Elizondo, Director of Parks and Recreation, 713-4367
Sharon Sheltzer, Project Manager, 713-4414

Department Recommendation:

On December 8, 2007, two contractor bids were received for the Village Park/Wittman Center remodel:

Lockwood General Engineering, Inc.	\$557,200
Sequoia Construction	\$564,184

The budgeted funding is \$323,857. The low bid is \$233,343 over budget.

It is recommended that Council:

Reject bids received for the improvements at Village Park/Wittman Center, and authorize staff to revise and reduce the project scope, before re-bidding the revised project.

Summary/background:

On November 1, 2004 City Council authorized staff to submit applications for two Proposition 40 competitive grants to improve Village Park and the basketball gym at the Wittman Center. The project was awarded \$224,518 in November of 2005. The City budgeted more than the required 30% match with \$99,857 of CDBG funds designated for the project. The total budgeted funding for the construction contract is \$323,857. In addition the City has a \$38,357 State conservation grant to purchase a park playground structure. The project consists of the renovation of the adjacent Village Park turfed field (for soccer play), a new playground play structure, outdoor basketball courts, new court and security lighting, new landscaping with trees, a new irrigation system, a new tot courtyard play area to replace deteriorated asphalt, a new metal fence surrounding the play areas, new and repainted picnic tables and benches and a new volleyball set-up on the basketball courts.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The gym remodel includes the demolition of the concession stand and minor improvements in the existing kitchen. It includes removal of the drop acoustical ceiling and replacement with new light fixtures, new evaporative coolers, insulation in the exposed roof structure, improved code compliant drinking fountain, code compliant supports for an existing heater unit, accessibility improvements, painting and basketball equipment.

During the design and engineering phase which came after the grant request and award, it became apparent that some additional mechanical, plumbing and electrical work needed to be done, as well as some handicap accessibility updates. Beyond these necessary infrastructure items, some tot playground equipment was added to the courtyard that is adjacent to a childcare program operating at the Wittman Center. All of these parts contributed to the increased cost.

In addition to a contract with the contractor, there is the cost of the contract with the architect and consultants for \$17,841. Although the Prop 40 grant will pay for the architect, the total budget must include this fee. No additional funds are available this year in CDBG, or in the East Downtown Redevelopment District and City Management determined that it would be best to reduce the scope of the project.

Prior Council/Board Actions:

November 1, 2004 Authorized staff to apply for Proposition 40 competitive soccer grant.

Committee/Commission Review and Actions:

Alternatives: None recommended

Attachments: Site Plan

Recommended Motion (and Alternative Motions if expected):

It is recommended that the Council:

Reject bids for the improvements at the Village Park/Wittman Center, and authorize City staff to revise and reduce the project scope before re-bidding the revised project.

Environmental Assessment Status

CEQA Review: Completed as part of
Community Campus project

NEPA Review:

Tracking Information: Notify bidders.

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 20, 2007

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Ashley Grove, Unit No. 4, containing 12 multi-family lots that contain 52 units, located at the northwest corner of Ferguson Avenue and County Center Street.

Deadline for Action: February 20, 2007

Submitting Department: Public Works Department

Contact Name and Phone Number: Andrew Benelli 713-4340,
Norm Goldstrom 713-4638

Department Recommendation:

Staff recommends that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The subdivision was developed by Pioneer Properties, Inc. Pioneer Properties, Inc., the City reduce the letter of credit (in place of a maintenance bond) in the amount of \$25,317.11 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Prior Council/Board Actions: Final Map recording was approved at Council meeting of May 17, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Ashley Grove, Unit No. 4 was approved by Planning Commission on September 22, 2003.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Ashley grove, Unit No. 4.

Environmental Assessment Status

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

CEQA Review: Environmental finding completed for tentative subdivision map.

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 20, 2007

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

Agenda Item Wording: Authorization to file a Notice of Completion for the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets) Project No. 1111-00000-720000-0-9682-2005, with the final contract amount of \$508,558.71; and appropriate \$105,000 from the Gas Tax Fund (1111) as supplemental funding for the project.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli 713-4340; Michael Carr 713-4595;
Jim Funk 713-4540

Department Recommendation: Staff recommends that the City Council authorize filing a Notice of Completion for the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets) Project No. 1111-00000-720000-0-9682-2005, with the final contract amount of \$508,558.71; and appropriate an additional \$105,000 from the Gas Tax Fund (1111) to cover the costs associated with the purchase and installation of new decorative street lighting around the project. These funds will also cover two change orders submitted by Quality Signal, San Joaquin Valley Railroad's contractor, for having to over-excavate under the tracks and relocate the crossing control cabinet from the east side of Tipton Street to the west side.

