

Visalia City Council Agenda

For the regular meeting of: Monday, October 1, 2007

Location: City Hall Council Chambers

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

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

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session and Closed Session Items -

4:00 p.m.

1. Recognition of Volunteer Efforts with the 1000 Hands Playground Project at Riverway Sports Park. Overview by Vincent A. Elizondo, Director of Parks & Recreation

4:30 p.m.

2. Presentation and authorization of proposed Memorandum of Understanding (MOU) with San Joaquin Valley Clean Energy Organization (SJVCEO) in which the non-profit organization would assist the City in developing clean energy programs.

3. *Item removed at the request of staff*

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

ITEMS OF INTEREST

CLOSED SESSION

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

4. Conference with Legal Counsel - Anticipated Litigation (54956.9 GC) Significant Exposure to Litigation pursuant to subdivision (b): four potential cases

5. Public Employee Appointment (§GC 54957)

Title of position: Interim Fire Chief

6. 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
7. *Item removed at the request of staff*
8. Public Employee Performance Evaluation (§GC 54957)
Title: City Manager
9. Conference with Real Property Negotiators (G.C. §54956.8)
Property: Outlot A 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, DBO Development No. 33

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION - Pastor Robert Benefield, Sequoia Baptist Church

SPECIAL PRESENTATIONS/RECOGNITION

- Issue Proclamation declaring October 15-19, 2007 Medical Assistants Week
- Receive token of appreciation from the Bürgermeister of the City of Reuterstadt-Stavenhagen, Germany, presented by Mike Grassell.

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

10. **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 24, 2007.

- c) Authorize the City Manager to enter into a contract, in an amount not to exceed \$23,500 (including expenses), with Gary Brown and Avery and Associates, for assistance in the recruitment and selection efforts to fill the position of Fire Chief.
 - d) Adopt the National Incident Management Systems (NIMS), for use in the City of Visalia. **Resolution 2007-82 required.**
 - e) Authorization to lien real property located at 3227 E. Houston Avenue for \$17,337.00.
 - f) Appointment of Bill Costley to the Transit Advisory Committee.
 - g) Appointment of Martin Van Enoo to the Environmental Committee.
 - h) Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$100,584 each for a total of \$603,504 and appropriate additional funds of \$273,504.
 - i) Ratify the replacement and acquisition of the Visalia Police Department's Police Activities League (PAL) vehicle and appropriate \$20,000 from the Vehicle Replacement Fund.
 - j) Acceptance of an \$18,811 grant through the State Office of Traffic Safety (OTS) to UC Berkeley Traffic Safety for DUI checkpoint enforcement.
 - k) Acceptance of a \$397,561 AVOID DUI grant from the State Office of Traffic Safety (OTS).
 - l) Authorization to award RFP No. 06-07-34 to Pearpoint, Inc, of Thousand Palms, CA to supply one Closed Circuit Television Sewer Inspection Unit in the amount of \$114,927.
 - m) Authorization to solicit proposals from qualified consulting firms to prepare a nexus study to determine the impacts of agricultural land conversion to urban uses and recommend methods to mitigate said impacts.
 - n) Establish the prima facie speed zone on McAuliff Street between Mill Creek Avenue and Houston Avenue (SR-216) at 45 Miles per Hour and amend the Official Speed Zone List of the City of Visalia. **Resolution No. 2007-86 required.**
 - o) Notice of Completion for Parcel Map 2004-18 located at the southwest corner of Ferguson Avenue and Cain Street.
11. **PUBLIC HEARING** - Introduction of Ordinance No. 2007-16 for First Reading of Change of Zone No. 2007-12: A request by the City of Visalia to amend the Central Business District Parking Zone A boundary to include property located at 101 N.E. Third Street in the P-C-DT (Planned Central Business District Retail) Zone (APNs: 094-033-007, 008, 009, 010).
12. **PUBLIC HEARING** - Authorize the formation of Revised Underground Utility District No. 16 along Dinuba Boulevard between 100 feet north of Houston Avenue and Riggan Avenue and between Shannon Parkway and Riverway Drive. **Resolution 2007-83 required.**
13. **PUBLIC HEARING** - Authorize the formation of Underground Utility District No. 17 - Dinuba Boulevard between Riggan Avenue and Shannon Parkway. **Resolution 2007-84 required.**

14. **PUBLIC HEARING** - Authorizing the formation of Underground Utility District No. 18 along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue. **Resolution 2007-85 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Upcoming Council Meetings

- Monday, October 15, 2007; Work Session 4:00/Regular Session 7:00 – City Council Chambers, 707 W. Acequia
- Monday, October 29, 2007; Work Session 4:00/Regular Session 7:00 – City Council Chambers 707 W. Acequia
- Monday, November 19, 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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Request that Council authorize a Memorandum of Understanding (MOU) with the San Joaquin Valley Clean Energy Organization (SJVCEO) in which the non-profit organization would assist the City in developing clean energy programs.

Deadline for Action: N/A

Submitting Department: Natural Resource Conservation

Contact Name and Phone Number: Shawn Ogletree, 713-4530; Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that Council authorize the MOU with the SJVCEO under which the non-profit organization would assist the City in developing clean energy programs. The SJVCEO, a 23-member group formed to lead clean energy efforts throughout the eight-county region, has approved a Memorandum of Understanding with the City of Visalia to support the Visalia Clean Energy Program. Council approved staff to work with the Organization and the Mayor signed and sent a letter to the California Partnership for the San Joaquin Valley expressing appreciation for the funding of the organization

The MOU with SJVCEO is designed to help Visalia become a more aware and energy efficient community within the San Joaquin Valley. The SJVCEO and its partners will seek to provide leverage and expertise to support and assist the city in identifying practical clean energy technologies, policies, programs and projects. The Organization agreed to pursue a major initiative to work with the City of Visalia and a resolution was passed approving the MOU in principle at its initial meeting in Visalia on Thursday, Sept. 13.

Department Discussion:

The *San Joaquin Valley Clean Energy Organization* is an independent newly-created organization dedicated to significantly increasing clean energy investments throughout the eight county region of the San Joaquin Valley. The SJVCEO has a close working relationship with the California Partnership for the San Joaquin Valley (CA Partnership)-an unprecedented public-private partnership sharply focused on improving the region's economic vitality and quality of life for residents of the San Joaquin Valley. The CA Partnership funded the SJVCEO in an effort to make additional resources to public and private entities that would help the Valley become more aware of clean and efficient energy alternatives that can improve the environment, conserve

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 10__

Review:

Dept. Head:

Finance

City Atty

City Mgr

resources and be cost effective. The SJVCEO serves as the principal vehicle and focal point through which the CA Partnership will carry out its energy recommendations.

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

Staff believes working with the SJVCEO will advance our clean energy efforts more quickly. The proposed MOU with SJVCEO and its partners would pledge a good faith effort to work cooperatively and identify specific commitments the City would be willing to participate in to further clean energy. Under the proposed MOU, SJVCEO and its partners will seek to provide and leverage expertise to support and assist the City in identifying practical clean energy technologies, policies, programs, and projects as related to the objectives jointly established in the MOU. The City would agree, develop and carry out a project plan, will provide the coordination required with project partners, and will allocate necessary staff resources to meet the objectives. The partnership would continue until 12/31/10.

Some of the specific roles and responsibilities as part of a good faith effort by both parties include:

The SJVCEO and its partners will make a good faith effort to:

- Assemble a team of partners with clean energy skills, expertise, and resources of value to the City
- Identify and leverage technical and financial resources from the SJVCEO and its partners
- Help the City develop a work plan and expand activities to surrounding communities over time
- Provide core services to help the City assess its energy use and carbon footprint and identify opportunities to reduce emissions and resource use
- Identify case studies and best practices of cities who have undertaken clean energy programs
- Leverage technical and financial assistance to capture clean energy opportunities
- Assess and capture lessons learned
- Seek financial support as needed to fully implement this clean energy partnership

The City will make a good faith effort to:

- Take all reasonable actions to ensure that the collaboration with local, State, and Federal partners will be guided by the goal of improving the city's quality of life
- Make all reasonable efforts to complete any tasks developed as part of the collaboration
- Facilitate and oversee the development and implementation of the clean energy projects
- Participate in energy audits on City facilities and prepare an action plan for implementation
- Make clean energy a component of the work program for the new Natural Resources Conservation Division and include specific goals and objectives
- Research and apply for grants that would further the identified goals as applicable
- Document efforts and results so that other cities and public agencies can assess
- Work with and encourage other cities and key stakeholders to replicate successful programs

The attached MOU further describes the roles and responsibilities of both the City and the Organization as part of the agreement herein.

Prior Council/Board Actions:

- The Council voted to participate in the U.S. Conference of Mayors Climate Protection Agreement and become a "Cool City"
- The Council authorized the formation of a Natural Resource Conservation Division in the 2007-2008 budget
- Council approved staff to work with the Organization and the Mayor signed and sent a letter to the (Partnership) expressing appreciation for the funding of the organization

Committee/Commission Review and Actions:

Alternatives:

Attachments:

- Copy of the proposed SJVCEO MOU
- Copy of SJVCEO white paper

Recommended Motion (and Alternative Motions if expected):

I move to approve the proposed MOU with San Joaquin Valley Clean Energy Organization under which the non-profit organization would assist the City in developing clean energy programs.

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)

A MEMORANDUM OF UNDERSTANDING To Support the Visalia Clean Energy Program

This MEMORANDUM OF UNDERSTANDING is between the *City of Visalia (City)* and the *San Joaquin Valley Clean Energy Organization (SJVCEO)* a non-profit corporation committed to helping the San Joaquin Valley address its economic, environmental and growth challenges through increased use and reliance on clean energy (that is, energy efficiency and renewable energy resources).

The *City of Visalia* and the *San Joaquin Valley Clean Energy Organization* and its partners agree to enter into a partnership to help the City of Visalia become a leading, model, green community for the San Joaquin Valley. The city would like to undertake a clean energy program (including a broad array of projects and activities) to demonstrate what could be accomplished by a committed San Joaquin Valley community. The City is interested in playing a key role in transferring lessons learned and experiences from their efforts to other communities in the San Joaquin Valley through the SJVCEO.

The *San Joaquin Valley Clean Energy Organization* is an independent newly-created organization dedicated to significantly increasing clean energy investments throughout the eight county region of the San Joaquin Valley. The SJVCEO has a close working relationship with the California Partnership for the San Joaquin Valley (CA Partnership) -an unprecedented public-private partnership sharply focused on improving the region's economic vitality and quality of life for the 3.4 million residents who call the San Joaquin Valley home. The SJVCEO serves as the principal vehicle and focal point through which the CA Partnership will carry out its energy recommendations. The SJVCEO will serve as: 1) a planning resource to help bring together the many independent clean energy activities in the region under a coherent, well-integrated plan; 2) a one-stop shop of information and expertise on current clean energy programs and activities under way, viable funding sources, business drivers, barriers to greater use of clean energy and links to capital markets; 3) an independent source of advocacy, information, and education to remove barriers to greater clean energy use; and 4) a valued source of technical assistance and support to implement clean energy projects. A key attribute of the SJVCEO is its ability to forge partnerships with diverse organizations to leverage and focus resources on community and other clean energy opportunities across the San Joaquin Valley. Several organizations (including Southern California Edison, Southern California Gas, the US Department of Housing and Urban Development, the US Department of Energy, and Strategic Energy Innovations) have agreed to partner with the SJVCEO to support implementation of the Visalia Clean Energy Program. It is expected that additional partners will be added as this activity evolves.

