

Visalia City Council Agenda

For the regular meeting of: MONDAY, March 3, 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

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

WORK SESSION AND ACTION ITEMS (as described)

4:00 p.m.

Public Comment on Work Session and Closed Session Items –

1. Update on the San Joaquin Valley Blueprint Process by Elizabeth Wright from Tulare County Association of Government (TCAG).
2. Presentation and discussion of Acequia Avenue Two-Way Conversion Project between Bridge Street and Conyer Street and three alternatives for street striping. Requesting City Council to direct staff on the preferred alternative.
3. East Downtown Update and Form Based Code
4. *Item removed at the request of staff*

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

ITEMS OF INTEREST

CLOSED SESSION

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

5. Conference with Legal Counsel – Existing Litigation (Subdivision (a) of 54956.9 GC)
Name of Case: Gomez-Thompson v. City of Visalia (TCSC 07-222372)
6. *Item removed at the request of staff*

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Steve Creel – Visalia United Methodist Church

SPECIAL PRESENTATIONS/RECOGNITION

- Resolution of Commendation presented to Justin Mosley
- Resolution of Commendation presented to Sam Feil

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 street name and city.

7. INFORMATION ONLY - no action required. Receive Planning Commission Action Agenda for the meeting of February 25, 2008.

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) Authorize execution of an Application-Agreement with CalPERS for Medicare coverage for employees who have elected to participate in the program and authorization for the Administrative Services Director to enter the agreement on behalf of the City. **Resolution 2008-10 required.**
 - c) Accept the California Department of Housing and Community Development (HCD), CalHome First Time Homebuyer Mortgage Assistance Program Grant of \$600,000; approve program guidelines, authorize amendment to CSet and AmeriNational Community Service contracts to execute program administration, implementation and underwriting; and authorize Housing & Economic Development Director as additional designated signer through resolution. **Resolutions 2008-11 and 2008-12 required.**
 - d) Acceptance of the work program for implementing the action plans identified at the 2008 Council retreat.

- e) Resolution of Intention to amend the contract between the City and the Board of Administration of the California Public Employees' Retirement System (CalPERS), and introduction of Ordinance 2008-02 authorizing the contract amendments. **Resolution 2008-13 required.**
 - f) Authorize the Recordation of the Final Map for Valley Oak subdivision, located on the southeast corner of Walnut Avenue and Shirk Street (28 lots) and authorize the City Manager to execute the Subdivision Improvement and Reimbursement Agreements, and the Formation of Landscape and Lighting District No. 08-01, Valley Oak. APN: 119-540-017 & 119-620-008. **Resolution Nos. 2008-14 and 2008-15 required.**
 - g) Update regarding the Citizen Advisory Committee's (CAC) progress on addressing Commission and Committee guidelines and processing, and recent staff actions relating to Committees and Commissions.
 - h) Appointments of new members to the Citizens Advisory Committee (CAC).
 - i) Authorization to direct staff to conduct a selection process for the Planning Commission term that is concluding in June of this year.
 - j) First reading of Ordinance 2008-03 authorizing the Grant of Easement to Southern California Edison Company to construct & maintain electric distribution facilities on a portion of City owned property, APN 073-210-001, and authorize the City Manager to execute the agreement related to the grant of easement.
 - k) Authorize the City Manager to execute a Joint Use Agreement (REL05135113 - J.O. 2252) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the west side of Ben Maddox Way and south of Walnut Avenue
 - l) Accept and issue written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance 2006-03 (Zone 1), an Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area.
 - m) Authorization to purchase two (2) additional under 30 ft. buses to operate the internal and external shuttle at the Sequoia/Kings Canyon National Parks (SEKI) and appropriate funds (from grants already approved) in the amount of \$2,038,296 for capital and operating expenses for the 2nd and 3rd years of the 3 year pilot project.
9. Consideration of annexation of a parcel located at 26543 Mooney Blvd.
10. Accept the guaranteed maximum price of \$6,876,810 as presented by BJ Perch Construction to complete the northwest fire project located at Shirk and Ferguson, authorize a General Fund advance of \$3.0 million to fund the project and adopt an inducement resolution that the City may issue tax exempt debt to finance the cost of the Fire Station. **Resolution 2008-16 required.**

REPORT ON ACTIONS TAKEN IN CLOSED SESSION

REPORT OF CLOSED SESSION MATTERS FINALIZED BETWEEN COUNCIL MEETINGS

Buyer	Seller	APN Number	Address	Purpose	Closing Date	Project Manager
City of Visalia	Bianco, Mary	Portions of APN 079-071-018 1.348 acres	3506 N. Dinuba Blvd.	Orchard Walk – Right of Way	2/27/08	Andrew Benelli

Upcoming Council Meetings

- Monday, March 10, 2008, Joint Meeting City Council/Planning Commission; 4:00 p.m. – Convention Center, 303 E. Acequia
- Monday, March 17, 2008, Joint Meeting with COS Board 4:00 p.m. - Convention Center, 303 E. Acequia
- Monday, March 17, 2008, Work Session 5:00 p.m. (following joint meeting); Regular Session 7:00 p.m. – Convention Center, 303 E. Acequia
- Monday, March 31, 2008, Joint Meeting with Parks and Recreation Commission – 5:00 p.m. Convention Center, 303 E. Acequia

In compliance with the American Disabilities Act, if you need special assistance to participate in meetings call (559) 713-4512 48-hours in advance of the meeting. For Hearing-Impaired - Call (559) 713-4900 (TDD) 48-hours in advance of the scheduled meeting time to request signing services.

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: March 3, 2008

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording: Presentation and discussion of Acequia Avenue Two-Way Conversion Project between Bridge Street and Conyer Street and three alternatives for street striping. Requesting City Council to direct staff on the preferred alternative.

Deadline for Action: None

Submitting Department: Public Works Department

Contact Name and Phone Number:

Andrew Benelli 713-4340,
Adam Ennis 713-4323

Department Recommendation

City Council requested to direct staff on which alternative to construct for the Acequia Avenue Two-Way Conversion. Authorize the expenditure of up to \$750,000 from Measure R for this project.

Summary/Background

In July of 1963, Resolution #208 was passed by the Visalia City Council to convert Acequia Avenue between Conyer Street and Bridge Street to a one-way street with traffic flowing from west to east. In April of 2001, a traffic study was conducted by TPG, Consulting, Inc. to determine the effects of converting the street section back to two-way traffic. The traffic study indicated that the Acequia Avenue Two-Way Conversion project would provide the City's required minimum level of service. Currently, the Visalia Fire Station #1, the Visalia Police Department, and the Kaweah Delta Health Care District Hospital are all served by Acequia Avenue as the major east/west emergency access street to their north side. In addition, the Kaweah Delta Health Care District hospital is currently constructing an expansion on the north side of the existing hospital. This expansion will make the hospital's primary ambulance entrance on Acequia Avenue between Floral Street and Locust Street. Acequia Avenue (between Conyer Street and Bridge Street) will be a major emergency vehicle access street for all of the above facilities. The conversion of Acequia Avenue from a one way eastbound street, to a two-way street, will provide better emergency vehicle access.

Current Conditions

Currently, the existing Acequia Avenue consists of a 66-foot wide right-of-way with 10-foot wide sidewalks on each side of the street. Many existing structures are located at or near the existing right-of-way on each side of the street at back of sidewalk. This leaves a 46-foot wide curb to curb width. The lane configuration consists of two 15-foot wide lanes eastbound between Conyer Street and Willis Street and three 10-foot wide eastbound lanes between Willis Street and Bridge Street. There are existing traffic signals at West Street, Locust Street and Court Street and a proposed signal at Willis Street to be constructed with this project. Existing

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 30

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

on-street parking consists of 113 parallel parking spaces, which are located on both sides of the street.

Off street parking on properties adjacent to Acequia Avenue, between Conyer Street and Bridge Street, consists of City parking lots, City parking structures, and private parking. The City parking lots and City parking structures account for approximately 1616 spaces. In addition, approximately 53% of private properties fronting this section of Acequia Avenue have some off street parking available on their site.

There are no bike lanes currently provided on Acequia Avenue nor are there any proposed in the Bikeway Plan Update for the street. The nearest existing bike lanes to the project are Class 2 bike lanes on Tulare Avenue (Watson Street to Mooney Boulevard), Conyer Street (Tulare Avenue to Main Street), Jacob Street (Main Street to Houston Avenue) and Court and Locust Streets (Tulare Avenue to Noble Avenue). There is also a Class1 bike lane adjacent to the railroad and Goshen Avenue (Recreation Park to the west).

Bike lanes which are proposed to be in place in the vicinity of this section of Acequia Avenue per the Visalia Bikeway Plan Update (dated February 2006) are, 1) Class 2 Bike Lanes on Court Street and Locust Street from Noble Avenue to Dinuba Boulevard, Tulare Avenue from Watson Street to Santa Fe Street, Mineral King Avenue and Noble Avenue from McAuliff Street to Akers Street, and 2) Class 3 bike lanes on Giddings Street from Tulare Avenue to Goshen Avenue and Santa Fe Street from Tulare Avenue to Houston Avenue. See Exhibit A - Existing Adjacent Bike Lanes To Project Area and Exhibit B – Proposed Adjacent Bike Lanes To Project Area.

Installing the above mentioned class 2 bike lanes proposed in the Visalia Bikeway Plan Update will conflict with current on-street parking spaces in some cases, and therefore would require eliminating parking on these streets or changing the striped bike lanes to class 3, non striped, shared bike routes. The class 3 bike route option is recommended for several street sections in the Visalia Bikeway Plan Update where congestion and well used parking occurs. The class 2 bike lanes/class 3 bike routes anticipated for Mineral King Avenue and Noble Street would provide east/west bicycle access one to two blocks over from Acequia Avenue. Some other alternatives might be considered for bike lanes. To provide a well thought out downtown bicycle plan a comprehensive analysis of the downtown should be conducted. According to the Bicycle, Pedestrian and Waterway Trails Committee, a revision to the current Visalia Bikeway Plan is being pursued with the consultant that prepared the original plan.

Conversion Considerations

There are four main uses which were considered for Acequia Avenue, 1) vehicular traffic, 2) pedestrians, 3) vehicular parking and 4) bike lanes. Due to the many structures located on or directly adjacent to the right-of way, widening of Acequia Avenue would be difficult and would involve the acquisition of properties and removal of structures and, therefore, not considered feasible. Currently, 10-foot wide sidewalks are located on both sides of the 66-foot wide right-of-way, which is typical for the downtown areas and are needed for the downtown pedestrian traffic. This leaves a 46-foot curb to curb width which must accommodate vehicular traffic lanes, parking and bike lanes. The traffic study for the Acequia Avenue Two-Way Conversion had shown a continuous dual left turn center lane for the two-way configuration. This center left turn lane would allow motorists making left turns to the many driveways along Acequia Avenue to exit the through lane while waiting on oncoming traffic to pass and not blocking the through traffic behind them. This would significantly increase the level of service of the two-way street configuration. Due to the limited right-of-way width available it was not feasible to incorporate all the above uses with their optimum configurations. Based on the above information, three alternative lane configurations were preliminarily designed to accommodate different combinations of the identified uses for Acequia Avenue. The three alternatives are discussed below.

Alternatives

Alternative 1 consists of providing one standard 12-foot wide vehicular travel lane in each direction with a 12-foot wide dual left turn center lane. This alternative would also allow for a 5-foot wide bike lane on each side of the street. The advantages to this alternative are 1) vehicular travel in both directions, 2) continuous left turn center lane allowing motorists making left turns to exit the through traffic lanes and 3) providing 5-foot wide striped Class 2 bike lanes on both sides of the road. A disadvantage to this alternative is the elimination of all existing 113 on street parallel parking spaces.

Alternative 2 consists of providing one 11-foot wide vehicular travel lane in each direction with a 10-foot wide dual left turn center lane. This alternative would also allow for a 7-foot wide parking lane on each side of the street. The advantages to this alternative are 1) vehicular travel in both directions, 2) continuous left turn center lane allowing motorists making left turns to exit the through traffic lanes and 3) some providing 7-foot wide parking lanes on both sides of the road (109 parallel parking spaces). Some disadvantages of this alternative include the elimination of all striped bike lanes and lane widths slightly narrower than standard 12-foot wide lanes resulting in a slightly cramped feel for motorists (lane widths would be similar to current lane widths in the three lane portion of Acequia Avenue). One possible option to this alternative is to provide class 3 bike routes in place of striped bike lanes, as recommended in the Visalia Bikeway Plan Update for several surrounding street sections where there is congestion and the on street parking is well used. This would result in shared traffic lanes with vehicular traffic and allow for bike lane signage and painted pavement traffic arrows indicating shared lanes.

Alternative 3 consists of providing one 12-foot wide vehicular travel lane in each direction, but would not provide the dual left turn center lane as in the other alternatives. Striping would include 50-foot long left turn pockets at the intersections of Conyer Street, Willis Street, West Street, Locust Street, Court Street and Bridge Street. This alternative would allow for a total of 64 on-street parallel parking spaces 7-foot wide. This alternative would provide fewer on-street parking spaces than existing and alternative 2 since there would not be room for the spaces where turn pockets and transitions occur. Bike lanes could be striped 4-foot wide on both sides of the street except where turn pockets and transitions occur (some short blocks would preclude striped bike lanes due to turn pockets transition lengths). Signage for Class 3 shared bike lanes could be provided where the bike lanes could not be striped. Some advantages of this alternative are 1) vehicular travel in both directions, 2) Class 2 bike lane striping provided where possible, Class 3 bike lane signage in remaining areas and 3) providing 7-foot wide parking lanes on both sides of the road where possible (64 parallel parking spaces). Some disadvantages of this alternative are 1) continuous left turn center lane NOT provided leaving motorists making left turns from the through traffic lanes, thus interrupting through traffic, 2) will result in a very busy roadway and will have a very cramped feel for motorists and bicyclists and 3) parking and striped bike lane only provided where possible based on left turn pockets locations and their transitions

Public Outreach

A public outreach to the community and several groups was conducted to receive input regarding the project and the alternatives. A public meeting was held at the Visalia Council Chambers on January 24, 2008. City staff made presentations to the Downtown Visalians at their meeting on January 24, 2008, to the PBID group at their meeting on January 25, 2008 and to the Bicycle, Pedestrian and Waterway Trails Committee at their meeting On February 12, 2008. At all of these meetings, exhibits were displayed showing the full length of Acequia Avenue with each alternative along with their advantages and disadvantages. Questionnaire forms were available for the attendees to provide their input at each meeting. Also, e-mails were received from the public and letters from groups were received regarding their preferences for the future Acequia Avenue configuration. Questionnaires and e-mails were received from 74

people with 97 percent of the respondents approving of the conversion of Acequia to two-way and 3 percent disapproving. The results regarding the three alternatives were 61 percent supporting Alternative 1, 28 percent supporting Alternative 2 and 11 percent supporting Alternative 3. Three letters from groups were submitted, one from the Kaweah Delta Healthcare District, one joint letter from PBID and Downtown Visalians and one from the Bicycle, Pedestrian and Waterway Trails Committee. All letters supported Alternative 2, except for the Bicycle, Pedestrian and Waterway Trails Committee letter which supported Alternative 1. See Exhibit C – Letters From Groups. Comments from attendees included 1) parking is very important and needed for the downtown, 2) bike lane access and more connectivity is needed in downtown and throughout the city, 3) keep bikers and pedestrians as a priority and 4) keep community feel of Visalia through incorporation of bike and car transportation.

Schedule

The traffic engineering design consultant, Robert Trout, is at approximately 70 percent completion of the design. However, the consultant needs to know which alternative the City prefers before he can complete the design. If the City Council can provide the preferred alternative at this City Council meeting, the design can be completed by approximately the end of March 2008. The design documents would then be submitted to Cal-Trans for their approval (since this project crosses State Highway 63 at Locust and Court Streets). We anticipate approximately 2 to 3 months for Cal-Trans approvals before going out to bid for the construction. We would anticipate bidding and award occurring through July and August 2008, and construction occurring August through December of 2008. This would complete the Acequia Avenue Two-Way Conversion Project prior to the opening of the new North Expansion of the Kaweah Delta Health Care District Hospital.

Prior Council/Board Actions:

Award of project design contract to Robert Trout, Traffic Engineer on October 29, 2007.

Committee/Commission Review and Actions: None.

Alternatives: No project or revision of project.

Attachments: Exhibit A - Existing Adjacent Bike Lanes To Project Area, Exhibit B – Proposed Adjacent Bike Lanes To Project Area, Exhibit C – Letters From Groups

Recommended Motion (and Alternative Motions if expected):

Request City Council to direct staff on the preferred alternative so that design and construction can be completed. Recommend that City Council authorize the expenditure of \$750,000 from Measure R to construct the project.

Environmental Assessment Status

CEQA Review: Categorical Exemption completed

NEPA Review: Not applicable

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: March 3, 2008

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: East Downtown Update and Form Based Code

Deadline for Action: N.A.

Submitting Department: Community Development

Contact Name and Phone Number: Michael Olmos 713- 4332
Fred Brusuelas 713-4364

Department Recommendation: Staff recommends the City Council authorize: (1) preparation of an Environmental Impact Report, processing of a General Plan Amendment and Form Based Code for the East Downtown; (2) Authorize staff to complete an agreement with TPG to prepare the EIR at an estimated cost of \$50,000; and (3) Authorize staff to return on March 17, 2008 with an updated Interim Ordinance for the East Downtown to provide sufficient time for completion of the EIR, GPA and Form Based Code.

Summary: Interim Zoning Ordinances for the East Downtown will be expiring on March 20, 2008 (Zone 1 – East Downtown) and July 17, 2008 (Zone 2 – North of Murray Avenue). The Form Based Code (FBC) for East Downtown has been completed and a Negative Declaration prepared to support the FBC document. Concern has been expressed by private sector interests that a Negative Declaration may not be sufficient to support the FBC, given the age of the underlying environmental impact report for the city's General plan. In recognition of these concerns, staff asks the Council to consider expanding the environmental document for the FBC from a Negative Declaration to an Environmental Impact Report (EIR). This process will take 9 months to 12 months to process. The EIR will cost approximately \$50,000. Staff recommends utilizing the services of TPG of Visalia to prepare the EIR. TPG prepared the Negative Declaration and has sufficient background data to prepare the EIR.

Council also needs to consider the necessity of adopting a new updated Interim Zoning Ordinance for the East Downtown prior to expiration of the current ordinance. This new Interim Ordinance would facilitate land uses consistent with the vision for the East Downtown and, importantly, protect interests that have recently occurred in the area, including the new Buckman - Mitchell office complex, planning for a Civic Center and linear park, Visalia Chamber of Commerce building and others. A new Interim Ordinance can be presented to Council on March 17, 2008 for consideration of adoption.

