

Visalia City Council Agenda

For the SPECIAL meeting of: MONDAY, July 14, 2008

Location: Visalia Convention Center, 303 E. 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.

- 3:30 p.m. **PROMOTIONAL AND NEW EMPLOYEE INTRODUCTIONS**
Police Department new hires: Assistant Chief of Police Colleen Mestas; Police Officers, Richard Cressall, Ricardo Loza, Blake McEwen, Julian Lopez, Andrew Souza, Corey Kuykendall
Police Department newly promoted: Allyn Wightman Police Lieutenant; Greg Byerlee Police Sergeant; Chris McLain Agent

- 3:40 p.m. **INTRODUCTION OF STUDENTS SELECTED TO VISIT MIKI CITY**
WORK SESSION AND ACTION ITEMS (as described)
4:00 p.m.

Public Comment on Work Session and Closed Session Items -

- 4:00 p.m. 1. Citizens Advisory Committee (CAC) presentation of the 2007 Public Opinion Survey
- 4:30 p.m. 2. Discussion of the Master Plan improvements at the Waste Water Conservation Plant and approval to retain Carollo Engineers to develop a Master Reclamation Permit.
- 5:00 p.m. 3. Authorization of additional water conservation efforts including increased enforcement of the water conservation ordinance, development of a stage four of the water conservation ordinance, authorization to apply for Drought Assistance Grants, and formation of a task force to work on a landscape ordinance, and review other measures being considered.
4. *Item removed at the request of staff*

Convene as Visalia City Council and Redevelopment Agency

5. RDA CONSENT CALENDAR - Authorize the retention of Rosenow Spevacek Group, Inc. (RSG) to prepare an amended 5-year Implementation Plan for the Visalia Redevelopment Agency's four (4) project areas.

Adjourn as City Council and Redevelopment Agency and remain seated as Visalia City Council

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)

6. Conference with Legal Counsel – Anticipated Litigation
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: three potential cases
7. Public Employee Performance Evaluation (GC 54957)
Title: City Manager

REGULAR SESSION

7:00 p.m.

PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Karl Schafer, Associate Pastor, First Presbyterian Church

SPECIAL PRESENTATIONS/RECOGNITION

Present Resolution of Commendation to CSUF World Series Championship Team – accepted by Kris Tomlinson, Pitcher and Matt Curtis, Assistant Head Coach

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.

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) Amend the current agreement with Proteus, Inc. to operate the Wittman Village Community Center from July 1, 2008 through June 20, 2013.

- c) Authorize City Manager to approve Cooperative Agreements, for transportation related projects and facilities, between the City of Visalia and the California Department of Transportation and/or any public entities. **Resolution 2008-38 required.**
- d) Appoint Emily Magill and Tim Stark to the Visalia Environmental Committee.
- e) Authorize Council Member Greg Collins as the voting delegate and Vice Mayor Bob Link as the alternate voting member for the 2008 League of California Cities Annual Conference.
- f) Authorize the implementation of the City of Visalia's first "Citizens in the Know" Academy.
- g) Appoint Rachel Rosenberry to the Bicycle, Pedestrian and Waterway Trails Committee and to reduce the size of the committee from 15 to 13 members.
- h) Reappointment of City Attorney and renewal of legal agreement with Dooley, Herr, Peltzer and Richardson for two years.
- i) Suspend the Parking In-lieu Fees for "change in use" projects in the Property Based Improvement District (PBID) areas if an annual payment is made by PBID to the City's Central Business District Parking Zones Parking In-lieu Fund. **Resolution 2008-39 required.**
- j) Introduction of Ordinance amending Section 17.30.045 A and B regarding the Parking In-lieu Fee Program which would replace the existing five (5) year payment program with a ten (10) year payment program . **Ordinance 2008-06 required.**
- k) Authorization for the City Manager to release a Request for Proposal (RFP) for the disposition of city-owned properties located between Mineral King and Acequia Avenues and Stevenson and Conyer Streets.
- l) Accept and issue the written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance 2006-10 (Zone 2), an Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of the area known as East Central Visalia.
- m) Authorization to award the contract for the Remarketing of Runway 12/30 and add lighting for Declared Distances; installation of a security access gate and related electrical improvements at the Visalia Municipal Airport to Cindy Bales Engineering in the amount of \$791,445. Project numbers 4011-720000-0-0-8068 & 4011-720000-0-0-8069, corresponding to FAA AIP Project number 3-06-0271-23.

9. PUBLIC HEARING

- a) Adoption of Negative Declaration No. 2008-28. **Resolution No. 2008- 40 required.**
- b) General Plan Amendment (GPA) No. 2008-01, a request by the City of Visalia to amend the Circulation Element to convert Acequia Ave. from one-way to two-way traffic, and to amend the Bikeway Plan to add Class II and Class III bikeways to Acequia Ave., between Conyer St. and Santa Fe Avenue. **Resolution No. 2008-41 required.**

10. Authorization to hear public input and consider specific bus route changes to begin in August 2008, and follow up to questions raised regarding ridership and service levels.
11. **PUBLIC HEARING** Proposed first amendment to the Community Development Block Grant (CDBG) and HOME Program FY 2007-08 Annual Action Plan.
12. **PUBLIC HEARING** – Extension of the Redevelopment Agency Project Areas: Introduction of Ordinances extending the duration of the East Visalia and Mooney Boulevard Redevelopment Project Areas and the time limit for the receipt of tax increment and debt repayment period pursuant to California Health & Safety Code Section 33333.6, and reaffirming, clarifying, correcting and extending certain time limits previously adopted with respect to the Redevelopment Plans for the East Visalia, Mooney Boulevard, Mooney Boulevard Amendment, Central and Downtown Redevelopment Project Areas. **Ordinances 2008-07, 2008-08, 2008-09, and 2008-10 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	MINSON, Roy (Trust)	APN 097-121-020 (346.55 sf portion)	508 So. Santa Fe	Santa Fe Overcrossing	6/26/08	Andrew Benelli

Upcoming Council Meetings

- Monday, August 4, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia
- Monday, August 18, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia
- Tuesday, September 2, 2008, Work Session 4:00 p.m. Regular Session 7:00 p.m. – Council Chambers, 707 W. Acequia

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

Any written materials relating to an item on this agenda submitted to the Council after distribution of the agenda packet are available for public inspection in the Office of the City Clerk, 425 E. Oak Street, Visalia, CA 93291, during normal business hours.

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 1

Agenda Item Wording: Citizens Advisory Committee (CAC)
Presentation of the 2007 Public Opinion Survey.

Deadline for Action: n/a

Submitting Department: Finance

Contact Name and Phone Number: Kim McGee, 713-4391,
Eric Frost, 713-4474

Department Recommendation: That Council review and provide comments to the CAC on the results of the 2007 Public Opinion Survey.

Summary/background: On behalf of the public opinion survey subcommittee and subcommittee Chairperson Paul Sanders, the Citizens Advisory Committee would like to present the findings from the 2007 Public Opinion Survey.

The following report represents the twenty-first year the City has conducted the survey. The survey is used as a means of communication to Council members on issues important to the citizens of Visalia. The findings of the attached survey report will be reviewed and Citizens Advisory Committee members and staff will be available to respond to any questions Council may have.

Timing

The survey is entitled the 2007 Public Opinion Survey. Although the phoning of citizens took place in the spring of 2008, questions were asked based upon the quality of services provided in the 2007 calendar year. Work on the 2008 survey will begin in January, 2009.

Year to Year Survey Comparison Methods

In 2003 the survey included 300 respondents. The phone numbers were gathered from the telephone book. In 2004 and 2005 the CAC used a phone list from CalWater. The 2006 survey includes 386 respondents contacted from an up to date phone list from AT&T. The 2007 survey includes 400 respondents contacted randomly from a new up to date phone list from AT&T.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Staff is currently investigating methods to acquire survey responses in a variety of ways including an interactive response on the City's website, e-mail, and US mail in addition to phone calls because many individuals utilize cell phones instead of landline telephones which would not be available by our current methods. Staff believes that expanding our methodology for acquiring survey responses will increase the representative sample of respondents for future Public Opinion Surveys.

Prior Council/Board Actions: The public opinion survey is presented to Council for review and consideration on an annual basis.

Committee/Commission Review and Actions: Citizens Advisory Committee review and approval.

Alternatives:

Attachments: 2007 Public Opinion Survey

Recommended Motion (and Alternative Motions if expected):

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

Copies of this report have been provided to:

Public Opinion Survey



2007/2008

Conducted By:
The Citizens Advisory Committee
in the spring of 2008

ACKNOWLEDGEMENTS

The Citizens Advisory Committee, appointed by the City Council, is a group of individuals of various ages and interests bound together by their concern for Visalia. The committee's mission is to be an advocate and informed voice for the community and an active resource for City Council and staff. The committee prioritizes local issues and concerns and develops recommendations that will affect the future of Visalia. This survey is produced annually by the committee.

The City of Visalia appreciates the help from the Citizens Advisory Committee members, city staff, and other volunteers for their generous help in completing this survey and analyzing the results.

CITIZENS ADVISORY COMMITTEE

Dirk Holkeboer, Chairman-Citizens Advisory Committee

Matthew Ainley

Sylvia Baggs

Lois Bollinger

Chris Gomez

Nyla Hallum

Nathan Hernandez

Betty McNutt

Phil Mirwald

Donna Orozco

George Ouzounian

Paul Sanders

George Shelton Jr.

David Wheeler

PUBLIC OPINION SURVEY SUBCOMMITTEE

Paul Sanders

George Ouzounian

Betty McNutt

Nyla Hallum

Nathan Hernandez

SURVEY VOLUNTEERS

Eric Frost

VIPS – Volunteers in Police Services

Cass Cook

CITY OF VISALIA STAFF

Kim McGee

Songji Li, Finance Intern

TABLE OF CONTENTS

1. Introduction	
Background	3
Survey Summary	4
2. Detailed Analysis	
Quality of Life	5
Vibrant Downtown	6
Aquatic Center	7
Public Safety	8
Police	9
Fire	12
Public Works	13
Traffic & Roads	15
Garbage Service	17
Street Lighting	18
Parks and Recreation	19
Recreation	20
Convention Center	22
Park Maintenance	24
Other Services	25
Bus Services	26
Disabled Persons Services	27
Private Ambulance Services	28
Demographic Profile of Respondents	30
3. Appendix	35
Sample Survey	36
Methodology and Statistical Procedures	38
Responses to “Most Serious Issue”	40

INTRODUCTION

Background

The City of Visalia continuously strives to improve the quality of services that it provides to its citizens and identifies key areas to focus on to make Visalia a great place to live. In response to the necessary changes Visalia is undergoing, feedback from the community is needed. The survey is intended as a basic guide to measure the public concerns such as public works, public safety, and recreational activities to name a few.

The survey is entitled the 2007/2008 Public Opinion Survey. Although the phoning of citizens took place in the spring of 2008, questions were asked based upon the quality of services provided in the 2007 calendar year. Work on the 2008/2009 survey will begin in January of 2009.

A current residential telephone list was used for the 2007/2008 survey which included telephone listings for rental units.

Survey response data was collected and fed into an Excel spreadsheet. The data was evaluated and graphs and charts were created reflecting the response data. Although statistical software was not available for an in-depth analysis this year due to time and cost constraints, the information gathered is valuable nonetheless in providing some insight as to what is important to the citizens of Visalia and in what areas we need to focus our attention.

SURVEY SUMMARY

Overall

Overall it appears that Visalians enjoy living in Visalia, but they are concerned about gangs, fast growth, road maintenance and traffic conditions. Below is a general summary of the survey results.

Quality of Life

More than three quarters, 76%, of four hundred respondents rate the overall quality of life in Visalia as high or very high.

Public Safety

The survey shows that the Citizens of Visalia are concerned about gangs and violent crimes. More than half of the survey respondents rated the City's efforts at providing a safe community as high or very high.

98% of the respondents who contacted with the fire department rated the quality of their services as good or very good.

Public Works

Visalians give priority to essential services in the following order: road maintenance, traffic signs and signals, recreational activities, and park maintenance.

It appears that Visalians are increasingly concerned about the quality of road maintenance. Garbage service received consistently high ratings, this year, 77% of respondents rated the garbage service as good or very good.

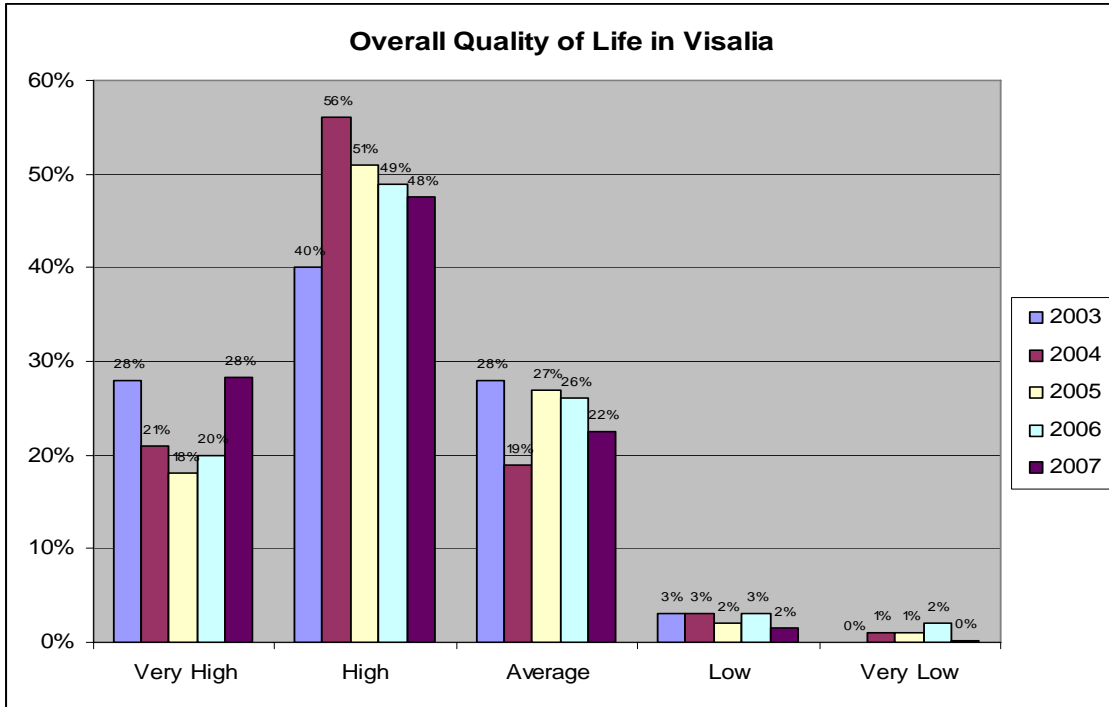
Parks and Recreation

More than half of the respondents rated the quality of the City's recreational activities as good or very good. Park maintenance was viewed as good to very good by 57% of respondents, 20% rated it as average.

Other Services

Those who had an opinion about transit services generally had a positive view. Residents also feel the need for a more enhanced downtown area, since 68% of respondents emphasized the importance of a vibrant downtown. However, most respondents do not see the need to have an Olympic style aquatic center.

Taking all things in to consideration, how would you rate the overall quality of life in Visalia?



2007 Significant Demographics						
Household Makeup						
	Single	Single with children	Married no children	Married with children	Non-related no children	Non-related with children
Very High	31%	27%	27%	29%	0%	40%
High	49%	37%	45%	50%	67%	20%
Average	18%	33%	27%	21%	0%	20%
Low	3%	0%	1%	0%	33%	20%
Very Low	0%	3%	0%	0%	0%	0%

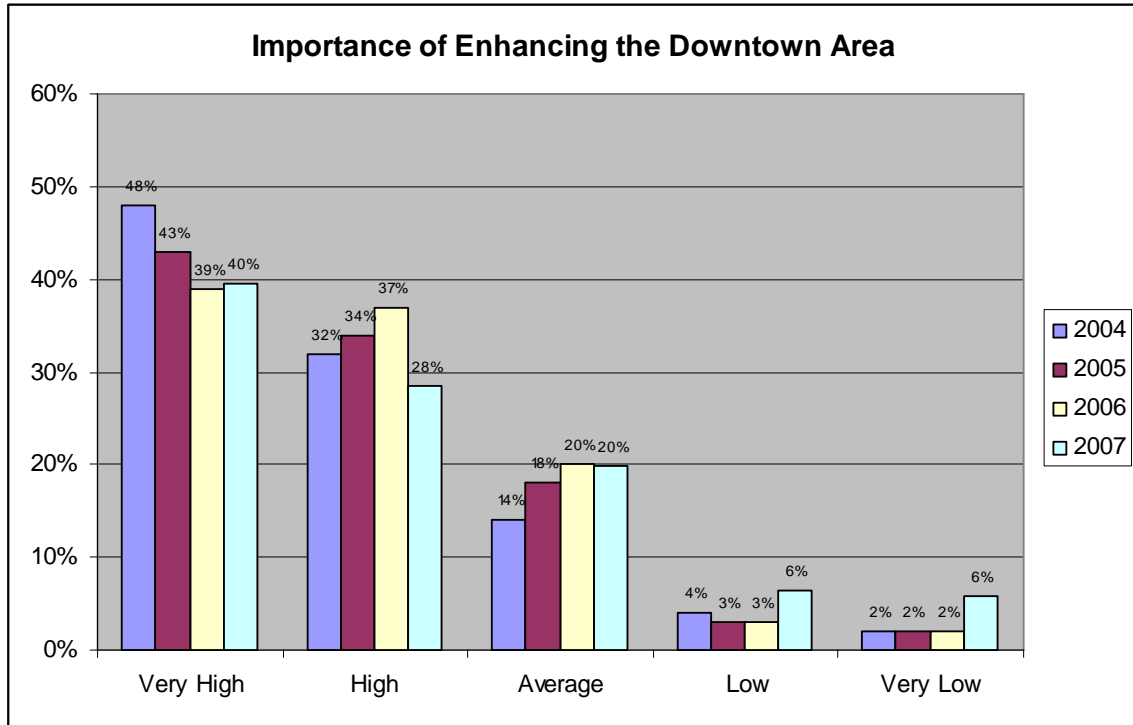
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Very High	17%	25%	26%	23%	33%
High	28%	36%	52%	56%	54%
Average	44%	35%	22%	18%	13%
Low	11%	3%	0%	4%	0%
Very Low	0%	1%	0%	0%	0%

Age			
	18 -34	35-54	55 and over
Very High	16%	23%	34%
High	48%	50%	47%
Average	33%	26%	18%
Low	2%	2%	1%
Very Low	2%	0%	0%

Year-To-Year					
	2003	2004	2005	2006	2007
Very High	28%	21%	18%	20%	0%
High	40%	56%	51%	49%	0%
Average	28%	19%	27%	26%	0%
Low	3%	3%	2%	3%	0%
Very Low	0%	1%	1%	2%	0%

76% of respondents rate the quality of life here in the City as high or very high, compared to 69 % last year. Younger and lower income residents are the least satisfied.

How important is it to you to enhance and expand the downtown area?



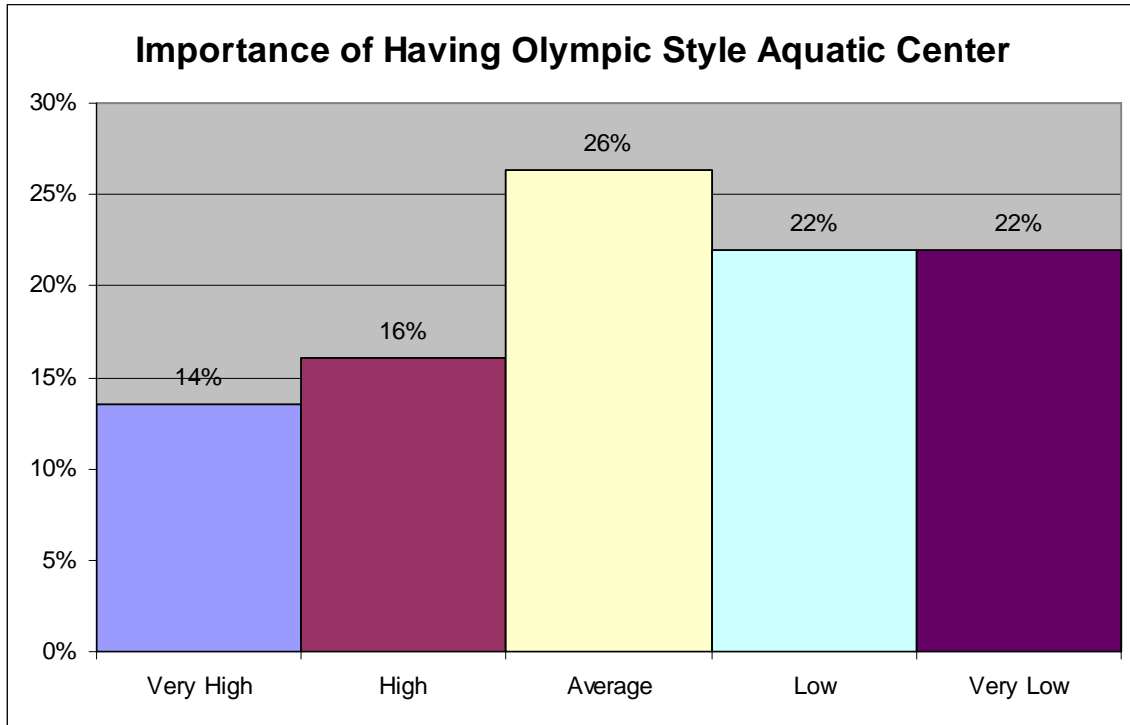
2007 Significant Demographics					
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Very High	12%	34%	37%	51%	47%
High	18%	28%	33%	25%	29%
Average	35%	25%	23%	9%	14%
Low	6%	4%	5%	9%	9%
Very Low	29%	10%	2%	7%	1%

Quadrant				
	Northeast	Southeast	Northwest	Southwest
Very High	38%	36%	44%	36%
High	36%	25%	25%	33%
Average	17%	22%	20%	19%
Low	8%	7%	6%	5%
Very Low	2%	11%	4%	6%

Year-To-Year				
	2004	2005	2006	2007
Very High	48%	43%	39%	40%
High	32%	34%	37%	28%
Average	14%	18%	20%	20%
Low	4%	3%	3%	6%
Very Low	2%	2%	2%	6%

68% of respondents rated the importance of having a vibrant downtown as high or very high. Those who have higher incomes are more likely to agree. Residents living in all quadrants of the City seem to have similar views about the downtown area.

How important is it to you to have an Olympic style aquatic center in Visalia?



2007 Significant Demographics						
Household Makeup						
	Single	Single with children	Married no children	Married with children	Non-related no children	Non-related with children
Very High	6%	24%	12%	15%	0%	40%
High	12%	24%	16%	18%	0%	0%
Average	28%	24%	27%	25%	33%	40%
Low	26%	21%	27%	19%	33%	20%
Very Low	28%	7%	17%	24%	33%	0%

Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Very High	18%	16%	11%	5%	18%
High	12%	21%	14%	14%	12%
Average	6%	30%	33%	39%	20%
Low	24%	23%	19%	21%	25%
Very Low	41%	10%	23%	21%	25%

Age			
	18 -34	35-54	55 and over
Very High	18%	17%	11%
High	18%	18%	15%
Average	26%	27%	26%
Low	18%	21%	24%
Very Low	21%	16%	25%

This question regarding the construction of an Olympic style aquatic center is new this year, and residents do not seem to like this idea. 70% respondents gave low or average ratings for such new aquatic center. Those who have lower income and elderly residents disagree more frequently. In addition, residents are not willing to pay for the construction cost. Most respondents think those who will use it should help pay for it via user fees.

PUBLIC SAFETY SUMMARY

Police Department

Police Service Rating

A majority, 76% of respondents who had contact with the Police Department in 2007 considered the quality of the service they received as good or better.

Effort at Providing a Safe Community

57% of the respondents thought the City's efforts at providing a safe community were high to very high.

What Criminal Activity Should the City Target?

The residents of Visalia are most concerned about gang activity and violent crimes. The concerns for gang activities increased by 8% since 2006, but 10% of respondents worry less about violent crimes. A number of respondents mentioned that all crimes should be targeted, and they were categorized into the category, "other".

Fire Department

Fire Service Rating

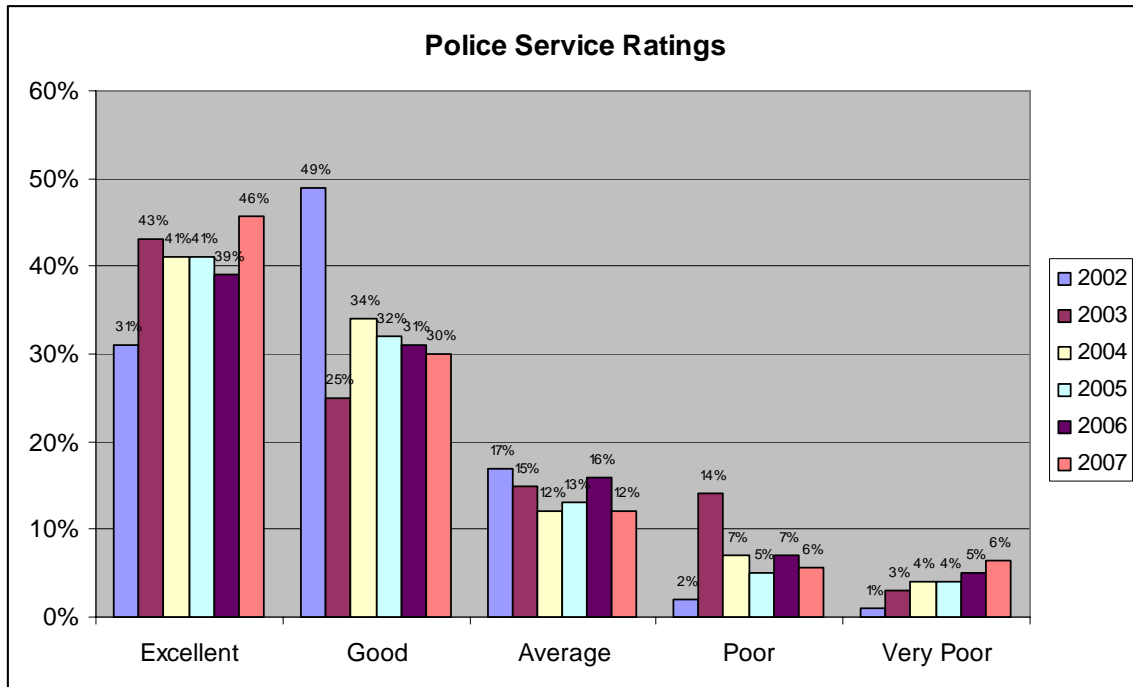
Of those who had contact with a firefighter in 2007, the majority, 80% comment that they provided excellent service. In addition, another 18% of respondents rated the service they received from the Fire Department as good.

Quality of Emergency Medical Response by Fire

Of the total responses, 59% rated the quality of medical response by fire as good to very good. This is about the same compared to 2006 and an 11% increase as compared to 2005.

The increase might be attributed to the recent training of the firefighters and ambulance operators as paramedics.

How do you rate the quality of service you received from the Police Department?

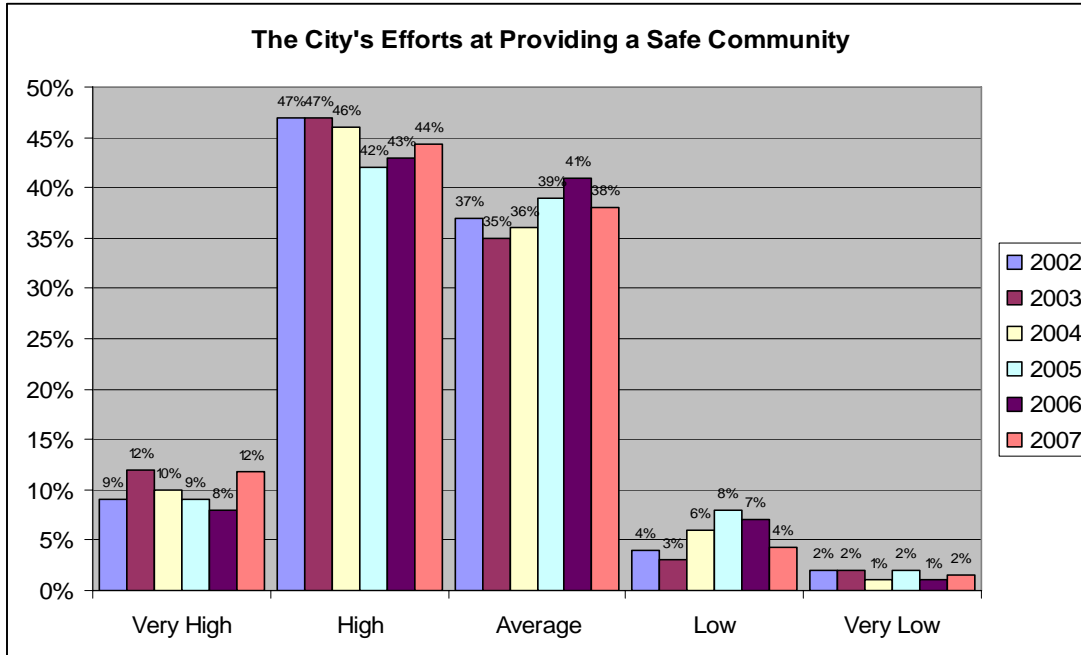


2007 Significant Demographics			
Age			
	18 -34	35-54	55 and over
Excellent	38%	52%	45%
Good	28%	26%	33%
Average	28%	12%	6%
Poor	7%	5%	6%
Very Poor	0%	5%	10%

Year-To-Year						
	2002	2003	2004	2005	2006	2007
Excellent	31%	43%	41%	41%	39%	46%
Good	49%	25%	34%	32%	31%	30%
Average	17%	15%	12%	13%	16%	12%
Poor	2%	14%	7%	5%	7%	6%
Very Poor	1%	3%	4%	4%	5%	6%

35% of respondents had contact with the Police Department, 76% of them considered the quality of services they received were good or better. Younger respondents were more likely to give lower ratings to their encounters with the police, and those who are 35 or older were happy with the services they received. 46% of respondents felt police services were excellent, higher than all previous years. Another 30% gave police good ratings. The overall satisfaction is higher than last year's 70%, however, the below average ratings also increased from 3% in 2002, to this year's 12%.

How do you rate the City's efforts at providing a safe community?



2007 Significant Demographics					
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Very High	6%	10%	11%	12%	13%
High	22%	30%	53%	44%	52%
Average	44%	52%	35%	40%	30%
Low	22%	7%	1%	2%	5%
Very Low	6%	1%	0%	2%	1%

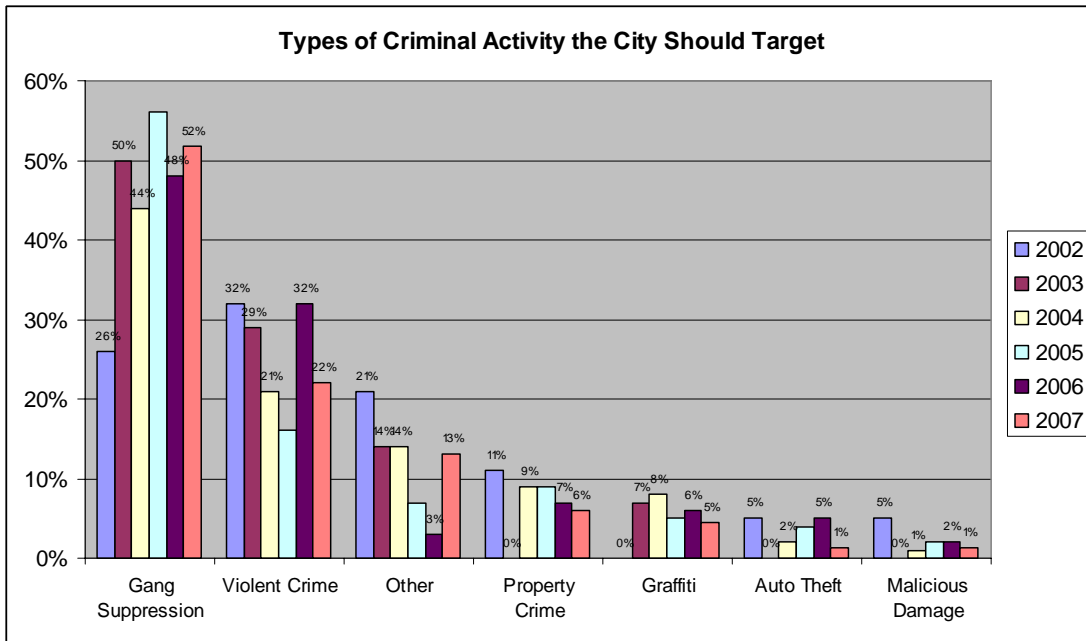
Quadrant				
	Northeast	Southeast	Northwest	Southwest
Very High	15%	12%	12%	9%
High	30%	52%	48%	41%
Average	42%	32%	35%	45%
Low	9%	1%	4%	5%
Very Low	4%	3%	1%	0%

Age			
	18 -34	35-54	55 and over
Very High	8%	12%	13%
High	42%	42%	46%
Average	44%	38%	37%
Low	3%	6%	4%
Very Low	3%	2%	1%

Year-To-Year						
	2002	2003	2004	2005	2006	2007
Very High	9%	12%	10%	9%	8%	12%
High	47%	47%	46%	42%	43%	44%
Average	37%	35%	36%	39%	41%	38%
Low	4%	3%	6%	8%	7%	4%
Very Low	2%	2%	1%	2%	1%	2%

More than half of the respondents thought the City's efforts at providing a safe community were high to very high. Those from the Southeast were more likely to give higher ratings. Also elderly residents give higher ratings than younger residents. Since 2003, there has been a gradual decrease in the ratings, but this year, the ratings were higher than the previous two years.

To provide a safer community, what type of criminal activity should the City target?



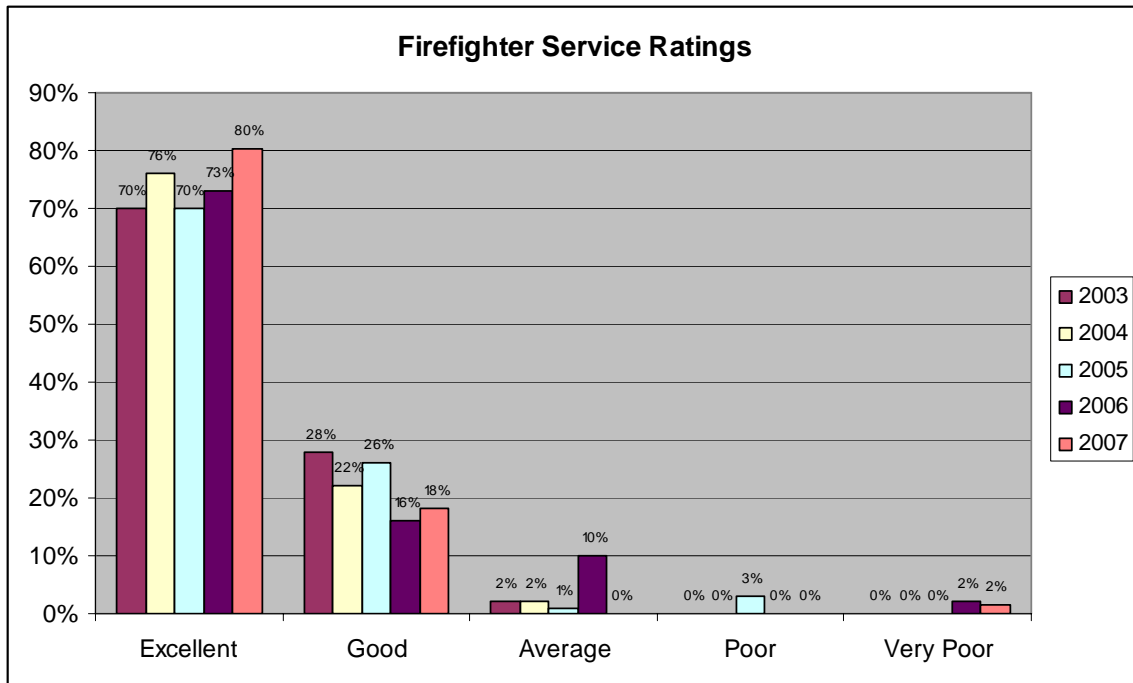
2007 Significant Demographics					
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
Violent Crime	17%	33%	22%	15%	18%
Property Crime	0%	5%	8%	7%	8%
Auto Theft	0%	3%	2%	2%	0%
Malicious Damage	0%	3%	2%	0%	0%
Graffiti	0%	4%	3%	7%	6%
Gang Suppression	61%	40%	52%	60%	60%
Other	22%	14%	10%	9%	8%

Homeownership			
	Own	Rent	Other
Violent Crime	18%	37%	31%
Property Crime	6%	6%	8%
Auto Theft	2%	0%	0%
Malicious Damage	1%	0%	8%
Graffiti	6%	0%	0%
Gang Suppression	54%	46%	38%
Other	14%	10%	15%

Year-To-Year						
	2002	2003	2004	2005	2006	2007
Gang Suppression	26%	50%	44%	56%	48%	52%
Violent Crime	32%	29%	21%	16%	32%	22%
Other	21%	14%	14%	7%	3%	13%
Property Crime	11%	0%	9%	9%	7%	6%
Graffiti	0%	7%	8%	5%	6%	5%
Auto Theft	5%	0%	2%	4%	5%	1%
Malicious Damage	5%	0%	1%	2%	2%	1%

The residents of Visalia are most concerned about gang activity and violent crimes. There has been a 4% increase in gang suppression concerns from 2006, but the concerns for violent crimes dropped by 10%. For all income brackets, residents seem to have similar concerns regarding crime. Homeownership also does not make a difference in residents' concerns. The category "other" includes residents who believe all crimes should be targeted.

How would you rate the service you received from the Fire Department?



2007 Significant Demographics						
Household Makeup						
	Single	Single with children	Married no children	Married with children	Non-related no children	Non-related with children
Excellent	88%	67%	80%	78%	0%	100%
Good	13%	33%	20%	19%	0%	0%
Average	0%	0%	0%	0%	0%	0%
Poor	0%	0%	0%	0%	0%	0%
Very Poor	0%	0%	0%	3%	0%	0%

Homeownership			
	Own	Rent	Other
Excellent	79%	80%	100%
Good	19%	20%	0%
Average	0%	0%	0%
Poor	0%	0%	0%
Very Poor	2%	0%	0%

Year-To-Year					
	2003	2004	2005	2006	2007
Excellent	70%	76%	70%	73%	80%
Good	28%	22%	26%	16%	18%
Average	2%	2%	1%	10%	0%
Poor	0%	0%	3%	0%	0%
Very Poor	0%	0%	0%	2%	2%

Of those 15% respondents who had contact with a firefighter in 2007, the majority comment that they are providing an excellent service. Factors like household makeup and homeownership do not make a difference in residents' opinions. More importantly, this high rating is not only consistent, but also increases almost every year.

PUBLIC WORKS SUMMARY

Visalians give priority to essential services in the following order: road maintenance, traffic signs and signals, recreational activities, and park maintenance. This section of the survey will look at those services provided by public works. The following sections will analyze the ratings given for parks and recreation.

Traffic & Roads

Road Maintenance

Only 29% of respondents in 2007 rate road maintenance as good or very good. In 2007, 73% of respondents rated road maintenance as at least average.

Traffic Conditions

64% of respondents rate traffic conditions as average or below. Significantly less than half of the respondents are satisfied with traffic conditions.

