

Visalia City Council Agenda

For the regular meeting of: Monday, September 17, 2007

Location: City Hall Council Chambers, 707 W. Acequia, Visalia

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

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

WORK SESSION AND ACTION ITEMS (as described)

4:30 p.m.

EMPLOYEE INTRODUCTIONS

Introduction of new Convention Center employees by Wally Roeben, Convention Center Manager; Heriberto Rodriguez – Convention Center Crew Leader; Greg Morentin – Convention Center Crew Leader; David Villalobos – Convention Center Service Worker; Tommy Contreras – Convention Center Service Worker

Public Comment on Work Session and Closed Session Items –

Convene joint meeting with Visalia City Council, Parks and Recreation Commission, Bicycle, Pedestrian & Waterway Trail Committee

4:35 p.m.

1. Presentation by Richard Moss of Provost and Pritchard on Mill Creek Daylighting Study.

Adjourn joint meeting and remain seated as the Visalia City Council

2. 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)

3. Conference with Legal Counsel – Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): four potential cases
4. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Approximately 50 acres located north of Riggin and approximately one quarter mile west of Demaree. APN 077-060-005.
Under Negotiation: Price, terms, conditions of acquisition and/or disposition
Negotiating Parties: Steve Salomon, Dan Dooley, Larry Ritchie, John Vidovich
5. Public Employee Appointment (§GC 54957)
Title of position: Interim Fire Chief
6. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Outlot A of Parcel Map No. 4618 for riparian setback on Packwood Creek at Woodland Street and Outlot C of Parcel Map No. 4843 for riparian setback purposes on Packwood Creek
Under Negotiation: Price, terms, conditions of purchase
Negotiators: Steve Salomon, Don Stone, Paul Shepard, Sheila Plane, DBO Development No. 29 LLC
7. Item removed at the request of staff
8. Conference with Real Property Negotiators (G.C. §54956.8)
Property: 440 N. Giddings
Under Negotiation: Price, terms, conditions of lease
Negotiators: Steve Salomon, Carol Cairns, Tom Seidler

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Ron Story, Parkside Chapel

SPECIAL PRESENTATIONS/RECOGNITION – Issue Proclamation declaring September 21, 2007- International Day of Peace in the City of Visalia

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

9. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
 - a) Authorization to read ordinances by title only.
 - b) Receive Planning Commission Action Agenda for the meeting of September 10, 2007.
 - c) Authorize partial closure of the alley between the 500-600 blocks of S. Bridge Street and S. Santa Fe Street. **Resolution No. 2007-78 required.**
 - d) Authorization to purchase six (6) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$437,791 each for a total of \$2,626,746.
 - e) Award Bid # 07-08-09 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$443,602.
 - f) Item removed at the request of staff
 - g) Request authorization to file a Notice of Completion for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project with the final contract amount of \$286,461.00.
 - h) Authorize the application for a grant from the State of California Recreation Trails Program in the amount of \$190,000 to construct a ten foot wide asphalt path along Modoc Ditch between the St. John's River Trail and Court St. in the northeast part of the City. **Resolution 2007-79 required.**
 - i) Award contracts for the purchase of sixteen (16) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$578,899.20; and appropriate \$36,181.20 from the Vehicle/Equipment Fund to provide funding for one (1) replacement vehicle.
10. **PUBLIC HEARING** - Final 2006-07 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBD & HOME funds). **Resolution 2007-81 required.**
11. **PUBLIC HEARING** *Continued from August 20, 2007*
 - a) Certification of Negative Declaration No. 2007-047 which evaluates environmental impacts associated with Annexation No. 2007-01 (Vargas). The property is located on the west and east sides of Plaza Drive (Road 80) between Riggins Avenue and Road 320 in the County of Tulare. (APN 077-120-008,010, 014). **Resolution 2007-72 required.**
 - b) Initiation of Proceedings for Annexation No. 2007-01 (Vargas): A request by David and Ana Vargas, applicant (MSJ Partners, agents) to annex three parcels and right-of-way

totaling 482.6 acres into the City limits of Visalia and to expand the Local Agency Formation Commission (LAFCO) Sphere of Influence for the City of Visalia to include the annexation site. The property is located on the west and east sides of Plaza Drive (Road 80) between Riggin Avenue and Road 320 in the County of Tulare. (APN: 077-120-008, 010, 014)

Resolution 2007-73 and 2007-80 required.

- c) Authorization for City Manager to sign and enter into a Pre-Annexation Agreement between the City of Visalia and Property Owners associated with Annexation No. 2007-01 (Vargas).

12. PUBLIC HEARING to consider Transportation Impact Fees - *Continued from August 20, 2007*

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Tuesday, September 18, 2007, 6:00 p.m. Joint City Council/Visalia Unified School District – Convention Center, 303 E. Acequia
- Monday, September 24, 2007, 5:00 p.m. Joint Meeting of Visalia City Council/Tulare City Council/ Tulare County Board of Supervisors/ Tulare Irrigation District/ Kaweah Delta Water Conservation District – Visalia Convention Center, 303 E. Acequia
- Monday, October 1, 2007, Work Session 4:00/Regular Session 7:00 – City Council Chambers, 707 W. Acequia
- Monday, October 15, 2007, Work Session 4:00/Regular Session 7:00 – City Council Chambers, 707 W. Acequia

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: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Joint Meeting with City Council, Park and Recreation Commission, and Bicycle, Pedestrian, Waterway Trail Committee for Update on Study to Daylight Mill Creek in the Downtown Area and direction on two preferred alignments for future study.

Deadline for Action: N/A

Submitting Department: Park & Recreation Department

Contact Name and Phone Number: Don Stone, Park & Urban Forestry Manager, 713-4397

Department Recommendation: Presentation by Richard Moss of Provost & Pritchard on investigation of potential alignments for the surfacing of Mill Creek in the Downtown.

Summary: In late 2006 Provost & Pritchard Engineering was retained to assess the feasibility of surfacing Mill Creek as an enhancement to the Downtown. The study's purpose is to determine the potential feasibility of incorporating a water feature, either as a new smaller channel connected to Mill Creek or in exposing portions of Mill Creek that are currently underground.

The initial phase of the study has been completed. It entailed the identification of three potential alignments and the identification of property ownership and major utilities and other significant channel construction conflicts. Today Richard Moss of Provost & Pritchard will be presenting the results of their findings and will be recommending two preferred alignments for further study.

The second part of the project will include a conceptual analysis of the two preferred alignments to include concept drawings by a landscape architect to show the aesthetic benefits of selected sections of each alternative, further analysis of the major obstacles presented in the development of each alignment, and reconnaissance level estimates of construction cost for a typical block. Upon completion of this work a final report will be made to the Council, Park and Recreation Commission, and the Bicycle, Pedestrian, and Waterway Trail Committee.

Background: This study is an outgrowth of the effort to enhance over twenty six miles of rivers, creeks, and irrigation channels that flow through the City. The Waterway and Trail Master Plan

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 VE by DS
(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.

is a planning document for the development of multi-use paths and landscape along various creeks and irrigation channels. During the development of the plan the idea of “daylighting” Mill Creek in the downtown was discussed and areas that could potentially be surfaced were identified.

Mill Creek also became the center piece of the East Downtown Strategic Plan. During public meeting to develop a strategic plan for the downtown area east of Santa Fe Street to Ben Maddox the enhancement of Mill Creek and the development of a greenbelt along the creek and Jennings Ditch received the most public support. A study was done by Provost and Pritchard to determine the feasibility of re-circulating water through Mill Creek and Jennings Ditch. The study concluded that it was feasible to retain water behind a weir and re-circulated it when there was not sufficient water releases from Kaweah Lake to maintain a constant flow.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments: Map

Recommended Motion (and Alternative Motions if expected):

