

# Visalia City Council Agenda



For the regular meeting of: Monday, January 7, 2008

Location: City Hall Council Chambers, 707 W. Acequia, Visalia CA 93291

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

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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.

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## **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. Presentation by the Environmental Committee and recommendation to endorse the 25x25 initiative promoting twenty-five percent renewable energy by the year 2025. **Resolution 2008-01 required.**
- 4:20 p.m. 2. Presentation by Keith Bergthold, City of Fresno Assistant Planning Director, on the Rural Metro Loop, a multi-county transportation system being considered for implementation in 2110 that could include portions of Tulare County.
- 4:45 p.m. 3. Accept Fiscal Year 2006-07 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

*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 Real Property Negotiators (G.C. §54956.8)  
Property: APN: 078-120-011  
Under Negotiation: Consideration and approval of appraisal; and price, terms and conditions of purchase contract  
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson, Visalia Shannon Land Development Co., Inc.

5. Conference With Real Property Negotiators (G.C. §54956.8)  
Property: APN: 095-134-046, 095-134-045, 096-291-024  
Under Negotiation: Consideration and approval of appraisals; Authority to negotiate price, terms and conditions of potential purchase  
Negotiating Parties: Steve Salomon, Andrew Benelli, Colleen Carlson, John Hunter - Visalia Properties, Flyers, LLC

**Convene jointly as the Redevelopment Agency and the Visalia City Council**

6. Conference with Real Property Negotiators (G.C. §54956.8  
Property: 819 W. Acequia APN: 093-201-004  
Under Negotiation: Price, terms and conditions of purchase and sale agreement  
Negotiators: Steve Salomon, Ricardo Noguera
7. Conference with Real Property Negotiators (G.C. §54956.8  
Property: APN 094-221-010; 401 E. Acequia (AKA 210 S. Santa Fe)  
Under Negotiation: Status report; negotiations of price, terms, conditions of disposition and development  
Negotiators: Steve Salomon, Michael Olmos, Ricardo Noguera, (for seller)  
Jeffrey Roberts (Granville Homes, Inc), Reza Assemi (Pyramid Homes) (for buyer)

**Adjourn as the Redevelopment Agency as remain seated as the Visalia City Council**

**REGULAR SESSION**

**7:00 p.m.**

**PLEDGE OF ALLEGIANCE**

**INVOCATION** - Paul Gendron, Senior Chaplain, Workforce Chaplaincy, Inc

**SPECIAL PRESENTATIONS/RECOGNITION**

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

**CHANGES TO THE AGENDA/ITEMS TO BE PULLED FOR DISCUSSION**

8. CONSENT CALENDAR - Consent Calendar items are considered routine and will be enacted by a single vote of the Council with no discussion. For a Consent Calendar item to be discussed, or voted upon individually, it must be removed at the request of the Council.
  - a) Authorization to read ordinances by title only.
  - b) Authorization for the City Manager to execute a Professional Service Agreement with Community Services and Employment Training (CSET) to provide labor for various City grant funded projects where CSET is a partner in the grant application.
  - c) Receive, review, and file the 2006-07 Impact Fee Report as required by State law.
  - d) Authorization for staff to apply for a Transportation Enhancement (TE) grant in the amount of \$656,000 for trail sections along Packwood and Mill Creeks.
  - e) Authorize \$5,000 from the general fund to defray the cost for up to 10 students to participate in the 2008 Sister City exchange with Miki City, Japan, and to carry over the \$5,000 appropriated in 2006/2007 to assist with chaperone expenses.
  - f) Approval of the appointment of City Council Representatives to various boards and committees for the 2007-2009 Council term as recommended by Mayor Gamboa.
  - g) *Item removed at the request of staff*
  - h) Request authorization to file a Notice of Completion for Sterling Oaks Unit 1 containing 91 single family lots (71 gated and 20 non-gated) located at the southeast corner of Riggin and Demaree.
  - i) Request authorization to file a Notice of Completion for Sterling Oaks Unit #2 containing 117 lots located west of County Center between Riggin and Modoc.
9. **PUBLIC HEARING:**
  1. Consideration of Negative Declaration No. 2007-87 prepared for General Plan Amendment No. 2007-07 and Change of Zone No. 2007-08. **Resolution 2008-02 required.**
  2. General Plan Amendment No. 2007-07, a request by Fairway Properties (Quad Knopf, agent) to change the General Plan land use designation from High Density Residential to Medium Density Residential on approximately 7.9 acres, located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004). **Resolution 2008-03 required.**
  3. Change of Zone No. 2007-08, a request by Fairway Properties (Quad Knopf, agent) to change the zoning designation from R-M-3 (Multi-family Residential, 1,500 square foot minimum/unit) to R-M-2 (Multi-family Residential, 3,000 square foot minimum/unit) on approximately 7.9 acres, located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004). **Introduction of Ordinance 2008-01 required.**
10. **PUBLIC HEARING** - Authorize the formation of Underground Utility District No. 19 along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central Avenue. **Resolution 2008-04 required**

## REPORT ON ACTIONS TAKEN IN CLOSED SESSION

## REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

### Upcoming Council Meetings

- Tuesday, January 22, 2008, Work Session 4:00/Regular Session 7:00 p.m. – City Council Chambers 707 W. Acequia
- Friday/Saturday, January 25-26, 2008; City Council Strategic Planning; Fri 12-9 p.m. Sat 8-3 p.m. – Convention Center
- Tuesday, January 29, 2008 Special Session 4:00 p.m. – City Council Chambers 707 W. Acequia
- Tuesday, January 29, 2008; 6:00 p.m. - Joint Meeting with Visalia Unified School District -.5000 West Cypress Avenue, VUSD Board Room

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.

*Any written materials pertaining to items on this agenda that are distributed to the Council are available for public review at the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291*

# City of Visalia Agenda Item Transmittal

**Meeting Date:** January 7, 2008

**Agenda Item Number (Assigned by City Clerk):** 1

**Agenda Item Wording:** Presentation by Environmental Committee and Recommendation to adopt Resolution No 2008-01 endorsing the 25x'25 initiative; promoting twenty-five percent renewable energy by the year 2025.

**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**

To adopt Resolution No 2008-01, endorsing 25 x '25.

**Discussion:**

Recommend that Council adopt a resolution supporting the 25 x '25 initiative, which would encourage the use of renewable energy sources such as wind, solar bio-fuels and bio-energy. Endorsing this initiative does not bind or commit the City to anything beyond a commitment of support.

**Summary/background:**

25x'25 is a renewable energy initiative backed by organizations and individuals united by a common interest in making America's energy future more secure, affordable and environmentally sustainable.

The 25x'25 vision: By 2025, renewable energy from America's farms, forests and ranches will provide 25% of the total energy consumed in the United States, while continuing to produce safe, abundant and affordable food, feed and fiber. The goal is to rally support for renewable energy and get 25 percent of the nation's energy from renewable resources like wind, solar, bio-fuels and bio-energy from processed animal manure and agricultural waste by the year 2025.

This goal, developed by a group of volunteer farm and forestry leaders and organizations, has support from business, labor, and conservation groups, as well as local government and state policy-makers.

Achieving the 25x'25 vision will have a wide range of benefits, including: reducing dependence on foreign oil, creating new jobs in manufacturing and rural America, bringing new technologies to market, saving consumers' money, and reducing urban smog and greenhouse gas emissions.

**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:**

**Finance**

**City Atty**

**City Mgr**

## **Support**

The SJVCEO, a new organization established by the Energy Work Group of the California Partnership for the San Joaquin Valley, is organized to lead a regional effort to develop, plan and implement energy efficiencies and clean energy. SJVCEO supports and recommends endorsement of the 25x'25 Initiative as a way to inform, educate, and remove barriers to greater clean energy use. The San Joaquin Valley Clean Energy Organization (SJVCEO) provides an independent source of advocacy for the City of Visalia through its partnership and MOU. The 25x'25 Initiative and the SJVCEO have joined efforts to encourage renewable energy use and development in the San Joaquin Valley. The two organizations have agreed to work together to make the San Joaquin Valley a regional "demonstration project" for the achievement of the goals of the 25x'25 Initiative.

In consultation with the more than 600 groups that have endorsed the 25x'25 vision and have collaborated in this process, the 25x'25 Steering Committee has assembled an action plan for accelerating the transition to America's renewable energy future. Partners include the American Farm Bureau Federation, the Forest Resources Association, the Natural Resources Defense Council and the "Big 3" U.S. automobile manufacturers – as well as 27 governors and 12 state legislatures. The plan is based on the principles of partnership, commitment, sustainability, efficiency and opportunity.

25x'25 initiative is currently playing a large role in the development of new energy policy. The U.S. Senate recognized the importance of a renewable energy future by unanimously adopting the 25 x '25 goal. Support in the House for the 25 x '25 energy future continues to grow. The House Agriculture Committee has adopted the resolution backing 25 x '25, and the measure currently has the bipartisan support of more than 70 co-sponsors.

Early next month Congress will finalize energy legislation by reconciling differences between the Senate and House bills. The 25 x '25 goal should be a part of the final bill that emerges and is sent to the President for signature.

## **Endorsement**

Participants join the alliance by endorsing the 25x'25 vision and committing to work collaboratively with other 25x'25 champions in advancing this vision. By endorsing 25x'25, the City will join a broad alliance of organizations, elected officials, and individuals committed to the goal of deriving 25 percent of America's energy from renewable resources by 2025. An organization commits its resources, members and leadership to showing the political support to achieve 25x'25 and join with other partners in determining how we will reach that goal. This support can come in many forms. As partners in the alliance, organizations will be asked to assist with:

- Establishing 25x'25 as a national goal through advocacy with national and state policy makers
- Publicizing 25x'25 through the news media, internal communications and public outreach
- Recruiting additional 25x'25 partners
- Strategy and implementation planning as the alliance collaboratively develops a plan to achieve the 25x'25 goal.
- Mobilization of public support for 25x'25 and development of 25x'25 state alliances.

**Prior Council/Board Actions:**

- The Council voted to participate in the U.S. Conference of Mayors Climate Protection Agreement and become a "Cool City" January 8, 2007.
- Council authorized a MOU with San Joaquin Valley Clean Energy Organization, in which the non-profit organization would assist the City in developing clean energy programs.

**Committee/Commission Review and Actions:**

**Alternatives:**

NA

**Attachments:**

- List of Supporters who have Endorsed 25 x '25
- Resolution No. 2008-01.

**Recommended Motion (and Alternative Motions if expected):** I move to adopt Resolution No.2008-01, endorsing the 25 x '25 Initiative.

***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)*

# List of Supporters Who Have Endorsed 25x'25

Updated: 12/14/2007

## **National Partners**

AGCO Corporation  
Agenda 2020 Technology Alliance  
AgExcellence  
Agricultural Retailers Association  
American Agriculture Movement, Inc.  
American Agri-Women  
American Bio-Fuels Development  
American Biogas Alliance  
American Coalition for Ethanol  
American Council on Renewable Energy  
American Farm Bureau Federation  
American Farmland Trust  
American Loggers Council  
American Renewable Energy Day  
American Society of Agricultural and Biological Engineers  
American Society of Agronomy  
American Society of Farm Managers and Rural Appraisers  
American Solar Energy Society  
American Soybean Association  
American Tree Farm System  
American Wind Energy Association  
Americans for Energy Independence  
Apollo Alliance  
Association of Consulting Foresters of America  
Association of Equipment Manufacturers  
Association of State Energy Research and Technology Transfer Institutions  
Biotechnology Industry Organization  
Case New Holland  
Center for American Progress  
Ceres Inc.  
CHS  
Citizens for Global Solutions  
Climate Solutions  
Coalition for Environmentally Responsible Economies (CERES)  
CoBank  
Conservation Technology Information Center (CTIC)  
Crop Science Society of America  
CropLife America  
Curtis Instruments, Inc  
DaimlerChrysler  
Deere & Company  
Diversa Corporation  
E<sub>3</sub> Biofuels  
enerG Magazine, (Vancouver, BC)  
Environmental and Energy Study Institute

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By author: Shawn Ogletree

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Environmental Defense  
Environmental Law & Policy Center  
Farm Credit Council  
Farm Equipment Manufacturers Association  
Farmers Fuel  
Farmers National Company  
Farrell Growth Group  
Ford Motor Company  
Forest Landowners Association  
Forest Resources Association Inc  
Foundation for Agronomic Research  
General Motors  
Governors Ethanol Coalition  
Holistic Management International  
Independent Community Bankers of America  
Institute for Agriculture and Trade Policy  
Intertribal Council on Utility Policy  
Iogen Corporation  
ITT Flygt Corporation  
Izaak Walton League of America  
Jeff Simmons – Team Ethanol Racing  
MacDon Industries Ltd  
Monsanto Company  
National Association of Conservation Districts  
National Association of Counties  
National Association of Resource Conservation and Development Councils  
National Association of State Conservation Agencies  
National Association of State Departments of Agriculture  
National Association of State Foresters  
National Association of Wheat Growers  
National Barley Growers  
National Biodiesel Board  
National Center for Appropriate Technology  
National Conference of Weights and Measures  
National Corn Growers Association  
National Council of Agricultural Education  
National Council of Farmer Cooperatives  
National Defense Council Foundation  
National Education Association  
National Ethanol Vehicle Coalition  
National Farmers Union  
National Grange Order of Patrons of Husbandry  
National Milk Producers Federation  
National Renderers Association, Inc.  
National Rural Electric Cooperative Association  
National Sorghum Producers Association  
National Wildlife Federation  
National Woodland Owners Association  
Natural Resources Defense Council  
Natural Resource Solutions, LLC  
North American Equipment Dealers Association

Novozyme Corporation  
Packer Engineering, Inc  
Pellet Fuels Institute  
Pinchot Institute for Conservation  
Potash and Phosphate Institute  
Realtors Land Institute  
Renewable Fuels Association  
Sheet Metal Workers' International Association  
Society of American Foresters  
Soil Science Society of America  
Solar Energy Industries Association  
Solar Energy International  
Sugar Processing Research Institute  
Sunkist Growers  
The Fertilizer Institute  
Theodore Roosevelt Conservation Partnership  
Tilth Foundation  
Union of Concerned Scientists  
United Soybean Board  
USA Biomass Power Producers Alliance  
USA Rice Federation  
USPIRG - The National Association of State Public Interest Research Groups  
Vermeer Manufacturing  
Windustry  
Winrock International  
Women Involved in Farm Economics  
Worldwatch Institute