The *City of Visalia and San Joaquin Valley Clean Energy Organization* agree that a clean, efficient, reliable, and affordable energy supply is critical to the prosperity of a community and the region, the well being of its citizens, and the integrity of its environment.

The *City of Visalia and San Joaquin Valley Clean Energy Organization* recognize that the City offers a willing environment in which to demonstrate how clean energy technologies, policies, practices, and resources can be integrated into local solutions that address current and future energy and environmental challenges. A review of the City's energy and environmental policies, programs, and procedures can provide the *San Joaquin Valley Clean Energy Organization* and its partners an understanding of ways to develop and strengthen clean energy efforts in communities across the San Joaquin Valley.

Current areas of mutual interest are identified in Attachment A. The respective roles of the *City of Visalia*, and the *San Joaquin Valley Clean Energy Organization* and its partners are described in Attachment B. A Work Plan is being developed by the Parties to describe in detail the work to be performed.

To achieve these ends:

- 1) *The San Joaquin Valley Clean Energy Organization* and its partners will seek to provide and leverage expertise to support and assist the City in identifying practical clean energy technologies, policies, programs, and projects as related to the objectives jointly established herein.
- 2) The *City of Visalia* agrees develop and carry out a project plan, will provide the coordination required with project partners, and will allocate necessary staff resources to meet the objectives.
- 3) Nothing contained in this MEMORANDUM OF UNDERSTANDING shall grant to any party the right to make commitments of any kind for or on behalf of any other party without prior written consent of that Party.
- 4) As currently structured the MEMORANDUM OF UNDERSTANDING will begin upon signature of the partners and continue until 12/31/10 unless otherwise agreed to by the partners.

For purposes of this MEMORANDUM OF UNDERSTANDING, the respective points of contact shall be:

For the City of Visalia

*For the San Joaquin Valley Clean
Energy Organization*

Steve Salomon, City Manager
Visalia, California

Paul Johnson
Fresno, CA

IN WITNESS WHEREOF, The Parties hereto have caused this MEMORANDUM OF UNDERSTANDING to be executed as of the effective date last written below.

City of Visalia

By: _____

Date: _____

San Joaquin Valley Clean Energy Organization

By: _____

Date: _____

ATTACHMENT A Partnership Activities

Approach

The City is interested in undertaking this clean energy initiative using a two track approach with both tracks undertaken simultaneously these tracks would be to:

- Develop a comprehensive clean energy/greenhouse gas (GHG) reduction plan and identify baseline emissions and energy use; including,
 - The sources of the City's (municipal) major greenhouse gas emissions;
 - Consideration of a baseline consistent with the requirements of the California Registry; and
 - A Climate Energy Action Plan through which the City can reduce its emissions and lower energy and other resource costs; and,
- Implement clean energy measures and projects starting with programs that can readily demonstrate the benefits of such actions, and could be readily duplicated in other cities. The following have been identified as priority areas of focus:
 - Energy audits and retrofits at municipal facilities;
 - Evaluation of solar options at city facilities;
 - Evaluation of energy efficiency measures that could be implemented in affordable housing in the city;
 - Increase the number of alternative energy vehicles in the City fleet; and,
 - Evaluation of energy efficiency and renewable energy measures that could be implemented in existing or new developments in the City.

Core Services

These include but are not limited to:

- *Program Development.* An Account Representative from the SJVCEO will facilitate the development of the partnership to support this initiative, seek technical and financial resources to carry it out, and help focus SJVCEO/partner resources on City needs and opportunities;
- *Planning and assessment.* Support will be provided to help the City identify baseline emissions and energy use and a plan to reduce resource use and emissions
- *Project Implementation.* Technical assistance will be provided and leveraged to support clean energy project development. This could include peer exchanges within the community and with other communities in the Valley to strengthen and resolve issues related to programs. Financial assistance and incentives for clean energy will be packaged and delivered from the SJVCEO and its partners to fund energy project development.
- *Marketing and outreach.* The parties will convene regular meetings of the Project Team, capture results, and publicize successes to communities across the region, the CA Partnership, and others.

ATTACHMENT B

ROLES AND RESPONSIBILITIES

City of Visalia

The City will make a good faith effort to:

- Take all reasonable actions to ensure that the collaboration with local, State, and Federal partners will be guided by the goal of improving the city's quality of life;
- Make all reasonable efforts to complete any tasks developed as part of the collaboration within the time frame established for this agreement;
- Facilitate and oversee the development and implementation of the clean energy projects, according to a schedule mutually agreed upon by the Parties. However, ultimate responsibility for successful implementation of this collaborative project is dependent upon the capabilities and commitments of all participants, as well as the availability of financial resources;
- Participate in energy audits on City facilities and prepare an action plan for implementing the feasible recommendations from the audits;
- Make clean energy a component of the work program for the new Natural Resources Conservation Division and include specific goals and objectives that are related to clean energy and working with the SJVCEO;
- Research and apply for grants that would further the identified goals as applicable
- Document efforts and results so that other cities and public agencies can assess programs and have available information to replicate the programs; and,
- Work with and encourage other cities and key stakeholders to replicate successful programs developed through the SJVCEO.

San Joaquin Valley Clean Energy Organization and its Partners

The SJVCEO and its partners will make a good faith effort to:

- Assemble a team of partners with clean energy skills, expertise, and resources of value to the City;
- Identify and leverage technical and financial resources from the SJVCEO and its partners to help the City carry out this initiative;
- Help the City develop a work plan for scheduling and ramping up project activities and expanding activities to surrounding communities over time;
- Provide core services to help the City assess its energy use and carbon footprint and identify opportunities to reduce emissions and resource use;
- Identify case studies and best practices of cities who have undertaken clean energy programs similar to those that the Visalia is considering, and share this information with the City on an ongoing basis;
- Leverage technical and financial assistance to capture clean energy opportunities in Visalia;
- Assess and capture lessons learned from this initiative and market program successes to communities and key stakeholders throughout the San Joaquin Valley; and,
- Seek financial support as needed to fully implement this clean energy partnership.

The San Joaquin Valley Clean Energy Organization

On September 13, 2007 the San Joaquin Valley Clean Energy Organization (SJVCEO) held its first meeting with its Board of Directors and formally began operation. The SJVCEO will help the Valley address its economic, environmental and growth challenges through increased use and reliance on clean energy (that is, energy efficiency and renewable energy sources). The organization is being established as an independent 501C (3) organization with a strong, close working relationship with the CA Partnership for the San Joaquin Valley (CA Partnership) – an unprecedented public-private partnership focused on improving the region's economic vitality and quality of life for the 3.4 million residents who call the San Joaquin Valley home. Strategic Energy Innovations, with advice and guidance from a diverse 15-member Steering Committee, and financial support from three local organizations, recommended a design and structure SJVCEO. The CA Partnership accepted these design recommendations and approved the by-laws, articles of incorporation, and technically and geographically diverse Board of Directors for the organization.

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

The SJVCEO fulfills a need identified by regional stakeholders. The Strategic Action Proposal (SAP) from the California Partnership contains recommendations from three separate work groups – Air Quality, Economic Development, and Energy – to create an independent SJVCEO. To date, almost 50 organizations have agreed to partner with the SJVCEO. We are still seeking other partners to strengthen the organization. The SJVCEO will serve as:

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

The mission of the organization will be to build upon existing efforts and serve as a trusted resource on clean energy for San Joaquin Valley businesses, consumers, nonprofits and local governments. The SJVCEO will accomplish this by providing:

- A planning resource to help bring together the many independent clean energy Activities in the region under a coherent, well-integrated plan;
- A one-stop shop of information and expertise on current clean energy programs and activities under way, viable funding sources, business drivers, barriers to greater use of clean energy and links to capital markets;

- An independent source of advocacy and education to remove barriers to greater clean energy use ; and
- A valued source of technical support to implement clean energy projects.

The SJVCEO will undertake a number of start-up activities as it begins operation. These include:

- Establishing the SJVCEO as a collaborative and coordinating office by forging partnerships;
- Laying the groundwork to develop a regional energy plan;
- Developing an information clearinghouse on clean energy best practices;
- Building clean energy capacity within the Valley's communities, beginning with Visalia. The partnership that the SJVCEO has established with Visalia to increase its clean energy investments will be a model for engaging communities across the region.
- Growing the level of clean energy activity in the Valley's agricultural sector. The SJVCEO will partner with the national 25 by '25 Initiative - committed to a goal of producing 25% of the energy used in this country from renewable sources by 2025 - and seek to demonstrate what is feasible in the Valley. The SJVCEO will also host an ag sector clean energy conference.

For More Information Contact: Paul Johnson, Interim Executive Director, San Joaquin Valley Clean Energy Organization at 206-819-6664 or pkjohnson49@comcast.net

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10c

Agenda Item Wording: Authorize the City Manager to enter into a contract, in an amount not to exceed \$23,500 (including expenses), with Gary Brown and Avery and Associates, for assistance in the recruitment and selection efforts to fill the position of Fire Chief.

Deadline for Action: October 1, 2007

Submitting Department: Human Resources

Contact Name and Phone Number:
Janice Avila, Human Resources Manager, x4417

Department Recommendation:

That Council authorize the City Manager to enter into a contract with Gary Brown and Avery and Associates to assist the Human Resources Division in the recruitment and selection efforts to fill the position of Fire Chief, in an amount not to exceed \$23,500 (\$16,000 for the recruitment and up to \$7,500 for expenses).

Summary/background:

Finding the right Fire Chief is critical to this organization and community. Although Human Resources staff is well qualified and capable of conducting this recruitment in-house, we have the unique opportunity to once again work with Gary Brown and Avery and Associates on this recruitment in a shared capacity.

Approximately two years ago, Gary assisted the City in the recruitment and selection process for the position of Police Chief. Gary's experience in recruiting executive level candidates, extensive contacts with Public sector professionals with Public Safety backgrounds, brought a number of well-qualified candidates for this position. All of these factors ultimately led to the successful hiring of Bob Carden as our Police Chief.

The Human Resources Manager will work closely with Gary in this recruitment effort and will share in the work required to ensure a successful recruitment and selection process for Visalia's Fire Chief. The services that Gary will primarily focus on will be the outreach efforts in identifying, contacting and screening qualified candidates for the position, reviewing resumes

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

and qualifications and recommending candidates to the City for consideration. The Human Resources Manager will assist with brochure development, advertising, designing the interview process and coordinating the selection and hiring process.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

- Attachments:**
- 1 - Recruitment Proposal; and
 - 2 - Agreement Between the City of Visalia and William Avery and Associates

Recommended Motion (and Alternative Motions if expected):

<i>Environmental Assessment Status</i>
CEQA Review:
NEPA Review:

Tracking Information: <i>(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)</i>

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10e

Agenda Item Wording: Consent to lien real property at 3227 E. Houston Avenue for \$17,337.00.