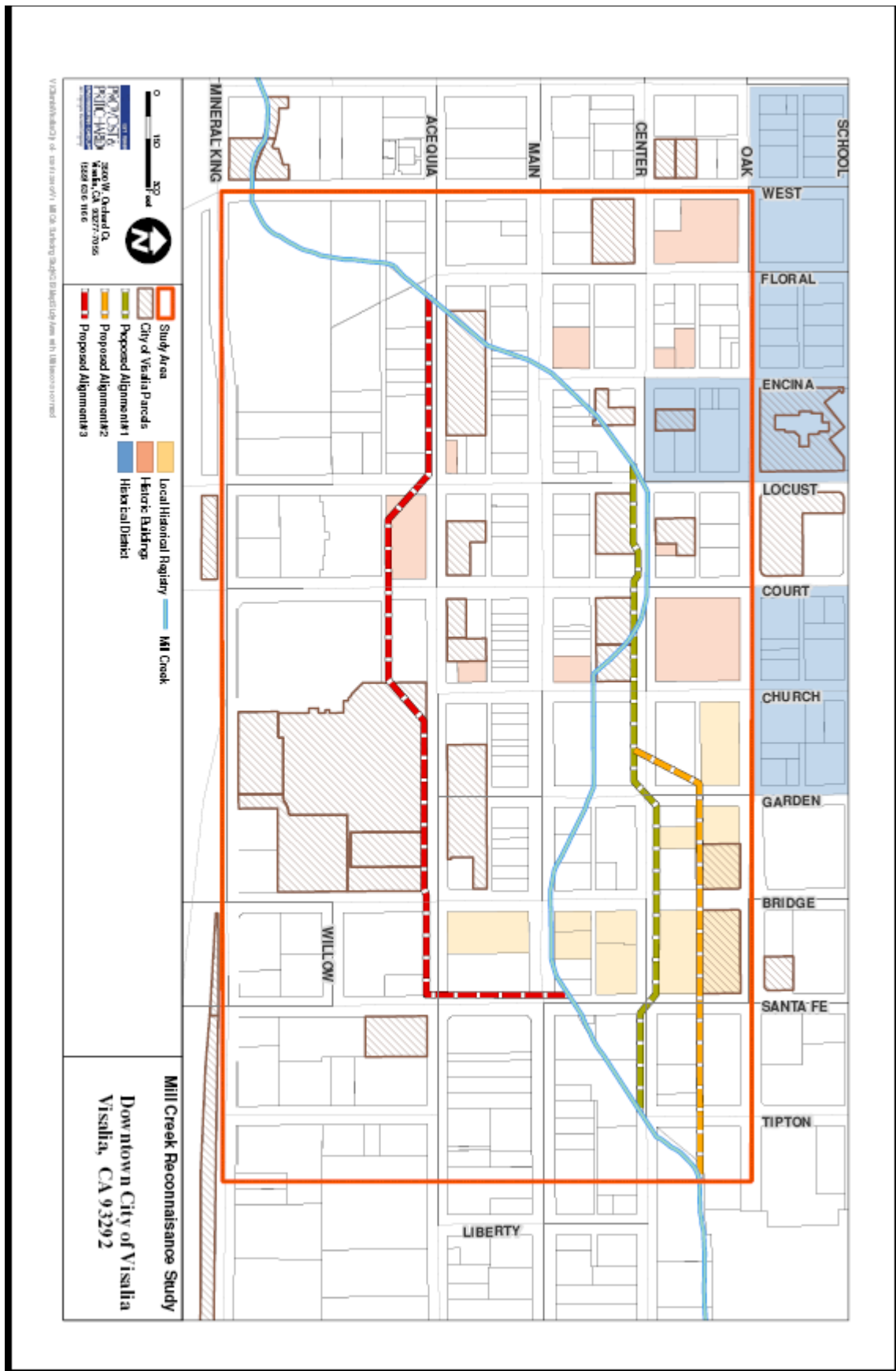
Environmental Assessment Status

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: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 9c

Agenda Item Wording: Partial closure of alley between the 500-600 blocks of S. Bridge Street and S. Santa Fe Street

Deadline for Action:

Submitting Department: Housing and Economic Development

Contact Name and Phone Number: Tim Burns, 713-4172

Department Recommendation: Authorize staff to proceed with the partial fencing of the alley.

Summary/background:

The Neighborhood Preservation Division and the Police Department have been involved in enforcement actions for "Public Nuisance" and substandard housing violations involving the following properties:

- 426 S. Bridge Street, 16 apartments, 210 Police responses
- 515 S. Santa Fe Street 4 apartments, 27 Police responses
- 525 S. Santa Fe Street, 3 apartments, 25 Police responses
- 535 S. Santa Fe Street, 3 apartments, 49 Police responses
- 545 S. Santa Fe Street, 3 apartments, 33 Police responses
- 615 S. Santa Fe Street, 4 apartments, 133 Police responses
- 617 S. Santa Fe Street, 4 apartments, 40 Police responses
- 619 S. Santa Fe Street, 4 apartments, 101 Police responses

In the past two years there have been 618 Visalia Police Department responses to these 8 apartment complexes consisting of 41 apartments

These properties share a common alley between the two streets. The alley is approximately 420 feet in length. The alley provides carport accessibility for apartments located at 426 S. Bridge Street and 515 S. Santa Fe Street. Trash dumpsters are kept in the alley for 615 and 617 S. Santa Fe Street. Due to property set backs the alley terminates at the north property line of 615 S. Santa Fe Street.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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The alley is frequently used as thorough fare for pedestrians. The alley frequently has individuals and groups congregating and loitering about. The alley has had an identified gang presence associated with it and the apartments it provides access to. Fencing has frequently been damaged and vandalized with graffiti. It has been a dumping ground for junk trash and debris.

To mitigate the problems associated with this alley staff is recommending a partial closure of the alley with 6' chain link fencing south of the carports for 515 S. Santa Fe Street. One of the effected trash dumpsters will be relocated back on the actual property where the trash is generated and in the other instance the dumpster will be eliminated and replaced with individual containers.

All property owner's who may be potentially impacted by this action have been contacted by staff and support the action. The property owners of 426 S. Bridge Street and 515 S. Santa Fe Street are supportive as well as members of the Washington Residents for a Better Community.

California Streets and Highways Code Section 1920 provides that the governing body of a city may, by resolution, remove a street from public use, or otherwise close it to vehicular and pedestrian traffic, and thereby set forth the minimum maintenance requirements for the street as the governing body determines are necessary for the public safety.

Staff recommends the installation of 6' chain link fencing, which the City will routinely inspect and maintain, with service gates for emergency services, utility providers, regular maintenance staff and potentially impacted resident access. A combination lock will be used and the combination provided to emergency services, utility providers and maintenance staff. Residents who will be affected by the fencing will be provided with a key to a second lock for access. In addition, as stated above, certain affected property owners will need to relocate their trash and waste receptacles, and placing trash or waste receptacles in the closed portion of the alley shall be prohibited.

In addition, Neighborhood Preservation and Visalia Police Department staff will monitor the fencing of the alley for its' effectiveness. If the partial fencing is effective it will be kept in place as long as necessary and appropriate to increase the public safety in this area.

Staff recommends that monies from the general fund be used to pay for the proposed fencing expenses. During the past 9 months approximately \$ 40,000.00 in code enforcement cost recovery fees, fines and penalties have been recovered. The estimate for the partial fencing of the alley is \$1,725.00.

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives: Take no action.

Attachments:

Resolution

Attachment "A" Picture of alleyway.

Attachment "B" Aerial Parcel Map & Proposed fencing.

Attachment "C" Vicinity Map.

Recommended Motion (and Alternative Motions if expected): Motion to authorize staff to proceed with a resolution authorizing the partial fencing of the alley.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

Resolution No. 2007-78

A RESOLUTION OF THE CITY COUNCIL OF

THE CITY OF VISALIA FOR THE CLOSURE OF A PUBLIC RIGHT-OF-WAY TO VEHICULAR AND PEDESTRIAN TRAFFIC

WHEREAS, the Neighborhood Preservation Division and the Police Department have been involved in numerous enforcement actions for “Public Nuisance” and substandard housing violations in the vicinity of the alley between the 500-600 blocks of S. Bridge Street and S. Santa Fe Street; and

WHEREAS, the alley is frequently used as thorough fare for pedestrian, who often loiter in the area, the fencing in the area is frequently damaged and vandalized with graffiti, and the area is frequently a dumping ground for junk trash and debris; and

WHEREAS, to mitigate the problems associated with this alley staff is recommending a partial closure of the alley with 6’ chain link fencing south of the carports for 515 S. Santa Fe Street; and

WHEREAS, the property owners abutting on the alley support this proposal; and

WHEREAS, California Streets and Highways Code Section 1920 provides that the governing body of a city may, by resolution, remove a street from public use, or otherwise close it to vehicular and pedestrian traffic, and thereby set forth the minimum maintenance requirements for the street as the governing body determines are necessary for the public safety; and

WHEREAS, the City Council agrees that the partial alley closure shall occur under the conditions and minimum maintenance requirements set forth herein.

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

1. Directs City staff to close the public right-of-way known as the alley between the 500-600 blocks of S. Bridge Street and S. Santa Fe Street.
2. This closure shall include the following conditions and maintenance requirements, for the purpose of increasing the public safety in this area:
 - a. The City shall install and maintain 6’ chain link fencing to a point just south of the carports for 515 S. Santa Fe Street and so as to effectuate the closure of the alley between the 500-600 blocks of S. Bridge Street and S. Santa Fe Street to unauthorized vehicular and pedestrian traffic; and
 - b. Fencing shall include service gates for emergency service providers, utility providers, regular maintenance staff, and impacted property owners and their lessees.
 - c. Service gates shall utilize combination locks, with combinations provided to emergency service providers, utility providers and maintenance staff.
 - d. Property owners and their lessees who will be affected by the fencing shall be provided with a key to a second lock for the purpose of gaining access.
 - e. No trash or waste receptacles may be placed inside the fenced right-of-way.
3. The fencing of the alley shall be monitored by Neighborhood Preservation and Visalia Police department staff for its’ effectiveness to deter loitering, property damage due to vandalism, and illegal dumping, and it shall be maintained place as long as it continues to have a positive impact on public safety.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 9d

Agenda Item Wording: Authorization to purchase six (6) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$437,791 each for a total of \$2,626,746.

Deadline for Action: September 17, 2007

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

Authorization to purchase six (6) 35 foot low floor compressed natural gas (CNG) replacement fixed route buses from Orion Bus Industries in the amount of \$437,791 each for a total of \$2,626,746.

Summary

The City is taking advantage of options that the County of Merced has in place with Orion Bus (commonly known as piggybacking). The price is based on a competitive bidding process conducted by the County of Merced. In 2005 the City of Visalia transit staff conducted extensive research into the options available from various bus manufacturers focusing on the City policy to purchase alternative fueled vehicles wherever possible. We also made site visits to other California transit properties to compare the various options. Based on the information we obtained we selected a few bus models that met our needs and then went shopping for available options (piggyback opportunities) focusing on price and delivery time. The one opportunity that met all our needs and was available to be delivered on our schedule was Orion Bus Industries. On December 5, 2005 Council approved the purchase of our first set of seven buses from this arrangement. At that time we also obtained an option for six (6) more to be purchased this year. If Council approves this purchase they will be delivered in about one year.

Discussion:

These purchases are major steps toward making our bus fleet 100% alternative fuel. With this purchase we will have an alternative fuel fleet of thirteen (13) fixed route buses, five (5) Dial-A-Ride buses and three (3) hybrid electric trolleys. This is consistent with current City policy to

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 5907
(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.

utilize alternative fuel wherever possible. Fueling the buses is now performed via our new CNG fueling facility located on Cain Street between the Corporation Yard and the new bus operations facility at a savings of over 30% compared with the cost of diesel fuel. By 2016 we plan on having a bus fleet comprised 100% of alternative fuel vehicles.