## **Regional Partners**

Ackdev Inc. (OH)  
ACRES, LLC (MI)  
Active Energies (CO)  
Adams County Farm Bureau (IL)  
Ag Credit ACA (OH)  
Ag Ventures Alliance (IA)  
AgRefresh (VT)  
AHL-TECH, Inc. of OH  
Alabama Clean Fuels Coalition  
Alabama Department of Economic and Community Affairs  
Alabama Farmers Federation  
Alliance for Affordable Energy (LA)  
Alternative Fuels Renewable Energies Council (PA)  
American Cooperative Renewable Energy Sources (MI)  
American Lung Association of Upper Midwest  
American Spirit Enterprises (AR)  
Arbor Vitae-Woodruff School (WI)  
ArborGen (SC)  
Arkansas Association of Conservation Districts  
Arkansas Association of Resource Conservation and Development Councils  
Arkansas Climate Awareness Project  
Arkansas Farm Bureau Federation

Association of Forest Industries (MD)  
Association of Illinois Soil and Water Conservation Districts  
Auburn University (AL)  
Avatar Alternative Energy (CA)  
Balcones Resources (AR)  
Bank of Newman Grove (NE)  
Barnards Soil Service (IL)  
Basin Electric Power Cooperative (ND)  
BBI International (CO)  
BEECS Lab, Florida International University  
Berkshire-Pioneer Resource Conservation & Development Council (MA)  
BEST Energies (WI)  
Bioenergy Engineering (TN)  
BioEnergy Products Discovery Group/ BioPower Distributed Generation (NV)  
BioFlorida, Inc.  
BioFuelBox (CA)  
BioNebraska  
BioResource Management (FL)  
BIOWA (IA)  
Black Farmers and Agriculturalists Association, California Chapter  
BlackBelt Cooperative (AL)  
Blount International, Inc (OR)  
Bond County Farm Bureau (IL)  
Boone County Farm Bureau (IL)  
Boyd Livestock Services (ID)  
Bright Developments Corp (KY)  
Brown County Farm Bureau (IL)  
Buckeye Ethanol (OH)  
Buckeye Renewable Fuels Association (OH)  
Bull Mountain Enterprises, Inc (NC)  
Bureau County Farm Bureau (IL)  
California Agriculture Commissioners and Sealers Association  
California Association of Winegrape Growers  
California Chamber of Commerce  
California Farm Bureau Federation  
California State Board of Food and Agriculture  
California State Grange  
Capitol Greenroofs, LLC (VA)  
Carroll County Farm Bureau (IL)  
Cascade County Commission (MT)  
Cass County Electric Cooperative (ND)  
Cass-Morgan County Farm Bureau (IL)  
Center for Energy and Environmental Sustainability, James Madison University (VA)  
Center for Sustaining Agriculture and Natural Resources, Washington State University  
Central Alabama Clean Cities Coalition  
Central Indiana Ethanol  
Champaign County Farm Bureau (IL)  
Chenango County Farm Bureau (NY)  
Chickasaw-Shilo RC&D (TN)  
Chieftain Energy Corporation (OH)  
Chippewa County, MN Board of Commissioners

Chippewa Valley Ethanol Company (MN)  
Citizens for Pennsylvania's Future  
City of Aspen, CO  
City of Griggsville, IL  
City of Marion, IN  
City of Pittsfield, IL  
City of Salt Lake City, UT  
CJ Enterprises (WI)  
Clark Country Farm Bureau (IL)  
Clouston Energy Research, LLC (MI)  
Clean Cities of West Tennessee  
Clean Fuel Technologies (FL)  
Cloud Country Farm Bureau (KS)  
Colorado Farm Bureau  
Colorado Harvesting Energy Network  
Colorado Renewable Energy Society  
Colorado State Legislature  
Colorado State University Cooperative Extension  
Community Biomass Technologies (NV)  
Compass Strategies (FL)  
Comves Ltd. (Bulgaria)  
Consumers Energy (IA)  
Cook County Farm Bureau (IL)  
Cool Planet (MN)  
Corporation for Economic Opportunity (SC)  
Council of Western State Foresters  
Crain Consulting (MS)  
Crestone Solar School (CO)  
Crystal Falls Productions (IL)  
Cumberland County Farm Bureau (IL)  
Cuppy's Coffee and Smoothies (FL)  
Delta-Montrose Electric Association (CO)  
DeWitt County Farm Bureau (IL)  
DFA, Inc. (GA)  
Dinkel Implement Company (NE)  
Distillers Grains Technology Council (KY)  
Domes International India Ltd (MS)  
Donald Danforth Plant Science Center (MO)  
Donnell Consulting (OH)  
Douglas County Farm Bureau (IL)  
DuPage County Farm Bureau (IL)  
Earth Friendly Fuels (AZ)  
Earthwell Energy Management (KY)  
East Tennessee Clean Fuels Coalition  
Eckman's Computer Services (PA)  
Ecology Center of Ann Arbor (MI)  
Ecovation (NY)  
Effingham County Farm Bureau (IL)  
Empire State Forest Products Association (NY)  
Energize Now Initiative (MA)  
Entegrity Wind Systems (VT)

Enviro Board Corporation (CA)  
Environment Maine  
Environment Maryland  
Environment Michigan  
Environment North Carolina  
Environmental Power Corporation (NH)  
ePower Synergies, Inc. (IL)  
EPRIDA Scientific Carbons (GA)  
Eufaula Pulpwood Company (AL)  
Far West Agribusiness Association  
Faribault County (MN)  
Faribault County, MN Board of Commissioners  
Farmergy Inc. (MO)  
Fayette County Farm Bureau (IL)  
First Coast Biofuels (FL)  
Florida Biofuels Association, Inc  
Florida Department of Agriculture and Consumer Services  
Florida Farm Bureau Federation  
Florida Forestry Association  
Florida Fruit and Vegetable Association  
Flower Power USA of WA  
Focus the Nation (OR)  
Foresight Wind Energy, LLC (AZ)  
Forest Energy Association (AL)  
Forest Energy Corporation (AZ)  
Forest Resource Consultants, Inc. (GA)  
Forest2Market, Inc (NC)  
Foster Brothers Farm (VT)  
Fredrikson & Byron, P.A. (MN)  
Full Belly Music (CO)  
Fulton County Farm Bureau (IL)  
Gallatin County Farm Bureau (IL)  
Gamma Solar Corporation (FL)  
Georgia Department of Agriculture  
Glover Oil Company (FL)  
Grand Targhee Resort (WY)  
Green Electricity Buying Cooperative (MT)  
Greenline Industries (AR)  
Green Renewable Energy LLC (PA)  
Greene County Farm Bureau (IL)  
Greenfield Plantation, Inc (MS)  
Greenstock, LLC: California Biodiesel Feedstock Development  
Greenwood Technologies (WA)  
GridPoint, Inc (D.C.)  
Gulf States Paper Corporation (AL)  
Hancock County Farm Bureau (IL)  
Harbec Plastics, Inc. (NY)  
Harvesting Clean Energy (WA)  
Headland Industrial Development Board (AL)  
Heissenbuttel Natural Resource Consulting (VA)  
Henry County Farm Bureau (IL)

High Noon Solar (CO)  
Holy Cross Energy (CO)  
Home Farm Technologies (MN)  
Homeland Energy Resources Development (NY)  
Horan Bio Production (IA)  
Hybrid Fuels Inc of MB  
Hybrid Power Technologies, Inc (TX)  
Idaho Farm Bureau  
Ikehorn Industries (WI)  
Illinois Agri-Women  
Illinois Association of RC&D Areas  
Illinois Grape Growers and Vintners Association  
Illinois Rural Electric Cooperative  
Independent Bankers of Colorado  
Indiana Corn Growers Association  
Indiana Corn Marketing Council  
Indiana Farm Bureau  
Indiana Soybean Board  
Indiana Soybean Growers Association  
IndoDanish Wind Technologies (India)  
Institute for Ethics and Emerging Technology (MN)  
INTACT Community Development Corporation (NY)  
Interwest Energy Alliance (CO)  
Iowa Central Community College  
Iowa Farm Bureau Federation  
Iowa Institute for Cooperatives  
Iowa Soybean Association  
IQ Learning Systems, Inc (MO)  
Irrigation Association (VA)  
Jackson County, MN Board of Commissioners  
Jacksonville Regional Economic Development Corporation (IL)  
Jasper County Farm Bureau (IL)  
Jefferson County (GA) Board of Commissioners  
Jerome County Fair (ID)  
Jetson Green (TX)  
Jo Daviess County Farm Bureau (IL)  
Kadmas Lee and Jackson (ND)  
Kankakee County Farm Bureau (IL)  
Kansas Corn Growers Association  
Kansas Department of Agriculture  
Kansas Farm Bureau Federation  
Kansas Grain Sorghum Producers Association  
Kansas Soybean Association  
Kansas State Legislature  
Kaskaskia Watershed Association (IL)  
K&C Machining (IL)  
KEMA Consulting  
Kendall County Farm Bureau (IL)  
KenGro Corporation (MS)  
Kentucky Clean Fuels Coalition  
Kentucky Coalition for Renewable Energy Resources, Inc

Kentucky Department of Agriculture  
Kentucky House of Representatives  
Kentucky Rural Energy Consortium (KREC)  
Knobel Seeds (NE)  
Konrad Advising (CO)  
Krause Corporation (KS)  
Lake Superior State University Biology Department (MI)  
LandPro, LLC (IL)  
Langhauser Associates, Inc (IL)  
Larrabee Farms (CA)  
La Rue Construction (CA)  
LaSalle County Farm Bureau (IL)  
Lebanon County Conservation District (PA)  
Lenawee County Board of Commissioners (MI)  
Lincoln County, MN Board of Commissioners  
Lincoln Land FS, Inc (IL)  
LiveWell Alamosa (CO)  
Livingston County Farm Bureau (IL)  
Losonoco Inc. of (FL)  
Louisiana Farm Bureau Federation  
Loup Basin Resource Conservation and Development Council (NE)  
LPP Combustion, LLC (MD)  
LS9, Inc. (CA)  
M&D Distributors (TX)  
Macon County Farm Bureau (IL)  
Macoupin County Farm Bureau of (IL)  
Maine Rural Partners  
Martin County (MN)  
Maryland Energy Administration  
Mason County Farm Bureau (IL)  
Massac County Farm Bureau of IL  
McDonough County Farm Bureau (IL)  
McGuire Trading Company Inc. (WA)  
McHenry County Farm Bureau (IL)  
McLean County Farm Bureau of (IL)  
McNairy County Tennessee  
Meadow Springs Farm (OH)  
Menard County Farm Bureau (IL)  
Mendel Biotechnology (CA)  
Mercer County Farm Bureau (IL)  
Merritt Oil (AL)  
Metabolix (MA)  
Michigan Alliance of Cooperatives  
Michigan Farm Bureau  
Michigan House of Representatives  
Michigan Public Interest Research Group  
Michigan Technological University  
Microforestry Resource, Inc. (NM)  
Mid-America Equipment Retailers Association (IN,KY)  
Mid-Ohio Energy Cooperative  
Midwest Alliance for Renewable Energy

Midwest Biofuels (IN)  
Midwest Ethanol Producers, LLC (NE)  
Midwest Forage Association (MN)  
Midwest Renewable Energy Association (WI)  
Midwestern Governors Association  
Mike Farm Enterprises Inc. (OH)  
Milagro Biofuels of Memphis (TN)  
Millennium Capital finance Company (TX)  
Minnesota Agri-Women  
Minnesota Project  
Minnkota Power Cooperative, Inc (ND)  
Mississippi Association of Conservation Districts  
Mississippi Association of RC&D Councils  
Mississippi Biomass Council  
Mississippi Department of Agriculture  
Mississippi Farm Bureau Federation  
Mississippi Soil and Water Conservation Commission  
Misty Hills Farm (NY)  
Molpus Timberlands Management (TX)  
Molpus Woodlands Group (TX)  
Montgomery Country Farm Bureau (IL)  
Montana Department of Natural Resources and Conservation  
Montana Farmers Union  
Montanans for a Healthy Climate  
Moonlighting Energy Solutions (NJ)  
MOU Citrus Partnership, LLC (CA)  
Moultrie County Farm Bureau (IL)  
Mount Wachusett Community College (MA)  
Mountrail-Williams Electric Cooperative (ND)  
National Energy Education Development Project (VA)  
Nebraska Association of Resource Districts  
Nebraska Cattlemen's Association  
Nebraska Congressional Delegation  
Nebraska Cooperative Association  
Nebraska Corn Board  
Nebraska Ethanol Board  
Nebraska Farm Bureau  
Nebraska Grain and Feed Association  
Nebraska Grain Sorghum Board  
Nebraska Renewable Energy Association  
Nebraska Rural Electric Association  
Nebraska Soybean Association  
Nebraska State Grange  
Nebraska State Legislature  
Nebraska Wheat Board  
Nebraska Wheat Growers Association  
New Beginnings Environmental (TX)  
New Hampshire Electric Cooperative  
New Hampshire Wind Energy Association  
New Uses Council (MD)  
New World Wind Power LLC (MT)