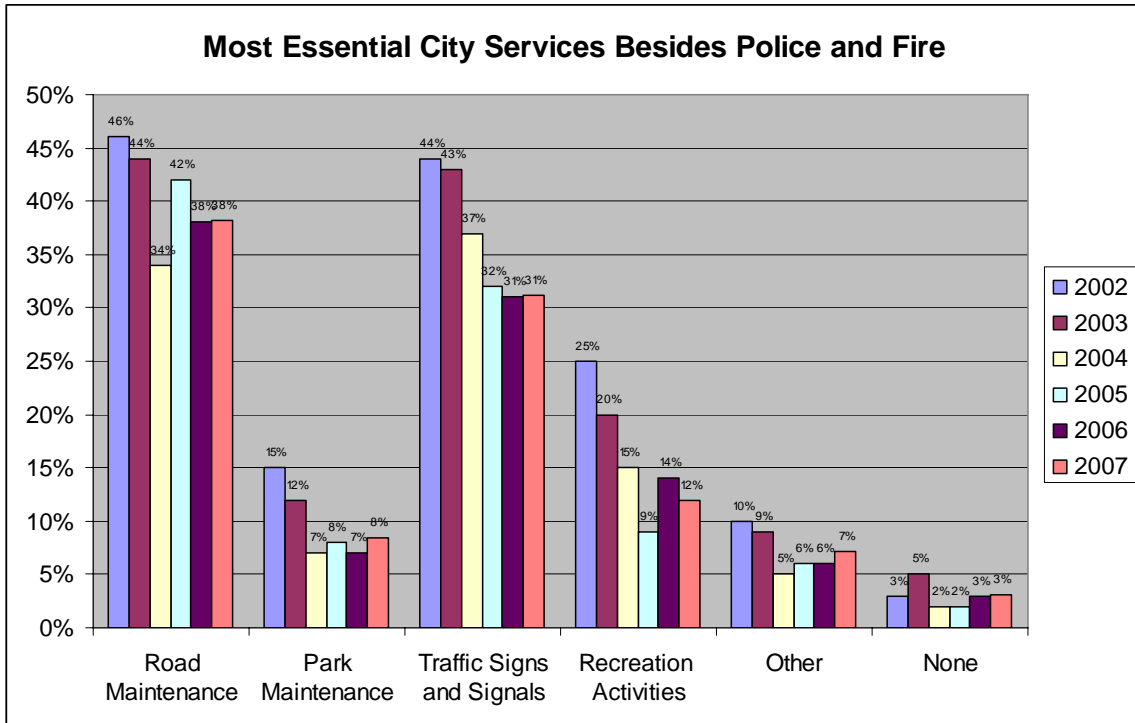
Garbage Service

In 2007, 42% of respondents rated the quality of garbage service as good and 35% rated the quality as very good. Only 6% of respondents rated the service as poor or very poor.

Street Lighting

Half of the respondents rated street lighting as good to very good.

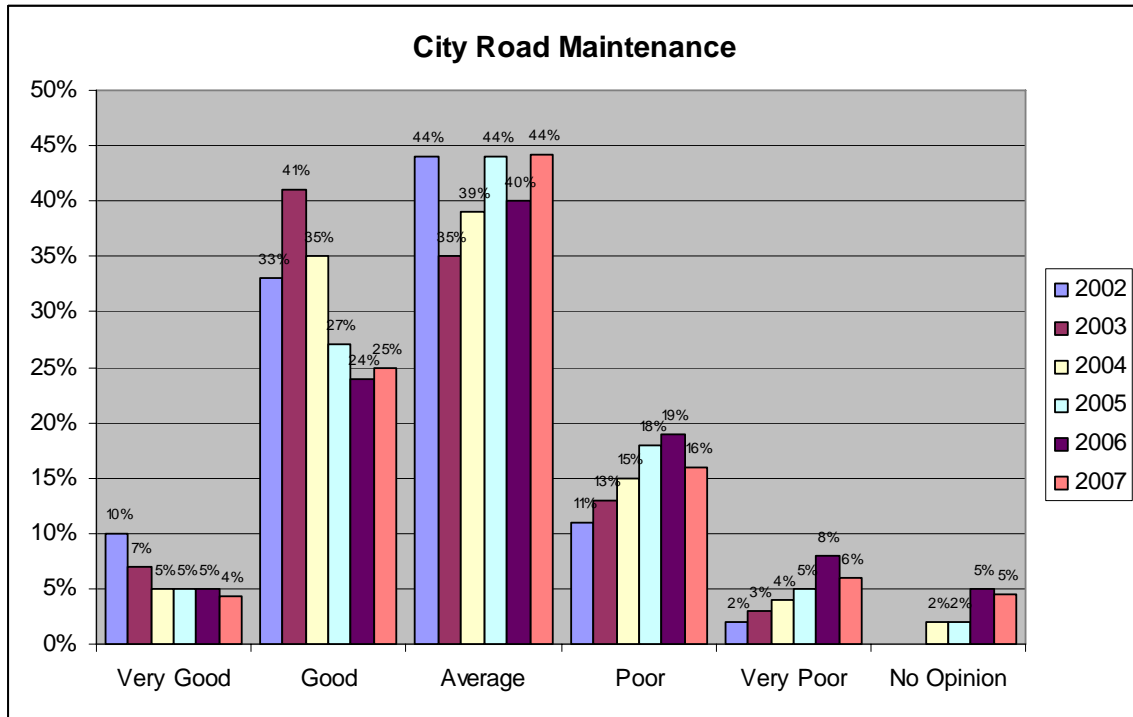
What do you consider the most essential City services besides Police and Fire?



Year-To-Year						
	Road Maintenance	Park Maintenance	Traffic Signs and Signals	Recreation Activities	Other	None
2002	46%	15%	44%	25%	10%	3%
2003	44%	12%	43%	20%	9%	5%
2004	34%	7%	37%	15%	5%	2%
2005	42%	8%	32%	9%	6%	2%
2006	38%	7%	31%	14%	6%	3%
2007	38%	8%	31%	12%	7%	3%

Visalians give priority to essential services in the following order: road maintenance, traffic signs and signals, recreational activities, and park maintenance. Multiple answers were allowed, and the total responses do not add up to exactly 400. On one hand, the concerns for road and traffic all decreased somewhat since 2002, but they are still issues that the City should focus on. On the other hand, the demand for better or more recreation activities and park services has been increasing in the last few years.

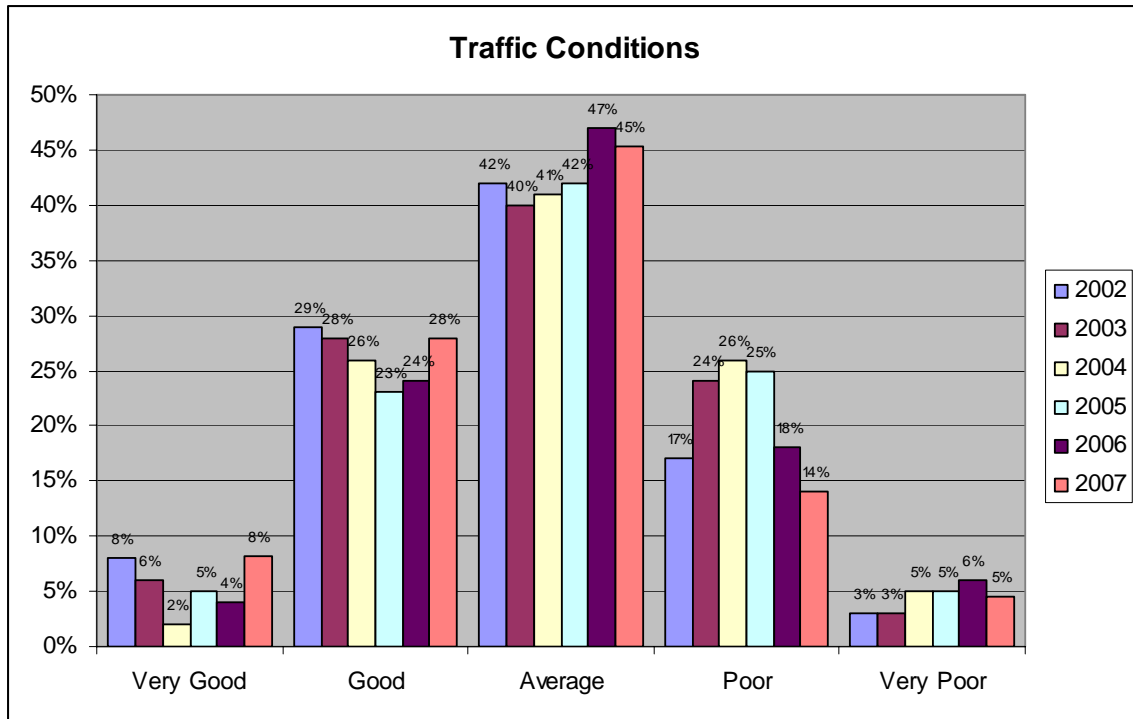
How do you rate the quality of road maintenance?



Year-To-Year						
	2002	2003	2004	2005	2006	2007
Very Good	10%	7%	5%	5%	5%	4%
Good	33%	41%	35%	27%	24%	25%
Average	44%	35%	39%	44%	40%	44%
Poor	11%	13%	15%	18%	19%	16%
Very Poor	2%	3%	4%	5%	8%	6%
No Opinion	0%	0%	2%	2%	5%	5%

Only 29% of respondents in 2007 rate road maintenance as good or very good. Although 73% of respondents rated the road maintenance as average or higher - but the majority of those responses, or 44% were average, which is a 4% increase from last year. On a positive note, the percentage of poor ratings dropped from 27% to 22%.

Do you view the traffic conditions in Visalia as...



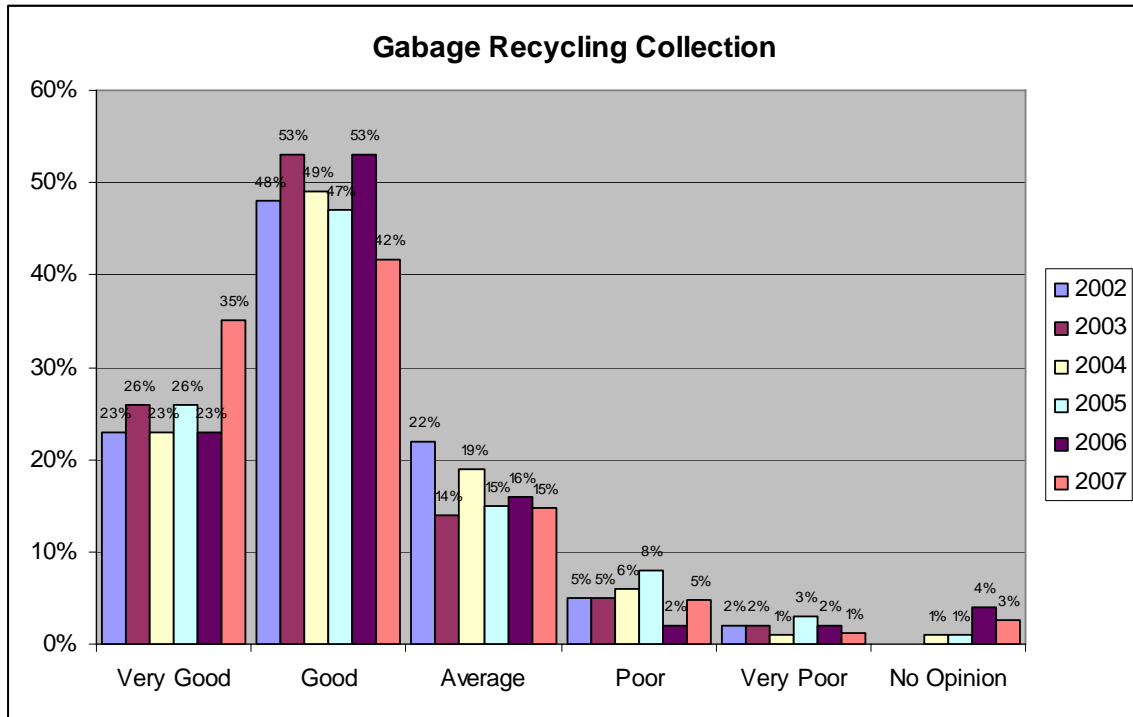
2007 Significant Demographics				
Quadrant				
	Northeast	Southeast	Northwest	Southwest
Very Good	6%	4%	8%	12%
Good	30%	32%	26%	26%
Average	48%	39%	45%	49%
Poor	12%	21%	15%	9%
Very Poor	4%	4%	5%	5%

Age			
	18 -34	35-54	55 and over
Very Good	17%	3%	8%
Good	27%	34%	26%
Average	43%	44%	46%
Poor	10%	15%	14%
Very Poor	3%	4%	5%

Year-To-Year						
	2002	2003	2004	2005	2006	2007
Very Good	8%	6%	2%	5%	4%	8%
Good	29%	28%	26%	23%	24%	28%
Average	42%	40%	41%	42%	47%	45%
Poor	17%	24%	26%	25%	18%	14%
Very Poor	3%	3%	5%	5%	6%	5%

Most of the respondents, 45% rated traffic conditions as average. 36% rated higher than average and 19% rated lower than average. Respondents from Southeast are the least satisfied with the traffic conditions, but age does not seem to be an important factor contributing to the ratings.

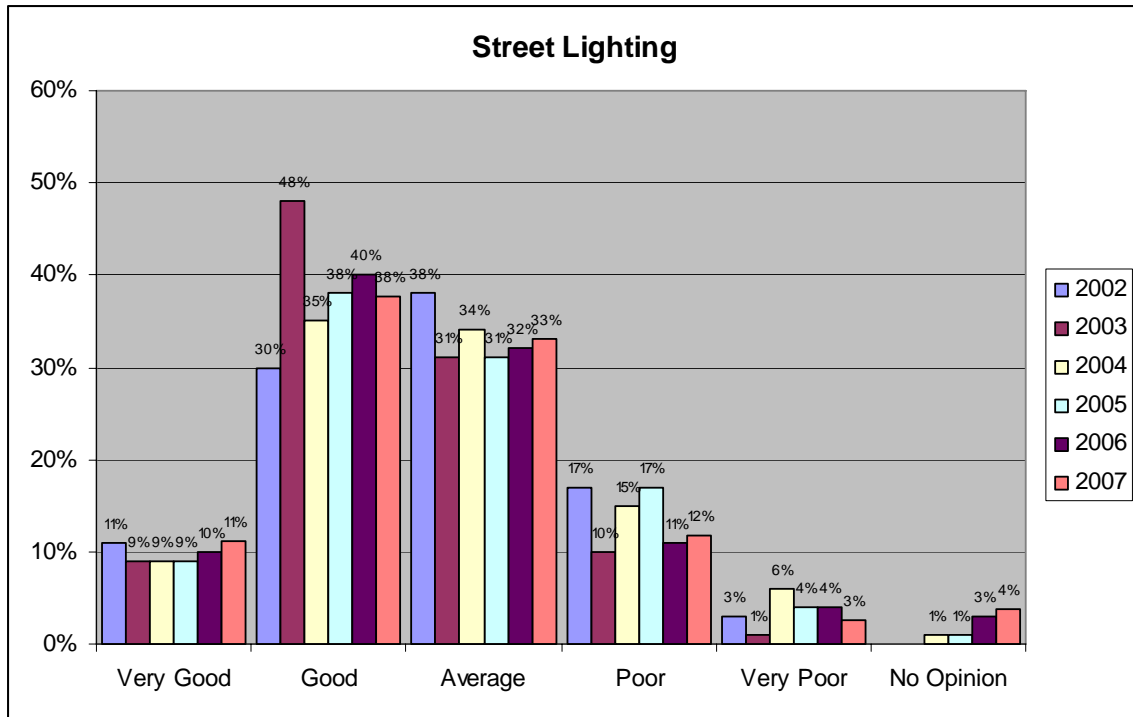
How do you rate the quality of garbage service?



Year-To-Year						
	2002	2003	2004	2005	2006	2007
Very Good	23%	26%	23%	26%	23%	35%
Good	48%	53%	49%	47%	53%	42%
Average	22%	14%	19%	15%	16%	15%
Poor	5%	5%	6%	8%	2%	5%
Very Poor	2%	2%	1%	3%	2%	1%
No Opinion	1%	1%	1%	1%	4%	3%

For 2007, residents of Visalia are a lot more satisfied with the garbage collection service. 12% more respondents gave them a very good rating this year compared to last. As a matter of fact, the garbage collection service consistently receives high ratings through the years. In addition, the average and poor ratings keep decreasing.

How do you rate the quality of street lighting?



	Year-To-Year					
	2002	2003	2004	2005	2006	2007
Very Good	11%	9%	9%	9%	10%	11%
Good	30%	48%	35%	38%	40%	38%
Average	38%	31%	34%	31%	32%	33%
Poor	17%	10%	15%	17%	11%	12%
Very Poor	3%	1%	6%	4%	4%	3%
No Opinion	1%	1%	1%	1%	3%	4%

Half of the respondents rated street lighting as good to very good. Throughout the years, this rating has also been consistently high.

Recreation Activities

Almost half of the respondents rated the quality of the City's recreational activities as good or very good. Those who have children were more satisfied than any other type of household makeup.

Senior Citizen Services

A third of respondents rated senior citizen services as good to very good. A significant number of respondents, 49%, had no opinion.

Convention Center

Over half of the respondents, 67%, attended at least one activity at the convention center last year. In 2006, 56% of respondents said they attended an activity at the convention center in the last year.

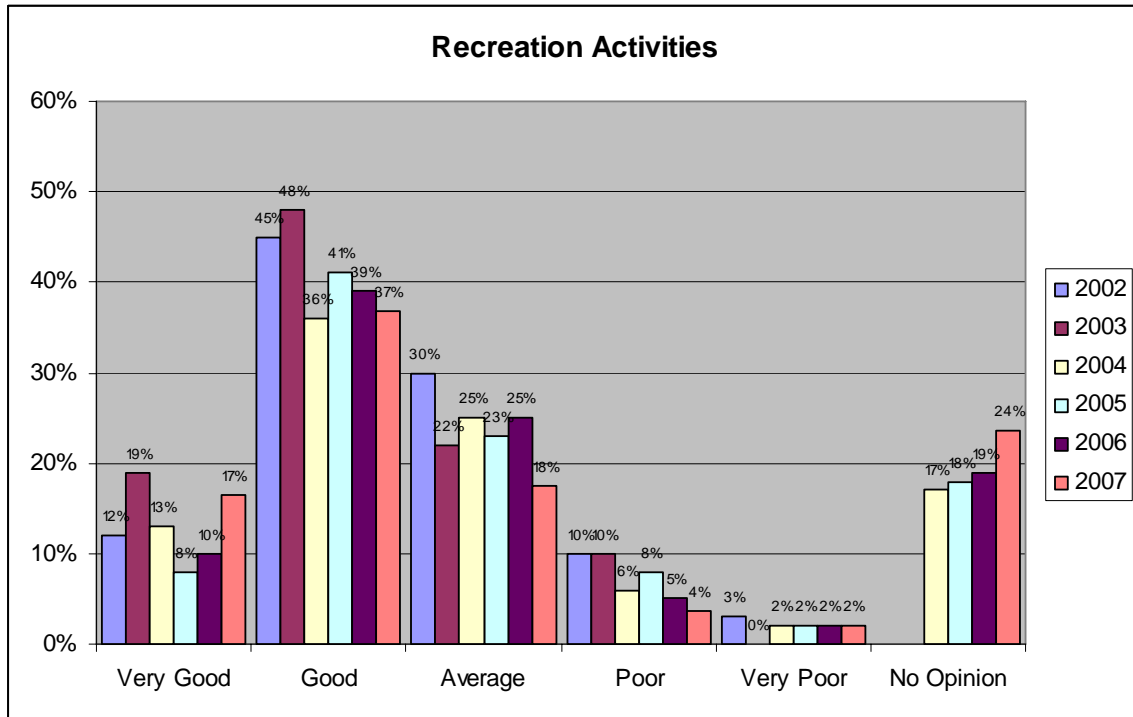
In 2007, respondents would like to attend, in descending order:

1. consumer shows,
2. concerts,
3. conferences,
4. holiday & reception events,
5. dances, and
6. other.

Park Maintenance

Park maintenance was viewed as good to very good by 57% of respondents, 20% rated it as average.

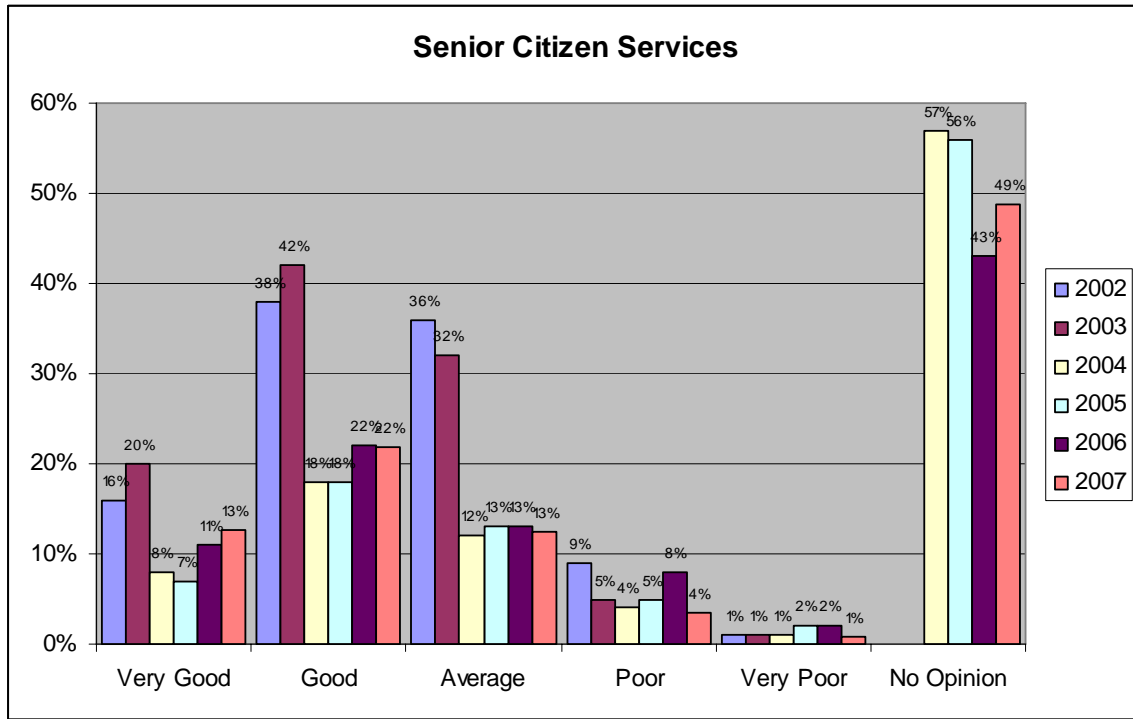
How do you rate the quality of recreation activities?



Year-To-Year						
	2002	2003	2004	2005	2006	2007
Very Good	12%	19%	13%	8%	10%	17%
Good	45%	48%	36%	41%	39%	37%
Average	30%	22%	25%	23%	25%	18%
Poor	10%	10%	6%	8%	5%	4%
Very Poor	3%	0%	2%	2%	2%	2%
No Opinion			17%	18%	19%	24%

Almost half of the respondents rated the quality of the City's recreational activities as good or very good. However, there are 24% of residents who have no opinion regarding this issue. There has been little variation in response over the past few years.

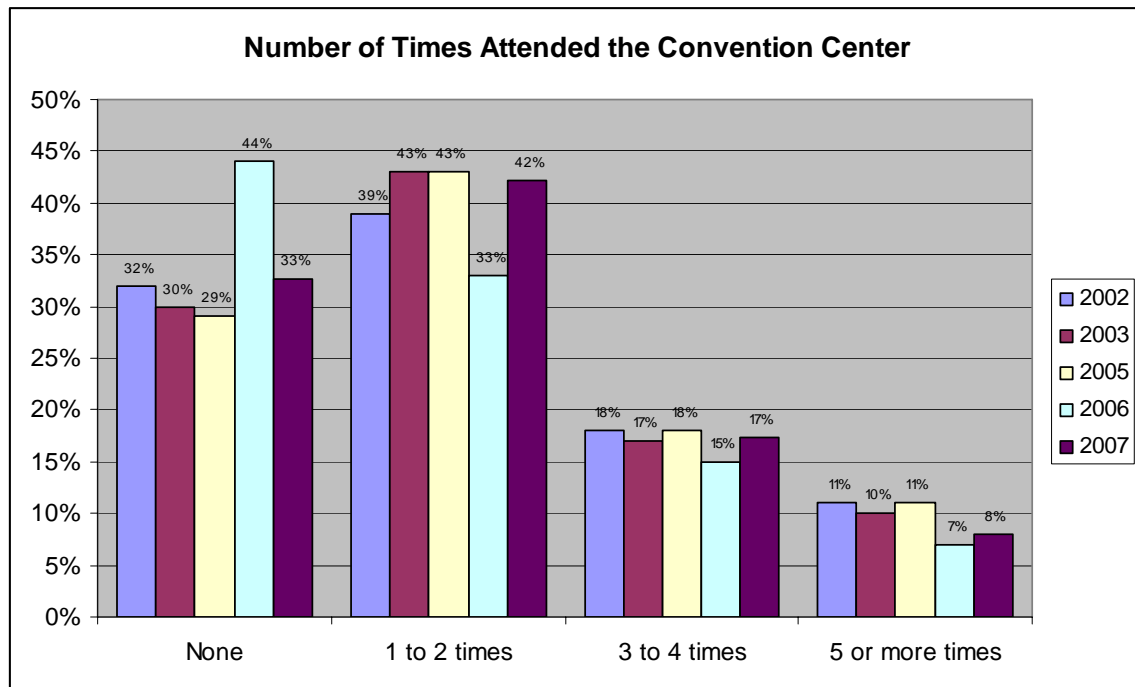
How do you rate the quality of senior citizen services?



	Year-To-Year					
	2002	2003	2004	2005	2006	2007
Very Good	16%	20%	8%	7%	11%	13%
Good	38%	42%	18%	18%	22%	22%
Average	36%	32%	12%	13%	13%	13%
Poor	9%	5%	4%	5%	8%	4%
Very Poor	1%	1%	1%	2%	2%	1%
No Opinion			57%	56%	43%	49%

35% of respondents rates senior citizen services as good or very good. A significant number of respondents, 49% had no opinion.

How many times have you attended activities at the convention center in the last year?



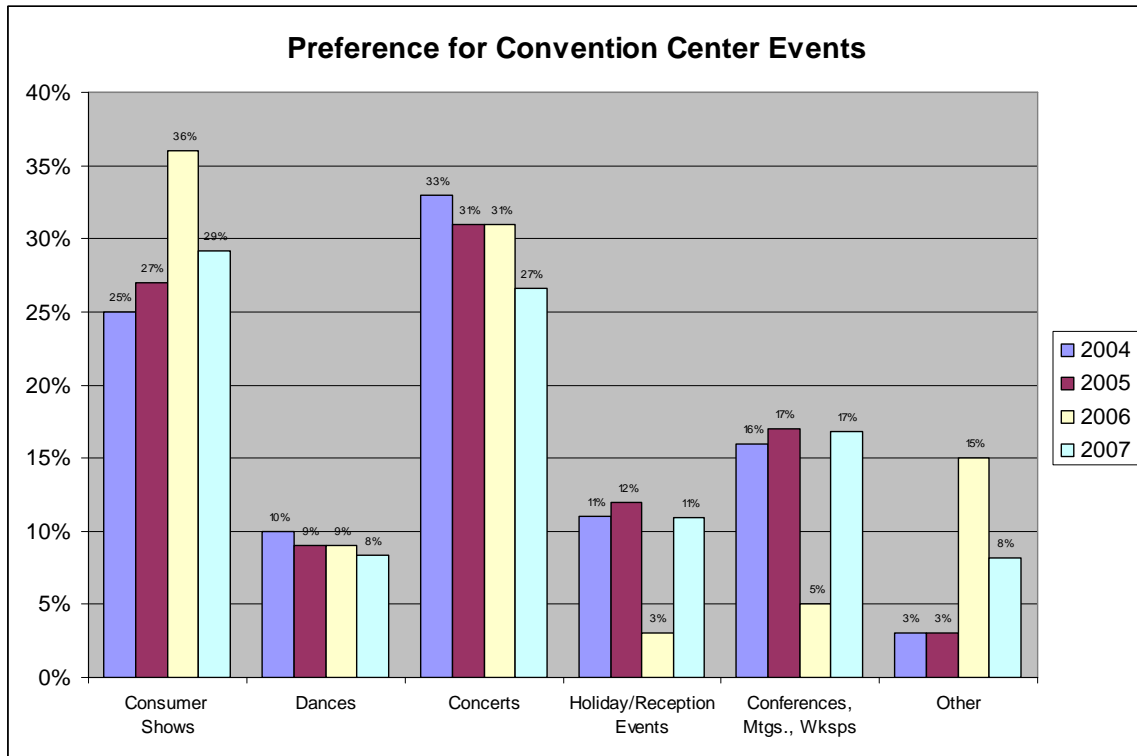
2007 Significant Demographics					
Income					
	Less than \$15k	\$15k - \$40k	\$40k - \$70k	\$70k - \$100k	\$100k and over
None	72%	48%	28%	23%	17%
1 to 2 times	28%	35%	49%	40%	51%
3 to 4 times	0%	7%	19%	23%	20%
5 or more times	0%	10%	4%	14%	11%

Age			
	18 -34	35-54	55 and over
None	34%	24%	36%
1 to 2 times	41%	51%	38%
3 to 4 times	18%	15%	18%
5 or more times	7%	10%	7%

Year-To-Year					
	2002	2003	2005	2006	2007
None	32%	30%	29%	44%	33%
1 to 2 times	39%	43%	43%	33%	42%
3 to 4 times	18%	17%	18%	15%	17%
5 or more times	11%	10%	11%	7%	8%

67% of the respondents attended at least one activity or event at the convention center last year and 8% attended more than five times. Those who have higher incomes were more likely to attend events at the convention center, but age does not seem to be a factor contributing to residents' preferences. Over the years, an increasing number of people have begun to visit the convention center.

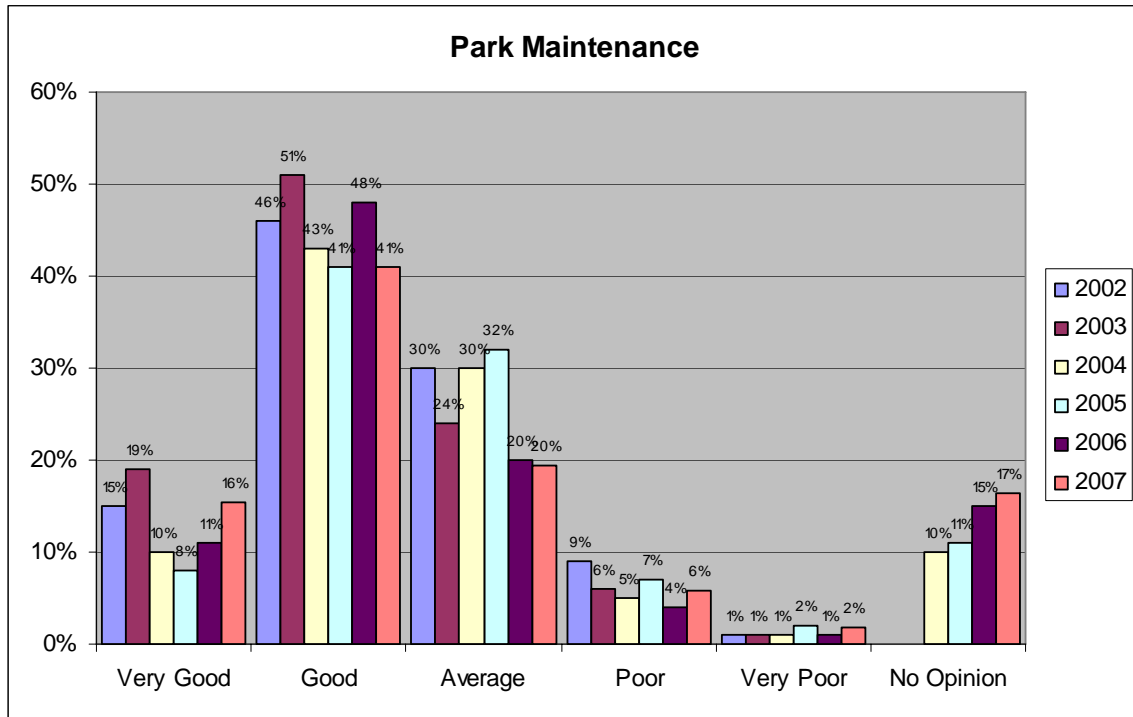
What type of events would you like to attend at the convention center in the future?



Year-To-Year						
	Consumer Shows	Dances	Concerts	Holiday/Reception Events	Conferences, Mtgs., Wksp	Other
2004	25%	10%	33%	11%	16%	3%
2005	27%	9%	31%	12%	17%	3%
2006	36%	9%	31%	3%	5%	15%
2007	29%	8%	27%	11%	17%	8%

In 2007, respondents would like to attend in descending order; consumer shows, concerts, conferences, holiday & reception events, dances, and other. In 2006 the greatest preference was for consumer shows.

How do you rate the quality of park maintenance?



	Year-To-Year					
	2002	2003	2004	2005	2006	2007
Very Good	15%	19%	10%	8%	11%	16%
Good	46%	51%	43%	41%	48%	41%
Average	30%	24%	30%	32%	20%	20%
Poor	9%	6%	5%	7%	4%	6%
Very Poor	1%	1%	1%	2%	1%	2%
No Opinion			10%	11%	15%	17%

Park maintenance is viewed as good to very good by 57% of respondents, 20% rate it as average. Respondents are more favorable of park maintenance in 2006 overall, but there are 5% more respondents who rate the services provided as very good in 2007.

OTHER SERVICES SUMMARY

The services in this section of the survey did not correspond to a specific department. These services include: bus services, services for disabled persons, and private ambulance services.

Quality of Bus Services

28% of respondents rated bus services as good to very good and 56% had no opinion. Even though the ridership is up, most residents still do not use the public transportation system. As gas prices increase, this number should be closely monitored in future years.

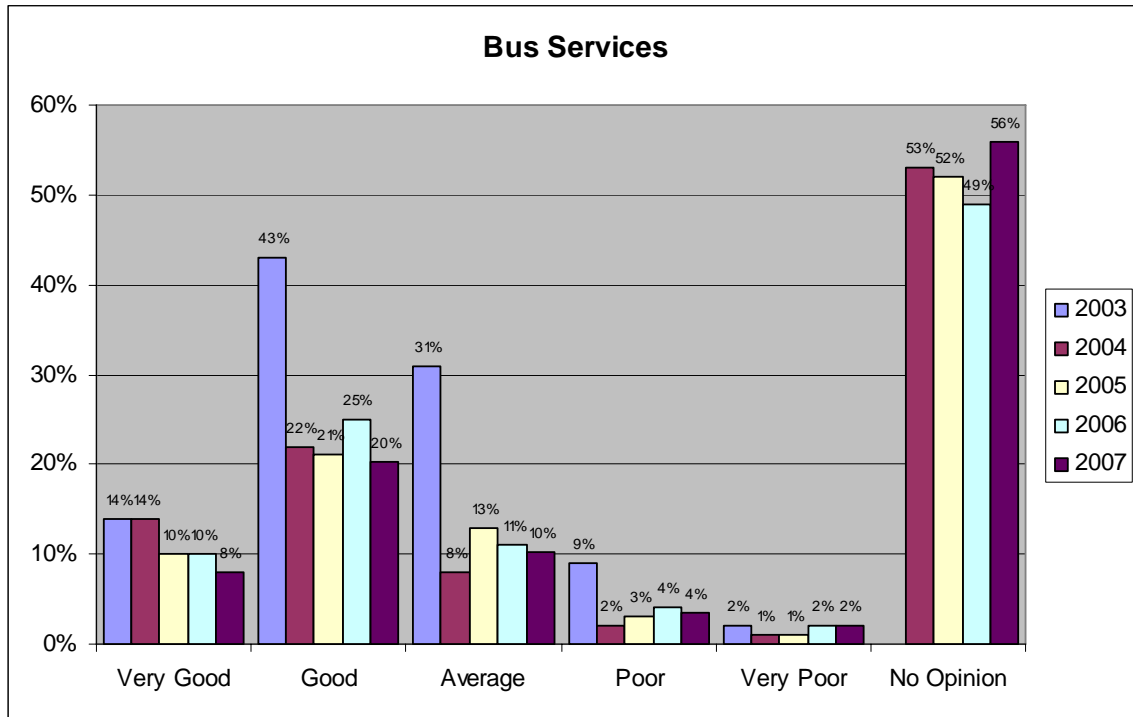
Quality of Services for Disabled Persons

25% of respondents rated the quality of services for disabled persons as good or very good. 57% of respondents had no opinion.

Quality of Private Ambulance Services

The majority of respondents, 55%, had no opinion about the quality of ambulance. A good or very good rating was received by 37% of respondents in the 2007.

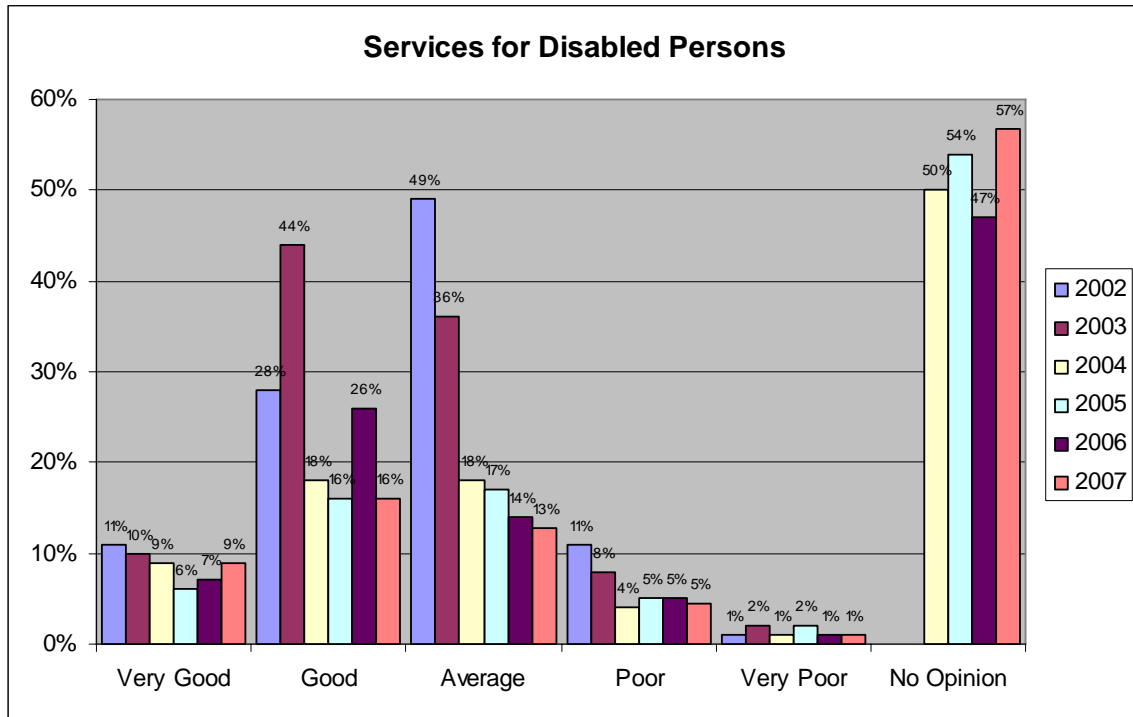
How do you rate the quality of bus services?



	Year-To-Year				
	2003	2004	2005	2006	2007
Very Good	14%	14%	10%	10%	8%
Good	43%	22%	21%	25%	20%
Average	31%	8%	13%	11%	10%
Poor	9%	2%	3%	4%	4%
Very Poor	2%	1%	1%	2%	2%
No Opinion		53%	52%	49%	56%

A significant amount, 56% of the respondents have no opinion regarding the bus services provided by the City, and among those who responded to this question, 28% of them rated bus services as good to very good. This actually decreased from previous years' 35%.