Funding for these buses comes from a few sources. Eighty eight percent (88.53%) comes from Congestion Mitigation Air Quality (CMAQ) funds and twelfth percent (11.47%) from the Local Transportation Fund (LTF), which is derived from the ¼ cent county sales tax and can only be used for transportation purposes. The federal funds are composed of specifically allocated as well as congressionally earmarked funds that staff has made use of in order to maximize the use of the LTF funds.

These buses are scheduled to replace six diesel buses that are 14 years old. Current FTA guidelines require us to keep federally funded buses for a minimum of 12 years. Staff is working with TCAG to accelerate our schedule and purchase 4-6 additional CNG buses this year.

Prior Council/Board Actions: Council authorized the purchase of our first seven (7) Orion buses on December 5, 2005.

Committee/Commission Review and Actions:None

Alternatives: None recommended

Attachments: None

Recommended Motion (and Alternative Motions if expected):

I move that the City Council approve the purchase of six (6) 35 foot low floor fixed route compressed natural gas (CNG) replacement buses in the amount of \$437,791 each for a total of \$2,626,746.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

City of Visalia Agenda Item Transmittal

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 9e

Agenda Item Wording: Award Bid #07-08-09 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$443,602.

Deadline for Action: September 17, 2007

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli, 713-4340
Jim Bean, 713-4564

Department Recommendation:

Staff recommends that the City Council award Bid #07-08-09 for the purchase of four refuse truck bodies to Ruckstell California Sales in the amount of \$443,602. Three of the bodies are front-loaders for commercial bin service. The remaining body is a tilt frame roll-off which will be used for 30-yard boxes.

Summary/Background:

On July 16, 2007, Council authorized staff to purchase eight new solid waste trucks. Four of the new trucks were ordered with Heil side-loader bodies. Heil is the only manufacturer that builds a side-loader truck that is designed for the split cans that are used by Visalia. The other four trucks were ordered without bodies (cab and chassis only) so that the City could solicit competitive bids for the bodies. Three of the four trucks that were ordered without bodies are planned to be front-loaders for commercial service. The remaining truck is planned to be a tilt frame roll-off for 30-yard bin service. The City's 07/08 Budget allocates \$2,400,000 to purchase the trucks and install the bodies. The previous award for the four side-loader trucks and the eight cab and chassis' was for \$1,850,000. There is \$550,000 remaining in the budget to purchase and install the additional four bodies.

On July 27, 2007, a Request for Bids was issued to purchase the remaining four bodies that were needed to complete the eight garbage trucks. The City received one bid for the tilt frame roll-off body from Ruckstell California Sales in the amount of \$32,750. The manufacturer of roll-off body in the bid was Edge Truck Bodies. The City received two bids, both from Ruckstell, for the three front-loader bodies. Ruckstell is an authorized dealer for Heil and New Way truck bodies. Ruckstell submitted a bid for \$472,217 for the three Heil front-loader bodies. Ruckstell

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 2

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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also submitted a bid of \$410,852 for three New Way front-loader bodies. Staff is recommending that the City purchase the New Way bodies, because they will cost \$61,365 less than the Heil bodies. Both manufacturers' products meet the required specifications. The total cost for the three front-loaders and one roll-off body is \$443,602. The City of Visalia purchased New Way bodies last year, but they have not been delivered. However, both Tulare and Fresno have been using New Way front-loader bodies and they are satisfied with their performance.

Ruckstell's representative has indicated that it will take approximately 180 days to manufacture and install the truck bodies. Staff estimates that the new trucks will be ready for service in September, 2008.

Grants:

The City of Visalia has been awarded two grants in FY 07/08 to purchase seven compressed natural gas refuse trucks. The San Joaquin Valley Air Pollution Control District has awarded the City a grant for \$270,000. The Tulare County Association of Governments has awarded the City a grant for \$211,000 (Federal Highway Funds).

Department Recommendation:

Authorize staff to purchase three New Way front-loader bodies and one Edge tilt frame roll-off from Ruckskell California Sales in the amount of \$443,602.

Prior Council/Board Actions:

In September 2006, Council awarded three New Way front-loaders bodies and one Edge tilt frame roll- off to Ruckstell California Sales.

Committee/Commission Review and Actions:

Alternatives: Purchase Heil bodies as a sole source.

Attachments: City of Visalia bid document (cover page only).

Recommended Motion (and Alternative Motions if expected):

I move to award the bid to purchase three front-loaders bodies and one tilt frame roll-off to Ruckstell California Sales in the amount of \$443,602.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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



**CITY OF VISALIA
REQUEST FOR BID ("RFB")**

RFB NO. 07-08-09

**PRODUCT: THREE (3) FRONTLOADER BODIES WITH CNG TANKS ON BODY AND
ONE (1) ROLL-OFF TILT FRAME WITH AUTO TARPER**

BIDS ARE DUE NO LATER THAN 1:30PM, ON FRIDAY , AUGUST 24, 2007

The City of Visalia expressly reserves the right to modify, or withdraw from, the process initiated and described herein. No rights shall be vested in any party, individual or entity by virtue of its preparation to participate in, or its participation in, such process. The City expressly reserves the right to modify, for any reason, the schedule and any provision contained herein. The City reserves to itself the selection of winning respondent(s), if any, in the exercise of its sole discretion. No binding commitment shall arise on the part of the City to any respondent under this Request for Bid until and unless the parties sign documents of agreement that become effective in accordance with their terms. Responses to this RFB, however, shall be held firm by Respondent for at least ninety (90) days.

**Advertisement Dates: July 27, 2006
August 1, 2007**

City of Visalia Agenda Item Transmittal

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 9g

Agenda Item Wording: Request authorization to file a Notice of Completion for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project with the final contract amount of \$286,461.00.

Deadline for Action: None

Submitting Department: Public Works Department

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

Department Recommendation: Staff recommends that the City Council authorize filing a Notice of Completion for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project with the final contract amount of \$286,461.00.

Department Discussion:

The Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project upgraded the existing traffic signals at the intersections of Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street. LED signal lights were installed that are brighter and more energy efficient than the ones they replaced. Several poles were added with overhead signal arms for greater visibility. New electric services and battery backup systems were also installed.

The sidewalk and curb and gutter had to be rebuilt on all eight corners with handicap ramps added. The curb radius was also increased at the northeast corner of Bridge and Mineral King with a new storm water catch basin installed.

On February 20, 2007, the City awarded the contract for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project to A-C Electric Company. The amount of the contract was \$286,000.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 3 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

A single change order at a cost of \$461.00 (0.16% of the awarded contract amount) was necessary to complete the project. The change order was reviewed and approved by the Change Order Committee. The change order approved entailed the following work:

Remove Concrete Base Under Corner of Bridge Street and Mineral King Avenue – Remove an unknown existing base found under the sidewalk at the new pole location on N/W corner of Bridge Street and Mineral King Avenue. The pole could not be located elsewhere on that corner to avoid the conflict due to the close proximity to a gas line. Net increase in contract cost = \$461.00.

Miscellaneous Expenses

Extra costs outside the construction contract included: The cost for Southern California Edison to provide a new service to the signal control box on the northeast corner of Mineral King and Bridge Street. The total project budget was \$360,000 including the contract project management, surveying, testing, inspection, and contingencies. The final cost of the project including one change order and extra expenses is approximately \$305,000.00.

Alternatives: None suggested

Attachments: Location Map, Ownership Disclosure Form

Copies of this report have been provided to:

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to file a Notice of Completion for the Mineral King Avenue at Bridge Street and Noble Avenue at Bridge Street Traffic Signal Modification Project with the final contract amount of \$286,461.00.

Financial Impact

Funding Source:

Account Number: \$125,000 from CIP project (3011-0-72-0-9516); \$180,000 from the Gas Tax Fund (1111)

Budget Recap:

Total Estimated cost: \$305,000.00	New Revenue: \$
Amount Budgeted: \$360,000.00	Lost Revenue: \$
New funding required: \$ 0.00	New Personnel: \$
Council Policy Change: Yes ___ No <u>X</u>	

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

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 9h

Agenda Item Wording: Adopt Resolution 07-79 authorizing the application for a grant from the State of California Recreation Trails Program in the amount of \$190,000 to construct a ten foot wide asphalt path along Modoc Ditch between the St. John's River Trail and Court St. in the northeast part of the City.

Deadline for Action: September 17, 2007

Submitting Department: Park and Recreation Department

Contact Name and Phone Number: Paul Shepard 713-4209

Department Recommendation: Authorize the submission of an application for a grant from the State of California Recreation Trails Program in the amount of \$190,000 to construct a ten foot wide asphalt path along Modoc Ditch between the St. John's River Trail and Court St. in the northeast part of the City.

Summary/background: Staff recommends that the Council adopt Resolution 07-__ authorizing the application for a grant from the Recreation Trails Program in the amount of \$190,000 to construct a ten foot wide asphalt path and some landscaping for approximately one half mile along Modoc Ditch between the St. John's River Trail and Court St. The California Parks and Recreation Department administers the grant program and funding is provided through the Transportation Equity Act for the 21st Century. Grant applications are due October 1, 2007 and, if successful, funding would be available after July, 2008.

The City recently completed acquisition of approximately one acre of riparian set back along the Riverbend Village subdivision between the Riverbend Park and the old Santa Fe RR alignment. New homes are now being built adjacent to this section of the proposed trail. Also, the developer of Riverbend Village recently installed a bridge over Modoc Ditch at Bridge St. The proposed project will construct a multi-purpose trail on the north side of Modoc Ditch and install additional landscaping. An asphalt trail already exists between Court St. and Dinuba Blvd. This trail ends just north of intersection of Ferguson Ave and Dinuba Blvd. where the new Food 4 Less shopping center is. The long range goal is to continue the trail on the west side of Dinuba Blvd. along Modoc Ditch.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Staff recommends that funding for the twenty percent match be appropriated from the Waterways Fund (1251) in the 2007-08 CIP budget. Staff will also be contacting potential partners such as the Urban Tree Foundation and others for in-kind contributions.

