

Visalia City Council Agenda

For the regular meeting of: Monday, July 16, 2007

Location: Convention Center, 303 E. Acequia, Visalia, CA

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

Note: meeting location has been changed due to temporary equipment technical difficulties in the Council Chambers

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.

3:45 p.m.

SWEARING IN CEREMONY – Police Chief Swiney will swear in three new police officers - Juan Saenz, Jacob Aguilar, and Richard Badilla

4:00 p.m.

WORK SESSION AND ACTION ITEMS (as described)
4:00 p.m.

Public Comment on Work Session Items -

4:05 p.m.

1. *Item removed at the request of staff*
2. Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Center in Village Park.

4:25 p.m.

3. Update on the East Downtown development process and request approval of delivery strategy for office “liner” building on block bounded by East Oak Avenue, North Tipton, East Oak Avenue and Liberty, located in the Civic Center area of the East Downtown Strategic Plan.

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)

4. Conference with Legal Counsel – Existing Litigation (Subdivision (1) of Section 54956.9 GC)
Name of Case: County of Tulare v. City; TCSC Case No. 07-224225
5. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Severance settlement, no acquisition anticipated APN: 098-070-017
Under Negotiation: Terms and conditions of settlement
Negotiating Parties: Steve Salomon, Andrew Benelli, Ken Richardson, Maria Martinez

6. Conference with Labor Negotiators (G.C. §54957.6a)
Agency Designated Representatives: Eric Frost, Jim Harbottle, Janice Avila
Employee organization units Groups E and M

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Kyle Bleeker, Youth Pastor, First Christian Reformed Church

SPECIAL PRESENTATIONS -

ImagineU presentation of preliminary plans for the new building for the Children’s Museum and introduction of members of the capital campaign committee.

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

7. **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 July 9, 2007
 - c) **Second Reading of Ordinance 2007-10** authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.
 - d) **Second Reading of Ordinance 2007-11** a request by the City of Visalia to change the zoning designation on 1.65 acres from C-S (Service Commercial) to C-SO (Shopping/Office Commercial). The site is located on the south side of East Goshen Avenue approximately 250 feet east of the intersection of North Ben Maddox Way and East Goshen Avenue. APN: 098-142-055.
 - e) **Second Reading of Ordinance 2007-12** describing the Redevelopment Agency’s Eminent Domain Program for the East, Central, and Mooney Boulevard Redevelopment Project Areas.

- f) **Second Reading of Ordinance 2007-13** approving the Citizen Advisory Committee recommendation to adjust the monthly compensation to City Council members to \$800, eliminating the stipend, and implementing an automatic inflation factor that compounds annually for future compensation increases.
- g) Authorize the City Manager to execute the Memorandum of Understanding for Visalia Police Officers Association (City of Visalia Employee Bargaining Unit Group B) for the period April 28, 2007 through June 30, 2010.
- h) Authorize the City Manager to execute the Memorandum of Understanding for Visalia Firefighters Association (City of Visalia Employee Bargaining Unit Group G) for the period April 28, 2007 through June 30, 2010.
- i) Approve the recommendation by the Parks and Recreation Commission to establish the name of "Soroptimist Park" for the new neighborhood park site at Linwood Ave. and Monte Vista Streets in northwest Visalia
- j) Approve the Garden St. Plaza electrical improvements project and approve the appropriation of funds for the project.
- k) Approve the recommendation to name certain park amenities in the new Riverway Sports Park in accordance with the City's policy on naming park facilities.
- l) Approve the concept to establish a resident Park Host program in the new Visalia Riverway Sports Park.
- m) Recommendation to approve a five (5) year agreement between the city of Visalia and AYSO for use of the Visalia Riverway Sports Park for games and practices during specified days and times.
- n) Review and approve action on the 2007/08 budget.
- o) Adopt Resolution 2007-64 authorizing execution of Section 108 Loan Documents.
Resolution 2007-64 required.
- p) Authorize staff to purchase eight Solid Waste refuse trucks cab and chassis and four side loader bodies from Central Valley Kenworth and Ruckstell California Sales as a sole source.
- q) Authorize the City Manager to negotiate with Waste Management (Tulare County Recycling) for a one-year contract to accept non-recyclable solid waste from the City of Visalia.
- r) Authorize the City Manager to enter in an amendment to the agreement with MV Transportation, for the purpose of operating the youth transportation system called the Local Organization Outreach Program (LOOP).
- s) *Item removed at the request of staff*

Authorization to file Notice of Completion on the following:

- t) Notice of Completion for Manuel Hernandez Playground Project # 3011-0000-720000-0-9870, for the construction of the playground renovation project at the Manuel Hernandez Community Center.
 - u) Notice of Completion for Avalon, located at the northwest corner of Riggin Avenue and Demaree Street containing 182 single family lots and 8 multi-family lots.
 - v) Notice of Completion for Eagle Glen Unit No. 4 containing 73 single family lots, located Northwest corner of Visalia Parkway and Walnut Avenue.
 - w) Notice of Completion for Eagle Glen Unit No. 5 containing 57 single family lots, located Northwest corner of Visalia Parkway and Walnut Avenue.
 - x) Notice of Completion for the Visalia Sports Park Off-site Improvements with the final contract amount of \$1,248,845.05; and appropriate \$230,000 from the Transportation Impact Fund (1241) as supplemental funding for the project. Project No. 1241-720000-0-0-9739-2005.
8. Authorization to execute a final Certificate of Cancellation of Land Conservation No. 10263 located on property owned by North Visalia Investments, LLC (Thomas C. Brodersen, agent). The site is located on the north side of the Riggin Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011) **Resolution No. 2007-65 required.**
9. **Public Hearing** for Disestablishment of Agricultural Preserve No. 3470: a request by North Visalia Investments, LLC, property owner (Thomas C. Brodersen, agent) to cancel Agricultural Preserve No. 3470 covering approximately 30 acres. The site is located on the north side of the Riggin Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare (APN: 079-071-011). **Resolution No. 2007-66 required.**
10. Authorization to bid the construction of the Recreation Park Stadium Expansion and Renovation Project in two primary phases and without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02. Project No. 0011-15152-72-0-8037.
11. Introduction of Ordinance No. 2007-14, rescinding Ordinance No. 2006-13 and authorizing the City Manager to execute a ten (10) year, with five (5) year renewal option, lease of Recreation Park Stadium, for professional baseball, with Top of the Third, Inc.

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Centex Homes	By legal desc.	Lots E & F of Shannon Ranch 1 & 2 and Lot I of Avalon	Riparian setback	6/25/07	Don Stone
City of Visalia	Bridgecourt Development	By legal desc.	Area along Modoc Ditch in Riverbend 6 and 7	Riparian setback	6/25/07	Don Stone
City of Visalia	Kugler, Duvall & Margaret	210-216 N. Tipton St.	094-240-030 & 031	Riparian setback, park, construction of Oak St.	6/28/07	Mike Olmos

Upcoming Council Meetings

Monday, July 23, 2007, Joint City Council/Planning Commission – Convention Center

Monday, August 6, 2007 – City Hall Council Chambers

Monday, August 20, 2007 – City Hall Council Chambers

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Annual presentation by PROTEUS, Inc. regarding the program at the Wittman Center in Village Park.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

Contact Name and Phone Number: Jane Garcia-Dicken, 713-4277 or Vincent Elizondo, 713-4367

Department Recommendation:

Accept the City staff report and the presentation provided by PROTEUS, Inc. regarding the operation of the Wittman Center and provide future direction regarding updates on the program.

Background Information:

In July 2003, the City entered into a five-year agreement with PROTEUS to manage and operate the Wittman Community Center located at 315 Pearl Street in Visalia. The mission of PROTEUS is to provide high quality recreational and educational youth and community programs at the Wittman Center.

The contract is managed by the Parks and Recreation Department.

In addition to periodic site visits by the City, PROTEUS also provides quarterly written reports to the City outlining the current program, average daily and monthly attendance, fundraising efforts, and other information the PROTEUS Board desires to include. The last quarterly report is provided in this report as Exhibit A.

The City initially provided PROTEUS, Inc. with \$89,440 in compensation on an annual basis for services rendered to manage and operate the Wittman Center. Last July 2006, as part of the Council review process, PROTEUS, Inc. requested a 4% COLA increase and their contract amount was increased to \$93,017.60

A stipulation in the contract requires PROTEUS to provide the City Council with an annual report on the Wittman Center program, the current budget, and fundraising plans during a Council Work Session in June (or July) of each year during the term of the agreement.

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.

Representatives from Proteus plan on being at the Council work session of July 16, 2007 to provide the City Council with an overview of the current program.

Prior Council/Board Actions: Approved a five-year contract with PROTEUS to manage and operate the Wittman Community Center on June 23, 2003.

Committee/Commission Review and Actions:

Attachments: Exhibit A – Most recent quarterly report as submitted by PROTEUS.

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

City of Visalia Agenda Item Transmittal

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Update on the East Downtown development process and request City Council approval of delivery strategy for office "liner" building on block bounded by East Oak Avenue, North Tipton, and Liberty Avenue extension, located in the Civic Center area of the East downtown Strategic Plan.

Deadline for Action: None

Submitting Department: Housing and Economic Development

Contact Name and Phone Number:

Michael Olmos, Assistant City Manager, 713-4332
Ricardo Noguera, Housing and Economic Development Director,
713-4190
Sharon Sheltzer, Project Manager, 713-4414

Department Recommendation: That City Council authorize the preparation and release of an RFP to select a developer to build an office "liner" building located on the south portion of the block bounded by East Oak Avenue, North Tipton, and Liberty street extension, located in the Civic Center area of the East Downtown Strategic Plan. The RFP will specify a building four stories high and containing at least 40,000 square feet. The City would lease a portion of the office space for a specified period of time to assist the developer with project feasibility, and to provide the City with needed space to accommodate future needs.

Staff further requests authorization to form a Public Safety Building Project Committee comprised of two Council members, City Manager, Police Chief and Fire Chief to oversee the project design and delivery process.

Summary/background:

Significant progress has been made on the Civic Center Master Plan and East Downtown Infrastructure and Linear Park Master Plan. Work is now beginning on the future Public Safety Building. With the recent purchase of the property at the southeast corner of Tipton Street and Oak Avenue, the City has now consolidated ownership of all property on both sides of the Oak Avenue alignment between Tipton and Burke Street.

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.

Significant additional private sector investment in East Downtown is also underway with the beginning of construction of the first phase of the Buckman Mitchell professional office complex at Murray Avenue and Santa Fe Street.

As part of the East Downtown implementation strategy, Council authorized staff to proceed on Request for Proposals (RFP) process to identify a potential private sector development team to purchase a portion of the City-owned property located at the northeast corner of Tipton Street and Oak Avenue (former Gas Co. site) for development of a “liner” office building along Oak Street. This building will constitute the first structure in the Civic Center block and will continue investment activity in East Downtown and hopefully generate interest from other developers for sites along the Santa Fe corridor.

On January 8, 2007 Council approved the final stage of the Civic Center implementation strategy which included the following items:

- a. Initiation of the process to sell or lease a portion of the former Gas Co. site on the south edge adjacent to East Oak Avenue to enable the construction of a multi-story retail office building.
- b. City would offer to negotiate a lease a portion of the building to assist with its financial feasibility.
- c. Interim surface parking on the larger portion of the block would remain until replacement with a parking garage.

Since that time staff consulted with WRNS Studio (formerly with Gordon Chong Partners Architecture) to develop a preliminary analysis to determine how a conceptual parking garage footprint and office footprint could be integrated on the buildable portion of the site. WRNS determined that the former Gas Co. site can accommodate a future parking structure and provide a site along the Oak Street extension for a future “liner” building. The liner building footprint would have approximately 265 feet of frontage along Oak Avenue and a depth of about 48 feet. The footprint would have a plaza area on the east end that can also serve as entry/ exit way for the future parking structure.

Attached is a copy of a concept site plan developed by WRNS Studio. It shows a potential parking structure footprint comprising 39,438 sq. ft., a footprint for a mixed use retail / office building as 12,733 sq. ft., and a plaza area about 2,400 sq. ft. These dimensions are approximate and will be refined as plans are developed for the site.

As with the police precinct buildings, staff recommends establishment of a Public Safety Building Project Committee to oversee the design and delivery process, including making recommendations to Council on design consultants. The Committee would be comprised of two Council Members, City Manager, Police Chief and Fire Chief.

In addition to the liner building , updates are also provided for each of the following planning projects for the implementation of the East Downtown Strategic Plan:

- EDAW Parks and Infrastructure Master Plan- EDAW presented two design alternatives at the third public workshop on July 10. They received substantial and valuable feedback from the public. The East Downtown Task Force and City staff, and will utilize the input to refine the design which will be presented to City Council and the public at the end of September.
- Oak Avenue extension- A contract amendment has been prepared with Provost and Pritchard, through EDAW, to provide construction plans for the extension of Oak

Avenue to Burke Street. This is the next step beyond master planning to expedite the construction of Oak Avenue in time for the Public Safety building.

- Civic Center Master Plan and North East Visalia Framework Master Plan with RACESTUDIO- Research has been completed on the Civic Center Master Plan including facility programming for the Public Safety building and the City Hall, site planning, financing and phases, and real estate strategy, with the final report remaining to be completed. The Framework Plan Task Force and TAC (Technical Advisory Committee) met once in April and the next meeting will be a public workshop; meeting date to occur in August.
- TPG Consulting services- The General Plan amendment, draft Form Based Code, the preparation of a Mitigated Negative Declaration and parking district recommendations have been drafted and are being finalized. In May 2007, Council approved an amendment to the TPG Consulting contract to include the area to the north of Murray/Goshen known as Zone 2 in the Interim Zoning Ordinances in their studies and implementation. Hearings on these items will occur in late summer.
- Crawford, Multari and Clark- Completed a draft Form Based Code which was presented to City Council, City Staff and the development/professional consultant community on June 11, 2007. This draft continues to be refined with input from City staff, City Council and Bruce Race. The second draft will be circulated throughout the development community.