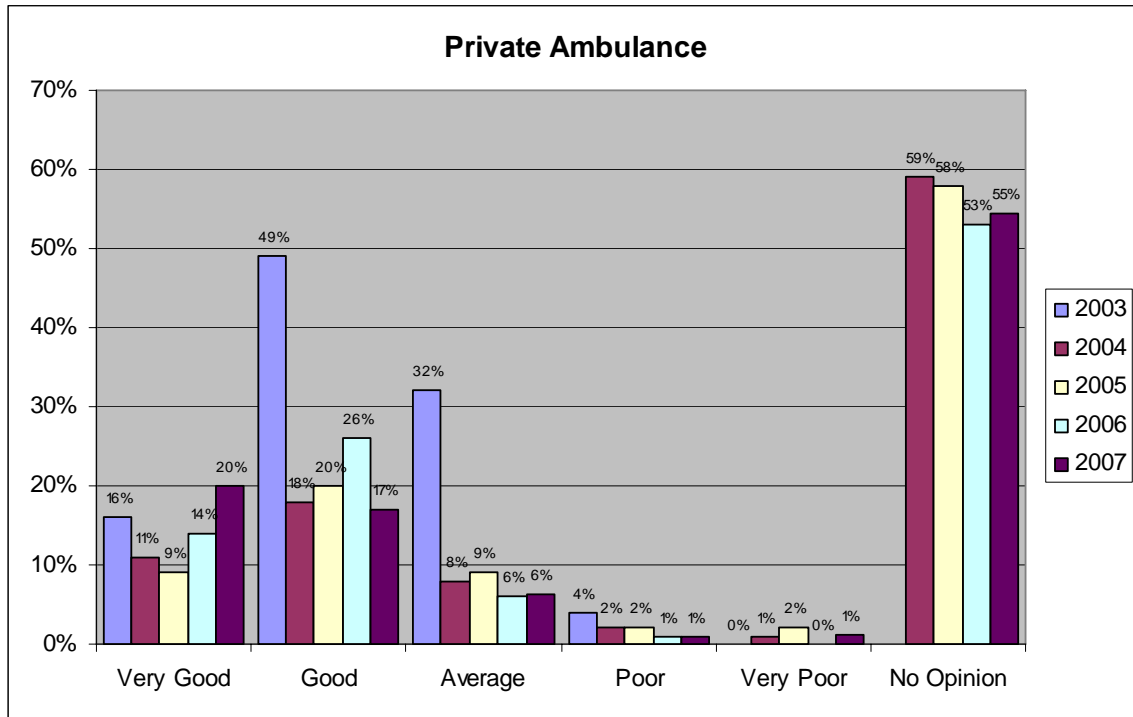
How do you rate the quality of services for disabled persons?



	Year-To-Year					
	2002	2003	2004	2005	2006	2007
Very Good	11%	10%	9%	6%	7%	9%
Good	28%	44%	18%	16%	26%	16%
Average	49%	36%	18%	17%	14%	13%
Poor	11%	8%	4%	5%	5%	5%
Very Poor	1%	2%	1%	2%	1%	1%
No Opinion			50%	54%	47%	57%

25% of respondents rated the quality of services for disabled persons as good or very good. 57% of respondents had no opinion.

How do you rate the quality of private ambulance services?



	Year-To-Year				
	2003	2004	2005	2006	2007
Very Good	16%	11%	9%	14%	20%
Good	49%	18%	20%	26%	17%
Average	32%	8%	9%	6%	6%
Poor	4%	2%	2%	1%	1%
Very Poor	0%	1%	2%	0%	1%
No Opinion	59%	58%	53%	55%	55%

The majority of respondents, 55%, had no opinion about the quality of private ambulance. 37% rated this service good or very good.

SUMMARY OF OPEN RESPONSES

Survey respondents were asked what they thought was the most serious issue facing Visalia. With the format of an open-ended question, multiple responses were allowed. The total of responses to this question does not equal the four hundred. The most frequent words in the responses were gang, growth violence, crime, and drugs. A representative sample of the responses are attached in the appendix.

For the most part citizens are concerned about gangs, violence and crime, as well as growth. Crime in this case involves any acts involving drugs, violence, and theft. Several responses included gangs and gang violence along with graffiti. Growth concerns related mostly to the rapid expansion and farming land conversion. Citizens also felt traffic conditions could be less congested. Another traffic problem was speeding vehicles and general road maintenance concerns. A few suggestions by the respondents included bringing in more businesses, more activities or programs for youth, improving the air quality and more recreational places for kids to enjoy.

Out of those 308 who responded to this question, the word "gang" appeared in 151 of the responses. Gang related issues should be the top priority of the City. 59 responses included the words "violence" or "crime". 34 responses contained the word "growth", followed by 11 responses including the word "traffic". This information indicates the top concerns of the residents.

DEMOGRAPHIC SUMMARY

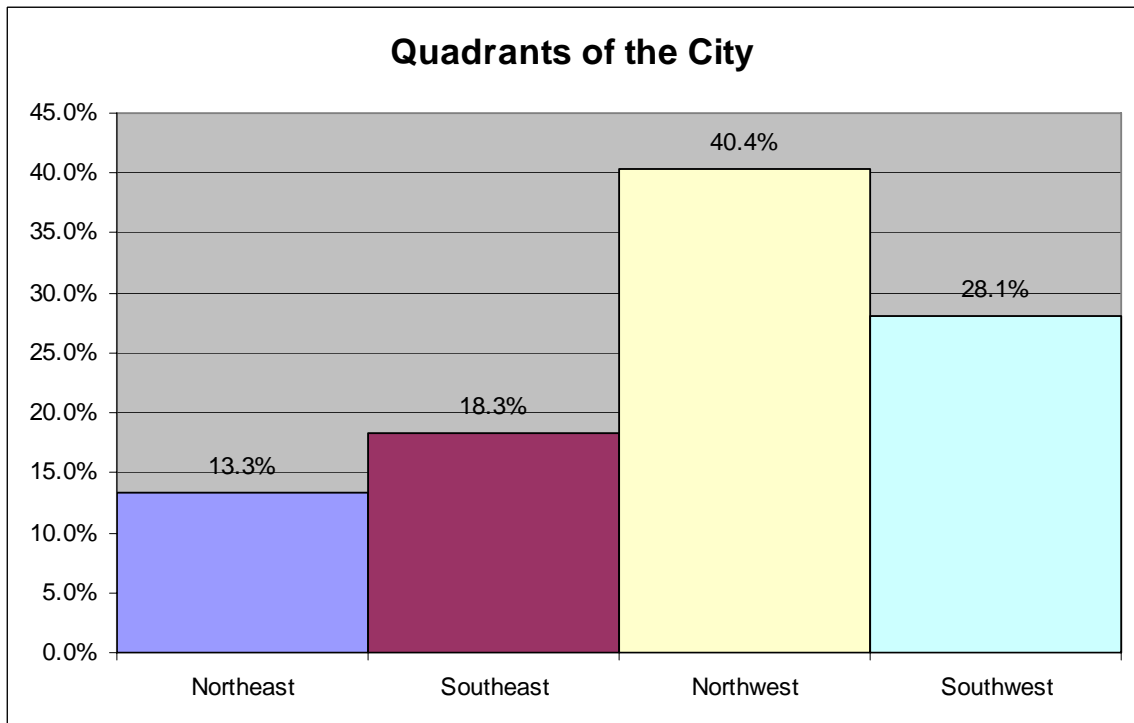
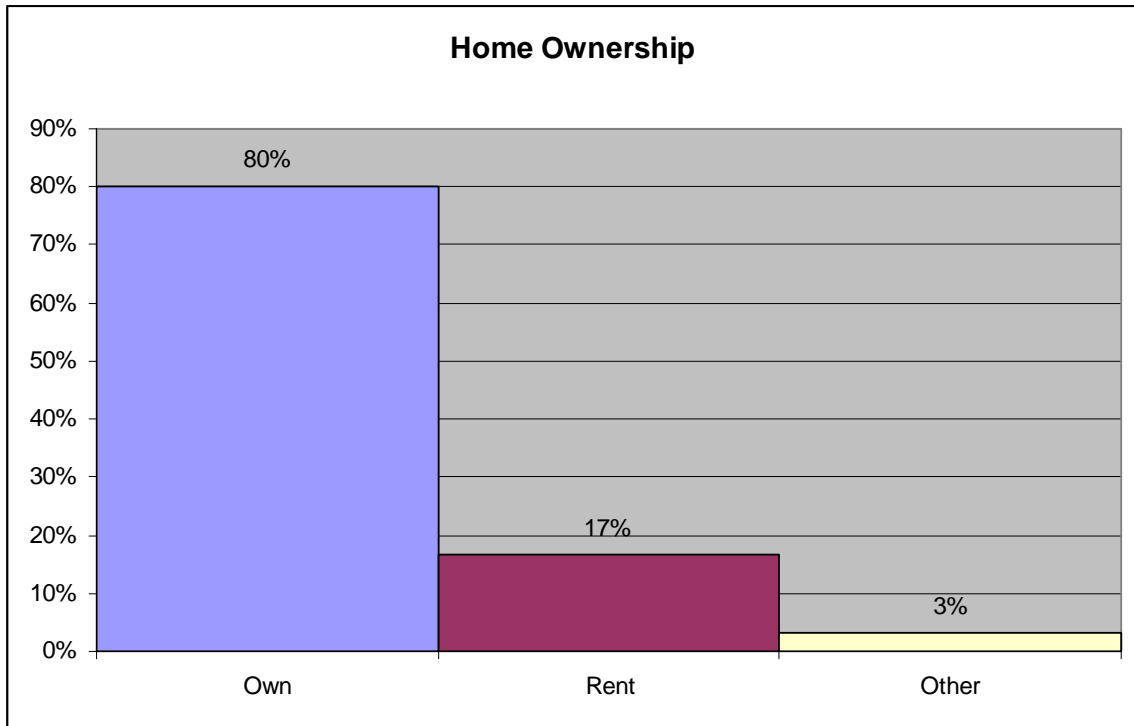
As in years past, the CAC collected and analyzed the respondent's age, ethnicity, gender, gross income, whether they owned a home or rented, whether they are a voter or not, the length of time and quadrant in which they live in Visalia and the family makeup of the household.

There were some demographics with insufficient responses to make them statistically significant. They include: length of residency in Visalia, voter registration, home ownership, gender, and ethnicity. With this in mind the sample best represents those living here more than 10 years, who are voters, home owners, female and Caucasian.

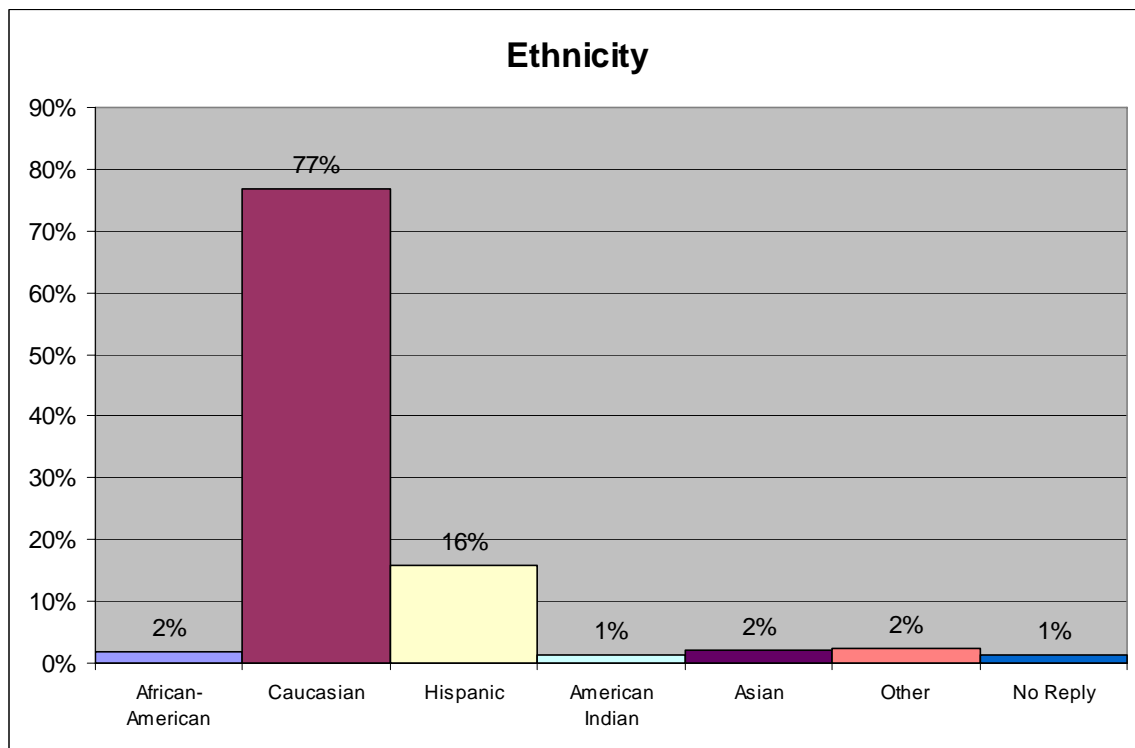
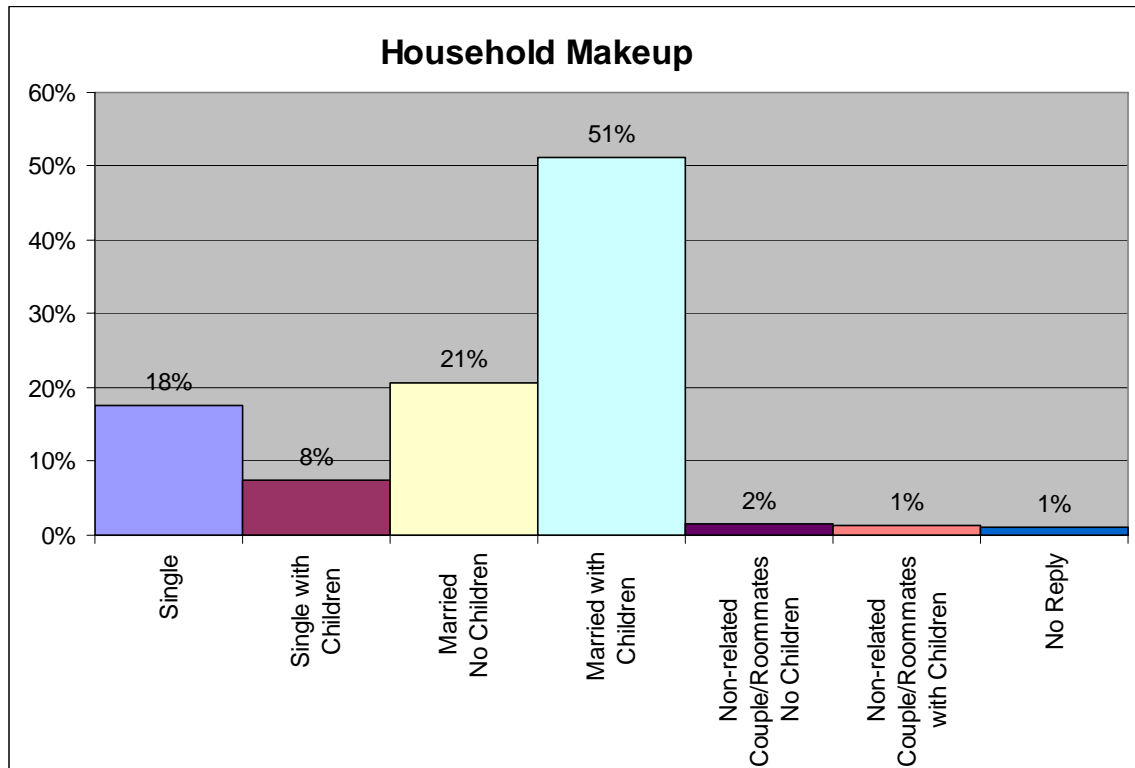
Year to Year Survey Comparison Methods

In 2003 the survey included 300 respondents. The phone numbers were gathered from the telephone book. In 2004 and 2005 the CAC used a phone list from CalWater. In 2006 a phone list was used from AT&T including rental residences. The 2007 survey includes 400 respondents contacted from an up to date phone list from AT&T also including rental residences.

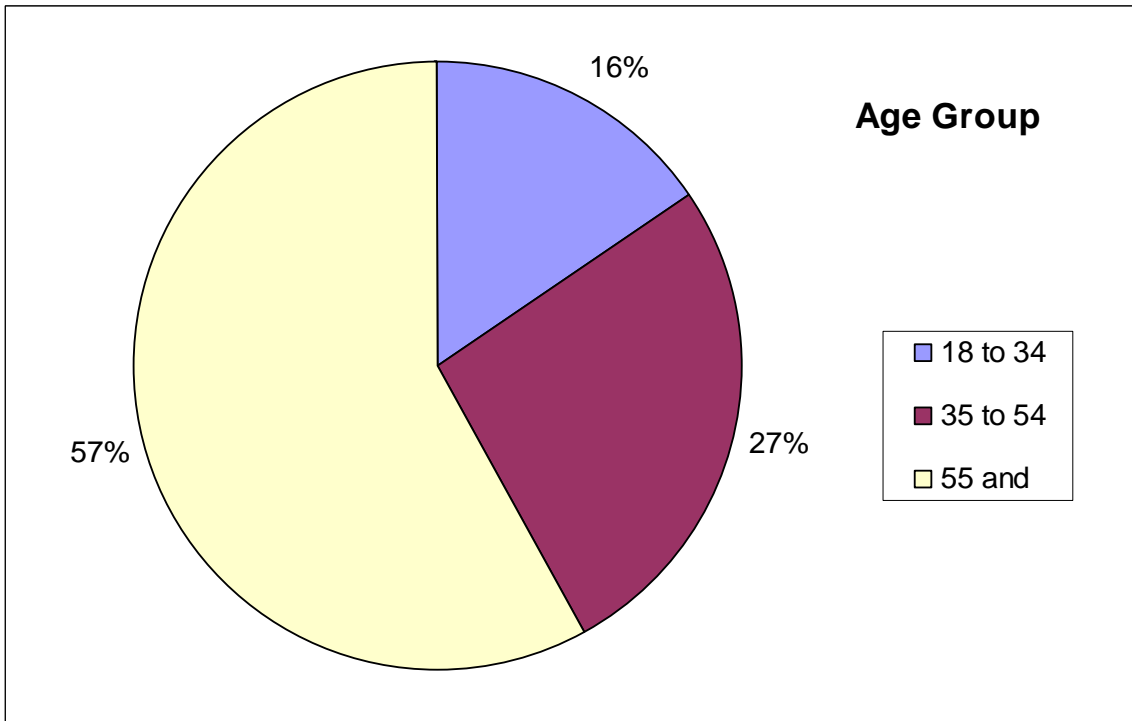
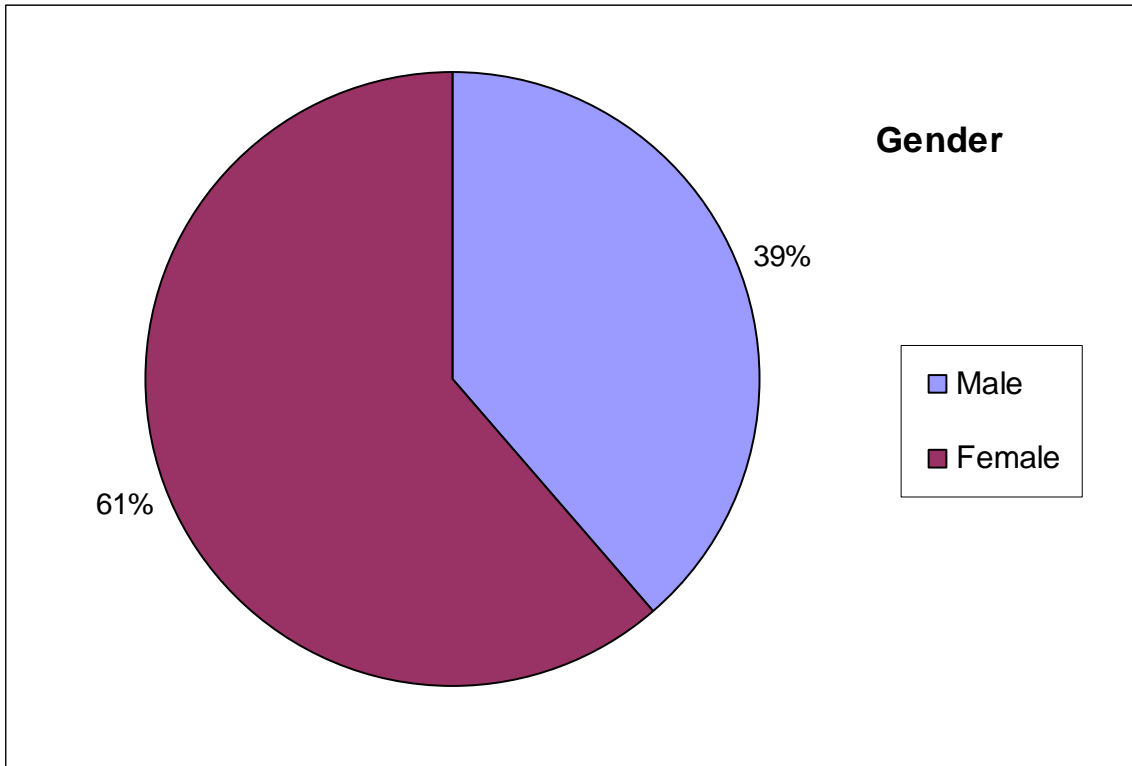
DEMOGRAPHIC SUMMARY



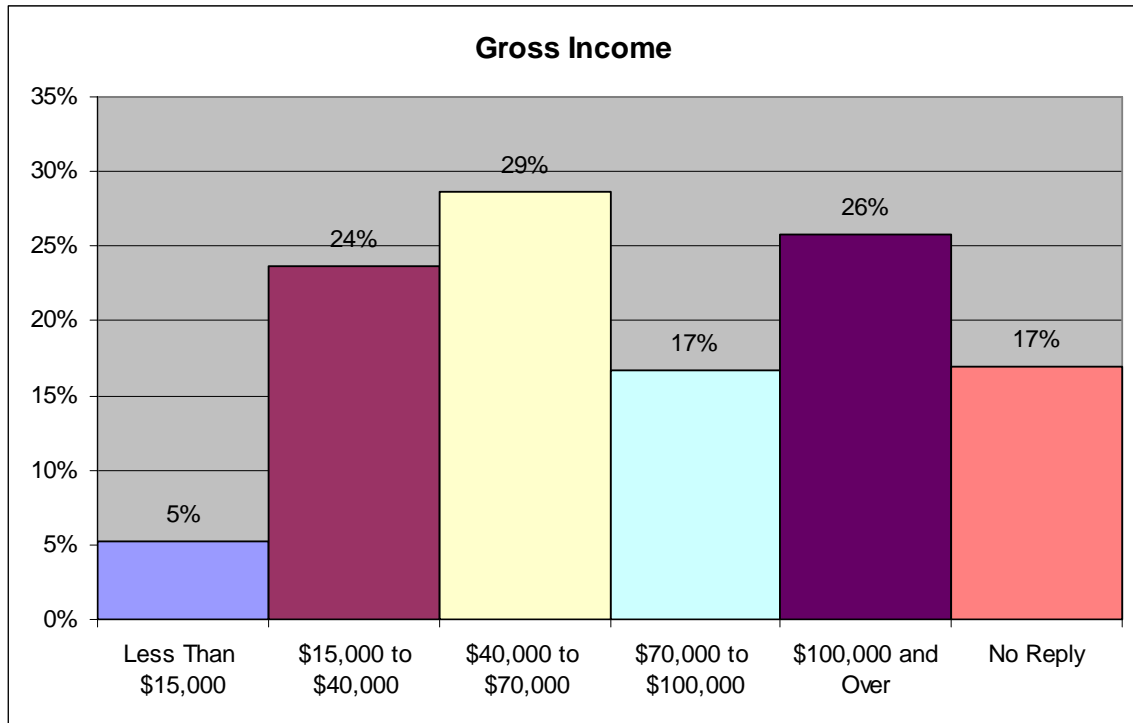
DEMOGRAPHIC SUMMARY



**DEMOGRAPHIC
SUMMARY**



DEMOGRAPHIC SUMMARY



APPENDIX

2007 Sample Survey

Methodology and Statistical Procedures

Representative Responses of the Open Ended Question

Sample Survey

Public Opinion Survey 2007

1) How do you rate the City's efforts at providing a safe community?

1	2	3	4	5
Very High	High	Average	Low	Very Low

1A) To provide a safer community, what type of criminal activity should the City target?

1	2	3	4	5	6	7
Violent Crime	Property Crime	Auto Theft	Malicious Damage	Graffiti	Gang Suppression	Other

2) Have you had contact with the Visalia Police Department in the past year? (if "Yes", ask question 2A)

1	2
Yes	No

2A) If so, was it with:

1	2	3	4	
An officer	Dispatch	Records	Other	*Explain difference between dispatch (phone) and records (reports/clerical)

2B) How would you rate the service you received?

1	2	3	4	5	6
Excellent	Good	Average	Poor	Very Poor	No Opinion

3) Have you had contact with a Visalia firefighter in the last year? (if "Yes", ask question 3A)

1	2
Yes	No

3A) How would you rate the service you received?

1	2	3	4	5
Excellent	Good	Average	Poor	Very Poor

4) What do you consider the most essential City services besides Police and Fire? *(Multiple answers OK)*

1	2	3	4	5	6
Road Maintenance	Park Maintenance	Traffic Signs and Signals	Recreation Activities	Other	None

5) How do you rate the quality of the following services in Visalia?

	Very Good	Good	Average	Poor	Very Poor	No Opinion
Emergency Medical Response by Fire Dept.	1	2	3	4	5	6
Private Ambulance	1	2	3	4	5	6
City Road Maintenance	1	2	3	4	5	6
Traffic Management	1	2	3	4	5	6
Bus Services	1	2	3	4	5	6
Street Lighting	1	2	3	4	5	6
Senior Citizen Services	1	2	3	4	5	6
Recreation Activities	1	2	3	4	5	6
Services for Disabled Persons	1	2	3	4	5	6
Park Maintenance	1	2	3	4	5	6
Garbage+Recycling Collection	1	2	3	4	5	6

6) Do you view traffic conditions as ...

1	2	3	4	5
Very Good	Good	Average	Poor	Very Poor

7) How many times have you attended activities at the Convention Center in the last year?

1	2	3	4
None	1 to 2 times	3 to 4 times	5 or more times

8) What type of events would you like to attend at the Convention Center in the future? *(Multiple answers OK)*

1	2	3	4	5	6
Consumer Shows	Dances	Concerts	Holiday/Reception Events	Conferences, Mtgs., + Wksp.	Other

METHODOLOGY AND STATISTICAL PROCEDURES

The survey was done in several phases. The first phase included a planning phase, a data collection phase, data compilation phase, data interpretation phase and a report phase.

Planning

The planning phase included a revision of the questions that were asked. Simplicity and ease of reading the survey were also considered as a very important additional step.

Data Collection

The survey was conducted by phone. Our limitations for data collection included: Only those over 18 years of age and residents of Visalia. Our sample included 400 participants who responded. It was not uncommon for us to pass over many phone numbers before finding someone who would be within our sample limitations or willing to respond. Random calling was utilized, but limitations such as those who were not willing to participate were common as there was no incentive for those who participated in the surveys.

Data interpretation

There is an abundant amount of information that could be gathered from the survey but due to time and cost constraints it was interpreted only by comparing demographics and looking for trends from previous years. Some cross tabulation of variables were used to interpret major trends along with excel charts.

Report

The report has been kept to standard from previous reports because it best represents our findings. We have made the report easy to read, with color graphics and brief interpretations have been included to further explain our findings. Some supplementary data has been added to the appendix to satisfy further analysis.

Procedures

The procedures used here are limited to time and cost of the survey. Under no circumstance is this survey liable for any misinterpretation one might gather from the survey. The sample is attempting to approximate the general opinion of the population of Visalia.

Limitations

Data was analyzed only using Excel due to time and cost constraint. Also Data analysis software was not available. A web based analysis tool was utilized for some of the questions.

A recommendation is to utilize a survey software program for future surveys to facilitate the process and to provide a more detailed analysis. Also recommended is a multi-faceted response method to acquire responses from several different sources such as via the city's website, internet, e-mail and US mail in addition to phone calls to capture the opinions of a better representative sample of the citizens of Visalia.

**REPRESENTATIVE
RESPONSES TO
OPEN-ENDED
QUESTION**

parking garage inconvenient, downtown parking
provide youth program
growing crime
growth too fast
gangs
gangs
more careful regarding the growth and losing the farm lands
control growth
reduce tax for retired home owners
traffic on Mooney
crime
crime
too many new homes
handle the traffic congestion at shopping centers
more availability to seniors activities
keep on top of emergency problems
energy control
get a handle on the performance of city council
gangs and graffiti
gangs and crimes
manage growth and development
vacant buildings downtown, main street boarded up
parking structure gangs property theft
gang suppression
more officer patrol in neighborhoods
public transportation
gang suppression
gang activities
gang crime
gangs
rapid growth
gangs
more for the youth
growth air quality
gangs and crimes
gangs
gangs
poverty education
road developments horrible planning in the past years
public safety issue and centralized growth
restrooms in parks too many one-ways parking downtown
drugs
gangs
gangs
gangs
gangs
gangs
gangs
illegal immigrants
home burglary
violence
gangs

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 2

Agenda Item Wording:

Discussion of the Master Plan improvements at the Water Conservation Plant and City Council approval to retain Carollo Engineers to develop a Master Reclamation Permit.

Deadline for Action:

Submitting Department: Public Works

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

Department Recommendation:

It is recommended that Council approve, in concept, the construction of a pipeline to carry treated effluent to City-owned Basin 4 in order to facilitate reuse on agricultural lands. Additionally, staff requests Council approval to enter into a Professional Services Agreement with Carollo Engineers to develop a Master Reclamation Permit that will allow the City to permit farmland to receive and utilize treated effluent.

Summary/background:

At the May 19, 2008 Council meeting, Carollo Engineers made a presentation on the Water Conservation Plant (WCP) Master Plan. Included was a discussion on effluent disposal and Carollo's recommendation of a four mile pipeline from the WCP westward to Basin 4. Council requested additional information on this recommendation and an analysis of other alternatives.

Supplement No.1 details the analysis performed prior to recommending the Basin 4 pipeline (Alternative 3, below). In performing the analysis, the project costs were calculated utilizing two types of pipe material: reinforced concrete pipe (RCP) and cast in place pipe (CIPP). Although less expensive, it is not known at this time whether CIPP is a viable option for this project. Therefore, all costs listed below are for RCP unless otherwise stated. If it is later determined that use of CIPP is appropriate, project costs should be significantly lower than stated herein.

Three non-Mill Creek effluent disposal options were evaluated in preparing the Master Plan.

- Alternative 1: Construct 133 acres of new percolation ponds on city-owned land currently planted in walnut trees. While there would be no cost associated with land acquisition, the

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):__15__

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

removal of approximately 150 acres of walnut trees would result in a 25% reduction in net crop revenue which is on the order of \$200,000 to \$300,000 per year.

A significant limitation of this Alternative is that it does not provide the distribution infrastructure needed to begin an aggressive agricultural reuse network. This can be overcome with the addition of a pipeline “spur” (assumed to be 5150 linear feet) extending out from the WCP into surrounding farmland. This spur would initially open up approximately 1000 acres for reuse and could be expanded as flows increase.

Another limitation of this Alternative is the cost of constructing the actual percolation ponds, which currently stands at \$29,000 per acre. The overall cost of Alternative 1 without and with the optional spur pipeline is \$10.5 million and \$14.3 million, respectively, of which \$4.4 million is for the construction of the basins themselves.

- Alternative 2: Purchase land and construct new percolation basins adjacent to or nearby the WCP. Based on recent market trends, agricultural land near the WCP would range from \$15,000 to \$20,000 per acre. Based on \$17,500 per acre, the purchase of 160 acres would cost \$2.8 million.

This alternative would have the same limitations as Alternative 1 with regards to the distribution network and the high cost of pond construction. The distribution network limitation could be resolved with the addition of a pipeline spur.

The cost for Alternative 2 without and with the optional spur pipeline is \$12.9 million and \$16.5 million respectively, of which \$2.8 million is for land acquisition and \$4.0 million is for pond construction.

- Alternative 3: Construct an approximately 4 mile pipeline to carry the treated effluent from the WCP west to existing city-owned Basin 4. This is the alternative that was recommended in the Master Plan. A four mile pipeline would carry treated effluent west to 160 acres of city owned percolation ponds known as Basin 4. Along the route, turnouts would be installed in the pipeline that would facilitate water reuse on approximately 2600 acres of agricultural land.

The ponds that make up Basin 4 have an inherent value of \$29,000 per acre (\$4,640,000) in pond development cost above the fair market value of the land. This 160 acre City-owned asset is currently underutilized and returns very little benefit to the City. It’s location down stream of the City limits its usefulness as part of the City’s storm water management strategy. Utilizing this valuable asset as part of the City’s long term water management strategy will not only provide a strong backbone upon which to build an aggressive water reuse plan, but also avoid conversion of productive agricultural land to ponds.

The cost for Alternative 3 is \$14.7 million.

The table below summarizes the cost of the various alternatives, both with and without the optional irrigation “spur”, as well as a comparison showing the cost difference of utilizing RCP vs. CIPP (A vs. B).

**Table 1
Non-Mill Creek Effluent Disposal Alternatives Costs Summary**

Alternative	Percolation Pond Location	Pipe Material⁽¹⁾⁽²⁾	Total Project⁽³⁾ Cost	Total Project Cost (with Optional 5,150 LF Pipeline)⁽⁴⁾
1A	Walnuts	RCP	\$10,548,000	\$14,348,000
1B	Walnuts	CIPP	\$9,348,000	\$11,362,000
2A	Purchased	RCP	\$12,937,000	\$16,457,000
2B	Purchased	CIPP	\$11,737,000	\$13,472,000
3A	Basin No. 4	RCP	\$14,667,000	\$14,667,000
3B	Basin No. 4	CIPP	\$7,754,000	\$7,754,000

Notes:

1. CIPP - un-reinforced, cast in place, concrete pipe.
2. RCP - Class III, low head, reinforced concrete pipe.
3. All construction costs are given for the mid-point of construction (August 2009).
4. Additional cost based on approximately 5,150 LF of 48-inch diameter pipe running west from Road 68 (applicable to Alternatives 1A, 1B, 2A, and 2B only).

Utilizing the RCP figures above, Purchasing additional land to construct new ponding basins is the most costly option at nearly \$16.5 million.

Alternative 1 and Alternative 3 have essentially the same cost, but Alternative 1 would also result in the loss of crop revenue of between \$200,000 and \$300,000 annually. Moreover, future costs to extend the irrigation pipeline would be an additional cost not factored into this analysis.

With the additional details provided by Carollo Engineers, Staff continues to recommend Alternative 3: a dedicated pipeline to Basin 4 with turnouts along its length.

Recycled Water

In order to utilize recycled water on agricultural land, approval must be obtained from the Regional Board and the Department of Health. Various reports must be completed to demonstrate that the use is consistent with environmental and safety standards.

Staff recommends that the contract with Carollo Engineers be amended to allow them to perform the necessary work to secure for the City a Master Reclamation Permit. This would provide the City with primacy over all future irrigation recycling users of its effluent and streamline the process of permitting new users. To ensure that recycled water is available as quickly as possible, Carollo will also secure use permits for the first three users.

Carollo has recently completed a similar project for the City of Hanford. The cost of this work is \$65,000, and will be completed within six months.

Prior Council/Board Actions: May 19, 2008, Approval of Master Plan and request for more information concerning the discharge options.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Supplement No. 1

Recommended Motion (and Alternative Motions if expected):

Move to approve, in concept, the construction of a pipeline to carry treated effluent to City-owned Basin 4 in order to facilitate reuse on agricultural lands and to enter into a Professional Services Agreement with Carollo Engineers to develop a Master Reclamation Permit that will allow the City to permit farmland to receive and utilize treated effluent.

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:



VISALIA WATER CONSERVATION PLANT

2008 Master Plan Supplement No. 1

PERCOLATION AND IRRIGATION ALTERNATIVES

Moving Toward a Sustainable Wastewater Reuse Program for the Community of Visalia, California

WDR Order No. R5-2006-0091 NPDES No. CA 0079189

JULY 2008

Integrated, local solutions that benefit Visalia's land, air, and water to improve long-term community sustainability.



Peak Power Solar Array
Renewable Energy Credits



Fodder Crops
Irrigated with Recycled Water



Digester Gas Fuel Cells
Self Generation Incentive Program



Volatile Organic Carbon
Off-Gas Adsorption Units



carollo
Engineers...Working Wonders With Water™



Engineers...Working Wonders With Water™



July 8, 2008
6153J00

City of Visalia Water Conservation Plant
7579 Avenue 288
Visalia, California 93277

Attention: Mr. Jim Ross, Public Works Manager

Subject: Visalia Water Conservation Plant 2008 Master Plan
Supplement No. 1 - Percolation and Irrigation Alternatives
WDR Order No. R5-2006-0094

Dear Ladies and Gentlemen:

Enclosed is the draft of the Visalia Water Conservation Plant (WCP) 2008 Master Plan (Master Plan) Supplement No. 1 - Percolation and Irrigation Alternatives prepared by Carollo Engineers, P.C. (Carollo) with valuable input and assistance from City of Visalia (City) staff and Council. Carollo has identified several percolation and irrigation alternatives for effluent disposal with project costs ranging from \$7.8 to \$16.5 million. The three alternatives are discussed below.

BACKGROUND

Carollo presented a draft of the Master Plan to the City at a Council Meeting on May 19, 2008. Based on comments from staff and council, Supplement No. 1 was prepared to further evaluate percolation/irrigation alternatives over the 20-year planning period. Similar alternatives to the ones presented in the supplement were initially considered by Carollo, but were initially disregarded because of unfavorable characteristics. The recommendation for Phase I of the 26 mgd project from the Master Plan included a 19,500-foot pipeline along the Mill Creek alignment to existing City-owned percolation ponds at the westerly located Basin No. 4.

This original recommended project from the Master Plan, along with two other alternatives, is detailed in Supplement No. 1. These alternatives include new percolation ponds on both City-owned and purchased land paired with different length irrigation reuse pipelines, and different pipe materials including cast in place pipe (CIPP). One of the alternatives also includes the use of the westerly percolation pond (Basin No. 4) for effluent percolation.

RECOMMENDED PROJECT

Based on the analysis performed and detailed in Supplement No. 1, Carollo has confirmed the recommendation originally made in the Master Plan, and recommends the City move forward with Alternative 3A (westerly Basin No. 4) as Phase I of the 26 mgd project. This alternative has an associated construction and project cost of \$11,653,000 and \$14,667,000 respectively, and includes a 19,500-foot reinforced concrete pipe (RCP) pipeline to Basin No. 4.

Building new percolation ponds in the City's walnut orchard or on adjacent land has a similar cost to using Basin No. 4, but Alternative 3 will provide the City with three times the irrigation capacity of Alternative 1 or 2. Alternative 3 provides the City with 22 mgd of percolation capacity and approximately 12 mgd of additional irrigation capacity, while Alternatives 1 and 2 would initially limit the City's irrigation reuse capacity to only 4 mgd. Alternative 3 provides the City with a complete backbone for an irrigation reuse network at plant startup.

NEXT STEPS

Supplement No. 1 will need to go to the Council for review and approval, and become part of the Master Plan. Carollo recommends Supplement No. 1 be placed on the agenda for the next Council Meeting on June 23, 2008. Adopting the supplement and amending the Master Plan is necessary to accurately define the project for completion of the environmental impact report (EIR).

Carollo thanks the entire WCP staff and Council for their direction and review of both the Master Plan and Supplement No. 1.

We look forward to being available to answer questions and assist City staff with any other services required prior to design of the initial phases of the 26 mgd project.

Sincerely,

CAROLLO ENGINEERS, P.C.



