

# Visalia City Council Agenda



For the regular meeting of: TUESDAY, January 20, 2009

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

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

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

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## **WORK SESSION AND ACTION ITEMS (as described)**

**5:00 p.m.**

5:00 p.m.

**SWEARING IN CEREMONY - Firefighter/Paramedics - Bryan Gant, Curtis Mueller, James Turnage, Steve Walker**

5:10 p.m.

**INTRODUCTION OF NEWLY PROMOTED FIRE DEPARTMENT EMPLOYEES - Captain Dustin Hall, Captain Karl Krauss, Engineer Robert Briggs, Engineer Dameon Malek**

### **Public Comment on Work Session and Closed Session Items -**

5:15 p.m.

1. Annual report regarding the City's Graffiti Abatement Program.

*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)**

2. Conference with Legal Counsel - Anticipated Litigation  
Significant exposure to litigation pursuant to subdivision (b) of Section 54956.9: one potential case
3. Conference with Labor Negotiators (GC 54957.6)  
Agency Designated Representatives: Eric Frost, Steve Salomon, Janice Avila  
Employee Organization: All Employee Groups

## REGULAR SESSION

7:00 p.m.

### PLEDGE OF ALLEGIANCE

INVOCATION – Pastor Bob Grenier, Calvary Chapel

### SPECIAL PRESENTATIONS/RECOGNITION

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

4. INFORMATION ITEMS – (No action required)
  - a) Receive Planning Commission Action Agenda for the meeting of January 12, 2009.
  - b) Referral of Planning Commission's recommendation regarding General Plan Amendment No. 2008-08, a City-initiated request to change the land use designation of 31.2 -acres on the east side of Dinuba Boulevard and north of Shannon Parkway, from Low Density Residential (LDR) to Service Commercial/Office (C-S-O).

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

5. 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) Second reading and adoption of Ordinance 2009-01 authorizing a correctory grant deed to the County of Tulare for the land at the Tulare County Library. **Ordinance 2009-01 required.**
  - c) Authorization to award a construction contract for the Phase Two of the Riverway Sports Park to Applegate Johnston Inc. from Modesto in the amount of \$3,157,411.20 (Project # 3011 0000 720000 0 8029)
  - d) Authorize purchase of sport field light fixtures for Riverway Sports Park Phase Two project from Musco Lighting in an amount not to exceed \$539,000.
  - e) *Item removed at the request of staff*

- f) Authorize the City Manager to sign a Dedication of Right of Way granting to the State of California an approximate 0.58 acre strip of land adjacent to State Highway 63 in front of the Riverway Sports Park.
  - g) Authorization to obtain an Originating Agency Identifier (ORI) Number from the Department of Justice for the City of Visalia Fire Department for use and access to information obtained in "Live Scan". **Resolution 2009-04 required.**
  - h) Authorization to purchase a Sign Truck for \$106,585 off of the State California Multiple Award Schedule program (CMAS) and shift \$4,000 of a remaining budget for an aerial lift (bucket) truck purchased for the Traffic Safety division .
  - i) Authorization to award contract for the purchase of twelve new marked police patrol vehicles to the Groppetti Automotive Group in the amount of \$498,221 and award contract for an additional four new marked police patrol vehicles to the Wondries Fleet Group in the amount of \$166,272 for in-stock inventory.
  - j) Authorize the City Manager to enter into a sole source agreement with CourseCo, Inc. to manage the City's Valley Oaks Golf Course irrigation project for \$110,000.
  - k) Endorsement of California Consensus Principles on Federal Transportation Authorization for 2009.
  - l) Notification of a DUI grant application to the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.
  - m) Notification of a Pedestrian and Bicycle Safety grant application to the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.
6. Hearing to Consider Adoption of Resolution of Necessity to Acquire Real Property by Eminent Domain; Project: Mooney and Walnut Widening; Property: 2230 West Walnut Avenue (APN 095-134-045 and 046); 2131 W. Whitendale Avenue (APN: 121-090-041). **Resolution 2009-05 required.**
7. **Public Hearing cancelled until further notice. PUBLIC HEARING** General Plan Amendment No. 2008-08: A request by the City of Visalia to amend the General Plan Land Use Element from RLD (Residential Low Density) to PCSO (Planned Shopping/Office Commercial) for 31.2 -acres located on the east side of Dinuba Highway, between Shannon Parkway and the St. Johns River riparian setback, then easterly to the logical extension of Court St. (APNs 079-080-045, 079-071-001, 016, 018, and 020)
8. Receipt of the Comprehensive Annual Financial Report (CAFR) for the City of Visalia, the Single Audit Report, and the Component Unit Financial Statements for the Redevelopment Agency of the City of Visalia for the 2007-08 fiscal year.

## 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	MCDONAL D, Lee & Cyndy	30 sq. ft Portion of APN 103-320-010	Portion of Parcel 2, Parcel Map 2092, pg. 93	McAuliff Street Right of Way	1/15/09	Andrew Benelli

### Upcoming Council Meetings

- Friday, January 23, 2009, 12:30 - 9 p.m. Council Retreat, Convention Center, 303 E. Acequia, Visalia
- Saturday, January 24, 2009, 8:30 a.m. - 3:00 p.m. Council Retreat, Convention Center, 303 E. Acequia, Visalia
- Monday, February 9, 2009, Work Session 4:00 p.m. Special Meeting 7:00 p.m. Convention Center, 303 E. Acequia, Visalia

*Note: Meeting dates/times are subject to change, check posted agenda for correct details.*

*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:** January 20, 2009

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

**Agenda Item Wording:** Annual Report On City's Graffiti Abatement Program

**Deadline for Action:** None

**Submitting Department:** Parks and Recreation Department

**Contact Name and Phone Number:** Jim Bean, 713-4564 or Ray Palomino, 713-4169

**Current Program:**

In September 2006, the graffiti abatement program was transferred from the Fire Department to the Buildings and Parks Maintenance Divisions of the Parks and Recreation Department. The graffiti abatement program consists of two supervisor, one hourly graffiti program coordinator and three hourly graffiti maintenance workers. The hourly employees work a maximum of 1,000 hours per year, so the citywide removal crew has 3,000 hours available. This report covers graffiti removal activities from July 1, 2007 through June 30, 2008 under the direction of the Buildings and Parks Divisions of the Parks and Recreation Department.

During the current reporting period, the City-wide removal personnel spent 3,000 hours on graffiti removal. We have seen an increase in graffiti from fiscal year 06/07 to fiscal year 07/08.

The Parks and Recreation Department set the following goals for the program for FY 07/08 :

- Remove reported graffiti within 48 hours- For the first quarter of Fiscal Year 07/08 we were able to meet this goal with the current staffing. Since October 2007 the removal time has increase from 2 days to an average of 4 days. This is due to increased graffiti and increased square footage areas that are requiring removal.
- Improve methods on graffiti removal- The city has established a list of select colors- that are used throughout the city and we have added a second high pressure sprayer to allow versatility for each crew.
- Increase participation of property owners- Staff is continuously improving communication and cooperation with property owners and groups who remove graffiti from residential and commercial establishments.
- Promote public awareness of program- Continue to promote the graffiti hotline by posting it on our city trucks and by enhancing our graffiti abatement web site to get the information out to the public.
- Encourage Volunteer participation- The city has established a list of volunteer groups and individuals that remove graffiti throughout the City of Visalia. In 2008 on Make a Difference Day volunteers removed 25,000 square feet of graffiti.

**For action by:**

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

**For placement on which agenda:**

- Work Session
- Closed Session

**Regular Session:**

- Consent Calendar
- Regular Item
- Public Hearing

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

**Review:**

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

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

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

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

The program process begins with the Graffiti Abatement Program Coordinator who takes information from the Graffiti Hotline and prepares location and description work orders for the removal workers. Nancy Cunha is the part-time Graffiti Abatement Program Coordinator, who is located at the Corporation Yard on North Ben Maddox. She also receives written removal requests from the Police Department. Besides taking hotline information, the coordinator works with commercial property owners to have them remove the graffiti on their property. Nancy has been very successful in enlisting the support of property management companies to have their contractors remove graffiti. In difficult situations, she works with business owners and our removal crew to provide the necessary work on private commercial property. The coordinator has worked hard to develop a relationship with commercial property owners and property management companies to remove the graffiti on their properties. She has established good relationships with the public. The graffiti maintenance workers will immediately remove graffiti if it is offensive or obscene.

Ray Palomino, the City's Building Services Coordinator and Jeff Fultz, Park Maintenance Supervisor, supervises the citywide removal program with assistance from Joe Cote, Sr. Maintenance Technician. Ray, Jeff and Joe have been instrumental in overseeing the removal program, scheduling three part time maintenance workers to achieve Six days per week of removal.

The citywide graffiti maintenance workers digitally photograph the graffiti (before and after). Graffiti photos are downloaded monthly to a CD and a copy is provided to the police department. The Graffiti Abatement Coordinator works with the District Attorney's office on restitution cases.

The Graffiti Abatement Coordinator has worked with volunteers to remove graffiti in the community. The program provides paint to volunteers who are willing to cover graffiti on public property that is tagged repeatedly. The Urban Forestry Division continues to plant vines along landscape and lighting area walls to deter tagging.

The citywide program uses three vehicles, two ½ ton trucks, and a 1988 1 ton truck. One of our ½ ton trucks was donated by Serpa Automotive. This truck is fitted with a small paint spray gun and a high pressure sprayer. The one ton truck has a sand blaster and a high pressure sprayer mounted on the flat bed.

In addition to City efforts, a Downtown Visalia's employee removes graffiti in the downtown area usually within 24 hours. Visalia Unified School District removes graffiti on school property by 7:00 AM daily. Most residential property owners prefer to remove the graffiti themselves, however if the removal crew is unable to contact the property owner then the crew will usually remove the graffiti. The graffiti removal workers assist the Traffic Engineering division by removing graffiti from traffic signs and they also assist the Solid Waste division by covering up graffiti on enclosures and refuse containers.

Abatement of graffiti can be accomplished by removal with chemicals and power washer, painting over the graffiti or by sand blasting the surface. From July 2006 through June 2007, the City's Graffiti Abatement Program crew (3-1000 hour employees) removed, or covered, 417,754 square feet of graffiti and generated 3,503 work orders at a cost of \$91,753. From July 2007 through June 2008, the program removed or covered 591,748 square feet of graffiti at a cost of \$106,610. This program has seen a 42% increase in graffiti from FY 06/07 to FY 07/08. Each employee removes approximately 140,000 square feet of graffiti annually. The program has seen an increase of 174,000 square feet of graffiti in FY 07/08. Because of this increase in graffiti in FY 07/08 this program is in need of an additional hourly employee so the removal time can be lowered back down to our goal of 48 hours. Funding for the citywide removal program comes from the Solid Waste Enterprise Fund.

Since October 2007 our response time to remove graffiti with our current resources (three 1000 hour removal employees) has increased from 2 days to an average of 4 days in FY 07/08. At this time the solid waste fund cannot support the additional resources needed, therefore the request to add a 1000 hour employee will be postponed.

In March 2009 the Solid Waste operation will be proposing a rate increase to council. The increase will support the additional funds needed to add an hourly employee to the graffiti abatement program. The cost of this hourly employee is \$12,000 per year and no additional funding would be needed for a vehicle, because the work schedule can be offset to utilize our existing equipment.

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:** No action needed.

**Attachments:** Power Point Presentation

**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)*

# ACTION

## PLANNING COMMISSION AGENDA

CHAIRPERSON:

Vincent Salinas



VICE CHAIRPERSON:

Lawrence Segrue

COMMISSIONERS PRESENT: Vincent Salinas, Lawrence Segrue, Adam Peck, Terese Lane, Roland Soltesz

MONDAY JANUARY 12, 2009; 7:00 P.M., CITY HALL WEST, 707 WEST ACEQUIA, VISALIA CA

7:00 TO 7:00

## 1. THE PLEDGE OF ALLEGIANCE

7:01 TO 7:03

## 2. CITIZEN'S REQUESTS - The Commission requests that a 5-minute time limit be observed for requests. Please note that issues raised under Citizen's Requests are informational only and the Commission will not take action at this time.

Spoke:

1. Sherry Maze

7:03 TO 7:04

## 3. CITY PLANNER AGENDA COMMENTS - Item #11 to be moved to first Public Hearing item.

7:04 TO 7:04

## 4. CHANGES TO THE AGENDA – Applicants requested item #11 to be continued to an indefinite date.

Approved to continue to a date indefinite

(Peck, Segrue) 3-0  
Soltesz and Lane absent

7:04 TO 7:05

## 5. CONSENT CALENDAR - All items under the consent calendar are to be considered routine and will be enacted by one motion. For any discussion of an item on the consent calendar, it will be removed at the request of the Commission and made a part of the regular agenda.

Consent Calendar approved  
(Peck, Segrue) 3-0  
Soltesz and Lane absent

- Time Extension for Renaissance Town Homes Vesting Tentative Subdivision Map No. 5469 and Conditional Use Permit No. 2004-49
- Request to withdraw Conditional Use Permit No. 2008-45: a request by Ranjit and Navdeep Nagra to allow an 18,863 sq. ft. single-family residence in the R-1-6 (Single-family Residential – 6,000 sq. ft. minimum lot size) zone.

7:08 TO 7:26

## 6. PUBLIC HEARING – Paul Scheibel

Approved As recommended  
(Segrue, Soltesz) 4-0  
Soltesz absent

Zoning Text Amendment No. 2008-12: a request by Copeland Properties to amend Zoning Ordinance Section 17.18.050 by amending Line 709 to conditionally allow drug store/pharmacy retail in the C-R (Regional Retail Commercial) Zone.

Open: 7:10

Close: 7:20

Spoke:

1. Darlene Mata



7:26 To 7:45

Approved As recommended (Lane, Peck) 4-0  
Soltesz absent

Open: 7:29

Close: 7:43

Spoke:

1. Ted Shelly
2. Neil Zerlang

## 7. PUBLIC HEARING –Paul Bernal

- a. Tentative Parcel Map No. 2008-16: A request by Tim Bullock to divide approximately 2.15 acres into four (4) parcels with one common lot in the P-A (Professional / Administrative Office) zone. The site is located on the north side of W. Caldwell Ave. approximately 400 feet to the west of the intersection of N. Demaree St. and W. Caldwell Ave. (APN: 119-420-033)
- b. Conditional Use Permit No. 2008-38: A request by Tim Bullock to allow the tentative parcel map to create four (4) parcels without public street frontage in the P-A (Professional / Administrative) zone. The site is located on the north side of W. Caldwell Ave. approximately 400 feet to the west of the intersection of N. Demaree St. and W. Caldwell Ave. (APN: 119-420-033)

7:45 To 7:53

Approved as recommended (Peck, Segrue) 4-0  
Soltesz absent

Open: 7:50

Close: 7:50

No one spoke

## 8. PUBLIC HEARING –Andrew Chamberlain

Conditional Use Permit No. 2009-01 is a request by City of Visalia to allow a 22 stall general public parking lot in the CDT (Commercial Downtown) zone. The site is located at 409 E. Murray Avenue (APN 094-274-003).

7:53 To 9:06

Approved as recommended (Peck, Segrue) 4-0  
Soltesz absent

Open: 8:02

Close: 8:27

Spoke:

1. Sherry Maze
2. William McDermott

## 9. PUBLIC HEARING –Paul Bernal

Variance No. 2008-08: A request by Coast Sign to allow on-building signage to exceed the maximum allowable in the C-N (Neighborhood Commercial) zone for the CVS Pharmacy building. The site is located at 1200 N. Demaree St. (APNs: N/A)

9:06 To 9:18

Approved as recommended (Segrue, Lane) 4-0  
Soltesz absent

Open: 9:08

Close: 9:14

Spoke:

1. Aaron Troup

## 10. PUBLIC HEARING - Paul Bernal

Variance No. 2008-09: A request by James Rich on behalf of Nann Yin to allow an encroachment into a yard setback required by Design District K for a proposed clean air separator in the C-N (Neighborhood Commercial) zone. The site is located at 1935 S. Lovers Lane. (APN: 100-370-026)

7:05 To 7:08

Approved to continue to a date indefinite  
(Peck, Segrue) 3-0  
Soltesz and Lane absent

## 11. PUBLIC HEARING - Paul Scheibel

- a. General Plan Amendment No. 2008-02: A request by Paul Ridenour and Greg Nunley to amend the General Plan land use designations from RLD (Low Density Residential) and RHD (High Density Residential) to CSO (Shopping / Office Commercial), PAO (Professional/ Administrative Office), and RHD (Residential High Density) on 19.93 acres. The site is located generally on the

- southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
- b. Change of Zone No. 2008-03: A request by Paul Ridenour and Greg Nunley to change the zoning designations from R-1-6 (Single-Family Residence, 6,000 sq. ft. minimum lot size) and R-M-3 (Multi-family Residential; 1,500 sq. ft. minimum site area per unit) to P-C-SO (Planned Shopping/Office Commercial), P-PA (Planned Professional/Administrative Office), and R-M-3 (Multi-family residential zone, 1,500 sq. ft. minimum site area per unit) on 19.93 acres. The site is located generally on the southwest corner of Demaree St. and Houston Ave. APNs: 077-660-001,-002,-003,-018; 077-090-012,-015,-016 and -017
  - c. Tentative Subdivision Map No. 5540: A request by Greg Nunley for the Oakwood Ranch 2 & Professional Center to create 20 lots for a mix of multi-family residential and office development, and two common areas. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)
  - d. Conditional Use Permit No. 2008-18: A request by Paul Ridenour to develop a self-storage facility with caretaker unit totaling 206,272sq.ft. on 10.8 acres. The site is located generally on the northwest corner of Goshen Ave. and Demaree St. APNs: 077-660-001, 077-090-015, -016, -017
  - e. Conditional Use Permit No. 2008-19: A request by Greg Nunley for a planned mixed-use development consisting of 13 units totaling 56 multi-family residences on 3.72 acres, and eight salable lots and two commercial lots for office buildings totaling 49,045sq. ft. on 4.35 acres. The site is located generally on the southwest corner of Demaree Street and Houston Avenue. APNs: 077-660-001 (portion), 077-660-003, -018, 077-090-015 (portion), and 077-090-016 (portion)

12. DIRECTOR'S REPORT/PLANNING COMMISSION DISCUSSION:

9:18 To 9:19

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

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

**THE NEXT REGULAR MEETING WILL BE HELD ON MONDAY, JANUARY 26, 2009  
AT THE VISALIA CONVENTION CENTER, 303 E. ACEQUIA, VISALIA**

9:19 TO 9:19  
Motion to Adjourn (Segrue, Salinas) 4-0 Soltesz absent



***City of Visalia***  
***Memo***

To: Mayor and City Council

From: Michael Olmos, AICP, Assistant City Manager/Community Development Director

Date: January 20, 2009

Re: Referral of Planning Commission Recommendation Regarding General Plan Amendment 2008-08

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Attached with this memorandum is Planning Commission Resolution No. 2008-84. The resolution is a recommendation to not approve General Plan Amendment No. 2008-08, a City-initiated request to change the land use designation of 31.2 acres on the east side of Dinuba Boulevard and north of Shannon Parkway, from Low Density Residential (LDR) to Service Commercial/Office (C-S-O).

Pursuant to VMC Section 17.54.070, the Planning Commission's recommendations on General Plan Amendments are required to be forwarded to the City Council within 45 days. This referral is in compliance with the above-referenced Code section.

Mayor Gamboa has requested that this matter not be considered by the City Council until after the upcoming City Council retreat on January 23 and 24. the Mayor anticipates that discussions on various community issues during the retreat, including the General Plan and Land Use/ Growth policies, will assist the Council in future consideration of this General Plan Amendment request. The City Council retreat will be open to the public and interested persons will be welcome to attend.

In response to the Mayor's request, the previously scheduled Public Hearing on GPA 2008-08 has been cancelled. No discussion or action is by the Council is requested or necessary on January 20.

encl: Resolution No. 2008-84

RESOLUTION NO. 2008-84

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF VISALIA, RECOMMENDING DENIAL OF GENERAL PLAN AMENDMENT NO. 2008-08, A REQUEST BY THE CITY OF VISALIA TO AMEND THE GENERAL PLAN LAND USE ELEMENT FROM RLD (RESIDENTIAL LOW DENSITY) TO PCSO (PLANNED SHOPPING/OFFICE COMMERCIAL) FOR 31.2 -ACRES LOCATED ON THE EAST SIDE OF DINUBA HIGHWAY, BETWEEN SHANNON PARKWAY AND THE ST. JOHNS RIVER RIPARIAN SETBACK, THEN EASTERLY TO THE LOGICAL EXTENSION OF COURT ST. (APNS 079-080-045, 079-071-001, 016, 018, AND 020)

**WHEREAS**, General Plan Amendment No. 2008-08 is a request by the City of Visalia to change the land use designation on 31.2 acres<sup>19.93</sup> acres located on the east side of Dinuba Highway, between Shannon Parkway and the St. Johns River riparian setback, then easterly to the logical extension of Court St. (APNs 079-080-045, 079-071-001, 016, 018, and 020)

**WHEREAS**, the Planning Commission of the City of Visalia, after duly published notice, held a public hearing before said Commission on December 8, 2008; and

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

**WHEREAS**, substantial public and written testimony was received and considered by the Planning Commission by persons in opposition to said GPA; specifically from representatives of property owners of the affected property who contended the GPA would adversely affect their long term development goals for residential development; and further contended the GPA if approved could adversely affect the long term enjoyment and benefit of their clients' properties.