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.

Background: The City Council accepted the East Downtown Strategic Plan in December 2006 as the basis for long - range planning and project decision making within the area north of Mineral King Avenue, west of Ben Maddox Avenue, east of Santa Fe Avenue and south of Murray Avenue. Located in this area is the site of the future Visalia Civic Center that is proposed for a city hall, public safety building and parking structure.

Implementation of the East Downtown Strategic Plan requires additional planning, engineering and fiscal efforts. As a result, the City Council has initiated numerous activities related to implementation of the East Downtown Strategic Plan. They presently include the Civic Center Master Plan (*Bruce Race, Consultant*), Parks & Infrastructure Master Plan (*EDAW Consultant*), and Civic Center Design & Engineering Plans (*Provost & Pritchard, Consultant*). Additional related work is being performed in-house by the Planning, Economic Development and Engineering Divisions.

One of the first implementation steps taken by the City Council was adoption of an Interim Ordinance (*Overlay Zone*) for the purpose of limiting certain land uses within the East Downtown Area that would not be compatible with the vision of the Strategic Plan. An Interim Ordinance 2006-03 (Zone 1) was adopted for the East Downtown area for the purpose of establishing interim land uses and development standards until the preparation and adoption of a permanent Form Based Code could be completed.

The Interim Ordinance will expire on March 20, 2008 and revert to the base zoning of CS (*Service Commercial*) unless a new Interim Ordinance or Form Based Code can be adopted prior to that time. An additional Interim Ordinance 2006-10 (Zone 2) was adopted on land north of the Murray Avenue and will expire on July 17, 2008.

The Form Based Code text document is complete. Only illustrations and graphics remain to be completed. A requirement for adopting the Form Based Code will be a General Plan Amendment and Environmental document. Staff has determined that the preparation of an Environmental Impact Report (EIR) for the Form Based Code and General Plan Amendment is the superior method to address the environmental issues and decision making for the East Downtown Project Area. An estimate to prepare the EIR by a qualified consultant is \$50,000 and would take approximately 9 to 12 months to complete and process.

At issue is the expiration and timing of the Interim Ordinance (*Overlay Zone*). If allowed to expire on March 20, 2008, the land will revert to the CS Service Commercial Zone. The land uses presently allowed in the CS Zone are not compatible with the East Downtown vision or proposed Form Based Code that implements the East Downtown Strategic Plan. Without the adoption of another Interim Ordinance (*Overlay Zone*), some land uses could be established in the East Downtown Area that are not compatible with the overall vision.

Maintaining land use prohibitions that are not compatible with the East Downtown vision will require the establishment of a new Interim Ordinance (*Overlay Zone*) for at least a one year period of time. That is the time necessary to prepare, process, and adopt an Environmental Impact Report, General Plan Amendment and Form Based Code. An essential part of a new Interim Ordinance (*Overlay Zone*) is meeting the requirements of Government Code Section 65858(f) that requires any new interim ordinance be substantially different from the one currently in place and that there be a set of circumstances different from the initial adoption of

the interim ordinance. Staff can prepare the necessary findings for a new interim ordinance in accordance with Government Code 65858 (f) based upon the changes occurring in the East Downtown area that need to be protected. Plans and development include completed construction of the new Buckman- Mitchell Building; new parking lot at Tipton & Oak, new property acquisitions for city development (Cal-Trans site), Imagine U development design, Visalia storm water basin design, Oak Street/Burke Street/School Street design, Public Safety Building Planning & design, EDAW Landscaping and Infrastructure Design, Civic Center Plan preparation, and public works/engineering drawing preparation for a variety of public improvements. In addition, the current Interim Ordinance land uses will be evaluated and amended, if necessary, to conform with provision Government Code 65858.

Implementation necessary for the East Downtown Strategic Plan is the Form-Based Code and accompanying environmental and general plan documents. Initiating the Form Based Code, Environmental Impact Report, and General Plan Amendment process will facilitate public meetings and public hearing discussions regarding the implementation details of the East Downtown Strategic Plan. Ample public review and participation will be provided during the process. A critical component of that discussion will be non – conforming uses and the issue of parking regulations and parking fees. It is anticipated that this issue and others will receive considerable public discussion prior to final adoption of the EIR and Form Based Code.

The cost of the EIR has not been authorized or funded by the City Council. Staff proposes the EIR funding be provided from the previously authorized Housing Element budget of \$200,000. It has been recently determined by staff that the cost of the Housing Element update, due June 2009, will be less than \$150,000. The total amount previously allocated for the Housing Element update should be sufficient to accomplish both tasks.

Prior Council/Board Actions: The City Council previously authorized an Interim Ordinance and initiated preparation of a draft Form Based Code for the East Downtown Area.

Committee/Commission Review and Actions: N.A.

Alternatives: Do not proceed with a new Interim Ordinance.
Proceed with the Form Based Code and General Plan Amendment
Utilizing a Negative Declaration.

Attachments: Land Use Concept Illustration of East Downtown Area
Map of Interim Ordinance *Zone 1* and *Zone 2*
Interim Ordinance 2006-03 (*Zone 1*)
Draft Form Based Code Map
Draft Form Based Code Text

Recommended Motion (and Alternative Motions if expected): I move to (1) authorize staff to proceed with the preparation and processing of an EIR for the Form Based Code and General plan Amendment for the East Downtown project area; (2) Authorize staff to negotiate a contract with TPG for preparation of the EIR at an estimated cost of \$50,000; and (3) Prepare an updated Interim Zoning Ordinance for the East Downtown for Council consideration on March 17, 2008.

Environmental Assessment Status

CEQA Review: *NA*

NEPA Review: *NA*

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

Copies of this report have been provided to:

ACTION

PLANNING COMMISSION AGENDA

CHAIRPERSON:
Vincent Salinas



VICE CHAIRPERSON:
Lawrence Segrue

COMMISSIONERS PRESENT: Sam Logan, Larry Segrue, Terese Lane

MONDAY FEBRUARY 25, 2008; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

- | | |
|---|--|
| 7:00 TO 7:00 | 1. THE PLEDGE OF ALLEGIANCE |
| 7:00 TO 7:00
No one spoke | 2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informational only and the Commission will not take action at this time. |
| 7:00 TO 7:01
No comments | 3. CITY PLANNER AGENDA COMMENTS |
| 7:01 TO 7:02
(Lane, Logan)
3-0 Peck and Salinas absent | 4. CHANGES TO THE AGENDA – Paul Scheibel asked item 7 to be moved to be heard first on the agenda |
| 7:02 TO 7:02
No items on Consent Calendar | 5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda. <ul style="list-style-type: none"> • No items on Consent Calendar |
| 7:03 TO 7:12

Approved as recommended (Logan, Lane)
3-0 Peck and Salinas absent

Open: 7:09
Close: 7:10 | 6. PUBLIC HEARING – Presented by Paul Bernal

Conditional Use Permit No. 2007-61: A request by DeAnn and Kelvin Farris to relocate an existing hair salon into a new 1,042 sq. ft. building on a 27,100 sq. ft. developed site in the O-C (Office Conversion) zone, located at 2211 W. Tulare APN: 095-120-086 |
| 7:02 To 7:03

Continued to April 14, 2008 (Logan, Segrue) 3-0 Peck and Salinas absent | 7. PUBLIC HEARING –Presented by Brandon Smith, Continued from 11/27/07

Conditional Use Permit No. 2007-39: A request by Westland Development, LLC, for a master- planned development to allow the phased development of a mix of office, educational, and highway service businesses totaling 327,828 on 29.4 acres within the BRP (Business Research Park) zone, located on the east and west sides of Plaza Drive, north of Crowley Ave.(APNs 081-020-067 & 081-020-070). |

7:12 To 7:19

Approved as recommended (Lane, Logan) 3-0 Peck and Salinas absent

Open: 7:17
Close: 7:18

8. PUBLIC HEARING –Presented by Brandon Smith

Tentative Parcel Map No. 2008-03: A request by Mangano Company, Inc. (Lane Engineers, Inc., agent) to divide 11.53 acres into a 3.22-acre parcel and an 8.31-acre remainder area in the BRP (Business Research Park) zone. The site is located on the northeast corner of Neeley Street and Crowley Avenue, approximately 700 feet west of Plaza Drive. APN: 081-020-067

7:19 To 8:08

Recommendation to deny was upheld (Logan, Lane) 3-0 Peck and Salinas absent

Open: 7:31
Close: 7:58

9. PUBLIC HEARING –Presented by Brandon Smith

Conditional Use Permit No. 2008-05: a request by Donahue Schriber Realty Group, L.P. to amend Conditional Use Permit No. 2007-13 by allowing on-site lumber off-loading, handling activity, and truck delivery hours before 7:00 a.m. and after 10:00 p.m. at an approved home improvement store (Home Depot). The site is located at the northwest corner of Dinuba Boulevard and Riggan Avenue in the City of Visalia, County of Tulare. APN: 078-120-010.

8:08 To 8:15

10. DIRECTOR’S REPORT/PLANNING COMMISSION DISCUSSION: Ag Land Mitigation Consultant Review Committee needed 2 commissioners to be on the committee. Commissioners Lane and Peck selected.

The Planning Commission meeting may end no later than 11:00 P.M. Any unfinished business may be continued to a future date and time to be determined by the Commission at this meeting. The Planning Commission routinely visits the project sites listed on the agenda.

For the hearing impaired, if signing is desired, please call (559) 713-4359 twenty-four (24) hours in advance of the scheduled meeting time to request these services. For the visually impaired, if enlarged print or Braille copy is desired, please call (559) 713-4359 for this assistance in advance of the meeting and such services will be provided as soon as possible following the meeting.

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, MARCH 10, 2008
AT THE VISALIA CONVENTION CENTER, 303 E. ACEQUIA, VISALIA**

8:15 TO 8:15

Motion to Adjourn (Segrue, Lane) 3-0 Peck and Salinas absent

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 3, 2008

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

Agenda Item Wording: Adoption of Resolution authorizing execution of an Application-Agreement with CalPERS for Medicare coverage for employees who have elected to participate in the program and authorization for Eric Frost, Administrative Services Director to enter the agreement on behalf of the City of Visalia. (Resolution No. 2008-10)

Deadline for Action: March 3, 2008

Submitting Department: Administrative Services/Administration

Contact Name and Phone Number:

Eric Frost, Administrative Services Director, 713-4474
Phyllis Coring, Special Projects Manager, 713-4566

Department Recommendation:

Staff recommends that City Council adopt Resolution No. 2008-10 authorizing execution of an Application-Agreement with CalPERS for Medicare coverage for employees who have elected to participate in the program and authorizing Eric Frost, Administrative Services Director to enter into the agreement on behalf of the City of Visalia.

Summary/background:

City Council adopted Resolution 2007-71 on August 20, 2007 requesting that CalPERS conduct a "division" election to allow employees hired prior to April 1, 1986 to voluntarily elect to "opt-in" and participate in Medicare Coverage. The Medicare Opt-in Program was one of the terms of agreement of the Memorandum of Understanding with Miscellaneous Employee Group E and the annual compensation for Department Heads and Confidential employees. The program applies only to "miscellaneous" employees in those groups, hired prior to April 1, 1986.

The "election" was held in January, 2008 and 10 employees elected to enter into the Medicare Coverage system. In this type of election, employees can choose or choose not to participate. For those who chose to participate, both the City and the employee will begin contributing 1.45% of salary into the Medicare system, once approved by the Federal Government. In addition, both the employee and the City will pay a lump sum equivalent to 1.45% of the past five years of salary to buy back five years of Medicare coverage.

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.

Following the “election”, staff submitted the forms signed by the employees who request to participate in Medicare to CalPERS. The next step in the process is for the city to adopt this resolution authorizing the city to enter into the attached Application-Agreement. Once CalPERS receives the signed agreement, they will request the Federal Government to include the employees in the Medicare system.

History

Effective April 1, 1986, agencies nationwide were required to pay for Medicare Only coverage for new hires, if they were not participating in the Social Security system. Both the employer and employee hired after that date began paying 1.45% of salary into the Medicare Only program and employees began earning “quarters” toward becoming eligible for Medicare Part A, without premium.

Medicare Part A, with no premium, is provided to those who have earned at least 40 quarters in the Social Security System or the Medicare Only Program. People can qualify by either working for a company or agency which participates in Social Security or Medicare Only (in which case both the employee and employer pay into the system) or through a spouse who is not more than three years younger than they are and who has obtained the required 40 quarters. The 2008 premium for Medicare Part A is \$423 per month.

Cost

The City began contributing (by the Federal mandate) 1.45% of salary toward Medicare coverage for employees hired after April 1 of that year, but not for those employees hired before that date. There are about 50 employees still employed by the city for whom this benefit has not been paid for the past 21 years and who have not been paying into the system. For those employees who have elected to participate in the Medicare Only program, both the employee and the city would be obligated to pay 1.45% of the past five years of salary, and would be required to pay 1.45% of salary on an on-going basis, as it does for all the employees hired on or after April 1, 1986. It is in the City’s best interest to have as many employees as possible eligible for Medicare because once the employee retires, it reduces the cost of retiree health care insurance after the retiree reaches age 65. The cost to the City is minimal when balanced between the savings of the 1.45% of salary for all employees started working for the city before April 1, 1986 and the cost of paying the City share of five past years the Medicare payments for the 10 employees who have elected to participate in the program. The lump sum cost for the 10 employees is estimated at \$40,000. The opportunity to participate in Medicare has not been previously made available to employees who had been hired prior to April 1, 1986.

Prior Council/Board Actions:

- City Council approved the Memorandum of Understanding with Group E on August 6, 2007, and the Annual Compensation for Department Heads and Confidential Employees on May 21, 2007, which both included the implementation of the Medicare Opt-In Program as one of the terms of the agreements.
- Council adopted Resolution 2007-71 on August 20, 2007, initiating the request to allow miscellaneous employees to opt-into the Medicare System.

Committee/Commission Review and Actions:

Alternatives: None Recommended

Attachments: Resolution No. 2008-10 and Application-Agreement for Medicare Coverage

Recommended Motion (and Alternative Motions if expected):

I move that City Council adopt Resolution No. 2008- 10, approving the Application-Agreement with CalPERS extending Medicare Only coverage for those employees who have elected to participate in the system and authorizing Eric Frost, Administrative Services Director to execute the agreement.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

RESOLUTION NO. 2008-

A Resolution of the City of Visalia Authorizing Execution of an Application-Agreement
with CalPERS for Medicare Coverage for Employees

WHEREAS, a division of the California Public Employees' Retirement System with respect to eligible employees of the City of Visalia, hereinafter referred to as "Public Agency", who are members of and in positions covered by said retirement system, has been conducted in accordance with Federal and State Laws and State regulations for the purposes of coverage under the insurance system established by the Federal Social Security Act and a deemed retirement system, hereinafter referred to as Group B of the California Public Employees' Retirement System, has been established thereby as provided in Section 218(d)(6) of the Federal Social Security Act, composed of positions of members of such retirement system who desire coverage under the Health Insurance system established by the Federal Social Security Act; and

WHEREAS, the Public Agency desires to file an application with the State and to enter into an agreement with the State to extend coverage under the said insurance system on behalf of the Public Agency to services performed by individuals as employees of the Public Agency as members of a coverage group, as defined in Section 218(d)(4) of the Federal Social Security Act, of the said Group B of the California Public Employees' Retirement System; and

WHEREAS, official form "Application and Agreement, PERS-MED-32D" containing the terms and conditions under which the State will effect such inclusion has been examined by this body;

NOW, THEREFORE, BE IT RESOLVED, that said Application and Agreement on said official form be executed on behalf of the Public Agency and submitted to the State to provide coverage under the California State Social Security Agreement of March 9, 1951, of all services performed by individuals as employees of the Public

Agency as members of a coverage group (as defined in Section 218(d)(4) of the Social Security Act) of said Group B of the California Public Employees' Retirement System, except the following:

1. All services excluded from coverage under the agreement by Section 218 of the Social Security Act; and
2. Services excluded by option of the Applicant as indicated in Resolution No. 2007-71 adopted at a meeting of the City Council the 20 day of August, 2007:

None

Effective date of coverage of services under said agreement to be January 1, 2004; and

BE IT FURTHER RESOLVED, that Mr. Eric Frost, Administrative Services Director, 707 West Acequia, Visalia, CA 93291, is hereby authorized and directed to execute said Application and Agreement on behalf of and as Authorized Agent of the Public Agency and to forward same to the State for acceptance and further action; and

BE IT FURTHER RESOLVED, that authority hereafter to act as Authorized Agent, and so to conduct all negotiations, conclude all arrangements, submit all reports, and sign all agreements and instruments which may be necessary to carry out the letter and intent of the aforesaid application and agreement, in conformity with all applicable Federal and State laws, rules and regulations, is vested in the position of Administrative Services Director.

Return original and one copy to:
California Public Employees' Retirement System
Actuarial and Employer Services Branch
Public Agency Contract Services
P.O. Box 942709
Sacramento, CA 94229-2709

This is your contract for Medicare coverage. Please read carefully. File State-approved copy in permanent file

APPLICATION AND AGREEMENT

For the purposes of this application and agreement, any reference made herein to any State or Federal statute or statutes, or regulations, or part thereof, applies to all amendments thereto now or hereafter made.

For the purposes of this application and agreement, "Federal System" means Old-Age, Survivors, and Disability and Health Insurance system established by the Federal Social Security Act, "Federal agency" means the Commissioner of Social Security, or successor in function to such officer, "Board" means the Board of Administration of the California Public Employees' Retirement System, acting on behalf of the State of California.