Prior Council/Board Actions:

Committee/Commission Review and Actions: At the September 4, 2007 meeting, the Bicycle, Pedestrian and Waterway Trails committee moved to support the application for this grant.

Alternatives: No action.

Attachments: Site map.

Recommended Motion (and Alternative Motions if expected): Adopt Resolution 07-79 authorizing the application for a grant from the State of California Recreation Trails Program in the amount of \$190,000 to construct a ten foot wide asphalt path along Modoc Ditch between the St. John's River Trail and Court St.

Environmental Assessment Status

CEQA Review: Yes

NEPA Review:

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

Copies of this report have been provided to:

Resolution No: 2007- 79

RESOLUTION OF THE CITY COUNCIL OF VISALIA APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE RECREATIONAL TRAILS PROGRAM

WHEREAS, the “Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users” provides funds to the State of California for Grants to federal, state, local and non-profit organizations to acquire, develop and/or maintain motorized and non-motorized trail Projects; and

WHEREAS, the State Department of Parks and Recreation has been delegated the responsibility for the administration of the program within the State, setting up necessary procedures governing Project Application under the program; and

WHEREAS, said procedures established by the State Department of Parks and Recreation require the Applicant to certify by resolution the approval of Application(s) before submission of said Application(s) to the State; and

WHEREAS, the Applicant will enter into a Contract with the State of California to complete the Project(s);

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby:

1. Approves the filing of an Application for the Recreational Trails Program; and
2. Certifies that the Project is consistent with the Applicant’s general plan or the equivalent planning document; and
3. Certifies that said Applicant has or will have available prior to commencement of any work on the Project(s) included in this Application, sufficient funds to operate and maintain the Project(s); and
4. Certifies that the Applicant has reviewed, understands, and agrees to the General Provisions contained in the Contract shown in the Procedural Guide; and
5. Appoints the City Manager as agent to conduct all negotiations, execute and submit all documents, including, but not limited to Applications, agreements, amendments, payment requests and so on, which may be necessary for the completion of the Project.
6. Agrees to comply with all applicable federal, state and local laws, ordinances, rules, regulations and guidelines.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy City Clerk

City of Visalia
Agenda Item Transmittal

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 9i

Agenda Item Wording: Award contracts for the purchase of sixteen (16) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$578,899.20; and that the Council appropriate \$36,181.20 from the Vehicle/Equipment Fund to provide funding for one (1) replacement vehicle.

Deadline for Action: None

Submitting Department: Police Department

Contact Name and Phone Number: Police Chief Bob Carden, ext. 4215, Glen Newsom, ext. 4227

Department Recommendation: The Police Department recommends that the City Council award contracts for the purchase of sixteen (16) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$578,899.20; and that the Council appropriate \$36,181.20 from the Vehicle/Equipment Depreciation Fund to the FY 07/08 Budget to provide funding for one (1) replacement vehicle.

Summary/background: The Police Department is purchasing sixteen (16) marked patrol units. Ten (10) of these vehicles are scheduled replacement vehicles; and five (5) are vehicles allocated by the Measure T sales tax initiative. One (1) vehicle is a replacement for a 2007 patrol unit that was a total loss due to a collision. Fifteen (15) of these vehicles Council reviewed as part of the City of Visalia Budget for FY 07/08. One vehicle will require a new appropriation to the budget for FY 07/08.

The Purchasing division sought a quote from the Groppetti Auto Group in Visalia for the purchase of eleven (16) vehicles. The quote from Groppetti came in at \$36,181.20 (including installation of police equipment, sales tax and delivery fee) per vehicle, for a total of \$578,899.20. The Purchasing division also sought a quote from Downtown Ford Sales in Sacramento. Downtown Ford's price for each car is \$37,019.81 (including installation of police equipment, sales tax and delivery fee). The bid from Groppetti Auto Group was \$838.61 less than Downtown Ford Sales per car. Staff recommends awarding a contract for the purchase sixteen (16) vehicles to the Groppetti Automotive Group.

Funding is from the following sources:

- Ten (10) replacement vehicles from the 5012 account.
- Five (5) vehicles from the 1121 (Measure T) account.

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 _____

Finance _____

City Atty _____

City Mgr _____

- One (1) vehicle is a new appropriation from the General Fund. There is no depreciation for the vehicle that was in the collision in the 5012 fund.

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move that Council award contracts for the purchase of sixteen (16) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$578,899.20; and that the Council appropriate \$36,181.20 to the FY 07/08 Budget to provide funding for one (1) replacement vehicle.

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)*

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Review of the final 2006-2007 Program Year Consolidated Annual Performance and Evaluation Report (CAPER) (CDBG & HOME funds). **Resolution No. 2007-81**

Deadline for Action: September 17, 2007

Submitting Department: Housing and Economic Development

Contact Name and Phone Number: Ricardo Noguera X4190;
Rhonda Haynes x4460; Ruth Martinez X4327

Department Recommendation: That the City Council adopt by resolution the Final 2006-2007 Program Year CAPER (Consolidated Annual Performance Evaluation Report).

City Council Work Session comments:

On September 4, 2007, the City Council reviewed the City's Draft Consolidated Annual Performance Evaluation Report (CAPER).

The following are questions asked by Council Members in regard to the process:

1) What is the allocation for Mill Creek Parkway Housing Development?

The total cost was \$12.9 million dollar and the City's share was \$4.5 million which represented approximately 1/3. The source of these funds was Redevelopment Low/Mod. The balance was funded through a bond issued through Tulare County Housing Authority (TCHA) for \$6.3 million and the remaining balance came from the Kaweah Management Company, a subsidiary of TCHA.

2) Has the City investigated the use of Tax Credits?

Yes, the 95-unit Kimball Court Senior Housing Project utilized tax credits and the City is currently working with TCHA on a possible tax credit project at Paradise and Court Streets. The Visalia Senior Housing/Christian Church Homes senior housing development is proposing to utilize tax credits for the 42 unit project on Tulare Avenue near Ben Maddox.

3) What are the limitations in terms of how much the City can carry over each year?

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):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.

CDBG funds do not permit more than 150% of the allocation to be carried over each year. HOME funds do not have a limitation of funding carry over; however, HOME funds must be committed by agreement within 2 years and expended within 5 years.

4) When does the Council have the opportunity to discuss future programs or activities?

Staff will begin assembling the 2008-2009 Action Plan late Fall and will take into account the Council's requests for consideration of the activities suggested by Council members. The Action Plan will be presented in the Spring of 2008.

5) What Agency is administering the Rehabilitation Programs; and

6) How do we ensure that the City does not fall short in the use of housing rehabilitation in the future

In past years, Central Valley Christian Housing Development administered the rehabilitation programs. Recently, there were no responses received for the request for proposals. Therefore, staff is considering the retention of a construction management consultant to assist in the administration of these programs for fiscal year 2007/2008.

7) How are Redevelopment Low/Mod funds being utilized?

The City has allocated \$4.5 million towards the Mill Creek Parkway Housing Development. In the future, staff is exploring an allocation towards a multi-family housing construction and rehabilitation project along Paradise and Court Streets. Redevelopment funds were also used to assist in the construction of the new Oak Meadows senior development downtown on School Street north of the Senior Center.

The following are suggestions made by individual Council's members:

1) Target rehabilitation programs in Oval and Washington School area.

Staff will focus its outreach efforts in these two neighborhoods.

2) The First Time Homebuyers Program and Housing Rehabilitation Programs focus on existing older neighborhoods.

3) Focus on making low-interest rate loans available for rehabilitation in targeted neighborhoods.

The First Time Homebuyers Program maximum allocation per borrower was decreased from \$75,000 to \$60,000 in April 2007. The First Time Homebuyer program allows for both existing and newly constructed properties. Of the 23 participants, one participant purchased a newly constructed home therefore 96% of the properties were existing single family dwellings. Staff continues to evaluate the local housing costs so that the program remains in line with the housing market.

Concurrently, staff increased the allocation per borrower from \$35,000 to \$60,000 for the Housing Rehabilitation Program. The Housing Rehabilitation Program change was a result of independent analysis of the city housing programs. The Emergency Repair and Basic Needs Program remained \$10,000 per borrower. Both programs are provided to existing owner-occupants at a low interest rate loan, set at two-percent (2%). The terms of the loans are 20 and 30 year.

4) Rehabilitation of the Wittman Center

The City will consider funding for this effort as part of the 2008-2009 Action Plan budget.

5) Supporting the Homeless

This document last revised: Last saved by dhuffman

Page 2

File location and name: H:\(1) AGENDAS for Council\2007\091707\Item 10 CAPER.doc

The City will communicate with those organizations providing support to the homeless as part of its evaluation for activities in the 2008-2009 Action Plan budget.

6) Supporting services for gang related activities.

The Housing and Economic Development staff will meet with Police and community based organizations to ascertain what efforts are being made to reduce gang related challenges in the community. This may result in pursuing job readiness, training and placement in various businesses throughout the City.

Final Report Format. The attached Consolidated Annual Performance and Evaluation (CAPER) Report covers the fiscal year ending June 30, 2007.

Prior Council/Board Actions: Adoption of the 2005/10 Consolidated Plan and annual adoption of the respective 2006-2007 Action Plan and amendments for expenditure of Federal Community Development Block Grant and HOME Funds.

Committee/Commission Review and Actions: City Council reviewed the Draft CAPER report September 04, 2007, comments received by Council only, no public comments received during the meeting.

