

Visalia City Council Agenda

For the regular meeting of: Monday, August 6, 2007

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

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.

4:00 p.m.

EMPLOYEE INTRODUCTION

Introduction of new Contract Fire Inspector Kurtis Brown by Charlie Norman, Visalia Fire Department Battalion Chief

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session Items -

4:05 p.m.

1. Request by Mayor Gamboa to initiate a General Plan Amendment to consider possible land use re-designation of property located on the east side of North Dinuba Boulevard between the St. John's River and Shannon Parkway extension from Residential to Commercial.

4:30 p.m.

2. Tulare County Emergency Medical Services Overview
3. *Item removed at the request of staff*

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 - Potential Litigation
(Subdivision (b) of Section 54956.9 GC): two potential cases

5. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Oval Service Center 808 North Court
Under Negotiation: Terms of agreement
Negotiating Parties: Steve Salomon, City Manager; Carol Cairns, Assistant City Manager
6. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Southeast corner of Noble and Roeben, APN 097-450-001
Under Negotiation: Price, terms, and conditions of purchase
Negotiating Parties: Steve Salomon, Andrew Benelli, Sierra Village Retirement Community
7. Conference With Real Property Negotiators (G.C. §54956.8)
Property: APN: 097-054-012 (no address), 094-305-009 (no address), 516, 504, 502, 500 S. Santa Fe (APN:097-121-008, 020, 010, 019), 516 E. Mineral King Avenue (APN: 094-221-006), 324 S. Santa Fe (APN: 094-221-012)
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms and conditions of potential purchase
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson, North Star Management, Richard and Rebecca Dowling, Kelley Cusenbary, Robert Schumacher, French Camp, LLC, Chee Ping Lee and Chui Ping Lam, C.M. Jothen, Trustee of the Minson Trust, Steven and Helen Copley, Magdy Maksy, Mission Linen Supply, Wayne and Mary Yada, Co-Trustees of the Yada Family Trust, Carl and Susan Niederreiter

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Arthur Escobedo, Praise Center Church

SPECIAL PRESENTATIONS/RECOGNITION - Presentation of award from American Planning Association to Craig Mangano and the City of Visalia in recognition of the superior design of Village at Willow Creek Specific Plan

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

CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION

8. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
- a) Authorization to read ordinances by title only.
 - b) Authorization to appropriate funds for the operation of the after school enrichment program at the Manuel F. Hernandez Community Center. Said funds will be reimbursed to the City of Visalia by Visalia Unified School District with ASES grant money.
 - c) Authorization to bid the construction of the Northwest Fire project located at Shirk and Ferguson without the requirement for the payment of prevailing wages pursuant to Resolution NO. 83-02.
 - d) Authorize the City Manager to execute the Memorandum of Understanding for Miscellaneous Managers and Supervisors (City of Visalia Bargaining Group E) for the period of July 7, 2007 through June 30, 2010.
 - e) Authorize the City Manager to execute the Memorandum of Understanding for Northern California Carpenters Regional Council (City of Visalia Employee Bargaining Unit Group M) for the period of July 1, 2007 through June 30, 2010.
 - f) Authorization for staff to work with the San Joaquin Valley Clean Energy Organization to develop a Memorandum of Understanding under which the non-profit organization would assist the City in developing clean energy programs, and authorize the Mayor to send a letter of appreciation to the California Partnership for the San Joaquin Valley which is a sponsor of the clean energy organization.
 - g) Receive and file report on Essential Air Service proposals for the Visalia Airport. Recommendations to be made at the August 20, 2007 Council meeting.

Authorization to file Notice of Completion on the following:

- h) Community Campus of Visalia City project located at 310 Northwest Third Avenue.
- i) Hall Estates, containing 30 lots, located at the Northeast corner of Cherry Avenue and Lovers lane.

Authorization to Record final Map on the following:

- j) Final Parcel Map 2006-03, located at the northeast corner of Mineral King Avenue and Cain Street. APN: 098-120-001

9. **Public Hearing.** Authorization to amend the City's Rates and Fees for Solid Waste and Sanitation (wastewater) effective for 5 (five) fiscal years beginning September 1 for 2007, April 1 for 2008, and for the remaining 3 (three) fiscal years beginning July 1, 2009. **Resolution 2007-68 required.**
10. **Public Hearing** - An appeal by Darlene Mata (agent) on behalf of Paul Daley (applicant) of the Planning Commission's approval of Conditional Use Permit 2007-23, a request by applicant to amend Conditional Use Permit No. 2004-40 to allow modified yard setbacks in the multi-family component of the Avalon Planned Residential Development. The appeal pertains specifically to Condition #10, which requires that one common property

management entity for maintenance and management of all lots that comprise the project. The site is located on the northwest corner of North Demaree Street and West Riggan Avenue (APN: 077-620-092 through 077-620-099) **Resolution 2007-67 required.**

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	Mangano Homes	085-010-096	16.381 acres btw St. Hwy. 198 and Tiffany Ranch Subdivision	Scenic Corridor	7/18/07	M. Olmos
City of Visalia	Faria Family	Various parcels including the following APNs and/or Portions of: APN-119-021-016, 119-021-010, 119-021-018, 119-021-008, 119-021-007	Approx 99.1 acres South Shirk Road	Airport Clear Zone	7/20/07	C. Carlson
City of Visalia (RDA)	Ringsdorf Family Trust	094-053-018	111 NW 5 th Street (four-plex)	Community Campus	7/27/07	C. Carlson
City of Visalia (RDA)	Ringsdorf Family Trust	094-053-019	113 NW 5 th Street (sf dwelling)	Community Campus	7/27/07	C. Carlson

Upcoming Council Meetings

Monday, August 20, 2007, 4:00 p.m. – City Council Chambers, 707 W. Acequia

Tuesday, September 4, 2007 – City Council Chambers, 707 W. Acequia

Monday, September 17, 2007 – City Council Chambers, 707 W. Acequia

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: August 6, 2007

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Request by Mayor Gamboa to initiate a General Plan Amendment to consider possible land use re-designation of property located on the east side of North Dinuba Boulevard between the St. John's River and Shannon Parkway extension from Residential to Commercial.

Deadline for Action: NA

Submitting Department: NA

Contact Name and Phone Number: Mayor Jesus Gamboa

Mayor's Recommendation: Mayor Gamboa recommends that Council initiate the general plan amendment process to consider re-designating land located on the east side of North Dinuba Boulevard, between the St. John's River and Shannon Parkway extension from Residential to Commercial.

The Council action I am requesting on August 6 to initiate this General Plan amendment will not in itself make any change to land use designations to the area under consideration. This action would only initiate the formal process for consideration of this possible general plan amendment and begins a staff evaluation, discussions with affected property owners, CEQA review, and scheduling of necessary future public hearings before the Planning Commission and City Council on this request.

Summary/background: Past months have seen considerable interest in commercial development in North Visalia, including along the North Dinuba Boulevard corridor. The City's sound planning policies have caused growth in our community to achieve greater balance, and now a significant and growing segment of Visalia residents live north of Highway 198. These "rooftops" have created demand for commercial development in North Visalia, and the City is seeing shopping centers under construction at Ferguson and North Dinuba, Riggin and Demaree, and Riggin and North Dinuba intersections. Well known retailers including Food 4 Less, Lowe's, Target Greatland, and Home Depot are now locating in North Visalia.

Other factors will increase demand for commercial uses in North Visalia. These include the development of the new Sports Park (first phase to open in August), and growth in outlying

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
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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.

communities north of Visalia (such as Ivanhoe and Cutler Orosi). The growing population in North Visalia and outlying areas will continue to increase demand for commercial uses located nearby, rather than having to travel across town to South Mooney Boulevard. Commercial development in North Visalia improves convenience for these neighborhoods, reduces cross town traffic congestion, and improves air quality due to reduced trip lengths.

Residential development is expected to remain strong in North Visalia. The Shannon Ranch neighborhood is continuing to build out, and the Lowery Ranch Master Plan area will bring hundreds of new homes in future years. Other undeveloped properties in North Visalia are also designated for residential development and lie within the 129,000 U.D.B.

With these dynamics in mind, I believe it makes sense to consider re-designating additional land for future commercial uses along the North Dinuba corridor. An area available for additional commercial uses is located on the east side of North Dinuba Boulevard, between Shannon Parkway extension and the St. John's River. If re-designated for commercial development, the area could be developed with retail, restaurant and other uses that would benefit persons and families visiting the Sports Park. An expanded commercial area would also contain uses that would serve surrounding residential neighborhoods and residents from other communities traveling along North Dinuba Blvd.

An important consideration in this potential land use re-designation is to support the Sports Park with commercial services that will satisfy needs of park visitors. It is expected that the Sports Park will attract not just casual uses, but will create significant demand for tournament soccer, baseball, BMX and other competitive events. Restaurants, retail shops and personal services within walking distance to the Sports Park will be needed to support sports events. Given Caltrans' plans to significantly widen N. Dinuba Boulevard in the area, City staff will need to collaborate with Caltrans to enhance pedestrian crossings to the proposed commercial area. Enhancements would include appropriate safety signals, pedestrian crossing restrictions and protected pedestrian refuge islands at mid-crosswalk locations.

The area in question is currently designated for residential development in the 2020 Plan, and is located within the 98,700 and 129,000 UDBs. The site is not yet annexed and currently lies in County unincorporated territory. Given that the site is not yet located in the City, I believe it makes sense to consider re-designating a portion of the area to commercial prior to annexation being formally considered.

The precise boundaries of a potential commercial designation would be determined by Council direction, and refined during discussions with landowners, staff evaluation, CEQA analysis, and public hearing process. On August 6, Council is not being asked to give any final decision on this proposed amendment. Council is being asked only to initiate the General Plan process and allow formal consideration of this request.

Prior Council/Board Actions: NA

Committee/Commission Review and Actions:NA

Alternatives:NA

Attachments:

Recommended Motion (and Alternative Motions if expected): Move to initiate a General Plan Amendment to consider re-designating property located on the east side of North Dinuba Blvd, between Shannon Parkway extension and the St. John's River from Residential to Commercial.

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:

Tulare County Emergency Medical Services

Objectives

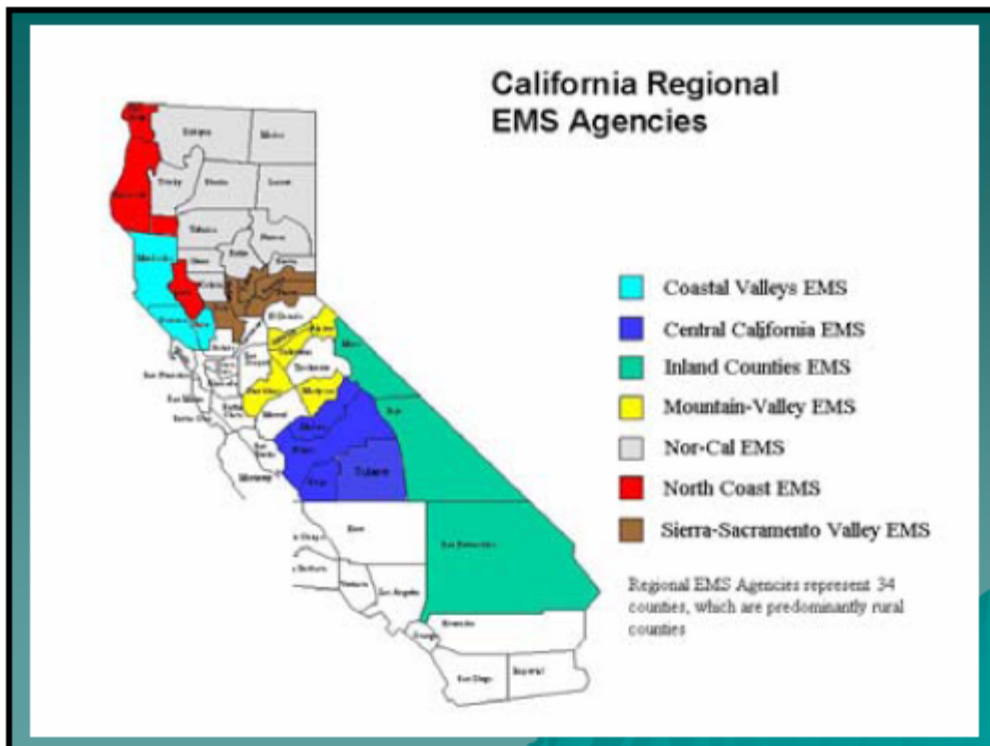
- ◆ Brief Overview of the EMS System
- ◆ Identify problem areas that impact level of services
- ◆ Discuss potential solutions to resolve EMS response issues

Tulare County EMS Agency

Central California EMS Agency (CCEMSA)
EMS Region
with Fresno, Kings and Madera

Dan Lynch – Director
Dale Dotson – EMS Coordinator

County of Fresno
Department of Community Health



CCEMSA Region

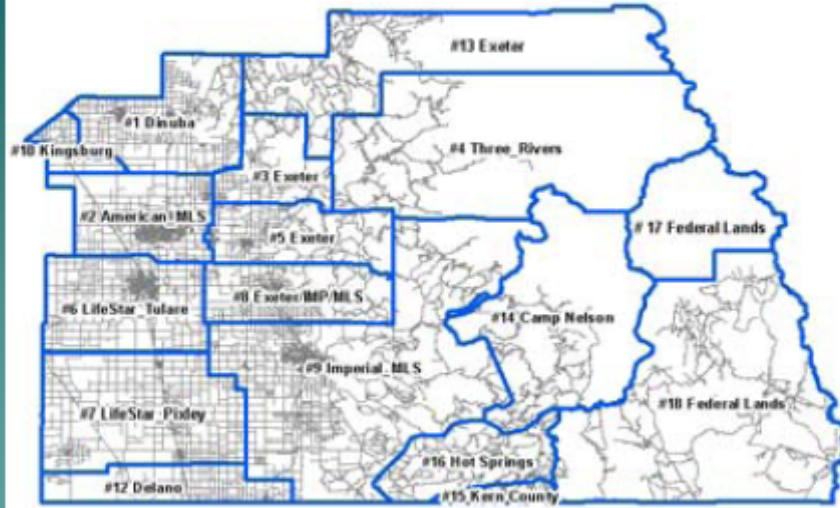
- ◆ Tulare County Joined Region in March 2004
 - Needed to address an “old” EMS system in County
- ◆ Only County in State that did not have Paramedics
- ◆ No oversight of ambulances and personnel except by employers
- ◆ Provider agreements had no teeth
- ◆ Multiple dispatch centers for ambulances
- ◆ No response time requirements
- ◆ No certainty that closest ambulance responds

Ambulance Providers

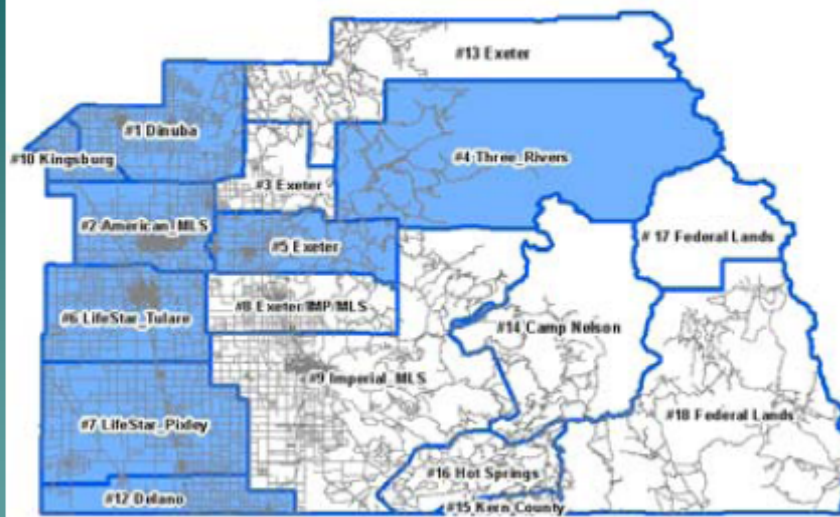
- ◆ 9 ambulance providers in County

American of Visalia.....	City of Visalia
California Hot Springs.....	California Hot Springs
Camp Nelson Ambulance.....	Camp Nelson
Dinuba Fire Dept.....	City of Dinuba / Orosi
Exeter District Ambulance.....	City of Exeter / Lindsay
Imperial Ambulance.....	City of Porterville
LifeStar Ambulance.....	City of Tulare / Pixley
Mobile Life Support.....	City of Visalia / Porterville
Three Rivers Ambulance.....	Three Rivers

Tulare County Ambulance Zones



Exclusive Operating Areas



How have we done since 2004?

- ◆ Paramedics
 - Phased in beginning 2005
 - Required on valley floor – Feb 2007
 - EMT-II only allowed in Mountains
- ◆ Dispatch Center
 - All ambulance dispatched from one center (TCCAD)
 - ◆ Volunteer agencies – coming soon

How have we done since 2004?

- ◆ Oversight of personnel and agencies
 - Included in a aggressive quality Improvement program
 - Agencies directly monitored by the EMS Agency

Still falling short

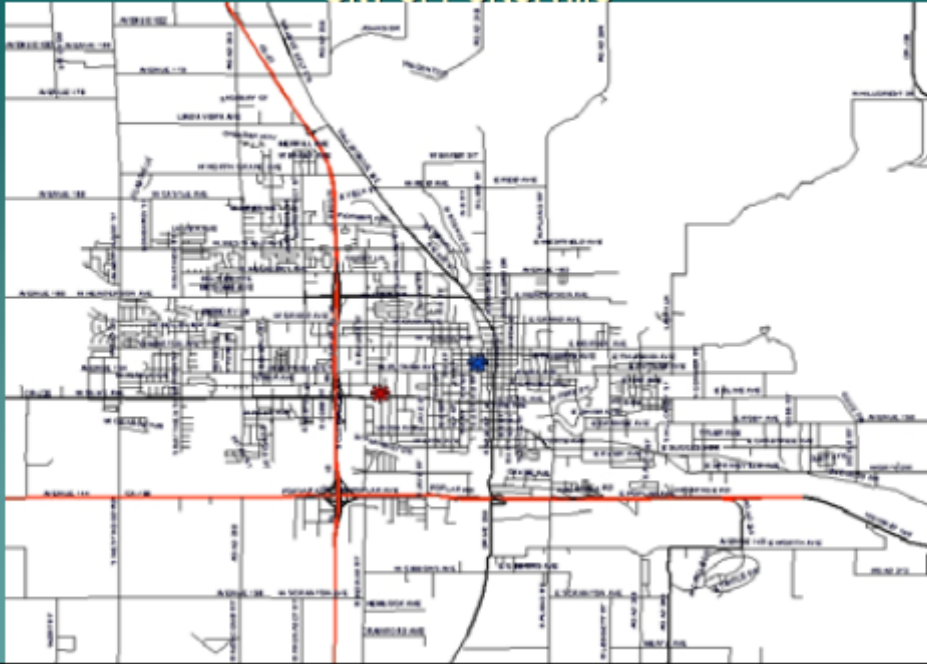
- No ability to make changes under current agreement structure
- Can not implement an aggressive performance standard
- Can not assure the closest ambulance responds

THESE ARE SIGNIFICANT ISSUES

What is Happening?