Prior Council/Board Actions:

January 8, 2006 Direction for the final phase of the Civic Center Master Plan

Committee/Commission Review and Actions:

Alternatives: None recommended

Attachments: Map of East Downtown area
WRNS concept plan

Environmental Assessment Status

CEQA Review: Under preparation for Form Based Code implementation

NEPA Review: Under preparation for Form Based Code implementation

Recommended Motion (and Alternative Motions if expected):

Move to Authorize the preparation and release of an RFP to select a developer to build an office building located on the south portion of the block bounded by East Oak Avenue, North Tipton, and Liberty Street extension, located in the Civic Center area of the East Downtown Strategic Plan.

Authorize formation of Public Safety Building Project Committee.

Tracking Information: Work with Armstrong Real Estate Advisors on RFP

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7c

Agenda Item Wording:

Second Reading of Ordinance No. 2007-10 authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number:

Mario Cifuentez, Airport Manager: 713-4480

Department Recommendation:

City staff recommends that Council adopt the ordinance thereby authorizing the City Manager to execute an agreement with the Faria & Sons Family Limited Partnership for the use of farmland at the Visalia Airport.

Summary/background:

Council has recently approved the purchase of approximately 90 acres of property owned by the Faria family. The property to be acquired is located within approach zone of runway 30 and immediately south of the Visalia Municipal Airport (see attached maps). The property is comprised of portions of five (5) separate parcels all previously owned by the Faria and Sons Family Limited Partnership. The shape of the property is determined by the requirements of the existing and future Runway Protection Zones (RPZ's) for the Visalia Municipal Airport with those zones squared off to form the most logical parcel shape.

The acquisition of this property will allow for an expanded protection zone to correspond to the proposed runway extension already included in the airport's 5-year Capital Improvement Program. Any runway extension will occur on property already owned by the City, however the acquisition will also provide space for required runway approach lights. The runway expansion project is not considered an immediate need by the City; however, it has been budgeted as part of the 2007/08 fiscal year and will be funded primarily by FAA grant funding.

Because only a relatively small area of the proposed overall purchase would be needed for the approach lighting, the surrounding uses would not be disturbed and would be perfectly suited to a long-term lease back to continue the current farming practices.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The FAA allows for leases of grant-funded acquisitions with maximum terms of up to 40 years. This lease will generate revenue at the rate of \$150 per acre for the first year, increasing annually based on the CPI. Based on the size of the property, this new lease will provide \$13,350 in new revenue the first year and relieve the City of the responsibility and cost to maintain the property. The City currently is party to a similar lease of approximately 260 acres of airport property to Eric Shuklian, who has leased the property from the Airport since 1997.

The lease and all related documents have been prepared and reviewed by the City Attorney's office.

Prior Council/Board Actions:

April 2, 2007 – Council approved the purchase of property from the Faria & Sons Family limited partnership and approved a long-term (up to 40 years) lease back of all or part of the purchased property and authorized the City Manager to execute same and return to Council with a proposed ordinance related to same.

Committee/Commission Review and Actions: The Airport Committee concurs with staff's recommendations and recommends execution of this lease.

Alternatives: Choosing not to adopt the ordinance would cancel the purchase of the property, which included the long-term leaseback as a condition of the sale.

Attachments:

1. Lease Agreement
2. Proposed Ordinance
3. Exhibit "A" Legal Description
4. Property Map

Recommended Motion (and Alternative Motions if expected): I move: the Second Reading of Ordinance No. 2007-10 authorizing the City Manager to execute a new 40-year Lease Agreement with the Faria & Sons Family Limited Partnership for approximately 90 acres of farmland at the Visalia Municipal Airport.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Execution of the referenced Agreement after Ordinance Process
Coordinate billing with Finance

Copies of this report have been provided to:

ORDINANCE NO. 2007-10

**AN ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF VISALIA**

**AUTHORIZING THE LEASE OF APPROXIMATELY 90 ACRES OF
PROPERTY AT THE VISALIA MUNICIPAL AIRPORT
TO THE FARIA & SONS FAMILY LIMITED PARTNERSHIP FOR
AGRICULTURAL PURPOSES**

WHEREAS, the City of Visalia owns certain property generally located southeast of the intersections of highways 99 and 198, commonly referred to as the Visalia Municipal Airport, and,

WHEREAS, the City of Visalia has recently acquired approximately 90 acres of property from the Faria & Sons Family Limited Partnership for the purpose of providing approach protection and future runway expansion, and,

WHEREAS, the City of Visalia desires to lease all of the approximately 90 acres of property back to the Family for agricultural purposes, and,

WHEREAS, said lease for agricultural purposes is of benefit to the Visalia Municipal Airport based on the revenue generation and approach protection, and,

WHEREAS, leasing the property back to the Faria Family will provide for a seamless transition of ownership without disrupting the current farming operation.,

WHEREAS, the subject real property is more particularly and legally described in Exhibit "A" attached hereto.

Be it ordained by the Council of the City of Visalia,

Section 1. The City Manager of the City of Visalia be, and is hereby authorized to execute on behalf of the City of Visalia, that certain Airport Ground Lease Agreement by and between the City of Visalia as Lessor and the Faria & Sons Family Limited Partnership, as Lessee.

Section 2. This ordinance shall go into effect thirty (30) days after its passage.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number: 7d

Agenda Item Wording:

Second Reading of Ordinance 2007-11 for Change of Zone No. 2007-05: a request by the City of Visalia to change the Zoning designation on 1.65 acres from C-S (Service Commercial) to C-SO (Shopping / Office Commercial) for 1.65 acres. The site is located on the south side of East Goshen Avenue approximately 250-feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055.

Deadline for Action: None.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

Paul Bernal, 713-4025
Fred Brusuelas, AICP 713-4364

Department Recommendation and Summary: Staff recommends that the City Council conduct the second reading and adoption of Ordinance No. 2007-11 for Change of Zone No. 2007-05.

Recommendation and Summary: The City Council held a public hearing on this item on June 18, 2007, and approved the first reading of the ordinance change along with the accompanying amendment to the General Plan.

If the second reading for this change of zone is approved, approximately 1.65 acres of C-S (Service Commercial) zoned property will be redesignated to C-SO (Shopping / Office Commercial) zoned property.

If the change of zone is approved at the second reading, it will become effective 30 days from July 16, 2007.

Although no development plan has been submitted for this site, the proposed change of zone would facilitate the future development of the site with an office building, including office uses for governmental purposes. This would be a conditionally permitted use in the C-SO (Shopping / Office Commercial) zone but is not allowed in the C-S (Service Commercial) zone

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.

Prior Council/Board Actions: The City Council approved General Plan Amendment No. 2007-04 and the first reading of Ordinance No. 2007-17 for Change of Zone No. 2007-05 on June 18, 2007.

Alternatives:

None recommended.

Attachments:

- Ordinance No. 2007-11
- Existing and Proposed Zoning Map
- Location Sketch

City Manager Recommendation:

Recommended Motion: I move to conduct the second reading of Ordinance No. 2007-11 for Change of Zone No. 2007-05, approving Change of Zone No. 2007-05.

Financial Impact

Funding Source:

Account Number: _____ (Call Finance for assistance)

Budget Recap:

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

Copies of this report have been provided to:

Environmental Assessment Status

CEQA Review:

Required? Yes

A Categorical Exemption has been prepared for the project.

Review and Action: Prior:
Required:

NEPA Review:

Required? No

Review and Action: Prior:
Required:

ORDINANCE NO. 2007-11

AN ORDINANCE OF THE CITY OF VISALIA, APPROVING CHANGE OF ZONE NO. 2007-05, TO CHANGE THE ZONING FROM C-S (SERVICE COMMERCIAL) TO C-SO (SHOPPING / OFFICE COMMERCIAL) ON APPROXIMATELY 1.65 ACRES

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 of Zone No. 2007-05, to change the zoning from C-S (Service Commercial) to C-SO (Shopping / Office Commercial), for commercial/office development, on the south side of East Goshen Avenue approximately 250-feet east of the intersection of North Ben Maddox Way and East Goshen Avenue APN: 098-142-055.

Section 2: This property and Zoning Map of the City of Visalia is hereby amended to show said property changes.

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7e

Agenda Item Wording: Adoption of Ordinance 2007-12 describing the Redevelopment Agency's Eminent Domain Program for the East, Central, and Mooney Boulevard Redevelopment Project Areas

Deadline for Action: July 16,2007

Submitting Department: Community Development and City Attorney

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Staff recommends adoption of Ordinance No. 2007-12 describing the Redevelopment Agency's eminent domain program for the East, Central, and Mooney Boulevard Redevelopment Project Areas.

Summary/background: Adoption of Ordinance No. 2007-12 will satisfy the requirements of new California Health and Safety Code Section No. 33342.7 which was enacted during 2006. This new section requires that the City Council adopt an ordinance by July 1, 2007, describing the Redevelopment Agency's eminent domain program under its redevelopment plans. Ordinance No. 2007-12 was introduced on June 25, 2007 and is recommended for adoption on July 16, 2007. The ordinance states that eminent domain authority for the Central, East, and Mooney Boulevard Redevelopment Project Areas have expired and the City does not presently have the authority to acquire real property by eminent domain in any of its Redevelopment Plan areas.

Prior Council/Board Actions: Introduction of Ordinance No. 2007-12 on June 25, 2007.

Committee/Commission Review and Actions: NA

Alternatives: None recommended.

Attachments: Ordinance No. 2007-12

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.

Recommended Motion (and Alternative Motions if expected): Move to adopt Ordinance 2007-12.

Environmental Assessment Status

CEQA Review: NA

NEPA Review: NA

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

Copies of this report have been provided to: NA

ORDINANCE NO. 2007-12

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
DESCRIBING ITS REDEVELOPMENT AGENCY'S EMINENT DOMAIN PROGRAM FOR THE
EAST, CENTRAL AND MOONEY BOULEVARD REDEVELOPMENT PROJECT AREAS**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: The Redevelopment Plan for the Central Visalia Redevelopment Project Area (the "Central Visalia Plan") was approved and adopted on July 10, 1989, and is being carried out by the Redevelopment Agency of the City of Visalia (the "Agency"). As adopted, Section 321 of the Central Visalia Plan authorized the use of eminent domain only in very specific circumstances and only within a twelve year period commencing five years from the date of the adoption of the Central Visalia Plan. Therefore, the time limit for the Agency to acquire property by eminent domain expired on July 10, 2006, and the Agency does not presently have the authority to acquire real property by eminent domain in the Central Visalia Project plan area.

Section 2: The Redevelopment Enabling Plan for the Central Visalia Redevelopment Project (the "East Visalia Plan") was approved and adopted on June 26, 1986, and is being carried out by the Agency. As adopted, Section 321 of the Central Visalia Plan authorized the use of eminent domain only in very specific circumstances and only within a twelve year period from the date of adoption of the East Visalia Plan. Therefore, the time limit for the Agency to acquire property by eminent domain in the East Visalia Plan project area expired on June 25, 1998, and the Agency does not presently have the authority to acquire real property by eminent domain in the East Visalia Project plan area.

Section 3: The Redevelopment Enabling Plan for the Mooney Boulevard Redevelopment Project (the "Mooney Plan") was approved and adopted on June 15, 1987, and is being carried out by the Redevelopment Agency of the City of Visalia (the "Agency"). As adopted and amended, Section 321 of the Mooney Plan authorized the use of eminent domain only in very specific circumstances and only within a twelve year period from the date of adoption of the Mooney Plan. Therefore, the time limit for the Agency to acquire property by eminent domain expired on June 15, 1999, and the Agency does not presently have the authority to acquire real property by eminent domain in the East Visalia Project plan area.

Section 4: CEQA. This ordinance is not subject to the California Environmental Quality Act (Public Resources Code Section 21000 et seq.).

Section 5: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstance, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 6: Effective Date. This ordinance shall be in full force and effect thirty (30) days after its passage.

Section 7: Publication. The City Clerk is hereby ordered and directed to cause this ordinance to be published in the manner and time required by law.

PASSED AND ADOPTED:

Jesus Gamboa, Mayor

ATTEST:

Steven M. Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer, City Attorney

City of Visalia Agenda Item Transmittal

Meeting Date: June 25, 2007

Agenda Item Number (Assigned by City Clerk): 7f

Agenda Item Wording: Adoption of **Ordinance 2007-13** approving the Citizens Advisory Committee (CAC) recommendation to adjust the monthly compensation to City Council members to \$800, eliminating the stipend, and implementing an automatic inflation factor that compounds annually for future compensation increases. (Ordinance required)

Deadline for Action: November 1, 2007

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Cass Cook 713-4425, CAC Staff Liaison
Leslie B. Caviglia 713-4317

Recommendation

Approval of **Ordinance 2007-13** approving the Citizens Advisory Committee (CAC) recommendation to increase Council member monthly compensation from \$500 to \$800, eliminating the monthly stipend when the increase is realized, and implementing an automatic inflation factor that compounds annually.

Discussion

The CAC conducted a survey (methodology follows) as part of the process of considering Council compensation. Based on this survey and several discussions within the sub-committee and committee, the CAC recommended increasing the Council's compensation at the June 4 City Council meeting. The CAC recommended an increase from \$500 to \$800, to include the current \$60 stipend which will be eliminated upon adoption and full implementation of this ordinance.

After considerable discussion, Council directed staff to prepare the appropriate ordinance to adjust the compensation as recommended by the CAC, and to include an automatic inflation factor that would compound annually. The City Council has not received a compensation increase in more than 16 years. During that time, the Council compensation has obviously not kept pace with inflation, or with other like cities of similar population. To avoid a similar situation in the future, an inflation factor is being included.

Staff is recommending that the Consumer Price Index for California - All Items, All Urban Consumers (1982-84 = 100), as maintained by U.S. Department of Labor, Bureau of Labor Statistics be used as the inflation factor for recalculating the Council compensation on an annual basis. This specific wording is slightly different from that proposed in the first reading of

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 LBC 62607
(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 ordinance. In the first version, only the California Price Index was designated. The current wording is a more definitive description of the formula that will be used to determine the compensation increase. While there was some discussion during the Council meeting of using employee salary increases as the factor, staff believes there are too many variables to make employee salary increases a good factor. The number and varying size of employee groups, different implementation dates, and the possibility of the perceived perception that Council could be giving employee increases as a way to increase Council salaries were some of the complexities. Instead, CPI is a independent standard that is based on inflation within the state.