David L. Stringfield, P.E.
Partner

DLS:dys

Enclosure: Supplement No. 1

CITY OF VISALIA
MASTER PLAN SUPPLEMENT NO. 1
PERCOLATION AND IRRIGATION ALTERNATIVES

DRAFT
July 2008



CITY OF VISALIA
MASTER PLAN SUPPLEMENT NO. 1
PERCOLATION AND IRRIGATION ALTERNATIVES

TABLE OF CONTENTS

		<u>Page</u>
1.0	SUMMARY.....	1
1.1	Alternative 1 - Percolation Ponds in City-Owned Walnut Orchards.....	1
1.2	Alternative 2 - Percolation Ponds in Purchased Land near the WCP.....	1
1.3	Alternative 3 - Basin No. 4 Pipeline	2
1.4	Recommended Alternative	2
2.0	CURRENT EFFLUENT DISPOSAL PRACTICES	2
2.1	Existing Percolation Ponds.....	3
2.2	Existing Irrigation Area	4
2.3	Sale Value of Effluent	4
3.0	PIPE MATERIAL.....	4
4.0	ALTERNATIVE ANALYSIS.....	5
4.1	Alternative 1 - Percolation Ponds in City-Owned Walnut Orchard.....	5
4.1.1	Percolation Ponds.....	6
4.1.2	Irrigation Pipeline	6
4.1.3	Optional Pipeline Extension.....	6
4.1.4	Cost.....	7
4.2	Alternative 2 - Percolation Ponds in Purchased Land	7
4.2.1	Percolation Ponds.....	12
4.2.2	Land Purchase.....	13
4.2.3	Irrigation Pipeline	13
4.2.4	Optional Pipeline Extension.....	13
4.2.5	Cost.....	15
4.3	Alternative 3 - Basin No. 4 Pipeline	15
4.3.1	Irrigation Pipeline	19
4.3.2	Cost.....	21
4.4	Recommendation	22

LIST OF TABLES

Table 1	Non-Mill Creek Effluent Disposal Alternatives Costs Summary.....	3
Table 2	Advantages and Disadvantages of CIPP	5
Table 3	Alternative 1A - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of RCP Pipeline	9
Table 4	Alternative 1A - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of RCP Pipeline	10
Table 5	Alternative 1B - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of CIPP Pipeline.....	11
Table 6	Alternative 1B - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of CIPP Pipeline (with Optional 5,150 LF Pipeline).....	12

Table 7	Alternative 2A - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of RCP Pipeline	16
Table 8	Alternative 2A - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of RCP Pipeline (with Optional 5,150 LF Pipeline)	17
Table 9	Alternative 2B - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of CIPP Pipeline.....	18
Table 10	Alternative 2B - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of CIPP Pipeline (with Optional 5,150 LF Pipeline).....	19
Table 11	Alternative 3A - Estimated Cost for 19,500 LF of RCP Pipeline to Existing Basin No. 4	21
Table 12	Alternative 3B - Estimated Cost for 19,500 LF of CIPP Pipeline to Existing Basin No. 4	22
Table 13	Non-Mill Creek Effluent Disposal Alternatives Comparison.....	23

LIST OF FIGURES

Figure 1	Alternative 1.....	8
Figure 2	Alternative 2.....	14
Figure 3	Alternative 3.....	20

2008 WATER CONSERVATION PLANT MASTER PLAN SUPPLEMENT NO. 1 PERCOLATION AND IRRIGATION ALTERNATIVES

1.0 SUMMARY

The purpose of Supplement No. 1 is to provide a more in depth review of the recommended percolation/irrigation project. As part of the preparation of the 2008 Visalia Water Conservation Plant Master Plan (Master Plan), Carollo Engineers, P.C. (Carollo) initially analyzed four options for effluent disposal without the use of Mill Creek. The options considered included satellite treatment plants, groundwater recharge, partial public use area irrigation, and percolation/irrigation. Due to its low cost and potential for reuse, Carollo recommended the City of Visalia (City) cease discharge to Mill Creek and move to percolation/irrigation for effluent disposal. The recommended project included the construction of a 19,500-foot pipeline along the Mill Creek alignment to existing City-owned percolation ponds at Basin No. 4. The total project cost for the pipeline, in June 2007 dollars, was \$13,609,000.

Carollo originally considered percolation/irrigation options other than the pipeline to Basin No. 4 that had a lower cost, but carried other unfavorable characteristics.

These alternatives include new percolation ponds on both City-owned and purchased land paired with different length irrigation reuse pipelines. One alternative also includes the use of the westerly percolation pond (Basin No. 4) for effluent percolation. Carollo prepared Supplement No. 1 to provide a more detailed discussion of the various options.

A brief summary of the three alternatives is presented below. For each alternative, two options, A and B, are presented. Option A utilizes reinforced concrete pipe (RCP) as the preferred pipe material, while option B is specific for cast in place pipe (CIPP).

1.1 Alternative 1 - Percolation Ponds in City-Owned Walnut Orchards

Alternative 1 includes 155 acres of new percolation ponds located on City-owned land currently occupied by walnut trees. In addition to the new percolation ponds, Alternative 1 also includes 8,700 linear feet (LF) of pipeline to carry effluent to the new ponds. The project costs for Alternative 1A and 1B are \$14,348,000 and \$11,362,000 respectively.

1.2 Alternative 2 - Percolation Ponds in Purchased Land near the WCP

Alternative 2 includes 140 acres of percolation ponds located on land near the WCP that must be purchased by the City. In addition to the new percolation ponds, Alternative 2 also includes 8,700 LF of pipeline to carry effluent to the new ponds. The project costs for Alternative 2A and 2B are \$16,457,000 and \$13,472,000 respectively.

1.3 Alternative 3 - Basin No. 4 Pipeline

Alternative 3 includes 19,550 LF of pipeline running from the Water Conservation Plant (WCP) to Basin No. 4. Alternative 3A is the alternative recommended in the Master Plan as Phase I of the 26 million gallons per day (mgd) project. Alternative 3B is similar to the recommended project from the Master Plan with the exception of the pipe material. Moving to CIPP for construction of the 19,550 LF pipeline to Basin No. 4 could save the City up to \$7 million in project cost for Phase I. The project costs for Alternative 3A and 3B are \$14,667,000 and \$7,754,000 respectively.

1.4 Recommended Alternative

The costs for each of the alternatives are summarized in Table 1. In accordance with the recommendations previously made in the Master Plan, Carollo recommends the City move forward with Alternative 3A as Phase I of the 26 mgd project. Alternative 3A has an associated construction and project cost of \$11,653,000 and \$14,667,000 respectively.

At a slightly lower cost to Alternative 3A, the City could add new percolation ponds in the walnuts or purchase land adjacent to the WCP to construct additional ponds. Alternative 3 provides the same effluent disposal capabilities of Alternatives 1 and 2 while providing a backbone for the City's irrigation reuse network.

It should be noted that CIPP is a viable material for the irrigation pipeline. However, the decision to use CIPP is contingent upon favorable soil conditions along the proposed alignment. If during the pre-design or design processes a geotechnical investigation supports the use of CIPP, the decision between RCP and CIPP can be made by City staff. Moving construction of the pipeline from RCP to CIPP would save the City several million dollars for Phase I of the 26 mgd project.

2.0 CURRENT EFFLUENT DISPOSAL PRACTICES

The City currently discharges approximately 13 mgd of secondary treated effluent between:

- Onsite percolation ponds
- City-owned farmland
- Mill Creek

A description of the City's existing percolation and irrigation practices are described below. Assumptions regarding the use of these facilities over the 20-year planning period for Supplement No. 1 are also described below.

Table 1 Non-Mill Creek Effluent Disposal Alternatives Costs Summary 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia				
Alternative	Percolation Pond Location	Pipe Material⁽¹⁾⁽²⁾	Total Project Cost⁽³⁾	Total Project Cost (with Optional 5,150 LF Pipeline)⁽⁴⁾
1A	Walnuts	RCP	\$10,548,000	\$14,348,000
1B	Walnuts	CIPP	\$9,348,000	\$11,362,000
2A	Purchased	RCP	\$12,937,000	\$16,457,000
2B	Purchased	CIPP	\$11,737,000	\$13,472,000
3A	Basin No. 4	RCP	\$14,667,000	\$14,667,000
3B	Basin No. 4	CIPP	\$7,754,000	\$7,754,000

Notes:

1. CIPP - un-reinforced, cast in place, concrete pipe.
2. RCP - Class III, low head, reinforced concrete pipe.
3. All project costs are given for the mid-point of construction (August 2009).
4. Additional cost based on approximately 5,150 LF of 48-inch diameter reinforced concrete pipe or cast in place concrete pipe running west from Road 68 (applicable to Alternatives 1A, 1B, 2A, and 2B only).

2.1 Existing Percolation Ponds

The City operates percolation Pond Nos. 2 and 3 located on the WCP site. The ponds have a total area of 78 acres. At this time, approximately 29 percent of the City's effluent is discharged to these ponds. It is assumed the City will continue to utilize these percolation ponds for effluent disposal over the 20-year planning period for all alternatives presented.

The City also owns approximately 160 acres of percolation ponds at Basin No. 4. Basin No. 4 consists of four 40-acre cells located approximately four miles from the WCP site. The area is owned by the City and operated by the Kaweah Delta Water Conservation District (District), and is currently used to manage storm water and indirectly for effluent percolation. Alternative 3 utilizes Basin No. 4 for future direct effluent percolation.

Percolation Pond Nos. 2, 3 and Basin No. 4 are currently five feet deep. As part of the analysis performed in Chapter 7 of the Master Plan, Carollo recommended the City excavate the ponds to a total depth of ten feet to increase effluent storage capacity and improve percolation. Based on the alternatives presented in Supplement No. 1 and the current flow at the WCP, the City can choose to complete the excavation of these ponds over time (20 years).

A summary of the percolation and effluent storage capacity of the City's existing ponds is presented in Table 7.5 in Chapter 7 of the Master Plan.

2.2 Existing Irrigation Area

The City owns approximately 860 acres of land located east, southeast, and south of the WCP. Currently, 250 acres are used to grow fodder crops including corn, forage, and alfalfa. The remaining 608 acres are used to grow walnuts. City staff indicates the walnut trees are approximately 40 years old and are reaching the end of their productive life.

The effluent disposal alternative analysis performed in Supplement No. 1 assumes the City will continue to irrigate the 250 acres of fodder crops, and the 608 acres of walnuts will be replaced by fodder crops sometime between 2015 and 2020. During this time, the average annual daily flow (AADF) at the WCP will be between 18 and 22 mgd.

2.3 Sale Value of Effluent

Since the recommended effluent disposal alternative from the Master Plan includes irrigation, it is important to note the potential value of the City's effluent. In today's economic environment, treated effluent from the WCP does not represent a revenue stream for the City that can be used to offset the cost of irrigation infrastructure. While the City would likely have to give effluent away in the short term, any agreements negotiated with local farmers would allow the City the flexibility to charge for their effluent in the future.

Several municipalities in the Central Valley currently pay or charge farmers nothing to use their effluent for irrigation. The City of Tulare provides the infrastructure and irrigation water for 6,000 acres at no charge to their users. The City of Hanford also provides their effluent to local farmers for irrigation. For the past eight years, the City of Hanford has paid the Lakeside Irrigation District (Lakeside) approximately \$30 per acre-foot to take their irrigation water. The revenue from the effluent is used by Lakeside to purchase excess surface water for groundwater recharge. Based on current market conditions, Carollo anticipates the City of Visalia will provide local farmers with irrigation water at no charge at plant startup.

3.0 PIPE MATERIAL

Phase I of the 26 mgd recommended project consisted of a reinforced concrete pipe (RCP) pipeline from the WCP to Basin No. 4. To further refine the cost of the project, Carollo contacted a local concrete pipe manufacturer and supplier, Rinker Materials, to obtain updated material costs. In addition, to give a more realistic cost picture to the City, the costs for every alternative presented in Supplement No. 1 have been escalated to the midpoint of construction or August 2009. For example, the project cost for the pipeline to Basin No. 4 (Alternative 3) has increased from \$13,609,000 to \$14,667,000 to reflect the midpoint of construction.

In Chapter 7 of the Master Plan, the cost of the percolation/irrigation alternative was presented with the pipe material as RCP since it is the most expensive pipe material applicable to the project and represents the "worst case scenario" for the City to consider.

However, Carollo suggested that other potentially lower cost pipe materials could be used for the irrigation pipeline to Basin No. 4 in lieu of RCP. Alternatives to RCP include high-density polyethylene (HDPE) and cast in place pipe (CIPP). While the cost to install HDPE pipe is competitive with RCP, CIPP represents significant cost savings for the City compared to RCP.

CIPP is un-reinforced concrete pipe that is used for low head and gravity applications including culverts, storm drains, and irrigation lines. The pipe is cast using the bottom of the semi-circular trench to form the outside of the pipe, and rigid forms for the inside of the pipe. CIPP is beginning to gain popularity for municipalities and irrigation districts in the Central Valley because of its low cost. For example, the City of Clovis recently opened bids on an approximately 12,300 LF 36-inch and 42-inch recycled water outfall pipeline from the wastewater treatment plant to Fancher Creek, a similar application to the irrigation pipeline presented in the Master Plan. The cost for CIPP was significantly lower than a RCP option.

While Carollo feels CIPP is appropriate for this application, ultimately the decision on pipe material rests with City staff. The advantages and disadvantages of CIPP are summarized in Table 2, and the difference in cost between RCP and CIPP for each alternative is presented later in this report.

Table 2 Advantages and Disadvantages of CIPP 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Advantages	Disadvantages
Shorter installation time	May require a wider construction easement
Significantly lower construction cost	Slightly higher leakage than RCP/HDPE
	Less durable than RCP/HDPE
	Requires favorable soil conditions

4.0 ALTERNATIVE ANALYSIS

Water and nitrogen balances were completed to evaluate the percolation and irrigation needs for the key projected flows of 13 mgd (startup), 18 mgd (2015), 22 mgd (2020), and 26 mgd (2030) for each Alternative 1 through 3. The results of the evaluations for each alternative are described below.

4.1 Alternative 1 - Percolation Ponds in City-Owned Walnut Orchard

Water and nitrogen balances were performed in order to determine the future percolation pond and irrigation area needs for effluent disposal with Alternative 1. New pond sizes are based on available land south of the WCP and the existing features in this area. The percolation pond and irrigation area requirements for Alternative 1 are detailed in Table A.1 in Appendix A.

This scenario accommodates the use of the existing onsite Pond Nos. 2 and 3, and the 250 acres of the irrigation reuse area that the City currently owns. The City-owned irrigation area is assumed to increase to 858 acres between 2015 and 2020.

Alternative 1 is comprised of several components including:

- 3,550 LF of 48-inch RCP or CIPP pipeline
- 155 acres of new percolation ponds on City-owned land (walnuts)
- 5,150 LF of 48-inch RCP of CIPP pipeline (optional)

4.1.1 Percolation Ponds

The City needs to construct at least 133 acres of new percolation ponds over the 20-year planning period in order to increase the effluent disposal capacity of the WCP to 26 mgd. The City needs to construct 63 acres of percolation ponds in order to cease their discharge to Mill Creek at current flow conditions (13 mgd). These ponds would be located south of the existing Pond Nos. 2 and 3, east of Road 68. As flows increase to 18 mgd, another 57 acres of ponds would be added in the walnuts. At 22 mgd, only an additional 13 acres of ponds would be required since the City's available irrigation area would increase from 250 acres to 868 acres around this time.

4.1.2 Irrigation Pipeline

In order to feed the new percolation ponds, 3,550 LF of pipeline is required at startup. This pipeline would start between Pond Nos. 2 and 3, run west to Road 68, and continue south along the Mill Creek alignment. A flow box would be constructed at the end of the pipeline to feed several of the new percolation ponds. This section of pipeline would not only serve to carry effluent to the new percolation ponds, but would also begin the irrigation pipeline for future reuse.

4.1.3 Optional Pipeline Extension

In order to make private farmland available for permitting at startup, an optional 5,150 LF of pipeline is recommended. The 48-inch pipeline would run west under Road 68 and along the Mill Creek alignment. This section of pipeline would make approximately 1,000 acres of farmland available for permitting.

It should be noted that flows in excess of 22 mgd, will be need to be disposed of via irrigation of private farmland. For Alternative 1, approximately 758 acres of farmland must be permitted when AADF flow nears 26 mgd.

Figure 1 shows the new percolation ponds, irrigation pipeline, and optional pipeline segment for Alternative 1.

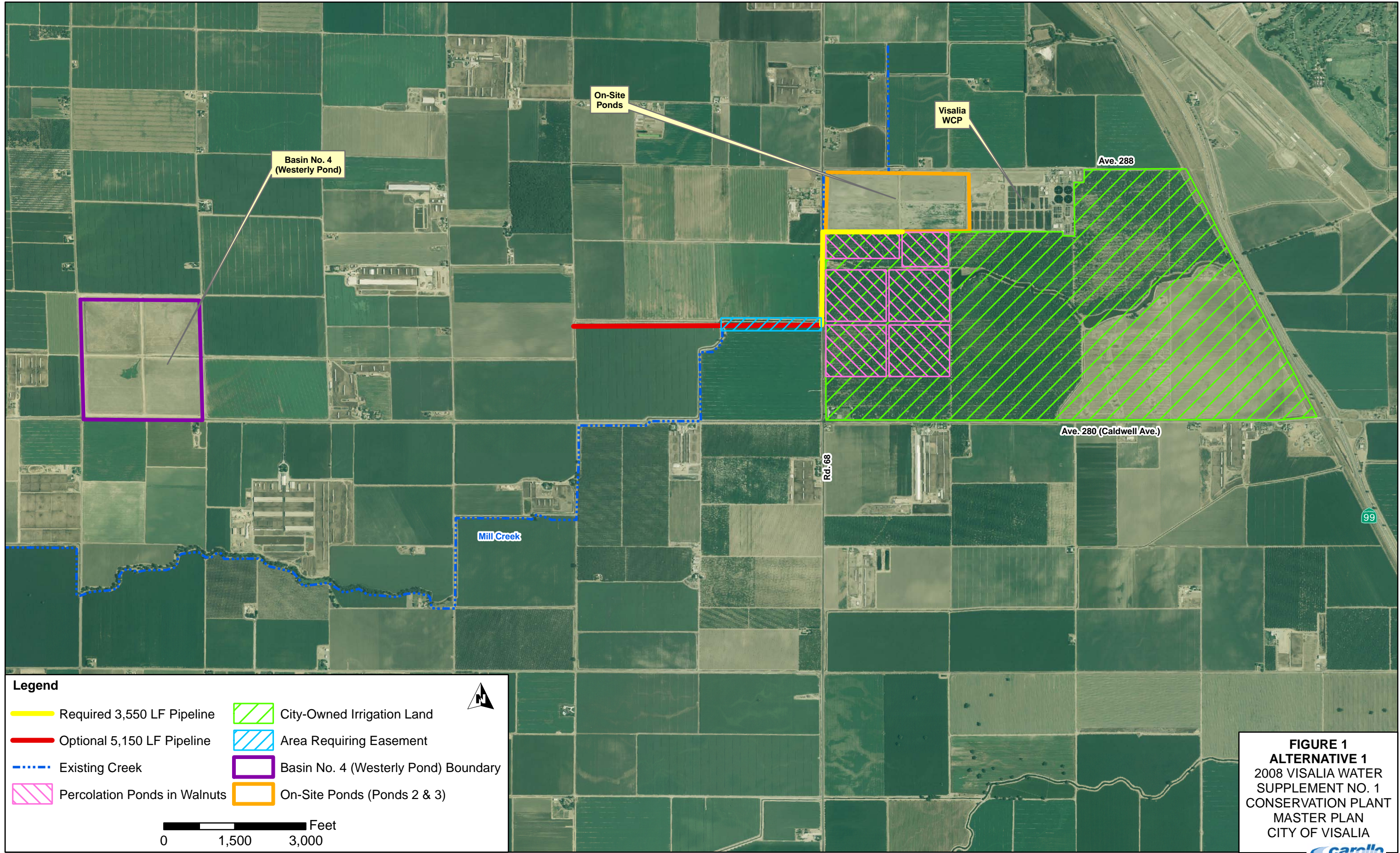
4.1.4 Cost

As discussed previously, two options have been presented for Alternative 1 based on the pipe material used to construct the 48-inch pipeline. The costs for Alternative 1A (RCP) with and without the optional 5,150 LF of pipeline are presented in Tables 3 and 4 respectively. The costs for Alternative 1B (CIPP) with and without the optional 5,150 LF of pipeline are presented in Tables 5 and 6 respectively.









4.2 Alternative 2 - Percolation Ponds in Purchased Land

Water and nitrogen balances were performed in order to determine the future percolation pond and irrigation area needs for effluent disposal with Alternative 2. New pond sizes are based on available land southwest of the WCP and the existing features in this area. The percolation pond and irrigation area requirements for Alternative 2 are detailed in Table A.2 in Appendix A.

This scenario accommodates the use of the existing onsite Pond Nos. 2 and 3, and the 250 acres of the irrigation reuse area that the City currently owns. The City-owned irrigation area is assumed to increase to 858 acres between 2015 and 2020.



Legend

 Required 3,550 LF Pipeline	 City-Owned Irrigation Land
 Optional 5,150 LF Pipeline	 Area Requiring Easement
 Existing Creek	 Basin No. 4 (Westerly Pond) Boundary
 Percolation Ponds in Walnuts	 On-Site Ponds (Ponds 2 & 3)

0 1,500 3,000 Feet

FIGURE 1
ALTERNATIVE 1
 2008 VISALIA WATER
 SUPPLEMENT NO. 1
 CONSERVATION PLAN
 MASTER PLAN
 CITY OF VISALIA

Table 3 Alternative 1A - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of RCP Pipeline 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$1,454,500
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽²⁾	\$4,397,000 (155 acres)
Subtotal	\$6,429,000
Contingency (30 Percent)	\$1,929,000
Estimated Total Construction Cost⁽³⁾	\$8,358,000
Easements	\$100,000
Engineering, Legal, & Administration (25 Percent)	\$2,090,000
Estimated Total Project Cost	\$10,548,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter reinforced concrete pipe.	
2. Based on a construction cost of \$29,000 per acre for dikes, pipes, and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
3. All construction costs are given for the mid-point of construction (August 2009).	
4. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 4 Alternative 1A - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of RCP Pipeline (with Optional 5,150 LF Pipeline) 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$1,454,500
Pipe in Place (Optional 5,150 LF Pipeline) ⁽²⁾	\$2,166,000
Borings ⁽³⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽⁴⁾	\$4,397,000 (155 acres)
Subtotal	\$8,767,000
Contingency (30 Percent)	\$2,631,000
Estimated Total Construction Cost⁽⁵⁾	\$11,398,000
Easements	\$100,000
Engineering, Legal, & Administration (25 Percent)	\$2,850,000
Estimated Total Project Cost	\$14,348,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter RCP pipe.	
2. Based on approximately 5,150 LF of 48-inch diameter reinforced concrete pipe running west from Road 68.	
3. Assume pipeline will be bored under Road 68.	
4. Based on construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds.	
5. All construction costs are given for the mid-point of construction (August 2009).	
6. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 5 Alternative 1B - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of CIPP Pipeline 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$716,500
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽²⁾	\$4,397,000 (155 acres)
Subtotal	\$5,691,000
Contingency (30 Percent)	\$1,707,000
Estimated Total Construction Cost⁽³⁾	\$7,398,000
Easements	\$100,000
Engineering, Legal, & Administration (25 Percent)	\$1,850,000
Estimated Total Project Cost	\$9,348,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter cast in place pipe.	
2. Based on a construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
3. All construction costs are given for the mid-point of construction (August 2009).	
4. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 6 Alternative 1B - Estimated Cost for 22 mgd Percolation Ponds in Walnuts and 3,550 LF of CIPP Pipeline (with Optional 5,150 LF Pipeline) 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$716,500
Pipe in Place (Optional 5,150 LF Pipeline) ⁽²⁾	\$1,067,000
Borings ⁽³⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽⁴⁾	\$4,397,000 (155 acres)
Subtotal	\$6,930,000
Contingency (30 Percent)	\$2,079,000
Estimated Total Construction Cost⁽⁵⁾	\$9,009,000
Easements	\$100,000
Engineering, Legal, & Administration (25 Percent)	\$2,253,000
Estimated Total Project Cost	\$11,362,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter CIPP.	
2. Based on approximately 5,150 LF of 48-inch diameter CIPP running west from Road 68.	
3. Assume pipeline will be bored under Road 68.	
4. Based on a construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
5. All construction costs are given for the mid-point of construction (August 2009).	
6. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Alternative 2 is similar to Alternative 1 with the exception that new percolation ponds will be constructed on land adjacent to the WCP that must be purchased by the City. The components of Alternative 2 include:

- 3,550 LF of 48-inch RCP or CIPP pipeline
- 140 acres of new percolation ponds on purchased land
- 5,150 LF of 48-inch RCP of CIPP pipeline (optional)

4.2.1 Percolation Ponds

The City needs to construct at least 133 acres of new percolation ponds over the 20-year planning period in order to increase the effluent disposal capacity of the WCP to 26 mgd.

The City needs to construct 63 acres of percolation ponds in order to cease discharge to Mill Creek at current flow conditions (13 mgd). These ponds have been tentatively located west of Road 68, south of the WCP site. As flows increase to 18 mgd, another 57 acres of ponds would be added in this area. At 22 mgd, only an additional 13 acres of ponds would be required since the City's available irrigation area would increase from 250 acres to 868 acres around this time.

It should be noted that the final location of these ponds would depend on the land available for purchase by the City.

4.2.2 Land Purchase

In order to construct the 133 acres of percolation ponds required for Alternative 2, the City would need to purchase roughly 150 acres of land west of the WCP. The amount of land required is based on a land use efficiency of 90 percent. Since land is typically available in 40-acre parcels, Carollo recommends the City purchase a total of 160 acres over the 20-year planning period.

Based on information obtained from a local realtor specializing in agricultural real estate in the Central Valley, non-orchard land near the intersection of Road 68 and Avenue 288 would cost between \$15,000 and \$20,000 per acre. Therefore, for planning purposes, the cost of land is \$17,500 per acre.

4.2.3 Irrigation Pipeline

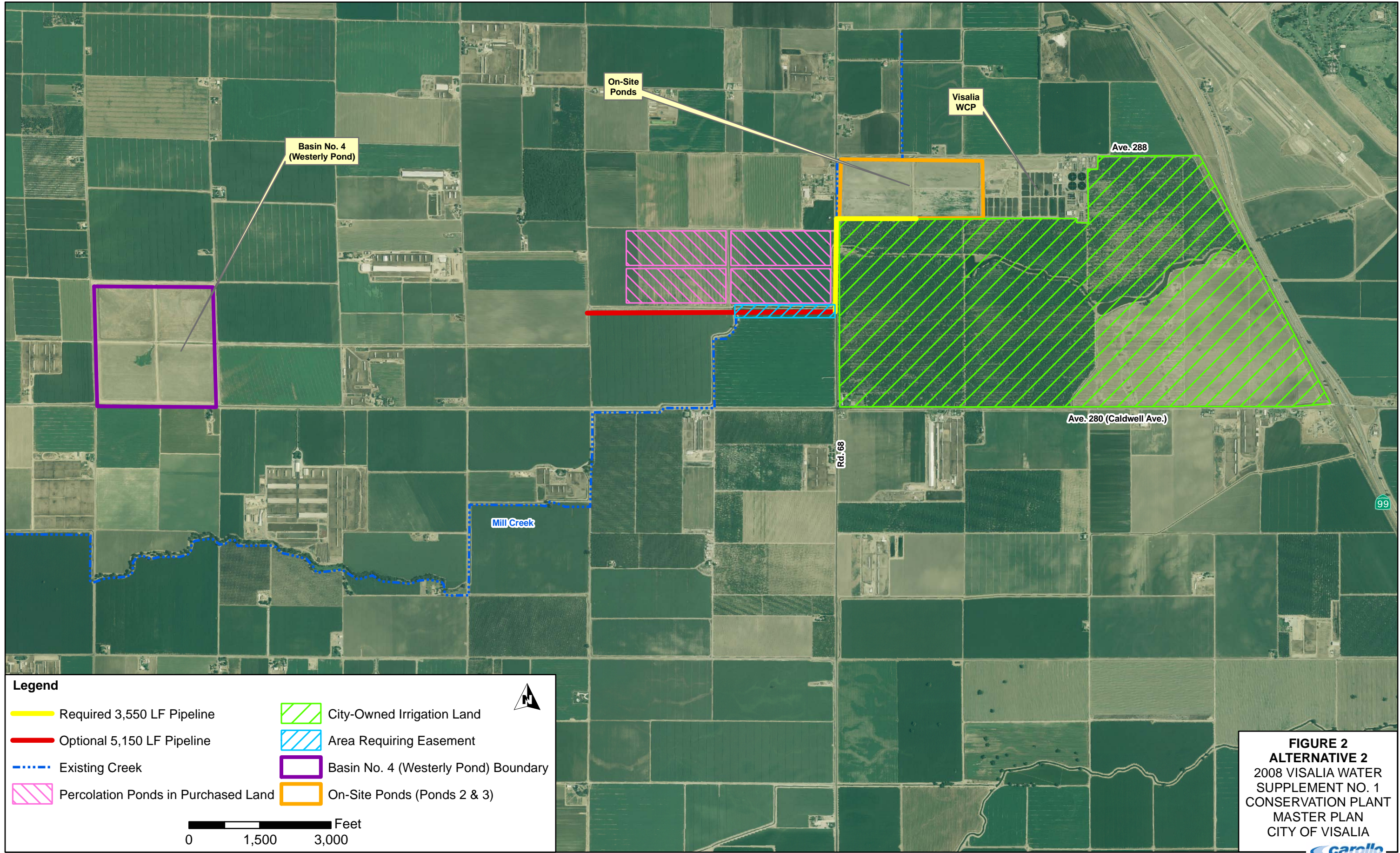
In order to feed the new percolation ponds, 3,550 LF of pipeline is required at startup. This pipeline would start between Pond Nos. 2 and 3, run west crossing Road 68, and continue south along the Mill Creek alignment. A flow box would be constructed at the end of the pipeline to feed several of the new percolation ponds. This section of pipeline would not only serve to carry effluent to the new percolation ponds, but would also begin the irrigation pipeline for future reuse.

4.2.4 Optional Pipeline Extension

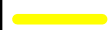







In order to make private farmland available for permitting at startup, an optional 5,150 LF of pipeline is recommended. The 48-inch pipeline would run west along the Mill Creek alignment and would make approximately 1,000 acres of farmland available for permitting.

It should be noted that flows in excess of 22 mgd, will be need to be disposed of via irrigation of private farmland. For Alternative 2, approximately 900 acres of farmland must be permitted when AADF nears 26 mgd.

Figure 2 shows the new percolation ponds, irrigation pipeline, and optional pipeline segment for Alternative 2.



Legend

 Required 3,550 LF Pipeline	 City-Owned Irrigation Land
 Optional 5,150 LF Pipeline	 Area Requiring Easement
 Existing Creek	 Basin No. 4 (Westerly Pond) Boundary
 Percolation Ponds in Purchased Land	 On-Site Ponds (Ponds 2 & 3)

0 1,500 3,000 Feet

FIGURE 2
ALTERNATIVE 2
 2008 VISALIA WATER
 SUPPLEMENT NO. 1
 CONSERVATION PLANT
 MASTER PLAN
 CITY OF VISALIA

4.2.5 Cost

As discussed previously, two options have been presented for Alternative 2 based on the pipe material used to construct the 48-inch pipeline. The costs for Alternative 2A (RCP) with and without the optional 5,150 LF of pipeline are presented in Tables 7 and 8 respectively. The costs for Alternative 2B (CIPP) with and without the optional 5,150 LF of pipeline are presented in Tables 9 and 10 respectively.

4.3 Alternative 3 - Basin No. 4 Pipeline

Water and nitrogen balances were performed in order to determine the future percolation pond and irrigation area needs for effluent disposal with Alternative 3. New pond areas are based on the 40-acre cells located at Basin No. 4. The percolation pond and irrigation area requirements for Alternative 3 are detailed in Table A.3 in Appendix A.

This scenario accommodates the use of the existing onsite Pond Nos. 2 and 3, City-owned Basin No. 4, and the 250 acres of the irrigation reuse area that the City currently owns. The City-owned irrigation area is assumed to increase to 858 acres between 2015 and 2020.

The components of Alternative 3 include:

- 19,550 LF of 48-inch RCP or CIPP pipeline

Table 7 Alternative 2A - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of RCP Pipeline 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$1,454,500
Borings ⁽²⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽³⁾	\$3,972,000 (140 acres)
Subtotal	\$6,176,000
Contingency (30 Percent)	\$1,853,000
Estimated Total Construction Cost⁽⁴⁾	\$8,029,000
Easements	\$100,000
Land Cost for Percolation Ponds ⁽⁵⁾	\$2,800,000
Engineering, Legal, & Administration (25 Percent)	\$2,008,000
Estimated Total Project Cost	\$12,937,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter reinforced concrete pipe.	
2. Assume pipeline will be bored under Road 68.	
3. Based on a construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
4. All construction costs are given for the mid-point of construction (August 2009).	
5. Land cost based on a land use efficiency of 90% and a land cost of \$17,500 per acre.	
6. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 8 Alternative 2A - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of RCP Pipeline (with Optional 5,150 LF Pipeline) 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$1,454,500
Pipe in Place (Optional 5,150 LF Pipeline) ⁽²⁾	\$2,166,000
Borings ⁽³⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽⁴⁾	\$3,972,000 (140 acres)
Subtotal	\$8,342,000
Contingency (30 Percent)	\$2,503,000
Estimated Total Construction Cost⁽⁵⁾	\$10,845,000
Easements	\$100,000
Land Cost for Percolation Ponds ⁽⁶⁾	\$2,800,000
Engineering, Legal & Administration (25 Percent)	\$2,712,000
Estimated Total Project Cost	\$16,457,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter reinforced concrete pipe.	
2. Based on approximately 5,150 LF of 48-inch diameter reinforced concrete pipe running west from Road 68.	
3. Assume pipeline will be bored under Road 68.	
4. Based on a construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
5. All construction costs are given for the mid-point of construction (August 2009).	
6. Land cost based on a land use efficiency of 90% and a land cost of \$17,500 per acre.	
7. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 9 Alternative 2B - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of CIPP Pipeline 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$716,500
Borings ⁽²⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽³⁾	\$3,972,000 (140 acres)
Subtotal	\$5,438,000
Contingency (30 Percent)	\$1,631,000
Estimated Total Construction Cost⁽⁴⁾	\$7,069,000
Easements	\$100,000
Land Cost for Percolation Ponds ⁽⁵⁾	\$2,800,000
Engineering, Legal & Administration (25 Percent)	\$1,768,000
Estimated Total Project Cost	\$11,737,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter CIPP.	
2. Assume pipeline will be bored under Road 68.	
3. Based on a construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
4. All construction costs are given for the mid-point of construction (August 2009).	
5. Land cost based on a land use efficiency of 90% and a land cost of \$17,500 per acre.	
6. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 10 Alternative 2B - Estimated Cost for 22 mgd Percolation Ponds on Purchased Land and 3,550 LF of CIPP Pipeline (with Optional 5,150 LF Pipeline) 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$716,500
Pipe in Place (Optional 5,150 LF Pipeline) ⁽²⁾	\$1,067,000
Borings ⁽³⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Percolation Pond Construction ⁽⁴⁾	\$3,972,000 (140 acres)
Subtotal	\$6,505,000
Contingency (30 Percent)	\$1,952,000
Estimated Total Construction Cost⁽⁵⁾	\$8,457,000
Easements	\$100,000
Land Cost for Percolation Ponds ⁽⁶⁾	\$2,800,000
Engineering, Legal & Administration (25 Percent)	\$2,115,000
Estimated Total Project Cost	\$13,472,000
Notes:	
1. Based on approximately 3,550 LF of 48-inch diameter CIPP.	
2. Based on approximately 5,150 LF of 48-inch diameter cast in place pipe running west from Road 68.	
3. Assume pipeline will be bored under Road 68.	
4. Based on a construction cost of \$29,000 per acre for dikes, pipes and boxes required for ponds. Assumes mass dirt removal up to 10 feet deep is free.	
5. All construction costs are given for the mid-point of construction (August 2009).	
6. Land cost based on a land use efficiency of 90% and a land cost of \$17,500 per acre.	
7. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

4.3.1 Irrigation Pipeline

Based on Alignment 1 presented in Chapter 7 of the Master Plan, the 19,550 LF pipeline to Basin No. 4 would make approximately 2,600 acres of private farmland available for permitting. Private farmland will need to be permitted in order to accommodate flows in excess of 22 mgd.

Figure 3 shows the proposed pipeline alignment for Alternative 3.

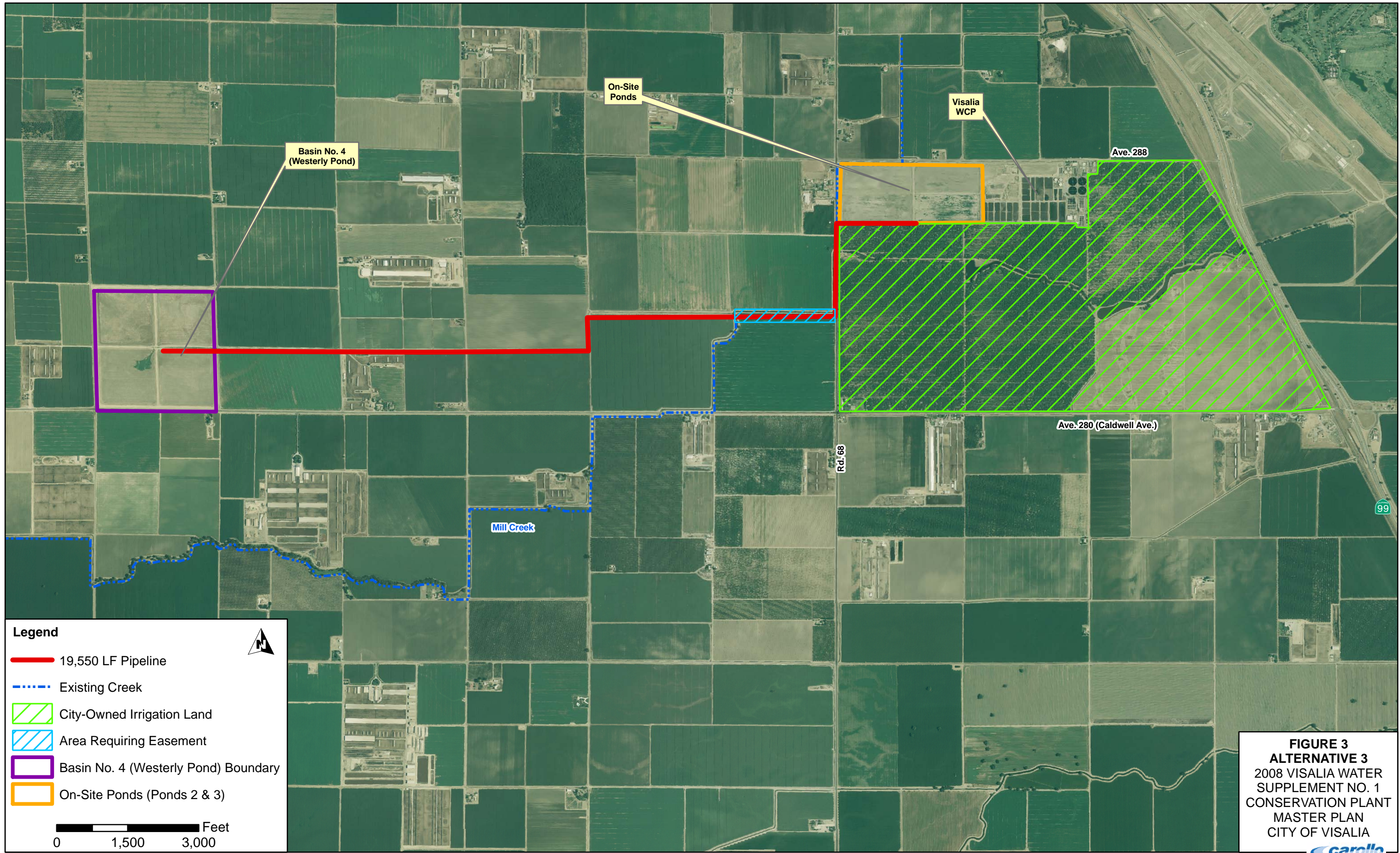


FIGURE 3
ALTERNATIVE 3
 2008 VISALIA WATER
 SUPPLEMENT NO. 1
 CONSERVATION PLANT
 MASTER PLAN
 CITY OF VISALIA

4.3.2 Cost

As discussed previously, two options have been presented for Alternative 3 based on the pipe material used for the 48-inch pipeline. The costs for Alternative 3A (RCP) and Alternative 3B (CIPP) are presented in Tables 11 and 12.