Staff has presented the DRAFT CAPER to the Washington Residents For a Better Community Committee, the Citizens Advisory Commission, Disability Advocacy Committee and North Visalia Neighborhood Advisory Committee.

Alternatives: None recommended.

Attachments: Appendix "A", Distribution of Project Expenditures for 2002-2008 Program Years for CDBG, HOME and Redevelopment Low/Moderate Funds

Appendix "B", 2006 -2007 CAPER expenditures

Appendix "C" 2006-2007 Program Year Consolidated Annual Performance and Evaluation Report (CAPER).

Recommended Motion (and Alternative Motions if expected): Move to adopt Resolution No. 2007- 81 for the 2006-2007 Consolidated Annual Performance and Evaluation Report (CAPER)

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)*

Copies of this report have been provided to:

Table III
DISTRIBUTION OF PROJECT EXPENDITURES
CDBG, HOME, RDA LOW & MODERATE FUNDS
2002/03 - 2007/08

	CDBG	HOME	RDA LOW/MOD	TOTAL	
SOURCES OF REVENUE:					
Annual Grant Amount	7,993,604	3,327,071		11,320,675	
Program Income	2,737,792	6,278,811		9,016,603	
Tax Increment Revenue			7,705,170	7,705,170	
TOTAL REVENUE	10,731,396	9,605,882	7,705,170	20,337,278	
PROJECT EXPENDITURES:					
AFFORDABLE HOUSING:					
<u>Homeownership</u>					
Homeownership (HAP, Rehab)	19,983	4,646,066		4,666,049	
<u>Neighborhood Preservation/Services</u>					
Hotline	656,497	105,635		762,132	
HOMELESSNESS & NON HOMELESS SPECIAL HOUSING NEEDS:					
<u>Special Needs Facilities/Services</u>					
Special Needs Services (Seniors)	902,427			902,427	
Housing for the Disabled / Continuum of Care	115,537			115,537	
Senior Housing Project		1,308,765		1,308,765	
Robinwood Court Apartments		1,299,975		1,299,975	
Encina Development Project		264,322		264,322	
Habitat for Humanity			915,000	915,000	
TCHA assistance- Mill Creek Apartments			4,533,937	4,533,937	
Subtotal Affordable Housing	1,694,444	7,624,763	5,448,937	14,768,144	64%
COMMUNITY DEVELOPMENT:					
<u>Public Improvements</u>					
ADA Compliance	255,442			255,442	
<u>Economic Development/Public Parking Facilities</u>					
East Acequia Parking Structure Loan	2,639,756			2,639,756	
West Acequia Parking Construction	2,855,901			2,855,901	
West Acequia Parking Structure Loan	626,727			626,727	
Job Creation/Retention	324,719			324,719	
Public Park Facilities	88,941			88,941	
Traffic Signal	9,583			9,583	
<u>Public Facilities</u>					
Recreation Park Gym	502,391			502,391	
Community Campus	1,182,456			1,182,456	
Subtotal Community Development	8,485,916	-	-	8,485,916	36%
TOTAL EXPENDITURES	10,180,360	7,624,763	5,448,937	23,254,060	100%

The purpose of this chart is to show the categorical project expenditures as a percentage over the total project expenditures.

The funds also have operating expenditures that are not reflected in this chart. Expenditures shown are for projects only.

Source: 2002/03-2006/07 Consolidated Plan; 2007/08 Approved Action Plan

Appendix "B"

2006/2007 CAPER						
		CDBG	HOME	REDEV L/M	TOTAL	UNITS
SOURCES OF REVENUE:						
1	Carryover Amount	1,212,342	4,210,502		5,422,844	
2	Annual Grant Amount	1,217,012	512,706		1,729,718	
3	HOME matching funds - RDA Low/Mod	-	-		-	
4	Program Income	253,395	434,990		688,385	
5	Interest Earnings/Investment Earnings	59,264	158,366		217,630	
6	TOTAL REVENUE	2,742,013	5,316,564		8,058,577	
7						
EXPENDITURES:						
9	Operating	33,986	58,421		92,407	
10	Redevelopment Allocation	97,120	85,655		182,775	
11	Direct Allocations	646	33,696		34,342	
12	Loan Servicing	2,933	-		2,933	
13	Subtotal Admin and Operating	134,685	177,773		312,458	
14						
15	Net for Programs and Projects	2,607,328	5,138,791		7,746,119	
16						
AFFORDABLE HOUSING:						
<u>Homeownership</u>						
19	Homebuyers Assistance Program	-	1,717,252		1,717,252	23
20	Property Acquisition Housing Projects (CHDO)	-	-		-	
21	Encina Development / Habitat for Humanity	-	223,197		223,197	1
22	Housing Rehabilitation	-	132,245		132,245	4
23	Visalia Senior Housing Project (Christian Church Housing)	-	1,308,765		1,308,765	-
24	TCHA - Robinwood Court	-	1,299,975		1,299,975	10
<u>Neighborhood Preservation/Services</u>						
26	Loan Recapture Program (CHDO)	-	-		-	
27	Code Enforcement- Target Areas	18,771			18,771	124
28	Emergency Repairs and Basic Needs	30,620			30,620	2
29	Fairhousing Hotline	30,150			30,150	199
30						
HOMELESSNESS						
31	<u>Special Needs Facilities</u>					
COMMUNITY DEVELOPMENT						
33	<u>Public Improvements</u>					
34	ADA Compliance Projects	427			427	-
<u>Economic Development Public Parking Facilities</u>						
36	Job Creation/Retention (VF Corporation)	304,049			304,049	-
37	East Acequia Parking Structure Loan Payment	515,704			515,704	1
38	West Acequia Parking Structure Construction	925,564			925,564	1
39	West Acequia Parking Structure Loan Payment	-			-	
<u>Public Park /Public Facilities</u>						
41	Park Improvements	5,512			5,512	-
42	Community Campus	187,077			187,077	1
43						
NON HOMELESS SPECIAL NEEDS HOUSING						
<u>Special Needs Services</u>						
45	Senior Home Minor Repairs	83,774			83,774	713
46	Senior Repair and Handicapped Access	64,375			64,375	13
47						
REDEVELOPMENT PROJECTS:						
48	Habitat for Humanity Land Purchase (Redev funds)			15,029	15,029	1
49	TCHA Assistance- L/M apartments (Redev funds)					
50	Subtotal Programs & Projects	2,166,023	4,681,434		6,847,457	
51						
52	TOTAL EXPENDITURES	2,300,708	4,859,207		7,159,915	
53						
REVENUE LESS EXPENDITURES						
	Remaining to Carry Forward	441,305	457,357		898,662	

RESOLUTION NO. 2007-81

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING THE 2006-2007 PROGRAM YEAR
CONSOLIDATED ANNUAL PERFORMANCE AND EVALUTION REPORT**

WHEREAS, the City of Visalia operated the Community Development Block Grant Program (CDBG), and the Home Investment Partnerships Grant Program (HOME) for the 2006-2007 Program Year; and

WHEREAS, the City is required to submit a Consolidated Annual Performance and Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development (HUD) for the activities and expenditures for the 2006-2007 Program Year; and

WHEREAS, the City must also certify that it is complying with HUD requirements for the use of CDBG and HOME funds; and

WHEREAS, the City has spent \$6.8 million dollars of CDBG and HOME funds during the 2006-2007 Program Year, and more than 72% of its funds were used to assist households with incomes at or below 80% of median income; and

WHEREAS, the City Manager is the certifying official for all HUD reports and transactions.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Visalia that it approves the attached 2006-2007 Program Year Consolidated Annual Performance and Evaluation Report, and authorizes the City Manager to submit the same to HUD on behalf of the City of Visalia.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording:

a) Certification of Negative Declaration No. 2007-47 which evaluates environmental impacts associated with Annexation No. 2007-01 (Vargas). The property is located on the west and east sides of Plaza Drive (Road 80) between Riggins Avenue and Road 320 in the County of Tulare. (APN: 077-120-008, 010, 014). **Resolution No. 2007-72 required.**

b) Initiation of Proceedings for Annexation No. 2007-01 (Vargas): A request by David and Ana Vargas, applicant (MSJ Partners, agents) to annex three parcels and right-of-way totaling 482.6 acres into the City limits of Visalia and to expand the Local Agency Formation Commission (LAFCO) Sphere of Influence for the City of Visalia to include the annexation site. The property is located on the west and east sides of Plaza Drive (Road 80) between Riggins Avenue and Road 320 in the County of Tulare. (APN: 077-120-008, 010, 014) **Resolution No. 2007-73 and 2007-80 required.**

c) Authorization for City Manager to sign and enter into a Pre-Annexation Agreement between the City of Visalia and Property Owners associated with Annexation No. 2007-01 (Vargas) as attached as Exhibit "B", subject approval as to form by the City Attorney and subject clerical and form modifications as approved by the City Manager.

Deadline for Action: None

Submitting Department: Community Development – Planning

Contact Name and Phone Number:

Brandon Smith, AICP Senior Planner 713-4636
Fred Brusuelas, AICP Assistant Community Devt. Director 713-4364

Department Recommendation and Summary:

Staff is recommending that the City Council first adopt Negative Declaration No. 2007-47, then initiate a 482-acre annexation and Sphere of Influence amendment that will bring vacant land designated for Heavy Industrial land uses into the City limits and into the City's Industrial Park (see map attached herein as Exhibit "A"). If approved by Council, the project will move forward

This document last revised 9/14/07 9:44 AM

By author: Brandon Smith

File location and name: H:\(1) AGENDAS for Council\2007\091707\Item 11 Annex 2007-01 Vargas.doc

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.

and will be reviewed by the Tulare County Local Agency Formation Commission (LAFCO) for final approval.