The following example is being provided to clarify how the inflation factor would work. The numbers cited are for discussion purposes only and in no way reflect the California CPI. Assuming the designated CPI increase as of July 1, 2008 was 3% and as of July 1, 2009 was 2%, the monthly compensation with the inflation factor for the Council Members elected in 2009 would be as follows:

$$\$800 + \$24 (3\% \text{ of } \$800) + \$16.48 (2\% \text{ of } \$824) = \$840.48 \text{ in } 2009$$

Assuming that the CPI increase in July 1, 2010 and 2011 were 3%, the monthly compensation for the Council Members elected in 2011 would be as follows:

$$\$840.48 + \$25.21 (3\% \text{ of } \$840.48) + \$25.97 (3\% \text{ of } \$866.45) = \$911.66 \text{ in } 2011$$

Council Members cannot, per the charter, increase their own salaries. Therefore, if approved by Council, the two Council members elected in November of 2007 would receive the new amount (\$800) after they are sworn in later this year. The increase with the inflation factor would not be applicable for the remaining three seats until after the election in 2009; therefore, these Council Members would continue to receive \$500 plus the stipend until after the 2009 election. Should a vacancy occur, the new Council Member would receive the applicable new compensation, since they would not have approved the increase.

Background

A survey of Council compensation was administered to 16 California charter cities. Of the total, 8 were located in the Central Valley, 4 were from northern California and 4 from southern California. The population for the cities from northern and southern California was roughly equivalent to Visalia's population. Each city was asked questions regarding their population, budget, number of council members, and the compensation provided to their council members. The CAC sub-committee analyzed the data to determine a recommendation for Visalia's City Council.

After significant review and discussion, the CAC recommended discontinuing the \$60 per month stipend and increasing the monthly salary by \$500 to \$800. Health and retirement benefits would remain unchanged. Increasing the Council Members salary to \$800 per month will provide a modest increase and raise their salary equal with those serving in Modesto.

Stipend

The CAC recommended eliminating the \$60 monthly stipend. The purpose of the stipend is to pay for expenses related to City Council members attending various events or meetings which are beneficial to the City to have Council representation in attendance. Recent changes in California state law limit the types of events for which the stipend could be used. To avoid

confusion in determining which events are eligible to be paid for from the stipend, the CAC recommends eliminating the stipend as the increased salaries are implemented.

Total Compensation

The last adjustment to the Council's compensation was in 1991, when the monthly salary was increased from \$400 to \$500. Recommendations have been brought to Council by the CAC three times since the 1991 increase, but the Council has declined to raise the compensation level. See Table 1 Council Compensation History.

Table 1 Council Compensation History

PROPOSED	CHANGE	EFFECTIVE
November 1999	CAC recommended increase, Council did not adopt	-
June 1996	CAC recommended increase, Council did not adopt	-
June 1994	CAC recommended increase, Council did not adopt	-
July 1990	Increased to \$500	November 1991
September 1988	Increased to \$400	December 1989
March 1984	Increased to \$300*	December 1985

*1984 is the last year for which information was readily available.

The recommendation to raise the monthly salary is based on several factors:

- 1) According to the survey, the average Council salary was \$937 for cities with populations from 86,000 to 121,000. The \$300 pay raise would be \$137 below the average. See Table 2 Salary Survey.
- 2) The adjustment is equivalent to an annual 3% growth rate since 1991.
- 3) The council has not had a raise since 1990.

Table 2 Salary Survey

	MONTHLY SALARY	MONTHLY STIPEND	POPULATION
Berkeley	2,272	803	104,603
Richmond	1,222	-	103,012
Clovis	1,102	-	86,015
Burbank	1,024	-	106,739
Vallejo	900	-	121,221
Modesto	800	-	207,634
Visalia (proposed)	800	-	117,744
Downey	665	-	113,607
San Mateo	600	-	94,212
Ventura	600	-	106,096
Visalia (current)	500	60	117,744
Lodi	500	-	62,467
Turlock	500	-	67,009
Hanford	400	-	48,070
Bakersfield	100	-	295,893
Merced	-	70	73,610
Inglewood	52	-	118,164
Tulare	\$5/meeting	-	49,477

Alternatives: Increase the Council compensation by \$60 a month and eliminate the stipend.
Not increase the compensation

Recommended Motion (and Alternative Motions if expected):

Move to approve **Ordinance 2007 -13** approving an increase in Council compensation, eliminating the stipend and implementing an automatic inflation factor based on the annual California CPI compounded annually.

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)*
CV-9's for the appropriate Council members should be completed following the election in every odd year, or whenever a new Council member is seated.

Copies of this report have been provided to:

ORDINANCE 2007 – 13
AMENDING SECTION 2.02.080 OF THE ORDINANCE CODE RELATED TO COUNCIL MEMBER COMPENSATION AND PRESCRIBING THE EFFECTIVE DATES THEREOF

WHEREAS the Visalia City Council monthly compensation has been unchanged since 1991; and

WHEREAS the Citizens Advisory Committee conducted a salary survey and based on that information, recommended that the proposed increase be adopted; and

WHEREAS an inflationary factor has been proposed to keep Council compensation in line with inflation; and

WHEREAS, the Council intends that any increase in monthly compensation be applied only at the commencement of a Council member's term, in conformance with provisions of the Visalia Charter;

NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA:

Section 1: Section 2.04.080 (Council Compensation) of Chapter 2.04 of Title 2 of the Visalia Municipal Code is hereby amended to read:

SECTION 2.04.080 (COUNCIL COMPENSATION)

- A. The compensation for Council Members shall be \$800 per month, effective upon the commencement of the terms of the newly elected Council Members following the November, 2007, election, to be applied only to those Council Members elected or reelected at that time.
- B. The Council Member monthly compensation will be increased annually by the Consumer Price Index for California - All Items, All Urban Consumers (1982-84 = 100), as maintained by U.S. Department of Labor, Bureau of Labor Statistics
- C. The compensation amount in effect at the commencement of a Council member's term shall be the compensation amount received by that Council member for the duration of that term, and no increase in monthly compensation shall be applied during a Council member's term.

Section 2: Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Ordinance, or its application to any person or circumstances, is for any reason held to be invalid or unenforceable, such invalidity or unenforceability shall not effect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council of the City of Visalia hereby declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more other sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 3: Effective Date. This Ordinance shall take effect thirty days after its adoption.

Section 4: Certification. The City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same to be published or posted according to law.

PASSED AND ADOPTED:

Jesus Gamboa, Mayor

ATTEST:

Steve Salomon, City Clerk

APPROVED AS TO FORM
BY CITY ATTORNEY:

Alex M. Peltzer, City Attorney

City of Visalia Agenda Item Transmittal

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7g

Agenda Item Wording: Authorize the City Manager to execute the Memorandum of Understanding for Visalia Police Officers Association (City of Visalia Employee Bargaining Unit Group B) for the period April 28, 2007 through June 30, 2010.

Deadline for Action: July 16, 2007

Submitting Department: Administrative Services

Contact Name and Phone Number: Janice Avila, Human Resources Manager, 713-4417 and Eric Frost, Administrative Services Director, 713-4474.

Department Recommendation:

That Council authorize the City Manager to execute the Memorandum of Understanding for Visalia Police Officers Association (City of Visalia Employee Bargaining Unit Group B) for the period April 28, 2007 through June 30, 2010.

Summary/background:

In early March, 2007, the City's negotiation team began the negotiations process with Group B for their MOU that was set to expire on June 30, 2007. On June 1, the City and Group B came to a tentative agreement and City staff presented the following elements to Council for consideration and authorization, at the June 4, 2007, closed session. The following summarizes the general elements of the Group's Memorandum's of Understanding.

- **Term of Contract:** Three (3) year agreement
- **Contract Date:** April 28, 2007 through June 30, 2010
- **Salary:**
 - First year:
 - 4% increase, effective with the pay period beginning April 28, 2007
 - 2% increase, effective with the pay period beginning January 1, 2008

Second year:

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.

- 2% increase, effective with pay period including July 1, 2008

Third year:

- 4% increase, CPI, or unrepresented whichever is better, effective with the pay period beginning July 1, 2009
- **Health Benefits:**
 - Up to 50% of future health benefits cost increases, but no more than \$50 per month increase per year in employee health care premiums
 - Participation in a Health Benefits Committee
 - If five out of the six groups (5 represented groups and management) agree upon health plan changes, the health plan changes shall take effect. (This item will require agreement of all bargaining groups.)
 - Due to the health plan employee health care premium cap, seventy-five (75%) percent of all savings achieved by the City's Health Benefits Committee shall be credited to the employees' contribution for current or future health plan cost increases
- **Comp Time to Salary:**
 - Convert the ten (10) hours of comp time - given annually in January of each year, to pay which is an equivalent of .48% increase in salary.
- **Long Term Disability:**
 - Current premium paid by City will be converted to salary. Group B salaries shall be increased by 0.52%, the premium amount currently paid by the City. Employees will begin paying their own LTD premium.
- **Section 125:**
 - All (employee and dependent) health premiums shall be taken on a pre-tax basis unless opted out by written notification by the employee during open enrollment period.
- **PERS:**
 - Inclusion of the optional in-service death benefit (Pre-retirement Optional Settlement 2 Death Benefit, section 21548) which provides the surviving spouse the same retirement benefit as if the employee had retired at the time of death. The benefit would be made effective as soon as allowed by PERS.
- **Sick Leave Policy:**
 - Continue the Sick Leave program implemented in December 2004, and incorporate this policy into the new MOU.
- **Tuition Assistance:**
 - Increase tuition assistance for continuing education from \$800 per fiscal year to \$1,000 per fiscal year for those pursuing up to an AA degree, and \$1,200 per fiscal year for those pursuing up to a BA/BS degree
- **Disability Avoidance Program:**

- Jointly review, establish and implement fitness testing standards and attendance standards, with City representatives and Fire Department representatives to conform to current physical standards.
- **Bilingual Pay:**
 - Increase bilingual pay from \$750 to \$900 annually for those employees meeting testing standards
 - The language of Laotian (dialects of Hmong, Lahu and Mien) will be added as a qualifying language to the current qualifying language of Spanish.
- **Specialty/Incentive Pay:**
 - For the following qualifying categories, each qualified group member shall receive an increase in specialty/incentive pay from \$750 per year to \$1,400 per year, paid on the pay period that includes July 1 of each year.
 - Qualifying categories are:
 - *Investigations*
 - *Youth Services*
 - *SWAT*
 - *Field Training Program*
 - *Bomb Squad*
 - *Special Enforcement*
- **Other Pay and Paid leaves**
 - In concert with the Fair Labor Standards Act (FLSA) and in recognition of time spent off-duty as outlined below:
 - Those employees assigned to the K-9 Unit shall receive an allotment of forty (40) hours of compensatory time in January of each year and shall be paid an additional one-hundred and forty-two (142) hours at their current hourly rate, on the pay period that includes July 1, for each year of the MOU, to compensate them for the time spent maintaining, grooming, and otherwise caring for their assigned canine. (This effectively replaces the 72 hours of comp time currently earned in January of each year.)
 - Those employees assigned to the Traffic Bureau, shall receive an allotment of forty (40) hours of compensatory time in January of each year and shall be paid an additional fifty-six (56) hours at their current hourly rate, on the pay period that includes July 1, for each year of the MOU, to compensate them for the time spent maintaining their department issued motorcycle. (This effectively replaces the 40 hours of comp time currently earned in January of each year.)
 - POST Certificate Pay
 - Implement pay for those employees holding and maintaining POST Certificates as follows
 - Intermediate POST Certificate – 3% salary adjustment effective April 28, 2007.
 - Advanced POST Certificate – an additional 2% salary adjustment (to a total 5%) effective with the pay period including July 1, 2008.

Prior Council/Board Actions: June 4, 2007, closed session item, approving staff's recommendation.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Group B Memorandum of Understanding, April 28, 2007 through June 30, 2010.

Recommended Motion (and Alternative Motions if expected):

I move authorization for the City Manager to execute a three-year memorandum of understanding by and between the City of Visalia and the Visalia Police Officers Association (City of Visalia Employee Bargaining Unit Group B) for the period April 28, 2007 through June 30, 2010.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7h

Agenda Item Wording: Authorize the City Manager to execute the Memorandum of Understanding for Visalia Firefighters Association (City of Visalia Employee Bargaining Unit Group G) for the period April 28, 2007 through June 30, 2010.

Deadline for Action: July 16, 2007

Submitting Department: Administrative Services

Contact Name and Phone Number: Janice Avila, Human Resources Manager, 713-4417 and Eric Frost, Administrative Services Director, 713-4474.

Department Recommendation:

That Council authorize the City Manager to execute the Memorandum of Understanding for the Visalia Firefighters Association (City of Visalia Employee Bargaining Unit Group G) for the period April 28, 2007 through June 30, 2010.

Summary/background:

In early March, 2007, the City's negotiation team began the negotiations process with Group G for their MOU that was set to expire on June 30, 2007. On June 7, the City and Group B came to a tentative agreement and City staff presented the following elements to Council for consideration and authorization, at the June 11, 2007, closed session. The following summarizes the general elements of the Group's Memorandum's of Understanding.

- **Term of Contract:** Three (3) year agreement
- **Contract Date:** April 28, 2007 through June 30, 2010
- **Salary:**
First year:
 - 4% increase, effective with the pay period beginning April 28, 2007
 - 2% increase, effective with the pay period including January 1, 2008

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.