- ◆ Loss of ambulance Services
 - Woodlake
 - Farmersville
 - Lindsay
 - ???Pixley
 - Who could be next
 - ◆ What if it is Three Rivers?
- ◆ Stretch the system with lesser resources = longer response times

City of Porterville



Solution

Countywide – Single Provider Agreement

- Currently done in Fresno and Kings County
 - ◆ as well as many other Counties in the state
- ◆ Performance Based Agreement
 - Supported solely by fee for services
 - ◆ Ambulance transport revenue
 - ◆ No city or county costs
 - Ambulance rate approved by Board of Supervisors

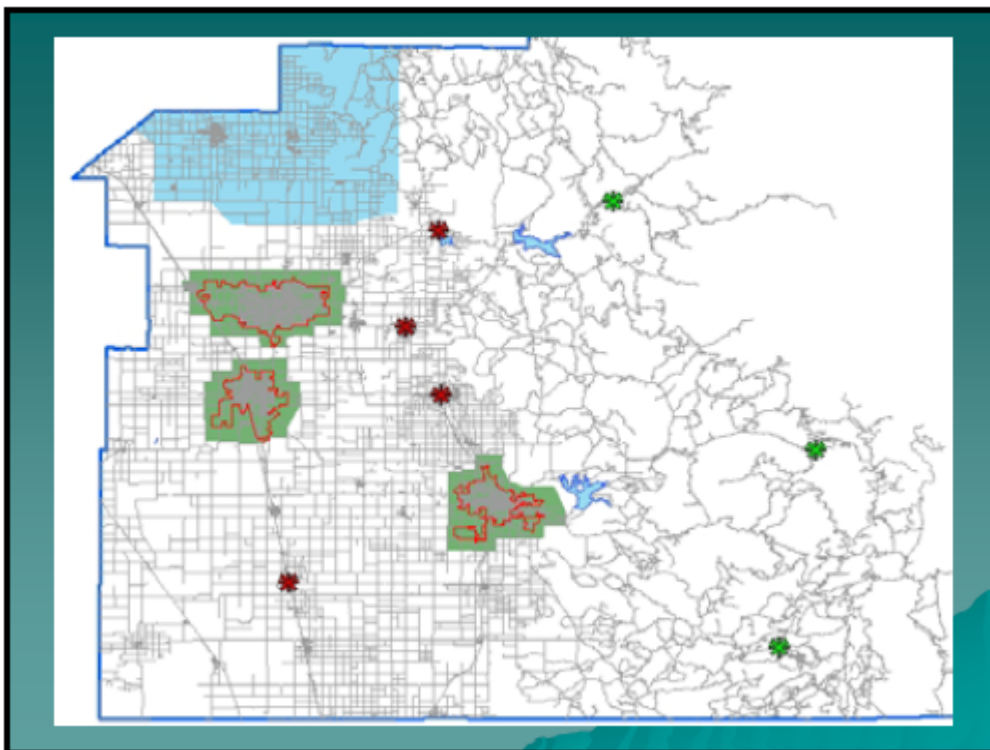
Single Provider Agreement

– RFP issued by County and EMS Agency

◆ Bidders bid on the requirements set by EMS Agency, which could include:

– Required ambulance locations (Lindsay, Farmersville, Woodlake, Three Rivers...any others?)

◆ Backup requirements



Single Provider Agreement

- Response time performance with fines and penalties
 - Providing, Staffing and Maintaining an EMS Dispatch Center
 - Levels of services
 - etc
- Bids reviewed by County reps and reps of each city.

BENEFITS

- ◆ More control of services
 - i.e., No cities get abandoned
- ◆ Better Performance with Accountability
- ◆ Workforce stability
 - ↑ Wages, professionalism, skill levels
 - ↓ Employee turn-over
- ◆ Patients get closest Ambulance
- ◆ State of the Art EMS System
 - ◆ No cost to cities or County

Questions?

Cities

Health and Safety Code Division 2.5

1797.201. Upon the request of a city or fire district that contracted for or provided, as of June 1, 1980, prehospital emergency medical services, a county shall enter into a written agreement with the city or fire district regarding the provision of prehospital emergency medical services for that city or fire district.

County

Health and Safety Code Division 2.5

1797.224. A local EMS agency may create one or more exclusive operating areas in the development of a local plan, if a competitive process is utilized to select the provider or providers of the services pursuant to the plan. No competitive process is required if the local EMS agency develops or implements a local plan that continues the use of existing providers operating within a local EMS area in the manner and scope in which the services have been provided without interruption since January 1, 1981.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 6, 2007

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

Agenda Item Wording: Authorization to appropriate funds for the operation of the after school enrichment program at the Manuel F. Hernandez Community Center. Said funds will be reimbursed to the City of Visalia by Visalia Unified School District with ASES grant money.

Deadline for Action: N/A

Submitting Department: Parks & Recreation Department

Contact Name and Phone Number:

Vince Elizondo, Parks & Recreation Director (559) 713-4367
Jeannie Greenwood, Recreation Manager (559) 713-4042

Staff Recommendation:

City staff recommends that the City Council:

1. Authorize a budget appropriation of \$44,000.00 for fiscal year 2007-2008 to account 0011-50539 to provide services outlined in the terms of the attached Agreement. This amount includes \$14,000 unspent funds from 2006-2007 and \$30,000 for 2007-2008. This amount will fully support the program expenses, including staffing and direct program costs. This amount does not represent an impact on the general fund as funds are reimbursed by Visalia Unified School District.

On June 25, 2007 a special meeting was held and Council approved authorization of the City Manager to enter into an agreement with Visalia Unified School District and the budgetary action. However, Charter requirements specify that budget appropriations must be made at a regular meeting.

Background:

On September 26, 2006 the California Department of Education released a Request for Application for After School Education and Safety (ASES) program funding. With the passing of Proposition 40, the ASES program originally funded for \$122 million was increased an additional \$428 million

For action by:

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

For placement on which agenda:

Work Session
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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.

to amount to a total of \$550 million available for after school programs to serve elementary and middle/junior high school students.

Visalia Unified School District (VUSD) worked with several agencies to develop ASES programs for all Visalia Unified Schools, including the four middle schools. Grant applications were submitted by the November 6, 2006 deadline and on December 11, 2006 initial notification was posted on the California Department of Education's website. Nine of the fifteen elementary school sites and three middle schools received funding.

VUSD continues contracting with Pro Youth HEART for after school services in the elementary school sites. Of the three funded middle schools, VUSD will be contracting with various agencies to provide enrichment programs. Students from Divisadero will be bused to the Boys and Girls Club and the Whitman Center, students from Green Acres will attend a YMCA program at the Anthony Community Center, and students from Valley Oak will be sent to the Manuel F. Hernandez Community Center as well as to the Ivanhoe Youth Center operated by CSET.

Staff recommends that authorization be given to the City Manager to execute an Agreement between the City of Visalia and Visalia Unified School District for the after school enrichment program at the Manuel F. Hernandez Community Center. The Agreement was prepared by Visalia Unified School District and has been approved by the City attorney.

The ASES program focuses on providing a quality after school program for students while increasing academic achievement and providing enrichment opportunities. In order to achieve the best possible experience for students, Visalia Unified School District and the City of Visalia Parks and Recreation Department are asking to continue their collaborative partnership to fulfill the program requirements of this grant.

Since Visalia Unified School District employs professionals skilled in providing educational curriculum and academic achievement standards for students, Visalia Unified will be responsible for the one and a half hour academic requirement of the grant. Whereas the City of Visalia Parks and Recreation Department employs professionals in the areas of providing enrichment activities and quality after school programs, it is proposed that the City of Visalia provide enrichment activities for students from the Valley Oak campus at the Manuel F. Hernandez Community Center. Both entities feel that this collaborative relationship would be beneficial to the ASES program, allowing each agency to provide the best service to the students.

ASES is a three year grant with annual funding dependent on maintaining a seventy-five percent enrollment. This MOU is for the second year of the grant. Visalia Unified School District is proposing to pay the City of Visalia the sum of \$30,000 to provide an enrichment program at the Manuel F. Hernandez Community Center. The funded amount for the first year of the grant was for the entire annual amount, regardless of operating for just five months of the school year. That allows \$14,000 in unspent funds be carried over into this second year of the program.

The Parks and Recreation Department continues to develop an enrichment program that includes organized sports, martial arts, dance, art, drama and life skill components. The middle school age student has been identified by the Parks and Recreation Department as an under-served population. This program will not only allow the City the opportunity to provide services to this population, but to also assist in the task of providing gang prevention and/or intervention programs for youth ages 12-14.

The ASES program will not interfere with or replace the existing after school drop in program at the Manuel F. Hernandez Community Center. Both programs will be able to share facility space and resources.

Staff is also asking for a budget appropriation of \$44,000.00 for fiscal year 2007-2008 to provide services outlined in the terms of this Agreement. This amount includes \$14,000 not expended from fiscal year 2006-2007 and \$30,000 for 2007-2008. This amount will fully support the cost of service, including staffing and direct program costs.

Prior Council Actions:

2006-2007 Agreement approved January 8, 2007.

2007-2008 Agreement approved June 25, 2007

Commission Review and Actions:

none

Attachments: Exhibit A - Agreement

Recommended Motion (and Alternative Motions if expected):

I hereby move to authorize a budget appropriation of \$44,000.00 for fiscal year 2007-2008 to account 0011-50539 to provide an after school enrichment program at the Manuel F. Hernandez Community Center per the City's agreement with Visalia Unified School District.

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: August 6, 2007

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

Agenda Item Wording: Authorization to bid the Construction of the Northwest Fire project located at Shirk and Ferguson without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02.

Deadline for Action: August 6, 2007

Submitting Department: Fire and Finance

Contact Name and Phone Number: Doyle Sewell, 713-4486
Gus Aiello, 713-4423

Department Recommendation: That Council authorizes the bidding of the construction of the Northwest Fire project located at Shirk and Ferguson without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02.

Summary/background:

Staff recommends that the City Council authorize the construction of the Northwest Fire project located at Shirk and Ferguson without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02.

On May 1, 2006, Council approved a project cost of \$6.4 million for the design and construction of a Northwest Fire station and training facility. The project is programmed in the Measure T plan and is funded by both Measure T revenues (\$2.2 million) as well as Fire impact fee revenues (\$4.2 million).

Council is empowered to authorize the construction of capital improvement projects without the requirement of paying prevailing wage if only locally generated funds are used to pay for the project. In this case, the Northwest Fire project will use locally generated tax and impact fee revenues to finance the project.

The Planning Commission authorized issuing a conditional use permit (CUP) on the project at its meeting on July 23, 2007. The bidding process will begin upon Council's approval to bid the project on a non prevailing wage basis. Project completion is anticipated in the Summer of 2008.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

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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.

Prior Council/Board Actions: Approval of Resolution 83-02.
May 1, 2006 – Approval of \$6.4 million project cost

Committee/Commission Review and Actions:

Alternatives: None recommended

Attachments:

Recommended Motion (and Alternative Motions if expected): I move to authorize the bidding for the construction of the Northwest Fire project located at Shirk and Ferguson without the requirement for the payment of prevailing wages pursuant to Resolution No. 83-02.

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: August 6, 2007

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

Agenda Item Wording: Authorize the City Manager to execute the Memorandum of Understanding for Miscellaneous Supervisors and Managers (City of Visalia Employee Bargaining Unit Group E) for the period July 7, 2007 through June 30, 2010.

Deadline for Action: August 6, 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 three-year Memorandum of Understanding by and between the City of Visalia and Miscellaneous Supervisors and Managers (City of Visalia Employee Bargaining Unit Group E) for the period July 7, 2007 through June 30, 2010.

Summary/background:

In early March, 2007, the City's negotiation team began the negotiations process with Group E for their MOU that was set to expire on June 30, 2007. In early July, the City and Group E came to a tentative agreement, and on July 16, 2007, City staff presented the tentative agreement to Council for consideration and authorization. On July 17, 2007, Group E's membership voted to accept the tentative agreement. The following summarizes the general elements of the Group's Memorandum's of Understanding.

- **Term of Contract:** Three (3) year agreement
- **Contract Date:** July 7, 2007 through June 30, 2010
- **Salary:**

For action by:

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

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Regular Session:

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 Regular Item
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Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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First year: 4% increase, effective with the pay period beginning July 7, 2007
Second year: 4% increase, CPI as promulgated by the California Department of Industrial Relations for the March-March period, whichever is greater effective with pay period including July 1, 2008
Third year: 4% increase, CPI as promulgated by the California Department of Industrial Relations for the March-March period, or unrepresented whichever is greater, 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 between employee and/or dependent 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.
 - 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
 - Savings is defined as money that is saved by the plan modifications and money that is presently in the plan, shall remain in the plan.

- **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:**
 - Two-tiered retirement system. All new miscellaneous employees hired will be covered in the 2.5% at 55 PERS plan. The effective date of the two-tiered retirement system would be made effective as soon as allowed by 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:**
 - An additional \$200 a year for tuition assistance for those pursuing a BA or better. In other words, \$1,000 annually for up to an AA and \$1,200 for BA or better.

- **Bilingual Pay:**
 - Unit members may be eligible to receive bilingual pay in the amount of \$50 per month, calculated and paid bi-weekly as part of regular payroll. The City shall determine those positions that require such abilities and the language or languages that will be compensated for. An employee is entitled to receive bilingual pay provided that employee has passed an oral proficiency examination as determined by the City Manager and are assigned to provide translation services in addition to other duties contained within their specific job descriptions. The qualifying languages are Spanish & Laotian (Hmong, Lahu & Mien dialects)

- **Sick Leave Policy:**
 - Formal inclusion of the December 2004 City Sick Leave plan into MOU

- **Opt-In Medicare Plan:**
 - Implementation of the opt-in Medicare plan for employees hired before April 1, 1986, including the option to purchase 5 years of service, as soon as operationally feasible. Employee would be responsible for their service cost.

- **Salary Range Table:**
 - Move group E classifications back on a salary range table, no later than 7/1/08.

- **Standby Allowance:**
 - Remove Standby Allowance from the MOU, but grandfather those employees currently occupying the following classifications in the Police Department:
 - Administrative Services Manager
 - Records Supervisor
 - Court & Staff Services Supervisor
 - Communications Supervisor
 - Senior Police Specialist
 - Senior Identification Technician

- **City's Salary Survey:**
 - Add the following language in the MOU:
 - In an effort to identify benchmark positions (which may include single incumbent classifications) that represent a broad sampling of positions, adequately dispersed through Group E, prior to the commencement of new MOU negotiations, the City agrees to meet with and advise representatives of Group E regarding selection of benchmark positions and explain the methodology being utilized to address the appropriateness of total compensation for Group E members.

- **Administrative Leave Sell-Back Program:**

The Administrative Leave Buy-back Program is voluntary and mirrors the program Council has afforded to Department Heads and Exempt Confidential employees. The established year period for this program runs from November 1 through October 31 consistent with the sick leave buy-back program. Each year the covered employee would have option of using their Administrative Leave time or selling back their eligible amount on a tiered approach as outlined below:

 - If the employee uses two (2) weeks of their accrued vacation leave, they may sell back up to five (5) days (40 hours) of their available Administrative Leave Balance at their current regular hourly rate of pay.
 - If the employee uses three (3) weeks of their accrued vacation leave, they may sell back up to six (6) days (48 hours) of their available Administrative Leave Balance at their current regular hourly rate of pay.
 - If the employee uses four (4) weeks of their accrued vacation leave, they may sell back up to seven (7) days (56 hours) of their available Administrative Leave Balance at their current regular hourly rate of pay.

- **Performance Evaluation**

- If performance evaluations are not completed within sixty (60) calendar days of their due date, the appropriate merit raise (or step) shall be considered to be automatically granted. The merit increase will be granted retroactive to the due date.
- **City's Salary Survey Adjustments:**
 - Adjust the Recreation Supervisor salary range by 5%. The salary for this benchmark classification was identified as being 7% below the average of our comparable agencies. Moving this position by 5% would place it among other Supervisor classifications in the organization.

Prior Council/Board Actions: July 16, 2007, closed session item, approving staff's recommendation.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Group E Memorandum of Understanding, July 7, 2007 through June 30, 2010.

Recommended Motion (and Alternative Motions if expected):

I move authorization for the City Manager to execute the three-year Memorandum of Understanding by and between the City of Visalia and the Miscellaneous Managers and Supervisors Group (City of Visalia Employee Bargaining Unit Group E) for the period July 7, 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: August 6, 2007

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

Agenda Item Wording: Authorize the City Manager to execute the Memorandum of Understanding for the Northern California Carpenters Regional Council (City of Visalia Employee Bargaining Unit Group M - Miscellaneous Employees) for the period July 1, 2007 through June 30, 2010.

Deadline for Action: August 6, 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 three-year Memorandum of Understanding by and between the City of Visalia and the Northern California Carpenters Regional Council (City of Visalia Employee Bargaining Unit Group M - Miscellaneous Employees) for the period July 1, 2007 through June 30, 2010.

Summary/background:

In early March, 2007, the City's negotiation team began the negotiations process with Group M for their MOU that was set to expire on June 30, 2007. In late June, 2007, the City and Group M came to a tentative agreement and on July 10, 2007, Group M's membership ratified the tentative agreement. On July 16, 2007, City staff presented the following elements to Council for consideration and authorization. The following summarizes the general elements of the Group's Memorandum's of Understanding.

- **Term of Contract:** Three (3) year agreement
- **Contract Date:** July 1, 2007 through June 30, 2010
- **Salary:**

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.

First year: 4% increase effective June 9, 2007

Second year: 4% increase effective with pay period including July 1, 2008

Third year: 4% increase 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 between employee and/or dependent 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.
 - 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
 - Savings is defined as money that is saved by the plan modifications and money that is presently in the plan, shall remain in the plan.

- **PERS:**
 - Two-tiered retirement system. All new miscellaneous employees hired will be covered in the 2.5% at 55 PERS plan. The effective date of the two-tiered retirement system would be made effective as soon as allowed by 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:**
 - An additional \$200 a year for tuition assistance for those pursuing a BA or better. In other words, \$1,000 annually for up to an AA and \$1,200 for BA or better.

- **Bilingual Pay:**
 - Increase bilingual pay to eligible employees from \$600 per year to \$750 per year, calculated and paid bi-weekly as part of regular payroll. The City shall determine those positions that require such abilities and the language or languages that will be compensated for. An employee is entitled to receive bilingual pay provided that employee has passed an oral proficiency examination as determined by the City Manager and are assigned to provide translation services in addition to other duties contained within their specific job descriptions. The qualifying languages are Spanish & Laotian (Hmong, Lahu & Mien dialects)

- **Uniform Allowance:**
 - Increase uniform allowance for police non-sworn Group M members (Records and Dispatch) from \$720 per year to \$800 per year.)

- **Opt-In Medicare Plan:**
 - Implementation of the opt-in Medicare plan for employees hired before April 1, 1986, including the option to purchase 5 years of service, as soon as operationally feasible. Employee would be responsible for their service cost.

- **Floating Holiday Buy-Back Program:**

- Group M employees receive one (1) floating holiday per calendar year. Employees would be eligible to sell back this floating holiday at their current hourly rate if not used by November 1, of each year.
- **Performance Evaluation**
 - If performance evaluations are not completed within sixty (60) calendar days of their due date, the appropriate merit raise (or step) shall be considered to be automatically granted. The merit increase will be granted retroactive to the due date.

Prior Council/Board Actions: July 16, 2007, closed session item, approving staff's recommendation.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Group M Memorandum of Understanding, July 1, 2007 through June 30, 2010.

Recommended Motion (and Alternative Motions if expected):

I move authorization for the City Manager to execute the three-year Memorandum of Understanding by and between the City of Visalia and the Northern California Carpenters Regional Council (City of Visalia Employee Bargaining Unit Group M - Miscellaneous Employees) for the period July 1, 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: August 6, 2007

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

Agenda Item Wording: Authorization for staff to work with the San Joaquin Valley Clean Energy Organization to develop a Memorandum of Understanding under which the non-profit organization would assist the City in developing clean energy programs, and authorize the Mayor to send a letter of appreciation to the California Partnership for the San Joaquin Valley which is a sponsor of the clean energy organization.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Steve Salomon, 713-4312; Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Council authorize staff to work with the San Joaquin Valley Clean Energy Organization to develop a Memorandum of Understanding (MOU) under which the non-profit organization would assist the City in developing clean energy programs, and authorize the Mayor to send a letter of appreciation to the Partnership which is a sponsor of the clean energy organization.