New York Farm Bureau, Inc.  
New York Farm Viability Institute  
New York State Grange  
NewGen Technologies, Inc. of NC  
Nodak Electric Cooperative (ND)  
North Carolina Farm Bureau  
North Carolina Solar Center  
North Central Hearth, Patio & Barbecue Association (WI)  
North Dakota Association of Rural Electric Cooperatives  
North Dakota Department of Agriculture  
North Dakota Farm Bureau  
Northeast Wyoming Resource Conservation and Development  
Northeastern Area Association of States Foresters  
Northwind Resources (IL)  
Northern Biodiesel, Inc (NY)  
Nova Fuels (CA)  
Ogle County Farm Bureau (IL)  
Ohio Corn Growers Association  
Ohio Environmental Council  
Ohio Farm Bureau Federation  
Ohio Farmers Union  
Ohio Federation of Soil and Water Conservation Districts  
Ohio-Michigan Equipment Dealers Association  
Ohio Soybean Association  
Oklahoma Farm Bureau  
Online Community News (PA)  
Oregon Department of Agriculture  
Oregon Intelligent Ethanol Systems, LLC  
OXBO International of NY  
Palisades Convention Management (NY)  
Peloton Energy, LLC (CA)  
Pennsylvania Energy Resources Group  
Pennsylvania Forestry Association  
Pennsylvania Farm Bureau  
Pennsylvania Rural Electric Association  
Piatt County Farm Bureau (IL)  
Pike County (IL)  
Pike County Economic Development Corporation (IL)  
Pike County Farm Bureau (IL)  
Pike County SWCD (IL)  
Pine 2 Energy Coalition (GA)  
Prairie Hills Resource Conservation (IL)  
Price BIOstock Services (AR)  
Pro-Vision Development Corporation (IA)  
Public Policy Virginia  
Pulaski-Alexander Farm Bureau of IL  
Pure Vision Technologies (CO)  
Purgo-Terra Corp (SC)  
PvH Communications (CO)  
Ratepayers United of Colorado  
Rebirth Capital (LA)

Redwood County, MN Board of Commissioners  
Renewable Energy Cooperative (AR)  
Renewable Energy Systems, LLC (FL)  
Renewafuel, LLC (MN)  
Renville County Board of Commissioners (MN)  
Resource Management Company, Inc (KS)  
Rieke Office Interiors (IL)  
River Valley Sugarbeet Growers Association (MN, ND, IL)  
Rock County, MN Board of Commissioners  
Rock Island County Farm Bureau (IL)  
Rocket Industries, LLC (TX)  
Rocky Mountain Farmers Union (CO)  
Rocky Mountain Sustainable Enterprises (CO)  
RS Enterprises (WI)  
Runkel Consulting (CA)  
Rural Minnesota Energy Board  
Saline County Farm Bureau (IL)  
Salmon Valley Stewardship (ID)  
Sangamon County Farm Bureau (IL)  
Save the Springs (CO)  
Schuyler County Farm Bureau (IL)  
Scott County Board of Commissioners (IL)  
Scott County Farm Bureau (IL)  
Scott County SWCD (IL)  
Seminole Soil & Water Conservation District (FL)  
Shaw Company (MO)  
Shield Ag Equipment of KS  
Simplicity Energy Farms, Inc. (CO)  
Sirya Green Energies, LLC (GA)  
Smartgrowth Associates (CO)  
Solar Breez Energy, LLC (MT)  
SolarWrights, Inc. (RI)  
South Carolina Biomass Council  
South Carolina Department of Agriculture  
South Carolina Farm Bureau Federation  
South Dakota Veterans of Foreign Wars  
SAFER (Southeast Agriculture and Forestry Energy Resources Alliance)  
Southeastern Lumber Manufacturers Association  
Southern Alliance for Clean Energy  
Southern Alliance for the Utilization of Biomass Resources  
Southern Forest Research Partnership (GA)  
Southern Group of State Foresters  
Southern Tier Central Regional Planning and Development Board of NY  
Southwest Windpower (AZ)  
Soy Energy, LLC (IA)  
Spider Energies of MI  
St. John Valley Soil and Water Conservation District (ME)  
Stephenson County Farm Bureau (IL)  
Stevens County (MN) Board of Commissioners  
Stinger Ltd (KS)  
Stinker Stores (ID)

Stone House Hermitage and Farms (MO)  
Strata-G (MS)  
Sukup Manufacturing (IA)  
Summers Consulting (CA)  
Suncrest Group, LLC (CO)  
Sunflower Electric Power Corporation (KS)  
Sun Grant Initiative (DC)  
Sunbow Farm (OR)  
Swatara Creek Watershed Association (PA)  
Tarm USA, Inc (NH)  
Taylor County Board of Commissioners (FL)  
Tazewell County Farm Bureau (IL)  
Techno-Square (Bangladesh)  
Templin Forestry, Inc (LA)  
Tennessee Farm Bureau Federation  
Terror-Free Oil Initiative (FL)  
Texas Agri-Women  
Texas Farm Bureau  
Texas Forestry Association  
Texas Impact  
Texas Office of Rural Community Affairs  
Texas Renewable Energy Industries Association  
Texas Rural Alliance for Renewable Energy  
Texas Solar Energy Society  
The Alternative Energy Store (MI)  
The Center for Rural Development (KY)  
The McGregor Company (WA)  
The Samuels Group, Inc (TX)  
The Traylor Group (AL)  
The Westervelt Company of (AL)  
Think Energy, Inc. (MD)  
Town of Fowler, CO  
Triangle Energy Group (MN)  
Triple G Inc (CA)  
TSS Consultants (CA)  
Two Rivers Resource Conservation (IL)  
United Bio Energy (KS)  
United Biofuels Development (IN)  
University of Alabama  
Univeristy of Florida, IFAS  
University of Florida, Lee County IFAS  
University of Florida, Office of Sustainability  
University of Minnesota - West Central Research and Outreach Center  
USA Energy Independence Publications (IL)  
VanCoe (IN)  
Vayda Energy Associates (MD)  
Verdant BioSciences Corporation (CO)  
Verendrye Electric Cooperative (ND)  
Vermilion County Farm Bureau (IL)  
Vermont Bio Fuels Association  
Vermont Farm Bureau Federation

Vermont General Assembly  
Veterans Energy Solutions, LLC (FL)  
Village of Hull, IL  
Virent Energy Systems (WI)  
Virginia Education Association  
Virginia Farm Bureau Federation  
Virginia Forestry Association  
Virginia Forest Products Association  
Warren-Henderson Farm Bureau (IL)  
Washington Association of Wheat Growers  
Washington Barley Commission  
Washington State Conservation Commission  
Wayne County Farm Bureau (IL)  
Westar Trade Resources (TX)  
Western Resource Advocates (CO)  
White Construction, Inc (IN)  
White County Farm Bureau (IL)  
Will County Farm Bureau (IL)  
Williams Farms LP (OH)  
Winnebago County Farm Bureau (IL)  
Wisconsin Partners for SustainAbility  
Wisconsin Public Interest Research Group  
WPC, Inc (NC)  
Xcelplus Global Holdings Inc (VA)  
Xethanol Corporation (NY)  
Yellow Medicine County, MN Board of Commissioners  
Ze-Gen (MA)

## **Supporting Organizations**

American Bankers Association

**No. 2008-01  
BEFORE THE CITY COUNCIL  
OF THE CITY OF VISALIA**

**ADOPTION OF A RESOLUTION  
ENDORING 25X'25**

**A RESOLUTION OF THE CITY OF VISALIA, CALIFORNIA, ENDORSING 25 x '25**

**WHEREAS**, global warming, caused primarily by the burning of fossil fuels, is believed to be a major cause of global warming;

**WHEREAS**, dependence on foreign oil and gas prices are reaching an all time high;

**WHEREAS**, domestic and global energy demands are growing exponentially;

**WHEREAS**, environmental and health concerns and risks associated with fossil based fuel sources are escalating;

**WHEREAS**, solar, wind, bio-energy and bio-fuels can be captured and/or produced on the land mass and managed by US agriculture and forest landowners, and;

**WHEREAS**, technology and production capabilities allow America's farmers ranchers and forest landowners to play a major role in insuring a fully sustainable U.S. energy system;

**NOW WHEREFORE BE IT RESOLVED THAT** the City Council of the City of Visalia, California, that the City of Visalia endorses the vision of 25 x 25 and commits to work collaboratively with renewable energy advocates to further explore and define the overarching contribution which the agricultural and forestry sectors can make as producers of energy and to seek opportunities to enhance this effort in our area.

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date** January 2, 2008

**Agenda Item Number (Assigned by City Clerk):** 2

**Agenda Item Wording:** Presentation by Keith Bergthold, City of Fresno Assistant Planning Director, on the Rural Metro Loop, a multi-county transportation system being considered for implementation in 2110 that could include portions of Tulare County.

**Deadline for Action:** N/A

**Submitting Department:** Administration

**Contact Name and Phone Number:** Leslie Caviglia, 713-4317, Monty Cox, 713-4591

**Department Recommendation:**

It is recommended that the Council hear the report and assess whether they are in support of the Tulare County Association of Government's continuing to support this effort, and the inclusion of Tulare County in the Loop plan.

At the November Tulare County Association of Government's meeting in November, the TCAG Board heard a presentation on the proposed Rural Metro Loop, a multi-county transportation system being considered for implementation in 2110. The project is being studied by the City of Fresno, and the results will be one of the scenarios that is considered as part of the San Joaquin Valley Blueprint process. Originally conceived as a system between Madera and Fresno Counties, an expansion is being considered that could include as many as 5 or 6 counties, including portions of Tulare County, specifically, using Highway 198 as a corridor for the system.

In general, the TCAG Board supported the project and Tulare County's inclusion in the project, and asked cities to have the presentation brought to their Councils for review, and to determine if there was any opposition to supporting the continued study.

The focus or goal of this collaborative effort is to evaluate and assess the feasibility of a high-capacity, mass transit-based, multi-modal corridor system (Metro Rural Loop) that would efficiently link cities and counties together into an effective regional metropolitan area that balances economy, environment, and equity for the millions of residents projected to live and work in the Central Valley in 100 years. The key conceptual premise of Metro Rural Loop is the possibility of wide, inter-connecting transportation corridors supported by coordinated regional land use policies adopted by local jurisdictions that clearly implement the compact urban development and higher densities necessary to support advanced, mass transit-based, multi-

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 30 min

**Review:**

**Dept. Head**   LBC 1207  

**Finance**   N/A  

**City Atty**   N/A  

**City Mgr**

modal transportation options and superlative economic development opportunities, while protecting the commercial agriculture base and environmental and natural resources. Keith Bergthold, City of Fresno Assistant Planning Director, is the project leader for this planning effort, which is supported by a grant from the California Partnership. He will provide the Council with additional information, including proposed route alignments, projected timelines and the anticipated next steps for this long range project.

**Summary/background:**

**Prior Council/Board Actions:** N/A

**Committee/Commission Review and Actions:** N/A

**Alternatives:**

**Attachments:** Copies of various proposed alignments

**Recommended Motion (and Alternative Motions if expected):**

I move to support TCAG's support of the Rural Metro Loop planning process, including the inclusion of Tulare County in the planned route.

***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:** January 7, 2008

**Agenda Item Number (Assigned by City Clerk):** 3

**Agenda Item Wording:** Council acceptance of the fiscal year 2006-07 Measure T Audit Report, as recommended by the Citizens Advisory Committee (CAC).

**Deadline for Action:** January 7, 2008

**Submitting Department:** Finance

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

**Department Recommendation:** That Council accepts the 2006-07 Measure T Audit Report as recommended by the Citizens Advisory Committee.

**Summary/background:** With the passage of Measure T in March of 2004, the City is required to conduct an annual procedures audit by an independent audit firm. M. Green and Company LLP, Certified Public Accountants has performed an audit of the Measure T funds for the fiscal year ended 2006-07. The final report, which indicates the Measure is being implemented as planned, is presented for Council review and acceptance. The Citizens Advisory Committee (CAC) has reviewed and concurs with the final audit report and recommends that Council accept the report as written.

### Discussion

At its March 29, 2004 meeting, Council approved an item which detailed various accountability policies for City staff to implement with regards to Measure T. One of these policies includes an annual audit of Measure T funds by an independent auditor. The City has contracted with M. Green and Company LLP, Certified Public Accountants, to conduct the first three annual audits. The audit report for fiscal year 2005-06 was presented to and accepted by Council at its work session on January 16, 2007. The 2006-07 annual audit report is presented for Council consideration and acceptance.

Included in the accountability policies noted above is the Citizens Advisory Committee's (CAC) review and acceptance of the final audit report. At its December 5, 2007 meeting, the CAC heard a presentation from Gus Aiello, who discussed the audit report in detail. The CAC made a motion to accept the report as written and recommends that Council do the same.

### 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.

### First 3 Years Plan Accomplishments

Measure T was designed to increase public safety efforts in Visalia. Table I – Measure T Plan Elements, Years 1, 2 and 3, recaps the accomplishments achieved during the first three years of Measure T implementation, from July 2004 to June 2007.

Table I - Measure T Plan Years 1, 2 and 3

FY 04/05	
Milestone	Status
Hire (5) new Police Officers	(5) Officers hired 7/04
Purchase (5) new Police vehicles	(5) vehicles purchased 5/04
New Police Admin/Dispatch Center*	The location of the facility is part of the Civic Center study, currently in process
Design and construct (2) Police Precincts*	Construction has been completed and both precincts are fully functional and occupied by police staff
Purchase (5) acres of land for a NW Fire Station/Training facility*	Land was acquired at the corner of Shirk and the future Ferguson 4/7/05.
Design NW Fire Station and Training facility*	In fiscal year 2004/05 land was purchased at Shirk and Ferguson for the NW Fire project

  

FY 05/06	
Milestone	Status
Hire (5) new Police Officers	(5) Officers hired 7/05
Purchase (5) new Police vehicles	(5) vehicles purchased 7/05
Develop/construct the NW Fire Station/Training facility*	Council approved a program budget of \$6.4 million. Designs have been completed by RRM Design Group and construction bids are currently on the street
Purchase a Fire Engine*	Council approved a change from purchasing a Fire Engine to a Quint apparatus during the recertification of the 05/06 plan
Acquire (2) acres of land for a SE Fire Station*	The location of the property is part of the SE Master Plan

  

FY 06/07	
Milestone	Status
Hire (5) new Police Officers	(5) officers hired 7/07
Purchase (5) new Police vehicles	(5) Police vehicles purchased through Groppetti Automotive
Hire (4) new Firefighters to staff the NW Fire Station	Council authorized the advanced hiring of (4) new Firefighters. These positions have been filled.
Complete 2 new Police precincts	Notice of Completion of both Precincts approved by Council on 11/19/07. Both precincts are fully functional and occupied by police staff
Develop/construct the NW Fire Station/Training facility*	Bids are currently on the street with an estimated construction completion date of March, 2009

\* Includes contributions from the General Fund and Impact Fees

### Financial Status

Both the police and fire Measure T funds are healthy. After a slow start in fiscal year 2004-05, revenues have exceeded expectations by \$926,307 through the first three years of implementation, including all investment and interest earnings. Operational expenses for both funds have come in under budget by \$412,684 during the same time period.