Second year:

- 2% increase, effective with pay period including July 1, 2008

Third year:

- 4% increase, CPI, or unrepresented whichever is better, effective with the pay period including July 1, 2009
- **Health Benefits:**
 - Up to 50% of future health benefits cost increases, but no more than \$50 per month increase per year in employee health care premiums
 - Participation in a Health Benefits Committee
 - If five out of the six groups (5 represented groups and management) agree upon health plan changes, the health plan changes shall take effect. (This item will require agreement of all bargaining groups.)
 - Due to the health plan employee health care premium cap, seventy-five (75%) percent of all savings achieved by the City's Health Benefits Committee shall be credited to the employees' contribution for current or future health plan cost increases
- **Section 125:**
 - All (employee and dependent) health premiums shall be taken on a pre-tax basis unless opted out by written notification by the employee during open enrollment period, as soon as operationally feasible.
- **PERS:**
 - Inclusion of the optional in-service death benefit (Pre-retirement Optional Settlement 2 Death Benefit, section 21548) which provides the surviving spouse the same retirement benefit as if the employee had retired at the time of death. The benefit would be made effective as soon as allowed by PERS.
- **Tuition Assistance:**
 - Increase tuition assistance for qualified continuing education purposes from \$800 per fiscal year to \$1,200 per fiscal year. Up to one-half of this amount may be used for lodging expenses necessary for out-of-town training.
- **Disability Avoidance Program:**
 - Jointly review, establish and implement fitness testing standards and attendance standards, with City representatives and Police Department representatives to conform to current physical standards.
- **Bilingual Pay:**
 - Add bilingual pay of \$900 annually for those Group G employees meeting testing standards as administered by the Human Resources Department.
 - The qualifying languages are Spanish and Laotian (dialects of Hmong, Lahu and Mien).
- **Specialty/Incentive Pay:**

- Employees qualified and certified as Hazardous Material Technicians/Specialists and currently serving in such capacity shall receive additional annual compensation (paid the first full pay period in June of each year for the fiscal year ending), as follows:

	Actively Assigned	Not Assigned
With Class A	\$2,000	\$1,000
Without Class A	\$1,600	\$ 800

- **Other Pay and Paid leaves:**

- Fire Certificate Pay

- Implement pay for those employees holding and maintaining Fire Certificates as follows
 - Fire Officer – 3% salary adjustment effective April 28, 2007.
 - Chief Officer - an additional 2% salary adjustment (to a total 5%) effective with the pay period including July 1, 2008.

- **Paramedic Program**

- The City will establish a classification and job description of Fire Engineer/Paramedic and Fire Captain/Paramedic, effective July 1, 2007. The salary range for each of these classifications will be established at 5% above that of Fire Engineer and Fire Captain, respectively. Employees who are certified Paramedics and serve in Fire Engineer or Fire Captain classifications, will automatically receive the 5% differential. Said employee will retain that salary differential as long as they maintain their Paramedic certificate and are certified to practice in Tulare County.

Prior Council/Board Actions: June 11, 2007, closed session item, approving staff's recommendation.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Group G Memorandum of Understanding, April 28, 2007 through June 30, 2010.

Recommended Motion (and Alternative Motions if expected):

I move authorization for the City Manager to execute a three-year memorandum of understanding by and between the City of Visalia and the Visalia Firefighters Association (City of Visalia Employee Bargaining Unit Group G) for the period April 28, 2007 through June 30, 2010.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7i

Agenda Item Wording: Approve the recommendation by the Parks and Recreation Commission to establish the name of "Soroptimist Park" for the new neighborhood park site at Linwood Avenue and Monte Vista Streets in northwest Visalia.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

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

Department Recommendation and Summary:

The Visalia Parks and Recreation Commission unanimously recommends that the City Council establish the name of "Soroptimist Park" for the new four acre neighborhood park to be developed on the northeast corner of Linwood Avenue and Prospect Street.

Background:

By ordinance the Park and Recreation Commission has the responsibility to recommend park names for consideration by the City Council.

On May 21st the City Council approved a staff recommendation to enter into an agreement with Imagine U to develop a permanent location for a children's museum on Soroptimist Park, essentially eliminating the existing park use at this location. The museum is proposed to be 12,000 to 15,000 square feet and will include exhibit space, offices, storage area.

In addition, the adjacent water basin will be enlarged and the potential exists for Tipton and possibly Liberty Streets to be expanded to the north further reducing the size and function of the existing Soroptimist Park site. As of this date, the final configuration of this site is still being analyzed for future alignment and master plan possibilities. This item will come back to the City Council at a future date

During this entire process, the Soroptimist Club has been aware of the proposed new plans for the area around Soroptimist Park, and has been supportive of the planned change in use, providing another park site in the community be renamed the new Soroptimist Park.

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.

During the past forty years, the Soroptimist Club has made numerous improvements and donated extensive volunteer hours and financial resources to maintain and enhance the current Soroptimist Park. In recent years the area surrounding the park has seen a change in land use to light industrial and commercial developments and park use has decreased substantially.

The policy for naming parks and other recreation facilities allows for the naming of a park for an organization that has made a significant difference to the community. As previously stated the Soroptimist Club has made numerous contributions to the care and upkeep of parks. They have replaced equipment, painted various park amenities, planted trees, and conducted park clean-ups. Recently the club made a donation of \$5,000 to the *1000 Hands Playground Project* to be built at the Riverway Sports Park. They support services for women in need and give generously to other community organizations.

The design of the new park site at Linwood Avenue and Prospect Street will kick off in August. The landscape design firm of Royston Hanamoto Alley & Abey (RHAA) has been selected to design the park and will be able to include some of the history of the club's involvement in the design.

Prior Council/Board Actions:

Committee/Commission Review and Actions: Park and Recreation Commission Meeting of June 19, 2007.

Attachments:

Recommended Motion (and Alternative Motions if expected): Move to approve the recommendation by the Parks & Recreation Commission to establish the name of "Soroptimist Park" for the new neighborhood park site at Linwood Avenue and Monte Vista Streets in northwest Visalia.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7j

Agenda Item Wording: Approve the Garden St. Plaza electrical improvements project and approve the appropriation of funds for the project.

Deadline for Action: none

Submitting Department: Parks and Recreation

Contact Name and Phone Number: Paul Shepard 713-4209

Department Recommendation: Approve the Garden St. Plaza electrical improvements project and approve the appropriation of funds for the project.

Summary/background: On October 7, 2006, the electrical circuits at the Garden Street Plaza were overloaded during a First Arts Market event. A transformer was damaged and certain circuits have been inoperable since then. Staff hired Gurcinas and Associates electrical engineers to look into the damage of the electrical system, work with staff to determine what the maximum load could be during Plaza events and to recommend how the current electrical system could be upgraded. After several meetings to determine what the maximum load could be during events, Mr. Rimas Gurcinas prepared a report stating that repairs and upgrades to the Garden Street Plaza would cost approximately \$50,000. Mr. Gurcinas also stated that the existing system was not designed to support the electrical loads of the current events being held at the Plaza.

Staff recommends that General Fund undesignated reserves be appropriated for the Garden St. Plaza electrical improvements project.

Prior Council/Board Actions: none

Committee/Commission Review and Actions: none

Alternatives: Identify an alternate source of funds for the Garden St. Plaza project.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Attachments:

Recommended Motion (and Alternative Motions if expected): Approve the Garden St. Plaza electrical improvements project and appropriate \$50,000 of General Fund undesignated reserves for this project.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7k

Agenda Item Wording: Approve the recommendation to name certain park amenities in the new Riverway Sports Park in accordance with the City's policy on naming park facilities.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

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

Department Recommendation and Summary:

The Parks & Recreation Commission recommends to the City Council the naming of certain park amenities in Riverway Sports Park (as outlined in this staff report) in accordance with the City's policy on naming park facilities.

Furthermore, City staff is recommending that the Council approve "As to Form" the Sponsorship Donation Agreement which has been approved by the City Attorney's office and authorize the City Manager to execute the various agreements with the individual sponsors.

Background:

For several years now, the Visalia Parks & Recreation Foundation, in coordination with the Parks & Recreation Department, has been raising funds to help defray the costs of the Visalia Riverway Sports Park. These contributions have been big and small, both cash and in-kind contributions.

Major donors have had the opportunity to "sponsor" certain park amenities in accordance with the City's Ordinance related to the **Naming of City Owned Facilities, Buildings, and Parks** (City Code 12.060.020).

The ordinance includes some guidelines and policies to follow when implementing the program. Some key elements of the policy are outlined below:

- *"The policy ... may be applied to entire facilities, or to portions of a facility, such as fields at a park, or rooms in a building."*

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.

- *“It is understood that a facility may be selected in recognition of a financial contribution.... The following are general guidelines regarding financial contributions for which a naming opportunity may be extended ...*
- *“For a major prominent facility that exceeds \$500,000 in cost, a significant monetary contribution may be considered to be 10% in cash, property, securities, or in-kind services, of the total value of the development.”*
- *“If a facility is named in recognition of a financial contribution, an agreement should be signed between the donor and the City that specifies conditions of the gift, the responsibilities of each party and the minimum length of time the name will be used, signage and other appropriate provisions. The recommended minimum sunset should be no less than 15 years.”*

The following is a listing of the sponsors and the park facility they are sponsoring:

<u>Park Facility</u>	<u>Sponsor</u>	<u>Amt.</u>	<u>Term</u>
Soccer Complex	Mangano Homes	\$100,000	20 years
Group Shelter Lg	Visalia Host Lions Club	\$ 25,000	20 years
Group Shelter Sm	Food For Less	\$ 15,000	15 years
Group Shelter Sm	Oak Liquidators	\$ 15,000	15 years
Leathers Playground	Carpenter Family Foundation	\$ 60,000	20 years
Soccer Field	The Allen Group	\$ 25,000	15 years
Soccer Field	Food For Less	\$ 20,000	15 years
Soccer Field	Dooley Herr & Peltzer	\$ 20,000	15 years
Concession	AYSO	\$100,000	20 years

Contracts for all of these contributions are being finalized in accordance with the City’s naming policy. Donations are initially deposited with the Parks & Recreation Foundation, and then turned over to the City of Visalia. Some donors have already provided all of their contribution, while others will be contributing over a two, three, or four year period. To date over \$270,000 has been paid by the major sponsors listed above.

It’s important to also mention that Centex Homes has contributed \$150,000 towards the project -- the largest contribution of any donor. While Centex has not requested the naming rights to any specific amenity, the Foundation and City staff will be working with Centex in a future phase of the project regarding some naming opportunities.

One final point, all major donors will be recognized in the Heritage Court area on one of the five pillars (on a black marble stone) that will be recognizing all current and future major park donors.

Committee/Commission Review and Actions: Park and Recreation Commission Meeting of June 19, 2007.

Attachments: Sponsorship Donation Agreement Form

Recommended Motion (and Alternative Motions if expected): The Parks and Recreation Commission recommends to the City Council the naming of certain park amenities in Riverway Sports Park (as outlined in this staff report) in accordance with the City's policy on naming park facilities.

Furthermore, City staff is recommending that the Council approve "As to Form" the Sponsorship Donation Agreement which has been developed and approved by the City Attorney's office and authorize the City Manager to execute the various agreements with the individual sponsors.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 71

Agenda Item Wording: Approve the concept to establish a resident Park Host program in the new Visalia Riverway Sports Park.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

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

Department Recommendation:

The Parks & Recreation Commission recommends to the City Council to approve the concept of a Park Host program in the Visalia Riverway Sports Park and authorize the City Manager, or his designated representative, to execute the agreement with the Park Host.

Background:

The Parks & Recreation Department is proposing to establish a resident Park Host program at the Visalia Riverway Sports Park. Under the direct supervision of the Parks Maintenance Supervisor and/or the Park Ranger, the Park Host will reside in the Visalia Riverway Sports Park and create a 'presence' in the park with the intent of reporting incidents of concern to the proper authorities, thus, providing greater safety and security of the park and its users. Additionally, the Park Host will be required to perform certain light maintenance tasks related to the park.

The Park Host will reside in their own personal RV and receive free rent and utilities in exchange for services rendered on a part-time basis. According to the Fair Standards Labor Act (FLSA), a monthly value of the benefit should be established in exchange for hours worked. In this case, City staff estimates that the Park Host will work 12-15 hours per week.

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.

The following is a list of general duties the Park Host will perform:

- Be available on the premises during specified days and hours.
- Lock and unlock park gates and restrooms as necessary
- Immediately report all disturbances, vandalism, or injuries to the proper authorities, and gather information for incident and accident reports
- Control litter or clean debris in certain areas as specified by the City
- Answer questions by the public regarding park rules & regulations and park activity in general
- Clean and maintain tools on the job
- Perform other light duty tasks as assigned by the City

Committee/Commission Review and Actions: Park and Recreation Commission Meeting of June 19, 2007.

Attachments: Park Host Agreement

Recommended Motion (and Alternative Motions if expected): The Parks and Recreation Commission recommends to the City Council to approve the concept of a resident Park Host program in the Visalia Riverway Sports Park and authorize the City Manager, or his designated representative, to execute the agreement with the Park Host.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7m

Agenda Item Wording: Recommendation to approve a five (5) year agreement between the City of Visalia and AYSO for use of the Visalia Riverway Sports Park for games and practices during specified days and times.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

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

Department Recommendation:

Approve the five (5) year agreement between the City of Visalia and AYSO for the use of the Visalia Riverway Sports park soccer fields during specified dates and times, and authorize the City Manager to execute the agreement.

Background Information:

For many months now, City staff has been working with the AYSO Board of Directors to establish a long-term agreement with the City of Visalia for the use of the Visalia Riverway Sports Park for practices, games, and tournaments during specified dates and times.

From the beginning of this major park project many years ago, AYSO has been an avid supporter and partner with the Parks & Recreation Department to see this project come to fruition. AYSO has a vested interest in the project as the 1st phase includes 10 regulation sized soccer fields, three of which are lit.

AYSO has invested in the project by donating approximately \$140,000 towards the project. AYSO will be contributing \$100,000 in cash to the project to offset the costs of one of the concession stands in the park (there are two concession stands). AYSO will be granted exclusive use of the southern concession stand. Revenues from concessions serve as a major source of funds to support the soccer program. In addition, AYSO will be purchasing \$40,000 worth of heavy-duty portable soccer goals. While these goals will be used for the AYSO program, they will be stored at the park and available for City coordinated soccer programs as well.

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.

AYSO will also be contributing \$4,500 per year to help defray the costs of annual maintenance and \$2,500 per year in on going "in-kind" improvements to the park

The new agreement is for a five year period which can be extended, subject to City Council approval, for an additional 5 year period

The enclosed agreement has been reviewed by the City Attorney's office, and subject to final approval as to form by the City Attorney, City staff is requesting that the Council authorize the City Manager to execute the agreement.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Attachments: Lease Agreement with AYSO

Recommended Motion (and Alternative Motions if expected):

Approve the five (5) year agreement between the City of Visalia and AYSO for the use of the Visalia Riverway Sports Park soccer fields during specified dates and times, 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:

City of Visalia Agenda Item Transmittal

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7n

Agenda Item Wording: Review and approve action to amend the 2007/08 Budget.