Department Discussion:

The California Partnership for the San Joaquin Valley (Partnership) recently funded the San Joaquin Valley Clean Energy Organization (SJVCEO) in an effort to make additional resources available to public and private entities that would help the Valley become more aware of clean energy alternatives that can improve the environment, conserve resources and be cost effective.

Some of the specific goals the Energy Working Group of the Partnership has identified for forming the Organization include:

- bring together the many independent clean energy activities in the region;
- serve as a one-stop shop of information and expertise on clean energy programs and activities, funding sources, business drivers, barriers to using clean energy, and links to capital markets;
- become an independent source of advocacy and education for the use of clean energy in the Valley; and
- provide technical assistance and support in the implementation of clean energy projects.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 72907

Finance

City Atty

City Mgr

A white paper on the SJVCEO is attached which further defines the organization's purpose.

The SJVCEO has identified cities and agriculture as the two key areas for their initial focus. Because the City of Visalia was the first city in the Valley to sign the US Conference of Mayors Climate Protection Agreement; has a long established Citizens Advisory Environmental Committee; has a Council Natural Resources subcommittee; has implemented the use of solar energy; and because the City has formed a Natural Resource Conservation Division and has a history of being environmentally proactive; the SJVCEO is interested in working with the City. If the Council is interested, the SJVCEO would like to have Visalia be one of the pilot cities that it would work with to both measure and document appropriate base line emissions and energy use, and develop an energy action plan with short and long term goals through which the city can reduce its emissions and lower energy and resource costs.

Staff believes working with the SJVCEO will advance our clean energy efforts more quickly. The resources and technical support that the Organization has brought into the initial discussions have been very beneficial, and that is only expected to increase if the Council chooses to enter into a MOU with the SJVCEO and its partners that would pledge a good faith effort to work cooperatively, and identify specific commitments the City would be willing to participate in to further clean energy. The specific MOU will be brought back to Council for final consideration.

Staff also recommends the Council authorize the Mayor to sign and send a letter to the Partnership expressing appreciation for the funding of the organization and indicating a willingness to work with SJVCEO. As with any funding source, the Partnership is interested in getting regular updates from the organizations and programs it funds, and this letter would provide the Partnership assurance that the SJVCEO is making progress. If the Council approves the letter, it would be filed with the Partnership at their meeting on Aug. 8.

Prior Council/Board Actions:

-The Council voted to participate in the U.S. Conference of Mayors Climate Protection Agreement and become a "Cool City" in January 2007.

-The Council, in June 2006, authorized the formation of a Natural Resource Conservation Division in the 2007-2008 budget.

Committee/Commission Review and Actions:

Copies to: Environmental Committee
Paul Johnson

Alternatives:

Attachments:

Copy of draft letter to the Partnership
Copy of SJVCEO white paper

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to work with the San Joaquin Valley Clean Energy Organization to develop a Memorandum of Understanding under which the non-profit organization would assist the City in developing clean energy programs, and authorize the Mayor to send a letter of appreciate to the California Partnership which is a sponsor of the clean energy organization.

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)*

DRAFT

Aug. 7, 2007

Ms Connie Conway, Chair
California Partnership for the San Joaquin Valley
5010 N. Woodrow, Mailstop WC142
Fresno, CA 93720

Dear Ms. Conway:

On behalf of the Visalia City Council, I want to thank the Partnership for its support of the San Joaquin Clean Energy Organization (SJVCEO).

Recently, the City began exploring how we can work with the SJVCEO and its partners to help Visalia meet its clean energy and environmental objectives. We are very pleased with how these discussions are progressing, and have begun to identify the range of activities for a comprehensive clean energy initiative that Visalia can undertake to be a more "green" and sustainable community. We are confident that the assistance provided from the SJVCEO and its partners will be of great benefit to the city, and that this effort will serve as a model of the types of activities that could be undertaken in communities across the Valley through the SJVCEO.

We intend to develop a memorandum of understanding amongst the city, the SJVCEO, and its partners to capture commitments and good faith efforts to work together and will develop metrics to gauge and track our progress. We will keep you apprised of our accomplishments as we proceed.

Again, we appreciate the efforts of the Partnership to bring additional resources to the Valley, and in particular look forward to the innovative and productive programs that we believe the SJVCEO can bring to cities and agencies throughout the Valley.

Sincerely,

Jesus Gamboa, Mayor

The San Joaquin Valley Clean Energy Organization

In a report published in June 2007, Strategic Energy Innovations with advice and guidance from a diverse 15-member Steering Committee, recommends a design and structure for a San Joaquin Valley Clean Energy Organization (SJVCEO). This organization is intended to help the Valley address its economic, environmental and growth challenges through increased use and reliance on clean energy (that is, energy efficiency and renewable energy sources).

Numerous organizations in the San Joaquin Valley are doing significant work to increase the efficiency with which we use energy and renewable energy. Currently, these programs are offered in a stove-pipe approach with little coordination; no clear understanding of where the gaps are; no handle on where there might be dysfunctional duplication and sub-optimal utilization of available programs for energy efficiency and renewable energy; and no clear idea of where there might be synergies that can accelerate our progress. In addition, there is a lack of an agreed-upon set of goals and a plan for the Valley. The intent in establishing the SJVCEO is to bring fragmented efforts together to create an integrated network of energy solution providers. Its operating principles are: 1) build on what already exists; 2) operate through a small professional staff and flexible structure, and; 3) be action-biased and outcomes-oriented.

The SJVCEO fulfills a need identified by regional stakeholders. The Strategic Action Proposal (SAP) from the California Partnership for the San Joaquin Valley (the Partnership) contains recommendations from three separate work groups – Air Quality, Economic Development and Energy – to create an independent SJVCEO. A major source of the recommendation to develop the SJVCEO came from a Clean Energy Roadmap for the Greater Fresno Area published in March 2006 by the Great Valley Center, Strategic Energy Innovations and the Regional Jobs Initiative through Navigant Consulting Inc. and its CALeep project.

To date, almost 50 organizations have agreed to partner with the SJVCEO. We are still seeking other partners to strengthen the organization.

The SJVCEO will serve as: 1) the principal vehicle and focal point through which the Partnership will implement the energy provisions of its SAP; 2) an independent regional face, voice and source of support for Valley stakeholders to significantly increase the region's use of clean energy; and 3) a hub for communication and resource leveraging between clean energy stakeholders, and their counterparts in the eight-county region, interested in improving air quality and the economy, shaping growth in a sustainable manner and reducing greenhouse gas emissions.

The mission of the organization will be to build upon existing efforts and serve as a trusted resource on clean energy for San Joaquin Valley businesses, consumers, nonprofits and local governments. The SJVCEO will accomplish this by providing: 1) a planning resource to help bring together the many independent clean energy activities in the region under a coherent, well-integrated plan; 2) a one-stop shop of information and expertise on current clean energy programs and activities under way, viable funding sources, business drivers, barriers to greater use of clean energy and links to capital markets; 3) an independent source of advocacy and education to remove barriers to greater clean energy use; and 4) a valued source of technical assistance and support to implement clean energy projects.

A range of start-up activities have been identified to begin operation of the office in 2007 with funding from the Partnership and other sources. The principal start-up activities include: 1) establishing the SJVCEO as a collaborative and coordinating office; 2) beginning the process to

develop a regional energy plan; 3) developing an information clearinghouse; 4) building clean energy capacity within the Valley's underserved and primarily rural communities; and 5) holding a major conference focused on growing the level of clean energy activity in the Valley's agricultural sector.

The organization should be established as a stand-alone 501 c (3) organization with a strong, close working relationship with the Partnership, which will appoint the board members. The SJVCEO board should include a broad diversity of perspectives and interests reflective of the Valley, geographic representation from each county in the region, and at least 51% private sector representation. Board membership should include representation from seven of the Partnership work groups; key institutions of higher learning; key state, federal and regional energy and environmental organizations; and community-based organizations. In addition, up to three additional representatives with specialized expertise should be appointed.

Professional Exchange Service Corporation has agreed to provide start-up housing and support for the SJVCEO in Fresno on a contract basis. The San Joaquin Valley Air Pollution Control District has offered use of its video conferencing facilities to assist in Valley-wide participation in SJVCEO activities. Other online communication strategies will be explored and used. The permanent home for the SJVCEO will be chosen when the board is established and a permanent executive director is hired. Staff size of the organization is expected to be small, supplemented by contract staff. We expect the SJVCEO to have four to six permanent members by 2009. The target budget for the SJVCEO is approximately \$125,000 for 2007, \$462,000 for 2008 and \$587,000 for 2009. In addition to the seed grant from the Partnership, funding will be pursued from public and private utilities, the U.S. Department of Agriculture and U.S. Environmental Protection Agency, the California Energy Commission, foundations and other sources. The Partnership accepted these recommendations at its May 4 board meeting. We have begun the incorporation process for the SJVCEO and selection process for board members. We expect to begin start-up operation under the seed grant in July 2007.

For more information contact: Paul Johnson (206) 819-6664

City of Visalia Agenda Item Transmittal

Meeting Date: August 6, 2007

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

Agenda Item Wording: Receive and file report on Essential Air Service proposals for the Visalia Airport. Recommendations to be made at the August 20, 2007 Council meeting.

Deadline for Action: August 6, 2007

Submitting Department: Administrative Services - Airport

Contact Name and Phone Number:
Mario Cifuentez 713-4480, Eric Frost 713-4474

Department Recommendation and Summary:

Executive Summary:

The purpose of this report is to present Council with an update on the Essential Air Service (EAS) process and an overview of the Proposals for Air Service received for the Visalia Airport. The Council has already appointed a subcommittee of Councilmembers Kirkpatrick and Link. To the extent possible, staff will arrange meetings with the proposed air carriers and the Council subcommittee prior to the August 20, 2007 Council meeting. On August 20, 2007, the Council may authorize a DOT EAS recommendation letter. Final comments are due to the Department of Transportation by August 27, 2007.

Background:

Effective June 18, 2007, the Department of Transportation (DOT) issued an Order Requesting Proposals from airlines interested in providing air service at the Visalia Municipal Airport. Under the guidelines established by the DOT, interested carriers were allowed to propose whatever service they felt would best serve the communities needs.

The DOT served the Order on approximately thirty (30) different air carriers. Visalia received proposals from three (3) separate carriers, Air Midwest Airlines, which currently provides service from Visalia to Las Vegas, Great Lakes Aviation and Vision Air. Both Air Midwest and Great Lakes have proposed service to Las Vegas' McCarran International Airport, while Vision is proposing one flight per day to North Las Vegas and one flight per day to Long Beach.

Pursuant to the Order and corresponding EAS regulations, the DOT will subsidize service at Visalia based on the prior year passenger totals. Calculating the prior year totals of 8,672

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.

passengers, all three proposals contain subsidy requests that are well within the allowable subsidy available.

Worth noting are several facts that are pointed out in the attached letter from the DOT. The bid by Air Midwest is inseparable, Merced and Visalia must be considered together. When comparing that bid to the Great Lakes bid, including all six communities, the Air Midwest bid is \$2.83 million higher. While the Vision Air bid is only for Merced and Visalia, that bid is \$531,000 lower than the Great Lakes bid for the same two cities and is the lowest subsidy request of all proposals. All things being equal, the DOT prefers to award the contract to the air carrier requesting the lowest subsidy amount. However, the DOT has stated that subsidy alone does not drive the decision, which is the reason that the DOT requests comments from the communities. The ultimate goal is to have unsubsidized air service and community involvement is the key to that.

The complexity of each proposal process has increased along with the increase in subsidy available in each round of proposals that the City has gone through. Consequently, Council will have to weigh many issues in formulating a decision on which carrier will provide the best fit for Visalia and the central valley. These issues include but are not limited to the following:

- Great Lakes is the number one provider of Essential Air Service and Air Midwest has been, up until recently, the number 2 provider.
- Air Midwest has filed notice with the DOT to withdraw from 17 different communities in the last few months.
- Great Lakes Aviation is hampered by aircraft availability and, if awarded the service, would most likely not be able to begin service until Early 2008.
- Vision Air is not currently a Certificated Part 121 Air Carrier. As such, under regulations for non-scheduled charters, they would be limited to providing 4 flights per week until they were awarded certification.
- Vision Air's service to Las Vegas would be to the old Scenic Airlines terminal in North Las Vegas and passengers would have to be bused over to McCarran to catch connecting flights.

Attached to this Agenda Transmittal is table showing more highlights of each proposal than what is included in the DOT's "Letter Soliciting Comments". Both Air Midwest Airlines and Great Lakes Aviation have proposed service using the BE-1900 aircraft with seating capacity of 19 seats. Air Midwest has proposed to continue their current level of service, 23 non-stop and one-stop flights per week, but at a substantially higher subsidy amount. Great Lakes is proposing two (2) flights per day, or 14 per week, but the routing would not be paired with Merced and travelers would have the full seat totals available. Vision Air uses a larger 30-passenger aircraft, but each trip would be paired with Merced resulting in less capacity overall for Visalia travelers. In reviewing each proposal, it's important to note that there is a difference between dedicated and shared seats. While Visalia is paired with Merced in the Great Lakes' proposal for the purpose of calculating subsidy, the two communities do not share aircraft. Whereas, with the Air Midwest and Vision proposals, due to Merced and Visalia being paired communities, Visalia travelers actually have access to fewer seats on a proportional basis.

Whatever the choice ultimately made by Council, it is imperative that service is maintained to a large hub airport with options for connectivity. Travel data analyzed for Visalia travelers indicates that Visalia is not a typical EAS community. Over the past seven (7) months, an average of 29% of Visalia bookings were to destinations beyond Las Vegas. It appears that travelers have realized the convenience of shorter check-in lines and free parking, combined with the ease of transferring in Las Vegas and have used the service for more than just trips to

and from Las Vegas. The numbers reflect the growing trend of central valley travelers, including passengers from Kern and Fresno counties, using Visalia to meet their travel needs.

The requirements of the Essential Air Service program require a carrier to provide service to a Large Hub airport. If Visalia were to support the proposal submitted by Vision Air, the letter to the DOT should include language stating that Visalia was agreeable to service to the communities proposed even though they are not Large Hubs by definition.

As has been the case in the previous proposal processes, the DOT will weigh the community input, the community's benefit from the proposed service and available funding and make a determination as to which proposal best fits the community's needs. Listed below are several options that Council may take in response to the process:

Possible Council Actions:

- Solicit community comments from Civic organizations and then submit comments to the DOT.
- Submit comments to the DOT, based on the merits of each proposal alone, in support of the proposal preferred by Council
- Not submit comments and defer to the DOT for Carrier Selection

Staff will be meeting with carriers willing to visit the community in the coming weeks. Additionally, staff will make a presentation and recommendations to Council at the August 20, 2007 Council meeting. Final comments are due to the DOT by August 27, 2007.

In addition, the Council has already appointed a subcommittee of Councilmembers Kirkpatrick and Link. To the extent possible, staff will arrange meetings with the proposed air carriers prior to the August 20, 2007 Council meeting.

Prior Council/Board Actions:

August 5, 2005 – Council Submitted comments to the DOT in support of Scenic Airlines as the provider of Essential Air Service to Visalia.

July 31, 2006 – Council Submitted comments to the DOT in support of Great Lakes Aviation as the provider of Essential Air Service to Visalia.

Committee/Commission Review and Actions:

Alternatives: Council may submit comments in support of whichever Airline proposal or not supporting either proposal.

Attachments: Proposals from Great Lakes Aviation, Air Midwest Airlines and Vision Airlines. DOT Letter soliciting comments.

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

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

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

Copies of this report have been provided to:

Summary of Proposals

Airline	Aircraft	Code Share Partners	# flights/week	Available Seats/week	Projected One-Way Fares	Total Subsidy Request	Online Reservations	EAS Market Ranking	California Presence
Air Midwest	19-seat Beech 1900D	US Airways	12 non-stop & 11 one-stop to Las Vegas	437**	\$99-\$149	\$ 3,239,050	Most Major Internet Outlets	2nd	Yes
Great Lakes	19-seat Beech 1900D	Frontier United	14 non-stop to Las Vegas	266	\$99 & \$129	\$ 1,835,453	Most Major Internet Outlets	1st	No
Vision Air	30-seat Dornier 328	None Identified	7 non-stop to Long Beach & 7 non-stop to North Las Vegas	420**	\$89-\$139	\$ 1,304,144	Unknown	N/A	No

** Indicates the difference between seat availability that is shared between Visalia and Merced for the Air Midwest and Vision Air proposals and dedicated seats as offered by Great Lakes



480126

**U.S. Department of
Transportation**
Office of the Secretary
Of Transportation

DEPT. OF TRANSPORTATION
DOCKETS

2007 JUL 31 A 9:12

1200 New Jersey Ave., S.E.
Washington, DC 20590

July 30, 2007

Mr. Mario Cihentez II
Manager
Visalia Municipal Airport
9501 W Airport Drive
Visalia, California 93277-9501

OST-2004-19916-42

Dear Mr. Cihentez:

As you know, by Order 2007-6-13 the Department requested proposals from air carriers interested in providing essential air service at: Roswell and Alamogordo/Holloman Air Force Base, New Mexico; Cedar City, Moab and Vernal, Utah; Ely, Nevada; and Merced and Visalia, California. The order was issued following 90-day notice as filed with the Department by Air Midwest, which indicated their intent to suspend service at the eight communities listed above. Subsequent to Order 2007-6-13, the Department issued a notice separating the New Mexico communities from this carrier-selection proceeding. In response to our request and subsequent notice regarding the New Mexico communities, we received proposals from the following air carriers: Air Midwest, Great Lakes, Salmon Air, SkyWest, and Vision Airlines.

Each carrier was directed to serve its proposal(s) on you, and copies of the each carriers entire proposals may be accessed online through the Department's Docket Management System at: <http://dms.dot.gov> by doing a simple search on Docket Number 16395 for Cedar City; 2827 for Moab; 2706 for Vernal; 361 for Ely; 3521 for Merced; 19916 for Visalia, and pressing "Search." We have attached a table showing the highlights of the proposals. However, we encourage you to review the actual proposals for the details.

In reviewing the Attachment and the carriers' entire proposals it is important to note the following:

- Air Midwest's proposal is inseparable. It is based on serving all six communities as a package.
- Salmon Air proposed a Moab-only option and a Moab-Vernal package.
- SkyWest is proposing to serve only Cedar City.
- Vision Airlines is proposing to serve only Merced and Visalia, and it is an inseparable two-city package.
- Great Lakes' proposal can also be treated as a package bid, but it also has indicated its willingness to serve several cities individually. Specifically, Great Lakes' Ely, Vernal and Moab bids could be considered stand alone service proposals with authority to service additional cities up line or down line at its discretion. Great Lakes' would treat Merced and Visalia as a package bid.
- Great Lakes' subsidy proposals assume the status quo regarding federally imposed taxes and fees. If the congress increases the user fees as is now being proposed in the current Federal Aviation Administration Reauthorization bill, Great Lakes reserves the right to a concomitant increase in it subsidy rates.

- The aircraft type proposed by Salmon Air does not meet the 15-or-more-passenger-seat standard required by our governing statutes (49 U.S.C. § 41732(b)(3) and (b)(6)). The Department would not select Salmon Air's proposal unless we receive written support for such a selection from Moab and/or Vernal. If the parties indicate that they will waive the communities' right to receive EAS with pressurized aircraft with 15 or more passenger seats, we would consider the waiver to apply to the new-two year term under consideration at this time. (i.e., we would not assume that the communities waive their rights in perpetuity.)
- The Department is prohibited from paying subsidy for EAS at any community where the per-passenger rate exceeds \$200, unless the community is greater than 210 highway miles from the nearest large or medium hub. In this case, Vernal is clearly less than 210 highway miles from Salt Lake City and, therefore, is subject to the \$200 subsidy-per-passenger ceiling. We will continue to monitor Vernal's required subsidy per-passenger.