Deadline for Action: None

Submitting Department: Housing and Economic Development Department

Contact Name and Phone Number: Tim Burns 713-4172

Department Recommendation: Approval of request to lien property at 3227 E. Houston Avenue Visalia

Summary/background:

On July 4, 2007 at 5:40 am the Visalia Fire Department responded to a structure fire at a single family residence located at 3227 E. Houston Avenue.

The residence was located east of Lovers Lane on the south side of the E. Houston Avenue directly across the street from the Adult Education School (see attached map for location).

As a result of the fire, Chief Building Official, Dennis Lehman determined that the residence sustained extensive damage and was a complete loss which required securing and eventual demolition.

Once the structure was determined to be dangerous and substandard the title to the property was clouded with the County Recorder's Office.

As a result of the property owner's failure to secure the property following the fire the property owners, Jerry and Geri Mitchell were sent a 7 Day Formal Notice and Order To Abate Municipal Code Violation on July 13, 2007 directing them to secure the property. **Unsecured, the property was an "Attractive Nuisance" which constituted an immediate hazard and danger to the citizens of the City of Visalia.**

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.

The property owners responded to the notice and advised that the property was uninsured and they did not have the necessary financial resources to secure or demolish the residence as required.

On July 19, 2007, the property owners consented to the temporary fencing of the property by the City.

On July 20, 2007, the property owners, Jerry and Geri Mitchell, met with Chief Building Official Dennis Lehman and Neighborhood Preservation Manager Tim Burns and entered into a contractual "Agreement To Abate, Consent For Abatement And/Or Demolition" of their residence and abatement of their parcel.

The Mitchell's indicated that they did not have the required resources for abatement and agreed to allow the City to place a lien on the property for City costs incurred for the demolition of the residence and unattached garage and for the clearing of the parcel. Once completed the property owners indicated that they intended to sell the parcel. The property does not have any outstanding debt.

Although this abatement occurred at the property owners' request and with the property owners' consent pursuant to Visalia Municipal Code Section 1.13.060 F 5 it is necessary for the City Council to review and authorize a special assessment or lien of the property.

The lien amount of \$17,337.00 was established based on the following incurred costs associated with the abatement of the property:

- **Demolition, \$14,405.00**
- **Temporary fencing, \$564.26**
- **Staff time, \$790.70**
- **Real Quest Property Owner Information, \$.95**
- **10% Administrative fee, \$1,576.09**

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives: Leave the title of the property clouded but do not place a lien on the property.

Attachments:

1. Resolution
2. Agreement to Abate notarized contract
3. Two Photographs of fire damaged residence
4. Vicinity map of the location for residence
5. Two aerial maps of the location of the residence

Recommended Motion (and Alternative Motions if expected): Staff proceeds with placing a lien on the real property at 3227 E Houston Avenue in Visalia for the abatement of the property.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10f

Agenda Item Wording: Appointment of Bill Costley to the Transit Advisory Committee.

Deadline for Action: October 1, 2007

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

It is recommended that Bill Costley be appointed to the Transit Advisory Committee for a three year term.

Summary/Background

The Transit Advisory Committee currently has 1 vacancy. Applicants were recruited from various organizations in addition to the general public. An interview process was held by the Transit Advisory Committee on August 1 to review the applications that were received. During this process, the committee felt Bill Costley had the skills, experience and interest that the committee requires. Bill has 29 years of experience in the transit field and will share that practical expertise with the committee. The committee recommend Bill Costley be appointed. The Citizens Advisory Committee (CAC) reviewed and approved this recommendation on September 5. The recommendation is now being forwarded to the City Council for approval and appointment.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: A new recruitment be undertaken.

Attachments: Application for Bill Costley.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I move to appoint Bill Costley to the Transit Advisory Committee.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10g

Agenda Item Wording: Appointment of Martin Van Enoo to the Environmental Committee.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Shawn Ogletree, 713-4530; Leslie Caviglia, 713-4317

Department Recommendation

It is recommended that the Visalia City Council appoint Martin Van Enoo to the Environmental Committee.

Department Discussion

The Environmental Committee and the Citizens Advisory Committee has reviewed the application and recommends that the Martin Van Enoo be appointed to fill one of two vacant positions on the Environmental Committee.

Martin Van Enoo has a B. S. in International Business with 15 years experience of working and living in Belgium, France, Germany and the Netherlands selling energy efficient modular buildings. Currently he is selling solar photovoltaic systems. Martin has attended several meetings, and has actively participated in the discussions. If appointed, he will fill a vacant position with a term expiring on June 30, 2009, and be eligible for an appointment one additional full term.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

May 2007 – Environmental Committee recommended to the CAC that Martin Van Enoo be appointed to the available position.

September 2007 – The CAC recommended that Martin Van Enoo be appointed to the available position.

Alternatives:

To not make these appointments.
To direct staff to continue the recruitment.

Attachments:

This document last revised: 9/28/2007 1:08:28 PM
By author: Shawn Ogletree
File location and name: H:\(1) AGENDAS for Council\2007\100107\Item 10g Environmental Committee.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.): _____

Review:

Dept. Head : LBC

Finance

City Atty

City Mgr

Application for the nominee

Recommended Motion (and Alternative Motions if expected):

I move to appoint Martin Van Enoo to the Environmental Committee to serve the recommended terms.

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)*

Martin Van Enoo term expires June 30, 2009; Appointments/reappointments need to be considered at these times.

City of Visalia Agenda Item Transmittal

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10h

Agenda Item Wording: Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$100,584 each for a total of \$603,504 and appropriate additional funds of \$273,504.

Deadline for Action: October 1, 2007

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

Authorization to purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$100,584 each for a total of \$603,504, and appropriate additional funds of \$273,504.

Summary

The City is taking advantage of options that the State of California Cal Trans Procurement Division has in place with Bus West (commonly known as piggybacking). The price is based on a competitive bidding process conducted by the CALTRANS. 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. Of the available vendor options through the State bid, Bus West could best meet the vehicle specifications and the delivery timelines.

Discussion

The City has purchased buses off the State bid in the past, including natural gas buses. When originally budgeted, natural gasoline buses of this size were available, but they are now not available in the industry. Currently, the only option to purchase a small dedicated natural gas bus is to purchase a gasoline bus and have it converted to natural gas. Bus West is a dealer equipped to assist the City with this; however, it is more expensive than when the budget was first set. The premium for a natural gas bus over a diesel or gasoline bus is now about \$35,000. This is still the best option for the City because the use of natural gas saves over \$5000 per year in fuel consumption and engine replacements. These buses are scheduled to replace 5 gasoline buses that are 12 years old. Current FTA guidelines require the City to keep federally

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 92707
(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.

funded small buses for a minimum of 7 years. These buses will be used for a minimum of 7 years, and most probably, for up to 3-5 additional years.

The 2007-2008 transit operating budget is approximately \$5 million. Transit funding comes from two major sources, the Federal Transit Administration which will provide approximately \$2.5 million for capital and operating, and the Local Transportation Funding (LTF) which is derived from the ¼ cent county sales tax and can be used at the Council's discretion to support transportation in the City. LTF will provide approximately \$3.5 million for transportation related purposes including operations, and capital, and specifically can be used when grants require a match. In addition, there are several smaller sources of Transit funding such as the State Transit funding (varies, but approximately \$150,000 annually), advertising revenues (\$175,000 last year), Measure R (\$685,000), etc.

In addition, Staff regularly applies for and receives grant funding for specific purposes, like clean fuel vehicles. Congestion Mitigation Air Quality (CMAQ) grant funds totaling 425,000 have been awarded for this project. The match, plus the additional cost of the CNG conversion, \$178,504 is proposed to be funded through the LTF. Adequate funds are available from this source.

Originally, \$330,000 was appropriated for this purchase. As explained above, costs have risen. Staff has secured additional CMAQ funding to cover part of the cost, and is recommending that the available LTF funds be used to cover the total purchase. Council will need to appropriate the additional \$273,504 needed to complete the purchase.

This purchase is another major step toward making the City bus fleet 100% alternative fuel. With this purchase, the City will have an alternative fuel fleet of thirteen (13) fixed route buses, eleven (11) Dial-A-Ride buses and three (3) hybrid electric trolleys or a total of 27 out of 42 transit vehicles. This is consistent with current City policy to utilize alternative fuel wherever possible. Fueling the buses is now performed via the 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 or gasoline fuel. By 2016, the goal is to have the bus fleet comprised 100% of alternative fuel vehicles, although staff will look for opportunities to accelerate this effort wherever possible.

Prior Council/Board Actions: None

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 purchase six (6) compressed natural gas (CNG) replacement Dial-A-Ride buses from Bus West in the amount of \$100,584 each for a total of \$603,504 and appropriate additional funds of \$273,504.

Financial Impact

Funding Source:

Account Number: 4511-00000-720000-0-9223

Budget Recap:

Total Estimated cost: \$ 603,504	New Revenue: \$ 0
Amount Budgeted: \$ 603,504	*Lost Revenue: \$
New funding required: \$ 0	New Personnel: \$
Council Policy Change: Yes_____ No <u>X</u>	

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10i

Agenda Item Wording:

Ratify the replacement and acquisition of the Visalia Police Department, Police Activities League (PAL) vehicle and appropriate \$20,000 from the Vehicle Replacement Fund.

Deadline for Action: N/A

Submitting Department: Police

Contact Name and Phone Number:

Asst. Chief of Police Dennis Swiney, 713-4214
Capt. Rick Haskill, 713-4205
Lt. Perry Phipps, 713-4103

Department Recommendation:

The Police Department recommends that the City Council ratify and appropriate funds from the Vehicle Replacement Fund for the purchase of a 2007 GMC Yukon SUV Vin #1GKFK13087J105724 in the amount of \$20,000 The Groppetti Automotive Group donated the remainder of the funds in the amount of \$17,533.16.

Summary/Background:

On 7/16/2007 at 2322 hours, the Visalia Police Department's Police Activities League (PAL) vehicle was parked in the drive-way at the officer's residence when it was purposely set on fire by unknown suspect(s). The City of Visalia vehicle, a 2001 Chevy Suburban CA. exempt License #1140309, was determined to be a complete loss due to the arson. In addition to the PAL vehicle, the residence and personal vehicle of the officer sustained substantial damage from the fire.