**NOW, THEREFORE, BE IT RESOLVED** that the Planning Commission recommends that the City Council deny the proposed General Plan Amendment based on the following specific findings and based on the evidence presented:

1. That the proposed General Plan Amendment is not consistent with the intent of the General Plan.
2. That the proposed commercial land use designation is not supported by demonstrated need for additional commercial land in the area.
3. That the proposed commercial land use will over saturate the area with commercial zoning which could lead to reduced viability and value of nearby commercial developments.

4. That the proposed land use designation of Shopping/Office Commercial would not be compatible with surrounding property.
5. That the proposed GPA is inconsistent with General Plan Policy No. 3.5.7 pertaining to suitable locations of the Shopping/Office Commercial zone. The differences in allowed uses between the proposed C-S-O and current CC-M zones are not substantial and that having both in the same general area would result in over saturation of like-kind development. On this basis, the planning Commission further recommends that the finding of appropriateness and consistency with the General Plan not be made.

**BE IT FURTHER RESOLVED** that the Planning Commission of the City of Visalia recommends denial of GPA 2008-08I to the City Council, in accordance with the terms of this resolution under the provisions of Section 17.54.070 of the Ordinance Code of the City of Visalia and based on the above findings.

Commissioner Segrue offered the motion to this resolution. Commissioner Peck seconded the motion and it carried by the following vote:

AYES: Commissioners Segrue, Peck, Lane, Soltesz, Salinas  
 NOES:  
 ABSTAINED:  
 ABSENT:

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

ATTEST: Fred Brusuelas, AICP  
 Community Development Assistant Director

I, Fred Brusuelas, Secretary of the Visalia Planning Commission, certify the foregoing is the full and true Resolution No. 2008-84, passed and adopted by the Planning Commission of the City of Visalia at a regular meeting held on December 8, 2008.

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Fred Brusuelas, AICP  
 Community Development Assistant Director

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Vincent Salinas, Chairperson

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5b

**Agenda Item Wording:** Repeal of Ordinance 2002-27 and first reading of replacement Ordinance 2009-01 authorizing a correctory grant deed to the County of Tulare for the land at the Tulare County Library

**Deadline for Action:** N/A

**Submitting Department:** Administration

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

**Department Recommendation**

It is recommended that the City Council repeal Ordinance 2002-27 authorizing a correctory grant deed for the property beneath the Tulare County Library, and replace it with Ordinance 2009-01 which convene the land to Tulare County to correspond with the land underneath the remodeled library.

**Department Discussion**

In 1976, the City of Visalia conveyed the property beneath the Tulare County library to the County as part of an agreement to consolidate the Visalia City Library with the Tulare County Library system.

As part of the library expansion and remodel project, in 2002, the City Council adopted an ordinance authorizing the city manager to execute an agreement with the County of Tulare to donate approximately 3,109 sq. ft. of City-owned land to Tulare County for the expansion of the Tulare County Library. The County needed the City to take this action in order to qualify for grant funding for the remodel of the Library.

As part of that process, it was determined that the original grant deed was inaccurate and did not include the land under a portion of the library facilities. In December of 2002, a correctory grant deed was issued in order to comply with the requirements of the grant. However, the land description was based on preliminary plans. Now that the project is completed, the grant deed needs to be correct to correctly define the land now occupied by the Tulare County Library.

Staff recommends that the City Council hold the first reading for Ordinance 2009- authorizing the city manager to execute a correctory grant deed to amend and correct the legal description for the property granted from the City of Visalia to the County of Tulare for the Tulare County Library.

**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 121708**

**Finance**

**City Atty**

**City Mgr**

**Prior Council/Board Actions:**

December, 2002 – Authorized correctory grant deed

June, 2002 – Authorized an agreement with the County to donate the land under the expanded library

1976- Conveyed the land under the Tulare County Library to the County

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

**Alternatives:**

**Attachments:**

Ordinance 2009- w/exhibit “A” and “B”

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

I move to approve the repeal of Ordinance 2002-27 and the first reading of Ordinance 2009-01 authorizing a correctory grant deed to the County of Tulare for the Tulare County Library in Visalia.

**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)*

**Ordinance No. 2009-01**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF VISALIA AUTHORIZING THE EXECUTION OF A CORRECTORY GRANT DEED TO THE COUNTY OF TULARE FOR THE TULARE COUNTY LIBRARY IN VISALIA**

**WHEREAS** in 1975 the City of Visalia entered into an agreement with the County of Tulare to consolidate the Visalia City Library with the Tulare County Library system; and,

**WHEREAS** said agreement required the City to transfer ownership of the property beneath the existing City Library building and property for the construction of the then contemplated library expansion project; and,

**WHEREAS** in May, 1976 the Visalia City Council adopted Resolution No. 1570 transferring, as required by contract with Tulare County, all buildings, new and used, to the County that have to do with the new consolidated library; and,

**WHEREAS** in August, 1976 the Visalia City Council adopted Resolution No. 1603 authorizing the Mayor and City Clerk to execute, on behalf of the City of Visalia, a Grant Deed to transfer real property to Tulare County for the library project and that said property is to be used for library purposes only; and,

**WHEREAS** in June, 2002, the Visalia City Council adopted Ordinance No. 2002-14 authoring the City Manager to execute an agreement with the County of Tulare to donate approximately 3,109 sq. ft. of City-owned land to Tulare County for the expansion of the Tulare County Library; and,

**WHEREAS** in December, 2002 the Visalia City Council adopted Ordinance No. 2002-27 authorizing the City Manager to execute a correctory grant deed to amend and correct the legal description for the property granted from the City of Visalia to the County of Tulare for the Tulare County Library; and,

**WHEREAS** now that the expansion of the library is complete and the actual footprint of the expanded facility has been accurately documented; and,

**WHEREAS** City of Visalia Charter Article VI, Section 16, Sale and Lease of City Property, states "No sale of real estate shall be authorized by the Council except by ordinance passed by the affirmative vote of four-fifths of all the members and no lease shall be made for a period of longer than five years, except by ordinance adopted by the Council"; and,

**WHEREAS** it is the City Council's desire to take an action to convey the property to the County in accordance with the 2002 agreement.

**NOW THEREFORE BE IT ORDAINED** by the City Council of the City of Visalia as follows:

**Section 1.** The Visalia City Council repeals Ordinance 2002-27, an ordinance of the City Council of the City of Visalia authorizing the execution of a correctory grant deed to the County of Tulare for the Tulare County Library in Visalia.



**Section 2.** The City manager for the City of Visalia is hereby authorized to execute a correctory grant deed containing the legal description identified as Exhibit "A" attached, and as displayed in the map included as Exhibit "B", granting to the County of Tulare property for Tulare County Library in Visalia.

**Section 3.** This Ordinance shall go into effect thirty (30) days after passage thereof.

**Section 4.** A summary of this Ordinance shall be published once in the *Visalia Times-Delta*, a newspaper of general circulation in the City of Visalia

PASSED AND ADOPTED:

## City of Visalia Agenda Item Transmittal

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5c

**Agenda Item Wording:** Authorization to award a construction contract for Phase Two of the Riverway Sports Park to Applegate Johnston Inc. from Modesto in the amount of \$3,157,411.20. The project number is 3011-0000-720000-0-8029.

**Deadline for Action:** N/A

**Submitting Department:** Parks & Recreation Department

**Contact Name and Phone Number:** Vincent Elizondo, Director of Parks & Recreation, 713-4367

**Recommendation:** City staff recommends the City Council authorize the City Manager to enter into a construction contract with Applegate Johnson Inc. in the amount of \$3,157,411.20 to build the second phase of the Riverway Sports Park Project that includes the development of approximately 12.2 acres.

**Background Information:** City staff conducted a competitive bid process to construct phase two of the Riverway Sports Park project. The project was advertised for bids on November 19<sup>th</sup> and 24<sup>th</sup> and bids closed on January 7, 2009. The City received thirteen proposals from qualified firms. The bids received were as follows:

Applegate Johnston, Modesto	\$3,157,411.20
Lewis C. Nelson & Sons Inc, Selma	\$3,200,500.00
Steve Dovali, Fresno	\$3,212,000.00
Elite Landscaping, Clovis	\$3,251,000.00
Webb & Sons Construction, Porterville	\$3,290,000.00
Park West Builders, Escondido	\$3,429,000.00
R.J. Berry Inc., Selma	\$3,433,640.00
Sole Tek Pacific Construction, Fresno	\$3,471,500.00
Don Berry Construction, Selma	\$3,541,900.00
Seals – Biehle General Contractors	\$3,637,000.00
Hemington Landscaping, Cameron Park	\$3,930,269.00
Davis Moreno Construction, Fresno	\$4,127,638.00
Valley Crest Landscaping, Pleasanton	\$4,196,000.00

**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.

As evidenced by the number of bids received for the project, the current bidding climate appears to be highly competitive. The first five bids were within \$132,590.00 of each other, less than 1% of the low bid and \$1.3 million less than the project estimate. A thorough examination of the low bid has been conducted by staff and the bid document is complete and meets all City requirements. Staff conducted a reference check of projects listed in the bid document and received highly favorable recommendations for the work of the contractor.

Applegate Johnston Inc. is a licensed general, building, and electrical contractor located in Modesto that has been in the construction business since 1997. Staff confirmed that they have extensive experience in installing athletic field lighting systems on similar projects for high schools and municipalities. Projects referenced include Lathrop High School, Los Banos High School, City of Ceres River Bluff Sports Park, and others. Applegate Johnston was the general contractor for construction of the City of Dinuba Ridge Creek golf course clubhouse and restaurant (\$3.1 million), Point Pleasant United Methodist Church (\$ 3 million), and the remodel of the concession facility at the Modesto minor league baseball stadium. The contractor completed the work on time and with minimal change orders for these projects. According to the project managers for these agencies, there were no issues related to change orders or quality of work and they recommended the firm for our project. Staff is satisfied that they have the means of completing the project. Based on the submission of a complete bid package and positive reference check responses staff is recommending the award of the contract to Applegate Johnston Inc.

Phase two consists of the development of approximately 12.2 acres of park area. The second phase includes four lighted championship youth baseball fields with a concession/restroom building, additional paved parking for an additional 200 vehicles, lighting for two soccer fields and the BMX track. Sports lighting fixtures will be provided by the City. Construction is anticipated to start by mid February and completed by November. The contract requires that the baseball field grass be planted no later than August 1<sup>st</sup> to ensure the fields are ready for the 2010 youth baseball season.

The City is working on finalizing facility user agreements by the two primary users of the new baseball fields --- Cal Ripken Youth Baseball and the National (northside) Little League. It is anticipated that over 1,000 youth baseball players will be served by this facility.

Total project cost is \$4.83 million. Included in this cost is \$3.47 million in construction costs and contingency and \$1.37 million in design fees, construction management, impact fees, and staff time for project coordination (Don Stone). Total appropriation remaining in the FY 2008-09 budget is approximately \$5.87 million.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Attachments:**

**Recommended Motion (and Alternative Motions if expected):** Move to authorize the City Manage to enter into a construction contract with Applegate Johnston Inc. to in the amount of \$3,157,411.20 build the second phase of the Riverway Sports Park

***Environmental Assessment Status***

**CEQA Review:** Visalia Community Sports Park Site Plan Mitigated Negative Declaration, No. 2003-81, July 2003.

**NEPA Review:**

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

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5d

**Agenda Item Wording:** Authorize purchase of athletic field lighting fixtures for the Riverway Sports Park, Phase two project from Musco Lighting.

**Deadline for Action:** January 20, 2009

**Submitting Department:** Parks & Recreation Department

**Contact Name and Phone Number:** Vince Elizondo, Director of Parks & Recreation, 713-4367

**Recommendation:**

Staff recommends the Council authorize the purchase of the Musco Lighting Structure system for two additional soccer fields, four youth baseball fields, and the BMX track at the Riverway Sports Park at a cost not to exceed \$539,000 including tax and shipping. This request is for light poles, concrete pole bases, and light fixtures all pre-wired and ready for assembly on site by the contractor (Applegate Johnston Inc.).

**Background Information:**

The Musco athletic lighting system was used to light three of the ten soccer fields in the first phase of the project. The overall park master plan and environmental review document was approved to have all ten soccer fields lit, but funding has precluded this goal from being completed. Phase two was budgeted to have two more additional soccer fields lit, bringing the total to five soccer fields that will be lighted.

Hopefully, as future phases evolve at the sports park, all ten soccer fields will be lit.

Phase two also includes the lighting of all four new youth baseball fields, and the BMX track facility. The lighting is designed to meet all of the safety requirements for youth baseball competition and BMX racing activities.

**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.

The selection of Musco is based on the recommendation from the electrical consultant for the project. By purchasing the fixtures directly from the manufacturer the City will save the contractor's mark-up estimated to be five to ten percent of the product cost.

The Musco Lighting system was determined to be the best quality system for energy efficiency, light control, and lower maintenance costs. Gurcinas and Associates, the electrical engineer on the project, evaluated several sports lighting systems. Manufactures considered were Musco and General Electric. Gurcinas compared systems on cost, reliability, maintenance, energy consumption, cost of installation, and overall reputation. When all factors were considered the Musco Green technology was judged to be the best value. The Musco lighting system is a modular system that is assembled at the factory and transported to the site for installation by the contractor. Light fixtures are pre-mounted and aimed to ensure light levels are as specified and uniform over the entire facility.

Musco guarantees that lighting levels will be a constant thirty foot candles during the 5,000 hour life of the lighting fixture. The system has been designed to control light glare and direct 90% of the light on the playing field. Computer modeling determined that the lighting level at the park property line on Giddings Ave. and Riverway Drive will be four tenths of one foot-candle which is within the limit of five tenths of one foot-candle established in Sports Park Mitigated Negative Declaration. Light levels projected in phase one was confirmed with by on-site measurement of light levels. Staff is very satisfied with how light is directed on to the soccer field and not the surrounding area. This is of critical importance in this phase because of the proximity of residential properties on Riverway Drive to the BMX and youth baseball fields.

Funding for the purchase is accounted for in the current phase two construction budget of \$ 4.1 million.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:** Musco price quote

**Recommended Motion (and Alternative Motions if expected):** Move to authorize the purchase of the Musco Lighting Structure system for four youth baseball fields, two soccer fields, and the BMX track at the Riverway Sports Park at a cost not to exceed \$539,000 including tax and shipping.

***Environmental Assessment Status***

**CEQA Review:** Visalia Community Sports Park Site Plan Mitigated Negative Declaration, No. 2003-81 July 2003

**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 Park Phase 2**

**Visalia, CA**

**Date: December 3, 2008**

**To: Don Stone**

### Equipment Description

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Light-Structure Green™ System delivered to your site in Five Easy Pieces™

- Pre-cast concrete bases
- Galvanized steel poles
- UL Listed remote electrical component enclosure
- Pole length wire harness
- Factory-aimed and assembled luminaires
- 13 Auxiliary Brackets

Also Includes:

- Energy savings of more than 50% over a standard lighting system
- 50% less spill and glare light than Musco's prior industry leading technology
- Guaranteed constant light level of 50 footcandles infield, 30 footcandles outfield for the baseball fields, 30 footcandles for the soccer and 20 footcandles for the BMX for 5000 hours.
- Reduced energy consumption with an average of 112.61 kW per hour for the baseball fields, 81.33 kW per hour for the soccer fields, and 37.54 kW per hour for the BMX
- 10-Year warranty including ten years parts, two years labor. Lamps are warranted for two years, with the first year including lamps and labor, and the second year lamps only

Sales tax, labor, and unloading of the equipment is not included as part of this estimate.

### **Budget Estimate – Baseball Fields (24 Poles and 76 fixtures)**

Musco's Light Structure Green™ as described above and delivered to the job site \$267,200.00

### **Budget Estimate – Soccer Fields (6 Poles and 52 fixtures)**

Musco's Light Structure Green™ as described above and delivered to the job site \$158,500.00

### **Budget Estimate – BMX (4 poles 20 fixtures)**

Musco's Light Structure Green™ as described above and delivered to the job site \$74,500.00



\*\* Musco will also provide a credit of \$9,750.00 for the warranty not applied on the original Visalia Sports Complex.

***Pricing furnished is effective for 60 days unless otherwise noted and is considered confidential.***

*Payment Terms*

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***Option A***

Payment of 25% of the contract price is required with order. The contract balance is due no later than 30 days after invoice date.

***Option B - Wholesalers Only***

100% of the contract price is due and payable no later than 20 days after invoice date.

Musco will attempt to coordinate shipment so that delivery corresponds with the customer's payment schedule. It will be the responsibility of the wholesaler to ensure that Musco is aware of this delivery timeframe. We will expect payment within the terms described above unless there is a written statement from Musco's corporate headquarters stating the acceptance of different terms.

- **Delivery to the job site from the time of order, submittal approval, and confirmation of order details including voltage and phase, pole locations is approximately 30-45 days. Due to the built-in custom light control per luminaire, pole locations need to be confirmed prior to production. Changes to pole locations after the product is sent to production could result in additional charges.**

*Notes*

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Estimate is based on:

- Shipment of entire project together to one location
- Structural code and wind speed = 2007 CBC-C, 85 MPH.
- Confirmation of pole locations prior to production

Thank you for considering Musco for your sports-lighting needs. Please contact me with any questions.

Jasen Deniz  
Sales Representative  
Musco Sports Lighting, LLC  
Phone: 530/741-9536  
E-mail: [jasen.deniz@musco.com](mailto:jasen.deniz@musco.com)  
Fax: 530/741-9583

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2008

**Agenda Item Number (Assigned by City Clerk):** 5f

**Agenda Item Wording:** Request authorization for the City Manager to sign a dedication of right-of-way granting, to the State of California, an approximate 0.58-acre strip of land adjacent to State Highway 63 in front of the Riverway Sports Park.

**Deadline for Action:** None

**Submitting Department:** Community Development/  
Engineering Division

**Contact Name and Phone Number:**  
Chris Young, Assistant Community Dev. Director – 713-4392  
Michael Carr, Sr. Transportation Planner - 713-4595

**Department Recommendation:**  
Staff recommends that the City Council authorize the City Manager to sign a dedication of right-of-way granting to the State of California an approximate 0.58-acre strip of land adjacent to State Highway 63 (Dinuba Boulevard) in front of the Riverway Sports Park.

**Summary/background:**  
In September, 2007, the City of Visalia completed a project to widen Dinuba Boulevard, State Highway 63, in front of the new Sports Park. The project increased the highway width and paved to the new curb and gutter installed under the Sports Park contract. Since Dinuba Boulevard is a designated State Highway, the project also included increasing the highway right-of-way to include the roadway (with appropriate turn pockets) plus the State required fifteen-feet of additional property for the entire length of the road.

The City of Visalia agreed to dedicate this required right-of-way to the State of California as a condition of the project. This is a routine requirement for projects that are improving a State facility. A Grant Deed of Dedication has been prepared by Quad Knopf (acting as the design engineer for the street improvement plans for the Dinuba Boulevard / State Route 63 project). This dedication document has been reviewed and approved by the Visalia City Attorney's office.

**Prior Council/Board Actions:** Award of contract to RJ Berry for construction of Dinuba Boulevard / State Route 63 Improvements on June 4, 2007; Authorized Notice of Completion for RJ Berry Contract on October 15, 2007.