Department Discussion: The Oak Avenue Street Improvement Project completed Oak Avenue between Santa Fe and Tipton Streets in front of the Chamber of Commerce. The project also built the curb and gutter, sidewalks and two new public parking lots – one on the NE corner of Oak and Santa Fe and one east of the Chamber building. The project included new storm drain connections and street landscaping with trees, shrubs and a new irrigation system. Two stamped, colored concrete crosswalks at Oak and Santa Fe were also part of this project.

When the project was awarded, the City Council indicated that they would like to have decorative street lights in the project area. However the Sun Valley lights being used in the downtown area take several months to manufacture and deliver, so this contract was amended to only put in the conduit and electrical pull boxes in preparation for lights and wiring to be installed under a separate contract when the lights arrive.

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.): 3 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

At the July 24, 2006, City Council meeting a contract was awarded to Rising Sun Company, Inc., in the amount of \$461,728. A total of four change orders at a cost of \$46,830.71 (10.1% of the awarded contract amount) were necessary to complete the project which included installing the infrastructure for new street lights. The change orders were reviewed and approved by the Change Order Committee. The change orders approved entailed the following work:

1. BALANCE OF QUANTITIES

Increase the quantities of Asphalt, Aggregate Base, and 15" Drain Pipe to actual quantities installed.

Net increase in contract cost of total Change Order No. 1 = \$19,980.00.

2. INSTALL LIGHTING CONDUIT – The City Council instructed staff to have additional lighting installed on Oak Avenue and in the new parking lot on the NW corner of Oak and Santa Fe across from the Family Healthcare Network. The decorative downtown lights take months to have manufactured and delivered, so rather than delay the completion of this project, City staff elected to have the contractor run conduit with pull ropes to all locations where lights would eventually be installed.

The work to install the lighting infrastructure added a total of five working days to the project.

Net increase in contract cost = \$14,786.39.

3. EXTRA WORK ITEMS:

REMOVE CURB/GUTTER AND SIDEWALK in front of Los Portales Restaurant on Santa Fe Street. No additional days were added to the project.

REMOVE RAILROAD TIES FROM SUBGRADE discovered when excavating the road base on Oak Avenue. Removing them required that additional fill material be added to the subgrade. This work added one additional day to the project.

REMOVE MAN-MADE BURIED OBJECT discovered under Santa Fe Street when the crosswalk was being excavated. One working day was added to the project.

REPLACE CONCRETE in front of Los Portales Restaurant (see above). No additional days were added to the contract.

POUR BACK EDISON VAULT located in Santa Fe Street near the alley south of the Chamber building. No additional days were added to the contract.

Net increase in contract cost for all items in this Change Order = \$7,442.68.

4. ADDITIONAL EXTRA WORK ITEMS:

REMOVE CONCRETE UNDER DRIVE APPROACH that was discovered when the contractor excavated to construct a new approach for the auto shop on the east side of Tipton. No additional days were added to the project.

OVERLAY ASPHALT ON TIPTON STREET leading up to the railroad tracks. Since the project only re-built the southbound lane of Tipton Street, the northbound lane required additional paving to ramp up over the new height of the railroad panels. No additional days were added to the project.

REMOVE TREE AND PREPARE SPACE FOR FUTURE STREET LIGHT in the sidewalk at the northwest corner of the new parking lot built at Oak and Santa Fe. It was decided that the location where a tree was planned to be planted was the best place on Santa Fe Street to locate a new decorative street light. The tree was removed, the irrigation line was capped and a section of temporary concrete sidewalk was poured. The cost of the tree was credited back to the City. No additional days were added to the contract.

ADD IRRIGATION AND SHRUBS IN PLANTER AREA adjacent to the southwest corner of the parking lot on Santa Fe Street. A planter was created on the corner to balance out the appearance of the parking lot. An irrigation line was extended to the planter under a walkway and additional shrubs were added. No additional days were added to the contract.

Net increase in contract cost for all items in Change Order No. 4 = \$4,621.64.

There were no delays of note on this project. Rising Sun Company, Inc., the Prime Contractor, had crews active on every work day of the contract.

Additional costs outside this contract include: purchase and installation of the decorative street lighting, which will be completed under a separate contract this spring, railroad crossing upgrades including lights and crossing arms at Tipton and Oak and concrete panels under the tracks from the east side of Santa Fe to the east side of Tipton Street, change orders on the Railroad work, material testing, blueprinting, and staff time (drafting, construction management, surveying and inspection.) The actual costs for these items came in higher than originally estimated. The amount budgeted for the project including the railroad upgrades was \$1,076,105 and the final projected cost of the project was approximately \$1,181,105. Therefore, Staff is requesting the City Council authorize the additional appropriation of \$105,000 from the Gas Tax Fund (1111 Fund) to cover the additional costs.