Since the incident occurred the officer has been without a city vehicle to transport PAL kids or tow either of the two (2) cargo trailers that are assigned to the PAL program. The availability of a SUV type vehicle that has the towing capacity of at least 5,000 pounds is imperative for the proper functioning of our PAL program. The enclosed cargo trailers, one 20' 5,000 pound and one 12', are utilized for transporting sporting equipment, camping equipment, and many other items associated with PAL activities. The SUV vehicle also allows the PAL officer to transport several youth to PAL activities due to its increased passenger capability.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

In an effort to replace the PAL vehicle, contacts were made with local automobile dealers including Surroz Chrysler-Jeep, Visalia Ford, and Serpa Automotive Group. These automotive dealers advised that they were not in a position to assist in replacing the PAL vehicle at this time. Contact was made with Don Groppetti of the Groppetti Automotive Group. On 9/19/2007 the Groppetti Group offered to donate the unpaid balance after rebates (\$17,533.16) if the city would pay \$20,000 towards a 2007 GMC Yukon. This agreement was also prefaced by the need to complete the transaction prior to September 21. This requirement was based on the need to complete the process while there were available rebates totaling \$5,000 which ended September 21, 2007.

The City's cost would come from vehicle replacement fund.

The Department continues to remain committed to gang prevention and intervention efforts. This commitment can be seen through the Police Activities League (PAL) program. The PAL program is administered by a Board of Directors and coordinated by one police officer. The PAL program has obtained its 501 (c) (3) designation as a non-profit organization.

Closing Comment:

The Police Department, as well as the City of Visalia, continues to place a high priority on gang intervention and prevention. The Department strongly believes that the interaction of a police officer with the youth of our community will reduce gang activity in the City of Visalia and assist in providing a safe environment for this community. The acquisition of a SUV vehicle for use by the PAL officer helps guide us towards that belief.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move that the City Council ratify the Department's actions regarding the replacement of a PAL vehicle 1) The expenditure of \$20,000 from the vehicle replacement fund 2) the acceptance of the donation in the amount of \$17,533.16 from the Groppetti Automotive Group.;

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10j

Agenda Item Wording: Acceptance of a \$18,811 grant through the State Office of Traffic Safety (OTS) to UC Berkeley Traffic Safety for DUI checkpoint enforcement.

Deadline for Action: October 1, 2007

Submitting Department: Police

Contact Name and Phone Number: Police Chief Bob Carden, ext 4215, or Sgt. Bill Blankenship, ext 4232

Department Recommendation: It is recommended that the City Council authorize acceptance of the State Office of Traffic Safety (OTS) UC Berkeley Traffic Safety mini-grant for a non-matching funds grant up to \$18,811.92 for DUI checkpoint enforcement.

Summary/background: The Office of Traffic Safety is contracting with the University of California, Berkeley, Traffic Safety Center (TSC), to provide participating agencies the overtime funds needed to operate DUI checkpoints.

The goal of this statewide sobriety checkpoint program is to reduce the number of people killed in alcohol-related crashes. Sobriety checkpoints are an effective way to maximize deterrent effect and increase the perception of apprehension of motorists who would operate a vehicle while impaired by alcohol.

The mobilization time periods are during the winter holiday period from December 2007 – January 2008, and August 2008 – September 2008. The Visalia Police Department has applied to conduct one checkpoint during these time periods, and two additional checkpoints throughout this listed time period.

This grant application was received late, which required the Visalia Police Department to submit it pending City Council approval.

Prior Council/Board Actions: N/A

This document last revised:
File location and name:

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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Committee/Commission Review and Actions: N/A

Alternatives: Refuse grant funding.

Attachments:

Recommended Motion (and Alternative Motions if expected): I move that the City Council accept the grant from the State Office of Traffic Safety.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10k

Agenda Item Wording: Acceptance of a \$397,561 AVOID DUI Grant from the State Office of Traffic Safety (OTS).

Deadline for Action: October 1, 2007

Submitting Department: Police

Contact Name and Phone Number: Police Chief Bob Carden, ext 4215, or Sgt. Bill Blankenship, ext 4232

Department Recommendation: It is recommended that the City Council accept from the State Office of Traffic Safety (OTS) a non-matching funds grant up to \$397,561 for DUI specific enforcement.

Summary/background: The State Office of Traffic Safety is sponsoring the AVOID grant, which provides participating agencies the overtime funds, and equipment resources needed to operate complete DUI enforcement programs. With various strategies, DUI enforcement is aggressively targeted through checkpoints, saturation details, warrant details, court stings, and task force operations. The AVOID campaign are dedicated to reducing the number of alcohol related collisions, increase the number of DUI related arrests, and raise general public awareness regarding the problems associated with drinking and driving.

The AVOID grant is a regional DUI effort in Tulare County, and based upon its size, and prior history with grants, the Visalia Police Department is serving as a host agency for this campaign. Participating agencies include Police Departments from the City's of Dinuba, Exeter, Farmersville, Lindsay, Tulare, Porterville, Woodlake, the Tulare County Sheriff's Office, Tulare County Department of Probation, and the California Highway Patrol. As the host agency, we will be overseeing the grant during this collaborative effort. The grant is for up to \$397,561, and requires no matching funds. The grant will provide for all operational, administrative, and equipment costs associated with the campaign. As the host agency, the City will receive 3% of the allocated amounts for administrative costs. In addition to the overtime expenses, we will also be receiving funds for a new DUI trailer, a message sign board trailer, a new laptop computer, and a PAS device, and calibration tools.

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.

The AVOID campaign will run from October 1, 2007, through January 31, 2011. The objectives for the campaign are as follows:

1. To ensure that a minimum of five sworn police department personnel conducting DUI enforcement with grant funding have received NHTSA-CERTIFIED Standardized Field Sobriety Testing (SFST) training by September 30, 2009.
2. To conduct a minimum of 16 DUI/DL checkpoints.
3. To conduct 37 DUI saturation patrols by September 30, 2008, an additional 37 patrols by December 31, 2009, an additional 37 patrols by September 30, 2010, and an additional 10 patrols by January 31, 2011.
4. To conduct one Multi-Agency DUI Task Force Operation during each winter mobilization periods 2007, 2008, 2009, 2010; one Multi-Agency DUI Task Force Operation during each of the summer mobilization periods August/Labor Day 2008, 2009 and 2010; one Multi-Agency DUI Task Force Operation during each of the Easter holidays, 2008, 2009, 2010.
5. To conduct seven warrant service patrols targeting repeat DUI offenders who fail to appear in court or who violate probation.
6. To conduct one court sting operation targeting unlicensed DUI offenders who fail to obey court orders not to drive or who violate probation during each winter mobilization period 2007, 2008, 2009, 2010 and one court sting operation during the summer mobilization targeting those DUI offenders who disobey court orders not to drive court or who violate probation by Labor Day 2008, 2009 and 2010.
7. To increase the calendar 2006 base year DUI arrests by 10% each holiday enforcement period.
8. To conduct an annual DUI Seminar and awards presentation to disseminate DUI information and enforcement strategies.

The grant provides for all participating agencies the overtime needed for allocated personnel.

This grant application was received late, which required us to submit it pending City Council approval. The Police Department has been awarded the grant, and we are awaiting City Council acceptance of the grant.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: Refuse grant funding.

Attachments:

Recommended Motion (and Alternative Motions if expected): I move that the City Council accept the grant from the State Office of Traffic Safety.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10I

Agenda Item Wording: Authorization to award RFP No. 06-07-34 to Pearpoint, Inc, of Thousand Palms, CA to supply one Closed Circuit Television Sewer Inspection Unit in the amount of \$114,927.

Deadline for Action: October 1, 2007

Submitting Department: Public Works

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

Department Recommendation

Staff recommends that Council award RFP No. 06-07-34 to Pearpoint, Inc, of Thousand Palms, CA to supply one Closed Circuit Television (CCTV) Sewer Inspection Unit in the amount of \$114,927.

Discussion

The City of Visalia wastewater collection system consists of 472 miles of sanitary sewer piping and 237 miles of storm water piping. Regular maintenance is needed to minimize disruptions and failures of the system. A key component of a comprehensive maintenance program is the periodic visual inspection of underground pipelines. This is accomplished using a CCTV camera mounted on a small, remotely operated vehicle, which travels up to 1000 feet through pipes as small as 6 inches in diameter. The City's current equipment is more than 20 years old and obsolete; replacement parts are no longer available.

The City issued RFP (Request for Proposal) 06-07-34 on July 13, 2007 with the purpose of obtaining a fully functional, self contained CCTV unit. All equipment was to be mounted into a 12-foot trailer that could be pulled behind a standard pick-up truck. Three proposals were received:

Cues	\$107,784 or \$129,384
Aries	\$118,818
Pearpoint	\$114,927 (including options)

Each bidder spent several hours demonstrating their equipment to employees of the wastewater division. The Cues supplier submitted two bids. The low bid was for their smaller unit, which

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head
(Initials & date required)

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

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

did not meet all the requirements of the RFP. The Cues supplier did demonstrate their larger unit. However, they were unable to complete the demo due to equipment breakdown. Aries and Pearpoint equipment both performed satisfactorily. As this was an RFP, the City may select the proposal that offers the best overall value, and need not select the lowest cost option. In the unanimous opinion of the department, Pearpoint offers the best value to the City.

Pearpoint will supply a complete CCTV system which will include:

- Twelve foot, tandem axel, enclosed trailer w/ on-board 7kW generator, water tanks, climate controlled operations room, workstation, storage cabinets, and various other amenities.
- Stainless Steel, waterproof color pan and tilt camera and a separate zoom camera
- Motorized cable reel w/ 1000 ft cable
- Remotely operated vehicle with various wheel sets
- Pressure washer
- Video inspection and storage software
- Factory training and additional on-site training and certification after three months use.

This equipment was approved for replacement in fiscal year 2007 as CIP project 4311-0-720000-0-9787 with a budget of \$120,000.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: none

Recommended Motion (and Alternative Motions if expected):

Move to award RFP No. 06-07-34, Closed Circuit Television Sewer Inspection Unit, to Pearpoint, Inc. in the amount of \$114,927.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10m

Agenda Item Wording: Authorization to solicit proposals from qualified consulting firms to prepare a nexus study to determine the impacts of agricultural land conversion to urban uses and recommend methods to mitigate said impacts.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number: Mike Olmos 713-4332

Department Recommendation: Staff recommends Council authorize staff to solicit proposals from qualified firms to prepare a nexus study regarding agricultural land conversion to urban uses. Said study would quantify the loss of agricultural land caused by conversion to urban uses and recommend methods to mitigate such losses. If authorization is provided, staff will return to Council at a future meeting with recommendations on a qualified consulting firm, proposed scope of work, and estimated fee for the nexus study.

Summary/background:

During past work sessions on growth issues, the City Council has discussed the loss of agricultural resources that results from the conversion of farm land to urban uses. Loss of agricultural land caused by conversion to urban uses is identified in the environmental impact report for the 2020 Plan as an unmitigated impact. Council has also discussed the concept of quantifying the impacts of agricultural land conversion and the potential to develop methods to offset these impacts. Possible offsetting measures could include a program to establish permanent agricultural conservation easements on land in outlying areas and/or payment of an agricultural land conversion fee as farmland is converted to urban uses. These fees would be used to fund programs directed at offsetting the loss of agricultural resources resulting from future urban development.