Table 11 Alternative 3A - Estimated Cost for 19,500 LF of RCP Pipeline to Existing Basin No. 4 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$8,214,000
Borings ⁽²⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Subtotal	\$8,963,500
Contingency (30 Percent)	\$2,689,000
Estimated Total Construction Cost⁽³⁾	\$11,653,000
Easements	\$100,000
Engineering, Legal & Administration (25 Percent)	\$2,914,000
Estimated Total Project Cost	\$14,667,000
Notes: 1. Based on approximately 19,500 LF of 48-inch diameter reinforced concrete pipe. 2. Assume pipeline will be bored under Road 68. 3. All construction costs are given for the mid-point of construction (August 2009). 4. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

Table 12 Alternative 3B - Estimated Cost for 19,500 LF of CIPP Pipeline to Existing Basin No. 4 2008 Visalia Water Conservation Plant Master Plan Supplement No. 1 City of Visalia	
Parameter	Cost
Pipe in Place ⁽¹⁾	\$3,960,500
Borings ⁽²⁾	\$172,000
Misc. Structures	\$183,500
Equalization Basin	\$394,000
Subtotal	\$4,710,000
Contingency (30 Percent)	\$1,413,000
Estimated Total Construction Cost⁽³⁾	\$6,123,000
Easements	\$100,000
Engineering, Legal & Administration (25 Percent)	\$1,531,000
Estimated Total Project Cost	\$7,754,000
Notes:	
1. Based on approximately 19,500 LF of 48-inch diameter CIPP.	
2. Assume pipeline will be bored under Road 68.	
3. All construction costs are given for the mid-point of construction (August 2009).	
4. Assume turnouts for growers are incidental to pipeline cost or borne by growers.	

4.4 Recommendation

Table 13 summarizes the costs for each of the percolation/irrigation alternatives discussed previously.

The recommended percolation/irrigation alternative for Phase I of the 26 mgd project is Alternative 3A. Consistent with the recommendation originally made in the Master Plan, Alternative 3A includes the complete pipeline (RCP) from the WCP to Basin No. 4 that will serve as the backbone for the City's future irrigation reuse network.

Several factors contributed to the selection of Alternative 3 as the recommended project including cost, regulatory concerns, and potential for future reuse. Alternative 3A has a slightly higher construction cost than the options that include new percolation ponds without the optional 5,150 LF pipeline (Alternative 1 and 2). However, Alternative 3A provides percolation ponds for 22 mgd like Alternatives 1 and 2, while providing the City with infrastructure for irrigation reuse. Utilizing Basin No. 4 also provides the City with secondary benefits including preserving land for local irrigation and growing walnuts, and reducing the physical expansion of the facility's footprint.

Table 13 Non-Mill Creek Effluent Disposal Alternatives Comparison 2008 Visalia Water Conservation Plant Master Plan-Supplement No. 1 City of Visalia							
Alternative	Percolation Pond Location	Pipe Material⁽¹⁾⁽²⁾	Land Purchase Cost⁽³⁾	Total Project Cost⁽⁴⁾	Acreage Open to Reuse (acre)	Total Project Cost (with Optional 5,150 LF Pipeline)⁽⁵⁾	Acreage Open to Reuse (with Optional 5,150 LF Pipeline) (acre)⁽⁶⁾
1A	Walnuts	RCP	\$0	\$10,548,000	0	\$14,348,000	1,000
1B	Walnuts	CIPP	\$0	\$9,348,000	0	\$11,362,000	1,000
2A	Purchased	RCP	\$2,800,000	\$12,937,000	0	\$16,457,000	1,000
2B	Purchased	CIPP	\$2,800,000	\$11,737,000	0	\$13,472,000	1,000
3A	Basin No. 4	RCP	\$0	\$14,667,000	2,600	\$14,667,000	2,600
3B	Basin No. 4 Diversion	CIPP	\$0	\$7,754,000	2,600	\$7,754,000	2,600

Notes:

1. CIPP - un-reinforced, cast in place, concrete pipe.
2. RCP - Class III, low head, reinforced concrete pipe.
3. Land cost based on a land use efficiency of 90% and a land cost of \$17,500 per acre.
4. All project costs are given for the mid-point of construction (August 2009).
5. Additional cost based on approximately 5,150 LF of 48-inch diameter reinforced concrete pipe or cast in place concrete pipe running west from Road 68 (applicable to Alternatives 1A, 1B, 2A, and 2B only).
6. Possible irrigation area adjacent to the additional 5,150 LF of pipeline along the Mill Creek alignment (applicable to Alternatives 1A, 1B, 2A, and 2B only).

It should be noted that Alternative 3B (CIPP) is a viable alternative for the City to pursue. However, using CIPP is contingent upon favorable soil conditions along the proposed alignment. The decision to use CIPP rests with City staff, and hinges upon a favorable soils report. Moving construction of the pipeline from RCP to CIPP would save the City several million dollars for Phase I of the 26 mgd project.

One of the main objectives of the Master Plan was to develop a more sustainable wastewater treatment process for the City. Alternative 3 positions the City for large-scale irrigation reuse in accordance with the Tulare Lake Basin Plan and takes advantage of the City's existing percolation capacity. Utilizing effluent for irrigation offsets valuable groundwater or surface water that could be used for other purposes, including aquifer recharge to decrease groundwater drawdown, or as a potable water source.

**APPENDIX A - PERCOLATION AND IRRIGATION AREA
REQUIREMENTS**

**Table A.1 Alternative 1 - Summary of Percolation/Irrigation Area Needed for Key Projected Flows
2008 Visalia Water Conservation Plant Master Plan
City of Visalia**

Scenario	Available Irrigation Reuse Farmland (Acre)	Required Percolation Pond Acreage (Acre)	Available Percolation Pond Area (Acre)	Extra Area Needed	
				Ponds (Acre) ⁽³⁾	Irrigation/Reuse Farmland (Acre) ⁽⁴⁾⁽⁵⁾⁽⁶⁾
13 mgd (startup)	250	141	78 ⁽²⁾	63	72
18 mgd (2015)	250	200	143	57	139
22 mgd (2020)	858 ⁽¹⁾	216	203	13	172
26 mgd (2030)	858	264	233	0	758

Notes:

1. The City will need to permit 608 acres of private farmland or construct additional ponds if only 250 acres of the City's farmland is available at 22 mgd.
2. Acreage for existing Pond Nos. 2 and 3.
3. Percolation pond requirements based on a percolation rate of 3.12 inches per day.
4. Permitted land requirements based on an irrigation rate of 4.8 feet per year.
5. Additional permitted irrigation land is required to offset land required for construction of new percolation ponds on the City's farmland.
6. Land requirements based on land use efficiency of 90% for newly constructed percolation ponds.

Table A.2 Alternative 2 - Summary of Percolation/Irrigation Area Needed for Key Projected Flows 2008 Visalia Water Conservation Plant Master Plan City of Visalia					
Scenario	Available Irrigation Reuse Farmland (Acre)	Required Percolation Pond Acreage (Acre)	Available Percolation Pond Area (Acre)	Extra Area Needed	
				Ponds (Acre)⁽³⁾⁽⁴⁾	Irrigation/Reuse Farmland (Acre)⁽⁵⁾
13 mgd (startup)	250	141	78 ⁽²⁾	63	0
18 mgd (2015)	250	200	143	52	0
22 mgd (2020)	858 ⁽¹⁾	216	218	0	0
26 mgd (2030)	858	264	218	0	900

Notes:

1. The City will need to permit 608 acres of private farmland or construct additional ponds if only 250 acres of the City's farmland is available at 22 mgd.
2. Acreage for existing Pond Nos. 2 and 3.
3. Percolation pond requirements based on a percolation rate of 3.12 inches per day.
4. New 35-acre percolation ponds located on 40-acre parcels west of Road 68 (90% land use efficiency).
5. Permitted land requirements based on an irrigation rate of 4.8 feet per year.

**Table A.3 Alternative 3 - Summary of Percolation/Irrigation Area Needed for Key Projected Flows
2008 Visalia Water Conservation Plant Master Plan
City of Visalia**

Scenario	Available Irrigation Reuse Farmland (Acre)	Required Percolation Pond Acreage (Acre)	Available Percolation Pond Area (Acre)	Extra Area Needed	
				Ponds (Acre) ⁽³⁾⁽⁴⁾	Irrigation/Reuse Farmland (Acre) ⁽⁵⁾
13 mgd (startup)	250	141	78 ⁽²⁾	63	0
18 mgd (2015)	250	200	143	42	0
22 mgd (2020)	858 ⁽¹⁾	216	238	0	0
26 mgd (2030)	858	264	238	0	504

Notes:

1. The City will need to permit 608 acres of private farmland or construct additional ponds if only 250 acres of the City's farmland is available at 22 mgd.
2. Acreage for existing Pond Nos. 2 and 3.
3. Percolation pond requirements based on a percolation rate of 3.12 inches per day.
4. New percolation capacity from use of 40-acre cells at Basin No. 4
5. Permitted land requirements based on an irrigation rate of 4.8 feet per year.

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 3

Agenda Item Wording: Council approval of additional water conservation efforts including increased enforcement of the water conservation ordinance, development of a stage four of the water conservation ordinance, authorization to apply for Drought Assistance Grants, and formation of a task force to work on a landscape ordinance, and review of other measures being considered.

Deadline for Action: N/A

Submitting Department: Administration

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

Recommendation: That Council approve implementation of the following efforts to improve water conservation:

1. In accordance with the water conservation ordinance which calls for up to three notices prior to issuing a citation and assessing monetary penalties, staff is now giving only two warnings before proceeding with a citation. As part of the education effort, three warnings have been given but under these critical circumstances, that has been reduced to two warnings. No change to the ordinance is required.
2. Work with the Environmental Committee and California Water Service to review the current parameters for Stage 4 of the water conservation ordinance to determine if other provisions should be included, and to recommend trigger points for enforcing the provisions of the stage. Staff recommends bringing back these recommendations in October.
3. Apply for two Drought Assistance Grants through the Department of Water Resource, including one for water controllers in City Parks and Landscape and Lighting areas.
4. Development of a landscape ordinance that would require low water usage landscaping in new developments, and in major replantings. Staff will garner input from other cities, the Environmental Committee, the University of California Extension Service, Urban Tree Foundation and other organizations. Input and draft

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head

LBC7908

(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.

review will also be sought from landscape professionals, Cal Water and the building industry. The plan is to bring back a draft for Council consideration in October.

Summary/Background: The City of Visalia has long been concerned with water conservation. The City Council first passed a water conservation ordinance in 1989. Developed to include stages, the community has been at Stage 3 this entire decade. Stage 3 includes several provisions including allowing for outdoor irrigation only between 8 p.m. and 10 a.m. on designated days, draining and refilling of swimming pools by permit only, restrictions on how vehicles can be washed, hosing down sidewalks, buildings and other facilities is restricted, and water is served in restaurants by request only. The City has had a part-time water conservation education coordinator for a number of years. This staff member has made public presentations, and worked with individual residents who were violating the ordinance. Habitual violators have been given written warnings and ultimately written citations. Recently, the number of written warnings prior to issuing a citation has been reduced to two.

With two consecutive years of below-average rainfall, very low snowmelt runoff and the largest court-ordered water transfer restrictions in state history, Governor Schwarzenegger has proclaimed a statewide drought and issued an Executive Order directing immediate state action to deal with the crisis. The Governor also proclaimed a water emergency in nine Central Valley counties including Fresno, Tulare, Madera, Kings and Merced counties.

Currently the average depth of water under the City is 107 feet. That is 11 feet deeper than in June, 2006. Last year, it reached 101 feet below ground level in August, and returned to 96 feet in December, 2007 following the early rainfall. Cal Water estimates Visalia District water usage increases 3 times during the months of January to July, most of this is due to landscape irrigation..

Increased Enforcement:

In an effort to increase water conservation, staff is recommending several measures including increased enforcement of the irrigation ordinance which designates watering days and times, prohibits hosing off sidewalks and patios, etc., limits swimming pool refilling and other measures. Currently violation of the ordinance call for “issuance of up to three warnings of violations of Section 13.20.050, by way of written notices of violation to the violating water user, before the issuance of a citation for said violations.” The issuance of three warnings provides an educational approach. However, violations often persist and go unresolved. Staff believes decreasing the number of warnings to two before issuance of a citation will make an immediate impact on the community. Citizens who receive an Administrative citation (after 2 warnings) face a \$100 fine for the first infraction, \$200 for the second and up to \$500 per violation for habitual violators. People who decline to pay these penalties can and have had these penalties added to their tax roll.

Review of Stage 4 Provisions & Trigger Points:

The City has been at Stage 3 (identified in the ordinance) for some time. Stage 3 imposes water saving measures. Given the current trend of groundwater levels, staff recommends identifying a trigger within the current water conservation ordinance for a Stage 4, and review of the provisions to determine if additional measures should be added. Included in this analysis will be measures identified in California Water Services Urban Water Management such as:

- Discontinuance of water service for customers violating water use restrictions
- Monitor production daily for compliance with necessary reductions
- More restrictive conditions for landscape irrigation

It's recommended that this item be referred to the Environmental Committee and California Water Service representatives with recommendations to be presented by October.

Grant Applications:

The Department of Water Resources will be accepting applications for Drought Assistance grants in July and August. Part of the proceeds from Proposition 50, one round of grant applications was anticipated for August, however, given the Governor's drought declaration, additional funding have been advanced and fast tracked. Just announced two weeks ago, the first applications are due July 21.

Staff is proposing to apply for funding to install irrigation controllers in city parks and city landscape and lighting areas. This technology will save between 33 and 50 percent of the water used on these facilities by managing water usage through evaluation of the moisture in the air, current temperatures, etc., in order to determine the optimum water usage given the evapotranspiration rate. It will also automate the system thereby limiting over watering due to human error and reducing staff time involved in irrigation management.

Dick Moss of Provist and Prichard has reviewed the grant application and conferred with Water Resources Officials and has recommended this project as one that will score well in this competitive process which requires calculations of actual water savings as part of the grant application analysis.

Staff is reviewing options for the second grant application. Final guidelines for this grant have not been released. Staff will select the project and craft the application to meet the guidelines one they are finalized.

Landscape Ordinance:

Development of a landscaping ordinance is an effective long-term measure. While it is beneficial for the current water conservation ordinance to include methods such as regulating the time of day irrigation can occur and requiring best management practices, the source of the water demand problem is that the traditional landscape requires a great deal of water. Therefore, an ordinance will directly attack the root of the problem by promoting the use of less-thirsty plants, and by providing guidelines on the type and amount of turf available for new development, newly seeded lawns or installed sod.

It's recommended that a a landscape ordinance be drafted, which includes input from the development community, landscape professionals, Cal Water, the Environmental Committee, and City staff, and brought back to the Council for consideration by October.

Other Measures:

In addition to these specific recommendations, staff is working on a number of other measures that could also result in greater water conservation. Staff will report back to Council on the following items by January, 2009 unless otherwise indicated:

- Work with Cal Water to determine if funding mechanisms could be implemented to further accelerate water meter installation and report back to Council by October, 2008. While Cal Water has already reduced the installation time by half, they are still estimating that it will take 8 years to complete the installation, but agree that there could be options for accelerating it further.
- Review of Cal Water's new tiered water rates to determine if increases in these rates could result in additional water conservation efforts by homeowners, and to

determine if additional fee revenue could be used specifically for water conservation projects and incentives, or if City funding mechanisms could be implemented to encourage water conservation.

-Demonstration projects of grass varieties and artificial turf at residential, commercial and municipal buildings for possible inclusion in the landscape ordinance.

-Adoption of an internal policy that requires, water wise landscapes and/ or xeriscaping practices at all new City plantings or replantings, including the new fire station, landscape and lighting installations, and new parks currently being designed. (Many of these facilities are already being developed to this standard, but it would serve as an example to other organizations to establish such a policy.

-Increased public awareness campaign.

Recommended Motion (and Alternative Motions if expected):

I move to approve additional water conservation efforts including increased enforcement of the water conservation ordinance, review of and development of trigger points for stage four of the water conservation ordinance, authorization to apply for Drought Assistance Grants, and formation of a task force to work on a landscape ordinance

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)*

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: July 18, 2008

Agenda Item Number (Assigned by City Clerk): 5

Agenda Item Wording: Authorize the retention of Rosenow Spevacek Group, Inc. (RSG) to prepare an Updated Five-Year Implementation Plan for the Visalia Redevelopment Agency's four (4) project areas.

Deadline for Action: July 14, 2008

Submitting Department: Housing & Economic Development

Contact Name and Phone Number:

Ricardo Noguera, Housing & Economic Development Director, (x4190); Ruth Pena, Financial Analyst (x4327)

Department Recommendation:

Authorize the Executive Director of the Visalia Redevelopment Agency to execute a contract with Rosenow Spevacek Group, Inc. (RSG) to prepare an Updated Five-Year Implementation Plan for the Agency's four Redevelopment Project Areas in an amount not to exceed thirty-five thousand dollars (\$35,000).

Summary/Background:

In February 2005, the Visalia Redevelopment Agency adopted a Five-Year Implementation Plan which will expire in 2010. This proposal to update the Implementation Plan serves as the midway point with the intention to complete a new Plan in 2010. This plan will address the most current and planned activities of the Agency. This report requests Council direction to retain RSG to prepare an updated Implementation Plan (midway point) for the Agency's four Redevelopment Project Areas: Downtown, East Visalia, Mooney Boulevard, and Central Visalia pursuant to Section 33490 of the California Redevelopment Law (CRL).

Section 33490 of the CRL requires each redevelopment agency to prepare and adopt an Implementation Plan every five years. Each implementation plan must contain overall goals and objectives for each project area that will guide activities for the five-year plan period. Also, specific projects that implement the goals and objectives, and anticipated expenditures for each project area for the five-year plan period must be identified. The Implementation Plan must also contain a housing program, as required by Section 33490 and Section 33413 of the CRL. Finally, the Plan should clearly provide linkages between the proposed goals, objectives, and programs of the Implementation Plan, and the elimination of blight. Once adopted, the Implementation Plan establishes the framework for subsequent project implementation activities for its five-year time frame. The CRL also requires that midway through the five-year period, a public hearing must be held to review and update each Implementation Plan.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.):_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.

Funding: This contract will be funded through tax increment generated by the four redevelopment project areas respectively.

Committee/Commission Review and Actions:

Prior Council/Board Actions:

April 21, 2008 – Financial Analysis of Visalia’s Four Redevelopment Project Areas (Fraser & Associates)

Alternatives:

None recommended.

Attachments:

- Proposal from Rosenow Spevacek Group, Inc. (RSG)
- Contract with Rosenow Spevacek Group, Inc. (RSG)
- Map of the 4 Redevelopment Project Areas

Environmental Assessment Status

CEQA Review: N/A

NEPA Review: N/A.

Recommended Motion (and Alternative Motions if expected): I move to authorize the Executive Director of the Visalia Redevelopment Agency to retain the services of Rosenow Spevacek Group, Inc. (RSG) to prepare an Updated Implementation Plan for the City of Visalia’s four (4) redevelopment project areas in an agreement not to exceed \$35,000.

Copies of this report have been provided to:

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 14, 2008

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

Agenda Item Wordng: Authorization to amend the current agreement with PROTEUS, Inc. to operate the Wittman Village Community Center from July 1, 2008 through June 30, 2013.

Deadline for Action: N/A

Submitting Department: Parks & Recreation

Contact Name and Phone Number: Jeannie L. Greenwood ,
Recreation Manager 713-4042

Department Recommendation: Authorize the City Manager to execute an amendment with PROTEUS, Inc. for the operation of the Wittman Village Community Center from July 1, 2008 through June 30, 2013.

Summary/background: In 1984 a group of concerned community members expressed the need for a recreation center to serve the Lincoln Oval neighborhood. In response, the City of Visalia assisted the group with the incorporation of a non-profit organization. Community Development Block Grant (CDBG) funds were then used to build the existing Center. In 1992, the City and the Non-Profit were successful in obtaining a grant from the California Youth Authority to expand programs at the Center. Under the terms of the agreement with the State, the Center must provide recreation programs and neighborhood support for youth for a 20 year term.

A separate agreement was entered into with the Wittman Village Community Center Board of Directors to manage operations at the center. In July 2002, the Wittman Village Community Center board of Directors dissolved their non-profit status. Upon this dissolution, the City took over operations at the Wittman Village Community Center on an interim basis for a one year period.

In July 2003, after an extensive RFP process, the City entered into a five year agreement with PROTEUS, Inc. to manage and operate the Wittman Community Center located at 315 Pearl Street in Visalia.

The current contract is managed by the Parks and Recreation Department. In addition to periodic site visits by the City, PROTEUS, Inc. also provides quarterly written reports to the City outlining the current program, average daily and monthly attendance, fundraising efforts, and other information the PROTEUS, Inc. Board desires to include. The latest quarterly report is provided in this report as Exhibit

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.

A. In addition, PROTEUS, Inc. has made annual reports on the progress of their program to the Citizens Advisory Committee (CAC) and City Council.

The City currently provides PROTEUS, Inc. with \$93,016 in compensation on an annual basis for services rendered to manage and operate the Wittman Center. Staff recommends an annual increase based on the percentage published by the "California Consumer Price Index, All Items, All Urban Consumers". Based on this method, funding would include a 3.9% increase for fiscal year 2008-2009 (total of \$96,644).

The current contract with PROTEUS, Inc. expired June 30, 2008. The City of Visalia posted a Request for Proposal in March, 2008 to solicit proposals for the operation of this facility. Proteus Inc. was the only proposal received.

Recreation Department staff has reviewed PROTEUS, Inc.'s proposal and are satisfied that it meets the requirements stated in RFP #07-08-58. The Parks and Recreation Department has been pleased with the services provided by PROTEUS, Inc. and supports the execution of a new five year agreement to continue operations.

Prior Council/Board Actions: Approved a five-year agreement with PROTEUS to manage and operate the Wittman Community Center on June 23, 2003

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Attachment A - Amendment to Operations and Management Agreement Regarding Wittman Village Community Center for the period of July 1, 2008 – June 30, 2013

Attachment B – Agreement for Operations and Management Agreement Regarding Wittman Village Community Center for the period of July 1, 2003 – June 30, 2008

Attachment C – Most recent quarterly report as submitted by PROTEUS.

Attachment D – PROTEUS, Inc. RFP #07-08-58, Section B - Proposed Program

Recommended Motion (and Alternative Motions if expected):

Motion to give the City Manager authorization to execute an amendment to the agreement with PROTEUS, Inc. for the management and operation of the Wittman Village Community Center for the period of July 1, 2008 through June 30, 2013.

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:

Amendment to
Operations and Management Agreement Between
Proteus, Inc.
and the CITY of Visalia
Regarding Wittman Village Community Center

This Amendment made and effective July 1, 2008 by and between the CITY OF VISALIA, a Municipal Corporation and charter law city of the State of California (hereinafter "CITY"), and Proteus, Inc., a California Non-Profit Public Benefit Corporation (hereinafter "PROTEUS").

R E C I T A L S

WHEREAS, CITY and PROTEUS previously entered into that certain "Operations and Management Agreement Between Proteus, Inc. and the CITY of Visalia Regarding Wittman Village Community Center" (hereinafter referred to as the "Agreement"); and

WHEREAS, CITY and PROTEUS desire to amend the Agreement to extend the term by an additional five years and to adjust the compensation provided to Proteus for the services to be provided under the Agreement; and

WHEREAS, on June 23, 2008, following a request for proposal for operations and management of the Center, City Council awarded the contract extension to PROTEUS; and

WHEREAS, the purpose of this Amendment is to document the amended terms and conditions under which the management and operations of the Whitman Center will occur.

NOW, THEREFORE, based upon the mutual covenants contained herein, the parties agree as follows:

- 1. Section 1 of the Agreement is hereby amended as follows: The intent of the parties in entering into this Agreement is to provide for high quality recreational and educational youth and community programs consistent with the purposes and the mission of PROTEUS, the CITY, the Wittman Center, CITY's RFP No. 07-08-58 and the PROTEUS proposal in response thereto.**
- 2. Section 2 of the Agreement is hereby amended as follows: The term of the Agreement shall be extended by and additional five (5) years, commencing on July 1, 2008 and ending on June 30, 2013, unless earlier terminated as provided herein.**
- 3. Section 7 and Section 7(a) of the Agreement is hereby amended as follows: CITY covenants and agrees to appropriate approximately \$96,644.00 for fiscal year 2008-09 towards operations and utilities. This amount shall be increased each fiscal year for the extended term of the Agreement by the percentage published by the "California Consumer Price Index, All Items, All Urban Consumers." Payment of the appropriated funds and the**

provision of additional support for the operation of PROTEUS will be as follows:

- a. CITY will pay directly to PROTEUS quarterly installments of \$24,161.00 during the term of this Agreement commencing July 1, 2008. As the appropriation is adjusted during the term, the quarterly installment will be adjusted accordingly.

4. Section 8 of the Agreement is hereby amended as follows: In exchange for CITY's covenants, PROTEUS covenants and agrees to:

- a. **Operate, manage, and maintain the Wittman Center and provide staff and programs therefore as outlined in PROTEUS's proposal in response to CITY's RFP No. 07-08-58, each of which are incorporated herein by reference (See Attachment I).**
- b. **Assess, refine, and designate hours of service, including evening and weekend hours as outlined in PROTEUS's proposal in response to CITY's RFP No. 07-08-58, Addendum #1, each of which are incorporated herein by reference (See Attachment II).**
- c. **Maintain a regular schedule of activities, classes, and recreational programs for neighborhood youth and their families. This will involve maintenance and enhancement of current partnerships and programs and collaboration with new agencies to provide additional or varied services as outlined in PROTEUS's proposal in response to CITY's RFP No. 07-08-58, each of which are incorporated herein by reference (See Attachment III).**
- d. **Conduct and pay for minor maintenance and repair of the Wittman Building and premises including, but not limited to: janitorial services, interior paint, and graffiti removal.**
- e. **Conduct and pay for mowing and maintenance of the lawn, landscaping, and grounds surrounding the Wittman Center (excluding the park, which is CITY's sole responsibility.)**
- f. **Prepare a quarterly report for the CITY. This report shall include program highlights, average daily and monthly attendance, fundraising efforts, and other information the PROTEUS board desires to include. This report shall be provided to the Parks and Recreation Director at 345 North Jacob Street, Visalia CA. 93291. The Report will be distributed to the City Council, City Manager, and Finance Division. This report shall be submitted by the end of August, November, February and May during the extended term of the Agreement. The distribution of funds hereunder is contingent on the receipt of the required reports.**
- g. **Prepare annually a budget estimating expenses and revenues and include a board-approved copy in the appropriate quarterly report to the CITY.**

- h. Prepare annually fiscal year end Financial Reports which identify PROTEUS expenses and revenues for the previous year in the appropriate quarterly report. PROTEUS shall provide same to the Community Services Department Director who may distribute it to City Council, City Manager and Finance Division.
 - i. Report to City Council annually program, budget, and fundraising plans during a Council Work Session in June of each year during the term of this Agreement.
5. All other provisions of the Agreement shall remain in full force and effect for the extended term of the Agreement as identified in Section 2 of this Amendment.

IN WITNESS WHEREOF, the parties hereto have entered into this Agreement on the date first written above.

CITY OF VISALIA

PROTEUS, INC.

By: _____
City Manager

By: _____
Chief Executive Officer

ATTEST:

City Clerk

APPROVED AS TO FORM:

Attorney for City

Risk Manager

F:\Client Files\Visalia, City of, 700\703-00 COMMUNITY SERVICES\703-13 Wittman Center\OPERATIONS AGREEMENTS\Operations Agree 2003-2008\Amended Oper Agr Proteus and City.doc

**May 2008
City Report Narrative:**

The Wittman Village Community Center was busy in May wrapping up the Streetwise Partners/Pulse Soccer League.

The Farmersville Streetwise Partners Team placed 1st, the Hodges (London) Community Center Streetwise Partners Team placed 2nd, the U.C.Y.C. PULSE Team placed 3rd and the Wittman Village Community Center PULSE Team placed 4th in this soccer league. This league was composed of eight teams from two different leagues: Streetwise Partners and the After School Safety and Education (ASES)/PULSE program. All kids from all Youth and Community Centers (Manuel Hernandez Community Center, Visalia and Ivanhoe Boys & Girls Clubs, Visalia U.C.Y.C., Wittman Village Community Center, Goshen Youth Center, and the Hodges Community Center) had a great time participating in this one of a kind league. A big thank you to Visalia Unified School District and PULSE Program Manager Frank Escobar for their support and direction. A special thanks also needs to go to Jathor (J.T.) See who coached the Wittman Center team.

After the Streetwise Partners/Pulse Soccer program finished the Wittman Center Middle School kids from our center participated in a Street Slam Basketball Event sponsored by the PULSE program. This tournament was played on the Manuel Hernandez Community Center outside basketball courts in Visalia. Carina Munoz took a group of Wittman Center PULSE kids to Roller Towne in May.

Also in May, Wittman Center staff member Joshua Huerta coordinated a Streetwise Partners Basketball League for High School age youth. The Streetwise Partners program is a gang prevention model and felt a need to focus on this age group. Often the focus has been on the younger youth through out the year. Yet, the Wittman Center recognizes the need to focus time and attention on High School age kids. This Basketball League will run through the month of June.

The Wittman Center has been working on a year long project completing a documentary for our Re-Connecting Families program. Moua Chang has been filming and editing this project. This program is funded by a grant from HHSA Prevention Services. As part of the project we also do puppet shows with anti-drug and alcohol themes. The puppet show in May dealt with the dangers of smoking Marijuana. Carina Munoz and a group of young ladies from the Wittman Center perform the show to a crowded venue full of kids and parents. Joshua Huerta also did a workshop on the dangers of drugs and alcohol. In the workshop youth and parents were given pre and post tests plus they were given handouts and drug and alcohol prevention.

The Wittman Center staff has been preparing for the Step Up Jobs program. We have a waiting list of 37 youth plus each youth center in Visalia will also carry a waiting list. The business community led by Stan Simpson have has been doing fundraising. Joshua Huerta and some of our youth went to the benefit concert on May 16th for the Step Up Jobs program. Rafael Hernandez from the Wittman Center also participated in the Step Up talent show on May 22, 2008. Rafael Hernandez was one of the winners.

On May 15th, an interview panel was formed from our youth serving organizations that are part of our Cal Grip partnership. We interviewed a total of fifteen applicants for this program. We are currently doing background checks on the people selected as NYC's for Cal Grip. We anticipated that Cal Grip will begin in early June.

#6266 Wittman Village Community Center

07/01/2007 to 06/30/2008

Unduplicated Count (Youth Participating)

	150	165	185	187	189	165	172	184	188	178	183		
Activity	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	April	May	Jun	YTD
Youth Participating in Indoor Activities Includes: Board Games, pool, ping-pong, in-door soccer, and basketball.	2552	2887	3297	2737	2394	3100	4306	4368	4254	4483	4389		
Youth Involved In Outside Sports Activities Includes: Out-door soccer, flag football, basketball	242	587	987	2320	941	732	544	943	2350	2898	249		
Youth Services:													
Mentoring	140	144	164	168	180	185	187	192	130	100	120		
Employment Assistance	4	2	3	0	1	3	26	30	20	1	1		
Video Room	0	20	20	35	40	45	20	45	40	0	10		
Resource Room/Tutoring/Homework Club	2596	2941	3341	2380	2394	2480	3680	3890	3483	4136	4281		
Visalia Adult School ESL Students	138	138	176	186	157	79	233	246	299	267	232		
Child Care for VAS ESL Students	64	64	114	55	58	29	56	100	152	314	137		
Snack/Lunch Program	2200	2545	2945	2737	4788	5080	6093	6235	5894	1600	592		
Northside Boxing Club Participants	145	145	145	145	145	145	145	145	145	145	145		
Community Assistance (Filling out forms, interpreting, Misc. Adult Services, etc.)	0	0	2	0	0	0	8	15	26	30	35		
Adult Resource Room	0	0	0	0	0	4	5	8	10	4	0		
Arts & Crafts	616	520	510	300	250	0	40	56	4	20	36		
Dance	310	332	300	220	200	0	200	103	0	0	0		
Group Sessions	50	60	45	48	50	55	50	59	25	21	32		
Streetwise	140	150	700	400	0	0	0	45	60	182	90		
Refferals	0	0	3	0	1	55	10	26	19	15	25		
Community Events	0	2	1	0	3	2	1	1	1	0	0		
NYC Home Visits	17	18	15	30	30	25	29	28	30	23	25		
Breakfast club	0	0	0	0	0	0	0	0	0	0	0		
Total Served	9222	10555	12768	11761	11632	12019	15633	16535	16942	14253	10399	0	-

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

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

Agenda Item Wording: Authorize City Manager to approve Cooperative Agreements, for transportation related projects and facilities, between the City of Visalia and the California Department of Transportation and/or any public entities.

Resolution Number 2008-38

Deadline for Action: None

Submitting Department: Public Works/Engineering Design

Contact Name and Phone Number: Andrew Benelli, 713-4340, Manuel Molina, 713-4491, Fred Lampe, 713-4270

Department Recommendation: Staff recommends that the Council authorize the City Manager to approve Cooperative Agreements, for transportation related projects and facilities, between the City of Visalia and the California Department of Transportation and/or other public entities.

Summary/background: Projects on the State Highway System or projects using State or Federal monies often involve a partnership of funding and responsibilities for doing the work. Whenever there is an exchange of effort, funding, or materials between the City, the California Department of Transportation and/or other public entities, a cooperative agreement is necessary.

A cooperative agreement is a legally binding contract between the City, the State, and/or other public entities involved in a project. It documents the roles and responsibilities of each party and defines what work will be performed.

By designating the City Manager as the official signatory for all cooperative agreements the City of Visalia will be able to process the agreements in a more efficient manner by not needing a Council Resolution with every individual project.

Some of the projects presently requiring cooperative agreements are: The Highway 198 Overcrossing at Santa Fe, The Overcrossing Widening at Ben Maddox, The Mooney Boulevard (SR-63) Widening at both Walnut and Whitendale Avenues, and The Plaza Drive Widening from Airport Drive to Goshen Avenue.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 2

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Prior Council/Board Actions: None specific to cooperative agreements but each project has been before Council at least through the budget process.

Committee/Commission Review and Actions: None

Alternatives: Authorize each cooperative agreement by individual Council Resolution.

Attachments: Cooperative Agreement for the Santa Fe Overcrossing
Cooperative Agreement for Route 63 at Whitendale and Walnut Avenues

Recommended Motion (and Alternative Motions if expected): I move to authorize the City Manager to approve Cooperative Agreements, for transportation related projects and facilities, between the City of Visalia and the California Department of Transportation and/or other public entities.

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:

RESOLUTION NO. 2008-38

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING EXECUTION OF COOPERATIVE AGREEMENTS BETWEEN THE CITY OF VISALIA, THE CALIFORNIA DEPARTMENT OF TRANSPORTATION, AND/OR ANY PUBLIC ENTITY INVOLVED IN TRANSPORTATION PROJECTS

WHEREAS, The California Department of Transportation, the City of Visalia, and/or any public entities pursuant to Streets and Highways Code sections 114 and 130, are authorized to enter into Cooperative Agreements for improvements to the State Highway System, and

WHEREAS, The California Department of Transportation, and the City of Visalia along with other public entities require Cooperative Agreements to define responsibilities for funding, project development, design, acquisition, construction, improvement, or maintenance of transportation related facilities, and

WHEREAS, the City wishes to delegate authorization to execute these Cooperative Agreements to the City Manager.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Visalia that the City Manager is hereby authorized to execute all Cooperative Agreements between the City of Visalia and the California Department of Transportation and/or other public entities for transportation related projects and facilities.

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

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

Agenda Item Wording: Appoint Tim Stark and Emily Magill to the Visalia Environmental Committee.

Deadline for Action: N/A

Submitting Department: Administration

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

Department Recommendation

It is recommended that the Visalia City Council appoint Tim Stark and Emily Magill to terms beginning immediately and ending June 30, 2011..

Background

The Environmental Committee has reviewed the available applications and has interviewed the candidates. Based on this information, they recommended to the Citizen's Advisory Committee that Tim Stark and Emily Magill be appointed to fill two vacant positions on the Visalia Environmental Committee. The CAC reviewed the recommendation, and concurred with the Environmental Committee's recommendation.

Emilyl grew up in Visalia. She currently has her B. S. in Biology from Fresno State and expects to receive her M.S. this December. Her prior professional experience includes employment as an Associate Environmental Planner with Quad Knopf as well as a Field Biologist for CSU Stanislaus. She has worked on a variety of environmental analysis projects with numerous cities in the Central Valley.

Mr. Tim Stark has an Associates Degree in Business from Axia College and has obtained training in Southern California's Edison's Energy Efficiency program, the EPA Energy Star Portfolio Manager, Green House Gas Emission Calculator, and is currently the Co-Chair of the Sequoia Regional Leadership's "GREEN BUSINESS" pilot project. If appointed Tim would like to assist the City in bringing the environmental and economic interests together in order to proactively plan future growth.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

May, 2008 - Visalia Environmental Committee recommended applicants to the CAC.

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): _____

Review:

Dept. Head : LBC

Finance

City Atty

City Mgr

June, 2008 – CAC reviewed and concurred with the Environmental Committee recommendation.

Alternatives:

Any of these positions could remain vacant

Attachments:

Applications

Recommended Motion (and Alternative Motions if expected):

I move to appoint Mr. Tim Stark and Ms. Emily Magill to the Visalia Environmental Committee to serve the recommended terms.

Environmental Assessment Status

CEQA Review:

NEPA Review:

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

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

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 14, 2008

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

Agenda Item Wording: Authorize Council Member Greg Collins as the voting delegate and Vice Mayor Bob Link as the alternate voting member for the 2008 League of California Cities Annual Conference.

Deadline for Action: 9/5/08

Submitting Department: City Clerk/Administration

Contact Name and Phone Number: Donjia Huffmon, Chief Deputy City Clerk 713-4512

Department Recommendation: That the City Council designate Council Member Greg Collins as the voting delegate and Vice Mayor Bob Link as the voting alternate for the 2008 League of California Cities Annual Conference.

Summary/background: The League of California Cities Annual Conference is scheduled for September 24-27 in Long Beach. An important part the Annual Conference is the Annual Business Meeting, scheduled for Saturday morning, September 27. At this meeting, the League membership considers and takes action on resolutions that establish League policy.

League bylaws require that a city's voting delegate and alternate must be designated by the city council affirming the names of the voting delegate and voting alternate. This procedure is to ensure the integrity of the voting process at the Annual Business Meeting.

Both Council Member Collins and Vice Mayor Link have confirmed that they anticipate being present and available on the final day of the conference for the business meeting, and have agreed to serve in this capacity.

Prior Council/Board Actions: N/A

Committee/Commission Review and Actions: N/A

Alternatives:

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 NA
City Atty NA
(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.

Attachments: 2008 Annual Conference Voting Delegate/Alternate Form

Recommended Motion (and Alternative Motions if expected):

Designate Council Member Greg Collins as the voting delegate and Vice Mayor Link as the voting alternate for the 2008 League of California Cities Annual Conference.

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: July 14, 2008

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

Agenda Item Wording: Authorization for the implementation of the City of Visalia's first "Citizens in the Know" Academy.

Deadline for Action: July 14, 2008.

Submitting Department: Administration

Contact Name and Phone Number: Nancy Loliva, 713-4535, Leslie Caviglia, 713-4317.