The City of Visalia, a public agency as defined in Section 22009 of the Government Code* hereinafter called Applicant, hereby makes application to the Board to execute a modification to the California State Social Security Agreement extending thereunder the "Medicare Only" coverage in conformity with Section 218(n) of the Social Security Act; to all services performed by individuals as employees of the Applicant in a coverage group (as defined in Section 218(d)(4) of the Social Security Act*) of Group B, California Public Employees' Retirement System, a deemed retirement system established by division of a retirement system pursuant to Section 218(d)(6) of the Social Security Act, composed of positions of members desiring coverage under said insurance system, except the following:

1. Those services mandatorily excluded from said agreement by Section 218 of the Social Security Act.*
2. The following services excluded by option of the Applicant pursuant to Resolution No. 2007-71 adopted on August 20, 2007:

None*

*See Attachment

In order to carry into effect the common governmental duties under such statutes and in consideration of the mutual promises hereinafter made, the Applicant and the Board agree as follows:

1. The Board will execute a modification to the California State Social Security Agreement to extend thereunder the "Medicare Only" coverage the services of employees of Applicant as hereinbefore applied for.
2. Applicant will comply promptly and completely, throughout the term of this application and agreement, with the letter and intent of all statutes of the State of California, and Section 218 of the Federal Social Security Act, and applicable Federal and State regulations adopted pursuant thereto.
3. Applicant will pay as the State regulation may prescribe, amounts equivalent to the sum of taxes (employer-employee contributions) which would be imposed under the Federal Insurance Contributions Act if the services of employees covered by the application and agreement constituted employment as defined in such Act. Applicant shall keep or cause to be kept accurate records of all remuneration for such services, said records to be maintained as required by Federal or State regulations, and said records shall be available for inspection or audit by the Board or its designated representative.

4. Applicant will prepare and submit such wage and other reports as may be required.
5. Applicant will pay and reimburse the State at such times as may be determined by the State:
 - (a) Any sums of money that the State may be obligated to pay or forfeit to the Federal Government by reason of any failure of the Applicant, for any cause or reason, to pay the contributions, penalties, or interest required by the agreement between the Federal agency and the State at such time or in such amounts as required by the said agreement and any State or Federal regulations adopted pursuant thereto.
 - (b) In such amounts as may be determined by the State, its proportionate share of any and all costs incurred by the State in the administration of the Federal System as it affects the Applicant and its employees.
 - (c) In such amounts as may be determined by the State, the cost of any and all work and services relating to any division for the purposes of coverage under the Federal System held with respect to the coverage group for which coverage is requested herein.
 - (d) In such amounts as may be determined by the State, the costs of any audits of the books and records of the Applicant made by the State or its designated representatives pursuant to Section 22559 of the Government Code.
6. The coverage herein provided for shall be effective January 1, 2004.

7. That, subject to the aforesaid provisions and applicable law, this application and agreement may be amended by the mutual consent of the parties in writing.
8. After the filing of this application and agreement, its acceptance and execution by the State shall constitute it a binding agreement between the Applicant and the State of California with respect to the matters herein set forth.

City of Visalia

Signed by

Authorized Agent

And by

(Witness)

(Title)

(Date)

ACCEPTED: _____

STATE OF CALIFORNIA
BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

BY _____
S. Dawn Evans, Manager
Employer Contracts and Compensation Review
Actuarial and Employer Services Branch

ATTACHMENT

Section 22009, Government Code:

"Public Agency" means the State, any city, county, city and county, district, municipal or public corporation or any instrumentality thereof, or boards and committees established under Chapter 10 of Division 6 of the Agricultural Code, Chapter 754 of Statutes of 1933, as amended, or Chapter 307 of the Statutes of 1935, as amended, the employees of which constitute one or more coverage groups or retirement system coverage groups.

Section 218(d)(4):

For the purposes of subsection (c) of this section, the following employees shall be deemed to be a separate coverage group:

- (A) all employees in positions which were covered by the same retirement system on the date the agreement was made applicable to such system (other than employees to whose services the agreement already applied on such date);
- (B) all employees in positions which became covered by such system at any time after such date; and
- (C) all employees in positions which were covered by such system at any time before such date and to whose services the insurance system established by this title has not been extended before such date because the positions were covered by such retirement system - including employees to whose services the agreement was not applicable on such date because such services were excluded pursuant to subsection (c)(3)(B).

The following services are mandatorily excluded:

- (a) service performed in a policeman's or fireman's position, covered by a retirement system at the time coverage is extended to the Public Agency;
- (b) service performed by an individual who is employed to relieve him from unemployment;
- (c) service performed in a hospital, home, or other institution by a patient or inmate thereof;
- (d) covered transportation service (as defined in Section 210(k) of the Social Security Act, as amended);

- (e) service (other than agricultural labor or service performed by a student) which is excluded from employment by any provision of Section 210(a) of the Social Security Act, other than paragraph 7 of such section, or service the remuneration for which is excluded from wages by paragraph (2) of Section 209(h);
- (f) service performed by an individual as an employee on a temporary basis in case of fire, storm, snow, earthquake, or similar emergency;
- (g) services performed by election officials or election workers for each calendar year in which the remuneration paid for such service is less than the threshold amount mandated by law. (The threshold amount as of January 1, 2002 was \$1,200.)

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 03, 2008

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

Agenda Item Wording: Accepting the California Department of Housing and Community Development (HCD), CalHome First Time Homebuyer Mortgage Assistance Program Grant of \$600,000; approve program guidelines, authorize amendment to CSet and AmeriNational Community Service contracts to execute program administration, implementation and underwriting; and authorize Housing & Economic Development Director as additional designated signer through resolution.

Deadline for Action: March 03, 2008

Submitting Department: Housing & Economic Development

Contact Name and Phone Number: Ricardo Noguera,
Housing & Economic Development Director (4190) Rhonda
Haynes, Housing Specialist (4460)

Department Recommendation: That the City Council:

- 1) Authorize the program guidelines and approve gap financing, not to exceed \$38,000, including non-recurring closing costs and \$2,000 for activity delivery; and
- 2) Adopt the CalHome Reuse Plan by Resolution
- 3) Authorize an Amendment to the existing contract with Community Services and Employment Training (CSET), to administer the new CalHome First Time Homebuyers Program for \$24,402; and
- 4) Authorize an amendment to the existing contract with AmeriNational Community Services to include the underwriting, loan servicing and maintenance of the CalHome Program loans for \$12,975; and
- 5) Authorize the City Manager and City Attorney to make minor adjustments to the agreements, program guidelines, and policies & procedures; and
- 6) Authorize the City Manger to appoint the Housing & Economic Development Director as an additional authorized designee signer to execute in the name of the City of Visalia all documents required by HCD for participation in the CalHome Program and any amendments thereto by Resolution.

Summary/background:

The City of Visalia was successful in landing a \$600,000 HCD CalHome Program Grant from the California Department of Housing and Community Development (HCD) in October 2007. These funds were derived through Proposition IC.

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.

1. City's CalHome 2nd Mortgage assistance

Key components of the program include:

- Maximum of \$40,000 available for use as down payment assistance, non recurring closing costs, homebuyer education and activity delivery costs.
- Will provide a \$38,000 second mortgage, including non-recurring closing costs. The mortgage will be a deferred payment loan for 30 years, with interest accruing at three-percent (3%) to first-time homebuyers for existing single family dwellings, within City limits, for gap financing.
- An additional \$2,000 will serve as a reimbursement to the City from CalHome, for homebuyer education and loan-processing activity delivery fees.
- The \$600,000 CalHome award must be spent by August 28, 2010 and will assist 15 families.

A few facts about the program:

1. Maximum purchase price can not exceed the FHA mortgage maximum of \$234,650)
2. Only FHA or Conventional fixed rate 30 year first mortgages allowed. Currently Calhfa is not authorized.
3. First Mortgage payment (PITI) to be no less than 30% front end ratio.
4. HCD State Income Limits are utilized. 80% of the Median is identified as "Lower Income".
5. Property must be owner-occupied.
6. Homebuyer education required.
7. City must enter into a 20 year Monitoring Plan with HCD.

Attached as Exhibit "A" is the program fact sheet that references the program guidelines.

Information about the Current Market conditions:

Staff worked with CTX mortgage and Keller Williams Realty to identify an estimated first mortgage and an analysis of homes available through the Multiple Listing Services as of February 21, 2008. Information is provided In Table I, Family of 4 median income and Purchase Price estimate, and estimated first mortgage including the City's loan. Attachment "B" provides details of these estimates and Attachment "C" provides information on the Area Market Survey Summary.

Table I					
Family of 4: 30% Debt to Income Ratio					
Median Income %	Maximum Annual Income based on %	Maximum 1st mortgage	including CalHome 2nd loan \$38,000	Purchase Price	No. est. homes on MLS 2-21-08
30%	\$ 16,150	\$ 54,000		\$ 92,000	6
50%	\$ 26,900	\$ 90,000		\$ 128,000	36
80%	\$ 43,050	\$ 144,000		\$ 182,000	210

2. Approve CalHome Reuse Plan

The Calhome program requires that the principal and interest be repaid to the City upon sale or transfer of the property, when the property ceases to be owner-occupied, or upon the loan maturity. In order to participate in the CalHome Program, all funds must be deposited into a separately maintained account governed by a Reuse Plan, to rebuild program funds for future loans. The Resolution and "Reuse Plan" is attached as Exhibit "D". Staff requests that Council approve by Resolution the submission of the Reuse plan for HCD's approval.

3. CSET- Amend existing contract to allow for the administration of the new CalHome FTHB Program:

Community Services and Employment Training, Inc. (CSET) has been very successful in its current administration of the HOME funded First Time Homebuyer's Program. Staff discussed the opportunity with CSET to administer the CalHome First Time Homebuyer Program and they welcomed the opportunity. Staff is confident in CSET and believes that maintaining services with its current administrator provides additional resources and opportunities for participating borrowers. Additionally, CSET is working with Staff to complete the required Homebuyer Education Plan for submission to CalHome for their review and approval. As seen above in Table II, CSET Administration Cost, some costs are not allowed by CalHome, therefore, General or Revolving funds will be utilized for such administration costs. CSET's proposal letter of cost to administer is included as Attachment "E".

Table II : CSET Administration Cost		
Service:	Cost	Paid by:
Homebuyer Education Group Workshop (15 loans @ \$350 ea)	\$ 1,360.00	CalHome Reimbursement
Lender Group Workshop	\$ 830.00	General or Revolving Funds
Loan Processing/ one-on-one	\$ 5,250.00	CalHome Reimbursement
Program Operations, including delivery of loan docs, copying, printing, & other administrative functions	\$ 16,062.00	CalHome & General or Revolving Funds
Total	\$ 23,502.00	

4. AmeriNational Community Services, Inc.- Amend existing contract to add servicing CalHome First Time Homebuyer Program.

November 2007 Council approved the extension of its Loan Servicing contract with AmeriNational Community Services, Inc. The CalHome First Time Homebuyer Program will require the processing, underwriting, loan document preparation and servicing of the 15 loans. AmeriNational has been providing services to government agencies since 1975 and specifically the City of Visalia since 1995. Staff recommends Council approve the amendment of its contract with AmeriNational to include the CalHome FTHB Program. The cost of these activity delivery services are included as Attachment "F" with an estimated cost of \$12,975 initially, with an approximate \$800 bi-annual monitoring cost (owner affidavit, taxes, insurance monitoring). Staff must submit the Loan Servicing Plan to CalHome for their approval prior to fund drawdown.

5 & 6: Authorizations

Based upon the review of Calhome, City Staff request that the City Manager and City Attorney have the authority to make the appropriate changes. Additionally, Staff requests that the City Manager and City Attorney have the authorization to make the appropriate changes to the contracts between the City of Visalia, Community Services and Employment Training and also Amerinational Community Services, Inc.

The City Manager is the authorized and the responsible party for signing loan documents, quarterly reports, annual report and fund draw requests. To assist in expediting escrow closing and provide a second designee, Staff suggests that the City Manager authorize the Housing & Economic Development Director the ability to sign reports, draw down requests and loan recording documents. CalHome requires that the authorization be approved by City Council by

Resolution and a letter with the authorized signatures will be forwarded to CalHome. Included is the Resolution as Attachment "G".

Funding for CalHome Loan Program

The programs source of funds are derived from Proposition 1C, the Housing and Emergency Shelter Trust Fund Act of 2006. The CalHome Program is funded through the Housing and Community Development Department (HCD) of the State of California. Staff is confident that the funds will be expended within the 36 month period.

Prior Council/Board Actions: The City Council authorized the submittal of the CalHome grant application on April 10, 2007. The City was awarded the funds and signed the Standard Agreement late October 2007.

Committee/Commission Review and Actions:

Alternatives: None

Attachments:

- Exhibit "A"- CalHome Program Fact Sheet referencing program guidelines
- Exhibit "B"- Family of 4 Median Income Purchase Power
- Exhibit "C" - Area Market Survey Summary 02-21-08
- Exhibit "D"- City Council Resolution No. 2008- 11 - Reuse Plan
- Exhibit "E"- CSET Proposal to Administer CalHome funds
- Exhibit "F" – AmeriNational Community Services Estimated Service Cost Quote
- Exhibit "G" – City Council Resolution No. 2008- 12 Additional authorized designee

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

- 1) Authorize the program guidelines and approve gap financing, not to exceed \$38,000, including non-recurring closing costs and \$2,000 for activity delivery; and
- 2) Adopt the CalHome Reuse Plan by Resolution No. 2008-11
- 3) Authorize an Amendment to the existing contract with Community Services and Employment Training (CSET), to administer the new CalHome First Time Homebuyers Program for \$24,402; and
- 4) Authorize an amendment to the existing contract with AmeriNational Community Services to include the underwriting, loan servicing and maintenance of the CalHome Program loans for \$12,975; and
- 5) Authorize the City Manager and City Attorney to make minor adjustments to the agreements, program guidelines and policies & procedures; and
- 6) Authorize the City Manager to appoint the Housing & Economic Development Director as an additional authorized designee signer to execute in the name of the City of Visalia all documents required by HCD for participation in the CalHome Program and any amendments thereto by Resolution No. 2008-12

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*)

Resolution for Reuse Plan Resolution No. 2008-

Resolution for additional designated signer Resolution No. 2008-

Must be signed and notarized.

Initially utilize revolving funds to complete administrative costs and loan servicing costs

Copies of this report have been provided to:

Exhibit "A"
CITY OF VISALIA CALHOME FIRST TIME HOMEBUYERS PROGRAM
 March 4, 2008

<p>HUD 95% FHA 203B Maximum</p> <p>Visalia-Tulare-Porterville MSA 107 Area As of January 1, 2007: \$234,650.00</p>	<p>STATE HCD 2007 Income Limits</p> <table style="margin-left: auto; margin-right: auto;"> <thead> <tr> <th style="text-align: center;">Family Size</th> <th style="text-align: center;">Maximum Gross Family Income</th> </tr> </thead> <tbody> <tr><td style="text-align: center;">1</td><td style="text-align: right;">\$28,850</td></tr> <tr><td style="text-align: center;">2</td><td style="text-align: right;">\$32,950</td></tr> <tr><td style="text-align: center;">3</td><td style="text-align: right;">\$37,100</td></tr> <tr><td style="text-align: center;">4</td><td style="text-align: right;">\$41,200</td></tr> <tr><td style="text-align: center;">5</td><td style="text-align: right;">\$44,500</td></tr> <tr><td style="text-align: center;">6</td><td style="text-align: right;">\$47,800</td></tr> <tr><td style="text-align: center;">7</td><td style="text-align: right;">\$51,100</td></tr> <tr><td style="text-align: center;">8</td><td style="text-align: right;">\$54,400</td></tr> </tbody> </table>	Family Size	Maximum Gross Family Income	1	\$28,850	2	\$32,950	3	\$37,100	4	\$41,200	5	\$44,500	6	\$47,800	7	\$51,100	8	\$54,400
Family Size	Maximum Gross Family Income																		
1	\$28,850																		
2	\$32,950																		
3	\$37,100																		
4	\$41,200																		
5	\$44,500																		
6	\$47,800																		
7	\$51,100																		
8	\$54,400																		

Program Information:

- *Home must be in the City of Visalia Limits
- *Client are first-time homebuyers (have not owned a home within the preceding three years, or meet the definition of a displaced homemaker or a single parent (See program policies & procedures for details))
- *Maximum sales price adjusts to 95% of the FHA Single Family Mortgage Maximum 203b limit
- *Homebuyer mortgage assistance loans when combined must have a loan-to-value ratio not exceeding 100% of the sales price plus a maximum of up to 5 % of the sales price to cover actual non-recurring closing costs.
- *CalHome funded 2nd mortgage Maximum loan "Gap Financing and non-recurring closing costs" up to \$38,000
- *3% down payment (FHA approved gift and down payment 3rd position loan programs are not acceptable, due to the
- *City CalHome funded Loan is recorded in 2nd position on property
- *Interest Rate accrued at 3%, simple interest per annum; 30-year deferred term for both CalHome 2nd mortgage
- *Payments can be at any time, however the CalHome 2nd mortgage is deferred for the term of the loan (30 years).
- *First Mortgage, must be a fixed loan, financed by FHA or Conventional type loans for a maximum of 30 year term.
- *NOTE: (A limitation with the CalHome Funds, are that the CalHome funds may not be used in conjunction with Calhfa 1st mortgage funding, therefore the 1st mortgage must be an FHA or Conventional mortgage only)
- *FHA , CalHome and AmeriNational underwriting guidelines apply
- * Debt to Income Ratios for mortgage front end debt ratio is no less than 30% (30%/45% guideline)
- *Family income must be less than 80% of the Tulare County median income. Identified within the HCD Income limits as "Lower Income" (Maximum Gross Family Income listed above)
- *Good Credit, No Derogatory open credit allowed. Any derogatory information regarding closed accounts over the last three (3) years must be explained.
- *No bankruptcies with the past two (2) years
- *Family must attend homeowner workshop/counseling

*Lenders, Realtors & Title Companies must attend a program certification workshop to participate in the City's program

*Home cannot be rented

*Home must pass City Building Code Inspection

*Pre 1978 homes: City Inspector and a Certified Lead Inspector must complete a visual assessment; paint stabilization must be completed with Safe work practices and clearance, by a certified inspector.

*See Program guidelines for more specific details

Loan Processing Information:

1. Fax an application to C-SET, City assigns a project # (Buyer has property in escrow) (Must have address of the home)
2. Lender has 60 day reservation to obtain both 1st mortgage and City's 2nd mortgage approval
3. Underwriter for the City is AmeriNational Community Services, Inc., Downey, California
4. Lender must submit a full package to AmeriNational and a copy to C-SET, See Program Guidelines for packaging details
5. Submit all additional requested information or documentation, requested by AmeriNational directly to C-SET
6. AmeriNational Community Services underwriter will review package and make a recommendation to C-SET and the City of Visalia; Final Loan Recommendation is made by the City of Visalia
7. Cash out of escrow to the borrower is limited to the amount deposited into escrow by the borrower and not needed for any lender-required minimum down payment. Excess cash, over that shall be paid to the City's reuse account or credited as a principal reduction to the Calhome portion of the homebuyer's loan.
8. All loan documents are e-mailed or overnight mailed by AmeriNational Community Services to the Escrow Company
9. Funds are wired by AmeriNational Community Services to the Escrow Company, after all loan conditions are met and completed.
- 10.