This type of impact mitigation fee falls under the provisions of State law that govern development impact fees. The City has prepared nexus studies in the past to support implementation of groundwater, transportation, public safety, sewer, and other local impact fees

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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to fund capital facilities needed to serve urban growth. Most recently, the City conducted a nexus study to determine the impact that conversion of farmland to urban uses has on groundwater resources. The nexus study prepared for groundwater led to Council adoption of specific measures, including a fee program, to offset the additional demand for water that occurs when farmland is converted to urban uses.

On September 17, the City Council authorized the filing of the Vargas Industrial Annexation, which is an application to annex 480 acres into the City located along Plaza Drive, north of Riggin Avenue. The pre-annexation agreement for this project includes provisions that specify that the north 320 acres comprising Phase 2 be subject to an agricultural land mitigation fee if a future community-wide fee program is implemented prior to Phase 2 development. To implement a fee, the nexus study must be completed, a public hearing conducted, then Council adoption of a mitigation program, including a fee. Implementation of an impact fee is can begin 60 days following adoption.

Staff requests Council authority to seek proposals from qualified consultants to prepare the necessary nexus study for an agricultural land mitigation program, including a fee. Staff also requests suggestions regarding potential agricultural land consulting firms that could be contacted for proposals on this potential mitigation program.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions:N/A

Alternatives: Do not pursue an agricultural land mitigation study at this time.

Attachments:N/A

Recommended Motion (and Alternative Motions if expected): Move to authorize staff to solicit proposals for preparation of a nexus study to consider establishment of a future agricultural land conversion mitigation program; staff to return to Council with recommendations on a qualified consulting firm, scope of work, and estimated fee.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10n

Agenda Item Wording: Establish the prima facie speed zone on McAuliff Street between Mill Creek Avenue and Houston Avenue (SR-216) at 45 Miles per Hour and amend the Official Speed Zone List of the City of Visalia. Resolution No. 2007-86.

Deadline for Action: October 15, 2007

Submitting Department: Public Works Department,
Traffic Safety Division

Contact Name and Phone Number:

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

Department Recommendation:

Staff recommends City Council to adopt Resolution No. 2007-86, which will establish the prima facie speed zone on McAuliff Street between Mill Creek Avenue and Houston Avenue (SR-216) and amend the Official Speed Zone List of the City of Visalia.

Summary/background:

McAuliff Street was constructed between Mill Creek Avenue and Houston Avenue (SR-216) and opened for use on September 12, 2007. The California Vehicle Code establishes 65 MPH as the speed limit for divided multi-lane roadways that are not posted. A traffic study was recently completed for this segment of roadway and the 85th percentile speed was 45 MPH taken approximately 250 feet north of Pershing Avenue and 47 MPH taken approximately 600 feet north of Mill Creek Avenue. Staff recommends that the 85th percentile speed is used to establish the speed limit of 45 MPH.

In summary, staff recommends establishing the following speed zone on McAuliff Street between Mill Creek Avenue and Houston Avenue (SR-216);

<u>Street Name</u>	<u>Present Speed Limit</u>	<u>Proposed Speed Limit</u>
McAuliff Street	65 MPH unposted	45 MPH

The above prima facie speed limits shall become effective with the posting of the appropriate speed limit signs. The installation of said speed zone signs shall take place within three weeks of adoption of this resolution.

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.

Prior Council/Board Actions: None

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: Site Map – Exhibit A
Proposed Resolution No. 2007-86 (McAuliff Street)

Recommended Motion (and Alternative Motions if expected): Staff recommends City Council to adopt Resolution No. 2007-86, which will establish the prima facie speed zone on McAuliff Street between Mill Creek Avenue and Houston Avenue (SR-216) and amend the Official Speed Zone List of the City of Visalia.

Environmental Assessment Status

CEQA Review: Not Required

NEPA Review: Not Required

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

Copies of this report have been provided to:

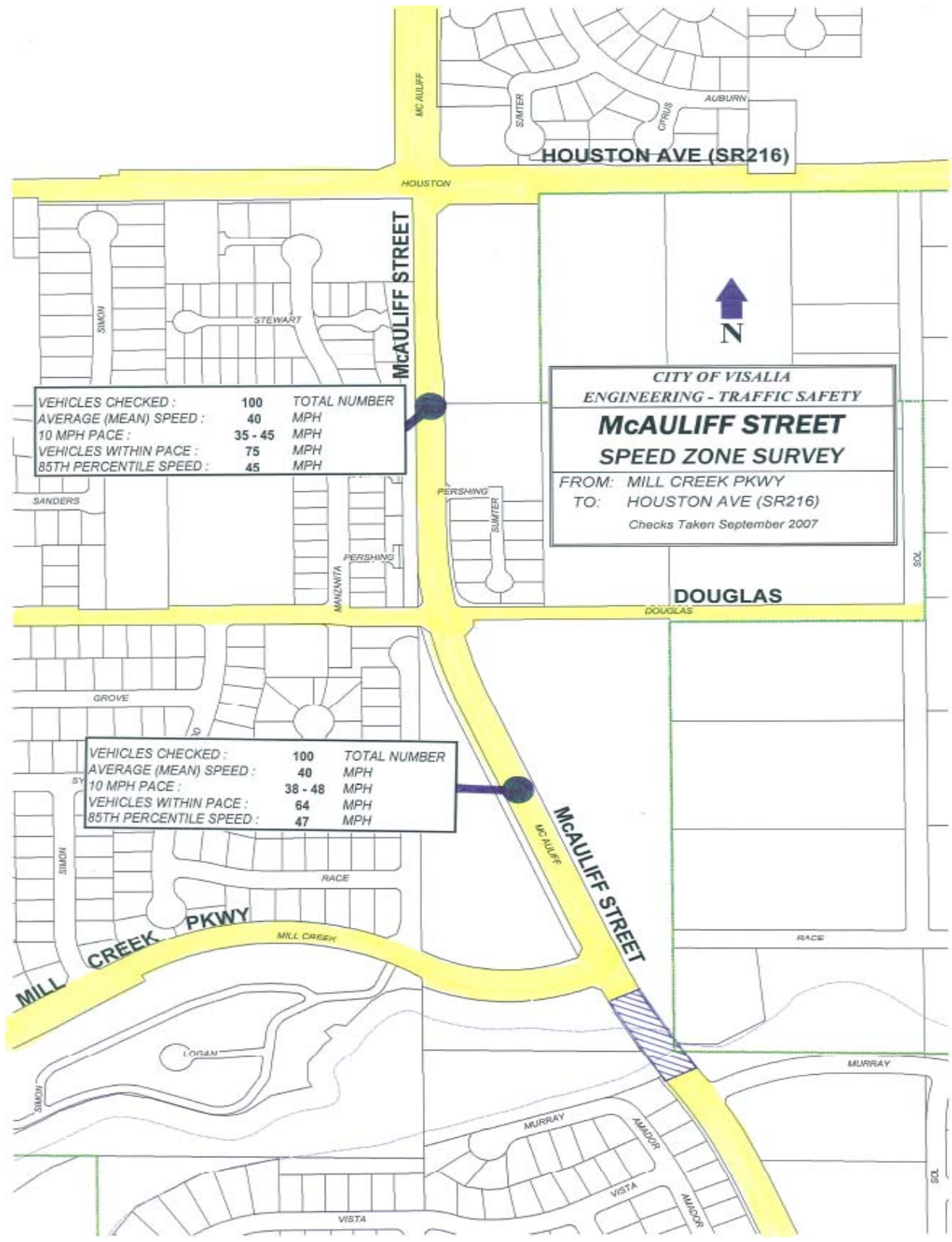


Exhibit A

RESOLUTION No. 2007-86

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AMENDING THE OFFICIAL SPEED ZONE LIST PURSUANT TO
CHAPTER 10.12 INCLUSIVE OF TITLE 10, VEHICLE AND TRAFFIC**

McAULIFF STREET

WHEREAS, the Council of the City of Visalia, pursuant to Chapter 10.12 inclusive of Title 10, Vehicle and Traffic, of the Ordinance Code, may enact prima facie speed limits on various roadways or portions thereof within the City of Visalia; and

WHEREAS, an “Engineering and Traffic” survey was performed pursuant to Section 10.12.060 of the Ordinance Code; and

WHEREAS, McAuliff Street is designated as an arterial street in the City’s Circulation Element and the 85th percentile speed of the traffic is approximately 47 MPH, and

WHEREAS, said prima facie speed limits are enacted pursuant to the provisions as set forth within the California Vehicle Code;

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

Under the provisions of Chapter 10.12 inclusive of Title 10, Vehicles and Traffic, of the Ordinance Code, the prima facie speed limits for the following roadways, or portions thereof, are hereby determined and declared to be as shown below, and shall be included in the official City of Visalia Speed Zone List:

<u>Street Name</u>	<u>Proposed Speed Limit</u>
McAuliff Street	45 MPH

The above prima facie speed limits shall become effective with the posting of the appropriate speed limit signs. The installation of said speed zone signs shall take place within three weeks of adoption of this resolution.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 10 o

Agenda Item Wording: Request authorization to file a Notice of Completion for Parcel Map No. 2004-18, located at the southwest corner of Ferguson Avenue and Cain Street.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

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

Department Recommendation:

The recommendation is that City Council give authorization to file a Notice of Completion as all the necessary improvements for this Parcel Map have been completed and are ready for acceptance by the City of Visalia.

Summary/background: The public improvements have all been installed to the City standards for the 3 parcels, which include sidewalk, curb and gutter, storm drain inlet, storm drain lateral, asphalt concrete paveout and 3 sewer laterals.

Prior Council/Board Actions:

Final Map recording was approved at Council meeting of September 19, 2005.

Committee/Commission Review and Actions: The tentative Parcel Map No. 2004-18 was approved by Planning Commission on October 25, 2004.

Alternatives: N/A

Attachments: Location sketch and vicinity map.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1 Min.

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recommended Motion (and Alternative Motions if expected):

I hereby authorize filing a Notice of Completion for Parcel Map No. 2004-18.

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: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 11

Introduction of Ordinance for First Reading of Change of Zone No. 2007-12: : A request by the City of Visalia to amend the Central Business District Parking Zone A boundary to include property located at 101 N.E. Third Street in the P-C-DT (Planned Central Business District Retail) Zone (APNs: 094-033-007, 008, 009, 010). **Ordinance No. 2007-16 required.**

Deadline for Action: None.

Submitting Department: Housing & Economic Development Department

Contact Name and Phone Number:

Ricardo Noguera, Housing & Economic Development Director, 713-4090
Teresa Nickell, Project Planner, 713-4328

Department Recommendation and Summary: The Planning Commission recommends that the City Council approve Change of Zone 2007-12. The Commission's recommendation is based on the findings that the amendment to the Central Business District Parking District (Zone A) to include property located at 101 N.E. Third Street (APNs: 094-033-007, 008, 009, 010) is consistent with the General Plan, and will facilitate adequate off-street parking consistent with the intent and policies of the Zoning Ordinance.