Department Recommendation: Staff recommends Council authorize the formation, recruitment and implementation of a six-week "Citizens in the Know" Academy for up to 25 participants at a cost not to exceed \$5,000. Funds for this program were included in the budget allotment for Community Relations which was approved by the Council on June 23, 2008.

Summary/background: At its 2007 retreat, City Council members identified increasing citizen participation as a priority. It was included in the work plan of the Community Relations Manager to work with staff to develop strategies to improve communication and enhance awareness by citizens through active participation in local government. A Steering Committee was formed with representatives selected by department heads. Committee members are:

- Janice Avila, Administrative Services
- Gayle Bond, Community Development
- Tim Burns, Housing & Economic Development
- Leslie Caviglia, Administration
- Mike Cromer, Fire Department
- Michele M. Figueroa, Police Department
- Jason Glick, Parks and Recreation
- Nancy Loliva, Administration
- Christopher Tavarez, Public Works & Engineering

Committee members discussed viable options to increase citizen participation in local government. It was agreed that an annual Citizens Academy would be a good approach to improve communication and enhance awareness. Programs in cities of similar size and demographics were reviewed, including Brea, Chino, Clovis, Covina, Cupertino, Dublin, San Dimas, San Juan Capistrano, San Luis Obispo, Santa Clara, and Saratoga, The committee met

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.

with the City Clerk for the City of Clovis, who provided an overview of its Citizens Academy. While some components overlap with other cities, committee members developed a customized, interactive, hands-on curriculum which best highlights the services the City provides.

“Citizens in the Know” is designed to provide citizens with a first-hand look at the internal workings of Visalia city government – the decision-making process, development of city policies, and how citizens can become involved and participate effectively in city government. The program is modeled after community leadership programs and citizen police academies found in many communities throughout the country, including the Visalia Police Department’s own successful Citizens Academy. While this academy acquaints citizens with the inner workings of the Visalia Police Department while being trained to assist in non-hazardous duties, “Citizens in the Know” is designed to provide an educational opportunity for citizens through participation in local government.

Implementation

The six-week program begins with an introduction to City Government. Subsequent sessions will highlight City Administration/Finance 101, overviews of Community Development, Housing & Economic Development & Public Works, Parks & Recreation, Public Safety, and conclude with a tour of the city and graduation ceremonies. Featured speakers for the sessions include the Mayor, Vice Mayor, City Council members, City Manager and management staff, and program managers. Approximately 38 staff members will have an active role in the sessions. Program highlights include a mock Council meeting, tours, and demonstrations, all designed to provide an interactive, educational and enjoyable experience for the participants. Sessions will be held in City-owned facilities, and transportation on the tours will be provided by City transit powered by compressed natural gas.

Recruitment Process

Tools used to recruit members to the first “Citizens in the Know” Academy and to insure a diverse application pool from which to select the enrollees will include: Articles in the July and August issues of the Inside City Hall Newsletter; insertion in the August statement by the California Water Service Company; featured segment on “Visalia Today”, which airs three times weekly August 1-15, 2008, on Comcast Cable Channel 14; dissemination of press releases to all print and electronic media in Tulare County; blast emails through the Visalia Chamber of Commerce, Tulare-Kings Hispanic Chamber of Commerce, service organizations, Visalia Unified School District, Visalia Adult School, College of the Sequoias, Kaweah Delta Medical Center; faith-based organizations, including the Visalia Police Chaplain’s Corp, and community-based organizations such as CSET and Proteus; public service announcements in English and Spanish to air in August on KJUG, La Campesina, and Proyecto Campesino Y Radio Grito; flyer distribution through the City of Visalia’s Committees and Commissions; and featured promotion on the City of Visalia’s website.

Selection Process

Enrollment will be limited to no more than 25 applicants, which was determined by the Steering Committee to be a manageable number. In addition, up to three alternates will be chosen to replace individuals who fail to attend the first session or who for whatever reason, cannot participate in the program once selected. It was also determined that “Citizens in the Know” be held once a year. Cities with similar programs found that participation waned over time when more than one Citizens Academy was held during the year.

Those who wish to apply to the program must be a resident of Visalia, be at least 18 years of age, and commit to attend all six weeks of the program. To be considered for this program,

applications must be received by 5 p.m. Friday, Sept. 5, at the Community Relations Manager's office at 425 E. Oak St., Suite 301. Those interested also may apply on line at www.ci.visalia.ca.us or pick up an application at any city office. Members of the Steering Committee will meet the week of Sept. 8 to select the final applicants. The intent of the selection process is to be inclusive. A random drawing will be done among all eligible applicants. The selected applicants will be notified of their acceptance into the program no later than Monday, Sept. 15. Eligible individuals whose names were not drawn will be placed on a waiting list and given priority for inclusion in the following year's academy if they are still interested in participating.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives:

Attachments:

Recommended Motion (and Alternative Motions if expected):

I move to authorize the implementation of the City of Visalia's Citizens In the Know Academy.

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: July 14, 2008

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

Agenda Item Wording: Approve the Citizens Advisory Committee recommended: 1) appointment of Rachel Rosenberry to the Bicycle, Pedestrian and Waterway Trails Committee; and 2) reduction in size of the Bicycle, Pedestrian and Waterway Trails Committee from 15 to 13 members.

Deadline for Action: None

Submitting Department: Parks and Recreation

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

Department Recommendation: Approve the Citizens Advisory Committee recommended: 1) appointment of Rachel Rosenberry to the Bicycle, Pedestrian and Waterway Trails Committee; and 2) reduction in size of the Bicycle, Pedestrian and Waterway Trails Committee from 15 to 13 members.

Summary/background: The Bicycle, Pedestrian and Waterway Trails (BPWT) Committee voted unanimously to recommend that Rachel Rosenberry fill a committee vacancy.

The BPWT Committee also requests that the Council approve reducing the size of the committee from 15 to 13 members, as 13 members is a more manageable number and makes it easier to get a quorum in order to hold a meeting.

At its July 2008 meeting the Citizens Advisory Committee (CAC) reviewed the application of Ms. Rosenberry to the Bicycle, Pedestrian and Waterway Trails Committee and recommended approval. The CAC also reviewed the BPWT Committee's recommendation to reduce the committee's size from 15 to 13 members and recommends approval.

Prior Council/Board Actions:

Committee/Commission Review and Actions: At its July 2008 meeting, the CAC recommended approval of the applicant and the reduction in committee size.

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

City Mgr _____
(Initials Required)

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

Alternatives:

Attachments: Ms. Rosenberry's application to serve on the Bicycle, Pedestrian and Waterway Trails Committee.

Recommended Motion (and Alternative Motions if expected): Move to approve the recommended appointment of Rachel Rosenberry to the Bicycle, Pedestrian and Waterway Trails Committee and approve the reduction in size of this committee from 15 to 13 members.

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: July 14, 2008

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

Agenda Item Wording: Appointment of City Attorney; renewal of contract.

Deadline for Action: Contract ended June 30, 2008

Submitting Department: Administrative Services

Contact Name and Phone Number: Eric Frost, x4474

Department Recommendation: That the City Council:

- 1) Reappoint Alex Peltzer as the City's Attorney and Leonard Herr and Ken Richardson as Assistant City Attorneys; and,
- 2) Amend and extend the legal agreement with Dooley, Herr, Peltzer and Richardson for two years with a retainer fee of \$23,000 per month for in-scope legal services and \$160 an hour for attorney services and \$110 for para-professional services for out-of-scope work.

Summary/background:

The City's attorney contract will expire as of June 30, 2008. Staff recommends that the contract be revised to reflect current conditions and be revised as appropriate.

Article VII of the City's Charter states the following:

Section 1. The City Attorney shall be a qualified elector of the City at the time of his appointment, and shall be an attorney and counselor-at-law, duly admitted to practice law in the State of California. He shall have been actually engaged in the practice of his profession in this State for a period of at least three years next before his appointment.

Alex Peltzer has served as the City's attorney for the last two years. Staff recommends keeping this relationship.

In addition, the law firm has requested a change in compensation. The proposal is three fold: 1) increase the base hours for Basic Services 2) an increase in the hourly rate for Special Services; and, 3) move services related to code enforcement from Basic

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.

Services to Special Services. Additionally, the agreement asks that the City Attorney's office provide a written update of all ongoing litigation matters once every other month as stated in Paragraph B(i) of the agreement.

The current monthly base fee for "Basic Services" (sometimes referred to as "in scope") is \$20,000. The monthly base fee has historically been negotiated based on an estimate of hours anticipated to be spent on Basic Services. The current rate was adjusted in 2006, and at that time was based on an anticipation of spending 160 total hours on Basic Services per month on average, with an effective billing rate of \$125. The actual experience since 2006 has been an average of more than 210 hours per month, representing a blended attorney billing rate of under \$100.

The contract as proposed anticipates approximately 180 hours a month will be used for in-scope matters. With the increased monthly fee of \$23,000, the average billing rate per hour would be \$128 for Basic Services. As noted above, during the last round of contract negotiations, the in-scope average was budgeted at \$125 an hour.

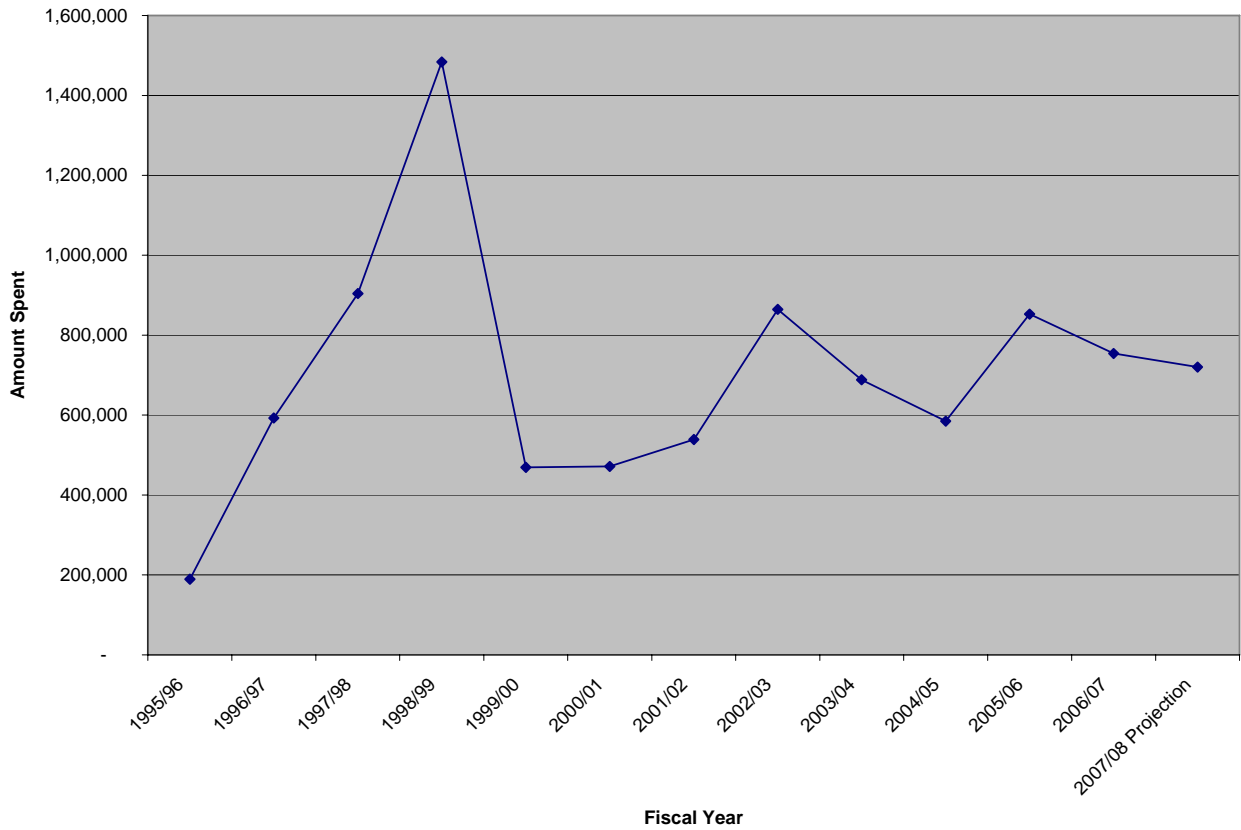
Table I, Comparison of Rates, discloses the proposed change in fees for Special Services, and their percentage increases. Although the paraprofessional rate is proposed to increase more than the attorney's rate on a percentage basis, most of the hours used are for attorney hours.

Table I				
Comparison of Rates				
	<u>Attorney</u>	<u>Change</u>	<u>Paraprofessional</u>	<u>Change</u>
Current Rate	\$150		\$100	
Proposed Rate	\$160	6.7%	\$110	10.0%
New Customer Rate	\$225			

The contract also proposes to move code enforcement activities out of Basic Services, and have them billed as Special Services instead. Approximately half of the significant increase in Basic Service hours that occurred in 2006-2008 is attributed to code enforcement activities, which appears to be the result of code enforcement becoming a higher priority for the City during this period. These activities are more akin to litigation, and appear in general to be outside the scope intended by Basic Services. The City Attorney has spent an average of approximately 25 to 30 hours per month on code enforcement activities.

For comparison purposes, the total fees paid for attorney services for the past 13 years is shown below in Chart I, Total Fees Paid. As shown in the chart, the total fees paid for attorney services has gone down over the last 3 years by \$130,000.

Chart I – Total Fees Paid



In addition, Staff has attempted to compare total legal cost with some other local communities. The comparison is sometimes difficult because each city has a different approach to how they use legal counsel. Some communities consult with attorneys frequently and others do not. However, the comparison is shown in Table II, Legal Costs, Nearby Cities – 2008.

Table II

Legal Costs Nearby Cities - 2008			
City	Population	Legal Costs	Cost per 1000 Population
Visalia	121,498	672,161	5,532
Dinuba	21,087	124,083	5,884
Hanford	51,965	646,381	12,439
Porterville	51,863	256,500	4,946
Tulare	55,690	479,080	8,603

If action is taken in closed session to approve the recommended action and execute the contract, the contract would be finalized and the action would be reported at the next Council meeting after it has been executed.

Prior Council/Board Actions: Approval of City Attorney Contract dated August 7, 2006

Committee/Commission Review and Actions:

Alternatives:

Attachments: Memo dated 6/19/08 from Dooley, Herr, Peltzer & Richardson Law Firm.

Recommended Motion (and Alternative Motions if expected):

- 1) Reappoint Alex Peltzer as the City's Attorney and Leonard Herr as Assistant City Attorney; and,
- 2) Amend and extend the legal agreement with Dooley, Herr and Peltzer for two years as of July 1, 2008 with a retainer fee of \$23,000 per month for in-scope legal services (Basic Services), amend the contract to specify code enforcement activities are to be classed as Special Services, and adjust Special Service billing rates to \$160 an hour for attorney services and \$110 for para-professional services.

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:

**Amended and Restated
LEGAL SERVICES AGREEMENT**

THIS Amended and Restated PROFESSIONAL SERVICES AGREEMENT is made and entered into this ___ day of September, 2008, by and between the CITY OF VISALIA (hereinafter referred to as the "City"), and DOOLEY, HERR PELTZER & RICHARDSON, LLP (hereinafter referred to as "DHP&R") and amends and restates the Legal Services Agreement between the parties dated September 9, 2006.

RECITALS

WHEREAS, the City seeks legal counsel concerning issues of general municipal law and other issues related to the operation of the City; and

WHEREAS, Article IV, Section 1 of the City's Charter requires the appointment of a City Attorney. Article IV, Section 5 provides that the City Council shall appoint the City Attorney; and

WHEREAS, DHP&R has considerable experience representing public agencies and is willing, qualified and duly licensed to provide legal services to City as City Attorney under this contract as an independent contractor, subject to the terms and conditions herein stated; and

WHEREAS, the City has determined that DHP&R is qualified by training and experience to render such services, and DHP&R has agreed to provide such services; and

WHEREAS, the public interest will be served by this Agreement;

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. SCOPE OF SERVICES.

City hires DHP&R to provide legal services as City Attorney to the City. DHP&R shall be the exclusive provider of "Basic Services" described herein and may be used by the City to provide "Special Services". Duties shall include:

- (a) The provision of "Basic Services" which shall include, but not be limited to, all of the following;
 - (i) DHP&R, through the City Attorney or, in his absence, the Senior Counsel or Assistant City Attorney, shall attend all regular meetings, and special meetings as needed, of the City Council and, upon request, the City Planning Commission. The attorney's duties in this connection shall be to render advice and opinions with respect to all legal matters which arise during any such meeting;
 - (ii) DHP&R shall be available for consultation with Council members and City staff as needed;

- (iii) DHP&R, through the City Attorney, or Assistant City Attorney shall also attend meetings of other boards, commissions, committees, and staff of the City, when requested to do so by the City Council or the City Manager.
- (iv) DHP&R shall review and/or prepare ordinances, resolutions, orders, contracts, agreements, forms, notices, declarations, certificates, deeds, leases, and other documents required by the City;
- (v) DHP&R shall conduct legal work pertaining to property acquisition, property disposal, public improvements, public rights of way and easements, and matters relating to public utilities;
- (vi) Unless otherwise directed by the City Council, DHP&R shall manage the work of outside counsels as needed and directed by the City Council and City Manager;
- (vii) DHP&R shall conduct research and prepare and follow through in matters involving collection of performance bonds, pursue litigation to collect damages due the City, and shall be available to respond to general litigation and code enforcement inquiries and attend regular Risk Management meetings. Except for the conduct of litigation and code enforcement specified in this paragraph, all other litigation and code enforcement conducted on the City's behalf shall not be considered as a "Basic Service"; and
- (viii) DHP&R shall provide advice and counsel to the City on personnel and employment issues other than personnel claims included under Special Services.

(b) The provision of "Special Services" which shall be assigned by the City Council or City Manager and which shall include, but not be limited to, claims and litigation related to employment and personnel issues, the California Environmental Quality Act, general planning statutes of the State of California, general liability and the City's power of condemnation. DHP&R will provide such special services except in those instances where DHP&R and the City Manager determine that other counsel is required to meet the needs of the City. Among other things, Special Services shall include:

- (i) review and management of all claims for damages submitted against the City and representation of the City in all litigation arising therefrom; DHP&R shall provide the City Council and City Manager with written updates once every two months on the status and progress of all litigation-related matters;

- (ii) representation of the City in all personnel claims and proceedings not otherwise provided for in basic services;
- (iii) comprehensive review and revision of the City's personnel policies and procedures at the direction of the City Manager;
- (iv) representation of the City, at the direction of the City Manager, in all administrative, civil or criminal actions and other matters related to enforcement of the Visalia Municipal Code, other than that specified in Basic Services; and
- (v) representation of the City, at the direction of the City Manager, in labor negotiations; and
- (vi) representation of the City in all litigation matters, other than that specified in Basic Services.

2. APPOINTMENT – CITY ATTORNEY AND ASSISTANTS.

City, by and through its City Council, does hereby appoint Alex M. Peltzer as City Attorney as provided in the City's Charter. As specified in the Charter, Mr. Peltzer shall serve solely at the pleasure of the City Council. The appointment of Mr. Peltzer as City Attorney shall remain in effect during the term of this Agreement. The City Council may terminate the appointment, with or without cause as specified in paragraph 15 of this Agreement.

In recognition of the fact that there may be occasions when the City Attorney or Senior Counsel is unavailable and to facilitate efficient provision of legal services, the City appoints Leonard C. Herr and Kenneth J. Richardson as Assistant City Attorneys. The City Attorney shall not miss two or more consecutive meetings of the City Council without prior approval of the City Manager.

The City Attorney may not, without the consent of the City Council, designate other attorneys in DHP&R to serve as an Assistant City Attorney.

3. COMPENSATION AND METHOD OF PAYMENT.

- (a) City agrees to pay DHP&R TWENTY-THREE THOUSAND DOLLARS (\$23,000.00) per month for the provision of all "Basic Services" for the period beginning July 1, 2008 through June 30, 2010.
- (b) City agrees to pay DHP&R ONE HUNDRED AND SIXTY DOLLARS (\$160) per hour for all attorney time and ONE HUNDRED AND TEN DOLLARS (\$110) per hour for all paraprofessional time for the provision of all "Special Services" for the period beginning July 1, 2008 through June 30, 2010. For the purposes of this Agreement, paraprofessionals shall be defined solely as law clerks and paralegals.

- (c) DHP&R will not charge the City of Visalia for any copy, facsimile, postage, local courier or telephone charges. DHP&R will charge for out of pocket expenses associated with litigation (filing, expert witness, court reporters and copying of documents in response to discovery requests), conference registration (registration fees for conferences related to continuing education will not be charged to the City), and travel expenses related to out of town business.
- (d) DHP&R will bill the City on a monthly basis with itemization and detail sufficient to meet City's accounting needs. DHP&R and City will specify detail necessary for accounting purposes prior to the commencement of legal services pursuant to this agreement.
- (e) City will pay all bills as required by this Agreement within THIRTY (30) days of receipt. If the City does not comply with these requirements, DHP&R may terminate this Agreement upon written notice to the City.

4. TERM.

Unless otherwise terminated as provided herein, this Agreement shall commence on July 1, 2008, and shall extend through June 30, 2010 and may be extended by mutual agreement of the City and DHP&R.

5. PERFORMANCE REVIEW.

On or about June 1, 2009, and annually thereafter, the City Council shall audit and review the performance and legal fees of DHP&R and its members or associates in furnishing the services provided hereunder, and the compensation provisions hereof. The parties may agree to changes or amendments hereto, including, but not necessarily limited to, changes in compensation provisions, which changes or amendments shall be evidenced by written amendment or by minute order evidencing motion duly made and carried by the City Council. Nothing in this paragraph shall be deemed to prevent or inhibit more frequent review of performance, compensation, or other matters relating to this Agreement or otherwise inhibit the free and candid exchange of views between the parties hereto, to the end that the legal interests of City shall best be served and DHP&R shall fairly be compensated for legal services rendered.

6. TECHNOLOGY COMPATIBILITY.

DHP&R shall take all reasonable steps to ensure that computer technology (both hardware and software) is compatible with systems utilized by the City. Additionally, DHP&R shall cooperate with City to integrate telephone communications with the system utilized by the City.

7. NO PERSONAL LIABILITY.

No member, official or employee of the City shall be personally liable to DHP&R or any successor in interest in the event of any default or breach by the City or for any amount which may become due to DHP&R or successor or on any obligation under the terms of this Agreement.

8. ASSIGNMENT OF AGREEMENT.

DHP&R shall not assign or transfer any interest in, nor delegate any duties thereof in this Agreement. Any assignment or delegation without express written consent of the City shall be void.

9. RESPONSIBILITY OF DHP&R.

DHP&R shall take and assume all responsibility for the services rendered in connection with this Agreement. DHP&R shall render its services in accordance with the standard of care required of a competent practitioner engaged in a similar practice of law. Mr. Dooley shall be responsible for ensuring that DHP&R provides the highest quality legal services.

DHP&R agrees to provide conscientious, competent and diligent services and at all times will seek to achieve solutions, which are just and reasonable for the City. However, because of the uncertainty of legal proceedings, the interpretation and changes in the law and many unknown factors, DHP&R cannot and does not warrant, predict or guarantee results or the final outcome of any case or matter.

10. INDEPENDENT CONTRACTOR.

DHP&R hereby declares that it is engaged in an independent business and agrees to perform said services as an independent contractor and not as the agent or employee of the City. DHP&R agrees to be solely responsible for its own matters relating to payment of employees, including compliance with Social Security, withholding and all other regulations governing such matters. DHP&R agrees to be solely responsible for its own acts and those of its subordinates and employees during the life of this Agreement.

11. INSURANCE.

(a) DHP&R shall have and maintain in full force and effect the insurance policies set forth in Attachment A, which is attached hereto and incorporated herein. All policies, certificates or binders shall be subject to approval by the City as to form and content. These requirements are subject to amendment or waiver if so approved in writing by the City Manager. DHP&R shall provide the City with a copy of said policies, certificates prior to commencing work under this Agreement.

(b) Thirty (30) days prior written notice of cancellation shall be given to the City in the event of expiration, cancellation or reduction in coverage of any nature. Such notice shall be sent to:

City Manager
City of Visalia

Visalia, California 93291

(c) Proof of Coverage: Copies of the required certificates of insurance, which shall be provided by DHP&R insurance company as evidence of the stipulated coverages. This Proof of Insurance shall then be mailed to:

City Manager
City of Visalia
Visalia, California 93291

12. CONFLICTS OF INTEREST.

DHP&R declares it has no holdings or interests within the City of Visalia, which preclude it from serving as City Attorney. Further, DHP&R declares that it has disclosed its list of clients to the City Manager. DHP&R has no business holdings or agreements with any official or other representatives of the City of Visalia.

13. CONFIDENTIALITY.

To the extent permitted by law, all the reports, information, data or other materials prepared or assembled by DHP&R under this Agreement, including DHP&R's opinion and conclusions based upon such items, are confidential. DHP&R agrees that such reports, information, opinions or conclusions shall not be made available to or discussed with any individual or organization, including the news media, without the prior written approval of the City.

14. TERMINATION.

(a) This Agreement may be terminated, with or without cause, in writing by the City for its convenience, provided that no such termination may be affected unless DHP&R is given not less than thirty (30) days written notice (delivered by certified mail, return receipt requested) of the intent to terminate.

(b) Any termination shall provide for payment to DHP&R for services rendered and expenses incurred prior to the termination.

(c) Upon receipt of a termination notice DHP&R shall (1) promptly discontinue all services affected (unless the notice directs otherwise) and (2) deliver to the City all records, reports, and files of the City.

(d) Upon termination, the City may take over the work and prosecute the same to completion by agreement with another party or otherwise.

(e) The rights and remedies of the City and DHP&R provided in this clause are in addition to any other rights and remedies provided by law or under this Agreement.

15. FILE RETENTION AND DESTRUCTION.

DHP&R shall safely maintain and store all files, records and other materials acquired in the course of its representation of the City. No files will be destroyed without the consent of the City.

16. NONDISCRIMINATION.

In connection with the execution of this Agreement, DHP&R shall not discriminate against any employee or applicant for employment because of race, religion, color, sex or national origin.

17. ENTIRE AGREEMENT.

This Agreement represents the entire agreement between the parties and supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter hereof; and no other agreement, statement, or promise relating to the subject matter of this Agreement not contained herein shall be valid or binding.

18. INTERPRETATION OF AGREEMENT.

This Agreement shall be construed and interpreted both as to validity and performance of the parties in accordance with the laws of the State of California.

19. SUCCESSORS AND ASSIGNS.

Subject to the provision of this Agreement regarding assignment, this Agreement shall be binding on the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the City and DHP&R have executed this Agreement this ___ day of September 2008.

CITY OF VISALIA
LLP

DOOLEY HERR PELTZER & RICHARDSON,

By: _____
Steve Salomon, City Manager

By: _____
Alex M. Peltzer

Attest

By: _____

Deputy City Clerk

F:\City Attorney\LEGAL SERVICES AGREEMENT(AMP 6-27-06).doc

ATTACHMENT A

INSURANCE

INSURANCE REQUIREMENTS:

DHP&R, at DHP&R's sole cost and expense and for the full term of this Agreement or any renewal thereof shall obtain and maintain at least all of the following minimum insurance requirements prior to commencing any work or receiving payments therefor under this Agreement:

(a) A COMPREHENSIVE GENERAL LIABILITY policy with a minimum limit of not less than ONE MILLION DOLLARS (\$1,000,000.00) combined single limit for personal injury, bodily injury, and property damage.

(b) A WORKERS COMPENSATION AND EMPLOYERS LIABILITY policy written in accordance with the Labor Code of the State of California and Employers Liability limits of \$1,000,000.00 per accident. The insurer shall agree to waive all rights of subrogation against the Agency, its officials, employees, and agents for losses arising from work performed by the contractor for the Agency.

(c) A PROFESSIONAL LIABILITY ERRORS AND OMISSIONS policy in an amount not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000.00) per claim, ONE MILLION DOLLARS (\$1,000,000.00) aggregate. If this policy should contain a deductible clause, it shall not be greater than TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) per occurrence.

(d) AUTOMOTIVE INSURANCE. The attorneys at DHP&R agree to keep in good standing valid California driver's licenses at all times during the term of this Agreement. DHP&R shall also obtain, and keep in force during the term hereof, a policy of motor vehicle public liability insurance which shall afford not less than the following amounts of coverage: ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) each occurrence; property damage liability, TWENTY-FIVE THOUSAND DOLLARS (\$25,000.00) each occurrence.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 14, 2008

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

Agenda Item Wording: Resolution No. 2008-39 would suspend the Parking In-lieu Fees for “change in use” projects in the Parcel Based Improvement District (PBID) areas if an annual payment is made by PBID to the City’s Central Business District Parking Zone’s Parking In-lieu Fund.

Introduction of Resolution No. 2008-39: Currently, Parking In-lieu Fees may be required for all “change in use” projects in PBID areas. This resolution would suspend the “change in use” parking in-lieu fees within the PBID boundaries (Zone One and Zone Two) provided that PBID make an annual payment to the “Central Business District Parking Zones Parking In-lieu Fund”. The initial payment would be \$25,000 and then adjusted annually per Section 17.30.035 B of the City Code.

The fee will be suspended in fiscal year July 1, 2008 – July 1, 2009 provided the payment is made by PBID prior to the effective date of this resolution. In subsequent years, if PBID makes the payment by May 1st, the parking in-lieu fees will be suspended within the PBID boundaries for the following fiscal year. For example, if the payment is made by May 1, 2009 the fee would be suspended for the fiscal year of July 1, 2009 thru July 1, 2010.

Deadline for Action: None

Submitting Department: Public Works

Contact Name and Phone Number:
Chris Young, Assistant Public Works Director 713-4392
Andrew Benelli, Public Works Director 713-4340

Department Recommendation: Staff recommends that the City Council approve Resolution No. 2008-__

Summary/background: City Staff has received numerous requests to eliminate the parking in-lieu fees for “change in use” projects within the PBID boundaries. The Downtown Visalia Alliance Strategic Plan (2007) stated the following, “The parking in-lieu fees charged by the City of Visalia to cover the costs of parking improvements have proven to be a major disincentive for development in Downtown Visalia. In order to remove this barrier, we recommend the City eliminate all change-in-use in-lieu parking fees. To cover the revenue loss that would occur, the PBID could use monies from its Parking and Improvement Fund to make a Parking Enhancement Contribution to the City at an amount of \$25,000 per year”. PBID has agreed to make this annual contribution. The initial contribution will be \$25,000, and

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.

subsequent contributions will be adjusted to cover changes in costs of parking facilities per Section 17.30.035 B of the City Code.

Committee/Commission Review and Actions: None

Environmental Review:

This project is considered Statutorily Exempt under Section 15273 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). "CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies".

Prior Council/Board Actions:

Parking In-lieu Fees for the Central Business District Parking Zones were established within Article 2 of Chapter 17.30 of the City Code. Per the City Code, these Parking In-lieu Fees are currently charged for all change of use projects within the Central Business District Parking Zones if off-street parking spaces are not provided in accordance with Section 17.34.020.

Related Projects: None

Alternatives:

- Deny the request and keep the existing plan which requires parking in-lieu fees be paid for all "change in use" projects.

Attachments:

- Resolution No. 2008-39

Recommended Motion (and Alternative Motions if expected):

I recommend that the Council approve Resolution No. 2008-39 conditionally suspending the parking in-lieu fees for "change in use" projects within the PBID boundaries contingent upon PBID making an annual payment to the "central business district parking zones parking in-lieu fund". The initial payment would be \$25,000 with subsequent payments adjusted annually per Section 17.30.035 B of the City Code.

Environmental Assessment Status

CEQA Review: This project is considered Categorical Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2007-68).

NEPA Review: None required.

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

Copies of this report have been provided to:

RESOLUTION NO. 2008- 39

A RESOLUTION OF THE COUNCIL OF THE CITY OF VISALIA, APPROVING THE SUSPENSION OF PARKING IN-LIEU FEES FOR “CHANGE IN USE” PROJECTS WITHIN THE PARCEL BASED IMPROVEMENT DISTRICT BOUNDARIES

WHEREAS, City of Visalia collects Parking In-lieu Fees as described in Title 17, Chapter 17.30, Article 2 of the City Code; and

WHEREAS, the average annual revenue collected for “change in use” Parking In-lieu Fees within the Parcel Based Improvement District (PBID) Zone One and Zone Two is \$25,000; and

WHEREAS, the PBID has agreed to contribute a payment annually to the Central Business District Parking Zones Parking In-lieu Fund; and

WHEREAS, PBID’s initial payment shall be \$25,000 and shall be adjusted annually per Section 17.30.035 B of the City Code.

WHEREAS, the Parking In-lieu Fee within PBID Zones One and Two will be suspended in fiscal year July 1, 2008 – July 1, 2009 provided the payment is made by PBID prior to the effective date of this resolution. In subsequent years, if PBID makes the payment by May 1st, the Parking In-Lieu fees will be suspended within the PBID boundaries for the following fiscal year; and

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Visalia approves the suspension of “change in use” Parking In-lieu Fees within the PBID Zone One and Zone Two contingent upon an annual payment made by PBID as noted above.

PASSED AND ADOPTED: _____

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

I, _____, City Clerk of the City of Visalia, certified the foregoing is the full and true Resolution No. 2008-_____, passed and adopted by the Council of the City of Visalia at a regular meeting held on July 14, 2008.

DATED: _____, CITY CLERK

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 14, 2008

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

Agenda Item Wording: First reading of Ordinance No. 2008-06, amending Section 17.30.045 A and B regarding the Parking In-lieu Fee Program. These amendments would replace the existing five (5) year payment program with a ten (10) year payment program for Parking In-lieu Fees in the Central Business District.

Introduction of Ordinance No. 2008-06:

This ordinance would amend the Parking In-lieu Fee Program to allow the placement of a ten (10) year payment program for the deferred parking-in-lieu fees on the property tax roll. This amendment will eliminate the existing five (5) year payment program.

If the ten payment schedule is adopted, existing payment schedules on the five payment plan could restructure their plan to utilize the 10 payment plan. This would not allow the conversion to a new 10 payment plan, but allow the use of the program less the number of payments already made. For example, if any existing five (5) payment plan had three (3) payments left to go, they would be allowed to restructure the program to have eight (8) payments remaining.

Deadline for Action: None

Submitting Department: Public Works

Contact Name and Phone Number:

Chris Young, Assistant Public Works Director 713-4392
Andrew Benelli, Public Works Director 713-4340

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.

Department Recommendation: Staff recommends that the City Council approve the first reading of Ordinance No. 2008-06 amending Section 17.30.045 A and B regarding the payment program for Parking In-lieu Fees.

Summary/background: City Staff has received numerous requests to amend the payment program for Parking In-lieu Fees. This ordinance amendment would change the optional five year payment plan adopted by Council in February of 2002, to an optional ten year payment plan. The five year payment plan would be eliminated.

Committee/Commission Review and Actions: None

Environmental Review:

This project is considered Statutorily Exempt under Section 15273 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). “CEQA does not apply to the establishment, modification, structuring, restructuring, or approval of rates, tolls, fares, and other charges by public agencies”.

Prior Council/Board Actions:

In February of 2002, the City Council amended the Parking In-Lieu Fee Program to allow the option of a five year payment plan with an automatic program to have the deferred fees be placed on the tax roll if the annual installment is not made. The five year program was initiated with the intent to provide an option for payments which would encourage projects in the downtown which might otherwise not occur.

Related Projects: None

Alternatives:

- Deny the request and keep the existing plan which allows parking in-lieu fees be paid in a lump sum payment or a five payment schedule with a roll-over to the tax roll if an installment is not paid.

Attachments:

- Ordinance No. 2008-06 showing changes and additions in italics and deletions in strikethrough

Recommended Motion (and Alternative Motions if expected):

I recommend that the Council approve the first reading Ordinance No. 2008-06 amending Section 17.30.045 A and B “Timing of Fee Payment/Security” of the Municipal Code, to allow the placement of a 10 payment deferred Parking In-Lieu Fees program on the tax-roll.

Environmental Assessment Status

CEQA Review: This project is considered Categorically Exempt under Section 15311 of the Guidelines for the Implementation of the California Environmental Quality Act (CEQA). (Categorical Exemption No. 2007-68).

NEPA Review: None required.

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

Copies of this report have been provided to:

Ordinance No. 2008-06

An Ordinance of the City of Visalia
Amending Section 17.30.045 A and B

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VISALIA AS FOLLOWS:

Section 1: Section 17.30.045 A and B is hereby amended to read as follows (deletions are shown in strikethrough and additions shown in italics).

17.30.045 Timing of fee payment/security.

A. Notwithstanding the requirements of Section 17.30.040, the payment of the required parking in-lieu fees may be made in ~~five~~ *ten* equal installments as follows:

1. The first ~~twenty (20)~~ *ten (10)* percent installment shall be due at the time a building permit or certificate of occupancy is issued and/or intensification or initiation of use which causes the fee to be assessed.
2. The remaining ~~eighty (80)~~ *ninety (90)* percent shall be paid in ~~twenty (20)~~ *ten (10)* percent installments annually on the anniversary of the first installment. The interest rate shall be a fixed rate computed initially on the basis of an interest rate equal to the most recently calculated average annual interest received on all of the city's investment funds plus two (2) percent.

B. Any portion of the in-lieu fee which is not paid prior to the issuance of a building permit, certificate of occupancy and/or intensification or initiation of use which causes the fee to be assessed, and alternatively employs the payment method outlined in subsection A of this section, shall be adequately secured. Such security shall be subject to approval by the city manager or his/her designee and shall be one of the following types:

1. A bond or bonds by one or more duly authorized corporate sureties; or
2. A deposit, either with the city or a responsible escrow agent or trust company, at the option of the city, or money or negotiable bonds of the kind approved for securing deposits of public moneys; or
3. An instrument of credit from one or more financial institutions subject to regulation by the state or federal government and pledging that the funds necessary to carry out the act or agreement are on deposit and guaranteed for payment, or a letter of credit by such a financial institution; or
4. A note secured by a deed of trust in real property. If the deed of trust is subordinate to other deeds of trust against the property, the total encumbrances against the property, including the proposed subordinate deed of trust, shall not exceed eighty-five (85) percent of the appraised value of the property. The applicant requesting such type of security shall obtain, at its expense, an appraisal of the property by a certified real estate appraiser.
5. Rolling the balance due, including interest, to the property tax roll. This method is only available to the owner of the property, or in the case of a leasehold or rental interest, with the property owner's consent. Owner shall work with the Finance Department of the city and execute

the documents necessary to implement this alternative. The placement on the property tax roll may cause the second installment payment to occur earlier or later than one year after the initial payment depending on the timing of the placement on the property tax roll. The collection on the property tax roll shall not preclude the earlier payment of the balance due.

6. Notwithstanding the requirement for security as prescribed in this subsection, the city manager or his/her designee may allow the owner-applicant to make the installment payments on the anniversary of the first installment without the requirement of security described herein subject to a signed agreement which provides that should any installment payment become thirty (30) or more days delinquent, that installment and accrued interest shall be placed on the property tax roll. Any remaining installments due and owing shall continue to become due on the anniversary of the initial installment and are subject to being rolled to the tax role if not paid within thirty (30) days of when due. The collection on the property tax roll shall not preclude the earlier payment of the balance due.

C. The ~~five~~ ten equal installment plan shall be contingent upon proper security and subject to the execution of a covenant accepting the terms of the approval, in a form approved by the city attorney, which covenant shall run with the land and be recorded with the county recorder by the city clerk. (Ord. 2002-01 § 2, 2002)

Section 2: This ordinance shall be effective thirty (30) days after the passage of the second reading.

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

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

Agenda Item Wording: Authorize the City Manager to release a Request For Proposal (RFP) for the disposition of city-owned properties located between Mineral King and Acequia Avenues and Stevenson and Conyer Streets.

Deadline for Action: July 14, 2008

Submitting Department: Housing & Economic Development

Contact Name and Phone Number: Ricardo Noguera, Housing & Economic Development Director ext. 4190

Department Recommendation:

To authorize staff to release a Request For Proposal (RFP) for the disposition of city-owned properties located between Mineral King and Acequia Avenues and Stevenson and Conyer Streets.