The property owners will be required to enter into a Pre-Annexation Development Agreement which will memorialize conditions related to future development, pre-zoning, Williamson Act, groundwater acquisition, and General Plan Maintenance Fees.

Under the direction given by the Council during the April 16, 2007 work session for the annexation, staff evaluated whether an agricultural mitigation fee could be assessed for land associated with the annexation on a per-acre basis. Based on the Land Use Element Update EIR's policies and mitigation measures, it is staff's conclusion that no nexus can be derived between this individual project and the applicable mitigation measures in the EIR, and therefore a mitigation fee cannot be substantiated in accordance with the California Environmental Quality Act (CEQA).

The applicant has agreed to offer an agriculture conservation endowment of \$2,000 per acre on the southern 160 acres (Stage 1 Area) at the time that LAFCO issues a Certificate of Completion finalizing the annexation. The offer is included in the Terms and Conditions of the Pre-Annexation Agreement. The Williamson Act contract on the southern 160 acres has a valid City protest, meaning that this portion of the contract can be terminated upon annexation if LAFCO agrees the contract was successfully protested.

The applicant acknowledges in the event that the City adopts a comprehensive agricultural conservation development fee at some time in the future, such fee will be applicable to the northern 320 acres (Stage 2 Area).

Description of Site

Annexation No. 2007-01 (Vargas) is a 482-acre annexation of privately-owned property and street right-of-way located on the west and east sides of Plaza Drive (Road 80) between Riggin Avenue and Road 320 in the County of Tulare. The site predominately contains land that is being farmed for row crops. There are two houses, one mobile home, and one ranch office located on approximately three acres on the northeast corner of the site facing Avenue 320. To the north, west, and east is County jurisdiction that is under agricultural-related uses. To the south is City jurisdiction that contains distribution warehouses for the VF Corporation and JoAnn Fabrics.

General Plan Consistency

The entire site is located outside the 98,700 Population Urban Development Boundary and within the current 129,000 Population Urban Development Boundary. The current City limit line is located on the south boundary of the site along Riggin Avenue. The territory proposed for annexation has a General Plan Land Use Designation of Heavy Industrial, and will come into the City limits under the I-H zoning which is the property's adopted pre-zoning in accordance with the General Plan Land Use Map. The designation has been in place since the 1991 General Plan Land Use Element Update (see the General Plan Land Use Map attached herein for all land use designations in the vicinity of the site.)

The property has a Tulare County zoning designation of AE-40 and a Tulare County General Plan Land Use Designation of Heavy Industrial. (A resolution approved by the County in 1992

allowed the County's General Plan designations to be consistent with the City's General Plan designations for properties inside the UDB.) The County zoning of AE-40, which is an agricultural-based zoning, would not allow for the industrial uses that the City's zones permit. However, due to the County's industrial designation for the area, it is possible for the applicant to request a zone change in the County so that zoning is consistent with its General Plan, thereby allowing industrial development that would require utility service agreements by the City.

Heavy Industrial land uses at this site would be consistent with the land use compatibility map of the adopted Visalia Airport Master Plan. Only a portion of the site is located in Compatibility Zone D, which does not place development restrictions for industrial uses that attract people at congregate in a density exceeding 125 persons an acre. The proposed project will not require review by the City or County Airport Commissions.

Williamson Act Contract and Preserve

The project site is under Williamson Act Land Conservation Contract No. 8813 and Agricultural Preserve No. 3051. Under provisions of State Law effective at the time, the City of Visalia protested the formation of this agricultural preserve and LAFCO upheld the City's protest (see Exhibits "C" and "D" attached herein for documents attesting to the protest and LAFCO approval). However, only the southern half of the contract was within one mile of the city limits at the time it was executed in 1974 (see the Protest Verification Map attached herein for the location of the City with respect to the 1974 City limits). Therefore, if LAFCO agrees that the contract was successfully protested, the southern 160 acres of the contract and preserve will dissolve upon annexation and the property owner will not be required to apply for cancellation of this portion of the contract. This portion of the annexation would be the first phase of the applicant's development plan for this property.

The remaining northern 320 acres of the preserve and contract will remain in effect upon annexation and the City will succeed to this contract. The contract must either lapse after a Notice of Non-Renewal has been filed or must be cancelled subject to the provisions of the Williamson Act before the site can be developed for urban uses allowed under the I-H zoning.

As part of the pre-annexation agreement requirement, staff will be requiring that the applicant enter into an indemnification agreement to hold the City harmless against any actions which could be brought regarding the Williamson Act contracts.

Adjacent parcels located to the north, west, and east all contain agricultural preserves and Land conservation contracts entered into between 1968 and 1978. The General Plan designates properties to the north and west for Agriculture land use and property to the east as Heavy industrial Reserve.

Pre-Annexation Development Agreement and Development Plan

The City Council approved the form and content of the Agreement during two workshops held on April 16 and June 25, 2007. The Agreement will include development criteria by which the subject area will be master-planned for future industrial uses. The primary terms of the Agreement as it pertains to site master-planning are as follows:

- The property shall be developed in stages, with Stage 1 Area to be the southernmost 160 acres, and Stage 2 Area to be the northernmost remainder 320 acres.

- The subdivision of property in Stage 1 Area will be allowed immediately upon annexation, provided 75% of the area is devoted to parcels sized 40 acres or larger, and 25% of the area is devoted to parcels 10 acres or larger.
- No subdivision or other development entitlement for the Stage 2 Area will be permitted until a master plan and development agreement establishing minimum parcels sizes is approved and until the developable area of the Stage 1 Area is at least 75% developed.

Following the last Council workshop, staff and the City attorney began corresponding with the applicant and their representing attorney to agree upon the final form and content of the Agreement. The draft Agreement which is attached herein as Exhibit "B" has been accepted by both the City and the applicant. If the City Council approves the annexation, the City and the applicants will both sign the agreement which will then be recorded against the subject property.

Position Statements:

Position statements have been submitted from the Visalia Chamber of Commerce, Home Builders Association of Tulare/Kings Counties, Visalia Economic Development Corporation, and Mangano Homes regarding annexation of land and continued expansion of the Visalia Industrial Park. The first three organizations encourage allowing a variety of lot sizes to accommodate a variety of industrial development interests, and Mangano Homes supports the master-planning approach by which the Vargas family proposes to use on their land.

Sphere of Influence Amendment

An amendment to the Visalia Sphere of Influence is also required from Council in order to bring the entire annexation area into the City limits. At this time, the entire site is located outside of the Sphere of Influence (see General Plan land use map). Approval of the amendment is required from Council and from LAFCO in order for this annexation to be considered and approved by the LAFCO Commission.

City staff anticipates that LAFCO will be recommending approval of the Sphere of Influence Amendment on the findings that the site is entirely within the City's 2020 Urban Growth Boundary, and that a Municipal Service Review for the City of Visalia which included the subject site was approved in 2006 by the LAFCO Commission.

The Amendment proposed with this annexation will only bring the area associated with the annexation into the City's Sphere of Influence. Because of the proposed annexation associated with this site, this portion of the Sphere Amendment is moving ahead of the city-wide comprehensive Sphere Amendment. City staff has begun to meet with County staff to discuss the proposed comprehensive Sphere Amendment and will be filing an application for a comprehensive Sphere Amendment in the forthcoming months.

Environmental Findings

When initiating an annexation, the Council is required to make an environmental finding in accordance with the California Environmental Quality Act (CEQA). Staff is recommending that the Council certify Negative Declaration No. 2007-47, which was prepared for the Annexation and the Sphere of Influence Amendment. The Negative Declaration document is attached herein as Exhibit "E".

Prior Council/Board Actions: On April 16, 2007, the City Council reviewed a request to initiate the 480-acre annexation north of the Industrial Park and authorized the applicant to

proceed with filing an application for Annexation and Sphere of Influence Amendment for processing and public review.

On June 25, 2007, the City Council considered the development criteria to be drafted into the Pre-Annexation Development Agreement for the Vargas Annexation. The form and the content of the Pre-Annexation has been reviewed and accepted by both the City attorney and the applicant's attorney. An unsigned copy of the agreement is attached herein as Exhibit "B".

Committee/Commission Review and Actions: On July 9, 2007, the Planning Commission found that the annexation and the Sphere of Influence Amendment are consistent with the General Plan.

Alternatives: None.

Attachments:

- Ownership Disclosure Forms
- Resolutions
- Exhibit "A" – Location Map of Annexation Site
- Exhibit "B" – Pre-Annexation Agreement Template
- Exhibit "C" – City Council report & Resolution No. 1260 protesting Preserve No. 3051
- Exhibit "D" – LAFCO Resolution No. 74-32 upholding City protest of Preserve No. 3051
- Exhibit "E" – Negative Declaration No. 2007-047
- Exhibit "F" – Position Statements from Visalia Chamber of Commerce, Home Builders Association of Tulare/Kings Counties, Visalia Economic Development Corporation, and Mangano Homes
- **Aerial Photo (Colored map)**
- **General Plan Land Use Map (Colored map)**
- **Protest Verification Map (Colored map)**

Recommended Motion (and Alternative Motions if expected):

I move to

- a) adopt Resolution No. 2007-72 certifying Negative Declaration No. 2007-47,
- b) adopt Resolution Nos. 2007-73 and 2007-80 initiating the annexation and Sphere of Influence Amendment for Annexation No. 2007-01, and
- c) authorize the City Manager to sign and enter into a Pre-Annexation Agreement attached as Exhibit "B" between the City of Visalia and Property Owners, subject approval as to form by the City Attorney and subject clerical and form modifications as approved by the City Manager.

Environmental Assessment Status

CEQA Review: Negative Declaration No. 2007-47 must be certified prior to initiation of the annexation.