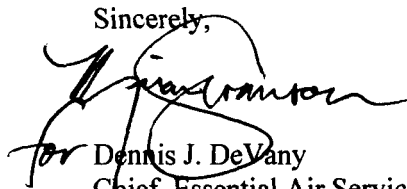
My purpose in writing you at this time is to request any final comments you might have on the carriers' service and subsidy proposals before we submit a recommendation on the carrier selection issue to the Assistant Secretary for Aviation and International Affairs for decision. A similar letter has been sent to the state Departments of Transportation, airport managers, and civic officials of all six communities.

The average passenger fares shown in each carrier's proposals do not necessarily reflect the average local fare that passengers would pay, but, rather, reflects a portion of the total ticket price, e.g., the EAS community – hub airport destination portion of an EAS community – hub airport – any other destination ticket that the carrier would realize. In addition, the total ticket price typically includes charges and fees such as segment taxes, transportation security fees, Passenger Facility Charges, and Federal excise taxes. Of course, each carrier has the discretion to charge fares that it deems appropriate, and the fares presented in the carriers' proposals were developed for subsidy rate computation purposes only.

As you may also know, the schedules that the carriers have proposed are illustrative only, and the selected carrier may make schedule changes to reflect changing conditions, e.g., shifting connecting bank times at the proposed hub. The Department does, however, expect a subsidized air carrier to maintain well-timed and well-spaced flights in order to ensure full compensation.

We request that you review this information and submit any comments you may have by August 27. We know this matter is important to you and we will act as quickly as possible upon receipt of your letter. In order to expedite the case, please submit your comments by facsimile to (202) 366-7638, or email them to Dennis.Devany@dot.gov and Mike.Waters@dot.gov. You may also submit your comments electronically to Docket Management at the address indicated earlier. You should also send a copy of your comments to all five applicants. If you have any questions or need additional time, please contact Mike Waters of my staff at (202) 366-6494.

Sincerely,



for Dennis J. DeVany
Chief, Essential Air Service Division
Office of Aviation Analysis

Attachment

cc: Mr. Dan Callaghan, Manager, Ely Airport
The Honorable George C. Chachas, Mayor, City of Ely
Mr. Steve Farmer, Manager, Cedar City Airport
Mr. Mark Francis, Manager, Cayonlands Field
Ms. Mary Fredrick, Chief, Division of Aeronautics, Caltrans
The Honorable Jesus Gamboa, Mayor, City of Visalia
Mr. Bob Greenburg, Council Vice Chair, Grand County
The Honorable Allan Mashburn, Mayor, Vernal City
Mr. Michael J. McKee, Chairman, Uintah County Commission
Mr. Patrick Morley, Director, Utah Division of Aeronautics
Mr. Lloyd A. Partin, Superintendent, Merced Municipal Airport
The Honorable David E. Provost, Chairman, White Pine County Board of Commissioners
The Honorable Gerald R. Sherratt, Mayor, Cedar City
Mr. Bill Thompson, Aviation Planning Section, Utah DOT
Mr. Tom Wardell, Manager, Uintah County Airport
The Honorable Ellie Wooton, Mayor, City of Merced

Attachment - Summary of Proposals

	Community Services						Total Cost	
	Great Lakes MI	Yuma, UT	Yuma, NV	Las Vegas, NV	Las Vegas, NV	Las Vegas, NV		
Air Midwest	19-seat Beech 1900D	US Airways	13 weekly NS RTs to LAS + 6 weekly NS to PHX	12 weekly NS to PHX	7 weekly OS RTs to LAS	11 weekly NS to LAS + 13 weekly OS to LAS	12 weekly NS to LAS + 11 weekly OS to LAS	\$8,499,870 (all six communities)
Great Lakes	19-seat Beech 1900D	United Air Lines & Frontier Airlines	None	12 weekly NS or OS RTs to DEN \$1,607,903	6 weekly NS or OS RTs to DEN or LAS \$1,079,102	14 weekly NS RTs to LAS *	14 weekly NS RTs to LAS *	*\$1,835,453 (Merced & Visalia) \$5,670,244 (all six communities)
Salmon Air (Option #1)	7-seat PA31-350 Chieftain	None identified	None	12 weekly NS RTs to SLC	None	None	None	\$1,831,989.88 (Moab only)
Salmon Air (Option #2)	7-seat PA31-350 Chieftain	None identified	None	6 weekly NS RTs to SLC + 6 weekly OS RTs to SLC *	6 weekly NS RTs to SLC *	None	None	*\$2,472,951.75 (Moab & Vernal only)
Skywest Airlines (Option #1)	30-seat Embraer Brasilia	Delta Air Lines	12 weekly NS RTs to SLC	None	None	None	None	\$1,242,256 (Cedar City only)
Skywest Airlines (Option #2)	30-seat Embraer Brasilia	Delta Air Lines	18 weekly NS RTs to SLC	None	None	None	None	\$1,974,753 (Cedar City only)
Vision Airlines	30-seat Dornier 328	None identified	None	None	None	7 weekly OS RTs to LGB + 7 weekly OS RT to VGT *	7 weekly NS RTs to LGB + 7 weekly NS RTs to VGT *	*\$1,304,144 (Merced & Visalia only)

Notes:

- RTs – round trips
- NS – nonstop
- OS – one-stop

Airport Codes:

- DEN – Denver International Airport
- LAS – Las Vegas McCarran International Airport
- LBG – Long Beach/Daugherty Field Airport
- PHX – Phoenix Sky Harbor International Airport
- SLC – Salt Lake City International Airport
- VGT – North Las Vegas Airport

City of Visalia Agenda Item Transmittal

Meeting Date: August 6, 2007

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

Agenda Item Wording: Request authorization to file a Notice of Completion for the Community Campus of Visalia City project located at 310 Northwest Third Avenue.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number:

Ricardo Noguera, Housing & Econ Dev Director, 713-4190
Sharon Sheltzer, Project Manager, 713-4414

Department Recommendation:

Request authorization to file a Notice of Completion for the Community Campus of Visalia project located at 310 Northwest Third Avenue, completed on June 6, 2007.

Summary/background:

Several years ago, the City Council authorized acquisition and redevelopment of the previous Tulare County Juvenile Detention and Probation Facility located on NW 3rd Street, north of Oval Park, into a master planned community project that would house several non-profit organizations providing a variety of services to North Visalia residents. When completed, the project will include several organizations, including:

- C-SET (building completed and occupied)
- Visalia Ecumenical Charities (occupied and remodeling plans underway)
- North side Police Precinct (building completed, move in underway)
- Proteus (under construction)
- Boy Scouts of America (under construction)
- Tulare Kings Hispanic Chamber of Commerce (planning stage)
- Visalia Unified School District (planning stage)

A significant part of this project is the interactive fountain synchronized with music and lights sponsored by the Visalia Rotary Clubs in partnership with the City. Rotary Club members provided equipment funds and volunteer labor and the City provided the equipment vault installation, utilities, plaza slab and seat wall, lighting and landscaping. Many Rotarians contributed months of volunteer weekend labor and expertise. It will be ready to open to the community as soon as the police move into the adjacent precinct station. The City will oversee regularly scheduled maintenance when the fountain is activated.

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.

Another important part of this campus is the completed central park and amphitheater. The fountain plaza and central park are linked and this pedestrian connection between mini parks will be enhanced by the addition of the adjacent Village Park that will go out to bid in the near future, as part of a reduced scope Wittman Center project. Each park has a different character and use and is a welcome addition in an area underserved by programmed open space.

Construction progress is ongoing for the Proteus and Boy Scout buildings and the Police precinct station is now complete. The Proteus building will be completed in a few months and the Boy Scout building is not far behind. Visalia Ecumenical Charities will be submitting plans for their remodeled building and site this summer.

City construction development project with Granite Construction

On August 16, 2004 City Council authorized the award of construction of project improvements to Granite Construction Company for \$819,299 for the Community Campus infrastructure project which included utilities, internal road, lighting, park, bus stop, landscaping, amphitheater, fountain plaza and entry sign.

After the award of contract to Granite Construction, the City made several changes that affected the project cost:

- Visalia Ecumenical Charities was approved to move into the campus in the existing building at the corner of Pearl and Northwest Third Avenue. This was the planned location for the police precinct station. This change required a new parcel map to be designed and recorded that included the additional new site into the campus for the precinct station.
- The additional site for the precinct station reduced the available land for the entry plaza with interactive fountain, necessitating a redesign of the plaza and fountain that integrated the now closely aligned fountain and precinct station.
- Additional work was required to adjust for the grade differential between the fountain plaza and the police precinct station. The police station is approximately eighteen inches higher elevation than the adjacent fountain plaza requiring a ramp and steps to accommodate this change.
- The tall common chain link fence between residential parcels along NW Fifth Avenue and the Community Campus was replaced with a privacy fence. This included demolition and construction.

Change Orders

There were three change orders attached to the Granite contract:

1. Demolition of 300' chain link fence and new wood fence replacement per Site Plan Review requirements along property line between campus and residential homes on NW Fifth Avenue. This change order also included a storm water management plan and a credit for the redesigned fountain plaza.(The new design cost slightly less than the original design) \$14,195
2. Overhead expenses due to extended Rotary fountain construction, and integral colored concrete in the fountain area. \$32,095.59
3. Credit for reduction in Scope of Work when Micham Construction requested holding off on pouring a concrete slab adjacent to the police station project. Credit \$2,626.00

Total additional Granite change order construction costs:	\$43,664
Contract cost	\$819,299
Granite contract construction cost	\$862,963

These change orders are 5.3% of the original contract

Prior Council/Board Actions:

Aug. 16, 2004, Authorization to award contract to Granite

Committee/Commission Review and Actions:

Alternatives: NA

Attachments: Community Campus site plan

Recommended Motion (and Alternative Motions if expected):

1. Request authorization to file a Notice of Completion for the Community Campus of Visalia City project located at 310 Northwest Third Avenue

Tracking Information: File a Notice of Completion, process retention invoice

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 6, 2007

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

Agenda Item Wording: Request authorization to file a Notice of Completion for Hall Estates, containing 30 lots, located at the Northeast corner of Cherry Avenue and Lovers Lane.

Deadline for Action: August 6, 2007

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli 713-4340
David Bruce 713-4188

Department Recommendation:

City staff recommends that City Council give authorization to file a Notice of Completion for the Hall Estates 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 Daley Enterprises Inc. Daley Enterprises Inc. has submitted a maintenance bond in the amount of \$31,955.85 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 December 18, 2006.

Committee/Commission Review and Actions: The tentative subdivision map for Hall Estates Subdivision was approved by Planning Commission on May 23, 2005.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Hall Estates Subdivision.

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.

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: August 6, 2007

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

Agenda Item Wording: Authorization to record the Final Parcel Map 2006-03, located at the northeast corner of Mineral King Avenue and Cain Street. APN: 098-120-001

Deadline for Action: N/A

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli 713-4340

Ken McSheehy 713-4447

Department Recommendation: The recommendation is that City Council approve the recordation of Final Parcel Map 2006-03. The purpose of this map is to divide 2.39 acres into 3 parcels, 2 of which are developed and 1 is to be developed into service commercial uses. The developer of this parcel map is Lloyd Mosley. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivisions agreement; 2) Faithful performance bond in the amount of \$34,058.00, Labor and Material bond in the amount of 17,029.00 and a Maintenance Bond in the amount of \$3,405.80; 3) Cash payment of \$1404.68 for plan check and inspection; 4) Parcel Map.

Summary/background: The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Materials Bond covers the salaries and benefits as well as the materials supplied to install the required improvements. Per the Subdivision Ordinance the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Materials Bond is valued at 50% of the Faithful Performance Bond. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement.

Prior Council/Board Actions:

Committee/Commission Review and Actions: Tentative Parcel Map No. 2006-03, was approved by the Planning Commission on February 13, 2006. The Tentative Parcel Map will expire on February 13, 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.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Alternatives:

Attachments: Location sketch, Parcel Map and Ownership Disclosure statement.

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: August 6, 2007

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Authorization to amend the City's Rates & Fees for Solid Waste and Sanitation (Wastewater) effective for 5 (five) fiscal years beginning September 1 for 2007, April 1 for 2008, and for the remaining 3 (three) fiscal years beginning July 1, 2009.

Deadline for Action: August 6, 2007

Submitting Department: Administration - Finance

Contact Name and Phone Number:

Eric Frost	Admin. Services Director	713-4474
Gus Aiello	Finance Manager	713-4423
Tim Fosberg	Financial Analyst	713-4565

Department Recommendation:

That City Council conduct a Public Hearing to receive public testimony on adjusting the City's Solid Waste and Sanitary Sewer (Wastewater) fees for the 5 (five) fiscal years beginning September 1, 2007, adopt Resolution No 2007-XX amending the fees and direct staff to amend the City's Rates and Fees document for the 5 (five) fiscal years beginning September 1, 2007.

Staff recommends Wastewater fees be raised 5.0% annually and that Solid Waste fees be raised 5.5% annually for the five years beginning September 1, 2007, the effective date for the 2008 increase is April 1, and for all subsequent years the effective date of increases will be July 1.

Additional Noticing:

At it's May 21st meeting, Council held a Public Hearing and approved a 5-year solid waste and wastewater rate increase program. (See Attachment I, May 21st City Council Agenda Item.) Subsequent to that meeting, staff reviewed recent case law and determined all property owners must be mailed a notice 45 days prior to making a utility rate increase. To meet the 45 day noticing requirement, the City mailed a "City of Visalia Notice" (attached) to approximately 32,000 property owners on Friday, June 22. This required notice informed property owners of the City's proposed 5-year rate increase program and invited them to tonight's Public Hearing. In addition, an insert was placed into the Cal Water billing, a step beyond what is required by law, but more likely to reach the ultimate rate payer. Both the mailed flyer and the Cal Water insert had a City contact telephone number for more information.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

The City has received approximately 40 telephone calls. The majority were questioning whether the increase was annual or monthly. 4 calls voiced their concern about the amount of the increase, 3 of which were due to their limited income. The remainder was for a variety of questions either about the basis for the increase or other non-related issues.

Recap of Proposed Rate Increase:

Due to increased capital and operating costs Solid Waste and Wastewater are requesting an increase in fees to maintain adequate cash flow revenue to fund operations. The 5-year rate increase program follows the City's financial objective of making smaller, more frequent increases as opposed to larger, less frequent increases. The implementation date for the proposed rate increases is September 1st for this year's increase and increases for subsequent years will be effective April 1st for 2008 and July 1st for the subsequent years.

SOLID WASTE:

Solid waste rates have not been increased since 1996, other than the 2.5% increase over the past two fiscal years (specifically for the implementation of CNG vehicles). Factors contributing to the need for a rate increase include both operational and capital cost increases which include:

- The cost of diesel has increased approximately \$2.00 per gallon since 1996.
- Vehicle maintenance costs have risen approximately 68% since 1996. Hourly maintenance rates were \$44 per hour compared to the current rate of \$70 per hour.
- Disposal fees for recyclables are projected to increase by 16% this year. Future increases are also expected for disposal fees.
- Capital costs for CNG vehicles have increased from the original budget of \$200,000 per truck in 2003 to currently in excess of \$300,000, a 50% increase.
- Capital costs for parking lot pavement at the Corporation Yard for the CNG slow fill of trucks is expected to be \$650k.

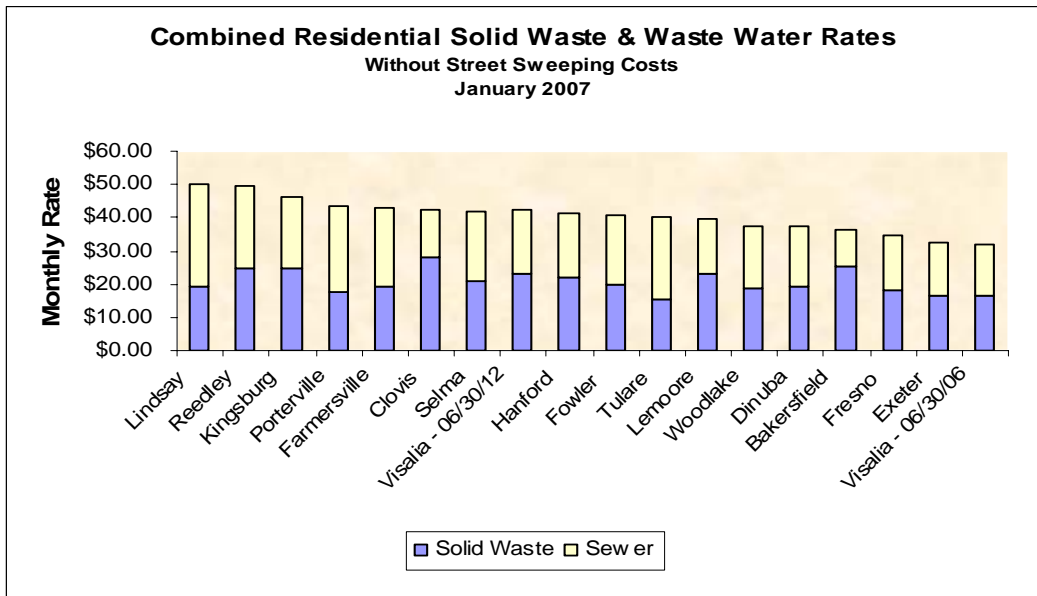
WASTEWATER:

Wastewater's major challenge is meeting the increasingly stringent water standards of the Regional Water Quality Control Board. The City was issued a new discharge permit which requires various upgrades which could range from \$20 to \$40 million. Studies are currently underway to identify the needed upgrades and plans for implementing the requirements are due by September 30, 2007. Staff is recommending a rate increase which will fund approximately \$35 million in plant improvements, along with funding operations.

Summary:

The City of Visalia's two utilities continue to operate efficiently and their rates are among the lowest in the South San Joaquin Valley. Chart II, Combined Residential Sewer and Refuse Rates, compares the combined residential sewer and solid waste rates to other local communities. Currently, the City's combined sewer and solid waste rates are the lowest in the area. If NO increases occurred over the next 6 years in the surrounding communities, Visalia's rates would only be in the middle of these communities, as shown on Chart I.

Chart I



Note: A 4-year solid waste rate increase program of 2.5% started June 2005 for additional capital costs for alternative fuel. The proposed rate increases for solid waste for FY's 07-08 & 08-09 recommends an additional increase of 5.5%. See Chart II for details.

Chart II

Utility Rate Recommendations

	<u>2007</u>		<u>2008</u>		<u>2009, 2010, 2011</u>			
PERCENTAGE Increases:								
Solid Waste								
2005 Scheduled	Jul. 1	2.5%	Jul. 1	2.5%				
Proposed	Sep. 1	5.5%	Apr. 1	5.5%	Jul. 1	5.5%	5.5%	5.5%
<i>Sub-total</i>		8.0%		8.0%				
Waste Water								
Proposed	Sep. 1	5.0%	Apr. 1	5.0%	Jul. 1	5.0%	5.0%	5.0%
RATE Amounts:								
Solid Waste								
<i>Sub-total</i>		\$ 18.05		\$ 19.50	\$ 20.55	\$ 21.70	\$ 22.90	
Waste Water								
<i>Proposed</i>		16.00		16.80	17.65	18.50	19.45	
Total		\$ 34.05		\$ 36.30	\$ 38.20	\$ 40.20	\$ 42.35	
Increase				\$ 2.25	\$ 1.90	\$ 2.00	\$ 2.15	

Prior Council / Board Actions:

The City's more recent adjustments to the Solid Waste and Wastewaters fees are:

- May 21, 2007 5-year Solid Waste & Wastewater rate program – Council Review
- May 16, 2005 4-year Solid Waste rate program - Resolution #2005-67
- July 16, 2002 5-year Wastewater rate program - Resolution #2002-67

Committee / Commission Review and Actions:

The Citizens Advisory Committee (CAC) reviewed an initially proposed 5-year rate adjustment program at their May 2, 2007 meeting and approved to recommend to City Council to adopt the 5-year program. Upon further review, staff revised the timing of the proposed rates and adjusted the solid waste rate down by 1% a year and increased the wastewater rate by 1% a year from what was presented to the CAC. The CAC at their July 11, meeting reviewed the revised 5-year rate increase program and voted to recommend to City Council adoption of revised adjustment.