**Committee/Commission Review and Actions:** None

**Alternatives:** None

**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.): 1Min.

**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.

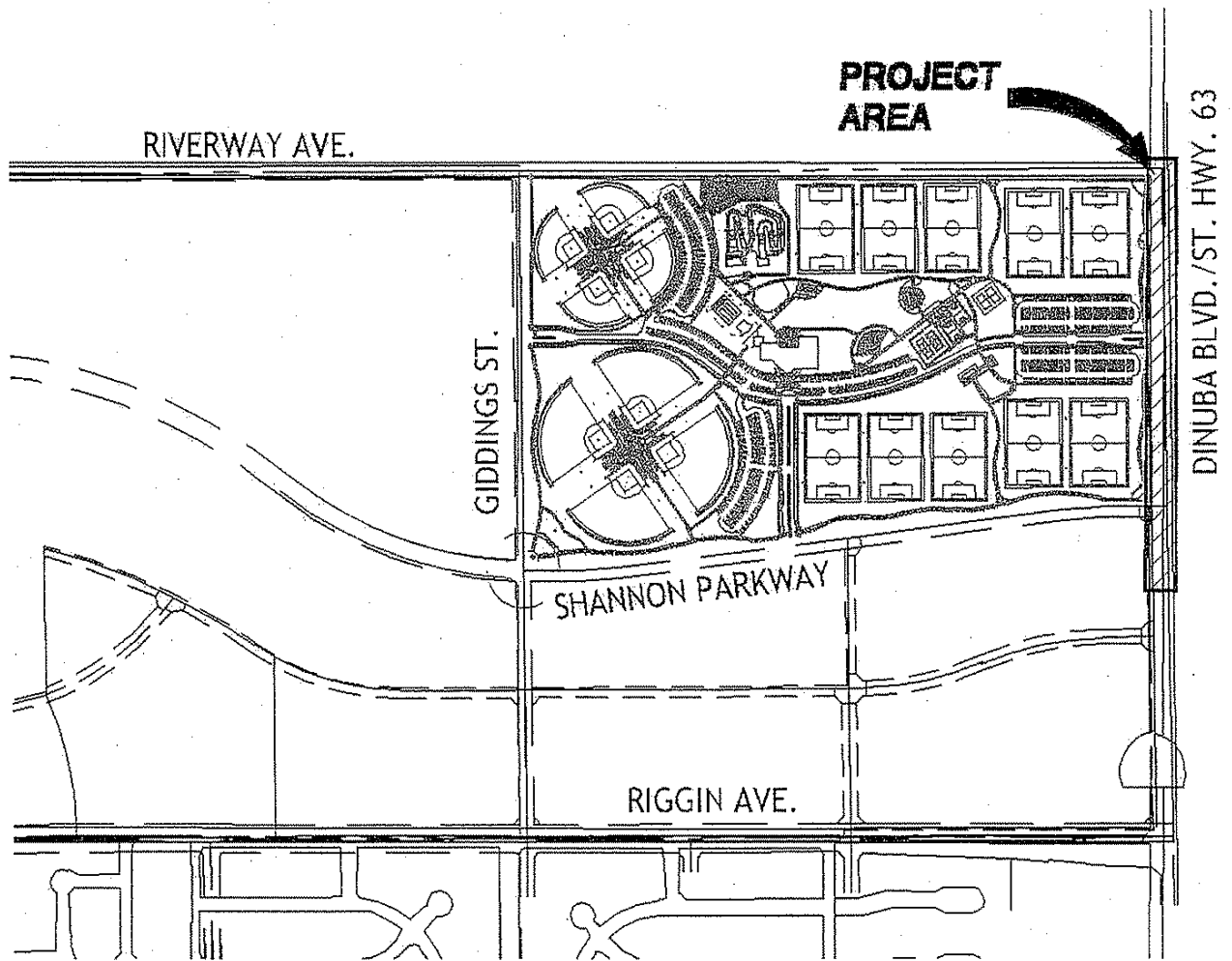
**Attachments:** Vicinity Map; Dedication Grant Deed including Legal Description and Plat Map

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

I move that the Council authorize the City Manager to sign a dedication of right-of-way granting the State of California an approximate 0.58-acre strip of land adjacent to State Highway 63 in front of the Riverway Sports Park.

**Tracking Information:** *(Staff must list/include appropriate review, assessment, appointment and contract dates and other information that needs to be followed up on at a future date)*  
*Notice of Completion to be filed with County Records Office through City Engineer's office.*

Copies of this report have been provided to:



VICINITY MAP

Street Improvement Plans for Dinuba Boulevard / State Highway 63

May 2007

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5g

**Agenda Item Wording:** Resolution No. 2009-04 for Originating Agency Identifier (ORI) Number for the Visalia Fire Department.

**Submitting Department:** Fire

**Contact Name and Phone Number:** Fire Chief Mark Nelson - 713.4218

**Department Recommendation:** That the City Council approves Resolution No.2009-04 for the Visalia Fire Department to have their own ORI Number.

**Summary/background:** The Visalia Fire Department is requesting an ORI (Originating Agency Identifier) Number from the Department of Justice. The ORI Number is a Department of Justice requirement for full use and access of information obtained when "Live Scan" is used for fingerprinting new employees. "Live Scan" is a part of the detailed background investigation that the Fire Department would like to utilize for new employees. By using our own ORI Number, the results of the live scan and the billing will be sent directly to the designated Fire Department personnel. In addition, any criminal activity that occurs after the employee has been hired will also be reported to the Fire Department. The live scan will be conducted by the Visalia Police Department. We feel that this process will enhance our new employee background investigation and result in hiring only the highest quality of employees.

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:** None

**Alternatives:** None

**Attachments:** Attachment #1 – Resolution No. 2009-04  
Attachment #2 – DOJ - Live Scan Request Packet

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):\_5\_

**Review:**

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

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

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

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

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

I move approval of Resolution No. 2009-04 for the Visalia Fire Department to have their own ORI Number.

***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: None

Resolution No. 2009-04

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF VISALIA APPROVING THE **VISALIA FIRE DEPARTMENT'S REQUEST FOR AN ORI (ORIGINATING AGENCY IDENTIFIER) NUMBER FROM THE DEPARTMENT OF JUSTICE (DOJ)**, FOR FUTURE FIRE DEPARTMENT EMPLOYMENT PURPOSES.

**WHEREAS**, Penal Code Sections 11105(b)(11) authorize the Visalia Fire Department to access state and local summary criminal history information for employment, licensing or certification purposes; and

**WHEREAS**, Penal Code Section 11105(b)(11) authorizes the Visalia Fire Department to access federal level criminal history information by transmitting fingerprint images and related information to the Department of Justice to be transmitted to the Federal Bureau of Investigations; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) require that there be a requirement or exclusion from employment, licensing, or certification based on specific criminal conduct on the part of the subject of the record; and

**WHEREAS**, Penal Code Sections 11105(b)(11) and 13300(b)(11) require the Visalia City Council to specifically authorize access to summary criminal history information for employment, licensing, or certification purposes.

**NOW THEREFORE, BE IT RESOLVED**, that the Visalia Fire Department of the City of Visalia, is hereby authorized to access state and federal level summary criminal history information for employment (including volunteers and contract employees), licensing, or certification purposes and may not disseminate the information to a private entity; and

**BE IT FURTHER RESOLVED**, that the Visalia Fire Department shall not consider a person who has been convicted of a felony or misdemeanor or involving moral turpitude eligible for employment (including volunteers and contract employees), or licensing; except that such conviction may be disregarded if it is determined that mitigating circumstances exist, or that the conviction is not related to the employment, volunteer or license in question.



**THE DEPARTMENT OF JUSTICE**

**BUREAU OF CRIMINAL IDENTIFICATION AND  
INFORMATION**

**APPLICANT PROCESSING PROGRAM**

**LIVE SCAN REQUEST PACKET**



**DEPARTMENT OF JUSTICE  
BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION  
APPLICANT PROCESSING PROGRAM  
LIVE SCAN REQUEST PACKET**

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**DEPARTMENT OF JUSTICE REQUEST FOR  
CONTRIBUTING AGENCY ORI AND/OR RESPONSE MAIL CODE**

In order to submit applicant fingerprints via Live Scan, you must have an ORI code to identify your agency. In order to receive responses electronically, you must request a Response Mail Code. Note that electronic responses will be sent to a secure electronic mailbox from which you will retrieve your messages. **In order to receive a Mail Code, you must have a completed Subscriber Agreement (copy enclosed pages 11-12) on file with the Department of Justice or returned with this request.**

1  Request for ORI       Request for Electronic Response Mail Code

Contributing Agency Name: 2 \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Your projection for monthly applicant submissions: \_\_\_\_\_

Contact Person Name: 3 \_\_\_\_\_ Phone Number: 4 (\_\_\_\_\_) \_\_\_\_\_

Please check the box(es) for the types of applicants for whom you will be submitting:

Employment 5 \_\_\_\_\_

Title or Position (i.e., Classified Employee)

License, Certification, Permit 6 \_\_\_\_\_

Identify Licensing Agency (as it would appear on Fingerprint card, i.e. Dept of Social Services)

Volunteers 8 \_\_\_\_\_

9 We request that all responses be sent electronically to the same secure mailbox.

OR:

10 We request separate secure mailbox(es) for the following application types(s):

Employment

License, Certification, Permit

Volunteers

ORI's and mail code number(s) will be assigned by the DOJ and returned to you on the attached form. Please fill in your agency address as indicated enclose the form with your request.

**GUIDELINES FOR COMPLETING  
“REQUEST FORM FOR ASSIGNMENT OF CONTRIBUTING  
AGENCY ORI AND/OR RESPONSE MAIL CODE”**

CATEGORY	INSTRUCTIONS
<b>1) Service(s) Requested:</b>	Check the appropriate box(es). You must request an ORI if you do not already have one and you intend to submit via Live Scan. You must request an electronic response mail code if you want your responses to be sent electronically to a secure mail server instead of by U.S. mail. Your agency will be assigned an ORI and/or mail code number by DOJ.
<b>2) Contributing Agency Name, Mailing Address and Projected Monthly Submissions:</b>	Enter the appropriate information.
<b>3) Contact Person:</b>	Enter name of the person within your agency DOJ can contact if any questions arise.
<b>4) Phone Number:</b>	Enter the contact person's phone number.
<b>5) Employment:</b>	Check this box if you will be submitting fingerprints of potential employees and enter the title or position of employees to be fingerprinted. If you will submit for all employees, state “all employees”
<b>6) License, Certification, Permit:</b>	Check this box if you will submit for licenses, certifications or permits and enter the types of license, etc. you issue. If you will submit for all licenses, certifications and permits, enter “all”
<b>7) Identify Licensing Agency:</b>	If you checked the License, Certification, Permit box, please provide the licensing agency name as it would appear on a fingerprint submission.
<b>8) Volunteers:</b>	Check this box if you will be fingerprinting volunteers.
<b>9) Electronic Response Mailbox:</b>	Check this box if <b>ALL SUBMISSIONS</b> will be going to the same electronic response mailbox.
<b>10) Designate More Than One Electronic Response:</b>	If responses in your agency are designated to different locations based on the application type, and you want a separate mailbox for any or all of your applicant types, check the appropriate box(es).

**DEPARTMENT OF JUSTICE REQUEST FOR  
CONTRIBUTING AGENCY ORI AND/OR RESPONSE MAIL CODE**

In order to submit applicant fingerprints via Live Scan, you must have an ORI code to identify your agency. In order to receive responses electronically, you must request a Response Mail Code. Note that electronic responses will be sent to a secure electronic mailbox from which you will retrieve your messages. **In order to receive a Mail Code, you must have a completed Subscriber Agreement (copy enclosed pages 11-12) on file with the Department of Justice or returned with this request.**

Request for ORI       Request for Electronic Response Mail Code

Contributing Agency Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City, State and Zip Code: \_\_\_\_\_

Your projection for monthly applicant submissions: \_\_\_\_\_

Contact Person Name: \_\_\_\_\_ Phone Number: (\_\_\_\_) \_\_\_\_\_

Please check the box(es) for the types of applicants for whom you will be submitting:

Employment \_\_\_\_\_  
Title or Position (i.e., Classified Employee)

License, Certification, Permit \_\_\_\_\_

\_\_\_\_\_  
Identify Licensing Agency (as it would appear on Fingerprint card, i.e. Dept of Social Services)

Volunteers

We request that all responses be sent electronically to the same secure mailbox.

OR:

We request separate secure mailbox(es) for the following application type(s):

Employment

License, Certification, Permit

Volunteers

ORI's and mail code number(s) will be assigned by the DOJ and returned to you on the attached form. Please fill in your agency address as indicated enclose the form with your request.

**STATE OF CALIFORNIA  
DEPARTMENT OF JUSTICE  
BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION  
APPLICANT LIVE SCAN**

**OVERVIEW**

Applicant Live Scan is a system for the electronic submission of applicant fingerprints and the subsequent automated background check and response. Live scan technology replaces the process of recording an individual's fingerprint patterns manually through a rolling process using ink and a standard 8" x 8" fingerprint card. Fingerprints can be digitized through an electronic process (Live Scan), enabling the electronic transfer of the fingerprint image data, in combination with personal descriptor information, to central computers at the Department of Justice. This transfer of information takes place in a matter of seconds, instead of the days required to send hard copy fingerprint cards through the U.S. mail. The applicant visits an Applicant Live Scan satellite location where the fingerprint images and related data are electronically transmitted to the Department of Justice. The recent, rapid expansion of the number of applicant live scan devices has resulted in an ever increasing volume of applicants availing themselves of live scan technology.

With Live Scan, the applicant is provided with a "Request for Live Scan Service" form (BCII 8016). The applicant is also provided with a list of nearby live scan locations and must go to one of the specified locations to submit fingerprints. At these locations, a trained certified operator enters the information from the BCII 8016 form into the live scan terminal and initiates the live scan fingerprinting process. After successful electronic capture of the fingerprint images and the accompanying data, the information is electronically transmitted to the Department of Justice.

Once the fingerprints and data are received by the Department of Justice they are electronically processed by the DOJ Networked AFIS Transaction Management System (NATMS). Most live scan submissions that have no data or quality errors and do not result in possible criminal history matches are processed automatically and are responded to electronically. Live scan transmissions requiring analysis of a criminal record are electronically sent to the Applicant Response Unit for analysis and dissemination. Live scan submissions are responded to by electronic mail, and/or U.S. mail when the electronic mail response is not available.

The Department of Justice will also coordinate other electronic processes resulting from the automated submissions of fingerprints, including forwarding the fingerprints to the FBI (if required) and coordinating the collection of associated fees.

In order to request this service, your company must first be authorized by the Department of Justice. You can obtain the forms to start the authorization process at <http://ag.ca.gov/fingerprints/agencies.php>. If your agency has been previously authorized, complete the appropriate forms in this packet and submit them to the Department of Justice.

The demands on the Applicant Program continue to increase as the legislature and various public and private agencies recognize the importance of requiring fingerprint-based criminal background checks for various employment, licensing and certification purposes. We sincerely hope that this information will be useful and will answer your questions about the electronic processing of fingerprints in California.



BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION  
4949 BROADWAY  
P.O. BOX 903417  
SACRAMENTO, CA 94203-4170  
Public: (916) 227-3823

**NOTIFICATION OF  
ORI, MAIL CODE AND/OR BILLING NUMBER**

REQUESTING Agency- please provide a complete address below. Also, please enclose a self-addressed mailing label so that we may return important information to you.

[ \_\_\_\_\_ ]

[ \_\_\_\_\_ ]

Listed below are the ORI, Mail Code and/or Billing Number assigned to your agency for applicant responses. Should your address or agency information change you must notify the Department of Justice immediately. Please forward any changes to the above address, **Attention: Applicant Processing Program.**

ORI \_\_\_\_\_

Mail Code \_\_\_\_\_

Billing Number \_\_\_\_\_

If separate response locations have been requested, the assigned codes are as follows:

Type	ORI	Mail Code
Employment	_____	_____
Licensing, Certification or Permit	_____	_____
Volunteer	_____	_____

Please return the Request Form, Notification of ORI, Mail Code and/or Billing Number and Subscriber Agreement to:

Department of Justice  
Applicant Processing Program-Live Scan Request  
P.O. Box 903417  
Sacramento, CA 94203-4170



BUREAU OF CRIMINAL IDENTIFICATION AND INFORMATION  
4949 BROADWAY  
P.O. BOX 903417  
SACRAMENTO, CA 94203-4170  
Public: (916) 227-3823

**APPLICANT SUBMITTING AGENCY REQUEST TO CHANGE:**

- Agency Name
- Agency Address
- Change Fax Number to Electronic SMSS for Applicant Response
- Contact Person / Phone Number

**OLD INFORMATION**

**CURRENT (NEW) INFORMATION**

Agency Name: \_\_\_\_\_

Agency Name: \_\_\_\_\_

Agency Address: \_\_\_\_\_  
\_\_\_\_\_

Agency Address: \_\_\_\_\_  
\_\_\_\_\_

Response Fax Number: \_\_\_\_\_

Mail Code Number: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Contact Person: \_\_\_\_\_  
Telephone #: \_\_\_\_\_

**REQUESTOR INFORMATION:**

Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Telephone Number: \_\_\_\_\_

Agency Name: \_\_\_\_\_  
AORI: \_\_\_\_\_ Mail Code: \_\_\_\_\_  
Billing Number: \_\_\_\_\_  
Your Projection for Monthly Submissions: \_\_\_\_\_

Mail or fax this form to:

**Department of Justice**  
**Applicant Processing Program**  
**P.O. Box 903417**  
**Sacramento, CA 94203-4170**

**Fax number: (916) 227-2000**

**FOR DOJ USE ONLY:**

- \_\_\_ Update authorized Agency List
- \_\_\_ Update ORI Tables
- \_\_\_ Update RDU Mailing Labels
- \_\_\_ Notify Record Security
- \_\_\_ Notify Field Operations
- \_\_\_ Notify Accounting

## DEPARTMENT OF JUSTICE APPLICANT LIVE SCAN BILLING PROCEDURES

The Department of Justice (DOJ) has developed the following procedures for the billing and collection of fingerprint fees. The first requirement for participation in the applicant Live Scan billing process is to provide DOJ with billing authorization to allow fee collection for services provided. Agencies must provide the following:

- All applicant agencies that wish to be billed for submitting fingerprints via live scan must complete Form BCII 9000 (Billing Account Application) located on Page 8 of this packet; and
- Non-state live scan agencies (e.g., public schools) must complete a Memorandum of Understanding; or
- State agencies (e.g., Social Services) with live scan devices must complete a new Interagency Agreement even if they currently have one.

The submission of these documents will result in the assignment of a unique customer billing number that must be entered by the live scan operator on all live scan transmissions. If your agency already has a customer billing number for the processing of manual fingerprint cards, the same customer billing number may be used for applicant live scan.

The following actions must occur in order for DOJ to generate a monthly invoice for services and to ensure that the correct agency is billed for services received.

- The live scan operator must input a customer billing number on every applicant live scan transmission sent to DOJ. The customer billing number keyed should be either the number for the live scan agency or the licensing applicant agency, to be determined as follows:
  - **Live Scan Agency:** If the live scan agency collects cash or a check for payment of the DOJ and/or federal services, the live scan agency **must be** the agency billed. In this case, the operator must always enter the customer billing number of the live scan agency into the transmission.
  - **Please note: If the applicant is fee exempt, the live scan operator must still enter the live scan agency's customer billing number into the transmission. No charges will be billed to the agency for fee exempt transmissions.**
  - **Applicant Agency:** If the live scan agency does not collect payment, then the contributing applicant agency **must be** the agency billed. In this case, the live scan operator must always enter the applicant agency's customer billing number on the transmission. This number is found in the Contributing Agency Section (in the area titled "BIL") of the Request for Live Scan Applicant Submission form. The applicant must provide this form. If the applicant is not fee exempt, does not pay for services and there is no "BIL" number on the Applicant Submission form, the live scan operator **should not** fingerprint the applicant.



- The Bureau of Criminal Identification and Information (BCII), Operational Support Program (OSP) will bill for fingerprint transmissions on a monthly basis. To begin receiving monthly fingerprint billings along with a billing detail, your agency must have both an Agency ORI number and a customer billing number. To obtain a customer billing number, please complete Form BCII 9000 (Billing Account Application) located on Page 8 of this packet. Once your agency submits the completed Billing Account Application, DOJ will assign a customer billing number and establish a secure mail server mailbox (this is the same mailbox in which you receive Live Scan results). If your agency has a customer billing number and is interested in receiving a monthly billing detail electronically, please call (916) 227-3830, select secure mail server for billing, and DOJ will establish a secure mail server mailbox. Once DOJ assigns the customer billing number and establishes a secure mailbox, your agency will begin receiving a monthly billing detail electronically. The detail will consist of the applicant's name, fingerprint date and total fingerprint fees billed.
- The DOJ Accounting Office will generate invoices based on the live scan transmission information thirty days in arrears. Based on the monthly billing cycle, each agency will be billed for transmissions occurring between the first day and the last day of the prior month. The agency will generally receive invoices within the first fifteen working days of the month.
- Payment to DOJ is due upon receipt of the invoice. If there are discrepancies, please pay promptly for those charges with which you agree, and short pay the invoice by the amount of charges in dispute. In addition, please complete Form BCII 9006 (Credit Request – Applicant Live Scan Fingerprint Billing) and fax to OSP at (916) 227-1149, listing the applicant(s) in dispute. The Credit Request form is available on the internet at <http://ag.ca.gov/fingerprints/agencies.php>. The OSP will notify the agency if it denies the Credit Request. NOTE: If an agency does not submit a Credit Request, the agency may still be held liable for the outstanding charges. The DOJ will not accept Credit Requests received three or more years after final payment of an invoice.
- The live scan agency will be responsible for payment if the operator fails to input a customer billing number or inputs an incorrect billing number and/or applicant agency information, and the DOJ cannot determine which agency should be billed for the transmission

Please call the Bureau of Criminal Identification and Information at (916) 227-3870 to establish a customer billing number (only if the ORI and electronic response codes have already been established), establish a secure mail server mailbox, update billing contact information, or to resolve live scan billing discrepancies.