With regards to capital expenditures, although the first three years have not been over-budget, there are several capital projects which are anticipated to exceed the original budget which was prepared in 2003. For example, the Northwest fire project will require an additional \$.5 million from the Measure T fund. In addition, the estimated cost on the planned public safety building is not yet known. The remaining cash balances at the end of fiscal year 2006-07 will be needed to fund higher cost capital projects. On June 25, 2007, Council authorized using excess revenues to fund higher cost capital projects.

Table II, Police Measure T Fund Status, displays budget to actual financial details for the Police Measure T Fund during the first three years of activity. Although there is a fund balance of \$1,657,698 at the end of fiscal year 2006-07, the entire balance has been designated for the public safety building.

Table II  
Police Measure T Fund Status  
For Fiscal Years 2004-05 thru 2006-07

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenue	8,346,690	8,862,272	515,582
Operational Expenses	3,207,651	2,943,716	263,935
Capital Expenses	3,886,640	3,504,182	382,458
Total Expenses	7,094,291	6,447,898	646,393
Less Transfer to Economic Uncertainty Fund	(718,860)	(756,676)	(37,816)
Fund Balance	533,539	1,657,698	1,124,159
Designated for Capital		1,657,698	

Note: Fund Balance is preliminary and unaudited

Table III – Fire Measure T Fund Status, displays budget to actual financial details for the Fire Measure T Fund during the first three years of activity. There is a fund balance of \$4,580,541 at the end of fiscal year 2006-07. However, these funds are designated for capital projects; including the Northwest fire station and training facility, the public safety building and a Southeast fire station and related equipment. The plan intentionally builds up a fund balance over a number of years to fully fund these projects. A substantial amount of the fund balance will be drawn down in 2007/08 and 2008/09 as the \$6.6 million northwest fire project is constructed.

Table III  
 Fire Measure T Fund Status  
 For Fiscal Years 2004-05 thru 2006-07

	<u>Budget</u>	<u>Actual</u>	<u>Variance</u>
Revenue	5,684,270	6,094,995	410,725
Operational Expenses	733,967	585,218	148,749
Capital Expenses	415,000	421,712	(6,712)
Total Expenses	1,148,967	1,006,930	142,037
Less Transfer to Economic Uncertainty Fund	(479,240)	(507,524)	(28,284)
Fund Balance	4,056,063	4,580,541	524,478
Designated for Capital		4,580,541	

Note: Fund Balance is preliminary and unaudited

### Plan Implementation

Council will recall that the Measure passed by the voters indicates that the Plan must be implemented in the following order:

- **Implement the current year plan.** Based on the current level of revenues, funding should be sufficient to implement the fiscal year 2007-08 plan. Although there are excess revenues over the first three years of the plan, staff recommends not accelerating any elements of the plan, as the excess revenues will be spent on capital projects that will cost more than the original estimate. For example, the NW fire project was in the plan estimated at \$4.9 million, with \$1.5 in funding from the Measure T fund and \$3.4 million from impact fees. Based on increases in construction labor and materials cost over the past four to five years, the updated cost estimate is now \$6.4 million, requiring an additional \$.5 million to fully fund from the Measure T fund and \$1.0 million from impact fees.
- **Fund the economic uncertainty fund,** provided sufficient funding is available after funding the current year plan. The Measure requires that the economic uncertainty fund be maintained at a minimum of 25% of the current year revenue budget. As of the fiscal year end 2006-07, it is fully funded in the amount of \$1,264,200 which exceeds the required 25% of budgeted revenues, because interest is credited to the account. This means a minimal transfer will be required in fiscal year 2007/08 to meet the 25% requirement.
- **Accelerate the Plan,** if excess funding is available. Because capital projects costs are higher than the original plan anticipated, excess funding will not be available and the plan will not be accelerated.
- **Add new plan elements** if all three of the above criteria are met.

## **Audit Process and Results**

The audit conducted by M. Green was an agreed upon procedures audit in which the City outlines the scope of work. M. Green was asked to review all the compliance agreements spelled out in the ballot proposition (the agreed upon compliance procedures are included in the final audit report). In addition to M. Green's audit, the Measure T funds are also audited annually by Brown Armstrong CPA firm, the City's audit firm.

The agreed upon procedures audit process was very detailed, including a review of financial information. The following documents were requested by the auditor and provided by City staff for auditor review and comment:

- City Manager certification - June 2007
- Budget information for Police and Fire – regular budget and Measure T for FY 2006-07 including proposed, adopted and any amendments
- Fund accounting information for all Measure T related funds for the period ending June 30, 2007, including balance sheet, expenditures, revenues (summary and detail), economic uncertainty fund and accounting records related to construction in progress
- Fund accounting information for all police and fire related expenditures for period ending June 30, 2007, including balance sheet, expenditures and revenues (summary and detail)
- City baseline computations, with supporting documentation, as to pre-Measure T expenditures for police and fire
- California State Board of Equalization agreements and/or amendments
- City cash receipting policy
- City cash, accounts payable and purchasing policies
- Any reports and correspondence provided to City Council or the Citizens Advisory Committee for the period July, 2005 to date
- City Council minutes where Measure T was discussed or action was taken
- Any written policies regarding administration of Measure T monies including most recent program guidelines
- Documentation supporting City interest allocation to Measure T funds
- Documentation regarding inter-fund advances or payables involving Measure T funds
- Copies of remittance advices comprising all Measure T funds for FY 2006-07 to date
- Any non-privileged documents or communication from the City Attorney regarding Measure T monies and their disbursement or receipt
- City summary of receipts and disbursements
- Personnel detail including date of hire and termination

After its review of the all the above, the audit firm found that the City complied with the ballot measure as outlined in the audit procedures. There is one finding noted in the final audit report to which staff must respond:

1. Finding

During its review, the audit firm found an instance where a portion of a police officer's salary expense was charged to the General Fund in the amount of \$22,212.

Resolution

In order to alleviate the miscoding of salary expense in the future, staff recommends the Council adopt a policy whereby allocated police officer and firefighter positions are expensed first to the General Fund, then Measure T. Approving such a policy

creates a definitive plan for coding of personnel expenses as well as ensures that the Measure T fund will not supplant the General Fund.

**Conclusion**

Measure T is being implemented according to plan. The results of the recent audit by M. Green support the fact that the Plan is moving forward as approved by voters.

**Prior Council/Board Actions:**

- January 11, 2006 – Approval and acceptance of the 2004/05 Measure T audit report
- January 16, 2007 – Approval and acceptance of the 2005/06 Measure T audit report

**Committee/Commission Review and Actions:** Citizens Advisory Committee review and approval on December 5, 2007.

**Alternatives:** Do not accept the Measure T final audit report

**Attachments:** Attachment #1 - CAC memo of acceptance of the Measure T audit report  
Attachment #2 - Fiscal year 2006-07 Measure T audit report  
Attachment #3 – Measure T Plan

**Recommended Motion (and Alternative Motions if expected):** That Council accepts the 2005-06 Measure T Audit Report as recommended by the Citizens Advisory Committee and approve a policy whereby allocated police officer and firefighter positions are expensed first to the General Fund, then Measure T.

***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:** January 7, 2008

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

**Agenda Item Wording:** Authorization for the City Manager to Execute a Professional Service Agreement with Community Services and Employment Training (CSET) to provide labor for various City grant funded projects where CSET is a partner in the grant application.

**Deadline for Action:** January 7, 2008

**Submitting Department:** Parks & Recreation Department

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

**Department Recommendation:** That the Visalia City Council authorize the City Manager to execute a professional services agreement with CSET to provide labor for various grant projects where CSET is specified as a partner for an amount not to exceed \$ 293,000.00.

**Summary/background:** Within the past nine months the City has been awarded three grants for various tree planting and waterway enhancement projects. The grants are a California Department of Forestry, "Green Trees for the Golden State" grant to plant 1,450 trees in various location, an Environmental Enhancement and Mitigation grant for the installation of irrigation systems and planting of approximately 1,500 Valley Oaks, and a River Parkways grant to develop a twelve acre area on the St Johns River.

In each of the grant applications the Tulare County Youth Corps (TCYC), which is one of the programs of CSET, was identified as a participant in the application in order to meet the eligibility criteria of the grant. The City and CSET established the tree planting program together and the projects provided through these grants is a continuation of the collaboration in the urban forestry effort in Visalia. TCYC provides young men and women with job training, education, leadership and environmental awareness through performance of community & conservation work projects. In the case of the "Green Trees for the Golden State" grant there is a requirement to provide jobs for the unemployed. For the Environmental Enhancement and Mitigation grant CSET is volunteering approximately \$3,000 in labor as a match to the project, and CSET is identified as a partner in the River Parkway grant. The grant criteria give preference to projects that used local youth corps.

**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 three grants total \$ 1,209,300., of which \$293,000 has been budgeted for labor to be supplied by CSET. This agreement would provide that through management by the City, CSET crews would perform various tasks at an hourly rate. The schedule of rates is attached in the draft agreement.

The projects funded through these grants cover a period of three years. This time period of this agreement is intended to run concurrently with the approval period of the grants. The grants are monitored and managed through the Parks and Recreation Department.

Through the collaboration with CSET and grant funding from the State, the City will be able to achieve over \$1.2 million dollars in value of enhanced open space and additional tree plantings in the community.

### **Grant Descriptions:**

The following is a summary description of the three grants.

#### *State of California, Department of Forestry and Fire Protection – Green Trees for the Golden State*

Project: This grant will provide for tree planting and irrigation.

Timeline: The project is to be completed by March 1, 2010

Funding: Grant Award - \$149,800. There is a City match of \$25,000 from a combination of City of Visalia Waterway Impact Fund and Park and Recreation Department.

#### *State of California, Caltrans – Environmental Enhancement and Mitigation Program*

Project: This grant will provide for tree planting and irrigation.

Timeline: The project is to be complete by March 1, 2009

Funding: Grant Award - \$242,100. There is a City match of \$46,480 from the City of Visalia Waterway Impact Fund.

#### *State of California, The Resources Agency – California River Parkways Grant Program*

Project: This grant will provide for enhancements to the Ben Maddox Trail Head of the St. John's River Trail on a 12 acre site located on the east side of Ben Maddox Way and the St. Johns's River.

Timeline: The project is to be complete by January 31, 2010

Funding: Grant Award - \$ 817,400. There is a City match of \$153,010 from the City of Visalia Waterway Impact Fund.

**Prior Council/Board Actions:** Council previously authorized the submittal of the grant applications.

**Committee/Commission Review and Actions:**

**Alternatives:** None recommended

**Attachments:** Draft Service Agreement

**Recommended Motion (and Alternative Motions if expected):** I move to authorize the City Manager to execute a services agreement with CSET to provide labor for various grant projects where CSET is specified as a partner for an amount not to exceed \$ 293,000.00.

***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:

# PROFESSIONAL SERVICES AGREEMENT

This Agreement entered into this \_\_\_\_\_ day of January, 2008, by and between the City of Visalia, hereinafter referred to as "CITY", and, Community Services & Employment Training, hereinafter referred to as the "CSET", herein also referred to as Contractor.

## WITNESSETH

WHEREAS, the CITY applies for and accepts grants for the improvement of the City of Visalia; and

WHEREAS, the CITY identifies CSET as a partner in some grant applications and CSET agrees to provide in-kind contributions, as identified in Exhibit A, that will be used for matching funding; and

WHEREAS, the CITY will continue to partner with CSET and its local conservation corps on grant applications where preference is given to projects that partner with conservation corps, and when these grant applications are successful the work can be incorporated into this agreement; and

WHEREAS, CSET is a youth job training program that provides job skills training and general education to youth 18 to 24 years old;

WHEREAS, the CITY is authorized and empowered to employ consultants and specialists and outside contractors in the performance of its duties and functions; and

WHEREAS, the CITY has the desire to secure certain special services to assist in the preparation and completion of the items of work described as "Scope of Work" in Exhibit "A", and hereinafter referred to as the "PROJECTS"; and

WHEREAS, the CONTRACTOR represents it is licensed, qualified and willing to provide such services pursuant to terms and conditions of this Agreement.

NOW, THEREFORE, BE IT AGREED, by and between the CITY and the CSET as follows:

## I. SERVICES TO BE PERFORMED BY THE CONTRACTOR

A. Authorized Scope of Work

CSET agrees to provide labor services to perform the work necessary to complete in a manner satisfactory to the CITY those tasks described in Exhibits "A" attached hereto and incorporated herein by this reference as if set forth in full.

B. CSET agrees to perform all work as specified in plans and specifications for the project provided by the CITY. In the event that work does not meet the required specification CSET agrees to make the required corrections at their own expense, including the replacement of materials.

C. CSET agrees that it shall be fully responsible for the supervision of all work of their employees. CSET shall ensure that their employees are physically qualified to perform their assigned duties in a safe manner and adhere to all safety rules and regulations. All CSET employees shall ensure that their work is accomplished with minimal disruption to the public.

D. Additional Services

Incidental work related to the PROJECT and not provided for in Exhibit "A" may be needed during the performance of this Agreement. CSET agrees to provide any and all additional services at the rates identified in attached Exhibit "B", Schedule of Fees for Services.

II. SERVICES TO BE PROVIDED BY THE CITY

A. The CITY shall provide a project coordinator and direct the work for activities for which the labor is being provided. It shall be the responsibility of the coordinator to provide clear plans and specifications for the work to be done, instruct the CSET supervisor on all safety regulations regarding the work, and inspect completed work.

B. The CITY agrees to provide all materials and equipment for each project for which labor services will be provided.

III. TIME OF PERFORMANCE

A. This Agreement shall be in effect for the duration of the projects as listed in Exhibit "A" and as indicated in the timelines identified in Exhibit C.

B. CSET and CITY shall develop monthly work schedule that details work to be provided for each month. All work shall be completed for each grant project as shown in Exhibit "C".