Alternatives:

Attachments:

- Attachment 1 - May 21, 2007 Council Agenda item #12 - Public Hearing on proposed adjustments to the City's Rates & Fees for Solid Waste & Sanitation (Wastewater) effective for 5 fiscal years in FY 07-08.
- Attachment 2 - Resolution #2007-68
- Attachment 3 - Fee Schedule (no changes)
- Attachment 4 - City of Visalia Notice (flyer mailed June 22, 2007)

Recommended Motion (and Alternative Motions if expected):

- 1.) I Move to open the Public Hearing on the proposed adjustments to amend the City's Solid Waste and Wastewater fees for the five fiscal years beginning fiscal year 2007-08.
- 2.) I Move to approve the proposed adjustments to amend the City's Solid Waste and Wastewater fees for the five fiscal years beginning fiscal year 2007-08.

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)*

Attachment 1

City of Visalia Agenda Item Transmittal

Meeting Date: May 21, 2007

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Authorization to amend the City's Rates & Fees for Solid Waste and Sanitation (Wastewater) effective for 5 (five) fiscal years beginning July 1, 2007

Deadline for Action: May 21, 2007

Submitting Department: Administration - Finance
Public Works

Contact Name and Phone Number:

Eric Frost	Admin. Services Director	713-4474
Earl Nielsen	PW Mgr. - Support Services	713-4533
Jim Ross	PW Mgr. – Wastewater	713-4466
Jim Bean	PW Mgr. – Solid Waste	713-4564
Gus Aiello	Finance Manager	713-4423
Tim Fosberg	Financial Analyst	713-4565

Department Recommendation:

That City Council conduct a Public Hearing to receive public testimony on adjusting the City's Solid Waste and Sanitary Sewer (Wastewater) fees for the 5 (five) fiscal years beginning July 1, 2007, adopt Resolution No 2007-42 amending the fees and direct staff to amend the City's Rates and Fees document for the six fiscal years beginning July 1, 2007.

Staff recommends Wastewater fees be raised 5.0% annually and that Solid Waste fees be raised 5.5% annually for the five years beginning July 1, 2007, except for the 2008 increase. For 2008, the rate increase is proposed for April.

Beginning in April 2007, an administrative adjustment was made on customer's bills. The adjustment adds 1/12 of a month's solid waste and wastewater billing amount and was made in order to match current City billing cycles with Cal Water's billing cycle. This adjustment will end in March 2008 and the increase for fiscal year 2008-09 is recommended to be implemented beginning April, 2008. The remaining recommended increases will be implemented at the beginning of each fiscal year (July 1). The proposed rate increase in April of 2008 will coincide with a commensurate decrease in fees as the City synchs up utility bills with Cal Water's billing cycle.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_30__

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.

Solid Waste had an approved 4 year rate increase of 2.5% that started in June 2005. The increase was approved specifically for unanticipated additional capital costs for alternative fuel vehicles. The proposed rate increases for solid waste for fiscal years 2007-08 and 2008-09 include the Council approved 2.5% and the recommended increase of 5.5%. Chart I, Utility Rate Recommendations, details the rates as recommended by staff.

**Chart I
Utility Rate Recommendations**

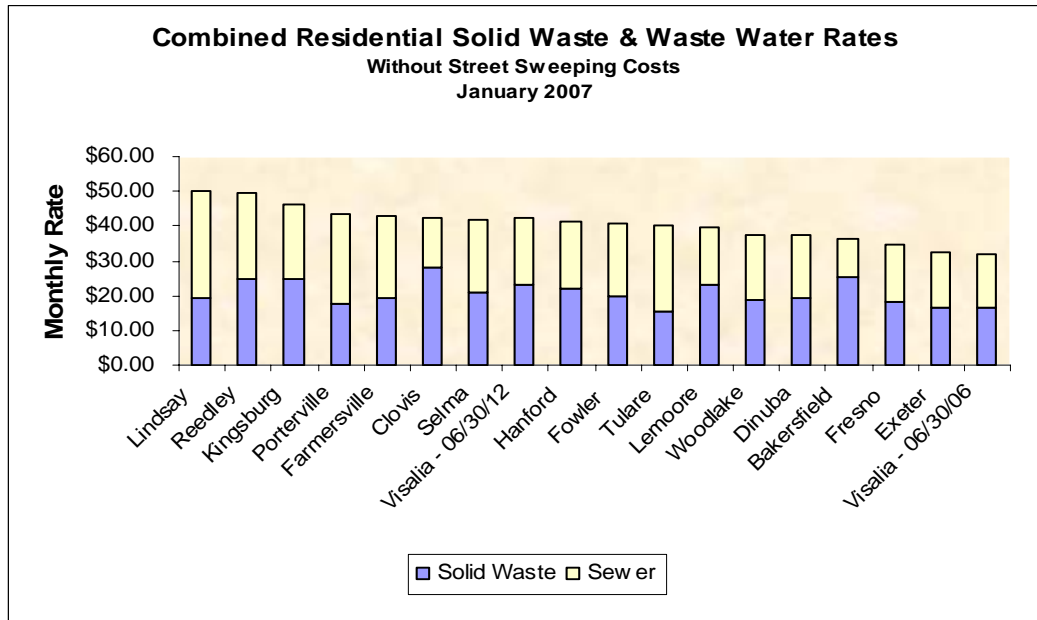
	<u>Jul. 1 2007</u>	<u>Apr. 1 2008</u>	<u>Jul. 1 2009</u>	<u>Jul. 1 2010</u>	<u>Jul. 1 2011</u>
PERCENTAGE Increases:					
Solid Waste	8.0%*	8.0%*	5.5%	5.5%	5.5%
* Includes 2.5% fee increase as approved by Council in 2005					
Waste Water	5.0%	5.0%	5.0%	5.0%	5.0%
RATE Amounts:					
SOLID WASTE	\$ 18.05	\$ 19.50	\$ 20.55	\$ 21.70	\$ 22.90
Waste Water	16.00	16.80	17.65	18.50	19.45
Total	\$ 34.05	\$ 36.30	\$ 38.20	\$ 40.20	\$ 42.35

Summary

Due to increased capital and operating costs, the City’s two significant utility operations, Solid Waste and Wastewater, request an increase in fees to maintain adequate cash flow revenue to fund operations. These two utilities over the years continue to operate efficiently and their rates are among the lowest in the South San Joaquin Valley. Chart II, Combined Residential Sewer and Refuse Rates, compares the combined residential sewer and solid waste rates to other local communities.

Currently, the City’s combined sewer and solid waste rates are the lowest in the area. If NO increases occurred over the next 6 years in the surrounding communities, Visalia’s rates would still only be in the middle of the pack, as shown on Chart II.

Chart II



City Utilities

A 5 year program is being proposed, as the City has a tradition of adjusting rates using smaller, regular increases rather than large infrequent increases. This year's proposed recommendation increases the City's Utilities fees (Solid Waste & Sanitary Sewer Waste Water) over a 5 year period due to significant increases in operational and capital costs. Solid Waste's rate increase is driven by substantial increases in disposal costs, capital replacement costs, and fuel costs. Waste Water's costs increases are mainly due to discharge requirement increases leading to the need for approximately \$35 million of required capital costs.

Solid Waste

Other than the 2.5% increase over the past two fiscal years (specifically for the implementation of CNG vehicles), solid waste rates have not been increased since 1996. Factors contributing to the need for a rate increase include both operational and capital costs. Items to consider include:

- The cost of diesel has increased approximately \$2.00 per gallon since 1996.
- Vehicle maintenance costs have risen approximately 68% since 1996. Hourly rates for vehicle maintenance were approximately \$44 per hour compared to the current rate of \$70 per hour.
- Disposal Fees are projected to increase for Tulare County Recycling by 16 percent this year. Future increases are also expected.
- Capital costs, including CNG vehicles that cost more than diesel powered trucks. The original budget of \$200,000 per truck was used in 2003. Currently, CNG vehicles cost in excess of \$300,000, a 50% increase.
- \$650k - Parking lot pavement at the Corporation Yard for the CNG slow fill area. This project will be completed over a six year period and includes 72,000 square feet of asphalt, 1,400 linear feet of curb and gutter and the installation of a storm drain system. This project will accommodate the garbage trucks slow fill compressed natural gas area.

The cumulative effect of all these increases is reflected in Table I, Solid Waste Cash Flows, which includes a recommended 5.5% rate increase over the next 5 fiscal years.

Table I – Solid Waste Cash Flows

Solid Waste Revenues/Expenses Projections 2007-08 to 2011-12

Proposed Rate Increase	5.5%	5.5%	5.5%	5.5%	5.5%
	Projected 2007-08	Projected 2008-09	Projected 2009-10	Projected 2010-11	Projected 2011-12
OPERATING Cash - Beg. (7/1)					
Beginning Cash	\$ 540,384	\$ 169,419	\$ 100,662	\$ 486,344	\$ 1,144,041
SUBVENTIONS AND GRANTS	300,000	300,000	300,000	300,000	300,000
CHARGES FOR CURRENT SRV	13,916,837	15,406,026	16,638,508	17,969,588	19,407,155
One time Sync up fee	900,000				
OTHER MISC REVENUE	5,935	6,083	6,235	6,391	6,551
NON'OP INTEREST REVENUE	0	0	0	0	0
NON'OPERATING OTHER REVENUE	331,764	340,058	348,559	357,273	366,205
CHARGES'OTHER DEPTS	2,014,808	2,065,179	2,116,808	2,169,728	2,223,972
REVENUE TOTAL	17,469,344	18,117,345	19,410,110	20,802,981	22,303,882
Expenditures					
SAL/WAGES/BENEFITS	3,597,515	3,741,416	3,891,072	4,046,715	4,208,584
Growth drivers/maintenance staff/supervisors	132,000	275,280	502,291	772,383	959,278
EMPLOYEE RELATED EXP	206,188	214,436	223,013	231,934	241,211
OPERATING SUPPLIES	9,690	10,078	10,481	10,900	11,336
SPEC DEPT SUPPLIES/SERV	51,434	53,491	55,631	57,856	60,170
OUTSIDE SERVICES	3,447,772	3,585,683	3,729,110	3,878,275	4,033,406
adjustment for unanticipated increases in recycling and landfill costs (TCR up	413,733	430,282	447,493	465,393	484,009
UTILITIES/FUELS/OILS	110,717	115,145	119,751	124,541	129,523
OTHER EXPENSES	100,949	104,987	109,186	113,553	118,096
NON-OP INTEREST EXPENSE (Revenue)	(18,913)	(5,930)	(3,523)	(17,022)	(40,041)
CAPITAL OUTLAY/OPERATG	804,075	836,238	869,688	904,475	940,654
IN LIEU ALLOCATIONS	252,595	262,699	273,207	284,135	295,501
VARIABLE SERV PROVIDED	2,341,095	2,434,739	2,532,128	2,633,413	2,738,750
Increase for additional fleet FUEL & maintenance costs	117,055	121,737	126,606	131,671	136,937
Increase for additional fleet (2 trucks @ yr.)	90,042	180,084	270,126	360,168	450,211
FIXED SERVICES PROVIDED	686,575	714,038	742,599	772,303	803,195
VARIABLE CHARGES-ALLOCATIONS	6,637	6,902	7,178	7,465	7,764
FIXED CHARGES-ALLOCATIONS	3,091,151	3,214,798	3,343,389	3,477,125	3,616,210
CAPITAL					
CAPITAL IMPRVMT PROGRAM	2,400,000	1,800,000	1,500,000	1,800,000	3,200,000
Increase for Additional CNG Capital costs		90,000	75,000	90,000	160,000
adjust for facility growth needs			200,000		200,000
EXPENSE TOTAL	17,840,309	18,186,102	19,024,428	20,145,284	22,754,793
FUND Cash Total End. (7/1)	169,419	100,662	486,344	1,144,041	693,131

WASTEWATER

The Waste Water Fund has a number of challenges, but almost universally the issues come back to producing a discharge that meets the increasingly stringent water standards of the Regional Water Quality Control Board.

The plant operates at a very high compliance level. Annually, the plant processes 30,000 lab samples to determine water quality compliance. Only 2 of these samples last year did not meet water quality levels: both were considered abnormalities of a particular sample.

The wastewater plant was issued a new discharge permit by the Regional Water Quality Control Board this last year. This permit requires various upgrades to the facility which could range from \$20 to \$40 million. Plans for implementing the requirements are due by September 30, 2007.

Studies are currently underway to identify the needed upgrades and funding to accomplish the upgrades. Once specific capital costs and potential funding sources are identified, staff will return to Council with specific recommendations.

Staff is recommending a rate increase which will fund approximately \$35 million in plan improvements, along with funding operations. Table II, Waste Water Cash Flows, illustrates the effects of the proposed increases. The major points are as follows:

1. **5.0% annual increase for FY's 2007-08 through FY 2011-12**
2. **A \$29 million debt is obtained in FY 08-09**

The proposal maintains the fund's current level of cash, provides the resources necessary to begin constructing the required discharge facilities and maintains funding for ongoing operations.

**Table II
Wastewater - OPERATIONS - Cash Flow Projections
For the 5 Years Ending June 30, 2013**

Proposed Rate Increase	5.0%	5.0%	5.0%	5.0%	5.0%
	FY 07/08	FY 08/09	FY 09/10	FY 10/11	FY 11/12
OPERATING Cash - Beg. (7/1)	\$ (608,995)	\$ 1,220,359	\$ 367,127	\$ 158,215	\$ 463,618
Revenues					
Fees - Monthly User	9,630,000	10,304,100	11,025,387	11,797,164	12,622,966
Fees- Septage Receiving	535,000	572,450	612,522	655,398	701,276
Fees- Sewer Lateral	66,600	68,000	68,000	70,000	70,000
Fees & Other Revenues	171,200	183,184	196,007	209,727	224,408
Revenue - Farm Land	1,000,000	1,000,000	1,000,000	1,000,000	1,000,000
Revenue - Contributed Capital	5,350,000	5,724,500	6,125,215	6,553,980	7,012,759
Revenue - Interest Earnings	(21,315)	42,713	12,849	5,538	16,227
One time Cal Water Sync-Up Revenue	802,500				
	<u>17,533,985</u>	<u>17,894,947</u>	<u>19,039,980</u>	<u>20,291,807</u>	<u>21,647,635</u>
Expenditures					
Salary's & Benefits	(2,514,720)	(2,615,309)	(2,719,921)	(2,828,718)	(2,941,867)
Materials & Services	(4,737,200)	(4,926,688)	(5,123,756)	(5,328,706)	(5,541,854)
NPDES Operating Costs (mnts & labor)		(100,000)	(250,000)	(375,000)	(375,000)
Depreciation	(2,300,000)	(2,300,000)	(2,500,000)	(2,300,000)	(2,850,000)
Transfer - Contributed Capital	(5,350,000)	(5,724,500)	(6,125,215)	(6,553,980)	(7,012,759)
Transfer - Debt Service (all debts)	(802,711)	(3,081,682)	(2,530,000)	(2,600,000)	(2,700,000)
Transfer - Reconciling					
Reconciling Adj. - Liab. Increase (decreases)	(15,704,631)	(18,748,179)	(19,248,892)	(19,986,404)	(21,421,479)
OPERATING Cash - End. (6/30)	\$ 1,220,359	\$ 367,127	\$ 158,215	\$ 463,618	\$ 689,774
CAPITAL CASH - Beg. (7/1)	5,577,304	5,879,410	6,197,189	7,014,091	7,583,584
Increases					
Transfers - Debt Service					
Transfers - Capital Set Aside (Depr	2,300,000	2,300,000	2,500,000	2,300,000	2,850,000
Transfers - Capital Assets / WIP	5,350,000	5,724,500	6,125,215	6,553,980	7,012,759
Transfers - Reconciling adj.	0	0	0	0	0
Invest. / Int. Earnings	195,206	205,779	216,902	245,493	265,425
Other income					
Debt Proceeds					
	<u>7,845,206</u>	<u>8,230,279</u>	<u>8,842,117</u>	<u>9,099,473</u>	<u>10,128,184</u>
Decreases					
CIP - Constructed	(2,193,100)	(2,188,000)	(1,900,000)	(1,976,000)	(2,055,040)
CIP - Contributed	(5,350,000)	(5,724,500)	(6,125,215)	(6,553,980)	(7,012,759)
	<u>(7,543,100)</u>	<u>(7,912,500)</u>	<u>(8,025,215)</u>	<u>(8,529,980)</u>	<u>(9,067,799)</u>
CAPITAL CASH - End. (6/30)	\$ 5,879,410	\$ 6,197,189	\$ 7,014,091	\$ 7,583,584	\$ 8,643,969
FUND Cash Total End. (6/30)	\$ 7,099,769	\$ 6,564,316	\$ 7,172,306	\$ 8,047,202	\$ 9,333,743

Summary

The proposed rate increases follow the objective of making smaller, more frequent increases as opposed to larger, less frequent increases. Although these proposed increases are a little more than inflation, they are not dramatically greater than inflation. Finally, Visalia’s rates typically lower if not the lowest in the South San Joaquin area. As a result, these proposed increases meet the objective of providing a quality service that is supported by a financially sound rate structure.

Prior Council / Board Actions: The City’s more recent adjustments to the Solid Waste and Wastewaters fees are:

<u>Fee</u>	<u>Date</u>	<u>Action</u>
Solid Waste	April 2, 2005	2.5% for 4 years for CNG capital costs
Wastewater	April 2, 2001	5-year program
Solid Waste	Oct 1996	

Committee / Commission Review and Actions:

The Citizens Advisory Committee (CAC) reviewed this proposed 5-year rate adjustment program at their May 2, 2007 meeting. The CAC approved by vote to recommend to City Council to adopt the proposed 5-year rate increase program. Upon further review, staff revised the timing of the proposed rates and adjusted the solid waste rate down by 1% a year and increased the wastewater rate by 1% a year from what was presented to the CAC.

Alternatives: Adjust the fees by a different percentage or and / or for a different number of years.

Attachments: Resolution #2007-42
Attachment 1 – Solid Waste and Wastewater Rates & Fees Schedule – Proposed Recommendations

Recommended Motion (and Alternative Motions if expected:

1.) I Move to open the Public Hearing on the proposed adjustments to amend the City’s Solid Waste and Wastewater fees for the five fiscal years beginning fiscal year 2007-08.

2.) I Move to approve the proposed adjustments to amend the City’s Solid Waste and Wastewater fees for the five fiscal years beginning fiscal year 2007-08.

Attachment 2

RESOLUTION NO. 2007- 68

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE ADJUSTMENTS TO THE CITY'S SOLID WASTE AND WASTEWATER RATES AND FEES FOR THE FIVE FISCAL YEARS 2007/08 THROUGH AND INCLUDING FISCAL YEAR 20011/12.