# Billing Account Application

BCII 9000 (Rev. 10/07)

Business/Agency Type: _____ School District	_____ Corporation	_____ Non-Profit Organization
_____ Private School	_____ Local Government	_____ Sole Proprietorship/Partnership
_____ Federal Government	_____ State Government (Fund Code Required: _____)	

ALL APPLICABLE INFORMATION MUST BE COMPLETED LEGIBLY. INCOMPLETE APPLICATIONS WILL BE RETURNED.

Business/Agency Name: \_\_\_\_\_

Business/Agency Address: \_\_\_\_\_

City, State, Zip Code: \_\_\_\_\_

Federal Tax Identification Number\*: \_\_\_\_\_

Social Security Number (Sole Proprietorship or Partnership)\*: \_\_\_\_\_

\*EITHER a Federal Tax Identification Number OR Social Security Number must be provided.

Authorized Representative: \_\_\_\_\_

Telephone Number: \_\_\_\_\_ Facsimile Number: \_\_\_\_\_

Electronic Mail Address: \_\_\_\_\_

I, the undersigned, have the authority to conduct business for the business/agency listed above. I confirm that all the information on this application is true and correct. I give my permission to the Department of Justice (DOJ) to research and confirm all information provided and to request a credit report at any time. I understand this is an agreement to pay the processing fees associated to the electronic transmission of State and/or Federal criminal offender record information requests, including fees incurred by duplicate transmissions or other errors on the part of the above business/agency or its representative(s). Failure to remit payment in a timely manner may result in the DOJ utilizing all information provided on this billing account application for collection purposes. I agree to the terms of this agreement and understand it will remain in effect until written cancellation is provided by either party with 30 days notice.

Signature \_\_\_\_\_ Printed Name \_\_\_\_\_

Title \_\_\_\_\_ Date \_\_\_\_\_

**Mail to:** Department of Justice  
BCII – OSP  
4949 Broadway, Room G-110  
Sacramento, CA 95820

**Fax to:** (916) 227-1149

*DOJ Use Only*

**Input By:** \_\_\_\_\_ **Account #:** \_\_\_\_\_ **Received Date:** \_\_\_\_\_

**Input Date:** \_\_\_\_\_ **ORI #:** \_\_\_\_\_ **ACN#:** \_\_\_\_\_

## SECURITY OF CRIMINAL OFFENDER RECORD INFORMATION

Criminal Offender Record Information (CORI) is information identified through fingerprint submission to the DOJ with a criminal record or "No Record". It is confidential information disseminated to applicant agencies authorized by California statute for the purposes of employment, licensing, certification and volunteer clearances. The following information describes each agency's responsibility toward accessing, storage, handling, dissemination and destruction of CORI.

### Background

Penal Code Sections 11105 and 13300 identify who may have access to criminal history information and under what circumstances it may be released.

The California Department of Justice (DOJ) maintains the California Law Enforcement Telecommunications System (CLETS) that provides law enforcement agencies with information directly from federal, state and local computerized information files. However, restrictions have been placed on the user to ensure that the rights of all citizens of California are properly protected.

Article 1, Section 1 of the California Constitution grants California citizens an absolute right to privacy. Individuals or agencies violating these privacy rights place themselves at both criminal and civil liability. Laws governing Californians' right-to-privacy were created to curb, among other things, the excessive collection and retention of personal information by government agencies, the improper use of information properly obtained for a proper purpose, and lack of a reasonable check on the accuracy of existing records. (*White v. Davis* (1975) 13 Cal. 3d 757,775.)

### Employment Background Checks

It is only through the submission of fingerprints to the DOJ that the true identity of an individual can be established. In a 1977 lawsuit (*Central Valley v. Younger*), the court ruled that only arrest entries resulting in conviction, and arrest entries that indicate active prosecution, may be provided for evaluation for employment, licensing, or certification purposes.

### Exceptions

Some statutory provisions, such as those relating to youth organizations, schools and financial institutions, further limit information dissemination to conviction for specific offenses. Records provided for criminal justice agency employment as defined in Section 13101 of the Penal Code are exempt from these limitations. In addition, arrest information for certain narcotic and sex crimes, irrespective of disposition, will be provided for employment with a human resource agency as defined in Section 1250 of the Health and Safety Code. Other exceptions are listed in the CLETS Policies, Practices and Procedures (Section 1.6.1).

## Unauthorized Access and Misuse

The unauthorized access and misuse of CORI may affect an individual's civil rights. Additionally, any person intentionally disclosing information obtained from personal or confidential records maintained by a state agency or from records within a system of records maintained by a governmental agency has violated various California statutes. There are several code sections that provide penalties for misuse or unauthorized use of CORI.

## Authorized Access

Criminal Offender Record Information shall be accessible only to the Records Custodian and/or hiring authority charged with determining the suitability for employment or licensing of an applicant. The information received shall be used by the requesting agency solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination to any other employing or licensing agency.

The retention and sharing of information between employing and licensing agencies are strictly prohibited. The retention and sharing of information infringe upon the right of privacy as defined in the California Constitution, and fails to meet the compelling state interest defined in *Loder v. Municipal Court (1976) 17 Cal. 3d 859*. In addition, maintenance of CORI separate from the information maintained by the DOJ precludes subsequent record updates and makes it impossible for DOJ to control dissemination of CORI as outlined in Section 11105 of the Penal Code.

CLETS Policies, Practices and Procedures state that any information transmitted or received via CLETS is confidential and for official use only by authorized personnel (Section 1.6.4). The California Code of Regulations, Article 1, Section 703, addresses the "right and need" to know CLETS-provided information.

The Bureau of Criminal Identification and Information recommends that state summary criminal history records obtained for employment, licensing or certification purposes are to be destroyed, once a decision is made to employ, license or certify the subject of the record. Agencies should retain the State Identification Number (SID) for the purpose of "No Longer Interested" for subsequent arrest notification services pursuant to Penal Code Section 11105.2.

Retention of criminal history records beyond this time should be based on documented legal authority and need. Any records retained must be stored in a secured, confidential file. The agency should designate a specific person responsible for the confidentiality of the record and have procedures to prevent further dissemination of the record, unless such dissemination is specifically provided for by law or regulation.

As an agency receiving background clearance information in response to the submission of applicant fingerprint cards to DOJ you are aware of the regulations regarding the security of the hard copy information that you currently receive. The purpose of this Subscriber Agreement is to restate existing regulations and clarify how they apply to the electronic receipt of this same information via fax or e-mail. There are no new regulations. Items 1, 2, 4, 5, and 7 restate existing regulations relative to receiving hard copy information; item 2 has been expanded to include electronic information. Items 3 and 6 are intended to clarify these regulations relative to electronic information.

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## APPLICANT FINGERPRINT RESPONSE

### SUBSCRIBER AGREEMENT

In accordance with section 11077 of the Penal Code, the Attorney General is responsible for the security of criminal offender record information. Section 707(a) of the California Code of Regulations requires that **"Automated systems handling criminal offender record information and the information derived therefrom shall be secure from unauthorized access, alteration, deletion or release. The computer terminals shall be located in secure premises."**

This agreement is between the (name of agency) \_\_\_\_\_ and the California Department of Justice for the purposes of the exchange of criminal offender record information. The above agrees that:

1. Criminal offender record information and the information derived therefrom shall be accessible only to the records custodian and/or hiring authority charged with determining the suitability of the applicant.
2. Confidential information received electronically or via mail shall be used solely for the purpose for which it was requested and shall not be reproduced for secondary dissemination.
3. Retention of CORI is permissible if, after making its initial employment, licensing, or certification decision, the agency has a legitimate business need for the information and there are no statutory requirements to destroy such information. Any record information that is retained by the applicant agency must be stored in a secure and confidential file.
4. Criminal history background checks have been completed on all individuals with access or proximity to terminals or fax machines receiving criminal offender record information.
5. Staff with access to criminal offender record information have received training and counseling on the handling of criminal offender record information and have signed employment statement forms acknowledging an understanding of the criminal penalties for the misuse of criminal offender record information (Penal Code Sections 502, 11142 and 11143).

6. Reasonable measures shall be taken to locate terminals and fax machines in a secure area to provide protection from unauthorized access to criminal offender record information by other than authorized personnel. Access is defined as the ability to view criminal offender record information on a terminal or on paper.
7. Pursuant to Section 702 of the California Code of Regulations, authorized agencies violating this agreement may lose direct access to criminal offender record information maintained by the Department of Justice.

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**Agency Name**

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---

**Agency Address**

---

---

**Agency Phone Number**

---

---

**Signature of Official**

---

---

**Printed Name of Official**

---

---

**Title of Official**

---

---

**Date**

---

Please return the Request Form, Notification of ORI, Mail Code and/or Billing Number Assignment and Subscriber Agreement to: **Department of Justice**  
**Applicant Processing Program-Live Scan Request**  
**P.O. Box 903417**  
**Sacramento, CA 94203-4170**

REQUEST FOR LIVE SCAN SERVICE  
Applicant Submission

ORI: 1. Type of Application: 2.

Job Title or Type of License, Certification or Permit: 3.

Agency Address Set Contributing Agency:

4. Agency authorized to receive criminal history information 5. Mail Code (five digit code assigned by DOJ)

Street No. Street or P.O. Box 6. Contact Name (Mandatory for all school submissions)

City State Zip Code ( ) 7. Contact Telephone No.

Name of Applicant: 8. Last First MI

Alias: Last First Driver's License No: \_\_\_\_\_

Date Of Birth: \_\_\_\_\_ Sex:  Male  Female Misc. No. BIL- 9. Agency Billing number (if Applicable)

Height: \_\_\_\_\_ Weight: \_\_\_\_\_ Misc. No: \_\_\_\_\_

Eye Color: \_\_\_\_\_ Hair Color: \_\_\_\_\_ Home Address: 10. Street or P.O. Box

Place of Birth: \_\_\_\_\_ City, State and Zip Code

SOC: \_\_\_\_\_

Your Number: 11. Level of Service:  DOJ 12.  FBI  
OCA NO. (Agency Identifying No.)

If resubmission, list Original ATI No: 13.

Employer: (Additional response for agencies specified by statute)

14. Employer Name

Street No. Street or P.O. Box Mail Code (five digit code assigned by DOJ)

City State Zip Code ( ) Agency Telephone No. (Optional)

Live Scan Transaction Completed By: \_\_\_\_\_ Date: \_\_\_\_\_  
Name of Operator

Transmitting Agency ATI No. Amount Collected/Billed

**GUIDELINES FOR COMPLETING  
"REQUEST FOR LIVE SCAN SERVICE FORM"**

FIELD	COMMENT
<b>1) ORI (Originating Agency Identifier):</b>	This is a number assigned by DOJ to identify authorized users. Each agency must have an assigned ORI prior to submitting fingerprints.
<b>2) TYPE OF APPLICATION:</b>	Example: Peace Officer, State Employee, Employment, License, Permit, etc. The application type determines the dissemination criteria used in preparing the response, and each authorized agency has specific application type(s) it is permitted to use. Since agencies may have more than one authorized application type, it is important this field be filled out correctly.
<b>3) JOB TITLE OR TYPE OF LICENSE, CERTIFICATION OR PERMIT:</b>	Example: Petition for Adoption, Emergency Child Placement, Foster Family Home, Volunteer, etc. This is a free-form field where the agency can include the specific job title, license, certificate or permit being requested. If the Application Type and Title conflict (e.g., Foster Family License applicant type, and Petition for Adoption application title) the transaction may be rejected.
<b>4) AGENCY ADDRESS SET CONTRIBUTING AGENCY:</b>	Please print or attach a preprinted label containing the name and address of the authorized applicant agency requesting the fingerprint check. Agencies must ensure that the agency name in this field is identical to the name used when the ORI was authorized, otherwise the transaction may be rejected.
<b>5) MAIL CODE:</b>	This is a unique number assigned by the Department of Justice to those agencies that have requested responses by electronic mail. If this code is not entered, the response may be printed out and sent by U.S. Mail instead of electronically. An incorrect code will cause the response to be sent to the wrong agency.
<b>6) CONTACT NAME:</b>	Enter the person's name at the agency who is authorized to receive the response. THIS IS MANDATORY FOR APPLICANTS REQUIRING A CHILD ABUSE INDEX CHECK
<b>7) CONTACT TELEPHONE NUMBER:</b>	Enter the phone number for the Contact Person. THIS IS MANDATORY FOR APPLICANTS REQUIRING A CHILD ABUSE INDEX CHECK
<b>8) NAME OF APPLICANT &amp; PERSONAL DESCRIPTORS:</b>	Enter the requested information.
<b>9) MISC. NO. BIL (Billing Number):</b>	If the agency has been assigned a billing number by the Department of Justice, that number should be recorded here. If the agency does not have a billing number, the applicant should be prepared to pay all fees associated with the transaction directly to the Live Scan operator.
<b>10) HOME ADDRESS:</b>	The applicant's home address is mandatory for applicants requiring a Child Abuse Index check and where statute requires a notification to the applicant as well as the agency.
<b>11) YOUR NUMBER:</b>	Some agencies assign a unique number to each applicant. A field is provided for this number for the agency's convenience to help match the response to the correct applicant (this can be helpful if you have applicants with similar names).
<b>12) LEVEL OF SERVICE:</b>	Please check the appropriate box(es). Please note that your agency must be authorized by statute to receive the information requested. In addition, the APPLICANT TYPE will dictate the level(s) of service permitted. In those situations where the FBI level of service is permitted, you must check the FBI box or you will not receive a response from the FBI.
<b>13) ORIGINAL ATI (Applicant Transaction Identifier) NO.:</b>	FOR RE-SUBMISSIONS ONLY. The ATI is recorded on the last line of the Live Scan Request form by the Live Scan operator when the transaction is completed. If the applicant's fingerprints were previously rejected and are now being resubmitted, the ATI from the ORIGINAL Live Scan Request form must be included or the agency will be charged again for the transaction. If the applicant's fingerprints are rejected a second time and the Original ATI is not included, the California name check will not be automatic.
<b>14) EMPLOYER:</b>	This field is required to be completed if a response is required to be sent to the employer in addition to the submitting agency (i.e., a facility licensed by the Department of Social Services).



**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number:** 5h

**Agenda Item Wording:** "Authorization to purchase a Sign Truck for \$106,585 off of the State California Multiple Award Schedule program (CMAS) and shift \$4,000 of a remaining budget for an aerial lift (bucket) truck purchased for the Traffic Safety division for the purchase of a Sign truck for the Traffic Safety division."

**Deadline for Action:**

**Submitting Department:** Public Works

**Contact Name and Phone Number:**

Andrew Benelli, Public Works Director, 713-4340;  
Earl Nielsen, Public Works Manager, 713-4533

**Department Recommendation:**

Staff recommends that Council approve the purchase of a sign truck for the Traffic Safety division, and approve the transfer of \$4,000 of a remaining budget from the recent purchase of an aerial lift (bucket) truck that cost less than budgeted.

**Summary/background:**

Traffic Safety division has funds allocated this year to replace their existing sign truck. This vehicle is used to transport various street signs to and from street locations, and also provides the tools and equipment needed to pull and install sign poles at the job site. The existing truck being replaced is a 1994 Ford 1-ton truck that Fleet personnel have evaluated and rated it in "poor condition needing to be replaced". \$102,900 is allocated in this year for the purchase of the sign truck, and the CMAS contract quote has come in at \$106,585 (see attachment #1).

The existing Traffic Safety sign truck is over 14 years old, and has been recommended for replacement by fleet personnel for the past several years; staff has held off replacing the truck to make it last as long as possible. The existing sign truck is held in the 5012 Vehicle Replacement fund inventory, and has been fully depreciated through the 5012 fund.

Staff recommends purchasing the sign truck by off of State CMAS contract # 1-08-23-20 (see attached price quote). The CMAS program is managed by the State of California and establishes purchase values for vehicles, equipment, and other common material used by the State. The purchase prices and selected vendors are determined from competitive bidding process. The State contract provides low cost and ready availability for the truck with the specification and equipment outfitted to meet the City's needs. The existing budget for the sign

**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.

truck is \$102,900 and the CMAS quoted price including taxes is \$106,585 so an additional \$4,000 is needed to fund the purchase. Staff recommends shifting \$4,000 from the budget for a bucket truck that was recently ordered for Traffic safety; the bucket truck has a budget of \$108,300, but the purchase price came in lower at \$88,024, so there is about \$20,000 left over in the budget for the bucket truck. Shifting \$4,000.00 of the remaining budget over to the sign truck will still leave about \$16,000 of the budget for the bucket truck unused.

**Prior Council/Board Actions:** none

**Committee/Commission Review and Actions:** none

**Alternatives:**

**Attachments:**

1. Purchase Requisition and price quote from Downtown Ford Sales as part of State CMAS contract # 1-08-23-20

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

Move to approve purchasing a sign truck off of State CMAS contract # 1-08-23-20, and to shift \$4,000 from the budget for an aerial truck to the budget for the sign truck.”

***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)*



## Attachment 1

This document last revised: 01/16/2009 1:05 PM

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Page 4

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5i

**Agenda Item Wording:** Award contract for the purchase of twelve (12) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$498,221 and award contract for an additional four (4) new marked Police patrol vehicles to the Wondries Fleet Group in the amount of \$166,272 for in-stock inventory.

**Deadline for Action:** None

**Submitting Department:** Police Department

**Contact Name and Phone Number:** Police Chief Bob Carden, ext. 4215, Fleet Manager Mike Morgantini, ext. 4255, Police Specialist Randy George, ext. 4655

**Department Recommendation:** The Police Department recommends that the City Council award a contract for the purchase of twelve (12) new marked Police patrol vehicles to the Groppetti Automotive Group for the amount of \$498,221. Additionally, the Police Department recommends that four (4) new marked Police patrol vehicles be purchased from Wondries Fleet Group's current inventory for the amount of \$166,272. Groppetti Automotive currently has no qualifying vehicles in-stock.

**Summary/background:** The Police Department is purchasing sixteen (16) new marked Police patrol units. Twelve (12) of these vehicles are scheduled replacement vehicles; and four (4) are vehicles allocated by the Measure T sales tax initiative. Sixteen (16) of these vehicles Council reviewed as part of the City of Visalia Budget for FY 08/09. Unfortunately, because of the current state of the economy, car manufacturer's new vehicle delivery dates could be been extended up to six (6) months. The Police Department has an immediate need to purchase four (4) new marked Measure T Police patrol vehicles. Wondries Fleet Group currently has vehicles in stock that match our specifications. The Purchasing division sought a quote from the Groppetti Auto Group in Visalia for the purchase of sixteen (16) new marked patrol vehicles. The quote from Groppetti came in at \$41,518.41 (including up-fit, sales tax and delivery fee) per vehicle. The Groppetti Auto Group was unable to provide any vehicles for immediate delivery. The Groppetti Auto Group has agreed to honor the same price quote given for twelve (12) new marked Police patrol vehicles. Wondries Fleet Group's quote is \$41,568 (including up-fit, sales tax and delivery fee). Both price quotes match contract bid prices. The \$40 difference per vehicle from Wondries is due to in-stock dealer costs.

Fleet has evaluated and identified twelve (12) marked patrol vehicles that have exceeded their useful lifecycle as police units by utilizing the City's vehicle replacement guidelines.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):\_

**Review:**

**Dept. Head** \_\_\_\_\_

**Finance** \_\_\_\_\_

**City Atty** \_\_\_\_\_

**City Mgr** \_\_\_\_\_

Additionally, all these new marked Patrol vehicles are alternative fuel vehicles, (E-85).

Funding for the twelve (12) replacement vehicles comes from the Vehicle Replacement Fund (5012)

Funding for the additional four (4) vehicles comes from the Public Safety Measure T Fund (1121)

**Prior Council/Board Actions:** None

**Committee/Commission Review and Actions:**

**Alternatives:**

**Attachments:**

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

I move that Council award a contract for the purchase of twelve (12) new marked Police patrol vehicles to the Groppetti Automotive Group in the amount of \$498,221 and purchase four (4) new marked Police Patrol vehicles from the Wondries Fleet Group in the amount of \$166,272.

***Environmental Assessment Status***

**CEQA Review: N/A**

**NEPA Review: N/A**

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

Copies of this report have been provided to:



# City of Visalia Agenda Item Transmittal

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5j

**Agenda Item Wording:** Authorize the City Manager to enter into a sole source agreement with CourseCo, Inc. to manage the City's Valley Oaks Golf Course irrigation project for \$110,000.

**Deadline for Action:**

**Submitting Department:** Administrative Services and Parks and Recreation

**Contact Name and Phone Number:** Eric Frost, x 4474,  
Jeannie Greenwood, x4042

**Department Recommendation:**

That the City Council authorize the City Manager to enter into a sole source project management contract with CourseCo, Inc. for \$110,000, approximately 6.5% of the anticipated project cost, to manage the City's irrigation replacement project at Valley Oaks Golf Course.