IV. COMPENSATION

A. Hourly Rate

CSET agrees to be paid by the hour for each employee working on a project as identified in attached Exhibit "B", Schedule of Fees for Services. In the event

there is an increase in the Federal or State Minimum Wage the CITY agrees to adjust the hourly rate accordingly.

B. Total Compensation Authorized

Total compensation for all projects for which CSET shall provide services pursuant to this Agreement shall not exceed Two hundred ninety-three thousand dollars (\$293,000.00) without prior written authorization of CITY. Total compensation for any single project shall not, without prior written authorization of CITY, exceed the sum identified in the Project Funding Schedule attached hereto as in Exhibit C.

C. Payment of Monthly Compensation

CSET shall be paid in monthly payments for the services as set forth in Exhibit A. CSET shall submit a monthly invoice for work performed that includes project name, daily hours worked, job classification, and pay rate. CSET also agrees to keep individual time cards for hours worked on all projects for a period of three years after the termination of this agreement and agrees to make these records available if required for an audit purpose.

V. AUTHORIZED REPRESENTATIVE

The Director of Parks and Recreation, or his authorized designee, shall represent the CITY in all matters pertaining to the services to be rendered under this Agreement, except where approval of the City Council of the City of Visalia is specifically required.

VI. TERMINATION

The CITY may terminate this Agreement at any time by giving notice to the CSET of such termination and specifying the effective date thereof, at least fifteen (15) days before the effective date of such termination. If this Agreement is terminated by the CITY as provided for herein, CSET shall be paid for the work performed satisfactorily prior to the date of termination, and at the rates set forth in Exhibit B.

Participation of CSET's conservation corps in this Agreement is contingent upon the availability of funding received for conservation corps programs; therefore, any change in said funding may require the termination of this Agreement.

VII. TERMINATION OF AGREEMENT FOR CAUSE

A. The CITY may by written notice to the CSET specifying the effective date thereof, at least fifteen (15) days before the effective date of such termination, terminate the whole or any part of this Agreement in any of the following circumstances:

1. If the CSET fails to perform the services called for by this Agreement within time(s) specified herein or any extension thereof, or
2. If the CSET fails to perform the services called for by this Agreement or so fails to make progress as to endanger performance of this Agreement in accordance with its terms, and in either of these two circumstances does

not correct such failure within a period of ten (10) days (or longer period as the CITY may authorize in writing) after receipt of notice from the CITY specifying such failure.

- B. In the event the CITY terminates this Agreement in whole or in part as provided in paragraph "A" above, the CITY may procure, upon such terms and such manner as it may determine appropriate, services similar to those terminated.
- C. CSET shall not be liable for any excess costs if the failure to perform this Agreement arises out of causes beyond the control and without the fault or negligence of the CSET. Such causes include, but are not limited to, acts of God or of the public enemy, floods, epidemics, quarantine restrictions, strikes, and unusually severe weather; but in the event the failure to perform is caused by the default of a subcontractor, CSET shall not be liable for failure to perform, unless the services to be furnished by the subcontractor were obtainable from other sources in sufficient time and within budgeted resources to permit CSET to meet the required delivery schedule or other performance requirements.

#### VIII. INTEREST OF OFFICIALS AND CSET

- A. No officer, member, or employee of the CITY or another public official of the governing body of the locality or localities in which the work pursuant to this Agreement is being carried out, who exercises any functions or responsibilities in the review or approval of the undertaking or carrying out of the aforesaid work shall:
  - 1. Participate in any decision relating to this Agreement which effects his personal interest or the interest of any corporation, partnership, or association in which he has, directly or indirectly, any interest; or
  - 2. Have any interest, direct or indirect, in this Agreement or the proceeds thereof during his tenure or for one year thereafter.
- B. CSET hereby covenants that it has, at the time of the execution of this Agreement, no interest, and that it shall not acquire any interest in the future, direct or indirect, which would conflict in any manner or degree with the performance of services required to be performed pursuant to this Agreement. CSET further covenants that in the performance of this work, no person having any such interest shall be employed.

#### IX. SUBCONTRACTING

- A. CSET shall not subcontract or otherwise assign any portion of work to be performed under this Agreement without the prior written approval of the CITY.
- B. In no event shall CSET subcontract work in excess of 50% of the contract amount, excluding specialized services. Specialized services are those items not ordinarily furnished by CSET.

#### X. SAFETY

- A. CSET shall comply with OSHA regulations regarding necessary safety equipment and procedures. If project work is to be performed within City right of way, CSET shall also comply with safety instructions issued by the CITY Streets Division Supervisor, Project Manager or his representative, or other CITY representatives.
- B. CSET shall be responsible for complying with CITY regulations regarding street closures when performing concrete cutting and removal and tree planting. A barricade, provided by the CITY, shall be placed in a tree well until a tree is planted and mulched.

XI. SUCCESSORS AND ASSIGNS

This Agreement shall be binding upon and shall inure to the benefit of any successors to or assigns of the parties. CSET shall not assign, delegate or transfer the rights and duties under this Agreement or any part thereof, without the prior written consent of the CITY.

XII. INDEPENDENT CONTRACTOR

In the performance of the services herein provided for, CSET shall be, and is an independent contractor and is not an agent or employee of the CITY. CSET has and shall retain the right to exercise full control and supervision of all persons assisting CSET in the performance of said services hereunder. CSET shall be solely responsible for all matters relating to the payment of its employees including compliance with social security and income tax withholding and all other regulations governing such matters.

XIII. DISPUTE

Any dispute not resolvable by informal arbitration between the parties to this Agreement shall be adjudicated in a Court of Law under the laws of the State of California.

XIV. SPECIFICATIONS

All specifications, manuals, standards, etc., either attached to this Agreement or incorporated by reference, are binding as to the performance of the work specified in this Agreement unless they are changed by written amendment to this Agreement modified in writing to incorporate such changes.

XV. PROHIBITION OF ASSIGNMENT

Neither the CITY nor CSET shall assign or transfer their interest in this Agreement without the written consent of the other party.

XVI. INDEMNIFICATION AND INSURANCE

- A. CSET hereby agrees to indemnify and hold CITY and its officers, agents, employees and assigns harmless from any liability imposed for injury (as defined by Government Code 810.8), whether arising before or after completion of work

hereunder, or in any manner directly or indirectly caused, occasioned or contributed to, or claimed to be caused, occasioned or contributed to, in whole or in part, by reason of any act or omission, including strict liability or negligence of CSET, or of anyone acting under CSET's direction or control or on its behalf, in connection with or incident to, or arising out of the performance of this contract.

It is the intent of the parties that CSET will indemnify, defend, and hold harmless CITY and its officers, agents, employees, and assigns, from any and all claims, demands, costs, suits or actions as set forth above regardless of the existence of passive concurrent negligence, on the part of the CITY or anyone acting under its direction or control or on its behalf.

This indemnity and hold harmless provision, insofar as it may be adjudged to be against public policy, shall be void and unenforceable only to the minimum extent necessary so that the remaining terms of this indemnity and hold harmless provision may be within public policy and enforceable.

- B. CITY hereby agrees to indemnify and hold CSET and its officers, agents, employees and assigns harmless from any liability imposed for injury (as defined by Government Code 810.8), whether arising before or after completion of work hereunder, or in any manner directly or indirectly caused, occasioned or contributed to, or claimed to be caused, occasioned or contributed to, in whole or in part, by reason of any act or omission, including strict liability or negligence of CITY, or of anyone acting under CITY's direction or control or on its behalf, in connection with or incident to, or arising out of the performance of this contract.
  
- C. With respect to performance of work under this Agreement, CSET shall maintain and shall require all of its subcontractors to maintain insurance as described below:
  - 1. Workers' compensation insurance with statutory limits, and employer's liability insurance with limits of not less than One Million Dollars (\$1,000,000) per accident.
  
  - 2. Commercial general liability insurance with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include products/completed operations liability, owner's and contractor's protective, blanket contractual liability, personal injury liability, broad form property damage coverage, and explosion, collapse, and underground hazard coverage. Such insurance shall:
    - a) Name the CITY, its appointed and elected officials, officers, employees and agents as additional insureds;
  
    - b) Be primary with respect to any insurance or self-insurance programs maintained by the CITY;
  
    - c) Provide that such insurance shall not be materially changed, terminated or allowed to expire except on thirty (30) days prior written notice to the CITY.



3. Comprehensive Automobile Liability coverage with a combined single limit of not less than One Million Dollars (\$1,000,000) per occurrence. Such insurance shall include coverage for hired, and non-owned automobiles and shall be provided by a business automobile policy.
4. Commercial general liability insurance shall be maintained from the time work first commences until completion of the work under this Agreement if an occurrence policy form is used. If a claims-made policy is used, coverage shall be maintained during the contract term and for a period extending five years beyond the contract date. CSET shall replace such certificates for policies expiring prior to completion of work under this Agreement and shall continue to furnish certificates five years beyond the contract term, when CSET has a claims-made form(s).

Should the five year "tail" of a claims-made policy prove impossible to secure, at the CITY's option, an agreement or bond may be substituted to provide the necessary coverage.

5. If CSET, for any reason, fails to maintain insurance coverage which is required pursuant to this Agreement, the same shall be deemed a material breach of contract. The CITY, at its sole option, may terminate this Agreement and obtain damages from CSET resulting from said breach. Alternatively, the CITY may purchase such required insurance coverage, and without further notice to CSET, the CITY may deduct from sums due CSET any premium costs advanced by the CITY for such insurance.

#### XVII. RETENTION OF RECORDS /AUDIT REVIEW PROCEDURES

For the purpose of determining compliance with Public Contract Code 10115, et seq. and Title 21, California Code of Regulations, Chapter 21, Sections 2500 et seq., with applicable, and other matters connected with the performance of the Agreement pursuant to Government Code 10532, CSET, shall maintain all books, documents, papers, accounting records and other evidence pertaining to the performance of this Agreement. These documents shall be kept and made available for inspection during the Agreement period and for four years from the date of the final payment.

#### XVIII. NOTICES

Notice shall be sufficient if personally served upon the PROJECT MANAGER of the CITY or an officer or principal of CSET, or if sent via the United States Postal Service, postage prepaid, addressed as follows:

CITY OF VISALIA  
345 North Jacob Street  
Visalia, CA 93291  
Attention: Don Stone

CSET  
312 N.W, 3<sup>rd</sup> Avenue

Mailing Address:  
P.O. Box 1350

Visalia, CA 93291  
Attention: Carolyn Rose

Visalia, CA 93279

XIX. JURISDICTION

This Agreement shall be administered and interpreted under the laws of the State of California. Jurisdiction of litigation arising from this Agreement shall be in that State, County of Tulare. If any part of this Agreement is found to be in conflict with applicable laws, such part shall be inoperative, null and void insofar as it is in conflict with said law, but the remainder of the Agreement shall be in full force and effect.

XX. INTEGRATION

This Agreement represents the entire understanding of the CITY and CSET as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered hereunder. This Agreement may not be modified or altered except in writing signed by the CITY and CSET.

XXI. MISCELLANEOUS PROVISIONS

- A. CSET covenants that it presently has no interest, and shall not have any interest, direct or indirect, which would conflict in any manner with the performance of service required hereunder.
- B. CSET will not discriminate against any employee, or applicant for employment, because of race, color, religion, sex, marital status, or national origin. CSET will take affirmative action to insure that applicants are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, marital status, or national origin. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment, or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

IN WITNESS WHEREOF, this Agreement is executed on the day and year first above written.

CITY OF VISALIA

COMMUNITY SERVICES & EMPLOYMENT  
TRAINING, INC.

\_\_\_\_\_  
Steven M. Salomon  
City Manager

\_\_\_\_\_  
Carolyn Rose  
Executive Director

Approved as to Form

---

Alex Peltzer  
City Attorney

---

Eric Frost  
Administrative Services Director

## EXHIBIT A

### SCOPE OF WORK

CSET will perform the following work:

#### Green Trees for Golden State Grant

- A. Provide all labor and equipment available in its inventory to plant approximately 900 shade trees within the City of Visalia right of ways or on City-owned property where there is existing irrigation.
- B. Provide all labor to install irrigation systems; including back flow, controller, valves, and heads for no more than 350 trees and plant 350 shade trees within the City of Visalia.
- C. Provide support for Saturday volunteer tree plantings of an additional 200 trees at no cost.

#### Environmental Enhancement Mitigation Grant

- A. Provide all labor and equipment available in its inventory to plant approximately 900 trees within the City of Visalia right of ways or on City-owned property.
- B. Provide all labor and equipment available in its inventory to install three irrigation systems, including back flow, controller, valves, and heads for no more than 500 trees and plant 500 shade trees within the City of Visalia.
- C. Provide support for Saturday volunteer tree plantings of an additional 250 trees at no cost (providing an in-kind match of \$3,000).

#### St Johns River Parkway Grant

- A. Provide all labor and equipment available in its inventory to grade, install, and compact approx 9,000 square feet of decomposed granite nature path.
- B. Provide all labor to clear and grub approximately four acres including the removal of all weeds and exotic species.
- C. Install an irrigation system including back flow, controller, valves, and heads for a two acre area, prepare area for planting, and plant native grasses.
- D. Install seven interpretive signs, trail signs, approx six trash receptacles and six picnic tables with permeable concrete pads.

Other work as may be funded through future grants.

## EXHIBIT B

### SCHEDULE OF HOURLY WORK RATES

- |    |             |                  |
|----|-------------|------------------|
| 1. | Corpsmember | \$11.87 per hour |
| 2. | Supervisor  | \$23.61 per hour |

The above rates shall be full compensation for all costs incurred by CONTRACTOR. CONTRACTOR shall be responsible for providing all necessary vehicles, fuel, equipment, and tools. The above rates shall be adjusted annually on January 1 of each year by the amount of the change in the Consumer Price Index, U.S. Cities Average, All Urban Consumers, as published by the U.S. Department of Commerce, Bureau of Labor Statistics.