WHEREAS, the adjustments to the solid waste and wastewater rates and fees are recommended; and

WHEREAS, Resolution No. 92-123 established a policy and procedure for the annual review and approval of the City fees and charges which is compiled in a document entitled: *City of Visalia Administrative Policy on Fees and Charges*; and

WHEREAS, the City of Visalia has complied with its fee adjustment policy and procedures, its ordinances related to fee adjustment, the California Constitution, and California statutes relating to the adoption and amendment of fees and charges; and

WHEREAS, the fees and charges related to ministerial projects are statutorily exempt from the provisions of the California Environmental Quality Act pursuant to CEQA Guidelines section 15268; and

WHEREAS, adoption of the Transportation Impact Fees, Storm Drainage Impact Fees, Park Acquisition & Development Fees, Northeast Development Impact Fees, Waterways Acquisition Fees, Trunk Line Capacity Charge, Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges are consistent with, and addressed in, the individual master plans and General Plan elements, and their respective environmental documents in accordance with CEQA as follows:

- a) Transportation Impact Fee - 1989 Circulation Element and Environmental Impact Report (EIR) (Resolution No. 89-63);
- b) Storm Drainage Impact Fee - 1994 Storm Water Master Plan Update and EIR (Resolution No. 94-170);
- c) Park Acquisition & Development Fee, and Waterways Acquisition Fee - 1989 Conservation, Open Space, Recreation & Parks and Negative Declaration (Resolution Nos. 89-59 & 97-10);
- d) Northeast Development Impact Fee - 1988 Northeast Specific Plan and EIR (Resolution No. 88-19);
- e) Waterways Acquisition Fees – General Plan Amendment No. 96-28 (Resolution No. 97-10);
- f) Trunk Line Capacity Charge – Sanitary Sewer Master Plan and EIR (Resolution No. 94-64 & 94-65);
- g) Treatment Plant Connection Capacity Charges and Sewer Main Facilities Charges – 1987 Wastewater Treatment Plant Master Plan and EIR (Resolution No. 92-157).

WHEREAS, the Charter of the City of Visalia authorizes the imposition and adjustment of fees for city services including city-wide administrative services, general governmental services, community

development services, community services, public safety services, public works services and engineering and transportation services, and directs the City Council to establish fees by resolution to provide for their adjustment; and

WHEREAS, Visalia Municipal Code (“VMC”) section 8.28.140, authorizes the imposition of refuse fees and directs the City Council to establish fees by resolution to provide the sum of money necessary to pay the estimated total cost based on findings enumerated in the Code; and

WHEREAS, VMC section 8.28.020 permits the revisions to fees and charges for refuse service by City Council; and

WHEREAS, VMC section 13.08.750, et seq., authorizes the imposition of treatment plant connection charges by resolution for connection to the sanitary sewer system and provides that review and amendment of such fees may be initiated by the Council from time to time as necessary to meet increasing costs or changed conditions of providing trunk sewer or oversize service and adjusted by resolution; and

WHEREAS, VMC section 13.08.840, authorizes by resolution of the City Council the imposition of sewer service charges and any required adjustments also to be set by resolution of the City Council; and

WHEREAS, the sewer connection, water connection, and capacity charges identified above are being adjusted in accordance with Government Code section 66013 such that such fees and charges do not exceed the estimated reasonable cost of providing the services for which the fee or charge is imposed; and

WHEREAS, in compliance with California Government Code Section 66016, et seq., notice of the time and place for the hearing on adjustment of the fees outlined herein has been given; and

WHEREAS, the City Council of the City of Visalia has reviewed the proposed City of Visalia Rates and Fees proposal for Fiscal Year 2007/08 – 2011/12 regarding the adjustments of solid waste and wastewater rate and fees; and

WHEREAS, the City Council of the City of Visalia did conduct a public hearing on the proposed 2007/08 - 2011/12 Rate and Fee Schedule on August 6, 2007.

NOW, THEREFORE, the City Council of the City of Visalia finds:

1. The fee and charge adjustments proposed herein comply with the *City of Visalia Administrative Policy on Fees and Charges*; or
2. The fee and charge adjustments proposed herein comply with the adjustment requirements required by the authorizing ordinances; or
3. The fee and charge adjustments proposed comply with the increase requirements contained in Government Code section 66016, et seq.
4. The fees and charge adjustments are statutorily exempt from the California Environmental Quality Act either as fees and charges related to ministerial projects or that meeting operating expenses, financial reserve needs, further capital projects for services, or the purchasing or leasing of supplies; and
5. The findings required by authorizing ordinances enumerated herein to adopt fees have been made as a part of the respective original adopting resolutions of the Council.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia adopts the adjustment of the Rates and Fees for the five fiscal years 2007/08 through and including fiscal year 20011/12. Unless otherwise indicated in the Rates & Fees document (attached hereto as Attachment "A"), these rates and fees go into affect on September 1, 2007 and on April 1, 2008 and on July 1, for the subsequent years 2009 through and including 2011.

PASSED AND ADOPTED: _____

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

I, _____, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2007-_____, passed and adopted by the Council of the City of Visalia at a regular meeting held on August 6, 2007.

DATED: _____, CITY CLERK

City of Visalia

Attachment - 3

to

Resolution No. 2007 - ____

Solid Waste & Wastewater Rates and Fees

Fiscal Year 2007-08

through and including

Fiscal Year 2011-12

Attachment 3 Proposed Waste Water Fees SANITARY SEWERS (Wastewater)

	PROPOSED						
	FY 07-08	FY 08-09	FY 09-10	FY 10-11	FY 11-12		
	5%	5%	5%	5%	5%		
<u>Non-Industrial</u>							
\$	16.00	\$ 16.80	\$ 17.65	\$ 18.50	\$ 19.45	Per month	Residential
	7.35	7.70	8.10	8.50	8.95	Per month	Lifeline residential
	1.45	1.50	1.60	1.70	1.80	Per CCF *	Commercial and retail
	2.45	2.55	2.70	2.85	3.00	Per CCF *	Commercial Mixed Complex
	3.20	3.35	3.50	3.70	3.90	Per CCF *	Restaurants, bars and fraternal lodges
	1.90	2.00	2.10	2.20	2.30	Per CCF *	Laundries
	1.10	1.15	1.20	1.25	1.30	Per CCF *	Car washes
	3.05	3.20	3.35	3.50	3.70	Per CCF *	Groceries with garbage grinders
	5.05	5.30	5.55	5.85	6.15	Per month	Per room for hotels / motels
	0.50	0.55	0.60	0.65	0.70	Per month	Per student per school
	1.45	1.50	1.60	1.70	1.80	Per CCF *	Rest homes

* 100% of the Dec., Jan. and Feb. average water consumption. Minimum charge = Residential monthly charge

<u>Septage Receiving Station</u>							
\$	57.35	\$ 60.22	\$ 63.23	\$ 66.39	\$ 69.71	Per 1,000 gal	Septage receiving station
	68.89	72.34	75.95	79.75	83.74	Per 1,000 gal	Portable toilet and grease trap waste

<u>Industrial</u>							
\$	872.65	\$ 916.30	\$ 962.10	\$ 1,010.20	\$ 1,060.70	Per MG	Flow
	0.15	0.16	0.17	0.18	0.19	Per lb.	B.O.D.
	0.20	0.21	0.22	0.23	0.24	Per lb.	Suspended Solids

<u>Permit Fees</u>							
	No Change					per annum	Septic Hauler Annual Permit
	\$ - 0 -					per annum	Industrial Waste Discharge Permit
	\$ - 0 -					per annum	Non-significant Discharge Permit

<u>Property Tax Roll Administration</u>							
	No Change	No Change	No Change	No Change	No Change	Per delinquent account	Property tax administration fee for placement on the property tax roll.

<u>Late & Penalty Charges</u>							
<u>Non-Industrial:</u>							
	No Change	No Change	No Change	No Change	No Change	Per month	All charges more than 30 days past due.
The minimum late charge of \$10.00 will be applied to the combined sewer/refuse bill).							
<u>Industrial:</u>							
	No Change	No Change	No Change	No Change	No Change	10% of unpaid delinquent balance	
	No Change	No Change	No Change	No Change	No Change	Per month	All charges more than 30 days past due.
The minimum late charge of \$10.00 will be applied to the combined sewer / refuse bill.							
<u>Discharge Penalty:</u>							
	No Change	No Change	No Change	No Change	No Change	Times normal charge	For discharge in excess of the permitted levels for the month of violation.

STORM SEWER

Each commercial account or each single family residential account or each multi-dwelling unit will be billed the following monthly charges:

	No Change	No Change	No Change	No Change	No Change	per 1,000 sq.ft. of parcel size	For Operations & Maintenance
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PLUS, the following monthly charge per account,

SOLID WASTE

8% 8% 5.50% 5.50% 5.50%

PROPOSED

FY 06-07 **FY 07-08** **FY 07-08** **FY 08-09** **FY 09-10** **FY 10-11** **FY 11-12**
 Current Adopted

AUTOMATIC LIFT CONTAINER SERVICE

Baseline Residential Service:

Baseline service consists of once a week pickup of either one divided container and one yard waste container, each collected one time per week.

Multi-Family Households are the same as Single Family Households for the purpose of determining baseline residential service if each household is serviced individually.

Includes Street Cleaning Charge of \$1.01 per month

\$16.70	\$17.05	\$18.00	\$19.45	\$20.50	\$21.60	\$22.80	Per month
4.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month
4.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month
1.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month

Baseline Rate per household/unit
 Each additional divided container
 Each additional yard waste container
 Unincorporated area service charge

Grandfather Rate:

13.10	No Change	No Change	No Change	No Change	No Change	No Change	Per month
4.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month
4.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month
1.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month

Per household / unit / 60 gal. inside City limits
 Each additional divided container
 Each additional yard waste container
 Unincorporated area service charge

Senior Citizen Life Line Discount:

Senior Citizen residential customers, who apply for and are accepted into the Life Line Service Program will be billed at the following rates:

1/2 of Baseline Residential

7.10	7.53	9.00	9.70	10.25	10.80	11.40	Per month
8.10	8.53	10.00	10.70	11.25	11.80	12.40	Per month
4.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month
4.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month
1.00	No Change	No Change	No Change	No Change	No Change	No Change	Per month

Divided / Yardwaste Container Service
 "Grandfathered" 60 Gal. Serv. - Inside city
 "Grandfathered" 60 Gal. Serv. - Outside city
 Each additional divided container
 Each additional yard waste container
 Unincorporated area service charge

Minimum Refuse Service

15.50	No Change	\$ 16.75	\$ 18.10	\$ 19.10	\$ 20.15	\$ 21.25	Per month
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Per account with water but no refuse cans per customer's request

Commercial Service:

5.80	6.10	\$ 6.25	\$ 6.75	\$ 7.15	\$ 7.55	\$ 7.95	Per month
PLUS			PLUS	PLUS	PLUS	PLUS	
6.10	No Change	\$ 6.60	\$ 7.15	\$ 7.55	\$ 7.95	\$ 8.40	Per empty
PLUS			PLUS	PLUS	PLUS	PLUS	
2.80	No Change	\$ 3.00	\$ 3.25	\$ 3.45	\$ 3.65	\$ 3.75	Per month
OR			OR	OR	OR	OR	
4.20	No Change	\$ 4.55	\$ 4.90	\$ 5.15	\$ 5.45	\$ 5.75	Per month

Per account for refuse collection
 In each week
 Per 60 gal. container, disposal charges
 Per divided container, disposal charges

Special Services

Additional Service:

\$ 2.10	No Change	\$ 2.25	\$ 2.40	\$ 2.55	\$ 2.70	\$ 2.85	Per empty
2.10	No Change	\$ 2.30	\$ 2.50	\$ 2.60	\$ 2.75	\$ 2.90	Per empty
Free	No Change	No Change	No Change	No Change	No Change	No Change	Per month
18.20	No Change	\$ 19.65	\$ 21.20	\$ 22.35	\$ 23.60	\$ 24.90	Per month

Per container, roll out service / per 20 feet
 Handling locks and/or gates
 Residential Pack-Out Service -
 - For Qualifying Individuals
 Residential Pack- Out Service

Scheduled Empty - Commercial :

9.55	10.05	\$ 10.30	\$ 11.15	\$ 11.75	\$ 12.40	\$ 13.10	Per empty
PLUS		PLUS	PLUS	PLUS	PLUS	PLUS	
1.25	No Change	\$ 1.35	\$ 1.45	\$ 1.55	\$ 1.65	\$ 1.75	Per empty

For truck
 Per divided or yardwaste container

Residential - Contaminated Empty:									
No Charge	No Change	No Change	No Change	No Change	No Change	No Change	No Change	Per container	Contamination first occurrence
7.00	No Change	\$ 7.55	\$ 8.15	\$ 8.60	\$ 9.10	\$ 9.60		Per container	Contamination second occurrence
11.00	No Change	\$ 11.90	\$ 12.85	\$ 13.55	\$ 14.30	\$ 15.10		Per container	Contamination third occurrence
15.00	No Change	\$ 16.20	\$ 17.50	\$ 18.45	\$ 19.45	\$ 20.50		Per container	Contamination fourth or more occurrence

Temporary Service, Scheduled, for Regular Customers

Commercial:									
9.55	10.05	\$ 10.30	\$ 11.15	\$ 11.75	\$ 12.40	\$ 13.10		Per account	For delivery of container(s) (1-6)
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS			
17.25	18.15	\$ 18.65	\$ 20.15	\$ 21.25	\$ 22.40	\$ 23.65		Per 30-day increment	For once weekly collection
OR	OR	OR	OR	OR	OR	OR			
28.65	30.20	\$ 30.95	\$ 33.45	\$ 35.30	\$ 37.25	\$ 39.30		Per 30-day increment	For twice weekly collection

Items Outside Container, Scheduled, for Regular Customers (3 free per year, up to 10 items):

9.55	10.05	\$ 10.30	\$ 11.15	\$ 11.75	\$ 12.40	\$ 13.10		Per pick up	For truck, Commercial
OR	OR	OR	OR	OR	OR	OR			
6.40	6.75	\$ 6.90	\$ 7.45	\$ 7.85	\$ 8.30	\$ 8.75		Per pick up	For Truck, Residential
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS			
1.25	No Change	\$ 1.35	\$ 1.45	\$ 1.55	\$ 1.65	\$ 1.75		Per container	Commercial or Residential

Special Service:

\$ 18.85	\$ 19.85	\$ 20.35	\$ 22.00	\$ 23.20	\$ 24.45	\$ 25.80		Per delivery	Up to 15 90-gallon containers
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS			
6.40	6.75	\$ 6.90	\$ 7.45	\$ 7.85	\$ 8.30	\$ 8.75		Per empty	For Side Loader
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS			
1.25	No Change	\$ 1.35	\$ 1.45	\$ 1.55	\$ 1.65	\$ 1.75		Per container	Commercial or Residential

MANUAL SIDE LOAD CAN SERVICE

Single and Multiple Family Households:

17.75	18.70	\$ 19.15	\$ 20.70	\$ 21.85	\$ 23.05	\$ 24.30		Per month	Per unit, inside city limits, twice weekly collection, up to five items
18.85	19.85	\$ 20.35	\$ 22.00	\$ 23.20	\$ 24.45	\$ 25.80		Per month	Per unit, outside city limits, twice weekly collection, up to five items

Commercial Business:

17.25	18.15	\$ 18.65	\$ 20.15	\$ 21.25	\$ 22.40	\$ 23.65		Per month	Per unit, once weekly collection, up to 5 items
28.65	30.20	\$ 30.95	\$ 33.45	\$ 35.30	\$ 37.25	\$ 39.30		Per month	Per unit, twice weekly collection, up to 5 items

Special Service

Additional Service:

2.10	No Change	\$ 2.25	\$ 2.45	\$ 2.60	\$ 2.75	\$ 2.90		Per empty	Per container, roll out service / per 20 feet
2.10	No Change	\$ 2.25	\$ 2.45	\$ 2.60	\$ 2.75	\$ 2.90		Per empty	Handling locks and/or gates
1.25	No Change	\$ 1.35	\$ 1.45	\$ 1.55	\$ 1.65	\$ 1.75		Per item	Additional items above limit of five (5)

Scheduled Service:

9.55	10.05	\$ 10.30	\$ 11.15	\$ 11.75	\$ 12.40	\$ 13.10		Per empty	Scheduled additional service, Commercial
OR	OR	OR	OR	OR	OR	OR			
6.40	6.75	\$ 6.90	\$ 7.45	\$ 7.85	\$ 8.30	\$ 8.75		Per empty	Scheduled additional service, Residential
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS			
1.25	No Change	\$ 1.35	\$ 1.45	\$ 1.55	\$ 1.65	\$ 1.75		Per item	Commercial or Residential

PERMANENT COMMERCIAL BIN AND BOX SERVICE

Permanent Commercial Front Load BIN Service

Regular Service:

\$ 19.65	\$ 20.70	\$ 21.20	\$ 22.90	\$ 24.15	\$ 25.50	\$ 26.90	Per empty	Weekly collection
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS		
10.00	No Change	\$ 10.80	\$ 11.65	\$ 12.30	\$ 13.00	\$ 13.70	Per cubic yard	Times the # of weekly empties of Refuse
OR	OR	OR	OR	OR	OR	OR		
7.50	No Change	\$ 8.10	\$ 8.75	\$ 9.25	\$ 9.75	\$ 10.30	Per cubic yard	Times the # of weekly empties of Green Waste
OR	OR	OR	OR	OR	OR	OR		
2.50	No Change	\$ 2.70	\$ 2.90	\$ 3.05	\$ 3.20	\$ 3.40	Per cubic yard	Times the # of weekly empties of Recyclables
OR	OR	OR	OR	OR	OR	OR		
29.95	No Change	\$ 32.35	\$ 34.95	\$ 36.90	\$ 38.95	\$ 41.10	Per cubic yard	Times the number of weekly empties of compacted refuse
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS		
6.75	No Change	\$ 7.30	\$ 7.90	\$ 8.35	\$ 8.80	\$ 9.30	Per month or fraction of 1 cubic yard bin rental	
OR	OR	OR	OR	OR	OR	OR		
7.50	No Change	\$ 8.10	\$ 8.75	\$ 9.25	\$ 9.75	\$ 10.30	Per month or fraction of 2 cubic yard bin rental	
OR	OR	OR	OR	OR	OR	OR		
8.30	No Change	\$ 8.95	\$ 9.65	\$ 10.20	\$ 10.75	\$ 11.35	Per month or fraction of 3 cubic yard bin rental	
OR	OR	OR	OR	OR	OR	OR		
9.10	No Change	\$ 9.85	\$ 10.65	\$ 11.25	\$ 11.85	\$ 12.50	Per month or fraction of 4 cubic yard bin rental	
OR	OR	OR	OR	OR	OR	OR		
10.60	No Change	\$ 11.45	\$ 12.35	\$ 13.05	\$ 13.75	\$ 14.50	Per month or fraction of 6 cubic yard bin rental	

Scheduled Special Empty Service:

12.10	12.75	\$ 13.08	\$ 14.10	\$ 14.90	\$ 15.70	\$ 16.55	Per bin emptied	
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS		
2.35	No Change	\$ 2.55	\$ 2.75	\$ 2.90	\$ 3.05	\$ 3.20	Per cubic yard	Uncompacted refuse
OR	OR	OR	OR	OR	OR	OR		
6.90	No Change	\$ 7.46	\$ 8.05	\$ 8.50	\$ 8.95	\$ 9.45	Per cubic yard	Compacted refuse

Unscheduled (Same Day) Special Empty Service:

32.80	34.55	\$ 35.40	\$ 38.25	\$ 40.35	\$ 42.55	\$ 44.90	Per empty	
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS		
2.35	No Change	\$ 2.55	\$ 2.75	\$ 2.90	\$ 3.05	\$ 3.20	Per cubic yard	Uncompacted refuse
OR	OR	OR	OR	OR	OR	OR		
6.90	No Change	\$ 7.46	\$ 8.05	\$ 8.50	\$ 8.95	\$ 9.45	Per cubic yard	Compacted refuse

Scheduled, Multiple Special Empty Service (Additional Empties, Same Day):

22.10	23.30	\$ 23.85	\$ 25.75	\$ 27.15	\$ 28.65	\$ 30.20	Per empty	
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS		
2.35	No Change	\$ 2.55	\$ 2.75	\$ 2.90	\$ 3.05	\$ 3.20	Per cubic yard	Uncompacted refuse
OR	OR	OR	OR	OR	OR	OR		
6.90	No Change	\$ 7.46	\$ 8.05	\$ 8.50	\$ 8.95	\$ 9.45	Per cubic yard	Compacted refuse

Proposed Recommendations

Proposed Recommendations

Commercial Recycling Bin Service:

\$ 29.95	\$ 31.55	\$ 32.35	\$ 34.95	\$ 36.90	\$ 38.95	\$ 41.10	Per one yard	One time per week
52.40	55.25	56.60	61.15	64.50	68.05	71.80	Per one yard	Two times per week
74.85	78.90	80.85	87.30	92.10	97.15	102.50	Per one yard	Three times per week
97.30	102.55	105.10	113.50	119.75	126.35	133.30	Per one yard	Four times per week
119.70	126.15	129.30	139.65	147.35	155.45	164.00	Per one yard	Five times per week
33.55	35.35	36.25	39.15	41.30	43.55	45.95	Per two yard	One time per week
58.75	61.90	63.45	68.55	72.30	76.25	80.45	Per two yard	Two times per week
84.00	88.55	90.70	97.95	103.35	109.05	115.05	Per two yard	Three times per week
109.20	115.10	117.95	127.40	134.40	141.80	149.60	Per two yard	Four times per week
134.45	141.70	145.20	156.80	165.45	174.55	184.15	Per two yard	Five times per week
37.20	39.20	40.20	43.40	45.80	48.30	50.95	Per three yard	One time per week
65.20	68.70	70.40	76.05	80.25	84.65	89.30	Per three yard	Two times per week
93.25	98.25	100.70	108.80	114.80	121.10	127.80	Per three yard	Three times per week
121.20	127.75	130.90	141.40	149.20	157.40	166.10	Per three yard	Four times per week
149.20	157.25	161.10	174.00	183.60	193.70	204.40	Per three yard	Five times per week
48.00	50.60	51.80	55.90	59.00	62.20	65.60	Per six yard	One time per week
84.45	89.00	91.20	98.50	103.90	109.60	115.60	Per six yard	Two times per week
120.75	127.25	130.40	140.80	148.50	156.70	165.30	Per six yard	Three times per week
157.10	165.60	169.70	183.30	193.40	204.00	215.20	Per six yard	Four times per week
193.40	203.85	208.90	225.60	238.00	251.10	264.90	Per six yard	Five times per week

Permanent Commercial Roll Off Box Service

Empty - Permanent, Scheduled:

105.55	111.25	\$ 114.00	\$ 123.10	\$ 129.90	\$ 137.00	\$ 144.50	Per empty
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	County of Tulare Landfill fee and/or green waste / / recycling fee charged to the City
1.00	No Change	No Change	No Change	No Change	No Change	No Change	Per empty

Empty - Permanent, On Call:

116.65	122.95	\$ 126.00	\$ 136.10	\$ 143.60	\$ 151.50	\$ 159.80	Per empty
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	County of Tulare Landfill fee and/or green waste / / recycling fee charged to the City
1.00	No Change	No Change	No Change	No Change	No Change	No Change	Per time emptied

Proposed Recommendations

Proposed Recommendations

Box Rental Service:									
\$ 27.00	No Change	\$ 29.20	\$ 31.50	\$ 33.20	\$ 35.00	\$ 36.90	Per month or fraction of	20 cubic yard open box rental	
35.00	No Change	\$ 37.80	\$ 40.80	\$ 43.00	\$ 45.40	\$ 47.90	Per month or fraction of	30 cubic yard open box rental	
60.00	No Change	\$ 64.80	\$ 70.00	\$ 73.90	\$ 78.00	\$ 82.30	Per month or fraction of	42 cubic yard open box rental	
60.00	No Change	\$ 64.80	\$ 70.00	\$ 73.90	\$ 78.00	\$ 82.30	Per month or fraction of	42 cubic yard compactor box rental	
43.10	No Change	\$ 46.50	\$ 50.20	\$ 53.00	\$ 55.90	\$ 59.00	Per month or fraction of	20 cubic yard sludge box rental, box 4392	
42.00	No Change	\$ 45.40	\$ 49.00	\$ 51.70	\$ 54.50	\$ 57.50	Per month or fraction of	20 cubic yard sludge box rental, box 4393	
Special Service - Additional Service:									
2.10	No Change	\$ 2.25	\$ 2.45	\$ 2.60	\$ 2.75	\$ 2.90	Per empty	Handling locks and/or gates	
2.10	No Change	\$ 2.25	\$ 2.45	\$ 2.60	\$ 2.75	\$ 2.90	Per empty	Roll out bin each additional 20 feet	
\$ 157.75	\$ 166.25	\$ 170.40	\$ 184.00	\$ 194.10	\$ 204.80	\$ 216.10	Per empty	Per box, unscheduled (same day service),	
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	County of Tulare Landfill fee and/or green waste /	/ recycling fee charged to the City	
194.40	204.90	\$ 210.00	\$ 226.80	\$ 239.30	\$ 252.50	\$ 266.40	Per empty	For delivery after 4:00 PM to the County of	
								Tulare Landfill. County charges City this amt.	
								For keeping landfill open past 4:00 PM.	
133.30	140.50	\$ 144.00	\$ 155.50	\$ 164.10	\$ 173.10	\$ 182.60	Per empty	Per box, additional empties, same day	
PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	County of Tulare Landfill fee and/or green waste /	/ recycling fee charged to the City	
85.00	No Change	\$ 91.80	\$ 99.10	\$ 104.60	\$ 110.40	\$ 116.50	Per Box	Per cleaning after 1 free cleaning per calendar year	
45.00	No Change	\$ 48.60	\$ 52.50	\$ 55.40	\$ 58.40	\$ 61.60	Per Bin	Per cleaning after 1 free cleaning per calendar year	

TEMPORARY COMMERCIAL BIN AND BOX SERVICE

The minimum charges for temporary service are monthly rental of the bin/box PLUS one empty charge per month or fraction thereof. If no empty services are provided during the month, the minimum of one empty charge shall be billed to the account.

Temporary Commercial Bin Service (2 cubic yard bin, ONLY)

Temporary Commercial Bin Service are PER 2 CUBIC YARD BIN.

Standard Service:									
50.00	No Change	\$ 54.00	\$ 58.30	\$ 61.50	\$ 64.90	\$ 68.50	Prepayment	Per Bin=Equals total of delivery+one rent+one empty	
7.50	No Change	\$ 8.10	\$ 8.75	\$ 9.25	\$ 9.75	\$ 10.30	Rent	Per month or fraction of	
22.25	23.45	\$ 24.00	\$ 25.90	\$ 27.30	\$ 28.80	\$ 30.40	Delivery	Per scheduled delivery	
17.35	18.30	\$ 18.70	\$ 20.20	\$ 21.30	\$ 22.50	\$ 23.70	Scheduled Empty	Per empty or removal	
Green Waste Service:									
56.10	No Change	\$ 60.60	\$ 65.40	\$ 69.00	\$ 72.80	\$ 76.80		Per Bin=Equals total of delivery+one rent+one empty	
7.50	No Change	\$ 8.10	\$ 8.75	\$ 9.25	\$ 9.75	\$ 10.30	Rent	Per month or fraction of	
22.25	23.45	\$ 24.00	\$ 25.90	\$ 27.30	\$ 28.80	\$ 30.40	Delivery	Per scheduled delivery	
15.80	16.65	\$ 17.10	\$ 18.50	\$ 19.50	\$ 20.60	\$ 21.70	Scheduled Empty	Per empty or removal NOTE:	MUST be on day specified by the City
Optional Service:									
\$ 42.20	\$ 44.50	\$ 45.60	\$ 49.20	\$ 51.90	\$ 54.80	\$ 57.80	Delivery	Per UNSCHEDULED (same day) delivery	
22.25	23.45	\$ 24.00	\$ 25.90	\$ 27.30	\$ 28.80	\$ 30.40	Relocation	Per SCHEDULED relocation	
Special Service - Additional Service:									
2.10	No Change	\$ 2.25	\$ 2.45	\$ 2.60	\$ 2.75	\$ 2.90	Per empty	Handling locks and/or gates	
38.00	40.05	\$ 41.00	\$ 44.30	\$ 46.70	\$ 49.30	\$ 52.00	Per empty	2 cubic yd. unscheduled (same day service)	
27.35	28.85	\$ 29.50	\$ 31.90	\$ 33.70	\$ 35.60	\$ 37.60	Per empty	2 cubic yd. additional empties, same day	
Special Service - Additional Service - Green Waste:									
36.55	38.50	\$ 39.50	\$ 42.70	\$ 45.00	\$ 47.50	\$ 50.10	Per empty	2 cubic yd. unscheduled (same day service)	
25.85	27.25	\$ 27.90	\$ 30.10	\$ 31.80	\$ 33.50	\$ 35.30	Per empty	2 cubic yd. additional empties, same day	

Proposed Recommendations

Proposed Recommendations

Temporary Commercial Box Service (15, 20, 30, or 40 cubic yard open boxes)

Prepayment:	375.00	No Change	No Change	No Change	No Change	No Change	No Change	No Change	Prepayment	Per Box
Delivery Service:	55.55	58.55	\$ 60.00	\$ 64.80	\$ 68.40	\$ 72.20	\$ 76.20	Per delivery	Per box	
	94.45	99.55	\$ 102.00	\$ 110.20	\$ 116.30	\$ 122.70	\$ 129.40	Per delivery	Per UNSCHEDULED (same day) per box	
Scheduled, Empty Service:	116.65	122.95	\$ 126.00	\$ 136.10	\$ 143.60	\$ 151.50	\$ 159.80	Per empty	County of Tulare Landfill fee and/or	
	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	/ recycling fee charged to the City	
	1.00	No Change	No Change	No Change	No Change	No Change	No Change	No Change	Per time emptied	
Box Rental Service:	24.00	No Change	\$ 25.90	\$ 28.00	\$ 29.50	\$ 31.10	\$ 32.80	Per month	15 cubic yard open box rental	
	27.00	No Change	\$ 29.20	\$ 31.50	\$ 33.20	\$ 35.00	\$ 36.90	Per month	20 cubic yard open box rental	
	35.00	No Change	\$ 37.80	\$ 40.80	\$ 43.00	\$ 45.40	\$ 47.90	Per month	30 cubic yard open box rental	
	42.00	No Change	\$ 45.40	\$ 49.00	\$ 51.70	\$ 54.50	\$ 57.50	Per month	40 cubic yard open box rental	
Relocation Service (Optional):	55.55	58.55	\$ 60.00	\$ 64.80	\$ 68.40	\$ 72.20	\$ 76.20	Per relocation	Per box	
Special Service - Additional Service:	2.10	No Change	\$ 2.25	\$ 2.45	\$ 2.60	\$ 2.75	\$ 2.90	Per empty	Handling locks and/or gates	
	157.75	166.25	\$ 170.40	\$ 184.00	\$ 194.10	\$ 204.80	\$ 216.10	Per empty / removal	Per UNSCHEDULED (same day) per box	
	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	County of Tulare Landfill fee and/or green waste /	
									/ recycling fee charged to the City	
	133.30	140.50	\$ 144.00	\$ 155.50	\$ 164.10	\$ 173.10	\$ 182.60	Per empty	Per box, additional empties, same day, or re	
	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	PLUS	County of Tulare Landfill fee and/or green waste /	
									/ recycling fee charged to the City	
	194.40	204.90	\$ 210.00	\$ 226.80	\$ 239.30	\$ 252.50	\$ 266.40	Per empty	For any delivery after 4:00 PM to the County	
									Tulare Landfill. County charges City this a	
									For keeping landfill open past 4:00 PM.	

SPECIAL HAUL SERVICE/SPECIAL BILLING SERVICE

Charges for collection of excessive amounts, or empties at times other than scheduled, or collection of hazardous and / or hard-to-handle waste, or administrative charges for specialized billing will be determined by the director based on the cost of providing those services. The basis may include, but is not limited to:

\$ 50.00	\$ 54.00	\$ 58.30	\$ 61.50	\$ 64.90	\$ 68.50	Per 1/2 hour	For driver overtime
200.00	\$ 216.00	\$ 233.30	\$ 246.10	\$ 259.60	\$ 273.90	Per call back	Per 2 hour increment, for driver to return to work (2 hour minimum)

PENALTIES FOR DELINQUENT FEES

Penalty charges for delinquent accounts will be assessed monthly as follows:

Each delinquent account more than 30 days past due:

Residential - \$10. per month for all charges. (the minimum late charge of \$10.00 will be applied to the combined sewer/refuse bill.)

Commercial - 10% of the unpaid delinquent balance or \$10.00 per month, whichever is greater.

The minimum late charge of \$10.00 will be applied to the combined sewer/refuse bill.

Property Tax Administration Fee - A property tax administration fee of \$50.00 will be assessed for each delinquent account placed on the property tax rolls

RE-START FEES FOR ACCOUNTS IN THE UNINCORPORATED AREAS

The account may have been stopped as a result of delinquency or by customer request.

35.00	No Change	No Change	No Change	No Change	No Change	No Change	Per re-start	Automatic lift container service
35.00	No Change	No Change	No Change	No Change	No Change	No Change	Per re-start	Manual side load can service
40.00	No Change	No Change	No Change	No Change	No Change	No Change	Per re-start	Permanent commercial bin service
65.00	No Change	No Change	No Change	No Change	No Change	No Change	Per re-start	Permanent roll off box service

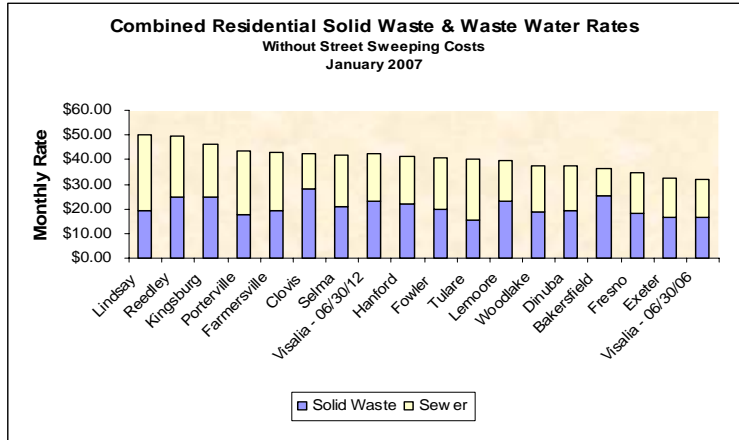
RESIDENTIAL VACANCY ADMIN FEE

45.00	No Change	No Change	No Change	No Change	No Change	No Change	The account may have been stopped as a result of, delinquency or by customer request.	
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Attachment 4

CITY OF VISALIA NOTICE

The City's solid waste and wastewater fees are among the lowest in the Central Valley as shown by the chart below. Rising fuel prices, new State mandated wastewater plant improvements, more costly solid waste vehicles and higher operating costs are causing the City to propose raising these rates.



The City proposes a 5-year rate increase program for solid waste and wastewater rates beginning September 1, 2007. The proposed annual increases are 5.5% for solid waste and 5.0% for wastewater, which would mean an average increase of about \$2.00 per year for each residence. The typical household monthly rate will increase from \$31.93 to \$34.05 beginning in September, 2007.

Even with the proposed increase, the City's rates in five years would still be lower than many other cities are today (see Visalia – 6/30/12 on chart above). Given that most other cities will also need to raise their rates over the next five years, it is anticipated that Visalia's rates will continue to be some of the lowest in the Valley

A Public Hearing will be held Monday, August 6, 2007 at 7:00 p.m. in City Council Chambers, 707 W. Acequia Ave., Visalia. The public is invited to comment on the recommended rate increases at this meeting. For a full list of all proposed rates, please see www.ci.visalia.ca.us. For more information contact Tim Fosberg, City of Visalia Financial Analyst at 713-4565.

City of Visalia Agenda Item Transmittal

Meeting Date: August 6, 2007

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording:

Public hearing for:

1. An Appeal by Darlene Mata (agent) on behalf of Paul Daley (applicant) of the Planning Commission's approval of Conditional Use Permit No. 2007-23, a request by applicant to amend Conditional Use Permit No. 2004-40 to allow modified yard setbacks in the multi-family component of the Avalon Planned Residential Development. The appeal pertains specifically to Condition No. 10, which requires that one common property management entity for maintenance and management of all lots that comprise the project. The site is located on the northwest corner of North Demaree Street and West Riggan Avenue. (APN: 077-620-092 through 077-620-099). **Resolution 2007-67 required.**

Deadline for Action: August 20, 2007, per Visalia Municipal Code Section 17.02.045.B, an appeal before the City Council must be heard within 30 days of the appeal filing date. This appeal was filed on July 19, 2007.

Submitting Department: Community Development - Planning

Contact Name and Phone Number:

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

Department Recommendation: It is recommended that the City Council adopt the resolution upholding the conditions placed on the approval by the Planning Commission on July 9, 2007, and deny the appeal. This recommendation is based on City staff's and the City Attorney's conclusions that the Planning Commission's conditional approval, particularly with regard to Condition No. 10 is consistent with the City's discretionary authority, the Good Neighbor Policies (GNP's), and with policy direction on this issue based on previous City Council and Planning Commission actions on similar projects.

Summary of Appeal: The appeal (see Exhibit "A") pertains to the condition adopted by the Planning Commission relating to the Maintenance and Management Plan ("Plan"). The "Plan" contained a specific condition requiring that all owners agree on one common property management company to manage all of the multi-family lots within the project. The appellant contention is that this specific condition is not a requirement of the adopted GNP's. In addition, the appellant contends further that these policies were not provided to the Planning Commission, nor did staff correct the Planning Commission when the Commission stated that the above mentioned condition was a requirement of the GNP's. Based on these allegations, the appellant is requesting that Condition No. 10 be revised to remove the requirement that the applicant and any subsequent property owners contract with one common management company for all eight lots.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):20

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.

Staff met with the appellant on July 23, 2007, to clarify the issues and to determine whether the issues could be resolved outside of the appeal hearing process. The appellant's position is that Condition No. 10.a. is not valid or practical, and eliminating this condition would still make the project consistent with the Planning Commissions approval. Staff does not concur on either point. Consequently, the appeal has proceeded to this public hearing.

Background: On July 9, 2007, the Planning Commission approved Conditional Use Permit No. 2007-23 by a 4-1 vote (Commissioner Logan voted to deny the project to protest Condition No. 10). The Conditional Use Permit is to allow for modified yard setbacks in the multi-family component of the Avalon Planned Residential Development which were established per a previously approved Conditional Use Permit (CUP No. 2004-40).

The project also includes one-story buildings consisting of four triplexes and four duplexes which incorporate stucco and rock veneer siding along with window trim accents such as shutters, window ledges and poly-foam stucco treatment to provide architectural relieve along the building walls.