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)*

Signed resolution for Annexation to Tulare Co. LAFCO:
Deliver to contact person by Wednesday, September 19

RESOLUTION NO. 2007-72

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2007-047, WHICH EVALUATES
ENVIRONMENTAL IMPACTS FOR ANNEXATION NO. 2007-01 (VARGAS)

WHEREAS, Annexation No. 2007-01 (Vargas) is a request by David and Ana Vargas, applicant (MSJ Partners, agent) to annex 482 acres into the City limits of Visalia and to amend Tulare County's LAFCO Sphere of Influence by 482 acres (hereinafter "Project"). The property is located on the west and east sides of Plaza Drive (Road 80) between Riggan Avenue and Road 320 in the County of Tulare. (APN: 077-120-008, 010, 014); and

WHEREAS, the City Council of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Council on August 20, 2007 for the Project; and

WHEREAS, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this Project, and that no mitigation measures would be required for the Project; and

WHEREAS, on the basis of this Initial Study, a Negative Declaration has been prepared for the Project pursuant to the California Environmental Quality Act of 1970 (CEQA), as amended; and

WHEREAS, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment; and

WHEREAS, any comments received during the advertised comment period were reviewed and considered in accordance with provisions of CEQA; and

WHEREAS, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and found that the Initial Study and Negative Declaration contain and reflect the independent judgment of the City of Visalia; and

NOW, THEREFORE, BE IT RESOLVED that a Negative Declaration was prepared consistent with the California Environmental Quality Act (CEQA) and the City of Visalia Environmental Guidelines.

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2007-047 which evaluates environmental impacts for Annexation No. 2007-01 (Vargas). The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2007- 73

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR ANNEXATION NO. 2007-01 (VARGAS)

WHEREAS, the City Council of the City of Visalia, desires to initiate proceedings for annexation to said city of territory illustrated on the attached location map; and

WHEREAS, the Council of the City of Visalia desires to annex said territory to the City of Visalia for the following reasons: The annexation will contribute to and facilitate orderly growth and development of both the City and the territory proposed to be annexed; will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be annexed; and will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City and said territory; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the territory proposed to be annexed is uninhabited; and

WHEREAS, the Visalia Planning Commission reviewed this proposal on July 9, 2007, and found it to be consistent with the General Plan; and

WHEREAS, the City Council hereby makes the following findings with regard to the project:

1. The annexation is consistent with the policies and intent of the General Plan. Specifically, the site is located inside the City's current Urban Development Boundary.
2. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and Negative Declaration No. 2007-047 was adopted by the Council pursuant to City Resolution No. _____.
3. The site is currently within an agricultural preserve and land conservation contract.
4. There is evidence in the public record to show that a successful protest by the City of Visalia applies to California Land Conservation Act (the "Williamson Act") Contract No. 8813, covering the southern 160 acres of the site and located within Williamson Act Preserve No. 3051.
5. The Council finds that the General Plan Maintenance Fee for this annexation will be \$143,220.00 (465 privately-owned acres @ \$308 per acre), to be paid in accordance with the Preannexation Agreement attached as Exhibit A.

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

1. The potential environmental effects of the proposed annexation have been reviewed and the Environmental Coordinator of the City of Visalia has determined that the proposal falls within the scope of issues and impacts addressed in Negative Declaration No. 2007-047, and that no mitigation measures are required.
2. Application is hereby made to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, as proposed in the Proposal Questionnaire and as illustrated in the location map for "Annexation No. 2007-01 (Vargas)".
3. Proceedings shall be taken for this annexation proposal pursuant to Title 5, Division 3, Part 3 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. The Council hereby requests waiver of the conducting authority proceedings in accordance with Government Code Section 56663(c).
5. The Council hereby exercises its option to uphold the protest associated with Williamson Act Preserve No. 3051 and not succeed to the southern 160 acres associated with Williamson Act Preserve No. 3051 / Contract No. 8813 encumbering the site.
6. Upon annexation, the territory shall be zoned Heavy Industrial (I-H), consistent with the pre-zoning designated by the General Plan Land Use Map, although ongoing agricultural use of the property shall be permitted as a legal non-conforming use, in accordance with the Visalia Municipal Code. To the extent any portion of the site, upon annexation, remains subject to a Williamson Act contract, use of such portion in a manner incompatible with said contract shall be prohibited until such time as said contract expires, terminates, or is cancelled in accordance with the Williamson Act.
7. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.
8. The applicant(s) shall enter into a Pre-Annexation Agreement with the City which memorializes the required fees, policies, and other conditions applicable to the annexation. The Pre-Annexation Agreement is attached herein as Exhibit "B". The agreement is subject approval as to form by the City Attorney and subject clerical and form modifications as approved by the City Manager.

RESOLUTION NO. 2007-80

A RESOLUTION OF APPLICATION BY THE CITY OF
VISALIA REQUESTING THE TULARE COUNTY LOCAL
AGENCY FORMATION COMMISSION TO TAKE PROCEEDINGS
FOR A SPHERE OF INFLUENCE AMENDMENT

WHEREAS, the City Council of the City of Visalia desires to initiate proceedings for a Sphere of Influence Amendment for the City of Visalia to include territory illustrated on the attached map; and

WHEREAS, the Council of the City of Visalia desires to include said territory to the City of Visalia Sphere of Influence for the following reasons:

- The request is consistent with the City's General Plan, Urban Development Boundaries, and land use designations;
- The request will facilitate and contribute to the proper and orderly layout, design and construction of streets, gutters, sanitary and storm sewers and drainage facilities, both within the City and within the territory proposed to be included in the Sphere of Influence;
- The request will provide and facilitate proper overall planning and zoning of lands and subdivision of lands in said City and said territory in a manner most conducive of the welfare of said City; and

WHEREAS, this proposal is made pursuant to the Cortese-Knox-Hertzburg Local Government Reorganization Act of 2000, commencing with Section 56000 of the Government Code of the State of California; and

WHEREAS, the Visalia City Council has reviewed the request for Annexation No. 2007-01 (Vargas) of territory which includes area to be included by the amendment on September 17, 2007, and found it to be consistent with the General Plan; and

WHEREAS, the City Council hereby makes the following findings with regard to the project:

1. The amendment is consistent with the policies and intent of the General Plan.
2. An Initial Study was prepared for this project, consistent with CEQA, which disclosed that environmental impacts of the project are determined to be not significant, as further described in Negative Declaration No. 2007-047, adopted by the Council pursuant to City Resolution No. _____.
3. The site is currently within an agricultural preserve and land conservation contract entered into pursuant to the California Land Conservation Act (the "Williamson Act").
4. There is evidence in the public record to show that a successful protest by the City of Visalia applies to Williamson Act Contract No. 8813, covering the southern 160 acres of the site and located within Williamson Act Preserve No. 3051.

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

1. The potential environmental effects of the proposed project have been reviewed and the Environmental Coordinator of the City of Visalia has determined that the proposal falls within the scope of issues and impacts addressed in Negative Declaration No. 2007-047, and that no mitigation measures are required.
2. Application is hereby made via written request to the Executive Officer of the Local Agency Formation Commission, County of Tulare, State of California, for a City of Visalia Sphere of Influence Amendment to include territory illustrated in the attached map.
3. Proceedings shall be taken for this amendment proposal pursuant to Title 5, Division 3, Part 2, Chapter 4 of the California Government Code and other relevant provisions of the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000.
4. Proceedings shall continue for the Annexation of said territory if the Sphere of Influence Amendment is approved by the Local Agency Formation Commission.
5. The City Clerk of the City of Visalia is authorized and directed to file a certified copy of this resolution with the Executive Officer of Tulare County LAFCO.

City of Visalia Agenda Item Transmittal

Meeting Date: September 17, 2007

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Public Hearing to consider Transportation Impact Fees.

Deadline for Action: Not Applicable.

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli, Public Works Director, 713-4340

Eric Frost, Administrative Services Director, 713-4474

Staff recommends:

Hiring an outside consultant to evaluate the transportation impact fee process and recommend improvements, allocating up to \$50,000 of transportation impact fees to conduct this review

At the same time, staff will complete the fiscal review of the City's transportation impact fees for all development as outlined in the work plan on page 4. The objective is to return to Council with at least an interim report in 60 days.

Discussion

In the early 1990s, Transportation Impact Fees were established to fund the Circulation Element arterial/collector streets. In 2004, the City revised what transportation impact fees would pay for by requiring the fee to pay for all four lanes of a street while in the past, impact fees only paid for the inner two lanes of an arterial or collector street. This strategy change substantially increased the fee because the City's street responsibility was effectively doubled. In September of 2005, the per vehicle trip fees were increased to reflect escalated land values. Today's rate, including cost of living rate increases is \$667 per trip. The Council suspended, however, the fee increase for Commercial/Office and Industrial development.

During the last two years, staff has initiated efforts to equalize the Commercial/Office and Industrial rates to the same level as residential rates. With each attempt, staff has not been able to satisfy the concerns of the development community. Fundamentally, the development community believes the proposed fee is so high as to make Visalia development uncompetitive with surrounding communities. The current subjective nature of reimbursement agreement leaves both the City and the developer dissatisfied. At the same time, staff is concerned that if the implemented fee is less than what is required by the financial plan, the City will be unable to deliver the street system called out by the circulation element.

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.