EXHIBIT C

PROJECT FUNDING LIMITS AND COMPLETION DATES

The maximum payment for work to be provided through this agreement for each grant project shall be as follows and the work for each project will be completed by the following dates:

<b>Grant/Project</b>	<b>Maximum Funding to CSET</b>	<b>Project Completion Dates</b>
Environmental Enhancement and Mitigation Grant FY 2006-07	\$78,000	March 1, 2009
Green Trees for the Golden State Grant	\$40,000	March 1, 2010
St Johns River Parkway Grant	\$175,000	January 31, 2010

## City of Visalia Agenda Item Transmittal

**Meeting Date:** January 7, 2008

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

**Agenda Item Wording:** The City Council receive, review, and file the 2006-07 Impact Fee Report as required by State Law.

**Deadline for Action:** January 7, 2008

**Submitting Department:** Finance Department

**Contact Name and Phone Number:**

Eric Frost, Administrative Services Director (ext. 4474)  
Renee Nagel, Financial Analyst (ext. 4375)

**Department Recommendation:** The 2006-07 Impact Fee Report is in compliance with the State Law, Government Code Section 66006(a) and (b), therefore no action is required other than to receive, review, and file the report.

Government Code Section 66006 requires agencies to provide information on each fund or account established for the collection of impact fees. This information must be made available within 180 days after the last day of the fiscal year. The information must provide the following:

- 1) A brief description of the type of fee in the fund.
- 2) The amount of the fee.
- 3) The beginning and ending balances of the fund.
- 4) The amount of fees collected and the interest earned.
- 5) An identification of each public improvement on which fees were expended and the amount of the expenditures on each improvement, including the total percentage of the improvement that was funded with fees.
- 6) An identification of an approximate date by which the construction of the public improvement will commence if the City determines that sufficient funds have collected to complete financing on an incomplete public improvement.
- 7) A description of each inter-fund transfer or loan made from the fund, including the public improvement on which the transferred or loaned fees will be expended, and in the case of

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): \_\_\_\_\_

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

an inter-fund loan, the date on which the loan will be repaid and the rate of interest that will be received on the loan.

- 8) The amount of refunds made per Government Code Section 66001 (e).

Once the information is available to the public, but not less than 15 days from the date it is made available, the City Council must review the information at its next regularly scheduled meeting. A notice of the time and place of this meeting, including the address where the information may be reviewed, must be mailed at least 15 days prior to the meeting to any interested party who files a written request with the City for mailed notice of the meeting.

The 2006-07 Impact Fee Report provides information on the following Impact Fee Funds:

- 1) Public Facility - Civic Center (1041)
- 2) Public Facility - Corporation Yard (1043)
- 3) Public Facility - Library (1045)
- 4) Police Impact Fund (1051)
- 5) Fire Impact Fund (1061)
- 6) Park & Recreational Facilities Fund (1211)
- 7) Storm Sewer Construction Fund (1221)
- 8) Wastewater Trunk Line Construction Fund(1231)
- 9) Sewer Connection Fund (1232)
- 10) Transportation Impact Fund (1241)
- 11) Waterways Fund (1251)
- 12) Northeast Capital Improvement Fund (1711)

The purpose of the report is to assure that all impact fees are being expended in accordance with their planned use. If more funds are collected than needed, fees should be returned or the plan revised.

The Public Facility - Civic Center, Public Facility - Corporation Yard, and the Public Facility – Library Funds are relatively new funds and FY 06/07 is the second entire year of collecting impact fees.

All Impact Funds are in compliance with the State Law, as shown below in Table 1 – Impact Fund Summary. Table 1 is a summary of all the Impact Funds and shows the future revenue required in each fund to pay for both current projects and those included in the Capital Budget plan through 2011/12. With the exception of the Public Facilities - Civic Center and Corporation Yard Funds, all cash in the Impact Funds is committed to capital projects.

The Public Facility - Civic Center and Corporation Yard Funds will be brought to Council at a later date with a funding plan for the new Civic Center and Corporation Yard expansion. City staff continues to move forward on planning efforts for these projects. It is anticipated after the review, all of these funds will need to raise additional revenues to implement their capital plan.

In addition, the Public Facility - Corporation Yard Fund will be used to fulfill the City's commitment to purchase the remaining Edison property east of Ben Maddox. The remaining parcel has soil contamination and Edison is currently going through a process to clean the soil.

The Sewer Connection Fund does not show any capital improvement needs; however, the sewer connection impact fees are repaying a loan from the Wastewater Operations Fund for



prior year capital improvements. The balance remaining on the loan from the Wastewater Operations Fund as of June 30, 2007 is \$3,402,612. In addition to the loan, the Sewer Connection Fund has an outstanding bond of \$2,911,645. The loan and bond represent the Sewer Connection Funds portion of the 2001 Wastewater Treatment Plant (WWTP) expansion.

Table 1 – Impact Fund Summary (\$ in thousands)

Fund	Beg. Cash Balance 7/1/06	Total Revenue	Total Expenses	Ending Cash Balance 6/30/07	Projects Approp. 6/30/07	Ending Resources Available	Bond/ Internal Loan Balances	Future Projects 2008/09 - 2009/10	Future Required Revenue
Public Facility - Civic Center Impact Fund	\$737	\$896	(\$1)	\$1,632	\$0	\$1,632	\$0	\$0	(\$1,632)
Public Facility - Corporation Yard Impact Fund	104	139	(0)	242	0	242	0	0	(242)
Public Facility - Library Impact Fund	75	63	(0)	138	(500)	(362)	0	0	362
Police Impact Fund	655	734	(2,687)	(1,298)	(2,237)	(3,535)	0	0	3,535
Fire Impact Fund	873	692	(312)	1,253	(4,667)	(3,413)	0	(2,463)	5,877
Park & Recreation Facilities Fund	7,624	4,527	(2,826)	9,325	(5,791)	3,533	0	(20,037)	16,504
Storm Sewer Construction Fund	2,758	2,096	(1,734)	3,120	(5,916)	(2,795)	0	(5,717)	8,512
Wastewater Trunk Line Construction Fund	3,575	2,304	(1,041)	4,839	(4,851)	(12)	(1,569)	(16,845)	18,427
Sewer Connection Fund	140	1,179	(1,307)	11	0	11	(6,314)	0	6,303
Transportation Impact Fund	8,492	9,792	(19,449)	(1,166)	(11,998)	(13,164)	0	(32,979)	46,143
Waterways Fund	769	1,943	(1,638)	1,075	958	2,033	0	(4,180)	2,147
Northeast Capital Improvement Fund	227	211	(112)	326	(232)	94	0	(520)	426
<b>Total</b>	\$26,029	\$24,576	(\$31,107)	\$19,498	(\$35,234)	(\$15,736)	(\$7,883)	(\$82,742)	\$106,361

The Impact Fee Report shows an amount for future projects. This future project amount is taken from the 6 Year Capital Plan that was adopted with the City's 2 Year Budget in June 2006.

As requested in accordance with Government Code section 66006(b)(2), a copy of the 2006-07 Impact Fee Report was provided to the following interested party:

Mr. Robert Keenan of the Home Builders Association (HBA).

**Summary/background:**

**Prior Council/Board Actions:** Approval of the various Impact Fees and the 2006-2008 C.I.P. Budget.

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** 2006-07 Impact Fee Report

**Recommended Motion (and Alternative Motions if expected):**

I move the City Council receive and file the 2006-07 Impact fee Report as required by Government Code Section 66006 (a) and (b).

***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:** January 7, 2008

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

**Agenda Item Wording:** Authorization for staff to apply for a Transportation Enhancement (TE) grant in the amount of \$656,000 for trail sections along Packwood and Mill Creeks.

**Deadline for Action:** January 7, 2008

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:** Paul Shepard, 713-4209

**Department Recommendation:** It is recommended that Council authorize staff to apply for a Transportation Enhancement (TE) grant in the amounts of \$656,000 for trail sections along Packwood and Mill Creeks. If successful, the grant funds would become available to the City in FY 2011-2012.

**Summary/background:**

TE grants are funded with federal funds that are administered through the Tulare County Association of Governments (TCAG). The four trail projects would provide landscaped pedestrian/bike trails at the following locations: Packwood Creek from Crumal to College, Packwood Creek from Cameron to Visalia Parkway, Mill Creek from Lovers Lane to Dunsworth, and Mill Creek from Akers to Shirk. The grant is requesting \$567,000 of TE funds and will use \$89,000 of Measure R funds for the match.

The TCAG Board has allotted the TE funds for the next two years, therefore, new funding will not be available until 2011-2012. In that year, \$800,000 is available for new projects. While the City of Visalia requests a large portion of the total available funds, TCAG staff can award any combination of the four requested trail locations. Applications are due for final submission by January 15th. The awards should be announced in the spring of 2008.

**Prior Council/Board Actions:** none

**Committee/Commission Review and Actions:** N/A

**Alternatives:**

Not apply

**Attachments:** location maps

**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** \_\_\_\_\_

<b>Finance</b>	<u>  N/A  </u>
<b>City Atty</b>	<u>  N/A  </u>
<b>City Mgr</b>	<u>  —  </u>

**Recommended Motion (and Alternative Motions if expected):**

I move to authorize staff to apply for a Transportation Enhancement (TE) grant for trail sections along Packwood and Mill Creeks for FY2011-2012.

**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:** January 7, 2008

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

**Agenda Item Wording:** Authorization to appropriate \$5,000 from the general fund to defray the cost for up to 10 students to participate in the 2008 Sister City exchange with Miki City, Japan, and to carry over the \$5,000 appropriated in 2006/2007 to assist with chaperone expenses.

**Deadline for Action:** N/A

**Submitting Department:** Council Member Bob Link

**Contact Name and Phone Number:** Bob Link, Council Member; Leslie Caviglia, 713-4317

### Department Recommendation

It is recommended that the Council appropriate \$5,000 from the general fund to help up to 10 students travel to Miki City, Japan in the summer of 2008 to visit Visalia's Sister City as part of a student exchange. Each student would receive \$500 to help defray the total anticipated cost of \$1,500 to \$2,000 per student.

### Department Discussion

Visalia has had a Sister City relationship with Miki City, Japan for more than 40 years. Over the years, part of the cultural exchange has included student visits between the two cities. Due to a variety of circumstances, the student visits did not occur for several years, and some of the community's understanding about the cultural exchanges and the sister city relationship diminished as a result.

In 2005, Miki City sent a delegation to Visalia. It was a very successful trip that was enjoyed by the students, the host families and the other Visalia residents that interacted with the students. The students were able to experience a Visalia Oaks baseball game, a trip to the Sequoia National Park, local schools, a dairy, a packing house, and other local features that offered a better understanding of life in this part of California.

The intent is to send students to Miki City periodically to experience life in Japan. The Mayor of Miki City has extended an invitation for students to travel to Miki City in the summer of 2008. The students will stay with host families, and the initial itinerary indicates the students will visit Kobe, Osaka and Kyoto, Japan, as well as tour the area around Miki City. As those who have visited Miki City know, the people of this Japanese community are very hospitable, and the students who participate will be treated with great honor and respect.

### 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 122707**

**Finance**

**City Atty**

**City Mgr**

Efforts were made to send a Visalia delegation in 2007, but two factors made the trip difficult. First, because there has not been a student delegation from Visalia for more than 10 years, there isn't a lot of awareness about the program. Today's students don't generally know other students who have traveled to Miki City, and while they may have heard about the program through announcements at school, they don't really understand what it will be like to travel to Japan.

Second, the cost of airfare has jumped dramatically. While specific flights can't be booked until the students are selected and the dates finalized, it is estimated based on initial Travelocity searches, that the cost will be approximately \$1,100 - \$1,500, just for airfare. Once the details have been finalized, staff will work with a local travel agent to secure the best rates, but these are the current estimates. While the students will stay with host families and Miki City will cover most other costs when the students are in Japan, the students will need to provide their own spending money and cover their personal incidental expenses while traveling. The anticipated cost of the trip appeared to be a problem when trying to recruit students to participate in a trip last year.

Given the high cost, and the continuity that has been lost since a Visalia student delegation has not traveled to Japan for more than a decade, I am asking the Council to authorize a one-time expenditure of up to \$5,000 in seed money that would be used to defray each student's cost by \$500. Hopefully such a contribution will make the trip more affordable to more students, and thereby generate more interest.

It's also hoped that a student trip will help revitalize the Miki City Sister City committee locally. Long time staff member Russ Weber was the driving force behind the committee for many years. The committee has not yet regrouped following his illness and untimely death. Hopefully the students, and their parents, in addition to some local residents who have Japanese ties that have expressed interest in joining the committee, can use the enthusiasm that the student trip will generate to renew interest in the committee. In the future, it is anticipated that the committee will fund raise to help defray the costs of student trips in the future.

I am also requesting that the Council authorize the carry over of the \$5,000 approved in the 2006-2007 mid-year budget authorization to assist with chaperone expenses. We determined last spring that it would be prudent to send both a female and male chaperone on the student trip, and I still believe it is a sensible action on the Council's part.

**Prior Council/Board Actions:**

April, 2007 – The Council authorized up to \$5,000 to send two chaperones to Miki City.

**Committee/Commission Review and Actions:**

**Recommended Motion (and Alternative Motions if expected):**

I move that the Council appropriate \$5,000 from the general fund to defray the cost of up to 10 students to participate in a cultural exchange with Visalia's Sister City, Miki City, Japan to carry over the \$5,000 appropriated in 2006/2007 to assist with chaperone expenses.

***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:** January 7, 2007

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

**Agenda Item Wording:** Approval of the appointment of City Council Representatives to various boards and committees for the 2007-2009 Council term.

**Deadline for Action:** N/A

**Submitting Department:** Mayor Jesus Gamboa

**Contact Name and Phone Number:** Mayor Jesus Gamboa, Donjia Huffmon 713-4512, Leslie Caviglia 713-4317

**Department Recommendation:** Approval of the appointment of City Council representatives to the various board and committees as recommended by Mayor Jesus Gamboa.

**Summary/background:** I have compiled a list of recommendations for Council representatives to the applicable boards and committees. I have taken into consideration several factors including consideration of which groups would benefit from continuity or the particular experience of a Council member, each Council Member's particular interests in certain issues, and an effort to balance the number of committees each Council Member attends.