Appeal: On July 19, 2007, staff received the appeal (see Exhibit "A"). The reasons identified in the appeal are as followed:

1. The condition requiring that one common property management company be selected and agreed upon by all owner/owners to provide maintenance and upkeep for all eight properties is not a requirement of the GNP's. This condition is not in the GNP's adopted by the Planning Commission at the direction of the City Council, and
2. The Planning Commission was incorrect in interrupting that this condition was a requirement of the adopted GNP's, and
3. The Planning Commission was not provided correct documentation justifying staff's recommendation, and
4. Staff failed to clarify the circumstances or condition imposed upon this project, and
5. These properties are included in a Homeowners Association (HOA) which provides standards for landscaping and upkeep of properties thereby satisfying this condition.

Summary of Condition No. 10: This condition requires that the "Plan" establish long term maintenance and management for the project. The condition is structured to give the applicant two alternatives for achieving implementation of the "Plan" by the following:

COA No. 10 reads: Before occupancy of the first unit on the multi-family portion of the Avalon subdivision the applicant shall ensure for uniform maintenance and application of the GNP's for the multi-family component of the Avalon subdivision by one of the following:

- a. Inclusion of the "Plan" by amendment in the HOA's bylaws for the Avalon subdivision; or
- b. Recordation with the Tulare County Records Office as a separate instrument establishing and requiring funding and participation by all multi-family property owners for the "Plan" and for ongoing application of the GNP's as specifically contained in Condition No. 11 (GNP's) of this approval."

Either the HOA or the common management entity options listed in Condition No. 10 would obligate the developer initially, and all future property owners subsequently to relinquish some degree of individual control and management flexibility. The trade-off in benefit to the property owners is greater assurance that the other properties that comprise the development project will be maintained and managed to the same standard as their owner property.

The benefit to the City is the reduced likelihood that the City will have to commit scarce resources to Code compliance efforts that are commonly required when a rental property deteriorates due to inadequate property management. The City's experience with the vast majority of deteriorating rental properties of all sizes is that the underlying cause of the code violations attendant with such properties is the result of inadequate or unsupervised management, particularly with properties owned by investors who lack local agents equipped to resolve problems at an early stage.

Application of Property Maintenance Management Condition on Previous Projects: The Model Good Neighbor Policies require that new development in the City's R-M zone enter into an operational management plan in a form approved by the City Planner for the long term maintenance and management of multi-family developments. The plan must include provisions for landscaping, fences, lighting, paved surfaces, general upkeep, etc., and reference to it must be recorded on the property through the County Recorder.

The Zoning Ordinance does not specifically require that there must be a common property management company for each multi-family development. However, as previously discussed, the Zoning Ordinance Section 17.16.190 does give the City the discretion to determine how the GNP's will be implemented. Staff's recommendation to require a common management entity has been consistently applied to projects, and is based on the practical experiences of staff in responding to all types of multi-family developments that have experienced decline as a result of inadequate property management or insufficient defined management responsibilities.

The condition requiring multi-family developments to contract with one common property management company has been included for multi-family developments throughout the City. For example, this condition was recommended for the Centex "Park Place" development located along W. Caldwell Ave., and most recently for Tentative Parcel Map No. 2006-01, located on the southeast corner of E. Cypress and S. Santa Fe. Avenues.

Each of the staff reports that contained the condition for a common property management company were provided to the City Attorney for review. In each case, the City Attorney determined that staff had the discretion to include the condition, or other requirements and limitations consistent with the general goals of the GNP's, so long as the City did not act arbitrarily or in a manner that abused its discretion. The fact that previous request have been similarly conditioned is evidence that the condition was not applied arbitrarily.

The inclusion of the property management condition ensures uniform maintenance and application of the GNP's for each multi-family development or subdivision. Moreover, this condition provides City staff with a single point of contact to enforce these conditions upon all responsible parties if the sites are neglected in a manner that violates the GNP's or the Municipal Code.

This first point and the other points contained in the appeal are addressed as follows:

Good Neighbor Policies (GNP's): The GNP's were derived to address the appearance and maintenance of multi-family residential developments which are an important component of the City's goal to provide a viable range of housing alternatives. To ensure that multiple family units are developed in an equitable and consistent manner, and to provide assurance that such developments are appropriately maintained and managed, City staff recommended that GNP's be adopted for all multiple family development, not just those subject to discretionary review.

Since approximately the year 2000, general practice has been to include specific conditions of approval for discretionary permits to address maintenance and management for multi-family developments. During that time, staff's initial review and comments for multi-family residential projects that did not require discretionary review were provided to applicants on an advisory bases only. However, on June 5, 2006, the City Council (per Resolution No. 2006-63 and Ordinance No. 2006-11) adopted the GNP's as City regulations for all multi-family projects.

1. *The condition requiring that one common property management company be selected and agreed upon by all owner/owners to provide maintenance and upkeep for all eight*

properties is not a requirement of the GNP's. This condition is not in the GNP's adopted by the Planning Commission at the direction of the City Council.

Resolution No. 2006-60 and the authorizing Code Section 17.16.190 provides a degree of discretionary latitude with regards to how the GNP's are to be implemented on a by project basis. Section 17.16.190 specifically states that the "operational management plan...for the long term maintenance and management of the development...shall include but not be limited to" certain specifically enumerated criteria. This is an express grant of discretion to City staff to develop additional criteria not specifically contained in the GNPs in order to forward the purposes and policies of the GNP. The requirement for a common management entity has been applied to four Site Plan Review and three discretionary actions for multiple family properties in the past seven months. The most recent example is Wayne Scotts Tentative Parcel Map No. 2006-01. In that case staff recommended this condition. However, the Planning Commission slightly modified the condition to allow an "opt-out" provision. The approval was appealed to the City Council who specifically included this issue in their deliberations. Ultimately, the management condition was amended to eliminate the "opt-out" provision. Staff cited the Wayne Scott appeal as evidence of the City Council's intent that there should be the requirement for a common management entity to implement the GNP's and to provide property owners, future tenants, and the City greater degree of authority that multi-family properties will continue to be managed in accordance with the GNP's throughout the projects life.

2. The Planning Commission was incorrect in interrupting that this condition was a requirement of the adopted GNP's.

As previously discussed, the GNP's include latitude and discretion in how the GNP's are to be implemented. The City Attorney reviewed this condition and has determined the City has acted within its discretion to include the condition as recommended and approved by the Planning Commission.

3. The Planning Commission was not provided correct documentation justifying staff's recommendation.

Evidence in the record, particularly the Planning Commission's individual comments would concluded the Commission individually and as a body had adequate information from the staff report for the project, prior consideration and votes taken in public hearings on similar projects, and the applicants (appellants) opportunity to present their position and concerns during the public hearing. It should be noted that the applicant (appellant) did not raise this contention after receiving the final staff report. Nor did they request a continuance of the Planning Commission hearing to satisfy their concerns in this regard.

4. Staff failed to clarify the circumstances or condition imposed upon this project.

During the public hearing, staff emphasized that viable implementation provisions are an implicit component of the GNP's. The appellant's statement of fact that there are not exact provisions for implementation does not preclude the City from incorporating them in a project's condition. Section A of the GNPs echos the language in Section 17.16.190, and specifically states that the "Operational Management Plan" for the long term maintenance and management of the project shall include but not be limited to the certain specifically enumerated criteria. Thus, the recommendation to include this condition in the Operational Management Plan to effectuate the goals of the GNP's upon the multi-family component of the Avalon Subdivision as it did was within staff's discretion.

5. These properties are included in a Homeowners Association (HOA) which provides standards for landscaping and upkeep of properties thereby satisfying this condition.

The HOA bylaws as presently adopted address landscape maintenance standards and other property maintenance issues that also coincide with the GNP's. However, the HOA does not address tenant rules of conduct, management availability to tenants and to Police and Code Enforcement Officials. It should be noted that Condition No. 10 was recommended and approved with the two options to provide flexibility to the applicant's

benefit. During the hearing, staff further clarified that the final form of the "Plan" approved by the City Planner could reference GNP provisions already included in the HOA to avoid unnecessary duplication of effects and costs in the "Plan."

Analysis:

During the July 09, 2007, Planning Commission hearing, staff presented the analysis of the project and the recommended conditions as contained in Resolution No. 2007-60. The appellant was in agreement with the conditions except for Condition No. 10; and more specifically the requirement to contract with one property management company.

The appellant stated their opposition to the common property management entity applied. The appellant stated that the HOA, through the use of Covenants, Conditions and Restrictions (CC&R's), has adopted standards regarding maintenance of landscaping and property appearance. This goes with the HOA adequately addressing the requirement, and therefore the property management condition is unnecessary as well as unauthorized.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: The Planning Commission held a public hearing on July 9, 2007 approving Conditional Use Permit No. 2007-23 on a 4-1 vote.

Alternatives:

The City Council may:

1. Confirm the decision of the Planning Commission with modifications to Conditional Use Permit No. 2007-23; or
2. Overturn the decision of the Planning Commission; or
3. Continue the matter to the next City Council meeting if necessary to direct staff to prepare a conforming resolution with findings.

If the City Council does not desire to adopt Resolution No. 2007-67 to deny the appeal and upholding the Planning Commissions approval, staff recommends Alternative 1. This would provide staff with additional guidance as to how the Council would like the staff to exercise its discretion in implementation of the GNP's.

Attachments:

- Resolution Denying Appeal
- Exhibit "A" – Appellant's Appeal of Planning Commission Action
- Exhibit "B" – CC&R excerpt
- Exhibit "C" – Site Plan for CUP No. 2007-23
- Exhibit "D" – Landscape plan for CUP No. 2007-23
- Section 17.16.190 GNP's of the Zoning Ordinance
- Planning Commission staff report dated July 9, 2007
- Unsigned Resolution No. 2007-60 approving CUP No. 2007-23
- Location Sketch
- Aerial Photo
- Zoning Map
- General Plan Map
- Electronic transcript of the 7/09/07 Planning Commission meeting, distributed to the City Manager and City Council under separate cover.

Recommended Motion (and Alternative Motions if expected): I move to deny the appeal and uphold the Planning Commission's approval of Conditional Use Permit No. 2007-23.
Or
I move to refer the matter back to the Planning Commission for their re-consideration.

Environmental Assessment Status

CEQA Review: Certified Negative Declaration No. 2004-52.

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. 2007-67

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
DENYING THE APPEAL AND UPHOLDING THE PLANNING COMMISSION'S CONDITIONS
OF APPROVAL OF CONDITIONAL USE PERMIT NO. 2007-023 FOR PROEPTY LOCATED
ON THE NORTHWEST CORNER OF NORTH DEMAREE STREET AND WEST
RIGGIN AVENUE

WHEREAS, Conditional Use Permit No. 2007-23: is a request by Daley Homes to amend Conditional Use Permit No. 2004-40 to allow modified yard setbacks in the multi-family component of the Avalon Planned Residential Development. The site is located near the intersection of West Riggan Avenue and North Demaree Street (APNs: 077-620-092 through 077-620-099); and

WHEREAS, the Planning Commission of the City of Visalia, after duly published notice did hold a public hearing before said Commission on July 9, 2007; and

WHEREAS, the Planning Commission of the City of Visalia, after conducting a public hearing, approved Conditional Use Permit No. 2007-23; and

WHEREAS, an appeal by the applicant of the Planning Commission's approval of Conditional Use Permit No. 2007-23 pertaining to the removal of Condition No. 10.a. requiring that the owner/owners agree on selecting one common property management company to manage all eight lots was received on July 19, 2007; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on August 6, 2007; and

WHEREAS, the Council of the City finds the approval of Conditional Use Permit No. 2007-23 was made in accordance with Section 17.38 (Conditional Use Permits) and Section 17.04.130 of the Zoning Ordinance of the City of Visalia, based on the evidence contained in the staff report and testimony presented at the public hearing.

NOW, THEREFORE, BE IT RESOLVED, that the Certified Negative Declaration No. 2004-52 was prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Visalia makes the following specific findings and based on the evidence presented:

1. That the proposed project, as conditioned, will not be detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed conditional use permit is consistent with the policies and intent of the General Plan and Zoning Ordinance. Specifically, the project is consistent with the required findings of Zoning Ordinance Section 17.38.110.
 - a. The proposed location of the conditional use permit is in accordance with the objectives of the Zoning Ordinance and the purposes of the zone in which the site is located.
 - b. The proposed location of the conditional use and the conditions under which it would be operated or maintained will not be detrimental to the public health, safety, or welfare, nor materially injurious to properties or improvements in the vicinity.

3. With regards to the appellant's contention regarding staff's application of the GNP's, the City Council finds as follows:
 - a. Resolution No. 2006-60 and the authorizing Code Section 17.16.190 provides a degree of discretionary latitude with regards to how the GNP's are to be implemented on a by project basis.
 - b. The City has acted within its authority to include the condition as recommended and approved by the Planning Commission.
 - c. Section A of the GNPs echoes the language in Section 17.16.190, and specifically states that the "Operational Management Plan" for the long term maintenance and management of the project shall include but not be limited to the certain specifically enumerated criteria. Thus, the recommendation to include this condition in the Operational Management Plan to effectuate the goals of the GNP's upon the multi-family component of the Avalon Subdivision as it did was within staff's discretion.
 - d. The HOA does not address tenant rules of conduct, management availability to tenants and to Police and Code Enforcement Officials and therefore does not satisfy the GNP's. However, with the inclusion of Condition No. 10, two options are provided to allow for flexibility to the applicant's benefit.
4. That an Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and that the previous Certified Negative Declaration No. 2004-52 be adopted for this project.

BE IT FURTHER RESOLVED that the City Council denies the applicant's appeal approves the subdivision on the real property herein above described in accordance with the terms of this resolution under the provisions of Section 17.38 of the Zoning Ordinance of the City of Visalia and subject to the following conditions:

1. That the site be developed in substantial compliance with the comments and conditions of the Site Plan Review Committee as set forth under Site Plan No. 2007-053.
2. That the use be developed in substantial compliance with the site plan shown in Exhibit "A".
3. Provide evidence that the HOA has been formed and is responsible for the maintenance of the private street, gate, parks, and any landscaping specific to the private portion of the subdivision as shown in Exhibit "A."
4. That the multi-family residential units be developed in substantial compliance with the floor plans, elevations as shown in Exhibits "C" and "E."
5. That a landscape and irrigation plan be submitted with the building permit, designed by a professional landscape architect. The landscape and irrigation plan shall depict tree species and ground cover provided within the multi-family development.
6. A nine-foot landscape strip shall installed in front of the proposed trash can fence screen proposed for Lots 183, 185 and 189. This landscape strip shall incorporate turf and plants.
7. A five-foot landscape strip shall be installed between the end of the Fulgham Court and the proposed wood fence located on Lots 187 and 188.
8. That a cross access agreement shall be submitted to the Planning Division for review prior to the issuance of building permits for Lots 186 and 187.
9. That the multi-family lots in the Avalon subdivision be developed with the following setbacks:

Front Yard:	10-feet
Side Yard:	5-feet
Rear Yard:	5-feet

10. Before occupancy of the first unit on the multi-family portion of the Avalon subdivision the applicant shall ensure for uniform maintenance and application of the GNP's for the multi-family component of the of the Avalon subdivision by one of the following:

- a. Inclusion of maintenance and management plan (Plan) by amendment in the Homeowners Association bylaws for the Avalon subdivision; or
- b. Recordation with the Tulare County Recorders Office as a separate instrument establishing and requiring funding and participation by all multi-family property owners for a maintenance and management plan (Plan) and for ongoing application of the GNP's as specifically contained in Condition No. 11 of this approval.

The "Plan" shall establish long term maintenance and management of the project and shall include but not be limited to the following:

- c. A provision requiring that the owner/owner(s) agree on one common property management company to manage all of the multi-family lots;
- d. That the contract with property management company have a requirement that the property manager shall provide, to the City Code Enforcement Officer the name, contact person, address, phone number and after-hours/emergency phone number of the property management company. Any change in contact information shall be updated in writing within 30 days of the change occurring;
- e. The property manager shall be required to provide to all tenants a written copy of the GNP's prior to tenancy and at least once a calendar year during tenancy;
- f. Maintenance of landscaping for the associated properties;
- g. Maintenance of private drives and open space parking;
- h. Maintenance of fences, on-site lighting and other improvements within the multi-family subdivision and that are not along the public street frontages;
- i. Enforcing all provisions covered by covenants, conditions and restrictions that are placed on the property; and
- j. Enforcing all provisions of the Good Neighbor Policies.

11. That the owner/operator(s) of all multiple family residential parcels shall be subject to the following conditions:

A. Maintenance and Operations

1. All development standards, city codes and ordinances shall be continuously met for this apartment/residential complex. Buildings and premises, including paint/siding, roofs, windows, fences, parking lots, and landscaping shall be kept in good repair. Premises shall be kept free of junk, and debris.
2. Provide a regular program for the control of infestation by insects, rodents, and other pests at the initiation of the tenancy and control infestation during the tenancy.
3. A deteriorated condition of an individual apartment unit, even attributable to normal wear and tear, the Owner shall make repairs and arrangements necessary to put and keep the premise in as good condition as it by law or rental agreement should have been at the commencement of tenant occupation.
4. Maintain all electrical, plumbing, heating, and other facilities in good working order.
5. Maintain all dwelling units and other on-site structures and facilities in reasonably weather tight condition and good exterior appearance.
6. Remove graffiti within 24 hours of it having been observed.
7. Recreation facilities shall be for tenant use only. No public events are allowed without obtaining a City Special Events permit prior to the event.
8. Provide 24 hour availability for Visalia Police Department to Maintenance and Management Staff. Maintenance and Management Staff shall be either on-site or

available by telephone or pager at all times, with phone numbers to be provided to the Police Department dispatch center and kept current at all times.

9. At least one Manager of the duplex units or another provided by the property Management Company shall be available at all times to respond to management and maintenance issues raised by any concerned individual.
10. Establish and conduct a regular program of routine maintenance for the multi-family units. Such a program shall include, but not necessarily be limited to: regular inspections of common areas and scheduled re-paintings, re-plantings, and other similar activities that typically require attention at periodic intervals but not necessarily continuously.

B. Landscape Care and Maintenance

1. Automatic irrigation systems shall be maintained.
2. All plant materials (trees, shrubs, and groundcover) shall be maintained so that harm from physical damage or injury arising from vehicle damage, lack of water, chemical damage, insects, and other pests is minimized.
3. It is the responsibility of the property owners to seek professional advice and spray and treat trees, shrubs, and groundcover for diseases which can be successfully controlled if such untreated diseases are capable of destroying an infected tree or other trees within a project.
4. Maintain decorative planting and periodically prune trees so as not to obstruct or diminish lighting level throughout the apartment/residential complex. Landscaping shall not obscure common areas.

C. Parking

1. The parking of recreational vehicles, boats, trucks (one-ton capacity and over), trailers and/or inoperative vehicles in the apartment/residential complex is not allowed.

D. Tenant Agreement (Renters Contract or Lease) – The rules and regulations to be included with the Tenant Agreement, and any subsequent changes, must be submitted to the City for approval, and must include rules and regulations that cover the following:

1. Standards of aesthetics for renters in regard to the use and condition of the areas of the units visible from the outside (patios, entryways).
2. Hours when noise is not acceptable, based upon Community Noise Standards, additional standards may be applied within the residential complex.
3. Rules for use of open areas/recreational areas of the site in regard to drinking of alcoholic beverages, congregating, or public nuisance activities.
4. Prohibition on inoperable vehicles on-site, and boats, trucks (one-ton capacity and over), trailers and recreational vehicles
5. Standards of behavior for tenants that could lead to eviction.
6. The tenant shall be required to read and sign the Tenant Agreement and have a copy provided to them prior to occupancy.

12. Provide street trees per the City's Street Tree Ordinance.

13. That all applicable federal, state and city ordinances and laws be met.

14. That the applicant submit to the City of Visalia a signed receipt and acceptance of conditions from the applicant and property owner, stating that they understand and agree to all the conditions of Conditional Use Permit No. 2007-23.