Deadline for Action: June 30, 2007

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474, Gus Aiello, x4423, Melody Murch, x4379

Department Recommendation and Summary:

Staff recommends for Council to review and approve amending the 2007/08 Budget. On June 25, 2007 a special meeting was held and Council approved a number of budgetary actions. However, Charter requirements specify that budget appropriations must be made at a regular meeting.

Below is a summary of the actions approved at the June 25th special meeting. All actions are recommended for Fiscal Year 2007/08 budget.

1. Approve a revised balanced budget \$148.5 million which includes adjustments of the following amounts:
 - a. \$268,000 in General Fund recommendations, increasing the General Fund budget from \$58.3 to \$58.6 million;
 - b. \$8,000 in the Landscape and Lighting Maintenance Assessment District Funds for contract monitoring;
 - c. \$196,500 in the Solid Waste Fund for Construction and Demolition program and the fund's share of Natural Resource Conservation Division costs;
 - d. \$33,500 from Wastewater Fund for its share of the Natural Resource Conservation Division;
 - e. \$600,000 from the Parks Impact Fee fund for phase II design of the Sports Park; and,
 - f. \$10,080,000 for Measure R regional projects.

2. Appropriate monies for Oaks Stadium project of \$6.6 million (11.6 million total) and set-aside monies for a potential \$3.5 million SPCA building as outlined in the finance plan by:
 - a. Transferring \$6.0 million from the PERS Reserve plus accumulated interest to the Oaks Stadium Fund;

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.

- b. Transferring \$0.9 million from the Industrial Water Co. reserve to the Oaks Stadium Fund;
- c. Transferring \$1.5 million from the Vehicle Fund to the Oaks Stadium Fund;
- d. Transferring \$0.8 million from the Vehicle Fund to the Computer Services Fund to rebalance those two internal service funds;
- e. Directing staff to develop financing alternatives for the \$2.2 million to be used to pay for the Oaks Stadium project from Oaks Stadium revenues; and,
- f. Begin setting aside \$200,000 a year for the future financing of the SPCA building and the Oaks stadium Fund and setting up a reserve to receive those funds.

Upon Council's acceptance of staff recommendations for the 2007-08 budget, the General Fund is projected to have a balance at the end of the year of approximately \$109,000. The balance will be distributed to the four capital project reserves (Civic Center Reserve, Sports Park Reserve, Recreation Park Stadium Reserve and the West 198 Open Space Acquisition Reserve) in accordance with Council policy. Table I – General Fund Amended Budget and Projections, details the fiscal year 2007-08 General Fund budget, including the actions recommended to be taken by Council in this agenda item.

Table I
General Fund Amended Budget and Projections

General Fund Amended Budget and Projections FY July 1, 2007 - June 30, 2008 (in thousands)				
	<u>Fiscal Year 2007 - 08</u>			
	<u>FY 05-06 Actual</u>	<u>FY 06-07 Projections</u>	<u>As Amended Budget</u>	<u>Projections</u>
<u>REVENUES/SOURCES</u>	\$ 53,344	\$ 56,630	\$ 58,545	\$ 58,910
<u>EXPENDITURES/USES</u>				
Operating Expenditures	(47,161)	(48,381)	(50,673)	(50,673)
Capital Improvement Program (CIP)	(3,119)	(3,488)	(2,487)	(2,487)
Transfers Out/Debt Service	(2,863)	(4,301)	(4,868)	(5,172)
Transfer to Council Directed Priorities	(201)	(461)	-	-
Proposed Budget Adjustments				(268)
Internal Service Reimbursements				
Total Expenditures/Uses	(53,344)	(56,630)	(58,028)	(58,601)
New Capital Set-aside for Debt Service				(200)
Revenue Over (Under) Expenditures	\$ -	\$ -	\$ 517	\$ 109

- 3. Approve continued efforts to address retiree healthcare costs. Last June, for the 2007-08 fiscal year, Council approved the first annual deposit of \$500,000 into a "Retiree Healthcare Fund" account to begin paying these costs. At the June 25, 2007 meeting, Council approved charging Enterprise Funds for retirement health costs and dedicating any savings from a Pension Obligation Bond to the new fund, Retiree Health Care.

Conclusion

Council approved actions to amend the 2007/08 budget at its June 25, 2007 meeting. The agenda item is attached as Attachment #1 for your reference. However, because this was a special meeting, the actions could not be officially approved. Staff recommends Council take official action on the items as presented.

Prior Council/Board Actions:

Mid-cycle review, June 4 and June 25, 2007
2006/08 Budget Adoption, June 19, 2006
Mid-year Financial Report, March 19, 2007

Committee/Commission Review and Actions:

Attachment: #1 – June 25, 2007 agenda item approved by Council

Recommended Motion (and Alternative Motions if expected):

Approve the following at the July 16, 2007 meeting (with exceptions as appropriate):

Staff recommends Council to review and approve amending the 07/08 Budget as listed below:

1. Appropriate monies for Oaks Stadium project of \$6.6 million and set-aside monies for a potential \$3.5 million SPCA building as outlined in the finance plan by:

- a. Transferring \$6.0 million from the PERS Reserve plus accumulated interest to the Oaks Stadium Fund;
- b. Transferring \$0.9 million from the Industrial Water Co. reserve to the Oaks Stadium Fund;
- c. Transferring \$1.5 million from the Vehicle Fund to the Oaks Stadium Fund;
- d. Transferring \$0.8 million from the Vehicle Fund to the Computer Services Fund to rebalance those two internal service funds;
- e. Directing staff to develop financing alternatives for the \$2.2 million to be paid for the Oaks Stadium project from Oaks Stadium rents; and,
- f. Setting aside \$200,000 a year for future financing of the SPCA building and Oaks Stadium and setting up a reserve to receive those funds.

2. Approve charging Enterprise Funds for retirement health costs and dedicating any savings from a Pension Obligation Bond to the new fund, Retiree Health Care.

3. Approve revisions to the 2007/08 Budget from the June 4, 2007 Council meeting, including:

General Fund

- \$42,000 for SPCA operations
- \$17,000 for the General Fund portion of the 2nd Floor revenue at the Transit Center
- \$30,000 for Police Precinct Janitorial
- \$176,500 for Sport Park ongoing cost

Landscape and Lighting Maintenance Assessment Districts

- \$8,000 for contract monitoring via a 1,000 hour employee

Waste Water and Solid Waste to Share Equally

- \$16,000 for the Enterprise portion of the 2nd Floor rent at the Transit Center
- \$51,000 for the new cost of the Natural Resource Conservation Division

Solid Waste

- \$163,000 to pay for the Construction and Demolition Permitting offset by fees

Park Impact Fees

- \$600,000 for Phase II Sports Park design

Measure R

- \$10,080,000 in capital projects with the condition that before any construction contracts are signed, a financing plan will be presented to Council.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7o

Agenda Item Wording: Section 108 Loan Documents Resolution

Deadline for Action: July 16, 2007

Submitting Department: Administrative Services - Finance

Contact Name and Phone Number: Gus Aiello, 713-4423

Department Recommendation: Accept Resolution 2007-64 authorizing the execution of Section 108 loans for the West Acequia Parking Structure.

Summary/background:

On June 4, 2007, Council authorized an agenda item to execute Section 108 loan documents from the Office of Housing and Urban Development (HUD). The loans are part of the funding plan for the West Acequia parking structure.

Part of the documentation required by HUD is a Resolution approved by Council authorizing the City to enter into the loan transactions and allowing the City to execute the loan documents. Resolution 2007-xx is attached for Council review and approval.

Prior Council/Board Actions: Authorize the City Manager to accept and execute Section 108 loan documents for loans on the West Acequia parking structure.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Resolution 2007-64

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected): I move to approve Resolution 2007-64, authorizing the City Manager or his designee to execute the Section 108 loan documents for the West Acequia parking structure.

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. 2007-64

RESOLUTION OF THE VISALIA CITY COUNCIL
OF THE CITY OF VISALIA AUTHORIZING EXECUTION OF SECTION 108 LOAN
DOCUMENTS

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

WHEREAS, the City of Visalia applied for and was awarded Section 108 loans through the U.S. Office of Housing and Urban Development (HUD) totaling \$4.210 million to assist in funding the construction of a West Acequia parking structure; and

WHEREAS, the City Council is required to authorize the City to enter into the loan transactions; and

WHEREAS, the City Manager or his designee can execute the loan documents upon authorization by City Council

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia authorizes the City Manager or his designee to execute the HUD loan documents on behalf of the City of Visalia to assist in funding the construction of a West Acequia parking structure.

PASSED AND ADOPTED: STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.
CITY OF VISALIA)

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2007- passed and adopted by the Council of the City of Visalia at a regular meeting held on .

Dated: STEVEN M. SALOMON, CITY CLERK

Donjia Huffmon
Chief Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7p

Agenda Item Wording: Authorize staff to purchase eight Solid Waste refuse trucks cab and chassis and four side loader bodies from Central Valley Kenworth and Ruckstell California Sales as a sole source.

Deadline for Action: July 16, 2007

Submitting Department: Public Works

Contact Name and Phone Number: Andrew Benelli, 713-4340
Jim Bean, 713 -4564

Department Recommendation

Authorize staff to purchase eight Solid Waste refuse trucks cab and chassis and four side loader bodies from Central Valley Kenworth and Ruckstell California Sales as sole source.

Summary/Background

The City's 07/08 Budget allocates funds for the acquisition of eight natural gas vehicles, six are replacing existing diesel vehicles and two are additional trucks to service new growth. The total estimated cost of the vehicles will be \$1,900,000, which includes scales and global positioning systems. The total amount that is budgeted for these refuse trucks and bodies is \$1,900,000.

The purpose of buying these eight alternative fuel solid waste vehicles is for the City of Visalia, to continue to be proactive towards complying with California emissions regulations. The State of California requires that solid waste collection vehicle fleets meet stricter emission controls than other commercial vehicles. The current bids that have been received are contingent on orders being placed by July 30, 2007. After that date the manufacturer has stated that these prices will increase by 2%, which will cost the city an additional \$38,000 for the eight garbage trucks and four auto side loader bodies.

Grants

To help off-set the cost of the eight alternative fueled refuse trucks, the Solid Waste Division has been approved for two grants in FY 07/08. A grant from the San Joaquin Valley Air Pollution Control District has been approved in the amount of \$270,000 and a grant from Tulare County Association of Governments has been approved for FY 07/08 in the amount of \$211,000.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 2

Review:

Dept. Head _____
(Initials & date required)

Finance X
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.

Justification for Sole Source Purchases

Staff recommends the purchase of the cab and chassis from Central Valley Kenworth and the refuse side loader truck bodies be ordered from Ruckstell California Sales for a total of \$1.9M.

Central Valley Kenworth is the only dealership in the valley that sells the Crane Carrier cab and chassis. The Crane Carrier cab and chassis is manufactured with a John Deere compressed natural gas engine. The two grants that are approved for FY 07/08 specify that the Cab and chassis have the John Deere engine. The John Deere and Cummins engines are the only two compressed natural gas engines that are available in solid waste vehicles. Solid Waste currently has fourteen refuse trucks with the John Deere engine, which have proven to very reliable and our research has indicated that the Cummins natural gas engine are still not reliable. Solid Waste currently has fifty two refuse trucks and if this purchase is approved we will have 22 refuse trucks that operate on compressed natural gas.

Ruckstell California Sales is the only manufacturer in the valley that sells and installs Heil refuse bodies. The City has been using Heil bodies for the last 21 years and staff recommends continuing with Heil bodies to keep the refuse bodies standardized for parts. Heil is the only manufacturer of the split body 7000, which works with the City's existing 36,000 split cans.

The above manufacturers are the only companies that meet the City of Visalia's specifications for the cab and chassis and refuse side loader bodies. The remaining four bodies for the cab and chassis are front loader and roll off bodies and will be purchased through the City's bid process. Staff is aware of three companies that manufacturer front loader and roll off bodies that meet our specifications.

The cab and chassis will be completed in approximately 120 days and then shipped to the body manufacturer where the truck bodies will be installed. Solid Waste would receive these vehicles in approximately September 2008.

Department Recommendation:

Authorize staff to purchase eight Solid Waste refuse trucks cab and chassis and four side loader bodies from Central Valley Kenworth and Ruckstell California Sales as sole source.

Prior Council/Board Actions:

In June 2004, Council awarded the purchase of eight refuse trucks to Central Valley Kenworth and Ruckstell California Sales as sole source FY 2004/05. In December 2005, Council awarded the purchase of six refuse trucks to Central Valley Kenworth and Ruckstell California Sales as a sole source FY 2005/06. In July 2006, Council awarded the purchase of seven refuse trucks to Central Valley Kenworth and Ruckstell California Sales as a sole source FY 2006/07.

Committee/Commission Review and Actions:

Alternatives:

Attachments: None

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to purchase eight Solid Waste refuse trucks cab and chassis for FY 07/08 and four side loader bodies from Central Valley Kenworth and Ruckstell California Sales as sole source.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7q

Agenda Item Wording:

Authorize the City Manager to negotiate with Waste Management (Tulare County Recycling) for a one-year contract to accept non-recyclable solid waste from the City of Visalia.

Deadline for Action: July 16, 2007

Submitting Department: Public Works

Contact Name and Phone Number:

Jim Bean, Solid Waste Division Manager 713-4564
Andrew Benelli, Public Works Director 713-4340

Department Recommendation:

Staff recommends that the City of Visalia negotiate with Waste Management (Tulare County Recycling) for a one-year contract to accept non-recyclable solid waste from the City of Visalia.

Summary/Background:

On December 1, 2003, the Solid Waste Division began hauling refuse to Tulare County Recycling's (TCR) Transfer Station on Lovers Lane instead of taking it to Tulare County's Woodville Landfill. TCR is owned and operated by Waste Management Corporation. The City is currently hauling refuse from eastern Visalia to TCR. The refuse from the western part of town is hauled to Tulare County's Road 80 Landfill. TCR transfers refuse that is delivered to their facility into larger trucks and transports it to a Waste Management landfill in Kettleman City.