To obtain an application package contact:

Community Services and Employment Training, Inc.

Attn: Lily Rivera-Graves

312 N W 3rd Avenue

Visalia, California 93291

E-mail: lily.rivera@cset.org

Ph No. (559) 732-4194 x615

Fax No. (559) 733-3971

Exhibit "B"
Family of 4 Median Income Purchase Power-

Family of 4 @ 30% of the Median Income

Family of 4	
Conventional	Income @ 30% of median: Annually 16,150 (monthly: \$1,346)
Purchase Price \$92,000	
1st Mortgage:	6.25% \$54,000
Estimated Closing Costs (title, escrow, loan fees 1%):	\$ 1,973.00
Pre Paid Closing Costs (6 mnth tax 1.1% & ins)	\$ 712.00
3% down payment	\$ 2,910.00
1st Mortgage Monthly Payment w/ taxes, Insurance:	30% Debt to Income Ratio \$ 404.00
Gap (City CalHome Second) Loan:	at 3 % deferred 30 years fi \$ 38,000.00
@ 3% deferred for the life of the two City loans	Total interest due at end of 30 years for City loan: \$34,200 Total City 2nd owed at end of 30 yrs:(P & I) 72,200

Family of 4 @ 50% of the Median Income

Family of 4	
Conventional	Income @ 50% of median: Annually \$26,900 (monthly: \$2,241.67)
Purchase Price \$128,000	
1st Mortgage:	6.25 \$ 90,000.00
Estimated Closing Costs (title, escrow, loan fees 1%):	\$ 2,300.00
Pre Paid Closing Costs (6 mnth tax 1.1% & ins)	\$ 1,070.00
3% down payment	\$ 3,990.00
1st Mortgage Monthly Payment w/ taxes, MIP, Insurance:	30% Debt to Income Ratio \$ 672.00
Gap (City CalHome Second) Loan:	at 3 % deferred 30 years fixed \$ 38,000.00
@ 3% deferred for the life of the two City loans	Total interest due at end of 30 years for City loan: \$34,200 Total City 2nd owed at end of 30 yrs:(P & I) 72,200

Family of 4 @ 80% of the Median Income

Family of 4	
Conventional	Income @ 80% of median: Annually \$43,050 (monthly: \$3,587.50)
Purchase Price \$182,000	
1st Mortgage:	6.25% \$ 144,000.00
Estimated Closing Costs (title, escrow, loan fees 1%):	\$ 2,981.00
Pre Paid Closing Costs (6 mnth tax 1.1% & ins)	\$ 1,900.00
3% down payment	\$ 5,610.00
1st Mortgage Monthly Payment w/ taxes, MIP, Insurance:	30% Debt to Income Ratio \$ 1,076.00
Gap (City CalHome Second) Loan:	at 3 % deferred 30 year: \$ 38,000.00
@ 3% deferred for the life of the two City loans	Total interest due at end of 30 years for City loan: \$34,200 Total City 2nd owed at end of 30 yrs:(P & I) 72,200

Exhibit "C"
Area Market Survey Summary 02-21-08

From:

02/21/2008 17:29

#635 P.002/00

**Area Market Survey
 Summary**

Listings as of 02/21/08 at 5:22pm

Active Listing Price Range	Quantity	Average DOM	Summary Price Information			
\$70,000 thru \$79,999	2	51	Minimum	\$70,000	Maximum	\$3,225,000
\$80,000 thru \$89,999	4	65	Average	\$293,126	Median	\$229,700
\$90,000 thru \$99,999	5	54				
\$100,000 thru \$119,999	20	63				
\$120,000 thru \$139,999	38	104				
\$140,000 thru \$159,999	68	105				
\$160,000 thru \$179,999	85	101				
\$180,000 thru \$199,999	110	100				
\$200,000 thru \$249,999	167	106				
\$250,000 thru \$299,999	114	99				
\$300,000 thru \$349,999	60	119				
\$350,000 thru \$399,999	53	160				
\$400,000 thru \$449,999	23	156				
\$450,000 thru \$499,999	28	146				
\$500,000 thru \$549,999	11	114				
\$550,000 thru \$599,999	6	74				
\$600,000 thru \$649,999	6	193				
\$650,000 thru \$699,999	6	122				
\$700,000 thru \$749,999	3	175				
\$750,000 thru \$799,999	6	50				
\$800,000 thru \$849,999	3	28				
\$850,000 thru \$899,999	6	136				
\$900,000 thru \$949,999	2	186				
\$950,000 thru \$999,999	2	171				
\$1,000,000 thru \$1,249,999	5	171				
\$1,250,000 thru \$1,499,999	6	123				
\$1,750,000 thru \$1,999,999	3	261				
\$2,250,000 thru \$2,499,999	1	69				
\$3,000,000 thru \$3,249,999	1	10				
	844	110				

Equal Opportunity Housing * All information deemed reliable, but not guaranteed.
 Information has not been verified, is not guaranteed and is subject to change.
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Exhibit "D"
Resolution No. 2008-11

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
APPROVING THE HCD CALHOME PROGRAM REUSE PLAN**

WHEREAS, the City of Visalia hereafter referred to as "City" was awarded the State of California CalHome Program First Time homebuyer Program funds ; and

WHEREAS, the City is required to submit a Reuse Plan to the State of California CalHome operator to govern the use of monies received as repayments of loan principal and or loan interest; and

WHEREAS, The City has adopted the attached Reuse Plan to govern the use of monies received as repayments of loan principal and/or loan interest resulting from activities funded under the State of California, CalHome Program. The City has formulated this document to comply with Article 2, Section 7724 - Reuse Account Requirements of the CalHome Program, Title 25 California Code of Regulations, Division 1, Chapter 7, Sub Chapter 9, Commending with Section ;7715.

WHEREAS, The City's Reuse Plan will track all repayments of loan principal and any loan interest is accomplished through the use of an accounting system that tracks CalHome funds separately from other funding sources. All accrued interest on the CalHome funds shall accrue to the CalHome Reuse Account.

WHEREAS, the City funds in the Reuse account shall only be used for:

1. Loans to individual homeowners or borrowers as allowed pursuant to CalHome Program requirements;
2. The cost of the homebuyer education provided pursuant to the requirements of the CalHome Program, for each first-time homebuyer receiving mortgage assistance from the reuse account;
3. A CalHome loan processing activity delivery fee, as applicable, in accordance with CalHome Program requirements; and
4. Up to 5% of funds deposited may be used towards the costs of loan servicing by the City or the cost of third-party loan servicing contracted by the City.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Visalia that it approves the attached Reuse Plan, certifies that it will comply with HCD requirements for the use of the funds and authorizes the City Manager to submit the same to HCD on behalf of the City of Visalia.

CITY OF VISALIA CALHOME REUSE PLAN FOR HCD CALHOME PROGRAM GRANT

City of Visalia

Date of this Plan: March 2008

A Reuse Plan which provides for the tracking of repayment of CalHome First Time Homebuyer Program loan principal and accrued interest activities. The purpose of plan is to establish guidelines on the policies and procedures for the administration and utilization of program income received as a result of activities funded under the State of California, CalHome Program.

Need for Plan Governing Reuse Plan. This Reuse Plan is intended to satisfy the requirements specified in Article 2, Section 7724- Reuse Account Requirements of the CalHome Program, Title 25 California Code of Regulations, Division 1, Chapter 7, Sub Chapter 9, Commencing with Section 7715. The au\Authority cited: Section 50406(n) and 50650.2, Health and Safety Code. Reference: 50650.3 (b), Health and Safety Code. This plan has been developed to meet that requirement.

Definition. Reuse Funds are defined as funds received by the City that have been directly generated from the use and return of the CalHome First Time Homebuyer Program funds. Examples of Reuse Plan include: payments of principal and interest on the first time homebuyer (CalHome) program, and interest earned on account accrual.

Portfolio Management Costs. Costs of managing the portfolio of CALHOME funded loans may be charged to Reuse Account under activity delivery within the allowable limits set by HCD. Examples are Loan processing fees, housing rehabilitation program loan processing and construction related costs, home buyer education costs, and other eligible activity deliver fees.

Reuses of Funds. Reuse Funds must be used for any CalHome eligible activity: a) Mortgage Assistance Loans; b) Owner-Occupied Rehabilitation Loans); c) Development Projects; and d) up to five –percent (5%) of the funds deposited may be used for loan servicing. ***The Reuse Plan shall be adopted by the local governing body***

Distribution for Reuse of Funds. As the City applies for additional funds and/or programs, identified through HCD, CalHome, and if awarded, the City will allocate the reimbursed funds into each type of program for reuse. Example is placing all repayment of first time homebuyer funds into the first time homebuyer account.

Reporting and Federal Overlay Compliance. The City/County shall comply with all State reporting requirements, including submittal of an Quarterly and Annual Status Report on all of the City's funds pertaining to HCD, CalHome program. (see chapter 13 of the CalHome Operations Handbook). The City shall ensure that the use of funds under this Reuse Plan complies with all program requirements. To ensure ongoing compliance with CalHome requirements, the City shall utilize the latest available HCD, State of California CalHome Program Management Manual for guidance on compliance procedures and polices.

Maximum Funds in Reuse Account. The City of Visalia will strive to utilize the reuse plan funds on an ongoing basis.

Revising this plan. The City Council has the authority to amend this document with a properly noticed Council meeting and approval by the State Department of Housing and Community Development (HCD).

Exhibit "E"

CSET Proposal to Administer CalHome funds

01/17/2008 18:25

559-627-1674

CSET ENERGY

PAGE 02

community
services
employment
training

January 17, 2008

Rhonda Haynes
City of Visalia
Community Development, Redevelopment Department
315 East Acequia Avenue
Visalia, CA 93291

Subject: Proposal to Administer CalHOME Funds for City of Visalia

Dear Mrs. Haynes,

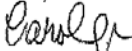
It is our pleasure to work with the City of Visalia in administering the First Time Homebuyer Program utilizing HOME funds. With your support, we have gained valuable experience in the home buying process.

In response to your request for an activity delivery proposal to administer CalHOME funds for the City of Visalia, we submit the following for your review. We request \$24,392 to administer this program, providing the following components over the next 12 months:

Homebuyer Education Group Workshop	\$ 1,360.00
Lender Group Workshop	\$ 830.00
Loan Processing/Education (one-on-one)	\$ 5,250.00
Program Operations, including delivery of loan documents, copying/printing, and other administrative functions	\$16,962.00
TOTAL	\$24,402.00

CSET's primary objective will be to complete the number of loans for which the City has allocated HAP funding for the program year. CSET understands that this is a 3 year contract and the anticipated number of loans is 15. We anticipate these loans will be completed within 1 year. We will continue to track number of contacts, as well as number of families served, and report these to you on a monthly basis.

We look forward to continuing this relationship to serve income-eligible residents of Visalia. If you have any questions or suggestions, please do not hesitate to call Lily Rivera-Graves or me at 559.732.4194.

Sincerely,

Carolyn Rose,
Executive Director

312 N.W. 3rd Avenue
Visalia, CA 93291

Mail to:
P.O. Box 1350
Visalia, CA
93279-1350

Phone
(559) 732-4194
Fax
(559) 733-3971
www.cset.org

Goshen
(559) 651-1030
Earlimart
(661) 849-3505
Porterville
(559) 788-1440

Tulare
(559) 684-1987
Cutler/Orosi
(559) 528-1095
Dinuba
(559) 591-0656

Pixley
(559) 757-1601
Lindsay
(559) 562-6458
Woodlake
(559) 564-3985

CSET - Strengthening Youth, Families & Communities Since 1976

Exhibit "F"
AmeriNational Community Services Estimated Service



Estimated Service Cost Quote

Date: January 9, 2008

Contact Name : Rhonda Haynes

Title: Administrative Technician

Company Name: City of Visalia, CA

Address: 315 Acequia Ave

City, State: Visalia, CA 93291

Phone: 559-713-4460

Fax: 559-713-4811

E-mail: Rhonda Haynes [rhaynes@ci.visalia.ca.us]

RFP Number: na

Job Name: na

Description: CAL HOME Program

Service Quoted: processing, underwriting, loan doc preperation, funds disbursements, deferred loan servicing and monitoring of taxes and insurance (per Rhonda added 2 occassional payments to be received)

Size of Job: All loans as needed, estimated at 15 loans annually

Estimated Service Cost: processing and underwriting \$5,625 \$375 per loan
loan document preperation \$2,625 \$175 per loan
funds disbursements \$1,575 \$105 per loan
deferred loan servicing \$1,875 includes monitoring of taxes and insurance \$125 per loan
occassional payment \$270 \$9.00 per payment
tax service vendor fee \$1,005 \$67 per loan
Estimated fees for Cal Home \$ 12,975
SPECIAL NOTE: all fees will be subject to contract

ACS Representative Michelle "Micki" Gylten

Title Resional Sales Manager

Territory

The fees quoted herein are an estimate, based on an introductory understanding of the services desired and the requirements of the project. The scope of services and/or fee may change.

AmeriNational Community Services, Inc.

Exhibit "G"
Resolution No. 2008-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING CITY MANAGER AND HIS DESIGNEE TO EXECUTE THE HCD CALHOME
PROGRAM DOCUMENTS**

WHEREAS, the City of Visalia, hereafter referred to as "City", was awarded the State of California CalHome Program First Time Homebuyer Program funds; and

WHEREAS, the City of Visalia has authorized Steven M. Salomon, City Manager of the City of Visalia, to execute in the name of the City, the application, the Standard Agreement, and all other documents required by HCD for participation in the CalHome Program by and through Resolution No. 2007-33; and

WHEREAS, the City is required to submit an approval for additional authorized, designated representatives of the City of Visalia, to execute in the name of the City, any and all other documents required by HCD for participation in the CalHome Program.

WHEREAS, the City Council finds that an additional authorized signer, to act on behalf of the City of Visalia, under the Standard Agreement No. 06-CalHome-204 is appropriate to complete transactions and reports for the CalHome Program; and

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF VISALIA DOES HEREBY RESOLVE, the City authorizes that, in addition to the previous authorization granted to the City Manager, identified as the Contractor in Agreement Number 06-CalHome -204, to execute in the name of the City of Visalia, the City hereby also authorizes the Housing & Economic Development Director, to act as an additional authorized signer/designee to execute any and all documents required by HCD for participation in the CalHome Program.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 3, 2008

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

Agenda Item Wording: Acceptance of the work program for implementing the action plans identified at the 2008 Council Retreat .

Deadline for Action: N/A

Submitting Department: Administration

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

Department Recommendation

It is recommended that the Council accept the list of follow up items from the Council retreat held January 25 and 26.

Department Discussion

At the Council's 2008 retreat, a number of new priorities were identified by the Council and action items were developed for those priorities. Staff has compiled a list of these items, and identified next steps, timelines and the responsible staff member. These items will be scheduled for future work sessions and meetings as identified and appropriate.

Retreat Facilitator Sandra Tripp-Jones will have a full report forthcoming later this month.

Prior Council/Board Actions:

Council Retreat – Jan. 25 and 26

Committee/Commission Review and Actions:

Alternatives:

Attachments:

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head

Finance

City Atty

City Mgr

Recommended Motion (and Alternative Motions if expected):

I move that we accept the 2008 Council Retreat Action Plan as presented by staff.

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: March 3, 2008

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

Agenda Item Wording: Adoption of Resolution No. 2008-13, Intention to Amend the Contract between the City Council of the City of Visalia and the Board of Administration of the California Public Employees' Retirement System (CalPERS), and Introduction of Ordinance 2008-02 authorizing the contract amendments

Deadline for Action: N/A

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost x4474,
Charlotte Dunn x4335

Department Recommendation:

Staff recommends that the City Council adoption of the Resolution No.2008-13 Intention to Amend the Contract between the City of Visalia and California Public Employers' Retirement System for the following contract amendment:

1. Pre-Retirement Optional Settlement 2 Death Benefit for Safety and Miscellaneous employees, and

And, Introduction of Ordinance No. 2008-02 to amend the contract between the City of Visalia and the Board of Administration of CalPERS to amend the contract as of May 10, 2008 as follows:

1. Pre-Retirement Optional Settlement 2 Death Benefit for Safety and Miscellaneous employees, and
2. Implement the 2.5 at 55 Retirement formula for all Miscellaneous employees hired after the effective date of the contract amendment.

Summary/background:

The City approved Memorandum of Understandings with all safety and miscellaneous employee groups in 2007 to amend the contract between the City of Visalia and CalPERS.

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.

Before an approved MOU change may occur in a PERS retirement program which increases cost, PERS law requires that a governing body express its intent to amend the contract. The resolution only applies to the Pre-Retirement Death Benefit as it is the only change that will increase program costs, while the ordinance is required for both actions.

As outlined in the MOU's, the City agreed to make several changes in CalPERS benefits, namely:

Section 21548 Pre-Retirement Optional Settlement 2 Death Benefit

Amend the Police, Fire and Miscellaneous retirement program by providing an improved benefit for employees should they die while employed with the City and are at least 50 years old. By amending the contract to include Section 21548, Pre-Retirement Optional Settlement 2 Death Benefit a surviving spouse would receive the same retirement benefit as if the employee had been retired at the time of death.

CalPERS has completed the contract amendment cost analysis to amend our contract and provide this benefit. In this analysis, CalPERS established the appropriate contribution rate to fund both the ongoing cost of current employees as well as those hired after the implementation date. The estimated cost is outlined in Table 1, City of Visalia Retirement Program – Employer Cost.

**Table 1
City of Visalia Retirement Program
Employer Costs**

<i>Pre-Retirement Optional Settlement 2 Death Benefit</i>		<i>Estimated Annual Cost of Amendment</i>
Miscellaneous Salary Base 2006	\$15,342,000	
- Ongoing Cost	0.120%	25,750
- Past Service Credit (amortized over 20 years)	0.199%	42,702
Safety Salary Base 2006	\$12,274,000	
- Ongoing Cost	0.074%	11,171
- Past Service Credit (amortized over 20 years)	0.099%	14,945
Total Employer Annual Cost	0.341%	94,568

The employee contribution for miscellaneous employees will remain at 8% and safety member contributions remain at 9%. The employer contributions identified above in Table 1 are in addition to the employee contributions.

Section 21354.4 2.5% at 55 for Local Miscellaneous Members Hired After Contract Amendment

Amend the contract between the City of Visalia and CalPERS to Implement a two-tiered retirement system for miscellaneous employees. In doing so, current employees would remain under the 3% @ 60 retirement plan (3% per year of service at age 60), but all miscellaneous employees hired after the effective date of the contract amendment would be covered in the new tier of 2.5% @ 55 (maximum retirement benefit of 2.5% at age 55).