Alternatives: None suggested

Attachments: Location Map

Copies of this report have been provided to:

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to file a Notice of Completion for the Oak Avenue Street Improvement Project (Santa Fe to Tipton Streets) Project No. 1111-00000-720000-0-9682-2005, with the final contract amount of \$508,558.71; and appropriate an additional \$105,000 from the Gas Tax Fund (1111) as supplemental funding for the project.

City Manager Recommendation:

Financial Impact

Funding Source:

Account Number: 1111-00000-720000-0-9682-2005

Budget Recap:

Total Estimated cost: \$1,181,105	New Revenue: \$
Amount Budgeted: \$1,076,105	Lost Revenue: \$
New funding required: \$ 105,000	New Personnel: \$
Council Policy Change: Yes___	No___X

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*)

Notice of Completion to be filed with County Recorded through City Engineer's office

**City of Visalia
Agenda Item Transmittal**

Meeting Date: February 20, 2007

Agenda Item Number (Assigned by City Clerk): 80

Agenda Item Wording: Request authorization to file a Notice of Completion for Project No. 1241-00000-720000-0-9810; Visalia Parkway Street Construction Project located between Demaree Street and Dans Street. (Final Cost \$ 931,319.24)

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number: Adam Ennis 713-4323,
Jim Funk 713-4540, Andrew Benelli 713-4340

Department Recommendation: Staff recommends that authorization be given to file a Notice of Completion for Project No. 1241-00000-720000-0-9810; Visalia Parkway Street Construction Project located between Demaree Street and Dans Street.

Summary/background: The Visalia Parkway Street Construction Project constructed a new segment of Visalia Parkway between Demaree Street and Dans Street. See the Project Location Map on Exhibit #1 and Site Plan on Exhibit #2. This section of Visalia Parkway provides a second access for the new Cottonwood Creek School and improved traffic circulation in this area. This project constructed the northern half of the roadway and provides a single lane in each direction. The street will remain a two-lane road until full build out occurs in the future when it will become a four-lane road and extension across Packwood Creek to County Center Street is completed. The project also included signalizing the Visalia Parkway and Demaree Street intersection and construction of transition lanes west, north and south of the intersection. The street is shown as an arterial street as part of the April 2001 Circulation Element.

All of the work has been completed on this project by Henderson Construction at a final cost of \$931,319.24. The contract amount for this job was \$859,392.14. The overage of \$71,927.10 (8.4%) was due to several approved change orders. The approved changes are:

- 1) Additional manhole and pipe costs to construct storm drain line in the south portion of the right-of-way rather than the north portion as originally designed to allow construction schedule to progress during Elderberry tree relocation, asbestos removal and demolition of existing residence (Cost of \$23,874.60).
- 2) Additional cost to relocate Elderberry trees (federally protected species) located on site and not originally discovered during environmental report process and to demolish small

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_1__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

water tower adjacent to right-of-way and Elderberry trees which had to be relocated (Cost of \$16,603.92).

- 3) Additional costs for demobilization and remobilization of demolition, grading and paving equipment due to house demolition delay and to accelerate project schedule (Cost of \$8,097.00).
- 4) Additional bond costs due to change orders (Cost of \$1,414.72).
- 5) Additional cost for asbestos survey and report for existing structure to be demolished (Cost of \$3,451.84).
- 6) Additional cost due to actual quantity of aggregate base rock and asphalt delivered to site versus estimates (Cost of \$17,374.12).
- 7) Additional cost due to a City change in required traffic signal pre-emption detectors to match future encryption requirements. These devices detect emergency vehicles approaching a signalized intersection and adjust the traffic signals to allow for safe passage of the emergency vehicles through the intersection. In the future these detectors will be equipped with an encryption coding to prevent unauthorized usage. The encryption selected will require a specific detector which was determined subsequent to the bid for this project. (Cost of \$1,110.90).

Prior Council/Board Actions: Award of contract on May 8, 2006.

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Exhibit #1 – Project Location Map, Exhibit #2 - Site Plan, Exhibit #3 – Disclosure Form For Firms and Contractors

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I hereby move to authorize filing the Notice of Completion for Project No. 1241-00000-720000-0-9810; Visalia Parkway Street Construction Project located between Demaree Street and Dans Street.