Summary/Background

In October 2007, the City released an RFP for the sale of a 12,000 square foot property at the southeast corner of Acequia and Conyer streets. There was one response to the RFP received and it called for the acquisition of more property than was included in the RFP. Following several discussions both internally and with the development team, staff concluded that it was more appropriate to expand the area to be disposed and release a new RFP covering property north and south of Mill Creek.

Vision Plan

For the past several months, the City has been preparing a Vision Plan for the two-block area between Johnson and Conyer streets (east-west) and from Mineral King to Acequia avenue. The vision plan calls for the development of professional medical offices (3 to 5 stories); consideration of residential units on upper floors; two parking structures; a potential hotel and ground floor retail space.

The plan is projected to be developed in two to three phases with the western block to be sold and developed first. The western block development may occur in one or two phases depending on how the selected developer chooses to address the property south of the creek. The existing block which currently supports City Hall West and the public safety facility will eventually be sold and redeveloped once city hall and the public safety facility relocate to East Downtown. An assessment is currently underway to determine which portion of the public safety facility should

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.

be retained to support the firehouse which will remain permanently. Ultimately, the City will create an opportunity for a private investor to acquire the city offices and redevelop with professional medical offices and a parking structure.

Public Places

The City plans to maintain a twenty-five (25) foot wide area along both sides of Mill Creek as a public pedestrian path. This area will complement the improvements planned for Miki Park, located just east of Stevenson Street and extend the linear path which will be available for pedestrians and bicyclists. The City will also maintain public easements between Stevenson and Conyer Streets to support both the existing building situated at the southeast corner of Acequia and Stevenson Streets as well as the vacant pad to its' immediate west.

Intent of the RFP

The City intends to utilize the proceeds from the sale of the properties to support the development of the new civic center. The City will also pursue parking for public use as part of the negotiations for the new private development.

Prior Council/Board Actions:

- Council authorized release of an RFP in October 2007.

Committee/Commission Review and Actions

Alternatives: The City could opt to either continue negotiations with the lone respondent developer or release two RFPs to consider both sides of the creek separately. Neither option is recommended by staff.

Attachments:

- Aerial of the two block area
- RFP

Recommended Motion (and Alternative Motions if expected): To authorize staff to release a Request For Proposal (RFP for the disposition of city-owned properties located between Mineral King and Acequia Avenues and Stevenson and Conyer Streets.

Environmental Assessment Status

CEQA Review: N/A

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:

TO: Interested Development Teams

FROM: Steve Salomon, City Manager
City of Visalia

RE: Request For Proposals (RFP) for Downtown Mixed-Use
Development – Acequia/Mineral King/Stevenson/Conyer
One-Block Area

DATE: July 14, 2008

AN INTRODUCTION TO DOWNTOWN VISALIA

The City of Visalia, founded in 1852, boasts the healthiest and most vibrant downtown in the San Joaquin Valley. It is also the “Gateway to the Sequoias”, just forty minutes east on Highway 198 (from Sequoia National Park). Its two major anchors: Kaweah Delta District Hospital (employs approximately 2,128 workers downtown) and the City of Visalia serve as major attractions to the Downtown. The Hospital serves the greater Tulare County area supporting more than 150,000 residents. There are a wide variety of restaurants, cafes, boutiques, banks, and other retail and commercial services to support the surrounding community. The other notable institutional use in the area includes: the County Offices and Court House (Visalia serves as the County Seat for Tulare County).

There’s been significant and continued growth in the Downtown area. In order to support the major expansion of Kaweah Delta District Hospital (\$120 million under construction), the City constructed a 700 space parking structure along Acequia Avenue. Additionally, along the eastern end of the corridor, the City constructed a 431 space parking garage directly across from City Hall East. This garage has served to support the successful Regal Cinemas (10 screens), Comfort Inn Suites, and new retail and office developments in and around Acequia, Bridge, Main and Church Streets. Downtown has experienced office growth and continues to support both medical-related, professional, financial, and real estate oriented offices.

THE PROJECT

The City of Visalia invites interested developers to submit a proposal in response to this Request For Proposals (RFP) to purchase two city-owned properties encompassing nearly three-quarters of the block consisting of Acequia to Mineral King Avenues (north-south) and Stevenson to Conyer

Streets (east-west). The City seeks a private development team which can support the expanding hospital with private medical offices; potential residences to support medical personnel and interested downtown dwellers; ground floor retail fronting Acequia Avenue and a parking structure.

The City is also preparing a Vision Plan for the two-block area encompassing Acequia to Mineral King Avenue and from Johnson to Conyer Street. The plan calls for the development of medical offices; residential; and two parking structures. The development should occur in two to three phases with the first two occurring as part of this RFP process. The third will consist of the block currently occupied by City Hall West and the public safety facility. An assessment of the existing public safety facility is underway. The City plans to relocate the functions of City Hall West and police operations to East Downtown and retain the existing firehouse at its present location. This RFP will not be released until a new public safety facility and city hall are constructed and ready for occupancy; three to seven years.

Key Features of the Development Site Include:

- ◆ Size of Properties for sale:
- ◆ Current Use: Mill Creek traverses through the center of the city-owned properties
- ◆ Height Limit: 100 feet maximum

LAND USE & ZONING DESIGNATION

The proposed development site is situated in the Central Business District (CBD) Land Use area and falls within the Planned Professional/Administrative Office Zone (P/PA); Design District D (Zoning Ordinance Section 17.30.190). In this zoning district the maximum building height is one hundred (100) feet and there are no setback requirements.

Acquisition Terms

- **Appraisal.** Upon selection of a development team as part of the negotiations for the acquisition of the two city-owned properties a fair market appraisal will be completed by the City to determine the sales price;
- **Acquisition.** The City and development team will negotiate a purchase and development agreement for the property. The closing will not be finalized until the building permits are issued.
- **Construction Period.** As part of the negotiated development agreement, the developer will be allocated a total of thirty-six (36)

months to complete construction of the approved project. If the development is not completed within this period, the developer will be obligated to pay a penalty fee of \$10,000 per month for delays in completing the project including issuance of a Certificate of Occupancy. However, the City Manager will have the authority to grant extensions for completion of the project based on written and approved requests from the developer.

Development Terms

- **Development.** The selected developer will construct a minimum of 100,000 square feet of offices; complete a market analysis to determine the viability of residential units. The developer will be required to develop a minimum of five (5) units and the City will have an option to purchase such units based on an appraisal being completed. These residential units should be located on the upper floors of the various buildings. The developer should also consider in its' market analysis the potential to include ground floor retail along Acequia Avenue and a hotel along Mineral King Avenue. A multi-story parking structure shall also be included in the development.
- **Parking.** Depending upon the ultimate build-out of the project, the developer will need to construct a parking structure which provides fifty (50) percent of the parking required to support the project. The selected developer will also be required to pay in-lieu parking fees for the remaining fifty percent of parking required for the project and provide approximately one hundred (100) spaces for public use to be purchased by the City of Visalia. Each space contributed toward the in-lieu district is \$3,600.
- **Design.** The exterior design of the buildings will be reviewed by City staff through the site Plan Review process.

PROJECT DATES

The following timelines are target dates:

- **Pre-Bidders Conference.** A pre-bidders conference will take place in early-August and all prospective respondents will be invited to attend.
- **Responses to RFP.** Responses to the RFP are due by 3 p.m. Friday, September 19, 2008;
- **Interview Schedule.** The City anticipates completing an internal review and scheduling interviews during October 2008;
- **Developer Selection.** It is the City's hope that a developer should be selected in November/December 2008;
- **Development Agreement.** A development agreement should be finalized and presented to the Council in February 2009;

- **Entitlement Process.** The design review process as well as construction documents, environmental and entitlement processes should take 3-6 months to be completed by October 2009;
- **Construction.** Construction should commence by January 2010 and be completed by July 2012;

PROPOSAL CONTENT AND FORMAT REQUIREMENTS

The following are proposal requirements. Respondents are requested to organize their proposal into sections with tabs corresponding to the listed selection criteria as follows. Please answer the following questions in the same sequence as below. A screening committee will evaluate the completeness of the response to the RFP.

A. General Information

- * Lead Firm Name, address, telephone number and fax number.
- * Project Representative or other person to contact for clarification of any item contained in the proposal. Include telephone and fax numbers, and email address.
- * Provide your Federal Tax ID Number and City of Visalia Business Tax Certificate Number if you possess one. Prior to conducting business in the City of Visalia, a business tax certificate number (license) will need to be obtained.

B. Proposed Project Approach

This section shall outline the project and shall consist of:

- Project description. This shall include ground floor square footage and uses and layout of upper floors.
- Site Plan and rendering of proposed building.
- Proposed development schedule.
- Development Pro forma.
- Construction budget with a Sources and Uses Statement.

Any exceptions to the requirements of the RFP being requested by the respondent should be clearly delineated in this section. The information in this section will aid the City in the refinement of the scope of work during contract negotiations.

C. Qualifications and Related Experience

1. Qualification and Experience of Development Team

This section should demonstrate the qualifications of all professional personnel, including architects, general contractors, construction managers and engineers to be assigned to this project by providing resumes and experience summaries describing their education, credentials, licenses, related experience and their proposed roles for this contract. A lead negotiating team representative and project manager should be designated with their respective credentials provided.

2. Related Experience

Please include descriptive information concerning the experience of the Development Team. Include information about previous projects that might be comparable (mixed-use buildings), including the size and type of projects. This section should also include the Development Team's knowledge of the local market and any experience developing in the San Joaquin Valley. Development in San Joaquin Valley is not a requirement.

Please list relevant projects in reverse chronological order and provide the following information for each project:

Indicate for each of these projects:

- Name of Project
- Project Location
- Brief Description (type of construction, functional components, special design considerations)
- Name of Current Owner
- Name of Current Owner's contact person and telephone number

D. CONSULTANT SELECTION PROCEDURE

Selection of the successful proposal will be based on the information provided by the Development Teams in response to the Request For Proposals and any subsequent interviews that may be conducted. The process for selection shall occur in the following sequence:

- Review Proposals
- Establish a "short list" of up to three respondents
- Interview "short list" of respondents
- Identify finalist and present recommendation to the City Council

- The City Council will make the final determination as to the selection of the developer and the terms of purchase/development agreement.

A Selection Committee will be formed to evaluate the proposals and to make recommendations to the Visalia City Council. This Committee may consist of city staff members, members of the community, and/or members of the Council. Names of the Committee members will not be released prior to the time for interviews.

Should an interview take place, the key personnel responsible for fulfilling the requirements of the Project shall be required to be present for the interview.

ATTACHMENTS ENCLOSED

1. Aerial Highlighting the Proposed Development Site and Adjacent Uses (City Hall and Kaweah Delta District Hospital)
2. Planned Office Zones and Development Standards (City's Zoning Ordinance)
3. Kaweah Delta Health Care District Hospital Master Plan
4. Map of Downtown
5. Zoning Map for Downtown
6. Parking In-Lieu District Boundaries
7. Section 17.30.190 Development Standards-Design District D (City's Zoning Ordinance)

PRE-BIDDERS CONFERENCE

The City of Visalia will schedule a pre-bidders conference and invite all parties who express interest in responding to the RFP. Staff will provide highlights of the proposed development site and recent and current development plans in the area.

REQUIRED DUE DATE

All responses are due to the City Clerk's Office by **3 pm on Wednesday, _____**. One unbound and fourteen (14) bound copies will be required as part of the submittal.

CONTACT FOR QUESTIONS REGARDING THE PROPOSAL

All questions related to this RFP should be directed to the City's Purchasing Department in writing (need confirmation).

DRAFT

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

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

Agenda Item Wording: Issuance of written report describing measures being taken to alleviate the conditions which led to the adoption of Ordinance No. 2006-10 (Zone 2), an Interim Ordinance establishing prohibited and permitted uses and development standards for a portion of area known as East Central Visalia.

Deadline for Action: July 17, 2008

Submitting Department: Community Development

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 2006-10 (Zone 2) dated July 7, 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 land within the area known as East Central Visalia.

The City Council On April 17, 2006, authorized the preparation of a Framework Plan for the area of land north and east of the East Downtown Strategic Planning Area. The name "East Central Visalia Framework Plan" was given to the planning area located north of Goshen/Murray, east of Ben Maddox, and generally south of Roosevelt Avenue, and generally west of Cain Avenue. The overall purpose of the Framework Plan was to establish a generalized land use plan and street circulation pattern to compliment the adjoining East Downtown Strategic Plan Area. The Framework Plan would examine existing conditions of the area, identify reinvestment, economic development and zoning opportunities; and establish planning objectives for the East Central Area.

Consultant Bruce Race was selected on June 15, 2006 to assist in the plan preparation. In addition, an eight member citizen's task force was convened to provide input during the plan preparation. To date, numerous task force meetings have been conducted resulting in two preliminary plan alternatives and a public workshop presentation to the City Council.

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.

On July 17, 2006 Council adopted Ordinance No. 2006-10 (Zone 2) establishing temporary standards for a portion of the East Central Framework Plan area. This ordinance was adopted as an interim measure to prevent undesirable land uses and development from occurring that would have the potential to be in conflict with the East Central Framework Plan vision as a complementary land use and street pattern extension of the East Downtown Strategic Plan. The interim ordinance was adopted pursuant to State Government Code Section 65858 and will expire on July 17, 2008.

On April 21, 2008 the task force made a presentation to the City Council and presented two preliminary concept plans for the East Central Visalia Area. The City Council, upon review and discussion, directed staff to return with one East Central Framework Plan Proposal that comprises selected characteristics from the two concept plans. The revised plan remains a work in progress that will not be completed by the July 17, 2008 temporary ordinance expiration. Due to present project and plan priorities in the Planning Division it is possible that the revised plan will be completed and returned to the City Council within 12 to 18 months.

Additional on-going planning efforts affecting Zone 2 of the subject area and the adjacent surrounding area are (1) the City Wide General Plan Update and; (2) the multiple East Downtown Plan Area implementation documents to include General Plan Amendments, Zoning changes and environmental studies for the Civic Center Master Plan, Parks and Infrastructure Plan (EDAW).

State law requires that 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 preliminary plans but did not complete the process.

Committee/Commission Review and Actions: N/A

Prior Council/Board Actions: Council adopted Interim Ordinance 2006-03 (Zone 1) located within the East Downtown Strategic Plan Area on March 20, 2006 and accepted a written report for its termination on March 3, 2008. This interim Ordinance was adjacent to the East Central Framework Plan Area along Goshen/Murray Avenue.

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

Attachments: Written report for Ordinance No. 2006-10 (Zone 2)
Interim Area Zoning Map (Zone 2)

Recommended Motion (and Alternative Motions if expected): I Move to accept and issue the written report for Ordinance 2006-10 (Zone 2) dated July 7, 2008.

WRITTEN REPORT FOR CITY OF VISALIA ORDINANCE 2006-10 (Zone2)

This written report will satisfy the requirements of the State of California Government Code, Section 65868, regarding City of Visalia Ordinance No. 2006-10 (Zone 2), an interim ordinance establishing prohibited uses and permitted uses and development standards for a portion of land within the area known as East Central Visalia. Ordinance No. 2006-10 (Zone 2) was adopted by the Visalia City Council under provisions of Government Code Section 65858 and is set to expire on July 17, 2008.

Ordinance No. 2006-10 (Zone 2) established interim zoning provisions and development standards for a portion of the East Central Visalia Framework Plan Area. The purpose of the interim ordinance was to prohibit land uses and street patterns that had a potential to be in conflict with the vision of the East Central Framework Plan as an orderly and complementary extension of the East Downtown Strategic Plan.

These interim measures were intended to be in place while the City undertook efforts to prepare and adopt the East Central Visalia Framework Plan. To date, the City has conducted citizen task force meetings, produced two preliminary plans, conducted a public workshop and started preparation of a revised framework plan. Preparation and adoption of the East Central Visalia Framework Plan affecting Interim Ordinance Area Zone 2 will take longer than the estimated July 17, 2008 Interim Ordinance expiration date.

Issuance Date: July 7, 2008

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

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

Agenda Item Wording: Authorization to award the contract for the Remarketing of Runway 12/30 and add lighting for Declared Distances; installation of a security access gate and related electrical improvements at the Visalia Municipal Airport to Cindy Bales Engineering in the amount of \$791,445. Project numbers 4011-720000-0-0-8068 & 4011-720000-0-0-8069, corresponding to FAA AIP Project number 3-06-0271-23.

Deadline for Action: N/A

Submitting Department: Administration - Airport

Contact Name and Phone Number: Mario Cifuentez, II
713-4480

Department Recommendation

City staff recommends that City Council award the project to Cindy Bales Engineering for the amount of \$791,445. The contract price is \$41,330 less than the engineer's estimates. This project will include the installation of all lighting and striping necessary for the implementation of Declared Distances on Runway 12/30 and the installation of a security access gate.

Summary/Background

Bids were received and opened for this project on June 26, 2008. A total of three (3) bids were received ranging from \$791,445 by Cindy Bales Engineering, Inc., of Big Bear, California to \$1,196,802.00 by Lee's Paving, Inc. of Visalia. The engineer's estimate for the project was \$832,775.

<i>Engineer's Estimate</i>	\$ 832,775.00
1. <u>Cindy Bales Engineering, Inc.</u>	<u>\$ 791,445.00</u>
2. <u>Royal Electric Company</u>	<u>\$ 936,359.00</u>
3. <u>Lee's Paving</u>	<u>\$ 1,196,802.00</u>

For action by:

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

For placement on which agenda:

- Work Session
- Closed Session

Regular Session:

- Consent Calendar
- Regular Item
- Public Hearing

Est. Time (Min.): 10

Review:

Dept. Head _____
(Initials & date required)

Finance _____
City Atty 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.

The airport's consulting engineer has reviewed the bids and recommends the City award the contract to the low bidder, Cindy Bales Engineering, Inc. for the bid amount, pending FAA Approval. Cindy Bales Engineering specializes in airport capital projects and has a history of completing FAA funded projects for many airports in the state.

These projects have been identified through the City's Capital Improvement Program and adequate funding has been allocated. The project will be funded 95% by an FAA agreement previously approved by the City Council.

This project will displace the threshold on Runway 12 beyond the location where it now exists and implement Declared Distances. Declared distances are a means of obtaining a standard safety area by reducing the usable runway length. A mathematical method is used to determine runway length available taking into account all usable pavement and overruns. By implementing Declared Distances and being able to utilize the existing clearways at each end of the Runway, the airport will actually realize an increase in takeoff distance available of almost 300 feet. This grant will also fund new striping, lighting and a new Precision Approach Path Indicator to replace the FAA owned visual approach aid on Runway 12.

This project will also include the construction of a security access gate to provide access into the hangar development area located midfield, South of Mill Creek. Currently, the only vehicle access to the hangar in that area is via an access road that parallels the safety area. Due to the proximity of the road to the aircraft operations area, it is safer for both aircraft and vehicles to provide a separate access point off of Hangar Drive.

The FAA is currently reviewing all bid submittals and related materials and staff anticipates that the FAA will recommend award of the contract to Cindy Bales Engineering, Inc., in the coming weeks.

Prior Council/Board Actions:

June 16, 2008 – Council authorized the City Manager to execute a FAA Grant Agreement in the amount of \$938,771 to fund the project.

Committee/Commission Review and Actions:

Alternatives:

Attachments: Abstract of Bids

Recommended Motion (and Alternative Motions if expected):

Move to award the contract for the implementation of Declared Distances and a security access gate to Cindy Bales Engineering in the amount of \$791,445, pending FAA Approval.

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: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 9

Agenda Item Wording:

Public hearing for: **a. Adoption of Negative Declaration No. 2008-28 and Resolution No. 2008-40, required. b. General Plan Amendment (GPA) No. 2008-01, consisting of two parts:**

Part 1: A request by the City of Visalia to amend a portion of the General Plan Circulation Element. It will change the designation of Acequia Avenue, between Conyer Street and Bridge Street, from a three-lane, one-way street, to a two-lane, two-way street. The change will also include allowance of a left turn center lane, along some portions of Acequia Avenue.

Part 2: A request to update Acequia Avenue in the Visalia Bikeway Plan. The Amendment will designate Acequia Avenue, between Conyer Street and Santa Fe Street, as a Class II and III bikeway.

The project site is located along Acequia Avenue, between Conyer Street and Santa Fe Street (approximately 3900 feet).

Deadline for Action: None

Submitting Department: Public Works - Engineering

Contact Name and Phone Number:

Adam Ennis, PE, Senior Civil Engineer 713-4323
Andrew Benelli, PE, Public Works Director 713-4340
Paul Scheibel, AICP, Principal Planner 713-4369

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.) 45 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.

Recommendation:

The Planning Commission recommends approval of the General Plan Amendment (GPA) to the Circulation Element. This recommendation is based on the Commission's findings as follows:

- The proposal is consistent with the policies of the City's General Plan Circulation Element.
- The change in traffic lane configuration will provide improved circulation and access to the facilities (particularly the emergency vehicle traffic for the health care facilities, and police and fire services) located within the downtown area.
- The change in the bikeway system designation will facilitate the circulation of bicycles in a manner that will serve the needs of the community.

Summary/Background:

GPA 2008-01 will change the designation of Acequia Avenue, between Conyer Street and Bridge Street, from a three-lane, one-way street, to a two-lane, two-way street, and includes allowance of a left turn center lane along some portions of Acequia Avenue. The Amendment will also update Acequia Avenue in the Visalia Bikeway Plan. It will designate Acequia Avenue, between Conyer Street and Santa Fe Street, as a Class II and III bikeway.

On June 23, 2008, the Planning Commission, by a 5-0 vote, approved Resolutions No. 2008-34, recommending that the City Council approve both parts of GPA 2008-01. There were six people who spoke on the issue. No person spoke in opposition to either parts of the GPA.

Analysis:

Land Use Consistency:

The site is a public roadway that fronts a mixture of commercial office, and institutional, land uses. The Planning Commission concluded that the change in the Circulation Element to designate Acequia Avenue as a two-way, two-lane street is supportive of the surrounding land uses. The conversion will not impact access to any business on Acequia Avenue. The Planning Commission further concluded that updating Acequia Avenue in the Bikeway Plan is also supportive of land uses that are destination attractors for bicyclists. These include facilities such as the Regal Cinema, the Post Office, and employment centers such as Kaweah Delta District Hospital.

Circulation Element Consistency:

Designation of Acequia Avenue as a two-way, two-lane street, with bikeways is also consistent with Circulation Element of the General Plan. The change to Acequia Avenue, consists of two parts, further described as follows:

Part 1: Designation of Acequia Avenue, between Conyer Street and Bridge Street, as a two-lane, two-way street

The proposed designation of Acequia Avenue as a two-way, two-lane street, with a center left turn lane along portions of its length, is consistent with Section III - Goals, Objectives, and Policies, of the Circulation Element of the City of Visalia General Plan. If approved, this request will facilitate the movement of vehicles throughout the downtown area, allowing better access to existing retail, service, recreational and government facilities; and to the new KDHC hospital expansion. This conversion will specifically help to meet Objective 1.1, listed under Goal 1 of the aforementioned Section. This Objective reads "Develop and maintain a road system which is convenient, safe, efficient, and cost effective. Through implementation of the two-way conversion, convenient, safe, efficient access to existing facilities will be promoted; while providing an acceptable level of service (LOS) along the Acequia corridor.

Based on the 2020 projections provided in the Traffic Impact Study, dated July 2001, (prepared by TPG Consulting) if Acequia Avenue is not converted, the Level of Service (LOS) of some of the traffic movements along the street will deteriorate to LOS F at build-out. In particular, some of the traffic movements at the intersection with Church Street are projected to have the worst traffic delays in the future. However, implementation of the recommended conversion to a two-way street will provide an overall LOS "C" in the year 2020, and no intersections within the project area will operate below LOS "C".

Part 2: Bike Route Designation

The proposed designation of Acequia Avenue as a Class II and III bicycle route is consistent with the Circulation Element of the City of Visalia General Plan. The designation is particularly consistent with Goal 2, which is listed in Section III of the General Plan Amendment. This Goal states that we must "Consider all modes of transportation as an integral component of the City's

transportation system. These modes include mass transit, air transportation, and non-motorized transportation (pedestrian and bicycle).” This goal is further clarified in the Section, through Objective 2.2 “Encourage bicycle usage in Visalia for commuting and recreational purposes.”

If approved, this request would facilitate the movement of bicyclists through the Downtown area, and provide further opportunities for use of Downtown facilities by the biking community. The proposed Class II and III Bikeway designation will allow Class II Bike Lane striping; and the posting of Class III Bike Route signs along Acequia Ave. This will benefit the entire community, particularly recreational, commuter, and student cyclists.

Furthermore, the designation of Acequia Avenue as a Class II and III Bikeway will help the City meet the Key Objectives listed in the City of Visalia Circulation Element. In Section VI, Implementation, of the Circulation Element, one of the key objectives listed is to encourage bicycle usage in Visalia for commuting and recreational purposes. Since the Downtown area is a key commuting destination for employment, shopping, and entertainment/recreation, the designation will help to meet the objective. This section of the Circulation Element also lists the additional benefits of bicycle riding, which include providing mitigation to air quality issues, particularly as related to projected increased traffic volumes in the area.

The City’s Circulation Element further promotes the use of bicycles in the City through Implementation Policy 2.2.7, listed in Section III. This policy states, “Update and maintain a bikeway plan...” As a result, the City of Visalia has adopted a Bikeway Plan (prepared by Wilbur Smith and Associates); and that plan further describes the need for bikeways, particularly to address safety and connectivity concerns.

Safety Considerations:

Figure 1-3 of the Bikeway Plan shows that the Downtown Visalia area is a hub of commercial, office, and government facilities. Since the area consists of a variety of attractors, residents should have the opportunity to access them via bicycle. The designation of Acequia Avenue as a Class II and III Bikeway will provide these people the option to safely ride a bike to their destination. The need for a safe travel path for bicyclists is further discussed in the City’s Bikeway Plan. According to the Bikeway Plan, travel speeds and red light running continue to increase (generally) by motorists, endangering bicyclist’s safety. Bike lanes can help mitigate this trend by serving as a traffic calming device. Such traffic calming devices are needed to help reduce travel speeds, and thus provide a safer commute. The Bikeway Plan also cites the California Highway Design Manual in stating that providing bike lane widths greater than the minimum will actually help to provide even greater safety to the bicyclist. The importance of providing a designated bikeway through this area of town can further be seen in Figure 1-4 of the Bikeway Plan. This figure shows the significant number of reported bicycle-involved collisions that have occurred in the downtown area, from 1998 to 2003. Again, it is anticipated that when vehicle drivers become aware that there is an increased use of Acequia Avenue by bicyclists (through the use of striping and posting), then the corridor will become a much safer conduit for bicyclists traveling in the area.

Connectivity Considerations:

Another point to consider in designating Acequia as a Bike Route is that Conyer is an existing Class II Bike Route, and Santa Fe is designated as a future Class III Bike Route. Therefore, designating Acequia Avenue as a Class II and III Bike Route will provide much needed east/west connectivity between the two north/south Bike Routes. The City’s Bikeway Plan lists “closure of a gap in the bicycle network” as the first item, in the list of Prioritization Criteria for the implementation of the Plan. Also listed in this category are, “expansion of the existing network, access to activity centers, neighborhoods, or regional networks and increase bicycle use”. Since the new Acequia Bike Route, through the Downtown area, will help to meet all of these objectives, it should be highly considered as a viable option.

Parking Considerations:

Providing a new Bike Route along Acequia Avenue will impact the availability of on-street parking along the Project area. This impact will be greatest at the intersections of Acequia and Bridge Street, (where there will be seven spaces lost west of Bridge), and at the intersection of Acequia and Locust (where there will be seven spaces lost west of Locust). As currently laid out, the Project will also provide ten new spaces. There will be 35 spaces lost between Conyer and Bridge, and there are currently 113 on-street parking spaces along Acequia, from Conyer to Santa Fe. Therefore, including the newly added spaces, the net loss along Acequia will be 34 spaces. However, based on a Downtown Parking Supply Study completed by TPG in January 2007, there are approximately 7200 existing spaces in that portion of the Downtown area roughly bounded by Conyer to Bridge, and Mineral King to Oak. This number includes both on-street and off-street spaces. Based on that number, the proposed changes will result in a net decrease of 0.5% of available spaces in this area.

Another consideration in analyzing the impact that the Project will have on parking spaces is that some of the spaces that are being eliminated, are being eliminated to comply with the criteria set forth in the State of California Manual on Uniform Traffic Control Devices (2003). Figure 3B-18 (CA), of this document shows that a red, no parking zone is required at all intersections. Furthermore, the City also seeks to apply the MUTCD requirement of red curb at driveways (per section 3B-18), to provide a safe sight distance for vehicles entering the street. This requirement is currently not fully implemented along this section of Acequia, however the proposed Project will bring it into compliance. As currently laid out, of the total parking spaces that are being lost along Acequia, 21 are due to compliance with the MUTCD requirements, and not solely due to the installation of bike lanes. Thus, the number of spaces lost due to the bike lanes is 23.

Based on feedback provided by the Planning Commissioners, staff is evaluating the entire length of Acequia (Conyer to Bridge) to minimize any loss of parking spaces resulting from the Project.

Corrected Exhibits:

During the June 16, 2008, Planning Commission hearing, it was noted that the cross-section graphics were unclear, and contained errors. These exhibits have been updated, and are included as an attachment to this City Council report.

Prior Council/Planning Commission Actions:

On July 1, 1963, the City Council adopted Resolution #208, converting Acequia Avenue to an eastbound, one-way street.

On March 3, 2008, City staff presented three alternatives at a City Council work session for the conversion of Acequia Avenue from one-way to two-way use. Per Council direction, Alternative No. 4 was developed, which is a combination of the three presented options.

On June 23, 2008, a public hearing was held at the Planning Commission meeting to begin the process for approval of General Plan Amendment No. 2008-01.

Community Outreach and Response:

On January 24, 2008, a public meeting was held in Council Chambers to receive input on the conversion of Acequia Avenue.

On January 24, 2008 the Downtown Visalians held a meeting, at which they discussed the Conversion of Acequia Avenue.

On January 25, 2008, the Property and Business Improvement District (PBID) group held a meeting, at which they discussed the conversion of Acequia Avenue.

On February 12, 2008, the Bike Committee held a meeting, at which they discussed the conversion of Acequia Avenue.

In June, 2008, a joint meeting was held between the Downtown Visalians, PBID, and the Bike Committee to discuss the conversion of Acequia Avenue.

Several emails and letters were received by City staff regarding the conversion of Acequia Avenue. Those documents are available for viewing at City Hall East, located at 315 East Acequia Avenue.

On June 23, 2008, the Planning Commission, by a 5-0 vote, approved Resolutions Nos. 2008-34, recommending that the City Council approve GPA No. 2008-01. During the public hearing for the item, several members of the community spoke in support of the item, including the representative for the Downtown Visalians and PBID. No person spoke in opposition to either part of GPA 2008-01.

Alternatives:

Beside the recommended motion, the following alternatives may be adopted:

2. Approve Part 1, but not Part 2 of GPA 2008-01; or
3. Approve Part 2, but not Part 1 of GPA 2008-01; or
4. Deny the project by finding the proposed GPA 2008-01 is not consistent with the General Plan; or
5. Continue the matter to a future City Council hearing.

Attachments:

- Resolution for Negative Declaration No. 2008-28
- Resolution for approval of GPA 2008-01
- Corrected cross-section exhibit
- Planning Commission Staff Report with site plan exhibit

Recommended Motion:

1. I move to adopt Negative Declaration No. 2008-28 and approve Part 1 and Part 2 of GPA 2008-01, as recommended by the Planning Commission.
or
2. I move to adopt Negative Declaration No. 2008-28 and approve Part 1 of GPA 2008-01, but not Part 2.
or
3. I move to adopt Negative Declaration No. 2008-28 and approve Part 2 of GPA 2008-1, but not Part 1.
or
4. I move to deny GPA 2008-01, as it is not consistent with the General Plan.
or
5. I move to continue the matter to a future City Council hearing.

Environmental Assessment Status

CEQA Review: Pursuant to City Ordinance No. 2388, the Environmental Coordinator of the City of Visalia has reviewed the project described herein, and has found that it will not result in any significant effect upon the environment. Initial Study No. 2008-28 did not identify any significant, adverse environmental impacts. Therefore a Negative Declaration has been filed for the project, in accordance with the California Environmental Quality Act of 1970, as amended, and local CEQA Guidelines.

NEPA Review: Not required

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

Anticipated schedule of review:

Copies of this report have been provided to:

Planning Commission
Downtown Visalians
Downtown PBID
Kaweah Delta Healthcare District

RESOLUTION NO. 2008-40

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA,
ADOPTING NEGATIVE DECLARATION NO. 2008-28, WHICH
EVALUATES
ENVIRONMENTAL IMPACTS FOR GENERAL PLAN AMENDMENT
NO. 2008-01

WHEREAS, General Plan Amendment No. 2008-01, (hereinafter "Project") is a request to amend the Circulation Element to convert Acequia Ave. from one-way to two-way traffic, and to amend the Bikeway Plan to add Class II and Class III bikeways to Acequia Ave., between Conyer St. and Santa Fe Ave.

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice, held a public hearing before said Council on July 14, 2008, for the Project; and

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

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

WHEREAS, the Initial Study and Negative Declaration for the Project were prepared and noticed for review and comment for 20 days beginning on May 30, 2008; and

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

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

WHEREAS, pursuant to AB 3158, Chapter 1706 of the Statute of 1990, the City Council of the City of Visalia hereby finds that no evidence has emerged as a result of said Initial Study to indicate that the proposed project will have any potential, either individually or cumulatively, for adverse effect on wildlife resources.

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

BE IT FURTHER RESOLVED that the City Council of the City of Visalia hereby finds, on the basis of the whole record before it, that there is no substantial evidence that the project will have a significant effect on the environment and hereby adopts Negative Declaration No. 2008-28. The documents and other material which constitute the record of the proceedings upon which the decisions based are located at the office of the City Planner, 315 E. Acequia Avenue, Visalia, California, 93291.

RESOLUTION NO. 2008-41

A RESOLUTION OF THE CITY COUNCIL OF
THE CITY OF VISALIA, APPROVING GENERAL PLAN CIRCULATION ELEMENT
AMENDMENT NO. 2008-01, TO CONVERT ACEQUIA AVENUE TO TWO-WAY TRAFFIC, AND
TO AMEND THE BIKEWAY PLAN TO ADD CLASS II AND CLASS III BIKEWAYS TO ACEQUIA
AVENUE BEWTWEEN CONYER STREET AND SANTA FE AVENUE

WHEREAS, General Plan Amendment (GPA) No. 2008-01, a request by the City of Visalia to amend the Circulation Element to convert Acequia Ave. from one-way to two-way traffic, and to amend the Bikeway Plan to add Class II and Class III bikeways to Acequia Ave., between Conyer St. and Santa Fe Ave.

WHEREAS, the Planning Commission of the City of Visalia, after twenty day (20) days published notice did hold a public hearing before said Commission on June 23, 2008; and

WHEREAS, the Planning Commission of the City of Visalia found the General Plan Amendment to be in accordance with Chapter 17.54 of the Zoning Ordinance of the City of Visalia based on the evidence contained in the staff report and testimony presented at the public hearing, and Adopted Resolution No. 2008-034, recommending approval of GPA 2008-01, as recommended; and

WHEREAS, an Initial Study was prepared on May 28, 2008, which disclosed that no significant environmental impacts would result from this project, and no mitigation measures would be required; and

WHEREAS, the City Council of the City of Visalia, after ten (10) days published notice did hold a public hearing before said City Council on July 14, 2008.

NOW, THEREFORE, BE IT RESOLVED that Negative Declaration No. 2008-28 prepared consistent with the California Environmental Quality Act and City of Visalia Environmental Guidelines.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the City Council of the City of Visalia approves General Plan Amendment No. 2008-01 based on the following specific findings and evidence presented:

1. That General Plan Amendment No. 2008-01 is consistent with the policies and intent of the General Plan, and will not be detrimental to the public health, safety or welfare, or materially injurious to properties or improvements in the vicinity.
2. That an Initial Study was prepared for General Plan Amendment No. 2008-01, consistent with CEQA, which disclosed that environmental impacts are determined to be not significant.
3. The change in traffic lane configuration will provide improved circulation and access to the facilities (particularly the emergency vehicle traffic for the health care facilities, and police and fire services) located within the downtown area.

4. The change in the bikeway system designation will facilitate the circulation of bicycles in a manner that will serve the needs of the community.
5. That there is no evidence before the City Council that the proposed project will have any potential for adverse effects on wildlife resources, as defined in Section 711.2 of the Department of Fish and Game Code.

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 10

Agenda Item Wording: Authorization to hear public input and consider specific bus route changes to begin in August 2008, and follow up to questions raised regarding ridership and service levels.

Deadline for Action: July 14, 2008

Submitting Department: Administration Department – Transit Division

Contact Name and Phone Number: Monty Cox, X4591

Department Recommendation

That the City Council hear public input and authorize staff to implement specific bus route changes to begin in August 2008.

Summary/Background

The Transit Division regularly evaluates existing bus routes and new transit needs, as well as funding available for operating these routes. Changes to the bus routes are regularly scheduled to occur during the summer months so as to minimize the impact that changes have on the routine travel patterns of students, who make up a significant percentage of bus riders. Rider input is solicited in several ways prior to route change design. The Tulare County Association of Governments conducted a series of Unmet Needs hearings in March 2008. Transit staff considered the input provided at those hearings when designing route changes. In addition, input is provided through surveys conducted as part of the short-range Transit Plan. Ridership numbers and potential route plans are evaluated, the on-going comment cards are reviewed. Any changing of local conditions such as new residential or commercial developments or proposed road construction projects are also considered. The information from all of these sources is used to develop route changes. Staff is currently proposing five specific route changes, three of which are recommended for August 2008 and two are proposed for 2009. The Transit Advisory Committee has reviewed these changes and recommends implementation. The route changes are listed below:

August 2008

1. Route 1 – Mooney Blvd.: Add buses to this route to maintain the 20-minute schedule during the 16-month Mooney construction project. No route design or schedule changes are proposed.

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 71108
(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.

2. Route 11x: In partnership with the City of Tulare, this new route would Express Service between Tulare and Visalia via Highways 99 and 198 with one stop at COS. This would initially be a temporary route to assist with operations during the 16-month Mooney construction project.
3. Route 12 – Farmersville/Exeter/Cameron Ave.: This new route provides service to new housing developments in southeast Visalia, and provides an option for Farmersville and Exeter residents to go directly to Cameron and Mooney Boulevard.

Proposed 2009 Changes

4. Route 7 – North Central Visalia (Riggin, Demaree, Ferguson and Mooney): Expand the route to meet new residential and commercial developments needs and change the route to bi-directional, which means buses would run both ways on the route rather than the current one continuous loop.
5. Route 8 – North East Visalia (North Court, Riggin, Demaree, W Ferguson and W Houston): Expand the route to meet new residential and commercial developments needs, and change the route to bi-directional, which means buses would run both ways on the route rather than the current one continuous loop.

Maps of the new routes 11 and 12 are attached. Proposed maps of the current routes 7 and 8 are attached, but the exact route expansions will not be determined until next year after additional rider input is received.

Discussion

The proposed route changes are discussed in more detail below:

1. Route 1 – Mooney Blvd.: In July 2008, Caltrans is scheduled to begin construction on Mooney Boulevard from SR 198 to Packwood Creek. The construction is scheduled to last through the Winter 2009. During construction, lane closures and sidewalk closures will occur that will affect the transit routes. Staff has worked with Caltrans to develop detour plans and temporary bus stop locations. The construction work will be phased so that only one segment will be affected at any one time. It is anticipated that the detours and closures will cause delays in the bus service. Staff is proposing to use additional buses as necessary to maintain existing 20-minute schedules during this time.
2. Route 11x – Express Service between Tulare and Visalia with one stop at COS: The bus route on Mooney is the busiest route. Much of the demand is generated by City of Tulare residents coming into Visalia to attend classes at College of the Sequoias, work and shop. The City of Tulare and City of Visalia designed the proposed Express route to take some demand off of the Mooney Boulevard route during the 16-month widening project. This route will go between the Tulare Transit Center and the Visalia Transit Center, via SR198 and SR99, with one stop at COS in each direction. Residents who need to get to other destinations within Visalia or Tulare will be able to connect to other routes at those locations. Each agency will contribute one bus to this route, for a total of two buses on the route at staggered times, and all Tulare and Visalia passes will be honored on both express buses.