CalPERS advised that an actuary to amend the contract with the new retirement formula of 2.5% @ 55 nor a resolution to amend the contract for a change because it does not increase the city's cost. It is estimated that this contract amendment will save the City approximately 1.8% of payroll over time.

In addition to the employer's contribution, all employees under the new program will make an 8% contribution towards retirement. This mirrors the contribution made by current employee's under the 3% @ 60 retirement plan.

Prior Council/Board Actions:

- Approval of Memorandum of Understanding for all miscellaneous and safety groups in 2007

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

Adopt Resolution No. 2008-13 Intention to Amend the Contract between the City of Visalia and the Board of Administration of the California Public Employee's Retirement System to amend the contract for:

1. Section 21548 – Pre-Retirement Optional Settlement 2 Death Benefits for Miscellaneous and Safety Employees

Introduction of Ordinance No. 2008-02 to amend the contract between the City of Visalia and the Board of Administration of CalPERS for the following contract changes:

1. Section 21548 – Pre-Retirement Optional Settlement 2 Death Benefits for Miscellaneous and Safety Employees, and
2. Section 21354.4 – 2.5% @ 55 Retirement Formula for Miscellaneous Employees hired after the effective date of the contract amendment

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:

ORDINANCE NO. 2008-02

**AN ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF VISALIA AUTHORIZING AN AMENDMENT
TO THE CONTRACT BETWEEN THE CITY COUNCIL OF THE CITY OF
VISALIA**

AND

**BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.**

**THE CITY COUNCIL OF THE
CITY OF VISALIA DOES ORDAIN AS FOLLOWS:**

SECTION 1. That an amendment to the contract between the City Council of the City of Visalia and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment being attached hereto, marked Exhibit, and by such reference made a part hereof as though herein set out in full.

SECTION 2. The City Manager of the City of Visalia is hereby authorized, empowered, and directed to execute said amendment for and on behalf of said Agency.

SECTION 3. This Ordinance shall take effect thirty (30) days after the date of its adoption, and prior to the expiration of ten (10) days from the passage thereof shall be published at least one (1) time in the Visalia Times Delta, a newspaper of general circulation, published and circulated in the City of Visalia and thenceforth and thereafter the same shall be in full force and effect.

RESOLUTION NO. 2008-13

**RESOLUTION OF INTENTION
TO APPROVE AN AMENDMENT TO CONTRACT**

BETWEEN THE

**BOARD OF ADMINISTRATION
CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM**

AND

**CITY COUNCIL
CITY OF VISALIA**

WHEREAS, the Public Employees' Retirement Law permits the participation of public agencies and their employees in the Public Employees' Retirement System by the execution of a contract, and sets forth the procedure by which said public agencies may elect to subject themselves and their employees to amendments to said Law; and

WHEREAS, one of the steps in the procedures to amend this contract is the adoption by the governing body of the public agency of a resolution giving notice of its intention to approve an amendment to said contract, which resolution shall contain a summary of the change proposed in said contract; and

WHEREAS, the following is a statement of the proposed change:

To provide Section 20475 (Different Level of Benefits): Section 21343.3 (3% @ 60 Full and Modified formula) is applicable to only those local miscellaneous members entering membership in the miscellaneous classification on or prior to the effective date of this amendment to contract. Section 21354.4 (2.5% @ 55 Full formula) is applicable to local miscellaneous members entering membership for the first time in the miscellaneous classification after the effective date of this amendment to contract and Section 21548 (Pre-Retirement Option 2W Death Benefit) for local miscellaneous members and local safety members.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the above agency does hereby give notice of intention to approve an amendment to the contract between said public agency and the Board of Administration of the Public Employees' Retirement System, a copy of said amendment being attached hereto, as an "Exhibit" and by this reference made a part thereof.

PASSED AND ADOPTED:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 3, 2008

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

Agenda Item Wording: Authorize the Recordation of the Final Map for Valley Oak subdivision, located on the southeast corner of Walnut Avenue and Shirk Street (28 lots), authorize the City Manager to execute the Subdivision Improvement and Reimbursement Agreements, and the Formation of Landscape and Lighting District No. 08-01, Valley Oak (Resolution Nos. 2008-14 and 2008-15 required). APN: 119-540-017 & 119-620-008

Deadline for Action: N/A

Submitting Department: Public Works/Engineering

Contact Name and Phone Number:

Andrew Benelli (559)713-4340
Adrian Rubalcaba (559)713-4271

Department Recommendation and Summary:

Final Map

Staff recommends that City Council authorize the recordation of the final map for Valley Oak containing 28 lots. All bonds, cash payments, subdivision agreement and final map are in the possession of the City as follows: 1) An executed subdivision agreement; 2) Faithful Performance Bond in the amount of \$373,232.25 and Labor and Material Bond in the amount of \$258,616.13; 3) cash payment of \$217,859.79 distributed to various accounts; and 4) Final Map.

The Faithful Performance Bond covers the cost of constructing the public improvements noted in the subdivision agreement and the Labor and Material Bond covers the salaries and benefits as well as the materials supplied to install the required public improvements. As required by the Subdivision Ordinance, the Faithful Performance Bond covers 100% of the cost of the public improvements. The Labor and Material Bond is valued at 50% of the Faithful Performance Bond. A Maintenance Bond valued at 10% of the cost of the public improvements will be required prior to recording the Notice of Completion. The Maintenance Bond is held for one year after the recording and acts as a warranty for the public improvements installed per the subdivision agreement. The cash payment covers Development Impact Fees such as storm water acquisition, waterways, sewer front foot fees and any outstanding plan check and inspection fees. The plan check and inspection fees are estimated at the beginning of the final

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

map process and are not confirmed until the subdivision agreement is finalized. Differences are due in cash at the time of City Council approval of the final map.

Reimbursement Agreement

Staff recommends that City Council authorize the City Manager to execute the reimbursement agreement subject to City Attorney approval as to form. In accordance with Resolution No. 2004-117 adopted by City Council on October 18, 2004 the City will reimburse the Developer for improvements made to Arterial or Collector streets and the City will also reimburse for right of way dedications.

Valley Oak is a land division of 19.2 acres into 28 lots located on the southeast corner of Walnut Avenue and Shirk Street. Valley Oak is being developed by Pioneer Properties CGK, LLC. of Visalia. The project was conditioned to construct additional offsite improvements to its arterial street frontages. This work includes curb, gutter, storm drainage, street lights, culvert, and curb returns. Final completion of street improvements, such as utility relocations and paving, are part of the City’s capital improvement plans to be budgeted for the next fiscal year. The project also requires the dedication of 46,839 square feet of right of way for Walnut Avenue and Shirk Street to meet their respective ultimate right-of-way design. The following table summarizes the project’s revenues and expenditures related to the transportation impact fee program:

VALLEY OAK		
Transportation Impact Fee (TIF) Component	Revenues	Expenditures
Total Estimated TIF to be Paid by Project	\$178,295.32	
To Date TIF Paid by Project	\$0.00	
Total Right of Way Dedication Value		\$193,445.07
Total Estimated Arterial Construction Costs		\$192,430.88
Total TIF Revenues/Expenditures:	\$178,295.32	\$385,875.95
Estimated TIF Revenue less Expenditures:	(\$207,580.63)	

The project site being developed was annexed into the city limits shortly after the tentative subdivision map was approved in January 2006. Subsequent improvements began June 2007. Several smaller subdivisions, previously developed, had already completed their respective arterial street improvements to Walnut Avenue to the east and north of the project site. The newly incorporated land allows the City to acquire the necessary right-of-way to satisfy both arterials fronting the project site and improve them accordingly. The Transportation Impact Fee (TIF) designed to cover said street construction costs at times, depending on projected development, may be significantly less than the anticipated street improvements; such the case with Valley Oak subdivision, being only 28 lots large, and its arterial frontages stretch over one-third of a mile and the costs for arterial improvements are substantially higher than a standard local street. City staff determined total construction costs for full arterial street improvements to be required by the developer would be financially binding on the City under the full reimbursement TIF program and set forth minimal arterial improvement requirements. The developer is to be reimbursed in cash for the right-of-way dedication value and arterial street improvements and is ineligible for TIF credit at the issuance of building permits as the lots are to be sold as custom lots. The TIF collected at the time of building permit per each custom lot will not be reimbursed to the developer.

The reimbursement agreement for Valley Oak was reviewed by the Development Reimbursement Review Committee (DRRC) on January 23, 2008. The DRRC is comprised of management staff from the Public Works and Finance Departments. The DRRC reviewed the

reimbursement agreement to ensure that the costs are reasonable as compared to the City's costs for comparable capital projects and also compared to a unit construction cost schedule focused on the Visalia construction market prepared for the City by an engineering consultant. The DRRC will also be reviewing the final cash reimbursement request package that will be submitted to the City after project completion. The DRRC will be comparing actual costs with the original reimbursement agreement costs. If a project has significant changes resulting in a substantial increase in cash reimbursement, then the DRRC will be responsible to determine the appropriate course of action with Council and the City Manager.

Landscape & Lighting

Staff recommends that City Council adopt Resolution No. 2008-14 Initiating Proceedings for Formation of Assessment District No. 08-01, Valley Oak; adopt the Engineer's Report as submitted; and adopt Resolution No. 2008-15 confirming the Engineer's Report, ordering the improvements and levying the annual assessments.

The City of Visalia has been allowing the developers of subdivisions to form assessment districts under the Landscape and Lighting Act of 1972, and now under Proposition 218, in lieu of using homeowners associations for the maintenance of common features such as landscaping, irrigation systems, street lights, trees on local streets and pavement on local streets. The maintenance of these improvements is a special benefit to the development and enhances the land values to the individual property owners in the district.

The Landscape and Lighting Act allows for the use of summary proceedings when all the affected property owners have given their written consent. This process waives the requirement for a public hearing since the owners of this development have given their written consent to form this district.

Prior Council/Board Actions: The City has been allowing the use of the Landscape and Lighting Act of 1972 for maintaining common area features that are a special benefit and enhance the subdivision.

On September 7, 2004, Council approved the Street Maintenance Assessment Policy establishing guidelines and processes for placing street maintenance costs into assessment districts.

Committee/Commission Review and Actions: The tentative subdivision map for Valley Oak subdivision was approved by the Planning Commission on January 9, 2006. The tentative map will expire on January 9, 2008.

On January 23, 2008, the Developer Reimbursement Review Committee reviewed and recommended the reimbursement agreement to go to Council for authorization.

Alternatives: None

Attachments: Location Map, Final Map, Ownership Disclosure, Resolution Initiating Proceedings, Clerk's Certification, Resolution Ordering the Improvements, Exhibits "A", "B", "C", "D".

City Manager Recommendation:

Recommended Motions (and Alternative Motions if expected):

"I move to authorize the recordation of the Final Map for Valley Oak subdivision and to authorize the City Manager to execute the Subdivision Improvement and Reimbursement Agreements, subject to City Attorney approval to form."

"I further move to adopt Resolution No. 2008-14 Initiating Proceedings for Formation of Assessment District No. 08-01 "Valley Oak" and adopt Resolution No. 2008-15 Ordering the Improvements for Assessment District No. 08-01 "Valley Oak."

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 Ownership Disclosure

EACH PARTNERSHIP, CORPORATION, OR LLC MUST FILL OUT A SEPARATE DISCLOSURE STATEMENT. INCOMPLETE DISCLOSURE STATEMENTS COULD RESULT IN A PROJECT CONTINUANCE OR DELAY.

SITE:

Address or APN(s) 119-540-017-000 & 119-620-008-000
Short Title or Name of proposed project Valley Oak Estates
Summary description of the proposed project 28 20,000 sq. ft. + single family
lots on 19.2 acres

PROPERTY OWNER(S):

If more than two owners, please provide information and signature(s) on a separate sheet.

Name (print) Pioneer Properties Inc Name (print) Pioneer Properties CBK LLC
Mailing Address 224 S. Cottonwood Ct. Visalia Mailing Address 224 S. Cottonwood Ct. Visalia
Phone (559) 732-9573 Phone (559) 732-9573

Statement: I/We declare under penalty of perjury that I am/we are the legal owner(s) of the property involved in this application. I/We authorize the person named in this application as the Project Main Contact to act as my/our representative with City Staff regarding the processing of this application.

11-4-2007
Date

Stephen Curtiss
Property Owner Signature
Stephen Curtiss / Vice Pres. / Pioneer Prop. Inc.
Print Name & Title

11-4-2007
Date

Stephen Curtiss
Property Owner Signature
Stephen Curtiss / Partner / Pioneer Prop. CBK LLC
Print Name & Title

OTHER INVOLVED PARTIES:

Fill in all that apply.

It is planned that the property will be sold to _____
(Write "none" if property owner(s) do not plan to sell property.)

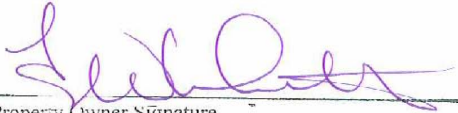
Developer/Builder _____
Mailing Address _____
Phone _____ Fax _____

NAMES OF PRINCIPALS, PARTNERS, AND/OR TRUSTEES:

List the names of all principals, partners, and/or trustees where any property owner and/or developer/builder is a partnership or trust. For corporations provide names of officers, directors and all stockholders owning more than 10% equity interest in corporation:

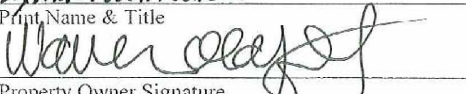
Pioneer Properties Inc. - Thomas Gaebe (Pres.) Stephen Curtiss (VP)
Pioneer Properties C&K LLC - Thomas Gaebe, Stephen Curtiss & Parmod Kumar
Lyman & Claire Whitlatch
Warren & Kim Oldfield

Date _____


Property Owner Signature

Lyman Whitlatch
Print Name & Title

Date _____


Property Owner Signature

Warren Oldfield
Print Name & Title

RESOLUTION NO. 2008-14

RESOLUTION INITIATING PROCEEDINGS FOR
ASSESSMENT DISTRICT 08-01
VALLEY OAK
(Pursuant to Landscape and Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council proposes to form an assessment district pursuant to the Landscaping & Lighting act of 1972 (Section 22500 and following, Streets & Highways Code) for the purpose of the following improvements:

Maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements.
2. The proposed district shall be designated Assessment District No. 08-01, City of Visalia, Tulare County, California, and shall include the land shown on the map designated "Assessment Diagram, Assessment District No. 08-01, City of Visalia, Tulare County, California", which is on file with the City Clerk and is hereby approved and known as "Valley Oak".
3. The City Engineer of the City of Visalia is hereby designated engineer for the purpose of these formation proceedings. The City Council hereby directs the Engineer to prepare and file with the City Clerk a report in accordance with Article 4 of Chapter 1 of the Landscape & Lighting Act of 1972.

PASSED AND ADOPTED:

CLERK'S CERTIFICATION TO COUNTY AUDITOR

ASSESSMENT DISTRICT NO. 08-01

VALLEY OAK

(Pursuant to Landscaping & Lighting Act of 1972)

TO THE COUNTY AUDITOR OF THE COUNTY OF TULARE:

I hereby certify that the attached document is a true copy of that certain Engineer's Report, including assessments and assessment diagram, for "Assessment District No. 08-01, City of Visalia, Tulare County, California" confirmed by the City Council of the City of Visalia on the 3rd day of March, 2008 by its Resolution No. 2008-14

This document is certified, and is filed with you, pursuant to Section 22641 of the Streets and Highways Code.

RESOLUTION NO. 2008-15

RESOLUTION ORDERING IMPROVEMENTS FOR
ASSESSMENT DISTRICT NO. 08-01
VALLEY OAK
(Pursuant to the Landscape & Lighting Act of 1972)

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The City Council adopted its Resolution Initiating Proceedings for Assessment District No. 08-01, City of Visalia, Tulare County, California, and directed the preparation and filing of the Engineer's Report on the proposed formation.
2. The Engineer for the proceedings has filed an Engineer's Report with the City Clerk.
3. Owners of all land within the boundaries of the proposed landscape and lighting district have filed their consent to the formation of the proposed district, and to the adoption of the Engineer's Report and the levy of the assessments stated therein.
4. The City Council hereby orders the improvements and the formation of the assessment district described in the Resolution Initiating Proceedings and in the Engineer's Report.
5. The City Council hereby confirms the diagram and the assessment contained in the Engineer's Report and levies the assessment for the fiscal year 2008-09.
6. The City Council hereby forwards the following attachments to Tulare County Recorder's Office for recordation:
 - a. Clerk's Certification to County Auditor
 - b. Resolution Initiating Proceedings
 - c. Resolution Ordering Improvements
 - d. Engineer's Report:
 - Exhibit A - Assessment Diagram showing all parcels of real property within the Assessment District
 - Exhibit B - Landscape Location Diagram
 - Exhibit C - Tax Roll Assessment
 - Exhibit D - Engineer's Report

PASSED AND ADOPTED

Exhibit "B"

Landscape Location Diagram
Valley Oak

Exhibit "C"

Tax Roll Assessment
Valley Oak
Fiscal Year 2008-09

<u>APN #</u>	<u>Assessment</u>	<u>Owner</u>	<u>Lot #</u>	<u>District</u>
To Be Assigned	\$792.41	To Be Assigned	08-0101	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0102	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0103	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0104	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0105	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0106	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0107	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0108	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0109	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0110	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0111	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0112	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0113	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0114	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0115	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0116	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0117	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0118	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0119	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0120	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0121	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0122	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0123	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0124	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0125	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0126	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0127	Valley Oak
To Be Assigned	\$792.41	To Be Assigned	08-0128	Valley Oak

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 08-01
Valley Oak
Fiscal Year 2008-09

General Description

This Assessment District (District) is located at the southeast corner of Walnut Avenue and Shirk Street. Exhibit "A" is a map of Assessment District 08-01. This District includes the maintenance of turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements. The maintenance of irrigation systems and block includes, but is not limited to, maintaining the structural and operational integrity of these features and repairing any acts of vandalism (graffiti, theft or damage) that may occur. The maintenance of pavement on local streets includes preventative maintenance by means including, but not limited to overlays, chip seals/crack seals and reclamation (oiling). The total number lots within the district are 28.

Determination of Benefit

The purpose of landscaping is to provide an aesthetic impression for the area. The lighting is to provide safety and visual impressions for the area. The block wall provides security, aesthetics, and sound suppression. The maintenance of the landscape areas, street lights, and block walls is vital for the protection of both economic and humanistic values of the development. In order to preserve the values incorporated within developments and to concurrently have an adequate funding source for the maintenance of all internal local streets within the subdivision, the City Council has determined that landscape areas, street lights, block walls and all internal local streets should be included in a maintenance district to ensure satisfactory levels of maintenance.