Copies of this report have been provided to:

Financial Impact

Funding Source:

Account Number: 1241-00000-720000-0-9810 (Traffic Impact Fees)

Budget Recap:

Total Estimated cost: \$931,319.24	New Revenue:	\$
Amount Budgeted: \$945,000.00	Lost Revenue:	\$
New funding required:\$ 0.00	New Personnel:	\$
Council Policy Change: Yes_____ No <u>X</u>		

Environmental Assessment Status

CEQA Review:

Required? Yes
Review and Action: Prior: Negative Declaration With Mitigated Measures
completed February 2006
Require: None

NEPA Review:

Required? No
Review and Action: Prior: None
Require: None

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

City of Visalia Agenda Item Transmittal

Meeting Date: February 20, 2007

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Adoption of Ordinance 2007-___
Amending the City's Oak Tree Ordinance (Chapter 24 of Title 12 of
the Municipal Code)

Deadline for Action: N/A

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number: Vincent Elizondo, 713-
4367

Department Recommendation:

City staff recommends that the City Council amend the Oak Tree Ordinance and approve the amended Oak Tree Mitigation Policy. The ordinance is presented for adoption. If approved, the Ordinance together with the Policy would go into effect in 30 days.

Background Information:

During discussion regarding the introduction of the proposed ordinance modifications, the City Council expressed concern over the ordinance's impacts to the private property owner. The City, and the advisory groups that have assisted in the drafting and implementation of the Oak Tree Ordinances, have consistently shared the Council's concern that the ordinance be mindful of private property rights. All parties have understood that if there is no balance on this issue, the goal of protecting oaks could not be accomplished.

The ordinance as originally drafted, and as changed from time to time, is specifically designed to balance the interest of a private property owner in having control of his or her own property against the community's desire to protect a valuable asset. The most important way in which this balance is struck is the provision that allows for the removal of an oak tree of any size if the tree substantially interferes with the economic enjoyment of the property, and there are no viable alternatives to removal. This provision is continued in the amended version, and in fact is strengthened by refining the definition and factors to consider in determining whether a tree should be removed on "economic enjoyment" grounds.

For action by:

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

**For placement on
which agenda:**

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Changes to the Ordinance From Introduction

In addition to typographical and clerical corrections that were pointed out at the first reading, two significant changes are proposed for the final adoption. First, staff received a memorandum from Bill Alsobrook proposing that an exception be provided that would allow a property owner to remove a tree that he/she planted, or allowed to take seed, since the property owner acquired the property. This proposal appeared to be well thought out and a good addition to the ordinance. The proposal is included at paragraph (C)(4) of section 12.24.035. However, City staff believes it is appropriate to limit this exception to trees that are 6 inches in diameter or less; the reasoning is that a tree would have to exist for ten years or more to reach that size, and it is reasonable to expect a property owner to decide whether to keep the tree or not within that time frame.

Second, the mitigation policy has been amended to specify that in-kind mitigation will be allowed off site on City-owned property, where appropriate. This will increase the opportunities for a property owner to avoid a large mitigation fee by planting trees instead.

One additional change that was suggested during the first reading was the increase in the fine amount for illegal removals. The current proposal is to provide for a fine that is equal to \$1,000 plus a doubling of the mitigation amount. It was suggested that this amount be \$1,000 plus 4 times the mitigation amount. This suggestion is not reflected in this version of the ordinance proposed for final adoption, but may be implemented by motion if the Council so desires. City staff feels this amount may be too punitive.

The update to the Oak Ordinance and the Mitigation Policy has been done in coordination with Brian Kempf from the Urban Tree Foundation; David Pendergraft, the City's Urban Forestry Supervisor and the City's Arborist; Don Stone, the Parks & Urban Forestry Manager; and the City Attorney's office.

Prior Council Actions:

Approval of the first reading of the City's amended Oak Tree Ordinance on January 15, 2007.

The City Council last revised the City's Oak Tree Ordinance in 1995.

Committee/Commission Review and Actions:

The Visalia Parks & Recreation Commission reviewed this matter at their regular meeting of August 15, 2006 and unanimously voted to recommend to the City Council to approve the new Oak Tree Mitigation Policy along with the proposed Oak Tree Ordinance revisions.

The proposed ordinance and policy have also been reviewed by Alan George, who chaired the citizens group that helped draft the original oak tree ordinance.

Attachments: Attachment 1: Proposed Oak Tree Ordinance Revisions :
Attachment 2: Proposed City of Visalia Oak Tree Mitigation Policy

Recommended Motion (and Alternative Motions if expected):

I move to adopt Ordinance 2007-__ Amending the City's Oak Tree Ordinance (Chapter 24 of Title 12 of the Municipal Code).

As an alternate motion, the Council may move to adopt Ordinance 2007-___ Amending the City's Oak Tree ordinance (Chapter 24 of Title 12 of the Municipal Code) but increasing the fine from illegal removals to \$1,000 plus 4 times the mitigation amount.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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