The Change of Zone request resulted from a recently approved project proposed by Arich Syprasert to develop a new gas station and mini-mart, and retain an existing gas station structure (future use as a donut shop) on the subject site. The Planning Commission approved the project's Conditional Use Permit (CUP No. 2006-19) on June 25, 2007, with the conditions that any unmet requirements for parking on the project site be subject to the payment of parking in-lieu fees, and that the applicant shall also agree to be annexed into either an existing Downtown Parking District, or any Parking District which might be established in the future for the area that includes the project site. The applicant would not be required to pay application or processing fees for annexing into a Parking District.

Seventeen (17) parking spaces are required with the gas station/mini-mart project. However, the property owner/applicant is only able to provide a total of eleven (11) spaces on the site. Therefore, an offset of six (6) spaces would be subject to the parking in-lieu fee program. Staff recommended the inclusion of only the subject site into a parking in-lieu fee zone since the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

property owner/applicant had expressed a desire to increase his building area in the near future (on an odd-shaped lot) and would need greater flexibility in his parking allowance. As a result, Parking Zone A (up to 100 percent of the required on-site parking spaces) was determined to provide the maximum flexibility in accordance with the proposed development and future needs of the property-owner/applicant. The parking in-lieu fees will be segregated from downtown funds in order to enable the City to pursue acquisition of properties for the development of additional off-street parking in the Oval area.

Committee/Commission Review and Actions:

On September 10, 2007, the Planning Commission recommended approval of Change of Zone No. 2007-12 by Resolution No. 2007-85, for a request by the City of Visalia to amend the Central Business District Parking Zone A boundary to include property located at 101 N.E. Third Street (APNs: 094-033-007, 008, 009, and 010), to facilitate the imposition of parking in-lieu fees for a new gas station with a mini-mart and existing gas station structure (to be converted to a donut shop). At the public hearing for the COZ, the Planning Commission recommended that the entire Oval area be placed into a Central Business District (CBD) Parking Zone to avoid leapfrogging and/or piecemeal property. However, no other property owners with concurrent, similar parking needs have come forward, and the City intends to approach the surrounding business owners for inclusion into the Parking District in the near future.

The Planning Commission voted 5-0 to recommend approval of the Change of Zone (CBD Parking District amendment). In its motion to adopt the resolution, the Planning Commission encouraged the City Council to consider expanding the action to include the greater Lincoln Oval commercial area.

On June 25, 2007, the Planning Commission approved Conditional Use Permit No. 2006-19 by Resolution No. 2007-49, based on a request by the applicant (Arich Syprasert). The request was to allow a new gas station and a 3,904 square foot mini-mart, and an existing gas station structure in the P-C-DT (Planned Central Business District Zone). As part of the Planning Commission's approval conditions, the applicant agreed to pay parking in-lieu district fees rather than pursue a variance for deficiency of off-street parking.

Prior Council/Board Actions:

On April 2, 2001, the City Council amended the Ordinance to expand the CBD Parking Zone and adjust the Parking In-Lieu District Fee.

On March 19, 2001, the City Council approved Ordinance 2001-03, which amended the parking in-lieu fee standards set forth in the Zoning Ordinance, Title 17, Chapter 17.30 to increase the parking in-lieu fee and to create two districts of the CBD Parking Zone.

On August 18, 1997, the City Council amended the Zoning Ordinance to expand the CBD and establish the in-lieu Parking District.

Alternatives:

The Council could consider a variance rather than accepting in-lieu parking fees from the applicant. However, it would not address the current and anticipated parking challenges in the area, and additional, planned parking lots or structures will be needed to support business activity in the near future.

Attachments:

- Ordinance for Change of Zone
- Exhibit "1" - Existing and Proposed Central Business District Parking Zone Map recommended for approval
- Exhibit "2" - Site Plan for CUP 2006-19 approved by Planning Commission
- Exhibit "3" - Planning Commission Resolution for CUP 2006-19
- Exhibit "4" - Planning Commission Resolution for COZ 2007-12
- Exhibit "5" - Planning Commission Staff Report from September 10, 2007
- Aerial Map
- Location Map

Recommended Motion (and Alternative Motions if expected):

I move to approve Change of Zone No. 2007-12 by adoption of Ordinance No. 2007-16.

Environmental Assessment Status

CEQA Review: This project is considered Categorical Exempt under Section 15319 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA), Class 19b, annexation to a special district (Categorical Exemption No. 2007-76).

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:

Planning Commission
Arich Syprasert, Property-owner/applicant
Phil Cox, C&C Construction

ORDINANCE NO. 2007-16

AMENDING THE CENTRAL BUSINESS DISTRICT PARKING ZONE A BOUNDARY MAP OF THE CITY OF VISALIA BY INCLUDING PROPERTY LOCATED AT 101 N.E. THIRD STREET IN THE P-C-DT (PLANNED CENTRAL BUSINESS DISTRICT RETAIL) ZONE (APNs: 094-033-007, 008, 009, 010).

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA

Section 1: On September 10, 2007, the Planning Commission of the City of Visalia recommended to the City Council amending the Central Business District Parking Zone A boundary to include property located at 101 N.E. Third Street in the P-C-DT (Planned Central Business District Retail) Zone (APNs: 094-033-007, 008, 009, 010); and

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

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Resolution 2007-83, Authorizing the formation of Revised Underground Utility District No. 16 along Dinuba Boulevard between 100 feet north of Houston Avenue and Riggin Avenue and between Shannon Parkway and Riverway Drive.

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

Department Recommendation:

City Staff recommends adopting Resolution 2007-83 authorizing the formation of Revised Underground Utility District No. 16 - Dinuba Boulevard between 100 feet north of Houston Avenue and Riggin Avenue and between Shannon Parkway and Riverway Drive.

Summary/background:

The original Underground Utility District No. 16 was authorized for formation on September 19, 2005 when Council adopted Resolution 2005-136. The original district boundaries were between 100 feet north of Houston Avenue and Riverway Drive.

The City's time schedule for Southern California Edison (SCE) to construct the original Underground Utility District No. 16 was March 2007 in advance of the grand opening of the Riverway Sports Park. The street improvements on Dinuba Boulevard across the frontage of the Riverway Sports Park required that the overhead utility poles across the frontage be relocated further west to behind the curb. Rather than bear the cost (approximately \$100,000) to relocate these utility poles, City staff was aiming to have the original Underground Utility District No. 16 project eliminate these utility poles in advance of the street improvements. This critical path component to the time schedule was eliminated when a semi-truck with trailer entered onto the Riverway Sports Park from Dinuba Boulevard and the trailer snagged the overhead lines which resulted in breaking all the utility poles across the frontage of the Riverway Sports Park. SCE set the replacement utility poles behind the future curb, which eliminated the need to relocate or underground.

The time schedule for SCE to construct the original Underground Utility District No. 16 was

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

placed on hold when the City and SCE were given notice by Caltrans that Dinuba Boulevard between Riggins Avenue and Shannon Parkway would be required to be widened to a six lane street in conjunction with the Orchard Walk commercial project. SCE had already completed a preliminary design for the original Underground Utility District No. 16 and placed the project on hold until the geometric design of the new six lane segment of Dinuba Boulevard was completed. This resulted in a substantial delay to the undergrounding project. The Orchard Walk commercial project began the encroachment permit process with Caltrans and received geometric approval for Dinuba Boulevard in July 2007. With geometric approval completed, SCE indicated that they would not be able to complete the design and construction for the undergrounding in advance of the Orchard Walk commercial project beginning the street widening on Dinuba Boulevard. In response to this situation, the developer, the City and SCE worked together to find a way to underground the overhead utilities between Riggins Avenue and Shannon Parkway in conjunction with the Orchard Walk commercial project and to not cause substantial delays. The solution was to separate this segment of Dinuba Boulevard into a separate underground utility district to be designed and constructed independently of the original Underground Utility District No. 16. This resulted in the need to change the limits of Underground Utility District No. 16 and to establish the Revised Underground Utility District No. 16.

Staff continues to recommend that Revised Underground Utility District No. 16 be the City's next Rule 20A underground utility district based on the following justifications: 1) criteria for using SCE's Rule 20A funds is met in multiple categories (heavily traveled, arterial status roadway and passes through a recreational area), 2) the necessary right of way is available to construct the underground district and 3) there are sufficient Rule 20A funds available to construct the project.

California Public Utility Commission Rule 20 sets policies and procedures for the conversion of overhead facilities to underground facilities. The process is known as "undergrounding." Within Rule 20 there are 3 sub-sections: 1) projects financed by utility rate payer money (Rule 20A), 2) projects financed by groups (Rule 20B) and 3) projects financed by individuals (Rule 20C). Southern California Edison (SCE) manages the Rule 20 program. SCE collects a fee from each of their rate payers that receive electrical service from an overhead line. This fee is placed in a fund specifically earmarked for use in Rule 20A undergrounding projects. Each city or county is responsible to direct SCE on the undergrounding projects they would like to fund with the Rule 20A funds. The Rule 20B and Rule 20C programs are also available for undergrounding projects not planned to be done with the Rule 20A program. The benefit of undergrounding under the Rule 20B and 20C program is that SCE funds a portion of the undergrounding cost.

Revised Underground Utility District No. 16 will remove the overhead lines and poles and prohibit future poles and overhead lines along North Dinuba Boulevard (SR63) from Dinuba Boulevard between 100 feet north of Houston Avenue and Riggins Avenue and between Shannon Parkway and Riverway Drive. SCE has stated that they expect the conversion of the overhead facilities to underground to be completed by February 1, 2010. Rule 20A funds will be used towards the undergrounding of overhead power lines. Other utility companies with overhead facilities will be required to underground with their own funds. When the undergrounding project is completed, it will significantly improve the aesthetics of the North Dinuba Boulevard entryway to the City and the entry way to the Riverway Sports Park by removing all poles and overhead lines that presently occupy the frontage.

Presently, there are overhead utilities from a point approximately 300 feet south of Vine Avenue

to Riverway Drive and continuing north of the City limits. The addition of the area between Vine Avenue and north of Houston Avenue into the underground district will prohibit the future placement of utility poles and above ground lines where none currently exist.

SCE's "Order of Magnitude" estimated cost to underground the overhead lines and services is \$2.5M. Based on staff's recommendation, there would be no costs levied to the residential or commercial properties within the district limits. Preliminary analysis notes two (2) residential customers and four (4) commercial customers that would require having their overhead service and panel converted to underground service. Estimates, based on similar work constructed recently are in the \$15,000 range to convert all six (6) users. Recent changes in the Rule 20A program allow the Rule 20A fund to cover the costs of converting residential and commercial customers from overhead service to underground service. Prior to the change, the Rule 20A funds could only be used to convert the first 100 feet of aerial line going onto a customer property. Therefore, staff recommends all costs, including conversion from overhead service to underground service for the affected customers, be funded with Rule 20A funds.