I am recommending that four of the committees be combined into two committees since they essentially have the same responsibilities: the COS/Cities Coordination Committee and the Higher Education Subcommittee, and the Civic Center Masterplan Committee and the East Downtown Project Committee. In addition, I recommend that the Civic Center/East Downtown representatives also be part of the Committee that is involved with the development and design of the new public safety building.

In three instances, I recommend that staff members continue to be the alternate to the Council Member. For the Consolidated Waste Management Authority, the Property Based Improvement District (PBID), and the Tulare County Economic Development Corp, it is traditional for staff to be the alternate since they are usually well versed on the issues and often in attendance.

I also recommend that former City Council Member Evan Long continue to serve as the City's representative to the Lake Kaweah Expansion Project. He has served admirably in this capacity throughout the tenure of this project, which while substantially completed, still has review responsibilities.

**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.



It is acknowledged that former Council Member Greg Kirkpatrick has expressed an interest in continuing to serve as one of two Council representatives on the Visalia Convention and Visitors Bureau Board. However, due to the fact that the City funds this particular organization, I recommend that the Council be represented by two current Council Members who directly can oversee the City's investment in this organization. I recommend that Greg Kirkpatrick pursue one of the three at-large seats on the Board, and I will recommend that the CVB Board give strong consideration to appointing him when an opening occurs later this year.

**Prior Council/Board Actions:** Most of these positions were last filled in December 2005. The current list was given to Council at their December 3, 2007 meeting for consideration for the 2007-2009 Council term.

**Committee/Commission Review and Actions:** N/A

**Alternatives:** The Council may choose different assignments.

**Attachments:**

Mayor Gamboa's recommended list of Council representation on Boards/Committees

**Recommended Motion (and Alternative Motions if expected):** I move to approve the Mayor's recommendations to various boards and committees for the 2007-2009 Council term.

***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 COUNCIL REPRESENTATION ON BOARDS/COMMITTEES  
January 2008**

<b>Board/Committee</b>	<b>Meeting Frequency</b>	<b>Current Rep</b>	<b>Mayor's Recommendation</b>
Air Service Sub-Committee	On Call	Link Vacant	Link Landers
Civic Center Masterplan/East Downtown Project	On Call	Landers Collins	Landers Collins
Consolidated Waste Management Authority	Usually monthly	Pri: Link Alt: Benelli/ Bean	Pri: Link Alt: Benelli/ Bean
COS/Cities Coordination/ Higher Education Subcommittee (4-year University Project)	On Call	Link Collins	Shuklian Landers
Council of Cities (new)	Monthly	Pri: Vacant Alt: Vacant	Pri: Gamboa Alt: Link
Cross Valley Rail Corridor Joint Powers Authority	Annually	Pri: Landers Alt: Vacant	Pri: Landers Alt: Shuklian
Cultural Plan Task Force	3-4 times over next 3 months, could continue dependent upon plan.	Link Collins	Link Shuklian
Gang Intervention Task Force (multi-agency)	Monthly	Gamboa	Gamboa
Lake Kaweah Expansion Project	On Call	Pri: E. Long Alt: Collins	Pri: E. Long Alt: Collins
Mooney Grove Sub-Committee	Monthly for next several months	Pri: Collins Alt: Gamboa	Pri: Collins Alt: Gamboa
Natural Resources	Currently on call, will become monthly or quarterly	Vacant Link	Shuklian Link
Oaks Stadium Task Force	On Call	Link Vacant	Link Landers
Property Based Improvement District (PBID)	Monthly	Pri: Collins Alt: Salomon	Pri: Collins Alt: Salomon
Smart Growth Task Force	Monthly	Collins Vacant	Collins Shuklian
SPCA Task Force	On call, has met	Vacant	Landers

<b>Board/Committee</b>	<b>Meeting Frequency</b>	<b>Current Rep</b>	<b>Mayor's Recommendation</b>
	frequently lately	Landers	Shuklian
Tulare Co. Association of Governments	Monthly	Pri: Link Alt: Gamboa	Pri: Link Alt: Gamboa
Tulare Co. Economic Development Corp	Monthly	Pri: Gamboa Alt: Salomon	Pri: Gamboa Alt: Salomon
Tulare County Water Commission	Monthly	TCAG reps Pri: Link Alt: Gamboa	Pri: Link Alt: Gamboa
Tulare Irrigation District/Kaweah Delta Water Conservation Dist. Mgmt Committee	Monthly	Pri: Vacant Alt: Link	Pri: Collins Alt: Link
Visalia Area Hospital Authority	Approx. 3 times a year	Vacant Link	Link Collins
Visalia Civic Facilities Authority	1/yr	Collins Link	Collins Shuklian
Visalia Convention & Visitors Bureau Board	Monthly	Link Vacant	Link Shuklian
Visalia Economic Development Council	Monthly	Pri: Landers Alt: Link	Pri: Landers Alt: Link
Visalia Riverway Sports Park Task Force	Not meeting currently, will resume as park project advances	Gamboa Landers	Gamboa Landers
West Visalia Specific Plan/198 Scenic Corridor	On Call	Collins Link	Collins Gamboa

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 07, 2008

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Sterling Oaks Unit 1 containing 91 single family lots (71-gated and 20-non-gated) located at the southeast corner of Riggin and Demaree.

**Deadline for Action:** None

**Submitting Department:** Engineering Department

**Contact Name and Phone Number:** Andrew Benelli 713-4340,  
Patrick Barszcz 713-4241

**Department Recommendation:**

Staff recommends that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The developer of this subdivision, Ennis Land Development LLC, has submitted a maintenance bond in the amount of \$133,353.05 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

**Prior Council/Board Actions:** The Final Map was approved for recording at the Council meeting of December 05, 2005.

**Committee/Commission Review and Actions:** The tentative subdivision map for Sterling Oaks Unit 1 was approved by Planning Commission on September 07, 2004.

**Alternatives:** N/A

**Attachments:** Location sketch and vicinity map.

**Recommended Motion (and Alternative Motions if expected):**

I hereby authorize filing a Notice of Completion for Sterling Oaks Unit 1.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 1 Min.

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

**Environmental Assessment Status**

**CEQA Review:** Environmental finding completed for tentative subdivision map.

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 07, 2008

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

**Agenda Item Wording:** Request authorization to file a Notice of Completion for Sterling Oaks Unit #2 containing 117 lots located west of County Center between Riggins and Modoc.

**Deadline for Action:** None

**Submitting Department:** Engineering Department

**Contact Name and Phone Number:** Andrew Benelli 713-4340,  
Patrick Barszcz 713-4241

**Department Recommendation:**

Staff recommends that City Council give authorization to file a Notice of Completion as all the necessary improvements for this subdivision have been completed and are ready for acceptance by the City of Visalia. The developer of this subdivision, Ennis Land Development LLC, has submitted a maintenance bond in the amount of \$134,796.77 as required by the Subdivision Map Act to guarantee the improvements against defects for one year.

**Prior Council/Board Actions:** The Final Map was approved for recording at the Council meeting of December 05, 2005.

**Committee/Commission Review and Actions:** The tentative subdivision map for Sterling Oaks Unit 2 was approved by Planning Commission on September 22, 2003.

**Alternatives:** N/A

**Attachments:** Location sketch and vicinity map.

**Recommended Motion (and Alternative Motions if expected):**

I hereby authorize filing a Notice of Completion for Sterling Oaks Unit 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.): 1 Min.

**Review:**

**Dept. Head** \_\_\_\_\_  
(Initials & date required)

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

**City Mgr** \_\_\_\_\_  
(Initials Required)

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

***Environmental Assessment Status***

**CEQA Review:** Environmental finding completed for tentative subdivision map.

**NEPA Review:**

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

Copies of this report have been provided to:



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 7, 2008

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

**Agenda Item Wording:**

Public hearing for:

1. Consideration of Negative Declaration No. 2007-87 prepared for General Plan Amendment No. 2007-07 and Change of Zone No. 2007-08.

**Resolution No. 2008- 02, required**

2. General Plan Amendment No. 2007-07, a request by Fairway Properties (Quad Knopf, agent) to change the General Plan land use designation from High Density Residential to Medium Density Residential on approximately 7.9 acres, located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004).

**Resolution No. 2008- 03, required.**

3. Change of Zone No. 2007-08, a request by Fairway Properties (Quad Knopf, agent) to change the zoning designation from R-M-3 (Multi-family Residential, 1,500 square foot minimum/unit) to R-M-2 (Multi-family Residential, 3,000 square foot minimum/unit) on approximately 7.9 acres, located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004).

**Introduction of Ordinance 2008-01, required.**

**Deadline for Action:** None

**Submitting Department:** Community Development /Planning

**Contact Name and Phone Number:** Janet Jiggerian, 713-4348  
Fred Brusuelas, AICP, Asst.  
Director/City Planner 713-4364

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.) 30 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.

**Department Recommendation:**

The Planning Commission recommends approval of the applicant's request for the General Plan land use and zoning map amendments. This recommendation is based upon the Commission's findings, as follows:

- The proposed changes in land use and zoning designations are consistent with the policies of the City's General Plan and Zoning Ordinance.
- The proposed conditional use permit and tentative subdivision maps are consistent with the policies of the City's General Plan, Zoning Ordinance and Subdivision Ordinance.

- That an alternative site with multi-family residential density potential that was not previously included in the General Plan Housing Element inventory of available land for development of affordable housing has been identified by the City of Visalia. The alternative site is at least as suitable as the project site for future multi-family development, and will provide the full offset of the potential deficit of 82 multi-family units expected to occur if the project is approved.

### **Summary/Background:**

The proposed General Plan Amendment and Zone Change would result in a “down-zoning” from R-M-3 to R-M-2 for 7.9± acres. Prior to 2002, the subject acreage was designated and zoned for Low Density Residential (LDR) development and the adjacent acreage to the east was designated for Medium Density Residential (MDR) development. However, to accommodate the application of commercial zoning at the arterial/collector intersection of Dinuba Boulevard and Ferguson Avenue, the MDR property was reclassified to CSO and the LDR designation was changed to High Density Residential (HDR) to compensate for the loss of the MDR multi-family development potential.

On November 13, 2007, the Planning Commission, by a 5-0 vote, approved Resolutions Nos. 2007-101 and 102, recommending that the City Council approved GPA No. 2007-07 and COZ No. 2007-08. In conjunction with these two actions, the Commission approved Conditional Use Permit No. 2007-19 (Resolution No. 2007-103) to allow a Planned Residential Development with 70 attached residences on the subject site and Vineyard Villas Tentative Subdivision Map No. 5531 to the subject 7.9 acres into 19 numbered lots and two common lots. Under the PRD proposal, a total of 35 single-story duplex units will be constructed, providing an overall net housing density of 11.86 units/acre.

### **Analysis:**

**Locational Criteria:** Based on the location criteria established by Land Use policies, specifically Policies 4.1.19 and 4.1.20, Medium Density (R-M-2) zoning would be the most appropriate designation for the subject site for several reasons. First, this density provides a more orderly and less intrusive interface with the single-family residential neighborhoods to the south and west. Secondly, development at R-M-2 densities would allow for the construction of attached, for sale housing units, that are typically priced well below market rate single-family housing products.

**Housing Element Consistency:** The subject site is listed in the Housing Element’s inventory of lands with high density residential development potential as yielding a potential of 148 units. Under the requested reclassification, a total of 70 units are proposed, resulting in a deficit of 78 housing units. Government Code Section 65863 and recent case law specifically address “down-zoning” parcels that are earmarked for certain densities in the General Plan Housing Element. In essence, State law mandates that a “down-zoning” action involving land cited in the Housing Element can only be approved if the jurisdiction has other land and density of similar development and density potential that is not already listed in the Housing Element.

Staff has identified land in the City that could meet the criteria for off-setting the proposed project and down-zoning. This is the 17.5-acre area that was the subject of GPA 2006-05 and COZ 2006-04 (Visalia Land Co., LLC). The action was part of a CUP and subdivision map to create a 36-unit seniors residential project on 4.16 acres on the north side of Myrtle Ave., approximately 300 feet west of Chinowth St. The City expanded the Land Use change from Low Density Residential to Medium Density Residential to include all of the R-1-6 zoned property generally on the north side of Myrtle Ave. and the east side of Chinowth St.



The Land Use change results in a conservative unit potential increase of 145 residential units, calculated as follows:

Acres	Low Density	Medium Density	Minimum Total Units	Net Difference
17.5	2-7du/ac		35	
17.5		10-15du/ac	175	+145 units

This potential of 145 additional units more than compensates for the deficit of 78 units which would occur if GPA No. 2007-07 and COZ No. 2007-08 are approved.

**Public and Private Infrastructure and Services:**

The 7.9-acre site will be managed and maintained through a Homeowners Association (HOA), including maintenance of onsite landscaping and the pocket park, and enforcement of the Model Good Neighbor Policies. Overall, the site can be fully supported by public infrastructure and utilities, including streets, water, sewer, fire, and police services. The only possible exception to this determination is the storm water drainage plan.

There is an existing 24-inch line extending west along Ferguson Ave (Please see Exhibit 1 of this report). The line is not adequate to conduct runoff from both the new shopping center to the east of the project site, this project and future development in the area. The City has a Master Plan Project to construct a new 48-inch line from Ferguson Ave. north to the detention basin at Fairway Park, approximately 1,100 feet to the north. The estimated cost of the line extension project is over \$300,000, of which the project will contribute approximately \$25,000 (based on the current drainage impact fee schedule).

The storm drain line extension project requires an easement to be obtained through the privately owned properties on the north side of Ferguson Ave., which are under negotiation by the City, and may delay the extension project beyond the time the applicant desires to construct the multi-family project. City Engineering staff anticipated this contingency and required the approved project design to include a temporary on-site detention basin, occupying Lots 16 and 17 (adjacent to the west of the required common open space lot of the tentatively approved map and site plan).



The development project will use this temporary on-site detention basin until the City's storm drain extension project is completed. The tentative map and site plan exhibits do not show this feature, although the requirement is included in the Revise and Proceed Site Plan Review (SPR) comments and conditions, and it was approved by the Planning Commission on November 13<sup>th</sup>. The final map and plan exhibits will accurately incorporate the temporary basin along with a building restriction on Lots 16 and 17 until the Master Plan storm drain extension is completed and available for connection. It is anticipated that the developer will desire to connect to the City storm drain line as soon as it becomes available since the development value of the two lots that are occupied by the temporary on-site basin cannot be realized until that time. This contingency has been used for other projects throughout the City where development precedes the completion of a storm drain line.