Utilizing TCR's facility has significantly reduced overtime, fuel usage, and maintenance costs on garbage trucks for the past three and half years. Both Tulare County and TCR are currently charging the City \$31.00 per ton (tipping fee) to deposit material at their landfills or transfer sites. The Woodville Landfill is located eleven miles south of TCR's Transfer Station near Road 152 and Avenue 192 (see attached map). Delivering material to TCR's facility instead of the Woodville Landfill reduces the trip length for the solid waste trucks by eleven miles each way for total savings of twenty-two miles per trip. Solid Waste makes approximately 800 trips per month to TCR's transfer station, saving the operation approximately 17,600 miles per month. In 2006, Solid Waste delivered 57,293 tons of garbage to TCR. The average life-time

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 2

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty 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.

maintenance cost to operate a garbage truck is \$0.98 per mile. Because of the reduced trip length, Solid Waste has saved approximately \$17,200 per month by utilizing TCR. Solid Waste has also saved approximately 4,400 gallons of diesel and compressed natural gas (CNG) per month at a cost of \$2.43 per gallon, a savings of \$10,700 per month and 320 hours of overtime at \$51.27/hr, which is a savings of \$16,400 per month. At the current cost of \$31.00 per ton at TCR, the total estimated monthly savings is \$44,000. The estimated annual savings is \$532,000.

TCR has requested an increase in tipping fees, from \$31.00 to \$36.00 per ton for the City's residential, commercial and industrial waste. They have indicated that the increase is due to the rising cost of fuel and other overhead expenses. This increase per ton would cost the Solid Waste Division an additional \$290,000 annually. However, because of the reduced trip length, the City would still spend approximately \$242,000 less than using the Woodville Landfill. This annual increase has already been included in the solid waste five-year rates and fees schedule that was approved by Council on May 28, 2007.

The current agreement with Waste Management was finalized in November 2003 and is a month-by-month contract. The current agreement does not include an escalator or CPI annual adjustment. If the tipping fee rate that was established in November 2003 had been adjusted each year by the CPI the current tipping fee would be over \$35.00. Since the current contract does not have a CPI annual adjustment, the City has saved over \$500,000 per year for the last three and a half years.

Department Recommendation:

Staff recommends that the City executes a one year contract with Waste Management to accept non-recyclable solid waste from the City of Visalia at a tipping fee rate of \$36.00 per ton.

Prior Council/Board Actions:

September 1, 2003, Council authorized staff to negotiate with Waste Management (Tulare County Recycling) for a month by month contract to accept non-recyclable solid waste from the City of Visalia.

Committee/Commission Review and Actions:

Alternatives: Haul refuse to Woodville landfill.

Attachments: Map of Local Landfills and Transfer Stations

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to negotiate a one year contract with Tulare County Recycling (Waste Management) to accept non-recyclable solid waste from the City of Visalia.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7r

Agenda Item Wording: Authorize the City Manager to enter in an amendment to the agreement with MV Transportation, for the purpose of operating the youth transportation system called the Local Organization Outreach Program (LOOP).

Deadline for Action: July 16, 2007.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:
Monty Cox 713-4591

Department Recommendation: Authorize the City Manager to enter in an amendment to the agreement with MV Transportation for the purpose of operating the youth transportation system called the Local Organization Outreach Program (LOOP).

Summary: A Gang Intervention Task Force was formed in cooperation with the Visalia Unified School District, City and County Departments, as well as community leaders from other youth organizations. Members of the Gang Intervention Task Force include:

- Jesus Gamboa, Mayor, City of Visalia
- Stan Carrizosa, Superintendent, Visalia Unified School District
- Bill Wittman, Sheriff, Tulare County Sheriff's Department
- Phil Cline, Tulare County District Attorney
- Janet Honadle, Officer, Tulare County Probation
- Vince Elizondo, Director, Visalia Parks & Recreation Department
- Bob Carden, Chief, Visalia Police Department
- Jim Vidak, Superintendent, Tulare County Office of Education
- Bob Grenier, Calvary Chapel / Reaching Youth
- Bob Masterson, Reaching Youth
- Phil Cox, Tulare County Board of Supervisors
- Lucinda Awbrey, Visalia Unified School District
- Jeannie Greenwood, Recreation Manager, Visalia Parks & Recreation Department
- Monty Cox, Transit Manager, City of Visalia Transit
- Galen Quenzer, Boys and Girls Club
- Juan Guerrero, Wittman Center
- Gary Williams, Youth Service Sergeant, Visalia Police Department

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 LBC 71207
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

This Task Force recommended forming a youth transportation system to provide safe, reliable transportation to at-risk students from their neighborhoods to recreation centers throughout the community. The City Council had allocated \$100,000 to be used for intervention efforts. The Task Force recommended, and the Council concurred, that the funds be used to support the transportation system, which has been designed "The LOOP" (Local Organization Outreach Program).

The LOOP route is designed to stop at each recreation center every half hour. Summer hours are Monday through Friday from 12:00 Noon until 8:00pm and on Saturdays from 12:00 Noon until 6:00pm. In the fall, school weekday hours are Monday through Friday from 2:30pm until 7:00pm and on school Saturday hours from 9:00am until 6:00pm. The following recreation centers and schools are the designated locations:

- Manual Hernandez Community Center
- Fairview School
- Houston Avenue School
- Green Acres Middle School
- Anthony Community Center
- Conyer Elementary School
- Boys and Girls Club
- Wittman Center

The service was implemented on June 8 and it has been very successful. Ridership for the month of June was 1,995.

The proposed amendment has a term of 12 months and will be reconsidered thereafter. There will be a charge per hour and mile consistent with the current agreement in place, plus a vehicle lease cost of \$1,523 per month. The cost of operating the bus service, excluding any costs for staff riding to supervise, is estimated to be \$74,498, and will be paid for through the \$100,000 that was budgeted for gang intervention in the police department.

Prior Council/Board Actions:

April 2, 2007 Youth Transportation System
May 1, 2007 Council update regarding the LOOP.

Committee/Commission Review and Actions: None

Alternatives: N/A

Attachments: N/A

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move that the City Council authorize the City Manager to enter into an amendment to the agreement with MV Transportation, for the purpose of operating the Local Organization Outreach Program (LOOP).

Financial Impact

Funding Source:

Account Number: TBD

Budget Recap:

Total Estimated cost: \$75,000

New Revenue: \$ 0

Amount Budgeted: \$100,000

Lost Revenue: \$ N/A

New funding required: \$ No

New Personnel: \$ No

Council Policy Change: Yes _____ No X

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7t

Agenda Item Wording: Request authorization to file a Notice of Completion for Project No. 3011-720000-0-0-9870, for the construction of the playground renovation project at the Manuel Hernandez Community Center.

Deadline for Action: None

Submitting Department: Park and Recreation Department

Contact Name and Phone Number: Don Stone, 713-4397;.

Department Recommendation: Authorize staff to file a Notice of Completion on Project No. 3011-0000-720000-0-9870 for the construction of the playground at the Manuel Hernandez Community Center. Sierra Range Construction completed the project at a final cost of \$40,642.28 including one change order of \$1,976.75.

Summary/background: The project included the installation of playground equipment, a shade cover, and concrete flat work to replace an existing playground serving the Head Start program located at the Manuel Hernandez Community Center. Change order No. 1 included additional grading and the import of an additional 20 cubic yards of dirt to bring the area up to grade.

The project is funded through a grant from Tulare County First 5 and Community Development Block Grant program. The project also included the demolition of the old playground and installation of a new irrigation system and sod turf that was performed by City Parks Division staff.

Prior Council/Board Actions: Approval of grant application, January 17, 2005

Committee/Commission Review and Actions:

Alternatives: None

Attachments: .

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.

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize staff to file a Notice of Completion for Project No. 3011-720000-0-0-9870, for the playground renovation project at the Manuel Hernandez Community Center.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7u

Agenda Item Wording: Request authorization to file a Notice of Completion for Avalon, located at the northwest corner of Riggins Avenue and Demaree Street containing 182 single family lots and 8 multi-family lots.

Deadline for Action: N/A

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Patrick Barszcz – 713-4241

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for the Avalon Subdivision. 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 Centex Homes. Centex Homes has submitted a maintenance bond in the amount of \$ 68,746.50 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background: N/A

Prior Council/Board Actions: Final Map recording was approved at Council meeting of June 20, 2005.

Committee/Commission Review and Actions: The tentative subdivision map for Avalon was approved by Planning Commission on October 03, 2005.

Alternatives: N/A

Attachments: Vicinity map.

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.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for the Avalon Subdivision on the northwest corner of Riggins Avenue and Demaree.

Environmental Assessment Status

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7v

Agenda Item Wording: Request authorization to file a Notice of Completion for Eagle Glen Unit No. 4 containing 73 single family lots, located Northwest corner of Visalia Parkway and Walnut Avenue.

Deadline for Action: July 16, 2007

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Ed Juarez – 713-4446

Department Recommendation:

The recommendation is 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 Ennis Land Development, LLC. Ennis Land Development, LLC. has submitted a maintenance bond in the amount of \$67,115.38 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions: Final Map recording was approved at Council meeting of January 10, 2004.

Committee/Commission Review and Actions: The tentative subdivision map for Eagle Glen Subdivision was approved by Visalia City Council on April 1, 2002 (on appeal) with the expiration date of April 1, 2004. The map has received one extension with an expiration date of April 1, 2006..

Alternatives: N/A

Attachments: Location sketch and vicinity map.

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.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Eagle Glen Unit No. 4.

Environmental Assessment Status

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7w

Agenda Item Wording: Request authorization to file a Notice of Completion for Eagle Glen Unit No. 5 containing 57 single family lots, located Northwest corner of Visalia Parkway and Walnut Avenue.

Deadline for Action: July 16, 2007

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli – 713-4340
Ed Juarez – 713-4446

Department Recommendation:

The recommendation is 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 Ennis Land Development, LLC. Ennis Land Development, LLC. has submitted a maintenance bond in the amount of \$62,475.10 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

Summary/background:

Prior Council/Board Actions: Final Map recording was approved at Council meeting of February 7, 2005.

Committee/Commission Review and Actions: The tentative subdivision map for Eagle Glen Subdivision was approved by Visalia City Council on April 1, 2002 (on appeal) with the expiration date of April 1, 2004. The map has received one extension with an expiration date of April 1, 2006.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

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.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Eagle Glen Unit No. 5.

Environmental Assessment Status

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 7x

Agenda Item Wording: Request authorization to file a Notice of Completion for the Visalia Sports Park Off-site Improvements with the final contract amount of \$1,248,845.05; and appropriate \$230,000 from the Transportation Impact Fund (1241) as supplemental funding for the project. Project No. 1241-720000-0-0-9739-2005.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:
Andrew Benelli 713-4340; Michael Carr 713-4595

Department Recommendation: Staff recommends that the City Council authorize filing a Notice of Completion for the Visalia Sports Park Off-site Improvements with the final contract amount of \$1,248,845.05; and appropriate \$230,000 from the Transportation Impact Fund (1241) as supplemental funding for the project. These funds will cover the cost of seven change orders submitted by Seal Rite Paving and the additional project management required to complete this project.

Department Discussion:

The project is located in the Shannon Ranch development just west of Dinuba Blvd. and north of Riggin Avenue. The off-site improvements consisted of building the sanitary sewer, storm drain lines with a temporary water detention basin, water lines, and a portion of the roadway for Giddings St. from Riggin to Shannon Parkway and for Shannon Parkway between Giddings and Dinuba Blvd.

The roadway improvements consisted of 32 feet of pavement width on Giddings as well as the north half of Shannon Parkway. Giddings has a 60-foot ultimate right-of-way width with an ultimate pavement width of 40 feet, so the curb, gutter, sidewalk, and pave-out of the final roadway width will occur as the adjacent property develops. Shannon Parkway will ultimately be a divided collector street on a 100-foot right-of-way. This project constructed the north side of the street from the median curb to the curb along the sports park property. Street lights were also included with the street construction and were erected on the west side of Giddings and in the median alignment on Shannon Parkway. The lights along Shannon Parkway are the same decorative design as those installed further west in the developed neighborhoods.

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

City Mgr _____
(Initials Required)

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

The storm drains will ultimately tie into the City's storm water system when development occurs, but to handle storm water in the interim, this project constructed a temporary detention basin capable of accommodating approximately 7.6 acre-feet of run-off water. The basin was constructed on the west end of the Sports Park property and will be filled in when it is no longer necessary.

On August 1, 2005, the City awarded the contract for the Visalia Sports Park Off-Site Improvements project to Seal Rite Paving Co. of Clovis, CA, for the amount of \$ 1,101,306.18.

A total of seven change orders at a cost of \$145,673.87 (13.2% of the awarded contract amount) were necessary to complete the project. The change orders were reviewed and approved by the Change Order Committee. The change orders approved entailed the following work:

1. Remove irrigation pipe – An abandoned concrete irrigation pipe for the walnut orchard was discovered when installing sanitary sewer lines. Approximately 1,100 feet of pipe was excavated and removed from the site.

Net increase in contract cost of total Change Order No. 1 = \$18,480.00.

2. Remove and cap irrigation pipe – An abandoned concrete irrigation pipe for the walnut orchard cut through the detention basin site. Approximately 408 feet of pipe was cut out and removed from the site and the remaining ends were capped.

Net increase in contract cost of total Change Order No. 2 = \$6,854.40.

3. Water Line Extension

Determined to be unnecessary and Change Order #3 was rescinded. No cost.

4. Additional Tree Removal – Remove an additional 101 trees that encroached on work area and/or City right-of-way.

Net increase in contract cost of total Change Order No. 4 = \$64,640.00.

5. Additional Chain-Link Fencing – The chain-link fence surrounding the retention basin was extended 48' to increase the area between the fence and the edge of the basin to allow maintenance vehicles to maneuver.

Net increase in contract cost of total Change Order No. 5 = \$645.00.

6. Balance of Quantities for Aggregate Base and Asphalt Concrete – The actual quantity of baserock was 145 tons (3.1%) higher than the estimate. The actual quantity of asphalt was 104 tons (5.4%) higher than the estimate. These amounts are well within acceptable tolerances.