Prior City Councils have approved fifteen (15) underground districts within the City with the last underground district formed in 1996-1998 for the SR-198 project. The Rule 20A program was suspended during the early 2000's, primarily due to the energy crisis, but is now available for City use. Presently, the City has a Rule 20A account balance in excess of \$2.7M with annual allocations of approximately \$317K. The amount accrued is based on the number of overhead services within the City of Visalia with the funds being held in an account overseen by SCE.

Since Dinuba Boulevard is State Route 63 (TUL 63) staff is coordinating the underground district with Caltrans' District 6 office. Additionally, the City will continue to coordinate this underground utility district with the adjoining Rule 20B Underground Utility District No. 17 being done with the Orchard Walk commercial project developed by Donahue Schriber.

Prior Council/Board Actions:

On September 19, 2005 Council adopted Resolution 2005-136 authorizing the formation of Underground Utility District No. 16 - Dinuba Boulevard between Houston Avenue (approximately 100 feet north of) and Riverway Drive (Avenue 316).

Committee/Commission Review and Actions: N/A

Alternatives: None recommended

Attachments: Location Map, Resolution 2007-83

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution 2007-83 authorizing the formation of Revised Underground Utility District No. 16 - Dinuba Boulevard between 100 feet north of Houston Avenue and Riggins Avenue and between Shannon Parkway and Riverway Drive.

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:

LOCATION MAP



RESOLUTION NO. 2007-83

**AUTHORIZING THE FORMATION OF
REVISED UNDERGROUND UTILITY DISTRICT NO. 16**

**DINUBA BOULEVARD BETWEEN 100 FEET NORTH OF HOUSTON AVENUE AND
RIGGIN AVENUE AND BETWEEN SHANNON PARKWAY AND RIVERWAY DRIVE**

BE IT RESOLVED, by the Council of the City of Visalia as follows, to wit:

WHEREAS, Underground Utility District No. 16 was originally authorized by Council on September 19, 2005 per Resolution 2005-136 and the limits of said district need to be revised and the timelines of said district extended; and

WHEREAS, a public hearing was noticed for October 1, 2007, at the hour of 7:00 p.m., in the Council Chambers in the City Hall, 707 West Acequia Avenue, Visalia, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communications or similar or associated service in Dinuba Boulevard between 100 feet north of Houston Avenue and Rigggin Avenue and between Shannon Ranch Parkway and Riverway Drive. (see Exhibit "A" attached); and

WHEREAS, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and to all utilities concerned in the manner and within the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; and

WHEREAS, Revised Underground Utility District No. 16 will start and end at the construction centerlines of the streets defining the limits of the District and will also extend ten (10) feet both east and west of the ultimate right of way plan lines for Dinuba Boulevard as established by Caltrans; and

WHEREAS, Revised Underground Utility District No. 16 is proposed as a California Public Utility Commission Tariff Rule 20A project that is fully funded by utility rate payers within Visalia; and

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

Section 1. The proposed project relates to the replacement and reconstruction of existing utility systems described in "Class 2" of the categorical exemptions under the State CEQA Guidelines and the Local CEQA Guidelines and is therefore exempt from the requirement for preparation of environmental documents.

Section 2. Pursuant to Chapter 13.24 of the Municipal Code of the City of Visalia, the above described area is hereby declared an Underground Utility District, and is designated as Revised Underground Utility District No. 16 of the City of Visalia. Attached hereto, marked "Exhibit A," and hereby incorporated as part of this resolution is a map delineating the boundaries of said District.

Section 3. After consultation with Southern California Edison Company, it is hereby determined that Revised Underground Utility District No. 16 is in the general public interest for the following reasons and therefore qualifies to be funded as a Tariff Rule 20A project:

- 1) Such undergrounding will avoid or eliminate an unusually heavy concentration of overhead electric facilities;
- 2) The street or road or right-of-way is extensively used by the general public and carries a heavy volume of pedestrian or vehicular traffic;
- 3) The street or road or right-of-way adjoins or passes through a civic area or public recreation area or an area of unusual scenic interest to the general public; or
- 4) The street or road or right-of-way is considered an arterial street or major collector road, as defined in the Governor's Office of Planning and Research General Plan Guidelines.

Section 4. Pursuant to Southern California Edison's approved Advice 1399-E, Rule 20A funds will be used for the conversion of affected property owners meter panels from overhead to underground service. The cost of such meter conversions using Rule 20A funds shall be limited to existing meters, and shall not include permit fees and any upgrades requested by affected property owners.

Section 5. February 1, 2010 is hereby fixed as the date on which affected property owners must be ready to receive underground service.

Section 6. All poles, overhead wires and associated overhead structures shall be removed and underground installations made in Revised Underground Utility District No. 16 with the following times and conditions:

- 1) Installation of underground conduits and structures by utility companies not later than February 1, 2010.
- 2) Installation and reconnection of property owner services to underground facilities by utility companies not later than February 1, 2010.
- 3) Removal of poles, overhead wires and other associated overhead structures not later than February 1, 2010.

Section 7. The City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Revised Underground Utility District No. 16 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that if they or any person occupying such property desires to continue to receive electric, communication or other similar or associated service, they or such occupant shall, by the date fixed in this Resolution, provide all necessary changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 13.24, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF TULARE) ss.

CITY OF VISALIA)

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2007-_____ passed and adapted by the Council of the City of Visalia at a regular meeting held on October 1, 2007.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 13

Agenda Item Wording: Resolution 2007-84, Authorizing the formation of Underground Utility District No. 17 along Dinuba Boulevard between Riggins Avenue and Shannon Parkway.

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

Department Recommendation:

City Staff recommends adopting Resolution 2007-84 authorizing the formation of Underground Utility District No. 17 along Dinuba Boulevard between Riggins Avenue and Shannon Parkway.

Summary/background:

Staff is recommending the formation of Underground Utility District No. 17 along Dinuba Boulevard between Riggins Avenue and Shannon Parkway based on the following justifications: 1) the undergrounding is along a public street and will be done under the California Public Utility Commission Rule 20B program, 2) the necessary right of way is available to construct the underground district, and 3) timing; the undergrounding will be done in conjunction with the widening of Dinuba Boulevard required with the Orchard Walk commercial project.

California Public Utility Commission Rule 20 sets policies and procedures for the conversion of overhead facilities to underground facilities. The process is known as "undergrounding." Within Rule 20 there are 3 sub-sections: 1) projects financed by utility rate payer money (Rule 20A), 2) projects financed by groups (Rule 20B) and 3) projects financed by individuals (Rule 20C). Southern California Edison (SCE) manages the Rule 20 program. SCE collects a fee from each of their rate payers that receive electrical service from an overhead line. This fee is placed in a fund specifically earmarked for use in Rule 20A undergrounding projects. Each city or county is responsible to direct SCE on the undergrounding projects they would like to fund with the Rule 20A funds. The Rule 20B and Rule 20C programs are also available for undergrounding projects not planned to be done with the Rule 20A program. The benefit of undergrounding under the Rule 20B and 20C program is that SCE funds a portion of the undergrounding cost.

The limits of this proposed underground district were part of the original Underground Utility

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

District No. 16. The time schedule for SCE to construct the original Underground Utility District No. 16 was placed on hold when the City and SCE were given notice by Caltrans that Dinuba Boulevard between Riggins Avenue and Shannon Parkway would be required to be widened to a six lane street in conjunction with the Orchard Walk commercial project. SCE had already completed a preliminary design for the original Underground Utility District No. 16 and placed the project on hold until the geometric design of the new six lane segment of Dinuba Boulevard was completed. This resulted in a substantial delay to the original undergrounding project. The Orchard Walk commercial project began the encroachment permit process with Caltrans and received geometric approval for Dinuba Boulevard in July 2007. With geometric approval completed, SCE indicated that they would not be able to complete the design and construction for the undergrounding in advance of the Orchard Walk commercial project beginning the street widening on Dinuba Boulevard. In response to this situation, the developer, the City and SCE worked together to find a way to underground the overhead utilities between Riggins Avenue and Shannon Parkway in conjunction with the Orchard Walk commercial project and to not cause substantial delays. The solution was to separate this segment of Dinuba Boulevard into a separate underground utility district to be designed and constructed independently of the original Underground Utility District No. 16. This resulted in the proposed Underground Utility District No. 17.

Underground Utility District No. 17 will remove the overhead lines and poles and prohibit future poles and overhead lines along Dinuba Boulevard between Riggins Avenue and Shannon Parkway. The undergrounding of the overhead facilities is planned to be completed by June 1, 2008. When the undergrounding project is completed in conjunction with the Orchard Walk commercial project, it will result in a major commercial shopping center that is free of overhead lines along its Dinuba Boulevard frontage. Due to cost considerations, the existing overhead 66kv transmission lines that cross Dinuba Boulevard at Riggins Avenue will remain. Existing lines above 50kv will be excluded from Underground Utility District No. 17.

As a Rule 20B project, Underground Utility District No. 17 will be financed by the developer of Orchard Walk, SCE and the City. No utility rate funds will be used. SCE's estimated cost to underground the overhead lines and services is \$350K. The City's contribution to the financing is estimated to be \$125K, which is equivalent to the cost to relocate the existing overhead lines to accommodate the widening of Dinuba Boulevard. Without an underground district, the City would have been responsible for the cost to relocate these lines as part of the transportation impact fee reimbursement program. There would be an additional cost of \$850K to underground the 66kv transmission lines that cross Dinuba Boulevard at Riggins Avenue. Due to this high cost to place high voltage transmission lines underground, staff is recommending that only lines 50kv and below are placed in the district.

Since Dinuba Boulevard is State Route 63 (TUL 63), the developer, the City and SCE are coordinating the underground district with Caltrans' District 6 office. Additionally, the City will continue to coordinate this underground utility district with the adjoining Rule 20A Revised Underground Utility District No. 16.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended

Attachments: Location Map, Resolution 2007-84

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution 2007-84 authorizing the formation of Underground Utility District No. 17 along Dinuba Boulevard between Riggins Avenue and Shannon Parkway.