During the construction period, staff will be studying the long-term demand and design of this express route to see if a similar route will be beneficial after the construction ends. The evaluation of this route will begin early this fall in connection

with the Visalia Short Range Transit Plan. Caltrans has predicted that the Mooney construction will be completed by Winter 2009, at which time staff expects to have a recommendation regarding whether to continue an Express Service in some form.

3. Route 12 – Farmersville/Exeter/Caldwell/Cameron Avenue: The existing Route 9, which serves Farmersville, Exeter and parts of Visalia, has been the fastest growing route since it began in November 2004. Farmersville and Exeter, which have fallen into the Visalia Urbanized Area since the census 2000, have participated financially in this route. Under federal funding guidelines, the primary source of federal transit funds comes to the Visalia Urbanized Area, which includes Farmersville, Exeter and Goshen. The City of Visalia must either share those funds with the other communities or work together to provide bus service throughout the area. After discussing expansion options with the other communities and City of Visalia consultants, it is recommended that a new route that goes from Exeter through Farmersville to the Packwood Creek area of Mooney Boulevard would be most beneficial to all three communities. It would provide more direct bus service to grocery and other shopping areas for Farmersville and Exeter as well as provide new route service within Visalia along Cameron Avenue, which will bring service to currently unserved and underserved Visalia neighborhoods.

Proposed Changes in 2009:

The changes to Route 7 (North Central Visalia) and Route 8 (North East Visalia) are only generally defined at this time. Based on rider input, road construction plans, development construction, etc., the routes will be redesigned and implemented next year. Because of the nature of these changes, these route changes will require many new bus stops, signs, benches and shelters and therefore take some time to implement.

Both routes are proposed to become bi-directional, which means buses will run in both directions, rather than in one continuous loop. Routes usually begin as a loop, and as ridership grows and the number of trip generators (popular destinations) increases, additional buses are added so the route can run both ways. Changing a route to bi-directional reduces commute times and, as a result, increases ridership.

These route changes will add approximately \$350,000 annually to the transit operating budget; however, approximately \$150,000 will be paid for in part by funds from the cities of Farmersville and Exeter who will also benefit from these changes. The City of Visalia's portion of the changes will be funded from increased federal and state grant revenues that must be used for transit operations.

Questions asked at previous council meetings:

Recently, some concerns were raised regarding the previous Short-Range Transit Plan which was begun in 2006, but not finalized until 2008 due to requirements to add provisions to include the additional funding from Measure R, and then from Proposition 1B. Since the evaluations from the 2006 study were first considered, the following changes have been made:

- The contractor, MV Transportation, has changed management staff.
- MV has also changed the management of the mechanic staff, improved the parts system, and has increased the number of mechanics on staff.
- Two outside independent mechanical audits have been conducted with satisfactory results.
- Additional training regarding customer service, early departures, and scheduling have been provided to the drivers.
- Rider interviews are being conducted.

- Additional on-time performance tracking is being conducted on an on-going basis, and expanded now as part of the Short-Range Transit Plan.
- New scheduling software is being ordered to improve Dial-A-Ride scheduling and should be operational early next year.
- MV is bringing in outside scheduling staff to evaluate the routes to determine if adjustments should be made to improve on-time performance. This will be done in conjunction with the SRTP so that the City's consultant can evaluate the benefit to City bus operations.
- Grants were applied for and awarded to provide a single source information center so people County wide can better access transit.
- MV Transportation's General Manager for Visalia will be attending the Council meeting and is available to answer questions.

The results of the tracking will be included as part of the Short-Range Transit Plan that will be presented to the Council in October or November. In addition, staff continues to track the performance, and to immediately follow up on any rider comments when they are received.

Bus ridership has increased by over 11% for the month of June over the same month last year and 5.7% year-to-date, This is over twice the rate of increase nationwide for all transit services. The Farebox Ratio is currently running at 20.1% after factoring all credits and exclusions included in the calculation.

Prior Council/Board Actions:

Committee/Commission Review and Actions:

Alternatives: None

Attachments: Maps of proposed route additions.

Recommended Motion (and Alternative Motions if expected):
 I move that the City Council authorize the Transit Division to make the proposed bus route changes in August 2008.

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)

Financial Impact

Funding Source:

Account Number:

Account Number: 4511-00000-720000-0-9259 (Planning)

Budget Recap:

Total Estimated cost: \$0

New Revenue: \$ 0

Amount Budgeted: \$ 0

* Lost Revenue: \$

New funding required:\$

New Personnel: \$

Council Policy Change: Yes _____ No X

City of Visalia Agenda Item Transmittal

Meeting Date: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 11

Agenda Item Wording: Public Hearing on the proposed first amendment to the Community Development Block Grant (CDBG) and HOME Program FY 2007-08 Annual Action Plan

Deadline for Action: July 14, 2008

Submitting Department: Housing and Economic Development Department

Contact Name and Phone Number:

Ricardo Noguera, Housing & Economic Development Director (4190), Vince Elizondo, Director of Parks/Recreation (4367), Ruth Peña, Financial Analyst (4327), Rhonda Haynes, Housing Specialist (4460),

Recommendation: Authorize the following:

- Adoption of the proposed first amendment to the CDBG and HOME Program FY 2007-08 Action Plan;
- Final authorization for the use of CDBG funds toward the Village Park Project near the Wittman Center and Community Campus; and
- Authorize staff to complete appropriate budget adjustments.

Summary/Background:

On May 7, 2007, the City Council adopted the 2007-08 Annual Action Plan. Due to staff's reassessment of needs in the community, it is recommended that the following amendments be considered:

1. Eliminate \$50,000 in HOME funds for use in conjunction with the CalHome program due to a decline in program income generated;
2. Add \$20,000 in CDBG for Oval Park Area improvements
3. Add \$25,000 in CDBG for Washington School Area improvements
4. Eliminate \$20,000 from CDBG for Job Creation/Retention
5. Reduce \$25,000 from CDBG in Administration funds

Staff is also requesting that the Council finalize the use of CDBG funds toward the Village Park project. The Village Park/Wittman Center Project is located at the 300 block of Pearl Avenue. This project will be utilizing a total of \$170,000 of Community Development Block Grant (CDBG) funds as well as Prop 40 grant funds, to complete the scope of work for park improvements,

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

specifically, to refurbish basketball courts, replace play equipment, upgrade and install new fencing, renovate an existing soccer field and modify a multi-use area for basketball in the Wittman Village Community Center.

Proposed Action Plan Budget Amendment

The following summary, Table I, Proposed 2007-08 Action Plan Amendment, shows the proposed amendment to the current 2007-08 Action Plan budget.

Table I			
PROPOSED 2007-08 ACTION PLAN AMENDMENT			
HOME			
PROJECT (Decrease)	BALANCE JULY 1, 2008	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
1 CalHome First Time Homebuyers Assistance Program (seed money)	50,000	(50,000)	-
NET CHANGE HOME		<u>(50,000)</u>	
PROPOSED 2007-2008 ACTION PLAN AMENDMENT			
CDBG			
PROJECT (Increase)	BALANCE JULY 1, 2008	PROPOSED AMENDMENT	AMENDED PROJECT BALANCE
2 Oval Area Public Improvements (to be used for infrastructure)	-	20,000	20,000
3 Washington School Area (Landscape & Lighting District)		25,000	25,000
PROJECT (Decrease)			
4 Job Creation/Retention	20,000	(20,000)	-
5 Administration	25,000	(25,000)	-
NET CHANGE CDBG		<u>-</u>	

Proposed Increases

Oval Park Area Improvements \$20,000: City Council also provided staff with the direction to identify the needs of the Oval Park Area. In addition to leveraging CDBG funds, the City received a Cal Trans Grant to analyze the area as it relates to traffic, safety and lighting. Due to the needs in the community, staff is recommending that \$20,000 in Job Creation/Retention funding be reallocated to Oval Park area improvements. The Public Works Department will begin addressing drainage challenges along the north side of the park. They have also begun repairing lights which have been in disrepair.

Washington Area Improvements \$25,000: At council's direction, staff have met with the Washington School area residents. Public Works staff are now pursuing the completion of a Landscape & Lighting District. A portion of the CDBG funds will be used to prepare the required Engineer's Report.

Proposed Decreases

CalHome Program (\$50,000): Staff is recommending for the \$50,000 set-aside to be eliminated due to the recent decrease in HOME dollars and lower estimated HOME program income.

Initially, the City planned on utilizing HOME funds, up to \$5,000 as a third mortgage (gap financing) along with the State of California CalHome funds to help first time homebuyers second mortgage. Due to the recent drop in home values, borrowers are able to purchase a

home without the City's Home funded third mortgage loan. Therefore, the \$50,000 set-aside will be eliminated rather than reallocated.

Staff allocates funds to programs and projects through the annual action plan, the HOME allocation is provided by HUD and program income is estimated, based upon the previous year loan repayment of principal and interest. The funds received from loans paid in full since July 1, 2007, is less than anticipated, therefore the \$50,000 will not be reallocated to a program.

Job Creation (\$20,000): CDBG funding was budgeted to be utilized when a company seeks financial assistance and is either establishing a new facility, expanding or in jeopardy of closure in Visalia. Approximately \$20,000 has been set aside. At this time, there are no companies identified for this type of assistance. Therefore, staff is recommending that \$20,000 in Job Creation/Retention funding be reallocated for Oval Park area improvements.

Administration (\$25,000): This will support the preparation of the Engineer's Report for a Landscape & Lighting District in the Washington School area. In addition, environmental clearance is required for many of these projects. The funds will go toward retention of an environmental consultant to complete the necessary analysis.

Final Authorization for the Village Park Project

Miscellaneous park funds have been earmarked for the Village Park Project. At this time staff is requesting that City Council approve the final authorization of the use of Community Development Block Grant (CDBG) funds that have been set aside fund (earmarked) from previous years (2003-04 to 2007-08) as shown in Table II, Action Plan Allocation for Park Funding, to allow Park and Recreation to proceed with the project.

Table II

**ACTION PLAN ALLOCATION
FOR PARK FUNDING**

SOURCE		ENTITLEMENT AMOUNT
2007-08 CDBG	Village Park/Wittman Center Impr.	70,000.00
2006-07 CDBG	Village Park/Wittman Center Impr.	35,000.00
2005-06 CDBG	Misc Park Improvements	50,000.00
2003-04 CDBG	Misc Park Improvements	15,000.00
		170,000.00

Community Meetings

The following Community meetings will be held to review and comment on the proposed amendment to the 2007-08 Annual Action Plan:

- Citizens Advisory Committee (CAC) – July 02, 2008
- North Visalia Neighborhood Advisory Committee – July 09, 2008
- Washington Residents for a Better Community – July 10, 2008
- Disability Advocacy Committee – July 14, 2008

Prior Council/Board Actions: 2007-08 Annual Action Plan adopted on May 7, 2007 and 2008-09 Annual Action Plan adopted on April 21, 2008

Committee/Commission Review and Actions: Citizens Advisory Committee- meeting held April 2, 2008; North Visalia Neighborhood Advisory Committee- meeting held on April 09, 2008;

Washington Residents for a Better Community- meeting held on April 10, 2008 and Disability Advocacy Committee- meeting held on April 14, 2008 to review Draft 2008-2009 Action Plan

Alternatives: None

Attachments:

- Site Plan for Wittman Center Improvements
- Site Map for Wittman Center

Recommended Motion (and Alternative Motions if expected): Authorize the following:

- Adoption of the proposed first amendment to the CDBG and HOME Program FY 2007-08 Action Plan
- Final authorization for Village Park Project; and
- Authorize staff to complete appropriate budget adjustments.

Environmental Assessment Status

CEQA Review: n/a:

NEPA Review: completed. The activity proposed for which a Finding of No Significant Impact (FONSI) was published July 10, 2003 (EA 2003-24)

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*)

Staff to make the appropriate budget adjustments and proceed with the projects, programs and activities in accordance with the adopted budget as amended.

Copies of this report have been provided to:

**City of Visalia
Agenda Item Transmittal**

Meeting Date: July 14, 2008

Agenda Item Number (Assigned by City Clerk): 12

Agenda Item Wording: Public Hearing - Extension of the Redevelopment Agency Project Areas: Introduction of Ordinances 2008-07, 08, 09, and 10 extending the duration of the East Visalia and Mooney Boulevard Redevelopment Project Areas and the time limit for the receipt of tax increment and debt repayment period pursuant to California Health & Safety Code Section 33333.6, and reaffirming, clarifying, correcting and extending certain time limits previously adopted with respect to the Redevelopment Plans for the East Visalia, Mooney Boulevard, Mooney Boulevard Amendment, Central and Downtown Redevelopment Project Areas.

Deadline for Action: July 14, 2008

Submitting Department: Housing and Economic Development Department

Contact Name and Phone Number:

Ricardo Noguera, Housing & Economic Development Director (4190), Ruth Peña, Financial Analyst (4327)

Department Recommendation and Summary:

Staff recommends that the City Council extend the life of the East Visalia and Mooney Boulevard Original and Amendment Redevelopment Project Areas and the time limit to receive tax increment and pay indebtedness, and correct and extend certain time limits previously adopted with respect to all Redevelopment Project Areas.

To accomplish this, the City Council must conduct a public hearing, adopt an Ordinance amending the Redevelopment Plans and authorize the Executive Director, or his designee to record the Ordinance in the office of the County Recorder of Tulare County.

Background:

During weak economic periods, the legislature has used funds from local governmental entities, including redevelopment agencies, to help balance the state budget. As part of its solution, the legislature established the Educational Revenue Augmentation Fund (ERAF) in each county and directed local government entities, including redevelopment agencies, to transfer a portion of the property taxes to this fund to be allocated to schools throughout the county. This first occurred in the 1992 and 1993 sessions, then again in 2002-03. Legislation in 2003 (Senate

For action by:

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

For placement on which agenda:

Work Session
 Closed Session

Regular Session:

Consent Calendar
 Regular Item
 Public Hearing

Est. Time (Min.): 15

Review:

Dept. Head _____
(Initials & date required)

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

City Mgr _____
(Initials Required)

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

Bill 1045) and 2004 (Senate Bill 1096) extended the obligation of redevelopment agencies to contribute a portion of their tax increment to the ERAF in the 2003-04 (SB 1045) and 2004-05 and 2005-06 (SB 1096) fiscal years. The funds used for the ERAF payment would otherwise have been used to pay for projects necessary to carry out the goals of the redevelopment plan. This transfer of Redevelopment General Funds to ERAF was collected by County Auditors who deposited the funds with respective school entities. Specifically, this action resulted in the Community Redevelopment Agency of the City of Visalia making an ERAF payment in the amount of \$196,953 in 2003-04 and payments of \$331,856 in each year for 2004-05 and 2005-06.

Health and Safety Code Section 33333.6 was also amended by Senate Bill 1045 and Senate Bill 1096 to permit an amendment to certain redevelopment plans to extend the Effectiveness Limit of the redevelopment plan and the Debt Repayment Limit by one year for each ERAF payment made. Since three payments were made (2003-04, 2004-05 and 2005-06), the East Visalia, Mooney, Mooney Amendment and Downtown project areas are eligible for extensions for three additional years under SB 1045 and SB 1096. Because of the date of adoption of the Central project area, the Central project area is only eligible for a one-year extension under Senate Bill 1045, and is not eligible for the two year extensions under SB 1096.

The Redevelopment Agency adopted Ordinance No. 2003-01 on January 12, 2004, extending by one year the Effectiveness Limit and the Debt Repayment Limit for each of the RDA project areas resulting from the 2003-04 ERAF payment under Senate Bill 1045. Health and Safety Code Section 33333.6 requires that the legislative body adopt an ordinance amending these limits. The City Council adopted Ordinance No. 2006-01 on April 17, 2006, extending by two years the Effectiveness Limit and Debt Repayment Limit for the Downtown Project Area. Because of some clerical errors in Ordinance No. 2006-01, staff is recommending that the City Council clarify and reaffirm the previously adopted amendments to the time limits for the Downtown project area. In addition, staff is recommending that the City Council take this opportunity to clarify and reaffirm the previously adopted amendments to correct clerical errors in the time limits for the East Visalia, Mooney, Mooney Amendment, Central and Downtown project areas.

Table 1 – Project Area Time Limits for Receipt of Tax Increment displays the time limits for the four areas prior to the ERAF amendments and the changes to the time limits after the areas have been extended. Please note that the table only shows the time limit for the receipt of tax increment and not plan effectiveness, which is generally 10 years shorter.

Table 1 – Project Area Time Limits for Receipt of Tax Increment

Project Area	Pre-ERAF	Post-ERAF
East Area	07/14/2026	07/06/2029
Mooney	07/06/2027	07/06/2030
Mooney Amendment	06/15/2027	06/15/2030
Downtown	08/03/2020	08/3/2023
Central	11/20/2039	11/20/2040

Extending the time limits for the RDA's project areas will more than reimburse the Community Redevelopment Agency for (2003-04, 2004-05 and 2005-06) ERAF payments. After the time limit on the effectiveness of a redevelopment plan, the agency has no authority to act pursuant to the redevelopment plan except to pay previously incurred indebtedness, to comply with its

affordable housing requirements, and enforce existing covenants, contracts or other obligations. After the time limit to receive tax increment and repay debt, the tax increment that has been allocated to the agency reverts to the primary taxing jurisdictions. The extensions therefore postpone for 3 years (1 year in the case of the Central project area) the effectiveness limit of the Redevelopment Plans and the time when primary taxing jurisdictions will receive the tax increment property tax from those Redevelopment Project Areas.

Estimates provided by Fraser & Associates, our fiscal consultant, indicate that net tax increment available to the agency (inclusive of the housing set-aside but net of all pass through payments) will increase by \$1.7 million for the East Project Area and by \$2.4 million for the Mooney Project Area in inflation adjusted dollars. This represents the projected amount of tax increment to be received in 2026-07, 2027-28 and 2028-29.

Senate Bills 1045 and 1096 allow the City Council to make these amendments through an expedited process, rather than by the standard plan amendment process. Prior to adopting an ordinance to extend these time limits pursuant to SB 1096, the City Council must mail a notice of the public hearing on such ordinance to the governing body of each affected taxing entity at least 30 days prior to the public hearing and publish such notice at least 10 days prior to the public hearing. The required notices to all of the affected taxing entities have been mailed, and notice of a public hearing was published in accordance with SB 1096. Senate Bill 1096 also requires that the ordinance adopting the amendments to the time limits contain certain specified findings. These findings have been incorporated in the Ordinances presented to the City Council for approval.

Prior Council/Board Actions: April 21, 2008 – Financial Analysis of Visalia’s Four Redevelopment Project Areas

Committee/Commission Review and Actions:

Alternatives: None recommended

Attachments: Copy of respective Ordinances and Maps of East. Mooney, Mooney Amendment, Central and Downtown Redevelopment Project Areas

Recommended Motion (and Alternative Motions if expected):

Upon holding a Public Hearing, the City Council authorizes the following:

- Authorize the Ordinances reaffirming, clarifying and correcting certain time limits and extending the life of the East Visalia, Mooney, Mooney Amendment, Central and Downtown Redevelopment Project Areas and extending the respective indebtedness repayment periods;
- Authorize the Agency's Executive Director, or his designee to record the Ordinances in the office of the County Recorder of Tulare County.

Environmental Assessment Status

CEQA Review: N/A

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. 2008-07

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA,
REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS
WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE EAST VISALIA
REDEVELOPMENT PROJECT**

WHEREAS, the City Council of the City of Visalia, adopted Ordinance No. 8612 on July 14, 1986, approving and adopting the Redevelopment Plan (sometimes also referred to as the Redevelopment Enabling Plan) (the "Redevelopment Plan") for the East Visalia Redevelopment Project; and Ordinance No. 9455 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits for the Project Area required by AB 1290 (the "AB 1290 Amendments"); and

WHEREAS, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

WHEREAS, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

WHEREAS, Section 33681.12 of the Health and Safety Code, which was added by SB 1096 and took effect on September 5, 2004, required the Agency to make ERAF Payments during the 2004-05 and the 2005-06 fiscal years; and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 1096 to add subsection (e)(2)(D) to provide that when an agency is required to make an ERAF Payment pursuant to Section 33681.12 (for fiscal years 2004-05 and 2005-06), the legislative body may, under certain conditions, amend the redevelopment plan by ordinance to extend the time limit on the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness by one year for each year the Agency makes such a payment; and

WHEREAS, pursuant to Health and Safety Code Sections 33681.9 and 33681.12, the Agency was required to make an ERAF Payment for the fiscal years 2003-04, 2004-05 and 2005-2006; and

WHEREAS, prior to adopting an ordinance to extend certain time limits pursuant to SB 1096, the legislative body must mail a notice of the public hearing on such ordinance to the governing body of each affected taxing entity at least 30 days prior to the public hearing and publish such notice at least 10 days prior to the public hearing; and

WHEREAS, the City has sent the required notices to all of the affected taxing entities and published notice of a public hearing in a newspaper of generally circulation regarding the proposed adoption of an ordinance pursuant to SB 1096; and

WHEREAS, Ordinance No. 9455, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments for the Redevelopment Plan, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance No. 9455 relating to the time limits amended and established by said Ordinance;

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

Section 1. Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance No. 9455, adopted on December 5, 1994). In order to correct the clerical errors contained in said Ordinance No. 9455:

A. The date stated in the last Whereas clause of Ordinance No. 9455 for the time limit on the effectiveness of the Redevelopment Plan is hereby corrected to read "July 14, 2016, thirty (30) years from the date of adoption of the Plan...."

B. Section 610 of the Redevelopment Plan, as amended by Section 3 of Ordinance No. 9455, is hereby corrected to read as follows:

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for thirty (30) years from the date of adoption of this Plan by the City Council. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan."

Based upon the date of adoption of the Redevelopment Plan (July 14, 1986), and the prior approvals contained in Ordinance No. 9455, the City Council hereby reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on July 14, 2016 (30 years from the date of adoption of the Redevelopment Plan), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 14, 2026.

Section 2. SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year. Based upon such extensions and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate thirty-one (31) years from the date of adoption of the Redevelopment Plan (July 14, 2017).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 14, 2027; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after July 14, 2027 to repay such debt accordingly.

Section 3. SB 1096 Amendments (Fiscal Years 2004-05 and 2005-06).

A. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payments for fiscal years 2004-05 and 2005-06, the time limit on the effectiveness of the Redevelopment Plan shall be extended by two (2) additional years. Based upon the prior approvals reaffirmed under Section 1 of this Ordinance, the extension provided for in Section 2.A. of this Ordinance, and the extensions provided for in this Section 3.A., the effectiveness of the Redevelopment Plan shall terminate thirty-three (33) years from the date of adoption of the Redevelopment Plan (July 14, 2019).

B. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 3.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 14, 2029; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after July 14, 2029, to repay such debt accordingly.

C. In extending the time limits as set forth in Subsections 3.A. and 3.B. of this Ordinance, the City Council makes the following findings with respect to the Redevelopment Project:

(1) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(2) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(3) The Agency is in compliance with all applicable provisions of Health and Safety Code Section 33413, to the extent applicable.

(4) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12(e) for failure to expend, encumber, or disburse any excess surplus.

(5) The funds which the Agency used to make the payment to the Educational Revenue Augmentation Fund for fiscal years 2004-05 and 2005-06,

pursuant to Health and Safety Code Section 33681.12, would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

Section 4. Ordinance Nos. 8612 and 9455 are continued in full force and effect, except as amended by this Ordinance.

Section 5. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 7. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

Section 8. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

PASSED AND ADOPTED this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2008-08

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA, REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE MOONEY BOULEVARD AND MOONEY BOULEVARD AMENDMENT REDEVELOPMENT PROJECT AREAS

WHEREAS, the City Council of the City of Visalia, adopted Ordinance No. 8726 on July 6, 1987, approving and adopting the Redevelopment Plan (sometimes also referred to as the Redevelopment Enabling Plan) (the "Redevelopment Plan") for the Mooney Redevelopment Project (the "Original Project Area"); Ordinance No. 9012 on July 16, 1990 adding certain area (the "Amendment Area"); and Ordinance Nos. 9456 and 9457 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits for the Original Project Area and the Amendment Area, respectively, required by AB 1290 (the "AB 1290 Amendments"); and

WHEREAS, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

WHEREAS, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

WHEREAS, Section 33681.12 of the Health and Safety Code, which was added by SB 1096 and took effect on September 5, 2004, required the Agency to make ERAF Payments during the 2004-05 and the 2005-06 fiscal years; and

WHEREAS, Section 33333.6 of the Health and Safety Code was amended by SB 1096 to add subsection (e)(2)(D) to provide that when an agency is required to make an ERAF Payment pursuant to Section 33681.12 (for fiscal years 2004-05 and 2005-06), the legislative body may, under certain conditions, amend the redevelopment plan by ordinance to extend the time limit on the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness by one year for each year the Agency makes such a payment; and

WHEREAS, pursuant to Health and Safety Code Sections 33681.9 and 33681.12, the Agency was required to make an ERAF Payment for the fiscal years 2003-04, 2004-05 and 2005-2006; and

WHEREAS, prior to adopting an ordinance to extend certain time limits pursuant to SB 1096, the legislative body must mail a notice of the public hearing on such ordinance to the governing body of each affected taxing entity at least 30 days prior to the public hearing and publish such notice at least 10 days prior to the public hearing; and

WHEREAS, the City has sent the required notices to all of the affected taxing entities and published notice of a public hearing in a newspaper of generally circulation regarding the proposed adoption of an ordinance pursuant to SB 1096; and

WHEREAS, Ordinance Nos. 9456 and 9457, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments for the Original Project Area and the Amendment Area, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance Nos. 9456 and 9457 relating to the time limits amended and established by said Ordinance;

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

Section 1. Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance Nos. 9456 and 9457, adopted on December 5, 1994). In order to correct the clerical errors contained in Ordinance Nos. 9456 and 9457, Section 610 of the Redevelopment Plan, as previously amended by Section 3 of Ordinance No. 9456 and Section 3 of Ordinance No. 9457, is hereby corrected to read as follows:

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for thirty (30) years from the date of adoption of this Plan by the City Council with respect to the Original Project Area, and thirty (30) years from the date of adoption of Ordinance No. 9012 with respect to the Amendment Area. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan as applicable for the Original Project Area and the Amendment Area."

Based upon the date of adoption of the Redevelopment Plan with respect to the Original Project Area (July 6, 1987) and the Amendment Area (July 16, 1990), and the prior approvals contained in Ordinance Nos. 9456 and 8457, the City Council hereby reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on July 6, 2017 as to the Original Project Area (30 years from the date of adoption of the Redevelopment Plan) and July 16, 2020 as to the Amendment Area (30 years from the date of adoption of Ordinance No. 9012), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 6, 2027 as to the Original Project Area or July 16, 2030 as to the Amendment Area.

Section 2. SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year for the Original Project Area and the Amendment Area. Based upon such extensions and

the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate thirty-one (31) years from the date of adoption of the Redevelopment Plan with respect to the Original Project Area (July 6, 2018) and thirty-one (31) years from the date of adoption of Ordinance No. 9012 with respect to the Amendment Area (July 16, 2021).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan as applicable for the Original Project Area and the Amendment Area. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 6, 2028 with respect to the Original Project Area and July 16, 2031 with respect to the Amendment Area; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after said dates to repay such debt accordingly.

Section 3. **SB 1096 Amendments (Fiscal Years 2004-05 and 2005-06)**

A. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payments for fiscal years 2004-05 and 2005-06, the time limit on the effectiveness of the Redevelopment Plan shall be extended by two (2) additional years. Based upon the prior approvals reaffirmed under Section 1 of this Ordinance, the extension provided for in Section 2.A. of this Ordinance, and the extensions provided for in this Section 3.A., the effectiveness of the Redevelopment Plan shall terminate on July 6, 2020 for the Original Project Area and July 16, 2023 for the Amendment Area.

B. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan as applicable for the Original Project Area and the Amendment Area. Based upon the termination date established in Subsection 3.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after July 6, 2030 for the Original Project Area and after July 16, 2033 for the Amendment Area; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after the above dates, to repay such debt accordingly.

C. In extending the time limits as set forth in Subsections 3.A. and 3.B. of this Ordinance, the City Council makes the following findings with respect to the Redevelopment Project:

(1) The Agency is in compliance with the requirements of Health and Safety Code Section 33334.2.

(2) The Agency has adopted an implementation plan in accordance with the requirements of Health and Safety Code Section 33490.

(3) The Agency is in compliance with all applicable provisions of Health and Safety Code Section 33413, to the extent applicable.

(4) The Agency is not subject to sanctions pursuant to Health and Safety Code Section 33334.12(e) for failure to expend, encumber, or disburse any excess surplus.

(5) The funds which the Agency used to make the payments to the Educational Revenue Augmentation Fund for fiscal years 2004-05 and 2005-06, pursuant to Health and Safety Code Section 33681.12, would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

Section 4. Ordinance Nos. 8726, 9012, 9456 and 9457 are continued in full force and effect, except as amended by this Ordinance.

Section 5. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 6. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 7. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

Section 8. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

PASSED AND ADOPTED this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

ATTEST:

City Clerk

Mayor

ORDINANCE NO. 2008-09

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA,
REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS
WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE CENTRAL VISALIA
REDEVELOPMENT PROJECT AREA**

WHEREAS, the City Council of the City of Visalia, adopted Ordinance No. 8922 on November 20, 1989, approving and adopting the Redevelopment Plan for the Central Visalia Redevelopment Project (the "Redevelopment Plan"); and Ordinance No. 9458 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits required by AB 1290 (the "AB 1290 Amendments"); and

WHEREAS, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

WHEREAS, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

WHEREAS, pursuant to Health and Safety Code Section 33681.9, the Agency was required to make an ERAF Payment for the fiscal year 2003-04; and

WHEREAS, Ordinance No. 9458, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance No. 9458 relating to the time limits amended and established by said Ordinance;

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

Section 1. Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance No. 9458, adopted on December 5, 1994). In order to correct the clerical errors contained in said Ordinance No. 9458:

A. The date stated in the last Whereas clause of Ordinance No. 9458 for the time limit on the effectiveness of the Redevelopment Plan is hereby corrected to read "November 20, 2029, forty (40) years from the date of adoption of the Plan...."

B. The second subparagraph under Section 540 of the Redevelopment Plan, as amended by Section 2 of Ordinance No. 9458, is hereby corrected to read as follows:

"No loans, advances, or indebtedness to finance, in whole or in part, the project and to be repaid from the allocation of those taxes described in the before-mentioned Section 33670 shall be established or incurred by the Agency beyond twenty (20) years from the date of adoption of this Plan by the City Council, unless such time limitation is extended by amendment of this Plan. However, such loans, advances, or indebtedness may be repaid over a period of time longer than such time limit."

Based upon the date of adoption of the Redevelopment Plan (November 20, 1989), and the prior approvals contained in Ordinance No. 9458, the City Council hereby clarifies and reaffirms that no loans, advances or indebtedness to finance, in whole or in part the project and to be repaid from the allocation of taxes described in Section 33670 shall be established or incurred by the Agency beyond November 20, 2009 (20 years from the date of adoption of the Redevelopment Plan).

C. Section 610 of the Redevelopment Plan, as amended by Section 3 of Ordinance No. 9458, is hereby corrected to read as follows:

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for forty (40) years from the date of adoption of this Plan by the City Council. The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan."

Based upon the date of adoption of the Redevelopment Plan (November 20, 1989), and the prior approvals contained in Ordinance No. 9458, the City Council hereby clarifies and reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on November 20, 2029 (40 years from the date of adoption of the Redevelopment Plan), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after November 20, 2039.

Section 2. SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year. Based upon such extension and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate forty-one (41) years from the date of adoption of the Redevelopment Plan (November 20, 2030).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety

Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after November 20, 2040; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after November 20, 2040, to repay such debt accordingly.

Section 3. Ordinance Nos. 8922 and 9458 are continued in full force and effect, except as amended by this Ordinance.

Section 4. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 5. Effective Date. This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 6. Publication. The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

Section 7. Severability. If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

PASSED AND ADOPTED this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

Mayor

ATTEST:

City Clerk

ORDINANCE NO. 2008-10

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA, CALIFORNIA,
REAFFIRMING, CLARIFYING, CORRECTING AND EXTENDING CERTAIN LIMITATIONS
WITH RESPECT TO THE REDEVELOPMENT PLAN FOR THE DOWNTOWN
REDEVELOPMENT PROJECT AREA**

WHEREAS, the City Council of the City of Visalia, adopted Ordinance No. 2239 on August 3, 1970, approving and adopting the Urban Renewal Plan for Central business District Program No. Calif. A-11-1 (also known as the Redevelopment Plan for the Downtown Redevelopment Project Area (the "Redevelopment Plan"); Ordinance No. 8719 on May 4, 1987 amending the Redevelopment Plan to establish certain limitations with respect to the Redevelopment Plan; Ordinance No. 9454 on December 5, 1994, amending the Redevelopment Plan to establish certain time limits required by AB 1290 (the "AB 1290 Amendments"), and Ordinance No. 2006-01 on April 17, 2006, amending the Redevelopment Plan to extend certain time limits, pursuant to SB 10996 (the "SB 1096 Amendments"); and

WHEREAS, the Redevelopment Agency of the City of Visalia (the "Agency") has been designated as the official redevelopment agency to carry out in the City of Visalia the functions and requirements of the Community Redevelopment Law of the State of California (Health and Safety Code Section 33000 *et seq.*) and to implement the Redevelopment Plan; and

WHEREAS, Section 33333.6 of the Community Redevelopment Law established certain limitations on the incurring and repaying of indebtedness and the duration of redevelopment plans, which limitations apply to every redevelopment plan adopted on or before December 31, 1993; and

WHEREAS, Section 33681.9 of the Health and Safety Code, which was added by SB 1045 and took effect on September 1, 2003, required the Agency during the 2003-04 fiscal year to make a payment for deposit in the Tulare County Educational Revenue Augmentation Fund (an "ERAF Payment"); and

WHEREAS, Section 33333.6 of the Health and Safety Code, which was amended by SB 1045, provides that when an agency is required to make a payment pursuant to Section 33681.9 (for fiscal year 2003-04), the legislative body may amend the redevelopment plan by ordinance to extend by one year the time limit of the effectiveness of the plan and the time limit on receipt of tax increment and repayment of indebtedness; and

WHEREAS, pursuant to Health and Safety Code Section 33681.9, the Agency was required to make an ERAF Payment for the fiscal year 2003-04; and

WHEREAS, Ordinance No. 9454, adopted by the City Council on December 5, 1994, adopting the AB 1290 Amendments, contained several clerical errors in the time limits stated in said Ordinance, and the City Council desires to reaffirm its prior approval and adoption of the AB 1290 Amendments and correct the clerical errors contained in Ordinance No. 9454 relating to the time limits amended and established by said Ordinance;

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

Section 1. Reaffirmation of Prior AB 1290 Amendments. The City Council hereby reaffirms its prior approval and adoption of the AB 1290 Amendments to the Redevelopment Plan (Ordinance No. 9454, adopted on December 5, 1994). In order to correct the clerical errors contained in said Ordinance No. 9454, the last two subparagraphs (including subheading) under Section 2 of Ordinance No. 9454, are hereby corrected to read as follows:

"The Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Plan.

"Duration of this Plan's Development Controls

"Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the land use and development control provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan may be made effective for forty (40) years from the date of adoption of this Plan by the City Council."

Based upon the date of adoption of the Redevelopment Plan (August 3, 1970), and the prior approvals contained in Ordinance No. 9454, the City Council hereby clarifies and reaffirms that the effectiveness of the Redevelopment Plan is currently scheduled to terminate on August 3, 2010 (40 years from the date of adoption of the Redevelopment Plan), and the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after August 3, 2020.

Section 2. SB 1045 Amendments (Fiscal Year 2003-04).

A. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, the time limit on the effectiveness of the Redevelopment Plan shall be extended by one year. Based upon such extension and the prior approvals reaffirmed under Section 1 of this Ordinance, the effectiveness of the Redevelopment Plan shall terminate forty-one (41) years from the date of adoption of the Redevelopment Plan (August 3, 2011).

B. In accordance with Section 33333.6(e)(2)(C) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to December 31, 1993, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 2.A. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after August 3, 2021; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to December 31, 1993, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after August 3, 2021, to repay such debt accordingly.

Section 3. Reaffirmation of Prior SB 1096 Amendments. The City Council hereby reaffirms its prior approval and adoption of the SB 1096 Amendments to the Redevelopment Plan (identified as RDA Ordinance No. 2006-01, adopted on April 17, 2006). In order to correct the clerical errors contained in said Ordinance No. 2006-01:

A. The dates stated in the Whereas clauses of Ordinance No. 2006-01 for the time limit on the effectiveness of the Redevelopment Plan and the time limit on the receipt of tax increment and payment of indebtedness are hereby corrected to read "August 3, 2011" and

"August 3, 2021", respectively, which dates are based upon the amendments approved in Section 2 of this Ordinance.

B. Section 1 of Ordinance No. 2006-01 is hereby corrected and amended to read as follows:

"In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, as a result of the Agency's ERAF Payments for fiscal years 2004-05 and 2005-06, the time limit on the effectiveness of the Redevelopment Plan shall be extended by two (2) additional years."

Based upon the prior approvals reaffirmed under Section 1 of this Ordinance, and the extension provided for in Section 2.A. of this Ordinance, and the extensions provided for in this Section 3.B., the effectiveness of the Redevelopment Plan shall terminate forty-three (43) years from the date of adoption of the Redevelopment Plan, or August 3, 2013.

C. In accordance with Section 33333.6(e)(2)(D) of the Health and Safety Code, except for loans and indebtedness approved or incurred prior to January 1, 1994, the Agency shall not pay indebtedness or receive property taxes pursuant to Health and Safety Code Section 33670 after ten (10) years from the termination of the effectiveness of the Redevelopment Plan. Based upon the termination date established in Subsection 3.B. of this Ordinance, the Agency shall not pay indebtedness or receive property taxes pursuant to Section 33670 after August 3, 2023; provided, however, that any loans or other indebtedness approved or incurred by the Agency prior to January 1, 1994, to finance the Project, may be repaid in accordance with the terms relating to such indebtedness, and the Agency may receive property tax increments after August 3, 2023, to repay such debt accordingly.

D. In reaffirming and extending the time limits as set forth in Sections 3.B. and 3.C. of this Ordinance, the City Council hereby reaffirms and incorporates herein the findings contained in Sections 3 and 4 of Ordinance No. 2006-01, and hereby further readopts its prior findings that the funds which the Agency used to make the payments to the Educational Revenue Augmentation Fund for fiscal years 2004-05 and 2005-06, pursuant to Health and Safety Code Section 33681.12, would otherwise have been used to pay the costs of projects and activities necessary to carry out the goals and objectives of the Redevelopment Plan.

Section 4. Ordinance Nos. 2239, 8719, 9454 and 2006-01 are continued in full force and effect, except as amended by this Ordinance.

Section 5. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency.

Section 6. **Effective Date.** This Ordinance shall be in full force and effect thirty (30) days after its passage.

Section 7. **Publication.** The City Clerk is hereby ordered and directed to certify to the passage of this Ordinance and to cause the same to be published once in a newspaper of general circulation, published and circulated in the City of Visalia, California.

Section 8. **Severability.** If any part of this Ordinance is held to be invalid for any reason, such decision shall not affect the validity of the remaining portions of this Ordinance, and this City Council hereby declares that it would have passed the remainder of this Ordinance, if such invalid portion thereof had been deleted.

PASSED AND ADOPTED this _____ day of _____, 2008, by the following vote:

AYES:

NOES:

ABSENT:

Mayor

ATTEST:

City Clerk