**Summary/background:**

The City of Visalia's Valley Oaks Golf Course was originally developed in the 1970s when Plaza Park was created. The City has recently replaced the Plaza Park irrigation system. The original 18 hole course had an additional 9 holes added in the 1990s. In 2008, Council authorized the replacement of the Valley Oaks Golf Course irrigation system for the original 18 holes of the golf course.

The irrigation system is essential to the quality of the golf course's turf and landscape. The current system has had enough failures to challenge maintenance staff in preserving the golf course's conditions. After considering whether or not to proceed with this project, staff consulted with CourseCo, Inc. the golf course's contract manager, and believes it is important for the long-term health of the course to proceed with this project.

Staff has received a project management proposal from CourseCo, Inc. to manage the irrigation project for \$110,000 or about 6.5% of the estimated \$1.7 million project. This amount is more than the typical 5% management fee charged by a generic construction manager. CourseCo, Inc., however, brings a number of additional services and skills to this project which leads staff to make this sole source recommendation. Some of these factors are:

- CourseCo, Inc. has volume purchasing contracts which provide a savings to the City over the prices that the City would otherwise receive. Typically, the City uses California Multiple Award

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

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

**Review:**

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

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

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

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System (CMAS) to purchase materials. Because CourseCo, Inc. manages a number of golf courses in the Western United States, their pricing matches and exceeds the prices available from CMAS. Possibly more importantly, Toro products are giving an additional incentive to Course Co, Inc. Toro is offering an additional 25% discount for all replacement of irrigation heads purchased for the life of the golf course. One third of the proposed project budget will be for controllers and irrigation heads. If over the course of 30 years all these parts are replaced once (about \$600,000), the City will realize a \$150,000 savings over normal, single item replacement cost. This long term savings by its self more than pays for the management fee.

- CourseCo, Inc. is best positioned to coordinate the project in such a way as to minimize golf course play disruptions. Because Valley Oaks Golf Course is an operating business, the project can potentially disrupt play. CourseCo, Inc. has coordinated other such projects while maintaining golfing operations. For example, CourseCo, Inc. plans to pull pipe through the fairway to avoid trenching. This technique of pulling the pipe reduces disruption to the golf course.

Typically, Valley Oaks Golf Course has 6,000 to 7,000 rounds a month. If CourseCo's management of the project avoids the loss of just 5% of rounds which might be lost otherwise to the irrigation projects disruption of play, this saves the course \$42,000. (4 months x 6,000 rounds x 5% x \$35 a round = \$42,000)

- CourseCo, Inc.'s fee has been discounted. In reviewing other projects, CourseCo, Inc. has charged 8 to 15% for project management. After negotiations between the City and CourseCo, Inc, the company has proposed a \$110,000 fee, about 6.5%, which is on the lower side of what they normally charge.
- CourseCo, Inc. comes highly recommended. In discussions with other courses, CourseCo, Inc. has very favorable references. These references coupled with staff's experience with CourseCo, Inc. leads to high confidence in this firm's ability to complete the project timely.

Staff is bringing this item to Council now in order to proceed with planning the project's timelines. The project will take approximately 4 months. The sooner we can begin this project, the less time the project will impact play during the summer months – our peak season. However, City staff and CourseCo, Inc. will need to more fully evaluate construction options as project planning proceeds.

**Prior Council/Board Actions:**

December 15, 2008 – Council approved the replacement of the irrigation system for the Valley and Oaks courses and appropriated \$1.7 million for said project.

December 15, 2008 - Council approved an increase to the CIP Credit Line from \$1.3 million to \$2.6 million to provide adequate funding for approved projects.

January 5, 2009 - Council discussed golf operations and accepted an annual report by City staff and Course Co, Inc.

**Committee/Commission Review and Actions:**

**Alternatives:** The City could approach the proposers of the Sports Park Phase II project to see if they would manage the golf course irrigation project. Both of these options, however, would not provide the City access to CourseCo, Inc.'s buying power for materials.

**Attachments:**

**Recommended Motion (and Alternative Motions if expected):** I move that Council authorize the City Manager to enter into a sole source contract with CourseCo, Inc. to manage the Valley Oak's Golf Course irrigation project for an amount not to exceed \$110,000.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5k

**Agenda Item Wording:** Endorsement of California Consensus Principles on Federal Transportation Authorization for 2009

**Deadline for Action:** January 20, 2009.

**Submitting Department:** Administration

**Contact Name and Phone Number:** Nancy Loliva, 713-4535, Michael Olmos, 713-4332.

**Department Recommendation:** Staff recommends Council endorse the California Consensus Principles for the Federal Transportation Authorization for 2009 as requested by Dale Bonner, Secretary of the State Business, Transportation and Housing Agency.

**Summary/background:** On Sept. 30, 2009, the current federal transportation funding authorization gill, the Safe, Accountable, Flexible, Efficient Transportation Equity Act – A Legacy for Users (SAFETEA-LU) will expire. The six-year bill distributes about \$5 billion annually in federal funding for transit, highways, local street and roads, and bicycle and pedestrian facilities.

The current state of the economy has negatively impacted transportation revenues and brought the Highway Trust Fund to the brink of insolvency for the first time in its history. The approach of Congress to this authorization will likely involve close scrutiny of existing programs and policies, leaning toward overhauling them to increase mobility, efficiency, and accountability.

It is important that California speak with one voice on the major issues that will affect its share of federal transportation funding. The California Department of Transportation, in cooperation with statewide stakeholders representing State and Local governments, the private sector, transportation providers and system users, has developed a consensus on seven principles to underpin the next transportation authorization. These principles are:

1. Ensure the financial integrity of the Highway and Transit Trust Funds.
2. Rebuild and maintain transportation infrastructure in a good state of repair.
3. Establish goods movement as a national economic priority.
4. Enhance mobility through congestion relief within and between metropolitan areas.
5. Strengthen the federal commitment to safety and security, particularly with respect to rural roads and access.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

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

**Review:**

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

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

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

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6. Strengthen comprehensive environmental stewardship.
7. Streamline project delivery.

The principles represent the California Consensus Principles on the starting point for the national discussion. The document is intended to provide guidance to the state's large and diverse congressional delegation and to be shared with other national organizations to influence their platforms.

Sources of Support

Over 25 organizations have endorsed the principles, including the Automobile Club of Southern California, California Association of Councils of Governments, California State Association of Counties, League of California Cities, Regional Council of Rural Counties, and several Metropolitan Planning Organizations and Regional Transportation Planning Agencies.

**Prior Council/Board Actions:**

**Committee/Commission Review and Actions:** NA

**Alternatives:** None recommended.

**Attachments:** Sample letter from State Secretary Dale Bonner and California Alliance for Leadership in Mobility brochure.

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

I move to endorse the California Consensus Principles on Federal Transportation Authorization for 2009.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5I

**Agenda Item Wording:** Notification of a DUI grant application to the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement.

**Deadline for Action:** January 20, 2009

**Submitting Department:** Police

**Contact Name and Phone Number:** Police Chief Bob Carden, ext 4215, or Sgt. Brian Winter, ext 4232

**Department Recommendation:** It is recommended that the council authorize the City Manager to execute an agreement with the Governor's Office of Traffic Safety (OTS).

**Summary/background:** The grant application was available late and required submission by January 31, 2009. OTS has been working out the grant specifics, and the application has already been submitted to meet the deadlines.

The DUI enforcement and education grant will allow the Visalia Police Department to conduct additional DUI checkpoints, saturation details, court stings, warrant details, and various other DUI-related activities. This provides all overtime salaries for all officers and personnel involved in the activities.

The DUI enforcement and education grant will provide up to \$106,849.68 with no matching funds required by the City of Visalia. The funding period for this grant is October 1, 2009 through September 30, 2010.

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

**Committee/Commission Review and Actions:**

**Alternatives:** Refuse grant funding if awarded.

**Attachments:** None

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

**Finance** \_\_\_\_\_

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

**City Mgr** \_\_\_\_\_

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

**Recommended Motion (and Alternative Motions if expected):** I move that the Council authorize the City Manager to execute the grant agreement with the Governor's Office of Traffic Safety.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

# City of Visalia Agenda Item Transmittal

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 5m

**Agenda Item Wording:** Notification of a Pedestrian and Bicycle safety grant application to the Governor's Office of Traffic Safety (OTS) and authorization for the City Manager to execute the grant agreement for pedestrian and bicycle safety.

**Deadline for Action:** January 20, 2009

**Submitting Department:** Police

**Contact Name and Phone Number:** Police Chief Bob Carden, ext 4215, or Sgt. Brian Winter, ext 4232

**Department Recommendation:** It is recommended that the council authorize the City Manager to execute an agreement with the Governor's Office of Traffic Safety (OTS).

**Summary/background:** The grant application was available late and required submission by January 31, 2009. OTS has been working out the grant specifics, and the application has already been submitted to meet the deadlines.

The Pedestrian and Bicycle safety and education grant will allow the Visalia Police Department to hire 2 full-time Community Service Officers with all benefits included, and all associated equipment and costs for that position, including 2 vehicles. The CSOs will be dedicated to traffic safety education, and traffic related activities.

The pedestrian and bicycle safety grant will provide up to \$338,175.83 with no matching funds required by the City of Visalia. The funding period for this grant is October 1, 2009 through September 30, 2011.

At the expiration of the grant funding, the Community Service Officer positions may be absorbed into the General Fund budget through attrition of existing authorized positions, or added to the allocated strength through the appropriate new position request process. Due to the current economic times, it may be necessary to eliminate the grant positions.

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

**Finance** \_\_\_\_\_

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

**City Mgr** \_\_\_\_\_

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

**Committee/Commission Review and Actions:**

**Alternatives:** Refuse grant funding if awarded.

**Attachments:** None

**Recommended Motion (and Alternative Motions if expected):** I move that the Council authorize the City Manager to execute the grant agreement with the Governor's Office of Traffic Safety.

***Environmental Assessment Status***

**CEQA Review:**

**NEPA Review:**

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

Copies of this report have been provided to:

**City of Visalia  
Agenda Item Transmittal**

**Meeting Date:** January 20, 2009

**Agenda Item Number (Assigned by City Clerk):** 6

**Agenda Item Wording:**

A hearing to adopt a Resolution of Necessity on the following properties:

1. 2230 West Walnut Avenue (APN: 095-134-045 and 046);
2. 2131 W. Whitendale Avenue (APN: 121-090-041);

Resolution 2009-05 required

**Deadline for Action:** None

**Submitting Department:** Public Works/Engineering

**Contact Name and Phone Number:**

Steve Salomon, City Manager: 713-4312  
Michael Olmos, Assistant City Manager: 713-4332  
Chris Young, Assistant Public Works Director: 713-4340  
Adam Ennis, Engineering Design Division Manager: 713-4323  
Alex Peltzer, City Attorney: 636-0200

**Recommendation:**

Staff recommends adopting a Resolution of Necessity (Resolution 2009-05) regarding the following properties:

1. 2230 West Walnut Avenue (West of Mooney, North of Walnut);
2. 2131 W. Whitendale Avenue (West of Mooney, South of Whitendale);

**Summary of Negotiations:** Staff has worked with the Whitendale Avenue affected property owners (outlined below) since December, 2007 and the Walnut Avenue affected property owners (outlined below) since January, 2008 in an effort to acquire the necessary right of way to construct the intersection improvement projects. Offers have been made to all owners based on appraisals completed by an MAI appraiser and adopted by the City Council. Agreements have been reached with all owners except the owners of the 2230 W. Walnut Avenue and 2131 W. Whitendale Avenue properties. An offer of \$23,913.22 made for the 2230 W. Walnut Avenue property, has thus far been rejected by the owner (Visalia Properties). An offer of \$50,000 has been made for 2131 W. Whitendale and negotiations are nearly completed (pending a title issue). Eminent

**For action by:**

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

**For placement on which agenda:**

- Work Session  
 Closed Session

**Regular Session:**

- Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.): 5

**Review:**

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

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

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

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

domain proceedings are the last resort and staff will continue to try to negotiate a fair settlement during the proceedings.

**Project Summary/background:**

The Mooney Boulevard intersection improvement projects at Walnut and Whitendale Avenues are being coordinated with Caltrans' Mooney Boulevard widening project pursuant to Cooperative Agreement No. 06-1361, and is necessary to achieve Caltrans required Level of Service "D" or better. The project includes acquiring slivers of property at the Walnut intersection from three parcels (two owners) and slivers of property at the Whitendale intersection from four owners. No buildings are being acquired and no displacement will occur.

To improve traffic flow through the both the Walnut and Whitendale intersections, the plans include having dual left turn lanes and a single right turn lane onto Mooney Boulevard with two through lanes in each direction. A new bus turnout lane will be installed near the northwest corner of the intersection on the north side of Walnut Avenue. A merge lane will be installed westbound on Whitendale Avenue immediately after the Central Avenue intersection on the east side of Mooney.

No new medians at either intersection will be installed and all existing drive approaches will remain. The plans include City installation of new concrete curb, gutter, and sidewalk along the new rights-of-way and any public utility services that are disrupted will be relocated and reconnected.

Since 2000, staff has coordinated with Caltrans and various consultants to identify the parameters of the project, conducted the environmental review, prepared improvement drawings, determined required encroachment permits, identified affected landowners, prepared legal descriptions of the needed right of way, and commissioned appraisals of the right-of-way strips. Landowners have been contacted and apprised of the proposed project and were invited to participate in the appraisal process.

**Eminent Domain Process:** The taking of property through eminent domain generally involves the following steps: a) statutorily required offer of fair market value based on an appraisal adopted by Council; b) offer of up to \$5,000 reimbursement toward secondary appraisal that complies with statutory standards; c) reasonable time for owner to obtain secondary appraisal and respond to offer; d) negotiations; e) Notice of intent to adopt resolution of necessity and opportunity to appear and be heard; f) City Council consideration (hearing) and adoption of Resolution of Necessity; g) filing and serving eminent domain complaint and notice of pending action; h) deposit of probable compensation; i) motion to obtain possession in order to begin project; and j) prosecution of the eminent domain complaint to judgment.

Staff has completed tasks a through d with all owners, but was unable to reach a reasonable conclusion with the owner of 2230 W. Walnut Avenue and 2131 W. Whitendale Avenue. Therefore, staff recommends that Council authorize the use of eminent domain and adopt a Resolution of Necessity to begin that process. Although we are proceeding with the eminent domain process, staff will nevertheless continue to work to negotiate a reasonable settlement.

**Findings Required to Adopt Resolution of Necessity:** The City Council may adopt a resolution of necessity only after giving notice to each person whose property is to be acquired by eminent domain that it intends to adopt a resolution of necessity and that they have a right to appear at such hearing and be heard on the proposed resolution. Notice was given by first class mail on December 30, 2008, to Visalia Properties, a General Partner, and its attorney, Patrick Walsh, and to Sequoia Plaza Shopping Center's owner and its attorney, Glenn Stanton. Additionally, in order to adopt the Resolution, Council must make the following findings:

1. The public interest and necessity require the proposed Project;
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property described in the resolution is necessary for the proposed project;
4. That either the offer required by Section 7267.2 of the Government Code has been made to the owner or owners of record, or the offer has not been made because the owner cannot be located with reasonable diligence.

The intersection projects are components of the 2001 Circulation Element Update. Existing and future traffic operations have been quantified through the determination of "Level of Service (LOS)". This is a quantitative measure of traffic operating conditions, whereby a letter grade "A" through "F" is assigned to an intersection or roadway segment representing progressively worsening traffic conditions. The Circulation Element Update identifies LOS "D" as the desired minimum LOS threshold. An October 17, 2000 Traffic Operations Analysis prepared by Omni Means Engineers indicate as of the date of that study the intersections were operating at LOS "D" or better during the weekday AM, midday, and PM peak hour and during the weekend peak hour periods. When volumes were forecasted for Year 2020 utilizing the Tulare county Association of Governments regional travel demand forecast model and when reconciled with the City's General Plan growth expectations, these same intersections were expected to operate at poor LOS conditions during different times of the day as follows:

Intersection	Control Type	AM Peak LOS	Midday Peak LOS	PM Peak LOS	Weekend Peak LOS
Mooney/Walnut	Signal	D	F	F	F
Mooney/Whitendale	Signal	D	E	F	F

The proposed intersection projects are expected to result in the following improved LOS and thereafter are determined have been determined necessary:

Intersection	Control Type	AM Peak LOS	Midday Peak LOS	PM Peak LOS	Weekend Peak LOS
Mooney/Walnut	Signal	C	D	D	D
Mooney/Whitendale	Signal	C	C	D	C

The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury. A variety of alternatives for each intersection were studied and intersections alternatives developed in a document entitled Summary of recommended Intersection Improvements prepared by Omni Means dated February 15, 2001. A no-build alternative is not feasible. The proposed project is

required and designed to be consistent with and mitigate impacts identified in the City's General Plan Circulation Element and Land Use Element and Environmental Impact Reports associated with each each (State Clearing House Numbers 95032056 and 90020160).

As indicated above, the proposed project addresses anticipated level of service deficiencies.

#### VISALIA PROPERTIES:

The Visalia Properties property described in the proposed Resolution is necessary for the proposed project. The majority of the property is needed to accommodate the dual left-hand turn lanes from Walnut Avenue to Mooney Blvd. to a width which will accommodate the turning radius required by large trucks and busses. Any reduction in the take would shorten the radius, causing larger trucks to edge into the thru traffic lane causing automobiles to back up at the intersection. An electrical overhang easement is required to allow electrical wires to extend and hang over a small portion of the property. A temporary construction easement is necessary to demolish the improvements within the acquired right of way and reconstruct the grade to match the adjacent remainder parcel. It is further required to accommodate the surveying and staking necessary for the project.

On January 11, 2008, a Government Code Section 7267.2 offer was made to Visalia Properties for the necessary right of way. It was subsequently discovered that a temporary construction easement and electrical easement would also be required. Therefore, the appraisal was supplemented and a supplemental offer was made on December 5, 2008. The original offer was rejected by Visalia Properties on approximately June 18, 2008. The supplemental offer received no response to date.

#### SEQUOIA PLAZA:

The Sequoia Plaza property described in the Resolution is necessary for the proposed project. The majority of the property is needed to allow for expanded road width to accommodate the dual left-hand turn lanes from Whitendale Avenue to Mooney Blvd. to a width which will accommodate the turning radius required by large trucks and busses and to allow for the right hand turn lane from Whitendale to Mooney. Any reduction in the take would shorten the radius of each of the turn lanes, causing larger trucks to edge into the thru traffic lane causing automobiles to back up at the intersection.

On December 18, 2007, a Government Code Section 7267.2 offer was made to Sequoia Plaza for the necessary right of way. Negotiations are ongoing and nearly complete. Owner is working through resolution of a preexisting title issue. Although staff believes this acquisition will result through a negotiated agreement, due to the timing of the project, it has been included as an outstanding, necessary property to be acquired.

Staff recommends Council consider the information above which supports the Resolution of Necessity and proceed to adopt it.

The current status of property purchases for the Mooney at Walnut and Whitendale intersections Project are as follows:

ID	Owner Name	Property Address	APN/ Square footage	Appraised Value	Status
<b>MOONEY AT WHITENDALE:</b>					
1.	Donald P. Belillo	2211 W. Whitendale Avenue (Realty World, et al)	121-090-063 Take Area = 666 sq.ft. *Improvements: asphalt paving, concrete curbing, bark, small bushes, sprinklers	\$ 15,984 (take) \$ 1,202(improvements)* \$ 1,000(severance) \$19,000(rounded per Appraisal)	Escrow Closed
2.	Sequoia Plaza Shopping Center, a co-partnership	2131 W. Whitendale Avenue (Me-N-Eds, et al)	121-090-041 Take Area = 1,617 sq.ft. *Improvements: asphalt paving, concrete curbing, concrete walkway, trees, small bushes, ornamental rocks, sprinklers, sign	\$ 38,808 (take) \$ 5,455 (improvements)* \$ 5,475(severance) \$50,000(rounded per Appraisal)	Negotiations nearly complete; Working through title issue.
3.	Joe and Nancy Berry	2020 W. Whitendale Avenue (Pizza Pals)	122-011-019 Former owners made irrevocable dedication of the southerly 23 feet to the City at the time they applied for a building permit to build what is now the "Pizza Pals" restaurant. The intersection project requires only 11,03 feet which is within the dedicated area.	NONE – prior dedication	
4.	John and Betty Lauffenburger	2000 W. Whitendale Avenue (Country Club Cleaners)	122-011-020 Take Area = 828 sq.ft. *Improvements: asphalt paving, concrete curbing, small trees, medium tree, small and medium bushes, flowers, granite rocks, sprinklers, sign	\$19,872 (take) \$ 4,884 (improvements)* \$ 6,600(severance) \$32,000 (rounded per Appraisal)	Escrow closed
5.	Keith and Peggy Wilson	1910 W. Whitendale Avenue (United Staffing Associates)	122-011-008 Take Area = 83 sq.ft. *Improvements: concrete paving, concrete curbing, turf grass, medium bush, landscaping rocks	\$ 1,660 (take) \$ 618(improvements)* \$ 0 (severance) \$2,500(rounded per Appraisal) +2,500 after discovered additional large tree and sprinkler due to grade change and inability to save tree	Escrow closed

ID	Owner Name	Property Address	APN/ Square footage	Appraised Value	Status
<b>MOONEY AT WALNUT:</b>					
1.	Visalia Properties, a General Partnership	2230 W. Walnut (Tenant = Orchard Supply Hardware)	095-134-045, 046 Take Area = 762 sq.f.t TCE Area = 3,401.28 sq.ft. Electric Easement Area = 120 sq.ft. *Improvements include: asphalt paving, concrete curbing, large trees, small bushes, sprinklers and pipe bollard. The cost to cure involves relocation of an illuminated sign and relocation of a metal sign, along with capping and reconfiguration of irrigation lines	\$15,621 (Take) \$ 4,071 (improvements)* \$ 1,465 (cost to cure) \$ 0 (Severance) \$21,500 (rounded per Appraisal) Plus 3-months Temp. Const. Easement :\$1,913.22 (\$637.74/month thereafter) Plus Electrical Overhange Easement:\$500.00  Total: 23,913.22	Unable to reach agreement
2.	Flyers, LLC	1950 W. Walnut	096-291-024 Total Take = 1,963.27 sq.ft. *Improvements include: concrete, asphalt, and landscaping	\$49,081.75 (Take ) \$5,390.95 (improvements)* \$ 0 (Cost to Cure) \$ 0 (Severance) \$52,700 (rounded per Appraisal)	Escrow Closed*  * A redesign of Edison's electrical plan has caused the need for a overhang easement over this property along with a minor pedestrian easement. The terms of this purchase have been negotiated, but the legal description of the area will not be available until the redesign plans are complete.

**Funding Sources:** The Project is assigned project number 3011-00000-720000-0-9270 (Walnut) and 9252 (Whitendale) and is being funded by a combination of local funding sources including gas tax and transportation impact fees.

**Prior Council/Board Actions:**

1999/2000 -- Capital Improvement Project #1241-00000-720000-0-9252 and 9270

March 4, 2002 -- Adopted Mitigated Negative Declaration for Project (Resolution #2002-12)

October 15, 2007 – Council approved appraisals and authorized negotiations regarding the Mooney at Whitendale intersection properties

January 7, 2008 – Council approved appraisals and authorized negotiations regarding the Mooney at Walnut intersection properties

**Committee/Commission Review and Actions:** None

**Attachments:**

1. Map/right-of-way project exhibit (Walnut)
2. Map/right-of-way project exhibit (Whitendale)
3. Resolution of Necessity
4. Request to appear at public hearing received 1/7/09 from Case, Knowlson, and Jordan representing Visalia Properties

**Recommended Motion (and Alternative Motions if expected):** I move to adopt Resolution of Necessity No. 2009-05.

**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  
RESOLUTION OF NECESSITY  
RESOLUTION NO. 2009-05

WHEREAS, the City of Visalia (hereinafter referred to as “City”) is a municipal corporation and charter law city organized and existing pursuant to the laws of the State of California; and,

WHEREAS, City proposes to acquire in fee title a portion of the following parcels:

1. Assessor’s Parcel Numbers: 095-134-045 and 046, owned by Visalia Properties, a General Partnership, and commonly known as 2230 West Walnut Avenue in Visalia, California (the specific portion of such parcels proposed to be acquired by City are more fully described and depicted in Attachment 1); and

2. Assessor’s Parcel Number 121-090-041, owned by Sequoia Plaza Shopping Center, a Co-Partnership composed of Millbros Investments Co., a Co-Partnership and James Riley Todd, an unmarried man, and commonly known as 2131 W. Whitendale Avenue in Visalia, California (the specific portion of such parcel proposed to be acquired by City is more fully described and depicted in Attachment 2). The Attachment 2 acquisition would be subject to a roof overhang easement which would be subject to Visalia Municipal Code Section 17.40 (Nonconforming uses and structures). The roof overhang easement is more fully described and depicted in Attachment 3; and,

WHEREAS, City also proposes to acquire easements as follows:

1. A temporary construction easement over Parcels 095-134-045 and 046. The area affected by the temporary construction easement is more fully described and depicted in Attachment 4. Such easement would commence after a two-week notice to owner that construction is about to begin and continue for a period of three months, unless extended on a month-to-month basis by two-weeks’ prior notice and payment of monthly rental installment in advance thereof.

2. Permanent electrical overhang easement over Parcels 095-134-045 and 046. The area affected by the overhang easement is more fully described and depicted in Attachment 5.

WHEREAS, City proposes to widen Walnut and Whitendale Avenues at Mooney Boulevard and improve the intersections consistent with the adopted circulation element for the purpose of improving circulation to achieve Caltrans required Level of Service "D" or better and thus improving the safety of vehicular and pedestrian traffic; and,

WHEREAS, it is necessary for City to obtain the properties herein described in order to complete the widening of Walnut and Whitendale Avenues at Mooney Boulevard intersection improvements; and,

WHEREAS, City has obtained an appraisal of the properties and easements to be acquired and offered to purchase the property and easements at the appraised price from the owners of record of the subject property pursuant to the provisions of California Government Code Section 7267.2, which offers, to date, have not been accepted; and,

WHEREAS, the owners of record were notified of a hearing on this resolution at least 15 days before the hearing date, and were given an opportunity to appear and be heard pursuant to Code of Civil Procedure section 1245.235.

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

1. The officers of City are authorized and directed to cause the appropriate civil litigation to be instituted to acquire for City by condemnation the real property and easements owned by Visalia Properties, a General Partnership (2230 W. Walnut Avenue), which property and easements are more fully described in Attachments 1, 4 and 5; and the real property owned by Sequoia Plaza

Shopping Center, a Co-Partnership composed of Millbros Investments Co., a Co-Partnership and James Riley Todd, an unmarried man (2131 W. Whitendale Avenue), which property is more fully described in Attachment 2 and subject to the roof overhang easement described in Attachment 3. The public use and purpose of the project for which such lands and interest in such lands are to be acquired is for right of way for and construction of streets, roads, curbs, gutters and storm and sewage conveyance facilities and electrical facilities; and for the improvement of the public safety for pedestrian and vehicular travel and circulation, which are specific purposes and activities of City pursuant to City's Charter. (CCP<sup>1</sup> § 1245.230 (a)).

2. City has authority, pursuant to the Charter of the City of Visalia, article III, section 2(5), to acquire property by eminent domain necessary to carry out its purposes under the Eminent Domain Law comprising Part 3, Title 7, of the Code of Civil Procedure, commencing with Section 1230.010.
3. The City Council of City has found and determined that (CCP § 1245.230 (c)):
  - a. The public interest and necessity require the proposed project (CCP § 1245.230 (c)(1));
  - b. The proposed project is planned or located in the manner that will be the most compatible with the greatest public good and the least private injury (CCP §1245.230 (c)(2));

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<sup>1</sup> References herein to CCP sections shall be to sections of the Calif. Code of Civil Procedure.

- c. The property described in this Resolution is necessary for the proposed project (CCP § 1245.230 (c) (3));
- d. Pursuant to Government Code section 7267.2, City hired The Hopper Company to appraise the properties and easements identified herein to establish an amount which it believes to be just compensation therefore. Said appraisals and the basis therefore were approved and adopted by City and a written offer to purchase said property and easements was made to the true owners of the property, as described above (CCP § 1245.230 (c) (4));
- e. Pursuant to the requirements of CCP section 1245.235, the City provided written notice to the owner of record of City's intention to consider adoption of this resolution and of the owner's right to appear and be heard on matters related to City's intentions.

PASSED AND ADOPTED:

STEVEN M. SALOMON, CITY CLERK

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

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

Dated:

STEVEN M. SALOMON, CITY CLERK

By Donjia Huffmon, Chief Deputy City Clerk

ATTACHMENTS:

- 1: Right of way from 095-134-045 and 046 (3 pages)
- 2: Right of way from 121-090-041 (3 pages)
- 3: Roof Overhang Easement Reservation to 121-090-041 (2 pages)
- 4: Temporary Construction Easement over 095-134-045 & 046 (2 pages)
- 5: Electrical Overhang Easement over 095-134-045 & 046 (2 pages)

**RIGHT OF WAY ACQUISITION**  
**For**  
**MOONEY BOULEVARD ROAD WIDENING**  
**Across**  
**APN 095-134-045 & 046, VISALIA PROPERTIES**

All that certain real property situate within the Southeast quarter of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, lying within the City of Visalia, County of Tulare, State of California, described as follows:

**Commencing** at the Southeast quarter of said Section 36; thence along the South line of said Southeast quarter, South 89°31'56" West 320.00 feet; thence North 00°21'51" West 40.00 feet to the **True Point of Beginning**, said point lying on the Easterly line of Lot "C", as said lot is shown on that certain Map entitled "College Village Tract No. 3", filed for record on May 10, 1956 in Volume 21 of Maps, Page 63, Tulare County Records; thence along a line parallel with said South line of said Southeast quarter and 40.00 feet Northerly thereof, South 89°31'56" West 238.63 feet; thence North 87°53'46" East 178.72 feet; thence North 89°31'56" East 60.00 feet to a point on the Easterly line of said Lot "C"; thence along said Easterly line, South 00°21'51" East 5.10 feet to the **True Point of Beginning**.

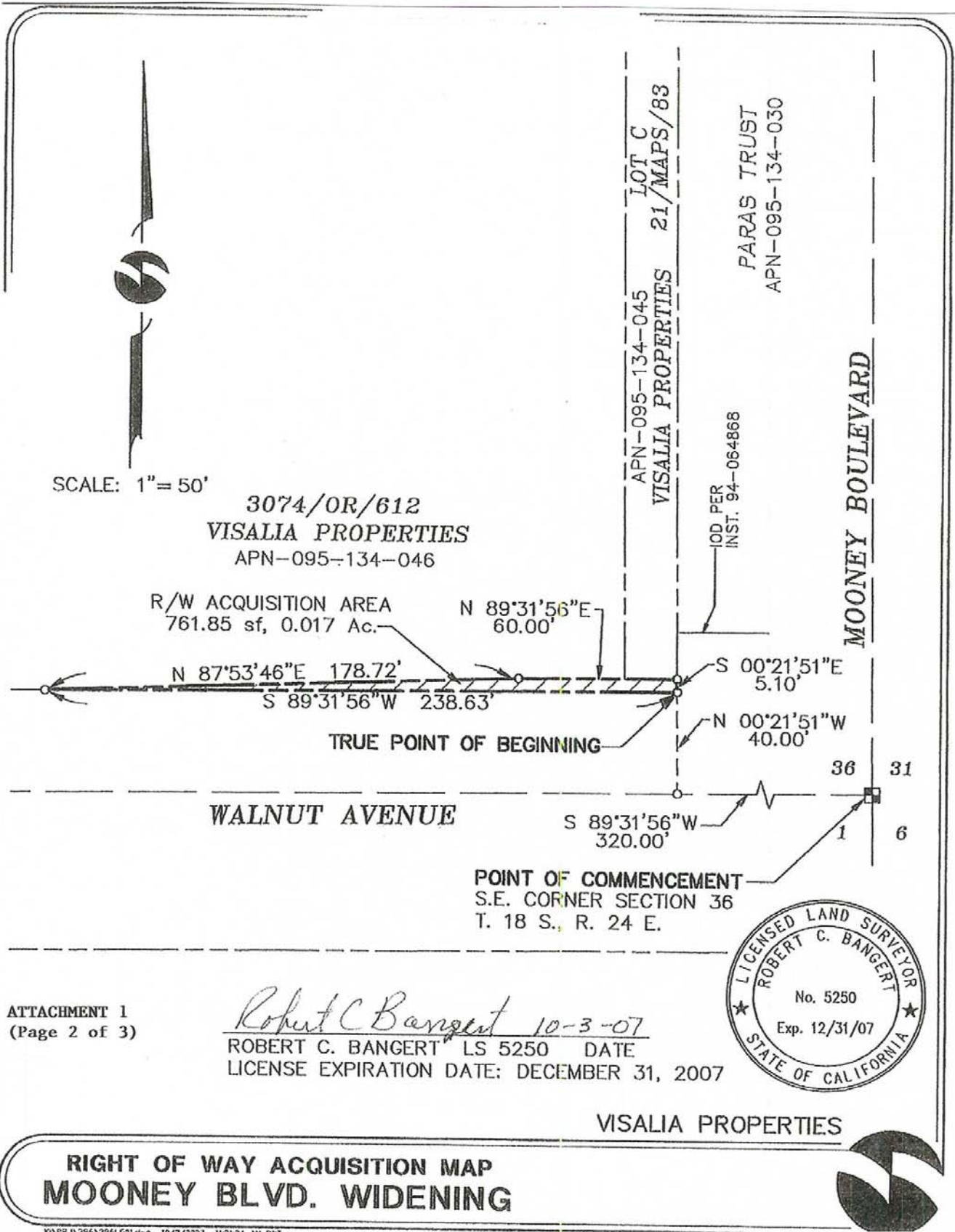
Said description contains 761.85 s.f., (0.017 acres) more or less.

The basis of bearings for the above description is identical to that as shown on that certain Record of Survey, filed for record in Book 20 at Page 17, Official Records of the County of Tulare, State of California, and is based on found monuments at the East quarter corner and the Southeast corner of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, the bearing of which is North 00°21'51" West.

The land described hereon is shown on the attached plat and by reference made a part hereof.

Robert C. Bangert 10-3-07  
Robert C. Bangert LS 5250 Date  
License Expiration Date: 12-31-07





SCALE: 1" = 50'

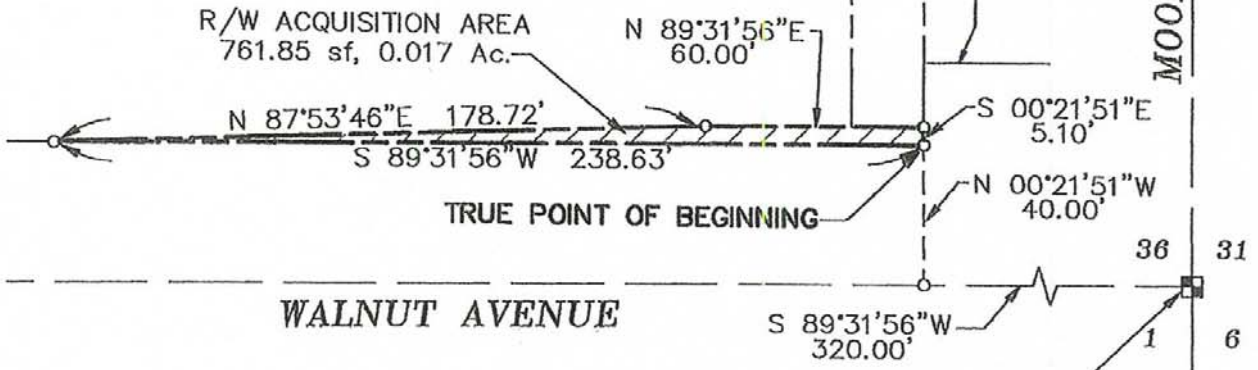
3074/OR/612  
 VISALIA PROPERTIES  
 APN-095-134-046

LOT C  
 APN-095-134-045  
 VISALIA PROPERTIES 21/MAPS/83

PARAS TRUST  
 APN-095-134-030

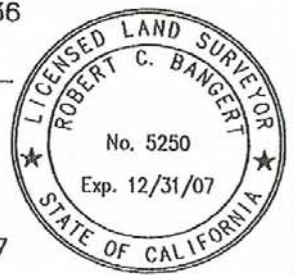
MOONEY BOULEVARD

R/W ACQUISITION AREA  
 761.85 sf, 0.017 Ac.



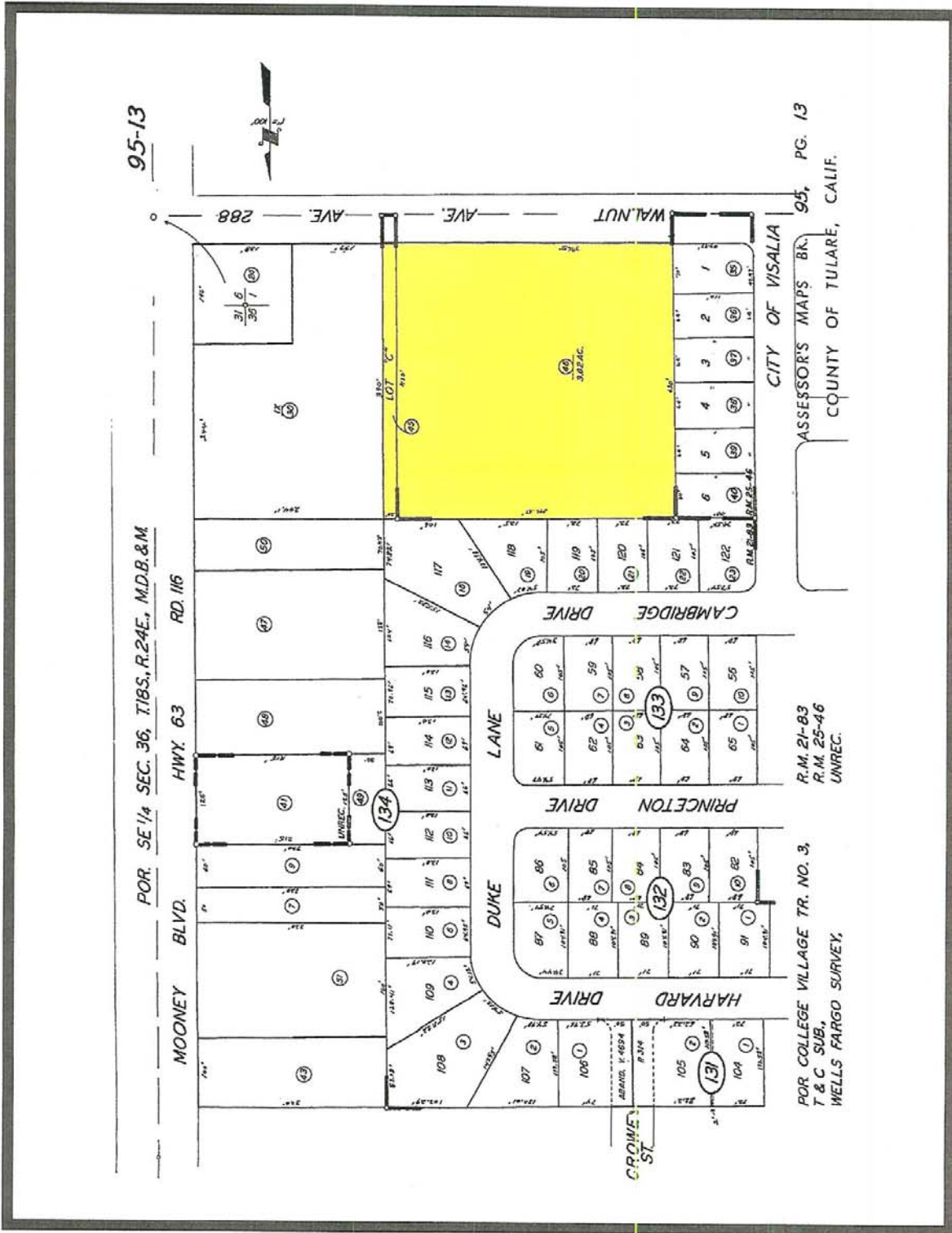
ATTACHMENT 1  
 (Page 2 of 3)

*Robert C Bangert* 10-3-07  
 ROBERT C. BANGERT LS 5250 DATE  
 LICENSE EXPIRATION DATE: DECEMBER 31, 2007



VISALIA PROPERTIES

**RIGHT OF WAY ACQUISITION MAP  
 MOONEY BLVD. WIDENING**



95-13

POR. SE 1/4 SEC. 36, T18S., R.24E., M.D.B.&M.

RD. 116

HWY. 63

MOONEY BLVD.

CITY OF VISALIA

ASSESSOR'S MAPS BK. 95, PG. 13  
COUNTY OF TULARE, CALIF.

R.M. 21-83  
R.M. 25-46  
UNREC.

POR. COLLEGE VILLAGE TR. NO. 3,  
T & C SUB.,  
WELLS FARGO SURVEY.

# ASSESSORS PARCEL MAP



**RIGHT OF WAY ACQUISITION**  
**For**  
**MOONEY BOULEVARD ROAD WIDENING**  
**Across**  
**APN 121-090-041, SEQUOIA PLAZA SHOPPING CENTER, A**  
**MILBROS INVESTMENT CO. & JAMES RILEY TODD CO-PARTNERSHIP**  
**PROPERTY**

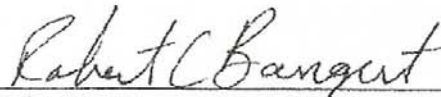
All that certain real property situate within the East half of that portion of the Northwest quarter of the Southeast quarter of Section 1, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, lying within the City of Visalia, County of Tulare, State of California, more particularly described as follows:

**Commencing** at the Northeast corner of the Northeast quarter of the Southeast quarter of said Section 1; thence along the North line of the Northeast quarter of the Southeast quarter, South 89°29'01" West 200.00 feet; thence South 00°21'40" East 20.00 feet to the **True Point of Beginning**; thence South 00°21'40" East 12.44 feet; thence South 89°29'01" West 130.00 feet; thence North 00°21'40" West 12.44 feet; thence North 89°29'01" East 130.00 feet to the **True Point of Beginning**.

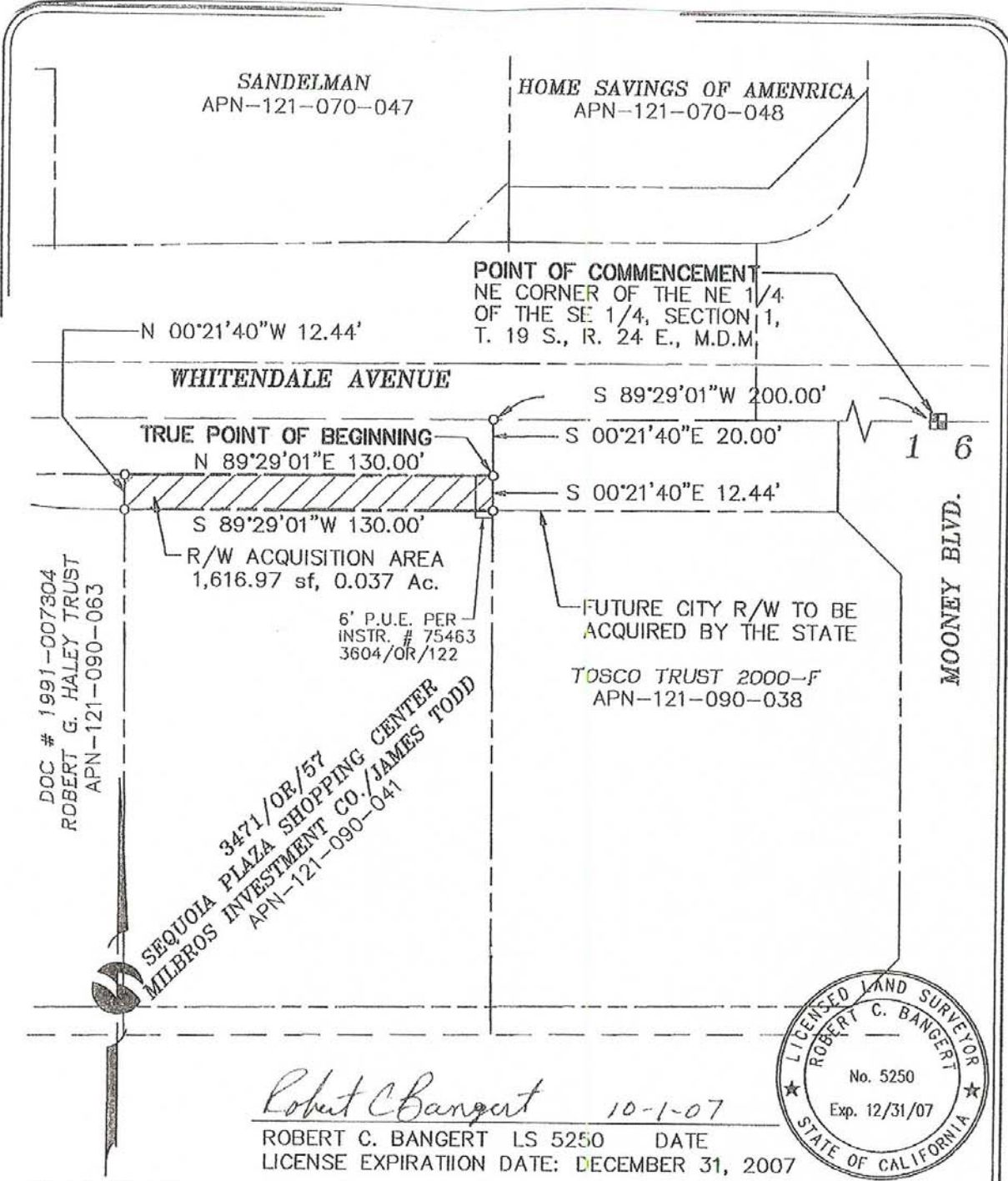
Said description contains 1,616.97 s.f. (0.037 acres) more or less.

The basis of bearings for the above description is identical to that as shown on that certain Record of Survey, filed for record in Book 20 at Page 17, Official Records of the County of Tulare, State of California, and is based on found monuments at the East quarter corner and the Southeast corner of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, the bearing of which is North 00°21'51" West.

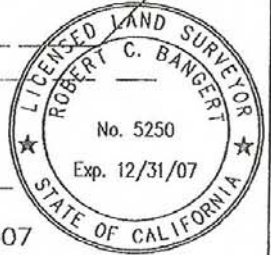
The land described hereon is shown on the attached plat and by reference made a part hereof.

 10-1-07  
Robert C. Bangert LS 5250 Date  
License Expiration Date: 12-31-07





*Robert C Bangert* 10-1-07  
 ROBERT C. BANGERT LS 5250 DATE  
 LICENSE EXPIRATION DATE: DECEMBER 31, 2007



SCALE: 1" = 50'

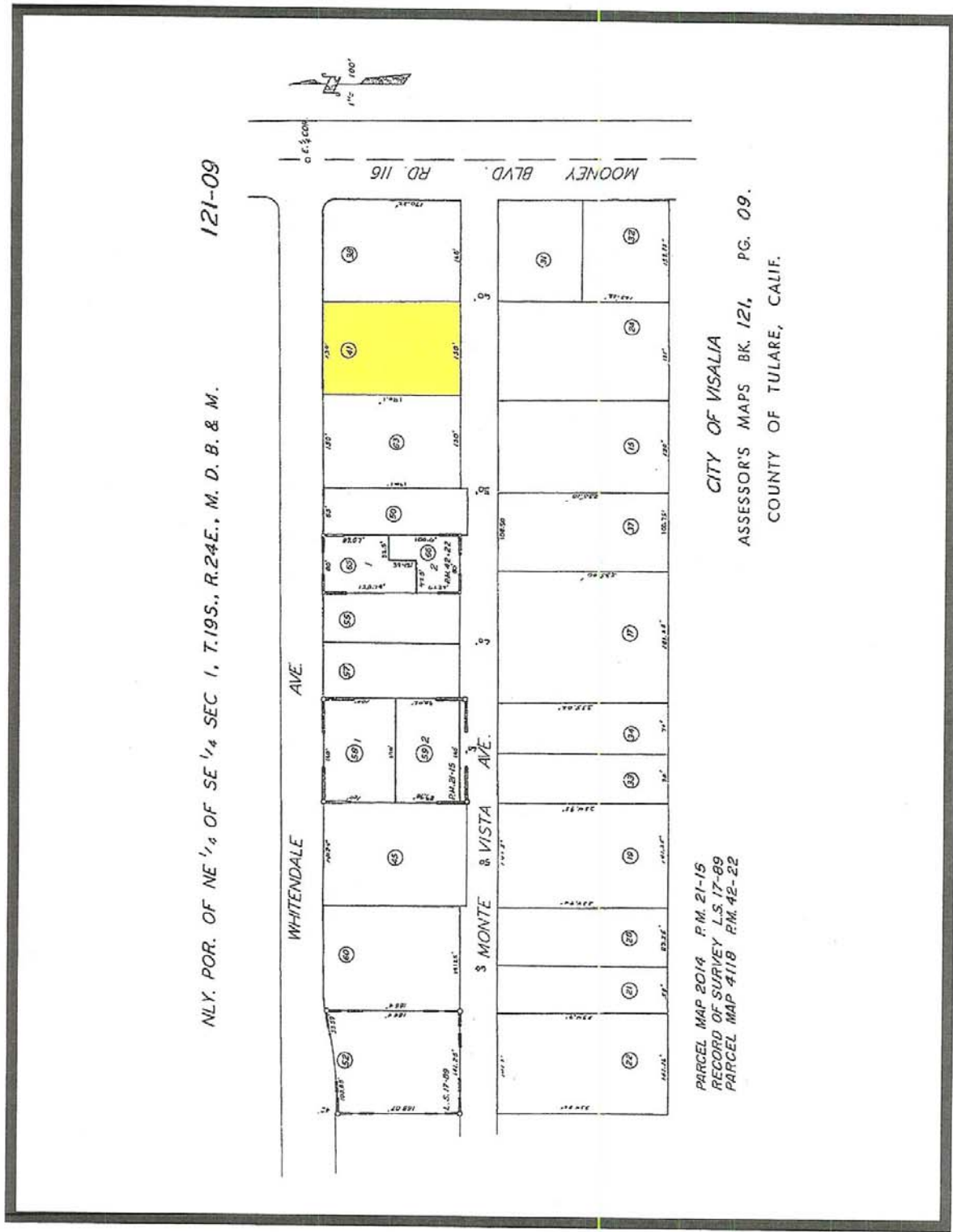
SEQUOIA PLAZA SHOPPING CENTER

**RIGHT OF WAY ACQUISITION MAP**  
**MOONEY BLVD. WIDENING**

ATTACHMENT 2  
 (Page 2 of 3)

MAP 18 2001 2001 506 10/1/2007 10:10:47 AM DDT

# ASSESSORS PARCEL MAP



NLY. POR. OF NE 1/4 OF SE 1/4 SEC 1, T.19S., R.24E., M. D. B. & M. 121-09

PARCEL MAP 2014 P.M. 21-15  
RECORD OF SURVEY L.S. 17-09  
PARCEL MAP 4118 P.M. 4E-22

CITY OF VISALIA  
ASSESSOR'S MAPS BK. 121, PG. 09.  
COUNTY OF TULARE, CALIF.

**ROOF OVERHANG EASEMENT**  
**For**  
**MOONEY BOULEVARD ROAD WIDENING**  
**Across**  
**APN 121-090-041, SEQUOIA PLAZA SHOPPING CENTER PROPERTY**

That portion of the real property described in the Grant Deed to Sequoia Plaza Shopping Center, a co-partnership, recorded November 2, 1977 in Volume 3471 at Page 57, Tulare County Official Records, lying within the East half of that portion of the Northwest quarter of the Southeast quarter of Section 1, Township 19 South, Range 24 East, Mount Diablo Base and Meridian, lying within the City of Visalia, County of Tulare, State of California, described as follows:

**PARCEL A**

**Commencing** at the Northeast corner of the Northeast quarter of the Southeast quarter of said Section 1; thence along the North line of the Northeast quarter of the Southeast quarter, South 89°29'01" West 200.00 feet to the Northeast corner of the real property described in the Grant Deed to the City of Visalia, recorded June 29, 1976 in Volume 3330 at Page 778, Tulare County Official Records; thence along the Easterly line of said real property to the City of Visalia and the Easterly line of said real property to Sequoia Plaza, South 00°21'40" East 27.44 feet to the **Point of Beginning**; thence continuing along said Easterly line, South 00°21'40" East 5.00 feet; thence leaving said Easterly line South 89°29'01" West 47.00 feet to a point hereon designated Point 'A'; thence North 00°21'40" West 5.00 feet; thence North 89°29'01" East 47.00 feet to the **Point of Beginning**.

Said description contains 235.00 square feet (0.005 acres) more or less.

**PARCEL B**

**Commencing** at said Point 'A'; thence South 89°29'01" West 41.00 feet to the **Point of Beginning**; thence South 89°29'01" West 42.00 feet to a point on the Westerly line of said real property to Sequoia Plaza; thence along said Westerly line North 00°21'40" West 5.00 feet; thence leaving said Westerly line North 89°29'01" East 42.00 feet; thence South 00°21'40" East 5.00 feet to the **Point of Beginning**.

Said description contains 210.00 square feet (0.005 acres) more or less.

Robert C. Bangert 6-24-08  
Robert C. Bangert LS 5250 Date

License Expiration Date: 12-31-09 ATTACHMENT 3(pg 1 of 2)



SANDELMAN  
APN: 121-070-047

HOME SAVINGS  
OF AMERICA  
APN: 121-070-048

POINT OF COMMENCEMENT  
NE CORNER OF THE NE 1/4  
OF THE SE 1/4, SECTION 1,  
T. 19 S., R. 24 E., M.D.M.

20' FEE TITLE TO THE  
CITY OF VISALIA  
3330/OR/778

WHITENDALE AVENUE

S 89°29'01"W 200.00'

S 00°21'40"E 27.44'

POINT OF BEGINNING 'A'

S 00°21'40" E 5.00'

1 6

EXISTING R/W

L6

P.O.B. 'B'

PARCEL 'B'  
210.00 sf,  
0.005 Ac.

PROPOSED  
CITY R/W

L8

P.T. 'A'

PARCEL 'A'  
235.00 sf,  
0.005 Ac.

L2

L4

L1

6' P.U.E. PER  
INSTR. # 75463  
3604/OR/122

SEQUOIA PLAZA  
SHOPPING CENTER  
3471/OR/57

APN: 121-090-041

FUTURE CITY R/W TO  
BE ACQUIRED BY THE  
STATE

TOSCO TRUST 2000-F  
APN: 121-090-038

MOONEY BLVD.

LINE TABLE

LINE	BEARING	LENGTH
L1	S 89°29'01" W	47.00'
L2	N 00°21'40" W	5.00'
L3	N 89°29'01" E	47.00'
L4	S 89°29'01" W	41.00'
L5	S 89°29'01" W	42.00'
L6	N 00°21'40" W	5.00'
L7	N 89°29'01" E	42.00'
L8	S 00°21'40" E	5.00'

DOC # 1991-007304  
ROBERT G. HALEY TRUST  
APN: 121-090-063



*Robert C. Bangert* 6-24-08  
ROBERT C. BANGERT LS 5250 DATE  
LICENSE EXPIRATION DATE: DECEMBER 31, 2009



SCALE: 1" = 50'

SEQUOIA PLAZA SHOPPING CENTER

ROOF OVERHANG EASEMENT  
MOONEY BLVD. WIDENING

ATTACHMENT 3 (pg 2 of 2)



### TEMPORARY CONSTRUCTION EASEMENT

A portion of the real property described in the Corporation Grant Deed from Sentry Investment Company to Visalia Properties recorded on December 8, 1972 in Book 3074, at Page 612, Tulare County Official Records, situate within the Southeast quarter of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, lying within the City of Visalia, County of Tulare, State of California, described as follows:

**COMMENCING** at the Southeast corner of said Southeast quarter of Section 36, thence South  $89^{\circ}31'56''$  West 642.60 feet along the South line of said Southeast quarter of Section 36; thence leaving said South line, North  $00^{\circ}28'04''$  West 40.00 feet to a point on the South line of said real property to Visalia Properties, said point being the **POINT OF BEGINNING**; thence leaving said South line, North  $00^{\circ}31'11''$  West 10.32 feet; thence North  $89^{\circ}34'34''$  East 95.00 feet; thence North  $89^{\circ}32'37''$  East 56.16 feet; thence North  $89^{\circ}27'00''$  East 99.46 feet; thence North  $00^{\circ}32'12''$  West 11.62 feet; thence North  $89^{\circ}31'56''$  East 72.13 feet to a point on the East line of said real property to Visalia Properties; thence along said East line, South  $00^{\circ}21'51''$  East 16.90 feet; thence leaving said East line, South  $89^{\circ}31'56''$  West 60.00 feet; thence South  $87^{\circ}53'46''$  West 178.72 feet to a point on the South line of said real property to Visalia Properties; thence along said South line, South  $89^{\circ}31'56''$  West 84.04 feet to the **POINT OF BEGINNING**.

Said description containing 3,401.28 square feet or 0.078 acres, more or less.

The basis of bearings for the above description is identical to that as shown on that certain Record of Survey, filed for record in Book 20 at Page 17, Official Records of the County of Tulare, State of California, and is based on found monuments at the East quarter corner and the Southeast corner of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, the bearing of which is North  $00^{\circ}21'51''$  West.

END OF DESCRIPTION.

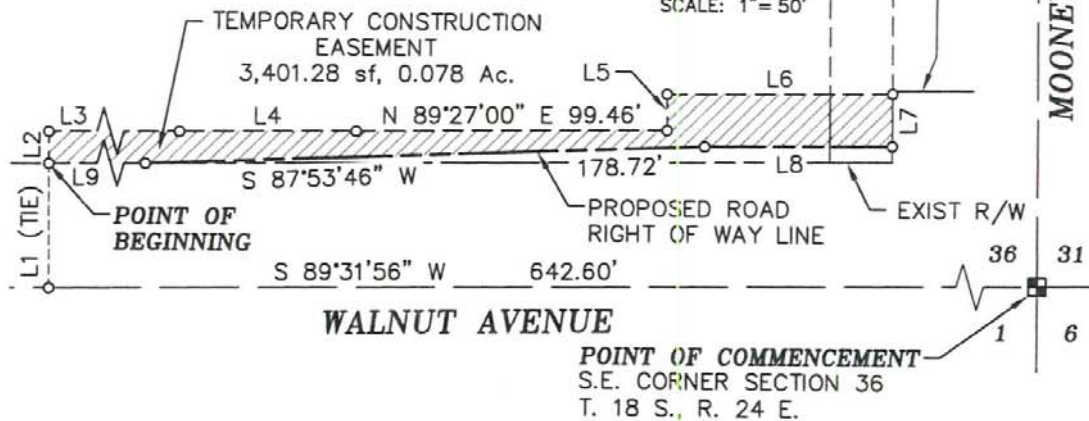
Robert C. Bangert 8-15-08  
Robert C. Bangert LS 5250 Date  
License Expiration Date: 12-31-09



**ATTACHMENT 4**  
**(Page 1 of 2)**

LINE TABLE		
LINE	BEARING	LENGTH
L1 (TIE)	N 00°28'04" W	40.00'
L2	N 00°31'11" W	10.32'
L3	N 89°34'34" E	95.00'
L4	N 89°32'37" E	56.16'
L5	N 00°32'12" W	11.62'
L6	N 89°31'56" E	72.13'
L7	S 00°21'51" E	16.90'
L8	S 89°31'56" W	60.00'
L9	S 89°31'56" W	84.04'

3074/OR/612  
 VISALIA PROPERTIES  
 APN-095-134-046



ATTACHMENT 4  
 (Page 2 of 2)

*Robert C Bangert* 8-15-08  
 ROBERT C. BANGERT LS 5250 DATE  
 LICENSE EXPIRATION DATE: 12-31-09



OSH HARDWARE

**TEMPORARY CONSTRUCTION EASEMENT  
 MOONEY BOULEVARD WIDENING PROJECT**

**ELECTRICAL OVERHANG EASEMENT**

A portion of the real property described in the Corporation Grant Deed from Sentry Investment Company to Visalia Properties recorded on December 8, 1972 in Book 3074, at Page 612, Tulare County Official Records, situate within the Southeast quarter of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, lying within the City of Visalia, County of Tulare, State of California, described as follows:

**COMMENCING** at the Southeast corner of said Southeast quarter of Section 36, thence along the South line of said Southeast quarter of Section 36, South 89°31'56" West 320.00 feet to a point on the Southerly prolongation of the East line of said real property to Visalia Properties; thence along said prolongation and East line, North 00°21'51" West 45.10 feet to the **POINT OF BEGINNING**; thence leaving said East line, South 89°31'56" West 36.09 feet; thence North 66°10'55" East 39.34 feet to a point on said East line; thence along said East line, South 00°21'51" East 15.59 feet to the **POINT OF BEGINNING**.

Said description contains 281.34 square feet (0.006 acres) more or less.

The basis of bearings for the above description is identical to that as shown on that certain Record of Survey, filed for record in Book 20 at Page 17, Official Records of the County of Tulare, State of California, and is based on found monuments at the East quarter corner and the Southeast corner of Section 36, Township 18 South, Range 24 East, Mount Diablo Base and Meridian, the bearing of which is North 00°21'51" West.

END OF DESCRIPTION.

Robert C. Bangert 11-3-08  
Robert C. Bangert LS 5250 Date  
License Expiration Date: 12-31-09





LINE TABLE		
LINE	BEARING	LENGTH
L1	S 89°31'56" W	320.00'
L2	N 00°21'51" W	45.10'
L3	S 89°31'56" W	36.09'
L4	N 66°10'55" E	39.34'
L5	S 00°21'51" E	15.59'

VISALIA PROPERTIES  
3074/OR/612  
APN-095-134-046

LOT C  
APN-095-134-045  
VISALIA PROPERTIES 21/MAPS/83

PARAS TRUST  
APN-095-134-030

100 PER  
INST. 94-064868

MOONEY BOULEVARD

SCALE: 1" = 50'

S.C.E. OVERHEAD EASEMENT  
281.34 sf, 0.006 Ac.

PROPOSED R/W

WALNUT AVENUE

EXIST R/W

POINT OF BEGINNING

POINT OF COMMENCEMENT  
S.E. CORNER SECTION 36  
T. 18 S., R. 24 E.

ATTACHMENT 5  
(Page 2 of 2)

*Robert C. Bangert* 11-3-08  
ROBERT C. BANGERT LS 5250 DATE  
LICENSE EXPIRATION DATE: 12-31-09



OSH HARDWARE

**OVERHEAD EASEMENT TO SOUTHERN CALIFORNIA EDISON  
MOONEY BOULEVARD WIDENING PROJECT**

LAW OFFICES  
CASE KNOWLSON & JORDAN LLP  
A LIMITED LIABILITY PARTNERSHIP REGISTERED PROFESSIONAL CORPORATION  
2028 CENTURY PARK EAST, SUITE 2000  
LOS ANGELES, CALIFORNIA 90067  
TELEPHONE (310) 552-9794  
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CLERK OF SUPERIOR COURT  
CLERK OF DISTRICT COURT  
914 N. ST.  
FRESNO, CALIF. 93728  
TELEPHONE (438) 723-0700  
TELECONFERENCE (438) 723-0728

PATRICK WALSH

January 6, 2009

City Clerk, City of Visalia  
Attn: Donjia Huffman  
425 East Oak Street, Suite 301  
Visalia, CA 93291



Re: Request to Appear at Public Hearing

Dear Ms. Huffman:

This firm represents Visalia Properties, the recipient of your Notice of Hearing dated December 30, 2008, concerning a hearing scheduled for January 20, 2009. The hearing concerns the adoption by the Visalia City Council of a Resolution of Necessity with respect to a portion of property owned by Visalia Properties. Pursuant to your notice, this will constitute a request to appear and be heard, on behalf of John Hunter, a principal of Visalia Properties. We would also like to reserve the right to have a substitute speaker appear on behalf of Mr. Hunter if his schedule precludes his attendance at the meeting.

Very truly yours,

Patrick Walsh  
of CASE KNOWLSON & JORDAN LLP

cc: Mr. Hunter

**City of Visalia**  
**Agenda Item Transmittal**

**Meeting Date:** January 20, 2008

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

**Agenda Item Wording:** Receipt of the Comprehensive Annual Financial Report (CAFR) for the City of Visalia, the Single Audit Report, and the Component Unit Financial Statements for the Redevelopment Agency of the City of Visalia for the 2007-08 fiscal year.

**Deadline for Action:** None

**Submitting Department:** Administration - Finance

**Contact Name and Phone Number:**

Eric Frost,	Admin. Services Director	713-4474
Tim Fosberg,	Financial Analyst	713-4565
Jason Montgomery,	Financial Analyst	713-4425

**Department Recommendation:** That City Council reviews the CAFR, Single Audit Report and the Redevelopment Agency Component Unit Report.

**Summary:**

Attached are the annual audited financial reports for the City of Visalia for the 2007-08 fiscal year. Included in the Comprehensive Annual Financial Report (CAFR), are two compliance reports the City produces annually. First, the Single Audit report is a compliance audit of the City's expenditures of federal grant funds. Second, the Measure T report is a compliance audit of Measure T's procedures and accounting. Council recently received the City's Component Unit Financial Statements for the Redevelopment Agency (RDA) of the City of Visalia for the same period. The Component Unit Financial Statements solely report on the RDA funds, separate from the City. Note, the Redevelopment Agency's financial activity is also reported in the City's CAFR, but the State of California requires a separate audit report which presents additional detail.

Specific events this past fiscal year that have influenced the City's condition are:

- Capital projects expenditures of the governmental funds (\$25.8 million) were significantly less than the previous year (\$59.0 million). During FY 07/08 the City continued to build and improve roads by \$12.7 million, facilities by \$5.2 million and other infrastructure by \$5.3 million. This amount is less than last year mainly because in FY 2006/07 the City constructed a parking garage (\$10.2 million) and \$20.6 million in transportation road projects compared to the \$5.3 million this year. These expenditures are almost exclusively being constructed from current resources.

**For action by:**

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

**For placement on which agenda:**

Work Session  
 Closed Session

**Regular Session:**

Consent Calendar  
 Regular Item  
 Public Hearing

Est. Time (Min.):\_15\_\_

**Review:**

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

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

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

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

- Property Taxes grew 7.5% from \$30.7 million to \$33.0 million and sales tax grew 8.1% from \$22.6 million to \$24.4 million. Property taxes grew due to the latter part of the real estate boom. (Note: assessed values are based upon assessments completed in the year ending the prior January. In other words, revenues collected in FY 2007/08 were based on assessments made during January to December of 2006). Sales tax on the other hand, only grew because the City began receiving Measure R sales tax for roads. Without this money, sales tax overall would have slightly decreased.
- During the 07-08 fiscal year the General Fund's advances to other funds decreased by a net \$19.1 million. The decline occurred because Internal Services funds provided advances to RDA – East of \$7.3 million and to the Golf Course of \$2.8 million, and the Parking District repaid \$6.0 million and Transit repaid \$3.5 million. See Table I, Selected Fund Balance / Net Assets Components following for details of advance balances.

### Discussion:

Table I, Recap of Fund Basis Financial Results, 2007-08, shows several key indicators: current year net income, the accumulated fund or equity balance and cash. A more in-depth analysis is found in the CAFR's Management Discussion & Analysis section (page 3).

Please consider the following:

- The **General Fund** (page 28) had revenues over expenditures of \$0.7 million. Revenues in total increased by \$2.1 million of which property taxes increase was \$1.3 million due growth and increased assessed values on resales and Other Taxes had a one-time increase by \$1.1 million. Both these revenue sources are expected to slow next year. Total expenditures were \$0.7 million higher of which Capital Projects decreased by \$3.5 million. As a result, operating costs actually increased \$4.2 million or 7.2%. The increase in operations were mainly due to:
  - Increased Police costs for increased personnel and overtime, partially in response to gang suppression efforts;
  - Increased Fire personnel and overtime cost, partly due to reimbursable state wild fire response; and,
  - Increased Parks and Recreation costs for park maintenance, such as the Sports Park.

Transfers-out to the Convention Center increased by \$0.9 to \$3.9 million this year to fund the Convention Center's stadium seating project. Fund balance was \$56.3 million at fiscal year end. This fund balance can be divided into two parts: reserved (monies that have been lent out to other funds and encumbrances for signed contracts, both are not available) and designations (monies Council has set aside for specific purposes.) Some \$39.4 million (70%) is designated for specific Council purposes and \$16.9 million (30%) is for required reserves.

- **Community Development** (page 28) fund's assets include \$7.7 million in notes and loans receivable and \$0.5 million in amounts due from other governments. All loans are fully offset by deferred revenue as the loans are not expected to be repaid within the next year. The notes and loans receivable are for housing assistance as well as past rental rehabilitation loans. Community Development's expenditures exceeded revenues by \$0.5 million for the year, partly due to a \$0.8 million contribution to the West Acequia Parking Structure completed in April of 2007. As a result, fund balance declined \$0.5 million from last year to \$0.3 million.

Table I  
Recap of Fund Basis Financial Results, 2007/ 08  
(In Millions)

Fund	INCOME		FUND / EQUITY	Growing	Comment
	Net Income / (Loss)	Satisfactory			
<b>Governmental:</b>					
General Fund	\$ 0.7	yes	\$ 56.3	yes	Gains due to one-time gains in investments and property tax growth. Not expected to continue.
Community Development <i>HUD Grants</i>	(0.5)	yes	(0.2)	no	Decrease in net assets mainly due to \$0.8m contribution to the West Acequia Parking Structure.
Parking District <i>In-Lieu Fees</i>	4.9	yes	0.7	yes	Increase due to \$4.2m HUD loan proceeds.
Redevelopment Agency <i>Tax Increment</i>	(3.1)	yes	6.1	no	Due to \$4.5m contribution to Tulare County Housing Authority for Mill Creek Townhouses, expenditures exceeded revenues. Mooney RDA and the Low / Mod. Income Housing funds contain most resources.
Transportation <i>Impact Fees</i>	9.1	yes	7.3	yes	Accumulating resources for projects. Fewer road projects completed this year from this fund.
Other Funds	7.6	yes	42.3	yes	Major net increases due to Measure T (\$1.9m), Highway Users (\$1.4 million) and various impact fees, e.g. Recreation Facilities (\$1.7m).
	<u>\$18.7</u>		<u>\$ 112.5</u>		

Fund	INCOME		AVAILABLE CASH	Growing	Comment
	Net Income / (Loss)	Satisfactory			
<b>Business-Activity:</b>					
Convention Center	0.6	monitor	0.0	monitor	The Center's operating loss before operating transfers was \$(3.3) million. The General Fund transferred \$3.9m which more than half was used to pay debt and fund the \$1.5m retractable seating.
Airport	(0.5)	yes	0.1	yes	The operating loss approximates the annual depreciation expense.
Golf Course	0.3	monitor	0.2	yes	Net assets increased slightly, as revenues increased \$0.3 million and expenses increased by \$0.2 million
Wastewater & Storm Sewer Maintenance	(4.2)	yes	19.0	yes	Net assets decreased due to a one-time fixed asset correction of \$11.2 million. Underlying operating results without the charge would have been positive.
Solid Waste & Street Sweeping	0.8	yes	0.4	monitor	The funds were close to break-even except that the increase in net assets was mainly due to a fixed asset accounting adjustment.
Transit	(0.1)	yes	0.0	yes	Net assets declined slightly as grant revenues did not fully offset operating losses.
Enterprise sub-total	\$ (3.1)		\$ 19.7		
Internal Service	(0.9)	yes	21.6	yes	The decrease in net assets due to the Vehicle Replacement's funds transfer of \$2.3m (\$1.5m to General Fund {Rec Park Stadium} & \$800k to I.S.)
	<u>\$ (4.0)</u>		<u>\$ 41.3</u>	*	

\* Note: Business-activity fund equity includes fixed assets which are not expendable resources. Governmental funds do not include debt nor fixed assets.

- **Parking District** (page 28) spent \$10.2 million in fiscal year 2006-07 on a multi-story parking garage on West Acequia Ave. and a \$4.2 million Sec. 108 HUD loan was taken out in fiscal year 2007-08 to assist in its financing. The fund repaid \$6.0 million to the

General Fund and now owes it \$1.4 million, down from a General Fund advance of \$7.3 million last fiscal year.

- **Redevelopment Districts** (page 28) revenues increased by \$1.2 million primarily from increased property tax increment payments. Expenditures increased by \$5.8 million, primarily due to the Agency contributing \$4.5 million in restricted low and moderate income set-aside housing funds to help finance Tulare County Housing Authority's construction a 70 unit affordable multi-family housing project on approximately 9.6 acres located on the south side of Mill Creek Parkway, between Lovers Lane and McAuliff Street. The construction cost for the project was \$12 million. Unless these project areas have their project life extended, only remaining cash balances will be available for non-housing related projects next year.
- **Transportation** (page 29) fund is used to account for the financing and construction of streets, roads, and various transportation infrastructure and facilities. The Fund's Fund Balance increased \$9.1 million to \$7.3 million. In the previous fiscal year, the City constructed \$20.6 million of road projects. This year road project construction returned to more typical levels of \$4.8 million. As a result, fund balance increased to \$7.3 million.
- **Other Governmental Funds** (page 29), referred to as Non-Major Funds, are not presented separately in the Basic Financial Statements, but are individually presented in Supplemental Information. Combined they received \$27.3 million in revenue and had an combined increase in Fund Balance by \$7.6 million for the fiscal year resulting in a combined Fund Balance at year end of \$42.3 million. The major change was the addition of Measure R sales tax, county-wide revenue for roads.
- **Wastewater** (page 38) had a net operating loss of \$1.7 million. Although revenues decreased \$3.4 million (20%) mainly due to decreased development fees, a one-time, \$4 million, non-recurring depreciation charge increased operating expenses. Further, a one-time accounting adjustment decreased Contributed Infrastructure (non-operating revenue) by \$11.2 million. Exclusive of this one-time adjustment, the fund would have had a \$5.3 million increase in Net Assets.
- **Transit** (page 39) operating revenues increased \$1.4 million as the Transit system took on a National Parks Service contract to provide bus service from Visalia to Sequoia National Park. This three year contract is to encourage non-car use of the park and may become mandatory in the future as the Park strives to protect the National Park from the affects of auto emissions. After accounting for grant revenues, the Transit system essentially broke even.

### **General Fund and Internal Service Funds Fund Balance**

The General Fund (GF) and Internal Service Funds Fund Balance has Reserved and Unreserved accounts. The Reserved accounts include Advances to Other Funds, Encumbrances and Prepaids. The Unreserved accounts include Designations of Fund Balance as directed by Council. These Designations are listed as either Capital Projects or as Operational Expenses. Table II, Selected Fund Balance/Net Asset Components details the components of Fund Balance for the General Fund and Internal Service Funds at year end. During the year Advances to Funds decreased in the General Fund a net \$19.0 million partly due to the Parking District and Transit paying their \$9.5 million advance (due a HUD loan and federal grant respectively). In addition, the Internal Service Funds advanced monies to East Visalia Redevelopment and Valley Oaks Golf Course of \$9.5 million, advances which in the past

Table II  
**Selected Fund Balance / Net Assets Components**

June 30, 2008  
(In Thousands)

<u>RESERVED</u>	<u>General Fund</u>	<u>Internal Services</u>	<u>Total</u>
<b>ADVANCES TO OTHER FUNDS:</b>			
<b>Special Revenue Funds</b>			
Measure R - Regional	\$1,071	\$0	\$1,071
Kaweah Lake	631	0	631
Special Service Districts	131	0	131
Grant & Loan Funds	19	0	19
<b>Capital Project Funds</b>			
Parking District	1,353	0	1,353
Police Impact Fee	875	0	875
Community Development	719	0	719
East Visalia Redevelopment District	93	7,110	7,203
Government Facilities Impact Fee	55	0	55
<b>Business-Like &amp; Internal Service Funds</b>			
Solid Waste	910	0	910
Valley Oak Golf	657	2,390	3,047
Risk Management	190	0	190
Sub-Total	<u>6,704</u>	<u>9,500</u>	<u>16,204</u>
<b>OTHER RESERVED</b>			
Encumbrances	7,226	0	7,226
PERS Prepayment	2,800	0	2,800
Supplies & Other Prepays	168	0	168
Internal Services - Net Investment in Fixed Assets	0	7,690	7,690
Sub-Total	<u>10,194</u>	<u>7,690</u>	<u>17,884</u>
<b>TOTAL RESERVED</b>	<u>16,898</u>	<u>17,190</u>	<u>34,088</u>
<b><u>UNRESERVED</u></b>			
<b>DESIGNATED BY CITY COUNCIL:</b>			
<b>Capital Projects</b>			
Civic Center Facilities	8,958	0	8,958
Miscellaneous Capital Projects	6,214	0	6,214
Sports Park	3,096	0	3,096
Recreation Park Stadium	2,174	0	2,174
Transportation Projects	1,052	0	1,052
Future Projects	213	0	213
Historic Preservation	5	0	5
West 198 Open Space Acquisition	-465	0	-465
Internal Services - Capital Replacement	0	183	183
Sub-Total	<u>21,247</u>	<u>183</u>	<u>21,430</u>
<b>Operational Expenses</b>			
Emergency @ 25% of Operational Expenses	14,101	0	14,101
Building Safety Division	-226	0	-226
Internal Services - Catastrophic Occurrences (Risk Mgmt.)	0	2,100	2,100
Internal Services - Operating Expenses	0	2,125	2,125
<b>UNDESIGNATED:</b>	<u>4,290</u>	<u>0</u>	<u>4,290</u>
<b>TOTAL UNRESERVED</b>	<u>39,412</u>	<u>4,408</u>	<u>43,820</u>
<b>TOTAL FUND BALANCE</b>	<u>\$56,310</u>	<u>\$21,598</u>	<u>\$77,908</u>

Note: \$6 million of the General Fund Encumbrances are for the Recreation Park Stadium. The PERS Prepayment amount is decreased each year by \$400,000 against a \$4 million prepayment to PERS the City made in FY 04/05. Capital project designations are for budgeted projects which have not yet begun.

had been made by the General Fund. Encumbrances increased \$5.0 million and Designations for Capital Projects increased by \$1.1 million. These changes resulted in the Emergency Reserve (Operational Expense Designation) being funded at \$14.1 million, 25% of operating expenditures and \$4.3 million as Undesignated Fund Balance.

Although it is helpful to have substantial designations, the City also has a number of challenges which face the City, such as an unfunded liability for retiree health care ranging from \$66 to \$41 million depending upon the City's participation in future health care costs, the need to handle the effects of declining revenues in economic downturns and expected increased pension costs due to stock market losses. Balances alone are insufficient to handle these fiscal challenges.

## Other Funds

Table 1 illustrates only the City's "major funds" as presented in the CAFR. Some of the City's non-major funds are worthy of comment. These funds are found in the CAFR on the referenced pages.

- **Measure T Funds** (pages 88 & 89): Fund Balance increased \$0.4 million and \$1.4 million for Police and Fire respectively. Their combined Fund Balance at year end was \$9.1 million. Included in that Fund Balance amount is an Economic Uncertainty Reserve with a combined balance of \$1.4 million which is the ballot measure's required reserve of 25% of budgeted revenues. Remaining monies are needed to pay for capital as project costs have been higher than the original plan anticipated. In addition, the Measure T plan for Fire service anticipates a build up of funds for building and staffing a new station; these accumulated assets will then be drawn down over the time to pay for that new station planned to open in fiscal year 2012/13.
- **Measure R – Funds** (page 85): This funding source is new to the City, authorized by a County-wide vote in November of 2006. This fund is divided into two parts, Local and Regional. The Local Fund loaned the Regional fund \$0.5 million. The General Fund also loaned the Regional Measure R Fund \$1.1 million for the Ben Maddox and the Santa Fe over crossing projects. The local monies are received and used according to the discretion of the Council on local road projects. Regional monies are received as reimbursements for Measure R approved capital projects.
- **Government Facilities Impact Fees** (page 90): Fund balance grew this past year from \$2.0 million to \$2.8 million. This fund is accumulating resources to help fund the Civic Center.

In this year's CAFR, the City combined three funds, the "Community Service Grant", the "CHFA Help Loan" and the "Federal COPS Grant" and renamed them as the "Grant & Loan Funds". The CAFR also reports a fund titled "Transportation Grants". This fund is comprised of some of the sub-funds that were included in the "Transportation" fund, plus two new sub-funds (Prop.1B – Streets & Transit).

## Significant Financial Trends

The City over the last several years has made great strides in developing secure diversified revenues sources to pay for infrastructure and the maintenance of that infrastructure. As a result, the monies collected from impact fees and maintenance assessment districts have grown substantially. However, the City must now manage these resources to deliver the capital projects. Table III, Governmental Impact and Maintenance Fees shows the relative changes in the cash balances of the major impact fees.



The key point is that the City collects significant money for creating and maintaining infrastructure. As a result, staff has a greater responsibility to periodically report the progress on implementing impact fee plans and maintaining infrastructure. Currently, staff prepares a year end report on the status of all impact fees. Staff expects that these projects will be done as anticipated.

Table III				
Governmental Impact and Maintenance Fees				
Year End Cash Balance				
Fiscal Year Ending June 30				
(Amounts in Millions)				
	<u>06/30/2007</u>	<u>06/30/2008</u>		<u>Change</u>
Gov. Facilities Impact Fees	\$1.1	\$2.9		\$1.8
Public Safety Impact Fees	1.3	1.3		0.0
Recreation Facilities	9.3	11.1		1.8
Storm Sewers	3.1	2.2		(0.9)
Transportation Impact Fees	5.3	8.8		3.5
Waterways	1.1	1.6		0.5
<b><i>Impact Fees</i></b>	<u>21.2</u>	<u>27.9</u>		<u>6.7</u>
<b><i>Maintenance Assessments</i></b>	<u>\$0.7</u>	<u>\$1.3</u>		<u>\$0.6</u>
<b>Total</b>	<u>\$21.9</u>	<u>\$29.2</u>		<u>\$7.3</u>

### ***Compliance Reports***

The **Single Audit** (pages 141 to 150) is required by the Federal Government for local governments that receive Federal assistance. The Single Audit provides reasonable assurance of compliance with applicable laws and regulations associated with those assistance programs. The audit is done in conformity with federal regulations. The auditors report that the City is in compliance with Federal regulations. The audit's only finding was that the City needs to improve in the recording of its fixed assets.

The **Measure T** audit (pages 151 to 153) was presented to Council on Dec. 15, 2008, but is also being included in this report. Measure T collected more revenue than expended and staff recommended that excess Measure T funds be applied to capital projects that are not fully funded and to maintain our economic uncertainty fund. The report made one finding stating the City needs to improve in the allocating of salary expenditures.

**Prior Council / Board Actions:** None  
**Committee / Commission Review and Actions:** None  
**Alternatives:** None

**Attachments:** FY 07-08 Comprehensive Annual Financial Report (CAFR)

**Recommended Motion (and Alternative Motions if expected):** Accept the fiscal year 2007-08 Comprehensive Annual Financial Report (CAFR).

***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)*