**Prior Council/Board Actions:**

General Plan Amendment No. 2002-03 and Change of Zone No. 2002-04 were recommended for approval by the Planning Commission on May 28, 2002 and subsequently approved by the City Council on June 24, 2002. Under these actions the land use and zoning designations were changed from R-1-6 and R-M-2 to CSO on approximately nine acres located on the west side of Dinuba Boulevard (immediately east of the subject site) and from R-1-6 to R-M-3 on approximately eight acres (includes the subject site).

Also approved by the City Council on June 24, 2002, was Conditional Zoning Agreement No. 2002-01 for the area designated for High Density Residential (the subject site). The conditions of this Agreement applied Good Neighbor Policies for a 160-unit apartment complex proposed for the site under Conditional Use Permit No. 2002-12, approved by the Planning Commission on May 28, 2002. The City approved the 160-unit project as an affordable housing project using

State and federal tax increment funding. However, the project proponents failed to proceed with the project. Because the apartment complex was not constructed within the established two-year time period for initiation of a project, both CUP No. 2002-12 and Conditional Zoning Agreement No. 2002-01 have expired.

On July 11, 2005, the Planning Commission approved CUP No. 2005-21 to allow 152 multi-family residential units on the subject 7.9 acre site. Under this development proposal, the project consisted of two-, three- and four-bedroom units to be housed in two- and three-story buildings. As with the previous entitlements, CUP No. 2005-21 has also expired.

**Committee/Commission Review and Actions:**

On November 13, 2007, the Planning Commission, by a 5-0 vote, approved Resolutions Nos. 2007-101 and 102, recommending that the City Council approved GPA No. 2007-07 and COZ No. 2007-08. In conjunction with these two actions, the Commission approved Conditional Use Permit No. 2007-19 (Resolution No. 2007-103) to allow a Planned Residential Development with 70 attached residences on the subject site and Vineyard Villas Tentative Subdivision Map No. 5531 to the subject 7.9 acres into 19 numbered lots and two common lots.

**Alternatives:**

1. Deny the project by finding the proposed General Plan land use and Zoning Map amendments are not consistent with the General Plan; or
2. Refer the matter back to the Planning Commission; or
3. Continue the matter to a future City Council hearing.

**Attachments:**

- Resolution for adoption of ND No. 2007-87
- Resolution for approval of GPA 2007-07
- Ordinance introducing Change of Zone 2007-08
- Environmental Document
- Planning Commission Staff Report
- Exhibit 1 Stormdrain Master Plan Exhibit

**Recommended Motion:** I move to adopt Negative Declaration No. 2007-87, approve General Plan Amendment No. 2007-07, and introduce the ordinance approving Change of Zone No. 2007-08.

OR

I move to deny General Plan Amendment No. 2007-07 and Change of Zone No. 2007-08.

OR

I move to refer General Plan Amendment No. 2007-07 and Change of Zone No. 2007-08 back to the Planning Commission with direction to re-consider the findings supporting the actions.

### ***Environmental Assessment Status***

**CEQA Review:** Negative Declaration No. 2007-87 has been prepared and will need to be certified prior to a decision on the projects.

**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)*

Anticipated schedule of review: If approved, the Change of Zone would require a second reading. If denied, resolutions denying portions or all of the components of the requested action will be returned to the City Council at a later date.

Copies of this report have been provided to:

Applicant  
Planning Commission

RESOLUTION NO. 2008-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,  
ADOPTING NEGATIVE DECLARATION NO. 2007-87, WHICH EVALUATES  
ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT NO. 2007-07 AND  
CHANGE OF ZONE NO. 2007-08.

**WHEREAS**, a request was made by Fairway Properties for General Plan Amendment No. 2007-07, a request to change the General Plan land use designation from RHD (Residential High Density) to RMD (Residential Medium Density) on 7.9 acres, and for Change of Zone No. 2007-08, a request to change the zoning from R-M-3 (Multi-family Residential – 1,500 sq. ft. minimum) to R-M-2 (Multi-family Residential – 3,000 sq. ft. minimum) on 7.9 acres. The subject site is located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on November 13, 2007, for the Project; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the project in accordance with Section 17.44.070 and 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from the Project; and

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

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

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

**WHEREAS**, the Planning Commission of the City of Visalia found that the Negative Declaration contains and reflects the independent judgment of the City of Visalia; and

**WHEREAS**, the City Council of the City of Visalia considered the Initial Study and Negative Declaration and concurs with the findings of the Planning Commission;

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

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2007-98 which evaluates environmental impacts for General Plan Amendment No. 2007-07 and

Change of Zone No. 2007-08. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.



RESOLUTION NO. 2008-03

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA  
APPROVING GENERAL PLAN AMENDMENT NO. 2007-07, A REQUEST BY FAIRWAY  
PROPERTIES TO CHANGE THE GENERAL PLAN LAND USE DESIGNATION FROM RHD  
(RESIDENTIAL HIGH DENSITY) TO RMD (RESIDENTIAL MEDIUM DENSITY) ON 7.9 ACRES.  
THE SUBJECT SITE IS LOCATED AT THE SOUTHEAST CORNER OF FERGUSON AVENUE  
AND CONYER STREET (APN: 090-280-004)

**WHEREAS**, General Plan Amendment No. 2007-07 is a request by Fairway Properties to change the General Plan land use designation from RHD (Residential High Density) to RMD (Residential Medium Density) on 7.9 acres located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004); and

**WHEREAS**, the Planning Commission of the City of Visalia, after twenty (20) days published notice, held a public hearing before said Commission on November 13, 2007; and

**WHEREAS**, the Planning Commission of the City of Visalia considered the general plan amendment in accordance with Section 17.54.070 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, the City Council of the City of Visalia, after ten (10) days published notice held a public hearing before said Council on January 7, 2008; and

**WHEREAS**, the City Council of the City of Visalia finds the general plan amendment to be in accordance with Section 17.54.080 of the Zoning Ordinance of the City of Visalia based on evidence contained in the staff report and testimony presented at the public hearing; and

**WHEREAS**, an Initial Study was prepared which disclosed that no significant environmental impacts would result from this project.

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

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends approval to the City Council of the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is consistent with the intent of the General Plan, and is not detrimental to the public health, safety, or welfare, or materially injurious to properties or improvements in the vicinity.
2. That the proposed land use designations would be compatible with the adjacent land uses. Multiple family land uses are often used to transition from commercial to single family residential.
3. That the current designation of High Density Residential would not facilitate an affordable housing project as evidenced by the fact the private entity failed to inaugurate a previously approved project, and that said land use designation failed to meet the criteria for High Density residential land use, particularly with regard to public street access and compatibility with adjacent single-family residences.

4. That State law mandates that a “down-zoning” action involving land cited in the Housing Element can only be approved if the jurisdiction has other land and density of similar development and density potential that is not already listed in the Housing Element. As such, an alternative site that was not previously included in the Housing Element has been identified that will provide the full offset of the potential deficit of 78 multi-family units that will occur if the project is approved. Specifically, the 17.5 acres that are the subject of GPA 2006-05 and COZ 2006-04 yields a conservation density increase of 145 units that were not previously cited in the General Plan Housing Element land use inventory.
5. That an Initial Study was prepared for the requested General Plan Amendment consistent with CEQA, which disclosed that environmental impacts are determined to be not significant, and recommends that Negative Declaration No. 2007-87 be adopted for this project.

**BE IT FURTHER RESOLVED** that the City Council of the City of Visalia approves the General Plan Amendment described herein, in accordance with the terms of this resolution under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia and based on the above findings.

**BE IT FURTHER RESOLVED** that the official General Plan Land Use Map of the City of Visalia is hereby amended to show said property changes as illustrated in Exhibit “A” attached hereunto.

ORDINANCE NO. 2008-01

AMENDING THE ZONING MAP OF THE CITY OF VISALIA BY CHANGING THE ZONING DESIGNATION ON 7.9 ACRES FROM R-M-3 (MULTI-FAMILY RESIDENTIAL, 1,500 SQ. FT. MIN. LOT SIZE) TO R-M-2 (MULTI-FAMILY RESIDENTIAL, ONE UNIT PER 3,000 SQ. FT. SITE AREA), LOCATED AT THE SOUTHEAST CORNER OF FERGUSON AVENUE AND CONYER STREET

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF VISALIA**

**Section 1:** The Planning Commission of the City of Visalia has recommended the City Council change 7.9 acres of R-M-3 (Multi-family Residential, 1,500 sq. ft. minimum lot size) Zone on the City of Visalia Zoning Map to R-M-2 (Multi-family Residential, one unit per 3,000 sq. ft. site area). The project site is located at the southeast corner of Ferguson Avenue and Conyer Street (APN: 090-280-004).

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

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 7, 2008

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

**Agenda Item Wording:** Resolution 2008-04, Authorizing the formation of Underground Utility District No. 19 along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central Avenue.

**Deadline for Action:** N/A

**Submitting Department:** Public Works

**Contact Name and Phone Number:**

Adam Ennis 713-4323  
Manuel Molina 713-4491

**Department Recommendation:**

City Staff recommends conducting a Public Hearing and then adopting Resolution 2008-04 authorizing the formation of Underground Utility District No. 19 along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central Avenue.

**Summary/background:**

The City is working with Caltrans to improve the Walnut and Mooney Intersection and the existing power poles need to be relocated to allow the streets to be widened. The poles in this area support two sets of wires; one set for distribution (low voltage) and one set for transmission (high voltage). Telephone and cable television wires are also mounted on the poles. City staff recommends converting the existing distribution wires, telephone and cable television wires to an underground system. The existing transmission wires will remain overhead but will be mounted on large metal poles. Staff has worked with Southern California Edison and determined that this is the most cost effective method to allow both Mooney and Walnut to be widened. Leaving all of the wires and cables overhead would require installing very large and tall metal poles because of the length of the span needed to cross Mooney. Leaving only the transmission lines overhead will still require installing large metal poles. However, the poles will be significantly smaller than the poles that would be required if all of the lines remained overhead. Converting all of the lines except for the transmission wires will also substantially improve the aesthetics of area.

**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.

Staff is recommending the formation of Underground Utility District No. 19 along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central 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 will be available to construct the underground district, and 3) the undergrounding will be constructed concurrently with the Walnut Avenue Widening project and Caltrans Mooney Boulevard (State Route 63) widening project, and 4) undergrounding of the low voltage lines will allow for the use of smaller poles for the remaining overhead high voltage lines.

Underground Utility District No. 19 will remove two (2) poles and the overhead low voltage lines. Forming the district will also prohibit future poles and additional overhead lines along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central Avenue. The conversion of the low voltage overhead facilities is planned to be completed by June 1, 2008. When the underground project is completed in conjunction with the Walnut Avenue widening project, it will result in an area reduced of overhead lines and utility poles between Mooney Boulevard and Central Street.

California Public Utility Commission Rule 20 sets policies and procedures for the conversion of overhead facilities to underground facilities. Within Rule 20 there are three sub-sections: 1) projects financed by utility rate money (Rule 20A), 2) projects financed by groups (Rule 20B) and 3) projects financed by individuals (Rule 20C). Underground Utility District No. 19 will be financed by the City of Visalia and Southern California Edison (SCE). No utility rate funds will be used. SCE's estimated cost to underground the low voltage overhead lines and services is \$202,000. The Fiscal Year 2007/08 Budget allocates \$1,545,000 to widen Walnut between Yale and Central. Staff recommends funding the power line conversion from this allocation.

**Prior Council/Board Actions:** N/A

**Committee/Commission Review and Actions:** N/A

**Alternatives:** None recommended

**Attachments:** Exhibit "A" – Underground Utility District No. 19 Site Map, Resolution 2008-04

**Recommended Motion (and Alternative Motions if expected):**

I move to adopt Resolution 2008-04 authorizing the formation of Underground Utility District No. 19 along Walnut Avenue from the east right of way line of Mooney Boulevard (State Route 63) to approximately one hundred eighty feet (180') east of Central 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. 2008-04**

**AUTHORIZING THE FORMATION OF  
UNDERGROUND UTILITY DISTRICT No. 19**

**WALNUT AVENUE BETWEEN MOONEY BOULEVARD AND  
DIVISADERO STREET**

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

**WHEREAS**, a public hearing was called for January 7, 2008, at the hour of 7:00 p.m., in the Council Chambers of the City Hall, 707 West Acequia Avenue, Visalia, California, to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, low voltage overhead wires, associated overhead structures and the underground installation of wires and facilities for supplying electric, communication, or other similar or associated services along Walnut Avenue between Mooney Boulevard and Central Street. (see attached Exhibit "A"); and

**WHEREAS**, notice of such hearing has been given to all affected property owners as shown on the last equalized assessment roll and utilities concerned in the manner and for 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. 19 will begin at a point located on the centerline of Walnut Avenue fifty-five feet (55') east of the centerline of Mooney Boulevard (State Route 63) with a width of fifty feet (50') north and fifty feet (50') south of centerline of Walnut Avenue continuing east along said centerline to the centerline of Central Street; Thence continuing east along the Walnut Avenue centerline with a width of sixty-two feet (62') north and fifty feet (50') south of centerline of Walnut Avenue to an ending point one hundred eighty feet (180') east.

**WHEREAS**, Underground Utility District No. 19 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** that 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. 19 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. 19 qualifies as a Tariff Rule 20B project funded by interest groups.

Section 4. Underground Utility District No. 19 will exclude facilities over 50,000 volts within the limits of the underground district,

Section 5. Underground Utility District No. 19 will exclude overhead lines under 50,000 volts at the existing pole located at the southeast corner of Mooney Boulevard and Walnut Avenue and to the west thereof and will also exclude anchors and overhead wires for guying at the poles at said pole location.

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 for utilities below 50kv shall be removed and underground installations made in Underground Utility District No. 19 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. 19 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 December 17, 2007.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Deputy City Clerk