Method of Apportionment

In order to provide an equitable assessment to all owners within the District, the following method of apportionment has been used. All lots in the District benefit equally, including lots not adjacent to landscape areas, block walls, street lights and pocket parks. The lots not adjacent to landscape areas, block walls and street lights benefit by the uniform maintenance and overall appearance of the District. All lots in the District have frontage on an internal local street and therefore derive a direct benefit from the maintenance of the local streets.

Estimated Costs

The estimated costs to maintain the District includes the costs to maintain turf areas, shrub areas, irrigation systems, trees, block walls, pavement on local streets and any other applicable equipment or improvements. The regular preventive maintenance of pavement on local streets is based on the following schedule: Chip Seal on a 15 year cycle; Overlays on a 10 year cycle; Crack Seal on an 8 year cycle and Reclamation on a 6 year cycle.

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 08-01
Valley Oak
Fiscal Year 2008-09

The quantities and estimated costs are as follows:

<u>Description</u>	<u>Unit</u>	<u>Amount</u>	<u>Cost per unit</u>	<u>Total Cost</u>
Turf Area	Sq. Ft.	9160	\$0.180	\$1,648.80
Shrub Area	Sq. Ft.	24080	\$0.180	\$4,334.40
Water	Sq. Ft.	33240	\$0.050	\$1,662.00
Electricity	Sq. Ft.	33240	\$0.008	\$265.92
Trees In Landscape Lots	Each	106	\$25.00	\$2,650.00
Trees In Local Street Parkways	Each	73	\$25.00	\$1,825.00
Street Lights	Each	16	\$105.00	\$1,680.00
Chip Seal (15 year cycle)	Sq. Ft.	66000	\$0.190	\$836.00
Crack Seal (8 year cycle)	Sq. Ft.	66000	\$0.02933	\$242.00
Reclamite (6 year cycle)	Sq. Ft.	66000	\$0.0211110	\$232.22
Overlays (10 year cycle)	Sq. Ft.	66000	\$0.65	\$4,290.00
Project Management Costs	Lots	28	\$18.00	\$504.00
TOTAL				\$20,170.34
10% Reserve Fund				\$2,017.03
GRAND TOTAL				\$22,187.37
COST PER LOT				\$792.41

Annual Cost Increase

This assessment district shall be subject to a maximum annual assessment (A_{max}) for any given year "n" based on the following formula:

$$A_{max} \text{ for any given year "n"} = (\$1,908.53) (1.05)^{(n-1)}$$

where "n" equals the age of the assessment district with year one (1) being the year that the assessment district was formed;

The actual annual assessment for any given year will be based on the estimated cost of maintaining the improvements in the district plus any prior years' deficit and less any carryover. In no case shall the annual assessment be greater than maximum annual assessment as calculated by the formula above. The maximum annual increase for any given year shall be limited to 10% as long as the annual assessment does not exceed the maximum annual assessment as calculated by the formula above.

The reserve fund shall be maintained at a level of 10% of the estimated annual cost of maintaining the improvements in the district. If the reserve fund falls below 10%, then an

Exhibit "D"

Engineer's Report
Landscape & Lighting Assessment District 08-01
Valley Oak
Fiscal Year 2008-09

amount will be calculated to restore the reserve fund to a level of 10%. This amount will be recognized as a deficit and applied to next year's annual assessment.

Example 1. The estimated year four cost of maintaining the improvements in the district is \$24,184.23 [a 9% increase over the base year estimated cost of \$22,187.37]. The maximum annual assessment for year four is \$25,684.65 [$A_{max} = (\$22,187.37)^{(4-1)}$ (1.05)]. The assessment will be set at \$24,184.23 because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 2. The estimated year four cost of maintaining the improvements in the district is \$25,071.73[a 7% increase over the previous year assessment and a 13.0% increase over the base year estimated cost of \$22,187.37]. The reserve fund is determined to be at a level of 8% of the estimated year four cost of maintaining the improvements in the district. An amount of \$501.43 will restore the reserve fund to a level of 10%. This amount is recognized as a deficit. The maximum annual assessment for year four is \$25,684.65 [$A_{max} = (\$22,187.37)^{(4-1)}$ (1.05)]. The year four assessment will be set at \$25,071.73 plus the deficit amount of \$501.43 which equals \$25,573.16 [a 9% increase over the previous year assessment] because it is less than the maximum annual assessment and less than the 10% maximum annual increase.

Example 3. The estimated year four cost of maintaining the improvements in the district is \$24,184.23 [a 9% increase over the base year assessment of \$22,187.37] and damage occurred to the masonry wall raising the year five expenses to \$27,068.59 [a 22% increase over the previous year assessment]. The year five assessment will be capped at \$26,602.65 (a 10% increase over the previous year) and below the maximum annual assessment of \$26,968.89[$A_{max} = (\$22,187.37)^{(5-1)}$ (1.05)]. The difference of \$465.94 is recognized as a deficit and will be carried over into future years' assessments until the masonry wall repair expenses are fully paid.

City Engineer Certification

I hereby certify that this report was prepared under my supervision and this report is based on information obtained from the improvement plans of the subject development.

Andrew Benelli RCE 50022 Date
Assistant Director Engineering

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 3, 2008

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

Agenda Item Wording: Update regarding the Citizen Advisory Committee's (CAC) progress on addressing Commission and Committee guidelines and processing, and recent staff actions relating to Committees and Commissions.

Deadline for Action: N/A

Submitting Department: Administration

Contact Name and Phone Number: Leslie Caviglia, 713-4317;
Eric Frost, 713-4474

Department Recommendation

Accept this update regarding the CAC's progress on addressing Commission and Committee guidelines and processing, and recent actions relating to Committees and Commissions. The CAC will present their recommendation to the Council within the next 60 days.

Department Discussion

At Council's request last summer, the Citizen's Advisory Committee (CAC) began reviewing a number of matters regarding Committees and Commissions including:

- changes they believe would strengthen the appointment process
- whether any changes relating to the length of terms for any or all of the groups is warranted
- whether the term ending and beginning dates should be standardized
- whether a clause should be added to the guidelines that would allow a term to automatically be extended when certain circumstances apply
- whether a goals/objectives/reporting process might be beneficial

The CAC was also invited by the Council to recommend any other policies or guidelines they felt might be beneficial to the Committee/Commission format.

In light of some recent matters that have arisen, staff has asked the CAC to make recommendations regarding some other matters as well, specifically Council's guidelines relating to the appointment of people who may be employed by companies or organizations that work with the City of Visalia.

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head LBC 22608

Finance

City Atty

City Mgr

A question has been raised as to whether people who work for organizations that work with the City of Visalia should be serving on Committees and Commissions. Some of the specific organizations mentioned have been California Water Service, Proteus, Self-Help Enterprises, Buckman-Mitchell, and Quad Knopf.

The Council's Committee/Commission guidelines state that "Employees, contractors and agents of the City should not be allowed to serve on any committee. Every attempt to avoid real or perceived conflicts of interest should be taken." However, the policy also states that the City Council may waive or change the guidelines; therefore, it is the Council's prerogative to appoint anyone they deem appropriate. Since the City Council has already asked the Citizen's Advisory Committee to review all Committee/Commission appointment processes, staff has also asked the CAC to consider whether changes are warranted to employment section of the Council's Committee/Commission guidelines.

In addition, staff is conducting training for the staff representatives, and will expand that training shortly to include Committee/Commission Chairs and members. The first staff training was regarding the Brown Act and the Maddy Act. These subjects were chosen because it was recently brought to staff's attention that there were some irregularities during recent Committee/Commission appointment processes. Steps are being taken to ensure staff representatives, and Committee/Commission members, are better informed regarding the recommendation process.

One of the matters noted related to how staff has been announcing the number of vacancies available on the various groups. If there were two vacancies announced, and a third became open during the recruitment/selection process, it had often become the practice to fill that position from the same candidate pool/application process. In fact, the Maddy Act, which encompass' Government Code sections 54970-54975, requires that any unscheduled vacancy (a vacancy that comes about through resignation, death, or from some reason other than an expired term) needs to be announced. Specifically the Maddy Act requires that unscheduled vacancies be posted "not earlier than 20 days before or not later than 20 days after the vacancy occurs. Final appointment to the board, commission, or committee shall not be made by the legislative body for at least 10 working days after the posting of the notice..."

The City Clerk's Office has established a new system that will more accurately record and track resignations so that new vacancies can be posted on a monthly basis.

Another issue that was brought to staff's attention recently related to Committee interviews of applicants. One Committee mistakenly conducted these interviews at a meeting with the full committee, and excluded the public. Their intent was to lessen the stress on the candidates, but since more than a quorum of the Committee was participating, the interviews should have been open to the public.

The process was rectified by nullifying the actions taken by the Committee and going back through the process in an appropriately noticed and conducted process. In addition, the City Clerk's Office held a training with the staff representatives where the provisions of the Brown Act, including the use of subcommittees, special meeting requirements, and noticing processes in general, were reviewed. Later this year, the Clerk's Office plans to conduct additional trainings with the Committee/Commission Chairs, and with Committee/Commission members in general. In the future, at least semi-annual training will be conducted with staff, and annual training will occur for Committee/Commission members.

The City Clerk's Office is aware that the Committee/Commission handbook needs to be revised to reflect current laws, policies and procedures. (Current copy attached). A draft has been prepared and will be finalized once the Council has considered the recommendations now being developed by the Citizen's Advisory Committee. These recommendations may very well alter the handbook, and staff believes it is everyone's best interest to make comprehensive revisions and then provide training to staff, Committee/Commission Chairs, all interested Committee/Commission members and new members as they are appointed.

The CAC is expected to present their recommendations to the Council within the next 60 days.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Current Committee/Commission Handbook

Recommended Motion (and Alternative Motions if expected):

No action is anticipated at this time.

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: February 19, 2008

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

Agenda Item Wording: Appointment of new members to the Citizens Advisory Committee (CAC).

Deadline for Action: None

Submitting Department: Administrative Services

Contact Name and Phone Number: Dirk Holkeboer
(CAC Chairperson)
Eric Frost 713-4474
Gus Aiello 713-4423

Department Recommendation: It is recommended by the Citizens Advisory Committee (CAC) that Nyla Hallum, Nathan Hernandez, Betty McNutt and David Wheeler be appointed to fill four voting member vacancies and Lois Bollinger and Matthew Ainley to the two alternate positions of the CAC.

Summary/background:

The Citizens Advisory Committee has a membership of fifteen voting members and two alternate members. Although there is no direct provision in the committee and commission guidelines regarding the appointment of alternate members, Council has appointed alternates in the past and it has been a past practice for multiple committees, including the CAC, Planning Commission and the Parks and Recreation Commission.

In the Fall, four voting member vacancies occurred and a recruitment was advertised to fill those positions and two vacant alternate positions. Since then, two additional vacancies have occurred, leaving the committee with six regular voting member and two alternate member vacancies. The CAC recommends appointment of four individuals to the voting membership committee and two individuals to the alternate positions, per the notice of vacancy.

The Maddy Act requires that the City notice Visalia citizens that vacancies exist on a committee. To meet this requirement, a recruitment will be advertised to fill the two remaining vacant voting member positions. The CAC will consider applications received and make a recommendation to Council to fill the two vacant positions in the future.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 5

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Recruitment Process

In an effort to recruit potential candidates for the committee, a notice was placed in the Visalia Times Delta to fill four vacant membership and two alternate positions. Additionally, committee applications are regularly submitted throughout the year. Eleven applications were considered in response to the vacancies. Of these, one candidate chose to not be included in the interview and the remaining ten applicants were interviewed by the current CAC members.

At its regular meeting on February 6, 2008, the CAC had a quorum and voted to recommend that Council approve the appointments of Nyla Hallum, Nathan Hernandez, Betty McNutt and David Wheeler to the four vacant regular positions and Lois Bollinger and Matthew Ainley to the two alternate positions.

Highlights of Recommended Candidates

Below is a list of some of the details of each of the candidates being recommended to fill the current CAC vacant positions, as recommended by current CAC members. Candidate applications are attached for Council review.

Nyla Hallum

- Visalia resident for 17 years
- Self employed – Outsource Marketing
- Past Board member of the Fresno County Mental Health Association
- Volunteer for American Filed Service
- Volunteer for Sequoia Council Boy Scouts

Nathan Hernandez

- Visalia resident for 15 years
- B.S. Business Management from University of Phoenix
- Master of Public Administration from California State University Fresno
- Finance Director – Visalia Unified School District
- Volunteer for the City of Visalia public opinion survey
- Member of the Oak Grove Elementary School Site Council
- Extensive knowledge of local government

Betty McNutt

- Visalia resident for 45 years
- Retired from the Tulare County Housing Authority after 34 years of service
- Chairperson of the Visalia Night Out carnival
- Volunteered in the Visalia Continuation School career day

David Wheeler

- Visalia resident for 32 years
- Master in Education from Fresno Pacific University
- B.S. Criminology from California State University Fresno
- A.A. degree in Police Science from College of Sequoias
- Criminal Justice Program Director/Instructor at College of Sequoias
- 32 years in law enforcement with the City of Visalia

Lois Bollinger

- Visalia resident for 55 years
- A.A. degree from College of Sequoias

- Currently retired
- Library volunteer for the Home Bound Program

Matthew Ainley

- Visalia resident for 28 years
- B.S. in Engineering/Physics from Westmont College
- Civil Engineer with Quad Knopf
- Volunteer at local church events
- Coached high school baseball

Prior Council/Board Actions: None

Committee/Commission Review and Actions:

Alternatives: Leave the positions vacant.

Attachments:

Recommended Motion (and Alternative Motions if expected):
 1.) I move to appoint Nyla Hallum, Nathan Hernandez, Betty McNutt and David Wheeler to fill the voting member vacancies and Lois Bollinger and Matthew Ainley to the alternate vacancies on the Citizens Advisory Committee.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: March 3, 2008

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

Agenda Item Wording: Authorization to direct staff to conduct a selection process for the Planning Commission term that is concluding in June of this year.

Deadline for Action:

Submitting Department: Administration

Contact Name and Phone Number: Mayor Jesus Gamboa,
713-4512

Department Recommendation

I recommend that the City Council authorize staff to begin a selection process for the Planning Commission term that is concluding in June of this year.

Department Discussion

In June, the Planning Commission position currently held by Sam Logan will come up for Council consideration. Mr. Logan has served two terms, one full term (June, 2004 to-June,2008), and more than half of an unexpired term January, 2002 to June, 2004), In accordance with policy and past practice, if a Commission or Committee member is appointed to fill an unexpired term and they serve more than half that term, it is considered a full term. Therefore, he would generally not be eligible for another term unless the Council felt there were unusual circumstances that would warrant waiving this policy.

When the City Council appointed Terese Lane on May 29, 2008, the Council slated Susan Sevier to be the possible alternate who could be appointed to the Commission should a vacancy occur during the year. The Council did not specify that the alternate would be appointed to replace Sam Logan at the conclusion of his term. In addition, this is a regularly occurring vacancy, as opposed to a mid-term resignation, and the Council now has a different composition following the election; therefore, staff is recommending a full recruitment process. Ms. Sevier has been notified, the process explained, and she has been informed that she is welcome to apply for the position.

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 22708

Finance

City Atty

City Mgr

The Planning Commission recruitment and selection process can take several months. The replacement would benefit from having some time to observe the Commission and become familiar with the planning processes, laws and current issues; therefore, staff is recommending that the recruitment process begin immediately. A tentative schedule could be:

Recruitment:	March 3 – April 4
Initial Interviews:	Monday, April 14 or Monday, April 28 @ 4 p.m.
Follow Up Interviews (if needed):	Monday, April 28 or Monday, May 11 @ 4 p.m.
Appointment:	Prior to June 1, 2008

If the Council concurs with this recommendation and timeline, the recruitment will begin immediately and will include notices in the local papers, notices to other Committees/Commissions, and publication in the City's *Inside City Hall* e-newsletter.

The current Planning Commission is comprised of the following members with the terms noted:

Sam Logan	June 2008
Vincent Salinas	June 2009
Larry Segrue	June 2009
Adam Peck	June 2010
Teresa Lane	June 2011

Prior Council/Board Actions:

May 29, 2007 – The Council appointed Terese Lane to serve a four year term on the Commission

Committee/Commission Review and Actions:

Alternatives:

To appoint designated alternate Susan Sevier

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize staff to begin a selection process for the Planning Commission term that is expiring in June, 2008.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 03, 2008

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

Agenda Item Wording: First reading of Ordinance 2008-03 authorizing the Grant of Easement to Southern California Edison Company to construct & maintain electric distribution facilities on a portion of City owned property, APN 073-210-001, and authorize the City Manager to execute the agreement related to the grant of easement subject to the City Attorney's approval as to form.

Deadline for Action: N/A

Submitting Department: Public Works/Engineering

Contact Name and Phone Number:

Andrew Benelli (559)713-4340
Adrian Rubalcaba (559)713-4271

Department Recommendation: Adopt Ordinance 2008-03 authorizing the Grant of Easement to Southern California Edison Company to construct & maintain electric distribution facilities on a portion of City owned property, APN 073-210-001, and authorize the City Manager to execute the agreement related to the grant of easement subject to the City Attorney's approval as to form.

Summary/background: Southern California Edison Company (SCE) is requesting an easement for various strips of land which exceed the existing six-foot public utility easement fronting City owned property. The easement will permit SCE to construct and maintain necessary electric facilities to serve the new light industrial development in the area.

The easement is located on Parcel 5 of Parcel Map 4800, located on Legacy Avenue west of Freedom Street, which was dedicated by said map to the City for storm water retention purposes. SCE's proposed facilities will use a small portion of the basins frontage, just outside its fenced perimeter, and will not impede any future landscaping, irrigation, or street trees. However, the installation and operation of street lights to illuminate the newly constructed public streets and operation of the drainage basin pump station awaits the installation and energizing of said facilities. SCE can immediately begin installation once the easement has been granted.

The area of the easement requested consists of three small strips of land equaling approximately 510 square feet and not exceeding more than nine feet past the existing public utility easement. Staff recommends said easement described and attached hereto be granted as the area outside the existing six-foot easement is insignificant to initiate property appraisal

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

and can have a potentially negative impact to public safety associated with the prolonged installation and energizing of the proposed facilities.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended

Attachments: Location map, Ordinance, Attachments 1 & 2.

Recommended Motion (and Alternative Motions if expected): Adopt first reading of Ordinance 2008-03 authorizing the Grant of Easement to Southern California Edison Company to construct & maintain electric distribution facilities on a portion of City owned property, APN 073-210-001, and authorize the City Manager to execute an agreement related to the grant of easement subject to the City Attorney's approval as to form.

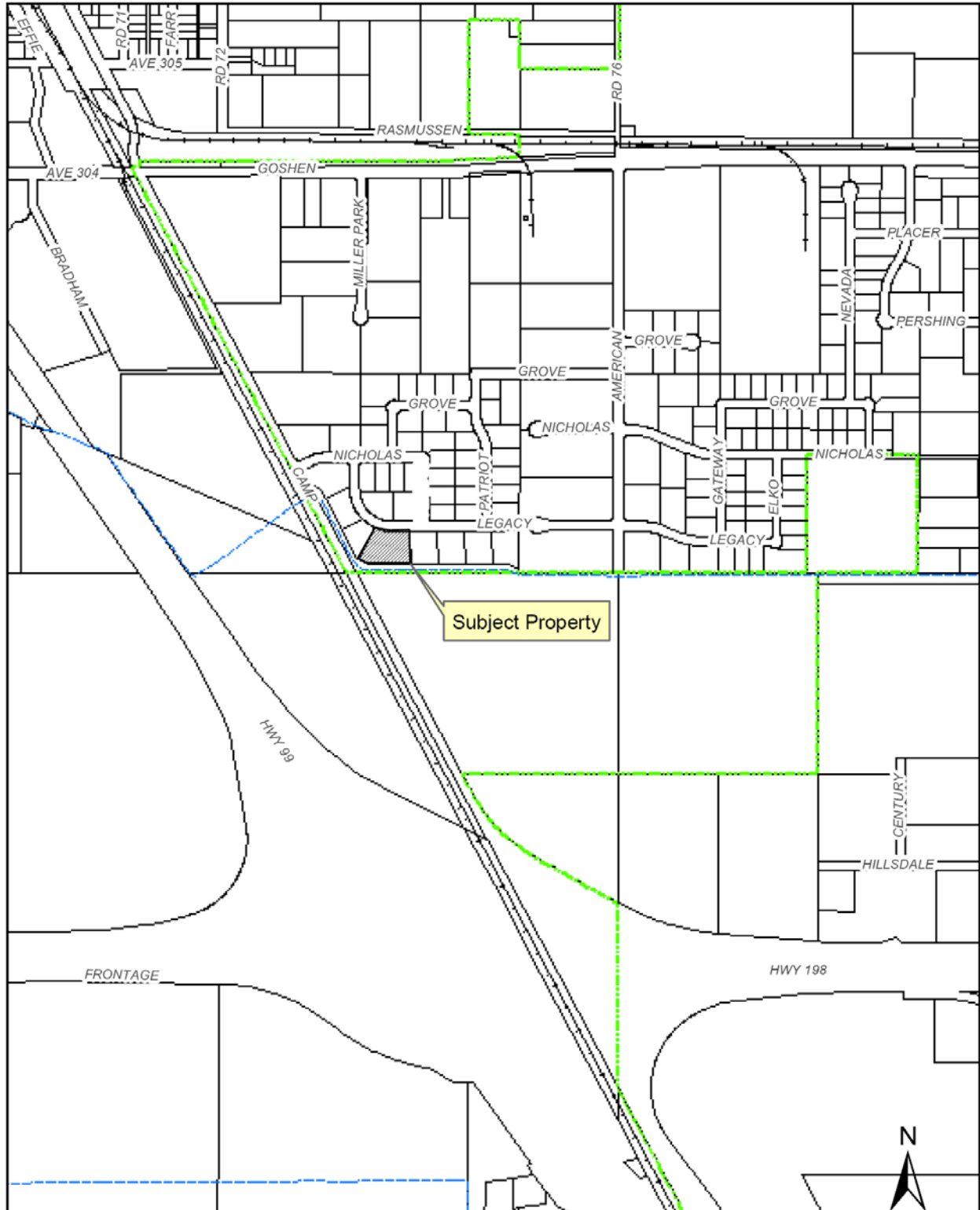
Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:



Location Map

Scale: 1"=800'

ORDINANCE NO. 2008-03

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA
AUTHORIZING THE CITY MANAGER TO EXECUTE AN EASEMENT GRANT DEED
AGREEMENT BETWEEN THE CITY OF VISALIA AND SOUTHERN CALIFORNIA EDISON
COMPANY**

WHEREAS, the City of Visalia owns and operates certain real property as a storm water retention basin within the American Industrial Park – West, and being Parcel 5 of Parcel Map 4800 recorded Dec. 12, 2006 in Book 49 of Maps, at Page 5, T.C.R.; and

WHEREAS, the City of Visalia desires to grant an easement over said property for the benefit of Southern California Edison Company for the purposes of installation and maintenance of electric distribution facilities; and

WHEREAS, pursuant to the Charter of the City of Visalia, the City Council may by ordinance authorize the grant of an interest in real property and, at the discretion of the Council, may declare an ordinance to be necessary as emergency measures for the immediate preservation of the public safety and shall cause said ordinance to go into effect in less than thirty days of its final passage; and

WHEREAS, the City Council of the City of Visalia finds this ordinance related to public improvements and necessary for the immediate preservation of public safety to install and energize proposed electric distribution facilities;

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

Section 1. The City Manager of the City of Visalia be, and is hereby authorized to execute on behalf of the City of Visalia, subject to the City Attorney's approval as to form, that certain Easement Grant Deed in the form as provided in Attachment 1 attached hereto, and further authorizes the City Manager to make any non-substantive administrative changes to Attachment 1 that may be necessary or appropriate.

Section 2. This ordinance be declared necessary for the immediate preservation of public safety allowing completion of electric facilities and shall go into effect immediately after its passage.

PASSED AND ADOPTED:

JESUS GAMBOA, MAYOR

ATTEST:

STEVEN M. SALOMON, CITY CLERK

APPROVED BY CITY ATTORNEY

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 Ordinance 2008-__ passed and adopted by the Council of the City of Visalia at a regular meeting held on March 03, 2008 and certify a summary of this ordinance has been published in the Visalia Times Delta.

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Deputy City Clerk



RECORDING REQUESTED BY

SOUTHERN CALIFORNIA
EDISON

An EDISON INTERNATIONAL Company

ATTACHMENT 2

WHEN RECORDED MAIL TO

SOUTHERN CALIFORNIA EDISON COMPANY

Corporate Real Estate
14799 Chestnut Street
Westminster, CA 92683-5240

Attn: Distribution/TRES

SPACE ABOVE THIS LINE FOR RECORDER'S USE

**GRANT OF
EASEMENT**

DOCUMENTARY TRANSFER TAX \$ NONE (VALUE AND CONSIDERATION LESS THAN \$100.00)	DISTRICT	WORK ORDER	IDENTITY	MAP SIZE
	San Joaquin Valley	6751-2541	7-2501	
SCE Company	FIM 71-12B	APPROVED:	BY	DATE
SIG. OF DECLARANT OR AGENT DETERMINING TAX FIRM NAME	APN : 073-210-001	CORPORATE REAL ESTATE	SLS/BT	2/25/08

CITY OF VISALIA (hereinafter referred to as "Grantor"), hereby grants to SOUTHERN CALIFORNIA EDISON COMPANY, a corporation, its successors and assigns (hereinafter referred to as "Grantee"), a non-exclusive easement and right of way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time underground electrical supply systems and communication systems (hereinafter referred to as "systems"), consisting of wires, underground conduits, cables, vaults, manholes, handholes, and including above-ground enclosures, markers and concrete pads and other appurtenant fixtures and equipment necessary or useful for distributing electrical energy and for transmitting intelligence by electrical means, in, on, over, under, across and along that certain real property in the County of Tulare, State of California, described as follows:

VARIOUS STRIPS OF LAND LYING WITHIN PARCEL 5 OF PARCEL MAP NO. 4800, AS PER MAP FILED IN BOOK 49, PAGE 5 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY, THE NORTHERLY LINES OF SAID STRIPS BEING DESCRIBED AS FOLLOWS:

STRIP #1 (5.00 FEET WIDE)

COMMENCING AT THE NORTHEAST CORNER OF SAID PARCEL 5; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 5, SOUTH 89°59'32" WEST 28.90 FEET TO THE TRUE POINT OF BEGINNING; THENCE CONTINUING ALONG SAID NORTHERLY LINE OF PARCEL 5, SOUTH 89°59'32" WEST 9.12 FEET TO A POINT OF ENDING, SAID POINT HEREINAFTER REFERRED TO AS POINT "A".

STRIP #2 (15.00 FEET WIDE)

BEGINNING AT SAID POINT "A"; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 5, SOUTH 89°59'32" WEST 18.50 FEET TO A POINT OF ENDING, SAID POINT HEREINAFTER REFERRED TO AS POINT "B".

STRIP #3 (9.00 FEET WIDE)

BEGINNING AT SAID POINT "B"; THENCE ALONG THE NORTHERLY LINE OF SAID PARCEL 5, SOUTH 89°59'32" WEST 20.81 FEET TO A POINT OF ENDING.

FOR SKETCH TO ACCOMPANY LEGAL DESCRIPTION, SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF.

This legal description was prepared pursuant to Sec. 8730(c) of the Business & Professions Code.

Grantor agrees for himself, his heirs and assigns, not to erect, place or maintain, nor to permit the erection, placement or maintenance of any building, planter boxes, earth fill or other structures except walls and fences on the above described real property. The Grantee, and its contractors, agents and employees, shall have the right to trim or cut tree roots as may endanger or interfere with said systems and shall have free access to said systems and every part thereof, at all times, for the purpose of exercising the rights herein granted; provided, however, that in making any excavation on said property of the Grantor, the Grantee shall make the same in such a manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the surface of the ground to as near the same condition as it was prior to such excavation as is practicable.

EXECUTED this ____ day of _____, 20__.

GRANTOR

CITY OF VISALIA

Signature

Print Name

Title

State of California)

County of _____)

On _____ before me, _____, personally
(here insert name and title of the officer)

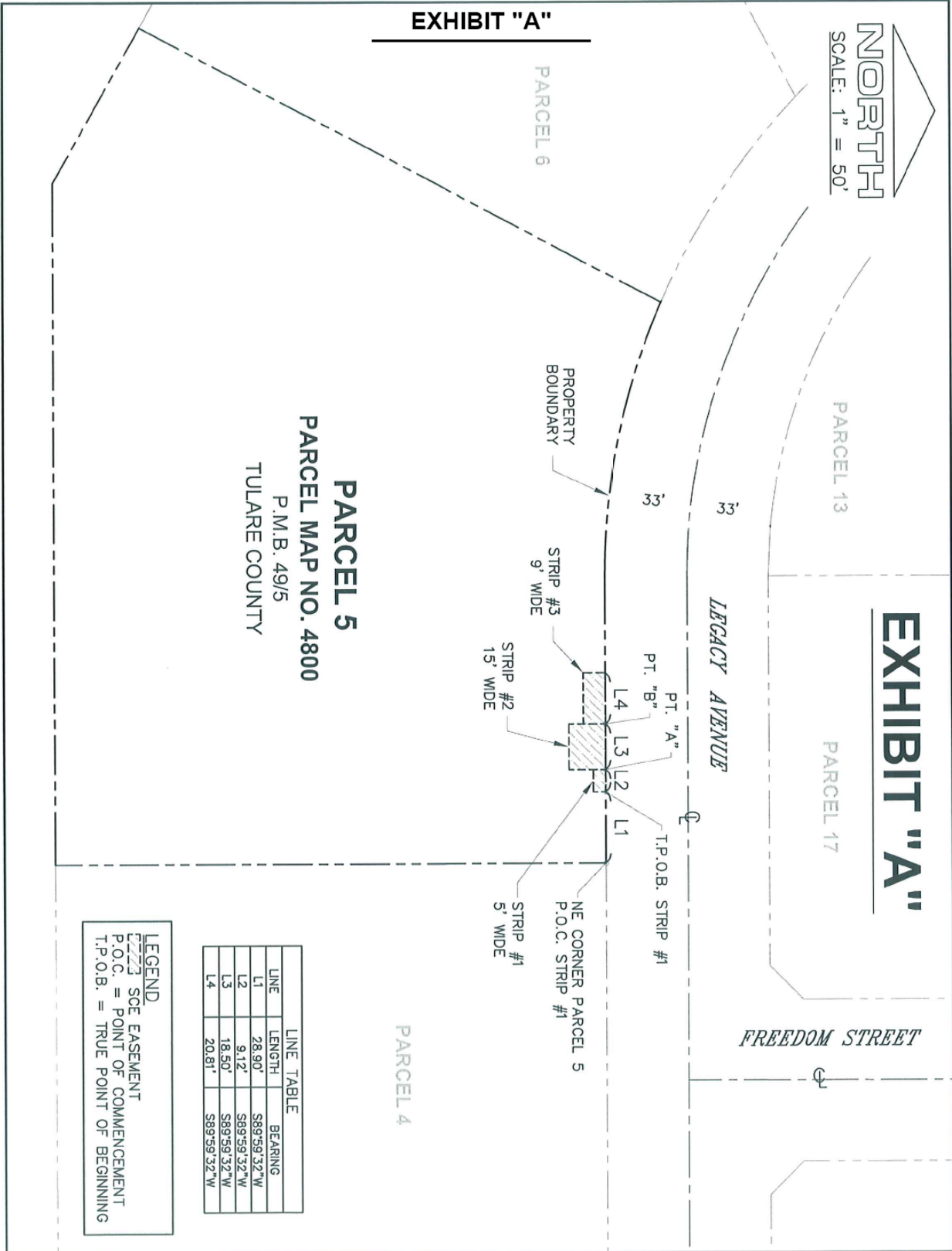
appeared _____
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct

WITNESS my hand and official seal.

Signature _____

(This area for notary stamp)



City of Visalia Agenda Item Transmittal

Meeting Date: March 3, 2008

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

Agenda Item Wording: Authorize the City Manager to execute a Joint Use Agreement (REL05135113 - J.O. 2252) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the west side of Ben Maddox Way and south of Walnut Avenue.

Deadline for Action: N/A

Submitting Department: Public Works

Contact Name and Phone Number:

Andrew Benelli 713-4340
Doug Damko 713-4268

Department Recommendation:

Staff recommends that the City Council authorize the City Manager to execute the Joint Use Agreement with Southern California Edison Company (SCE) for the relocation of facilities at the southwest corner of Ben Maddox Way and Walnut Avenue. The relocation is completed and was necessary for the additional 9 to 26 feet of widening on the west side of Ben Maddox Way constructed with the Rite Aid project located at the southeast corner of Ben Maddox Way and Walnut Avenue.

Summary/background:

The City required the Rite Aid project to complete the full widening of the portion of Ben Maddox Way across the frontage of the project. Widening occurred on the east and west sides of the street. This widening with the Rite Aid project completed the full widening of Ben Maddox Way between Walnut Avenue and K Avenue and allowed this segment to be converted from two lanes to four lanes as shown in the Circulation Element. The additional 9 to 26 feet of widening on the west side of Ben Maddox Way required the relocation of two power poles and a pedestal box. Prior to relocation, these facilities were located in an existing SCE easement that was executed on November 15, 1922. The widening at the intersection was required by Rite Aid to allow northbound vehicles on Ben Maddox Way to execute a u-turn at Walnut Avenue and head southbound. The remaining widening was necessary to provide four travel lanes for this segment of Ben Maddox Way.

The City acquired additional right of way on the west side of Ben Maddox Way for the street widening. The relocated power poles and pedestal box are within this additional right of way but outside of the existing SCE easement. In order for SCE to keep their rights that the existing

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

easement afforded them, the City is establishing a strip of land for joint use of the public right of way. In the future if any rearrangement, relocation, reconstruction or removal these SCE facilities are necessary, the City will be responsible for the costs incurred in complying with such work. SCE will consent to the construction, reconstruction, maintenance or use by the City of a street over, along and upon the SCE existing easement.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives: None recommended. The existing power poles were located in an existing SCE easement and they have been moved to allow the street widening.

Attachments: Location Map, Joint Use Agreement

Recommended Motion (and Alternative Motions if expected):

Move to authorize the City Manager to execute a Joint Use Agreement (REL05135113 - J.O. 2252) between Southern California Edison Company and the City of Visalia for the relocation of facilities on the west side of Ben Maddox Way to the south of Walnut 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:

LOCATION MAP



City of Visalia
Agenda Item Transmittal

Meeting Date: March 3, 2008

Agenda Item Number (Assigned by City Clerk): 81

Agenda Item Wording: Issuance of written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-03 (Zone 1), an Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan Area.

Deadline for Action: March 3, 2008

Submitting Department: Community Development

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

Contact Name and Phone Number: Fred Brusuelas 713-4364; Mike Olmos 713-4332

Recommendation and Summary: Staff recommends that Council accept and issue the report entitled Written Report for Ordinance 2006-03 (Zone 1) dated March 3, 2008 describing the measures being taken to alleviate the conditions that led to the adoption of the Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of the East Downtown Strategic Plan area.

On March 20, 2006, Council adopted Ordinance No. 2006-03 (Zone 1) establishing temporary standards for a portion of the East Downtown Strategic Plan area. This ordinance was adopted as an interim measure to implement the concepts contained in the Strategic Plan that was approved by Council in late 2005. The interim ordinance was adopted pursuant to State Government Code Section 65858 and will expire on March 20, 2008.

State law requires that at least 10 days prior to the expiration or extension of an interim ordinance, the City Council must issue a written report describing the conditions that led to the adoption of the interim ordinance. The necessary written report is enclosed. The report states that the City prepared draft documents but did not complete the process of public hearing review and adoption for permanent regulatory amendments to City plans and codes to implement the East Downtown Strategic Plan concepts.

The remaining work to process and adopt a permanent General Plan Amendment with code revisions and environmental document could take an additional one year period of time. As such, the current Interim Ordinance 2006-03 (Zone 1) will expire on March 20, 2008 unless the City Council adopts a new Interim Ordinance in accordance with Government Code Section 65858.

Committee/Commission Review and Actions: N/A

Prior Council/Board Actions: Council introduced Ordinance 2006-03 on March 6, 2006, and adopted said ordinance on March 20, 2006; March 5, 2007 said ordinance was extended to March 20, 2008.

Alternatives: None recommended. Written report required by State law.

Attachments: Written report for Ordinance No. 2006-03
Interim Area Zoning Map

Recommended Motion (and Alternative Motions if expected): Move to accept and issue the written report for Ordinance 2006-03 dated March 3, 2008.