Net increase in contract cost of total Change Order No. 6 = \$7,352.47.

7. Add Electrical Pedestal and conductors for Street Lights – The contract was bid by the electrical subcontractor with the assumption that all wiring for the new street

lights would be completed by Southern California Edison, as is often the case when standard street lights are used. However, the City specified 10 of the 13 street lights to be the same decorative, antique-style lights that have been used throughout the earlier phases of the Shannon Ranch development. Edison will not provide unmetered power to lights other than their standard units. The decorative lights require a service pedestal with a meter. All conduit and wiring from the meter to the lights are the responsibility of the City. The plans did show the conduit but did not clearly identify the responsibility for the conductors and the service pedestal. Staff compared Seal Rite's bid for the street lights with the other bids received and Seal Rite had bid this phase of the work considerably lower.

Net increase in contract cost of total Change Order No. 7 = \$49,567.00.

Miscellaneous Expenses

This project has been substantially complete for several months. Delays in completing the project have increased staff time and increased costs. Several extra days were added to the contract for change order work and there were many other delays on this project. The site was hit several times by vandals that tore down a section of the fence and hijacked the contractor's equipment. One night, a pavement roller was started by vandals and used to knock down one of the newly-installed decorative street lights, destroying it and its concrete foundation. A road grader was vandalized to the point of being inoperable and requiring repair work. There were also many "rain days" in the winter of 2006 that made the site too wet to work. The electrical change order took several months to negotiate. The new street light that replaced the one that was destroyed was not ordered until the electrical change order was approved, and then it took 14 weeks for the supplier to manufacture and ship it. When the electrical service pedestal was ordered, the wrong model was sent.

Extra costs outside the construction contract included: The cost for Southern California Edison to relocate a pole on Riffin Avenue in order to clear the north side of the intersection; additional compaction testing due to rain and soil conditions; additional surveying to stake future rights of way in the walnut orchard, and additional staff time (project management and inspection) associated with the project delays. The amount budgeted for the project was \$1,211,306.18 and the final cost of the project including change orders and extra expenses is approximately \$1,441,306. Therefore, Staff is requesting the City Council authorize the additional appropriation of \$230,000 from the Transportation Impact Fund (1241) to cover the additional costs.

Alternatives: None suggested

Attachments: Location Map, Ownership Disclosure Form

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 Visalia Sports Park Off-site Improvements with the final contract amount of \$1,248,845.05; and appropriate \$230,000 from the Transportation Impact Fund (1241) as supplemental funding for the project.

City Manager Recommendation:

Financial Impact

Funding Source:

Account Number: 1241-720000-0-0-9739-2005 Transportation Impact (1241)

Budget Recap:

Total Estimated cost: \$1,441,306.18	New Revenue: \$
Amount Budgeted: \$1,211,306.18	Lost Revenue: \$
New funding required: \$ 230,000.00	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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 8

Agenda Item Wording:

Authorization to execute a final Certificate of Cancellation of Land Conservation No. 10263 located on property owned by North Visalia Investments, LLC (Thomas C. Brodersen, agent). The site is located on the north side of the Riggin Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011)
Resolution No. 2007-65 required.

Deadline for Action: None

Submitting Department: Community Development - Planning

Contact Name and Phone Number: Brandon Smith, Senior Planner 713-4636

Recommendation and Summary: Staff recommends that the Council authorize the City Manager to take the ministerial action to execute and record the final Certificate of Cancellation for Williamson Act Contract No. 10263, encompassing property on the site where the east half of the Orchard Walk hopping Center anchored by Target is planned.

On October 16, 2006, the City Council, in accordance with the procedures set up in the Williamson Act, held a public hearing and made findings to approve tentative cancellation of the Contract subject to conditions that must be fulfilled before a final cancellation is approved.

The tentative cancellation included a new condition used for the first time with a contract cancellation in the City limits which requires that the applicant make a reasonable effort to utilize the penalty fee towards purchasing a permanent conservation easement in the vicinity of the City. Staff has worked closely with the City Attorney and the State Department of Conservation to draft a program by which property owners have the option to use their penalty fees towards a local permanent conservation easement, and have recently discussed the feasibility of the City-owned land adjacent to the Wastewater Treatment Plant as a viable location for the permanent easement. The City acknowledges that a reasonable effort has been made to establish the program and that a viable site has been chosen; however it has recently become evident that the Department of Conservation would not be able to approve a program within one year of the tentative cancellation. The City will continue to work with the State, though meanwhile the applicant has moved forward to pay the \$482,500 penalty fee to the State, thereby fulfilling his requirement.

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_

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 authorization to record a final Certificate of Cancellation is a ministerial action that acknowledges findings have been made on the Cancellation and that conditions directed by Council on October 16, 2006 have been fulfilled. This action will complete the cancellation process for the Conservation Contract. The final Williamson Act action required after this Cancellation is a public hearing for the disestablishment of the Agricultural Preserve, scheduled on the regular agenda for July 16, 2007.

The conditions that have been met for Contract No. 10263 are:

1. To the extent practicable, the applicant(s) shall use reasonable efforts to utilize the \$482,500 penalty fee associated with rescission of the Williamson Act contract for the purposes of accomplishing an exchange consistent with the provisions of Government Code section 51256. Toward that end, applicant(s) shall: a) endeavor to identify and negotiate with a willing seller of a permanent conservation easement over property with at least comparable agricultural value as that of the subject property; b) enter into a contract with the City of Visalia providing for the purchase by application of such an easement in lieu of payment of the penalty fee; and c) obtain approval from the Department of Conservation for such exchange as required by Government Code section 51256. This condition may be waived upon a showing by applicant(s) that, after reasonable effort, no willing seller has been identified within six months of adoption of this resolution, or that Department of Conservation approval has not been provided within 12 months of adoption of this resolution. If this condition is waived, it shall be replaced with the condition that applicant(s) provide evidence of payment of the appropriate penalty fee to the State of California.

As previously discussed, a reasonable effort has been made to prepare a program that would be approved by the Department of Conservation, however such a program will not be approved within 12 months of the tentative cancellation. In lieu of this requirement, the applicant has paid the appropriate penalty fees. Staff has received a copy of a receipt verifying that this fee was paid in full on June 27, 2007. A copy of the receipt is attached.

2. Unless the agreement is mutually entered into, or a certificate of cancellation of contract is issued within one year from the date of the recording of the certificate of tentative cancellation, the penalty fee shall be recomputed as of the date of notice that the landowner has satisfied the required conditions of the tentative cancellation.

As stated in 1), the cancellation fee was paid in full on June 27, 2007, within one year from the date of the recording of the certificate of tentative cancellation.

3. A Specific Plan prepared in accordance with Policy 3.5.8 of the Land Use Element of the Visalia General Plan shall be prepared to include the subject property and adopted by the City Council.

The adoption of the Orchard Walk Specific Plan by the City Council on June 18, 2007 fulfilled the requirement of a Specific Plan prepared in accordance with Policy 3.5.8.

4. The applicant shall file an application and pay application fees for the disestablishment of Agricultural Preserve No. 3470.

The applicant has filed a request for diminishment. The public hearing regarding this request is scheduled on the July 16, 2007 agenda.

In February 2007, the applicant filed the discretionary permits (Parcel Map and Conditional Use Permit) needed for the site's alternative land use specified by the agent. The alternative land use will be the eastern half of the Orchard Walk Shopping Center anchored by a Target retail store. The Planning Commission approved the Parcel Map and Conditional Use Permit on May 29, 2007, in which the approval was conditioned on the successful removal of the contract.

Committee/Commission Review and Actions:

On May 29, 2007, the Planning Commission approved Tentative Parcel Map No. 2007-06 and Conditional Use Permit No. 2007-14 subject to completion of the Williamson Act contract cancellation and agricultural preserve disestablishment.

Prior Council/Board Actions:

On October 16, 2006, after holding a public hearing, the City Council approved the tentative cancellation of the land conservation contract. The conditions of the tentative cancellation have now been met.

Alternatives:

None recommended.

Attachments:

- Resolution
- Recorded Certificate of Tentative Cancellation
- Receipt of payment of Cancellation fees
- City Council Staff Report from October 16, 2006
- Location Sketch

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution No. 2007-65, authorizing Staff to execute and record the final Certificate of Cancellation for Land Conservation Contract No. 10263.

Environmental Assessment Status

CEQA Review: The Council previously adopted Negative Declaration No. 2006-058 for actions related to the termination of the Williamson Act designation on the site. This Negative Declaration is being used for this project.

NEPA Review: None.

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. 2007-65

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING THE EXECUTION OF CERTIFICATE OF CANCELLATION OF LAND CONSERVATION NO. 10263 LOCATED ON THE NORTH SIDE OF THE RIGGIN AVENUE EXTENSION, APPROXIMATELY 120 FEET EAST OF DINUBA BOULEVARD (STATE HIGHWAY 63). NORTH VISALIA INVESTMENTS, LLC, PROPERTY OWNER; THOMAS C. BRODERSEN, AGENT.

WHEREAS, a request was made for the cancellation 30 acres of Williamson Act Land Conservation Contract No. 10263 within Agricultural Preserve No. 3470, located on the north side of the Rigginn Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011). The request was made by property owner North Visalia Investments, LLC, represented by Thomas C. Brodersen; and

WHEREAS, the property owner had served a Notice of Nonrenewal for the entire area contained under said Contract, and the notice was recorded as Document No. 2004-0090053 at the Tulare County Recorder on September 3, 2004; and

WHEREAS, the Director of the State Department of Conservation, in a written correspondence to the City dated August 3, 2006, did not find evidence against making the consistency findings for the cancellation of the contract, and therefore determined that the Visalia City Council has an adequate basis to support the findings required to cancel said contract; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice held a public hearing before said Council on October 16, 2006; and

WHEREAS, the City Council of the City of Visalia found that the findings required by State law by which said contract may be tentatively canceled were made, and that the Contract Cancellation was carried out in accordance with procedures for tentative cancellation of contracts outlined in State law; and

WHEREAS, the City Council of the City of Visalia on October 16, 2006 certified Negative Declaration No. 2006-58 which declared that the project will not have a significant effect on the environment, and approved the Tentative Cancellation of Land Conservation Contract No. 10263 based on certain findings and conditions; and

WHEREAS; evidence has now been presented that all conditions of said tentative cancellation have been met.

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and was previously adopted for the Cancellation of Land Conservation No. 10263.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia authorizes the execution of a Certificate of Cancellation for Land Conservation Contract No. 10263, in accordance with the terms of this resolution under the provisions of Sections 51280 through 51287 of the State Government Code.

City of Visalia Agenda Item Transmittal

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording:

Public Hearing for Disestablishment of Agricultural Preserve No. 3470: a request by North Visalia Investments, LLC, property owner (Thomas C. Brodersen, agent) to cancel Agricultural Preserve No. 3470 covering approximately 30 acres. The site is located on the north side of the Riggin Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63) in the City of Visalia, County of Tulare. (APN: 079-071-011) **Resolution No. 2007-66 required.**

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number: Brandon Smith, Senior Planner 713-4636

Recommendation and Summary: Staff recommends that the Council hold a public hearing and then approve the attached resolution to disestablish the 30-acre Agricultural Preserve No. 3470.

The hearing to consider disestablishment of Agricultural Preserve No. 3470 is the last step in the request for removing all Williamson Act restrictions on the property designated as the east half of the Orchard Walk Shopping Center before any maps facilitating commercial development can be recorded. On October 16, 2006, the City Council made findings in accordance with the Williamson Act to cancel the Land Conservation Contract on the site, subject to conditions that included either the purchase of a permanent conservation easement or the payment of a penalty fee for ending the contract, and subject to the approval of a Specific Plan on the site. These conditions were ultimately fulfilled by the applicant in June 2007, and an authorization to file a Final Certificate of Cancellation has been brought before the Council as a Consent Calendar item on the July 16, 2007 agenda.

Background

The Williamson Act is the State law that establishes the procedures for agricultural preserves and land conservation contracts. The agricultural preserve process has two steps. First, the law allows a County or City to establish land that is being used for agriculture as an Agricultural Preserve. Once the land is so designated, property owners within the Preserve may then sign a contract with the City or County to keep the land in exclusive agricultural use for a period of at least 10 years. In exchange for this contract, the property owner's property tax bill is reduced to

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)

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reflect the fact that the property may only be used for agriculture. Once all contracts have been dissolved in a preserve, then the preserve may be disestablished. The Williamson Act does not explicitly outline a procedure for the disestablishment, diminishment, or enlargement of agriculture preserves, but rather states that the procedure shall be the same that is used to establish a preserve (Govt. Code 51231). Therefore, consistent with the Williamson Act, a public hearing shall be held before the Council takes action to authorize the disestablishment of the preserve.

In the case of the subject property owned by North Visalia Investments, LLC, the County established Agricultural Preserve No. 3470 on the property in 1976 when the property was owned by Leslie Gruber. The contract was automatically renewed annually until a notice of non-renewal went into effect in 2004 at the request of the current owner.

In 2005, the land was annexed into the City limits. On October 16, 2006, the City Council, in accordance with the procedures contained in the Williamson Act, approved a tentative cancellation for the 30-acre contract, subject to certain conditions including either the purchase of a permanent conservation easement or the payment of a penalty fee for ending the contract, and subject to the approval of a Specific Plan on the site. All conditions have now been met. A related item on the July 16 agenda requests that Council find that the conditions have been met and that the contract cancellation shall be finalized. Following the contract cancellation, the agricultural preserve must be disestablished to eliminate all remaining Williamson Act restrictions on the subject 30 acres.

When Agricultural Preserve No. 3470 was established in 1976, the City's adopted Urban Development Boundary did not allow urban development north of Riggin Avenue past the "Birdland" tract. Thus, at that time, designation of the site as an agricultural preserve by the County Board of Supervisors was appropriate. Development north of Riggin Avenue ensued beginning with the annexation of the site for Shannon Ranch in 2001, which was appropriate based on the City's adopted Urban Development Boundary which allowed development north of Riggin Avenue. Today, the site is within ¼ mile of residential development to the south, and will be central to other approved residential subdivisions and the new City Sports Park. Given the changes in land uses that have occurred during this time, staff believes that it is appropriate to disestablish the preserve as requested by the applicant. The disestablishment will eliminate the restriction of the site to agricultural uses only, and will allow for the Orchard Walk Shopping Center as the alternative use for the site proposed by the applicant to proceed.