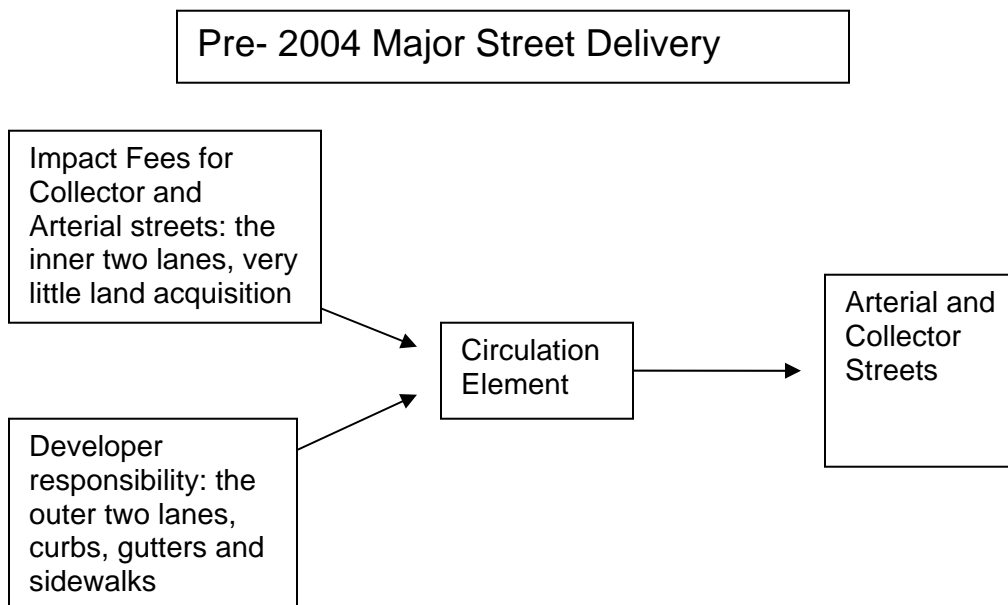
As of August 2007, the per trip impact fee is \$667 for residential development, \$370 for commercial/office development and \$463 for industrial development trips. The difference in the per trip fee has been an accommodation to commercial and industrial development to allow these developments time to prepare for higher fees. The current proposal is to:

- Hire an outside consultant to review the staff's work on transportation impact fees as well as recommending alternatives to the City including potential reversion to the City's prior street delivery system.
- Direct staff to complete the transportation impact fee review plan found on page 4 and review their work with not only the consultant but also interested parties in the community.

Fee Development. Prior to 2004, the City's new road delivery method could be represented as shown in Chart I, Pre-2004 Major Street Delivery Process. This process essentially used two sources to deliver the major roads: impact fees and developer contributions.

The City Council was dissatisfied with the delivery process because developers decided when to build their collector or arterial streets based upon when the developer would develop a parcel along a proposed major street. The delivery process led to having some major roads providing an undulating, illogical street which would alternate between 2 to 4 then back to 2 lanes along a developing major street. The most dramatic example is the development of Caldwell Avenue.

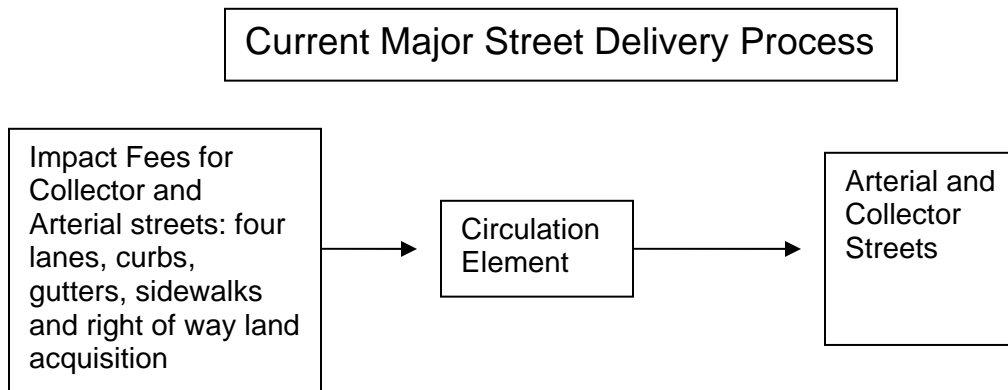
Chart I



As a result, Council charged staff with developing an alternative, all-encompassing fee that would deliver streets, moving to the model shown in Chart II, Current Major Street Delivery Process. The change removed developer responsibility for delivering part of the major street network, but replaced that responsibility with substantially increased fees. From a delivery risk standpoint, the City greatly increased its risk because all of the delivery process is placed on the City and is based upon a fee. In the past, at least half of the resources for major street

deliveries were not fees but developer constructed improvements. This delivery change greatly heightened the need to maintain adequate impact fees.

Chart II



Another important point is that the City did not have to acquire much land in the past. The City's responsibility was to develop the two inner lanes of a 4 lane collector or arterial street. Because the inner street lanes were the existing county road, the City rarely had to purchase land. In contrast, the City now must obtain a substantial amount of land for street right of way.

This process is not used by other governments. Rather, Chart I is the predominant model. As a result, Visalia has taken a non-traditional approach to change the delivery method for roads. An evaluation of this non-traditional approach indicates changes are needed to make sure the model can work.

Some of the major deficiencies of the new system are as follows:

- **Fee Levels.** Keeping impact fees at the proper level is difficult because fees can be set no higher than cost. However, the sometimes lengthy review process may cause fees to be set below cost. Further, the analysis and effort to “true up” or correct fees is time-consuming, leading to delays and depreciating the value of the fee. As a result, fees tend to be less than what the model would require.

In the latest round of fees, most of the fees were set at 2005's expected cost. Some fees, commercial and industrial, were set at about 50% or 70% of the fee. In other words, the Commercial rate is \$370 a trip while the model called for \$667 a trip. Likewise, the Industrial rate is \$463 a trip when the model again calls for a per trip fee of \$667.

- **Cost reimbursement.** Sometimes developers will put in the street improvements instead of the City. When such development is put in place, the developer rightly asks to be reimbursed for their true costs. The costs can vary substantially from development to development based on a variety of factors.
- **Transportation Impact Fee Analysis.** The Transportation Impact Fee rates are determined by dividing the cost of improving the unfunded portion of the circulation element streets by the estimated trips that will be generated in the life of the circulation element, approximately twenty years. The cost of improving the streets includes:

1. Right of way acquisition;
2. Environmental work;
3. Street design; and,
4. Construction cost.

The City and the industrial/commercial development community have not reached an agreement on these fees, fees that should have been implemented in Sept. of 2005. To properly update the Transportation Impact fees, a number of legally required steps must be taken. Further, the City is relying on aging foundational documents. The last circulation update is from 2001 based upon a 1991 General Plan. These documents in time need to be updated. The proposal is to complete the Traffic Impact Fee Review outlined below:

Traffic Impact Fee Review Plan

- 1) *Confirm and conform existing plans, assuring that the City's base information is properly identified. Provide current plan costs if the approved 2001 Circulation Element was implemented as approved. The Council may in the end decide to do something less than what has been approved in the 2001 Circulation Element.*
- 2) *Potential options to the circulation element need to be considered. Some of the potential options are:*
 - a. *Removal of streets and related infrastructure north of St. Johns River*
 - b. *Removal of unincorporated Goshen community improvements*
 - c. *Revised street grid to reflect the Southeast master plan*
 - d. *Revised design standards for streets in the grid pattern based upon current understanding of traffic flows*
 - e. *Removal of low traffic volume streets from the plan*
 - f. *Removal of streets based upon how the other streets have developed in the City of Visalia*
 - g. *Evaluate the affects of increased development densities on the street system*
- 3) *Cost all the options and outline what the potential impact to the fee would be.*
- 4) *Meet with developers to fully understand the development community's concerns about the impact fees.*
- 5) *Concurrently with this process, hire an outside consultant to 1)evaluate and verify the current fee process and 2) develop potential alternatives which might be more advantageous in delivering streets as the City grows, including at least a partial revision to the prior street delivery process.*

This step will be complete as soon as possible in order to gain from the benefit of outside expertise. Other impact fee consultants have cost approximately \$25,000. Because this process will be non-standard, staff expects fees to be substantially higher than past costs and requests a budget of \$50,000.

- 6) *Also concurrently with the above items, have the Engineering Division create a standard reimbursement schedule for developer provided improvements in-lieu of a case by case reimbursement agreement process.*

After completing the work plan, staff will review the findings with various development and community groups as well as having the outside consultant review staff's work. Potentially, a fee change could be recommended. Any fee change, however, will require a public hearing followed by a 60 day implementation period.

Staff recommends that individuals from both the development community and the informed public be included in any review. Specifically, staff recommends the following groups would be approached:

- Home Builders Association
- Commercial Builders
- Industrial Builders
- Visalia Economic Development Corporation
- Chambers of Commerce

Summary

The Transportation Impact Fees are essential to the full implementation of the City's street plan. The current fees are not implemented at the plan model level. At the same time, developers have raised valid concerns which will take time to review and evaluate. As a result, staff recommends that the City:

- Hire a consultant to assist in reviewing and developing alternatives to the current impact fee structure; and,
- City staff complete the Transportation Impact Fee review plan outlined on page 4 of this report.

Prior Council/Board Actions:

Certification of Final Environmental Impact Report (FEIR) for the General Plan Circulation Element Update, Resolution No. 2001-19 – May 2, 2001.

Adoption of General Plan Amendment No. 2002-22 relating to the Circulation Element of the General Plan, Resolution No. 2001-20 – April 2, 2001

Increase in the Traffic Impact Fee as recommended by the Circulation Element Update, Resolution No. 2001-23 – April 2, 2001

Resolution No. 2004-76 – Increase in Transportation Impact Fees – August 2, 2004

Resolution No. 2004-117 – Adoption of 2004/2005 Transportation Impact Fee

Resolution No. 2005- -Suspending the 2004/2005 Transportation Impact Fees and Implementing Modified Fees

Committee/Commission Review and Actions:

Alternatives:

Attachments:

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected):

Appropriate up to \$50,000 for a consultant review of the City's impact fees; and,
Direct staff to perform the tasks outlined in the staff report.

Financial Impact

Funding Source:

Budget Recap:

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

Environmental Assessment Status

CEQA Review: No

NEPA Review: No

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

None