WRITTEN REPORT FOR CITY OF VISALIA ORDINANCE 2006-03

This written report will satisfy the requirements of the State of California Government Code, Section 65868, regarding City of Visalia Ordinance No. 2006-03, an interim ordinance establishing prohibited uses and permitted uses and development standards for a portion of the East Downtown Strategic Plan area. Ordinance No. 2006-03 was adopted by the Visalia City Council under provisions of Government Code Section 65858 and is set to expire on March 20, 2008.

Ordinance No. 2006-03 established interim zoning provisions and development standards to implement the East Downtown Strategic Plan which was approved by the Visalia City Council on December 19, 2005. The purpose of the interim ordinance was to prohibit land uses that are in conflict with the approved strategic plan. In addition, the interim ordinance temporarily established certain permitted land uses and development standards to implement the provisions of the Strategic Plan.

These interim measures were intended to be in place while the City undertook revisions to its General Plan, zoning ordinance, design standards, and other related codes and regulations that will permanently implement the provisions of the Strategic Plan. To date, the City has produced a Draft - Form Based Code and Draft - Negative Declaration for the Form Based Code and General Plan Amendment that will implement provisions of the East Downtown Strategic Plan. The aforementioned documents have not been processed through the public hearing process and will take longer than the estimated March 20, 2008 Interim Ordinance expiration date.

The City Council has the option to proceed with the adoption of a new Interim Ordinance in accordance with Government Code 65858 or allow the current Interim Ordinance to expire.

Issuance Date: March 3, 2008

City of Visalia Agenda Item Transmittal

Meeting Date: March 3, 2008

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

Agenda Item Wording: Authorization to purchase two (2) additional under 30ft buses to operate the internal and external shuttle at the Sequoia/Kings Canyon National Parks (SEKI) and appropriate funds (from grants already approved) in the amount of \$2,038,296 for capital and operating expenses for the 2nd and 3rd years of the 3 year pilot project.

Deadline for Action: March 3, 2008.

Submitting Department: Administration – Transit Division

Contact Name and Phone Number:
Monty Cox 713-4591

Department Recommendation: Authorization to purchase two (2) additional under 30ft buses to operate the internal and external shuttle at the Sequoia/Kings Canyon National Parks (SEKI) and appropriate funds (from grants and operating reimbursements) in the amount of \$2,038,296 for capital and operating expenses for the 2nd and 3rd years of the 3 year pilot project.

Summary/background: The City is taking advantage of options that the State of California Cal Trans Procurement Division has in place with Bus West (commonly known as piggybacking). The price is based on a competitive bidding process conducted by CALTRANS. The buses will be gasoline and will meet specific requirements including brake retarders, wheelchair lifts, video monitors, and a PA system. Because of the type of use, alternative fuel vehicles are not an option at this time.

The additional buses will provide improved flexibility for setting schedules, provide added capacity for projected growth, serve as spares when buses are down for repairs, and take advantage of funding while it is available. Funding is available from our existing Congestion Mitigation Air Quality (CMAQ) grant and matching funds from the Local Transportation Funding (LTF). The National Parks Service (NPS) received Federal Transportation in Parks (ATTPL) grant funds specifically to lease buses; however, for the 2007 season the Council authorized staff to purchase new and used buses to lease to the NPS annually. This was the only feasible solution due to the cost of short term leases.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 1

Review:

Dept. Head LBC 22908
(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.

By utilizing the funding from grants to purchase buses rather than lease them, the City was able to contain costs for both the Gateway and Internal operations. The funding advanced for the Internal operation will be recouped in future years from the operational reimbursement. If the National Parks should choose to not continue the shuttle program, the existing buses can be reabsorbed into the Transit operation as part of the on-going replacement process.

As indicated the majority of the gateway funding was obtained in the first year. This was made up of grants from the CMAQ program, ATTPL program and LTF funds. The balance of capital expenses for the internal shuttle will be covered by annual allocations from the park ATTPL grants and the park entrance fee funds.

The breakdown of the financial plan is as follows:

	<u>Revenues</u>	<u>Expenses</u>	<u>Balance</u>
2007 Gateway Operating & Capital Revenue	1,683,522		
2007 Gateway Operating & Capital Expenses		823,851	
Balance 2007 Gateway Operating & Capital Revenue			859,671
2007 NPS Operating & Capital Revenue	560,315		
2007 NPS Operating & Capital Expenses		1,343,759	
Balance 2007 NPS Operating & Capital Revenue			(783,444)
2008 Gateway Operating & Capital Revenue	42,645		
2008 Gateway Operating & Capital Expenses		450,000	
Balance 2008 Gateway Operating & Capital Revenue			(407,355)
2008 NPS Operating & Capital Revenue	598,464		
2008 NPS Operating & Capital Expenses		598,464	
Balance 2008 NPS Operating & Capital Revenue			0
2007 Appropriation	2,024,235		
2007 Total Cost		2,167,610	
2008 Projected Cost		1,048,464	
2009 Projected Cost		846,457	
2008 Requested Appropriation			\$ 2,038,296

Staff is currently working on developing funding mechanisms for the future years after the three-year demonstration period. The purchase of these buses now will assist in that effort since the buses are designed to last at least seven years.

Prior Council/Board Actions:

January 8, 2007 Authorization to purchase buses to operate the internal & external shuttles at the Sequoia/Kings Canyon National Parks (SEKI).

Committee/Commission Review and Actions: None

Alternatives: None

Attachments: None

City Manager Recommendation:

Recommended Motion (and Alternative Motions if expected): I move that the City Council approve the purchase of two (2) additional under 30ft buses to operate the internal and external shuttle at the Sequoia/Kings Canyon National Parks (SEKI) and appropriate funds (from grants already approved) in the amount of \$2,038,296 for capital and operating expenses for the 2nd and 3rd years of the 3 year pilot project.

Financial Impact

Funding Source:

Account Number: 3011-00000-720000-0-8023

Budget Recap:

Total Estimated cost:	\$ 250,000	New Revenue:	\$ 0
Amount Budgeted:	\$ 250,000	Lost Revenue:	\$
New funding required:	\$ 0	New Personnel:	\$
Council Policy Change:	Yes____ No <u>X</u>		

Environmental Assessment Status

CEQA Review:

Required? No
Review and Action: Prior:
Require:

NEPA Review:

Required? No
Review and Action: Prior:
Require:

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

Copies of this report have been provided to:

City of Visalia Agenda Item Transmittal

Meeting Date: March 3, 2008

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording: Consideration of annexation of a parcel located at 26543 Mooney Blvd.

Deadline for Action: None

Submitting Department: Community Development

Contact Name and Phone Number: Michael Olmos, 713-4332

Department Recommendation: Council refuse to annex the subject 1.08 acre parcel and opposition of the establishment of commercial zoning and subsequent office development at this location.

Summary/background: Tulare County RMA has received an application for a change of zone from R-1 (Single Family Residential) to commercial zoning for a 1.08 acre parcel located at 26543 Mooney Blvd., which is located on the west side of Mooney, south of Avenue 266 (reference attached aerial). A specific development proposal has not been submitted, however, the change of zone application indicates that the intended use of the site would be offices.

Because the property in question is located within the City's Urban Development Boundary (as adopted by the County) and adjacent to the existing City Limits, this item has been referred to the City by the RMA to determine if annexation of the site would be feasible, pursuant to policy established in the County's Urban Boundaries Element.

The subject site is located within the City's 165,000 Urban Development Boundary but outside the 129,000 Urban Development Boundary, in an area designated as Urban Reserve. As such, annexation would not be consistent with current City policy. Further, there is an adequate supply of appropriately-zoned properties located within the 129,000 UDB to accommodate the establishment of commercial/office uses, including Downtown Visalia.

Annexation and development of this site is premature and should not be considered until a future comprehensive General Plan update establishes a land use pattern, development standards and development phasing for this area of the community. Staff recommends Council not consent to annex the property at this time. Further, staff recommends that Council urge the County to not authorize rezoning of the property to a commercial designation and retain the site under the current residential designation pending a future comprehensive General Plan update.

Prior Council/Board Actions: N/A

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 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.

Committee/Commission Review and Actions: N/A

Alternatives: N/A

Attachments:

Aerial Photo
County Referral of February 7, 2008

Recommended Motion (and Alternative Motions if expected):

Forward a letter to Tulare County RMA stating that annexation of the subject property is inconsistent with the City's adopted development policies and expressing opposition to establishing County commercial zoning for this site.

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A

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

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: March 3, 2008

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Accept the guaranteed maximum price of \$6,876,810 as presented by BJ Perch Construction to complete the northwest fire project located at Shirk and Ferguson, appropriate \$314,695 from the fire impact fee fund and \$162,115 from the fire Measure T fund, authorize a General Fund advance of \$3.0 million to fund the project and adopt an inducement resolution that the City may issue tax exempt debt to finance the cost of the Fire Station.

Deadline for Action: March 3, 2008

Submitting Department: Finance

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

Department Recommendation: That Council:

- 1) accept the guaranteed maximum price (GMP) of \$6,876,810 as presented by BJ Perch Construction to complete the northwest fire project located at Shirk and Ferguson;
- 2) appropriate \$314,695 from the fire impact fee fund and \$162,115 from the fire Measure T fund;
- 3) authorize a General Fund advance of \$3 million to fund the project, and;
- 4) authorize an inducement resolution (Resolution No. 2008-16) stating that the City may issue tax exempt debt to finance the cost of the fire station and training facility.

Summary/background:

Included in the Measure T plan is the design and construction of a northwest fire station and training facility to increase services in that area. Both the station and training area will provide modern facilities with state of the art training opportunities for firefighters. The final project design includes:

- A 2 bay fire station, which can expanded to 3 bays in the future

For action by:

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

For placement on which agenda:

Work Session
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Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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- 3 fire staff bunk rooms
- Training classroom
- 3 story commercial training prop and one big box training prop

The station has been designed for future expansion of a third bay and the training facility has ample room for a residential training prop.

Council has authorized the use of a construction manager at risk to deliver the northwest fire project, which includes a fire station and training facility. The City contracted with BJ Perch Construction Inc. to act as the construction manager to:

- 1) complete the design of the fire station and training facility; and,
- 2) construct the project at a guaranteed maximum price, if the Council so desired.

On May 1, 2006, Council approved a project cost of \$6.4 million for the design and construction of a Northwest Fire station and training facility. The guaranteed maximum price (GMP) to complete the project, as presented by BJ Perch, is \$6,876,810.

Discussion

The City has been in the process to design and construct a northwest fire station and training facility at the corner of Shirk and the future Ferguson Avenue. To assist in delivering the facility, on July 18, 2005 Council approved a contract with BJ Perch Construction Inc. for construction manager at risk services. The contract stipulates that BJ Perch will be compensated \$34,000.00 for managing the project through the pre-construction phase. Upon completion of the pre-construction phase, the bidding phase follows. Upon completion of the bidding process, BJ Perch Construction will provide the City with a guaranteed maximum price to complete the entire project.

All construction costs will be paid by the City through BJ Perch, as all subcontracts for preconstruction services will be held by BJ Perch. The terms of the contract also include an open book policy in which all subcontractor billings would be reviewed by City personnel to ensure proper payment for services. ***Per the contract with BJ Perch, any savings from the GMP revert back to the City.***

Current Status

The design phase of the project has been complete and all trade bids have been issued, returned and reviewed by both BJ Perch and the City. Staff recommends that Council approve a guaranteed maximum price of \$6,876,810 to complete the project. Table I – Total Project Cost, displays the entire cost of the NW fire facility broken out by type.

Table I
City of Visalia
NW Fire Station
Cost by Type

<u>Type</u>	<u>\$ Cost</u>
Construction	5,912,082
Design and Reimbursable	681,586
City Fees	283,142
Total	<u>6,876,810</u>

The original budget request of \$7.4 million was presented for Council consideration on April 3, 2006. Council asked staff and the construction manager to reduce the number to the currently approved budget of \$6.4 million. As stated above, Council approved a budget of \$6.4 million on May 1, 2006.

Approximately 21 months has passed since Council's approval of the final project budget. During that time, the design of the project has been complete, but there have been some delays. These include design and permitting timeframes that took longer than anticipated. In addition, the \$6.4 million budget was approved prior to the project design being completed and considered to be a tight budget number.

The current GMP of \$6,876,810 is \$476,810 over the approved budget of \$6.4 million. The GMP includes a contingency of \$172,198 and the Construction Manager at Risk fee of \$267,596, which equates to approximately 3.9% of the total project cost. For comparison purposes, typically a General Contractor would charge from 10% -15% of the budget to manage a project. Additionally, there were costs that were unanticipated, including City fees of \$170,000 and a communication tower of \$35,000, which is part of the overall public safety master plan.

Staff recommends that Council approve the final project GMP of \$6,876,810 and authorize the construction manager to proceed with the project.

Project Financing

The northwest fire project was originally budgeted as part of the Measure T plan, which began in fiscal year 2004-05. Table II – NW Fire Funding, details the funding sources for the project.

Table II
City of Visalia
NW Fire Funding

<u>Funding Source</u>	<u>Original Budget</u>	<u>%</u>	<u>Current Budget</u>	<u>GMP Budget</u>
MeasureT Fire Fund	1,672,433	34%	2,176,000	2,338,115
Fire Impact Fee Fund	3,246,488	66%	4,224,000	4,538,695
Total	4,918,921		6,400,000	6,876,810

Finance has reviewed the current status of the Measure T and Fire impact fee funds. Additional appropriations from the fire impact fee and Measure T funds of \$314,695 and \$116,152, respectively are recommended for Council approval to cover the cost over the currently approved \$6.4 million budget.

The Measure T fund has sufficient cash to fund its portion of the project; however, the impact fee fund does not. The fund currently has \$1.5 million in cash and falls short of fully funding its portion of the project by approximately \$3 million. Staff recommends that Council authorize moving forward with completion of the project, and authorize an advance from the General Fund of \$3 million to complete the project. That advance will be paid back over time with future fire impact fee revenue. Currently, impact fee revenues are approximately \$650,000 per year. However, a slowing trend in development could have a negative impact on future revenues. Staff currently estimates that the payback to the General Fund would take approximately 2.5 to 5 years, depending on the level of future impact fee revenues.

In addition to the General Fund advance, staff recommends that Council authorize an inducement resolution in the event a public financing is required to complete the project.

Because the Fire Impact Fee Fund does not have sufficient cash to fund its share of the station at this time, it will be necessary to finance their share of the project. Traditionally, the General Fund has financed such costs and staff recommends Council authorize an advance of \$3 million to the fire impact fee fund. However, it may also be advantageous to issue tax-exempt debt for the Fire Station. The inducement resolution gives notice to the U.S. Treasury Department that the City may intend in the future to reimburse itself for costs incurred on this project.

Council Options

Council has the option to accept the GMP and move forward with BJ Perch Construction as the CM at risk, or it can authorize City staff to move forward with managing the construction of the project. If the latter is chosen, BJ Perch would be compensated for all pre-construction services rendered to date and the City would own all the construction documents. Staff recommends that Council authorize moving forward with the project with BJ Perch as the construction manager at risk and accepting the GMP of \$6,876,810.

Prior Council/Board Actions: May 1, 2006 – Approval of \$6.4 million project cost

Committee/Commission Review and Actions:

Alternatives: Council can direct City staff to issue a traditional construction bid and seek a general contractor to build the Fire Station and Training Facility.

Attachments: Resolution No. 2008-16

<p>Recommended Motion (and Alternative Motions if expected): I move to authorize</p> <ol style="list-style-type: none">1. approval of a guaranteed maximum price of \$6,876,810 to complete the northwest fire project2. additional appropriations of \$314,695 from the fire impact fee fund and \$162,115 from the fire Measure T fund3. a General Fund advance of \$3.0 million to complete the project, and;4. Resolution No. 2008-16.
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<p style="text-align: center;"><i>Environmental Assessment Status</i></p> <p>CEQA Review:</p> <p>NEPA Review:</p>
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Tracking Information: *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*

Copies of this report have been provided to:

ATTACHMENT 1

Resolution No. 2008-16

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF VISALIA
REGARDING ITS INTENTION TO ENABLE REIMBURSEMENT OF INTERIM EXPENDITURES
FROM PROCEEDS OF A POSSIBLE FUTURE DEBT ISSUANCE

WHEREAS, the City of Visalia ("City") may finance the costs of construction of a new Fire Station and Training Facility (the "Project");

WHEREAS, the City may finance the Project or portions of the Project with the proceeds of obligations, the interest upon which is excluded from gross income for federal income tax purposes, (the "Obligations"); and

WHEREAS, prior to incurring Obligations the city may incur certain expenditures with respect to the Project from available monies of the City, which expenditures are desired to be reimbursed by the City from a portion of the proceeds of the Obligations;

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Visalia hereby resolve, order and determine as follows:

1. The City hereby states its intention and reasonably expects to reimburse Project costs incurred prior to the incurrence of the Obligations with proceeds of the Obligations.
2. The reasonably expected maximum principal amount of the Obligations is \$6,876,810.
3. This resolution is being adopted on or prior to the date (the "Expenditures Date or Dates") that the City will expend monies for the portion of the Project costs to be reimbursed from the proceeds of the Obligations.
4. The expected date of incurrence of the Obligations will be within one year of the Expenditures Date or Dates to the date the Project is placed in service, whichever occurs last.
5. Proceeds of the Obligations to be used to reimburse for Project costs are not expected to be used directly or indirectly to pay debt service with respect to any obligation (other than to pay current debt service coming due within the next succeeding one year period on any tax-exempt obligation of the City (other than the Obligation)) or to be held as a reasonably required reserve or replacement fund with respect to an obligation of the City or any entity related in any manner to the City, or to reimburse any expenditure that was originally paid with the proceeds of any obligation, or to place funds that are or will be used in such manner.
6. The resolution is consistent with the budgetary and financial circumstances of the City, as of the date hereof. No monies from sources other than the Obligation are, or are reasonably expected to be reserved, allocated on a long-term basis, or otherwise set aside by the City (or any related party) pursuant to its budget or financial statement.
7. The resolution is adopted as official action of the Issuer in order to comply with Treasury Regulation 1.103-18 and any other regulations of the Internal Revenue Service relating to the qualifications for reimbursement of City expenditures incurred prior to the date of incurrence of the Obligations, is part of the City's office proceedings, and will be available for inspection by the general public at the main administrative office of the City.

All the recitals in this Resolution are true and correct and the City Council of the City of Visalia so finds, determines and represents.

ADOPTED, this 3rd day of March, 2008

MAYOR

ATTEST:

CITY CLERK