Environmental Assessment Status

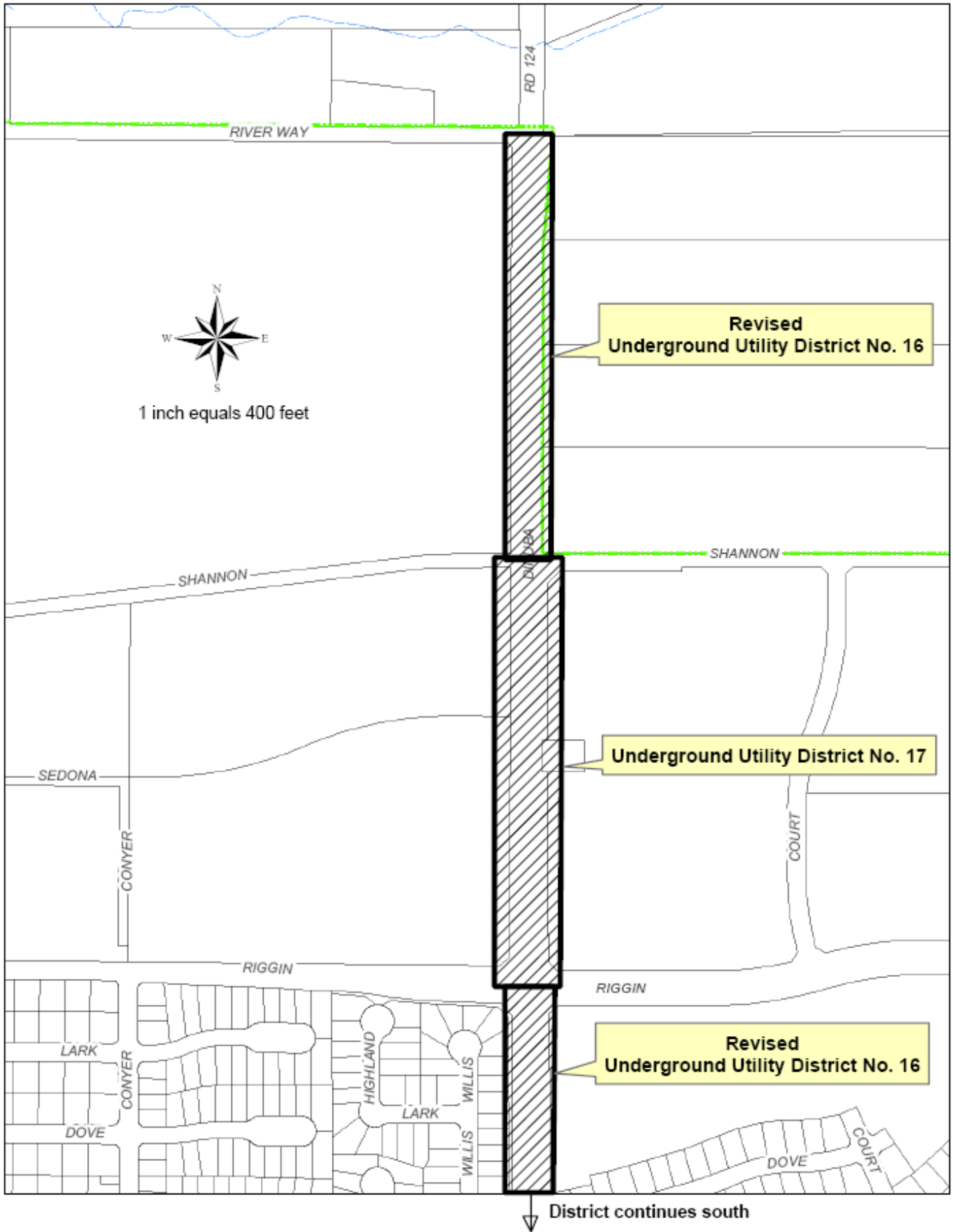
CEQA Review:

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:

LOCATION MAP



RESOLUTION NO. 2007-84

**AUTHORIZING THE FORMATION OF
UNDERGROUND UTILITY DISTRICT NO. 17**

DINUBA BOULEVARD BETWEEN RIGGIN AVENUE AND SHANNON PARKWAY

BE IT RESOLVED, by the Council of the City of Visalia as follows, to wit:

WHEREAS, a public hearing was noticed for October 1, 2007, at the hour of 7:00 p.m., in the Council Chambers in the City Hall, 707 West Acequia Avenue, Visalia, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communications or similar or associated service along Dinuba Boulevard between Riggins Avenue and Shannon Parkway. (see Exhibit "A" attached); and

WHEREAS, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and to all utilities concerned in the manner and within the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; and

WHEREAS, Underground Utility District No. 17 will start and end at the construction centerlines of the streets defining the limits of the District and will also extend ten (10) feet both east and west of the ultimate right of way plan lines for Dinuba Boulevard as established by Caltrans; and

WHEREAS, Underground Utility District No. 17 is located along a public street and is proposed as a Tariff Rule 20B project, which is fully funded by interest groups including the City of Visalia; and

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

Section 1. The proposed project relates to the replacement and reconstruction of existing utility systems described in "Class 2" of the categorical exemptions under the State CEQA Guidelines and the Local CEQA Guidelines and is therefore exempt from the requirement for preparation of environmental documents.

Section 2. Pursuant to Chapter 13.24 of the Municipal Code of the City of Visalia, the above described area is hereby declared an Underground Utility District, and is designated as Underground Utility District No. 17 of the City of Visalia. Attached hereto, marked "Exhibit A," and hereby incorporated as part of this resolution is a map delineating the boundaries of said District.

Section 3. After consultation with Southern California Edison Company, Underground Utility District No. 17 qualifies as a Tariff Rule 20B project funded by interest groups including the City of Visalia.

Section 4. Underground Utility District No. 17 will exclude facilities over 50,000 volts running along the north side of Riggin Avenue; and

Section 5. Underground Utility District No. 17 will exclude overhead lines under 50,000 volts running along the north side of Riggin Avenue including the existing pole at the northwest corner of Riggin Avenue and Dinuba Boulevard and to the west thereof and will also exclude overhead guy lines from said existing pole to the east thereof over Dinuba Boulevard; and

Section 6. June 1, 2008 is hereby fixed as the date on which affected property owners must be ready to receive underground service.

Section 7. All poles, overhead wires and associated overhead structures shall be removed and underground installations made in Revised Underground Utility District No. 16 with the following times and conditions:

- 1) Installation of underground conduits and structures by utility companies not later than June 1, 2008.
- 2) Installation and reconnection of property owner services to underground facilities by utility companies not later than June 1, 2008.
- 3) Removal of poles, overhead wires and other associated overhead structures not later than June 1, 2008.

Section 8. The City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 17 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that if they or any person occupying such property desires to continue to receive electric, communication or other similar or associated service, they or such occupant shall, by the date fixed in this Resolution, provide all necessary changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 13.24, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2007-_____ passed and adapted by the Council of the City of Visalia at a regular meeting held on October 1, 2007.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Deputy City Clerk

**City of Visalia
Agenda Item Transmittal**

Meeting Date: October 1, 2007

Agenda Item Number (Assigned by City Clerk): 14

Agenda Item Wording: Resolution 2007-85, Authorizing the formation of Underground Utility District No. 18 along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue.

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

Department Recommendation:

City Staff recommends adopting Resolution 2007-85 authorizing the formation of Underground Utility District No. 18 along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue.

Summary/background:

Staff is recommending the formation of Underground Utility District No. 18 along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue based on the following justifications: 1) the undergrounding is along a public street and will be done under the California Public Utility Commission Rule 20B program, 2) the necessary right of way is available to construct the underground district, and 3) timing; the undergrounding is being constructed concurrently with the public improvements for an industrial subdivision located in IL zone on the east side of American Street. The developer is American Incorporated.

Underground Utility District No. 18 will remove the overhead lines and poles and prohibit future poles and overhead lines along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue. The undergrounding of the overhead facilities is planned to be completed by June 1, 2008. When the undergrounding project is completed in conjunction with the industrial subdivision, it will result in a new small lot industrial area that is free of overhead lines throughout the subdivision.

California Public Utility Commission Rule 20 sets policies and procedures for the conversion of overhead facilities to underground facilities. The process is known as "undergrounding." Within Rule 20 there are 3 sub-sections: 1) projects financed by utility rate money (Rule 20A), 2)

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

projects financed by groups (Rule 20B) and 3) projects financed by individuals (Rule 20C). Underground Utility District No. 18 will be financed by the developer and SCE. No utility rate funds will be used. SCE's estimated cost to underground the overhead lines and services is \$100K.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended

Attachments: Location Map, Resolution 2007-85

Recommended Motion (and Alternative Motions if expected):

I move to adopt Resolution 2007-85 authorizing the formation of Underground Utility District No. 18 along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue.

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. 2007-85

**AUTHORIZING THE FORMATION OF
UNDERGROUND UTILITY DISTRICT NO. 18**

**AMERICAN STREET FROM 996 FEET SOUTH OF GOSHEN AVENUE TO 2737 FEET
SOUTH OF GOSHEN AVENUE**

BE IT RESOLVED, by the Council of the City of Visalia as follows, to wit:

WHEREAS, a public hearing was noticed for October 1, 2007, at the hour of 7:00 p.m., in the Council Chambers in the City Hall, 707 West Acequia Avenue, Visalia, California, to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures and the underground installation of wires and facilities for supplying electric, communications or similar or associated service along American Street from 996 feet south of Goshen Avenue to 2737 feet south of Goshen Avenue. (see Exhibit "A" attached); and

WHEREAS, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and to all utilities concerned in the manner and within the time required by law; and

WHEREAS, such hearing has been duly and regularly held and all persons interested have been given an opportunity to be heard; and

WHEREAS, Underground Utility District No. 18 will start and end at the distances defining the limits of the District and will also extend ten (10) feet both east and west of the ultimate right of way plan lines for American Street; and

WHEREAS, Underground Utility District No. 18 is located along a public street and is proposed as a Tariff Rule 20B project, which is fully funded by interest groups; and

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

Section 1. The proposed project relates to the replacement and reconstruction of existing utility systems described in "Class 2" of the categorical exemptions under the State CEQA Guidelines and the Local CEQA Guidelines and is therefore exempt from the requirement for preparation of environmental documents.

Section 2. Pursuant to Chapter 13.24 of the Municipal Code of the City of Visalia, the above described area is hereby declared an Underground Utility District, and is designated as Underground Utility District No. 18 of the City of Visalia. Attached hereto, marked "Exhibit A," and hereby incorporated as part of this resolution is a map delineating the boundaries of said District.

Section 3. After consultation with Southern California Edison Company, Underground Utility District No. 18 qualifies as a Tariff Rule 20B project funded by interest groups.

Section 4. June 1, 2008 is hereby fixed as the date on which affected property owners must be ready to receive underground service.

Section 5. All poles, overhead wires and associated overhead structures shall be removed and underground installations made in Underground Utility District No. 18 with the following times and conditions:

- 1) Installation of underground conduits and structures by utility companies not later than June 1, 2008.
- 2) Installation and reconnection of property owner services to underground facilities by utility companies not later than June 1, 2008.
- 3) Removal of poles, overhead wires and other associated overhead structures not later than June 1, 2008.

Section 6. The City Clerk is hereby instructed to notify all affected utilities and all persons owning real property within Underground Utility District No. 18 of the adoption of this resolution within ten (10) days after the date of such adoption. Said City Clerk shall further notify said property owners of the necessity that if they or any person occupying such property desires to continue to receive electric, communication or other similar or associated service, they or such occupant shall, by the date fixed in this Resolution, provide all necessary changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility on file with the Public Utilities Commission of the State of California. Such notification shall be made by mailing a copy of this Resolution together with a copy of Chapter 13.24, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

I, Steven M. Salomon, City Clerk of the City of Visalia, certify the foregoing is the full and true Resolution 2007-_____ passed and adapted by the Council of the City of Visalia at a regular meeting held on October 1, 2007.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Deputy City Clerk