Committee/Commission Review and Actions:

On September 10, 2005, the Planning Commission approved Tentative Parcel Map No. 2007-06 and Conditional Use Permit No. 2007-14 subject to completion of the Williamson Act contract cancellation and agricultural preserve disestablishment.

Prior Council/Board Actions:

On October 16, 2006, after holding a public hearing, the City Council approved the tentative cancellation of the land conservation contract. The conditions of the tentative cancellation have now been met.

The Council is also requested on the July 16, 2007 agenda to authorize execution of a final Cancellation of Land Conservation Contract No. 10263. This must be done prior to disestablishment of the preserve, but can be done at the same meeting.

Alternatives:

None recommended.

Attachments:

- Resolution
- City Council Staff Report from October 16, 2006
- Location Sketch

Recommended Motion (and Alternative Motions if expected): I move to adopt Resolution No. 2007-66, approving the disestablishment of Agricultural Preserve No. 3470.

Environmental Assessment Status

CEQA Review: The Council previously adopted Negative Declaration No. 2006-058 for actions related to the termination of the Williamson Act designation on the site. This Negative Declaration is being used for this project.

NEPA Review: None.

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. 2007-66

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA DISESTABLISHING AGRICULTURAL PRESERVE NO. 3470 LOCATED ON THE NORTH SIDE OF THE RIGGIN AVENUE EXTENSION, APPROXIMATELY 120 FEET EAST OF DINUBA BOULEVARD (STATE HIGHWAY 63). NORTH VISALIA INVESTMENTS, LLC, PROPERTY OWNER; THOMAS C. BRODERSEN, AGENT

WHEREAS, Agricultural Preserve No. 3470 and Land Conservation Contract No. 10263, located on the north side of the Rigginn Avenue extension, approximately 120 feet east of Dinuba Boulevard (State Highway 63), in the City of Visalia, County of Tulare (APN: 079-071-011) were established and entered into between the County of Tulare and the property owner in 1976 pursuant to the Williamson Act (California Government Code Section 51200 et seq.); and

WHEREAS, the subject site was annexed to the City of Visalia on July 15, 2005; and

WHEREAS, the applicant has filed an application for disestablishment of the 30-acre Agricultural Preserve No. 3470 and the cancellation of Land Conservation Contract No. 10263 in accordance with the provisions of the Williamson Act; and

WHEREAS, the City Council of the City of Visalia, after twenty-one (21) days published notice held a public hearing before said Council on October 16, 2006; and

WHEREAS, the City Council of the City of Visalia approved the Tentative Cancellation of Land Conservation Contract No. 10263 on October 16, 2006 based on certain findings and conditions; and

WHEREAS; evidence has now been presented that all conditions of said tentative cancellation have been met, and that the City Council of the City of Visalia has authorized the recording of a Certificate of Cancellation of Land Conservation Contract No. 10263; and

WHEREAS, the City Council of the City of Visalia on previously certified Negative Declaration No. 2006-58 which declared that the project will not have a significant effect on the environment; and

WHEREAS, the City Council held a public hearing to review the proposed disestablishment on July 16, 2007.

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines, and was previously adopted for the Cancellation of Land Conservation No. 10263.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby disestablishes Agricultural Preserve No. 3470.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Authorization to bid the construction of the Recreation Park Stadium Expansion and Renovation Project in two primary phases and without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02. Project No. 0011-15152-72-0-8037. (Motion required)

Deadline for Action: June 18, 2007

Submitting Department: Administration

Contact Name and Phone Number:

Phyllis Coring, 713-4566

Department Recommendation:

Staff recommends that City Council authorize the bid of construction of the Recreation Park Stadium Expansion and Renovation Project in two primary phases and without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02. Project No. 0011-15152-72-0-8037.

Summary/background:

The full Recreation Park Stadium expansion and rehabilitation project consists of construction of right field improvements, including grass berm seating, new south entrance to ball park, a new two story building with hospitality lounge, offices, new scoreboard, demolition and reconstruction of the grandstand with press box, suites, dugouts and electrical upgrades, restrooms, concession stands and more.

After considerable review of design and construction estimated schedules, it has been determined that the complete project cannot feasibly be constructed during the 2007-2008 off season. This is primarily due to the time needed to develop project plans and drawings, including architectural, structural engineering and site improvements and to a lesser degree, the public bid process.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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Options for construction timing include:

- Constructing the project in two primary phases starting with the right field improvements in 2007/2008 off season and the grandstand rehabilitation in the 2008-2009 off season. (Staff recommendation)
- Constructing the entire project during the 2008-2009 off season.
- Constructing the entire project starting late 2007/early 2008 and building during the playing season.

Efficiencies realized by constructing the project at one time could be offset by cost increases associated with delay. Further, postponing construction would delay potential increased revenues from the new facilities, including concessions and hospitality lounge and delay use of the facilities by fans, the ball club and the community.

Construction during the playing season would necessitate the ball club playing at another location for the 2008 season and would require Minor League Baseball and the Diamondbacks approval of a one-year location displacement, which is unprecedented and considered a practical impossibility by the ball club owner.

The entire project is being designed such that the two major components, the right field improvements and grandstand, can be separated for construction. Recommended improvements for 2007-2008 off season focus on the right field improvements.

Construction of the project will be publicly bid. Even with breaking the project into phases, it is an ambitious project to complete the first phase by Spring 2008. The full project is currently in design development. This is the process during which design concepts are developed and refined. Some changes from the renderings that have previously been circulated include revision of the brick exterior along Giddings St., as a cost saving measure. The exterior is now planned to be primarily stucco with brick accents. Also, the grass berm is being redesigned to orient the slope toward home plate and the pitcher's mound, rather than right field, in order to improve sight lines to action on the field and to not block views to right field from the new right field fixed seats.

Because of the compressed timeline, staff's recommended first phase, which is the right field improvements, is proposed to be further broken down separate bid packages for some of the preliminary work, such as demolition and earthwork. This would provide for the building pad to be prepared while the bid process for the right field improvements, which is more complicated, is being completed. The demolition and earthwork can be ready to be bid in September 2007, with the right field improvements ready for bid in October 2007.

If the two phase approach is taken (right field and grandstand), the bid for the grandstand replacement would be issued in Spring 2008, so that construction can begin at the close of the 2008 baseball season and so that the project will be complete by the opening of the 2009 season.

Staff recommends that City Council authorize the project be bid without payment of prevailing wages, pursuant to Resolution No. 83-02.

Prior Council/Board Actions: City Council approved contracts for design and construction

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management of the project on June 18, 2007.

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the bid the construction of the Recreation Park Stadium Expansion and Renovation Project in two primary phases and without the requirement for the payment of prevailing wages, pursuant to Resolution No. 83-02.

Environmental Assessment Status

CEQA Review: Environmental Document 2007- 45- Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) per Section 15332 (infill project) of the Guidelines for Implementation of the California Environmental Quality Act.

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: July 16, 2007

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Introduction of Ordinance No. 2007- 14, Rescinding Ordinance No. 2006-13 and Authorizing the City Manager to Execute a Ten (10) Year, With a Five (5) Year Renewal Option, Lease of Recreation Park Stadium, for Professional Baseball, With Top of the Third, Inc.

Deadline for Action:

July 16, 2007

Submitting Department:

Administration

Contact Name and Phone Number: Carol L. Cairns, Assistant City Manager 713-4324

Department Recommendation: Staff recommends that the City Council adopt Ordinance 2007-14, rescinding the current lease and authorizing the City Manager to enter into a new ten (10) year lease agreement with a five (5) year option between the City of Visalia and TOP OF THE THIRD, INC., to provide professional baseball at Recreation Park Stadium. The lease is attached to the proposed Ordinance.

Summary: Summary/background:

Staff recommends that the City Council approve a ten (10) year lease agreement with a five (5) year option between the City of Visalia and TOP OF THE THIRD, INC., to provide professional baseball at Recreation Park Stadium.

On April 13, 2007, City Council approved the increased scope of work at Recreation Park Stadium due to infrastructure cost, rightfield upgrades, and demolition and reconstruction of the grandstand berm. Based upon the increased scope and project cost (approximately \$11.6 M), City Council also directed the project to be a City project subject to public bid and no longer a private project with TOP of the THIRD, Inc.

Staff has developed a revenue sharing program with TOP of the THIRD, Inc. A ticket surcharge of \$.50 for the renovation of the stadium will be initiated in 2008 for Regular tickets (current \$6 adult, \$5 children) and a \$1.00 fee on Premium seats (suites, Hot Corner Lounge and VIP Lounge). The City will also collect 10% of all advertising revenues above \$500,000 annually and 5% of all food and beverage revenues above \$400,000 annually. In addition the City will receive 25% of the Ballclub's Pre-tax Net Income over \$175,000. This revenue sharing allows

For action by:

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

For placement on which agenda:

Work Session
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Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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the club to stabilize its operational costs as well as sharing revenues with the City to pay debt service on the improvements.

The City and TOP of the THIRD, Inc. will also evaluate increasing overall ticket prices and the ticket surcharge in 2013, after attendance and operations in the total renovated stadium have stabilized.

The other major agreement points between the CITY of VISALIA and TOP OF THE THIRD are:

TOP of the THIRD, Inc:

- Will provide a Class A California League Professional Baseball Team in Visalia for 10 years with a 5 year option.
- Will provide annual maintenance and repair services to the facility of \$10,000 annually.
- Will provide grounds and maintenance staff year round.
- Will provide staff year round for special events.
- Will market special events for the stadium.
- Will utilize Hospitality Suite year round.

CITY OF VISALIA:

- Requires the Lessee to provide a California League Class A professional baseball equivalent or higher during the term of the lease.
- Consistent with the current lease the City will continue to pay the maintenance of the field. In order to expedite the maintenance process the Lessee will be provided a \$40,000 budget for the salary of a grounds supervisor, field maintenance, equipment repair and maintenance, product for field surface and other stadium grounds maintenance. The City previously contracted with a private vendor to provide this service. The lessee will provide a year round maintenance supervisor and provide field maintenance as well a minor maintenance for the stadium. The Lessee anticipates saving the City approximately \$5,000 per year by handling the maintenance internally as opposed to contracting out.
- The City currently provides major maintenance and repairs of the stadium facilities and grounds. In order to allow the Lessee to schedule repairs and maintenance in a more timely fashion and without having to schedule work through the City Building Division the City will provide the Lessee with the authority to authorize repairs and maintenance up \$20,000 annually in 2007-09 and up to \$30,000 in 2010-2016. Lessee will notify the City of the need for such repairs. The City will continue to be responsible for major maintenance and repair above this level.
- The City will provide Lessee \$25,000 to purchase used mowing and field equipment on approval of the lease. \$5,000 will be set aside annually by the City to replace field equipment.
- The City will pay the electric bill for the baseball season at a maximum \$30,000 annually plus a CPI increase. The Lessee will be responsible for billing in excess of that amount.

Joint Agreements Between the City of Visalia and TOP of the THIRD, Inc.:

- Lessee and Lessor will equally share the revenue generated by a naming rights contract.
- The Lessor and Lessee will work cooperatively to schedule other special events in the stadium. All revenues minus expenses for other Special Events held in the stadium will be shared equally by the Lessee and Lessor

REVENUE SHARING:

- Regular Priced tickets will be increased \$.50 per ticket beginning the 2008 season.
- Premium VIP/Banquet-right field tickets will be increased \$1.00 per ticket beginning the 2008 season
- Premium Suites will be increased \$1.00 per ticket beginning the 2009 season.
- The City will receive 10% of Advertising revenues above \$500,000 annually.
- .The City will receive 5% of Food and Beverage revenues above \$400,000 annually.
- The City will receive 25% of Ballclub's Pre-tax Net Income over \$175,000.
(e.g. if Ballclub's Net Income is \$375,000, the City will receive 25% of \$200,000 = \$50,000)

When the rightfield renovation and the grandstand replacement are fully completed and utilized in 2009, the stadium will have a seating capacity of approximately 3,088.. The revenue projections are based on a conservative estimate of annual attendance of 2,059. Therefore, any attendance above the annual attendance of 2,059 will substantially increase the revenues.

A Revenue Chart is attached for the contract years (2008-2021) depicting the source of revenue and the amount to the City.

The following conservative (67% attendance) revenue projections are for 2009. This will give an indicator of revenues after the completion of the rightfield and grandstand projects. The conservation revenue projection for the final year of the lease, 2021, is also included to indicate how the annual revenues increase over the period of the lease.

Naming Rights	\$100,000
Ticket Tax-Premium	9,000
Ticket-Tax-Regular	56,950
Other Events-Ballpark	30,000
Other Events-VIP Banquet	20,000
Leaseable Space	15,000
*Revenue Sharing	5,000
*Profit Sharing	10,000

**ANNUAL REVENUE TO CITY \$245,950
(2009)**

**ANNUAL REVENUE TO City \$409,778
(2021)**

The owners are confident that attendance will continue to increase at Recreation Stadium as the stadium is renovated and upgraded. This is seen in many stadiums throughout the country as indicated by the attached chart. As the existing stadiums are new or significantly renovated the attendance is boosted by some 92%.

Minor League Baseball's popularity continues to be on the rise throughout the country. Attendance is consistently high in new or improved stadiums. It is a very affordable family entertainment that is hard to duplicate. It is a quality of life asset that also creates jobs, improves the surrounding area, provides opportunities for youth and brings the community together.

Prior Council/Board Actions:

Council approval of current lease August 2006

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Proposed Ordinance

Revenue Chart

City Lease with TOP of the THIRD, Inc.

Recommended Motion (and Alternative Motions if expected): I move the City Council adopt Ordinance 2007-14 rescinding Ordinance No. 2006-13 and authorizing the City Manager to enter into a ten (10) year lease agreement with TOP of the THIRD, Inc. for lease of property located at 300 North Giddings, Visalia, California for the use of professional baseball and other City authorized events.

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:

